

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 12 2016
Amended
WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. APPLICANT(S) PAUL SCHAETZEL AND/OR LAURIE BIRCH Phone 661-304-6172

2. MAILING ADDRESS 4040 STETSON AVE City ROSAMOND
State CA Zip 93560 Email 180H@SBCGLOBAL.NET

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.

☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.

☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 78-12440, 78-12441, 78-12442, 78-12443

☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.31 cubic feet per second and/or n/a acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			NE	SE	8	19N	2E	ADAMS	SEAWELL CREEK	new redirection
Y			NE	SE	8	19N	2E	ADAMS	SEAWELL CREEK	new redirection

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Water is diverted from Seawell Creek to a ditch that flows to Threemile Creek. Propose to keep original POD and injection point, and add 2 new re-diversion points on Threemile Creek on applicant's land.

- b. Who owns the property at the point(s) of diversion? USFS

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
HISTORICAL EASEMENT TO POD

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at maps.idwr.idaho.gov/Transfer/ApplicationLayouts, provides a satisfactory template for creating the required map.

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


Signature of applicant or authorized agent

PAUL SCHAETZEL
Print name and title if applicable

07-11-2016
Date


Signature of applicant or authorized agent

LAURIE BICKETT
Print name and title if applicable

7/11/2016
Date

9. FEE - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4; the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____ Date _____

Fee paid \$500 Date 8/6/2015

Received by Chad Jones Receipt # W043389

Preliminary review by PM

Date 7-12-16

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 - confidential information is held by fiscal only)

**IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report**

7/5/2016

Water Right 78-12440

Owner Type **Name and Address**
Current Owner PAUL SCHAETZEL
 PO BOX 437
 NEW MEADOWS, ID 83654
 (661) 304-6172

Original Owner PHIL WALTERS
 PO BOX 397
 NEW MEADOWS, ID 83654
 (208)347-2482

Original Owner LYNETTE WALTERS
 PO BOX 397
 NEW MEADOWS, ID 83654
 (208)347-2482

Priority Date: 5/1/1900

Basis: Decreed

Status: Active

Source
SEAWELL CREEK

Tributary
GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.050 CFS	
	<u>Total Diversion</u>		0.050 CFS	

Source and Point(s) of Diversion

SEAWELL CREEK	NWNE	Sec. 35, Twp 20N, Rge 02E, ADAMS County
SEAWELL CREEK	NWNE	Sec. 9, Twp 19N, Rge 02E, ADAMS County(I)
SEAWELL CREEK	SENW	Sec. 9, Twp 19N, Rge 02E, ADAMS County(R)
SEAWELL CREEK	SENW	Sec. 9, Twp 19N, Rge 02E, ADAMS County(R)

Place Of Use

IRRIGATION within ADAMS County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	02E	8													7.3	2.4		0.2	9.9

Right Acres Limit 3.2

POU Total Acres 9.9

Conditions of Approval:

1. K06 This right is limited to the irrigation of 3.2 acres within the place of use described above in a single irrigation season.
2. G01 Point of injection into and point of rediversion from Threemile Creek.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425,

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/5/2016

- Idaho Code.
4. E56 The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 78-250, 78-251, 78-252 78-4130, 78-12440, 78-12441, 78-12442, and 78-12443.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates and Other Information

Decreed Date: 11/6/2007
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 78C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		184.0
78-250 ,78-251 ,78-252 ,78-4130 ,78-12440 ,78-12441 ,78-12442 ,78-12443		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/5/2016

Water Right 78-12441

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PAUL R SCHAETZEL 4040 STETSON AVE ROSAMOND, CA 93560 (661)256-1750
Original Owner	E D WALLACE , ZZ
Previous Owner	LYNETTE WALTERS PO BOX 397 NEW MEADOWS, ID 83654 (208)347-2482
Previous Owner	PHIL WALTERS PO BOX 397 NEW MEADOWS, ID 83654 (208)347-2482

Priority Date: 5/1/1901

Basis: Decreed

Status: Active

Source
SEAWELL CREEK

Tributary
GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.010 CFS	
	<u>Total Diversion</u>		0.010 CFS	

Source and Point(s) of Diversion

SEAWELL CREEK	SENW	Sec. 9, Twp 19N, Rge 02E, ADAMS County(R)
SEAWELL CREEK	NWNE	Sec. 35, Twp 20N, Rge 02E, ADAMS County
SEAWELL CREEK	NWNE	Sec. 9, Twp 19N, Rge 02E, ADAMS County(I)
SEAWELL CREEK	SENW	Sec. 9, Twp 19N, Rge 02E, ADAMS County(R)

Place Of Use

IRRIGATION within ADAMS County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	02E	8													7.3	2.4		0.2	9.9

Right Acre Limit: 0.3

POU Total Acres: 9.9

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425,

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/5/2016

- Idaho Code.
2. K06 This right is limited to the irrigation of .3 acres within the place of use described above in a single irrigation season.
 3. E56 The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season. Combined Right Nos.: 78-250, 78-251, 78-252 78-4130, 78-12440, 78-12441, 78-12442, and 78-12443.
 4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
 5. G01 Point of injection into and point of rediversion from Threemile Creek.

Dates and Other Information

Decreed Date: 11/6/2007
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: And
Water District Number: 78C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		184.0
78-250 ,78-251 ,78-252 ,78-4130 ,78-12440 ,78-12441 ,78-12442 ,78-12443		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/5/2016

Water Right 78-12442

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PAUL R SCHAETZEL 4040 STETSON AVE ROSAMOND, CA 93560 (661)256-1750
Original Owner	E D WALLACE , ZZ
Previous Owner	PHIL WALTERS PO BOX 397 NEW MEADOWS, ID 83654 (208)347-2482
Previous Owner	LYNETTE WALTERS PO BOX 397 NEW MEADOWS, ID 83654 (208)347-2482

Priority Date: 5/1/1914

Basis: Decreed

Status: Active

Source
SEAWELL CREEK

Tributary
GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.050 CFS	
	<u>Total Diversion</u>		0.050 CFS	

Source and Point(s) of Diversion

SEAWELL CREEK	SENW	Sec. 9, Twp 19N, Rge 02E, ADAMS County(R)
SEAWELL CREEK	NWNE	Sec. 35, Twp 20N, Rge 02E, ADAMS County
SEAWELL CREEK	NWNE	Sec. 9, Twp 19N, Rge 02E, ADAMS County(I)
SEAWELL CREEK	SENW	Sec. 9, Twp 19N, Rge 02E, ADAMS County(R)

Place Of Use

IRRIGATION within ADAMS County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	02E	8													7.3	2.4		0.2	9.9

Right Acre Limit: 3.0

POU Total Acres: 9.9

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/5/2016

- 184 acres in a single irrigation season.
Combined Right Nos.: 78-250, 78-251, 78-252 and 78-4130
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. G01 Point of injection into and point of redirection from Threemile Creek.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. K06 This right is limited to the irrigation of 3.0 acres within the place of use described above in a single irrigation season.

Dates and Other Information

Decreed Date: 11/6/2007
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: And
Water District Number: 78C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		184.0
78-250 ,78-251 ,78-252 ,78-4130 ,78-12440 ,78-12441 ,78-12442 ,78-12443		

SubCase:

N/A

Water Supply Bank:

N/A

7/5/2016

80338

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/5/2016

2. C18 78-12440, 78-12441, 78-12442, and 78-12443.
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. G01 Point of injection into and points of redirection from Threemile Creek.

Dates and Other Information

Decreed Date: 11/6/2007
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 78C
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		184.0
78-250 ,78-251 ,78-252 ,78-4130 ,78-12440 ,78-12441 ,78-12442 ,78-12443		

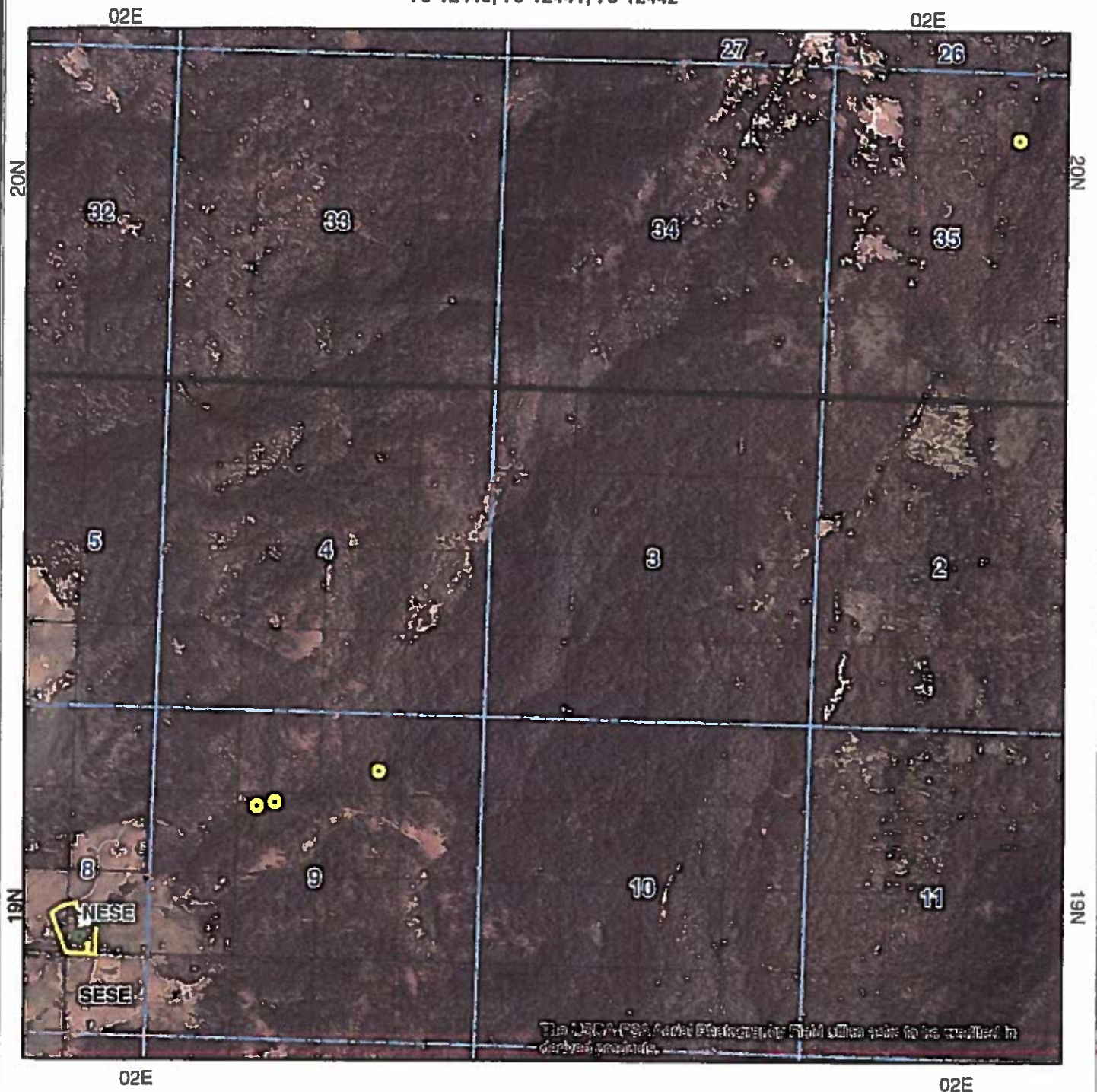
SubCase:

N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
Transfer 80338
78-12440, 78-12441, 78-12442



-  Point of Diversion
-  Proposed re-diversion points
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.275 0.55 1.1 Miles

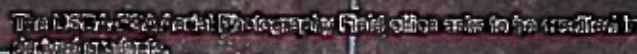


80338

Transfer 80338

02E

02E



02E

02E

-
- A horizontal number line representing distance in miles. The line starts at 0 and ends at 1.1. There are tick marks at 0, 0.275, 0.55, and 1.1. The segment between 0 and 0.275 is shaded gray. The labels 0, 0.275, 0.55, and 1.1 Miles are placed above the corresponding tick marks.



80338

State of Idaho
Department of Water Resources

Transfer 80338

78-12440, 78-12441, 78-12442, 78-12443

02E

02E



02E

02E

- Point of Diversion
- Proposed re-diversion points

Place Of Use Boundary

Townships

PLS Sections

0 0.0275 0.055 0.11 Miles



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☒ Add diversion point(s) ☒ Ownership change ☒ Ownership split

1. APPLICANT(S) PAUL SCHAETZEL AND/OR LAURIE BIRCH Phone 661-304-6172
2. MAILING ADDRESS 4040 STETSON AVE City ROSAMOND
State CA Zip 93560 Email 180H@SBCGLOBAL.NET

- ☒ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 78-4130, 78-252, 78-251, 78250

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 31 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☒ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
NEW	1	BLOCK 1	TIMBER	RIDGE	Sub.	ADAMS	COUNTY	ID	BOOK 2 PAGE 17	
	19				02 E	7	ADAMS	ID	SEAWELL CREEK	
	19N				02 E	8	ADAMS	ID	SEAWELL CREEK	

* superseded by amended app received 7-12-16 -DM

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

will pump from Three Mile Creek to pond Pump will
Be sized NOT TO EXCEED 31 CFS.

- b. Who owns the property at the point(s) of diversion? Paul Schaefer
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☒ ☐ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

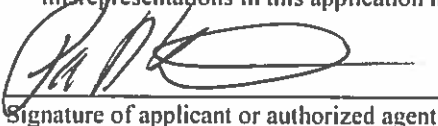
If yes, describe:

HAVE BEEN USED FOR WATER PASTURE

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No
☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

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


Signature of applicant or authorized agent

Paul R. Schaefer
Print name and title if applicable

7-15-2015
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

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Transfer includes _____ pages of attachments.

Received by CS

Date 8/6/15

Fee paid \$500.00 Date 8/6/15

Received by CS

Receipt # W043387

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☒

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

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RECEIVED

AUG 06 2015

JUL 27 2015

WATER RESOURCES
WESTERN REGIONWATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 80338**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is **attached (Yes)** or **not applicable (N/A)** for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☐ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☐ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☐ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

* superseded by amended app. received 7-12-16 -DM

80338

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 80338

JAN 02 2015

APPLICATION FOR TRANSFER OF WATER RIGHT

WATER RESOURCES
WESTERN REGION

PART 1

Name of Applicant(s) Paul Robert Schaezel Phone 661 304 6172
 Mailing address 4040 STETSON AVE Email C180H@SBCGLOBE.NET

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☒ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 or Authorized Representative

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other OWNER FR SHIP

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2.

*superseded by amended app. received 7-12-16 - DM

80338

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☐ All or Part	☒ 78-4130	.20 CFS	IRRIGATION	04-1 to 10-31	GROUND-WATER
☐	☒ 78-252	.05 CFS	IRRIGATION	04-1 to 10-31	SEAWEE CREEK
☐	☒ 78-251	.01 CFS	IRRIGATION	04-1 to 10-31	SEAWEE CREEK
☐	☒ 78-250	.05	IRRIGATION	04-1 to 10-31	SEAWEE CREEK
☐				to	GROUND/WATER
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights .31 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed .31 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	02E	8				18.0					32.0				35.0	35.0			9.8
19N	02E	8				18.0					32.0				35.0	35.0		37.0	9.8
19N	02E	9										20.0	2.0						9.8

Total Acres (for irrigation use) _____

*superseded by amended app. received 7-12-16 -DM

80338

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: _____

- b. Who owns the property at the point(s) of diversion? USFS
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: NONE

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: NONE

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____

WATER PASTURE
IRRIGATION

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

*superseded by amended app received 7-12-16 DM

80338

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a Part 2A report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the Part 2B form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

1. amount _____	(cfs/ac-ft) for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ tract.)

Twp	Rge	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

* superseded by amended app. received 7-12-16 - DM

80328

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

WATER FROM THREEMILE CREEK ~~AND~~ USING - WATER
RIGHT # 78-4130 • 20 CFS, 78-252 • 05 CFS, 78-251
• 01 CFS, 78-250 • 05 CFS, HAS BEEN USED TO
IRRIGATION - MY 90.3 ACRES - FOR PASTOR GRASS FOR
LIVESTOCK AND HAY.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by JD Date 8/6/15 Prelim. Check by _____ Date _____

Fee Paid \$500⁰⁰ Date 8/6/15 Received by JD Receipt # W043387

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

*superseded by amended app. received 7-12-16 - DM

80338

RECEIVED

JUL 27 2015

01/26/2010

WATER RESOURCES
WESTERN REGION

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 78-252

WATER RIGHT NUMBER: 78-252

Owner Type	Name and Address
Current Owner	PHIL WALTERS PO BOX 397 NEW MEADOWS, ID 83654 (208)347-2482
Current Owner	LYNETTE WALTERS PO BOX 397 NEW MEADOWS, ID 83654 (208)347-2482
Original Owner	E D WALLACE

, ZZ

Priority Date: 05/01/1914
Basis: Decreed
Status: Active

Source	Tributary
SEAWELL CREEK	GOOSE CREEK

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	04/01	to 10/31	0.888 CFS	
Total Diversion:			0.888 CFS	

Location of Point(s) of Diversion				
SEAWELL CREEK	SE1/4NW1/4	Sec. 9,	Twp 19N,	Rge 02E, B.M.
ADAMS County	(Rediversion)			
SEAWELL CREEK	NW1/4NE1/4	Sec. 35,	Twp 20N,	Rge 02E, B.M.
ADAMS County				
SEAWELL CREEK	NW1/4NE1/4	Sec. 9,	Twp 19N,	Rge 02E, B.M.
ADAMS County	(Injection)			
SEAWELL CREEK	SE1/4NW1/4	Sec. 9,	Twp 19N,	Rge 02E, B.M.
ADAMS County	(Rediversion)			

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	
19N	02E	8				18.0					32.0				35.0	35.0		37.0	157.0
19N	02E	9									20.0	7.0							27.0
											L3	L4							

Total Acres: 184

$$\left(\frac{9.8 \text{ ac}}{184 \text{ ac}} \right) 0.888 \text{ cfs} = 0.05 \text{ cfs of 78-252 APPURTENANT}$$

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 78-252

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. E56 The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season.
Combined Right Nos.: 78-250, 78-251, 78-252 and 78-4130
3. K06 This right is limited to the irrigation of 55.5 acres within the place of use described above in a single irrigation season.
4. G01 Point of injection into and point of rediversion from Threemile Creek.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:

1. CFRITSCH 7/14/2005 Copied from Remarks
Comment: WATER IS INJECTED INTO THREE MILE CREEK, TRANSPORTED APPROXIMATLY 2 MILES DOWNSTREAM AND REDIVERTED AT TWO LOCATIONS.

Dates and Other Information:

Licensed Date:
Decreed Date: 11/6/2007
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		184
Combined Water Rights: 78-250 , 78-251 , 78-252 , 78-4130		

Water Supply Bank:

** superseded by amended app. received 7-12-16 -DM*

80338



Idaho Department of Water Resources

Water Right
78-252
(IRRIGATION)

Legend

○ Point of Diversion

Place of Use

State Outline

Townships

PLS Sections

Quarter Quarters

Taxlots

R02E

R02E



Prepared by Angie Grimm
On January 26, 2010
2004 Aerial Photography

0 0.5 1 2 Miles

*Superseded by amended app. received 7-12-16 -DM

80338

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 78-250

WATER RIGHT NUMBER: 78-250

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYNETTE WALTERS PO BOX 397 NEW MEADOWS, ID 83654 (208)347-2482
Current Owner	PHIL WALTERS PO BOX 397 NEW MEADOWS, ID 83654 (208)347-2482

Priority Date: 05/01/1900

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SEAWELL CREEK	GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/1 to 10/31	0.960 CFS	
	<u>Total Diversion:</u>	0.960 CFS	

Location of Point(s) of Diversion

SEAWELL CREEK	NW1/4NE1/4	Sec. 35, Twp 20N, Rge 02E, B.M.
ADAMS County		
SEAWELL CREEK	NW1/4NE1/4	Sec. 9, Twp 19N, Rge 02E, B.M.
ADAMS County	(Injection)	
SEAWELL CREEK	SE1/4NW1/4	Sec. 9, Twp 19N, Rge 02E, B.M.
ADAMS County	(Rediversion)	
SEAWELL CREEK	SE1/4NW1/4	Sec. 9, Twp 19N, Rge 02E, B.M.
ADAMS County	(Rediversion)	

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	
19N	02E	8				18.0					32.0				35.0	35.0		37.0	157.0
19N	02E	9									20.0	7.0							27.0
											L3	L4							

Total Acres: 184

BLOCK 1 LOT 1 TIMBER RIDGE SUB IS 10.39 AC OF WHICH 9.8 AC IS WITHIN THE P/O (7.3 AC IN THE NE SE SEC 8 19N 2E AND 2.5 AC IN NW SE SEC 8 19N 2E).

$$DDAC \left(\frac{9.8 \text{ AC}}{184 \text{ AC}} \right) \left(\frac{0.96 \text{ CFS}}{DDAC} \right) = 0.05 \text{ CFS OF 78-250 APPURTENANT TO BLK 1 LOT 1}$$

*Superseded by amended app. received 7-12-16 -DM

90.338

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 78-250

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. G01 Point of injection into and point of redirection from Threemile Creek.
3. P29 This right is a combination of Right Nos. 78-249 and 78-250.
4. K06 This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
6. E56 The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season.
Combined Right Nos.: 78-250, 78-251, 78-252 and 78-4130

Remarks:Comments:

1. CFRITSCH 7/14/2005 Copied from Remarks
Comment: 140 RANGE CATTLE DRINK FROM THREE MILE CREEK AND THE DITCHES. WATER IS INJECTED INTO THREE MILE CREEK IN T. 20N, R. 2E, SECTION 34, SW1/4NE1/4SE1/4. THERE ARE TWO (2) POINTS OF REDIVERSION FROM THREE MILE CREEK IN T. 19N, R. 2E, SEC. 9, NW1/4SE1/4NW1/4. 2.4" OF WATER FROM WATER RIGHT #78-0249 ARE COMBINED WITH THIS RIGHT.
2. psdaggs 2/5/2008 12:58:35 PM Water Right
Comment: This water right record was updated by decree record from old RightID 83763 to new RightID 591646

Dates and Other Information:

Licensed Date:
 Decreed Date: 11/6/2007
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		184

Combined Water Rights: 78-250 , 78-251 , 78-252 , 78-4130

Water Supply Bank:

★ superseded by amended app. received 7-12-16 -DM

80338



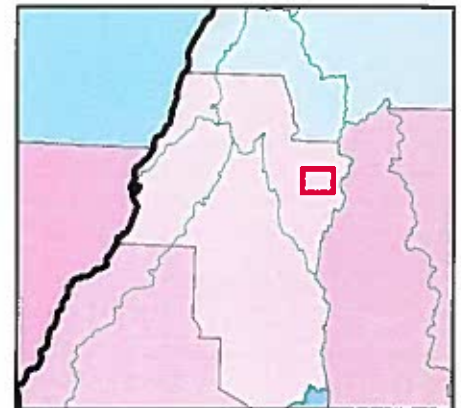
Idaho Department of Water Resources

Water Right
78-250
(IRRIGATION)

