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Department of Water Resources
Southern Region

State of Idaho
Department of Water Resources

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MAR 20 2005 2005

Department of Water Resources
Southern Region

RECOMMENDATION OF WATERMASTER

Application No: 71522 & Receipt # 8027055

Applicant's Name: Mike K. & Denise D. Matthews

Watermaster's Recommendation:

a) ☐ I do not oppose approval of this application.

b) ☐ I do not oppose approval of this application if it is conditioned as follows.

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

The original documentation pertaining to the original POD of both water rights (42-212/300) indicates the valid creek to be Summit versus Howell Creek. The dates of 1892 & 1882 for the last 6 or 7 years have not been able to be delivered due to the fact there has been no

d) Additional Comment: water for these rights. The proposed POD for Howell Creek, Mr. Matthews has not contacted property owner Norman Daykin for easement on his property. The property being designated for water

Dated this 25 day of March, 20 05.

Water District No. 45F

[Signature]
Watermaster's Signature

Use reverse side of page if you need more space.

Has been dry farmed by previous owners, the Bailey's. Mr. Dean Perry and Tom Asher in leasing the ground back in the 1980's had pulled water out from the Goodman lateral irrigation ditch running North/South on the upper portion of ground which has been designated for irrigation on documentation of water transfer.

Mr. George Kelley has tried to use this lateral for his taking of water and the Goodmans have refused and protested this use. Since they had not contributed to the diversion (POD off of Howell Creek) Clear up on the Earl Warthan place just North of his home.

The new POD that has been requested for the 3.1 acres with a pump in the Creek, I could acknowledge provided Mr. Matthews take the water off the right Creek and that the new POD have a lockable head gate and measuring device. Again the 3.1 acres that have been dried up for the transfer had no water right under Howell Creek if the original POD is correct.

Further investigation indicates that water had been taken off of Summit Creek and used on the lower meadows between Howell Creek & Summit. A Mr. Albert Bell in 1941 was killed 20.3 CFS by the water district.

Had I DWR investigated the water transfer back in Sept. 2004 when Mr. Matthews applied for changes Mr. Matthews would have had a different approach as to irrigating his place.

We have found that in some cases of water rights in the Marsh Creek water district, when originally posted in the Stocks vs Woods ~~they~~ there has been discrepancies of POD & use off the wrong Creeks, Springs and so forth.

By not approving of this water(s) transfer I am not trying to take the owners water rights away from him or her but stating if the original POD is correct then the water be directed off the correct Creek and if it is to be Summit Creek that the resource of water is to be diverted then Mr. Matthews has a bigger problem due to the ground he is wanting to irrigate —

David Henderson
Watermaster 45F

Norman E. Dayley
1000 S 1300 E
P.O. Box 165
Albion, Id 83311

March 13, 2005

Mr. Don Gunderson
Albion, Idaho 83311

Re: Water Diversion / Mike Matthews

Dear Mr. Gunderson:

In reference to Mr. Matthews request to change the point of diversion on my place. I do not feel it would be satisfactory for him or me.

The point that the former owner, Wendell Bailey, diverted water is high enough that the natural flow will reach Mr. Matthews property better.

Mr. Matthews has not approached me for an easement and since the original point of diversion will meet his needs, I am opposed to the change because it will cause undue hardship on the use of my property.

I am presently out of the state and will return in September. If it is necessary to reach me during those months I can be reached at 1-217-453-2237-extension 14 during the day and in the evenings my number is 1-217-453-6976.

Due to the distance this letter is being faxed to the Albion City Office. Thank you for your consideration of my concerns in this matter of changing the point of diversion of the creek on my property.

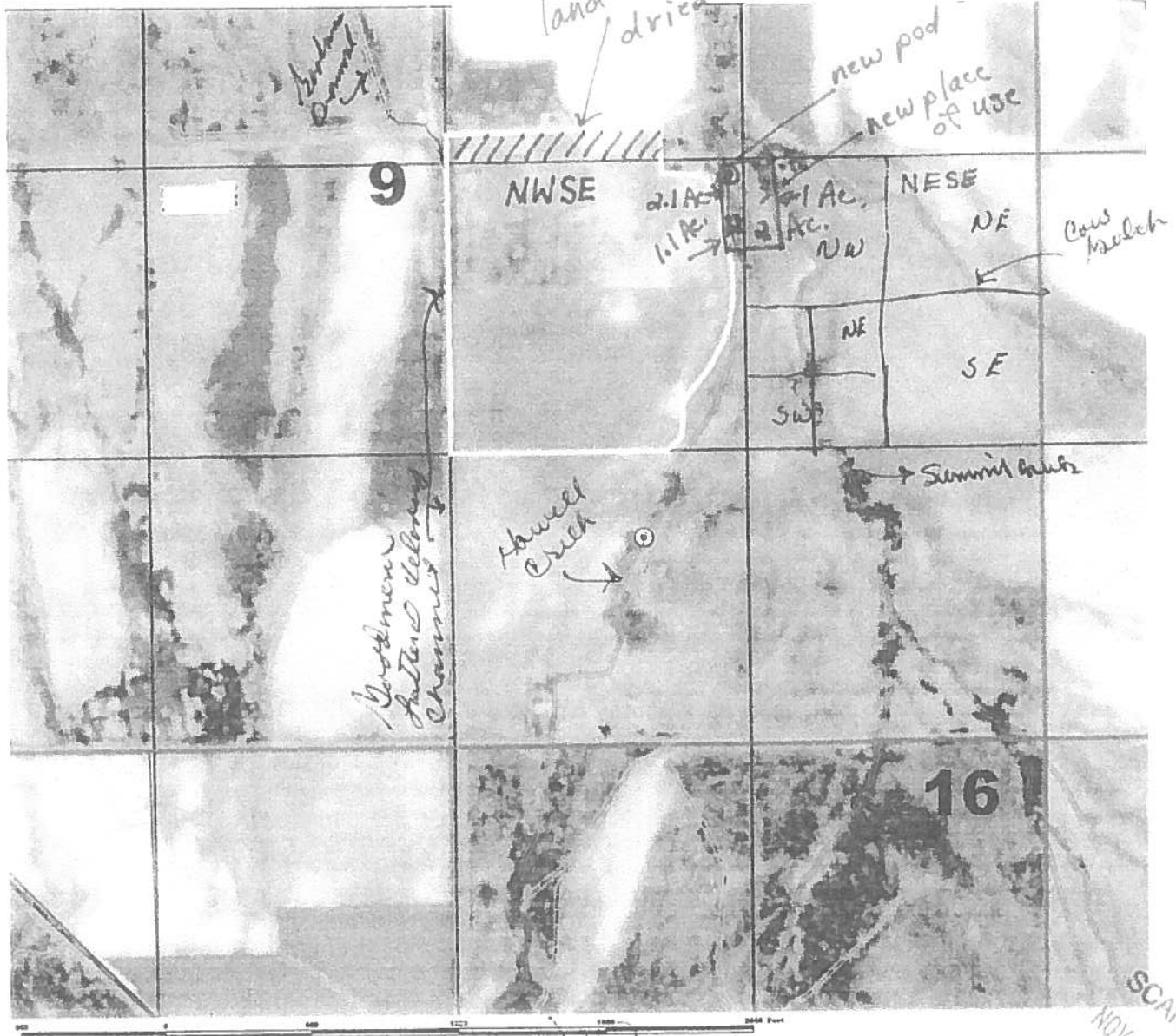
Sincerely,


Norman E. Dayley

Post-It® Fax Note	7671	Date	3/14	# of pages	1
To	Don Gunderson	From	Dayley		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	208 673 6745	Fax #			

RECOMMENDED PLACE OF USE FOR 45-212 and 45-300

AMENDED
9cc



PLACE OF USE
TWP 12S, RNG 25E, SEC 9
Data entry on December 4, 2003

Ken D. Mathias
9-20-04

CASSIA CO



RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES
QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1087/1098 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



SCAN
NOV 19 2004