

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 45-7451
Date Received: 3/14/1989
Receipt No: S006545
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

BARBARA V AUSTIN
PO BOX 93
OAKLEY ID USA 83346

Phone: (208)436-1562

CARL F AUSTIN
PO BOX 93
OAKLEY ID USA 83346

Phone: (208)436-1562

2. Date of Priority: 10/01/1980

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
15S	21E	25	SW	SE	CASSIA	

5. Description of diverting works:

WELL & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
HEATING	1/01	12/31	0.16	

7. Total Quantity Appropriated is:

0.16 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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IDAHO DEPARTMENT OF WATER RESOURCES
 SOUTHERN REGION
 1341 FILLMORE ST STE 200
 TWIN FALLS ID 83301-3380
 (208) 736-3033

DIRK KEMPTHORNE
 GOVERNOR
 KARL J DREHER
 DIRECTOR

RECEIVED
 OCT 11 2002

Department of Water Resources
 Southern Region

CHANGE IN ADDRESS

Water Right Number(s): 45-151, 45-7451, 45-7452 ^{closed (permit)}
45-7173A, 45-10248, 45-12461 ^{P. decreed}
45-12877

Old Mailing Address: P.O. Box 116, Oakley
Idaho 83346

New Mailing Address: P.O. 93, Oakley
Idaho 83346

New Telephone Number: (208) 436 - 1562

Signature of Claimant(s): [Signature]

Date: 10 October 2002

FOR IDWR USE ONLY	
Initial Review and Data Entry	
Date: <u>10/11/02</u>	By: <u>[Signature]</u>
Further Action Needed:	
Further Action Taken	
Date:	By:
Final Review and Data Entry	
Date:	By:

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A45-07451**
Date Received: 3/14/1989
Receipt No: S006545
Received By: _____

Owner Change

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: CARL AUSTIN
Address: P O BOX 116
OAKLEY ID 83346 208-436-5939
AND/OR
Name: BARBARA AUSTIN
Address: P O BOX 116
OAKLEY ID 83346 208-436-5939

2. Date of Priority: OCT 1, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	21E	25	SW	SE			CASSIA

5. Description of diverting works:
WELL & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
HEATING	01/01	12/31	0.160		

7. Total Quantity Appropriated is:
0.160 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE & LAWN

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15S	21E	25	SW SE		HEAT	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A45-7173A

14. Remarks:

WATER ALSO USED FOR IRRIGATION: A45-10248

CHANGE OF OWNERSHIP & ADDRESS RECEIVED 6/19/1992. MITCHELL SOLD TO MR & MRS AUSTIN. 12/7/1992 RVW.

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ___ do not ___ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

MICROFILMED

MAR 17 1993

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
MAR 17 1993



NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

JUN 10 1992

DATE OF CLOSING: 6/9/92

LEGAL DESCRIPTION OF PROPERTY: Township 15 S Range 21 E Department of Water Resources
Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, _____
Lot _____, Block _____, Subdivision/Townsite _____, _____
If you have additional legal descriptions, please attach separate sheet.

Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

Water Right Number(s) Assigned by IDWR: A45-07451; A45-07452, A45-00151, A45-10248 A45-07173A

Name and Address of Former Owner/Claimant(s)(Seller): MORRIS W MITCHELL
PO BOX 48

New Owner/Claimant (Purchaser): OAKLEY ID
CARL AND/OR BARBARA AUSTIN

New Mailing Address: ~~7165 ATHEL~~ P.O. Box 116
~~TN YOKERAN CR. 93527~~
Oakley, Idaho, 83346

New Telephone Number: ~~(619) 577-4665~~ 208-436-5939

Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

Signature of New Owner/Claimant(s) *Carl Austin* Date 21 May 92
Barbara V. Austin Date May 23, 1992

Signature of Former Owner/Claimant(s) *Morris W Mitchell* Date 21 May 1992

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:

Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner
MICROFILMED
MAR 08 1993

WARRANTY DEED

For Value Received MORRIS W. MITCHELL AND ELLEN C. MITCHELL, Trustees of the MORRIS W. MITCHELL FAMILY REVOCABLE TRUST AGREEMENT, dated the 3rd day of March 1981

the grantor s. do hereby grant, bargain, sell and convey unto
CARL F. AUSTIN AND BARBARA V. AUSTIN, husband and wife
P.O. Box 116, Oakley, Idaho 83346

RECEIVED

JUN 19 1992

Department of Water Resources
Southern Region Office

the grantee s. the following described premises. to-wit:

TOWNSHIP 15 SOUTH, RANGE 21 EAST, BOISE MERIDIAN

Section 14: SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 15: E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 22: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$

Section 25: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 36: NE $\frac{1}{4}$ NE $\frac{1}{4}$

TOGETHER WITH: Water Right Numbers A45-07451, A45-07452, A45-00151, A45-10248 and A45-07173A.

SUBJECT TO: General taxes for the year 1992 and subsequent years.

Easements to Idaho Power Company recorded May 17, 1962 as Instrument No. 6980 on Film No. 13; Recorded October 6, 1972 as Instrument No. 65553 on Film No. 78; Recorded November 18, 1975 as Instrument No. 87661 on Film No. 98, all in records of Cassia County, Idaho.

RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT

FILM 225

1992 JUN -9 P 3:45

219423

CASSIA COUNTY, IDAHO
FRANK B. KEARNS
RECORDER

FEE 3.00 DEPUTY AM

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantees that they are the owner in fee simple of said premises; that said premises are free from all incumbrances except as above described, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: June 1, 1992

Morris W. Mitchell
Morris W. Mitchell, Trustee

Ellen C. Mitchell
Ellen C. Mitchell, Trustee

STATE OF IDAHO)
COUNTY OF CASSIA)

On this 9th day of June, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared Morris W. Mitchell and Ellen C. Mitchell, being first duly sworn on their oaths, depose and state: That they are the Trustees of the MORRIS W. MITCHELL FAMILY REVOCABLE TRUST, that they have read the foregoing document, know the contents thereof, and believe the same to be true to the best of their knowledge, and are identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

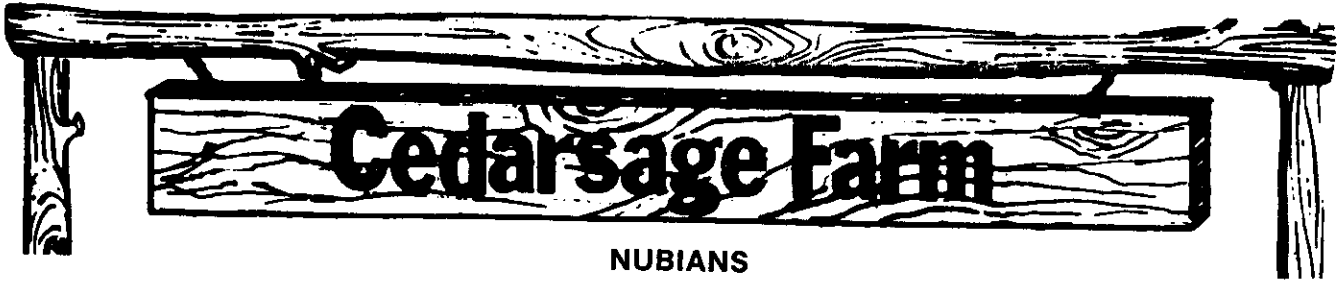
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certification first aboe written.

