

Amt. of Fee \$: 22.00
Receipt No. 6071515
Receipt By: [Signature]
Date Received: 11-6-03STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV - 6 2003

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 41-07058 Telephone No. 208-548-22112. Name of Permit Holder(s): Leonard May and Marilyn May3. Mailing Address: P.O. Box 269City Rockland State Id Zip 832714. Source of Water: Ground Water If **GROUNDWATER** (well), Date Drilled: mo. July / yr. 1961Well Driller: Paul Volmer & Sons Drilling Permit Number: Not Known

5. Use(s) (as authorized by the water right permit):

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

Irrigation (No. of acres): 48.6 Other: _____6. Total rate of diversion and/or volume for which proof is submitted: 0.97 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes ☒ or No ☐

Has the measuring device been installed?

Yes ☐ or No ☒8. Fee Enclosed: \$ 100 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Leonard May Telephone Number: 208-548-2345Address: 2870 E. Fork Rd. Rockland, Id. 83271

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Leonard May Owner Date: 11/3/03

(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 41-07058

Priority: November 23, 1981

Maximum Diversion Rate: 0.97 CFS

This is to certify, that LEONARD MAY And MARILYN MAY
PO BOX 269
ROCKLAND ID 83271

have applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	0.97 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 33, Twp 10S, Rge 31E, B.M., POWER County

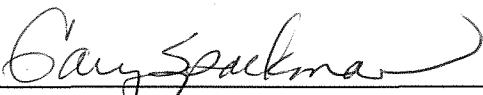
PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	31E	33							40.0		18.0	40.0	39.0	11.0					148.0
Total Acres:			148																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2004**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. This right is limited to the irrigation of 48.6 acres within the place of use described above in a single irrigation season.
5. This right does not authorize the irrigation of land not previously irrigated.
6. Rights 41-00009B and 41-07058 when combined shall not exceed a total diversion rate of 1.4 cfs, and the irrigation of 70 acres.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
9. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 28th day of October, 2003.


KARL J DREHER, Director

Page 1

Ident. No. 41-7058

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: LEONARD MAY
PO BOX 269
ROCKLAND ID 83271
(208)548-2345
AND

MARILYN MAY
PO BOX 269
ROCKLAND ID 83271
(208)548-2211

2. Source: GROUND WATER

3. Location of Point of Diversion:

#1 GROUND WATER SW1/4SE1/4 Sec. 33, Twp 10S, Rge 31E, B.M.
POWER County

4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u> <u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	1.72 CFS	

5. Total quantity to be appropriated is: 1.72 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: WELL, 100 HP MOTOR, PUMP, MAINLINE TO SPRINKLERS

- b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;

- c. Proposed well diameter is _____ inches;
Proposed depth of well is _____ feet.

- d. Is ground water with a temperature of greater than 85F being sought?

- e. If well is already drilled, when? _____;
Drilling Firm _____;
Drilling Permit No. _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

8.

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	
10S 31E 33							40.0		23.0	40.0	40.0	11.0					154.0

Total Acres: 154

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

This well was developed in 1961 to supplement 25 inches of Rock Creek water (Rt. 41-9B) on land west of Rock Creek. Prior to 1987, another 165 acres were added to the system. The original application for permit covered the additional 165 acres irrigated by the well as a primary water source. In 1992, the Mays bought some of the original land and some of the expansion acres from the widow of Dana Muir; the well and all of its output were included in the purchase. The place of use is being amended to land west of Rock Creek bought by the Mays, with a reduction in total acres and diversion rate. Affidavits from the Muir family are included to support our request for processing of this application as a pre-1987 development.

11. Map of proposed point of diversion and place of use attached? ☐

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Applicant

Received by JS Date 5/16/03 Time 4/30/03 Preliminary check by JS
Publication prepared by MB Date 8/27/03 Published in Power Co. Press

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

Publication approved MB Date 10/9/03

Receipt No. S025851

Date: 5/16/03

Received by: JS

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

RECEIVED
APR 30 2003
Department of Water Resources
Boise, Idaho

1. Name of Applicant Leonard A. May and Marilyn May Phone 208-548-2345
Mailing address P.O. Box 269, Rockland, ID 83271
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is Township 10S Range 31E Sec. 33, in the NE $\frac{1}{4}$,
SE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot _____, B.M., Power County;

Additional points of diversion if any: _____

4. Water will be used for the following purposes:
- | |
|---|
| Amount <u>1.72 cfs</u> for <u>Irrigation</u> purposes from <u>3-15</u> to <u>11-15</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |

5. Total quantity to be appropriated is (a) _____ and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source Existing well and pump to sprinkler system.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of 85°F being sought? No
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	31E	33							40		23	40	40	11					154

Total number of acres irrigated 154

10. Describe any other water rights used for the same purposes described above. 41-9B is a decreed water right from Rock Creek used as a primary right on 53 of the above acres.

11. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or place of use? Applicant
c. If the property is owned by a person other than the applicant, please describe the arrangement enabling the applicant to make this filing _____

12. Remarks: See attached remarks.

13. **MAP OF PROPOSED PROJECT REQUIRED** – Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

James May Owner
Signature of Applicant (and title, if applicable)

Received by JS Date 4-30-03 Time noon Preliminary check by _____
Fee \$ 50. Receipted by JS # 5025851 Date 5-16-03
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

AMENDED APPLICATION FOR PERMIT 41-7058

REMARKS

The Application for Permit originally was filed to authorize existing diversion of ground water historically occurring since 1961 to irrigate lands owned by the Applicant. The Application was protested by Udy Brothers and has since been held by the Department. The Application was assigned to Leonard and Marilyn May, who purchased the farmland from the original applicant.

The Amended Application seeks a permit and ultimately a license to cover the actual use and intended use of the ground water today. As amended the Application seeks a permit to develop less than the 165 acres originally requested, and no more than the originally requested diversion rate per acre. No other changes are contemplated by the amendment other than the location of irrigated acres and a corresponding reduction in total diversion rate.

As developed prior to 1987, this ground water provided the primary water supply to 165 irrigated acres. As requested in the Amendment, the 154 irrigated acres overlaps a portion of the decreed place of use for a natural flow right from Rock Creek (41-9B). However, this natural flow right is for only 25 inches of water, and is not adequate to irrigate the entire 70-acre decreed place of use. Therefore, the water sought to be appropriated by this Amended Application would provide supplemental water supply for lands within the decreed place of use of right 41-9B lying west of Rock Creek and a primary water supply for the balance of the requested place of use.

The Amended Application is supported by documentation establishing historical diversions and irrigation dating back to 1961 and assessment of this water use by the Aberdeen-American Falls Ground Water District, which among other things, provides mitigation for the effects of ground water pumping by its members.

21120
33

41-7058
(Amended)

R31E

7-ME

122.8

CRP
87-310A

2-4
16.4

T-2548

N

1-22.5

CRP
97-310A

2-22.4

#1917

Leona
May

CRP
97-93A

3-43.5

4-25.5

NHE

5-25.0

T10S

Portage

P.O.D
(well)

X-X-X
X-X-X

P.O.U



Supplemental to 41-9B

1987

TUD

An aerial photograph of a landscape, possibly a wetland or coastal area, with various shades of green, brown, and white. A large, irregularly shaped area in the center-left is highlighted with a yellow and orange dotted pattern. A small yellow dot is located on a dark, winding feature (possibly a road or waterway) to the right of the highlighted area. The text "41-7058 PPU" is printed in black on the yellow dotted area.

41-7058 PPU

11/99

RECEIVED

FEB 25 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Department of Water Resources
Southern Region

ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of an application for permit

Maya Muir, a widow dealing with her sole and separate property, hereby assigns to _____

Leonard A. May and Marilyn May, husband and wife

of, P.O. Box 269, 279 W. Center, Rockland, ID 83271 (208) 548-2345

(Full Address)

(Phone)

All my right, title, and interest in and to Application for Permit No. 41-7058
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Application for Permit No. 41-7058 to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.)

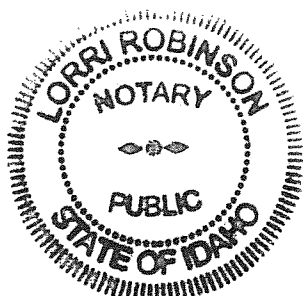
Made this 24 day of February, 2003.

Maya Muir
Applicant(s) Maya Muir

State of Idaho)
County of Power)

On this 24 day of February, 2003, personally appeared before me Maya Muir, who duly acknowledged to me that she executed the same.

SEAL



Lorri Robinson
Notary Public
Residing at Rockland
My commission expires 7-23-04

RECEIVED

FEB 25 2003

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Dana Muir Phone 233-5487
Post office address 26 Trail Creek Road, Pocatello, ID 83201
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 33 Township 10S
Range 31E B.M. Power County, additional points of diversion if any: _____

4. Water will be used for the following purposes:
Amount 1.84cfs for irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:
a. 1.84 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Existing well & pump, sprinklers

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____
Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.
(2) Amount of power to be generated: _____ horsepower under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S	31E	33							33			36	30						96 99
		32				33									33				66

Total number of acres to be irrigated 162 165

c. Describe any other water rights used for the same purposes as described above.

None - claim to a water right from same well on adjacent lands

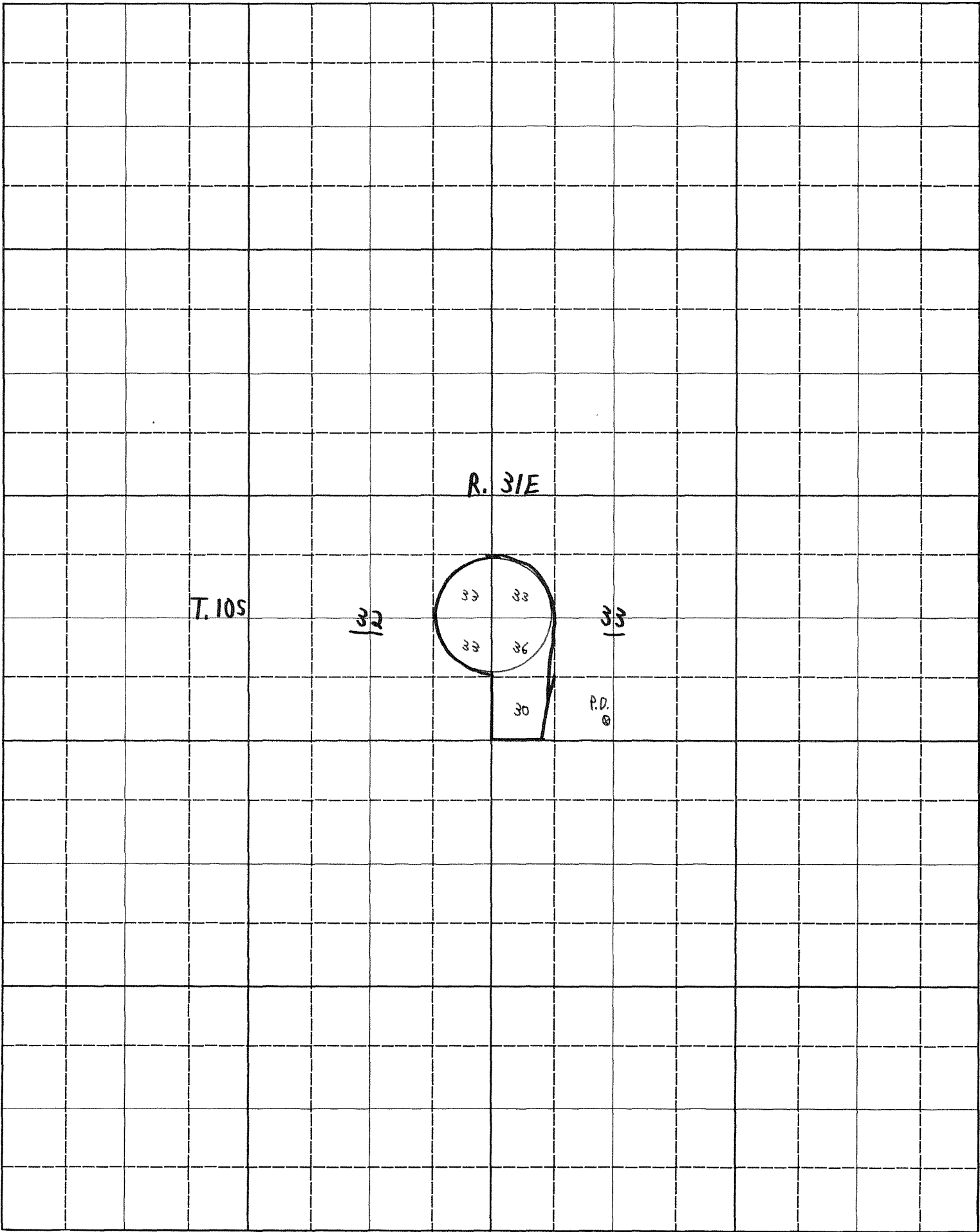
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use "

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks Well has been measured twice at about 92" of water; this is adequate for present use (claim for 66 acres & this application for permit).

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Dana Muir
(Applicant)

Received by JS Date 11-23-81 Time 2:37pm
Preliminary check by T.G.B Fee \$ 65⁰⁰
Receipted by maupa Date 11/23/81 # 20673
Publication prepared by maupa Date 11/25/81
Published in Power County Press
Publication dates 12/2 + 12/9/81
Publication approved maupa Date 12/1/81
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:
 - a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
 - c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
 - d. Other:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 23, 2004

LEONARD MAY
MARILYN MAY
PO BOX 269
ROCKLAND ID 83271

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 41-7058

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.state.id.us.

If you have questions, please contact the **Eastern** Regional Office of the department in Idaho Falls (208) 525-7161.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 41-7058

Reviewed By: dgibson

Date: January 22, 2004

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		S025851, C071515	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?	X	
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?		X	Measure device waiver requested?		

Priority Calculation

Date proof received	11/06/2003
Date proof due	- 02/01/2004
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 11/23/1981
New priority date	= 11/23/1981

Deficiencies of Actions Items

Acknowledge proof.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 28, 2003

LEONARD MAY
MARILYN MAY
PO BOX 269
ROCKLAND ID 83271

RE: Permit No. 41-7058

Permit Approval Notice

Dear Permit Holder:

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

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

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

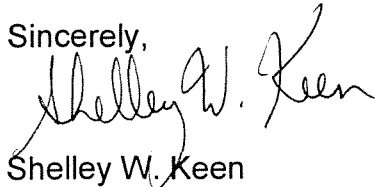
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened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

Please note that one of the conditions of approval on your permit requires that you measure your diversion and record other important hydrologic and physical features and report them annually to the Department. The Department will shortly send you further information about measuring devices, flow estimation using power records, and annual reporting forms. If you have questions about the measuring and reporting requirements, please call the Department at (208) 327-7900 and ask for someone in the Water Distribution Section.