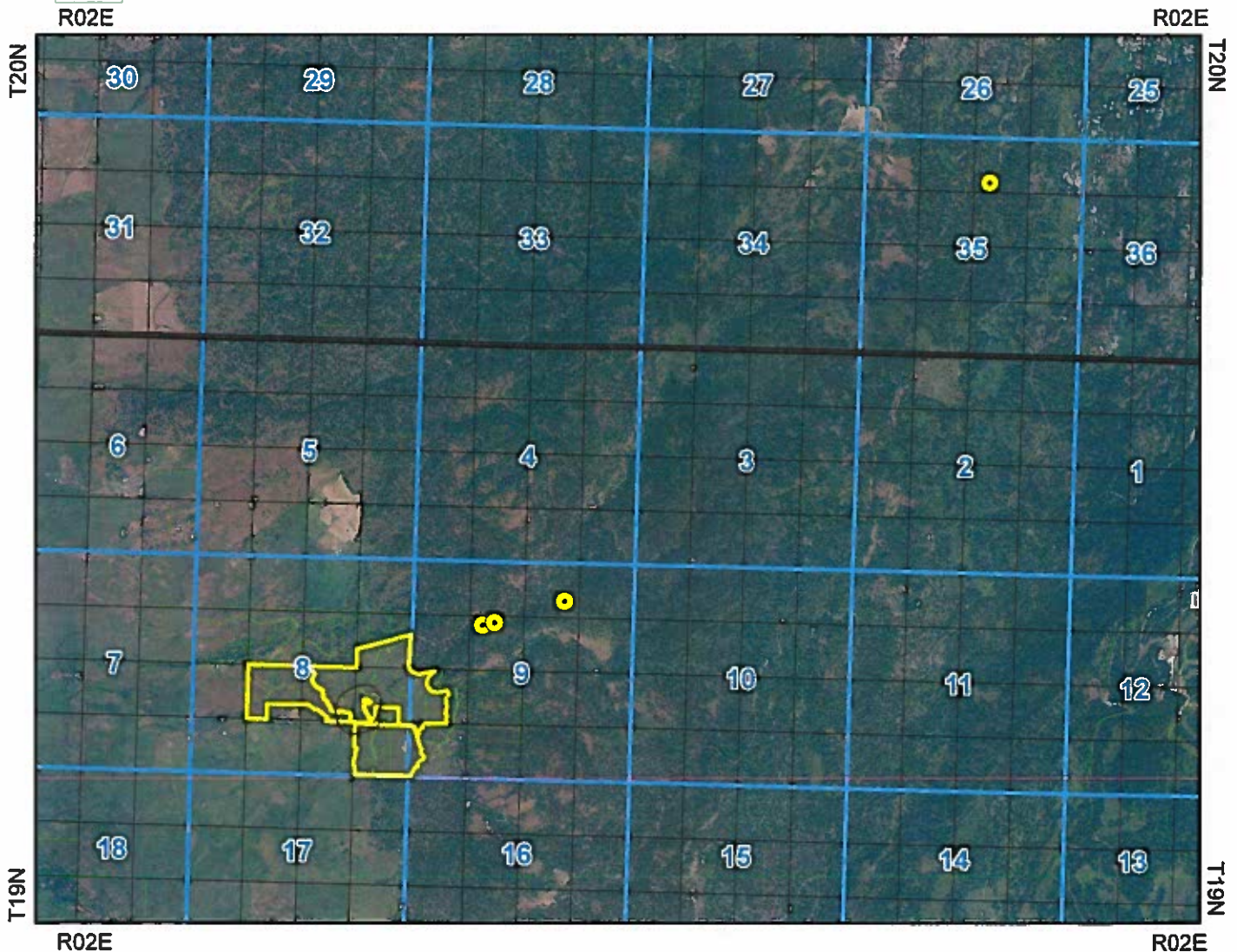
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

R02E



Adams County
IDWR Basin 78



Prepared by Angie Grimm
On January 26, 2010
2004 Aerial Photography

0 0.5 1 2 Miles

*superseded by amended app. received 7-12-16 -DM

R0222

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 78-251

WATER RIGHT NUMBER: 78-251

Owner Type Name and Address
Current Owner PHIL WALTERS
 PO BOX 397
 NEW MEADOWS, ID 83654
 (208)347-2482

Original Owner E D WALLACE

 , ZZ
Current Owner LYNETTE WALTERS
 PO BOX 397
 NEW MEADOWS, ID 83654
 (208)347-2482

Priority Date: 05/01/1901

Basis: Decreed

Status: Active

Source Tributary
SEAWELL CREEK GOOSE CREEK

Beneficial Use From To Diversion Rate Annual Volume
IRRIGATION 04/01 to 10/31 0.096 CFS

Total Diversion: 0.096 CFS

Location of Point(s) of Diversion

SEAWELL CREEK	SE1/4NW1/4	Sec. 9, Twp 19N, Rge 02E, B.M.
ADAMS County	(Rediversion)	
SEAWELL CREEK	NW1/4NE1/4	Sec. 35, Twp 20N, Rge 02E, B.M.
ADAMS County		
SEAWELL CREEK	NW1/4NE1/4	Sec. 9, Twp 19N, Rge 02E, B.M.
ADAMS County	(Injection)	
SEAWELL CREEK	SE1/4NW1/4	Sec. 9, Twp 19N, Rge 02E, B.M.
ADAMS County	(Rediversion)	

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	
19N	02E	8				18.0					32.0				35.0	35.0		37.0	157.0
19N	02E	9									20.0	7.0							27.0
											L3	L4							

Total Acres: 184

$$\left(\frac{9.8 \text{ AC}}{184 \text{ AC}} \right) 0.096 \text{ CFS} = 0.005 \text{ CFS} = 0.01 \text{ CFS OF 78-251 APPURTENANT}$$

* superseded by amended app. received 7-12-16 - DM

81220

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 78-251

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. K06 This right is limited to the irrigation of 6 acres within the place of use described above in a single irrigation season.
4. E56 The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season.
Combined Right Nos.: 78-250, 78-251, 78-252 and 78-4130
5. G01 Point of injection into and point of diversion from Threemile Creek.

Remarks:Comments:

1. CFRITSCH 7/14/2005 Copied from Remarks
Comment: WATER IS INJECT INTO THREE MILE CREEK. TRANSPORTED APPROXIMATLY 2 MILES DOWNSTREAM AND REDIVERTED AT TWO LOCATIONS.

Dates and Other Information:

Licensed Date:
 Decreed Date: 11/6/2007
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		184

Combined Water Rights: 78-250 , 78-251 , 78-252 , 78-4130

Water Supply Bank:

* superseded by amended app. received 7-12-16^{-OM}

80228



Idaho Department of Water Resources

Water Right
78-251
(IRRIGATION)

Legend

○ Point of Diversion

Place of Use

State Outline

Townships

PLS Sections

Quarter Quarters

Taxlots

R02E

R02E



Adams County
IDWR Basin 78

Prepared by Angie Grimm

On January 26, 2010

2004 Aerial Photography

0 0.5 1 2 Miles

As superseded by amended app. received 7-12-16 - DM

80332

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 78-4130

WATER RIGHT NUMBER: 78-4130

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYNETTE WALTERS PO BOX 397 NEW MEADOWS, ID 83654 (208)347-2482
Current Owner	PHIL WALTERS PO BOX 397 NEW MEADOWS, ID 83654 (208)347-2482

Priority Date: 09/26/1922

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SEAWELL CREEK	GOOSE CREEK
THREEMILE CREEK	GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.680 CFS	
	<u>Total Diversion:</u>	3.680 CFS	

Location of Point(s) of Diversion

THREEMILE CREEK	SE1/4NW1/4	Sec. 9, Twp 19N, Rge 02E, B.M.
ADAMS County		
THREEMILE CREEK	SE1/4NW1/4	Sec. 9, Twp 19N, Rge 02E, B.M.
ADAMS County		
SEAWELL CREEK	NW1/4NE1/4	Sec. 35, Twp 20N, Rge 02E, B.M.
ADAMS County		
SEAWELL CREEK	NW1/4NE1/4	Sec. 9, Twp 19N, Rge 02E, B.M.
ADAMS County	(Injection)	
SEAWELL CREEK	SE1/4NW1/4	Sec. 9, Twp 19N, Rge 02E, B.M.
ADAMS County	(Rediversion)	
SEAWELL CREEK	SE1/4NW1/4	Sec. 9, Twp 19N, Rge 02E, B.M.
ADAMS County	(Rediversion)	

Place of Use

IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
19N 02E 8	18.0	32.0	35.0	37.0	157.0

$$(9.8 \text{ ac}) \frac{3.68 \text{ cfs}}{184 \text{ ac}} = 0.196 \text{ cfs} \approx 0.20 \text{ cfs of 78-4130 is APPURTENANT}$$

AS APPROVED BY AMENDED APP. RECEIVED 7-12-11 DM

80338

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 78-4130

19N 02E 9			20.0	7.0		27.0
			L 3	L 4		

Total Acres: 184

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. G01 Point of injection into and points of diversion from Threemile Creek.
3. E56 The rights listed below are limited to the irrigation of a combined total of 184 acres in a single irrigation season.
Combined Right Nos.: 78-250, 78-251, 78-252 and 78-4130

Remarks:Comments:

1. CFRITSCH 7/14/2005 Copied from Remarks
Comment: WATER IS INJECTED INTO THREEMILE CREEK IN T 20N, R 2E, SEC. 34, SW NE SE. THERE ARE 2 POINTS OF REDIVERSION FROM THREEMILE CREEK IN T 19N, R 2E, SEC. 9, NW SE NW. THIS IS A FLOOD WATER RIGHT.
2. CFRITSCH 7/14/2005 Memo to File
Comment: THE LEGAL DESCRIPTION OF THE P/D FROM SEAWELL CREEK MAY BE IN ERROR. A DITCH APPEARS ON THE ORTHOPHOTOQUAD (R 59) WITH A P/D IN THE SW NW NE OF SEC. 35. THIS DITCH HAS A POINT OF INJECTION INTO AN UNNAMED STREAM ON THE LINE BETWEEN THE NE SW SW AND THE NW SE SW OF SEC. 3, T 19N, R 2E. MR. WALTERS DID NOT THINK THAT THIS WAS HIS SYSTEM, HOWEVER THERE IS NO EVIDENCE OF HIS SYSTEM ON THE ORTHOPHOTOQUAD. THE MAP INDICATES THAT THE POINT OF INJECTION IS IN THE SW NW SE OF SEC. 34 AND THE REMARKS STATE THE POINT OF INJECTION AS BEING IN THE SW NE SE OF SEC. 34. BOTH OF THESE LEGALS MAY BE IN ERROR, AND THE SYSTEM SHOULD BE FIELD INSPECTED TO VERIFY THE LEGAL DESCRIPTIONS.
CLF 1-17-89
3. CFRITSCH 7/14/2005 Source and Priority Date
Comment: Statutory Claim stated a single source (Threemile Creek) and a 1940 priority date which was supported by a letter from Leonard M. Wallace. See also Statutory Claim 78-4077 (not claimed in SRBA) which explains the use of Threemile Creek water early in the irrigation season when the Seawell Creek diversion is still snowbound. However, this will be treated like any floodwater right for lands decreed in Clay v. Clark.

* superseded by amended app. received 7-12-16 -DM

R1720

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 78-4130

Dates and Other Information:

Licensed Date:
Decreed Date: 11/6/2007
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		184
Combined Water Rights: 78-250 , 78-251 , 78-252 , 78-4130		

Water Supply Bank:

* Superseded by amended app. received 7-12-16 -DM

80338



Idaho Department of Water Resources

Water Right
78-4130
(IRRIGATION)

Legend

○ Point of Diversion

Place of Use

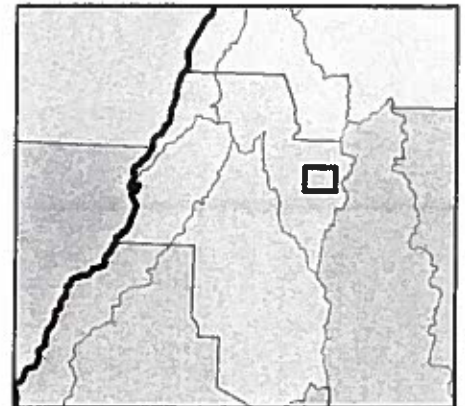
State Outline

Townships

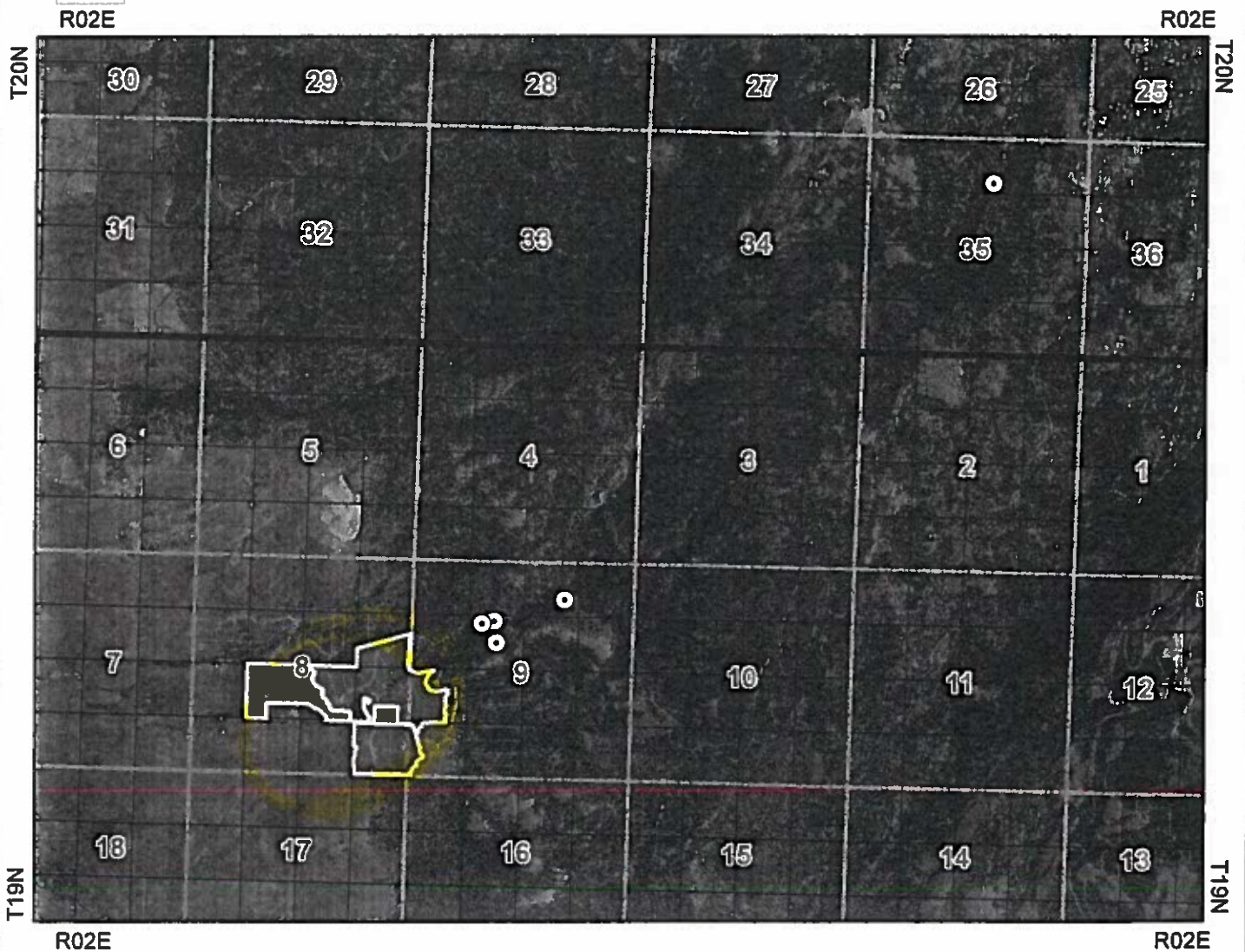
PLS Sections

Quarter Quarters

Taxlots



Adams County
IDWR Basin 78



Prepared by Angie Grimm
On January 26, 2010
2004 Aerial Photography

0 0.5 1 2 Miles

★ superseded by amended app. received 7-12-16 -DM

80322



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
Director

July 28, 2016

PAUL R SCHAETZEL
4040 STETSON AVE
ROSAMOND, CA 93560

RE: Transfer No. 80338
Water Right No(s). 78-12440, 78-12441, 78-12442, 78-12443

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in THE RECORD on 8/3/2016 and 8/10/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Neely', is written over a horizontal line.

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, July 28, 2016 8:03 AM
To: 'Gamaliel Masters'
Subject: Adams Legal Ads
Attachments: Adams Cover Letter.docx; Adams Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 8/3/2016 & 8/10/2016.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

July 28, 2016

LEGAL NOTICE DEPARTMENT
THE RECORD
PO BOX R
COUNCIL, ID 83612

RE: Transfer No. 80338,
Water Right No(s): 78-12440, 78-12441, 78-12442, 78-12443

Transfer No. 81039,
Water Right No(s): 78-10067

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 8/22/2016. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following applications have been filed to appropriate the public waters of the State of Idaho:

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

PAUL R SCHAETZEL, 4040 STETSON AVE, ROSAMOND, CA 93560; has filed Application No. 80338 for changes to the following water rights within ADAMS County(s): Right No(s). 78-12440, 78-12441, 78-12442, 78-12443; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to add two new points of diversion on the applicant's property. Irrigation of 9.9 acres and 0.31 cfs of Seawell Creek water that is injected into Threemile Creek will be diverted from Threemile Creek. The historic point of diversion from Seawell Creek is not proposed to be changed. The irrigated acres and point of diversion are located off of Threemile Creek, approximately 0.5 miles downstream of existing diversion and 3 miles northeast of New Meadows.

EULLA WALLACE and MICHAEL WALLACE, 3288 WALLACE LN, NEW MEADOWS, ID 83654; has filed Application No. 81039 for changes to the following water rights within ADAMS County(s): Right No(s). 78-10067; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to correct the legal description of the points of diversion for water right 78-10067. The two unnamed springs historically used for the irrigation of 4.0 acres and domestic use for two homes are approximately 0.06 miles and 0.18 miles northwest of the current descriptions and are approximately 3 miles northeast of New Meadows. The transfer will also result in a change of ownership from Leonard Wallace to Michael and Eulla Wallace.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed transfer(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 8/22/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/3/2016 and 8/10/2016



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
Director

July 28, 2016

TIM FARRELL
PO BOX 142
NEW MEADOWS ID 83654

RE: Application for Transfer No. 80338

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. A copy of the application is enclosed with this letter for your reference. Please review the application, complete the attached recommendation form, and submit your reply, if any, to this office by August 22, 2016.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Neely
Administrative Assistant



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

July 28, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

STEVE SPENCER
WATER USE SPECIALIST
C/O BOISE NATIONAL FOREST
1805 HWY 16, ROOM 5
EMMETT ID 83617

Re: Application for Transfer No. 80338

Dear Mr. Spencer:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed with this letter for your reference. Please review the application, complete the enclosed recommendation form, and submit your reply, if any, to this office within 21 days.

If your agency desires to formally protest approval of this application, you may do so by filing a written protest along with a \$25.00 filing fee by August 22, 2016.

IDWR will assume your agency does not object to this application if a timely response is not received. Please contact me if you have any questions regarding the application. Thank you for your help.

Sincerely,

Rachel Neely
Administrative Assistant



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

July 28, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

EDWARD KALINOWSKI
PO BOX 127
NEW MEADOWS ID 83654

GOOSE CREEK WATER DISTRICT
C/O TIMOTHY S FARRELL
PO BOX 142
NEW MEADOWS ID 83654

JAMES L HENLEY
PO BOX 396
NEW MEADOWS ID 83654

LYNN MCDONALD
PO BOX 654
NEW MEADOWS ID 83654

Re: Application for Transfer No. 80338

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to *The Record* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by August 22, 2016. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures

MEMORANDUM

TO: 78-250, 78-251, 78-252, 78-4130 Files

FROM: Danie Merriman (Western)

DATE: July 13, 2016

RE : Abandonment Letter

A letter abandoning water rights 78-250, 78-251, 78-252, and 78-4130 was received from Phil Walters on June 1, 2015. Upon further review of the water rights mentioned and the warranty deeds of the land submitted by current land owner Paul Schaetzel, it was determined that Mr. Walters did not own the land at the time the letter was sent. It appears he has not owned the land since 1993 (warranty deeds attached.) Therefore, he has no claim over the water rights and cannot abandon them. The abandonment request was not processed and notice was sent to Mr. Walters on February 10, 2016.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 10, 2016

PHIL WALTERS
PO BOX 553
LEWISTON, ID 83501

COPY

Re: Abandonment of Water Rights 78-00250, 78-00251, 78-00252, and 78-04130

Dear Mr. Walters,

On June 1, 2015, the Department of Water Resources received your letter that stated you abandoned all water rights on Sewell Creek with the corresponding numbers 78-00250, 78-00251, 78-00252, and 78-04130. On August 6, 2015, the Department received an Application for Transfer of the above mentioned water rights from Paul Schaetzel. Attached to the Application for Transfer was a Change of Ownership Form and the corresponding warranty deeds for the property. This deed of ownership sale was dated October 14, 2003.

Based on this information, it appears that you no longer owned the land at the time your abandonment request was submitted in 2015. Water rights are considered appurtenances to the land. Nowhere in the warranty deed are the water rights excluded from the sale of the property, indicating that the water rights are still associated with the land.

Given this information, the Department is not inclined to approve your abandonment request. Please submit additional information to support your request to abandon the above mentioned water rights in writing within the next thirty (30) days for the Department to reconsider your request. Meanwhile, we will continue to process the Application for Transfer and Change of Water Right Ownership.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

Danie Merriman
Water Resource Agent
IDWR, Western Region

Cc: PAYETTE NATIONAL FOREST
C/O HOLLY BECKER
500 N MISSION
MCCALL, ID 83638

Re: Transfer 80338: Schantzel

Letter sent to P. Walters
on 1-15-16.

After phone conversation with
Holly Becker from the Forest
Service, determined that the
Walters had moved and their
new address is:

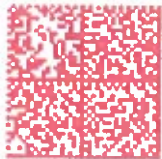
Po Box 553
Lewiston, ID 83501

A copy of the letter was sent
to this new address on 2-10-16.

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

PRESORTED
FIRST CLASS



U.S. POSTAGE PITNEY BOWES
ZIP 83702 \$ 000.39¹
02 1W
0001393370 JAN 15 2

RECEIVED

JAN 22 2016

WATER RESOURCES
WESTERN REGION

PHIL WALTERS
PO BOX 397
NEW MEADOWS, ID 83654

NIXIE 841 FE 1300 0001/23/16
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 83705508235 *2689-00743-21-18
L4A955B @B@54



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 15, 2016

COPY

PHIL WALTERS
PO BOX 397
NEW MEADOWS, ID 83654

Re: Abandonment of Water Rights 78-00250, 78-00251, 78-00252, and 78-04130

Dear Mr. Walters,

On June 1, 2015, the Department of Water Resources received your letter that stated you abandoned all water rights on Sewell Creek with the corresponding numbers 78-00250, 78-00251, 78-00252, and 78-04130. On August 6, 2015, the Department received an Application for Transfer of the above mentioned water rights from Paul Schaetzel. Attached to the Application for Transfer was a Change of Ownership Form and the corresponding warranty deeds for the property. This deed of ownership sale was dated October 14, 2003.

Based on this information, it appears that you no longer owned the land at the time your abandonment request was submitted in 2015. Water rights are considered appurtenances to the land. Nowhere in the warranty deed are the water rights excluded from the sale of the property, indicating that the water rights are still associated with the land.

Given this information, the Department is not inclined to approve your abandonment request. Please submit additional information to support your request to abandon the above mentioned water rights in writing within the next thirty (30) days for the Department to reconsider your request. Meanwhile, we will continue to process the Application for Transfer and Change of Water Right Ownership.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

Danie Merriman
Water Resource Agent
IDWR, Western Region

Cc: PAYETTE NATIONAL FOREST
C/O HOLLY BECKER
500 N MISSION
MCCALL, ID 83638

1030 Calle Sombr
San Clemente, CA

RECEIVED 6/26/72

DEC 30 2015

READ & APPROVED

WARRANTY DEED

WATER RESOURCES
WESTERN REGION

For value received PHILLIP ALLEN WALTERS aka PHILIP A. WALTERS and LYNETTE MARIE WALTERS aka LYNETTE M. WALTERS, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto HPJ Partners, a California limited partnership registered in Idaho the Grantee, the following described premises in Adams County, Idaho, to-wit:

A parcel of land situated in Township 19 North, Range 2 East, Boise Meridian, Adams County, Idaho, described as

Section 8: SE1/4NE1/4, N1/2SE1/4, SE1/4SE1/4, NE1/4SW1/4
Section 9: NE1/4SW1/4, LOTS 3 AND 4, SE1/4SW1/4

SAVING AND EXCEPTING THEREFROM the following tracts of land:

TRACT 1: Beginning at the Southeast corner of Section 8, Township 19 North, Range 2 East of Boise Meridian;

Thence North 1276.1 feet;

Thence North 89 degrees 54' West 264.4 feet to the TRUE POINT OF BEGINNING;

Thence North 89 degrees 54' West 93.5 feet;

Thence North 89 degrees 54' West 206.7 feet;

Thence North 89 degrees 54' West 219.5 feet;

Thence North 417.4 feet;

Thence South 89 degrees 54' East 521.7 feet;

Thence South 417.4 feet to the TRUE POINT OF BEGINNING.