Residing at: Burley, Idaho
Commission Expires: 2/20/98

Richard S. Harper
Notary Public for Idaho

MICROFILMED

MAR 08 1993



NUBIANS

CARL and BARBARA AUSTIN & FAMILY

~~7165 Alford Road • Nyokern, California 93527 • (619) 877-4665~~

P.O. BOX 116, Oakley, Idaho 83346

RECEIVED

JUN 10 1992

Idaho Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region Office

Attn: Adjudication Bureau

Dear Sirs:

Enclosed are a notice of change of water right owner plus a legal description of the lands involved.

I have also noted a change of address as we are now getting mail at the Oakley address.

Thank you for your assistance in this transaction and if there are any questions, please let me know.

Sincerely yours,

Carl F. Austin

Encl:

New Property Owner forms

Copy of deed with legal description

MICROFILMED

MAR 08 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

07-Dec-1992

MR. & MRS. CARL AUSTIN
P O BOX 116
OAKLEY ID 83346

Re: Ownership changes for Adjudication Claims No. A45-00151,
A45-07173A, A45-07451, A45-07452 & A45-10248.

Dear Claimant:

Pursuant to the notification that you presently own the property in which the above-referenced Adjudication Claims are appurtenant, the Department has changed the record of the current owners as you requested. Please find enclosed a copy of the computer record of the claims noting the change in claimant.

Please review the record and if you have any corrections or questions, please feel free to call this office.

Sincerely,

Robert Worstell
Sr Adjudication Agent

Enclosures

MICROFILMED

MAR 08 1993

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-07451
Date Received: 3/14/1989
Receipt No: S006545
Received By: TW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MORRIS W. MITCHELL 208-436-5939
Address: BOX 48
OAKLEY, ID 83346

2. Date of Priority: OCT 01, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	21E	25	SW	SE			CASSIA

5. Description of diverting works:
WELL & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
HEATING	01/01	12/31	0.160		

7. Total Quantity Appropriated is:
0.160 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE & LAWN

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	21E	25	SW	SE		HEAT	

11. Place of use in counties: CASSIA

A45-07451

Page 1

Date: 03/14/89

MICROFILMED

MAR 08 1993

05/21/2004

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: see cover letter

Water right number: 45-7451

BARBARA V AUSTIN
PO BOX 93
OAKLEY ID 83346
Telephone Number: (208)436-1562

CARL F AUSTIN
PO BOX 93
OAKLEY ID 83346
Telephone Number: (208)436-1562

RECEIVED
MAY 25 2004
Department of Water Resources
Southern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 25 May 2004 SIGNATURE: *Carl F. Austin*
Please print your name: CARL F. AUSTIN

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

05/21/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-7451

NAME AND ADDRESS: BARBARA V AUSTIN
PO BOX 93
OAKLEY ID 83346

CARL F AUSTIN
PO BOX 93
OAKLEY ID 83346

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.160 CFS

USE OF THIS RIGHT WITH RIGHT NO. 45-10248 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 1.78 CFS.

PRIORITY DATE: 10/01/1980

POINT OF DIVERSION:

T15S R21E S25 SWSWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
HEATING	01/01 12/31	0.160 CFS

PLACE OF USE: HEATING Within CASSIA County

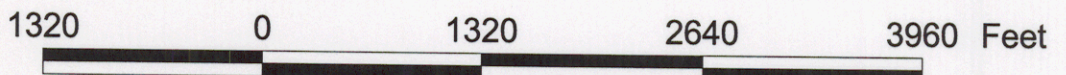
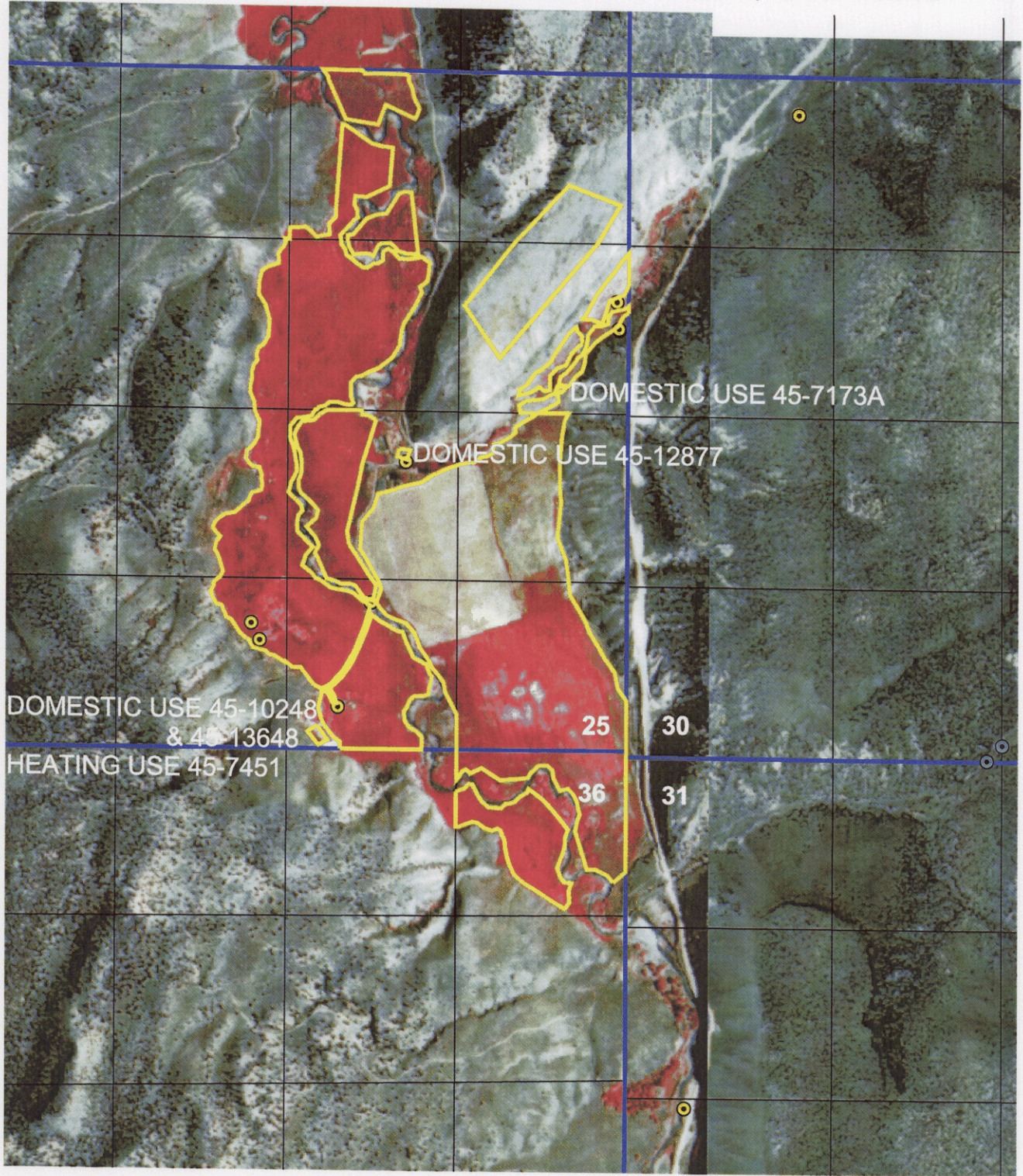
T15S R21E S25 SWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

