

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-15100

Priority: August 23, 2013

Maximum Diversion Rate: 1.00 CFS

This is to certify, that JOE E RANDALL
2210 E HUBBARD RD
KUNA ID 83634

has applied for a permit to appropriate water from:

Source: MONROE CREEK

Tributary: WEISER RIVER

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	03/01 to 11/15	1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

MONROE CREEK NW1/4NW1/4 Sec. 28, Twp 11N, Rge 05W, B.M. WASHINGTON 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	
11N	05W	28																	50.0

Total Acres: 50

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2019**.
2. Subject to all prior water rights.
3. No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67.
5. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 67-15100

8. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 2nd day of NOVEMBER, 2015.



GARY SPACKMAN, Director

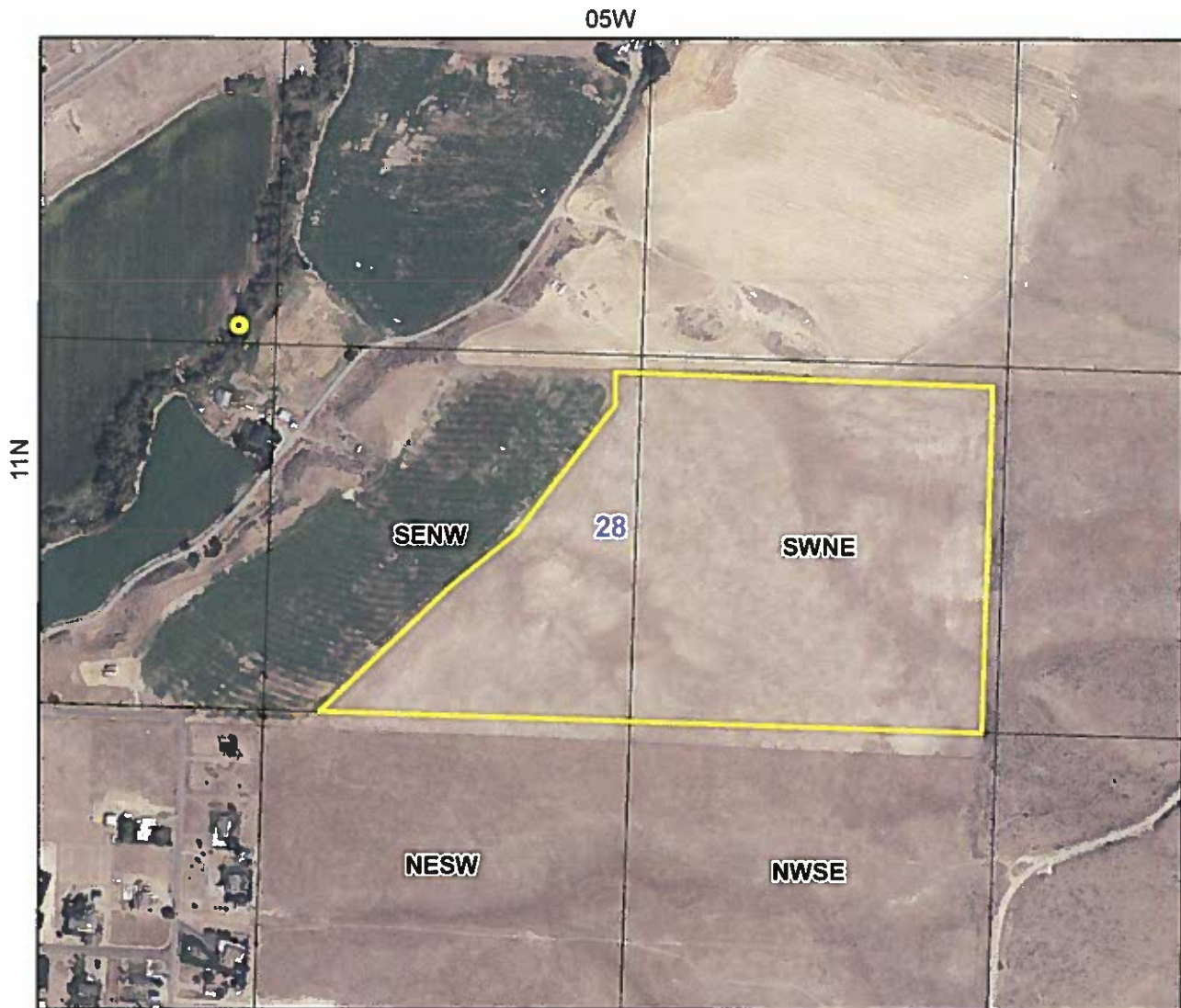


State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

67-15100

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



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

0 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 3, 2015

JOE E RANDALL
2210 E HUBBARD RD
KUNA ID 83634

RE: Permit No.67-15100

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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

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

Sincerely,

 Rachel Neely for:

Nick Miller
Western Region Manager

Enclosure(s)

CERTIFICATE OF SERVICE

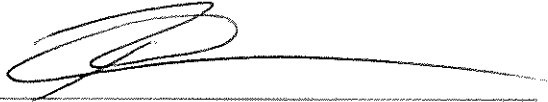
I hereby certify that on November 3, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

67-15100

**JOE E RANDALL
2210 E HUBBARD RD
KUNA ID 83634**

**BRANDI S. HORTON
WATERMASTER OF DISTRICT 67
2297 SNAPP LN
MIDVALE ID 83645**

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

**Rachel Neely
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Miller, Nick

From: Joe Randall [jrandall_1@msn.com]
Sent: Monday, November 02, 2015 11:56 AM
To: Miller, Nick
Subject: RE: June 15 watermaster condition on 67-15100

Hi Nick, I appreciate you taking the time to clarify the June 15th issue!! Joe

From: Miller, Nick [mailto:Nick.Miller@idwr.idaho.gov]
Sent: Monday, November 02, 2015 11:00 AM
To: jrandall_1@msn.com
Cc: Brandi Horton <watermaster67@hotmail.com>
Subject: June 15 watermaster condition on 67-15100

Mr. Randall,

You stopped in my office last week and asked about the following condition that was included on your draft permit number 67-15100:

“No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.”