All is NE1/4SE1/4 and SE1/4SE1/4 of Section 8, Township 19 North, Range 2 East of Boise Meridian, Adams County, Idaho.

TRACT 2: Beginning at the Southeast corner of Section 8,

Township 19 North, Range 2 East, Boise Meridian;

Thence North 1316.1 feet;

Thence North 89 degrees 54' West 3451.6 feet to the TRUE POINT OF BEGINNING;

Thence North 89 degrees 54' West 466.7 feet;

Thence North 466.7 feet;

Thence South 89 degrees 54' East 466.7 feet;

Thence South 466.7 feet to the TRUE POINT OF BEGINNING.

All is the NE1/4SW1/4, Section 8, Township 19 North, Range 2 East, Boise Meridian, Adams County, Idaho.

Subject to the following encumbrances which are filed for record in the office of the Adams County Recorder:

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to IDAHO POWER COMPANY (no representation is made as to present ownership of easement), recorded April 23, 1948 as Instr. No. 31760, records of Adams County, Idaho.

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to IDAHO POWER COMPANY (no representation is made as to present ownership of easement), recorded October 2, 1964 as Instr. No. 43227, records of Adams County, Idaho.

WARRANTY DEED, Page 4

Attachment to email sent by Paul Schaeck
on 12-30-15

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to IDAHO POWER COMPANY (no representation is made as to the present ownership of said easement), recorded December 28, 1984 as Instr. No. 69657, records of Adams County, Idaho.

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to IDAHO POWER COMPANY (no representation is made as to the present ownership of said easement), recorded October 16, 1981 as Instr. No. 63067, records of Adams County, Idaho.

A RESERVED RIGHT OF WAY for road purposes deed by James W. McCumsey to the Public, which was made reference to in a Warranty Deed recorded September 13, 1913 as Instr. No. 2758, Book 1 of Deeds at page 396, records of Adams County, Idaho.

A RIGHT OF WAY with terms and conditions for the purpose of a County road, granted to Adams County (no representation is made as to the present ownership of said right of way), recorded July 11, 1911 as Instr. No. 391 in Book 2 of Deeds at page 90, records of Adams County, Idaho.

AN EASEMENT with terms and conditions as set forth in a document granted to COUNTY OF ADAMS, recorded February 19, 1960 in Book 25 of Deeds at page 146 as Instr. No. 46109, records of Adams County, Idaho.

EASEMENTS for roads, ditches and public utilities as now established.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED This 9th day June, 1993.

Phillip Allen Walters

Lynette Marie Walters

STATES OF IDAHO

COUNTY OF Valley

On this 11 day of June, 1993, before me a Notary Public for the State of Idaho, in and for the County of Valley, personally appeared PHILLIP A. WALTERS AND LYNETTE M. WALTERS, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this day of June, 1993.

[Signature]
Notary Public
STATE OF IDAHO
1995

WARRANTY DEED Page 11

2334239 199
15346499 224

INSTRUMENT NO. 81231
State of Kent)
County of Adams) ss.

Filed for record at the request of
James Little & Son
24 min. past 4 o'clock P.M.
this 14 day of June 19 99
MICHAEL FISK, RECORDER
by James Little & Son
Deputy

Page 3 of 3

RECEIVED

JUN 01 2015

May 16, 2015

Holly Becker
C/O Payette National Forest
500 N. Mission
McCall Id 83638

WATER RESOURCES
WESTERN REGION

and

Idaho Department of Water Rights
Western Region,
2735 Airport Way
Boise Id 83705-5082

I have abandoned all water rights on Sewell Creek, claim numbers 78-00250, 78-00251, 78-00252,
and 78-04130.

Sincerely,



Phil Walters
Lewiston Idaho

7.A

INSTRUMENT NO. **104722**
PAGE 1 OF 1

WARRANTY DEED

RECEIVED

AUG 06 2015

WATER RESOURCES
WESTERN REGION

For Value Received, HPJ PARTNERS, a California Limited Partnership

the grantor, does hereby grant, bargain, sell and convey unto
SCHAETZEL/BIRCH TRUST dated January 17, 1995

the grantee, whose current address is 4040 STETSON AVENUE, ROSAMOND, CA 93560

the following described premises, in Adams County, Idaho, to-wit:

Lot 1, Block 1, Timber Ridge Subdivision, Adams County, Idaho, as set forth
on the official plat thereof recorded August 22, 1995 in Book 2 Plats
page 17, in the office of the Adams County Recorder

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee,
its heirs and assigns forever. And the said Grantor does hereby covenant to and with the
said Grantee, that they are the owner in fee simple of said premises; that they are free
from all encumbrances excepting for all easements of record, rights of way, matters
visible, and all matters of record and title and that they will warrant and defend the
same from all lawful claims whatsoever.

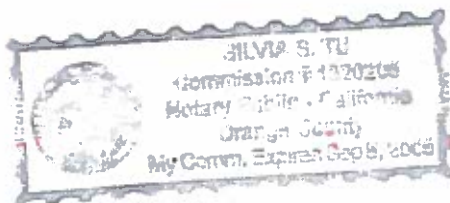
Date: OCTOBER 17, 2003

HPJ PARTNERS, a California Limited Partnership

BY: [Signature] [Signature] [Signature] [Signature] [Signature]
HOBART L. ALTER, General Partner by
HOBART P. ALTER, his attorney in fact

STATE OF California)
COUNTY OF Orange) : ss

On this 14th day of OCTOBER, in the year of 2003, before me, a Notary Public in and for said State, personally
appeared HOBART P. ALTER known or identified to me to be the person whose name is subscribed to the within instrument
as the Attorney in Fact of HOBART L. ALTER, who is known to me to be the general partner in the partnership of HPJ
PARTNERS, a California Limited Partnership and acknowledged to me that he subscribed the name of HOBART L. ALTER
thereto as principal and his own name as Attorney in Fact and acknowledged to me that he executed the same in said
partnership name.



[Signature]
Notary Public
Residing at: 570 Camino De Estrella SC
Commission expires: 7-8-2008

#03-693

Instrument # **104722**
COUNCIL, ADAMS, IDAHO
2003-10-16 02:24:50 No. of Pages: 1
Recorded for : TIMBERLINE TITLE & ESCROW
MICHAEL FISK Fee: 2.00
Ex-Officio Recorder Deputy [Signature]
Index to: DEED

MEMORANDUM

TO: 80338 Schaetzel File
FROM: Danie Merriman (Western)
DATE: July 5, 2016
RE: New Meadows site visit

The following is a synopsis of the information that was recovered during a site visit to New Meadows.

Who: Danie Merriman (IDWR)	Angie Grimm (IDWR)	Laurie Birch (Applicant)
Paul Schaetzel (Applicant)	Sissy Wallace (Neighbor)	Leonard Wallace (Neighbor)
Holly Becker (USFS)	Rebecca Haven (USFS)	Leigh Bailey (USFS)
Jason Greenway (USFS)	Sierra (USFS)	

What: Site visit of connection ditch between Sewell Creek and Threemile Creek as location of proposed point of redirection.

Where: Connection ditch between Sewell Creek and Threemile Creek, springs near Threemile Creek by Kalinowski property, and Schaetzel property

When: Thursday June 30, 2016 from 1:00 pm to 7:00 pm

Condition of the ditch: After rendezvousing with all members of the group, we drove up Old Goose Lake Road to a wide part of the road near the connection ditch. We then proceeded to walk north along the ditch for approximately 1 mile. Although there were a couple of places where water was leaking from the canal down into the forest near the road, the large majority of the ditch was in good condition. It was clearly full and had been transporting water for some time. There were at least two intermittent perennial streams that connected to the ditch and added to the flow. We walked all the way to the point of diversion with Seawell Creek. Although we did not walk any farther south than where we parked, it is assumed that the rest of the ditch is still in working condition and is transporting water.

Point of Diversion: Per GPS coordinates taken at the site (N 45.031944 W -116.177448), the POD is in the same QQ as the POD described in each of the transfer water rights. The diversion is made out of concrete, metal culverts, and wood planks and appears to have been there for quite some time (see site photo #4.) The diversion routes water to the continued Seawell Creek as well the connection ditch.

Injection Point: The injection point that the applicant showed us is not the same as is described in the transfer water rights. The true injection point should be at T19N R02E Sec9 NWNE. During the visit, the applicant took us to T19N R02E Sec 3 SESW (N 45.009692 W -116.203296). This "injection" point is not where the ditch flows into Threemile Creek, but rather where it flows into the next substantial body of water, and intermittent unnamed stream. However, this connection appears to be consistent with the system that is described on the transfer rights. According to the topographic map, there is an intermittent stream that connects with the ditch and flows south, meeting with two other unnamed streams before connecting to Threemile Creek. Although the applicant was incorrect with their understanding of the location of the point of injection, the system appears consistent with the historical use and flow of the water.

Existing Point of Re-Diversion: During the visit, we did not visit any of the existing points of redirection. We did visit a headgate located in Threemile Creek just north of Ed Kalinowski's property in T19N R09N Sec 9 SWNW2. This headgate (see site photo #13) releases water into a ditch that flow through properties owned by

Kalinowski, Henley, Tash, and Wallace before being returned to Threemile Creek on the Schaetzel/Birch property. This redirection does not appear to be a part of any the rights associated with the transfer, nor with any other rights in the Department database.

New Point of Re-Diversion: We visited the Schaetzel/Birch property and were able to take a GPS point of the location of the proposed point of re-diversion (N 44.9969999, W -116.232851). The applicant proposed to place the new point of redirection here because it is the point where Threemile Creek is closest to his source of power.

Based on the information collected at this site visit, it is recommended that the applicant continue with the application for transfer using the same historical system but with an added point of re-diversion on their property. An amended application will be requested from the applicant before the proposal is advertised in the local newspaper.

Site Visit
Transfer 80338
6/30/16

3-6: Point of Diversion

2

1

7-12: "Injection" point

Diversion point on
Threemile to smaller ditch

13

POU

Spring #1 (Kalinowski)

Spring #2 (Henley)

14: Proposed re-diversion

Re-entry of water into Threemile Creek

0 0.2 0.4 0.8 Miles



State of Idaho
Department of Water Resources
Site Visit Photographs
80338

Danie Merriman
June 30, 2016



1. Walking north up the connection ditch, one of several intermittent perennial streams that flows into the connection ditch below Seawell Creek.

Lower right: A plywood "headgate" that regulates water from flowing down from ditch towards road

Coordinates:
N 45.029813
W -116.179718

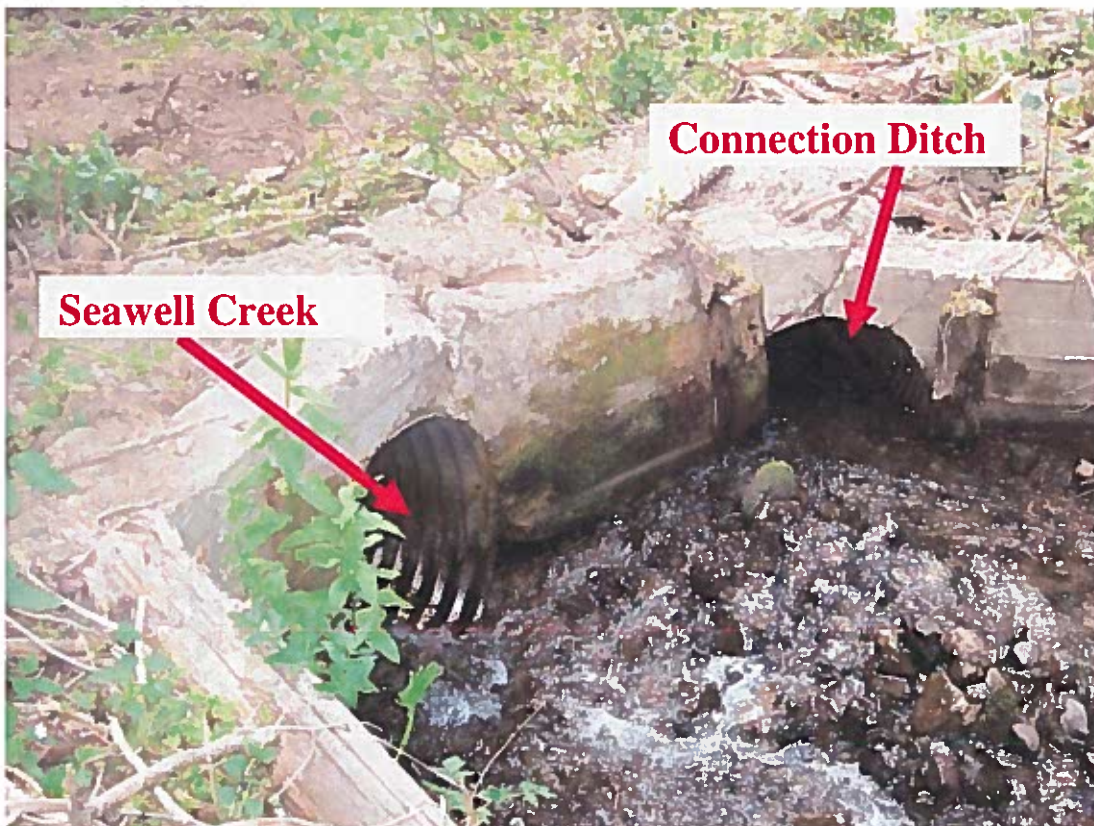


2. Walking north up the connection ditch, another one of several intermittent perennial streams that flows into the connection ditch below Seawell Creek.



3. Looking south down Seawell Creek to the POD. Two culverts in concrete at middle of picture show where water is diverted into Seawell Creek or into the connection ditch.

Coordinates:
N 45.031944
W -116.177448



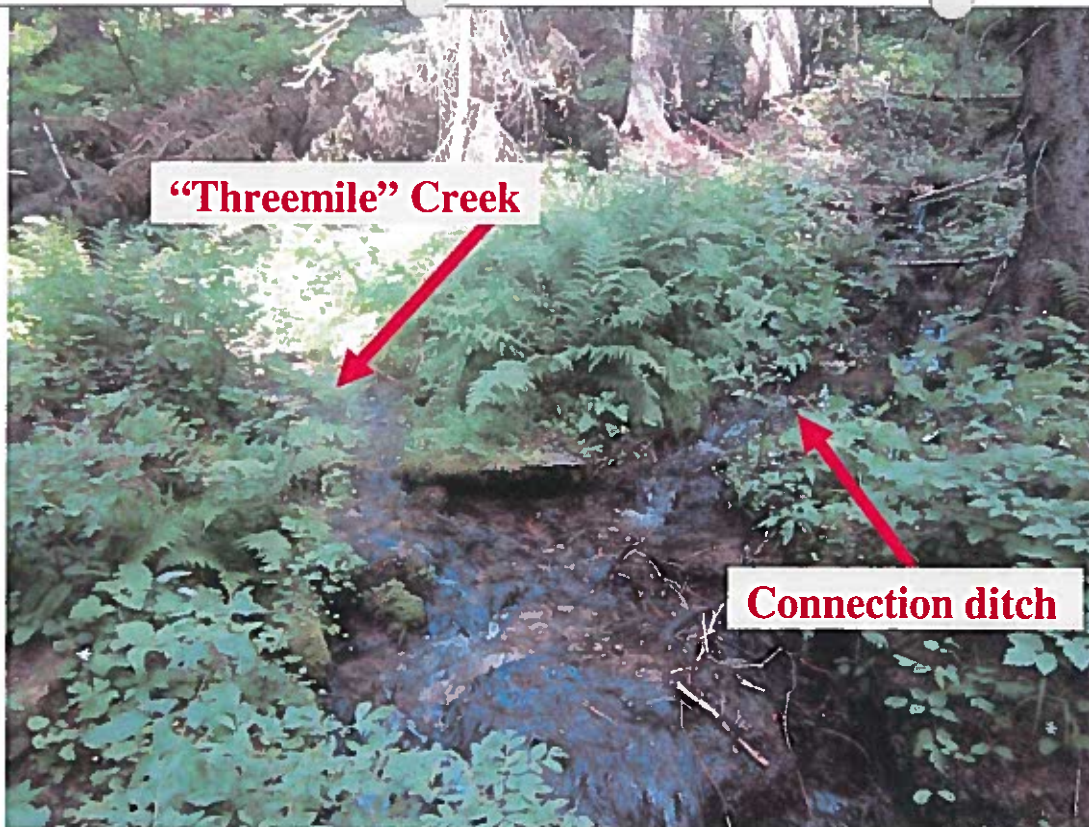
4. Looking downstream at close up of the culverts at the POD. Culvert on left flows to Seawell Creek. Culvert on the right flows to connection ditch.



5. Seawell Creek after the diversion



6. Looking downstream on connection ditch. Location of flow measurement (approximately 1.0 cfs. See attached "Ditch 1" flow meter data)



7. Looking upstream to confluence with 'Threemile Creek*' and connection ditch (the "injection point")

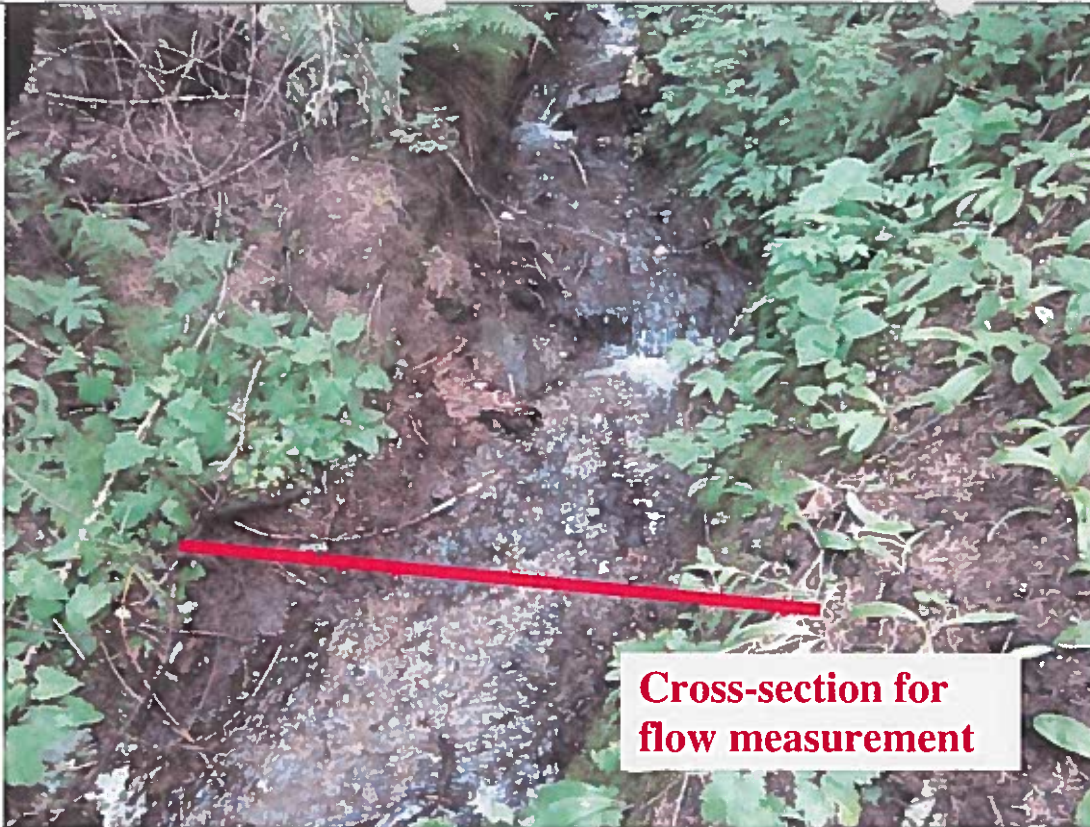
Coordinates:**
N 45.009692
W -116.203296

*Note: After comparing coordinates with DRG map, found that this was not actually Threemile Creek, but rather an unnamed intermittent stream that later connects to Threemile Creek.

**Note: coordinates are not exact. Was unable to get a 3D or 2D differential on GPS unit. Coordinates were taken slightly upstream of connection ditch on Anderson Reservoir Road)



8. Location of second flow measurement on connection ditch, slightly above confluence with Threemile Creek (approximately 0.135 cfs. See attached "Ditch 4" flow meter data. Difficult to take accurate flow measurement due to steep and shallow nature of channel)



9. Location of third flow measurement on connection ditch, slightly above second flow measurement location in picture #8 (approximately 0.105 cfs. See attached "Ditch 3" flow meter data. Difficult to take accurate flow measurement due to steep and shallow nature of channel)



10. Looking upstream on connection ditch slightly below Anderson Reservoir Road.



11. Looking upstream on connection ditch just above Anderson Reservoir Road.

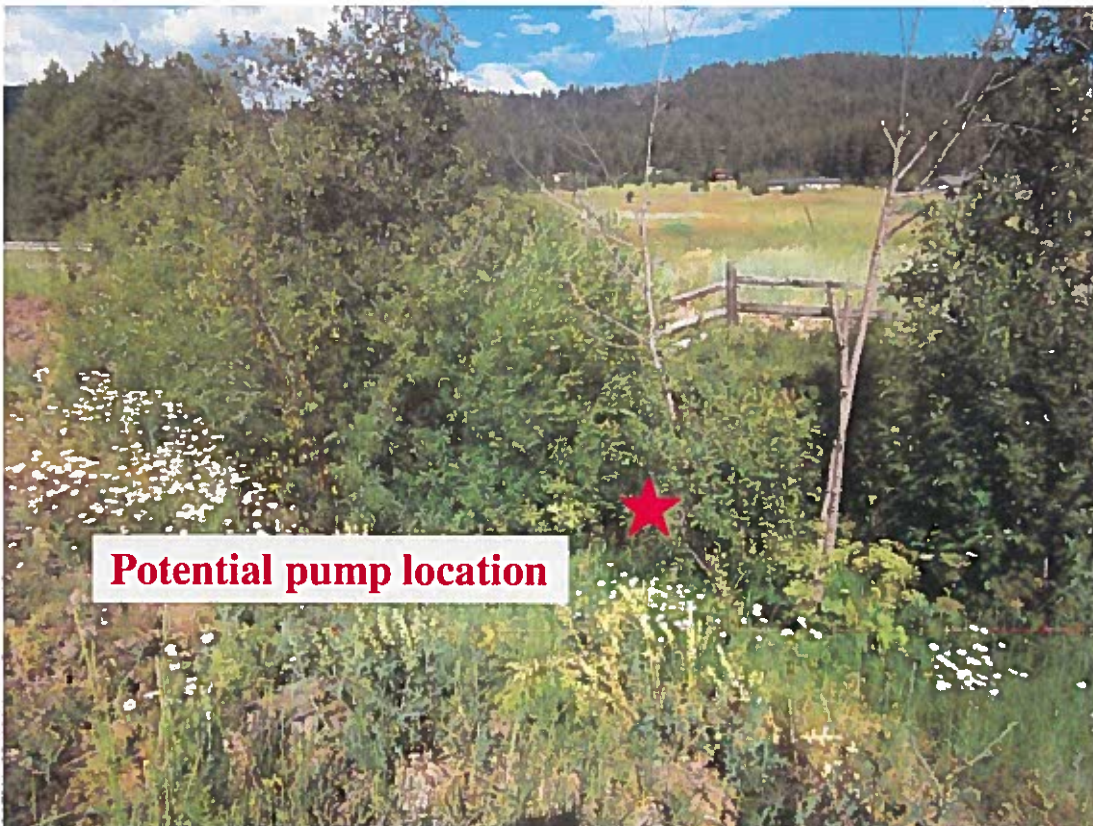


12. Looking downstream on connection ditch just above Anderson Reservoir Road. This culvert is the same as shown in picture #10.