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

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

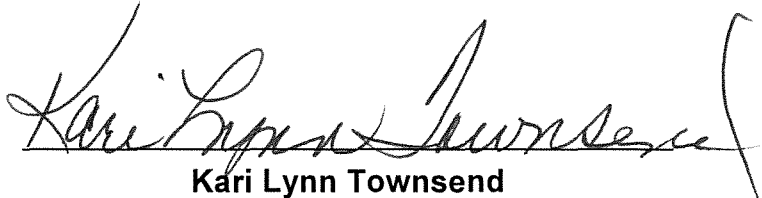
CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

41-7058

LEONARD MAY
MARILYN MAY
PO BOX 269
ROCKLAND ID 83271



Kari Lynn Townsend
Secretary

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Comment Report

41-7058

1. SCLELLAN 6/21/1995 COPIED FROM REMARKS

Comment: PROTESTANT: UDY BROS. AT PUBLIC MEETING DAVE S. RECOMMENDED SHE FILE. | A PORTION OF THE ACRES UNDER THIS APPLICATION ARE IN CRP SET-A- SIDE, SEE ATTACHED MAP. CHANGE OF OWNERSHIP NEEDED PERMIT IS SHOWN AS DANA MUIR, OWNER. SRBA CLAIM LISTS MAYA MUIR AS CURRENT OWNER. I SPOKE W/ NEW OWNER ON 7-20-94 AND GAVE HIM 1409(7) FORM; LEONARD MAY.

2. SCLELLAN 9/8/1999 COPIED FROM REMARKS

Comment: PROTESTANT: UDY BROS. AT PUBLIC MEETING DAVE S. RECOMMENDED SHE FILE. | A PORTION OF THE ACRES UNDER THIS APPLICATION ARE IN CRP SET-A- SIDE, SEE ATTACHED MAP.

3. AJU10-DJ 10/29/1999 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

4. jstanton 5/20/2003 1:56:41 PM Special Administration Area Notes

Comment: Special Administration Areas : American Falls-Aberdeen GW District

Exempt: N

Reason:

Doc Attached:

Explanation:

5. jstanton 5/20/2003 1:57:42 PM Additional Information Supporting Application

Comment:

Evidence of Pre-1987 development: Request

6. jstanton 5/20/2003 Comment/Analysis

Comment: On 5-15-03, I visited the subject well and property accompanied by Mr. May. I did not measure the output of the well, as a previous measurement by Idaho Power Co. in 1999 showed a diversion rate of 634 gpm (1.41 cfs). Mr. May said that the pivot served by the well is designed for 600 gpm (1.34 cfs). If the permit is approved, it should be limited to 1.41 cfs or 0.02 cfs/acre, whichever is less. May stated that the well was originally run with a diesel motor, which he replaced with the present electric motor when he bought the farm in 1992; it is probably not possible to determine the capacity of the original system. Apparently the diesel setup could run a full pivot on higher ground, however, so the present system probably diverts somewhat less. So the present flow rate probably qualifies as pre-1987 development (see above limits). GPS data shows the well to be in the SW/SE instead of the SE/SW as originally shown; I have made this change to the application based on written permission from the applicant attorney.

This farm also has 25 inches of Rock Creek water that is mainly used for gravity irrigation of land east of Rock Creek. May said that he sometimes also uses it on the flat ground west of Rock Creek, but could not say how often this occurs. Apparently it is only in wet years when lots of surface water is available. So the well is really the primary water source for all the irrigated land west of the creek, which is what is covered by this application.

After leaving the property, I went to the FSA office in American Falls to review their slides of this property. I was able to locate slides for 1984 through 2000, and recorded my findings for each year. I never did observe the original pivot in Sec. 32 & 33 that was covered by this application; it appeared that this pivot was removed prior to 1984. May told me that whoever sold the pivot to Muir removed it for non-payment of their bill; this probably occurred between 1978 and 1983. For the years 1984 through 1994, only the original bottom land west of the creek was irrigated (assumes the land east of the creek was under surface water). A few acres were added in 1995. In 1996, the road to the pivot center was visible, but not the pivot (it may have been installed later that year). In 1997, the pivot was clearly visible. All the land under the pivot was not clearly irrigated until 1998, and this varied from year to year. May claimed that he irrigated the west portion of his land with handlines before installing the pivot, but I could not verify this based on FSA data; one of the FSA people agreed with my assessment that this land was in dry grain.

At this point, it appears that only the original bottom land can be permitted as pre-1987 development. Based on my conversation with Shelley Keen, the critical factor may be what happened to the original pivot on the Muir property. The 66 acres in Sec. 32 apparently went into CRP in 1987, but was not irrigated in 1984. If the land was not irrigated in 1982, then it appears that forfeiture has occurred for those acres (even though there was no legal right to forfeit). If the land was irrigated in 1982, then forfeiture has probably not occurred, as these acres would be protected under the CRP. The CRP would have run through 1996, which is about when the pivot went in. We could therefore deduce that the original 1961 acreage plus the additional 66 acres could be considered as pre-1987 development and therefore available for permitting (assuming the protest issues can be resolved). However, neither Mr. May nor his attorney have been able to find any evidence to support the use of this well in 1982 or later; therefore, I recommend that the permit be limited to 48.6 acres that were irrigated from this well by 1987. I will prepare a draft permit based on the data in Arcview.

7. jstanton 8/7/2003 Legal Notice Remarks

Comment: This application proposes to legalize a well that has been in use prior to November 19 of 1987. The place of use is the land west of the South Fork of Rock Creek that is owned by the applicants, and the well is the main source of water for this land. The property is located about 4 1/2 miles south of Rockland on the west side of Hwy 37.

8. amerritt 10/7/2003 recommendation

Comment: This application was processed and was protested however the protest has been withdrawn. The application is based on pre-87 development. Jim has analyzed evidence which allows for approval of only a portion of the application. I recommend approval as Jim has drafted the permit which limits the use however I recommend adding condition 074.

9. kwalker 10/27/2003 Permit Review

Comment: In review of this application for approval it was noted that this is for pre-1987 development. The region determined that the acres under this application should be limited to 48.6 since that was all that could be determined to be pre-87. The region has also reduced the amount of water to be appropriated to 0.97 cfs which is an inch per acre for the 48.6 acres. The pre-87 development caused only a 90 day period for proof of beneficial use submittal.

The region proposed we limit this right when combined with decree 41-9B to 0.97 cfs and the irrigation of 48.6 acres. However, decree 41-9B was issued for 70 acres (48.6 under this app. overlaps with the 70) so we have modified the proposed condition to limit the use of this permit and 41-9B to the irrigation of 70 acres and a total diversion rate of 1.4 cfs (70 acres at an inch per acre).

In my recommendation I have also updated the season of use to the standard for this area. I changed proposed condition 01M to 067 since the applicant is already involved in the gw measurement program.

Affidavit of Publication

State of Idaho

County of Power

Brett Crompton being first duly sworn on oath, states:

That he is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 3rd day of September 2003 and the date of the last publication being the 10th day of September 2003.

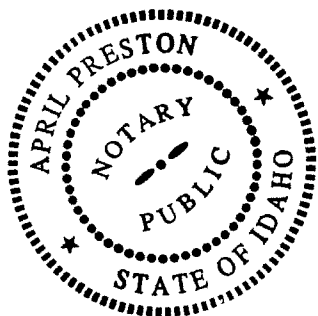
Signed

Brett Crompton

State of Idaho

County of Power

On this 10th day of September in the year of 2003, before me, a Notary Public, personally appeared Brett Crompton, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



April Preston
Notary Public for Idaho
Residing at American Falls, Idaho
My commission expires: August 3, 2006

RECEIVED

OCT 07 2003

Department of Water Resources
Southern Region

OK
mb
10/9/03

Amended application for a water right

Published in The Power County Press
Sept. 3, 10, 2003.

NOTICE OF Amended APPLICATION

The following application has been
filed to appropriate the public waters of
the State of Idaho, Power County:

41-7058

LEONARD & MARILYN MAY

PO BOX 269

ROCKLAND, ID 83271

Point of Diversion: SWSE, S33, T10S,
R31E

Source: GROUND WATER

Use: 03/15 to 11/15

IRRIGATION (1.72 CFS)

Date Filed: 05/15/2003

Place of Use: 154 Acres within SWNW
and all tracts in the SW, S33, T10S, R31E.

Remark: This application proposes to
record a well that has been in use prior to
November 19 of 1987. The place of use is
the land west of the South Fork of Rock
Creek that is owned by the applicants, and
the well is the main source of water for
this land. The property is located about 4
½ miles south of Rockland on the west
side of Hwy 37. The application proposes
to divert groundwater from the "Eastern
Snake River Plain Aquifer" presently un-
der a moratorium order dated April 30th,
1993. The order allows the Director to
consider applications on a case-by-case
basis; if it can be shown the development
will have no effect on prior surface and
groundwater rights because of its location,
insignificant consumption, or mitigation
by the applicant to offset injury to other
rights. The applicant has submitted mate-
rial as evidence of pre-1987 development
as part of the application. Any protest
against the proposed application must be
filed with the Department of Water Re-
sources, Southern Region, 1341 Fillmore
St., Suite 200, Twin Falls, ID 83301 to-
gether with a protest fee of \$25.00 on or
before September 22, 2003. The protes-
tant must also send a copy of the protest
to the applicant.

KARL J. DREHER, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 26, 2003

RICHARD UDY
UDY BROTHERS
ROCKLAND ID 83271

Re: Application for Permit No. 41-7058 - Leonard & Marilyn May

Dear Mr. Udy:

This office acknowledges receipt of the withdrawal of your protest against the above referenced application.

Since you were the only protestant, the issue of the protest has been resolved and the Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office. By copy of this letter, the applicants are being notified of this action.

The Department will continue review of the application without further contact with you unless information is requested.

Please feel free to contact this office if you have any questions regarding this procedure.

Very Truly Yours,

A handwritten signature in cursive script that reads "Mary Baldwin".

Mary A. Baldwin
Administrative Assistant I

cc:
LEONARD & MARILYN MAY
PO BOX 269
ROCKLAND ID 83271

Richard Udy
Rochester, ID 83271

September 3, 2003

Dept. of Water Resources
1341 Fillmore St, Suite 200
Twin Falls, ID 83301-3380

RECEIVED
SEP 05 2003
Department of Water Resources
Southern Region

To Whom It May Concern:

I would like to withdraw my protest against the permit No. 41-7058.

Sincerely,

Udy Brothers
by Richard Udy

A handwritten signature in cursive script, appearing to read "Richard Udy". The signature is written in dark ink and is positioned below the typed name "Richard Udy".



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 29, 2003

Legal Notice Department
POWER COUNTY PRESS
PO BOX 547
AMERICAN FALLS ID 83211

Ladies and Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

SCANNED

AUG 29 2003

NOTICE OF *Amended* APPLICATION

The following application has been filed to appropriate the public waters of the State of Idaho, Power County:

41-7058

LEONARD & MARILYN MAY

PO BOX 269

ROCKLAND ID 83271

Point of Diversion: SWSE, S33, T10S, R31E

Source: GROUND WATER

Use: 03/15 To 11/15

IRRIGATION (1.72 CFS)

Date Filed: 05/15/2003

Place of Use: 154 Acres within SWNW and all tracts in the SW, S33, T10S, R31E.

Remark: This application proposes to record a well that has been in use prior to November 19 of 1987. The place of use is the land west of the South Fork of Rock Creek that is owned by the applicants, and the well is the main source of water for this land. The property is located about 4 1/2 miles south of Rockland on the west side of Hwy 37. The application proposes to divert groundwater from the "Eastern Snake River Plain Aquifer" presently under a moratorium order dated April 30th, 1993. The order allows the Director to consider applications on a case-by-case basis; if it can be shown the development will have no effect on prior surface and groundwater rights because of its location, insignificant consumption, or mitigation by the applicant to offset injury to other rights. The applicant has submitted material as evidence of pre-1987 development as part of the application. Any protest against the proposed application must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before September 22, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in the Power County Press on 9/3 & 9/10/03.

SCANNED

AUG 29 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 27, 2003

RICHARD UDY PARTNER
UDY BROTHERS PARTNERSHIP
5111 S HWY 37
ROCKLAND ID 83271

Re: Amended Application for Permit No. **41-7058** - Leonard May

Dear Mr. Udy:

Since you filed a protest against the initial application, the purpose of this letter is to inform you that the above referenced application has been AMENDED and a copy is enclosed for your reference.

This office will be advertising the Amended Application in the **Power County Press** on **9/3 & 9/10/03**. A period of ten days following the second publication will be allowed for the submittal of protests. (September 22, 2003)

You may withdraw your protest at any time by submitting a written statement to our Department. The protest must be resolved before the application is approved or denied.

If no additional protests are received and the matter cannot be voluntarily resolved between the parties, the Department will conduct a conference and/or hearing.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Allen D. Merritt, P.E.
Regional Manager

AM:MB

Enclosure

SCANNED

AUG 29 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 27, 2003

LEONARD & MARILYN MAY
PO BOX 269
ROCKLAND ID 83271

Re: Amended Application for Permit No. **41-7058**

Dear Applicants:

The Department of Water Resources acknowledges the changes to your application for permit as referenced above.

This office will be advertising the Amended Application in the **Power County Press on 9/3 & 9/10/03**. A period of ten days following the second publication will be allowed for the submittal of protests. (September 22, 2003)

As you know, the original Application was protested by Udy Brothers. If additional protests are received, you will be notified and provided with a copy.

All protests must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant I

cc:
MICHAEL C. CREAMER
GIVENS PURSELY LLP
PO BOX 2720
BOISE ID 83701

SCANNED

AUG 29 2003

GIVENS PURSLEY LLP

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D. David Lorello, Jr.
Emily A. MacMaster
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Raymond D. Givens
James A. McClure
Stephanie C. Westermeier
OF COUNSEL

John A. Miller, LL.M. *
TAX CONSULTANT

*Licensed in Kentucky only

August 11, 2003

Mr. James E. Stanton
Sr. Water Resource Agent
Southern Regional Office
Idaho Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3033

Re: Leonard May Water Right Transfer
Our File No. 2279-4

Dear Jim:

Pursuant to our telephone discussion today, I understand that your review of current GPS information indicates that the existing well designated as the point of diversion ("POD") for water sought to be appropriated by Leonard and Marilyn May pursuant to the above-referenced application is located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 33, T10S, R31E, B.M. The amended application that was filed in your office on April 30, 2003 incorrectly states that the POD is in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 33. I understand that the well is located very close to the quarter section line.

You are authorized to interlineate the correct quarter-quarter description of the POD on the original amended application to show that the well/POD is situated in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 33.

If you have any questions concerning these instructions, or if I can provide you anything further in connection with your review of the application for permit, please feel free to contact me.

