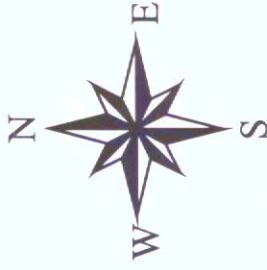


IDAHO DEPARTMENT OF WATER RESOURCES

DRAFT PPOU
CLAIM MAP
67-285, 67-286 &
67-4490
Date: 08/15/02

T15N, R03W
S10



● Point of Diversion



PPOU



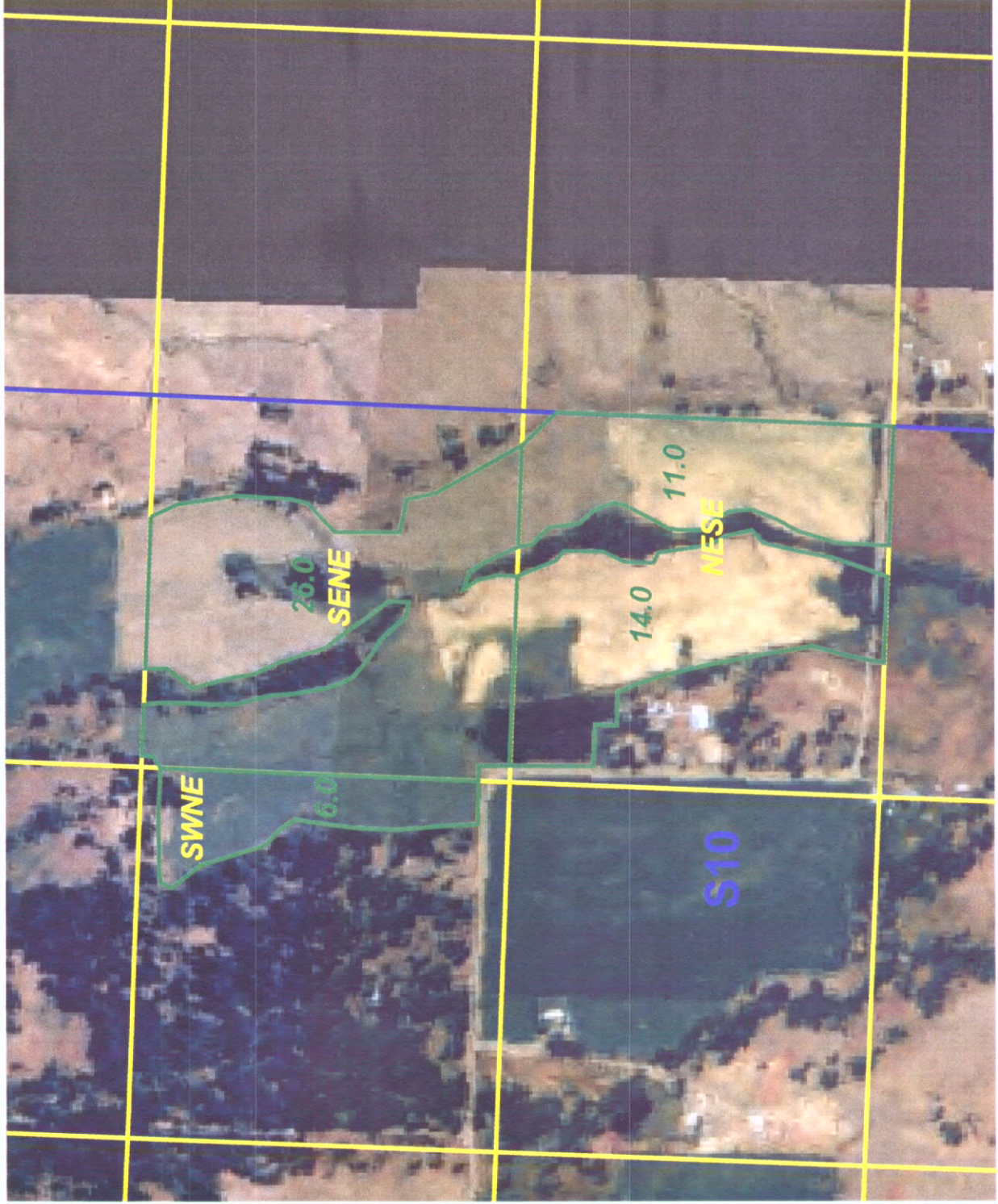
Section



1/4 1/4

57 Acres

1987 NAPP



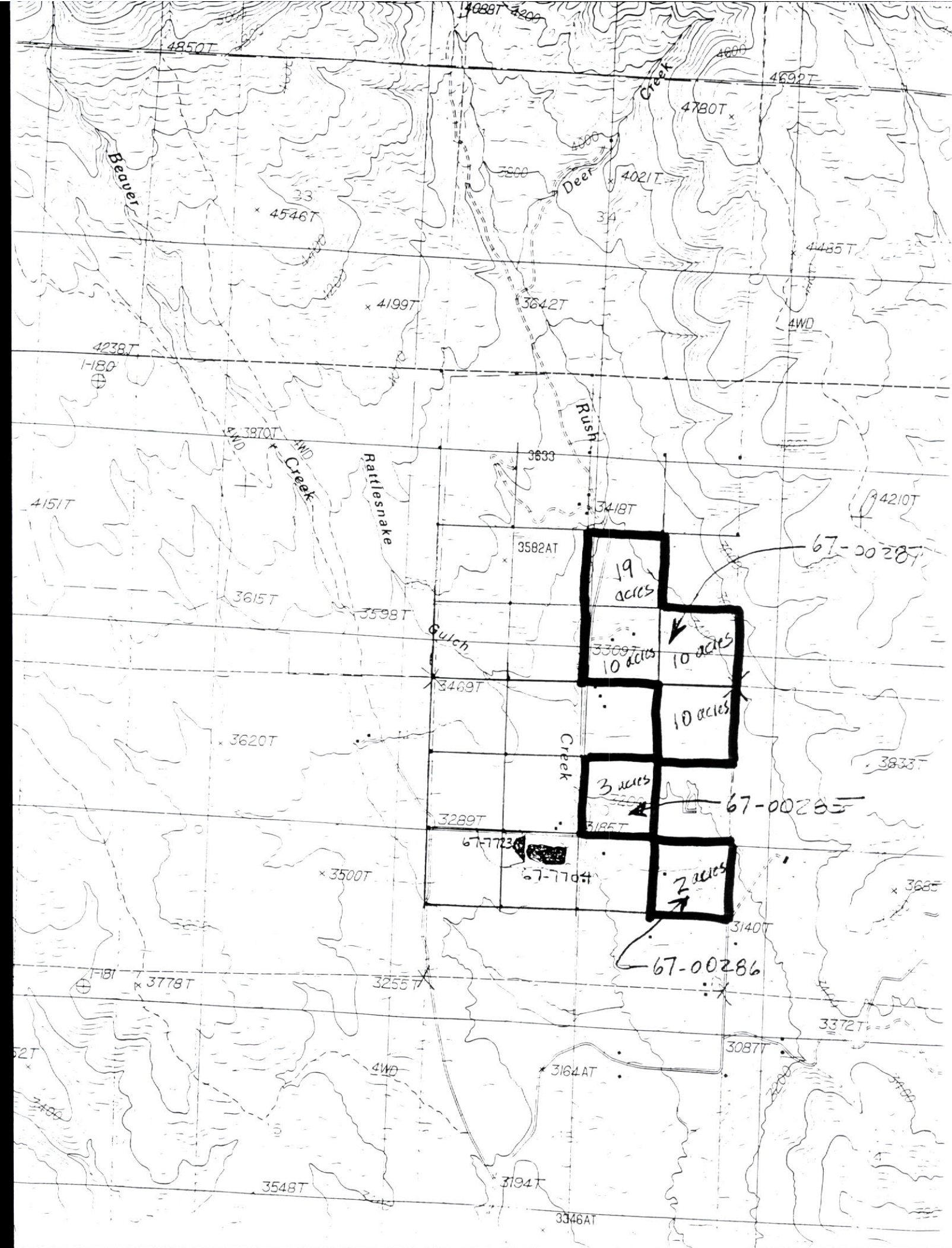
0 0.25 0.5 0.75 Miles

T15N, R3W
Sec. 10

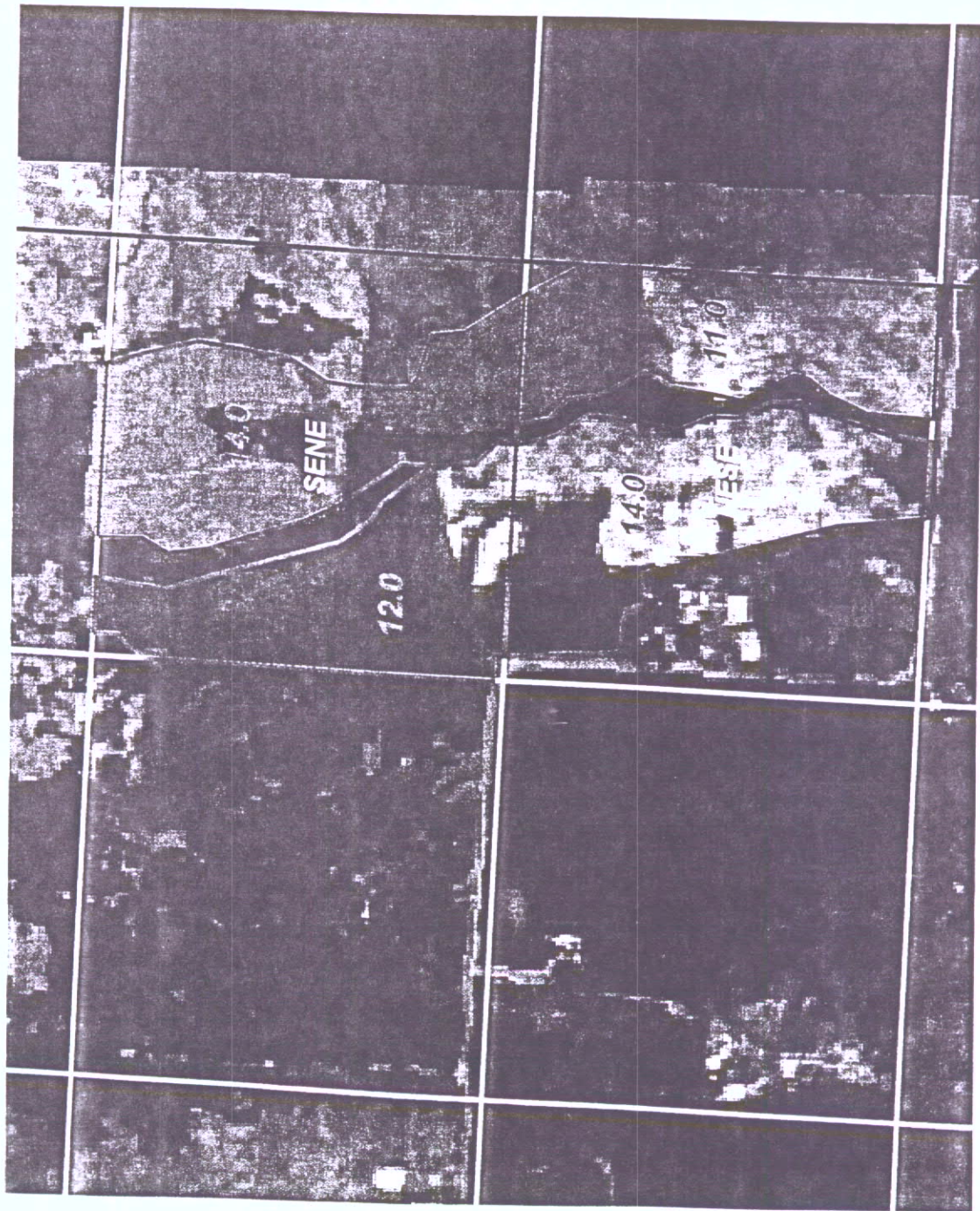
A67-285
A67-286

35521

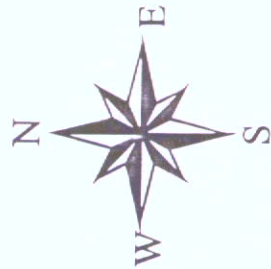




T15N, R03W, S10



Temppou.shp
S15n03w.shp
P15n03w.shp



0.5 Miles

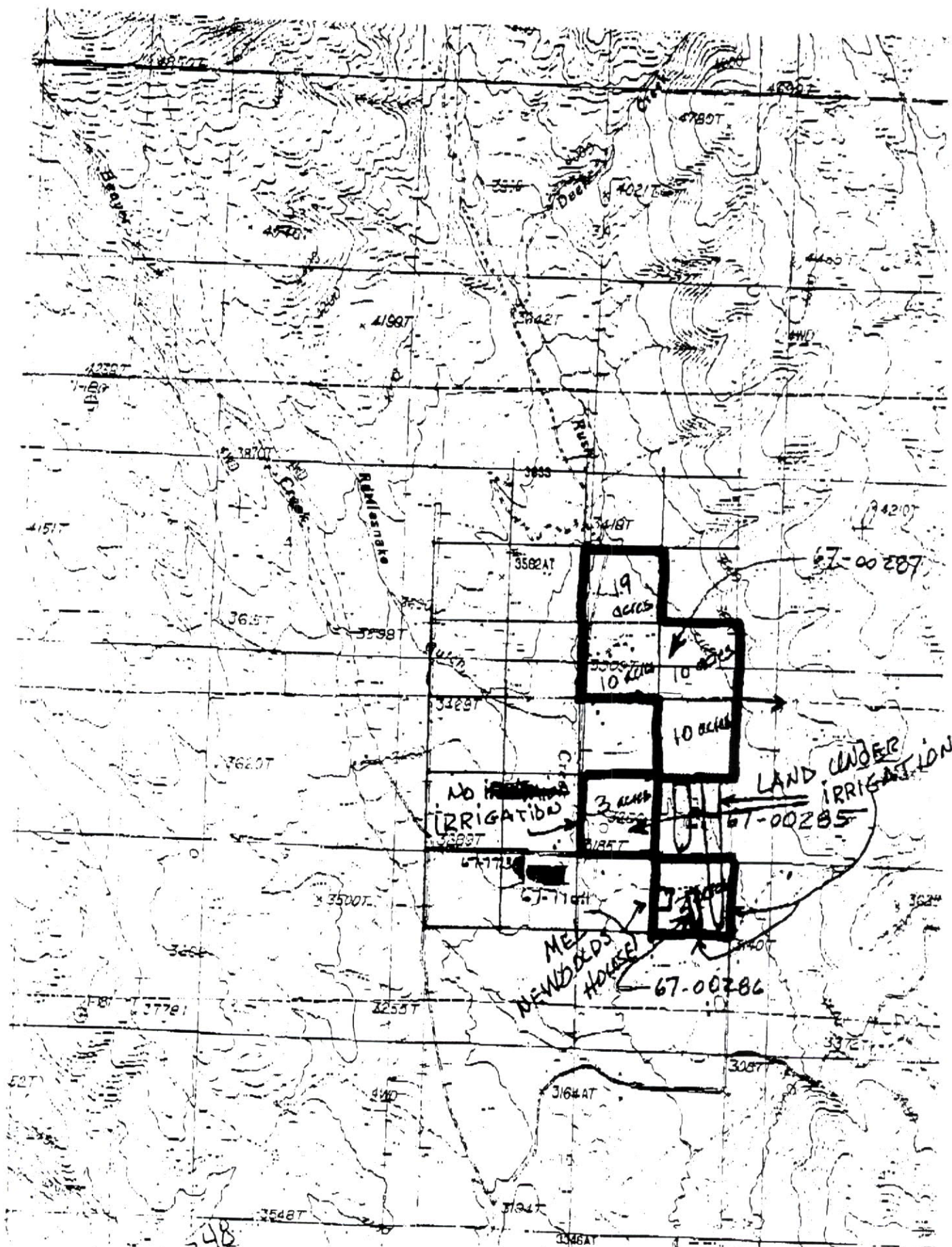
0.25

0



SENE

NESE



34-2348
JAX

CELL

566-1058

MEL

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 67-285