Specifically, you had a concern that the condition (I'll refer to it as the “6/15 condition”) implies water is not available or that the watermaster could curtail diversion under the permit without cause. We decided during our meeting that the best way to move forward and assuage your concerns would be to document the conditions under which the watermaster would curtail your diversion under this permit. This email is intended to provide some instruction to you and the watermaster regarding the 6/15 condition. The condition does not give the watermaster the ability to limit continued diversion after 6/15 when no demand exists for the water downstream. A watermaster's duty in curtailing diversions is to provide water to a senior downstream user. If there is no senior downstream user that is calling for the water a watermaster should not shut off a diversion. In your case, I expect the senior downstream users would be those on the Weiser River below the Monroe Creek confluence. Those rights have historically been filled even when upstream rights cannot be filled. Therefore, in most years I do not expect the watermaster to curtail your diversion on the basis of a need to deliver the appropriable water to downstream users. However, if conditions change (e.g. return flows are reduced below the Galloway Diversion) such that those downstream senior rights are not satisfied, the watermaster could curtail your diversion. This is true whether or not your permit has the 6/15 condition.

I hope this explanation helps. I'll file a copy of this email in the water right file and I'm copying watermaster (Brandi Horton).

Also, you can expect to see the approved permit in the next few days.

Let me know if you have further questions.

Nick.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

10/14/2015

CASEY CHANDLER, CHAIRMAN
MONROE CREEK IRRIGATION DISTRICT
1116 HWY 95
WEISER ID 83672

RE: Application to Appropriate Water No. 67-15100

Dear Mr. Chandler:

On May 5, 2015 the Department of Water Resources (IDWR) began correspondence with Monroe Creek Irrigation District (MCID) regarding the above-referenced water right application filed by Joe Randall. The purpose of the correspondence was to determine whether MCID manages the lower end of Monroe Creek as part of its irrigation system and, if so, whether MCID consents to the proposed water right application. You responded with letters dated May 11, 2015 and June 28, 2015. In those letters you clarify that MCID users have points of diversion from Monroe Creek below the proposed point of diversion for water right application 67-15100. Further, MCID considers the lower portion of the creek to be part of its system and does not consent to the proposed diversion. Based on the information IDWR has reviewed, MCID uses the channel to convey its storage water, but regulation and distribution of water in Monroe Creek remains under the control of the watermaster of State Water District No. 67 pursuant to Idaho Code §42-105(1). As Monroe Creek is a natural stream under the control of the watermaster, MCID's consent contemplated under Idaho Code §42-202(1) is not required for IDWR to continue processing Mr. Randall's application. However, IDWR recognizes that any approval that may arise from this application must address the potential for injury to MCID's storage water deliveries below Mr. Randall's proposed point of diversion.

As Monroe Creek is within State Water District No. 67, the watermaster of that district has the authority to regulate and control diversions to deliver MCID storage water under the direction of MCID and to distribute any appropriable flow to water rights in priority. In your June 28, 2015 letter you note little or no flow from upstream is present at the point the MCID storage water enters Monroe Creek. Yet, Mr. Randall states that approximately 40-90 miner-inches is typically available passing his proposed point of diversion during the irrigation season and that water remains undiverted by users above the Galloway Canal. To the extent water passing Mr. Randall's proposed point of diversion is storage water released from the reservoir and intended for delivery to the users below that point, MCID is to be protected from others (including Mr. Randall) using that water. However, water that results from return flows, excess storage releases, or other gains to the flow is appropriable water the watermaster can deliver to water rights in priority.

I've attached a draft approval for application 67-15100 that is conditioned to require the right holder to maintain a controlling works and measuring device at the point of diversion. This is intended to provide the watermaster the ability to measure and control the appropriation. However, in the event conflict arises regarding whether Mr. Randall is diverting MCID storage water without authorization,

MCID will bear some responsibility to demonstrate Mr. Randall is diverting storage water intended for delivery to downstream MCID users.

I trust MCID will review this letter and the attached draft approval and find that MICD's storage water can be adequately protected. I will hold this approval for 14 days to provide MCID an opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Miller', with a stylized, cursive script.

Nick Miller
Manager, IDWR Western Region

enclosure: draft approval for water right 67-15100

cc:
Joe Randall
Brandi Horton, Water District 67 Watermaster

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 67-15100

Priority: August 23, 2013

Maximum Diversion Rate: 1.00 CFS

This is to certify, that JOE E RANDALL
2210 E HUBBARD RD
KUNA ID 83634

has applied for a permit to appropriate water from:

Source: MONROE CREEK

Tributary: WEISER RIVER

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	03/01 to 11/15	1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

MONROE CREEK NW1/4NW1/4 Sec. 28, Twp 11N, Rge 05W, B.M. WASHINGTON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11N 05W 28	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	50.0
			40.0				10.0										

Total Acres: 50

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2019**.
2. Subject to all prior water rights.
3. No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67.
5. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 67-15100

8. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

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

GARY SPACKMAN, Director

RECEIVED

JUL 06 2015

WATER RESOURCES
WESTERN REGION

MONROE CREEK IRRIGATION DISTRICT
1116 Devil's Elbow Rd.
Weiser, Id 83672

June 28, 2015

State of Idaho Department of Water Resources
Nick Miller
Manager, IDWR Western Region

RE: Application to Appropriate Water No. 67-15100
Response.

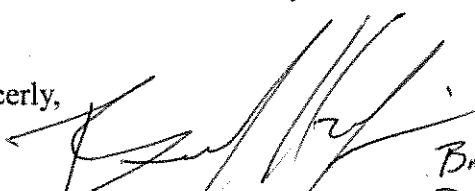
Dear Mr. Miller,

In our response to your prior letter we did fail to address the conditions of the creek at the point where OUR reservoir water enters. The water that comes from Barton's Reservoir enters the Monroe Creek just west of the Highway 95 bridge. At this point, there is a very small if any trickle of water that is coming from up stream, (which is mostly tail water from the few fields along the creek that receives water from a side hill ditch fed by Barton's Reservoir). Any NATURAL water that might have come down the creek and mixed with reservoir water, has already been used by property above Barton's.

To address the question of quantity of water delivered to land below the proposed diversion site there is currently 29.5 acres water rights that are paid for by land owners.

Please feel free to call Casey Chandler at 208.739.8673 for any other questions.

Sincerely,


Casey Chandler, MCID Chairman.

