

GO 10-21-85

7
R. 18E

T. 3N

13

PDPH
□

MICROFILMED

tion for permit to appropriate the public

(Applicant)

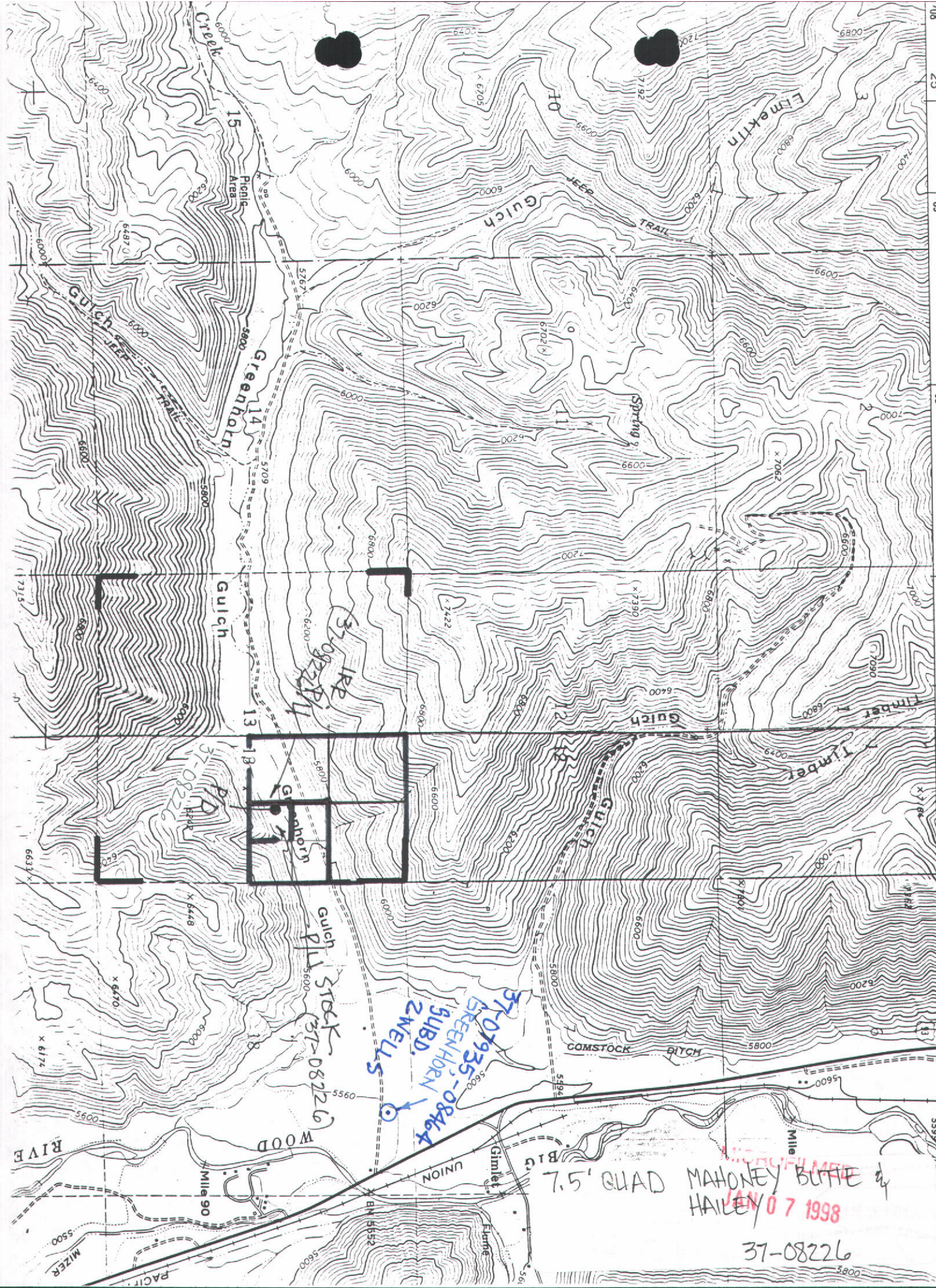








SUN VALLEY 6 MI.
MILITARY (MAYO) 75 4.2 MI.



11 12
14 13

T3N

1" = 660'

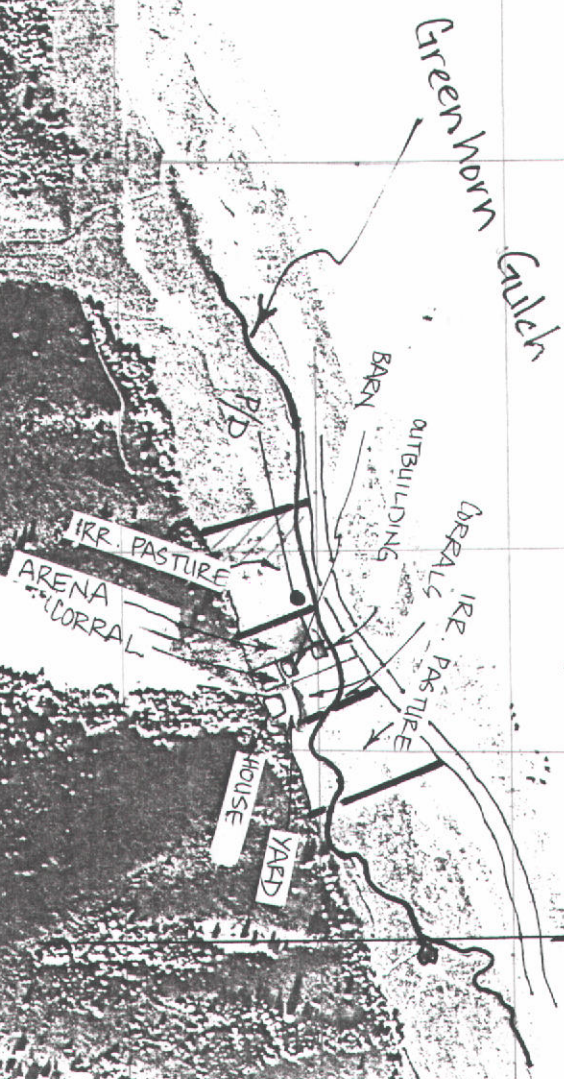


Sec 13, T03N, R7E
SW 1/4, NE 1/4

R7E

R18E

127
1318



MICROFILMED
JAN 07 1998

Photo Looking E'ly



GPS Tag#A0002762

P/D Sec 13, T03N, R17E SW¼ SE¼ NE¼

5-23-97

Stock Tank 120-140 gallon
6 Stock Tanks - 8 horses

P/U Sec 13, T03N, R17E SE¼ NE



RECEIVED
17 1998



5-23-97

P/U Sec 13, T03N, R17E SW¼ NE¼



5-23-97

Photo Looking S'ly. Although area looks as if hasn't had irrigation, two different people verified the pasture has been irrigated within five years with hand lines/sprinklers.

23May1997 Pigeon, Kristine
1300 hrs.
37-08226



Photo looking SW'ly The irrigated area is served by the wells owned by the association.

MICROFILMED
JAN 7 1998



Three irrigation risers within 100' of each other.



Nelson 100-Spray King 6557

Greenhorn Rd.



Photo looking S'ly

Tag on threshold door

GPS Tag#A0002761

5 23 '97

Hwy 93



Photo looking NE'ly

5 23 '97

P/D's NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 18, T03N, R18E

PUMP HOUSE WAS LOCKED.

REPROFILMED
JAN 07 1998

37-07935 (A)37-07935

37-08464

Pg. 3/3

State of Idaho
Department of Water Resources

Amended

Water Right License

Amended

WATER RIGHT NO. 37-08226

Priority: August 21, 1985

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 7.1 AF

It is hereby certified that KRISTINE SUE PIGEON
PO BOX 394
SUN VALLEY ID 83353 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated August 21, 1985; and has
submitted Proof of Beneficial Use on November 15, 1990. An examination indicates that the works have
a diversion capacity of 0.04 cfs of water from:

SOURCE

GROUND WATER

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>
IRRIGATION	4/15 to 10/15	0.04 CFS	7.0 AF
STOCKWATER	1/01 to 12/31	0.01 CFS	0.1 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, Twp 03N, Rge 17E, B.M. BLAINE 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	
03N 17E 13			1.0	1.0													2.0

Total Acres: 2

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	
03N 17E 13			X	X													

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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 20th day of January, 2004.

MICROFILMED
FEB 10 2004


for KARL J. DREHER
Director

BEFORE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PETITION TO)
CORRECT WATER RIGHT LICENSE)
NO. 37-8226)
_____)

**PRELIMINARY ORDER
CORRECTING LICENSE**

This matter having come before the Department of Water Resources (Department) as a result of the filing of a petition to correct a water right license, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On December 4, 1985, the Department issued Permit 37-8226 (permit) to Kristine Sue Pigeon (right holder) authorizing the establishment of a right to divert ground water for domestic, livestock, and irrigation purposes. The irrigation component of the permit authorized the diversion of 0.06 cfs to irrigate two acres of land within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 3 North, Range 17 East, B.M.
2. On November 15, 1990, the Department received the right holder's proof of beneficial use statement for the permit. On the proof statement the right holder indicated that the total diversion rate for the water developed was 0.02 cfs.
3. On May 23, 1997, Department staff conducted a field examination to verify the beneficial use of water established in connection with the permit. The field examiner found that water from the authorized point of diversion had been used to irrigate a three-acre pasture. The field examiner also found that the right holder's pumping system produced about 0.02 cfs even though calculations suggested it should be capable of producing about 0.04 cfs. The examiner recommended that the license be issued for one acre of irrigation because the capacity of the irrigation system appeared inadequate for the irrigation of more than one acre at a time.
4. On December 9, 1997, the Department issued Water Right License 37-8226 (license) to Kristine Sue Pigeon (petitioner) for the diversion of 0.02 cfs from ground water to irrigate one acre and the diversion of 0.01 cfs from ground water for stock watering purposes in accordance with the recommendation of the field examiner.

5. On May 27, 2003, the right holder submitted a petition asking the Department to correct the license by recognizing that a use of water to irrigate two acres was established during the authorized development period for the permit. The petition was accompanied by the following items submitted as evidence that the irrigation system had been used to irrigate at least two acres each year during the authorized development period.
 - A. A letter from Ray Berrard dated May 20, 2003, in which he states that he worked for the right holder from 1986 through 1990 and that her "pipe system irrigated two acres."
 - B. A letter from Nick Purdy of Silver Creek Irrigation dated May 14, 2004, in which he states that the "two-acre field was adequately irrigated to sustain a crop and in the late summer of 1985, '86, and '87 we cut and baled this field."
 - C. A letter from Rick Roberts of Roberts Electric, Inc., describing how the right holder's irrigation pumping system may have been failing gradually over a period of years.
6. On June 11, 2003, the Department received a letter from the right holder in which she indicates that her irrigation system delivered approximately 24 gallons per minute (0.05 cfs).
7. NAPP infrared aerial photography from 1987 shows two acres of irrigation within the right holder's parcel of land. Approximately one acre of the irrigated area is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 3 North, Range 17 East, B.M., as permitted, and approximately one acre is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 3 North, Range 17 East, B.M.
8. On July 30, 2003, the Department received the right holder's application for amendment to change the permitted place of use to include one acre of irrigation in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 3 North, Range 17 East, B.M. The amendment also depicts the diversion rate for the irrigation use as 0.04 cfs.
9. On July 28, 2003, the Department received a notarized affidavit from Nick Purdy of Silver Creek Irrigation. The full text of the affidavit is:

As outlined in my May 14th, 2003, letter to you, Silver Creek Irrigation performed the following work for Kristy Pigeon. During the spring of 1985 we seeded her two-acre field in alfalfa. In addition, we assisted her in setting up a hand line irrigation system. The system adequately sprinkled two acres and I would estimate that the six rainbirds put out about 24 gallons per minute. In the late summer of 1985, '86, and '87 we cut and baled the field for her.