Date Received: 8/9/1991
Receipt No: W013575
Received By:

AMENDED

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

1. Name of Claimant(s)

MELVIN NEWBOLD Phone: (208)257-3488
3473 RUSH CREEK RD
CAMBRIDGE ID USA 83610

OR

BESSIE NEWBOLD Phone: (208)257-3488
3473 RUSH CREEK RD
CAMBRIDGE ID USA 83610

2. Date of Priority: 05/01/1894

3. Source: RUSH CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	03W	3	SW NE	WASHINGTON	

5. Description of diverting works:

CULVERT, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.05	

7. Total Quantity Appropriated is:
0.05 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
15N	03W	10	SW NE	IRRIGATION	6
			SE NE	IRRIGATION	26
			NE SE	IRRIGATION	25
Section Acres					57
Total Acres					57

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM HAS BEEN AMENDED TO CLAIM A PPOU WITH 67-286 & 67-4490. ACRE LIMITS WITHIN THE PPOU WILL BE DETERMINED BY THE DUTY OF WATER DURING RECOMMENDATION REVIEW FOR EACH CLAIM.

15. Basis of Claim: Decreed

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.

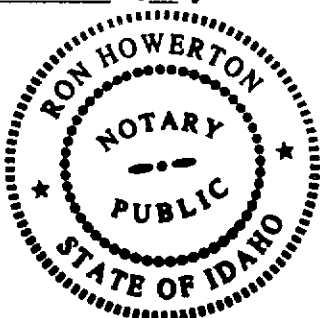
Signature of Claimant(s): Melvin L. Newbold Date: 8/15/02

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 15th
of AUG 2002

Ron Howerton
Notary Public

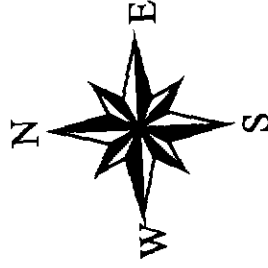


Residing at _____ Ron Howerton
Residing at Boise, Idaho
My commission Expires My Commission Expires December 8, 2006