Bruce L. Hawkins.
For Casey Chandler

Cc:rp
tc
file



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 17, 2015

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Casey Chandler, Chairman
Monroe Creek Irrigation District
1116 Hwy 95
Weiser, ID 83672

RE: Application to Appropriate Water No. 67-15100

Dear Mr. Chandler:

The Idaho Department of Water Resources (IDWR) received your letter dated May 11, 2015 regarding application to appropriate water no. 67-15100 in the name of Joe Randall. Your letter responded to my May 5, 2015 letter seeking confirmation regarding Monroe Creek Irrigation District's (MCID) use of lower Monroe Creek to convey water within district boundaries and, if so, seeking MCID's consent for the proposed diversion of water. In your letter, you confirmed MCID's use of lower Monroe Creek to convey water and rejected the proposed diversion by Mr. Randall.

Since Monroe Creek is a natural channel used to convey both natural flow and MCID water, the Department will need additional information regarding MCID's use of the channel. Specifically, the Department will need records confirming the quantity of MCID's water delivery to land owners below the proposed diversion in order to determine if natural flow is available for appropriation. The Department will hold processing of the application for 14 days from the date of this letter to provide time for your response. If you do not respond in the time provided, the Department will continue processing application no. 67-15100. Without the requested information, the Department may condition an approval of the application to ensure that any MCID water users diverting water below the point of diversion are satisfied.

An alternative to an appropriation of natural flow from Monroe Creek might be for Mr. Randall to work with MCID to acquire water from the district, if available. Of course, implementation of that alternative would be entirely between Mr. Randall and MCID.

If you have questions regarding this matter, please call me at 208-334-2190.

Sincerely,

Nick Miller
Manager, IDWR Western Region

MONROE CREEK IRRIGATION DISTRICT
1112 Devil's Elbow Rd.
Weiser, Id 83672

RECEIVED

MAY 13 2015

WATER RESOURCES
WESTERN REGION

May 11, 2015

State of Idaho Department of Water Resources
Jeff Peppersack
Interim Manager, Western Region

RE: Application to Appropriate Water No. 67-15100, Response From Monroe Creek Irrigation Dist.

Dear Sir,

The proposed point of diversion falls into our irrigation system, for we DO have land owners with water rights below Mr. Randall's proposal. Our portion on that end of Monroe Creek goes to the "X" marked on the Irrigation Pump site Map.

We are therefore inclined to REJECT this proposal.

Any further questions may be directed to Mr Casey Chandler at 208-739-8673.

Sincerely, *Butler - Sec*
for Casey Chandler

Casey Chandler, MCID Chairman

cc:

CC
TC
RP

Irrigation Pump Site



0 475 950 1,900 2,850 Feet

1 inch = 1,071 feet





State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 5, 2015

MONROE CREEK IRRIGATION DISTRICT
1116 HWY 95
WEISER ID 83672

RE: Application to Appropriate Water No. 67-15100

Dear Interested Party:

The water right application referenced above in the name of Joe Randall seeks an appropriation of water for irrigation purposes to be diverted from the lower end of Monroe Creek. The proposed point of diversion is located within T11N, R05W, Section 28, NWNW. We have enclosed a copy of the application for your reference. Idaho Code Section 42-202(1) says, "...if the use of the diversion works or irrigation system is represented by shares of stock in a corporation or if such works or system is owned or managed by an irrigation district, no such application may be approved by the director of the department of water resources without the consent of such corporation or irrigation district." It is not clear from our records if Monroe Creek Irrigation District manages the lower end of Monroe Creek as part of its irrigation system to convey and deliver water.

In order to continue processing the referenced application, the Department needs information from you regarding whether the lower end of Monroe Creek is managed as part of your irrigation system and, if so, whether you consent to the proposed diversion of water. The Department will hold processing on the application for 14 days from the date of this letter to provide time for your response. If you do not respond in the time provided, the Department will assume the lower end of Monroe Creek is not managed as part of your irrigation system and will continue processing the application.

If you have questions regarding this matter, please call me at 208-334-2190. Thank you for your prompt attention to this matter.

Sincerely,


FOR:

Jeff Peppersack
Interim Manager, Western Region

Enclosure: copy of application no. 67-15100

Sommer, Rachel

From: Joe Randall [jrandall_1@msn.com]
Sent: Wednesday, April 22, 2015 3:42 PM
To: Sommer, Rachel
Subject: FW: Re Application for Permit No 67-15100 Monroe Creek

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Rachel, below is the email I sent to Steve on April 5th. Joe

From: Joe Randall [mailto:jrandall_1@msn.com]
Sent: Sunday, April 05, 2015 5:27 PM
To: steve.lester@idwr.idaho.gov
Subject: FW: Re Application for Permit No 67-15100 Monroe Creek

Steve Lester
Water Rights Supervisor
Dept. of Water Resources

Dear Steve, I met with you in November regarding information you had requested about water take outs from Monroe Creek. The Monroe Creek Irrigation District was not responsive to my letter about water take outs below Indian Head Road on Monroe Creek. We met and discussed alternatives. You told me that you would send a letter to them in the March time frame asking for their input. You also noted that the time to protest had long expired. Would you please give me an update on my application.

Steve, thanks for your efforts!!!

Joe
Joe Randall
208-284-0301

From: Joe [mailto:jrandall_1@msn.com]
Sent: Wednesday, November 12, 2014 4:42 PM
To: Steve.Lester@idwr.idaho.gov
Subject: Re Application for Permit No 67-15100 Monroe Creek--your letter dated May 2. 2014

Steve Lester
Water Rights Supervisor

Dear Steve, your letter dated May 2nd outlined certain information I must provide before you could act on my water rights request.
I have gotten all the requested information except a letter from Jennifer Hawkins (the Monroe Creek Irrigation District Secretary) pertaining to current water take outs below my point of diversion. This is basically factual information you requested. Either there is or there is not current irrigation water take outs. I have talked to the owner of the land who does have a 10 acre water right below my diversion point but there has been

no water take outs for approximately 37 years and she has no plan for future water take outs. Jennifer has not been responsive to repeated requests for a letter concerning the water take outs. In an effort to help her I sent a draft letter she could retype and send to me. Her response was that she and other board members wanted to meet with me and discuss other issues of their concern. I don't have a problem meeting with them but your December 31st deadline is approaching.

If I can't resolve this in the very near future would you or your representative meet with me in Weiser to inspect Monroe Creek below my Point of Diversion to determine if there is a current water take out?