GIVENS PURSLEY LLP


Michael C. Creamer

*Attorneys for Applicants
Leonard and Marilyn May*

RECEIVED

AUG 12 2003

Department of Water Resources
Southern Region

cc: Leonard May

MCC:kdt S:\CLIENTS\22794\MCC Ltr to Jim Stanton re Withdrawal of Transfer.DOC

AAG

POD Data

10S 31E 33 NESESW

Legal Description	GPS Site ID	Diversion Name	Meas Option	POD
10S 31E 33 NESESW	A0010306	CC 4 2		600818
Latitude 042:30:12.790	Longitude -112:50:25.160	GPS File R062301b	PCC (2)	

15<573,2 59535/.7

PCC Data

Year	Total KWH	PCC Acre-Ft	Qualifier	PCC	PCC Date	Utility	Account Number	Service Number
1999	51964.00	87.6	1	593.4	06/21/1999	IP	18710083190	
Comments:						Tracking:	Preferred: ☒	Validated: ☒
							Change Date:	
2000	53233.00	89.7	1	593.4	06/21/1999	IP	18710083190	
Comments:						Tracking:	Preferred: ☐	Validated: ☐
							Change Date:	

PCC Calibration

Date	06/21/1999	PCC:	593.4	Change Date:	
Kilowatt-Hour Meter					
Utility	IP				
Pole No	CC 4 2				
Meter Mfr	G				
Meter S/N	90194821				
Disk Const	43.2				
Multiplier	1				
Condition #1 KW 69.3 GPM 634 PCC 593.4 PSI 68 Percent 100					
Descrip 1 pivot					
Condition #2 KW GPM PCC PSI Percent					
Descrip					
Condition #3 KW GPM PCC PSI Percent					
Descrip					

GIVENS PURSLEY LLP

LAW OFFICES

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July 3, 2003

Mr. James E. Stanton
Sr. Water Resource Agent
Southern Regional Office
Idaho Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3033

Re: Leonard May Water Right Transfer
Our File No. 2279-4

RECEIVED
JUL 07 2003
Department of Water Resources
Southern Region

Dear Mr. Stanton:

Enclosed please find a photograph taken by Mr. May of the pivot pad indicating the date it was poured (1973). Mr. May has also been in contact with the gentleman who performed the installation and he confirmed that it was installed in 1973 by a company called Mel Brown.

Please call me after you have reviewed this information so we can discuss finalizing the application and getting this noticed for further processing.

Sincerely,


Michael C. Creamer

Enclosure

cc: Leonard May

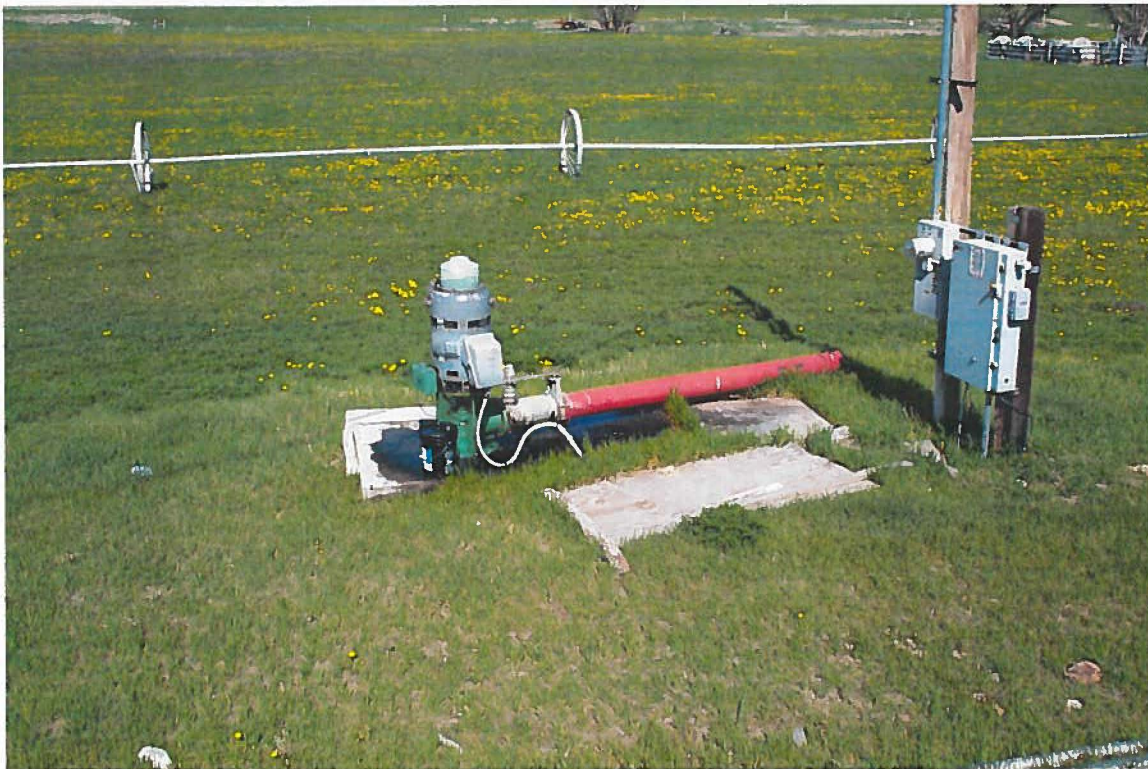
MCC:kdtd S:\CLIENTS\2279\4\MCC Ltr to Jim Stanton re Pivot Information.DOC

RECEIVED
JUL 07 2003
Department of Water Resources
Southern Region





Present POU Looking Easterly Toward Home & Well
By J E Stanton 5-15-2003 App. 41-7058



Diversion Works Looking Westerly
By J E Stanton 5-15-2003 App. 41-7058



Present POU – App. 41-7058 Leonard May
By J E Stanton 5-15-03 Looking North



Same Looking Northeastly



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 21, 2003

Givens Pursley LLP
ATTN: Mike Creamer
PO Box 2720
Boise, ID 83701

RE: Amended App For Permit 41-7058, Leonard & Marilyn May

Dear Mr. Creamer,

Last week I visited the subject property accompanied by Mr. May, and later reviewed the Farm Service Agency data on this farm going back to 1984. My conclusion is that only the original bottom land west of Rock Creek was irrigated until the new pivot was installed in 1996. So that land will qualify as pre-1987 development.

The original pivot installed by Muir did not show up on any of the slides that I saw, so it was apparently removed prior to 1984. The Muir pivot was apparently installed in 1977 or 1978, so we need to know when they stopped using it. Since the west half of the Muir pivot went into CRP in 1987, it may be possible for us to recognize these acres as pre-1987 development.

Please submit the requested information by June 23. If you need more time, it can be granted for sufficient cause. If the date of last use of the Muir pivot cannot be determined, I can only recommend the original bottom land for permitting as pre-1987 development. Once this is determined, we will still have to deal with the protest of the original application filed by Udy Brothers.

Regards,

James E. Stanton
Sr. Water Resource Agent

A0010306 A0002534

100 hp motor Yashawa #007541126 Johnson pump #D 209

replaced original diesel motor in 199^{6 or 97} or whenever he bought it

probably abandoned corners in 1995 or 1996 pivot rated 600 pm
per acre

M-17 1984 - only supplemental ground irrigated

" 1985 - same

" 1986 - not irrigated, dry grain on west portion of land & up into SW/NW

" 1987 - supplemental ground irrigated, rest ^{follow} dry or dry forward

" 1988 - only supplemental ground irrig

M-21 1989 - dry

" 1990 - only supplemental ground irrig.

" 1991 - " "

" 1992 - fewer acres in SW/SE watered this year, rest of supp. ground not

" 1993 - supp. ground watered, rest of W/2 SW up to base of hill dry grain
SW/NW follow

" 1994 - same appearance as 1993.

- Mo 2.1 1995 - some additional ground in NW/SW watered, rest follows in dry grain
- " 1996 - road into pivot center established, but no sign of pivot. hard to tell exactly what is irrigated
- " 1997 - pivot in use, west corners dry. land under west part of pivot looks dry but obviously is irrigated. supplemental ground is greener but not a hard, solid green
- " 1998 - all land under pivot a good green, west corners dry
- " 1999 - same as '98. west corners dry. west part of pivot only light green
- " 2000 - Only land east of pivot center is good green.
- 2001 & 2002 - unable to locate slides of property

Point of Diversion

Aberdeen AF GWD

GPS Site ID Tag

A0010306

Legal Description

10S 31E 33 NESESW

POD Number

600818

GPS Site ID Tag:

A0007377

Legal Description:

03S 31E 20 SWNE

Diversion Name:

Follow-up:

Data
Summary

Twp

Rng

Sect

QQQ

1/4 of

QQ

1/4 of

Q

Lot

Tag Location:

5°N

Offset:

Bearing:

Elevation

GPS File:

r052420a

PO

600

Description:

Source:

Latitude:

Longitude:

Altitude:

4646.90

Measurement Option:

PCC (2)

IDTM-X: 592766.50

IDTM-Y: 228473.60

District: AAG

Reporter(s):

Network:

Use Codes:

Access Port:

Flowmeter

PCC

Timeclock

Alternate

Change Date:

IDV

GPS Site ID Tag:

A0007378

Legal Description:

03S 31E 21 NWSW

Diversion Name:

A 21 2

Follow-up:

Data
Summary

Twp

Rng

Sect

QQQ

1/4 of

QQ

1/4 of

Q

Lot

Tag Location:

50°W

Offset:

0

Bearing:

0

Elevation

0

GPS File:

r052420b

PO

600

Description:

Source:

Ground Water

Latitude:

43

8

45.02

Longitude:

-112

51

1.15

Altitude:

4626.30

Measurement Option:

PCC (2)

IDTM-X: 593556.70

IDTM-Y: 227884.60

District: AAG

PCC Data

Aberdeen AF GWD

MUIR, MAYA M

GPS Site ID Tag

A0010306

Legal Description

10S 31E 33 NESESW

PCC Calculations

Date 06/21/1999

PCC:

593.4

KWHrs/AF

Recalc PCC

Change Date:

IDWRMAINtluk

Kilowatt-Hour Meter

Utility IP

Pole No CC 4 2

Meter Mfgr G

Meter S/N 90194821

Disk Const 43.2

Multiplier 1

Condition #1

KW

69.3

GPM

634

PCC

593.4

PSI

68

Percent

100

KW-A

Descrip 1 pivot

Condition #2

KW

GPM

PCC

PSI

Percent

KW-B

Descrip

Condition #3

KW

GPM

PCC

PSI

Percent

KW-C

Descrip

New Record

Site Visit

POD

PCC Data

Aberdeen AF GWD

MUIR, MAYA M

GPS Site ID Tag

A0010306

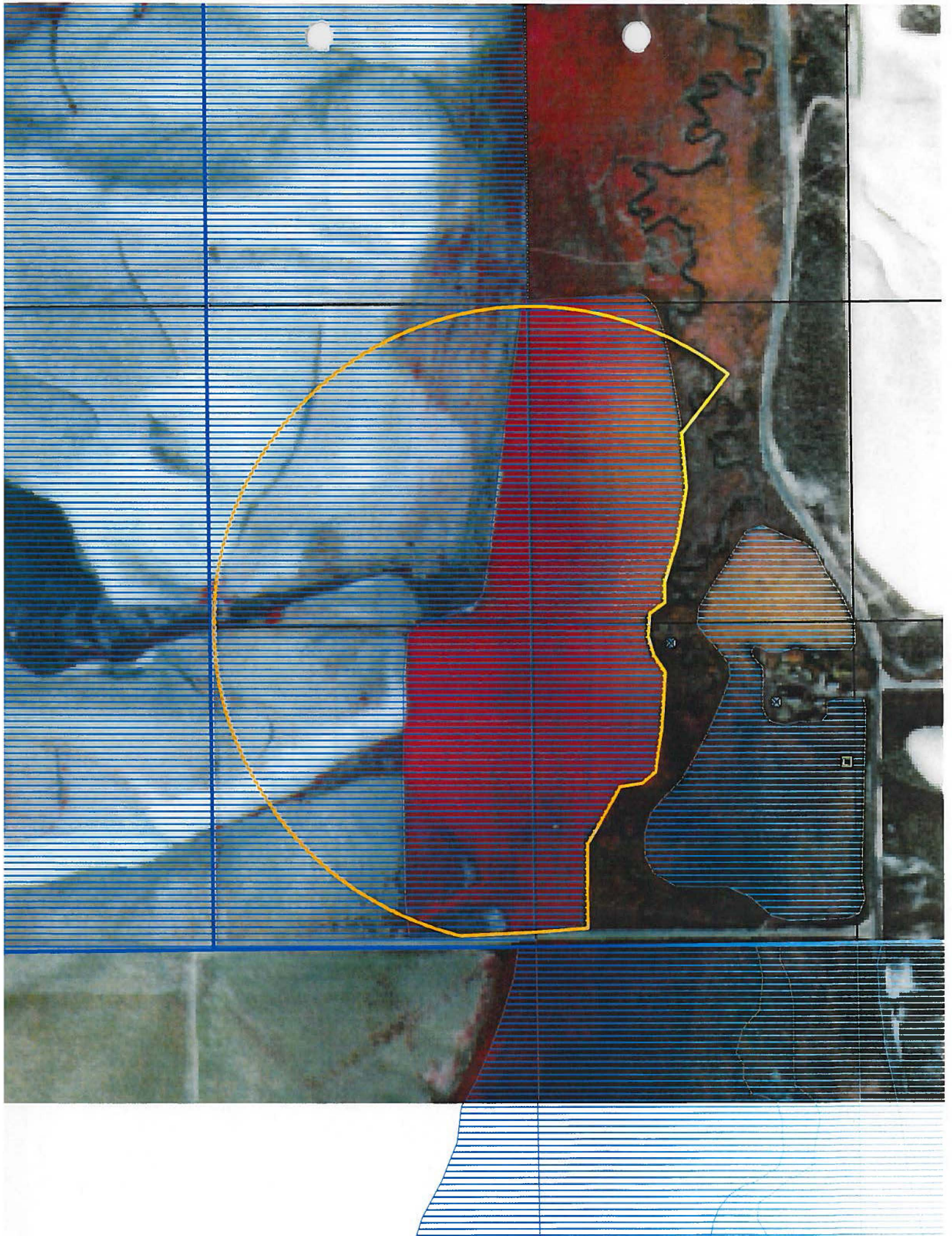
Legal Description

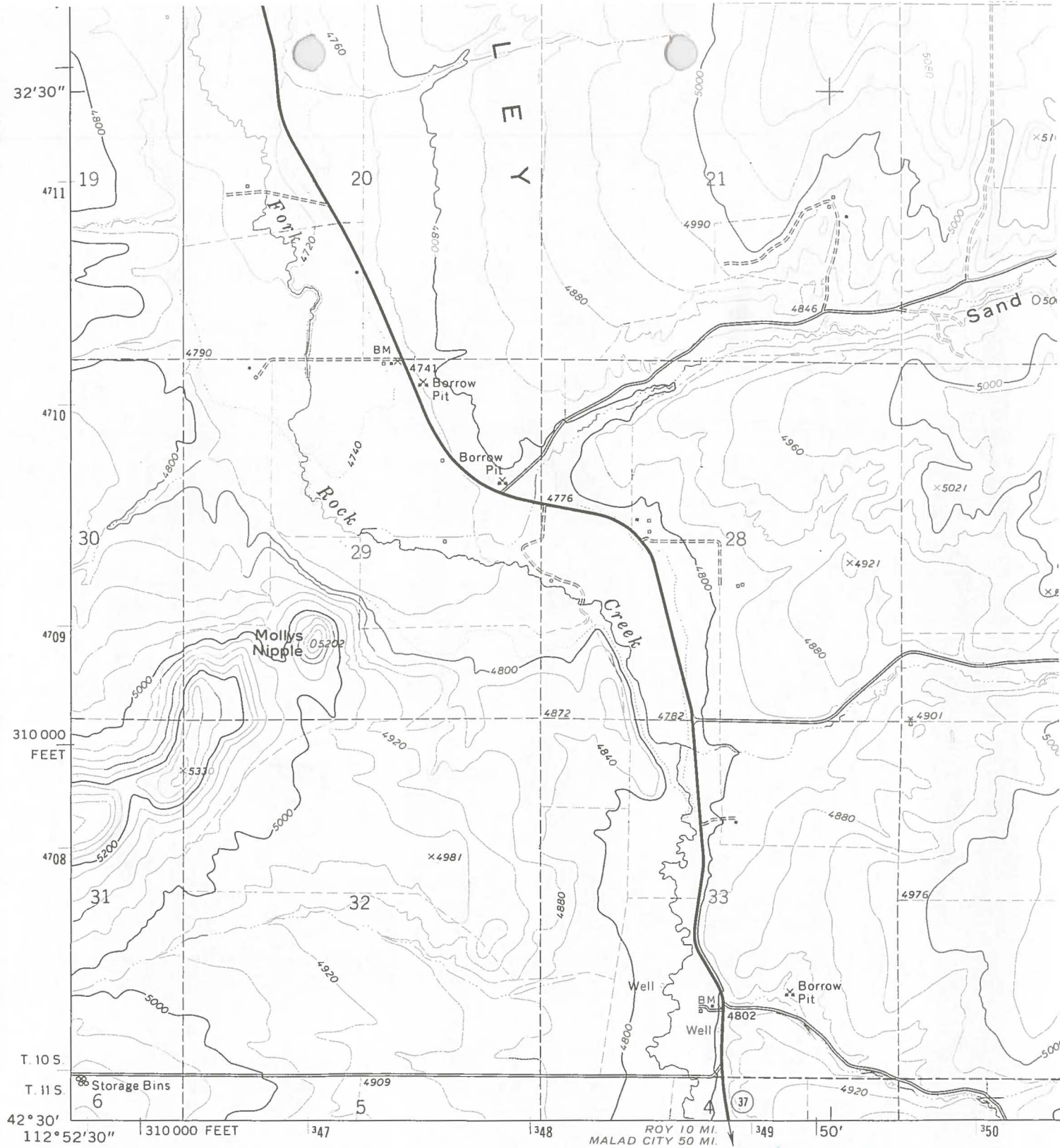
10S 31E 33 NESESW

Power Usage Records

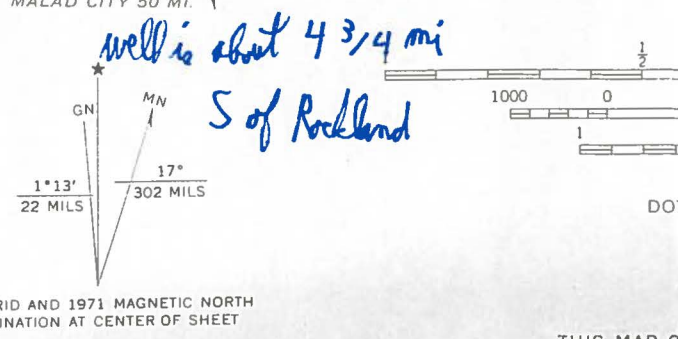
Year	Total KWH	PCC Acre-Ft	Qualifier	PCC	PCC Date	Utility	Account Number	Service Number
1999	51964	87.6	1	593.4	06/21/1999	IP	18710083190	
Comments:						Tracking:	Preferred:	Validated:
							Change Date:	
2000	53233	89.7	1	593.4	06/21/1999	IP	18710083190	
Comments:						Tracking:	Preferred:	Validated:
							Change Date:	

New Record**Site Visit****POD**





Mapped, edited, and published by the Geological Survey
 Control by USGS and USC&GS
 Topography by photogrammetric methods from aerial
 photographs taken 1969. Field checked 1971
 Projection and 10,000-foot grid ticks: Idaho coordinate
 system, east zone (transverse Mercator)
 1000-meter Universal Transverse Mercator grid ticks,
 zone 12, shown in blue. 1927 North American datum
 Fine red dashed lines indicate selected fence lines



THIS MAP C
 FOR SALE BY U. S. GEOLOGICAL SURVEY
 A FOLDER DESCRIBING

Stanton, Jim

From: Keen, Shelley
Sent: Friday, May 09, 2003 10:07 AM
To: Stanton, Jim
Subject: RE: Amended App for Permit 41-7058, Leonard May

Jim,

Sorry to take so long to get back with you on this. I had to tie up a couple of other alligators first.

It may take me a while to understand exactly what's happening, so please bear with me. If I understand correctly, you're thinking that a permit can be issued for pre-1987 development once the protest is resolved. The intent of the moratorium, as interpreted by Keith Higginson's July 1, 1992, memo (App. Processing No. 54), is to "allow the continued processing and approval of applications proposing to cover an existing use." Therefore, I think that a permit could be issued for the use that was occurring in 1992 when the moratorium was established, even if it is less than what was irrigated prior to 1987. If I understand your email correctly, this would exclude the CRP land from approval because it was not in production at the time that the moratorium was established. (CRP is a defense to forfeiture only if there was a water right already established.) The pivot corners could probably be approved if they were irrigated more or less continuously from the period prior to 1987 into the late 1990s. The history of the land in the SWNW of Section 33 is not clear to me. If it was the CRP land, it probably cannot be included. If there is a record of fairly continuous irrigation from before 1987 to at least 1992, then it probably can be included.

Call if you want to talk this over some more or if it looks like I don't quite have the facts straight.

Shelley

-----Original Message-----

From: Stanton, Jim
Sent: Monday, May 05, 2003 9:56 AM
To: Keen, Shelley
Cc: Stanton, Jim
Subject: Amended App for Permit 41-7058, Leonard May

Shelley - This app was filed in 1981 to cover the expanded use of an existing well that occurred in 1978. Claim 41-4011 covered the original use in the SW 1/4 Sec. 33 10S 31E (66 ac). The place of use was expanded when sprinklers were installed in 1978, adding 165 acres to the system. But the app was protested, and eventually got caught in the moratorium. The app added land in 3 additional tracts that were put into CRP in 1987. The pivot that watered these tracts was removed at some point (I'm not sure when), as it was never paid for. The land bought by May in 1992 was not put into CRP, and he continued to farm most of it. The SW/NW Sec. 33 was never farmed by him, and he has no plans to farm it in the future, but he has included it in his amended app on the advice of his lawyer in order to get as many acres as possible covered. The claim on the original well was denied in the SRBA due to failure to timely submit supporting data (his attorney sent me affidavits from the original owners supporting the original development), and May now says that most of the original land (which was east of Rock Creek) is only irrigated with a small creek right that he has. On rare occasions he also irrigates some land west of the creek with a separate pipeline, so the amended app shows the well as being supplemental on this land. The well itself feeds a 90-acre pivot sprinkler for land west of the creek. He watered the west pivot corners until he sold off the handlines about 5 years ago, so apparently he is not interested in irrigating the corners in the future.

My conclusion is that the SW/NW cannot be covered by any pre-1987 approval, but what about the pivot corners? I plan to check the FSA records in American Falls, but want to run this by you first. My explanation is sort of jumbled, so let me know if you need more info.

GIVENS PURSLEY LLP

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
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James A. McClure
Stephanie C. Westermeier
OF COUNSEL

John A. Miller, LL.M. *
TAX CONSULTANT

*Licensed in Kentucky only

May 14, 2003

Mr. James E. Stanton
Sr. Water Resource Agent
Southern Regional Office
Idaho Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3033

RECEIVED

MAY 15 2003

Department of Water Resources
Southern Region

Re: Application for Permit 41-7058 – Request to Process
Our File No. 2279-4

Dear Mr. Stanton:

Per our telephone conversation enclosed please find a check in the amount of \$50.00 to cover the readvertising fee associated with the above referenced application. Mr. Creamer will be out of the office until May 27, 2003. If you have any questions or require any additional information regarding the application in the mean time please contact John Marshall at the above listed telephone number.

Sincerely,



Katrina Thomas
Secretary to Michael C. Creamer

Enclosure

:kdt S:\CLIENTS\2279\4\KT Ltr to Jim Stanton re Readvertising Fee DOC

GIVENS PURSLEY LLP

LAW OFFICES

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OF COUNSEL

John A. Miller, LL.M. *
TAX CONSULTANT

*Licensed in Kentucky only

April 29, 2003

Mr. James E. Stanton
Sr. Water Resource Agent
Southern Regional Office
Idaho Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3033

RECEIVED
APR 30 2003
Department of Water Resources
Southern Region

Re: Application for Permit 41-7058 – Request to Process
Our File No. 2279-4

Dear Mr. Stanton:

This firm represents Leonard and Marilyn May, who are the assignees of the above-referenced Application for Permit (“Application”), originally issued to Mr. Dana Muir. Enclosed is an amended Application for Permit (“Amended Application”) indicating a revised place of use for which the Mays would like to develop this right. In addition, I am including the following documentation concerning pre-1987 development of ground water for irrigation, which, under the Department’s policy would allow processing of the Application to proceed.

1. July 1961 Well Log and Report, Paul Vollmer & Son Drillers;
2. Affidavit of Maya M. Muir dated January 22, 1992 in support of Claim for Water Right No. 41-4011;
3. Affidavit of Thane R. Muir, dated January 22, 1992 in support of Claim for Water Right A41-04011;
4. Affidavit of Walton Muir, dated January 13, 1992 in support of Claim for Water Right No. 41-4011;
5. “Protest” to claim A41-4011 asserting beneficial use from the well beginning in 1977 or 1978;
6. Aerial photographs of Sections 32 and 33 for the years 1985 and 1986;

Mr. James E. Stanton
April 29, 2003
Page 2

7. Copies of Notices of Assessment and Bill for the year 2002 from the American Falls-Aberdeen Ground Water District covering Application for Permit 41-07058 and Claim 41-04011.

The diversion and use of water sought to be permitted and licensed by the original Application and by the enclosed Amended Application has occurred for many years. As stated in the enclosed affidavits, water originally was diverted from the well beginning in 1961 to irrigate approximately 66 acres, and that as of March, 1978, an additional 165 acres were irrigated from the well. Aerial photos and the claim for water right 41-4011 indicate that the water diverted from the well was used on lands under a pivot north and west of the original place of use in the NWSW and SWNW of section 33 and the NESE and SENE of section 32 (the enclosed aerial photos show a faint outline of this pivot location). These lands were placed into the CRP program in approximately 1987. Water from the well thereafter was used on lands west of Rock Creek in the SW1/4 of Section 33, some of which overlaps the place of use for right 41-9B.

The well driller's report prepared in July, 1961 indicates the well was drilled to a depth of 335 feet, and produced 829 gpm (approximately 1.84 cfs). Historical pumping or power records for this period are unavailable as the well was pumped using a diesel motor. Pre-1987 diversion and use of this ground water also is documented by the objection of the Udy Brothers, which objects to a priority date of 1961 for a water right claimed in this well, but asserts that water was diverted from the well and used beginning in 1977 or 1978.

Claim A41-4011, which essentially was a beneficial use claim for the use sought to be permitted under this Amended Application, was recommended and ultimately decreed as disallowed. As I understand the facts, this was because the Mays did not timely produce information to Steve Clelland, the claims examiner, concerning the extent of historical use or diversions. Also the lands being irrigated when the claims investigation occurred were not the same lands originally irrigated. The fact that the claim was disallowed, however, does not mean that the well was not being used for irrigation before November 19, 1987, which is the Department's criteria for processing applications submitted after imposition of the moratorium on new uses of surface and ground water.

In addition to the record that this use pre-dated 1987, I am enclosing Notices of Assessment of the American Falls-Aberdeen Ground Water District covering use of water under both 41-7058 and 41-4011. Not only has this water been diverted and used prior to 1987, but diversions from this well have been under the jurisdiction of the Ground Water District—I.e., the District has been, and is, responsible for providing water to mitigate the impacts of pumping of assessed wells within its boundaries. The American Falls-Aberdeen Ground Water District and others in Water District 120 have entered into an agreement by which this mitigation will

Mr. James E. Stanton
April 29, 2003
Page 3

continue to be provided on behalf of member ground water users. Thus, the concerns that gave rise to the moratorium on processing applications for new ground water rights are being addressed.

Based on the above information, Mr. and Mrs. May request that the Department accept this Amended Application and begin processing it as soon as possible. I recognize that the Udy Brothers protest still is technically in place and that you will provide them notice of the Amended Application.

Please note that I have also enclosed a copy of the Amended Application. Please stamp the copy as received by your office and return it to me in the enclosed self-addressed, stamped envelope. If you have any questions concerning the enclosed materials or require additional information in connection with your processing, please contact either me or my associate, John Marshall.

Sincerely,



Michael C. Creamer

Enclosures

cc: Leonard May

MCC:kdt S:\CLIENTS\2279\4\MCC Ltr to Jim Stanton re Withdrawal of Transfer.DOC

WELL LOG AND REPORT TO THE STATE RECLAMATION ENGINEER OF IDAHO

Log No. _____
Rec'd _____ 19____
Well No. _____
Permit No. _____

(DO NOT FILL IN)

Owner W S Muir Address Rockland, Idaho
Driller Paul Vollmer and Son Address Aberdeen, Idaho Lic. No. 121
Location of Well: SE 1/4 SW 1/4 Sec. 35, T. 10 N 5, R 31 E/W Power County,
and 660 feet N and feet E/W from SE Corner of SW 1/4 1/4 Sec. 35
Size of Drilled Hole 16 inch Total depth of Well 355 ft.
Give depth of standing water from surface 20 ft. Water Temp. _____ °Fahrenheit
On pumping test delivery was 829 g.p.m. or _____ c.f.s. Drawdown was 200 feet.
Size of pump and motor used to make the test 400 horsepower cummins
Length of time pumped during check was three hr., _____ minutes.
If flowing well, give flow in c.f.s. _____ or g.p.m. _____ and shut in pressure _____
If flowing well, describe control works _____
(TYPE AND SIZE OF VALVE, ETC.)
Water will be used for irrigation Weight of casing per linear foot 42 lbs. per ft.
Thickness of casing 1" wall Casing material pipe
E.G., PIPE, CONCRETE, WOOD.
Diameter, length and location of casing 16" surface to 57 ft.
(CASING 12" IN DIAMETER AND UNDER GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER GIVE OUTSIDE DIAMETER.)
Number and size of perforations 120 1/2" + 3" located 34 feet to 57 feet
from surface of ground.
Other perforations none
Date of commencement of well 7/15/61 Date of completion of well 7/29/61
Type of well rig 772/ 83 star

CASING RECORD

DIAM. CASING	FROM FEET	TO FEET	LENGTH	REMARKS -- SEALS, GROUTING, ETC.
16"	surface	57 ft.	57 ft.	