IDAHO DEPARTMENT OF WATER RESOURCES

DRAFT PPOU
CLAIM MAP
67-285, 67-286 &
67-4490
Date: 08/15/02

T15N, R03W
S10



○ Point of Diversion

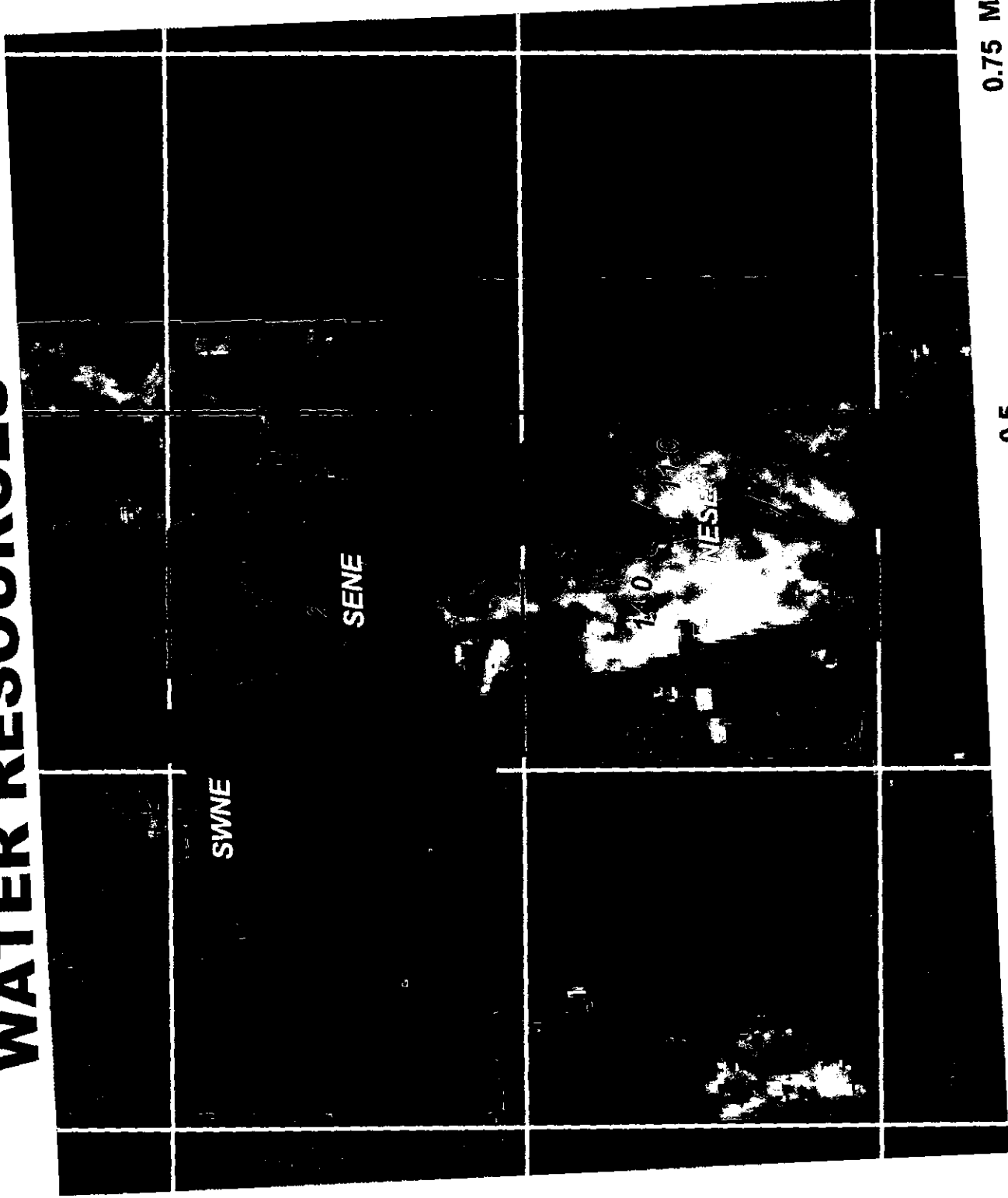
PPOU

Section

1/4 1/4

57 Acres

1987 NAPP



0

0.25

0.5

0.75 Miles

the direction of the water commissioner or other officers charged by law with the execution of this decree and the waters of the said Hornet Creek Reservoir are to be distributed by the said water commissioner or other officers to the stockholders of the said Hornet Creek Water Storage Association according to their respective rights of said stockholders as the same shall appear by notice given said water commissioner for said water storage association at the commencement of each irrigation season.

It is further ordered, adjudged and decreed that the said Weiser Irrigation District may divert all of the waters flowing in said river during the low water period at the head of its canal upon delivery to the said Weiser City Water Ditch & Irrigating Company 450 inches of water, said delivery to be made at the gate or diversion point now connecting the two canals and where water has heretofore been diverted from the canal of the said Weiser Irrigation District into the canal of the said Weiser City Water Ditch and Irrigating Company.

As used in this decree the high water period shall include all that portion of the irrigation season when the river and its tributaries discharge sufficient water to supply all the allotments herein decreed on the basis of five-eighths ($5/8$) of an inch to the acre and the low water period shall consist of all that portion of the irrigation season when the discharge of the river and its tributaries is insufficient to supply the last named amount of water, and the foregoing allotments are made upon the basis of five-eighths ($5/8$) of an inch per acre, or its equivalent in irrigation heads, during the low water period, which is the maximum duty of water for said lands from said river and its tributaries, and whenever the commissioner, or other officer charged with the execution of this decree, finds the water in said river insufficient to supply the allotments as heretofore made on the basis of five-eighths ($5/8$) of an inch per acre, measured at the various diversion points, then and in that event the last appropriator in point of time shall be denied the use of said water.

Whenever the water flow in said river and tributaries shall be insufficient to supply the allotments as hereinbefore made, on the basis of five-eighths ($5/8$) of one miners' inch or its equivalent in irrigation heads, then and in that event the latest appropriator in order of time shall be denied the use of said water, and so on up the line of latest appropriators, dropping them out in chronological order, of the use of said water flow, so that the supply of water to said prior users shall be maintained in the distributing heads to five-eighths of a miners' inch per acre to the prior appropriators in the order of their priority, and the water commissioner having control of the distribution of said waters under this decree shall enforce the foregoing mentioned system and shall require measuring devices to be constructed at the various diversion points by the said appropriators so the water commissioner may be enabled to determine the measurement of the flow at such distributing points at all times.

It is further ordered, adjudged and decreed, that each of the parties hereto to whom water is allotted and decreed are hereby required to provide for the diversion of water from the said Weiser River and its tributaries in irrigating heads during the low water period, which said irrigating heads shall be the equivalent of five-eighths of a miners inch to the acre continuous flow, and it is hereby decreed, and declared to be the duty of the water commissioner, or such other officer as is charged with the execution of this decree, to make or cause to be made necessary rules and regulations for the distribution of said water in irrigating heads during the low water period and to shut off said water supply from all ditches diverting the same whenever and wherever the parties

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: **A67-00285**
Date Received: 8/ 9/1991
Receipt No: W013575
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: BESSIE NEWBOLD
Address: 3473 RUSH CREEK RD
CAMBRIDGE ID

208-257-3488

83610

OR

Name: MELVIN NEWBOLD
Address: 3473 RUSH CREEK RD
CAMBRIDGE ID

208-257-3488

83610

2. Date of Priority: MAY 1, 1894

3. Source: RUSH CREEK

Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	03W	3	SW	NE			WASHINGTON

5. Description of diverting works:
CULVERT, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.050		

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

A.F.A.

8. Total consumptive use is

9.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	03W	10	SW	NE		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	3.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
A67-04490

14. Remarks:
ADDRESS CHANGE BY CLAIMANT LETTER 5/5/99 SS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs Decree Defendant



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

RICHEY WARD
GOVERNOR

April 29, 1999

MAY 3 1999
RLJ DIER
DIRECTOR

MELVIN L AND BESSIE NEWBOLD
3473 RUSH CREEK RD
CAMBRIDGE ID 83610

Department of Water Resources

Re: Snake River Basin Adjudication (SRBA)
Water Rights #67-12308, 67-14102, A67-00285, A67-00286 &
A67-04490
Change of Address

*already
has.*
*Records changed, NCAP prepared.
10-5-99*

Dear Water Right Holders:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by May 17, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right record.

Sincerely,

Sally

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Melvin L. Newbold
Claimant Signature

208-257-3488
Telephone No.

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: A67-00285
Date Received: 8/9/1991
Receipt No: W13575
Received By: PRW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MELVIN NEWBOLD 208-257-3488
Address: RR 1 BOX 221
CAMBRIDGE, ID 83610

OR

Name: BESSIE NEWBOLD 208-257-3488
Address: RR 1 BOX 221
CAMBRIDGE, ID 83610

2. Date of Priority: MAY 1, 1894

3. Source: RUSH CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	03W	3	SW	NE			WASHINGTON

5. Description of diverting works:
CULVERT, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.050		

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

8. Total consumptive use is 9.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	03W	10	SW	NE		IRR	3.0

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OCT 01 1992

10. Place of Use: Continued

Section Acres 3.0

Total Acres 3.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:

A67-04490

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs Decree Defendant

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): *William L. Newbold* Date: *Aug 9, 1991*

Date: _____

MICROFILMED
OCT 01 1992

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 9 day

of August 19 91

Linda Werner
Notary Public

Seal

Residing at LINDA WERNER
RESIDING AT EAGLE, IDAHO
My Commission Expires MY COMMISSION EXPIRES DEC. 8, 1994

MICROFILMED
OCT 01 1992

T15N, R3W
Sec. 10

A67-285
A67-286

35527



Water Right Number -	67-00285	Adj. Flag Translation:	Standard Water Right Number	Old (D) Number -
+ - - - -	Last Name -	- - - +	+ ~ ~ ~ ~ Address -	- - - - -

*** C - CURRENT OWNER ***
GIBSON

W. H.

1	2	3	Cite	Pho
---	---	---	------	-----

State-
zip-[illegible]

```

+ - - - - Source - - - - - +
      RUSH CREEK
+ - - - - Tributary - - - - - +
      WEISER RIVER