Thanks you for your consideration.

Joe Randall
208-284-0301

CONVERSATION MEMO

☒ Office Visit ☐ Telephone ☐ Meeting ☐ Other

TO 67.15100
FROM JL
DATE 11/20/2014
RE Creek photos

Applicant hand-delivered attached photos of
Munroe Creek & proposed POD.

Said flow noticeably increased from May through
June as more upstream irrigation occurred
(Return flows).

Noted this was dry year so must be
better in good years.

Estimated flows range 40-90 inches
per his experience with ditch weir at
farm in KUNA.

*
RANDALL



irrigated with
irr district water

Appl. 5/18-5/28/2014
photos, view downstream
proposed diversion point
proposed diversion point

Legend
Sections
QQ
Taxlots

Hwy 95

gallatin
gallatin
canal

more
ck

SEE ATTACHED

* in more or less dist
except some

proposed diversion point

proposed 50 acres (new day)

21

5-18-14

↑
CREEK culvert
under ROAD

↑
FLOW

View
downstream
5/18

RECEIVED

NOV 20 2014

WATER RESOURCES
WESTERN REGION

MONROE CREEK
photos from Applicant
5/18-6/28/2014
(dry year)

flow
↑

WKA
James Watson
5/18

5-18-14

view upstream
5/18

↓ flow



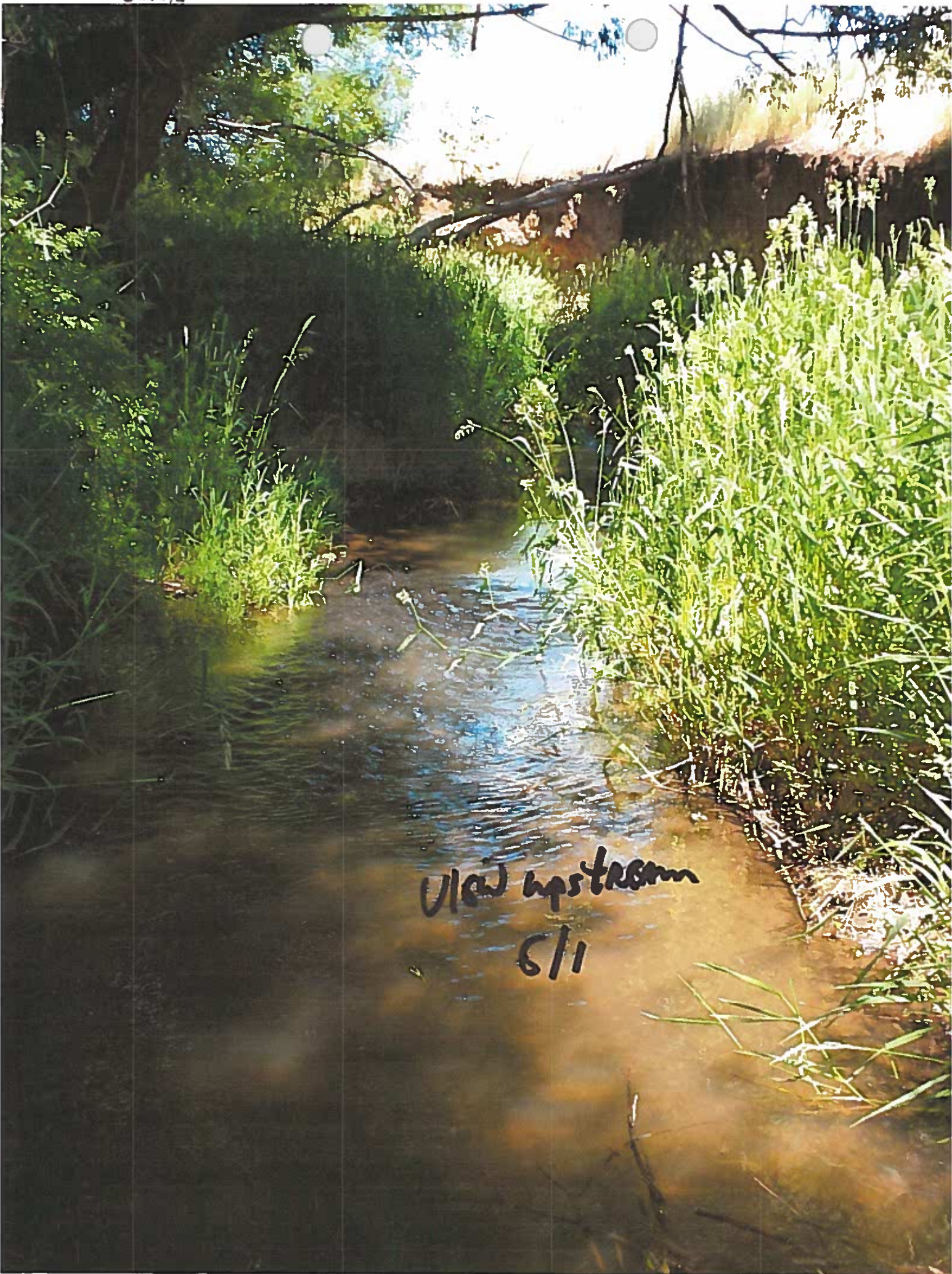
← flow

New
Dunstable

6/1

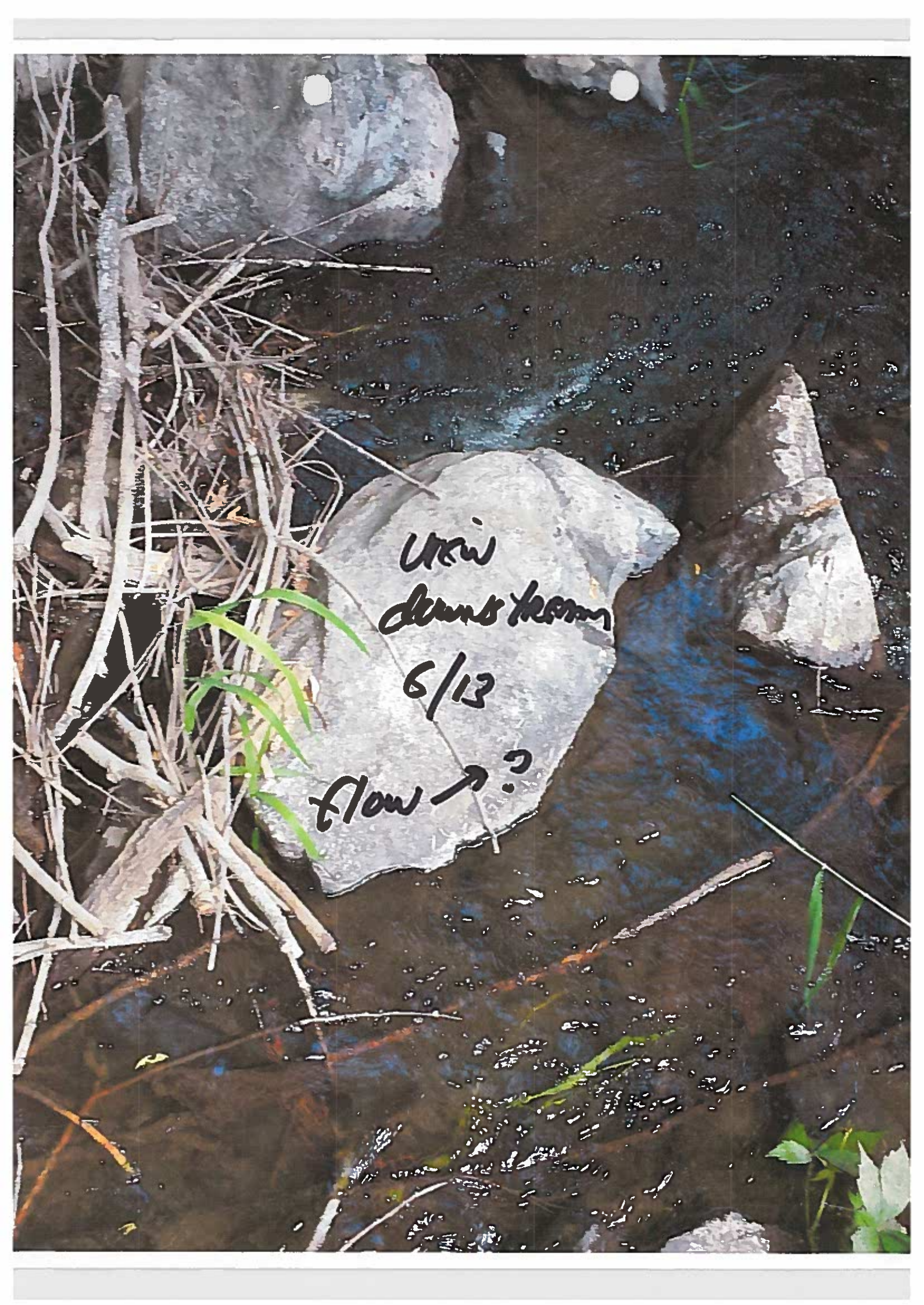
6-1-14

View upstream
6/1

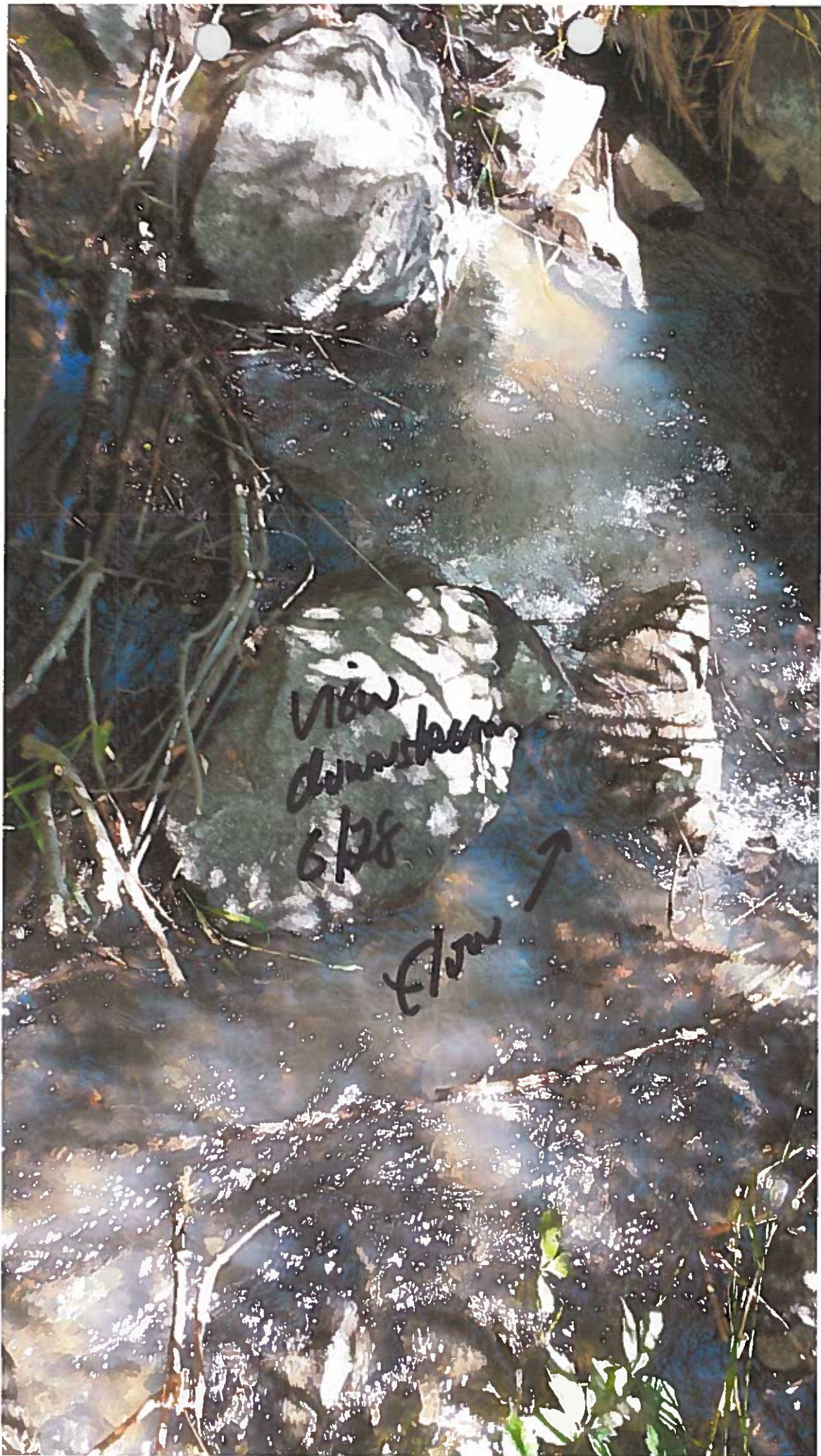




New Junction
6/13



UW
dumb term
6/13
flow → ?



