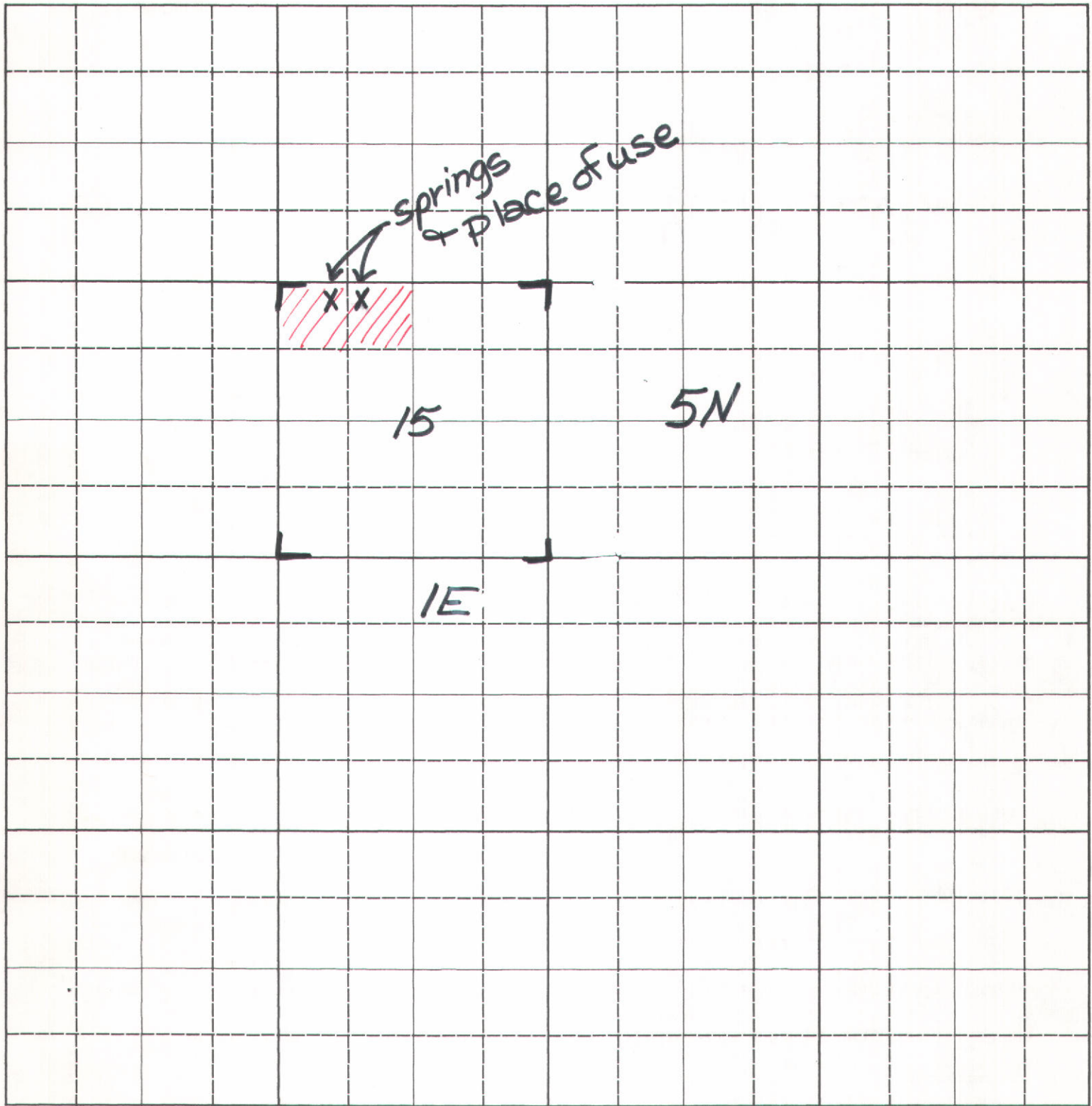


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

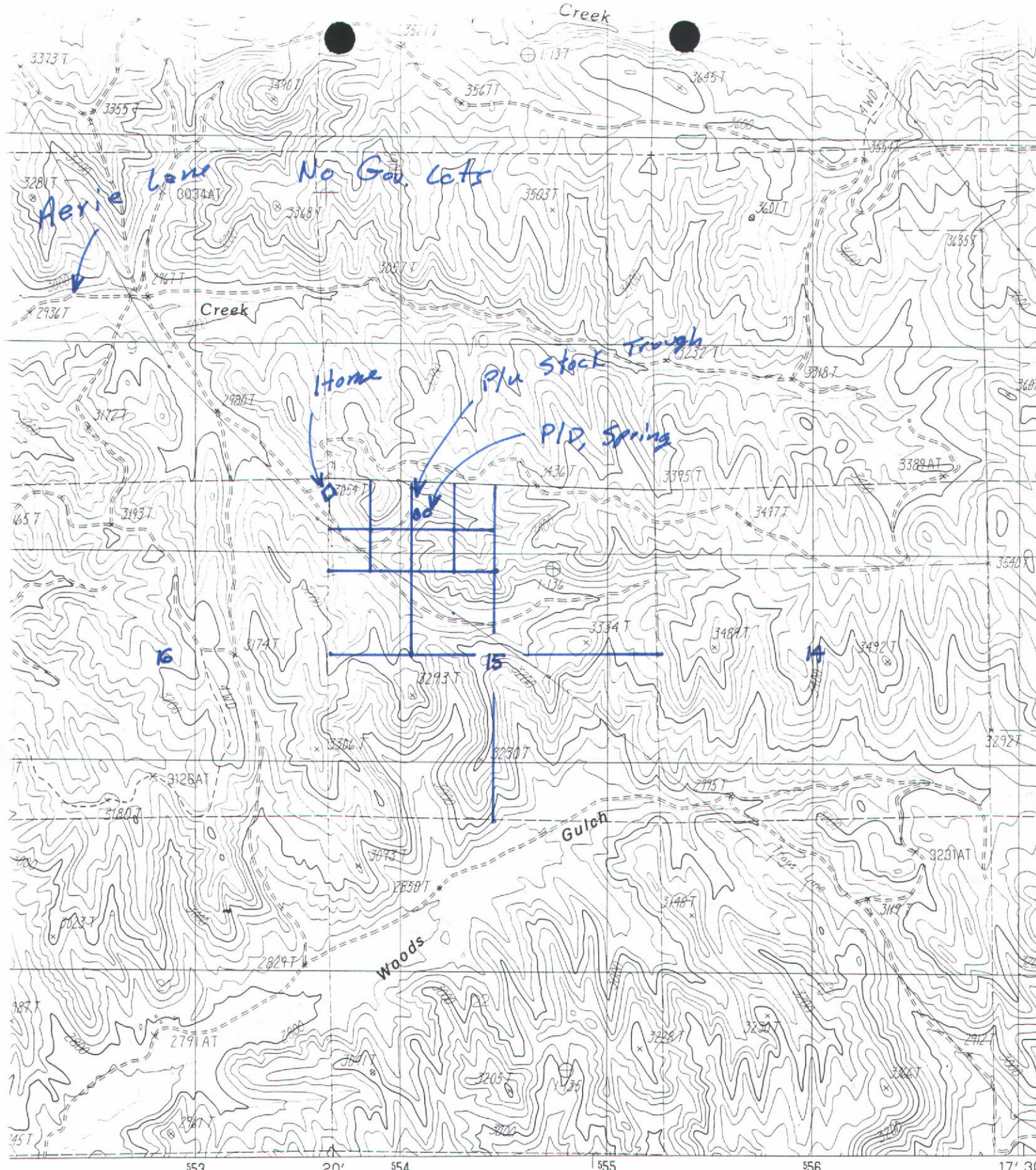


Scale: 2 inches equal 1 mile.

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.

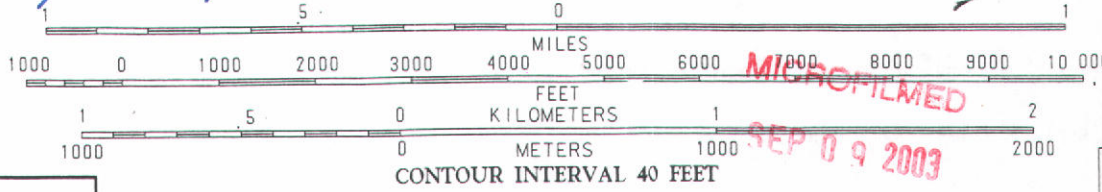
DEC 16 1986

[Signature]
(Applicant)



AL SURVEY
 SCS, NOS/NOAA
 1980
 1985
 ER MERCATOR
 ZONE 11
 10, WEST ZONE
 ... 0°29' EAST
 ... 17' EAST
 DATUM OF 1929
 RICAN DATUM
 um of 1983,
 corner ticks

T5N, R1E, Sec. 15 SCALE 1:24 000 63-10376



PROVISIONAL MAP
 Produced from original

MICROFILMED
 SEP 09 2003

1 of 2

P10

Spring
Area
at Green
Brush.