GENERAL INFORMATION—Pumping Test, Quality of Water, Etc.

soft water

SESW 5.33 / OS 3.15

MICROFILMED

MAR 01 1993

WELL LOG

[illegible]

WELL DRILLERS STATEMENT

This well was drilled under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

Signed Paul Wallstreet Jones

By M. H. H. H.

Dated July, 19 61.

License No. 171

MICROFILMED

MAR 04 1999

AFFIDAVIT OF MAYA M. MUIR

RECEIVED

JAN 31 1992

In Re Claim of Water Right No. 41-04011

Department of Water Resources
Southern Region Office

STATE OF IDAHO)
) ss.
County of Bannock)

MAYA M. MUIR, being first duly sworn, deposes and says that she is the widow of Dana Muir and makes this affidavit in support of claim to a water right No. 41-04011 and application for permit No. 41-07058 and states as follows:

1. In 1961, my husband and I and our children resided on a farm south of Rockland, Idaho in one of the two residences that are situate on the farm.

2. In 1961, my husband and his father determined that it would be desirable to secure more dependable water for the hayfields and caused a well to be drilled so that water could be pumped into our irrigation ditch.

3. Attached hereto is a copy of the well log showing that the well was completed on July 29, 1961.

4. In August, a pump and accessory purchased from Agricultural Services, Inc. was installed. By the first of September, 1961, water from the well was regularly utilized in the irrigating of 66 acres of our land.

5. In 1978, irrigation from the well was expanded and beginning on March 15, 1978, an additional 165 acres were watered from the well by the installation of a sprinkler system.

6. A priority on our claim to water right for 8cfs should be established as of the end of August or not later than September 1, 1961 and our water right should reflect an additional 1.84cfs from the well with the priority date of March 15, 1978.

Maya M. Muir
MAYA M. MUIR

SUBSCRIBED AND SWORN to before me this 22nd day of January, 1992.

John B. Fugler
Notary Public for Idaho
Residing at: Pocatello, ID

MICROFILMED

MAR 04 1993

AFFIDAVIT OF THANE R. MUIR

RECEIVED

In Re Claim of Water Right No. 41-04011

JAN 31 1992

Department of Water Resources
Southern Region Office

STATE OF IDAHO)
) ss.
County of Bannock)

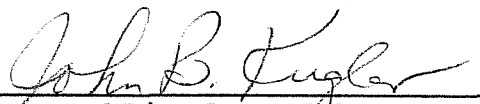
THANE R. MUIR, being first duly sworn, deposes and says as follows:

I am the son of Dana Muir, who filed a claim of water right for irrigation water on a farm south of Rockland which now belongs to my mother, Maya Muir. In the late '50s and '60s, I resided on the farm, then owned by my grandfather, W. S. Muir. In the summer of 1961, my grandfather had a well drilled just a few rods south of our houses and alongside the highway known as Highway No. 37. In July of 1961, the well was completed, cased and tested. In August of the same year, a pump, gear box and gas engine were ready and installed so that we could start pumping water. The gear box ratio was wrong and it had to be corrected.

To the best of my memory the proper gear box arrived and was installed near the end of August, 1961. We immediately began pumping the well water into our portion of the Landing Ditch. Prior to this, all of our irrigation water had come from our Landing Ditch permit. By pumping our well water into our ditch, we were able to provide, through the use of the Landing Ditch and our existing laterals, all of the water required for the irrigation of the hay fields. We continued to pump and irrigate from the well from the end of August and for each irrigation year thereafter. Our first beneficial use was in August of 1961 and the priority date should not be later than September 1, 1961.


THANE R. MUIR

SUBSCRIBED AND SWORN to before me this 22nd day of January, 1992.


Notary Public for Idaho
Residing at: Pocatello, ID

MICROFILMED

MAR 04 1993

RECEIVED

AFFIDAVIT OF WALTON MUIR

JAN 31 1992

CONCERNING

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM FOR WATER RIGHT No. A41-04011

The subject water right is associated with a well drilled on the M-3 (Muir) Ranch five miles south of the town of Rockland, Idaho. My grandfather, William S. Muir, had the well drilled in the spring of 1961, the same year I graduated from Rockland High School. My family lived on the farm with my grandparents at that time, and I remained at the farm after graduating from high school until I left for college in late September of 1961.

The well was drilled a few hundred feet south of the farmstead on a high point in the hayfield adjacent to State Highway 37. From that point water from the well would flow by gravity both north and south via the existing irrigation ditches to irrigate the land between Highway 37 and Rock Creek. My grandfather intended to eventually connect the well to sprinkler systems, but at first the well water was distributed to the land through the existing system of ditches.

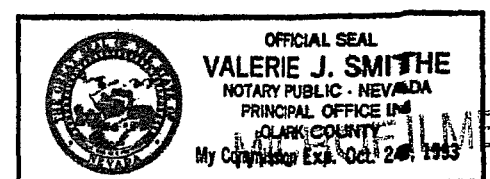
I believe the well was drilled to a depth of about 300 feet but was not cased to the full depth. My grandfather purchased a used well pump, a right-angle gear drive, and a gasoline powered engine to drive the pump. Water from the well was first used to irrigate the hayfields in the summer of 1961. I personally observed and assisted with this irrigation before I left for college at the end of that summer.

Walton Muir

Walton Muir
1517 Della Court
Boulder City, Nevada 89005

Subscribed and sworn to before me this 13th day of January, 1992

Valerie J. Smithe
Notary Public, Clark County, State of Nevada



MAR 04 1993

RECEIVED

DEC 21 1981

Department of Water Resources
Southern District Office

December 21, 1981

Rockland, Idaho

Dear Sir,

Notice is hereby given that we (Udy Brothers) protest permits numbered 41-4011, 41-7058, 41-0009A of Danx Muir of Pocatullo, Idaho.

Udy Bros.

Udy Bros By Richard Udy

Star Route Box 28

Rockland, Idaho 83271

Explanation of above protest: Although this well has existed for many years, it has not been used until about 1977 or 1978. The priority date claimed is therefore false, which in turn would invalidate the claim. Applicants should be made to file an application for a permit to use this well. Also, this is a sprinkler system, not gravity as claimed.

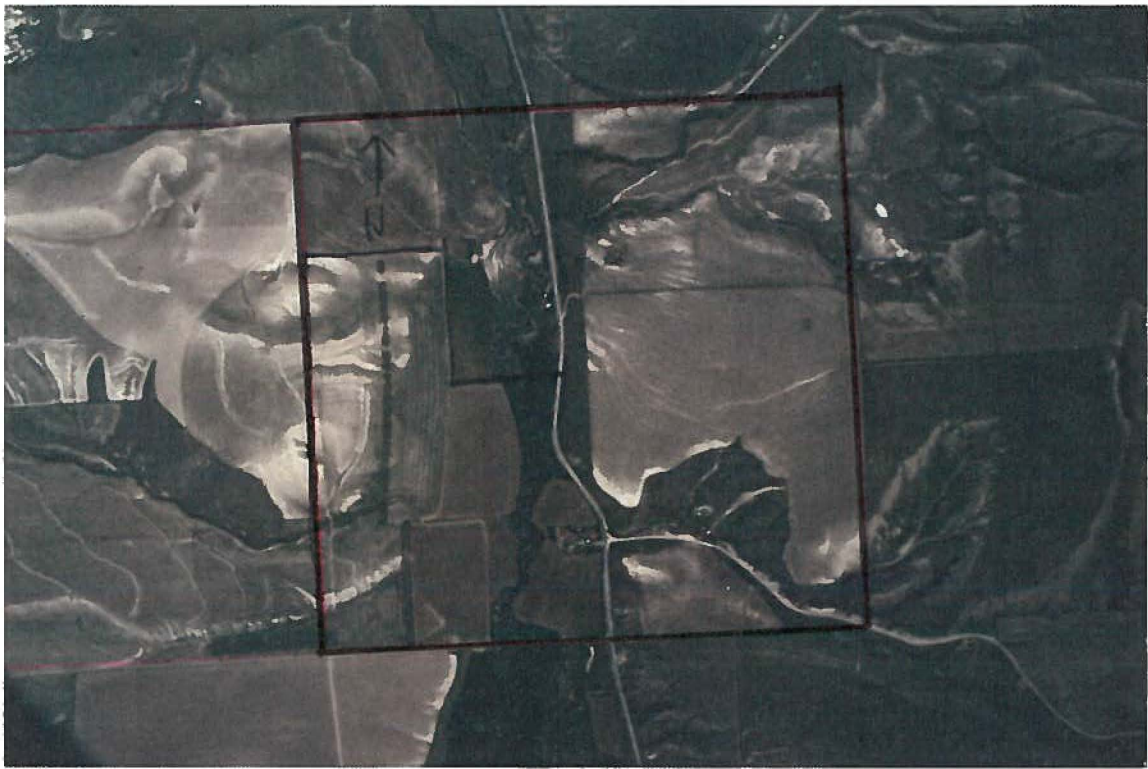
Udy Bros

By Richard Udy

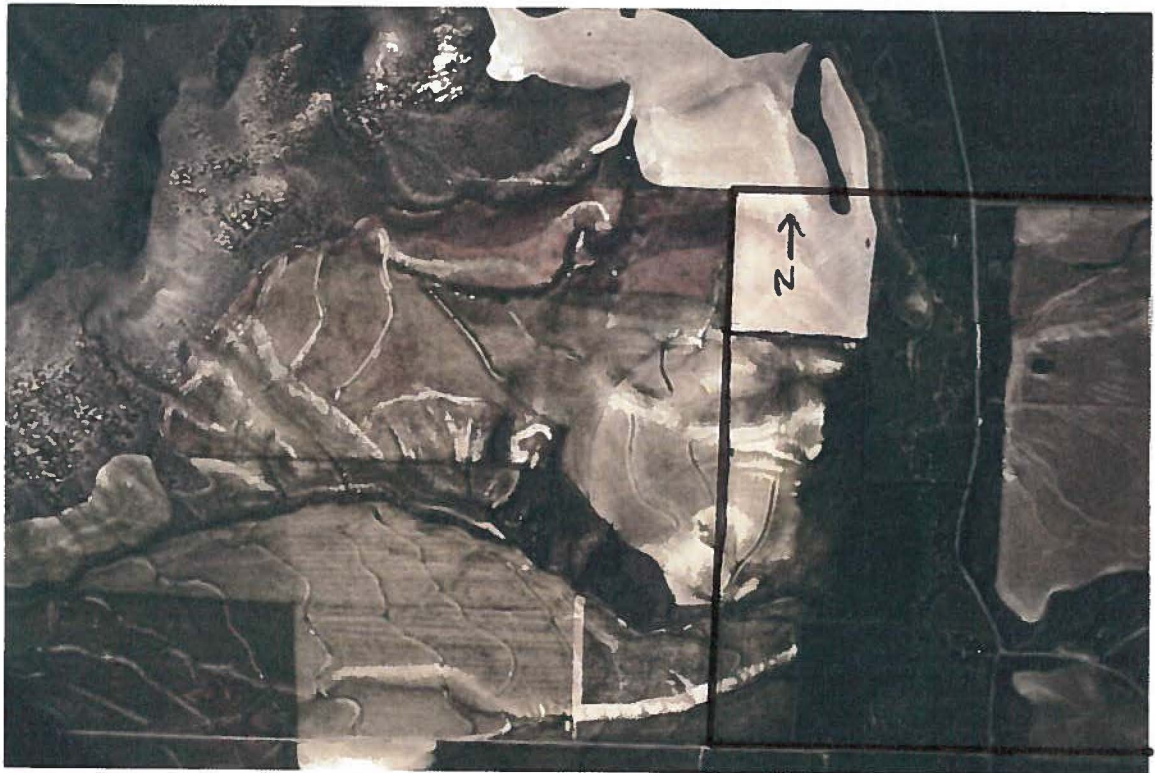
A41-04011

(Stat. Claim 4011 filed 1981)

41-7058



1986 ASCS Photo



1985 ASCS Photo

American Falls – Aberdeen Area
Ground Water District
514 Tyhee
P.O. Box 70
American Falls, ID 83211
(208) 226-5914
(208) 226-1253 fax

American Falls – Aberdeen Area Ground Water District

NOTICE OF ASSESSMENT AND BILL

November 29th, 2002

TO: Leonard May
2870 E. Fork Road
Rockland, ID 83271

NOTICE IS HEREBY GIVEN by the undersigned Treasurer of the American Falls – Aberdeen Area Ground Water District (“District”) that at a regular meeting of the Board of Directors held on October 31st, and assessment was levied against each member to pay maintenance and operation of the District in the amount of \$90.00 per cubic foot per second of water that each member is authorized to divert pursuant to their water rights on file with the Idaho Department of Water Resources.

This assessment shall be due and payable on or before December 31st of this year, after which date each unpaid assessment shall be delinquent; shall bear interest at the rate interest established for money due on judgments until paid; shall entitle District to take any appropriate action to collect the assessment, including suit and foreclosure of liens; and, in addition, shall be subject to a penalty in the amount of \$15.00 per delinquent assessment.

YOUR BILL IS AS FOLLOWS:

Water Right #: 41-07058

Point(s) of Diversion (Township, Range, Section):
10S 31E 33 NESESW

Acres: 165

CFS: 1.84

Amount Due: \$ 165.60

Please mail payments to the above address and include the water right number(s) with payment. If there is any correction as to name or address, please let us know.

American Falls Aberdeen Area
Ground Water District

By: /s/ Treasurer

Treasurer

P.O. Box 70

American Falls, ID 83211

American Falls – Aberdeen Area
Ground Water District
514 Tyhee
P.O. Box 70
American Falls, ID 83211
(208) 226-5914
(208) 226-1253 fax

American Falls – Aberdeen Area Ground Water District

NOTICE OF ASSESSMENT AND BILL

November 29th, 2002

TO: Maya Muir
Leonard May
2870 E. Fork Road
Rockland, ID 83271

NOTICE IS HEREBY GIVEN by the undersigned Treasurer of the American Falls – Aberdeen Area Ground Water District (“District”) that at a regular meeting of the Board of Directors held on October 31st, and assessment was levied against each member to pay maintenance and operation of the District in the amount of \$90.00 per cubic foot per second of water that each member is authorized to divert pursuant to their water rights on file with the Idaho Department of Water Resources.