Same as #9 but wider

Estimated 80-90 inches

A photograph of a stream bed with dark, wet rocks and some dry sticks on the left. The water is shallow and reflects light. Handwritten text is visible on a rock in the center.

cluser nör
de priia
photo

Low up stream

6/188



Lester, Steve

From: Lester, Steve on behalf of Western Info
Sent: Wednesday, July 23, 2014 7:55 AM
To: 'Joe'
Subject: RE: Application for Permit No 67-15100, Monroe Creek Attn: Steve Lester

Hello Joe:

Your request for more time in this matter is approved. The information requested by IDWR on May 2, 2014 is therefore due by **December 31, 2014**. The same provisions regarding possible voiding of the application remain in effect.

Please let me know if you have any questions as you pursue the necessary information to support your application. Thank you for your attention to this matter.

Steve Lester
Water Rights Supervisor
IDWR Western Region
2735 Airport WY
Boise, ID 83705
(208-334-2190)

From: Joe [mailto:jrandall_1@msn.com]
Sent: Monday, July 21, 2014 11:19 AM
To: Western Info
Subject: Application for Permit No 67-15100, Monroe Creek Attn: Steve Lester

Attn: Steve Lester
Dept. of Water Resources
Time Extension Request/Re: Your letter dated 5/2/2014

Hi Steve this email is written to request a six month time extension for providing certain information regarding my above application beyond 7/31/2014.

Jennifer Hawkins who is the secretary for the Monroe Creek Irrigation District along with her husband operate a farm on Monroe Creek. She has limited time to help me with the written information I must provide to you. Hopefully after the farming season she will have more time. The following is what she told me by telephone: There are two Monroe Creek District irrigation water rights below my point of diversion. Neither of these have diverted water for a number of years. (Approximately 30 years) One 40 acre water right is presently being leased by a farmer upstream from my farm and that water right is presently being purchased by the lessee. The other water right is for 10 acres and although they pay the water fee each year they do not use the water. I am going to contact them to see if they would lease this 10 acre water right to me.

I am continuing to take pictures and take notes of the water that is flowing at my proposed point of diversion. It appears that an estimated 80-90 miner inches continues to flow once the irrigation season started.

Please let me know if this email is adequate for the time extension request.

Joe
Joe Randall

← 6/11 208-284-0301



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER, Governor

GARY SPACKMAN, Director

May 2, 2014

JOE RANDALL
2210 E HUBBARD RD
KUNA ID 83634

Re: Application for Permit No. 67-15100, Monroe Creek

Dear Joe:

Thank you for taking the time to meet this morning to discuss concerns about your application for 1.00 cfs to irrigate 50 acres from Monroe Creek. I found the visit very helpful.

As we discussed, the Weiser River Watermaster, Brandi Horton, has concerns about water availability for a new use from the creek. The Idaho Department of Water Resources (IDWR) shares those concerns. I hope your follow up conversation with Brandi proves helpful in resolving your application. If that is successful, she should send additional comments to this office regarding your application. Also, please submit information to this office identified in item #2 below.

The following information might be useful when you talk to Brandi.

IDWR did not find any Monroe Creek rights with diversions below your place. Not sure if any Monroe Creek Irrigation District users have take-outs on the creek below your place. The following Weiser River rights have diversions downstream from Monroe Creek:

- 67-14129, 1912 priority for 3.81 cfs, City of Weiser
- 67-4412, 1954 priority for 0.40 cfs, City of Weiser
- 67-4472, 1958 priority for 0.73 cfs, Adams.

Not sure if Watermaster typically curtails those priorities at bottom end of river, maybe enough return flows to avoid curtailment. Not sure if anyone gets storage water (Lost Valley, other?) delivered along river below Monroe Creek. Not sure if 1.00 cfs new use from the creek would typically injure river &/or storage users below the creek.

If your visit with the Watermaster does not successfully resolve your application, please provide sufficient information as follows:

1) Show water is typically available at least through June 15 at your place along the creek. This should include (a) data from credible water measurements by a qualified person (consultant etc.) including at least the months of this May and June, or (b) your personal observations, records, photos and so forth, including at least the months of this May and June.

Application 67-15100

May 2, 2014

Page 2

2) Determine if any water users have take-outs from the creek below your place for their use of Monroe Creek Irrigation District water. Provide a letter from the irrigation district verifying there are no users of irrigation district water with take-outs from the creek below your place, or identifying the number of such users with take-outs and the amount of this water they rely on for their irrigation.

Please provide your written response by July 31, 2014. You may seek up to six months additional time if necessary. The application will be voided if a timely written response is not received. A refund cannot be issued in this case if the application is voided. Please contact me at your convenience if you need more information. Thank you for your attention to this matter.

Sincerely,



Steve Lester
Water Rights Supervisor

Cc: Brandi Horton, Weiser River Watermaster

sent via email 5/2/14

Lester, Steve

From: Lester, Steve
Sent: Friday, May 02, 2014 8:22 AM
To: 'watermaster67@hotmail.com'
Subject: Monroe Creek Application 67-15100
Attachments: 67-15100 letter.pdf; 67-15100 map.pdf

Contacts: Brandi Horton

Attached

Hi Brandi:

See 5/2/14 letter in file

Yesterday I met with the applicant, Joe Randall, had a good discussion about the application, your watermaster comments, natural flow, storage, potential impacts to downstream users etc. His place has been in the family for about 100 years & is located between Hwy 95 & Gallatin (Galloway?) Canal on north end of Weiser. He grew up there, lives in Kuna now. Said has usually seen a pretty good flow on bottom end of the creek at his place before creek runs into town. Maybe it's possible there is typically enough waste water in creek at bottom end for a new early irrigation season use (still subject to automatic June 15 cutoff), maybe not. Part of his place is irrigated with Monroe Creek Irrigation District water. His application is for land that has no water.