View
looking
NW



P10

Spring
Area —
upstream
side.



MICROFILMED
SEP 09 2003

63-10376

2 of 2

Plu
Stock
Trough
in
draw



Plu
Stock
Trough.

Note 2" P.E. pipe
from
spring.



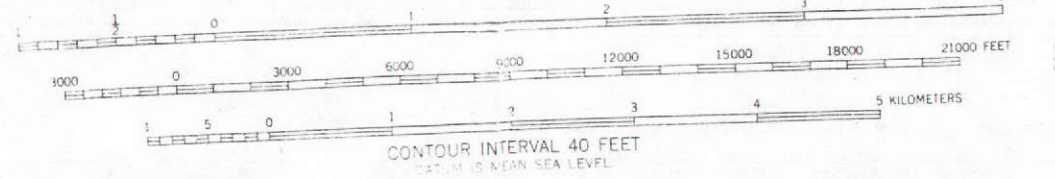
MICROFILMED

SEP 09 2003

63-10376



Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Topography from aerial photographs by multiplex methods
and by plane-table surveys by USBR 1945-46
Aerial photographs taken 1951. Field check 1953
Polyconic projection 1913 North American datum



ROAD CLASSIFICATION
Heavy-duty ——— Light-duty ———
Medium-duty ——— Unimproved dirt ———
U.S. Route ——— State Route ———
MONTOUR, IDAHO

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-10376

Priority: July 30, 1986

Maximum Diversion Rate: 0.01 CFS
Maximum Diversion Volume: 0.1 AF

It is hereby certified that SALLY D TARBET
3852 W PINE CK
MERIDIAN ID 83642 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 30, 1986; and has
submitted Proof of Beneficial Use on November 24, 1990. An examination indicates that the works have
a diversion capacity of 0.01 cfs of water from:

SOURCE

SPRING

Tributary: SINKS

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER	01/01 to 12/31	0.01 CFS	0.1 AF

LOCATION OF POINT OF DIVERSION:

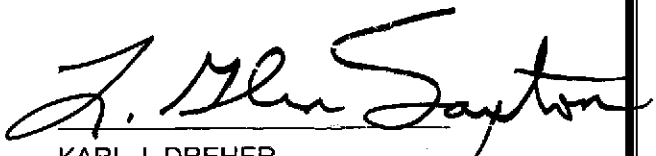
SPRING NW¼NE¼NW¼ Sec. 15, Twp 05N, Rge 01E, B.M., ADA County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	01E	15					X												

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

Signed and sealed this 9th day of June, 2003.


for **KARL J. DREHER**
Director

MICROFILMED

SEP 09 2003

RECEIVED**MAY 30 2003**

State of Idaho
 Department of Water Resources
APPLICATION FOR AMENDMENT

Department of Water Resources

(For Licensing Purposes)

WATER RIGHT NO. 63-10376**Date of Priority:** July 30, 1986

Maximum Diversion Rate: 0.01 CFS

Maximum Diversion Volume: 0.1 AF

Comes now **SALLY D BROGAN TARBET**

9400 WILLOW CREEK RD

~~PO BOX 268~~ 3852 W. PINE CREEK, MERIDIAN, ID 83642

EAGLE ID 83616-0268

and represents to the Director of the Idaho Department
 of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the
 State of Idaho No. 63-10376, and requests that the permit be changed as follows:

Source: SPRING**Tributary:** SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.01 CFS	0.1 AF

LOCATION OF POINT OF DIVERSION:SPRING NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15, Twp 05N, Rge 01E, B.M., ADA County**PLACE OF USE:** STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 01E 15					X												

Permit holder asserts that no one will be injured by such change and that such change will be made at
 permit holder's own risk. Signed this 29 day of May, 2003.

Sally Tarbet
 (Signature)

MICROFILMED**SEP 09 2003**

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-10376

RECEIVED

MAY 30 2003

Department of Water Resources

FOR DEPARTMENT USE ONLY
Preliminary check by tw Fee \$50.00 Received by [signature] # 0069328 Date 5/30/03

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 63-10376 with the following:

Witness my hand this 9th day of June, 2003.

[signature]
for KARL J. DREHER
Director

MICROFILMED
SEP 09 2003

Vital Statistics
Boise, Idaho 83726

STATE OF IDAHO

State File No.

County of ADA No. 20030224

Marriage License

KNOW ALL PERSONS BY THIS CERTIFICATE: That any regularly ordained minister of the Gospel, authorized by the rites and usages of the church or denomination of Christians, Hebrews, or religious body of which said minister is a member, or any judge or magistrate, or competent officer to whom this may come, not knowing of any lawful impediments thereto, is hereby authorized and empowered to solemnize the rites of Matrimony between:

GROOM

AND

BRIDE

1. Name: ROBERT CRAIG TARBET
2. Address: Meridian, Ada County, Idaho
3. Age: 42 4. Race: Caucasian 7. Status: divorced
8. Birthplace: Logan Utah

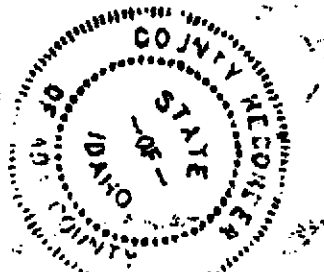
9. Name: SALLY DENISE BROGAN
10. Address: Meridian, Ada County, Idaho
11. Age: 37 12. Race: Caucasian 15. Status: divorced
16. Maiden Name if previously married: Brogan
17. Birthplace: Cleveland Ohio

And to certify the same to said parties, or either of them under the signature and seal, of said minister or official capacity, and thereupon is required to deliver the original to the parties so married.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at BOISE, ADA County, Idaho, this 10th day of February, A.D. 2003.

J. DAVID NAVARRO, Clerk/Auditor/Recorder

Deputy Recorder



Marriage Certificate

I, DAVID E DAY, a MAGISTRATE residing in the city of BOISE, in the County of ADA, in the State of Idaho do certify that in accordance with the authority on me conferred by the above license, I did on this 8th day of MARCH in the year A.D. 2003 in the city of BOISE in the County of ADA in the State of Idaho, solemnize the rites of matrimony between

ROBERT CRAIG TARBET of Meridian, in the County of Ada, of the State of Idaho.

and SALLY DENISE BROGAN of Meridian, in the County of Ada, of the State of Idaho.

In the presence of NEIL SMALLWOOD and TERRI OLSON WITNESSES My Hand at the County aforesaid, this 8th day of MARCH, A.D. 2003

In the presence of:

Officiant's Signature

Mailing Address

200 W FRONT

and

BOISE, IDAHO

Date Received

By County Recorder

3-10-03

Signature

[Signature]

Recorded

Instrument #

1225509

Date Received

By State Registrar

(Officiant should send this copy back to the County Recorder immediately.)

STATE OF IDAHO, COUNTY OF ADA, CL.

I, J. David Navarro, Recorder for Ada County, do hereby certify that this is a true and correct copy of the original of the above marriage license.

Witness my hand and official seal at Boise, Idaho, this 16th day of April, 2003.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Boise, Idaho, this 16th day of April, 2003.

J. DAVID NAVARRO, Recorder

[Signature]

MICROFILM

SEP 09 2003

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 83702-0003 04:13 PM
DEPUTY AN LARSON
RECORDED-REQUEST OF
ADA COUNTY RECORDERS
AMOUNT .00

2



6

MICROFILMED

SEP 09 2003

RECEIVED

JUN 18 1999

WATER RESOURCES
 WESTERN REGION

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
 ASSIGNMENT OF PERMIT

RECEIVED

JUN 21 1999

Department of Water Resources

I, Hugh C. & Darlena M. Rowland, hereby assign to Sally D. Brogan
 of, 9400 Willow Creek Rd, PO Box 268, Eagle, ID 83616 (208) 939-4364 x27
 (Full Address) (Phone)

All my right, title, and interest in and to Permit No. 63-10376 to
 appropriate the public waters of the State of Idaho.

Q. (for partial assignments)

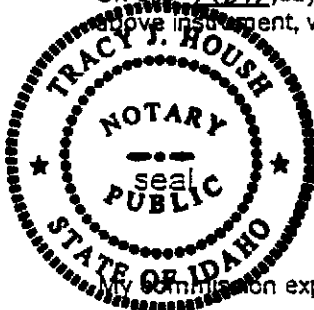
The following described portion of my right, title, and interest in and to
 Permit No. _____ to appropriate the public waters of the State of
 Idaho. (Describe portion of the permit assigned listing the number of acres in each 40 acre
 subdivision, point of diversion location, and the amount of water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

Made this 16th day of June, 1999.