13. Headgate on Threemile Creek near Kalinowski property. Controls water flowing into ditch that flows through Kalinowski and Wallace property before reconnecting to Threemile Creek on Schaetzel/Birch property.

Coordinates:
N 44.999385
W -116.22809



14. Potential location of new point of diversion proposed in transfer 80338.

Coordinates:
N 44.996999
W -116.232851

DITCH 1 Flow Meter Data
(Connection Ditch below Seawell Creek)

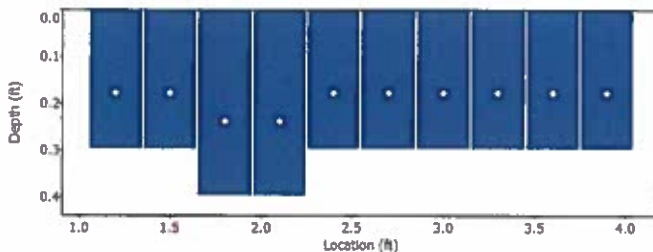
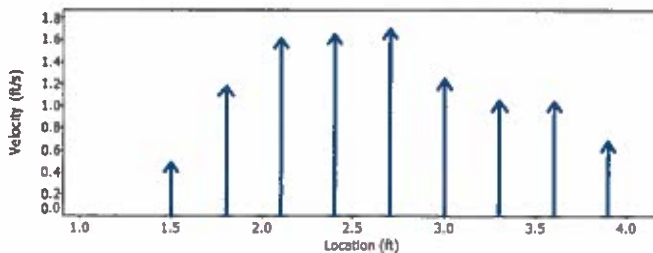
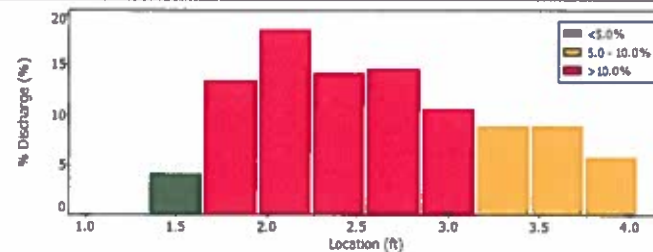
Discharge Measurement Summary

Data Generated: Tue Jul 5 2016

File Information File Name: DITCH1.WAD Start Date and Time: 2016/06/30 14:43:58		Site Details Site Name: DITCH1 Operator(s): DM																																	
System Information Sensor Type: FlowTracker Serial #: P4553 CPU Firmware Version: 3.7 Software Ver: 2.30 Mounting Connection: 0.0%		Units (English Units) Distance: ft Velocity: ft/s Area: ft ² Discharge: cfs																																	
Summary Averaging Int.: 20 Start Edge: LEW Mean SNR: 43.3 dB Mean Temp: 52.07 °F Dsch. Equation: Mid-Section		# Stations: 12 Total Width: 3.302 Total Area: 0.960 Mean Depth: 0.291 Mean Velocity: 1.0884 Total Discharge: 1.0451																																	
		Discharge Uncertainty <table border="1"> <thead> <tr> <th>Category</th> <th>150%</th> <th>10%</th> <th>Stats</th> </tr> </thead> <tbody> <tr> <td>Accuracy</td> <td>1.0%</td> <td>1.0%</td> <td></td> </tr> <tr> <td>Depth</td> <td>0.5%</td> <td>3.1%</td> <td></td> </tr> <tr> <td>Velocity</td> <td>2.9%</td> <td>3.1%</td> <td></td> </tr> <tr> <td>Width</td> <td>6.7%</td> <td>0.2%</td> <td></td> </tr> <tr> <td>Method</td> <td>2.7%</td> <td></td> <td></td> </tr> <tr> <td># Stations</td> <td>4.2%</td> <td></td> <td></td> </tr> <tr> <td>Overall</td> <td>5.9%</td> <td>4.9%</td> <td></td> </tr> </tbody> </table>		Category	150%	10%	Stats	Accuracy	1.0%	1.0%		Depth	0.5%	3.1%		Velocity	2.9%	3.1%		Width	6.7%	0.2%		Method	2.7%			# Stations	4.2%			Overall	5.9%	4.9%	
Category	150%	10%	Stats																																
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Velocity	2.9%	3.1%																																	
Width	6.7%	0.2%																																	
Method	2.7%																																		
# Stations	4.2%																																		
Overall	5.9%	4.9%																																	

Measurement Results												
#	Clock	Loc	Method	Depth	%Dep	MeanD	Vel	CorrFact	MeanV	Area	Flow	%Q
0	14:43	0.90		0.000	0.0	0.0000	1.00	0.0000	0.000	0.000	0.0	
1	14:44	1.70	0.6	0.300	0.6	0.120	0.0052	1.00	0.0052	0.090	0.009	0.0
2	14:45	1.80	0.6	0.300	0.6	0.120	0.4938	1.00	0.4938	0.090	0.0444	4.4
3	14:47	1.90	0.6	0.400	0.6	0.160	1.1891	1.00	1.1891	0.120	0.1437	13.6
4	14:48	2.10	0.6	0.400	0.6	0.160	1.6178	1.00	1.6178	0.120	0.1942	18.6
5	14:49	2.40	0.6	0.500	0.6	0.200	1.6562	1.00	1.6562	0.090	0.1991	14.3
6	14:51	2.70	0.6	0.300	0.6	0.120	1.7047	1.00	1.7047	0.090	0.1575	14.7
7	14:52	3.00	0.6	0.300	0.6	0.120	1.2441	1.00	1.2441	0.090	0.1130	11.0
8	14:53	3.30	0.6	0.300	0.6	0.120	1.0462	1.00	1.0462	0.090	0.0944	9.0
9	14:54	3.60	0.6	0.300	0.6	0.120	1.0453	1.00	1.0453	0.090	0.0941	9.0
10	14:54	3.90	0.6	0.300	0.6	0.120	0.6821	1.00	0.6821	0.090	0.0614	5.9
11	14:54	4.20	1.000	0.000	0.0	0.0	0.0000	1.00	0.0000	0.000	0.000	0.0

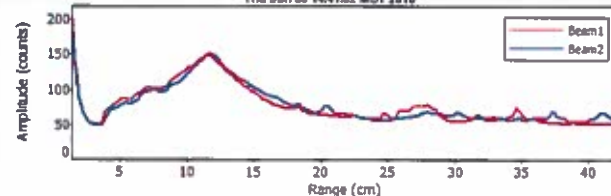
Rows in *italics* indicate a QC warning. See the Quality Control page of this report for more information.



St	Loc	%Dep	Message
1	1.28	0.4	SNR (26.4) is different from typical SNR (43.3)
0		0.6	Boundary QC is Fast; possible boundary interference
2	1.50	0.4	Boundary QC is Fast; possible boundary interference
3	1.80	0.6	High number of spheres: 3
5	2.40	0.6	High standard error: 0.170
6	2.70	0.6	High standard error: 0.164

Automatic Quality Control Test (BeamCheck)

Thu Jun 30 14:41:02 MDT 2016



- ✓ Noise level check - Pass
- ✓ SNR check - Pass
- ✓ Peak location check - Pass
- ✓ Peak shape check - Pass

DITCH 3 Flow Meter Data (Connection Ditch above confluence)

Discharge Measurement Summary

Date Generated: Tue Jul 5 2016

File Information

File Name: DITCH3.WAD
Start Date and Time: 2016/06/30 16:12:43

Site Details

Site Name:
Operator(s): DM

System Information

Sensor Type: FlowTracker
Serial #: P4553
CPU Firmware Version: 3.7
Software Ver: 2.30
Mounting Correction: 0.0%

Units (English Units)

Distance: ft
Velocity: ft/s
Area: ft²
Discharge: cfs

Discharge Uncertainty

Category	ISO	Stats
Accuracy	1.0%	1.0%
Depth	0.9%	0.0%
Velocity	4.2%	37.4%
Width	0.3%	0.3%
Method	4.5%	
# Stations	7.8%	
Overall	10.0%	37.5%

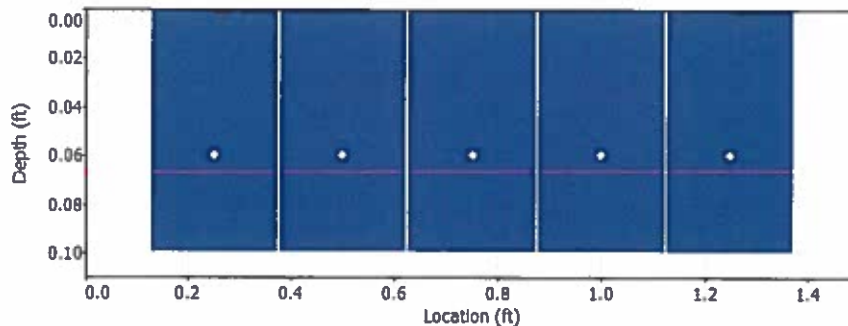
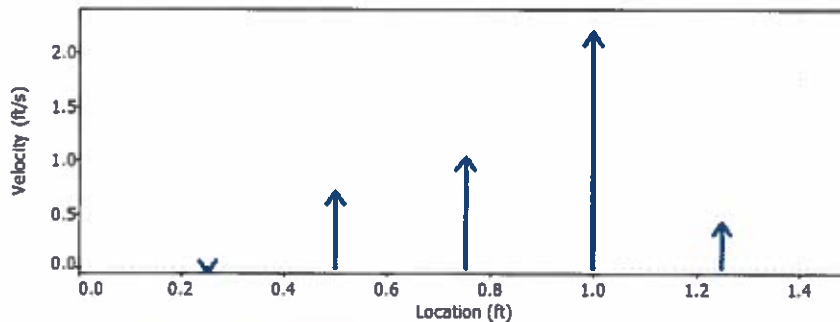
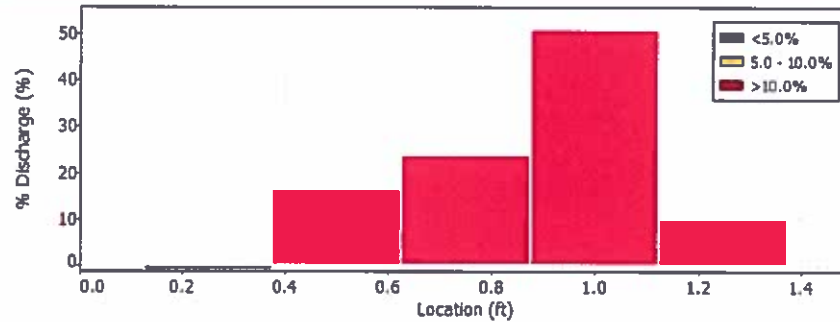
Summary

Averaging Int.: 20 # Stations: 7
Start Edge: LEW Total Width: 1.500
Mean SNR: 50.1 dB Total Area: 0.125
Mean Temp: 50.50 °F Mean Depth: 0.083
Disch. Equation: Mid-Section Mean Velocity: 0.8637
Total Discharge: 0.1080

Measurement Results

St	Clock	Loc	Method	Depth	%Dep	MeasD	Vel	CorrFact	MeanV	Area	Flow	%Q
0	16:12	0.00	None	0.000	0.0	0.0	0.0000	1.00	0.0000	0.000	0.0000	0.0
1	16:12	0.25	0.6	0.100	0.6	0.040	-0.0522	1.00	-0.0522	0.025	-0.0013	-1.2
2	16:13	0.50	0.6	0.100	0.6	0.040	0.7096	1.00	0.7096	0.025	0.0178	16.4
3	16:13	0.75	0.6	0.100	0.6	0.040	1.0348	1.00	1.0348	0.025	0.0259	24.0
4	16:14	1.00	0.6	0.100	0.6	0.040	2.1939	1.00	2.1939	0.025	0.0549	50.8
5	16:15	1.25	0.6	0.100	0.6	0.040	0.4324	1.00	0.4324	0.025	0.0108	10.0
6	16:15	1.50	None	0.000	0.0	0.0	0.0000	1.00	0.0000	0.000	0.0000	0.0

Rows in *italics* indicate a QC warning. See the Quality Control page of this report for more information.



Quality Control

St	Loc	%Dep	Message
1	0.25	0.6	High angle: -179
		0.6	SNR (39.3) is different from typical SNR (50.1)
		0.6	Boundary QC is Good; possible boundary interference
4	1.00	0.6	High differences in beam SNR: 58.4, 47.7
5	1.25	0.6	High standard error: 0.143

DITCH 4 Flow Meter Data (Connection Ditch above confluence, below DITCH 3)

Discharge Measurement Summary

Date Generated: Tue Jul 5 2016

File Information

File Name: DITCH4.WAD
Start Date and Time: 2016/06/30 16:18:49

Site Details

Site Name: DM
Operator(s):

System Information

Sensor Type: FlowTracker
Serial #: P4553
CPU Firmware Version: 3.7
Software Ver: 2.30
Mounting Correction: 0.0%

Units (English Units)

Distance: ft
Velocity: ft/s
Area: ft²
Discharge: cfs

Discharge Uncertainty

Category	ISO	Stats
Accuracy	1.0%	1.0%
Depth	0.8%	13.5%
Velocity	2.4%	10.6%
Width	0.3%	0.3%
Method	3.9%	-
# Stations	7.8%	-
Overall	9.1%	17.2%

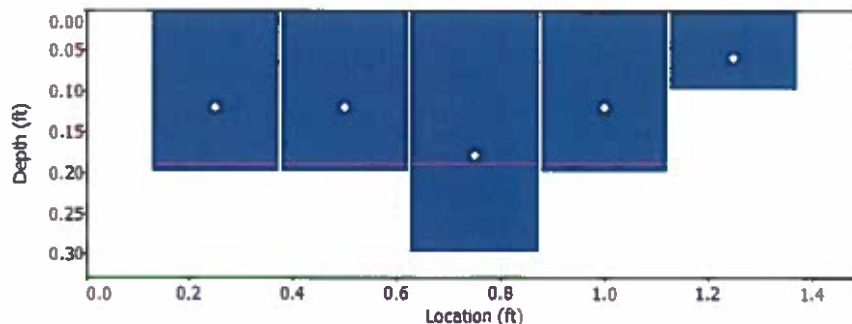
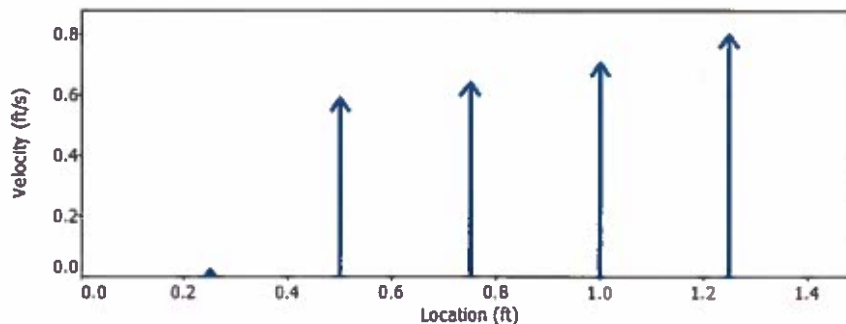
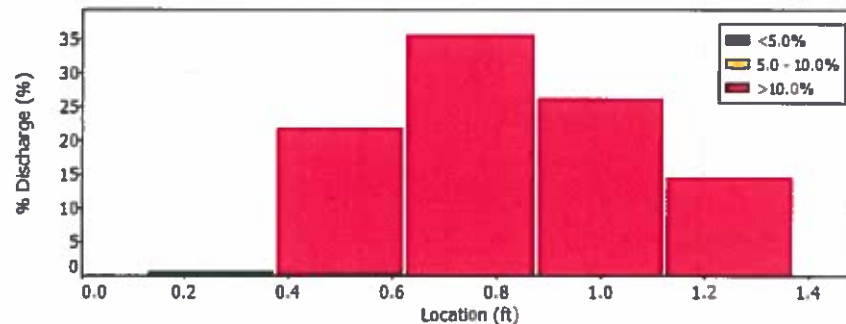
Summary

Averaging Int.: 20 # Stations: 7
Start Edge: LEW Total Width: 1.500
Mean SNR: 48.0 dB Total Area: 0.250
Mean Temp: 50.43 °F Mean Depth: 0.167
Disch. Equation: Mid-Section Mean Velocity: 0.5394
Total Discharge: 0.1349

Measurement Results

St	Clock	Loc	Method	Depth	%Dep	MeasD	Vel	CorrFact	MeanV	Area	Flow	%Q
0	16:18	0.00	None	0.000	0.0	0.0	0.0000	1.00	0.0000	0.000	0.0000	0.0
1	16:20	0.25	0.6	0.200	0.6	0.080	0.0272	1.00	0.0272	0.050	0.0014	1.0
2	16:20	0.50	0.6	0.200	0.6	0.080	0.5932	1.00	0.5932	0.050	0.0297	22.0
3	16:21	0.75	0.6	0.300	0.6	0.120	0.6440	1.00	0.6440	0.075	0.0487	35.8
4	16:22	1.00	0.6	0.200	0.6	0.080	0.7100	1.00	0.7100	0.050	0.0355	26.3
5	16:23	1.25	0.6	0.100	0.6	0.040	0.8018	1.00	0.8018	0.025	0.0201	14.9
6	16:23	1.50	None	0.000	0.0	0.0	0.0000	1.00	0.0000	0.000	0.0000	0.0

Rows in italics indicate a QC warning. See the Quality Control page of this report for more information.



Quality Control

St	Loc	%Dep	Message
1	0.25	0.6	High number of spikes: 3
1	0.25	0.6	SNR (37.2) is different from typical SNR (48.0)
2	0.50	0.6	High standard error: 0.030
3	0.75	0.6	High standard error: 0.036
6	1.50	0.6	Boundary QC is Good; possible boundary interference

Merriman, Danielle

From: Havens, Rebecca A -FS [rahavens@fs.fed.us]
Sent: Thursday, July 14, 2016 3:39 PM
To: Merriman, Danielle
Subject: RE: Paul Schaetzel

I went to my sister-in-law's wedding reception and spent time with my boyfriend and his family in eastern Oregon. It was wonderful!

Sending a notice of the announcement and adding that condition to the approval document is most helpful. Thank you.

I really appreciate the info for Mr. Schaetzel,

Rebecca A. Havens
(208) 634-0416

How glorious a greeting the sun gives the mountains! - John Muir

From: Merriman, Danielle [<mailto:Danielle.Merriman@idwr.idaho.gov>]
Sent: Thursday, July 14, 2016 3:12 PM
To: Havens, Rebecca A -FS <rahavens@fs.fed.us>
Subject: RE: Paul Schaetzel

Hi Rebecca,

Thank you! It was a great weekend. I hope you enjoyed yours too!

The ownership change is complete and the original rights have been split and the new portions put into Mr. Schaetzel's name. His new water right numbers are 78-12440, 78-12441, 78-12442, and 78-12443.

The transfer (to add points of re-diversion to his property) is not yet complete. I am hoping to get the application to advertising by the first week in August. We will be sure to send the Forest Service a notice that it is being advertised so official comment letters can be sent in. There is no definite time when the transfer may be approved, especially if it is protested. We won't wait for confirmation of the special use permit to approve the transfer. We have a condition that could be added to the approval document that states something similar to, "Prior to diversion and use of water under this approval, the right holder shall obtain Forest Service authorization necessary to access the point of diversion or place of use or to convey water across federal land." That being said, it would be good to see that the special use permit process has started.

The address I gave you earlier is the physical address of his property. I think you will have more luck with mail at the following address and phone number. His email address is CI80H@SBCGLOBAL.NET

PAUL R SCHAETZEL
4040 STETSON AVE
ROSAMOND, CA 93560
(661)256-1750

I hope this answers your questions! Thank you for your help with this situation.

Danie Merriman

Water Resource Agent, Sr.

Idaho Department of Water Resources

Phone: (208) 334-2190

Fax: (208) 334-2348

Email: danie.merriman@idwr.idaho.gov

From: Havens, Rebecca A -FS [<mailto:rahavens@fs.fed.us>]

Sent: Wednesday, July 13, 2016 3:04 PM

To: Merriman, Danielle

Subject: Paul Schaetzel

Hello Danie,

I hope that you had a wonderful 4th of July! Thank you again for the site visit and education on how things work from your office.

Does Paul Schaetzel now have the water rights transferred to his name? Or are you now waiting on confirmation of his special use permit?

I have Mr. Schaetzel's address, do you have a phone number and email address for him?

I'll be contacting him to begin the Special Use Permitting process for the portion of the ditch on USFS lands.

Thank you,



Rebecca Havens
Lands Special Uses Program Manager

Forest Service
Payette National Forest

p: 208-634-0416
rahavens@fs.fed.us

McCall Ranger District
102 W. Lake Street
McCall, ID 83638
www.fs.fed.us



Caring for the land and serving people

"Mountains are the means, the man is the end. The goal is not to reach the tops of mountains, but to improve the man. "

--Walter Bonatti

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law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

Merriman, Danielle

From: Merriman, Danielle
Sent: Tuesday, July 05, 2016 5:18 PM
To: 'Laurie Birch'
Subject: Amended App for Transfer 80338
Attachments: 80338 Amended app.pdf

Hi Paul and Laurie,

It was very nice to meet you both last week! Attached is an amended application for transfer based on what we discussed at the visit Thursday. My understanding is that you are proposing to keep the same historical system of diversion from Seawell Creek with injection to Threemile Creek, but want to add two new re-diversions on Threemile Creek on your property. This is reflected in the amended application. Please look over the form and make any changes you see fit. Then mail the form and all its attachments back to the office within the next 30 days and we will prepare it for advertising.

I hope you had a nice holiday! Please let me know if you have any questions.

Danie Merriman

Water Resource Agent, Sr.

Idaho Department of Water Resources

Phone: (208) 334-2190

Fax: (208) 334-2348

Email: danie.merriman@idwr.idaho.gov

Merriman, Danielle

From: Merriman, Danielle
Sent: Friday, June 24, 2016 3:45 PM
To: 'Laurie Birch'
Subject: RE: water transfer 80338 information

Hi Paul,

I am having a difficult time locking in a time with the Forest Service. I had been hoping to come up early next week, but I don't think that will be possible now.

Are you in New Meadows full time now? Are you traveling back and forth between California? I am sorry if this is terribly inconvenient for you and has created extra travel. Will you be in New Meadows the week of July 11th? If so, is there a day that would work for you?

Again, I am sorry for the inconvenience. Thank you very much for your patience with the scheduling.

-Danie

From: Laurie Birch [<mailto:c180h@sbcglobal.net>]
Sent: Tuesday, June 21, 2016 11:31 AM
To: Merriman, Danielle
Subject: FW: water transfer 80338 information

Hi Danie
Any update on the date of your visit?

Paul

From: Laurie Birch [<mailto:c180h@sbcglobal.net>]
Sent: Tuesday, June 14, 2016 2:03 PM
To: 'Merriman, Danielle'
Subject: RE: water transfer 80338 information

Hi Danie

I should be available to take you to see the Sewell ditch the week of June 27 the only day I am not available is Wednesday the 29.
Let me know what works best

Paul Schaetzel

From: Merriman, Danielle [<mailto:Danielle.Merriman@idwr.idaho.gov>]
Sent: Friday, June 10, 2016 2:38 PM
To: Laurie Birch
Cc: Grimm, Angie
Subject: RE: water transfer 80338 information

Hi Paul,

Merriman, Danielle

From: Merriman, Danielle
Sent: Tuesday, June 21, 2016 11:41 AM
To: 'Laurie Birch'
Subject: RE: water transfer 80338 information

Hi Paul,

I have reached out to the Forest Service representative Holly Becker to see if there is a representative who could meet with us. She is going to get back to me by the end of the day today, so hopefully I will have a time for you by tomorrow morning.

Thank you for your patience with this!

From: Laurie Birch [<mailto:c180h@sbcglobal.net>]
Sent: Tuesday, June 21, 2016 11:31 AM
To: Merriman, Danielle
Subject: FW: water transfer 80338 information

Hi Danie
Any update on the date of your visit?