This assessment shall be due and payable on or before December 31st of this year, after which date each unpaid assessment shall be delinquent; shall bear interest at the rate interest established for money due on judgments until paid; shall entitle District to take any appropriate action to collect the assessment, including suit and foreclosure of liens; and, in addition, shall be subject to a penalty in the amount of \$15.00 per delinquent assessment.

YOUR BILL IS AS FOLLOWS:

Water Right #: 41-04011

Point(s) of Diversion (Township, Range, Section):

10S 31E 33 NESESW

Acres: 108

CFS: 2.22

Amount Due: \$ 199.80

Please mail payments to the above address and include the water right number(s) with payment. If there is any correction as to name or address, please let us know.

American Falls Aberdeen Area
Ground Water District

By: /s/ Treasurer

Treasurer

P.O. Box 70

American Falls, ID 83211



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 12, 2003

LEONARD MAY And/Or
MARILYN MAY
PO BOX 269
ROCKLAND ID 83271

RE: Transfer No.: 70068
Water Right No(s): 41-7058

Dear Applicant:

The department acknowledges the withdrawal of Application for Transfer 70068 that proposed a change to Right 41-7058. The application has been voided and no further action will be taken.

Sincerely,

Pamela S. Skaggs
Sr. Water Resource Agent

Stanton, Jim

RECEIVED

From: Stanton, Jim
Sent: Monday, March 10, 2003 1:23 PM
To: Financial
Cc: Stanton, Jim
Subject: Refund of Filing Fee

MAR 12 2003

Department of Water Resources

On 7-26-03, Receipt S025120 was issued to Leonard May in the amount of \$290 to cover App for Transfer 70068. The application has been withdrawn prior to advertising, so a refund is due to the applicant. His address is PO Box 269, Rockland, ID, 83271. Thanks.

SCANNED

MAR 11 2003

GIVENS PURSLEY LLP

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Gary G. Allen
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Bradley V. Sneed
H. Barton Thomas**
Conley E. Ward
Robert B. White

Raymond D. Givens
James A. McClure
Stephanie C. Westermeier
OF COUNSEL

John A. Miller, LL.M. ***
TAX CONSULTANT

*Licensed in Oregon only
**Licensed in Washington, D.C. only
***Licensed in Kentucky only

March 3, 2003

Mr. James E. Stanton
Sr. Water Resource Agent
Southern Regional Office
Idaho Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3033

Re: Leonard May Water Right Transfer
Our File No. 2279-4

Dear Mr. Stanton:

Per my voicemail to you this afternoon enclosed please find the original Request for Withdrawal of Application for Transfer signed by Mr. May. I have sent a copy of the Request to you via facsimile as well. If you have any questions or require any additional information please call.

Sincerely,



Michael C. Creamer

Enclosure

cc: Leonard May

MCC:kdt S:\CLIENTS\2279\4\MCC Ltr to Jim Stanton re Withdrawal of Transfer.DOC

RECEIVED
MAR 04 2003
Department of Water Resources
Southern Region

SCANNED
MAR 11 2003

RECEIVED

MAR 12 2003

Department of Water Resources

RECEIVED

MAR 04 2003

Department of Water Resources
Southern Region

8/2000

REQUEST FOR WITHDRAWAL OF APPLICATION FOR TRANSFER

To: State of Idaho Department of Water Resources
1341 Fillmore Street
Suite 200
Twin Falls, ID 83301-3380

Gentlemen:

I wish to withdraw Application for Transfer No. 70068 filed in the name of Leonard May.

Dated this 24 day of February, 2003.

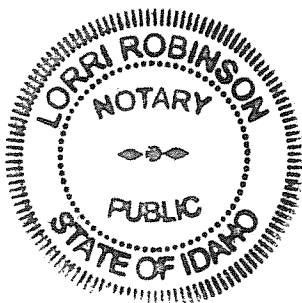
Leonard May
Leonard May

Applicant for Transfer
(Title)

P.O. Box 269, Rockland, ID 83271
(Address)

State of Idaho)
County of Power)

On this 24 day of February, 2003, Leonard May personally appeared before me, satisfactorily proved to me to be the signer of the above instrument and acknowledged that he executed the same.



Lorri Robinson
Notary Public
Residing at Rockland
My Commission Expires on 7-23-04

SCANNED
MAR 11 2003

RECEIVED

MAR 12 2003

Transfer No. 70068

Receipt No. _____

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information LEONARD MAY
PO BOX 269
ROCKLAND ID 83271
(208)548-2211

AND/OR

MARILYN MAY
PO BOX 269
ROCKLAND ID 83271
(208)548-2211

RECEIVED

JUL 30 2002

Department of Water Resources
Southern Region

WITHDRAWN

3-4-2003

Will this transfer result in an ownership change? _____ Yes ☒ No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acres	Total	Source
41-7058	WR/DECREED	1.84 cfs		165.0		GROUND WATER

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
41-7058	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

Describe the land as it is now irrigated; p/u was changed since 1987.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

5. Total Amounts Transferred

	Rate	Acres	Total	Volume
41-7058	1.84 cfs	115	115.0	460.0 af
TOTAL				

SCANNED

MAR 11 2003

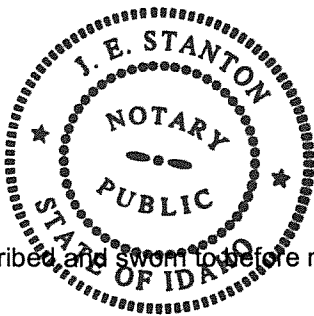
Database Updated to reflect withdrawal.
3-12-2003WITHDRAWN
3-4-2003

Transfer No. 70068

Receipt No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this 26th day of July, 2002.

(Notary Public)

My commission expires 10-25-2006

WITHDRAWN

SCANNED
MAR 11 2003

Transfer No. 70068

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 41-7058

Priority Date: 11/23/1981
Origin: Water Right
Basis: Application
Status: Closed

WITHDRAWN

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15 11/15	1.84 CFS		
	Total Diversion	1.84 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u> <u>Range</u> <u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	10S 31E 33	NESESW		POWER

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	
10S 31E 32				33.0												33.0	66.0
10S 31E 33							33.0				36.0	30.0					99.0

Total Acres: 165

Conditions/Remarks:

1. THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.
2. 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.

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MAR 11 2003

Page 4

Documentation of Ownership of the Current Place of Use

Tax Notice

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Decreed p/u not included in proposed p/u is in CRP or is just not farmed.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

YES Land in Sec. 32 has been in CRP since about 1986. I bought the land in Sec. 33 from Mrs. Muir, who still owns Sec. 32, along with all the well right, in 1992. The SW/NW Sec. 33 has not been irrigated since before 1986. The well has been used only in the SW1/4 Sec. 33 since I bought it.

WITHDRAWN

SCANNED
MAR 11 2003

Transfer No. 70068

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 41-7058

Priority Date: 11/23/1981

Origin: Water Right

Basis: Application

Status: Closed

WITHDRAWN

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	1.84 CFS	460.0 AFA	
	Total Diversion	1.84 CFS	460.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	10S	31E	33	NESES		POWER

Describe the proposed diversion system

Point of Diversion # 1 16" CASING 335' DEEP W/DIESEL ENGINE

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	
10S	31E	33									22.0	31.0	31.0	31.0					115.0

Total Acres: 115

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MAR 11 2003

R31E

29	28
32	33

T-2548

1	44.9	+
2	6.5	+
3	9.	+
4	76.2	+
5	16.4	+
6	23.9	+
	176.9	*

T-503

T-2540

WHEE

106.0

44.9

2
6.5

2-
128.2

3
9.0

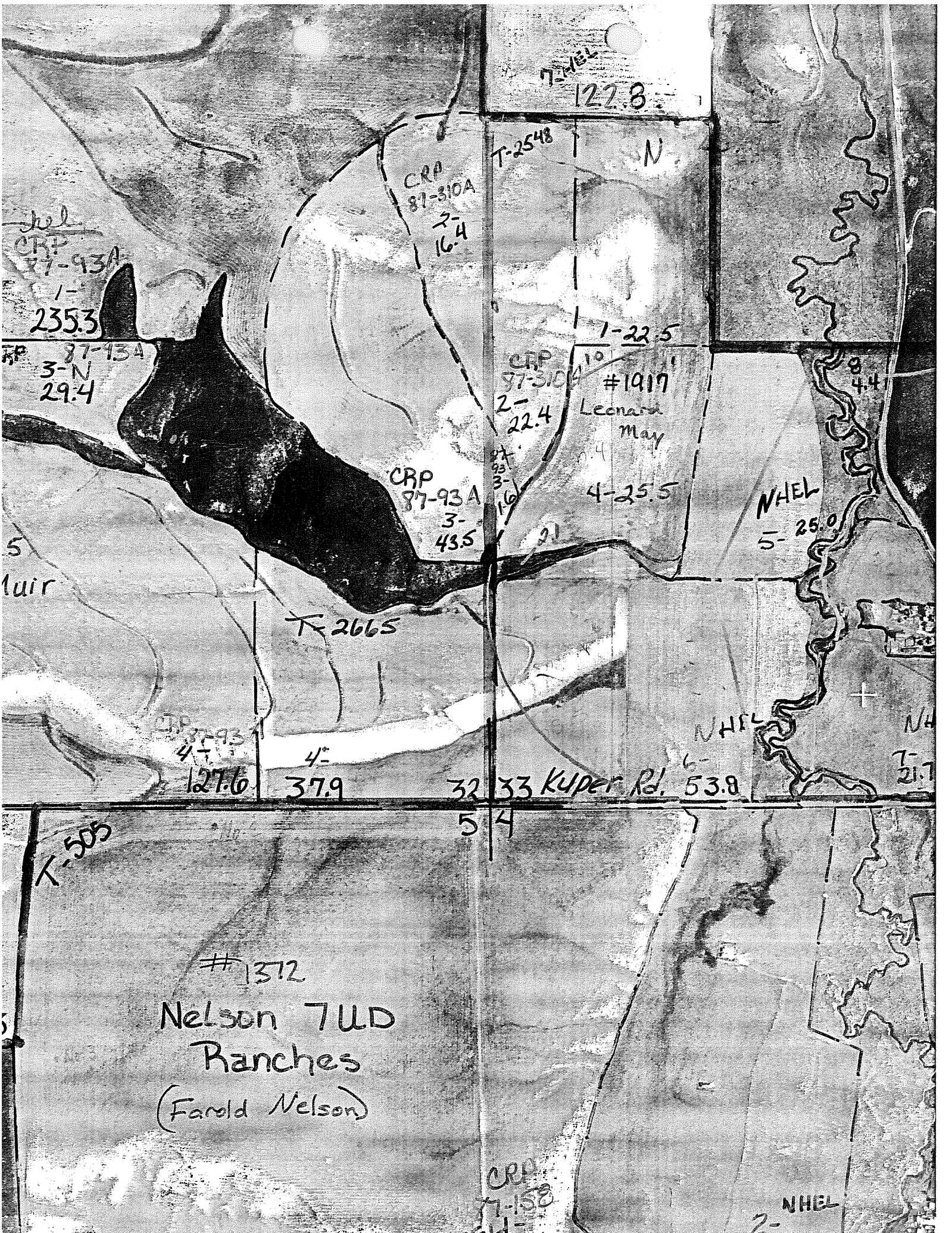
4
76.2

6-
23.9

32 33

5 4

X-6-22-X



7-HEL
122.8

hel
CRP
87-93A
1-
235.3

CRP
87-93A
3-N
29.4

CRP
87-310A
2-
16.4

T-2548

N

CRP
87-310A
2-
22.4

1-22.5
10
#1917
Leonard
May

CRP
87-93A
3-
43.5

4-25.5

NHEL
5-25.0

5
luir

T-2665

CRP
87-93
4-
127.6

4-
37.9

32 33 Kuper Rd. 53.8

NHEL

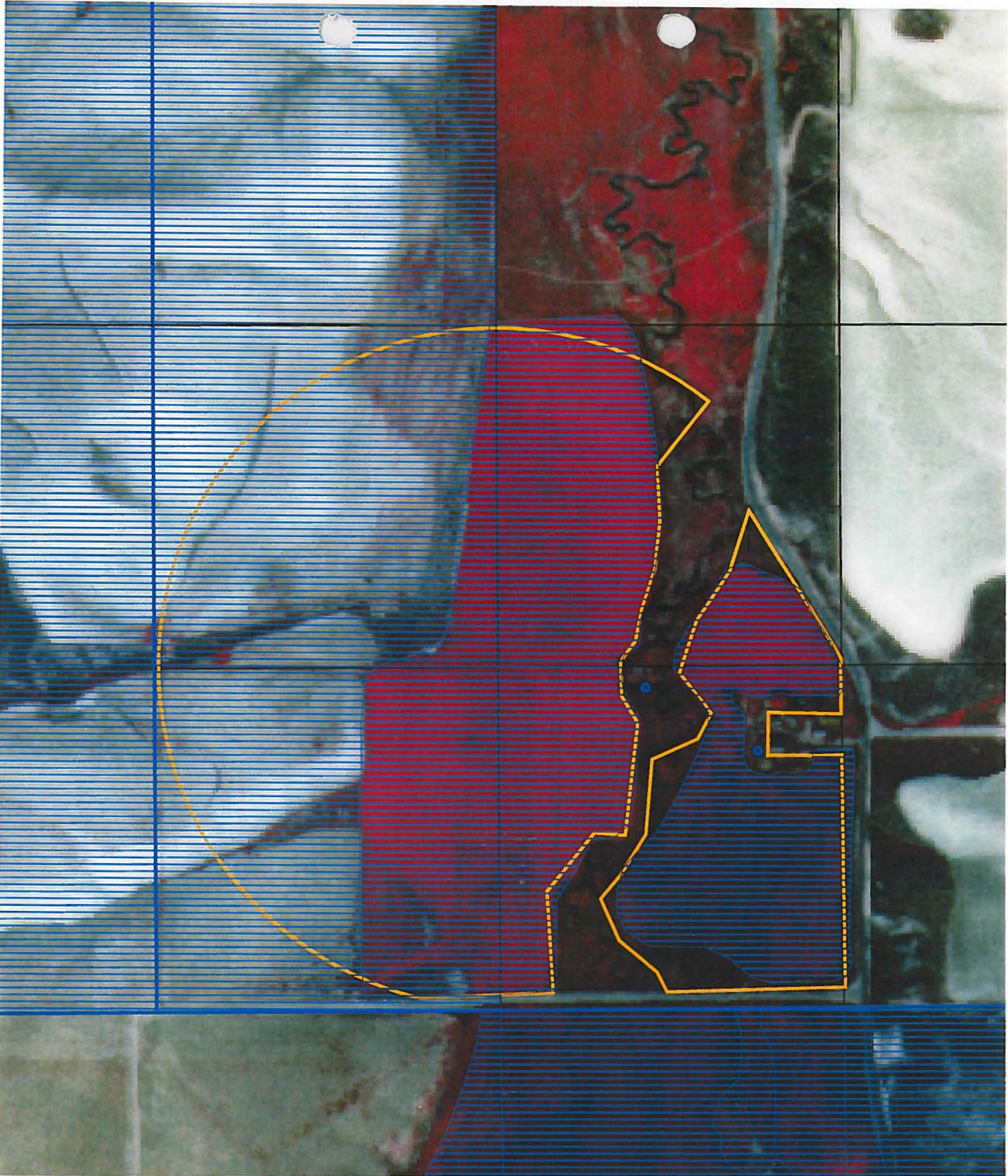
6-
21.7

T-505

#1312
Nelson TUD
Ranches
(Farold Nelson)

CRP
87-158

NHEL
2-



SCANNED
MAR 11 2003

The image is a scanned aerial photograph of a coastal or wetland area. A large, irregularly shaped region in the center is shaded in red. To its left, a large area is shaded in blue. A yellow dashed line outlines a specific area that includes the red-shaded region and extends into the blue-shaded area. The background shows various textures of land and water, with some darker, possibly forested areas on the right. The scan is marked with two punch holes at the top and a date stamp at the bottom left.