Hugh C. Rowland Permit Holder
Darlena M. Rowland

State of Idaho)
 County of Ada) ss

On this 16th day of June, 1999, personally appeared before me the signer(s) of the
 above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Tracy J. Housh
 Notary Public residing at
Boise

My commission expires: 5/1/04

MICROFILMED

JUN 25 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 63-10376 Telephone No. 342-1900 REEP 14250 ^{MOBILE PHONE}

Name(s) of Permit Holder(s): Hugh C. and/or Darlene M. Rowland

Post Office Address: P.O. Box 1071 Eagle ID 83616

Source of Water: SPRING

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:

Domestic _____ (No. of households)

Irrigation _____ (No. of acres)

Stockwater ^{HORSES}
CATTLE (No. and type of stock)

Other _____

Total rate and/or volume for which proof is submitted 4 GAL PER MIN cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: SEPT 1, 1987

One of the following may be a condition of approval of your permit:

Measuring device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

OR

Flow Measurement Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

Fee Enclosed: \$ _____ (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Hugh C. Rowland 342-1900 REEP 14250
Name Telephone No.
P.O. Box 1071 Eagle ID 83616
Address

MICROFILMED

JUL 15 1991

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

11-24-90
Date

[Signature]
Signature (and title if on behalf of a company or organization)

RECEIVED

DEC 01 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by CP
Date 12/2/88
Receipt # 1003719

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use for a water right permit

Hand-Delivered
Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 63-10376

Name(s) of Permit Holder: H. C. and/or D.M. Rowland

Post Office Address: P.O. Box 1071, Eagle, Idaho 83616

Telephone No. 344-8688 (Mobile #1836)

Date Proof is Due: December 1, 1988

Describe what work has been completed toward the development of this water right: Excavation and
(This must be filled out! If no work has been completed, show "none".)

construction of diverting works has been performed. Further work is required to prepare
for installation of measuring equipment and completion of excavation and construction
of diverting works.

Costing \$ 2,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

More time is required to properly complete excavation and construction of diverting
works. Due diligence has been exercised and more time is required to complete the work.

Permit holder(s) request an extension to December 1, 19 91.
(1 yr. minimum)

[Signature]
(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

MICROFILMED

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to December 1, 1990. **MAR 06 1989**

Signed this 13th day of December, 19 88.

[Signature]
Chief, Water Allocations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant H.C. &/or D.M. Rowland Phone 344-7588 - work mornings
Post office address P.O. Box 1071, Eagle, ID 83616 Sinks DRT 11/14/86
2. Source of water supply springs which is a tributary of BIG CULCH CK.
3. Location of point of diversion is NE ¼ of NW ¼ of NW ¼, Govt. Lot _____
Sec. 15 Township 5N Range 1E B.M. Ada County; additional
points of diversion if any: NW NENW, S15, T5N, R1E
4. Water will be used for the following purposes:
Amount 0.80 for irrigation purposes from 3/15 to 11/15 (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 is (a) 0.80 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 3" pipeline to place of use

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 90°F being sought? _____
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).

MICROFILMED

DEC 16 1985

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	1E	15					20	20											40

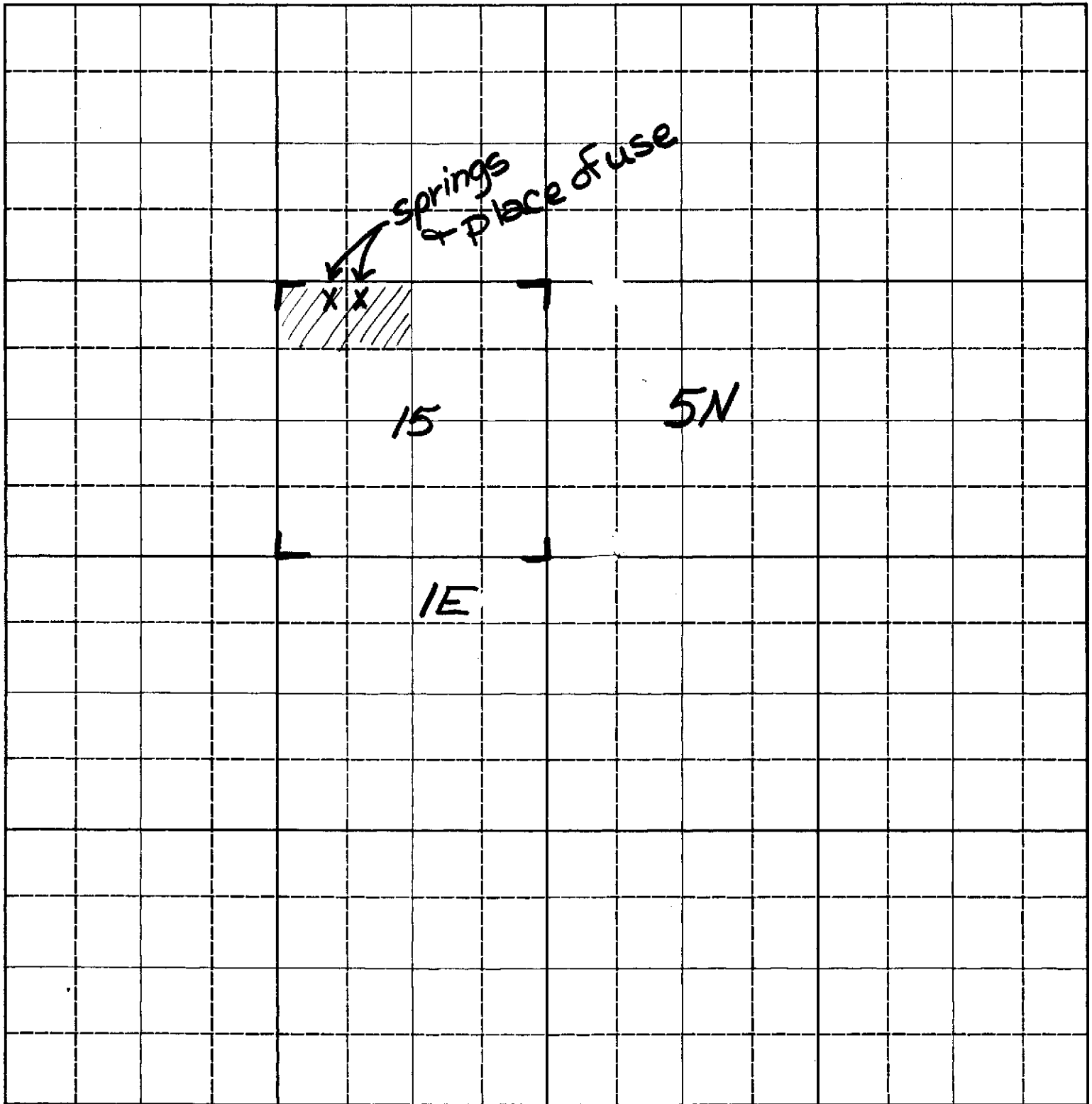
Total number of acres to be irrigated 40

10. Describe any other water rights used for the same purposes as described above. NONE

- Who owns the property at the point of diversion? applicants are purchasing
- Who owns the land to be irrigated or place of use? same as above
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Applicants have a well for domestic purposes.

13. 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.

DEC 16 1985

(Applicant)

Received by kw Date 7-30-86 Time 2:00 pm Proposed Priority 7/30/86
Preliminary check by [signature]
Fee \$ 45.00 Received by kw # 38867 Date 7/30/1986
Publication prepared by AR Date 9/10/86 Published in The Idaho Statesman
Publication approved AR Date 10/8/86 9/18 & 9/25/86

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. 63-10376, and said application is hereby APPROVED.

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 December 1, 19 88.

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. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 19th day of November, 1986.

[Signature]
Chief, Operations Bureau

MICROFILMED
DEC 10 1986

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

LEGAL ADVERTISING INVOICE

Amount Due

67.76

Account Name ID Water Resources, Western Region		Account Number #47628	
Address Statehouse		City/State Boise, ID	Zip 83720
Ordered By Judy Pense	P.O. Number	Rate nt	Run Dates 1986 Sept. 18, 25
Identification Applications 63-10376, 77, 78, 65-12779		Estimated Inches	Real Inches
Number of Affidavits Requested 1			Legal Number #3203

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-10376 ✓ 3P

Rowland, H.E.
and/or D.M.
P.O. Box 1071
Eagle, Idaho 83616

Source: Springs
Diversion Pt: NENWNW
NWNENW

Sec. 15 T 05N R 01E
Use: Irrigation (0.8 CFS)
Date Filed: 07/30/1986
In: NENW NWNW
Sec. 15 T 05N R 01E
for 40 Acres

63-10377

Mauritz, Karl H.
and/or Kathryn H.
2471 East Floating
Feather Rd.
Eagle, ID 83616

Source: Groundwater
Diversion Pt: NWNE
Sec. 10 T 04N R 01E
Use: Irrigation (0.120 CFS)
Use: Domestic (0.4 CFS)
Date Filed: 08/04/1986
In: NWNE
Sec. 10 T 04N R 01E
for 4 Acres

63-10378

Amoco Oil Co.
P.O. Box 7277
Boise, ID 83707

Source: Groundwater
Diversion Pt: SESE
Sec. 07 T 03N R 02E
Use: Irrigation (0.030 CFS)
Date Filed: 08/21/1986
In: SESE
Sec. 07 T 03N R 02E
for 1 Acre

65-12779

Western Power, Inc.
2399 S. Orchard St.
Boise, ID 83705

Source: Payette River,
North Fork trib.
to Payette River
Diversion Pt: Lot 04 (SENWSW)
Lot 05 (SENWSW)
Sec. 23 T 11N R 03E
Use: Power (2200.0 CFS)
Date Filed: 08/11/1986
In: Lot 03 (SENW)
Sec. 28 T 09N R 03E

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on, or before, October 6, 1986.

KEN DUNN
Director

Pub. Sept. 18, 25, 1986

3203

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

RESERVED
SEP 26 1986

Department of Water Resources
Western Regional Office

Laura Gay Barnes

, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for Two (2) ☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of September 18, 19 86

and ending with the issue of September 25, 19 86

Laura Gay Barnes

Subscribed and sworn to before me this 25th

day of September, 19 86

Connie Blackburn

Notary Public for Idaho, Residing at Boise, Idaho



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

June 9, 2003

SALLY D TARBET
3852 W PINE CK
MERIDIAN ID 83642

RE: License No. 63-10376 - Issuance of License

Dear Water Right Holder(s):

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

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

Enclosed is a copy of the approved Application for Amendment.

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,

Shelley W. Keen
Water Rights Supervisor

SWK:kit

Enclosure(s)

MICROFILMED
SEP 9 2003

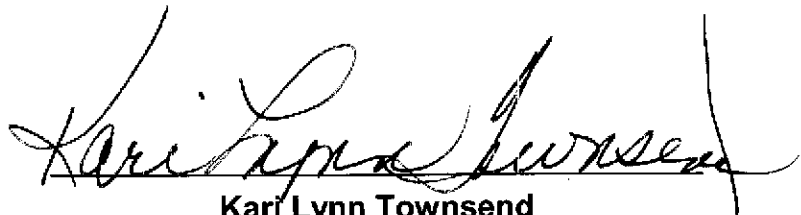
CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

63-10376

SALLY D TARBET
3852 W PINE CK
MERIDIAN ID 83642



Karl Lynn Townsend
Secretary

MICROFILMED
SEP 11 2003

**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).

MICROFILMED
SEP 15 2009

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.

MICROFILMED
SEP 19 2001

Attention: **Kay Walker**

Date: 6/6/03

Company: Dept. of Water Resources

Number of Pages: 4

Fax Number: 327-7866

Voice Number: 327-7900

From: **Sally Tarbet**

Company: Prudential Jensen Real Estate

Fax Number: 208-888-1589

Voice Number: 208-890-8899

Subject: Permit # 63-10376

Comments:

Dear Ms. Walker,

Attached is a copy of my marriage license. If you need anything, just let me know. Thank you.

PS Sonny Hornbaker, Dept. of Water Resources, was at my wedding...327-7951.

Sally (Brogan) Tarbet

MAIL ROOM

JUN 14 2003



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

June 3, 2003

SALLY D TARBET
3852 W PINE CK
MERIDIAN ID 83642

RE: Permit No. 63-10376

Dear Ms. Tarbet:

We are in receipt of the licensing amendment for the above referenced permit and noticed that you had changed your last name on the form. In order for us to change your name, we need some official documentation (such as a marriage certificate) to indicate why your name has been changed. Please submit this documentation at your earliest convenience. If we don't receive the documents within 30 days of the date of this letter we will assume that you are not interested in changing the name and will issue the license in the name of Sally D. Brogan.

If you have any questions in regard to this matter, please do not hesitate to contact me at 327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

KW:k

MICROFILMED

SEP 16 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

in Service Requested

Permit #63-10376 -
Phoneed Sally Prognis cell # -
left message - she called
back w/ new address.
Mail packet to:
3852 W Pine Creek St
Meridian Id 83642

RECEIVED

MAY 20 2003

Department of Water Resources

MICHAEL MEND

MAY 20 2003



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

May 16, 2003

SALLY D BROGAN
9400 WILLOW CREEK RD
PO BOX 268
EAGLE ID 83616-0268

RE: Water Right Permit No. 63-10376

Dear Permit Holder:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

✓ **NATURE OF USE** - from irrigation use to stockwater use

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

MICROFILMED

SEP 9 8 2003

LICENSE REVIEW CHECKLIST

Permit No. 63-10376 Date: 5-15-03 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): _____
File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.80 cfs
Fee Limit N/A cfs
Measured _____ cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 0.01

Water Uses

change Change (P46)

Season of Use per new Standards

Irrigation _____ cfs _____ af
Stockwater 0.01 cfs 0.1 af
Domestic _____ cfs _____ af
_____ cfs _____ af
Total 0.01 cfs 0.1 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (106/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: stock = 10 x 0.0134 = 0.13 AF ≈ 0.1 AAA

Additional Conditions _____ Watermaster Control
_____ GW Measurement/Measuring Device
_____ Other
Trust R55 - remove 051)
Non-trust (048)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? _____ yes If yes, explain why below.
_____ no

SRBA Claim? NO - not req'd

Adjust memo _____

Amend Letters _____ P87, S06 Second Amendment Notice P49 S06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAR 7 1999
Department of Water Resources

A. GENERAL INFORMATION

1. Owner: Sally Brogan [formerly, Miller] Permit No. 63-10376
Phone No. Cell. 890-8899
Current Address: 9400 N. Willow Creek Rd., Eagle, ID 83616
P.O. Box 268
2. Accompanied by: No one - talked to Sally on EXAM DATE: 6-10-99
Address: Phone, but she was not on exam. Phone No. office: 939-4364
Relationship to Permit Holder: New owner - Previous owner: H.C. Bowland
3. Source: Spring tributary to Sink

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None
2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion: one Spring - one P/D only

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NE	NW	15	5N	1E	Ada	Site Visit, Map