```

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Stream Index	(Blank if no Index Code)
-----	-----	-----	-------	-----	------	--------	--------------------	--------------	--------------------------

Code	Description	Period From	Water Use	Period To	Diversion Rate	Diversion Volume
+	-	-	-	-	-	+

01 - IRRIGATION

0.050

[illegible]

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
+	-	-	-	-	-	-	Place of Use	-

15N	03W	10	NW NE	01	IRRIGATION	87	WASHINGTON
15N	03W	10	SW NE	01	IRRIGATION	87	WASHINGTON

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

[illegible][illegible]

+ + + + +
 Conditions of Approval - - - - -
 No Conditions of Approval found.
 + + + + +

+ - - -	- Decree Plaintiff	- - - +	+ - - -	- Decree Defendant	- - - +	+ - Decree Date
JOHN T. MUIR			WILLIAM ALLISON			06/20/1921

MICROFILMED
OCT 1 1992
DeVos
MUIR

DATE: 05/05/99
PAGE: 1

Misc: Water District Number: 67 Field Inspection Flag: Presumption Flag:

Notice to Mailer of Correction in Address

Addressee's Account Number (All numbers, dates, and letters)

67-12308✓

☐ No account number on mail

☐ Account number illegible

Addressee's Name

Melvin L Newbold Bessie Newbold

Old Address (Include apartment or suite number)

RR 1 Box 221

City, State, and ZIP Code

Cambridge, Md 83660

New Address (Include apartment or suite number)

3473 Rush Creek Rd

City, State, and ZIP Code

Cambridge, Md 83660

This card is furnished: ☒ For address correction, as requested (your mailpiece was forwarded).

☐ In place of Form 3579 (see reason for nondelivery below).

The address portion of your mailpiece was not readily detachable. Reason for nondelivery:

☐ Moved, left no address

☐ No such street

☐ No such number

☐ Refused

☐ Attempted, not known

☐ Unclaimed

PS Form 3547, June 1995

+ 67-14102✓

A67-00285✓

A67-00286✓

✓ - 04490✓

Date Received 8-9-91

denied

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

RECEIVED
AUG 16 1991

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

W013575

Name of Claimant MELVIN L. NEWBOLD (208) 257-3488 Phone Number
Mailing Address Rt #1 Box 221 City CAMBRIDGE ID State ID Zip 83610
County(s) where place of use is located WASH. Date claim originally due 10-19-89
Identify water right(s) for which extension is requested A67-00285 & A67-00286

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

IN THE CONFUSION, PAPER WORK ETC WE
WERE TOTALLY UNAWARE THAT THIS
WAS NOT COMPLETED.

Claimant requests an extension to 8-9-91, 19__

Melvin L. Newbold Signature Aug 9 Date of request, 19 91

Title _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☐ granted] [☒ denied] for the following reasons:

Notice mailed to this address 6/21/89,

and if granted the filing deadline is extended to _____, 19__

Signed this 28 day of Sept, 19 91

DAVID B. SHAW
Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

DAVID B. SHAW

MICROFILMED

OCT 22 1991

*See attached receipt for
info re payment*

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 11/28/91
Time: 12:18:51

Rec/No - W013575 AR/No -
From: - NEWBOLD, MELVIN

Receipt Type - CK Doc/No - 1718
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 08/09/1991

Type Of Payment	Fund	FD	PCA	Obj	Subsid	Fee
SRBA	9337		410162	6490		100.00
SRBA LATE FEE	9337		410162	6490		100.00

Total Due - 200.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A6700285	100.00	A6700286	100.00		

(ENTER=CONTINUE)

(GOLD7=SELECTION SCREEN)

(GOLD8=CANCEL)

MICROFILMED

OCT 22 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF DIVERSION AND) USE OF WATER NOT IN CONFORMANCE) WITH WATER RIGHTS OR CONTROLLED) BY BRET NEWBOLD AND/OR DOUGLAS) NEWBOLD) _____)	)	NOTICE OF VIOLATION
--	---	----------------------------

The Director of the Department of Water Resources (IDWR) is charged with the duties of protecting vested water rights, enforcing specific statutes of the state of Idaho, and enforcing the rules promulgated by IDWR. The Director is also authorized to order the cessation of violations or attempted violations of the provisions of the law relating to all aspects of appropriation and distribution of water.

Based on the information gathered and the records of IDWR, IDWR finds, concludes, and orders as follows:

FINDINGS OF FACT

1. Jerry Myers (Myers) is the elected and appointed watermaster for Water District no. 67, Weiser River. As the watermaster, Myers regulates diversions of the water flowing in tributaries of the Weiser River, including Rush Creek.
2. A pipeline was constructed to deliver water diverted from Rush Creek pursuant water right nos. 67-00285, 67-00286, and 67-00287. Other water rights are also delivered through the pipeline. The elevation difference between the point of diversion and the location of pipeline valves creates sufficient pressure to irrigate with sprinklers.
3. The intake to the pipeline is located at the edge of the Rush Creek streambed. Inflow to the pipeline is not controlled at the inlet but depends on the demand for water at valves

along the pipeline. Myers has regulated the flow by opening or closing the valves along the pipeline to deliver the proper quantity of water to lands described by the water rights.

4. Water right nos. 67-00285, 67-00286, and 67-00287 were decreed in the case of Muir v. Allison. The following is a summary of the decreed water rights and corresponding claims filed in the Snake River Basin Adjudication.

Water Right No.	Quantity (cfs)	Decreed POU	Claimed POU	Acreage Claimed
67-00285	0.05 cfs	NWNE, SWNE, S10, T15N, R03W	SWNE, S10 T15N, R03W	3
67-00286	0.03 cfs	NESE, S10, T15N, R03W	NESE, S10, T15N, R03W	2
67-00287	0.38 cfs	NWSE S03 SWSE S03 SESE S03 NENE S10 T15N, R03W	NWSE S03 SWSE S03 SESE S03 NENE S10 T15N, R03W	19 10 10 10

5. IDWR records show that water right nos. 67-00285 and 67-00286 are owned by Melvin and Bessie Newbold. IDWR records also show water right no. 67-00287 is owned by Kermit Wiggins. Myers informed IDWR that Bret Newbold acquired water right nos. 67-00285 and 67-00286 and the places of use described by the rights from his parents, Melvin and Bessie Newbold. Myers also informed IDWR that Bret Newbold acquired the property described as a place of use by water right no. 67-00287, and that Myers delivered water authorized by water right no. 67-00287 to Bret Newbold during the 2000 irrigation season.

6. Flows in Rush Creek and the Weiser River are not presently sufficient to satisfy all of the water rights. Myers has prevented diversion of Rush Creek water authorized by late priority water rights to satisfy the early priority water rights.

7. On or about July 26, 2000, Myers informed Bret Newbold that adjudicated water rights were being regulated. Myers told Bret Newbold to limit use on his father's place (place of use for 67-00285 and 67-00286) to ten sprinkler heads, estimated to be 0.08 cfs. Myers also told Bret Newbold that he could run a one-quarter mile line on the land formerly owned by Kermit Wiggins (place of use for 67-00287).