10. Section 42-219, *Idaho Code*, includes the following directive to the Department:

Upon receipt by the department of water resources of all the evidence in relation to such final proof, it shall be the duty of the department to carefully examine the same, and if the department is satisfied that the law has been fully complied with and that the water is being used at the place claimed and for the purpose for which it was originally intended, the department shall issue to such user or users a license confirming such use.

ANALYSIS

The 1987 NAPP aerial photography, the field report prepared by Department staff, and the letters submitted by the right holder all support the conclusion that at least two acres were irrigated by the right holder with the irrigation system established under the permit. The issue before the Department is whether it was appropriate for the Department to limit the water right to one acre of irrigation because the irrigation system produced only 0.02 cfs, a rate typically associated with the irrigation of one acre. The Department's field examiner noted that the diversion system appeared to have been designed to produce about 0.04 cfs. The right holder also submitted information that suggests that the irrigation system may have produce 24 gallons per minute, or about 0.05 cfs, during the authorized development period. The right holder also submitted a statement from Rick Roberts that the pumping system had failed completely by 2003 and that it may have been failing slowly over a long period of time. If that is the case, it is possible that the Department field examiner conducted her inspection at a time when the diversion and distribution system was not operating at peak capacity. It is also possible that the pumping system never produced water at the capacity it was designed for. Because the field examination was conducted seven years after the development period ended, it is unlikely that conditions were exactly as they had been during the authorized development period. Therefore, it is reasonable to give weight to the statements of Nick Purdy and Ray Berrard, who claim to have firsthand knowledge of the irrigation system during the authorized development period.

CONCLUSIONS OF LAW

1. Under Section 42-219, *Idaho Code*, the Department has a statutory obligation to issue a water right license that accurately portrays the extent of beneficial use of water developed in accordance with the permit.
2. Water Right License 37-8226 authorized the irrigation of only one acre when the right holder had actually diverted and used water to irrigate two acres.
3. Water Right License 37-8226 recognized a water right for the diversion and use of 0.02 cfs from ground water when the right holder had actually diverted and used 0.04 cfs in connection with the permit.
4. The Department should approve the application to amend Permit 37-8226.

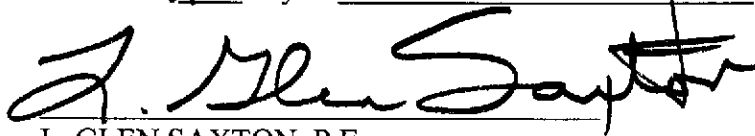
5. The Department should revise the point of diversion and place of use descriptions on the license.

ORDER

IT IS HEREBY ORDERED that the application to amend Permit 37-8226 submitted to the Department on July 30, 2003, is approved.

IT IS FURTHER HEREBY ORDERED that the place of use description for Water Right License 37-8226 is **CORRECTED** as set forth in the Amended Water Right License issued on this date in conjunction with this order.

Dated this 20th day of January, 2004.



L. GLEN SAXTON, P.E.

Administrator, Water Management Division

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08226

RECEIVED

JUL 30 2003

Department of Water Resources

Date of Priority: August 21, 1985

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 7.1 AF

Comes now KRISTINE SUE PIGEON
PO BOX 394

SUN VALLEY ID 83353 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. 37-08226, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	4/15 to 10/15	0.04 CFS	7.0 AF
STOCKWATER	1/01 to 12/31	0.01 CFS	0.1 AF

LOCATION OF POINT(S) OF DIVERSION:GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, Twp 03N, Rge 17E, B.M. BLAINE CountyPLACE 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	
03N 17E 13			1.0	1.0													2.0

Total Acres: 2

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	
03N 17E 13			X	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 28 day of July, 2003.


(Signature)

MICROFILMED

FEB 10 2004

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08226

FOR DEPARTMENT USE ONLY

Preliminary check by SUK Fee = \$50.00 Receipted by DM # C070213 Date 8-4-03

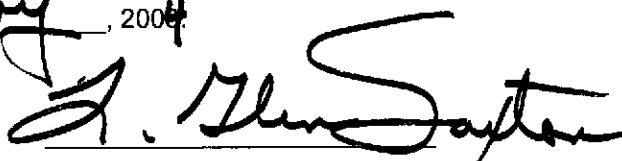
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 37-08226 with the following:

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Witness my hand this 20th day of January, 2004


for **KARL J. DREHER**
Director

MICROFILMED

FEB 10 2004

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08226

Priority: August 21, 1985

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

3.6 AF

This is to certify, that KRISTINE SUE PIGEON

PO BOX 394

SUN VALLEY ID 83353

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 21, 1985; and has submitted Proof of Beneficial Use on November 15, 1990. An examination indicates that the works have a diversion capacity of 0.020 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.02 CFS	3.5 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	0.1 AF
	Totals	0.02 CFS	3.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 13, Township 03N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	17E	13	SENE	1		1

Total number of acres irrigated: 1

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
03N	17E	13

SENE

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

RECORDED
JAN 97 1993

State of Idaho
Department of Water Resources

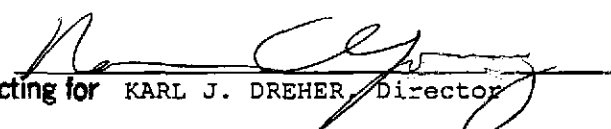
WATER RIGHT LICENSE

WATER RIGHT NO. 37-08226

CONDITIONS OF APPROVAL AND REMARKS

5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 9TH day of DECEMBER, 1997.


Acting for KARL J. DREHER, Director

RECEIVED
NOV 15 1990

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

For Office Use Only
Amt. of Fee \$ _____
Date _____
Receipt No. _____
Received by _____

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. 37-08226 Telephone No. (208) 788-9636

Name(s) of Permit Holder(s): Kristine Sue Pigeon

Post Office Address: P.O. Box 394, Sun Valley, Id 83353

Source of Water: Ground

If ground water, well driller's name: Rossler (Gooding, Id.) Date drilled: 1985

Extent of Use:
Domestic _____ (No. of households) Irrigation 2 (No. of acres)
Stockwater _____ (No. and type of stock) Other _____

Total rate and/or volume for which proof is submitted .02 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: 1985

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: \$ N/A (See License Examination Fee Schedule)

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

same as above
Name Telephone No.

Address

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.

Nov. 8, 1990
Date

Kristine Sue Pigeon
Signature (and title if on behalf of a company or organization)

JAN 28 1991

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 Kristine Sue Pigeon Phone 788-9636

Post office address P. O. Box 394, Sun Valley, ID 83353

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is 2 points S $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____

Sec. 13 Township 3N Range 17E B.M. Blaine County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 for Domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-foot per annum)

Amount 0.06 for Irrigation purposes from Apr 1 to Nov 1 (both dates inclusive)
(cfs or acre-foot per annum)

Amount 0.02 for Livestock purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-foot per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-foot per annum)

5. Total quantity to be appropriated is (a) 0.12 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 2 Wells & pumps

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 8 inches; proposed depth of well is 150 feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

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

MICROFILMED

9. Description of place of use:

- ponding place of use below. See instructions for standard symbols.

[illegible]

2

- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

- Remarks: Land is further described as Lot #4 of Greenhorn Gulch Subdiv.

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

DO 10-21-85

7

R. 18E

T. 3N

13

PDPU
□

Scale: 2 inches equal 1 mile.

MICROFILMED

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.

tion for permit to appropriate the public

(Applicant)

MICROFILMED

Preliminary check by

Date 8-21-85

36716

Received by

Date 9/5/85

Published in

Date 9/9/85

Publication approved

Fee \$ 30.00

Proposed Priority

Received by

Date 8-21-85

Time 4:25 pm

Received by

Date 9/5/85

Published in

Date 9/9/85

Publication approved

Fee \$ 30.00

Proposed Priority

Received by

Date 8-21-85

Time 4:25 pm

Received by

Date 9/5/85

Published in

Date 9/9/85

Publication approved

Fee \$ 30.00

Proposed Priority

Received by

Date 8-21-85

Time 4:25 pm

Received by

Date 9/5/85

Published in

Date 9/9/85

Publication approved

Fee \$ 30.00

Proposed Priority

Received by

Date 8-21-85

Time 4:25 pm

Received by

Date 9/5/85

Published in

Date 9/9/85

Publication approved

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. 37-8226 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 90

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.

Witness my hand this 4th day of December, 1985.

D. Allen Saylor
Chief, Operations Bureau

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Blaine } SS.

SEP 20 1985

Department of Water Resources
Southern District Office

CLINT STENNETT

being first duly sworn,
deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 12th day of Sept.

19 85, and the date of the last publication was on the 19th

day of Sept. 19 85

Clint Stennett

Subscribed and sworn to before me this 19th

day of September, 19 85
(SEAL)

Roberta Boyer

NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Numer of Picas per Line 11

Number of Lines in Notice 38

Number of Insertions 2

Lines tabular at 5°/Pica

38 Lines straight at 16.72 4°/Pica

38 Subsequent lines at 12.54 3°/Pica

TOTAL COST 29.26

COPY OF NOTICE

(Paste Here)

Notice of Application

TITLE OF NOTICE

37-8226

Pigeon

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept of Water Res.

BILL TO

Water right app. filed by Pigeon

NOTICE OF APPLICATION FOR WATER RIGHT

NOTICE IS HEREBY GIVEN,
That the following application has
been submitted for permit to ap-
propriate the public waters of the
State of Idaho:

37-8226

PIGEON, KRISTINE SUE

P.O. BOX 394

SUN VALLEY, IDAHO 83355

Source: GROUNDWATER

Date Filed: 08/21/1985

Diversion Point: SENE Sec 13 T
03N R 17E

Use: IRRIGATION (0.06 CFS)

STOCKWATER (0.02 CFS)

DOMESTIC (0.04 CFS)

In: SENE Sec 13 T 03N R 17E FOR
2 ACRES

If issued, the permit will be sub-
ject to all prior water rights. Pro-
tests against the granting of any
permit must be filed with the
Director of the Idaho Department
of Water Resources, 1041 Blue
Lakes Boulevard North, Twin
Falls, Idaho 83301, and received
on or before SEPTEMBER 30,
1985.

A. KENNETH DUNN

Director

Publish: Wood River Journal-
September 12 & 19, 1985.

insertions..... 3°/Pica

No 4294

AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Blaine } SS.

RECEIVED

NOV 8 1985

CLINT STENNETT

Department of Water Resources
being, District Office

deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 31st day of Oct 19 85, and the date of the last publication was on the 7th day of Nov, 19 85

Clint Stennett

Subscribed and sworn to before me this 7th

day of November, 19 85
(SEAL)

Robert MacFarlane

NOTARY PUBLIC

WOOD RIVER JOURNAL

Hailey, Idaho

COST OF PUBLICATION

Numer of Picas per Line 11
Number of Lines in Notice 36
Number of Insertions 2
Lines tabular at 5°/Pica
36 Lines straight at 15.84 4°/Pica
36 Subsequent lines at 11.88 3°/Pica
TOTAL COST 27.72

COPY OF NOTICE

(Paste Here)

Not. of Application
TITLE OF NOTICE
#37-8226 Pigeon

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Res.
BILL TO

Water right app. filed by Pigeon

NOTICE OF APPLICATION FOR WATER RIGHT

The following application is being advertised to allow all parties affected by the addition of the public interest criteria Sec. 42-203C, Idaho Code, the opportunity to protest:

37-8226

PIGEON, KRISTINE SUE
P.O. BOX 394
SUN VALLEY, IDAHO 83353

Source: GROUNDWATER

Date Filed: 08/21/1985

Division Pt: SENE Sec 13 T 03N R 17E

Use: IRRIGATION (0.06 CFS)

STOCKWATER (0.02 CFS)

DOMESTIC (0.04 CFS)

In: SENE Sec 13 T 03N R 17E FOR 2 ACRES

Protests must be filed with the Director, Department of Water Resources, Southern Region, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before NOVEMBER 17, 1985.