45-151, 45-7173A, 45-7451, 45-10248, 45-12877, & 45-13648



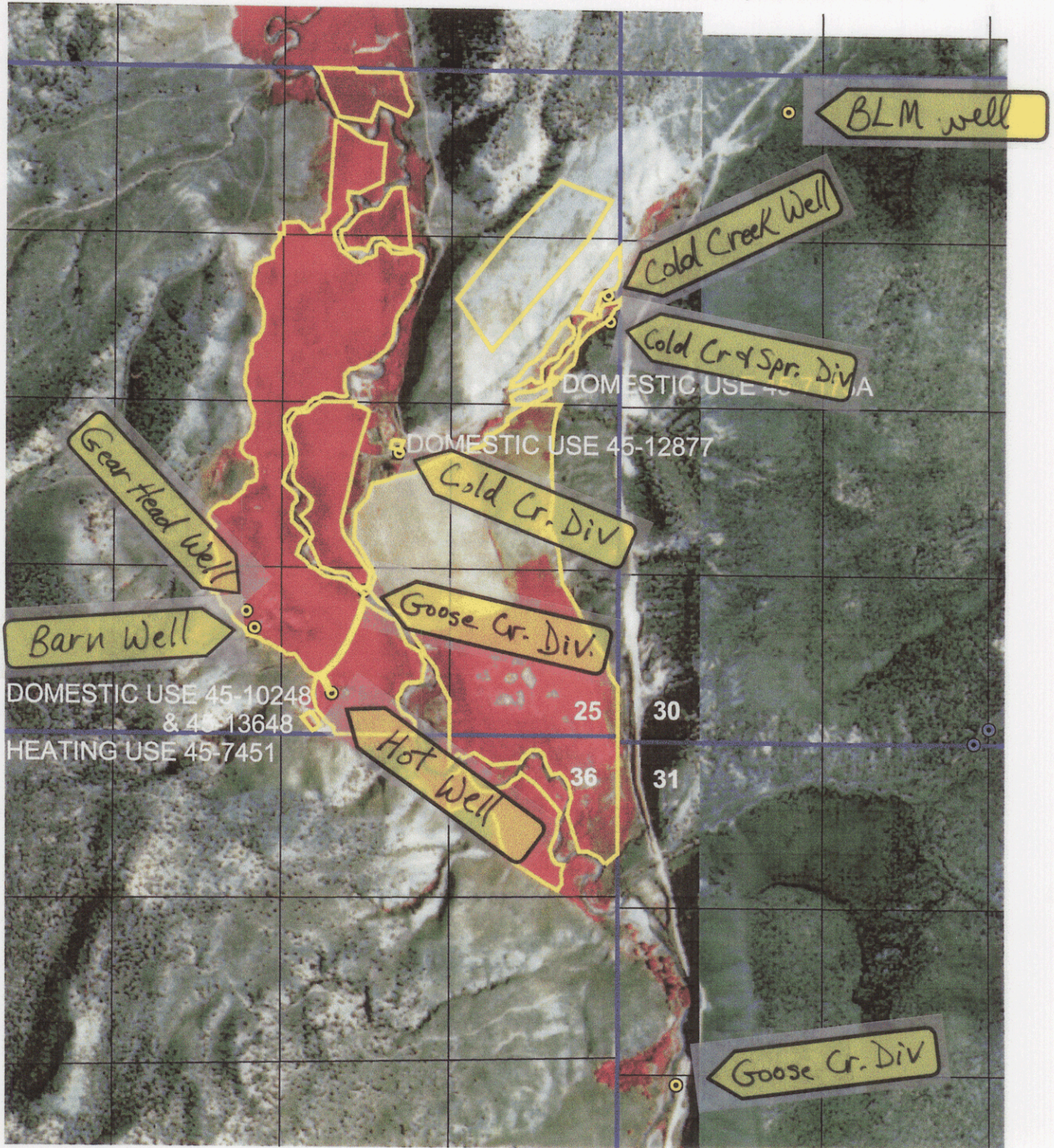
RECOMMENDED PLACE OF USE
DATA ENTRY ON MAY 25, 2004
TWP 15S, RNG 21E, SEC. 25 & 36



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

45-151, 45-7173A, 45-7451, 45-10248, 45-12877, & 45-13648



1320 0 1320 2640 3960 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON MAY 25, 2004
TWP 15S, RNG 21E, SEC. 25 & 36

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-7451 V1

WATER RIGHT NUMBER: 45-7451 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARBARA V AUSTIN PO BOX 93 OAKLEY, ID 83346 (208)436-1562
Current Owner	CARL F AUSTIN PO BOX 93 OAKLEY, ID 83346 (208)436-1562
Original Owner	MORRIS W MITCHELL PO BOX 48 OAKLEY, ID 83346 (208)436-5939

Priority Date: 10/01/1980

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
HEATING	01/01	12/31	0.160 CFS	
	<u>Total Diversion:</u>		0.160 CFS	

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4SE1/4 Sec. 25, Twp 15S, Rge 21E, B.M.
CASSIA County

Place of Use

HEATING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	21E	25															X		

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-7451 V1

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 45-10248 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.78 CFS.

Comments:

1. JROBERTS 10/28/2002 Basis of Recommendation

Comment: Recommendation per license 45-7451, but limited to total of 0.16 cfs (system capacity) when combined with 45-10248, which is from the same well.

2. jroberts 5/20/2004 NOE

Comment: Allowed additional diversion rate on this well under 45-10248, thus limiting both rights when combined to 1.78 cfs and 300 AF.

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: See cover letter

Water right number: 45-7451
BARBARA V AUSTIN
PO BOX 93
OAKLEY ID 83346
Telephone Number: (208)436-1562

CARL F AUSTIN
PO BOX 93
OAKLEY ID 83346
Telephone Number: (208)436-1562

RECEIVED
MAY 14 2004
Department of Water Resources
Southern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

This leaving use is part of the total production of this well which is 810 gpm as measured by the USGS.

3. Give a brief explanation as to why you disagree with these portions:

with the exception as stated in FR = change decreased in the office conference of 14 May
I AGREE with this proposed recommendation: no changes need to be made.