Paul

From: Laurie Birch [<mailto:c180h@sbcglobal.net>]
Sent: Tuesday, June 14, 2016 2:03 PM
To: 'Merriman, Danielle'
Subject: RE: water transfer 80338 information

Hi Danie

I should be available to take you to see the Sewell ditch the week of June 27 the only day I am not available is Wednesday the 29.
Let me know what works best

Paul Schaetzel

From: Merriman, Danielle [<mailto:Danielle.Merriman@idwr.idaho.gov>]
Sent: Friday, June 10, 2016 2:38 PM
To: Laurie Birch
Cc: Grimm, Angie
Subject: RE: water transfer 80338 information

Hi Paul,

It was nice to chat with you this afternoon. Thank you for the updated pictures. The ditch looks very different without snow! I would like to schedule a meeting with you and the Forest Service to come up and look at the ditch. It is difficult to get a complete grasp on the system from the office, and it would be beneficial to meet in person to address concerns with the Forest Service in order to move forward with your application.

Merriman, Danielle

From: Merriman, Danielle
Sent: Friday, June 10, 2016 3:39 PM
To: 'Laurie Birch'
Cc: Grimm, Angie
Subject: RE: water transfer 80338 information

Hi Paul,

It was nice to chat with you this afternoon. Thank you for the updated pictures. The ditch looks very different without snow! I would like to schedule a meeting with you and the Forest Service to come up and look at the ditch. It is difficult to get a complete grasp on the system from the office, and it would be beneficial to meet in person to address concerns with the Forest Service in order to move forward with your application.

It looks like the snow is all melted so anytime would work access wise to reach Sewell Creek. Is there a day that works best for you the week of June 27th so we can coordinate with the Forest Service and visit the site?

Thank you for your patience with this. I look forward to hearing from you soon.

Danie Merriman

Water Resource Agent, Sr.

Idaho Department of Water Resources

Phone: (208) 334-2190

Fax: (208) 334-2348

Email: danie.merriman@idwr.idaho.gov

From: Laurie Birch [<mailto:c180h@sbcglobal.net>]
Sent: Thursday, June 09, 2016 4:43 PM
To: Merriman, Danielle
Subject: RE: water transfer 80338 information

Hi Danie

I was able to go to New Meadows, this week and work on the Seawell Ditch.

Most of the snow has melted and were able to dig the two head gates on Seawell Creek out of the snow.

Seawell Ditch had on washouts just had to clear to downed trees and some lite shovel work the same as past years.

This is not too bad for a one hundred fifteen (115) year old ditch, built in 1901.

Water is now flowing from Seawell Creek through Seawell Ditch to Three Mile Creek.

I Have been pulling water directly out of Three Mile Creek for irrigation.

Att ditch 1. Is looking down Ditch.

Att ditch 2. Is looking up Ditch.

Att ditch 3. Is Seawell Ditch water flowing down into Three Mile Creek.

Att Irrigation 1. Pulling Seawell Ditch water from Three Mile Creek to irrigate

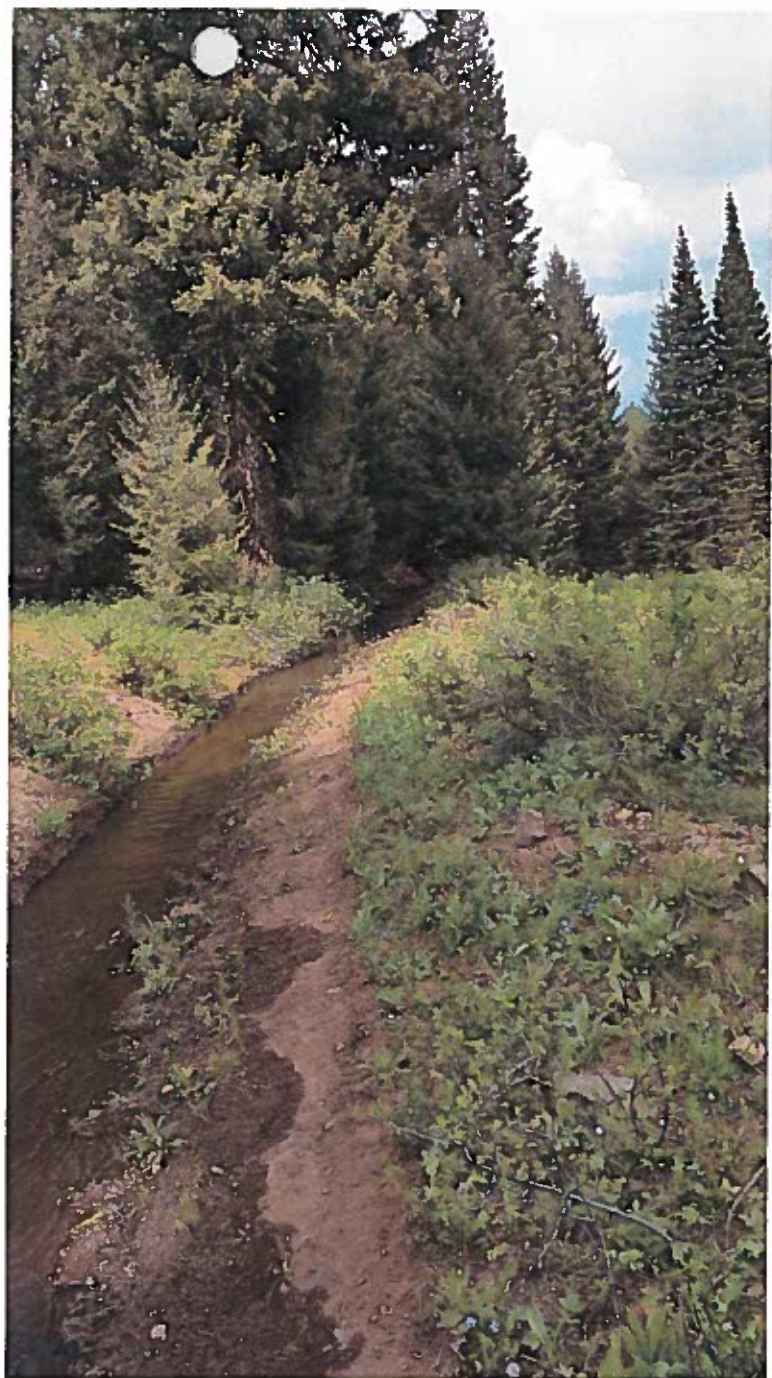
Thank you

Paul Schaetzel

661 304 6172

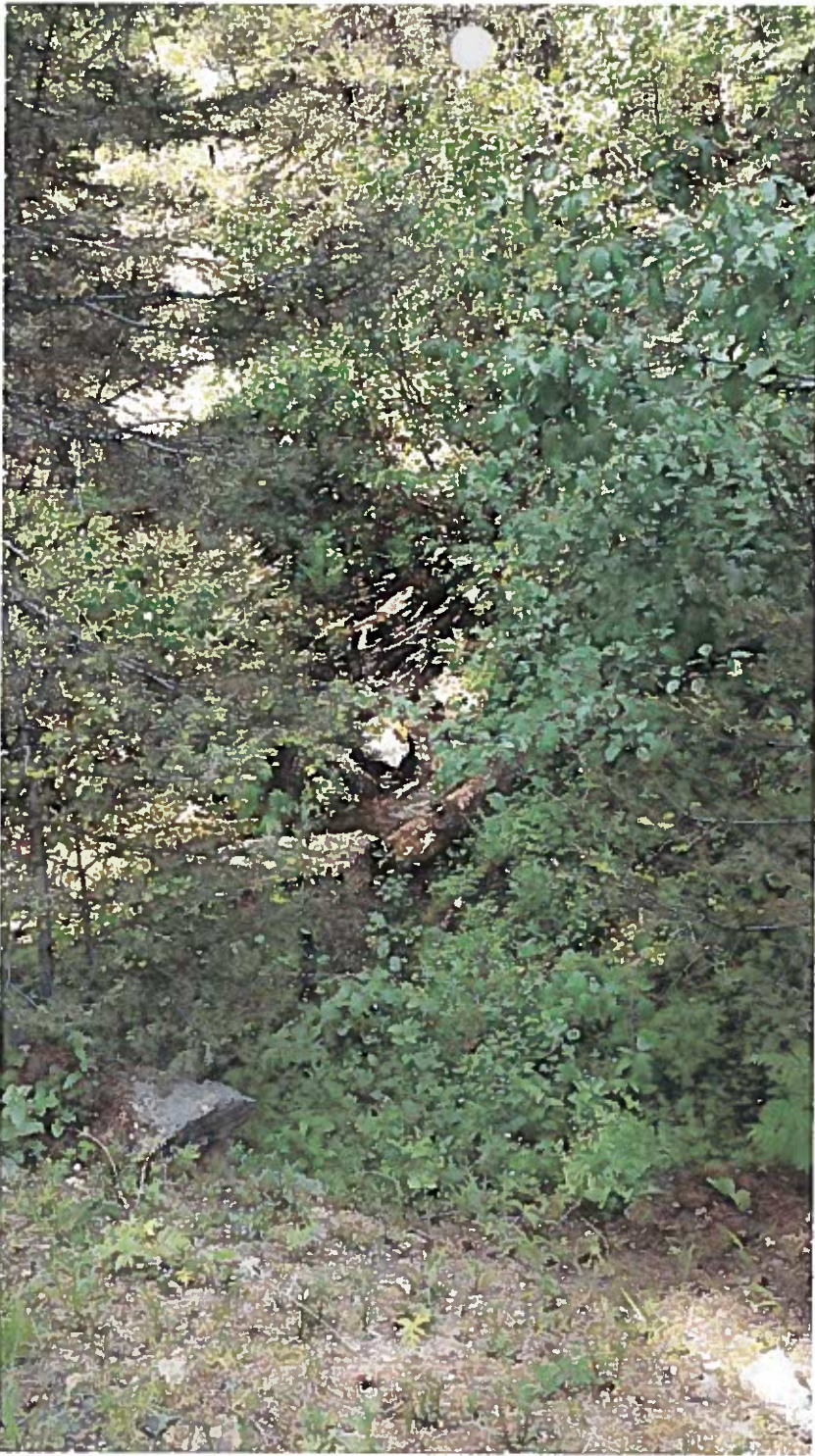


looking down Ditch.

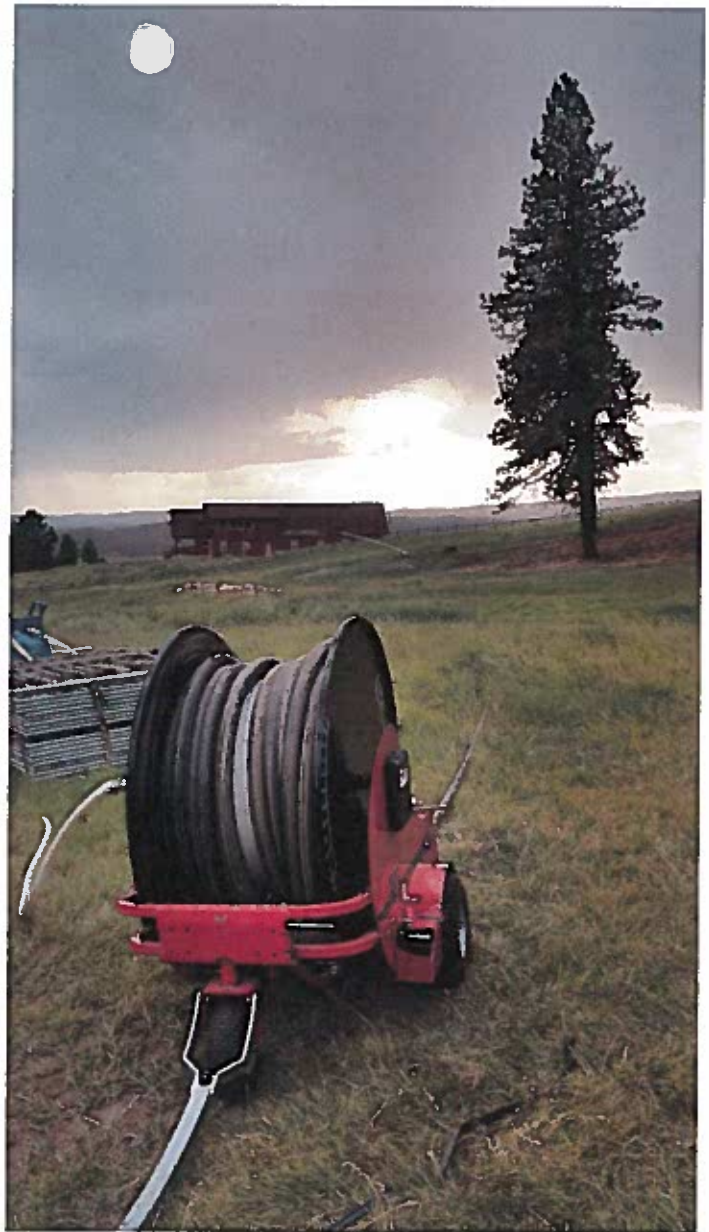


looking up Ditch.

attachment to email from Laurie Birch



Seawell Ditch water flowing down into Three Mile Creek.



Pulling Seawell Ditch water from Three Mile Creek to irrigate

**attachment to email from Laurie Birch on 6-9-16.*

Seawell Creek Ditch
As it enters the
Three Mile Creek
Drainage
May 05 2016



Attachments from 5-9-16 email



Seawell Creek Ditch
Looking up ditch about a half mile from Seawell Creek
May 05 2016

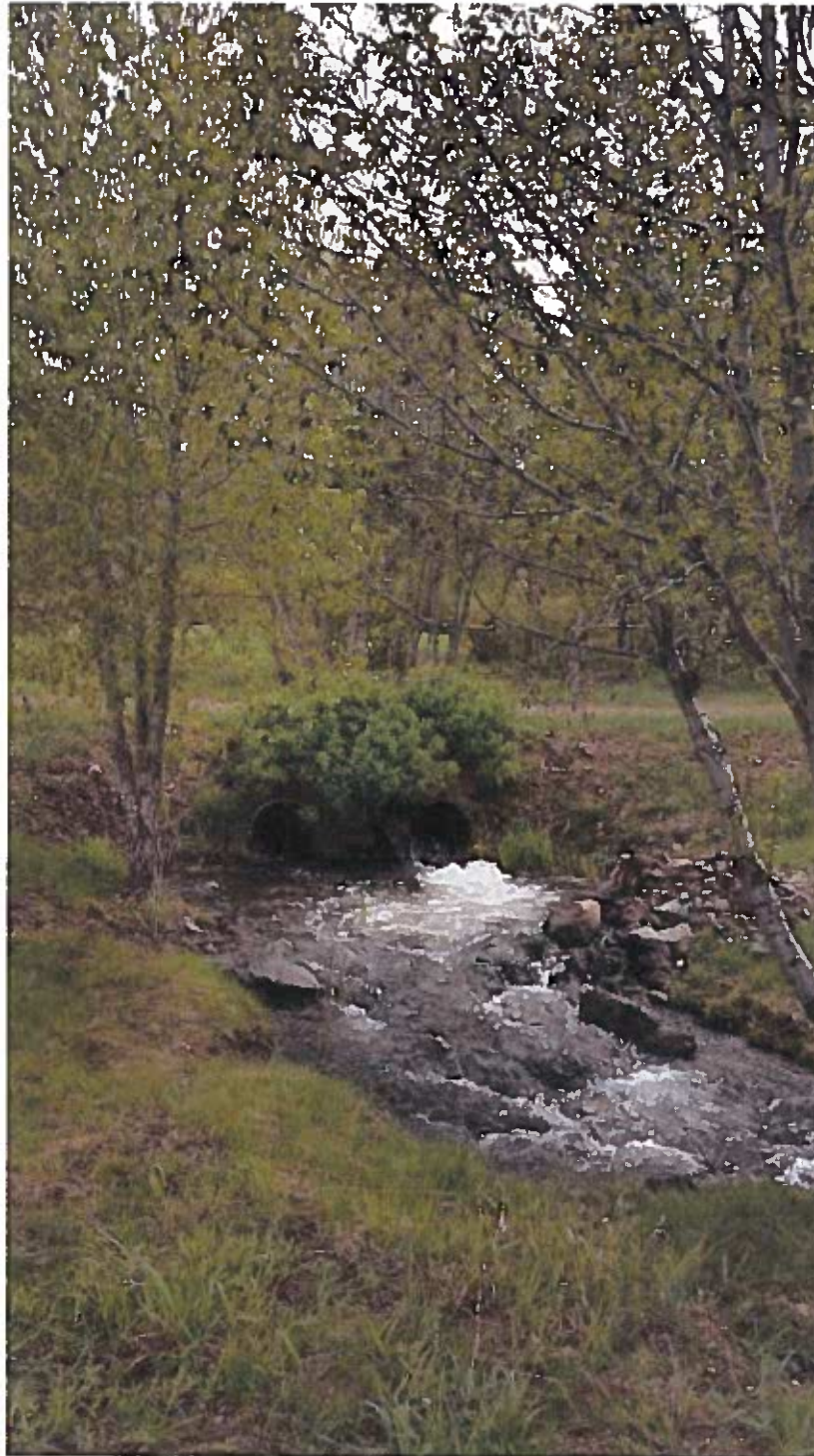


Seawell Creek Ditch

Looking down stream about a half mile from Three Mile Creek

May 05 2016

Three Mile Creek at
3303 Walking Horse Circle
New Meadows ID
May 06 2016



From: Laurie Birch [<mailto:c180h@sbcglobal.net>]
Sent: Monday, May 9, 2016 10:47 AM
To: 'Merriman, Danielle'
Subject: RE: water transfere 80338 information

Hi Danie

I was in New Meadows, ID last week and started doing some Irrigation.
As you can see from the attachment Seawell Creek Ditch is still snowed in.
The snow should be melted in three of four week and we will walk the ditch and do repairs start the flow of water.

Thank you
Paul Schaetzel

From: Merriman, Danielle [<mailto:Danielle.Merriman@idwr.idaho.gov>]
Sent: Friday, May 6, 2016 9:43 AM
To: Laurie Birch
Subject: RE: water transfere 80338 information

Hi Paul,

Thank you for this slide and the phone call earlier this week. I will review the aerial photos you sent and will wait for you to submit the pictures you took this week of the POD on Sewell Creek.

Thank you for keeping me posted. I hope the drive back to California was uneventful.

Thanks,
-Danie

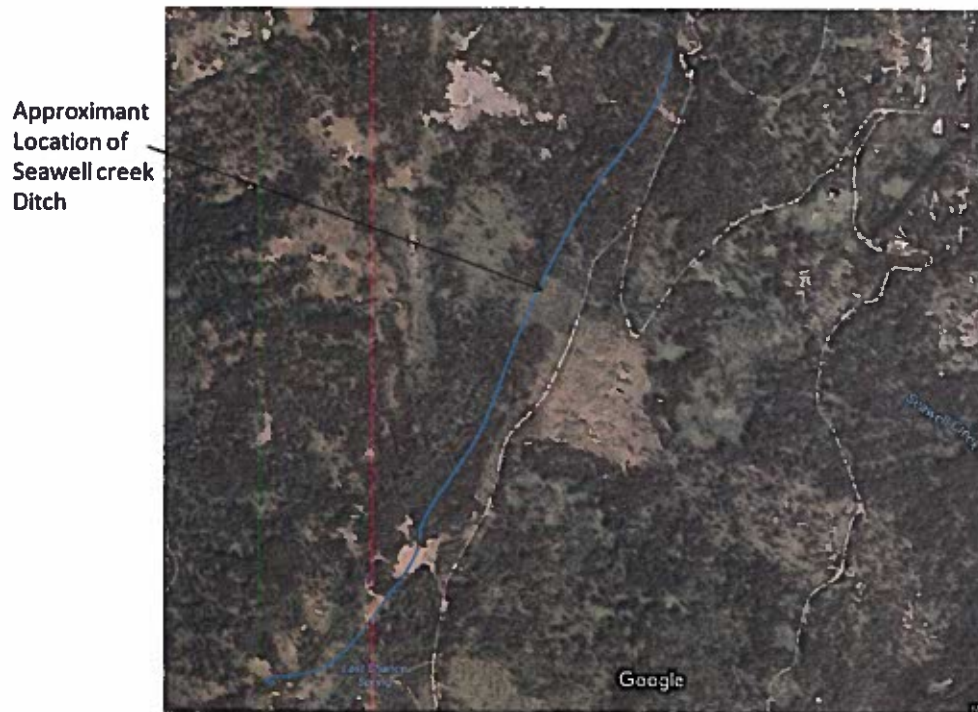
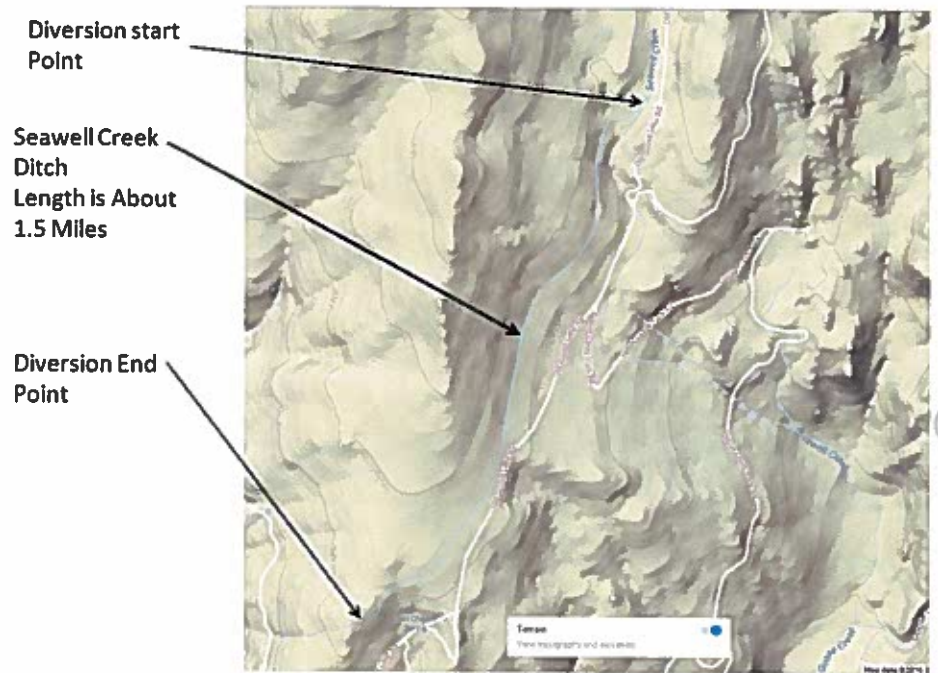
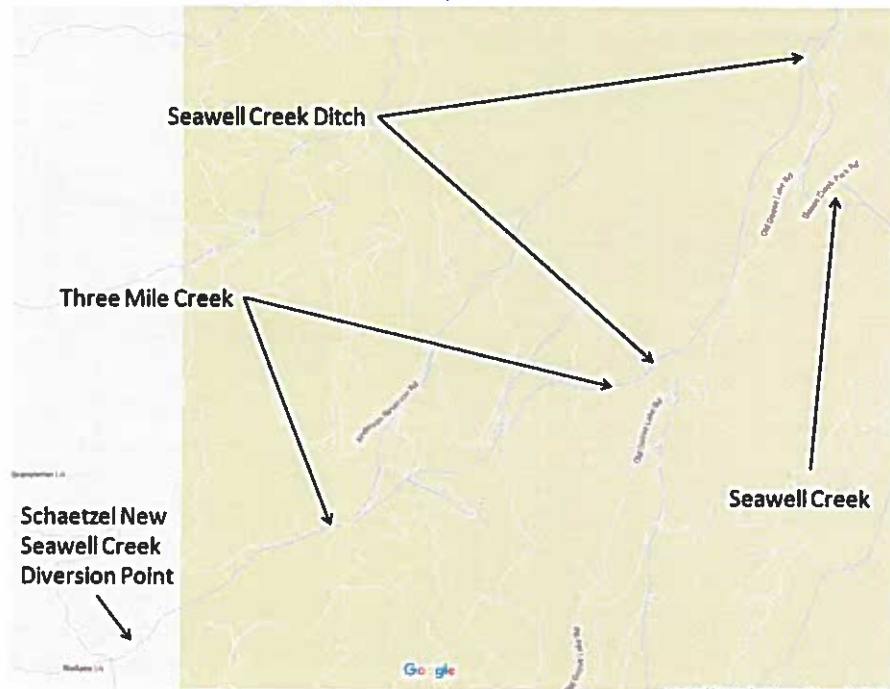
From: Laurie Birch [<mailto:c180h@sbcglobal.net>]
Sent: Sunday, May 01, 2016 8:57 AM
To: Merriman, Danielle
Subject: RE: water transfere 80338 information

Dear Mrs. Merriman

I have for the past seven years, walked Seawell Creek Ditch to perform repairs and to dig out the two diversion points on Seawell Creek. I did this in order to flow water down to Seawell Creek Ditch and into Three Mile Creek. I have pulled Seawell Creek Ditch water directly out of Three Mile Creek as it flows across my property in those past seven years to irrigate my property.