I did not find any Monroe Creek rights with diversions below his place. Not sure if any Monroe Creek Irrigation District users have take-outs on the creek below his place. Here are Weiser River rights I found with diversions downstream from Monroe Creek:

67-14129, 1912 priority for 3.81 cfs, City of Weiser
67-4412, 1954 priority for 0.40 cfs, City of Weiser
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Not sure of those priorities curtailed at bottom end of river, maybe enough return flows to avoid curtailment? Not sure if anyone gets storage water (Lost Valley, other?) delivered along river below Monroe Creek. Not sure if 1.00 cfs new use from the creek would typically injure river &/or storage users below the creek.

I suggested he call you and talk it over to see if he has good enough information to satisfy your concerns. If he does, you could send additional comments to me. If he does not have good enough information, he would then need to provide good data to support his application, which could take a while.

I've attached copies of a letter being sent to him plus a map showing his place in relation to other landmarks.

He hopes to call you by early next week. Let me know if I can provide any help to you about this.

Thanks,

Steve

Watermaster updates 5/2/14

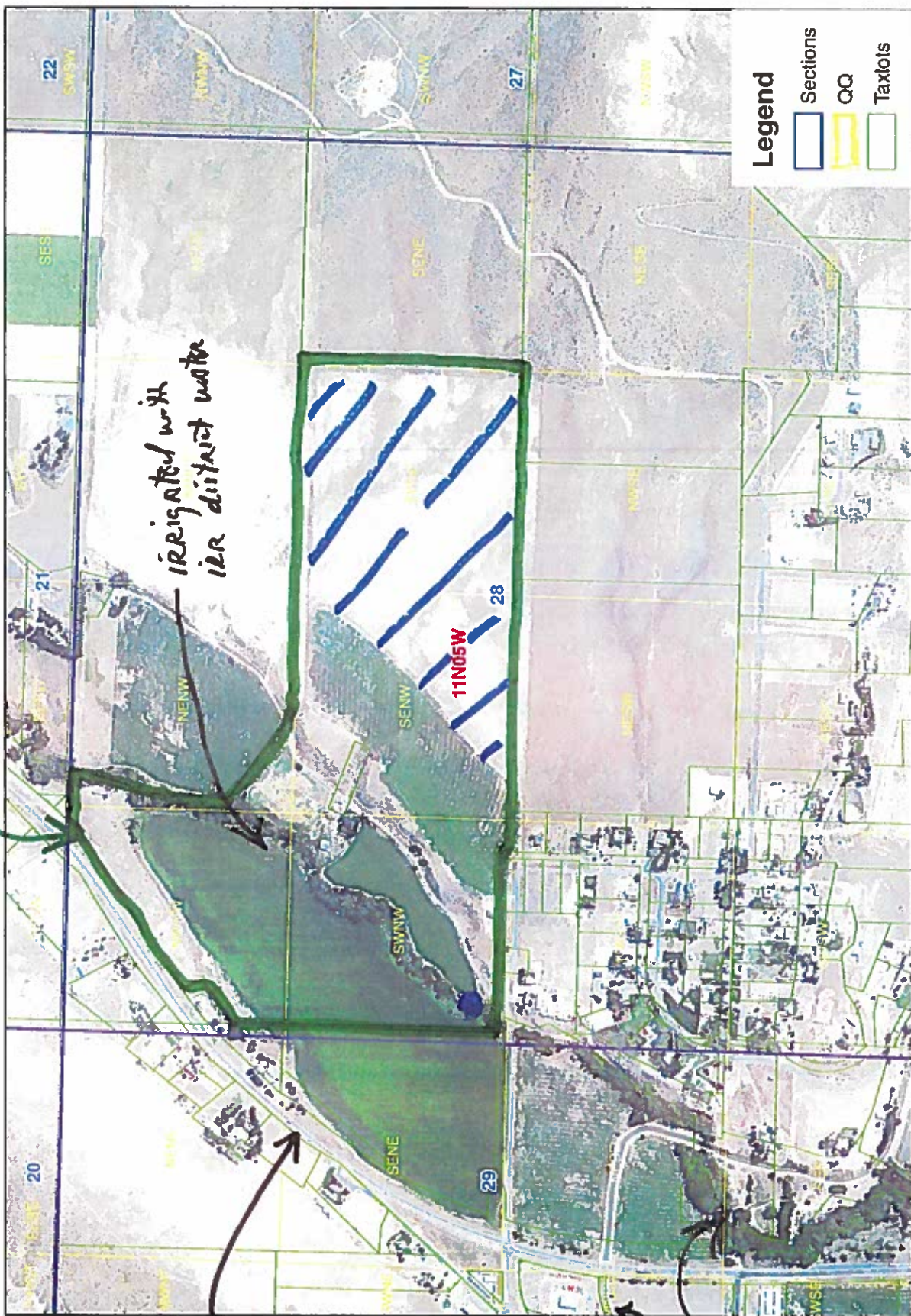
*
RANDALL

irrigated with
Irr district water

Hwy 95

gallatin
gathering
canal

monroe
ck



↑ 21

Proposed diversion

* in Monroe Co Irr dist
excess funds

proposed to access (new day)

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDATION OF WATERMASTER

RECEIVED

MAR 09 2014

WATER RESOURCES
WESTERN REGIONApplication No: 67-15100Applicant's Name: Joe Randall

Watermaster's Recommendation:

a) ☐ I do not oppose approval of this application.b) ☒ I do not oppose approval of this application if conditioned as follows:

☒ No water shall be diverted under this right after June 15* of each year without prior approval of the watermaster. New rights are curtailed each year based on the water supply (seniority system). Use of a new right can continue during water shortages if the new right is mitigated with a lease of storage water from the Watermaster.

Other conditions:

c) ☒ I oppose approval of this application for the following reasons:

See "Additional Comments"

d) ☒ Additional comments: I strongly recommend reconsideration of this application by the applicant. Monroe Creek is a small drainage with little to no natural stream flow by mid-June, which means it doesn't support the present water rights filed on it. Even if conditioned with the 6-15 curtailment it is likely the water use would have to be curtailed prior to that to avoid damaging senior rights. A pivot is no small investment and without also owning some storage water to irrigate this land (not if, but when) this "paper water" gets curtailed, it would be a waste to proceed with this project.