DATE: 14 May 2004 SIGNATURE: *Carl F. Austin*
Please print your name: CARL F. AUSTIN



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 5, 2004

CARL AUSTIN
PO BOX 93
OAKLEY ID 83346

RE: New Recommendations

Dear Mr. Austin,

Enclosed are revised recommendations made after reviewing your amended claims. Please note the following changes from the claims to the recommendations:

I dropped the domestic use from 45-7173A because this is for the well in Section 30 (BLM well) and I don't believe there is any domestic use associated with this well individually. I also added a limiting remark regarding the diversion rate and volume for stockwater use when combined with 45-13648 (other three wells) because all four wells were licensed together and this was the rate and volume for all four when combined.

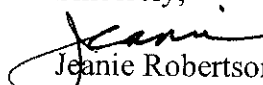
When you were here last week you asked about getting a beneficial use right for license 45-7451 (heating) in order to get the earlier priority date of 1968, per the statement made by Morris Mitchell in the memo dated 2/3/1993. I created claim 45-13653 to replace the license 45-7174. When I started reviewing your claims again, I realized that the 1968 date was **after the Mandatory Permit Statute, which stated a water right for groundwater could only be established through the Permit-License process after March 25, 1963, except for domestic use.** I apologize for not realizing this problem at the time! I have therefore gone back to the license for this recommendation. (You could, however, have the domestic use for heating (0.02 cfs) with the earlier date under 45-13653 if you wish to pay a \$25.00 filing fee. Both 45-13653, if filed, and 45-7451 would be limited to the 0.16 cfs when combined.)

You amended 45-10248 (irrigation, stockwater, and domestic from the hot well) to increase the diversion rate, but I am recommending the original claimed 0.16 cfs, as measured during the field exam for 45-7451. That was the system capacity of the well, with open discharge to the stream at the time of measurement, and the best information I have at this time.

Lastly, I realized the standard irrigation season in your area is 4/1 to 10/31 so the beneficial use based recommendations now reflect this season of use.

If you have any questions, please wait till after the Preliminary Report goes out in a few weeks. We can discuss any other matters during the Notice of Error Period.

Sincerely,


Jeanie Robertson

Sr. Water Resource Agent

02/05/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

VERIFIED BY: *[Signature]* 2/5/04

RIGHT NUMBER: 45-7451
NAME AND ADDRESS: BARBARA V AUSTIN
PO BOX 93
OAKLEY ID 83346

CARL F AUSTIN
PO BOX 93
OAKLEY ID 83346

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.160 CFS

USE OF THIS RIGHT WITH RIGHT NO. 45-10248 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.16 CFS.

PRIORITY DATE: 10/01/1980

POINT OF DIVERSION:
T15S R21E S25 SWSWSE Within CASSIA County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
HEATING	01/01 12/31	0.160 CFS

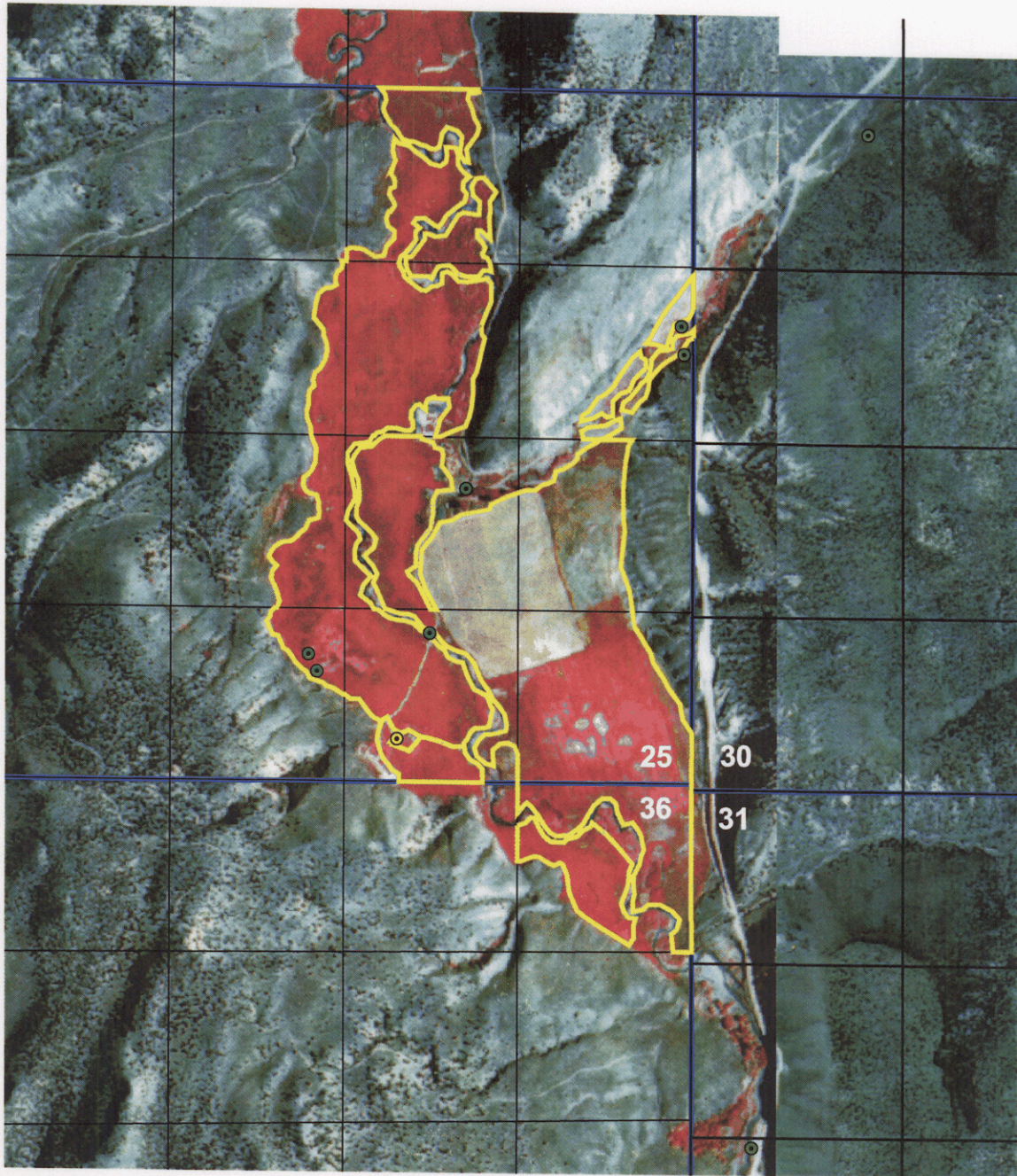
PLACE OF USE: HEATING Within CASSIA County
T15S R21E S25 SWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