Thank you
Paul Schaetzel
(661) 304 6172

From: Merriman, Danielle [<mailto:Danielle.Merriman@idwr.idaho.gov>]
Sent: Friday, April 8, 2016 9:40 AM



To: Laurie Birch
Subject: RE: water transfre 80338 information

Good Morning Mr. Schaetzel,

I wanted to follow up with you regarding the request I sent last month. Have you had a chance to review the material? Do you have any questions that I can address? Please let me know so we can move forward with processing your application for transfer.

Thanks!
-Danie

From: Merriman, Danielle
Sent: Tuesday, March 01, 2016 2:00 PM
To: 'Laurie Birch'
Subject: RE: water transfre 80338 information

Dear Mr. Schaetzel,

Thank you very much for providing information regarding the place of use described in your Application for Transfer. It was necessary to see if the place of use to be transferred was in the original boundaries of the water rights and that it was being used for the prescribed beneficial use. In your case, your tax lot was within the boundaries and 9.3 acres were irrigated.

The next step in the forfeiture evaluation is to determine if water from the source identified on the rights was used to accomplish the beneficial use. The points of diversion you are proposing to transfer are primarily from Seawell Creek, with two points of diversion coming directly from Threemile Creek flood waters. As described in the rights, water is to be diverted from Seawell Creek into a connection ditch that flows water into Threemile Creek. From there, the water flows downstream through Threemile Creek to points of re-diversion that are located above your property. Based on information provided by the US Forest Service and the previous owners of the land, it appears that the connection ditch has not been used in sometime and was rehabilitated to a natural state in 2003. This likely means that no water from Sewell Creek has made it to Threemile Creek to be diverted downstream to your property. Thus, in the past five years your ground may have been irrigated with Threemile Creek water exclusively. This would not be a resumption of use from the source as described on the original right and would lead to the forfeiture of the portion of water that is supposed to be diverted from Seawell Creek. It is unlikely that your application could be approved in its current state. Given this development, additional information is needed to proceed with the transfer. Please select one of the following.

1. Provide information that shows that water from Seawell Creek has, in fact, made it to Threemile Creek and flowed all the way to your property in the last five years.
2. If you cannot provide this information, we can forfeit the portion of the diversion rate from Sewell Creek and can pursue transferring just the water from 78-4130 that includes a portion of water from Threemile Creek. This quantity will consist of the flood water that flows from Threemile Creek at the beginning of the irrigation season. Although the quantity is difficult to define, because flood water levels vary from year to year, it is safe to assume that the quantity would be very small because we would have to take the flow rate from the one month of flooding and divide it equally over the entire irrigation season (which is seven months long) while only allotting the proportion associated with the 9.3 acres of your property. This is likely not enough water to accomplish irrigation beneficial use. Therefore, we would not likely approve the transfer without additional water right proposal or authorization for irrigation (ie, an application for permit.)
3. You can withdraw your application for transfer and request a full refund. An application for permit could be submitted to apply for a new water right on the section of creek where you live. The surface water in

Threemile Creek is a part of Water District 78C Goose Creek and would be regulated by a watermaster. Surface water is limited in a water district, but some may be available in good water users. Another option would be to apply for a new Application for Permit that proposes using groundwater. Although groundwater would not be regulated by a watermaster, it would still be subject to a public notice period where concerned citizens can protest the application.

Again, thank you very much for your help in this process. Transfers like this are quite intricate and take awhile to review all the parts, so I really do appreciate your patience. Please let me know if you have any questions!

Danie Merriman

Water Resource Agent

Idaho Department of Water Resources

Phone: (208) 334-2190

Fax: (208) 334-2348

Email: danie.merriman@idwr.idaho.gov

From: Laurie Birch [<mailto:c180h@sbcglobal.net>]

Sent: Tuesday, February 09, 2016 2:04 PM

To: Merriman, Danielle

Subject: RE: water transfre 80338 information

From: Laurie Birch [<mailto:c180h@sbcglobal.net>]

Sent: Tuesday, February 2, 2016 8:52 AM

To: 'Merriman, Danielle'

Subject: RE: water transfre 80338 information

Hi Danie

I agree with The total number of acres that could be transferred is 9.3 acres.

Thank you

Paul Schaetzel

661 304 6172

From: Merriman, Danielle [<mailto:Danielle.Merriman@idwr.idaho.gov>]

Sent: Wednesday, January 20, 2016 2:44 PM

To: c180h@sbcglobal.net

Subject: RE: water transfre 80338 information

Hi Paul,

Thank you for the updated map. Given that the map indicates that these acres have been cut and, therefore watered, along with the historical findings that the court does not recommend finding forfeiture when some evidence is given towards proof of beneficial use, I am accepting the additional acres as having been irrigated in the past five years.

This being said, there is still approximately one acre that has not been irrigated in the past five years. The total number of acres that could be transferred is 9.3 acres. See the image below.



This brings me back to the questions from the last email. 9.3 acres is less than the 10.3 acres you are asking to transfer. Please select one of the following options.

1. Provide proof that the right has been used fully (i.e. all 10.3 acres have been irrigated) in the past 5 years.
2. Use current info and approve 9.3 acres to be transferred. The remaining 1 acre will be forfeited as a part of the transfer approval process.
3. Withdraw your Application for Transfer and, if no one objects, resume use as described in the water right for the full 10.3 acres. Document the irrigation and reapply for the transfer after one irrigation season.

Please submit your decision to me within the next 30 days so we can proceed with your application. Sorry for the receptiveness and I appreciate your patience!

Danie Merriman

Water Resource Agent

Idaho Department of Water Resources

Phone: (208) 334-2190

Fax: (208) 334-2348

Email: danie.merriman@idwr.idaho.gov

Google Maps New Meadows, ID 83654



Imagery ©2016 Google, Map data ©2016 Google 100 ft

FOR FEITURE - IRRIGATION

Attachment to email from Paul Schaezel on 1-19-16

From: paul schaetzel [<mailto:c180h@sbcglobal.net>]
Sent: Tuesday, January 19, 2016 5:59 PM
To: Merriman, Danielle
Subject: Re: water transfre 80338 information

Hi Dani

I do not have any pitchers of us irrigating the property but this image from Google Map does show field I can cut with a tractor and do water.

You are correct I do not use the full 10.3 acres but I think I use more than 6.3 acres.

Is the 4.0 acers a deal backer no.

Thank you

Paul Schaetzel

661 304 6172

On Friday, January 15, 2016 11:04 AM, "Merriman, Danielle" <Danielle.Merriman@idwr.idaho.gov> wrote:

Good Morning Mr. Schaetzel,

Thank you for submitting the warranty deed of sale for your property. It appears that the water rights were not withheld in the sale of the property, which means they are still tied to your property.

Idaho Code 42-222 requires review of water right validity when processing transfer applications. My next question for you is related to forfeiture. Idaho Code 42-222(2) provides that all rights to the use of water shall be lost and forfeited by a failure for the term of five years to apply it to the beneficial use for which it was appropriated. The water rights you are proposing to transfer were decreed in 2007, meaning they had to have been used by 2012 to avoid being forfeited. Using aerial photography, I was able to determine that 6.3 acres were irrigated in 2011 (see attached photography).



This is less than the 10.3 acres you are asking to transfer. Additional information is needed to proceed with your transfer. Please select one of the following options.

1. Provide proof that the right has been used fully (i.e. all 10.3 acres have been irrigated) in the past 5 years. This could include pictures that show that the entire property was irrigated.
2. Use current info and approve 6.3 acres to be transferred. The remaining 4 acres will be forfeited as a part of the transfer approval process.
3. Withdraw your Application for Transfer and, if no one objects, resume use as described in the water right for the full 10.3 acres. Document the irrigation and reapply for the transfer after one irrigation season.

Please submit your decision to me within the next 30 days so we can proceed with your application. I apologize for the complicated questions involved in processing your application, but appreciate your patience as we go through it step-by-step. Please contact me if you have any questions!

Respectfully,

Danie Merriman
Water Resource Agent

Idaho Department of Water Resources
Phone: (208) 334-2190
Fax: (208) 334-2348
Email: danie.merriman@idwr.idaho.gov

From: Laurie Birch [<mailto:c180h@sbcglobal.net>]
Sent: Friday, January 15, 2016 11:12 AM
To: Merriman, Danielle
Subject: water transfere 80338 information

Hi Danie
How is the change of ownership doing on 80338 .
Can I help locate any information for you.

Thank you
Paul Schaetzel
661 304 6172

From: Merriman, Danielle [<mailto:Danielle.Merriman@idwr.idaho.gov>]
Sent: Thursday, December 31, 2015 9:39 AM
To: paul schaezel
Subject: RE: Requested deed

Thanks Paul!

I will look through the deed and continue reviewing your transfer and ownership change.

Happy New Year!

Danie Merriman
Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Fax: (208) 334-2348
Email: danie.merriman@idwr.idaho.gov

From: paul schaezel [<mailto:c180h@sbcglobal.net>]
Sent: Wednesday, December 30, 2015 11:20 PM
To: Merriman, Danielle
Subject: Fw: Requested deed

On Wednesday, December 30, 2015 10:14 PM, paul schaezel <c180h@sbcglobal.net> wrote:

On Wednesday, December 30, 2015 1:29 PM, Gertie Young <gyoung@co.adams.id.us> wrote:

Please see attached! Thanks, Gertie

1030 Calle Sombr Suite 15
San Clemente CA

RECEIVED

DEC 31 2015

READ & APPROVED

WARRANTY DEED

For value received PHILLIP ALLEN WALTERS aka PHILIP A. WALTERS and LYNETTE MARIE WALTERS aka LYNETTE M. WALTERS, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto HPI Partners, a California limited partnership registered in Idaho the Grantee, the following described premises in Adams County, Idaho, to-wit:

A parcel of land situated in Township 19 North, Range 2 East, Boise Meridian, Adams County, Idaho, described as

Section 8: SE1/4NE1/4, N1/2SE1/4, SE1/4SE1/4, NE1/4SW1/4

Section 9: NE1/4SW1/4, LOTS 3 AND 4, SE1/4SW1/4

SAVING AND EXCEPTING THEREFROM the following tracts of land:

TRACT 1: Beginning at the Southeast corner of Section 8, Township 19 North, Range 2 East of Boise Meridian;

Thence North 1276.1 feet;

Thence North 89 degrees 54' West 264.4 feet to the TRUE POINT OF BEGINNING;

Thence North 89 degrees 54' West 53.5 feet;

Thence North 89 degrees 54' West 208.7 feet;

Thence North 89 degrees 54' West 219.5 feet;

Thence North 417.4 feet;

Thence South 89 degrees 54' East 521.7 feet;

Thence South 417.4 feet to the TRUE POINT OF BEGINNING.

All is NE1/4SE1/4 and SE1/4SE1/4 of Section 8, Township 19 North, Range 2 East of Boise Meridian, Adams County, Idaho.

TRACT 2: Beginning at the Southeast corner of Section 8,

Township 19 North, Range 2 East, Boise Meridian;

Thence North 1316.1 feet;

Thence North 89 degrees 54' West 3451.6 feet to the TRUE POINT OF BEGINNING;

Thence North 89 degrees 54' West 466.7 feet;

Thence North 466.7 feet;

Thence South 89 degrees 54' East 466.7 feet;

Thence South 466.7 feet to the TRUE POINT OF BEGINNING.

All is the NE1/4SW1/4, Section 8, Township 19 North, Range 2

East, Boise Meridian, Adams County, Idaho.

Subject to the following easements which are filed for record in the office of the Adams County

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a certain grant to IDAHO POWER COMPANY (no representation is made as to present ownership of easement), recorded April 23, 1948 as Instr. No. 31740, records of Adams County, Idaho.

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a certain grant to IDAHO POWER COMPANY (no representation is made as to present ownership of easement), recorded October 2, 1960 as Instr. No. 43721, records of Adams County, Idaho.

WARRANTY DEED, Page 4

*attachment to email sent by Paul Schaefer
on 12-30-15

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to IDAHO POWER COMPANY (no representation is made as to the present ownership of said easement), recorded December 28, 1984 as Instr. No. 69657, records of Adams County, Idaho.

AN EASEMENT for the purpose of public utilities and rights incidental thereto as set forth in a document granted to IDAHO POWER COMPANY (no representation is made as to the present ownership of said easement), recorded October 16, 1981 as Instr. No. 63067, records of Adams County, Idaho.

A RESERVED RIGHT OF WAY for road purposes deed by James W. McCumsey to the Public, which was made reference to in a Warranty Deed recorded September 13, 1913 as Instr. No. 2758, Book 1 of Deeds at page 396, records of Adams County, Idaho.

A RIGHT OF WAY with terms and conditions for the purpose of a County road, granted to Adams County (no representation is made as to the present ownership of said right of way), recorded July 11, 1911 as Instr. No. 391 in Book 2 of Deeds at page 90, records of Adams County, Idaho.

AN EASEMENT with terms and conditions as set forth in a document granted to COUNTY OF ADAMS, recorded February 19, 1960 in Book 25 of Deeds at page 146 as Instr. No. 40109, records of Adams County, Idaho.

EASEMENTS for roads, ditches and public utilities as now established.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED This 9th day June, 1993.

Phillip Allen Walters

Lynette Marie Walters

STATE OF IDAHO

COUNTY OF Valley

On this 11th day of June, 1993, before me a Notary Public for the State of Idaho, in and for the County of Valley, personally appeared PHILLIP A. WALTERS AND LYNETTE M. WALTERS, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 11th day of June, 1993.

[Signature]
Notary Public
STATE OF IDAHO
My Comm. Expires 11/5/95

WARRANTY DEED Page 1

2324229.149

1534699.224

INSTRUMENT NO. 81231
State of Kent)
County of Adams) ss.

Filed for record at the request of
Timberland Title & Trust
this 14 day of June, 1993
by Michael Fisk Recorder
Deputy

Fee \$ 6.00

Merriman, Danielle

From: Merriman, Danielle
Sent: Tuesday, June 28, 2016 1:38 PM
To: 'Pierson, Kim -FS'
Subject: RE: Walters / Sewell Creek Diversion

Good Afternoon Kim,

Thank you for following up with me regarding the site visit. We have already arranged with the applicant as well as Ms. Havens to meet on Thursday afternoon and are not inclined to reschedule at this time. I understand that there may be some conflict between the applicant and the Forest Service in regards to access to the location of the Point of Diversion. This trip is merely a preliminary visit to see if there is, in fact, a connection ditch in the area and if it is transporting water. Verifying this is just the first step to determine if we can proceed with Mr. Schaetzel's transfer application. No decisions are going to be made at the site. Access agreements will still have to be addressed and perhaps a meeting between the applicant and the Forest Service can be arranged at a later time.

I'm sorry the scheduling did not work out for everyone and thank you again for reaching out.

Sincerely,

Danie Merriman

Water Resource Agent, Sr.

Idaho Department of Water Resources

Phone: (208) 334-2190

Fax: (208) 334-2348

Email: danie.merriman@idwr.idaho.gov

From: Pierson, Kim -FS [<mailto:kpierson@fs.fed.us>]
Sent: Tuesday, June 28, 2016 12:27 PM
To: Becker, Holly -FS; Spencer, Steven M -FS; Havens, Rebecca A -FS; Merriman, Danielle
Cc: Bailey, Leigh -FS; Greenway, Jason R -FS; Kennell, David -FS; Kimball, Stephen - FS
Subject: RE: Walters / Sewell Creek Diversion

I would love to attend however I will be teaching a field course that day and cannot reschedule. It would be great if this could be held at a time that specialists and myself are available. Is there any way to arrange this so that the Forest can be present? Kim



Kim Pierson
New Meadows District Ranger
Forest Service
New Meadows Ranger District, Payette
National Forest

p: 208-347-0301

c: 208-514-5809

kpierson@fs.fed.us

PO Box J, 3674 Highway 95

New Meadows, ID 83654

www.fs.fed.us



From: Becker, Holly -FS
Sent: Tuesday, June 28, 2016 11:55 AM
To: Spencer, Steven M -FS <sspencer@fs.fed.us>; Havens, Rebecca A -FS <rahavens@fs.fed.us>
Cc: Pierson, Kim -FS <kpierson@fs.fed.us>; Bailey, Leigh -FS <lbailey@fs.fed.us>; Greenway, Jason R -FS <jrgreenway@fs.fed.us>; Kennell, David -FS <dkennell@fs.fed.us>; Kimball, Stephen - FS <skimball@fs.fed.us>; Becker, Holly -FS <hbecker@fs.fed.us>
Subject: Walters / Sewell Creek Diversion

Hi there, attached is a brief historical timeline regarding the Walters / Sewell Creek Diversion Ditch. Rebecca and I will try and meet with IDWR, Dani Merriman on Thursday close to 1:00 pm to look at the diversion and ditch, Leigh and Jason, if either of you are available and could join us that would be great. Kim I know you mentioned you had a commitment already. Thank you, Holly

Good Afternoon Holly,

Thank you for speaking with me earlier today in regards to scheduling a site visit to Sewell Creek near New Meadows. We are going to visit Sewell Creek, Threemile Creek, and the connection ditch on Thursday afternoon to evaluate the location of the diversion and if any water is being injection into Threemile Creek. We should be in the area around 1:00 if any of your colleagues become available and are interested in accompanying us. Otherwise, we will talk with you later down the line regarding special use requirements and access arrangements.

Thank you,

Danie Merriman

Water Resource Agent, Sr.

Idaho Department of Water Resources

Phone: (208) 334-2190

Fax: (208) 334-2348

Email: danie.merriman@idwr.idaho.gov

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Merriman, Danielle

From: Becker, Holly -FS [hbecker@fs.fed.us]
Sent: Tuesday, June 28, 2016 2:08 PM
To: Merriman, Danielle
Subject: RE: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

Thank you, Holly
208 315-4099 c.

From: Merriman, Danielle [mailto:Danielle.Merriman@idwr.idaho.gov]
Sent: Tuesday, June 28, 2016 1:03 PM
To: Becker, Holly -FS <hbecker@fs.fed.us>
Cc: Havens, Rebecca A -FS <rahavens@fs.fed.us>; Pierson, Kim -FS <kpierson@fs.fed.us>; Spencer, Steven M -FS <sspencer@fs.fed.us>; Kennell, David -FS <dkennell@fs.fed.us>; Kimball, Stephen - FS <skimball@fs.fed.us>
Subject: RE: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

Hi Holly,

I spoke with Rebecca earlier this afternoon and we arranged to meet near the "trailhead" off of Wallace Ln. I also gave her my cell phone number, 208-914-1668, to meet once we are in the area. Good luck with your rescheduling!

Thanks,

Danie

From: Becker, Holly -FS [mailto:hbecker@fs.fed.us]
Sent: Tuesday, June 28, 2016 11:18 AM
To: Merriman, Danielle
Cc: Havens, Rebecca A -FS; Pierson, Kim -FS; Spencer, Steven M -FS; Kennell, David -FS; Kimball, Stephen - FS
Subject: RE: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

Dani, I am trying to cancel a commitment I had on Thursday and Rebecca Havens our Special Uses person is also trying to be able to meet with you on Thursday, the District Ranger, Kim Pierson is not able to meet. We may be a bit later than 1:00. Is there a way we can contact you when we get in the area?? Thank you, Holly Becker

From: Merriman, Danielle [mailto:Danielle.Merriman@idwr.idaho.gov]
Sent: Monday, June 27, 2016 5:29 PM
To: Becker, Holly -FS <hbecker@fs.fed.us>
Cc: Grimm, Angie <Angie.Grimm@idwr.idaho.gov>
Subject: RE: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

Good Afternoon Holly,

Thank you for speaking with me earlier today in regards to scheduling a site visit to Sewell Creek near New Meadows. We are going to visit Sewell Creek, Threemile Creek, and the connection ditch on Thursday afternoon to evaluate the location of the diversion and if any water is being injection into Threemile Creek. We should be in the area around 1:00 if any of your colleagues become available and are interested in accompanying us. Otherwise, we will talk with you later down the line regarding special use requirements and access arrangements.

Thank you,

Merriman, Danielle

From: Merriman, Danielle
Sent: Tuesday, June 28, 2016 1:03 PM
To: 'Becker, Holly -FS'
Cc: Havens, Rebecca A -FS; Pierson, Kim -FS; Spencer, Steven M -FS; Kennell, David -FS; Kimball, Stephen - FS
Subject: RE: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

Hi Holly,

I spoke with Rebecca earlier this afternoon and we arranged to meet near the "trailhead" off of Wallace Ln. I also gave her my cell phone number, 208-914-1668, to meet once we are in the area. Good luck with your rescheduling!

Thanks,

Danie

From: Becker, Holly -FS [mailto:hbecker@fs.fed.us]
Sent: Tuesday, June 28, 2016 11:18 AM
To: Merriman, Danielle
Cc: Havens, Rebecca A -FS; Pierson, Kim -FS; Spencer, Steven M -FS; Kennell, David -FS; Kimball, Stephen - FS
Subject: RE: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

Dani, I am trying to cancel a commitment I had on Thursday and Rebecca Havens our Special Uses person is also trying to be able to meet with you on Thursday, the District Ranger, Kim Pierson is not able to meet. We may be a bit later than 1:00. Is there a way we can contact you when we get in the area?? Thank you, Holly Becker

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Sent: Monday, June 27, 2016 5:29 PM
To: Becker, Holly -FS <hbecker@fs.fed.us>
Cc: Grimm, Angie <Angie.Grimm@idwr.idaho.gov>
Subject: RE: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

Good Afternoon Holly,

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Thank you,

Danie Merriman

Water Resource Agent, Sr.

Idaho Department of Water Resources

Phone: (208) 334-2190

Fax: (208) 334-2348

Email: danie.merriman@idwr.idaho.gov

From: Merriman, Danielle
Sent: Wednesday, June 22, 2016 9:20 AM
To: 'Becker, Holly -FS'
Subject: RE: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

Hi Holly,

Any word from your meeting yesterday? Mr. Schaetzel is trying to organize his Idaho and California schedules and the more notice we can get the better.

Thank you!
-Danie

From: Becker, Holly -FS [<mailto:hbecker@fs.fed.us>]
Sent: Tuesday, June 21, 2016 10:49 AM
To: Merriman, Danielle
Subject: RE: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

Dani, Rebecca Havens, our Special Uses person has a conflict on the 27th, as does Kim Pierson the District Ranger. So a field visit with us will not work that day. I am meeting with Rebecca for a short while today and we'll see if we can coordinate a date to go out. Sorry about this, Thank you, Holly Becker,
Holly Becker
Payette National Forest Water Rights
208 634-0795

From: Merriman, Danielle [<mailto:Danielle.Merriman@idwr.idaho.gov>]
Sent: Wednesday, June 15, 2016 12:26 PM
To: Becker, Holly -FS <hbecker@fs.fed.us>
Subject: RE: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

That still works for me! If it works for your group, I will let Angie Grimm and Mr. Schaetzel know as well. Thank you for the update!

From: Becker, Holly -FS [<mailto:hbecker@fs.fed.us>]
Sent: Wednesday, June 15, 2016 12:20 PM
To: Merriman, Danielle
Subject: RE: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

Danie, I just realized I am tied up the 30th, so we can try for the 27th, Monday if that still works. Thank you, I should have looked at my calendar a bit closer!! , take care, Holly

From: Merriman, Danielle [<mailto:Danielle.Merriman@idwr.idaho.gov>]
Sent: Wednesday, June 15, 2016 11:49 AM
To: Becker, Holly -FS <hbecker@fs.fed.us>
Subject: RE: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

After 12:30 would work for either of those days. Perhaps we could meet at 1:00 on that Thursday? Please let me know what you and the others think will work.

