

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 75-07669

PRIORITY: June 15, 1999

Maximum Diversion Rate: 0.10 CFS

Maximum Diversion Volume: 11.2 AF

It is hereby certified that:

SHIRLEY WALKER 20 CHERRY HILL LN NORTH FORK ID 83466

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 15, 1999, and has submitted Proof of Beneficial Use on August 26, 2010. An examination confirms water is diverted from:

SOURCE:

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/01 to 10/31

DIVERSION RATE

0.10 CFS

**ANNUAL
DIVERSION VOLUME**
11.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L6 (SW¼SE¼) Sec. 35, Twp 24N, Rge 21E, B.M. LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	21E	35														3.2	L 5		3.2

Total Acres: 3.2

CONDITIONS OF APPROVAL

1. Place of use is located within Lot A, Walker Subdivision.
2. Point of diversion is located within Lot A, Walker Subdivision.
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. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 14th day of September, 2016.



CHERIE PALMER
Water Rights Supervisor

State of Idaho
Department of Water Resources
Water Right License
75-7669

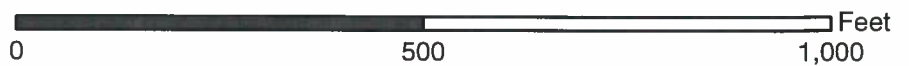
This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R21E

T24N



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 15, 2016

SHIRLEY WALKER
20 CHERRY HILL LN
NORTH FORK ID 83466

RE: License No. 75-7669

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

The license 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.

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 208-287-4951.

Sincerely,

Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2016, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

75-7669

**SHIRLEY WALKER
20 CHERRY HILL LN
NORTH FORK ID 83466**



**Darla Block
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document 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 of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 75-07669

RECEIVED

SEP 06 2016

DEPARTMENT OF
WATER RESOURCES

PRIORITY: June 15, 1999

Maximum Diversion Rate: 0.10 CFS
Maximum Diversion Volume: 11.2 AF

Comes now

JAMES D WALKER 20 CHERRY HILL LN NORTH FORK ID 83466 And

SHIRLEY WALKER 20 CHERRY HILL LN NORTH FORK ID 83466

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 75-07669, and requests that the permit be changed as follows:

SOURCE:
GROUND WATER

TRIBUTARY:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/01 to 10/31

DIVERSION RATE
0.10 CFS

**ANNUAL
DIVERSION VOLUME**
11.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L6 (SW¼SE¼) Sec. 35, Twp 24N, Rge 21E, B.M. LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	21E	35														3.2			3.2

Total Acres: 3.2

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 30th day of AUGUST, 2016.

Shirley A. Walker
(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 75-07669

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 1.00 Received by IDWR # C102453 Date 9/6/16

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 75-07669 with the following:

CONDITIONS OF APPROVAL

1. Place of use is located within Lot A, Walker Subdivision.
2. Point of diversion is located within Lot A, Walker Subdivision.
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. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 14th day of September, 2016.



CHERIE PALMER
Water Rights Supervisor

RECEIVED

SEP 06 2016

DEPARTMENT OF
WATER RESOURCES

PAUL B. WITHERS, ESQ
WITHERS LAW OFFICE, Chartered
1301 Main Street, Suite 6
Salmon, Idaho 83467
Telephone: (208) 756-2009
Facsimile: (208) 756-2046

September 2, 2016

Sandra Thiel
Idaho Dept. of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

RE: Water Right Permit # 75-7669

Dear Sandy:

Thanks for all your help and information on resolving the issues with Shirley Walker's permits. Enclosed are the Revocation for permit # 75-14589, the signed Application for Amendment and a check for \$100 for the filing fee. I also enclosed a copy of Dan Walker's Certificate of Death. Not sure if the amendment can include change of name without additional fee? If so that would be appreciated, if not just let me know what else is needed.

If you have any questions or concerns, please feel free to contact my office. Again, I appreciate your consideration and cooperation in this matter. Hope you had a great summer...lots of smoke here in Salmon.