A. KENNETH DUNN
Director

Publish: Wood River Journal-
October 31 and November 7, 1985.

7-8 pt. per line tabular.....5°/Pica

7-8 pt. per line successive

insertions.....3°/Pica

No 4398



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 15, 2004

KRISTY PIGEON
109 GREENHORN RD
HAILEY ID 83333

RE: Water Rights 37-8226

Dear Ms. Pigeon:

I received your letter inquiring about the relationship between your licensed water right, 37-8226, and the Greenhorn Owners Association water rights, License 37-7935 and Permit 37-8464. Right 37-7935 is for domestic use on the lots within Greenhorn Subdivision. Permit 37-8464 authorized Greenhorn Owners Association to establish a new water right for additional water for domestic purposes, plus the irrigation of up to three acres per lot. The authorized development period for Permit 37-8464 expired August 2, 1999, when proof of beneficial use was submitted in connection with the permit. Right 37-8226 authorizes you to divert ground water from your own well for the irrigation of two acres within your parcel in Greenhorn Subdivision.

It is not uncommon for a multiple water rights to be used on the same parcel of land. In some cases, each water right provides water for a different purpose. In other cases, each water right provides an additional increment of water for the same water use. My understanding of the field examiner's report for Right 37-8226 is that the irrigated field on the northeast end of your lot is irrigated with water diverted by Greenhorn Owners Association under Permit 37-8464 and that the separate two-acre field on the southwest end of your lot is irrigated with water diverted from your own well under Right 37-8226.

If you have any questions, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

MICROFILMED
APR 06 2004

KRISTY PIGEON
109 Greenhorn Road
Hailey, Idaho 83333
(208) 788-9636

RECEIVED
MAR 02 2004
Department of Water Resources

February 27, 2004

Mr. Shelley W. Keen
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

REF: Water Right License #37-8226

Dear Mr. Keen:

Thank you for your consideration in restoring the water right on my two-acre field in Greenhorn Gulch. As soon as the snow melts I intend to repair the pump and commence with irrigating. As I mentioned to you on the telephone, the Greenhorn Property Owner's Association is a bit befuddled over the fact that I have a separate water right from the rights held by the Association. I am very sorry to bother you in reference to their confusion, however it would be greatly appreciated if you could send me a letter simply stating that my separate right, (#37-8226), is unrelated to the use of Greenhorn Association rights. In addition, that I would still be eligible to irrigate a different field on my property with the Greenhorn Assoc. water rights. The property in question has been declared to the Dept. of Water Resources and I have been paying a water use fee to the Greenhorn Association.

Please give me a call or e-mail me at sagebrush@sunvalley.net if you have any questions. Thanks, again, for your time and patience over this little matter!

Happy trails always,


Kristy Pigeon

MICROFILMED
APR 06 2004

SILVER CREEK IRRIGATION
Box 748
Picabo, Idaho 83348
208-788-3530

RECEIVED
AUG - 6 2003
Department of Water Resources

July 28, 2003

Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

To: Mr. Shelly Keene
From: Nick Purdy

AFFIDAVIT

As outlined in my May 14th, 2003 letter to you, Silver Creek Irrigation performed the following work for Kristy Pigeon. During the spring of 1985 we seeded her two-acre field in alfalfa. In addition, we assisted her in setting up a hand line irrigation system. The system adequately sprinkled two acres and I would estimate that the six rainbirds put out about 24 gallons per minute. In the late summer of 1985, '86, and '87 we cut and baled the field for her.

Signed: Nick Purdy

Date: July 31, 2003

KATHI L. PECK
Notary Public
State of Idaho

Kathi L. Peck
Carey, Idaho
8/31/07

MICROFILMED

SEP 10 2004

RECEIVED

JUL 30 2003

Department of Water Resources

KRISTY PIGEON
109 Greenhorn Road
Hailey, Idaho 83333
(208) 788-9636

*office
578-9111*

July 28, 2003

Department of Water Resources
Mr. Shelley Keen
1301 North Orchard Street
Boise, Idaho 83333

Dear Mr. Keen:

Thank you for your assistance with my water issue. Enclosed please find the signed Application for Amendment form and a check for \$50.00.

As I mentioned to you on the telephone, you should receive the affidavits that you requested from Nick Purdy and Ray Berrard soon.

Happy trails,


Kristy Pigeon

Left message at office # re "no check". Kristy Pigeon - 7-30-03

MICROFILM

FEB 10 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 20, 2004

KRISTINE SUE PIGEON
PO BOX 394
SUN VALLEY ID 83353

RE: Water Right License 37-8226

Dear Water Right Holder:

The Department of Water Resources (IDWR) has issued the enclosed order amending Water Right License 37-8226. The order is a preliminary order issued by IDWR pursuant to §67-5243, *Idaho Code*. The amended water right license issued in connection with the order supersedes the license issued on December 9, 1997. The preliminary order can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described in the enclosed information sheet.

A copy of your application to amend Permit 37-8226, which was approved, is also enclosed.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Enclosures

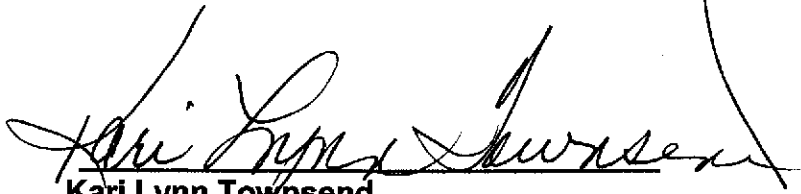
MICROFILMED
FEB 10 2004

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of January, 2004, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 37-8226

**KRISTINE SUE PIGEON
PO BOX 394
SUN VALLEY ID 83353**


**Kari Lynn Townsend
Secretary**

MICROFILMED

FEB 10 2004

**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

FEB 10 2004

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
FEB 10 2004

INTER-DEPARTMENT MEMO--1

FROM Shelley Keen

TO File 37-8226

DATE 7/29/2003

SUBJECT Call from right holder

Yesterday afternoon Kristi Pigeon called to tell me that she has arranged for Nick Purdy and Ray Bernard to send additional statements directly to me. Kristi Pigeon will also send the licensing amendment and fee to me.

MICROFILMED

FEB 10 2004

Shelley Keen

SIGNATURE



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 26, 2003

KRISTY PIGEON
109 GREENHORN RD
HAILEY ID 83333

RE: Water Right License 37-8226

Dear Ms. Pigeon:

I have reviewed the documentation you submitted in response to my request for additional information about the sprinkler system you installed in the 1980s in connection with Water Right 37-8226. The information in your letter suggests that your diversion system produced more than the 0.02 cfs found and recommended by IDWR's field examiner in 1997. However, the case for correcting the license would be much stronger if the information were in the form of notarized affidavits from third parties, such as Nick Purdy and Ray Berrard. If you can provide affidavits or other information to corroborate your description of the sprinkler system and its output during the period from 1985 to 1990, I will recommend that the license be corrected.

Also, as I mentioned in my previous letter, the entire two-acre irrigated area is not within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, S13, T3N, R17E, as permitted. About half the area is actually in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S13, T3N, R17E. Therefore you are required to submit an application to amend the authorized place of use on your permit before the corrected license can be issued. I have enclosed a form for you to complete and return with the additional documentation requested above. The amendment fee is \$50.00.

If you have any questions, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

MICROFILMED

FEB 10 2004

RECEIVED

JUN 11 2003

Department of Water Resources

KRISTY PIGEON
109 Greenhorn Road
Hailey, Idaho 83333
(208)788-9636

June 12, 2003

Mr. Shelly Keene
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

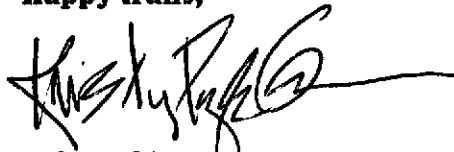
Dear Mr. Keene:

Thank you for your prompt attention to my water issue. I found a few old sprinkler heads from the handline system and have spoken to Nick Purdy in reference to the questions you asked in your letter. The two acre field was irrigated using 6 handlines with one sprinkler head on each line. The nozzle size on the rainbirds was 9/64 which each put out 4 gallons per minute. Therefore the total gallons per minute used was approximately 24. The nozzle discharge pressure was about 50 PSI.

Thanks, again, for your help. I would be happy to complete a form to amend a corrected site location.

Please call if you have additional questions.

Happy trails,


Kristy Pigeon

MICROFILMED
FEB 10 2004



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 4, 2003

KRISTY PIGEON
109 GREENHORN RD
HAILEY ID 83333

RE: Water Right License 37-8226

Dear Ms. Pigeon:

I have reviewed the documentation you submitted with your request that IDWR reconsider the number of acres authorized for irrigation under Water Right License 37-8226. I think there is strong evidence that you irrigated two acres, as permitted, prior to submitting your proof of beneficial use statement. However, I am still struggling to determine the diversion rate that you established. Your permit authorized a diversion rate of 0.06 cfs, or about 27 gallons per minute. When you submitted proof of beneficial use, however, you indicated that you had established a use for 0.02 cfs, or about 9 gallons per minute. Irrigating two acres of alfalfa, as your documentation shows you did in the mid-1980s, is not impossible with only 9 gallons per minute, but it is less than the amount that would normally be expected for a vigorous alfalfa crop.

The IDWR field examiner apparently tried to reconcile the number of acres she found to have been irrigated with the low diversion rate by reducing the number of acres recommended for licensing. Your documentation suggests that your proof of beneficial use was mistaken and that you actually had, at one time, diverted more than 9 gallons per minute for irrigation purposes. Although she could not confirm it with an actual measurement, the field examiner even found that the pump in your well should be capable of producing about 18 gallons per minute. The letter submitted by Rick Roberts would also tend to suggest that the well might have produced more than 9 gallons per minute at one time. Unfortunately, Mr. Roberts's letter and the letters from Ray Berrand and Nick Purdy do not provide enough information to establish the actual diversion rate from the well for irrigation purposes.

To work through this discrepancy, it would be helpful if you could supply a bit more information about your irrigation practice during the 1985 to 1990 period. Specifically, how many hand lines were used to irrigate the two acres, how many sprinkler heads were on each line, what was the nozzle size of the sprinkler heads, and what was the nozzle discharge pressure? Perhaps Ray Berrand and Nick Purdy could provide this additional information.

It is also important to note that the entire two-acre irrigated area is not within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, S13, T3N, R17E, as permitted. About half the area is actually in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S13, T3N, R17E. Therefore, if IDWR ultimately concludes that the license should be corrected to show two acres

MICROFILMED

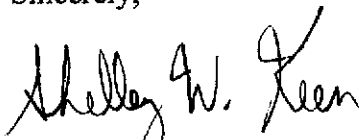
FEB 10 2004

Kristy Pigeon
June 4, 2003
Page 2

of irrigation, you will be required to submit an application to amend the authorized place of use on your permit before the corrected license can be issued. If an amendment proves necessary, I will provide a form for you to complete and return. The amendment fee is \$50.00.