Thanks, Danie

From: Becker, Holly -FS [<mailto:hbecker@fs.fed.us>]
Sent: Wednesday, June 15, 2016 11:41 AM
To: Merriman, Danielle
Subject: RE: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

I am tied up that week unless we went after 12:30 on both those days. I will forward your note to the Special Uses folks and Hydrologist who will also want to attend. Thank you, Holly

From: Merriman, Danielle [<mailto:Danielle.Merriman@idwr.idaho.gov>]
Sent: Tuesday, June 14, 2016 3:48 PM
To: Becker, Holly -FS <hbecker@fs.fed.us>
Subject: RE: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

Good Afternoon Holly,

We spoke on the phone back in February regarding a transfer filed by Paul Schaetzel to move his POD from Sewell Creek to Threemile Creek. You expressed concerns on behalf of the Forest Service and provided additional information regarding the ditch that connects Sewell Creek and Threemile Creek. The water rights associated with this project were not formally abandoned and we are trying to determine if the connection ditch is still viable. I think I site visit would prove valuable and would like to arrange a time to meet with you and Mr. Schaetzel at Threemile Creek to look at the connection ditch to Sewell Creek. Would Monday June 27th or Thursday June 30th work for you to meet?

Thank you!

Danie Merriman
Water Resource Agent, Sr.
Idaho Department of Water Resources
Phone: (208) 334-2190
Fax: (208) 334-2348
Email: danie.merriman@idwr.idaho.gov

From: Grimm, Angie
Sent: Monday, January 25, 2016 11:42 AM
To: Merriman, Danielle
Subject: FW: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

From: Becker, Holly -FS [<mailto:hbecker@fs.fed.us>]
Sent: Tuesday, June 09, 2015 9:31 AM
To: Grimm, Angie
Subject: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

Angie, enclosed are some documents and notes from the Special Uses Files concerning Water Rights 78-00250, 78-00251, 78-00252, and 78-04130. In the water rights back files of 78-04130, there is a note also, about the Walters requesting to have these rights abandoned. Thank you so much, I hope we can get this resolved, take care, Holly

Apparently the note took up too much space and didn't mail, I am resending it (two times) with only 2 attachments each., Thanks, Holly



**Holly B Becker, Water Rights
Hydrologic Tech**

**Forest Service
Payette National Forest, Supervisors Office**

p: 208-634-0700 x0795

f: 208-634-0744

hbecker@fs.fed.us

**500 North Mission
McCall, ID 83638**

www.fs.fed.us



Caring for the land and serving people

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Merriman, Danielle

From: Grimm, Angie
Sent: Monday, January 25, 2016 11:42 AM
To: Merriman, Danielle
Subject: FW: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

From: Becker, Holly -FS [<mailto:hbecker@fs.fed.us>]
Sent: Tuesday, June 09, 2015 11:27 AM
To: Grimm, Angie
Subject: RE: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

Great!! Let me know how it's going, Thank you, Have a great day, Holly

From: Grimm, Angie [<mailto:Angie.Grimm@idwr.idaho.gov>]
Sent: Tuesday, June 09, 2015 11:01 AM
To: Becker, Holly -FS
Subject: RE: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

Holly,

Good morning! I received two emails, each with two attachments for a total of four attachments. Thanks for the information. I will review as time allows and follow up. Thanks for the background information.

Regards,
Angie

Angela M. Grimm, P.G.
Water Rights Supervisor
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

From: Becker, Holly -FS [<mailto:hbecker@fs.fed.us>]
Sent: Tuesday, June 09, 2015 9:31 AM
To: Grimm, Angie
Subject: Walters/Timber Ridge Subdivision 78-00250-00252, 78-04130,

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Apparently the note took up too much space and didn't mail, I am resending it (two times) with only 2 attachments each., Thanks, Holly



**Holly B Becker, Water Rights
Hydrologic Tech**

Forest Service

Payette National Forest, Supervisors Office

p: 208-634-0700 x0795

f: 208-634-0744

hbecker@fs.fed.us

500 North Mission

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www.fs.fed.us



Caring for the land and serving people



United States
Department of
Agriculture

Forest
Service

Payette National Forest
New Meadows R.D.

Drawer J
New Meadows ID 83654
208 347-0300

File Code: 5500

Date: December 14, 2007

Route To:

Subject: Osborn Ditch Assertion-Last Chance Ditch

To: Merrill Cazier

Enclosed is a package of documents submitted by Ed Osborn. He is requesting a review of the documentation pertaining to his ditch and a recommendation from the Forest Service on whether he has sufficient documentation to make an 1866 Ditch Assertion.

The Last Chance Ditch is located within National Forest System (NFS) land on the New Meadows Ranger District, Payette National Forest, and the use is currently unauthorized. Mr. Osborn is also submitting documentation for consideration for a diversion from nearby Brown Creek (as shown on the attached map).

The use of the water is authorized by Idaho Department of Water Resources by water right A78-04134 with a priority date of 01/01/1883. The water right is authorized for irrigation use on the Osborn Ranch with an allowable diversion rate of 1 CFS from April 15 to October 15.

Please review the documentation, and contact Kathy Nash on how to proceed with this Assertion. You can contact her at 208-634-0416, or knash@fs.fed.gov.

KIMBERLY A. BRANDEL
District Ranger

cc: Kathryn S Nash





Merrill D
Cazier/R4/USDAFS

01/04/2008 12:41 PM

To Kimberly Brandel/R4/USDAFS@FSNOTES, Kathryn S
Nash/R4/USDAFS@FSNOTES, Jerry K
Bird/R4/USDAFS@FSNOTES

cc

bcc

Subject Osborn Ditch- Brown Creek

I received the documentation on this Ditch. I will contact Jerry Bird for information on
Delbaere-Campbell Ditch.

I have a large backlog of RS 2339 assertions. Because this is a new one it will take years to
complete.

Unless there is a high priority because of litigation or request by the forest, because of safety or
other concerns.

If there is not a need to move it up on the list I will process it as the date received.

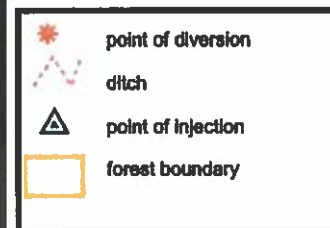
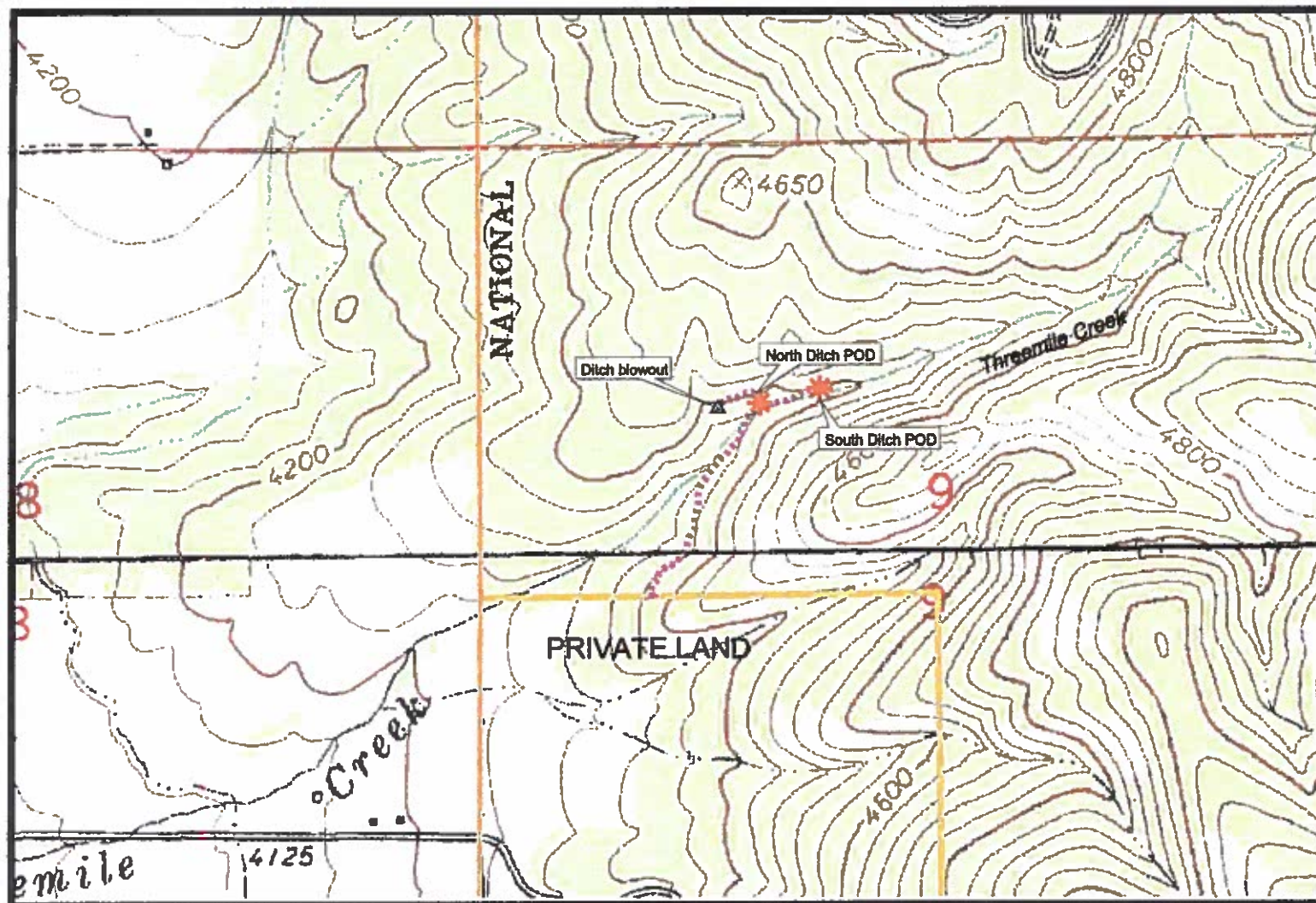
Merrill Cazier, Land Surveyor
mdcazier@fs.fed.us
Office 801-625-5488
Cell 801-791-5142
Fax 801-625-5521

324 25th Street
Ogden, UT 84401

"Nothing in life is to be feared. It is only to be understood."
Marie Curie 1867-1934

Walters Ditch "A"

T19N, R2E, section 9



NOTE: mapped stream locations from USGS quads may be inaccurate.

0.2 0 0.2 0.4 Miles

From GPS field data, Payette Forest GIS data and USGS quads 327-3 (Brundage Mountain) and 311-2 (Meadows).

4/12/04

(sp?)

Call from Paul Bennett (208-888-1631)

He owns property (that is up against the NF) in Timber Ridge Subdivision and wondered the status of a ditch located in 19N 2E sec. 8 & 9. He wants to build a cabin and didn't know if he needed to put in a culvert for it or not where his road would cross it.

Based on his description and after checking the file, I told him it sounded like the ditch is part of the old Phillip Walters' ditch that served that area when it was still part of the Walters' ranch. I also told him that if it was, that section (what we have been calling Section A) was rehabbed at the diversion last September.

I suggested that he stop by our office and look at the file and maps just to be sure and he said he probably would.

November 21, 2003

A highly erosive headcut had developed in the Walters A ditch a short distance from the diversion point in Threemile Creek (see photo). Rock and debris that had accumulated during spring flows had blocked flows in the original channel to a degree that nearly all flow in Threemile Creek was being directed down the ditch and to the headcut. Because the ditch had been abandoned, and the headcut would continue to deliver large amounts of sediment, particularly during each spring runoff, and Threemile Creek is designated critical habitat for Snake River spring/summer Chinook salmon, it was decided to restore flows to the original stream channel, and close the ditch. September 30, 2003, approximately 40 feet of the ditch was filled in, i.e., recontoured, and trees, large rocks, and gravel placed at the diversion point to re-direct stream flows back to the original channel (see photos). The work was done by the Forest restoration crew directed by Tom Crawford, with on-site assistance from myself and Suzanne Gebhards (district hydrologist).

Dale Olson

Dale Olson
East Zone fisheries biologist
New Meadows Ranger District

2002



2003



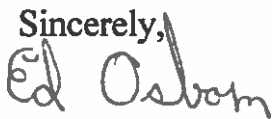




Kathy Nash
Payette National Forest
McCall, Idaho 83638

Dear Kathy,

I am discontinuing my pursuit of the Seoul Creek irrigation ditch project. After consulting with an engineer and learning of the 1921 court case, this project would be a very unstable undertaking. I have spoken with Phil Waters and he knows that the ranch is no longer interested.

Sincerely,


Ed Osborn

Osborn Ranch Inc.
P.O. Box 209
New Meadows, Idaho 83654
1-13-03

Recorded July 19, 1921
Book 2 of Judgments,
Pages 79A to 88 incl.

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF ADAMS.

Henry T. Clay, et al,

Plaintiffs,

vs

T. A. Clark, E. D. Wallace,
et al,

Defendants.

DE C R E E

Said Decree is in part as follows.

NOW THEREFORE on motion of James A. Stinson, Counsel for the
plaintiffs above named, it is hereby ordered, adjudged and decreed as
follows,-

That Goose Creek and its tributaries, is one of the public streams
of the State of Idaho, is a tributary of the Little Salmon River, and is
located in part of its course in the County of Adams, State of Idaho, and
that the waters of said Creek and its tributaries are public waters,
susceptible of appropriation and use under the laws of the State of Idaho
by citizens of said State and of the United States of America.

That the lands and premises hereinafter set forth and particularly
described are owned respectively by the parties to this action after
whose names the lands are so described and that all of said lands are
artificial in character, and that said lands and all thereof require the arti-
ficial application of water thereon in order to produce profitable crops
and that the amount of water required on said land for the proper and
beneficial irrigation thereof is eight-tenths of one miner's inch per
acre thereof, excepting certain lots and small tracts of land located in
the townsite of Meadows, in said County as appears from the plat of said
Townsite and in Rowell Park Addition to said Townsite, which said lots
and small tracts require an amount of water in excess of said eight-
tenths of one miner's inch of water as found and as hereinafter declared
and adjudged, and that all of said lands hereinafter described are loca-
ted in the County of Adams, State of Idaho.

said
That the waters of Goose Creek, at a point in the Southeast Quarter
of the Northwest Quarter of Section 28, Township Nineteen North of Range
2 East of Boise Meridian, divide, and that a part thereof flow in a nat-
ural course through what is known as the NORTH PRONG of said Goose Cree
in a Northwesterly direction and forms a confluence with said Little Sa
mon River at a point in the Southeast Quarter of the Northwest Quarter
of Section 12, Township 19 North of Range One East of Boise Meridian,
and that the remainder thereof flow through what is known as the SOUTH
PRONG of said Goose Creek and forms a confluence with said Little Salmo
River at a point in the Southwest Quarter of the Northwest Quarter of
Section 13 Township 19 North of Range One East of Boise Meridian.

That all of the parties to said suit, excepting the said defendant D. F. Royen, have heretofore appropriated used and diverted from said Goose Creek, and from said North Prong of said Goose Creek, and from said South Prong of said Goose Creek and from Sewell Creek a tributary of said Goose Creek, and they and each of them, have respectively taken and carried the waters of said Goose Creek, through one or more respectively of the following named canals to and upon their respective lands and used the same thereon in irrigation thereof, and that the names and points of diversion of said canals are as follows,-

(Here follows a list of the various canals diverting water from said North Prong, from said South Prong and from Goose Creek, and showing the point of diversion of each; and enumeration is made of any canal diverting water from said Sewell Creek)

It is further ordered, decreed and decreed, that the waters of said Goose Creek and its tributaries be and the same are hereby decreed to the plaintiffs herein and to the said defendants and cross complainants herein after named, in the following amounts and from the dates and in the order of priority as indicated from said dates, each inch of water hereinafter stated being equivalent to an one-fiftieth of one cubic foot per second flow, said waters to be diverted from said Goose Creek, its respective prongs and tributaries by the said plaintiffs and defendants and cross-complainants hereinafter named and through the canals herein-after named.

WATER ALLOTMENTS CONTAINING NAMES OF PARTIES, AMOUNTS ALLOTTED IN INCHES, WITH DATES OF PRIORITY AND CANALS THROUGH WHICH DIVERTED AND STREAM OR PRONG OR TRIBUTARY AND THE LANDS OWNED BY SAID PARTIES TO THIS SUIT ON WHICH SAID WATER IS USED AND FOR WHICH ACQUIRED.

SEWELL CREEK, TRIBUTARY GOOSE CREEK

E. D. Wallace Canal.

Amounts in inches

Date of Priority

E. D. Wallace

2.4

May 1, 1899.

48.

May 1, 1900.

52.8

May 1, 1901.

97.2

May 1, 1914.

LANDS:-

The North one-half of the Southeast Quarter; the Southeast Quarter of the Southeast Quarter; Section 8 Township 19 North of Range 2 East of Boise Meridian.

(Other canals and parties, with the lands by them owned, and amounts of water allotted, are set out in this instrument, the same not being pertinent to this abstract)

The waters herein allotted and decreed are to be appurtenant to and for the use of the lands of the said plaintiffs and the said defendants and cross-complainants as hereinbefore stated and decreed which directly under and served with said water by and from the canals above mentioned.

It is further adjudged and decreed that a head gate and box or weir suitably constructed, shall be placed and maintained by the several parties to this action to whom waters are herein decreed for the purpose of measuring in inches and second feet the amount of water diverted through said diversion canals, and the amount of water to the use of ~~which each of said parties is entitled shall be measured at the point of~~ diversion thereof. And it is further ordered, adjudged and decreed that said head gate or diversion works shall be so placed as to divert water from said stream without holding back the general flow thereof and without unnecessary loss by seepage or evaporation.

It is further adjudged and decreed that none of the parties hereto, or their successors in interest shall have the right to the use of the waters of said Goose Creek, or any of its tributaries except for a beneficial use and whenever such use has ceased such party or parties shall cease to divert water from said creek or its tributaries, and shall have no right to divert the said waters or any part thereof, and each and every of the parties to this action, their servants, attorneys, employees, privies and successors in interest are hereby enjoined and restrained from any and interference with, or diversion or use of the said waters, except as provided in this decree, whenever such interference with, or diversion or use would in any manner interfere with the quantity of water awarded by this decree to any of the other parties to this action.

That the complaint, answers and cross-complaints of the respective parties to this action are hereby amended to conform to the facts as found by the court herein.

Dated July 13th, 1921.

Ed L. Bryan,

District Judge.

347-0007
Osborn Ranch Inc.
P.O. Box 209
New Meadows, Id
83654

Kathy Nash
Payette National Forest
McCall Ranger District
McCall, Idaho 83638

Dear Kathy,

As you are aware, Osborn Ranch has been working with your office to obtain the use of the use of the Seoul Creek Ditch located on the Payette National Forest.

Phil and Lynette Walters operated this ditch under a special use permit; Osborn Ranch would rather assert the right to use this ditch under the rule of 1866.

Located in the Adams County Courthouse in Council, Idaho is a document that states that this particular ditch would be completely built before January 1, 1905. This document is located on page 198 of Water Rights Record. A. George Rigdon had this notarized on September 1, 1902 and it was recorded September 10th 1902.

This ditch has a long history of use. George Rigdon, E.D. Wallace and C.A. Florence originally built and used the irrigation ditch to irrigate the lands that fed their families. Charles Wallace was the last heir of these original constructors to use the Seoul Creek Ditch. Charles Wallace used and maintained the ditch right till he sold his farm to Phil and Lynette Walters. The Walters Family continued to use the ditch until they decided to sell the farm. When Hobe Alter purchased the land from the Walters, he elected to develop the land into residential housing lots rather than cultivate and graze the land. The ditch and water are of no value to him. It is a well-known fact that of this day of age home sites are by far the best money crop that a farmer can produce. However, the Osborn family is still trying to make a living on our land from agriculture and the Seoul Creek ditch and Seoul Creek water would be a great asset to us. We are good stewards of the land and we will be practicing the same stewardship on the Seoul Creek ditch that is has received since it was originally built.

Kathy, the ball is now in your court. Please let me know A.S.A.P. what the next direction is.

Sincerely,
Ed Osborn

Ed Osborn

Ed Osborn called Jill 11/28/01
- not going to acquire this ditch
water right debate in early 1900's
court decree that if use ever lapsed

Seoul Creek → Jill is calling to get a copy and
in writing to cancel this



Debbie Ivey

03/19/01 04:06 PM

To: Kathryn S Nash/R4/USDAFS@FSNOTES
cc: Debbie Ivey/R4/USDAFS@FSNOTES
Subject: Letter to Ed Osborn

Hi Kathy: You had submitted a letter quite a while ago that was addressed to Ed Osborn and was a follow-up to a meeting here at the district with Ed. We are not quite sure what happened with this letter, but it never went out. Kimberly said today that it was too late to send it now, as the letter to the State Dept. of Water Resources, which should have been a follow-up to the first letter, is going out today. That was the next thing I was going to tell you, Kimberly has signed that letter and it is on it's way out of the office tomorrow. I have attached the letter to Ed to this message in case you wanted it for anything, and will delete it out of our edit folder. Thanks, and your cc of the State Dept. of Water Resources letter will be coming to you hardcopy.



Debbie Ivey

Office Automation Clerk

New Meadows Ranger District - Payette

N.F.

Email - divey@fs.fed.us

(208)347-0300 or Fax (208)347-0309



United States
Department of
Agriculture

Forest
Service

Payette
National
Forest

New Meadows RD
Drawer J
New Meadows, ID 83654

File Code: 2720

Date: March , 2001

EDDIE OSBORN
PO BOX 209
NEW MEADOWS, ID 83654

Dear Mr. Osborn:

This letter serves as a follow up to our meeting on Friday, February 2. I appreciated the opportunity to discuss concerns about your proposal to maintain Sewell Ditch and the removal of trees around Twin Lakes Reservoir.

The Sewell Ditch is currently under Special Use Permit to Philip Walters. I understand that Mr. Walters is willing to transfer the water rights for the ditch to you, if you take over the operation and maintenance of the ditch. The transfer of water rights is handled through the State Department of Water Resources and you have hired Holiday Engineering to handle the transfer for you. As discussed, Kathy Nash will work with Holiday Engineering to provide information needed from the Forest Service for transfer of water rights to you. Please have Mike Holiday contact Kathy at 634-0416. If it is decided that you will take over the operation and maintenance of Sewell Ditch, you will need to submit a special use application. Kathy will work with you on this also.

Rehabilitation work will be required on the ditch and the work will likely require heavy equipment (i.e., back hoe) to clean up the debris. Dale Olson, District Fisheries Biologist, will visit the ditch with you and evaluate the effects of proposed ditch rehabilitation work. Please call Dale at 347-0322 when the site is accessible and you are ready to make a field visit. Consultation with the National Marine Fisheries Service and US Fish and Wildlife Service may be required before work on the ditch can begin.

The other topic at our meeting was the removal of trees around Twin Lakes Reservoir. I agree that the trees are a potential hazard for the reservoir. Again, Dale Olson will be the contact and will mark the trees that are hazards. Perhaps a visit to the reservoir can be correlated with your visit to the ditch.

Sincerely,

KIMBERLY A. BRANDEL
District Ranger

cc:
Kathy Nash
Dale Olson





United States
Department of
Agriculture

Forest
Service

Payette
National
Forest

New Meadows RD
Drawer J
New Meadows, ID 83654

File Code: 2720

Date: March 20, 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LAURIE GRIEVES – WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, ID 83705

Dear Ms. Grievs:

Ed Osborn has submitted an application to transfer the use of Seawell Creek ditch from Phillip and Lynette Walters to Osborn Ranch Inc. Phillip Walters was issued a special use authorization on June 29, 1990, for the diversion of water from Seawell Creek. This authorization expired December 31, 1999, and the Walters no longer have an interest in the use of the water diversion.

Mr. Osborn is requesting use of a portion of the ditch that was previously authorized. He has requested use of Section C of the ditch (see enclosed maps) that diverts water from Seawell Creek (sec.35, T20N, R2E) into Threemile Creek watershed in sec. 3, T19N, R2E and Section B of the ditch that diverts water from Trail Creek into the Threemile Creek drainage in sec. 3, T19N, R2E to private lands.