Dated this 9th day of March, 2014

Water District No: 67 Brandi S. Horton
Watermaster's signature

* Watermaster provided copy of this recommendation to the applicant regarding 6/15 curtailments.

PER CALL
to Brandi -
Disregard
this 4th
-JR 4/14/14

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Washington) ss.

Sarah Pokles

deposes and says: _____, being duly sworn,

That she is the clerk of

THE WEISER SIGNAL AMERICAN, a weekly newspaper published at Weiser, in the County of Washington and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Weiser; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not in a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with February 19, 2014 and ending

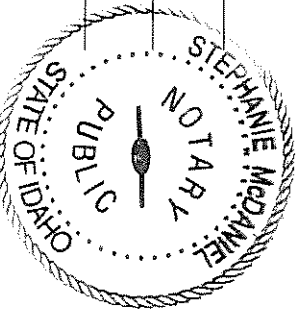
with the issue of February 26, 2014

Fees, \$ 113.25

Subscribed and sworn to before me this 26 date of February 2014

Stephanie McDaniel
Notary Public, residing at Weiser, Idaho.

My commission expires 09-14-18



No. _____
The following application has been filed to appropriate the public waters of the State of Idaho:

✓ 67-15100
JOE E RANDALL
2210 E HUBBARD RD
KUNA, ID 83634
Point of Diversion NWNW S28 T11N R05W WASHINGTON County Source MONROE CREEK Tributary WEISER RIVER
Use: IRRIGATION 03/15 to 11/15 1 CFS
Total Diversion: 1 CFS
Date Filed: 8/23/2013
Place of Use: IRRIGATION
T11N R05W S28 SWNE SENW
Total Acres: 50

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov/apps/ExSearch/WRFiling.asp. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 3/10/2014. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director
Published on 2/19/2014 and 2/26/2014

7-2S

RECEIVED

MAR 03 2014

WATER RESOURCES
WESTERN REGION

OK
3/17/14
RS

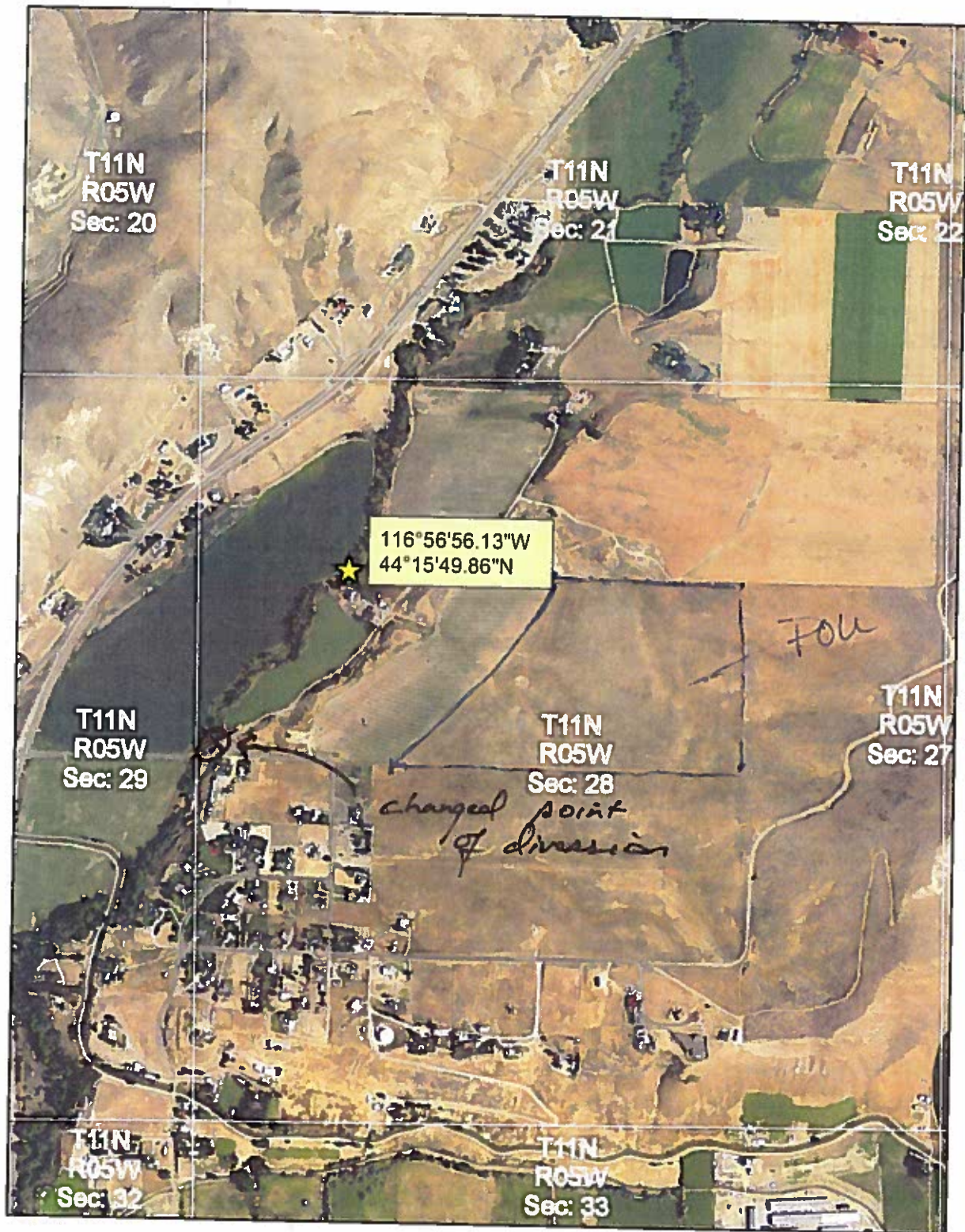


MEMORANDUM

Date: February 25, 2014
To: File
From: Nick Van Dyke
Re: Meeting with Joe Randall, Office Day visit

Today I met with permit applicant Joe Randall in regards to amending his application. Mr. Randall explained he wanted to change the location of his proposed point of diversion. The change to the point of diversion would fall within the same 40 acre tract as originally proposed – the NWNW Section 28 T11N R5W. I explained no amendment to the application would be needed. Attached to this memo is a map of the proposed change.

Irrigation Pump Site



0 475 950 1,900 2,850 Feet

1 inch = 1,071 feet



67-15100