45-7451, & 45-10248



0 1320 2640 3960 Feet

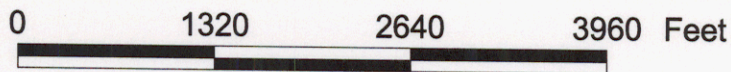
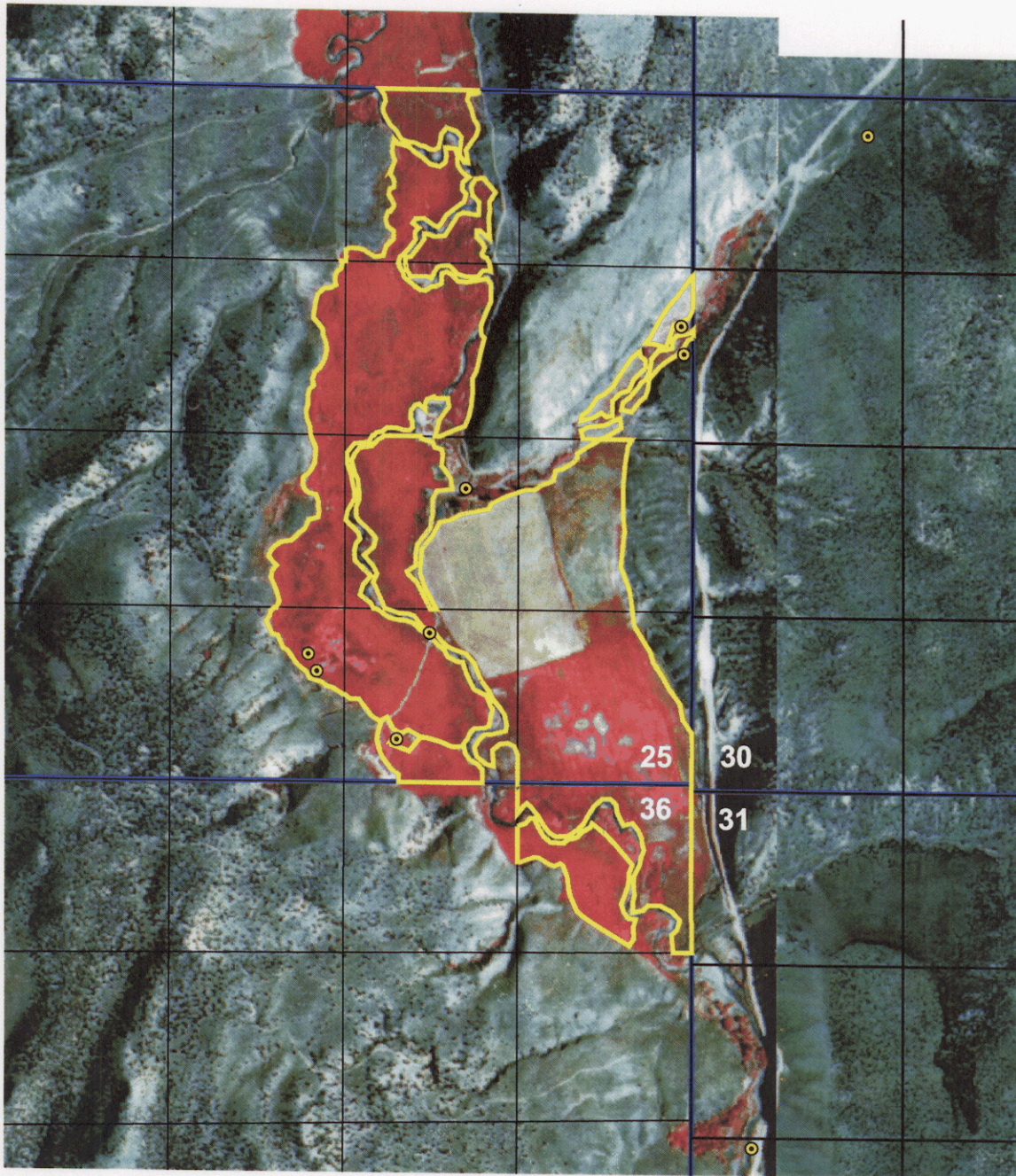
RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 29, 2002
TWP 15S, RNG 21E, SEC. 25 & 36



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

45-151, 45-7173A, 45-7451, & 45-10248 ✓ 45-13648



RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 29, 2002
TWP 15S, RNG 21E, SEC. 25 & 36

- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 45-7451 V1

WATER RIGHT NUMBER: 45-7451 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARBARA V AUSTIN PO BOX 93 OAKLEY, ID 83346 (208)436-1562
Current Owner	CARL F AUSTIN PO BOX 93 OAKLEY, ID 83346 (208)436-1562
Original Owner	MORRIS W MITCHELL PO BOX 48 OAKLEY, ID 83346 (208)436-5939

Priority Date: 10/01/1980
 Basis: License
 Status: Active

Source Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
HEATING	01/01 to 12/31	0.160 CFS	
	<u>Total Diversion:</u>	0.160 CFS	

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4SE1/4 Sec. 25, Twp 15S, Rge 21E, B.M.
 CASSIA County

Place of Use

HEATING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	21E	25															X		

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 4 5-10248 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.16 CFS.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-7451 V1

Comments:

1. JROBERTS 10/28/2002 Basis of Recommendation

Comment: Recommendation per license 45-7451, but limited to total of 0.16 cfs (system capacity) when combined with 45-10248, which is from the same well.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND/OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

10/28/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-7451
NAME AND ADDRESS: BARBARA V AUSTIN
PO BOX 93
OAKLEY ID 83346
CARL F AUSTIN
PO BOX 93
OAKLEY ID 83346

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.160 CFS
PRIORITY DATE: 10/01/1980

POINT OF DIVERSION:
T15S R21E S25 SWSWSE Within CASSIA County

PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	HEATING	01/01 12/31	0.160 CFS

PLACE OF USE: HEATING Within CASSIA County
T15S R21E S25 SWSE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

*now claimed as
B.U. - see
45-13653 (1968)
After mend. permit date,
so 45-13653 was
"disallowed" & see
as 45-7451.*

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-7451 V1

Comments:

1. JROBERTS 10/28/2002 Basis of Recommendation
Comment: Recommendation per license 45-7451.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND/OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	10/28/2002 10:27:40 AM	JROBERTS			Active
POD	10/28/2002 10:28:02 AM	JROBERTS			Active
Source	10/28/2002 10:29:14 AM	JROBERTS			Active
POU	10/28/2002 10:29:56 AM	JROBERTS			Active
Use	10/28/2002 10:30:20 AM	JROBERTS			Active
Season	10/28/2002 10:32:00 AM	JROBERTS			Active
Quantity	10/28/2002 10:32:44 AM	JROBERTS			Active
Summary			10/28/2002	JROBERTS	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Priority Date	10/28/2002 10:27:40 AM	JROBERTS	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	10/28/2002 10:28:38 AM	JROBERTS	Edited point location
POD	10/28/2002 10:28:49 AM	JROBERTS	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-7451 V1

Season	10/28/2002 10:32:00 AM	JROBERTS	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (No) 14. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	10/28/2002 10:32:44 AM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	10/28/2002 10:33:57 AM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
POD	10/28/2002 10:28:03 AM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	10/28/2002 10:29:15 AM	JROBERTS	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-7451 V1

POU	10/28/2002 10:29:56 AM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	10/28/2002 10:30:21 AM	JROBERTS	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

State of Idaho
 Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 45-7451 Priority October 1, 1980 Amount 0.16 cfs

THIS IS TO CERTIFY, that Morris W. Mitchell

of Oakley, Idaho, has complied with the terms and conditions of Permit No. 45-7451 issued pursuant to Application for Permit dated October 1, 1980, and has submitted proof to the Department of Water Resources on July 15, 1982, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.16 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Heating</u>	from <u>January 1</u> to <u>December 31</u> at <u>0.16</u> cfs and <u>n/a</u>		
	from _____ at _____ cfs and _____		
	from _____ at _____ cfs and _____		

Subject, however, to the condition that no more than 0.16 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed n/a acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, Twp 15S, Rge 21E in the County of Cassia

Description and location of place of use:

Twp.	Range	Section	NEEDS												Totals		
			NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$			
<u>15S</u>	<u>21E</u>	<u>25</u>															

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26TH day of MARCH, 19 84.

Acting for the Director Norman E. Goering

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

45-7451
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
<input type="checkbox"/> Appointment letter mailed:			
<input type="checkbox"/> Telephone call made: (List Telephone No. used)			
<input checked="" type="checkbox"/> Appointment scheduled for: (Date, time, location)	7/15/82 - 10 AM	JS	Dumont called & requested exam. Will file proof at exam time.

EXAMINATION

Date 7/15/82 Accompanied by Morris Mitchell Total Q measured 16 cfs
 If source is surface water, estimate total flow of source _____
 Methods of measurement Volumetric Meets Permit requirements? Yes

Measurement calculations: Bucket Capacity: .728 Ft³
3 measurements were made & total time accumulated. Time = 147 sec

$$\frac{(-.728)(3)}{14} = .16 \text{ cfs } \checkmark$$

$$\text{Volume} = (.16)(.935)(365) \Rightarrow 115.8 \text{ AFA } \checkmark$$

WELL/DIVERSION* NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	NA	NA						Atmospheric - Flow in

System Description 10" dia well supplies 110°F water to house, pool, bathhouse, & greenhouse. Drinking water is supplied to house from a different well under permit 45-7173

*Code with map on reverse side. Disregard code if only one.

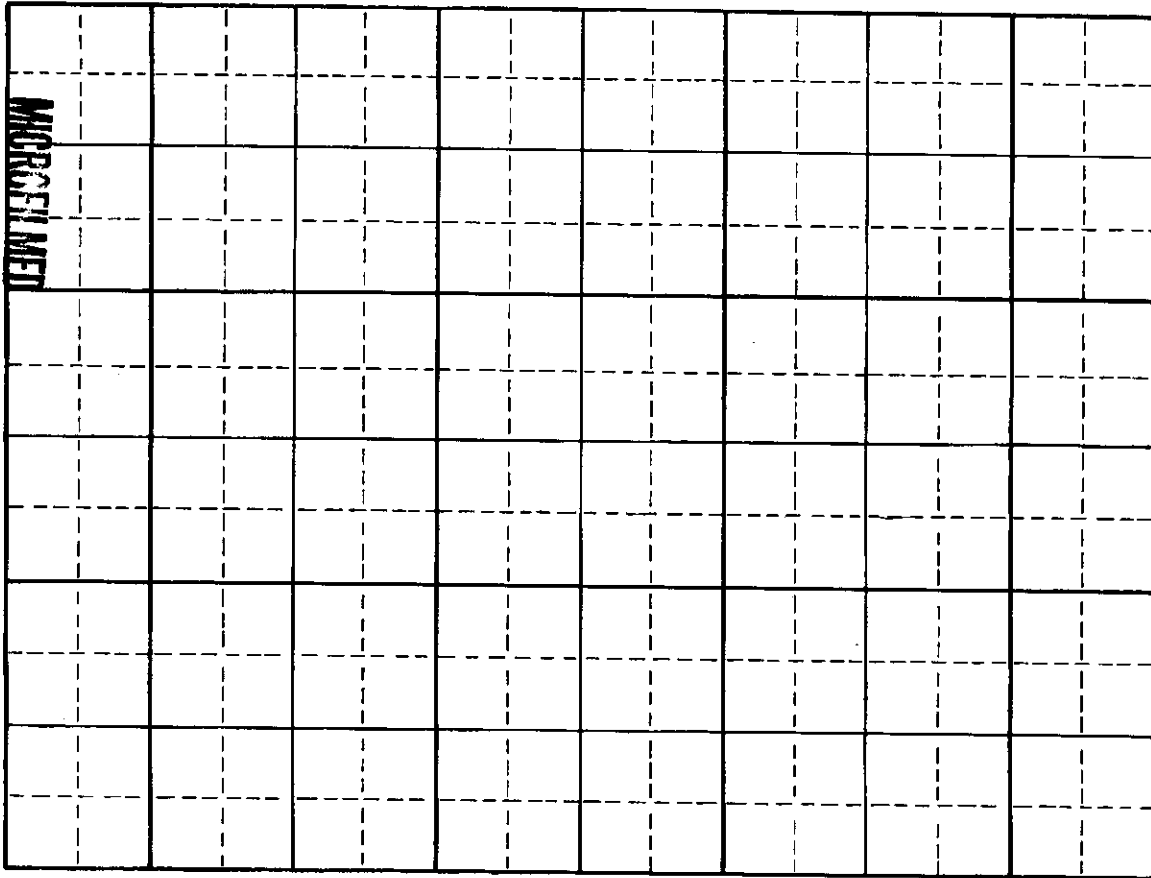
RECOMMENDED AMOUNTS

USE	Irrigation requirement = _____ AFA/Acre			
	Q (cfs)	V (afa)	FROM	TO
<input checked="" type="checkbox"/> Heating	.06	43.4	41 ✓	12/31 ✓
Recreation (pool)	1.0	72.4	41	12/31
(pool listed under heating use on permit)				
Total	.16 ✓		N/A 115.8 ✓	

Remarks

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MAP (Attach Aerial Photo)



SCHMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

See Attachment

Point(s) of diversion: SW¹SE¹ Sec 25 T15S R21E

Same as permit

Place(s) of Use

Same as permit

TWP.	RGE.	SEC.	NE ¹				NW ¹				SW ¹				SE ¹				TOTALS
			NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	
15S	21E	25																X	

Recommended Amendments:

- Change P.D. as reflected above
- Change P.U. as reflected above
- Add P.D. as reflected above
- Add P.U. as reflected above