If Mr. Osborn is able to acquire the water rights, the Forest Service will reissue the authorization for the water diversion on Seawell Creek Ditch. The reissuance of the special use authorization will have to comply with NEPA requirements and may contain mitigation measures for operation of the diversion.

If you need additional information, please contact Kathy Nash, Forest Special Uses Coordinator, at (208) 634-0416.

Sincerely,


KIMBERLY A. BRANDEL
District Ranger

Enclosures(3)

cc:

Kathy Nash
Mike Holladay, Holladay Engineering
Ed Osborn
Phillip and Lynette Walters



Osborn Ranch Inc.
P.O. Box 209
New Meadows, ID
83654

Kimberly Brandel
District Ranger, New Meadows Ranger District
Payette National Forest
New Meadows, ID 83654

Dear Kimberly,

We are requesting the transfer of the use of the Seawell Creek Ditch from Phillip and Lynette Walters. Osborn Ranch would like to use only Section C and Section B.

Osborn Ranch is currently asserting the use of Section B under the rule of 1866. This portion of the ditch was built in 1883. Court Case #386 heard by Judge Variach in the year 1919 confirms this date. Case #386 is available for review at the Adams County Courthouse in Council, Idaho.

I look forward to working with you this spring or summer.

Sincerely,

Ed Osborn

Ed Osborn

Cc: Kathy Nash, McCall Ranger District
Phillip and Lynette Walter, New Meadows, Id
Mike Holiday, Holiday Engineering

R
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C
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PAYETTE NF
NEW MEADOWS RD

FEB 22 2001

COPIES SENT:

DR	✓	12
Admin		
FM		
Fish		
Range		
TM Cps		
TM Ping		
Wtr		
FILE		

Meeting with Eddie Osborn
February 2, 2001

Kimberly Brandel, Eddie Osborn, Kathy Nash

Eddie had questions involving the Sewell Creek Ditch and removal of trees at Twin Lakes Reservoir.

Sewell Creek Ditch:

Background: Phillip Walters currently has the Special Use Permit for this ditch (expired 12/99) and the Water Rights from the State. Walters sold the property to Hobie Alter in 1998. Alters is subdividing the property and is not interested in the water rights/ditch. Eddie Osborn is interested in obtaining the water rights and using the ditch. Walters will transfer the water rights to Eddie if he takes over the ditch.

Eddie has hired Holiday Engineering out of Payette, Idaho to work on getting the water rights from Walters transferred. (Contact is Mike Holiday)

There seems to be a problem getting the water rights transferred with out having the permit for the ditch? Eddie was unsure of what exactly is needed from the Forest Service.

Action item - Kathy will contact Mike Holiday and find out what is needed to transfer the water rights?

Eddie would like to know how much work we would require for rehabilitation on the ditch? And can he take a backhoe in there to clean the ditch out. Notes in the file show that Linda Wagoner made a site visit to the ditch last summer - we need to find out how much impact it would be to take equipment into this area and any problems. If Linda can't answer our questions then Dale will go out and look at the ditch with Eddie this Spring.

Action item - Kathy will get with Linda and find out if she can tell us how much work needs to be completed and if Eddie could take equipment in the area to clean out the ditch possibly this Spring?

Eddie also stated that he would like to assert right to the ditch under 1866. He will do some work at the courthouse and make a case for asserting this claim.

Twin Lakes Reservoir and the remains of the Corral Fire

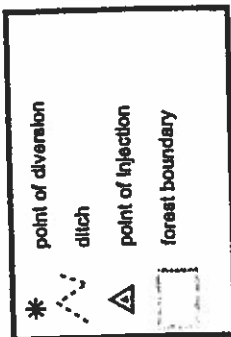
Eddie had questions about the removal of trees near Twin Lakes Reservoir, if the Forest Service would remove them? If the reservoir association can remove the trees?

The reservoir association can remove the trees. Dale Olson and Eddie will go to the site this summer and mark the trees to be removed. Removal of the trees will be authorized by a letter after Dale and Eddie go to the site.

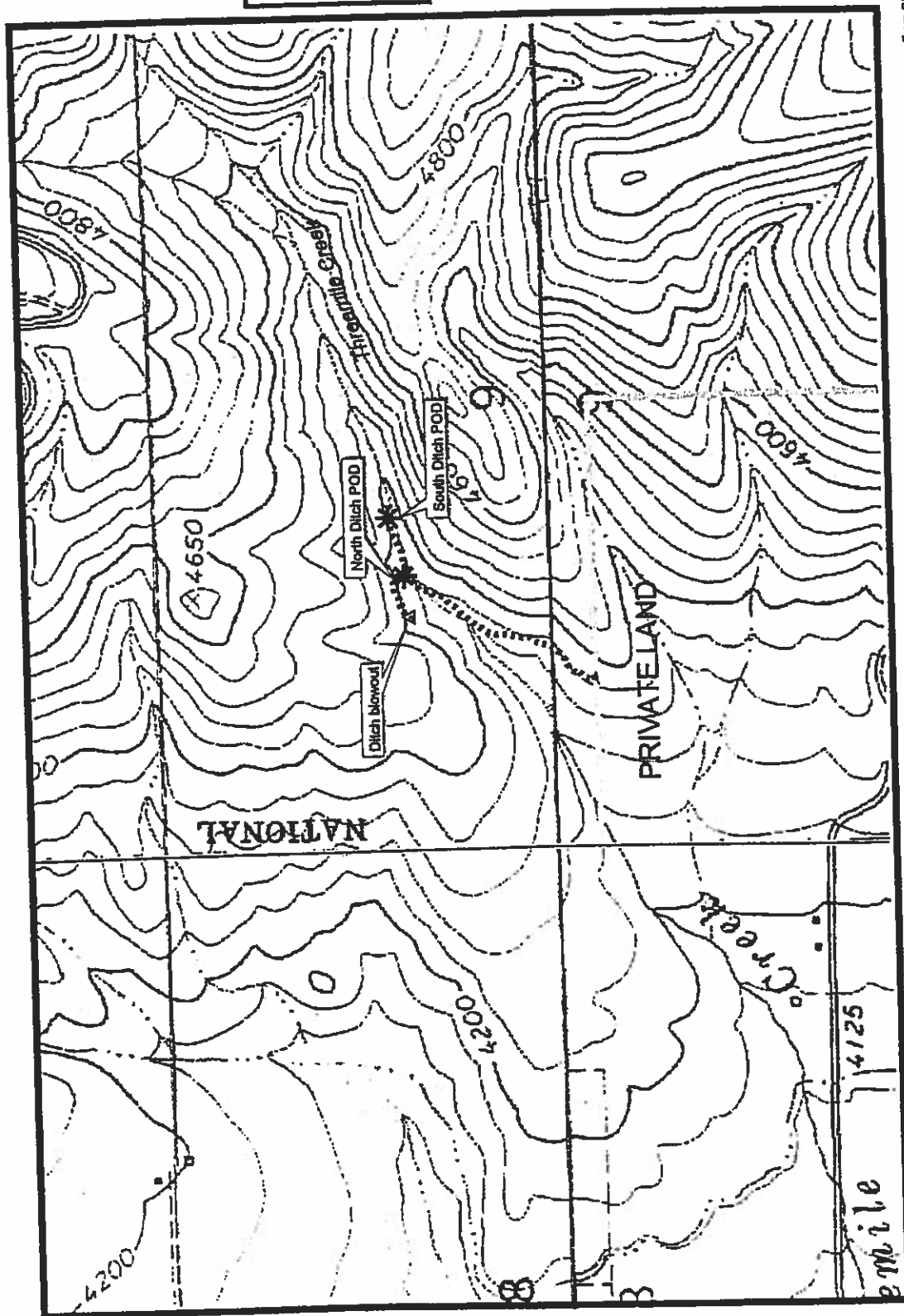
This ditch was authorized by
a special use authorization.
The ditch was reclaimed
this Fall, so this is no
longer an
operating water
system. The
special use case
file is closed.

Walters Ditch "A"

T19N, R2E, section 9



NOTE: mapped stream locations from USGS
quads may be inaccurate.



From GPS field data, Payette Forest GIS data and USGS
quads 327-3 (Brundage Mountain) and 311-2 (Meadow).



United States
Department of
Agriculture

Forest
Service

Payette
National
Forest

New Meadows RD
Drawer J
New Meadows, ID 83654

File Code: 2720
Route To: New Meadows Ranger
Subject: Walters Ditch Permit
Prepared by: Dennis L. Marker – Special Uses Assistant

Date: August 9, 2000

On August 9, 2000 Linda Wagoner, Fish Biologist, and I inspected the Phillip and Lynette Walters Ditch. This Ditch consists of three parts; C-section diverts water from Seawell Creek (sec. 35, T.20N., R.2E.) into the Threemile Creek watershed in sec. 3, T.19N., R. 2E. (See Map 1), B-section diverts water from Trail Creek into the Threemile Creek drainage in sec. 3, T.19N., R.2E., and A-section consists of two diversions from Threemile Creek in sec. 9, T.19N., R.2E. to private lands.

C-section (See Map 4) contains the largest in-stream structure. A 7.0' x 0.5' x 3.5' (LxWxH approximate measurements above ground) cement wall, housing two culverts, is the primary source of diversion. One culvert allows water into Seawell Creek while a wood plank blocks the second culvert, leading to the Walter ditch. C-section carries no water except for a 100-foot stretch where spring-I flows into the ditch. From this point the water flows down the ditch until spring-II where a headgate allows all water from both springs to flow toward the Seawell Creek. C-section contains large amounts of debris.

Point III of B-section (See Map 3) is a smaller ditch connecting the two springs, which are the headwaters for Trail creek. 85-90% of the potential water to Trail Creek is diverted into this B-section. Point II is the only headgate noticeable on this portion of the Ditch. Point I is a culvert under Forest Development Road # 273. The culvert is clear. The water from the culvert is eroding the hillside as it flows into the Threemile watershed. B-section has little debris in it.

A-section has no in-stream structures. Part I of A-section (See map 2) is about 100 yards on National Forest. The diversion is above flood capacity leaving the ditch dry except for some ground water seepage. It is hard to discern in some parts and has debris in it. Part II of A-section (See map 2) is small fish bearing. It carries water from the creek for about 200 feet where it seeps into the ground. Beyond the point of water seepage is a major wash, which disallows any further travel of water.

FOLLOW-UP ITEMS:

The permit has expired and neither the Walters nor Hobie Alters want the ditch. Letter needs to be sent to the Walters notifying of maintenance and rehabilitation needs if no other person desires to continue the use. If someone is found who wants the ditch, we may want to have C-section rehabilitated and only allow B-section and the south diversion of A-section to be re-permitted.

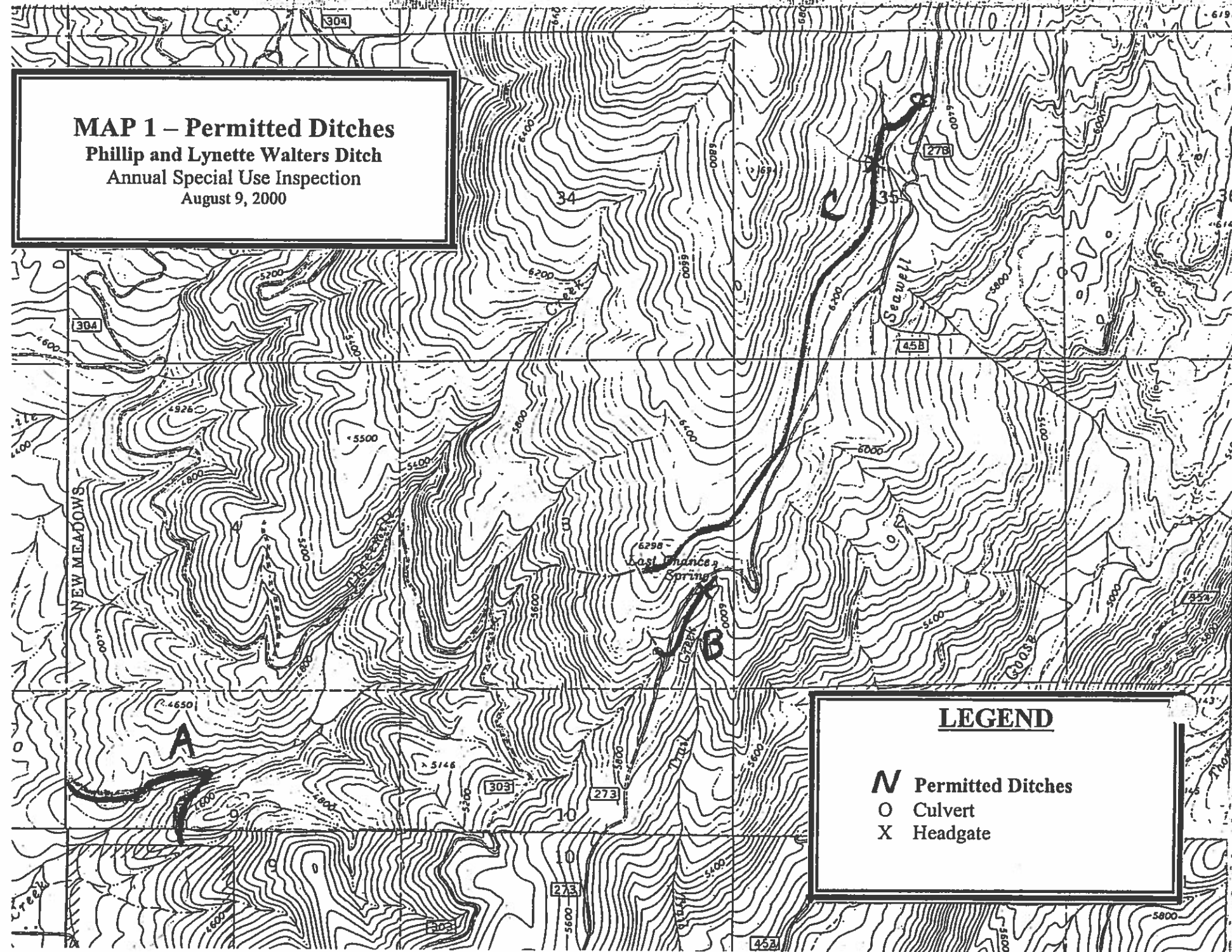
/s/ Dennis L. Marker
Dennis L. Marker



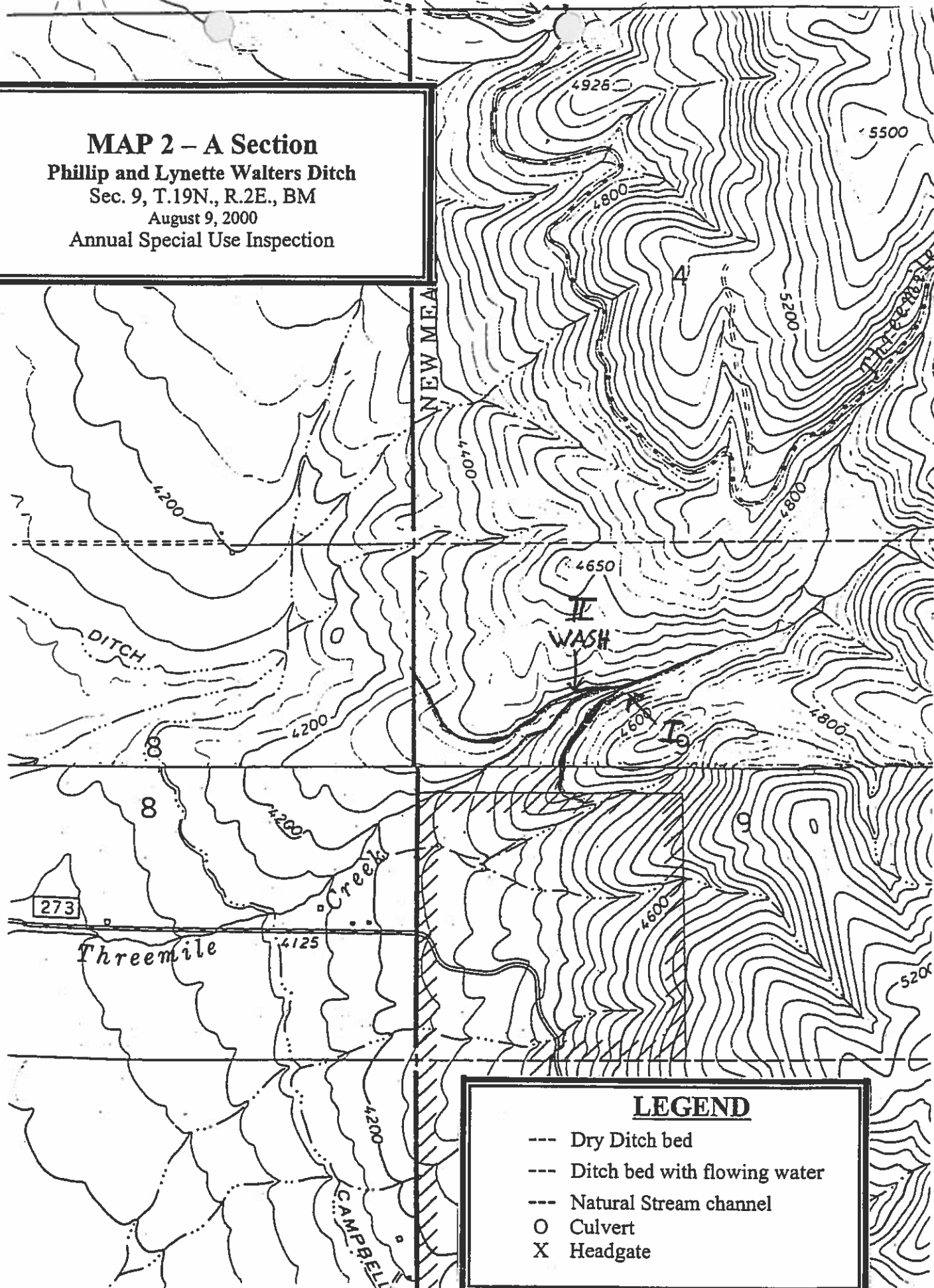
MAP 1 – Permitted Ditches
Phillip and Lynette Walters Ditch
Annual Special Use Inspection
August 9, 2000

LEGEND

- N** Permitted Ditches
- O** Culvert
- X** Headgate



MAP 2 – A Section
Phillip and Lynette Walters Ditch
Sec. 9, T.19N., R.2E., BM
August 9, 2000
Annual Special Use Inspection



LEGEND

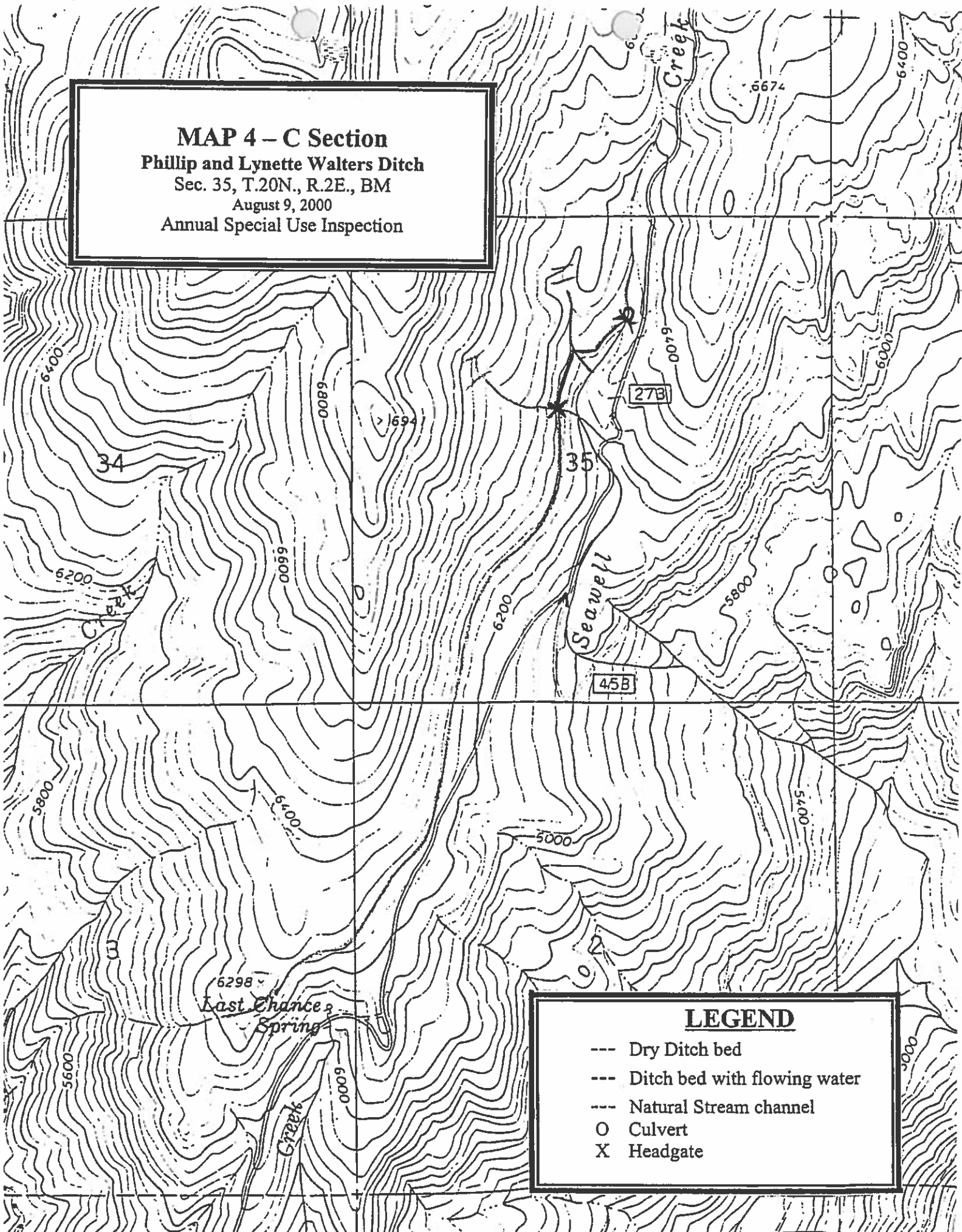
- Dry Ditch bed
- Ditch bed with flowing water
- Natural Stream channel
- O Culvert
- X Headgate

MAP 3 – B Section
Phillip and Lynette Walters Ditch
Sec. 3, T.19N., R.2E., BM
August 9, 2000
Annual Special Use Inspection

LEGEND

- Dry Ditch bed
- Ditch bed with flowing water
- Natural Stream channel
- O Culvert
- X Headgate

MAP 4 – C Section
Phillip and Lynette Walters Ditch
Sec. 35, T.20N., R.2E., BM
August 9, 2000
Annual Special Use Inspection



LEGEND

- Dry Ditch bed
- Ditch bed with flowing water
- Natural Stream channel
- O Culvert
- X Headgate

AJ5809NP
No. A78-04134

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 06/16/95
PAGE: 13

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	OSBORN RANCH INC	01/01/1883	IRRIGATION	04-15 10-15	1.00 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					1.00 CFS	844.00 AFA

Water Source: LAST CHANCE SPRING
TRAIL CREEK

Tributary to: TRAIL CREEK
GOOSE CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion:	T19N R02E S03	NESESE	ADAMS County
Point(s) of Injection:	T19N R02E S09	SEWNNE	ADAMS County
Point(s) of Re-diversion:	T19N R02E S07	NWRESE	ADAMS County
	S08	NESESW	ADAMS County
		SENESE	
		NWSESW	
		NESESE	
		SWNESE	

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
19N	02E	7	:															38	39	:	77.0
19N	02E	8	:											35	37				38	:	110.0
19N	02E	17	:					40	39	39	39									:	157.0
																			TOTAL ACRES	:	344.0

POU County: ADAMS

Other Rights: GOOSE LAKE, BRUNDAGE RES. 78-0234, 78-0235, 78-2024, 78-4285

Remarks: OTHER WATER RIGHTS: 78-0263, 78-0265, 78-4066, 78-2057, GRANITE
TWIN LAKES

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag: