



JOSEPH L. JORDAN, P.E.
Consulting Civil Engineer

Michael Ciscell
Adjudication Bureau
Idaho Department of Water Resources
322 E. Front St.
Boise, ID 83720-0098

August 11, 2005

RECEIVED

AUG 12 2005

DEPARTMENT OF
WATER RESOURCES

Subject: Evidence of Priority Date SRBA Claim 69-04105

This letter is to transmit additional information regarding the subject priority date and to confirm my understanding regarding recent correspondence.

Since my July 28, 2005, memo the history of our ditch has been clarified by the attached affidavit from Mr. Bert J. Warner, referred to in previous affidavits. His statement indicates water from Bear Creek was used to irrigate the Gossard property (immediately north of ours) prior to 1940 and is consistent with the earlier dates in previous affidavits referring to dates as early as 1915.

Also attached is a U.S. Forest Service document dated 12/23/96 filed by Mrs. Ethel Gossard for Mrs. Beulah R. Runge (former owner of our property.) Page 2, Section 10b states "this ditch was reconstructed in 1940. Claim to water right was granted July 23, 1940. An older claim attached 1901." (Emphasis added.) While this older claim appears to be the basis for the SRBA claim, it is not attached as indicated. Possibly the Department has a record of this claim.

I believe these two additional documents are consistent with previous submittals and support the SRBA claim to a 1901 priority date.

Regarding your August 1, 2005, letter I understand it is a form letter and not intended to respond to my July 28 memo. This was clarified in your recent telephone message.

As to place of use, your preliminary map appears to correctly show the ditch as our north-west limit and Bear Creek as our eastern limit.

As to point of diversion, the current notice of claim is believed to be correct. Diversion is at the Forest Service Road 110 bridge on Bear Creek.

Please call me at 229-0122 (Boise) or 258-4203 (Bear) if you have questions or wish to meet on the property.

Sincerely,


Joseph L. Jordan

cc: Glen & Sue Lovelace

Attach: Bert Warner Statement
Forest Service Form (Special Use Permit) 4 pp

SCANNED

AUG 12 2005

July 25, 2005

From having lived here all of my life I know the water used on the Gossard family property out of Bear Creek was used for irrigation prior to 1940.

Bert J. Warner
4127 Landore Road
Council, Idaho 83612

Bert J. Warner

Gaye Carter
Notary
Council, Idaho 83612
exp 9/2005



69-04105

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AUG 12 2005

USDA-Forest Service SPECIAL-USE APPLICATION AND REPORT (Ref.: FSM 2712, 36 CFR 251.54)	FOREST SERVICE USE ONLY			
	Date Received (mo/day/yr) 12/27/96	Region Number ---	State Code ---	County Code ---
INSTRUCTIONS Applicant should request a meeting with the Forest Service representative responsible for processing the application, prior to completing this form. This meeting will allow a discussion of the form's requirements and identify those items to be omitted.	Congressional Dist. Number ---	Forest Code (Admin. Unit No.) ---	Unit ID Symbol (NFFID No.) ---	
	Ranger Dist. No. (Resp. Dist.) ---	User Number ---	Kind of Use Code ---	

PART I—APPLICATION (Applicant Completes)

1. Applicant Name and Address (Include Zip Code) Beulah R. Runge P.O. Box 846 Escondido, CA 92033	2. Authorized Agent Name, Title and Address (include Zip Code) if different from Item 1. ~~Beulah R. Runge~~ Ethel Gossard see letter 38	3. Area Code and Telephone Number a. Applicant's 619-746-1962 b. Authorized Agent's
4. As applicant are you? (Mark one box with "X") a. ☒ Individual b. ☐ Corporation* c. ☐ Partnership/Association* d. ☐ State Government/State Agency e. ☐ Local Government f. ☐ Federal Agency * If marked "X", complete PART II.	5. Specify what application is for: (Mark one box with "X") a. ☐ New authorization* b. ☒ Renew existing authorization <i>ditch bill</i> c. ☐ Amend existing authorization* d. ☐ Other* * If marked "X", provide details under Item 7.	