If you have any questions, please call me at 208-327-7946, or email me at skeen@idwr.state.id.us.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

MICROFILMED
FEB 10 2004

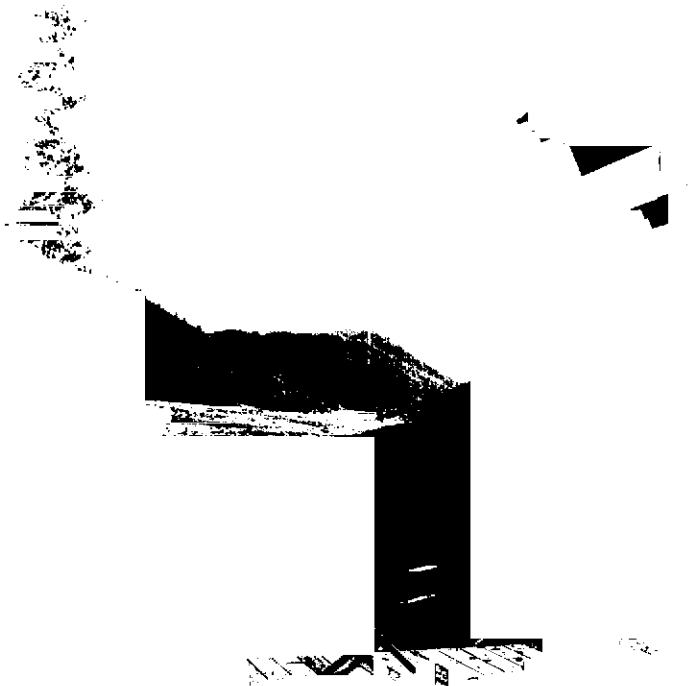
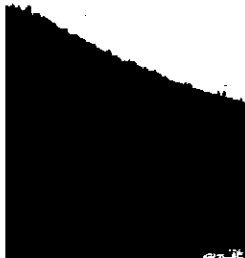
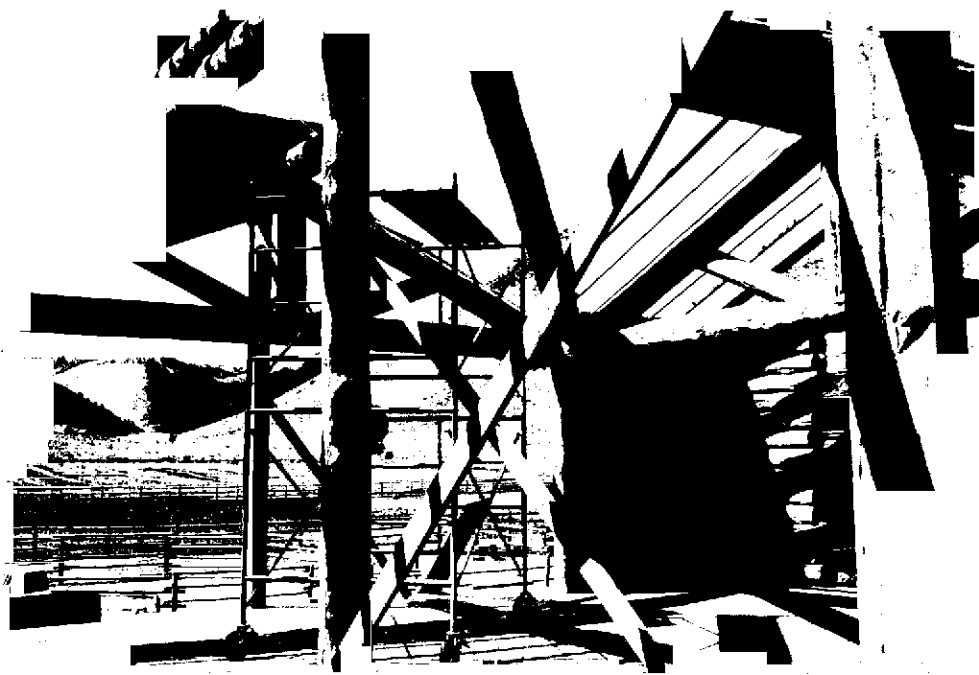


PHOTO #2 AUG 1988
IRRIGATED FIELD

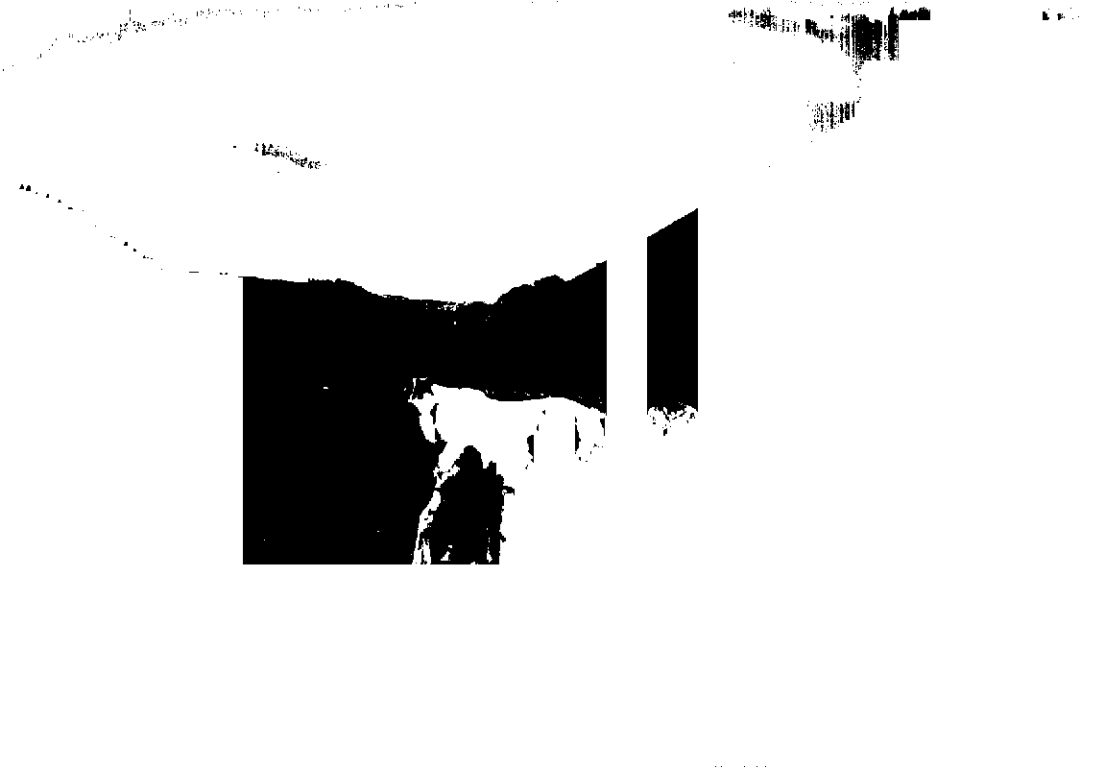


~~_____~~
- PHOTO # 3 (SAME) -



Hay field after bales
were removed. PHOTO #1





1.1.1
- PHOTO #4

1993

K. P. 2300
Gresham Rd.
Hank, Md

83333

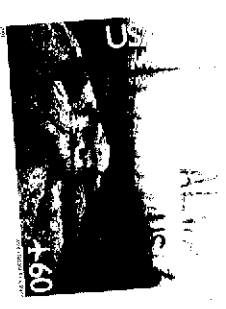
Mr. Mally K. 2300
Department of Water Resources
1301 North Orchard St.

P. 2300 1301 North Orchard St.

83706

83706

TWIL



37-8226

Photographs

Received

5/27/03

**KRISTY PIGEON
109 Greenhorn Road
Hailey, Idaho 83333**

RECEIVED
MAY 27 2003
Department of Water Resources

May 22, 2003

**Mr. Shelly Keene
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706**

Dear Mr. Keene:

Thank you for speaking with me on the telephone last week in reference to my water problem. As we discussed, there is a discrepancy between my approved permit, (37-82260), and the water right license. Apparently, when the Greenhorn Property Owner's Association president met with one of your agents to discuss my request to construct and irrigate pond, your agent determined that my well was not putting out enough water to irrigate two acres and reduced my right to one acre. I was not notified of this change. When I was sent the license I failed to notice that my approved permit had been altered. It is my desire to correct this problem by asking you to help me restore my original permit to allow for two acres to be irrigated. The use history of the above water right is as follows:

A well to irrigate the two-acre field was drilled in 1985 by Rosser Drilling of Gooding. A 1-1/2 horsepower Berkeley pump was installed and tested to pump a minimum of 15 gallons per minute. Silver Creek Irrigation informed me that hand lines would be the most effective way to irrigate. They seeded two acres in the fall of 1985. The field was irrigated during the summer of 1986 and a hay crop was cut in late August. Please see photo #1 that was taken after the bales were removed in September of 1986. Photo #2 was taken in August of 1988 and shows that the field was indeed irrigated. Photo #3 was taken at the same time as #2, however, shows a bigger overview of the field. Photo #4 was taken in 1993 just before the bare spots in the field were reseeded. Soon after this time the amount of water put out from the well went down. I assumed that it was because of the drought, however, in retrospect and according to Rick Roberts, it was probably due to the beginning of a hole in the casing. At the time, in 1997 when your agent checked the flow, the hole in the casing was undoubtedly affecting the output. Last summer, due to the suspected hole increasing in size, no water could be pumped. (Please see the letter from Roberts Electric).

RECORDED

FILED

Please accept the enclosed letters to document beneficial use during the years that you requested. If you have further questions please telephone me at (208) 788-9636 or 588-9111.

Thank you for your help and consideration. I am anxious to repair my well and look forward to your response.

Happy trails,


Kristy Pigeon

RECORDED

DEC 1 2 2001

5-14-2003
KRISTY PIGEON

ON 4-24-2003 I WENT TO YOUR PLACE AT 109 GREENHORN ROAD TO CHECK YOUR IRRIGATION PUMP. I FOUND THAT THE PUMP WOULD RUN BUT NO WATER CAME OUT OF THE FAUCET. I DID NOTICE THAT WHEN THE PUMP WAS FIRST TURNED ON AIR WOULD COME OUT OF THE FAUCET FOR ABOUT 20 SECONDS THEN EVEN THOUGH THE AMPS ON THE PUMP MOTOR REMAINED THE SAME THE AIR QUIT COMING OUT OF THE FAUCET. EXPERIENCE WITH THIS TYPE OF SYMPTOM HAS PROVEN THAT WHEN THIS HAPPENS IT IS BECAUSE THERE IS A HOLE IN THE PIPE THAT GOES DOWN THE WELL. THESE HOLES USUALLY START OUT VERY SMALL AND SO ARE NOT NOTICEABLE FOR SEVERAL YEARS, DEPENDING ON HOW MUCH THE WELL HAS BEEN USED. EVENTUALLY THE HOLE GETS BIG ENOUGH THAT EITHER THE WATER DOESN'T COME TO THE SURFACE OR THE AMOUNT OF WATER IS SO DECREASED THAT THE OWNERS HAVE THE PUMP CHECKED OUT. THERE IS NO WAY TO TELL HOW LONG THIS HOLE HAS BEEN DEVELOPING TO GET AS LARGE AS IT IS NOW, BUT IT COULD HAVE TAKEN SEVERAL YEARS BEFORE IT WAS NOTICED.