- None
- Other Add Recreational Use

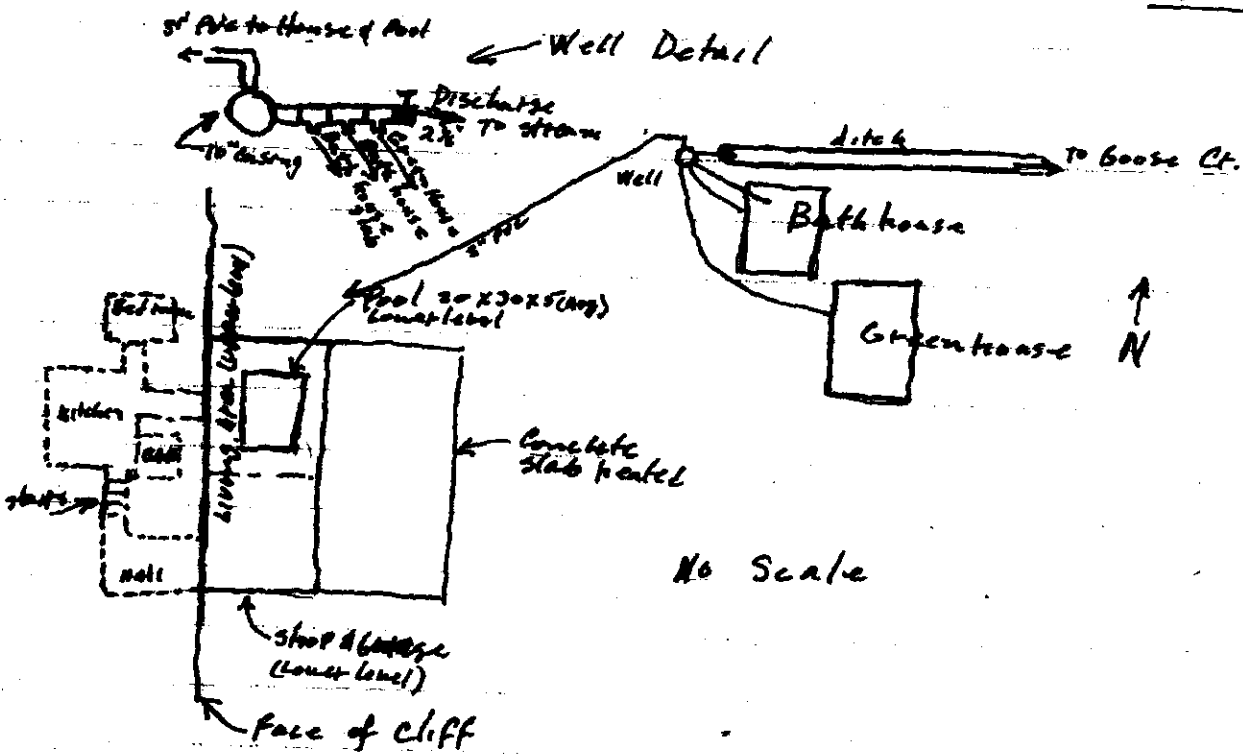
Examiner's Signature: Loren O. Kallner
 Checked by: Terry A. Sloan
 Approved by: Ray Walker

Date: 7/21/82
 Date: 7/22/82
 Date: 1-23-84

Swimming pool
 aided under heating
 use on permit.

Hot well

45-7451



Water measurement: Total flow of well with discharge to stream open. Bucket Capacity = .728 Ft³

$$\frac{(.728)(3)}{145\text{sec}} = \underline{\underline{.16 \text{ cfs VOK}}}$$

Home: 1000 ft² underground, 1600 ft² Brick & Concrete Construction

Pool: 20x30x5 (avg) ⇒ 3000 ft³

Bathhouse: 12x12' with 8'x8'x3' Pool

Greenhouse: Approx 20'x40'

45-7451 Calculation of water requirement.

Parameters for Heating Requirement Calculations:

House: $e = .28$ Area = 2600 ft^2

$S = 110^\circ\text{F}$

Outside design temp = -20°F in Assumed $\Rightarrow T = 90^\circ\text{F}$
 inside " " = 70°F

Design heat Load: $E = eTA (.28)(90)(2600) = 65520 \text{ Btu/hr}$

$\Delta T = 110 - 90 = 20^\circ\text{F}$

Flow Required: $W = \frac{E}{500\Delta T} = \frac{65520}{(500)(20)} = 655 \text{ gpm} \checkmark = 0.01 \text{ cfs}$

448 $\sqrt[.014]{65520}$
 $\frac{448}{448} = 20620$

Allow .02 cfs \checkmark

Greenhouse: $e = 1.11$ - poor insulation - Area = 800 ft^2

$E = (1.11)(90)(800) = 79920 \text{ Btu/hr}$

$W = \frac{79920}{(500)(20)} = 7.99 \text{ gpm} \Rightarrow \underline{.02 \text{ cfs}} \checkmark$

Bathroom: Allow .02 cfs \checkmark

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Pool: 3000 ft^3 ; Assume 3 changes of water in 24 hrs

$\frac{(3000)(3)}{(24)(60)} = \underline{.10 \text{ cfs}} \checkmark \frac{9000}{86400}$

pool = 0.10

bathroom = 0.02

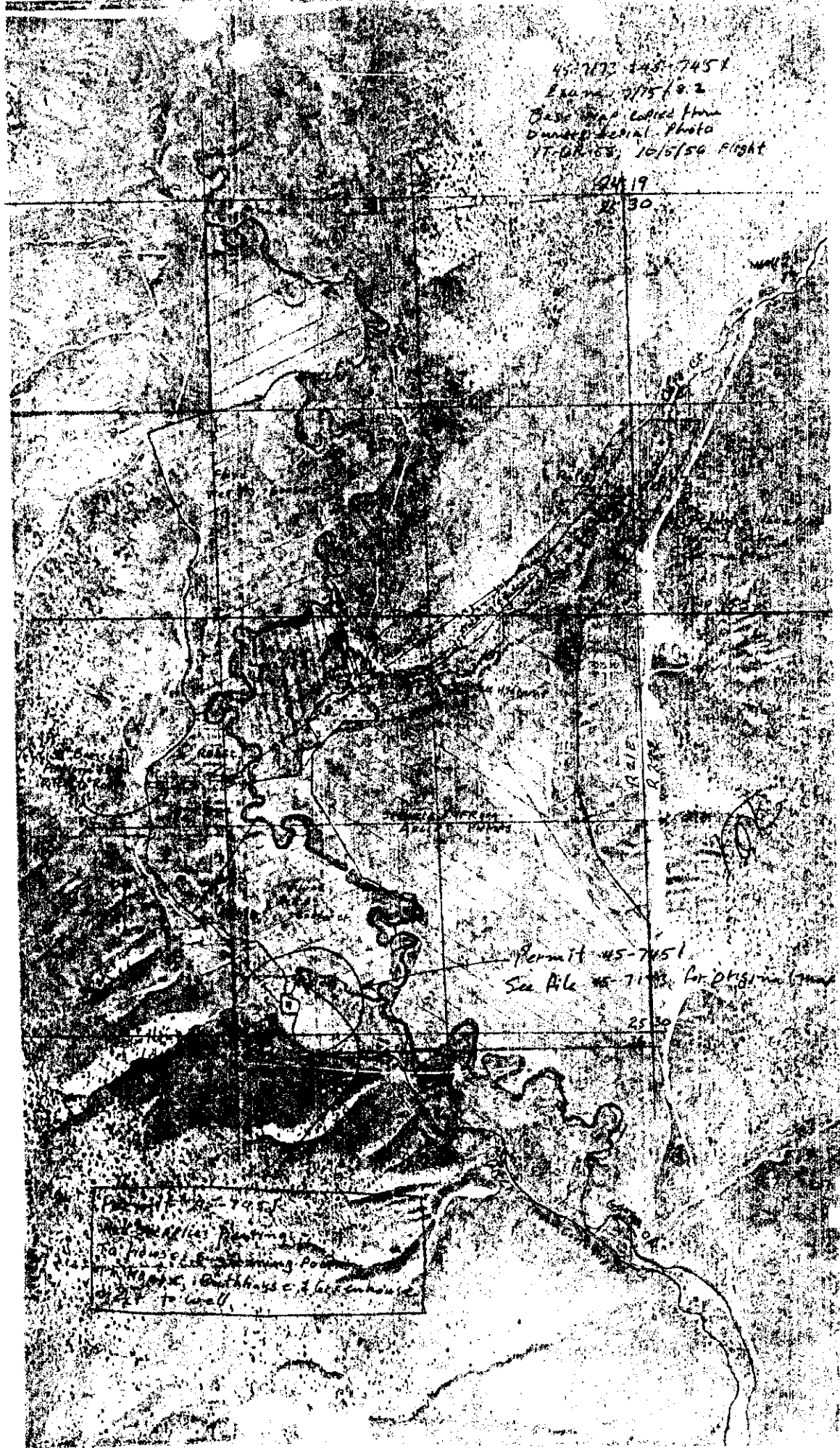
Total water Requirement = .16 cfs greenhouse = 0.02