8. On June 27, 2000, Myers observed hand lines irrigating land in the SENE of Section 10, T15N, R03W, B.M., which is not described by any water right deliverable on or after July 26, 2000. Approximately 20 acres of alfalfa is planted and irrigated in the SENE of Section 10.

9. On July 30, 2000, Myers discovered that Bret Newbold, Douglas Newbold (Bret's brother), their representatives, or employees, were diverting more water than authorized by water right nos. 67-00285 and 67-00286 by operating a one-quarter mile sprinkler line, estimated to be 32 sprinkler heads. The sprinkler line was irrigating land located in the NESE of Section 10, T15N, R03W, B.M., which is the place of use described by water right no. 67-00286 (0.03 cfs, 2 acres). Approximately 20 acres of alfalfa is planted and is irrigated in the NESE of Section 10.

10. After discovering the additional water diverted on July 30, 2000, Myers closed the valve delivering water to the one-quarter mile sprinkler line delivering water to the NESE of Section 10, and placed a watermaster warning on a marker post that the valve should not be readjusted.

11. On August 2, 2000, Myers discovered that the valve had been reopened. Land located in the NESE of Section 10 was again being irrigated with the one-quarter mile sprinkler line.

CONCLUSIONS OF LAW

1. Idaho Code Section 42-351 states:

If the director of the department of water resources finds, on the basis of available information, that a person is diverting water or has diverted water from a natural water course or from a ground water source without having obtained a valid water right to do so, or is applying water or has applied water not in conformance with a valid water right, then the director of the department of water resources shall have the discretion to issue a notice of violation to the person in accordance with the provisions of section 42-1701B, Idaho Code, for the illegal diversion or use of water.

2. Idaho Code Section 42-1701B states:

(2) Notice. . . . the notice of violation shall identify the alleged violation and shall specify each provision of the designated chapter, rule, permit, condition of approval or order which has been violated. The notice of violation shall state the remedy, including all restoration and mitigation measures, and the amount of any civil penalty the director seeks for redress of the violation. Factors the director may consider in seeking the appropriate remedy include the impact of the violation and whether the violation was willful, a repeat violation for which the violator had been given a prior written warning, or the violator has otherwise refused to comply with the department's lawful directives. The notice of violation shall inform the person to whom it is directed of an opportunity to confer with the director, or the director's designee in a compliance conference concerning the alleged violation.

(6) Penalties.

(a) . . . persons determined to be in violation of section 42-351, Idaho Code, shall be liable for a civil penalty not to exceed:

(ii) For irrigation uses, three hundred dollars (\$300) annually for each acre irrigated, in whole or in part, by the illegal use or diversion.

3. Bret Newbold, Douglas Newbold and their representatives or employees are diverting Rush Creek water in excess of the 0.03 cfs authorized for diversion by water right no 67-00286, and applying the water to approximately 20 acres of land in the NESE, Section 10, T15N, R03W, not authorized or claimed to be irrigated by water right no. 67-00286.

4. Bret Newbold, Douglas Newbold and their representatives or employees are also diverting Rush Creek water and irrigating approximately 20 acres of land located in the SENE, Section 10, T15N, R03W, without any water right authorizing the diversion or irrigation of these lands.

5. The diversion and use of water described above violates Idaho Code § 42-351.

ORDER

IT IS HEREBY ORDERED that Bret and Douglas Newbold and their representatives or employees shall cease and desist diverting water from Rush Creek in excess of 0.03 cfs for the irrigation of land located in the NESE, Section 10, T15N, R03W.

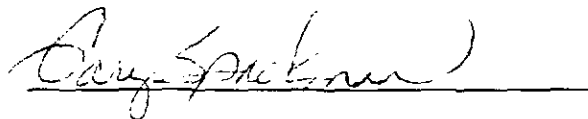
IT IS FURTHER ORDERED that Brett and Douglas Newbold and their representatives or employees shall cease and desist diverting water from Rush Creek for irrigation of lands located in the SENE, Section 10, T15N, R03W.

IT IS FURTHER ORDERED that IDWR seeks a civil penalty of \$300 per acre of land irrigated without a water right, totaling \$12,000 for 40 acres irrigated without a water right.

IDWR may pursue injunctive relief in the district court of the State of Idaho if Bret or Douglas Newbold do not cease the illegal use of water.

NOTICE IS GIVEN that Bret or Douglas Newbold may request, in writing, a compliance conference with IDWR within 14 days of the date of receipt of this notice of violation.

Dated this 4th day of August, 2000.



GARY SPACKMAN
Western Regional Manager

WR5809NP
No. 67-00287

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/03/00
PAGE: 3

OWNER CODE NAME & ADDRESS
C J. EDWARD WICKS
PRIORITY DATE 05/01/1895
WATER USE IRRIGATION
USE PERIOD FROM 00/00 TO 00/00
DIVERSION RATE 0.380 CFS
DIVERSION VOLUME
TOTAL DIVERSION: 0.380 CFS

Water Source: RUSH CREEK Tributary to: WEISER RIVER Stage: DECREED

Place of use Legal Description for: IRRIGATION

		NE		NW		SW		SE			
		NENE		NUNE		NWSW		NWSE		SESE	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
15N	03W	3	:	:	:	:	:	:	:	:	SUM
15N	03W	10	:	:	:	:	:	:	:	:	:

Pou County: WASHINGTON

Dates: App. Received: 05/01/1895
Proof Due Date:
Exam Made Date:
Licensed Date:
Misc: Water District Number: 67 Field Exam Fee:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/03/00
PAGE: 2

NAME & ADDRESS

C BESSIE NEWBOLD
C MELVIN L NEWBOLD

PRIORITY

05/01/1894 IRRIGATION

DIVERSION RATE
DIVERSION VOLUME

0.030 CFS

TOTAL DIVERSION:
CONSUMPTIVE USE:

6.00 AFA

Water Source: RUSH CREEK

Tributary to: WEISER RIVER

Stage: DECREED

Point(s) of Diversion:

T15N R03W S03
SWNE

WASHINGTON County

Place of use Legal Description for: IRRIGATION

NE

FS

[illegible]

TOTAL ACRES	:	2.0
	:	2.0

POU County: WASHINGTON

Other Rights: A67-04490

Remarks: GEN ADDRESS CHANGE BY CLAIMANT LETTER 5/5/99 SS.