CHECK PAYABLE TO:
COUNTY TAX COLLECTOR
HOUSE 543 BANNOCK
AN FALLS
33211

2001 TAX BILL/RECEIPT

PARCEL NUMBER
RPD2211-00 A
51,329
48,372

BILL# 6466 CODE AREA 20-00

1st HALF DUE
1,027.93

2ND HALF DUE
1,027.93

FULL DUE
2,055.86

TOT MV 99,701

TAX
LATE
INT
COST
TOT

TAX
LATE
INT
COST
TOT

WAC 4.000
TOT ACS 217.000

MAY LEONARD ET-UX
P O BOX 269
ROCKLAND ID 83271

S33 T10S R31E
SW4, SWNW,

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
POWER COUNTY	.003365167	335.50
SCHOOL #382	.011471797	1,143.74
COUNTY HWY	.002235051	222.84
VALLYVIEW CEM	.000384743	38.36
RKLD/RURAL FIRE	.001637835	163.28
RKLD LIBRARY	.000590136	58.84
HOSPITAL DIST	.000727622	72.54
AMBULANCE DIST	.000208307	20.76
AMOUNT DUE	.020620658	2,055.86

4780 S ROCKLAND HIGHWAY 83271

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

COPIES ARE AVAILABLE IN TREASURER'S OFFICE
IF GIVEN SUBJECT TO CLEARANCE OF YOUR CHECK

SCANNED

MAR 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 13, 2003

Givens Pursley LLP
ATTN: Michael Creamer
PO Box 2720
Boise, ID 83701

RE: Leonard May Water Right Transfer; Your Letter Dated 2-7-2003

Dear Mr. Creamer;

Per your request, Mr. May is hereby granted until February 28, 2003, to resolve the issues relating to this transfer.

Regards,

James E. Stanton
Sr. Water Resource Agent

SCANNED

MAR 11 2003

GIVENS PURSLEY LLP

LAW OFFICES
277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Via Facsimile & U.S. Mail

February 7, 2003

Mr. James E. Stanton
Sr. Water Resource Agent
Southern Regional Office
Idaho Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3033

Re: Leonard May Water Right Transfer
Our File No. 2279-4

Dear Mr. Stanton:

Thank you for forwarding to me a copy of the IDWR policy regarding application/permit processing and of Mr. May's transfer application concerning Application for Permit 41-7058. As we discussed over the phone yesterday afternoon, I have been asked by Mr. May to review these water right matters and recommend a course of action. Mr. May is out of town until next week, and I will have a chance to speak with him further then and be able to respond to your January 10, 2003 letter. Accordingly, I would request that you allow until February 28, 2003 to complete our review, obtain necessary signatures to assign the application, and forward this documentation to you. If that is not acceptable, please contact me immediately.

Sincerely,



Michael C. Creamer

cc: Leonard May

MCC:kdt S:\CLIENTS\2279\4\MCC Ltr to Jim Stanton re Time to Respond.DOC

RECEIVED

FEB 13 2003

Department of Water Resources

Southern Region

Christopher J. Beeson
Jessica M. Borup
William C. Cole
Michael C. Creamer
Emily MacMaster Durkee
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Fearnside
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OF COUNSEL

John A. Miller, LL.M. ***
TAX CONSULTANT

*Licensed in Oregon only
**Licensed in Washington, D.C. only
***Licensed in Kentucky only

SCANNED
MAR 11 2003

FAX COVER SHEET

DATE: Friday, February 7, 2003

PAGES (INCLUDING COVER): 2

ORIGINAL TO FOLLOW: Yes - via U.S. Mail

From:

MICHAEL C. CREAMER
GIVENS PURSLEY LLP
Suite 200, Park Place
277 North Sixth Street
Post Office Box 2720
Boise, Idaho 83701-2720
Telephone: (208) 388-1200
Facsimile: (208) 388-1300
Email: mcc@givenspursley.com
Web: www.givenspursley.com

RE Leonard May Water Right Transfer
Our File No. 2279-4

TO Jim Stanton
Idaho Department of Water Resources
Southern Regional Office

SEND TO FAX PHONE: 208-736-3037

MESSAGE:

Please see attached.

— Mike

RECEIVED
FEB 07 2003
Department of Water Resources
Southern Region

SCANNED
MAR 11 2003

**If this fax does not transmit fully or is difficult to read, please contact
me or my secretary, Katrina Thomas, at (208) 388-1227.**

CONFIDENTIALITY NOTICE

This facsimile may contain confidential information that is protected by the attorney-client or work product privilege. It is intended only for the use of the individual(s) named above. If you are not a named recipient or an employee responsible for delivering the facsimile, you are instructed not to deliver, distribute or copy this facsimile, nor should you disclose its contents or take any action in reliance on the information it contains. If you have received this facsimile in error, please notify us immediately by telephone to arrange for the return of the transmitted documents to us. Thank you.

GIVENS PURSLEY LLP

LAW OFFICES
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PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
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John A. Miller, LL.M. ***
TAX CONSULTANT

*Licensed in Oregon only
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***Licensed in Kentucky only

Via Facsimile & U.S. Mail

February 7, 2003

Mr. James E. Stanton
Sr. Water Resource Agent
Southern Regional Office
Idaho Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3033

Re: Leonard May Water Right Transfer
Our File No. 2279-4

Dear Mr. Stanton:

Thank you for forwarding to me a copy of the IDWR policy regarding application/permit processing and of Mr. May's transfer application concerning Application for Permit 41-7058. As we discussed over the phone yesterday afternoon, I have been asked by Mr. May to review these water right matters and recommend a course of action. Mr. May is out of town until next week, and I will have a chance to speak with him further then and be able to respond to your January 10, 2003 letter. Accordingly, I would request that you allow until February 28, 2003 to complete our review, obtain necessary signatures to assign the application, and forward this documentation to you. If that is not acceptable, please contact me immediately.

Sincerely,



Michael C. Creamer

cc: Leonard May

MCC:kdt S:\CLIENTS\2279\AMCC Ltr to Jim Stanton re Time to Respond.DOC

RECEIVED

FEB 07 2003

Department of Water Resources
Southern Region

SCANNED

MAR 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 10, 2003

Leonard May
PO Box 269
Rockland, ID 83271

RE: App for Transfer 70068; App For Permit 41-7058 (Dana Muir)

Dear Mr. May;

I have reviewed your application for transfer, and have found the following problems. This application is based Water Right 41-7058 as decreed in the Snake River Basin Adjudication. However, the decree did little more than acknowledge the existence of App For Permit 41-7058, which has been protested by Udy Brothers. There is no right to divert water under this application, so your application for transfer is invalid. Based on the deed from Mrs. Muir that you supplied when you changed the ownership of the SRBA claim, you only obtained a portion of the claim at best (although the SRBA recognized you and your wife as sole owners of the claim). The application for permit is still the sole property of Dana Muir according to our records.

To solve these problems, I suggest that you withdraw your transfer application. Then I suggest that you obtain an Assignment of Application For Permit from Mrs. Muir to give you legal control of the application. Once we receive the assignment form with her notarized signature, you can file an amended application for permit to change the place of use to your land in the SW ¼ of Sec. 33. In order for us to process the amended application, we will need to be convinced that at least 115 acres were irrigated from this well prior to November 19 of 1987; I did not check the Farm Service Agency records in American Falls, however, so you could be irrigating more or less than 115 acres. If you can provide sufficient data to verify pre-1987 development, the amended application can be advertised. The protest of Udy Bros. still has to be resolved. But these procedures seem to be the most-logical way to solve your problems with this well. No legal advice is contained herein, of course, so you should consult a qualified attorney if you feel the need.

With regard to costs, you paid \$290. for the application for transfer. Since the application has not yet been advertised, this money will be returned to you once we receive the signed withdrawal form. There is a \$25 processing fee for the Assignment of Application, and a \$50 for the amended application for permit. Withdrawal and Assignment forms are enclosed for your use.

Please respond by February 10, 2003, in the matter of withdrawing your application for transfer. If we do not hear from you by then, the Department will void your application. If you need more

SCANNED

MAR 11 2003

time to respond, additional time can be granted for sufficient cause. Either way, your filing fee will be returned to you.

Some of the fault here is mine, as I assumed that the SRBA Court would only decree perfected water rights; obviously I was wrong. If I can be of further assistance, feel free to contact me.

Regards,

James E. Stanton
Sr. Water Resource Agent

SCANNED
MAR 11 2003

1/7/03

Stanton & Merritt discussed with Spencer the issue of decree of protestal application. Spencer indicated although claims for applications not normally processed SRBA Judge Hurlbutt ruled they should be... thus partial decree was granted with special language limiting right to what ever comes out of administrative process.

- Since assignment of permit has never been filed it should be sought. Otherwise split application between Muir & May.
- Transfer filed should be voided and refund issued.
- Amendment of applications should be sought.
- If processing of amendment is sought then applicant should provide evidence of Pre-1987 development. Otherwise it is stuck in Moratorium.
- If Pre-1987 development demonstrated then amendment of application should be advertised and then a hearing held.

M

SCANNED

MAR 11 2003

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Case No. 39576)

Water Right 41-00009B

2001 MAR 12 PM 5:06

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: LEONARD MAY
MARILYN MAY
PO BOX 269
ROCKLAND, ID 83271

SOURCE: ROCK CREEK, SOUTH FORK TRIBUTARY: ROCK CREEK

QUANTITY: 0.50 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF
DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF
THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA
COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE
IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE
POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF
WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 05/17/1880

POINT OF DIVERSION: T10S R31E S33 NWSEW Within Power County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.50 CFS

PLACE OF USE:	Irrigation	Within Power County
	T10S R31E S33	NESW 23.0 SWSW 15.0
		NWSW 4.0 SESW 28.0
	70.0 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

Baldwin, Mary

From: Baldwin, Mary
Sent: Thursday, January 23, 2003 11:29 AM
To: 'Michael C. Creamer'
Cc: Baldwin, Mary
Subject: RE: Muir file 41-7058

Hi Michael:

The Udy protest is page 18 of the transmittal and I sent you everything we have in the file. This application has indeed been around a long time but no Pre-hearing conferences nor Hearings have been held by the Department. Our Regional Manager, Allen Merritt, would be the contact person at 736-3033 concerning those issues.

Mary

-----Original Message-----

From: Michael C. Creamer [mailto:mcc@givenspursley.com]
Sent: Thursday, January 23, 2003 11:20 AM
To: Baldwin, Mary
Subject: RE: Muir file 41-7058

Mary,

Thank you for the application. I would also like to see the "protest" by Udy Brothers and any IDWR orders, party pleadings or stipulations identifying issues, staying proceedings, etc. I.e., this one has been around a looong time, and I need to know why.

Thank you.

Sincerely,

Michael C. Creamer

--- Original Message---

To: "'mcc@givenspursley.com'" <mcc@givenspursley.com>
Cc: "Baldwin, Mary" <mbaldwin@idwr.state.id.us>
From: "Baldwin, Mary" <mbaldwin@idwr.state.id.us>
Sent: 1/23/2003 10:56AM
Subject: Muir file 41-7058

>>

Tele # 388-1247



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 10, 2003

Leonard May
PO Box 269
Rockland, ID 83271

RE: App for Transfer 70068; App For Permit 41-7058 (Dana Muir)

Dear Mr. May;

I have reviewed your application for transfer, and have found the following problems. This application is based Water Right 41-7058 as decreed in the Snake River Basin Adjudication. However, the decree did little more than acknowledge the existence of App For Permit 41-7058, which has been protested by Udy Brothers. There is no right to divert water under this application, so your application for transfer is invalid. Based on the deed from Mrs. Muir that you supplied when you changed the ownership of the SRBA claim, you only obtained a portion of the claim at best (although the SRBA recognized you and your wife as sole owners of the claim). The application for permit is still the sole property of Dana Muir according to our records.

To solve these problems, I suggest that you withdraw your transfer application. Then I suggest that you obtain an Assignment of Application For Permit from Mrs. Muir to give you legal control of the application. Once we receive the assignment form with her notarized signature, you can file an amended application for permit to change the place of use to your land in the SW $\frac{1}{4}$ of Sec. 33. In order for us to process the amended application, we will need to be convinced that at least 115 acres were irrigated from this well prior to November 19 of 1987; I did not check the Farm Service Agency records in American Falls, however, so you could be irrigating more or less than 115 acres. If you can provide sufficient data to verify pre-1987 development, the amended application can be advertised. The protest of Udy Bros. still has to be resolved. But these procedures seem to be the most-logical way to solve your problems with this well. No legal advice is contained herein, of course, so you should consult a qualified attorney if you feel the need.

With regard to costs, you paid \$290. for the application for transfer. Since the application has not yet been advertised, this money will be returned to you once we receive the signed withdrawal form. There is a \$25 processing fee for the Assignment of Application, and a \$50 for the amended application for permit. Withdrawal and Assignment forms are enclosed for your use.

Please respond by February 10, 2003, in the matter of withdrawing your application for transfer. If we do not hear from you by then, the Department will void your application. If you need more

SCANNED

JAN 23 2003

time to respond, additional time can be granted for sufficient cause. Either way, your filing fee will be returned to you.

Some of the fault here is mine, as I assumed that the SRBA Court would only decree perfected water rights; obviously I was wrong. If I can be of further assistance, feel free to contact me.