house = 0.02

0.16

45-7451 45-7451
Exam. 7/15/82
Base map copied from
Dunnell aerial photo
17-01-88, 10/5/59 flight

4419
2530



Permit 45-7451
See Aile 45-7111 for original ground

2530

45-7451
Public Planting
House
Wagon, Boat House & Icehouse
to wall

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Morris W. Mitchell Phone 436-4839 (mobile)
862-3816
Post office address Box 48 Oakley, ID, 83346

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 25 Township 15S
Range 21E B.M. Cassia County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 0.20 for Heating purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.20 for Commercial purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing flowing well and pipelines

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 10 inches; proposed depth of well is 2600 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 25 Township 15S
Range 21E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

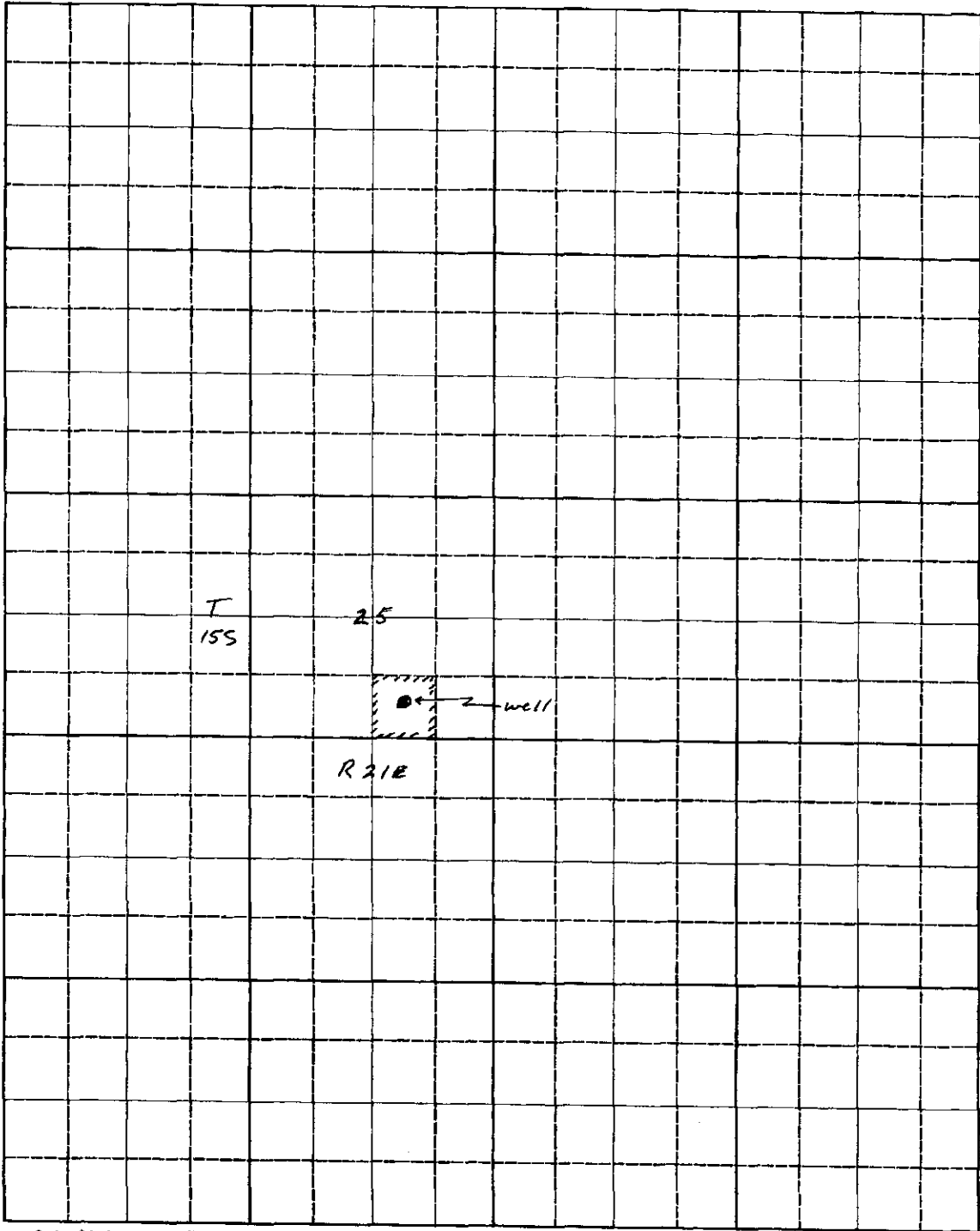
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: Heating: heating home, greenhouse,
and swimming pool. Commercial: Alcohol production.

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11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Dennis D. [Signature]
(Applicant)

Proposed Priority 10/1/80

Received by LHB Date 10-1-80 Time 10-1-80

Preliminary check by ADM Fee \$ 30⁰⁰/₁₀₀

Received by LHB Date 10-1-80 # 16612

Publication prepared by manya Date 10/2/80

Published in south side press

Publication dates 10/14 + 10/21/80

Publication approved manya Date 10/4/80

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by Ld RL

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 45-7451, and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions:
 - a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 86.
 - c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
 - d. Other: Return flow if discharged to a subsurface system must be authorized by a separate injection well permit, and return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.

Witness my hand this 7th day of January, 19 81.

A. Glen Saxton
DIRECTOR