Dates: _____ **Exam Made Date:** _____

Verified Date:

Objection Filed Date:

Misc: Water District Number: 67 Field Inspection Flag:
Presumption Flag:

WR5809NP
No. 67-00286

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/03/00
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MINTA DUGGER	05/01/1894	IRRIGATION	00/00 00/00	0.030 CFS	
TOTAL DIVERSION:					0.030 CFS	

Water Source: RUSH CREEK Tributary to: WEISER RIVER Stage: DECREED

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	
T R S	NENE N4NE S4NE SENE : NENW N4NW S4NW SENW : NESW N4SW S4SW SESW : NESE N4SE S4SE SESE : SUM	Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac			
15N 03W 10 :					

Post County: WASHINGTON

Dates:	App. Received:	Priority Date:
	Proof Due Date:	05/01/1894
	Exam Made Date:	
	Licensed Date:	

Misc: Water District Number: 67 Field Exam Fee:

DATE: 08/03/00
PAGE: 1

DIVERSION
VOLUME

TOTAL DIVERSION: 0.050 CFS
CONSUMPTIVE USE: 9.00 AFA

Stage: DECREE

WASHINGTON County

MS

TOTAL ACRES

Other Rights: A67-04490

Field Inspection Flag:
Presumption Flag:

IDAHO DEPARTMENT OF WATER RESOURCES

No. 67-00285

DATE: 08/03/00
PAGE: 1

WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	W. H. GIBSON	05/01/1894	IRRIGATION	00/00 00/00	0.050 CFS	

C. W. H. GIBSON

05/01/1894 IRRIGATION

00/00 00/00 0.050 CFS

1111

TOTAL DIVERSION: 0.050 CFS

TOTAL DIVERSION:

Water Source: RUSH CREEK

Tributary to: WEISER RIVER

Stage: DECEASED

Place of use Legal Description for: IRRIGATION

NE

[illegible]

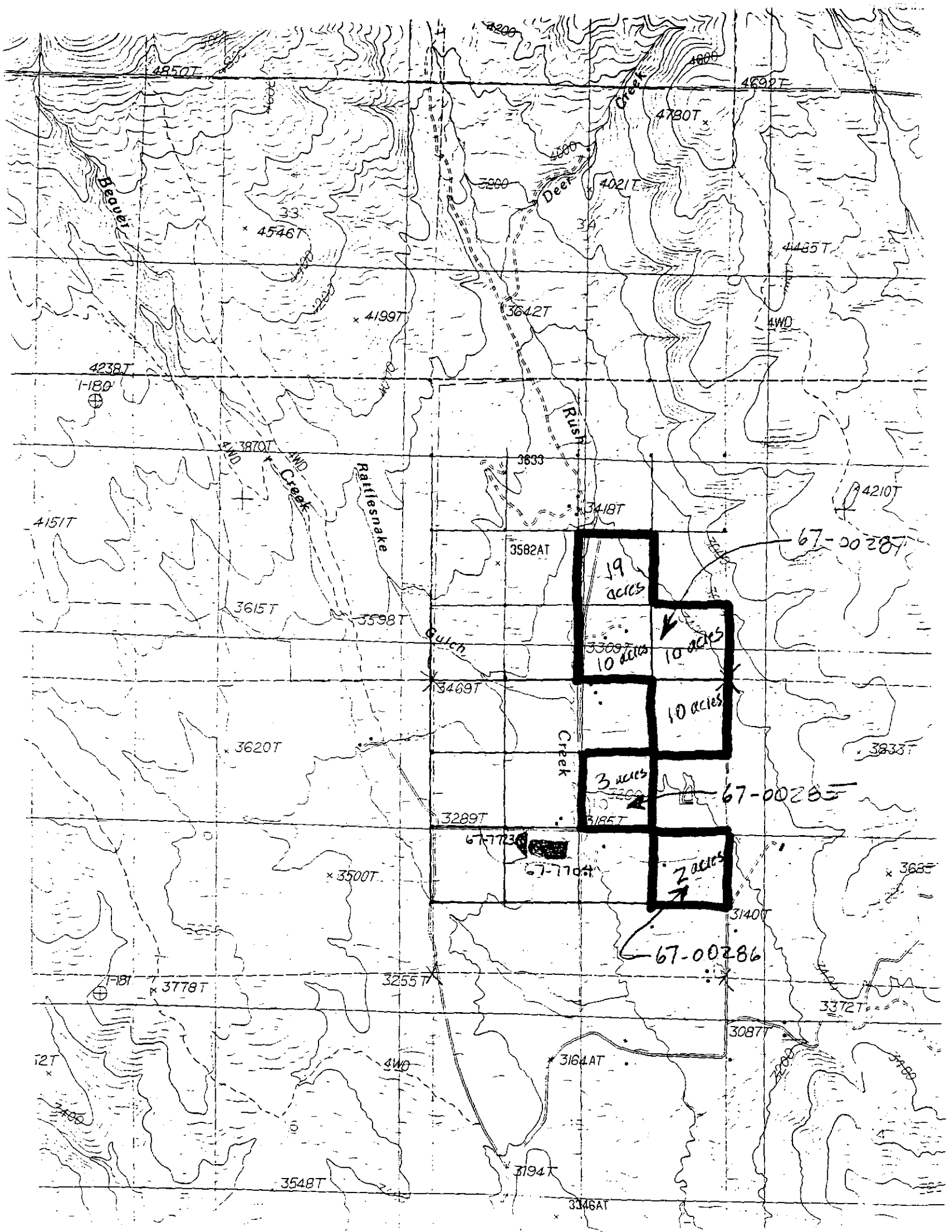
POU County: WASHINGTON

Dates: App. Received:
Proof Due Date:
Exam Made Date:
Licensed Date:

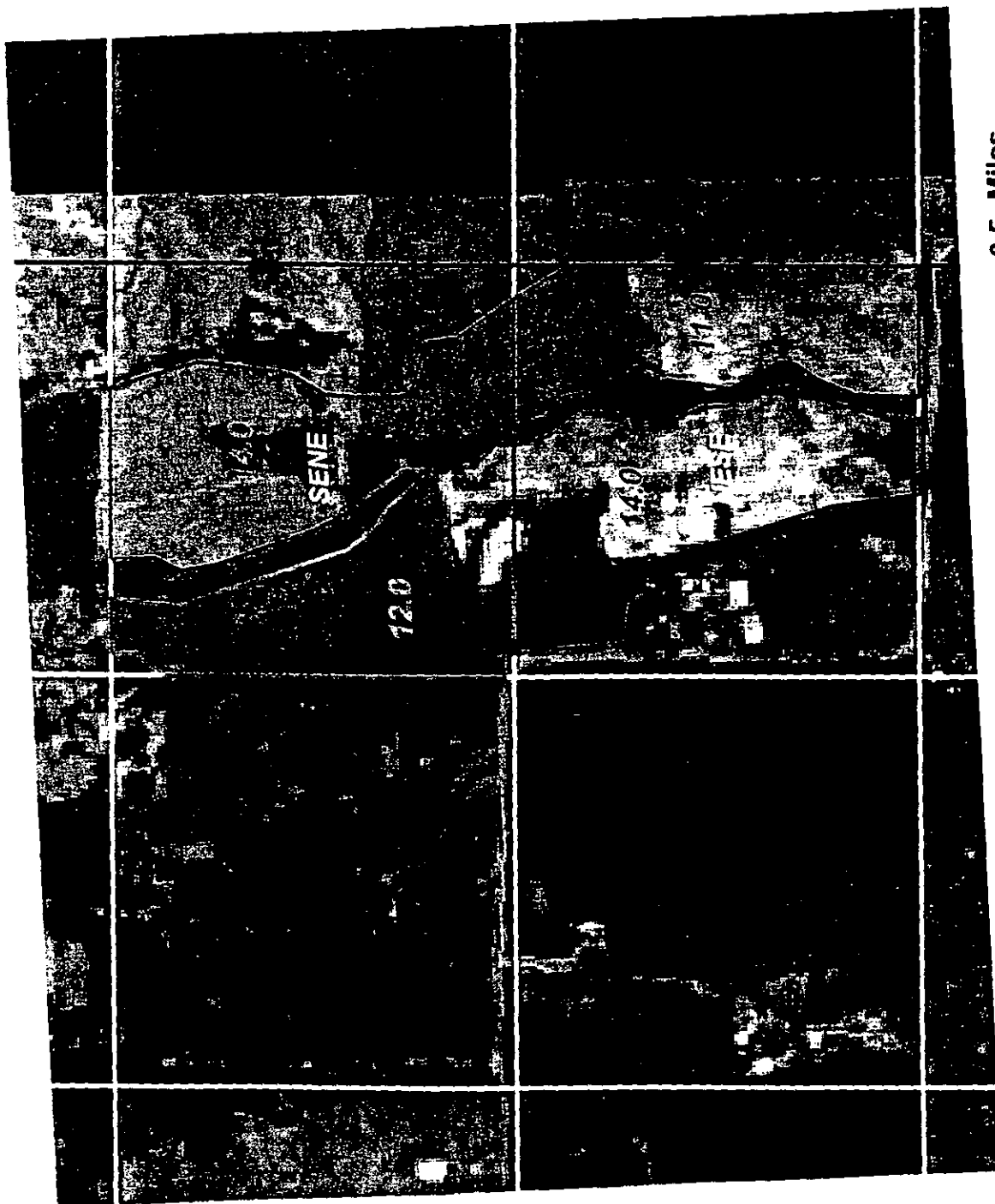
Priority Date: 05/01/1894
Proof Made Date:
Exam Sent to S.O.:

Misc: Water District Number: 67 Field Exam Fee:

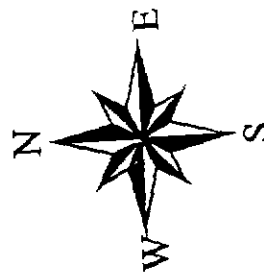
Water District Number: 67



T15N, R03W, S10



Temppou.shp
S15n03w.shp
P15n03w.shp



0.5 Miles

0.25

0

SENE

NESE

Gary

The only way I have regulated the water through the pipeline is by telling the water user, is that their water is down to adjudication and they can run 10 heads on the 67-00285 and the 67-00286 water rights being only 4" of adjudicated water and on the 67-00287 they can run a quarter mile line being 32 heads on their 19" right, there is really no other way too adjust the water.

On July ~~26~~ I told Bret that the water was down too adjudicated and too run only 10 heads on his fathers place and could run a quarter mile line 32 heads on the 67-00287 right. I had a complaint called to me that on the 67-00285 & 67-00286 water rights that Newbolds were running a quarter mile line 32 heads on that land. I went and talked to Douglas Newbold about it and I then tagged the valve and shut the water line off. This was on July 30. Aug 1 they turned the water back on in the quarter mile line. I had told them to leave it off but that they could run 10 heads, they also ran the quarter mile lines Aug 2, 2000

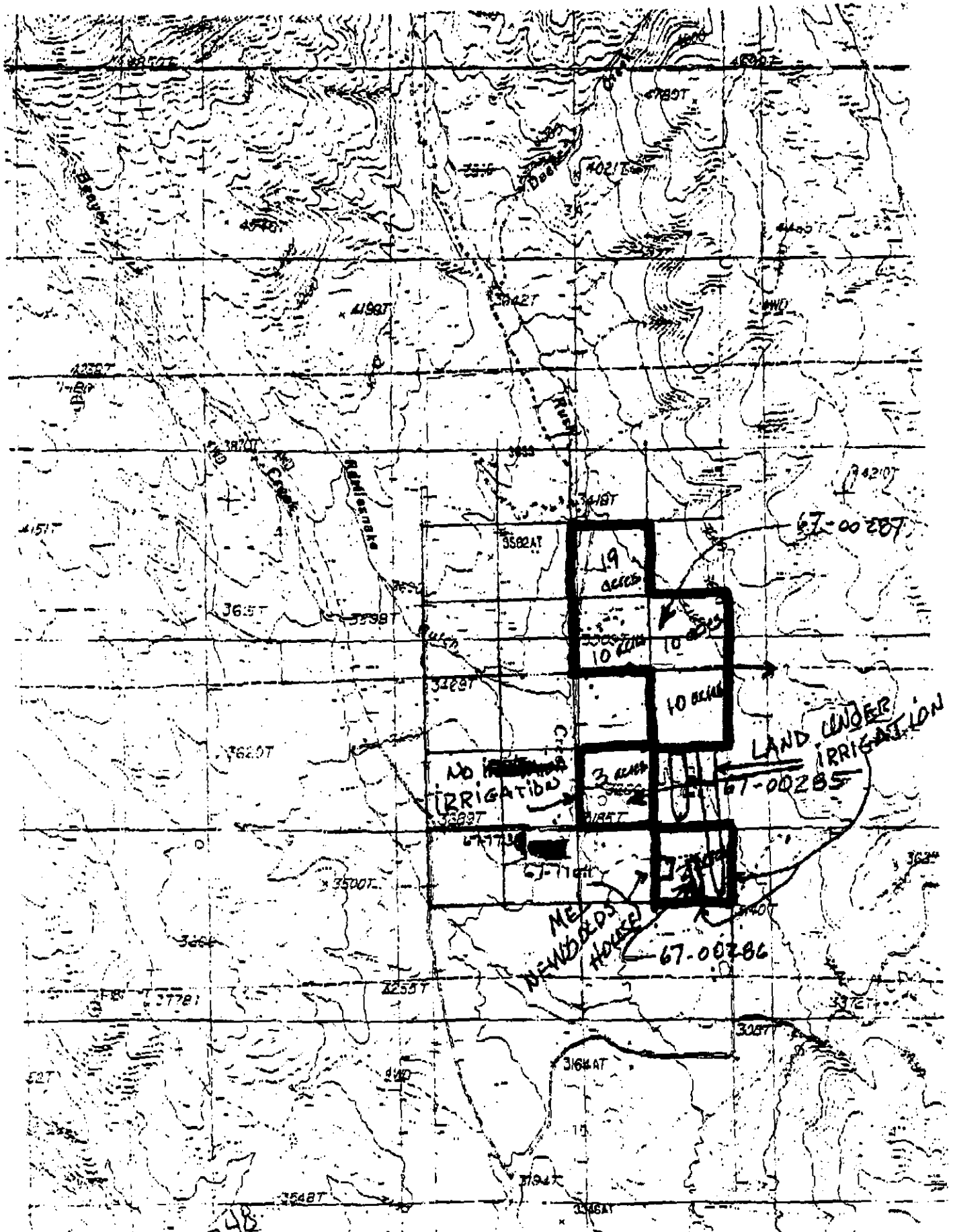
I was told by the neighbors that they ran the quarter lines on July 28 and 29 but I was gone and didn't see it.

Thank you
Jerry Myers

P.S. I found the valve had been turned back on not the deputy watermaster line 10

Bret Neubold is the owner of the land Douglas doesn't own any of it.

Any questions call I'll be home in the morning tell 9



34-3348
fax