Regards,

James E. Stanton
Sr. Water Resource Agent

SCANNED
JAN 23 2003

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES**

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 41-00009B, 41-04011, 4107058 (App. for Perm. T)
- Adjudication Claim No(s).: AJ 5853NP-145, AJ 5853NP-22 AJ 5853NP-102
2. The following REQUIRED information must be submitted with this form:
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Maya M. Mair
26 Trail Cr.
4. New Owner/Claimant(s) Pocatello, Id 83204
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
New Mailing Address Leonard Marilyn May
City, State and ZIP Code P.O. 269, Rockland, Id 83271
New Telephone Number (208) 548-2211 home 548-2345 work
5. Date you acquired the property July 9, 1992
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres you irrigate _____ Number and type of stock _____
- Diversion rate in CFS _____ Number of homes _____ Other uses _____
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Leonard May
- (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

SCANNED
JAN 23 2003

6-5507

110 private floor
in Power Co.
7-21-92 rsl

33 10 31 SW; SWNW

WARRANTY DEED

For Value Received, MAYA MUIR, a widow, dealing with her
sole and separate property,

the Grantor, does hereby grant, bargain, sell, and convey unto

LEONARD A. MAY and MARILYN MAY,
husband and wife,

the Grantees, whose current address is:

P.O. Box 269, Rockland, ID 83271

the following described premises, to-wit:

The Southwest Quarter (SW¼) and the Southwest Quarter of the
Northwest Quarter (SW¼NW¼) of Section 33, Township 10 South,
Range 31 East, Boise Meridian, together with the water rights and
improvements thereon.

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto the said Grantees, their heirs and assigns
forever. And the said Grantor does hereby covenant to and with
the said Grantees that she is the owner in fee simple of said
premises, that said premises are free from all encumbrances and
that she will warrant and defend the same from all lawful claims
whatsoever.

Dated this 7th day of July, 1992.

Maya Muir
MAYA MUIR

STATE OF IDAHO)
) ss. AP SS D2211-00 out of office
County of Bannock) Plat Card
) CS

On this 9th day of July, 1992, before me, a notary public
in and for said state, personally appeared MAYA MUIR, known to me
to be the person whose name is subscribed to the within
instrument, and acknowledged to me that she executed the same.

John B. Kugler
Notary Public for Idaho
Residing at: Pocatello, Idaho
Commission Expires: July 17, 1993

157486

Instrument # _____
Dwr # 3 Time 4:45 PM
Req. of Leonard May
JUL - 9 1992
POWER COUNTY AM FALLS
C. SCHREIBER
BY Mauraen Schelata
DEPUTY RD. 322

Muir - May

SCANNED
JAN 23 2003

MEMORANDUM

TO: File 41-7058

FROM: Mary Baldwin
WR Sec/Office Coordinator

DATE: 10-Jun-1992

SUBJECT: Protested application

Received a telephone call on this date from Mr. Leonard May, PO Box, Rockland, ID 83271 (phone #548-2211) who is interested in buying the property from Maya Muir, widow of Dana Muir, the owner on record of the application.

Mr. May was advised to contact the protestant, Udy Brothers, in an attempt to resolve the issue.

He requested a conference as soon as possible.

SCANNED
JAN 23 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 21, 1992

RE: Water Right No.

Certified Mail No.

Dear Water Right Holder(s):

In response to record low streamflows and declining groundwater levels resulting from drought conditions, the Director of the Department of Water Resources has declared a moratorium on approval on certain pending and future applications to appropriate water in the Snake River Basin. The moratorium applies to both surface water and groundwater appropriations.

Department records show that you filed an application to appropriate water for irrigation which has not been approved by the Department. Unless you can demonstrate that your proposal qualifies for a narrow exemption to the moratorium, the department will hold your application, and will not process it until the moratorium is lifted.

An application for groundwater to supplement a normally sufficient surface water irrigation supply is exempt from the moratorium. If you can demonstrate that you normally receive an adequate supply of irrigation water from a surface water source, and that you will continue to fully use the surface water, when available, the Department will continue processing your application. If there are other impediments to approval such as a protest or necessary consent from other agencies, the other obstacle to approval must also be removed independent of the moratorium.

The enclosed form requests information which will determine whether your proposed use will qualify for the supplemental irrigation exemption. IF YOU FEEL YOUR PROPOSED USE QUALIFIES AS AN EXEMPT USE, YOU MUST COMPLETE THE FORM AND RETURN IT TO THIS OFFICE. If the form is not completed and returned, your application will be held without action. If you return the form but the use does not qualify, the Department will notify you that the application will be held without further processing.

SCANNED

JAN 23 2003

Certain domestic and non-consumptive uses are also exempt from the moratorium. If your application proposes one of these uses in addition to irrigation, the department will resolve the exemption issue by reviewing the file.

The Department has scheduled public meetings on May 29, 1992 where the details of the moratorium can be discussed. Below is a list of time and locations.

Boise, Idaho May 29, 1992 10:00 am
Boise City Hall
150 North Capital Boulevard
Les Bois Room - 3rd floor

Idaho Falls, Idaho May 29, 1992 10:00 am
Bonneville County Courthouse
605 North Capital
Centennial Court Room

Twin Falls, Idaho May 29, 1992 10:00 am
College of Southern Idaho
315 Falls Avenue
Shields Building - Room 115

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS:cz

INTER-DEPARTMENT MEMO — 1

FROM DR Jones

DATE 3/11/91

TO Loren Holmes

SUBJECT Muir Application 41-7058

Telecon w/ Mrs Muir reaffirmed her intention to proceed with the application. She indicated that Udy Brothers are not willing to withdraw protest. Please proceed with process by holding a conference ASAP.

Douglas Jones
SIGNATURE

RECEIVED

JUL - 3 1989

Department of Water Resources
Southern Region Office

June 28, 1989
26 Trail Creek
Pocatello, Idaho
83204

State of Idaho
Department of Water Resources
Twin Falls Office
Twin Falls, Idaho

Re: Application for Permit
No. 41-7058

In a recent communication from the Boise office I was informed that the above application cannot be approved until the protest is resolved. It was suggested that I contact your office to see if the file there contains documentation showing that the protest was withdrawn.

The application was filed by Dana Muir, my husband, who is now deceased. I am trying to determine the status of the application and would appreciate your help in this matter.

Sincerely,

Maya Muir

SCANNED
JAN 23 2003



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

June 12, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Re: Application for Permit No. 41-7058

RECEIVED

JUN 16 1989

Department of Water Resources
Southern Region Office

Maya Muir
26 Trail Creek Rd.
Pocatello, ID 83201

Dear Maya:

As per your request in your letter to the department dated May 23, 1989, I have reviewed the above referenced application for permit filed by Mr. Dana Muir. A copy of the application is enclosed. Also enclosed is a photocopy of a letter of protest filed with the department. The protest was filed on December 21, 1981 against the application by a Mr. Richard Udy (Udy Brothers) in Rockland, Idaho.

The application has not been approved to a permit because of the pending protest. The original application file is still being held in our Twin Falls office. The state office here in Boise retains a temporary or backup file of this application. The file here in Boise, however, may not be as complete as the original file in Twin Falls. Our file has only a copy of the application and the protest filed by Udy Brothers. You may want to contact the Twin Falls office and see if they have additional documentation.

When a protest is filed, the department normally schedules an informal hearing between the applicant and the protesting party. The purpose of the hearing is to have the parties reach a resolution and have the protest withdrawn. If the protest cannot be withdrawn, then the department schedules a formal hearing and then issues a decision. Review of the file here at the state office indicates that hearings were never scheduled.

In November of 1982, the department issued a moratorium on approving applications filed in the Snake River basin above Swan Falls. This was the result of litigation between the State of Idaho and Idaho Power Company. The moratorium has since been lifted and the department is presently processing backlogged applications in order of priority. The department, however, cannot approve Application No. 41-7058 until the protest is resolved.

As I mentioned above, the file here in the state office shows that a hearing on this matter was never held. I would advise you to contact the Twin Falls office to determine if their file contains documentation showing that the protest was withdrawn. I called their office today but was unable to get any of the staff to research the file due to the present adjudication filing deadline and the heavy customer load on hand at the time.

SCANNED

JAN 23 2003

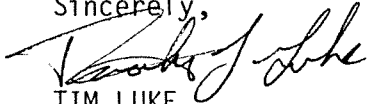
41-7058

Maya Muir
June 12, 1989
Page 2

If the protest has not been withdrawn and you wish to proceed with the proposed development represented by the application, then you should perhaps on your own volition approach Udy Brothers and ask them to drop the protest. If the protestant does not formally drop the protest, then you should perhaps petition the department to hold a hearing.

Please feel free to call me here in Boise or an agent at the Twin Falls office if you have additional questions concerning this matter.

Sincerely,



TIM LUKE
Sr. Water Resource Agent

TL:hm

Enclosures

SCANNED
JAN 23 2003

1/m
41-7058

RECEIVED
MAY 25 1989

Department of Water Resources

Pocatello, Idaho
May 23, 1989

R. Keith Higginson, Director
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83720

Dear Sir:

Would you please give me some information concerning the status of the application for water right filed by Dana Muir on the Muir property in Power County south of Rockland, Idaho? As I understand it this matter was delayed by the Swan Falls litigation.

Mr. Muir died January 27 of this year and I am trying to ascertain the status of this application and if there is anything that needs to be done. I am rather unschooled in these matters and would appreciate any help you can give me.

Very Sincerely yours,

Maya Muir

Maya Muir
26 Trail Creek
Pocatello, Idaho 83204



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

December 22, 1981

Dana Muir
26 Trail Creek Road
Pocatello, Idaho 83201

Re: Application for Permit No. 41-7058

Dear Mr. Muir:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 41-7058. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,


LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

SCANNED

JAN 23 2003



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

December 22, 1981

Udy Brothers
Richard Udy
Star Route Box 28
Rockland, Idaho 83271

Re: Application for Permit No. 41-7058 - .

Gentlemen:

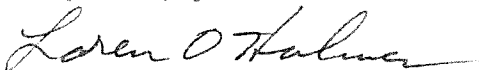
Your protest against the approval of the above-referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,


LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

SCANNED
JAN 23 2003

RECEIVED

DEC 21 1981

Department of Water Resources
Southern District Office

December 21, 1981

Rockland, Idaho

Dear Sir,

Notice is hereby given that we (Udy Brothers) protest permits
numbered 41-4011, 41-7058, 41-0009A of Dana Muir of Pocatello, Idaho.

Udy Bros.

Udy Bros By Richard Udy

Star Route Box 28

Rockland, Idaho 83271

SCANNED

JAN 23 2003

Affidavit of Publication

STATE OF IDAHO
COUNTY OF POWER } s.s.

..... Brett Crompton being first duly sworn
on oath, states:

That he..... is the Editor Manager
of the Power County Press, a newspaper of general circulation
in Power County, Idaho, published weekly at American Falls
in said County; that said newspaper has been published in said
County uninterruptedly and continuously for over seventy-
eight consecutive weeks, prior to the first publication of the
annexed notice or advertisement:

That the annexed notice or advertisement was published as
per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for 2.....
successive weekly issues thereof, the date of the first publica-

tion being the 2..... day of ...Dec....., 19...81

the date of last publication being the

.....9..... day of Dec....., 19...81

(Signed) *Brett Crompton*

Subscribed and sworn to before me this

.....9..... day of Dec....., 19...81

Lois Foster
.....
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL) *Lois Foster* day of, 19

Legal Notice

Published in the Power County
Press Dec. 2 and Dec. 9, 1981.

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the
following application(s) have been
submitted for permit to appropriate
the public waters of the State of
Idaho:

41-7058

MUIR, DANA
26 TRAIL CREEK ROAD,
POCATELLO, ID 83201
Source: GROUNDWATER
Date Filed: 11/23/1981
Amount: 1.84 CFS
Diversion Point: SESW Sec 33 T 10S
R 31E, POWER Co.

Use: IRRIGATION (1.84 CFS)
from 03/15 to 11/15

Place of Use: SWNW NWSW
SWSW Sec 33 T 10S R 31E SENE
NESE Sec 32 T 10S R 31E FOR 165
ACRES

Diversion Means: WELL, PUMP,
SPRINKLERS

If issued, the permit(s) will be sub-
ject to all prior water rights. Protests
against the granting of any permit
must be filed with the Director of the
Idaho Department of Water
Resources, 1041 Blue Lakes Blvd.
North, Twin Falls, Idaho 83301 and
received on or before DECEMBER
21, 1981.

A. KENNETH DUNN
Director

RECEIVED

DEC 14 1981

Department of Water Resources
Twin Falls District Office

INTER-DEPARTMENT MEMO — 1

FROM

71

DATE

TO

File 41-7058

SUBJECT

See Claim 41-4011 When Setting Htg.

SIGNATURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

MUIR, Dana

INITIAL REVIEW BY: T.G. Blau

APPLICATION NUMBER: 41-7058

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____
Date: _____
Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☐ Other _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. BB-86
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: 12/21/81
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 12/14/81
☒ Application published correctly. If not, record action taken: _____
☐ Fee amount, receipt date & number, recorded on application.
☐ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., recorded on application.
☐ Recommendation & initial, recorded on application.
☐ Yes ☐ No Measuring device required.
☐ Yes ☐ No Access port required.
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____
Date of priority recommended. _____
Special conditions of approval or cover letter. _____

By: _____ Date: _____

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.
By: _____ Date: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

NOVEMBER 25, 1981

Power County Press
174 Idaho Street
American Falls, ID 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 21, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

41-7058-

MUIR, DANA

26 TRAIL CREEK ROAD, POCA TELLO, ID 83201

Source: GROUNDWATER

Date Filed: 11/23/1981

Amount: 1.84 CFS

Diversion Point: SESW Sec 33 T 10S R 31E, POWER Co.

Use: IRRIGATION (1.84 CFS) from 03/15 to 11/15

Place of Use: SWNW NWSW SWSW Sec 33 T 10S R 31E SENE NESE Sec 32 T 10S R 31E
FOR 165 ACRES

Diversion Means: WELL, PUMP, SPRINKLERS

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before DECEMBER 21, 1981.

A. KENNETH DUNN

Director

Published 12/2 & 12/9/81.

Published in the Power County
Press Dec. 2 and Dec. 9, 1981.

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the
following application(s) have been
submitted for permit to appropriate
the public waters of the State of
Idaho:

41-7058

MUIR, DANA
26 TRAIL CREEK ROAD,
POCATELLO, ID 83201

Source: GROUNDWATER

Date Filed: 11/23/1981

Amount: 1.84 CFS

Diversion Point: SESW Sec 33 T 10S
R 31E, POWER Co.

Use: IRRIGATION (1.84 CFS)
from 03/15 to 11/15

Place of Use: SWNW NWSW
SWSW Sec 33 T 10S R 31E SENE
NESE Sec 32 T 10S R 31E FOR 165
ACRES

Diversion Means: WELL, PUMP,
SPRINKLERS

If issued, the permit(s) will be sub-
ject to all prior water rights. Protests
against the granting of any permit
must be filed with the Director of the
Idaho Department of Water
Resources, 1041 Blue Lakes Blvd.
North, Twin Falls, Idaho 83301 and
received on or before DECEMBER
21, 1981.

A. KENNETH DUNN
Director

*OK
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12/1/81*