Sincerely Yours,



Paul B. Withers

PBW/lr

Enclosures

STATE OF IDAHO
CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS
CERTIFICATE OF DEATH

Date Filed JUNE 25, 2012

State File No. 2012-05551

DECEDENT - LEGAL NAME JAMES DAN WALKER			
SEX MALE	SOCIAL SECURITY NUMBER [REDACTED]	AGE 77 YEARS	DATE OF BIRTH OCTOBER 16, 1934
BIRTHPLACE DENVER, COLORADO		PLACE OF RESIDENCE NORTH FORK, IDAHO	
MARITAL STATUS AT TIME OF DEATH MARRIED	NAME OF SURVIVING SPOUSE (If wife, maiden name) SHIRLEY CUMMINGS		WAS DECEDENT EVER IN U.S. ARMED FORCES? YES
FATHER - NAME JAMES WALKER		BIRTHPLACE WYOMING	
MOTHER - MAIDEN NAME EVELYN DANIELS		BIRTHPLACE WYOMING	
METHOD OF DISPOSITION REMOVAL FROM STATE	FUNERAL SERVICE LICENSEE JAMES P. MUMMERT		
NAME AND ADDRESS OF FUNERAL FACILITY SALMON RIVER FUNERAL CHAPEL, SALMON, IDAHO			
DATE OF DEATH JUNE 14, 2012	TIME OF DEATH 7:50 P.M.	CITY, TOWN OR LOCATION OF DEATH SALMON, IDAHO	COUNTY OF DEATH LEMHI
CAUSE OF DEATH (underlying cause last) a. CHRONIC OBSTRUCTIVE PULMONARY DISEASE			Approximate Interval Between Onset and Death IMMEDIATE
b. DUE TO (or as a consequence of):			
c. DUE TO (or as a consequence of):			
d. DUE TO (or as a consequence of):			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above SEVERE CHRONIC OBSTRUCTIVE PULMONARY DISEASE			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL	NAME OF CERTIFIER DIANE ZAVOTSKY, M.D.		TITLE PHYSICIAN
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK?
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

DATE ISSUED: JUNE 27, 2012

This copy not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

James B. Aydelotte
JAMES B. AYDELOTTE
STATE REGISTRAR

PENCO (Rev) 8/7/8





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 4, 2016

SHIRLEY WALKER
20 CHERRY HILL LN
NORTH FORK ID 83466

RE: Water Right Permit No. 75-7669

Dear Mrs. Walker:

On September 14, 1999, the Idaho Department of Water Resources (Department) issued permit 75-7669 authorizing you to develop 0.18 cfs of ground water in T24N R21E Section 35 SWSE to irrigate 9.2 acres. Because of the Wilderness Area Moratorium, you were given until October 1, 2010 to submit proof of beneficial use (proof). The Department received the proof statement on August 8, 2010.

On December 17, 2008, you submitted a second application for permit, 75-14589, for the irrigation of seven acres. The Department issued this permit on August 12, 2009. The Department received your Proof of Beneficial Use for 75-14589 on June 16, 2014.

According to the legal description on the permits, the place of use for 75-7996 and 75-14589 do not overlap. The description on the permit 75-7996 falls on the land south of your parcel. Your property falls within NWSE Lot 5 of the public land survey. The place of use for permit 75-7996 is SWSE Lot 6. The legal description for permit 75-14589 is on your property.

The Department limits irrigation to an inch per acre, or 0.02 cubic feet per second and 3.5 acre feet per acre, for your area of the state. If we licensed both permits, the rate and the volume would exceed the standard. If both permits actually share the same place of use, we will be able to license one of them.

If we license 75-7996 to correct the place of use, the amendment will require a \$100 fee. If we license 75-14589 you would be required to make some changes to your water delivery system. According to that permit you are required to install a straight length of pipe that would allow us to measure the water you divert. We would require you to install the pipe before we could issue the license.

There is a benefit to licensing 75-9669 instead of 75-14589. The priority date for 75-9669 is June 15, 1999; the priority date for 75-14589 is December 17, 2008. By issuing a license, the Department confirms the extent the use of water was developed and that you have complied with

the terms of the permit. Before the Department can issue a license for either permit, your permit must be amended to depict your water use as it was actually developed.

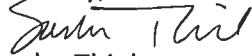
If you believe a water right license should be issued to you for both permits, please supply information to demonstrate that you established a beneficial use of water for both permits. I have enclosed an Application for Amendment for permit 75-7996 form, which depicts the elements of the water right as they will appear on the license when issued. Please review the amendment form carefully. If you concur with the information presented, please sign and return the form with the \$100.00 filing fee by September 5, 2016.

If I do not receive information from you that you developed both permits within the 30 days, I will take action to void the second permit under the provision of Section 42-219(8) of the Idaho Code. If you agree that no additional beneficial use of water occurred under permit 75-14589, you can shorten the voiding process by completing the enclosed relinquishment form and returning it to the Department.

Both permits include your name and your husband's name. If you wish, you may remove his name from the water right license. The Department will accept a signed letter and a death certificate as evidence to remove an individual from a water right. No fee is required for this action.

If you have any questions, please call me at (208)287-4881.

Sincerely,


Sandra Thiel

Enclosure(s): Application for Amendment
Relinquishment form
Water right permit reports