RICK ROBERTS
ROBERTS ELECTRIC INC.
208 788 3238



MICROFILMED
FEB 10 2004

SILVER CREEK IRRIGATION

Box 748

Picabo, Idaho 83348

208-788-3530

RECEIVED
MAY 27 2003
Department of Water Resources

May 14, 2003

Department of Water Resources
Shelly Keene
1301 No. Orchard Street
Boise, Idaho 83706

Dear Mr. Keene:

Please accept the following information pertaining to work that was performed by Silver Creek Irrigation for Kristy Pigeon. During the spring of 1985 Kristy contracted us to seed her two-acre west field on her property in Greenhorn Gulch. In addition, we assisted her in setting up a hand line irrigation system. The area was planted in an alfalfa mix that we also used to farm the Golden Eagle Ranch at the mouth of the Greenhorn canyon. The two-acre field was adequately irrigated to sustain a crop and in the late summer of 1985, '86, and '87 we cut and baled this field for Kristy. After this time Kristy decided to use the field for pasturing steers and horses.

Please telephone me if you have any additional questions at 788-3530.

Cordially,


Nick Purdy

MICROFILMED
FEB 10 2004

**Berrard Construction
Ketchum, Idaho
(208) 720-5905**

MEMO

May 20, 2003

**To: Dept. of Water Resources
From: Ray Berrard**

During the summers of 1986 through 1990 I worked for Kristy Pigeon on her property located at 109 Greenhorn Road. One of my duties was to change the hand lines in her west pasture. The pipe system irrigated two acres. For two years we grew a hay crop, then converted the field to pasture grass.

Please telephone me if you have any questions.



MICROFILMED

FEB 10 2003

INTER-DEPARTMENT MEMO--1

FROM Shelley Keen

TO W.R. 37-8226

DATE 5/13/03

SUBJECT Licensed rate and acres

This morning Kristine Pigeon and Allan Merritt called to discuss the possibility of amending this licensed right to show 2 acres. Ms. Pigeon believes the examiner visited at a time when a leak in her irrigation system prevented her from irrigating as much as she did during the development period for the permit. I told Ms. Pigeon I would review information she has showing that she diverted ~~more than~~ 0.02 cfs and irrigated more than 2 acres before 1990.

FEB 10 2004

Shelley Keen
SIGNATURE



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

December 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KRISTINE SUE PIGEON
PO BOX 394
SUN VALLEY ID 83353

RE: WATER RIGHT NO. 37-08226

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. 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 of the Department unless a party petitions for reconsideration or files an exception and/or brief 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

RECEIVED

JAN 07 1998

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of December, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 37-08226

KRISTINE SUE PIGEON
PO BOX 394
SUN VALLEY ID 83353



Kari Lynn Townsend
Secretary

MAILED 12-11-97

NOV 17 1997

MEMORANDUM

DATE: November 28, 1997

TO: Water Right File 37-08226

FROM: Shelley W. Keen *SWK*

RE: Place of use location

This afternoon I called Georgia Satterlee to discuss some items in her field report for permit 37-08226. She told me that all water used for domestic purposes and irrigation of the easternmost three acres of the permit holder's property comes from the subdivision system under license 37-07935 and permit 37-08464. Water diverted from the permit holder's well under 37-08226 has been used for stock watering and for spotty irrigation of a three-acre field on the west end of the property. The three-acre field on the west end of the property is partly in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and partly in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13. Georgia recommended licensing only one acre because the well does not produce enough water to adequately irrigate more than one acre without severely stressing the crop.

Georgia recommended licensing one acre in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, which would require a licensing amendment. She could have just as easily recommended an acre in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, however. Georgia said she would have no objection to changing her recommendation to the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and foregoing the amendment request.

MEMORANDUM

TO: File 37-08226

FROM: Sharla

DATE: November 28, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Permit No. 37-08226 are based on the following:

H. RECOMMENDATIONS

Irrigation	4/15 - 10/15	0.02 cfs	3.5 afa
Stockwater	1/1 - 12/31	0.01 cfs	0.1 afa
	TOTALS	0.02 cfs	3.6 afa

The capacity of the system allows an inch per acre for irrigation. The rate of diversion for irrigation has been changed accordingly.

Examiner: Georgia Satterlee
Exam Date: May 23, 1997

REC-117
JAN 07 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 37-08226

DATE 11/26/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>—</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>—</u>	<u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>✓</u>	<u>—</u>	Amendment required <u>NO</u>
			Amendment required <u>YLS</u>

Does map agree with written description? — yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>.12</u> cfs
Fee limit	<u>.04</u> cfs NO FEE
Measured	<u>—</u> cfs
Theoretical	<u>.04</u> cfs

Recommended Total Div Rate .02 cfs

ANNUAL VOLUME/
NATURE OF USES —

Use	cfs	Volume Calc	
<u>W</u>	<u>.02</u>	<u>184</u>	af
<u>Stock</u>	<u>.01</u>	<u>1</u>	af
<u>—</u>	<u>—</u>	<u>—</u>	af
<u>—</u>	<u>—</u>	<u>—</u>	af
SUBTOTAL	<u>.02</u>	<u>3.6</u>	af

Flow rate .02 cfs X 184 days X 1.98 = 7.3 af
 Total volume recommended 3.5 af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS — Watermaster Control WD# —

GW Measurement/Measuring Device

167 Overlap

— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed N/A

Adjustment Memo on rate

1st Amend Letter P41, P38

2nd Amend Letter P42

[illegible]

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

☒ 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

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1		1.5	2823007103	BERKELEY	
GPS# A0002762					

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

D. FLOW MEASUREMENTS

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

2. Measurements:

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 29 May 1997
RE: 37-08226

At 1100 hrs. on 23 May 1997, I met with Colleen Runyen, President of the Homeowner's Association in the Greenhorn Subdivision.

The Greenhorn Subdivision consists of 35 lots. As of this date, 18 lots are developed. The Greenhorn Subdivision (the well logs are under the name of Smokey Mountain Association) has a licensed right, 37-07935 with an adjudication claim. Plus a permit, 37-08464. The licensed right is for domestic use and the permit is for irrigation of approximately 105 acres in the subdivision.

There are two wells located in a pump house 1,000 feet westerly of Highway 93 and Greenhorn Road intersection (NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, T03N, R18E) that provide water for the Greenhorn Subdivision. The water is pumped over a mile and stored in two tanks that total 55,000 gallons. The diversion points are for domestic use and irrigation. Per phone call on 27 May 1997 with Ken Smith of Wood River Drilling, he says each 25 horse power pump is delivering about 150 gallons per minute.

The association board members want clarification of their claims, in addition to the permit, 37-08226, which is located in Lot 4 of the Greenhorn Subdivision.

At 1300 hrs. on the same day, I met with Kristine Pigeon to perform a field examination regarding the permit, 37-08226.

The well associated with 37-08226 is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, T03N, R17E. When proof of beneficial use was filed, the applicant stated the rate to be 0.02 cfs. The discharge from the well was comparable to rate on the proof. During a phone conversation on 27 May 1997, Ken Smith @ Wood River Drilling agreed with the low output of this well. A theoretical was computed and a rate of 0.04 cfs derived from the calculation. The less rate will be recommended.

Although Ms. Pigeon is irrigating approximately 6 acres, I am recommending one acre because of the capacity of the well.

Ms. Pigeon has beneficially used the other five acres for over 10 years. The permit for irrigation, 37-08464 is covering the extra acres.

Analysis/Recommendation:

Domestic is disallowed because domestic is already claimed in 37-07935.

Stock - 8 horses

Irrigation - one (1) acre in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, T03N, R17E

PLEASE SEE BACK OF BENEFICIAL USE FIELD REPORT FOR RATES AND VOLUMES.

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

100 07 (23)

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1(3.5) = 3.5$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 3.7$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 3.5$$

Other Uses:

DOMESTIC DISALLOWED BECAUSE
57-07935 COVERS DOMESTIC
FOR FUTURE SUBD.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

STOCKWATER
IRRIGATION

From
To
4/15
12/31
10/15

Period of Use

Q (cfs)

Rate of Diversion

V (afa)

Annual Volume

2. Recommended Amendments

☒ Change P.D. as reflected above
☐ Change P.U. as reflected above
 ONLY ONE P.D.

☐ Add P.D. as reflected above
☐ Add P.U. as reflected above
☐ Other

I. AUTHENTICATION

Field Examiner's Name

Date

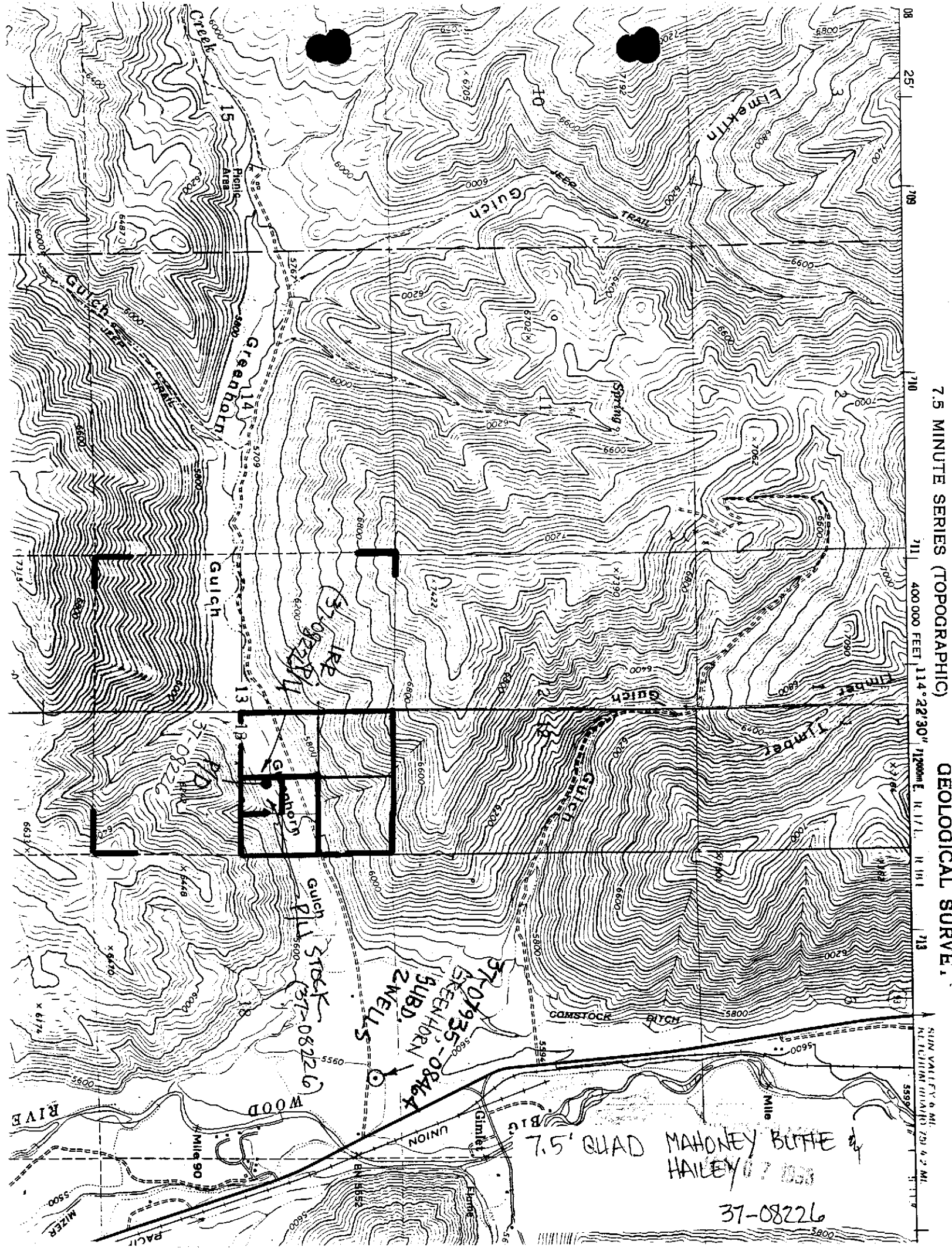
Reviewer

SEAL

GEOLOGICAL SURVEY.

Room E. 117 E. 116 E	13
----------------------	----

SUN VALLEY 6 MI.
ALBUQUERQUE 750 62 MI.



11 12
14 13

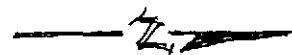
T3N

R7E

R18E

127
1318

1" = 660'



Greenhorn Gulch

See 13, T03N, R7E
SW 1/4, NE 1/4

BARN

OUTBUILDING

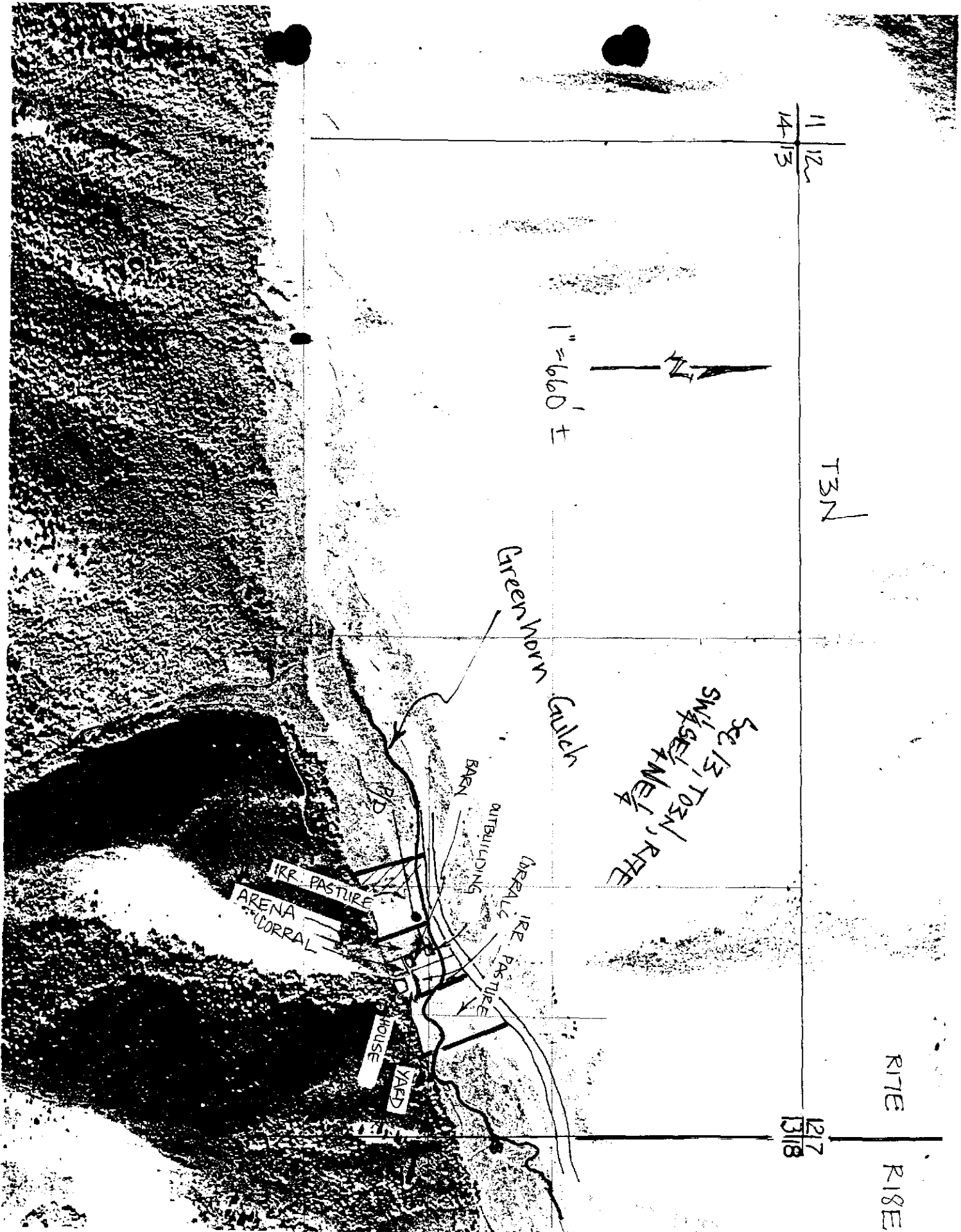
IRR. PASTURE

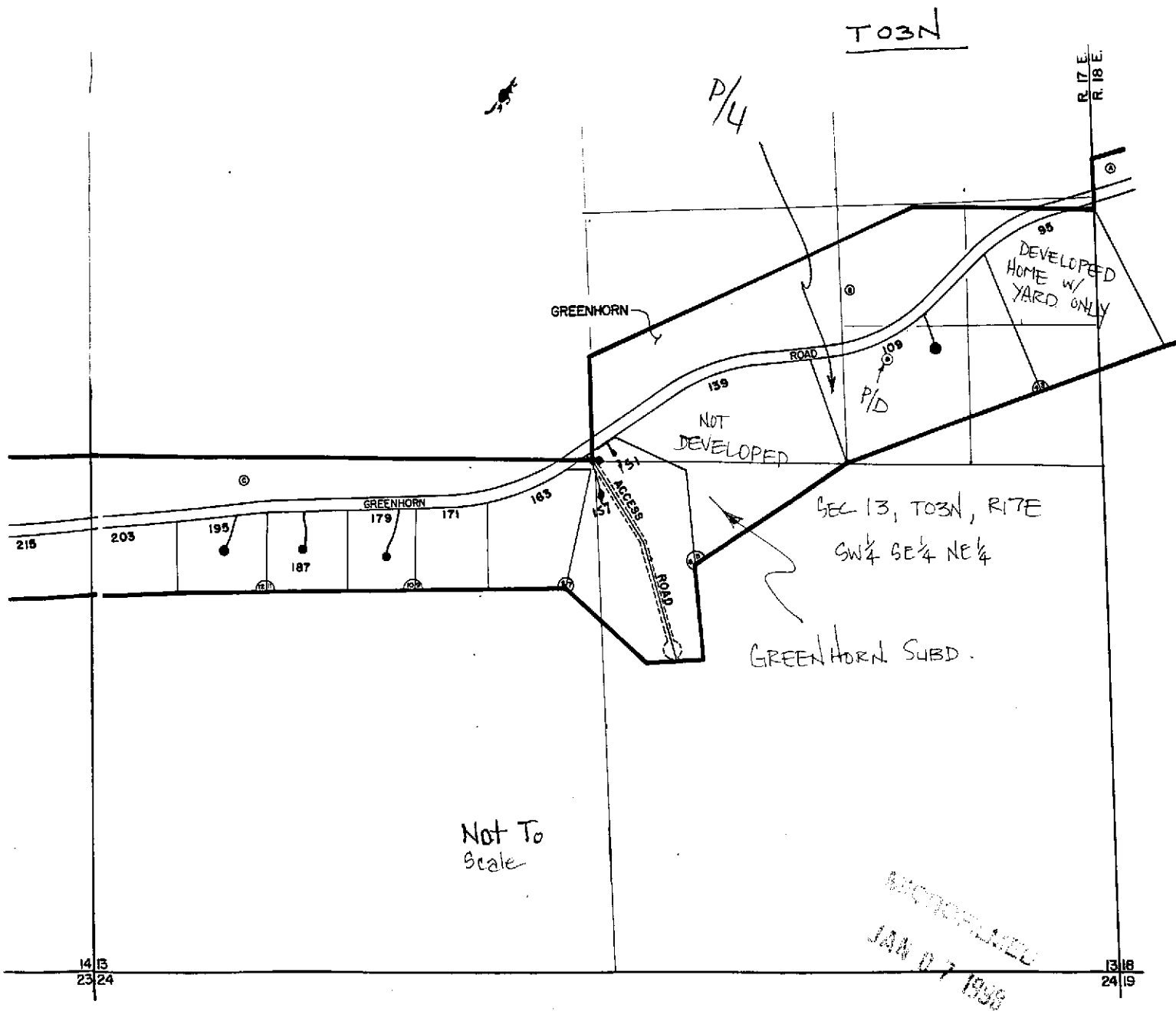
HOUSE

YARD

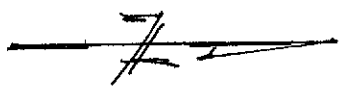
IRR. PASTURE

ARENA
CORRAL



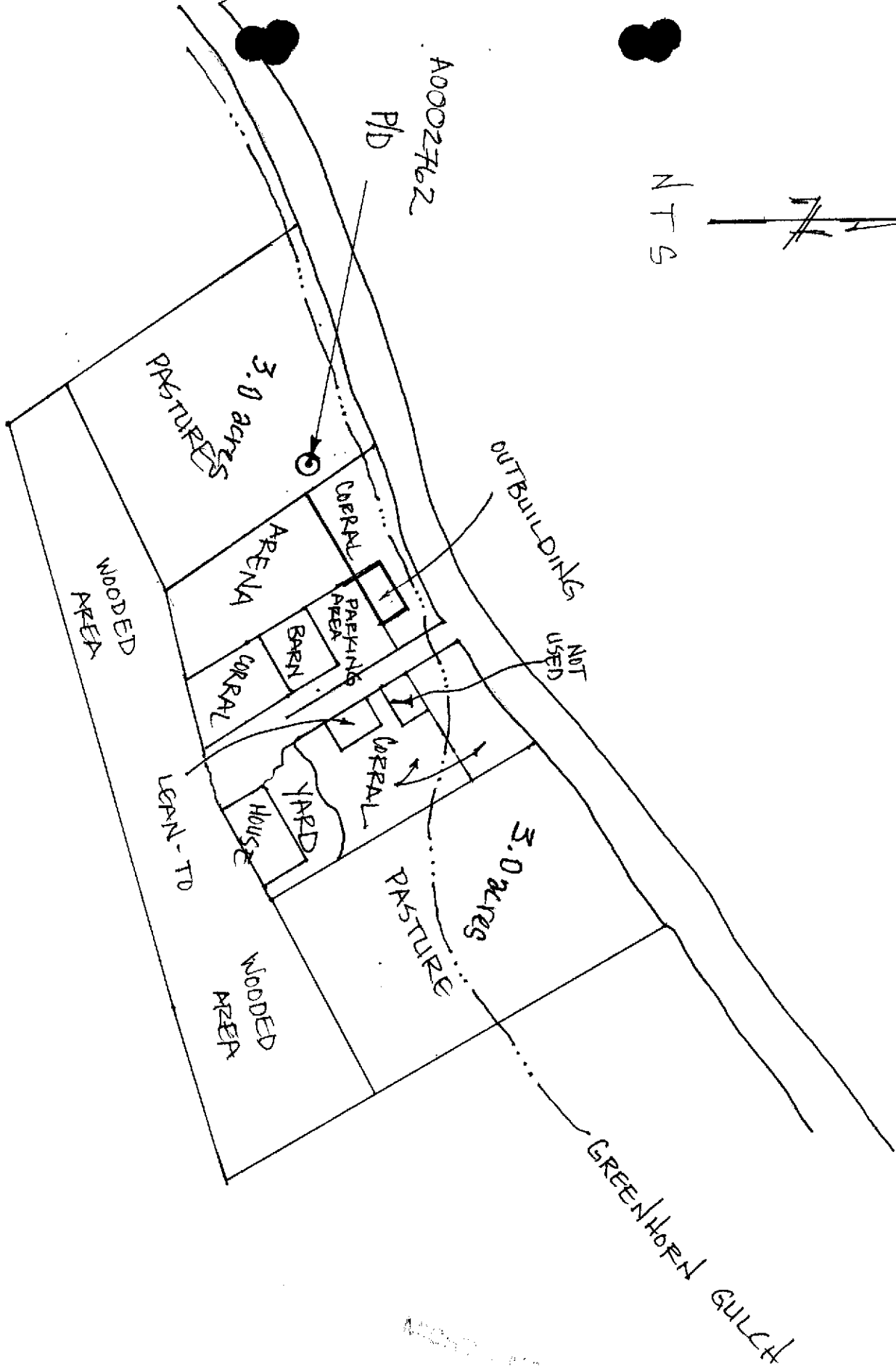


N T S



A0002762

P/D

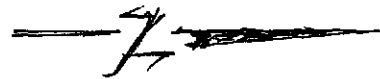


RECORDED
JAN 07 1990

37-08226
PIGEON, KRISTINE
SEC 13, T03N, R17E SE 1/4 NE 1/4

G. SATTERLEE, EXAMINER 23 MAY 1997

N-T-S



GREENHORN
SUBD. STARTS
APPROXIMATELY 1 MILE
WEST OF INT.
OF HWY 93 & GREENHORN RD.

Pumphouse w/ 2 wells
GPS Tag A0002761
Placed on outside
pump house on
doorway threshold.



1000'

GREENHORN RD.

GOLDEN
EAGLE
SUBD.

STATE HWY. 93

Firehouse



BIG WOOD RIVER

APPROX. 1000'
JAN 07 1998

G. SATTER LEE, EXAMINER
23 MAY 1997
(A) 37-07935 & 37-08464

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

37-08226
DATE: 23 MAY 1997
BY: SATTERLEE, G.L.

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

- Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

$$Q = \frac{(8.8) \times (1.5) \times (0.70)}{[(.97) + (.50 \times 2.31)]} = \frac{9.24}{212.5} = 0.04 \text{ cfs}$$

<u>LIFT FROM:</u>	<u>PSI FROM:</u>	<u>NOTES ON PUMP:</u>
measurement ()	measurement ()	Motor Make, Serial or ID
owner ()	owner ()	
area estimate ()	estimate (X)	Pump Make, Serial or ID, rating
well logs (X)	owner gage ()	BERKELEY #2823007103
Booster (Y) (N)		PH 1

REMARKS

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)	
3/15 - 11/15	246	
4/1 - 11/1	215	POTENTIAL = (.....) X (1.98) X (.....)
4/15 - 10/15	184	
3/1 - 12/1	276	(.....)

POTENTIAL =

REQUIRED Acre Feet/Acre/Annum =
(AF/Ann/Ac irrigation requirement from chart for area)
NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ()

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

JAN 87 1997

37-08226

→ permit rate for irrigation

$$\frac{0.06 \text{ cfs}}{27 \text{ gpm}} = \frac{0.02 \text{ cfs}}{9 \text{ gpm}}$$

$$27 \text{ gpm} (60 \text{ min/hr})(24 \text{ hr/day}) = 38,880 \text{ gpd}$$

$$\frac{646315 \text{ gpd}}{1.9835 \text{ af}} = \frac{38,880 \text{ gpd}}{X \text{ af}}$$

$$0.12 \text{ af}$$

$$\frac{1 \text{ ac ft}}{43,560 \text{ ft}^3} = \frac{0.12 \text{ af}}{5197.6 \text{ ft}^3}$$

11/10/2021

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE

May 27, 1997 7:34am

CUSTOMER

Smith, Ken

SUBJECT: 37-08226,-07935,-08464

phone call (x) walk-in (.)

788-3163 office #

I called this a.m. regarding the well @ Kristine Pigeon's plus the Association's wells. Ken Smith agreed w/ me about the amount coming out of Kristine's well, which is less than well log states. He gave me the Pump HP for all three wells. Well #1 & #2 for the subdivision both have 25 HP pumps and are putting out about 150gpm. The pump at the well at Ms. Pigeons' is a 1.5 HP.

100-100000
MAY 27 1997

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE
May 22, 1997 8:37am

CUSTOMER
Pigeon, Kristine

SUBJECT: 37-08226

phone call (x) walk-in (.)

Called Ms. Pigeon for an appt. to do a field examination.

Friday 23 May 1997 1300 hrs.

The home is located @ 109 Greenhorn Rd., 1.1 miles west from State Hwy 93 on Greenhorn Rd.

She says the irrigation is not running at the time because she is preparing to dig a pond for the irrigation water. I will go to ASCS to get slides from last 5 years to show irrigation was in use. Also, I will hopefully convey the knowledge regarding the pond size limitations. See memo to Colleen Runyan, President Association of the Greenhorn Subdivision, per constructing a pond.

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE
May 21, 1997 11:01am

CUSTOMER
Colleen Runger

SUBJECT: 37-08226 Pigeon, Kristine Sue
phone call (x) walk-in (.)

Runger

The information is provided given the data regarding Ms. Pigeon wanting to dig a pond. I believe the pond was related with the use of irrigation.

Below are three options for the claimant to choose from:

1. One of the uses on the permit is irrigation. If the development for the pond is for improving the efficiency of the irrigation system, then it is conceivable, with exceptions.

The rule of thumb for determining if a pond in an irrigation system needs a storage right is if the pond can be filled or drained within 24 hours at the rate of the associated water right. The dimensions of the pond is necessary to calculate this rate.

2. Another avenue is, after the said permit is licensed, a portion of the irrigation use can be "transferred" to allow for the pond. The dimensions of the pond would have to be known.

3. A third option is for Ms. Pigeon to fill out a new application for a storage right. The right would call to the storage pond as a non-consumptive use and the limit of the surface area would be up to an 1/2 of acre.

I think the dimensions of the pond are vital to know in most of the above scenarios.

I will fax this communication document to you and if you have questions or concerns, don't hesitate to call me.

Pigeon can not construct pond greater than 5200 ft² ±

P/D Sec 13, T03N, R17E SW¼ SE¼ NE¼

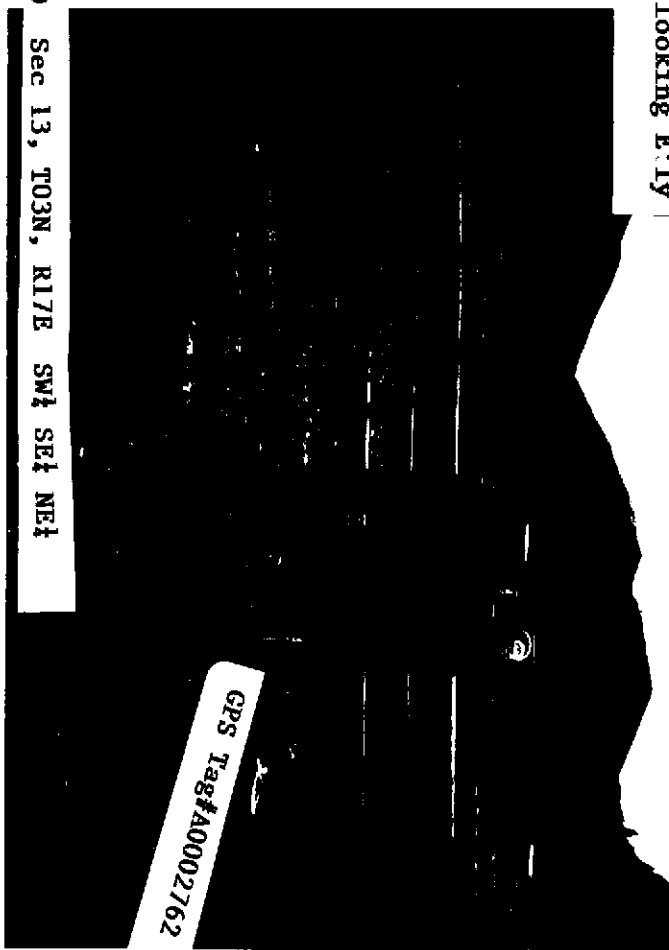


Photo Looking S'ly. Although area looks as if hasn't had irrigation, two different people verified the pasture has been irrigated within five years with hand lines/sprinklers.

Stock Tank 120-140 gallon
6 Stock Tanks - 8 horses

P/U Sec 13, T03N, R17E SE¼ NE



P/U Sec 13, T03N, R17E SW¼ NE¼

23May1997 Pigeon, Kristine
1300 hrs.

37-08226

None

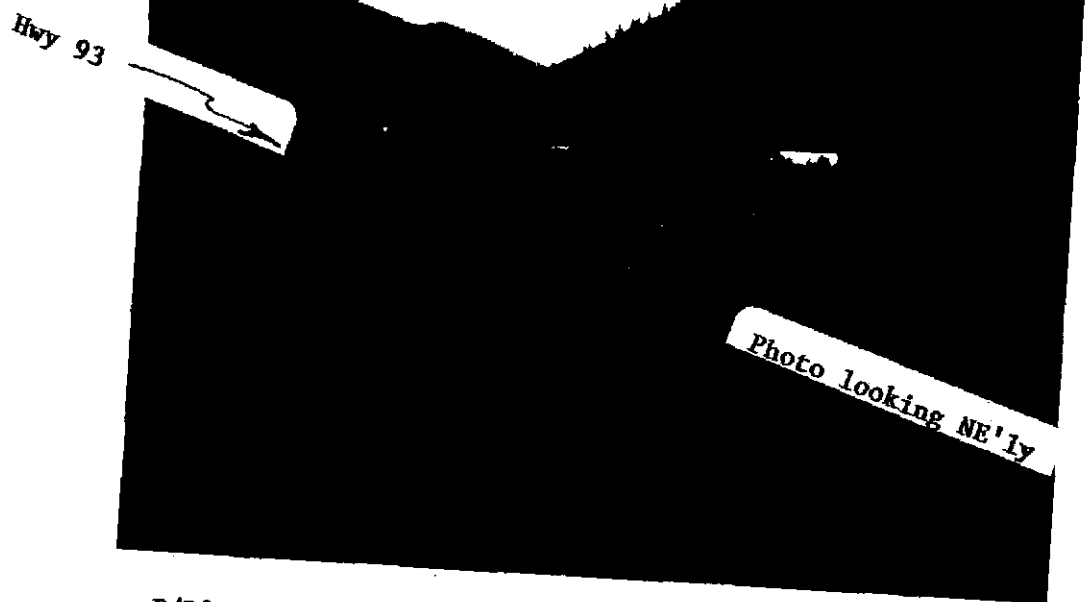
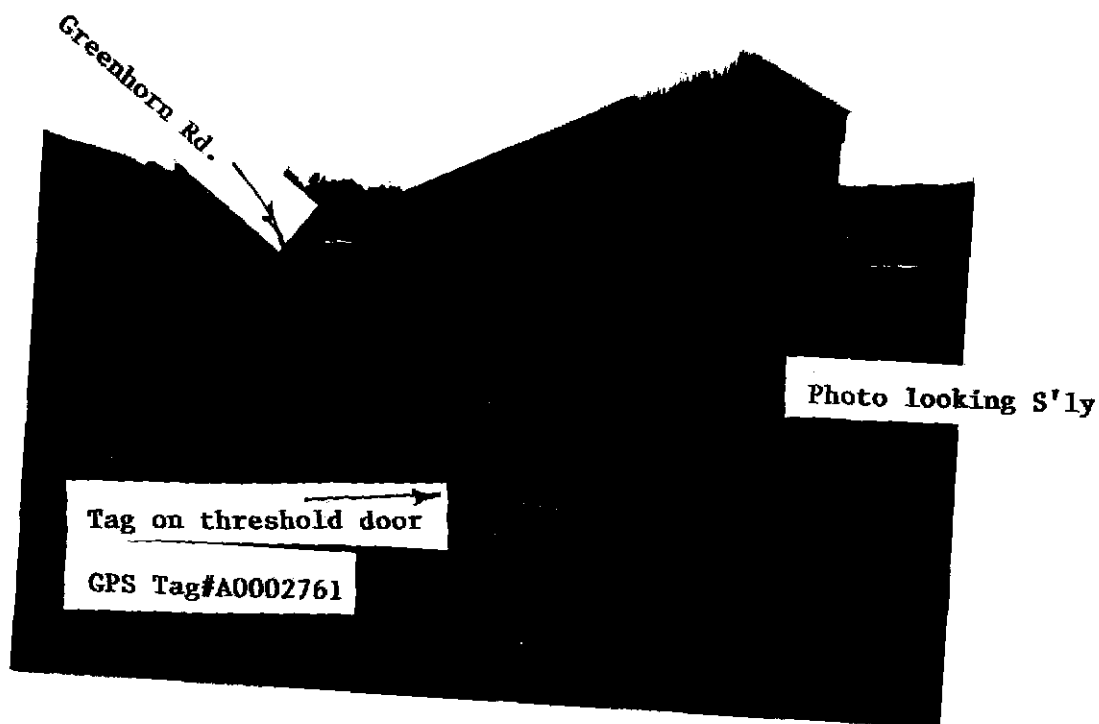
Photo looking SW'ly The irrigated area is served by the wells owned by the association.

None

Three irrigation risers within 100' of each other.

None

Nelson 100-Spray King 6557



P/D's NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 18, T03N, R18E
PUMP HOUSE WAS LOCKED.

37-07935 (A)37-07935

37-08464

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

APR 24 1986

1. WELL OWNER

Name Kristy Pajon 83353
Address P.O. Box 394, Sun Valley
Owner's Permit No. _____

7. WATER LEVEL

Static water level 99 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ OF. Quality _____
Describe artesian or temperature zones below.

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe abandonment procedures such as
materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☐ Pump ☒ Bailor ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
<u>30</u>	<u>97</u>	<u>1</u>
<u>TESTED 20 SEP 85 WITH PUMP - RESULTS</u> <u>BELOW BY ANOTHER PARTY</u>		

3. PROPOSED USE

☒ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water Yes No
	From	To		
8"	0	1	GRAVEL & TOP SOIL	
"	1	8	BOULDERS & GRAVEL	
"	8	20	BROWN CLAY & GRAVEL	
"	20	36	BROWN CEMENT GRAVEL	
"	36	53	BROWN CLAY & GRAVEL	
"	53	60	BROWN CLAY GRAVEL & LARGE BOULDERS	
"	60	102	BROWN CLAY & GRAVEL	
"	102	103	FINE CLEAN BROWN SHALE	X
"	103	107	BROWN CLAY & GRAVEL	
"	117	119	LOOSE LIMESTONE ROCKS & BROWN CLAY	
"	119	125	LIMESTONE BOULDER	
"	125	138	BROWN CLAY & GRAVEL	
"	138	141	BROKEN LIMESTONE & BROWN CLAY	
"	141	143	BROKEN LIMESTONE - WHITE	X

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

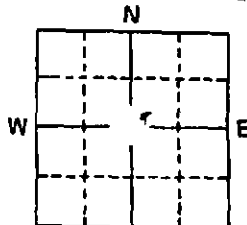
Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____
Thickness _____ Diameter _____ From _____ To _____
.250 inches 8 inches + 1 1/2 feet 138 feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches
Number _____ From _____ To _____
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 18 Material used in seal: ☐ Cement grout
☐ Bentonite ☒ Puddling clay ☐ _____
Sealing procedure used: ☒ Slurry pit ☐ Temp. surface casing
☐ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent
Weld
☐ Cemented between strata
Describe access port _____

10.

Work started 19 AUG 85 finished 5 Sep 85

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name GREENHAWK

Lot No. 4 Block No. _____

County BLAINE

SW 1/4 NE 1/4 Sec. 13, T. 3 N. R. 18 E.

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.

RAY ROESSLER
Firm Name WELL DRILLING Firm No. 262
1295TH AVE E.

Address GODDING, 104 83330 Date 6 Sep 85

Signed by (Firm Official) Ray Roessler

and

(Operator) Ray Roessler

December 21, 1990

KRISTINE SUE PIGEON
P.O. BOX 394
SUN VALLEY, ID 83353

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08226

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 SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

JAN 30 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 37-8226

Date 12-19-90

GENERAL CONSIDERATIONS

Y Name same as permit?
N Address change? If yes, prepare data entry form.
Y Proof timely received? If no, complete priority
advancement below.

SOURCE OF WATER

✓ Surface water source
✓ Ground water source
N Drill permit req'd? Drilled 1985 Copy in file?
 Well log in file?
 Amt paid for drilling permit? Correct?

LICENSE EXAMINATION FEE

N Required? not for the 0.02 cfs shown on proof
 Amount submitted?
 Correct amount?

MEASURING DEVICE

N Measuring device or access port required?
 Installed?
 Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

proof acceptable

PRIORITY CALCULATION

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

138422

September 30, 1990

KRISTINE SUE PIGEON
P.O. BOX 394
SUN VALLEY, ID 83353

PROOF DUE NOTICE

RE: PERMIT NO. 37-08226

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

RECEIVED
JAN 8 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
DECEMBER 05, 1985

PIGEON, KRISTINE SUE
P.O. BOX 394
SUN VALLEY, ID 83353

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-8226

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.

YOU SHOULD BE AWARE THAT THE GROUNDWATER YOU PROPOSE TO DIVERT IS LOCATED WITHIN A DRAINAGE BASIN WHERE SURFACE WATERS ARE REGULATED DURING THE MONTHS OF LOW FLOW. IT IS POSSIBLE THAT DIVERSION OF GROUNDWATER MAY HAVE AN ADVERSE IMPACT ON THESE SURFACE WATER FLOWS. INFORMATION AVAILABLE TO US AT THIS TIME DOES NOT WARRANT REFUSING TO ISSUE PERMITS IN YOUR AREA, BUT WE DO CAUTION THAT DIVERSIONS OF GROUNDWATER ARE NOT ALLOWED TO DEplete FLOWS AVAILABLE FOR SURFACE WATER USERS WITH EARLIER PRIORITY DATES. SITING YOUR WELL AS FAR FROM SURFACE SOURCES AS POSSIBLE AND CASING OUT UPPER WATER PRODUCING ZONES MAY REDUCE THE POTENTIAL OF INTERFERENCE.

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,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

DRT: SC
ENCLOSURES

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

PIGEON, Kristine Sue

INITIAL REVIEW BY: Randy J. Jorgensen

APPLICATION NUMBER: 37-8226

CHECK:

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

Field check by: N/A
Date: _____
Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising. 9/30/85
Final date for protests: 9/30/85
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 9/20/85
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 37
8/21/85 Date of priority recommended.
Special conditions of approval or cover letter. 26

RECEIVED

app. not identified in S.F. suit - DCM NOV 22 1985

MICROFILMED Department of Water Resources

By: ADM Date: 10/10/85 11/20/85

STATE OFFICE REVIEW:

L05, L17 26

- ☐ See attached sheet for more information.

By: fw Date: 12/2/85

RECEIVED

NOV 15 1985

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

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

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

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

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



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

October 21, 1985

Wood River Journal
P. O. Box 988
Hailey, Idaho 83333

Re: Application for Permit No. 37-8226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) is (are) being advertised to allow all parties affected by the addition of the public interest criteria Sec. 42-203C, Idaho Code the opportunity to protest:

32-8226

PIGEON, KRISTINE SUE

P.O. BOX 394, SUN VALLEY, ID 83353

Source: GROUNDWATER

Date Filed: 08/21/1985

Diversion Pt: SENE Sec 13 T 03N R 17E

Use: IRRIGATION	(0.06 CFS)
STOCKWATER	(0.02 CFS)
DOMESTIC	(0.04 CFS)

In: SENE Sec 13 T 03N R 17E FOR 2 ACRES

Protests must be filed with the Director, Department of Water Resources, Southern Region, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before November 17, 1985

A.KENNETH DUNN
Director

Published: Wood River Journal October 31 and Nov. 7, 1985

MICROFILMED

Disk: Patty-16/NofApp

Water right app. filed by Pigeon

NOTICE OF APPLICATION FOR WATER RIGHT

The following application is being advertised to allow all parties affected by the addition of the public interest criteria Sec. 42-203C, Idaho Code, the opportunity to protest:

37-8226

PIGEON, KRISTINE SUE
P.O. BOX 394
SUN VALLEY, IDAHO 83353

Source: GROUNDWATER

Date Filed: 08/21/1985

Diversion Pt: SENE Sec 13 T 03N
R 17E

Use: IRRIGATION (0.06 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)

In: SENE Sec 13 T 03N R 17E FOR
2 ACRES

Protests must be filed with the Director, Department of Water Resources, Southern Region, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before NOVEMBER 17, 1985.

A. KENNETH DUNN
Director

Publish: Wood River Journal-
October 31 and November 7,
1985.

*ok
merged
10/24/85*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

SEPTEMBER 5, 1985

Wood River Journal
P.O.Box 988
Hailey ID 83333

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 30, 1985.

Yours truly,

Mary A. Newby
Secretary

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

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

27-8226-

PIGEON, KRISTINE SUE

P.O. BOX 394, SUN VALLEY, ID 83353

Source: GROUNDWATER

Date Filed: 08/21/1985

Diversion Pt: SENE Sec 13 T 03N R 17E

Use: IRRIGATION	(0.06 CFS)
STOCKWATER	(0.02 CFS)
DOMESTIC	(0.04 CFS)

In: SENE Sec 13 T 03N R 17E FOR 2 ACRES

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before SEPTEMBER 30, 1985.

A. KENNETH DUNN

Director

Published 9/12 & 9/19/85.

RECORDED

**NOTICE OF APPLICATION
FOR WATER RIGHT**

NOTICE IS HEREBY GIVEN,
That the following application has
been submitted for permit to ap-
propriate the public waters of the
State of Idaho:

37-8226
PIGEON, KRISTINE SUE
P.O. BOX 394
SUN VALLEY, IDAHO 83353
Source: GROUNDWATER
Date Filed: 08/21/1985
Division Point: SENE Sec 13 T
03N R 17E
Use: IRRIGATION (0.06 CFS)
STOCKWATER (0.02 CFS)
DOMESTIC (0.04 CFS)
In: SENE Sec 13 T 03N R 17E FOR
2 ACRES

If issued, the permit will be sub-
ject to all prior water rights. Pro-
tests against the granting of any
permit must be filed with the
Director of the Idaho Department
of Water Resources, 1041 Blue
Lakes Boulevard North, Twin
Falls, Idaho 83301, and received
on or before SEPTEMBER 30,
1985.

A. KENNETH DUNN
Director

Publish: Wood River Journal--
September 12 & 19, 1985.

9/9/85
mmw
df