6. If you are an individual or partnership, are you also a citizen(s) of the United States? ☒ Yes ☐ No	
7. Describe in detail the land use, including: (a) type of use, activity, or facility; (b) related structures and facilities; (c) physical specifications (length, width, acres, etc.); (d) term of years needed; (e) time of year of use or operation; (f) duration and timing of construction; (g) temporary work areas needed for construction; and (h) anticipated need for future expansion. (If extra space is needed, use Page 3, REMARKS). A 10% cattle 90% irrigation pasture stock 3-15-10-15 1-25 1-25 B no head gate none piped C Forest Service Land 200 yards 5 feet wide D foreseeable future indefinitely E 20 N 3 W 13 SW 1/4 30 SE 1/4 40 70 20 N 3 W 24 NW 1/4 40 40 110	

8. Attach map covering area and show location of proposed use and/or furnish legal description of the land. <i>map attached legal description above</i>
9. Give statement of your technical and financial capability to construct, operate, and terminate the use for which authorization is requested, including the protection and restoration of Federal lands. (If extra space is needed, use page 3, REMARKS). <i>my renter has equipment and maintains my ditch on my property application is being made to install a head gate</i>

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10a. Describe other reasonable alternative proposals considered.

10b. Give explanation of why it is necessary to utilize Federal lands and why the alternatives in Item 10a were not selected.

This ditch was ^{re}constructed in 1940
claim to water right was granted July 23 1940
an older claim attached 1901

11. Provide statement of need for proposed use, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits. (If extra space is needed, use page 3, REMARKS).

water for livestock
irrigation for pasture
no house water at this time

12. Describe probable effects on the area population, including social and economic aspects, and rural lifestyles.

No effects on population
no effect on anyone's life style

13. Describe likely environmental effects that the proposed use will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) control or structural change on any stream or other body of water; (e) existing noise levels; (f) land surface, including vegetation, permafrost, soil and soil stability; and (g) populations of fish, plant, wildlife and marine life, including threatened and endangered species. (If extra space is needed, use page 3, REMARKS).

C will have no effect

14. Describe what actions will be taken to protect the environment from the effects of the proposed use.

The same as the last 55 years
to take care of cleaning and maintenance

15. Name all Federal, State, County or other department(s)/agency(ies) where an application for this is being filed. Attach appropriate license, building permit, certificate or other approval document.

no other agency
a copy of water rights attached

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I HEREBY CERTIFY, that I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and that this information is correct to the best of my knowledge.

16a. Applicant's Signature (Sign in ink)

Beverly R. Ruyge by
Ethel Hassard

16b. Date

12/23/96

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

69-04165

BEULAH R. RUNGE

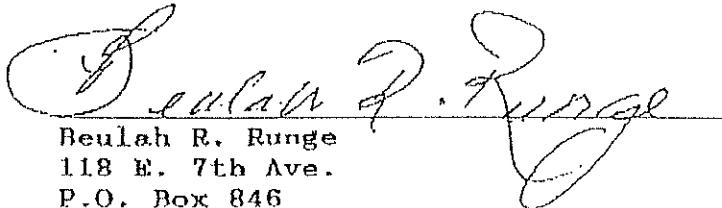
P.O. Box 846
Escondido, California 92033
619-746-1962

December 21, 1996

TO WHOM IT MAY CONCERN:

This letter authorizes Ethel Gossard of Council, Idaho to act in my behalf regarding any and all matters relating to the existing "Water rights issue" (Special use application report--FSN 2712) involving my property on Bear Creek near Council, Idaho.

Sincerely,


Beulah R. Runge
118 E. 7th Ave.
P.O. Box 846
Escondido, California

SCANNED

AUG 12 2005

ALL-PURPOSE ACKNOWLEDGMENT

69-04105

STATE OF CALIFORNIA

COUNTY OF San Diego

On 12/21/96 before me, Christine Veytia
personally appeared Bewlah E. Ronge

notary public.

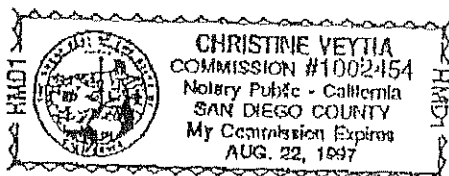
personally known to me

-or-

☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.



Official Notary Seal

Signature of
Notary:

Christine Veytia

OPTIONAL

CAPACITY CLAIMED BY SIGNER

☒ INDIVIDUAL

☐ CORPORATE OFFICERS

Title(s):

☐ PARTNER(S) ☐ LIMITED

☐ GENERAL

☐ ATTORNEY-IN-FACT

☐ TRUSTEE(S)

☐ GUARDIAN/CONSERVATOR

☐ OTHER:

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

Title Or Type Of Document:

Letter of Authorization

Number Of Pages:

1

Date Of Document:

12/21/96

Signer(s) Other Than Named Above:

none

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED