

Gary A. Madenford, Trustee
The Charles Madenford Family Trust
3605 N. Pollard Ln.
Star, Idaho 83669

July 9, 2013

Judge Eric Wildman
Fifth District Judge
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, Idaho 83303

RE: Subcase 63-33707 - Memorandum in Support of Motion to File Late Claim
Under Rule IRCP (60(b)(1) & (6))

Judge Wildman,

This is a request to seek relief from the closing order in Basin 63 under IRCP (60(b)(1) & (6)) for claim number 63-33707. The Claimant did make a significant effort to get this storage right into the SRBA prior to the closing order of Basin 63 and there is substantial grounds to request the Court to grant the Motion as follows:

- On June 25, 2012, The Charles Madenford Family Trust, by and through Gary A. Madenford, Trustee, (Claimant) filed a Motion to File Late Notice of Claim for water right 63-33667 as a de minimis claim that included a storage right for the pond.
- On September 18, 2012, the Court heard the claim and ruled that (1) an Amended Notice of claim be filed for 63-33667 excluding the storage portion of the right (it was done and is enclosed in the same envelop with this Motion), and (2) that the Claimant meet with IDWR and follow their recommendations for filing the storage right.
- On September 25, 2012, the Claimant followed the Courts recommendations and met with Nick Spencer, Carter Fritchley, and Craig Saxton at IDWR's State Office. They recommended that the Claimant file a permit for the storage right with IDWR's Western Regional Office.
- On October 19, 2012, the Claimant filed and Application for Permit and a Statement of Completion (since the dam was already built) with IDWR's Regional Office. See attached.
- On October 19, 2012, the Claimant filed a letter with IDWR's Regional Office, requesting that they expedite the processing of the permit, in order to meet the January 31, 2013 deadline for closing Basin 63. See attached.

- On October 24, 2012, Mr. Steve Lester with IDWR responded that "Urgent water needs or water problems are not involved", therefore the request to expedite this permit was denied. See attached.
- On June 5, 2013, the Claimant received a "Permit Approval Notice" and a "Permit to Appropriate Water" under water right 63-33707.
- On July 9, 2013, a "Late Notice of Claim" and a "Notice of Claim to a Water Right" was filed with the Fifth District Court with the appropriate Certificate of Mailing, and appropriate fees paid.

Justification for granting the Motion under Rule IRCP (60(b)(1) & (6)):

- The Claimant did use reasonable due diligence in trying to get this claim approved prior to the Basin 63 closure of January 31, 2013.
- This request is based on precedence, the Court has approved other motions under Rule IRCP (60(b)(1) & (6)), ie. subcases 31-12314 and 22-00626.
- The Claimant does have a meritorious position to make this claim.
- Granting this claim does not delay the Snake River Basin Adjudication in any way.
- There is no prejudice to other parties.
- The six month period will have run out for all the basins by the time this motion will be heard, so a decision to approve it will not encourage any other claimant to do likewise.
- The Final Unified Decree for the Snake River Basin Adjudication will have significant future precedence for water rights in Idaho, if this motion were not granted, the Claimant will incur injury.

The Claimant does hereby request that the Court grant the Motion to the Late Notice of Claim 63-33707.

Sincerely Yours,



Gary A. Madenford, Trustee
The Charles Madenford Family Trust

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OCT 19 2012

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 63-33707

WATER RESOURCES

1. Name of applicant(s) The Charles Madenford Family Trust Phone (208) 830-9911
Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address: 3605 N. Pollard Ln. City StarState Idaho Zip 83669 Email: debry@mail.com2. Source of water supply Ground Water which is a tributary of _____

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
5N	1W	33		NW	SW		Ada	Ground Water	

4. Water will be used for the following purposes:

Amount 0.25 cfs for Diversion to Storage purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount 26 acre-feet/year for Aesthetic Storage purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount 26 acre-feet/year for Recreation Storage purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount 26 acre-feet/year for Wildlife Storage purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)5. Total quantity to be appropriated is (a) 0.25 cubic feet per second (cfs) and/or (b) 26 acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Well, pump, and pipe line.b. Height of storage dam 16 feet; active reservoir capacity 15 acre-feet; total reservoir capacity 15 acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☒ Yes ☐ Noc. Proposed well diameter is 6 inches; proposed depth of well is 188 feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ Noe. If well is already drilled, when? March 31, 1989; drilling firm Dennis Phipps;Well was drilled for (well owner) Lem Wallace; Drilling Permit No. 63-89-C-016-200.

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. Aesthetic storage, recreation storage, and wildlife storage.

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8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	1W	33										X							

Total number of acres to be irrigated: - 0 -

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? 63-33605 domestic use from same well.

10. a. Who owns the property at the point of diversion? The Charles Madenford Family Trust
- b. Who owns the land to be irrigated or place of use? The Charles Madenford Family Trust
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

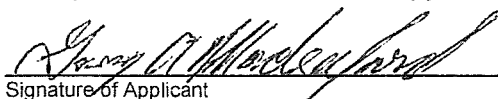
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. This Application for Permit is to store water in an existing pond that has been in use for years.

Capacity approximately (3 acres) (5 feet deep) = 15 acre feet

Refill / Evaporation approximately (3 acres) (3.5 acre-feet per year) = approximately 11 acre feet

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant

Gary A. Madenford, Trustee
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

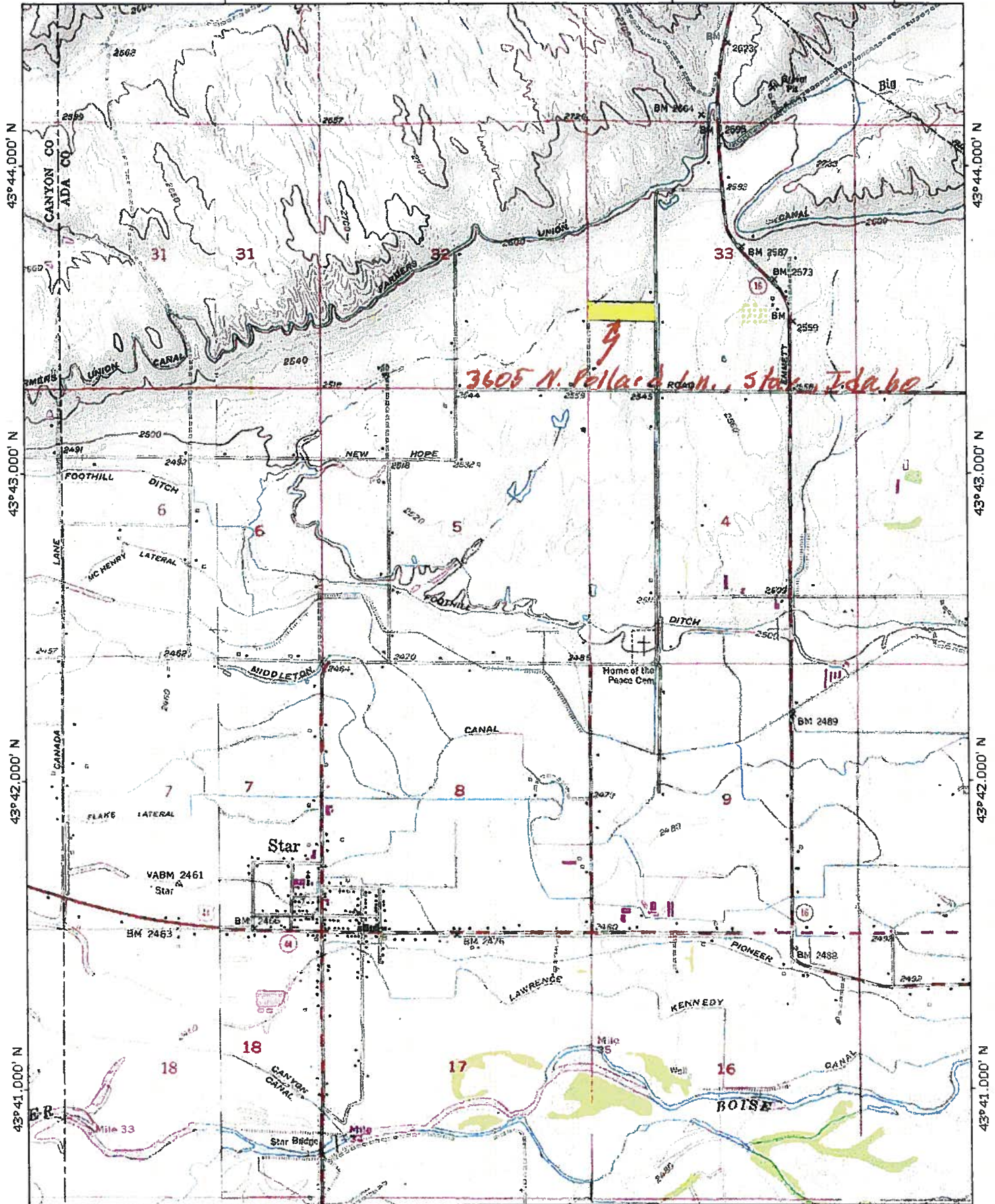
For Department Use:

Received by JA Date 10/19/12 Time 12:40 Preliminary check by JA

Fee \$ 250.00 Received by JA Receipt No. W040682 Date 10/19/12

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3605 N. Pollard Ln., Star, Idaho

15°

116°30.000' W

116°29.000' W

116°28.000' W

WGS84 116°27.000' W

0 1000 FEET 0 500 1000 METERS

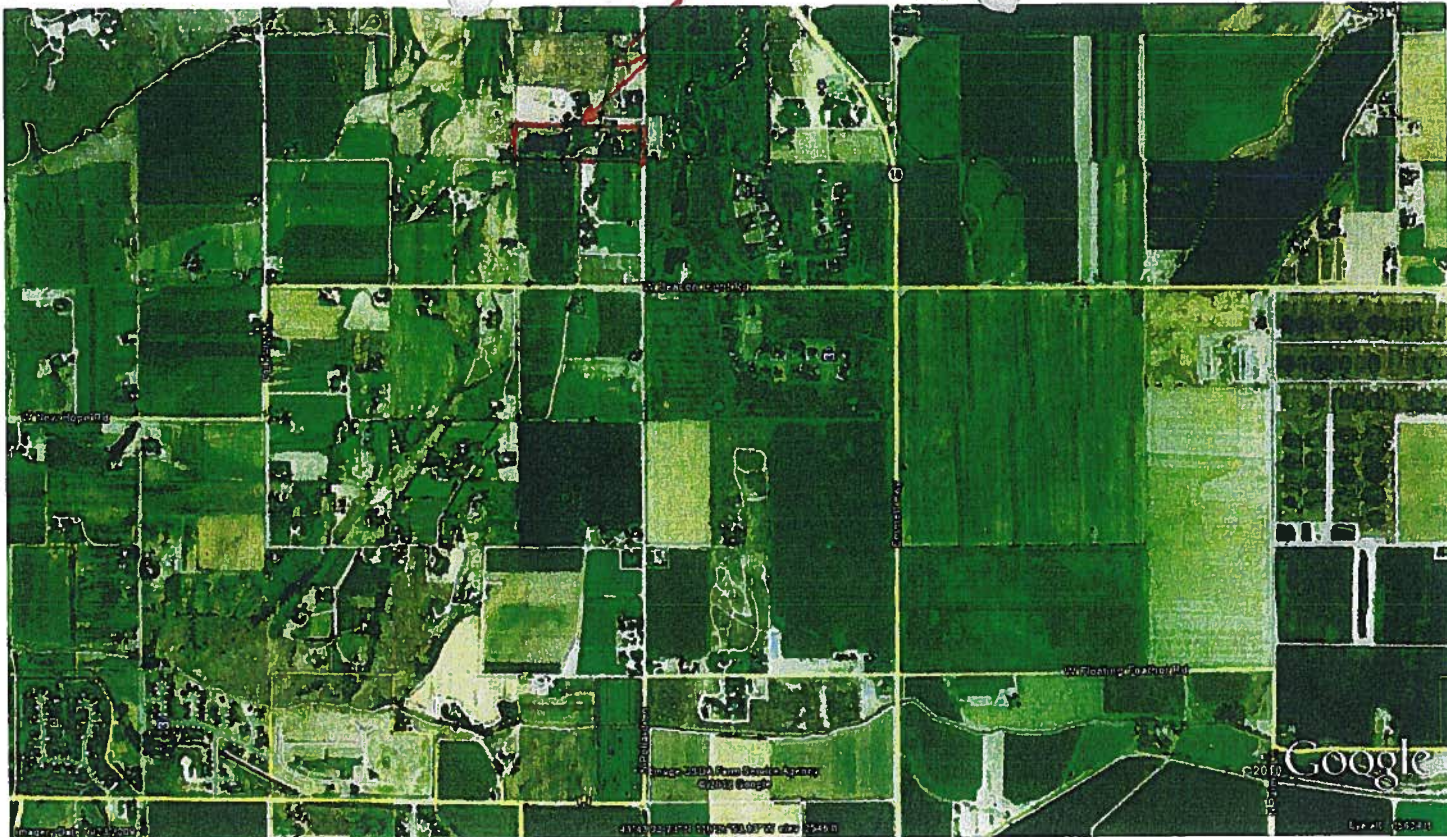
Printed from TOPO! 62000 National Geographic Holdings (www.topo.com)

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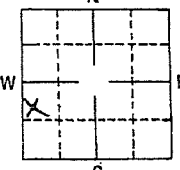
63-33707

ON 04-11-14, 10:11 PM, 10:11 PM, 10:11 PM



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FEB 01 2013 63-33707

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Lem Wallace</u> Address <u>Star ID 3773 N. Pollard Ln.</u> Owner's Permit No. <u>63-89-2-016-200</u>	7. WATER LEVEL Static water level <u>65</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ °F, Quality _____ <i>Describe artesian or temperature zones below.</i>																																																				
2. NATURE OF WORK ☒ New well ☐ Deepened ☒ Replacement ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☐ Pump ☐ Bailer ☒ Air ☐ Other _____ <table border="1"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td><u>35</u></td><td></td><td><u>1</u></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></tbody></table>	Discharge G.P.M.	Pumping Level	Hours Pumped	<u>35</u>		<u>1</u>																																														
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<u>35</u>		<u>1</u>																																																			
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG <table border="1"><thead><tr><th rowspan="2">Bore Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td><u>6</u></td><td><u>0</u></td><td><u>2</u></td><td><u>Top Soil</u></td><td></td><td>☒</td></tr><tr><td></td><td><u>2</u></td><td><u>80</u></td><td><u>dry sand</u></td><td></td><td>☒</td></tr><tr><td></td><td><u>80</u></td><td><u>91</u></td><td><u>Gravel</u></td><td></td><td>☒</td></tr><tr><td></td><td><u>91</u></td><td><u>140</u></td><td><u>SAND & clay & SAND</u></td><td>☒</td><td></td></tr><tr><td></td><td><u>140</u></td><td><u>183</u></td><td><u>Blue clay & SAND</u></td><td>☒</td><td></td></tr><tr><td></td><td><u>183</u></td><td><u>188</u></td><td><u>Blue clay</u></td><td></td><td>☒</td></tr><tr><td></td><td><u>188</u></td><td></td><td><u>SAND course</u></td><td></td><td>☒</td></tr></tbody></table>	Bore Diam.	Depth		Material	Water		From	To	Yes	No	<u>6</u>	<u>0</u>	<u>2</u>	<u>Top Soil</u>		☒		<u>2</u>	<u>80</u>	<u>dry sand</u>		☒		<u>80</u>	<u>91</u>	<u>Gravel</u>		☒		<u>91</u>	<u>140</u>	<u>SAND & clay & SAND</u>	☒			<u>140</u>	<u>183</u>	<u>Blue clay & SAND</u>	☒			<u>183</u>	<u>188</u>	<u>Blue clay</u>		☒		<u>188</u>		<u>SAND course</u>		☒
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4. METHOD DRILLED ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☒ Cable ☐ Dug ☐ Other _____	RECEIVED JUN 29 1989 Department of Water Resources Western Regional Office RECEIVED SEP 01 1989 Department of Water Resources RECEIVED JUN 28 1989 Department of Water Resources RECEIVED AUG 31 1989 Department of Water Resources Western Regional Office																																																				
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ Thickness _____ inches Diameter _____ inches + _____ inches From _____ feet To _____ feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches Number _____ From _____ To _____ _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>18</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☒ Puddling clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld _____ ☐ Cemented between strata Describe access port _____	10. Work started <u>20 MAR 89</u> finished <u>31 MAR 89</u>																																																				
6. LOCATION OF WELL Sketch map location must agree with written location  Subdivision Name <u>JUN 21 1991</u> Lot No. _____ Block No. _____ County <u>Ada</u> <u>NW 1/4 SW 1/4 Sec. 33, T. 5 N, R. 1 E, W.</u>	11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Dennis Phipps</u> Firm No. <u>332</u> Address <u>Meridian, ID</u> Date <u>20 Apr 89</u> Signed by (Firm Official) <u>Dennis Phipps</u> and (Operator) _____																																																				

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FEB 01 2013

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OCT 19 2012

WATER RESOURCES
EASTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY
 Amt. of Fee \$: 100.00
 Receipt No. W040653
 Receipt By: JA
 Date Received: 10/19/12

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been **completed** and that water has been applied to beneficial use to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner.** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, please contact any Department office or visit the Department's website at: www.idwr.idaho.gov for an *Assignment of Permit* form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

1. Permit No.: 63-33707 Telephone No.: (208) 830-9911

2. Name of Permit Holder(s): The Charles Madenford Family Trust

3. Mailing Address: 3605 N. Pollard Ln. City: Star

State: Idaho Zip: 83669 Email: debry@mail.com

4. Source of Water: Ground Water If **GROUND WATER** (well), Date Drilled: mo. March / yr. 1989

Well Driller: Dennis Phipps Drilling Permit Number: 63-89-C-016-200

5. Extent of use(s) completed (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: Aesthetic Storage, Recreation Storage, and Wildlife Storage

6. Total rate of diversion or storage volume for which proof is submitted: 0.25 cfs OR 26 acre-feet.

7. Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit: **Refer to the approval conditions on your permit and respond accordingly. The Department will not issue a license if permit conditions are not met.**

Measuring Device: Is a measuring device required?

Yes ☐ No ☒

If yes, has the measuring device been installed?

Yes ☐ No ☐

Lockable Controlling Device: Is a lockable device required to control the diversion?

Yes ☐ No ☒

If yes, has the lockable device been installed?

Yes ☐ No ☐

Other Conditions of Permit: Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.

Completed? Yes ☐ No ☒

8. Fee Enclosed: \$ 100.00 See fee schedule on back of the instructions for filing proof of beneficial use. Proofs filed without an appropriate fee, will be considered incomplete.

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Gary A. Madenford Telephone Number: (208) 830-9911

Mailing Address: 3605 N. Pollard Ln. City: Star

State: Idaho Zip: 83669 Email: debry@mail.com

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of permit holder: Gary A. Madenford, Trustee Date: October 19, 2012
 (Include your title, if on behalf of company or organization)

Mail to: Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098



B-19-2009

SCANNED
FEB 11 2013



6-27-2003

SCANNED
FEB 01 2013



6-22-2007

SCANNED
FEB 01 2013

Gary A. Madenford
3605 N. Pollard Ln.
Star, Idaho 83669
(208) 830-9911

October 19, 2012

Mr. Steve Lester
Water Right Supervisor
Idaho Department of Water Resources
273 S. Airport Way
Boise, Idaho 83705

RE: Processing Permit to License Prior to December 31, 2012 for Submission to the SRBA Court prior to Basin 63 closure on January 31, 2013.

Dear Mr. Lester,

This request is to ask you to please process this permit application prior to December 31, 2012 for the purpose of submitting the claim to the SRBA court prior to the deadline. The agreement between the Court, IDWR, and myself was to process the necessary changes to an earlier claim filed with the court and to get the changes back to the court. Since then, Judge Wildman issued an order with a deadline of January 31, 2013 for all late claims in Basin 63. As a result, this permit would need to be noticed and processed in sufficient time to enter it into the court, prior to the 1/31/13 deadline.

This property was previously owned by Mr. Dennis Loosli and I purchased it from the bank in August 2011. After further investigation, it was determined that the water right for aesthetic, recreation, and wildlife storage had not been obtained for the existing pond. A deminimis claim for this use was submitted to the court and heard on September 18, 2012. The Court asked that I meet with IDWR and make their requested changes. As directed by the court, I then met with Nick Spencer, Craig Saxton and one other at IDWR on September 25, 2012. They recommended that I do two things, first amend the deminimis right regarding certain elements; and second, file for a permit for the storage portion of the right. I then prepared an amendment to the deminimis claim as they requested and submitted it to the Court and to the IDWR State Office. The second portion, or the permit for the storage right, was prepared and brought to the SW Regional Office on October 17, 2012. Mr. Robert Whitney, who was at the SW Regional Office at the time, recommended some changes to the permit, which I did. I then met with you on October 18, 2012 and you recommended further changes to the claim. I have made those changes also. I am now submitting the completed package to you for processing.

A proof of beneficial use form has also been attached with Google Earth aerial photos taken in 2003, 2007, and 2009 showing water in the pond. Mr. Whitney has also been to the pond and is familiar with it. He also suggested that I give you some measurements of the pond for your use. In very general numbers, the maximum width is 250', the maximum length is 500', the surface

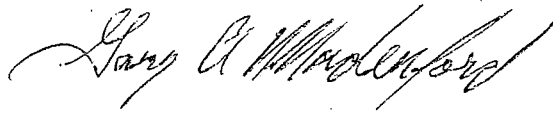
area is approximately 3 acres and the average depth is approximately 5', for a total of 15 acre feet, with an additional amount of refill / evaporation of approximately 11 acre-feet.

Attached are the following documents:

- Application for Permit, with a check for \$250.00
- Application for Construction or Enlargement of a New or Existing Dam, with a check for \$220.00
- Statement of Completion for Submitting Proof of Beneficial Use, with a check for \$100.00

I must say that my experience working with the both you and Mr. Whitney at the Western Regional Office has been very positive and I greatly appreciate the qualified and competent assistance you have given me. If it is at all possible, please process this claim to license at your earliest convenience, prior to meeting the SRBA's court deadline on January 31, 2013. Thank you for your assistance.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Gary A. Madenford".

Gary A. Madenford
Trustee

The Charles Madenford Family Trust



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Director

October 24, 2012

CHARLES MADENFORD FAMILY TRUST
C/O GARY MADENFORD TRUSTEE
3605 N POLLARD LN
STAR ID 83669

Re: Application for Permit

Dear Mr. Madenford:

You submitted an application for a new water right, an application for construction of a dam, proof of beneficial use for the anticipated water permit, and a well drilling fee upgrade for a 1989 well. The water right and dam applications are for an existing system including a well, dam and pond ("Loosli Pond"). In addition to water right approval, the system might require an approved dam construction permit.

You requested the water right application be expedited and then licensed so you can file a late claim in the Snake River Basin Adjudication (SRBA) in hope of obtaining a decreed right. You referenced a late claim deadline of January 31, 2013.

Current priorities for water rights staff at this office are (a) licensing existing permits for which proofs of beneficial use have been filed (significant backlog), (b) processing numerous applications filed before yours, and (c) completing other work on matters pre-dating your request.

Your application is for an existing system not requiring a SRBA claim. Urgent water needs or water problems are not involved. Without a compelling reason, IDWR cannot use its limited resources to expedite an application, let alone expedite licensing if the application is approved. There is no compelling reason in this case.

Therefore, I regret to decline your request. Your application will be processed sometime in the next few months. Please let me know if you have any questions about this matter.

Sincerely,

Steve Lester
Water Rights Supervisor

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-33707

Priority: October 19, 2012

Maximum Diversion Rate: 0.25 CFS

This is to certify, that CHARLES MADENFORD FAMILY TRUST
3605 N POLLARD LN
STAR ID 83669

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	0.25 CFS	
AESTHETIC STORAGE	01/01 to 12/31		26.0 AF
RECREATION STORAGE	01/01 to 12/31		26.0 AF
WILDLIFE STORAGE	01/01 to 12/31		26.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW1/4SW1/4 Sec. 33, Twp 05N, Rge 01W, B.M., ADA County

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N 01W 33										X							

PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N 01W 33										X							

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N 01W 33										X							

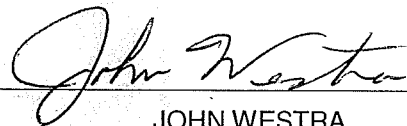
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-33707

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2014**.
2. Subject to all prior water rights.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Right 63-33707 authorizes the diversion of an annual total of 26.0 acre-feet to be used for the initial filling of the pond and for the replacement of evaporation losses.
5. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
6. Any other applicable standard conditions for ground water well diversion to fill an existing excavated pond for aesthetic-recreation-wildlife storage with water from an existing well outside the Bs 63 Ground Water Restricted Area approximately 2 ¼ miles northeast of Star.
7. This right does not grant any right-of-way or easement across the land of another.
8. Storage is for one pond not to exceed a total capacity of 15 acre feet and a total surface area of 3 acres.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 29th day of May, 20 13.



JOHN WESTRA

Western Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 5, 2013

CHARLES MADENFORD FAMILY TRUST
3605 N POLLARD LN
STAR ID 83669

RE: Permit No.63-33707

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Sommer". Below the signature, the word "for" is written in a smaller, simpler script.

John Westra
Western Regional Manager

Enclosures

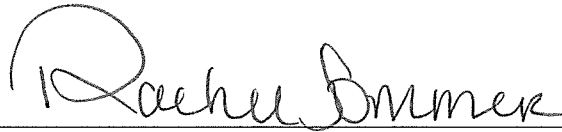
CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2013, a true and correct copy of the foregoing PRELIMINARY ORDER (Approved Permit) was hand delivered to the persons listed below:

RE: WATER RIGHT NO.

63-33707

**CHARLES MADENFORD FAMILY TRUST
3605 N POLLARD LN
STAR ID 83669**

A handwritten signature in cursive script, reading "Rachel Sommer", is written over a horizontal line.

**Rachel Sommer
Administrative Assistant I**

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 **G. A. MADENFORD**
3605 N POLLARD LN
STAR, ID 83669
PH. 208-830-9911

92-155/1241 **5090**

Date July 9, 2013

Pay to  the order of State of Idaho, Dept. of Water Resources \$ 75.00
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1-800-KEY2YOU

for 63-33707 Gary A Madenford MP

 **5090**

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 **G. A. MADENFORD**
3605 N POLLARD LN
STAR, ID 83669
PH. 208-830-9911

92-155/1241 **5091**

Date July 9, 2013

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Fifty 100 100 Dollars  Security Features
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for 63-33707 Gary A Madenford MP

 **5091**