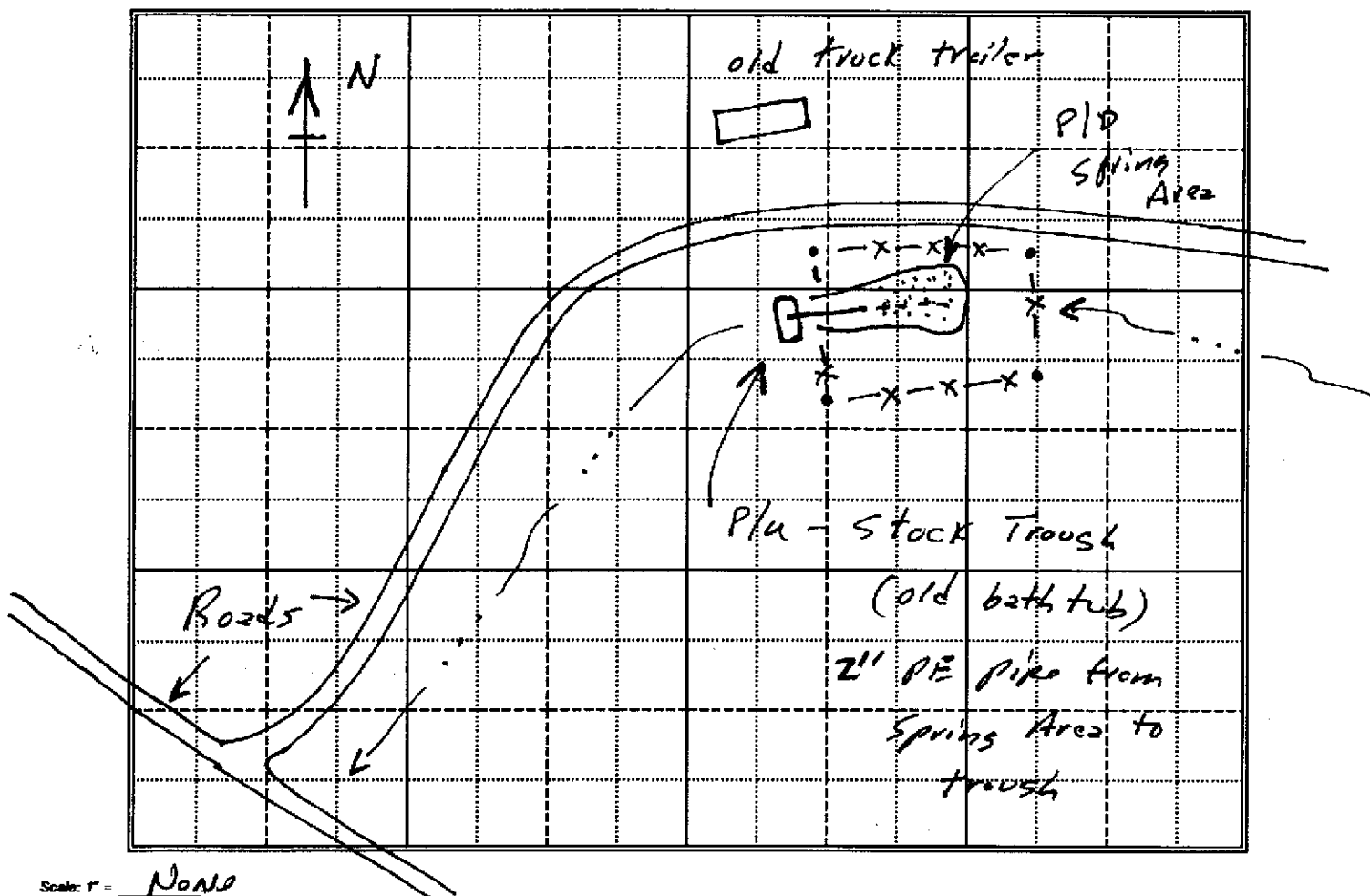
2. Place(s) of Use:

Indicate Method of Determination Site Visit, Map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	1E	15					S												

RECEIVED
SEP 14 2000

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = None

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

None - 2" PE pipe from Spring was dry -
water was flowing under stock trough

E. NARRATIVE/REMARKS/COMMENTS

1. This permit was for 40 ac. of irrigation from 2 springs under H.C. + D.M. Rowland. Rowland was unable to develop enough water from the springs for irrigation, and changed the use to stock water from one spring when he filed Proof of Beneficial Use.

2. The property was sold to Sally Miller, who later changed her name to Sally Brogan. I talked with Sally on the phone and she explained that ^{the} stock water use was an old development that did not have a water right. She wanted this permit changed to this old stockwater development. Sally could not go on exam.

3. The old stock water development consisted of a spring area, a 2" PE pipe from the spring to an old bathtub used as a stock watering trough. There was ~~not~~ no flow from the pipe, but water was flowing under the stock trough.

4. 10 Head of horses use the water throughout the year.

Have conditions of permit approval been met? ☐ yes ☒ no

No 40 ac. of irrigation developed - change use to stockwater.

SEP 10 2009

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: None - Not possible to measure flow from spring.

Proof showed 4 GPM for 10 Head of Stock.

Allow 4 GPM, or 0.01 cfs div. rate

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: There is, at least, this much flow from spring.

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses: Stockwater - 10 Head

$$AFA = \frac{12 \text{ GPD}}{\text{Head}} \cdot \frac{10 \text{ Head}}{1} \cdot \frac{365 \text{ Days}}{\text{Ann.}} \cdot \frac{AIF}{325,850 \text{ Gal.}} = 0.13$$

Allow 0.2 AFA

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Stockwater</u>	<u>01/01</u>	<u>12/31</u>	<u>0.01</u>	<u>0.2</u>
Totals:			<u>0.01</u>	<u>0.2</u>

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ Other

1) only one spring in NWNE NW

I. AUTHENTICATION

Field Examiner's Name Liam Jermich Date 11-22-99

Reviewer _____ Date _____

SEAL

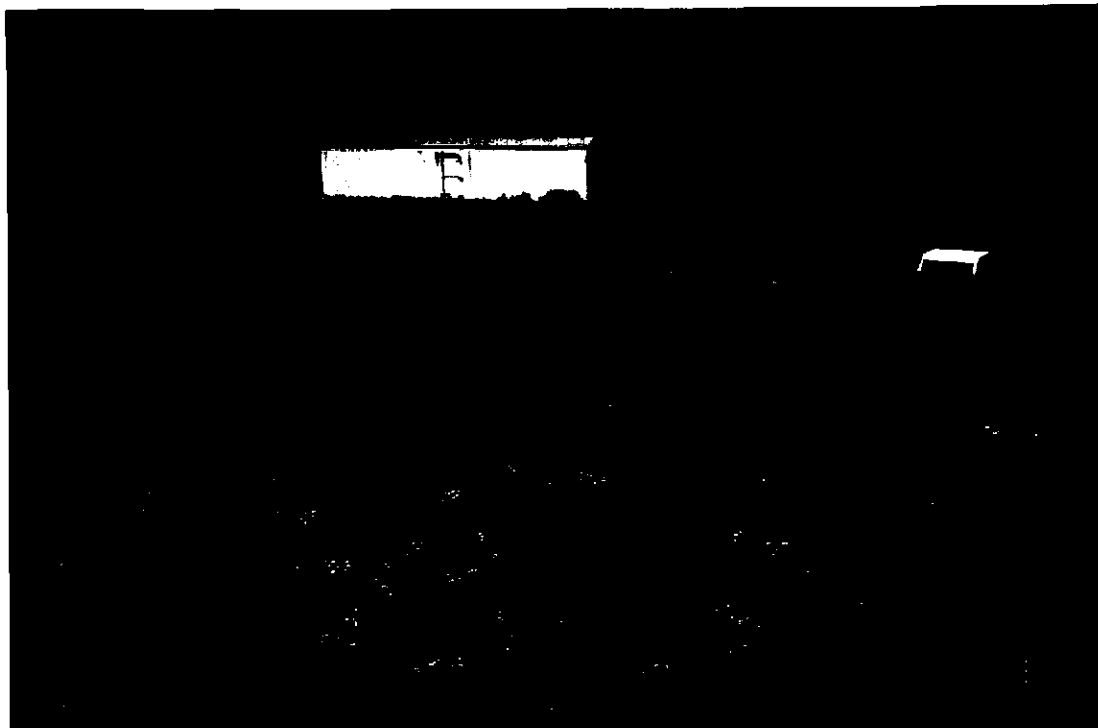
2) change use to Stockwater

1 of 2

P10

Spring
Area
at Green
Brush.

View
Looking
NW



P10

Spring
Area —
upstream
side.



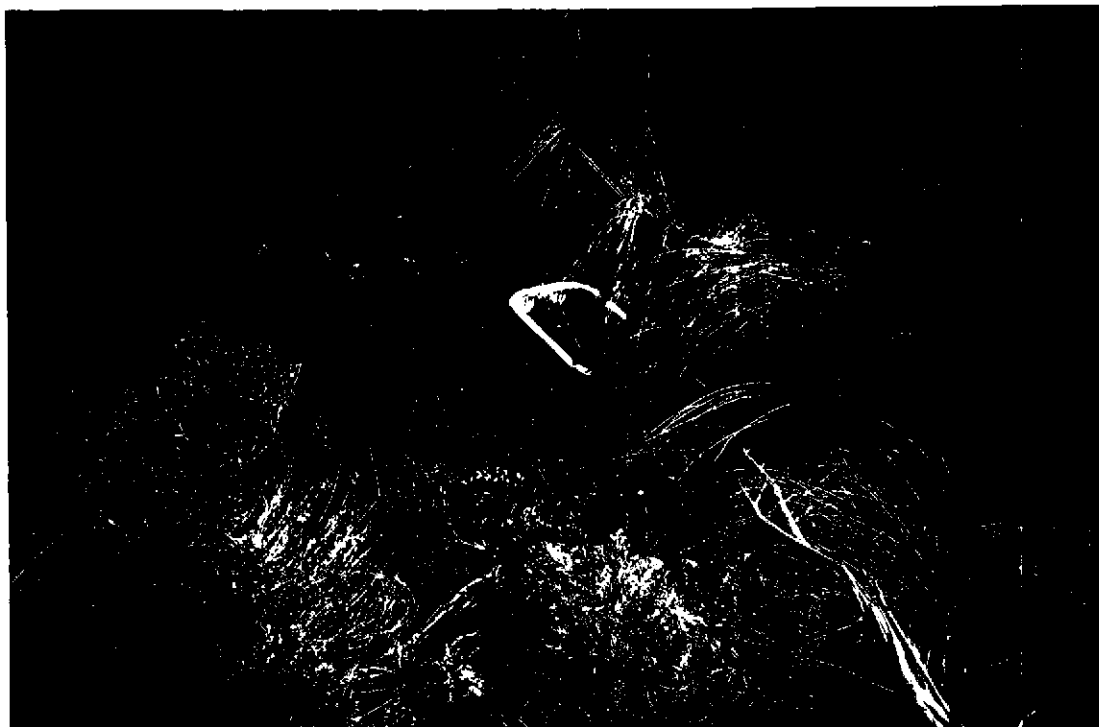
UNCLASSIFIED

11 9 2003

63-10376

2 of 2

Plu
Stock
Trough
in
draw



Plu
Stock
Trough.

Note 2"
PE pipe
from
spring.



MICROFILM

SEP 09 1994

63-10376



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 22, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SALLY D BROGAN
PO BOX 268
EAGLE ID 83616-0268

RE: ASSIGNMENT OF PERMIT 63-10376

Dear Ms. Brogan:

The department acknowledges receipt of correspondence changing ownership of the above referenced permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

for L. GLEN SAXTON, Chief
Water Allocations Bureau

LGS:klt

Enclosure

cc: IDWR Western Region

MICROFILMED

JUN 25 1999

MEMORANDUM

DATE: May 7, 1999

TO: Water Right File 63-10376

FROM: Shelley W. Keen *(SWK)*

RE: Phone call from Hugh Rowland

Today Hugh Rowland (384-9367) called in reponse to my 5/5/99 letter. He confirmed that the Millers now own the property and that only a stockwater use was developed. Mr. Rowland said he is willing to assign the permit to the Millers. He will attempt to contact them.

5/18/99 *(New owner)* Today Sally Brogan called in response to my 5/5/99 letter. She would like to be contacted by a field examiner to schedule a time to verify a stockwater use.
Daytime Phone: 939-4364
S.W. Keen



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

May 5, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SALLY MILLER
9400 N WILLOW CREEK RD
PO BOX 268
EAGLE ID 83616

RE: Water Appropriation Permit No. 63-10376

Notice of Pending Order to Void Permit

Dear Ms. Miller:

I am writing you because I was informed by Ada County that you now own the property where development was to have occurred under Water Appropriation Permit 63-10376, which authorized the diversion of water from some springs to irrigate 40 acres in the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 15, Township 5 North, Range 1 East, B.M., in Ada County. The permit holders of record are Hugh and Darlena Rowland. In 1991 the Department of Water Resources (IDWR) received a Proof of Beneficial Use statement from the Rowlands indicating that a stockwater use was established but no irrigation use was developed.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that all the requirements for establishing a water right were met. No water right license can be issued, however, if the development authorized by the permit did not occur within the authorized time period. For that reason, before issuing a license IDWR must conduct an examination to verify the development. On several occasions since 1991 IDWR personnel attempted to contact Mr. and Mrs. Rowland by telephone and by letter to schedule a time for conducting an examination. There is no record that Mr. or Mrs. Rowland responded to the requests and, therefore, it appears that they have no interest in the permit.

If you believe a water right was developed for irrigation and/or stockwater purposes, please contact me to make arrangements for a field examination to be conducted on your property. If I do not hear from you within thirty days, I will assume that development did not occur or that you have no interest in establishing a water right, and I will take action to void the permit. Please note that since 1971 anyone proposing a new use of surface water in Idaho is required to apply for a permit from IDWR. The single exception is for instream stock watering. Please contact me by telephone at 208-327-7946.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

Enclosure

Cc: Hugh and Darlena Rowland

MICROFILMED

JUN 25 1999

MEMORANDUM

DATE: April 28, 1999

TO: File 63-10376

FROM: Kari Lynn Townsend

RE: Current address of property owner

Shelley asked me to locate a current address for the permit holder. I called the Ada County Assessors office and they gave the following information.

HUGH C & DARLENA ROWLAND
2319 S ATLANTIC
BOISE ID 83705

I checked the phone book and found nothing listed for either of them.

April 30, 1999

After leaving a couple of phone messages, I finally had a call back from Ada County Assessor - Land Records section. Their records show the current owner of this property as:

SALLY MILLER
9400 N WILLOW CREEK RD
PO BOX 268
EAGLE ID 83616

MICROFILMED

JUN 25 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
RECEIVED
JUL 21 1998
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 63-10376

1. Owner: H.C. and/or D.W. Rowland Phone No. 342-1900 14250

Current Address: PO Box 1071 Eagle 83616

2. Accompanied by: N/A EXAM DATE: ~~N/A~~ 07/06/1998

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: _____ tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM N/A

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks

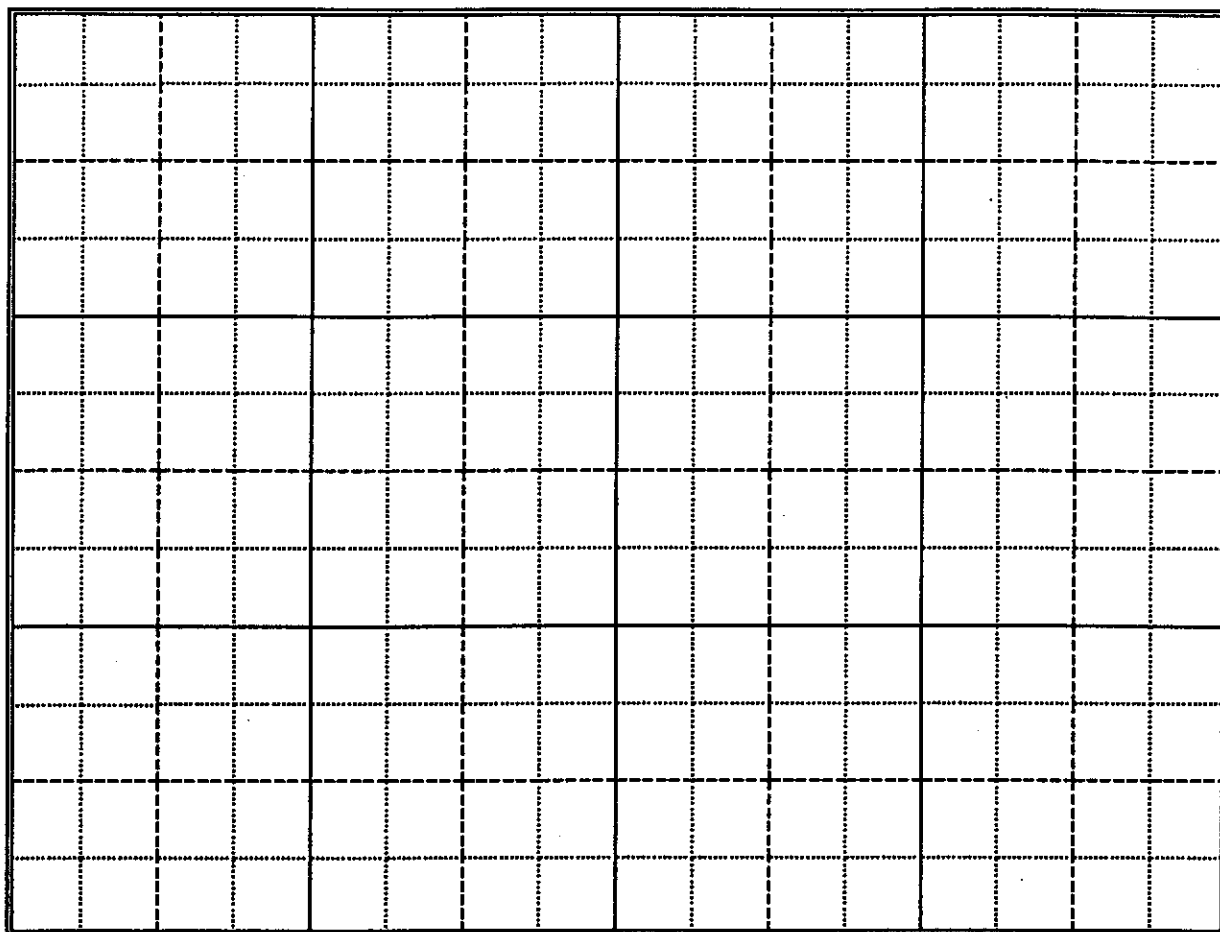
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

MICROFILMED
JUN 25 1999

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____.

____ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: No measurements taken - no field exam conducted.

MICROFILMED

JUN 25 1999

E. NARRATIVE/REMARKS/COMMENTS

Field exam appointment request letters sent 3/29/1994 and 5/24/1996. There was no response to these letters and the letters were not returned by the post office. Contact by telephone attempted three times in 1997.

Applicants apparently have no interest in this permit. Recommend cancellation.

Have conditions of permit approval been met? ☐ yes ☒ no

MICROFILMED
JUN 25 1999

F. FLOW CALCULATIONS

Measured Method:

N/A

____ Additional Computation Sheets Attached

G. VOLUME CALCULATIONS*N/A*

1. Volume Calculations for Irrigation:

 $V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{LR} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS*CANCEL permit - no response to request for exam appt.*

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			_____	_____

2. Recommended Amendments

____ Change P.D. as reflected above ____ Add P.D. as reflected above ☒ None
____ Change P.U. as reflected above ____ Add P.U. as reflected above ____ Other

I. AUTHENTICATION

Field Examiner's Name

[Signature]

Date

7/6/1998

Reviewer _____

Date _____

MICROFILMED
JUN 7 1999

GENERAL INFO

Need Aerial

Ada City

777

10/22/1997

Hugh Rowland

342-1900 14250

No answer

10/23/1997

No answer

11/12/1997

No answer

NAME:

PERMIT #:

PHONE #:

CASING:

HP:

DYNAMIC:

STATIC:

DEPTH:

PSI:

ACRES IRRIGATED:

SPRINKLER INFO:

LATERALS:

SIZE:

LENGTH:

STOCK:

DOMESTICS:

OTHER USES:

OTHER RTS:

DIRECTIONS:

AM DATE:

MICROFILMED
JUN 25 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 24, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

HUGH ROWLAND
PO BOX 1071
EAGLE ID 83616

RE: Permit No. 63-10376

Dear Permit Holder:

A water right examination is required for the above permit to verify existing water uses so that a water right license may be issued. A copy of the permit is attached.

A note in the permit file indicates that the spring you developed did not yield sufficient water for irrigation purposes, but that the water is diverted for livestock. A water right is still necessary for this use. It is possible for the permit to be amended to show this use after the beneficial use exam has been conducted. This amendment will not require readvertising of the permit, but will require a \$50.00 processing fee.

I have tried unsuccessfully to contact you by phone. Please contact me as soon as possible at 208-334-2190 to schedule your examination. Your system will need to be operating at the time of the exam, and you or a representative should be present to answer questions.

If there is a problem with conducting an examination at this time, please call and other arrangements may be made.

Sincerely,

Cindy Hodges
Sr. Water Resource Agent

Enclosure

MICROFILMED
JUN 25 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MARCH 29, 1994

H.C. & D.M. ROWLAND
P.O. BOX 1071
EAGLE, ID 83616

FIELD EXAM NOTICE

RE: PERMIT NO. 63-10376

Dear Permit Holder:

An agent from the Department must conduct an examination on the above-referenced permit before your water rights license can be granted. In order to conduct this exam as efficiently as possible, we ask that you contact the water rights examiner listed below before April 6 to schedule a day and time convenient for you.

Please be advised that you will need to operate your system under normal conditions during the examination.

If there is a problem with scheduling or conducting the examination at this time, please call and other arrangements can be made.

Sincerely,

Rick Collingwood
Water Rights Examiner

MICROFILMED

JUN 25 1999

June 4, 1991

H. C. ROWLAND
D. M. ROWLAND
P.O. BOX 1071
EAGLE, ID 836160000

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-10376

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 conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

JUL 15 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 63-10376

Date 6-4-91

GENERAL CONSIDERATIONS

- ☒ Name same as permit?
☒ Address same as permit? If no, indicate below.
☒ Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

- ☒ Surface water source
☐ Ground water source
☒ Drill permit req'd?
☐ Copy in file? Drill permit no. _____
☐ Amt paid for drilling permit? _____ Correct?
☐ Well log in file?

LICENSE EXAMINATION FEE

- ☒ Required?
☒ Amount submitted?
☒ Correct amount?

MEASURING DEVICE

- ☒ Measuring device or access port required?
☒ Installed?
☒ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

PRIORITY CALCULATION

Date proof received NA
Date proof due _____ - _____
No. of days late _____ = _____
Priority date _____ + _____
NEW PRIORITY DATE _____ = _____

LB

INTER-DEPARTMENT MEMO

TO: 63-10376 / Field Examiner

SUBJECT: _____

FROM: But Fleck

DATE: May 91

I talked with Mr. Rowland today. He explained that there is not enough water produced by the spring to irrigate. He does use the water for livestock.

An amendment changing the nature of use may be required.

MICROFILMED

() For your information

JUL 15 1991

() Response required

ref
signature

April 18, 1991

HUGH C. AND DARLENA M. ROWLAND
P O BOX 1071
EAGLE ID 83616

Dear Mr. and Mrs. Rowland:

Re: Permit No. 63-10376

On March 21, 1991, the department sent a letter requesting more information about the development of this permit. Please respond to that letter soon either by writing or calling me at 327-7953. I will be glad to answer any questions you may have.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

MICROFILMED

JUL 15 1991

March 21, 1991

H C ROWLAND
P O BOX 1071
EAGLE, ID 83616

Dear Mr. Rowland:

Re: Permit No. 63-10376

Enclosed is a copy of your water right permit, the proof of beneficial use form submitted in November, 1990 and a copy of my January 10, 1991 letter.

Please respond to the questions in the letter within 15 days.

If you have questions, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

MICROFILMED
JUL 15 1991

January 10, 1991

H. C. ROWLAND
P O BOX 1071
EAGLE ID 83616

Dear Mr. Rowland:

Re: Permit No. 63-10376

The department received the proof of beneficial use for this permit. The proof indicates that the water from the springs is being used for stockwater.

The permit was filed for the irrigation of 40 acres. Has water be used for irrigation purposes? Or, have you changed the nature of use to stockwater?

Please contact me soon regarding this permit.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

MICROFILMED

JUL 15 1991

138444
September 30, 1990

H. C. ROWLAND
D. M. ROWLAND
P.O. BOX 1071
EAGLE, ID 836160000

PROOF DUE NOTICE

RE: PERMIT NO. 63-10376

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED

JUL 15 1991

December 13, 1988

H. C. and/or D. M. Rowland
P.O. Box 1071
Eagle, ID 83616

Dear Permit Holders:

Re: Permit No. 63-10376

Enclosed is a copy of the approved request for extension of time. The time within which to submit the proof of beneficial use form is extended to December 1, 1990.

If you have any questions or concerns regarding the permit, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

MAR 06 1989

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 63-10376Reviewed by [Signature]Date 12-2-88

BASIC INFORMATION

y Date stamp received
y Extension received timely
(not prior to 6 month before proof due date or after reinstatement period)
y Fee received and receipted
y Name and signature same as permit
N Address change (indicate on coding sheet)

BASIS FOR EXTENSION REQUEST

y Has adequate work been completed to demonstrate due diligence?
y Has the cost incurred been adequate to demonstrate an intent to complete the project?
N/A Has the permit been involved in litigation?
a. Swan Falls _____ Dismissed from Swan Falls _____
Other _____ Identify _____
b. Is supporting documentation needed to complete the file? _____
Requested _____
c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

N/A Is delay by a government agency?
Is supporting documentation needed to complete the file? _____
Requested? _____

ACTION TAKEN - *Recommend approval based on due diligence for two years*

Special conditions or remarks:

N/A Reinstatement Date extension received _____ = _____
Proof due date _____ = _____
No. of days late _____ = _____
Priority date _____ = + _____
ADJUSTED PRIORITY DATE _____ = _____

____ Prepare coding sheet
____ Change rolodex card

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No: C003719

Date: 12/02/88
Time: 08:47:50

Received From: LAKE UNLIMITED

Type of Payment	Program A cct	Amount
EXTENSION OF TIME 63-10376	0610199 1238 6390	\$15.00

Total \$15.00

CHECK 10703

Idaho Department of Water Resources

Region: State

Signature: Christa Poncia

MAILED
MAR 06 1989

September 30, 1988

H. C. ROWLAND
D. M. ROWLAND
P.O. BOX 1071
EAGLE, ID 836160000

138501

PROOF DUE NOTICE

RE: PERMIT NO. 63-10376

Dear Permit Holder:

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If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

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SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MicroFILMED
MAR 06 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

38267

Permit No. 13-10376

Name(s) of Permit Holder(s): Hugh C. + DARLENA H. Rowland

Post Office Address: P.O. Box 1071

Eagle Idaho 83616 Tel. No. _____

☒ I hereby certify that construction of diversion works for the above referenced permit began on 1-1-87 (date)

continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

1-1-87
Date

[Signature]
Signature of Permit Holder

H.S. & D.O. Rowland

P.O. Box 1071

Eagle FD 83616



NOT FILMED

MAR 06 1989

PLACE
STAMP
HERE

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
NOVEMBER 21, 1986

ROWLAND, H. C. & D. M.
P.O. BOX 1071
EAGLE, ID 83616

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-10376

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE, OR A FLOW MEASUREMENT PORT TO PROVIDE FOR THE INSTALLATION OF MEASURING EQUIPMENT BY THE DEPARTMENT. ENCLOSED PLEASE FIND A LIST OF MEASURING DEVICE OPTIONS, AND SPECIFICATIONS FOR THE INSTALLATION OF THE FLOW MEASUREMENT PORT.

PLEASE NOTE THE REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED 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 LICENSE.

SINCERELY,

GARY SPACKMAN
SUPERVISOR, WATER ALLOCATION SECTION

GS: SC
ENCLOSURES

MICROFILMED
DEC 10 1986

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Jan Shute APPLICATION NUMBER: 63-10376
CHECK:

- ☒ Source. Need trib to ⇒ Sinks
☒ Point of diversion. per
☒ County. telecon
☒ 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. _____
☐ Yes ☒ No Other rights on same place of use. NONE IN SEC 15, 5N, 16E.
☒ Yes ☐ No* NO GOVT. LOTS.
In form for advertising.
Final date for protests: 10/16/86
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 8/24/86
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application. 45/38867
☒ Publication dates and paper, recorded on application. Stationman 9/18 & 9/25/86
☒ Protests, dates, withdrawal, etc., recorded on application. NONE
☒ Recommendation & initial, recorded on application. Approve, DRT
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 63 - N/A source sinks
☒ 7/30/1986 Date of priority recommended.
☒ Special conditions of approval or cover letter. 26A, OIC

OK → Recommend allowing only 2 yrs for this proposed use.

By: DRT Date: 11/13/86

STATE OFFICE REVIEW:

L03, L17

26

OIC

RECEIVED
NOV 19 1986

- ☐ See attached sheet for more information.

By: KW Date: 11/19/86

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

IDAHO STREAM CODE INDEX						

CONVERSATION MEMORANDUM

DATE 11/14/86

FILE 63-10376

NAME OF PARTY H. C. Rowland

EMPLOYEE Dave Tutill

RE: Spring Flows

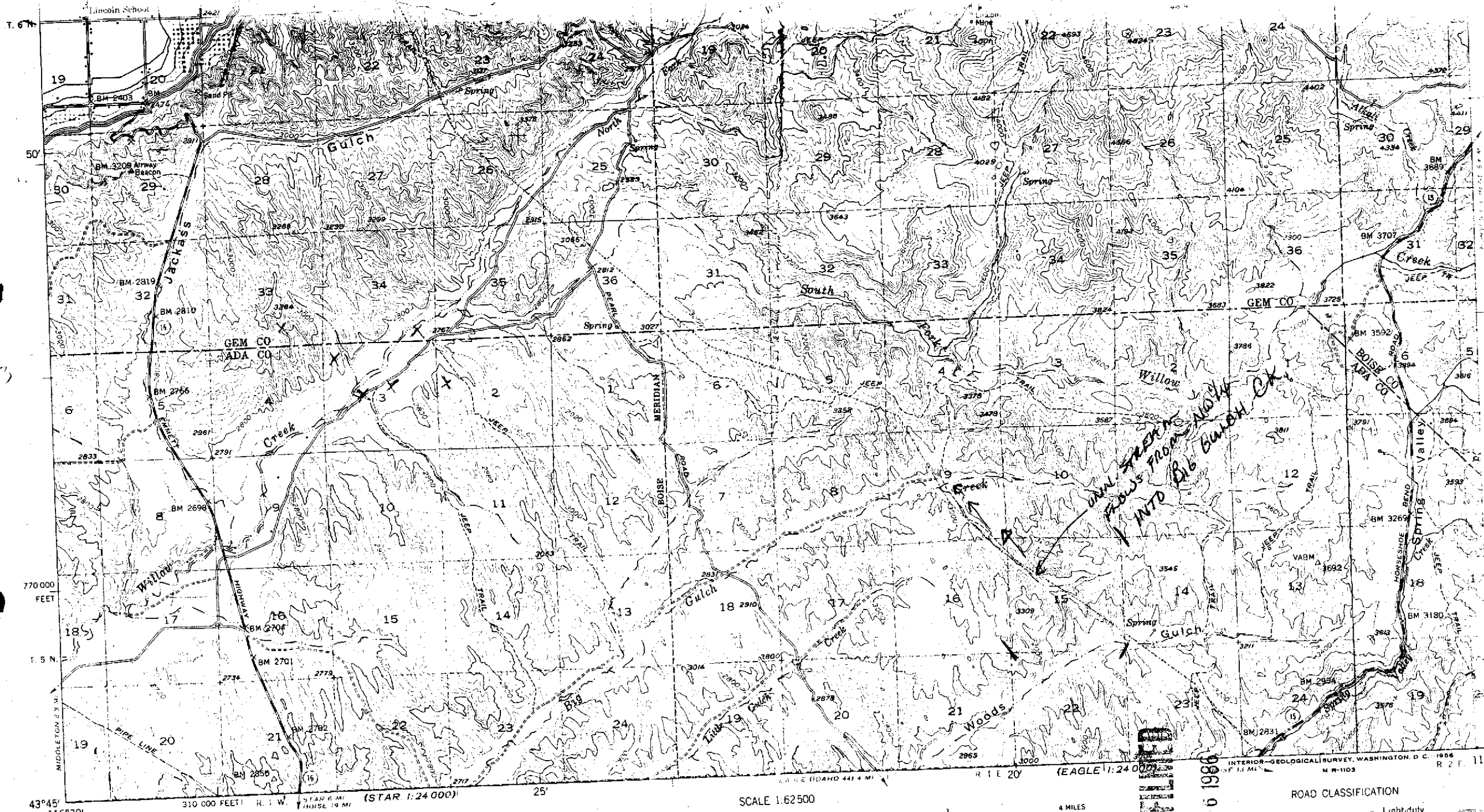
I called Mr. Rowland seeking information about the spring sources.

Mr. Rowland stated that the springs rise and sink on his property. He said that the spring flow does not again appear upstream from Big Gulch Cr, although it is hydraulically (topographically) tributary.

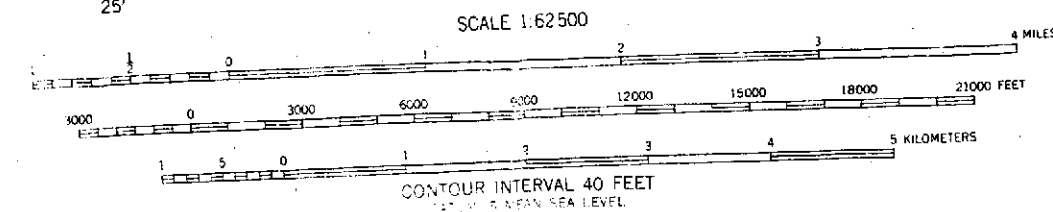
The rate of flow shown of 0.80 cfs is likely high, but is keyed to the proposed use because the rate of flow of the springs is unknown.

MICROFILMED

DEC 16 1986



Mapped, edited, and published by the Geological Survey
 Control by USGS and USC&GS
 Topography from aerial photographs by multiplex methods
 and by plane-table surveys by USBR 1945-46
 Aerial photographs taken 1951. Field check 1953
 Polyconic projection 1903 North American datum



DEC 1986
 INTERIOR GEOLOGICAL SURVEY, WASHINGTON, D.C. 20506
 R 21 11
 ROAD CLASSIFICATION
 Heavy-duty ——— Light-duty ———
 Medium-duty ——— Unimproved dirt ———
 U.S. Route ——— State Route ———
 IDAHO
 MONTOUR, IDAHO

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

SEPTEMBER 10, 1986

The Idaho Statesman
Box 40
Boise, ID 83707

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. 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 billings to this office before OCTOBER 6, 1986.

Yours truly,

JUDY PENSE
Secretary

Encl.

MICROFILMED

DEC 16 1986

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before OCTOBER 6, 1986.

KEN DUNN, Dir.

Published 9/18 & 9/25/86.

MICROFILMED

DEC 16 1986

63-10376

ROWLAND, H. C. &/or D. M.

P.O. BOX 1071, EAGLE, ID 83616

Source: SPRINGS

Diversion Pt: NENWNW NWNENW Sec 15 T 05N R 01E

Use: IRRIGATION (0.8 CFS)

Date Filed: 07/30/1986

In: NENW NWNW Sec 15 T 05N R 01E FOR 40 ACRES

MICROFILMED

DEC 10 1986