

20'

713

3173 III
(TWIN PEAKS 1:62 500)

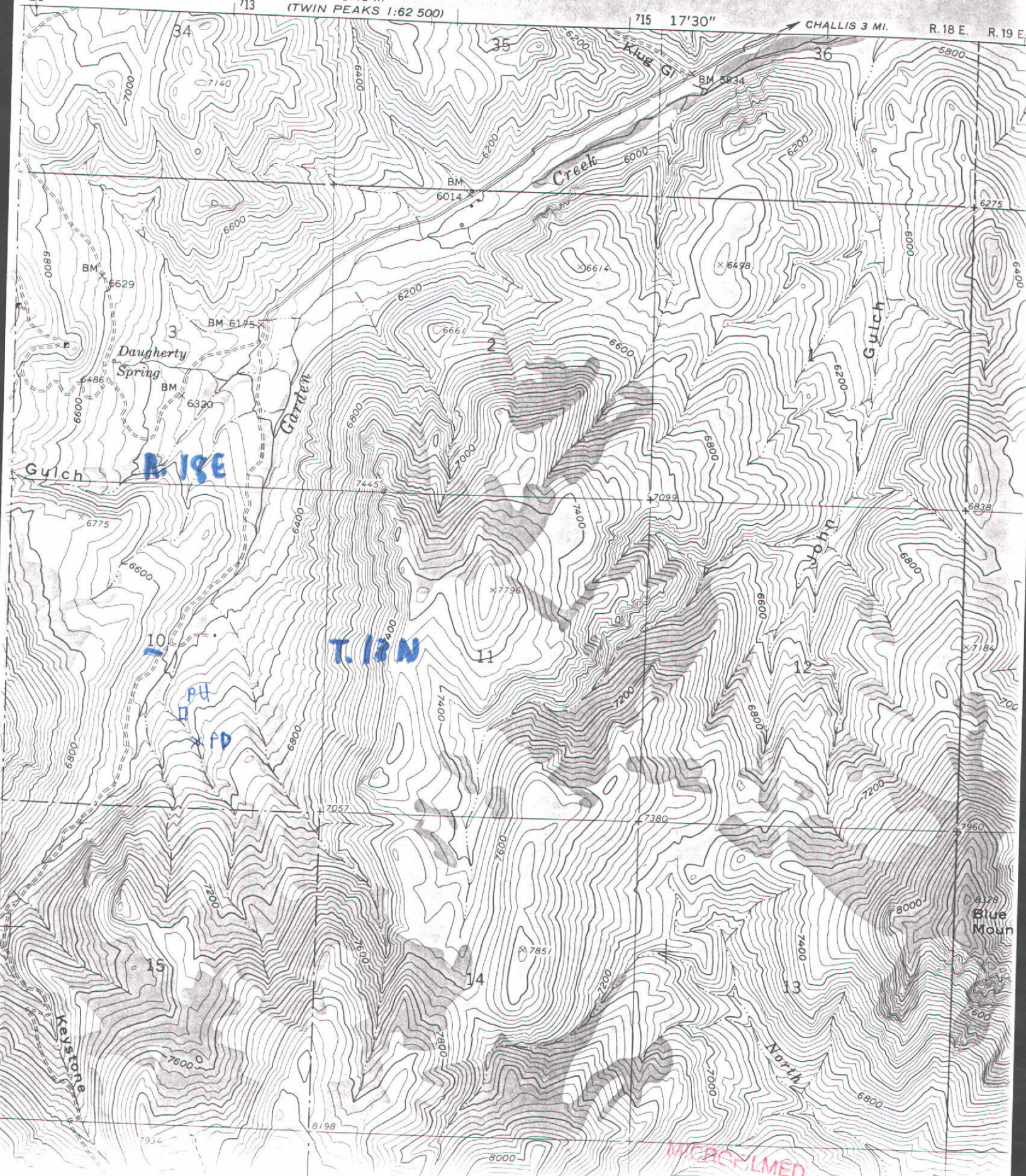
715 17'30"

CHALLIS 3 MI.

R. 18 E.

R. 19 E.

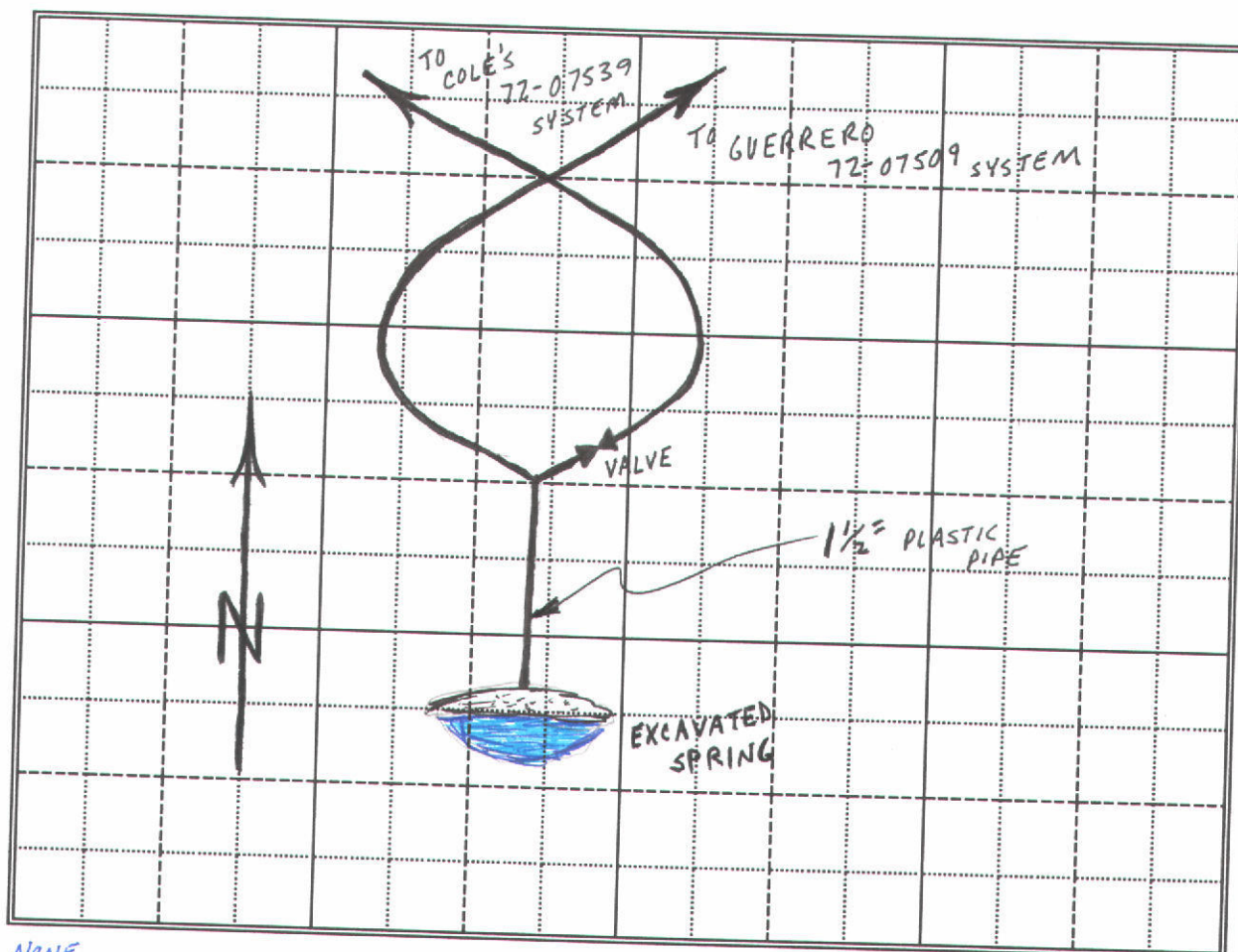
7.



MICROFILMED

DEC 23 1996 7539

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

☒ ORTHO PHOTO

☒ 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. NONE - GRAVITY PIPELINE SYSTEM

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
<u>BUCKET AND WATCH</u>						

2. Measurements: 10 L in 20 seconds $\Rightarrow$ 7.95 gpm $\Rightarrow$ 0.018 cfs
10 L in 15 seconds $\Rightarrow$ 10.6 gpm $\Rightarrow$ 0.024 cfs

MICROFILMED
SEP 25 2001

CLAIM # MULTIPLE USERS AND RIGHTS NEAR GARDEN CREEK
 PRIMARILY PICTURED, TNS 13N; RNG 18E; SEC 10; B.M.
 DATE PHOTOS TAKEN; 06-18-96 BY KKC
 PICTURE SET #

MICROFILMED
 SEP 25 2001

You are looking east on the right to north on the left. The photo set was taken to capture the location of various property/claimant locations within this area.

GUERRERO P/U
 GUERRERO P/D A72-04117
 PEDERSON P/U
 GUERRERO P/D A72-04117
 PEDERSON P/D
 CRANE P/D (2)
 BRYANT P/U P/D
 GUERRERO P/D 72-07509

SAME POD AS 72-07539 P.S.



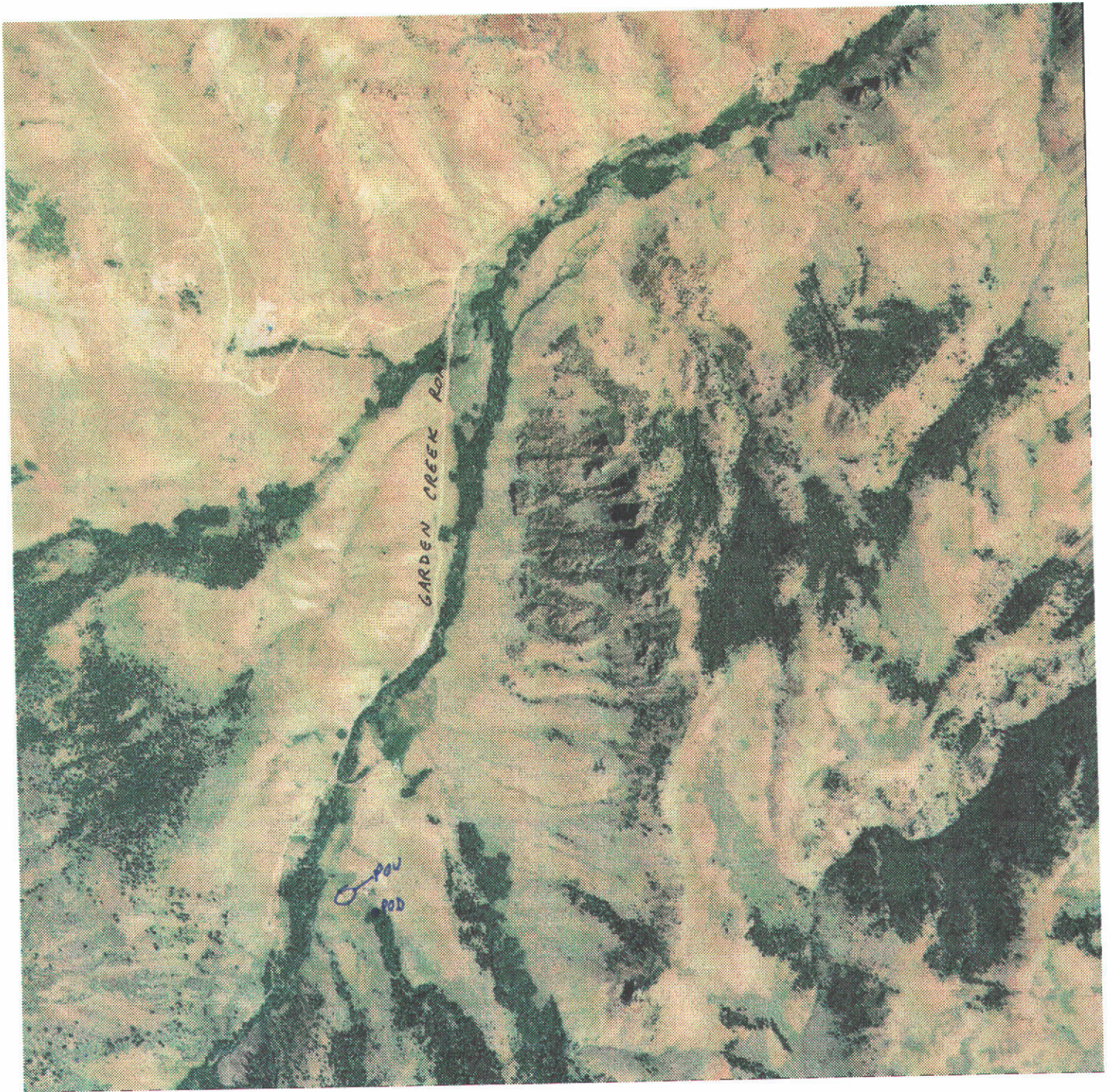
ANDREWS P/D P/U

COLE P/D P/U A72-10105 GW

SAME POD AS 72-07539

SKI SLOPE
 Tow Rope

P.S.



MICROFILMED FOR 72-07539 (COLE)
SEP 25 2001 P. SKINNER

GARDEN CREEK ROAD

POW

X POW

10

15

MICROFILMED
SEP 25 2001

FIELD EXAM FOR
72-07539
P. SKINNER

RANGE
18 EAST

TOWNSHIP
13 NORTH

DK-POV
POB

FIELD EXAM FOR 72-07539 (COLE)

T13N, R18E SECTION 10

BAYHORSE QUAD (U24)

A. SKINNER

2001

GPS SITE #A00156
TAG ON
THIS TREE

EXCAVATED
SPRING

PIPELINE



ABOVE: VIEW OF POINT OF DIVERSION

BELOW: VIEW FURTHER DOWN (TO THE NORTH) PIPELINE
TO PLACE OF USE. THE PIPE FORKS, AND THE RIGHT (EAST)
FORK GOES TO THE COLE (72-07539) PLACE OF USE.

TO GUERRERO

TO COLE



PIPELINE
FROM
SPRING

MICROFILMED
SEP 25 2001

PHOTOS FOR 72-07539
FIELD EXAM

C. SKINNER



ABOVE: VIEW OF MEASUREMENT POINT AT
PLACE OF USE. ARROW POINTS TO CHICKEN WIRE
AND LATH, USED TO PROTECT TREE. NOTE NUMEROUS
WIRE TREE PROTECTORS VISIBLE IN BACKGROUND.
THESE TREES ARE IRRIGATED BY THE 72-07539 SYSTEM.

BELOW: VIEW OF PLACE OF USE, LOCATED APPROXIMATELY 300 TO 350
FEET DOWNHILL FROM THE POINT OF DIVERSION.



REPROFILMED
SEP 25 2001

PHOTOS FOR 72-07539
FIELD EXAM
J. SKINNER

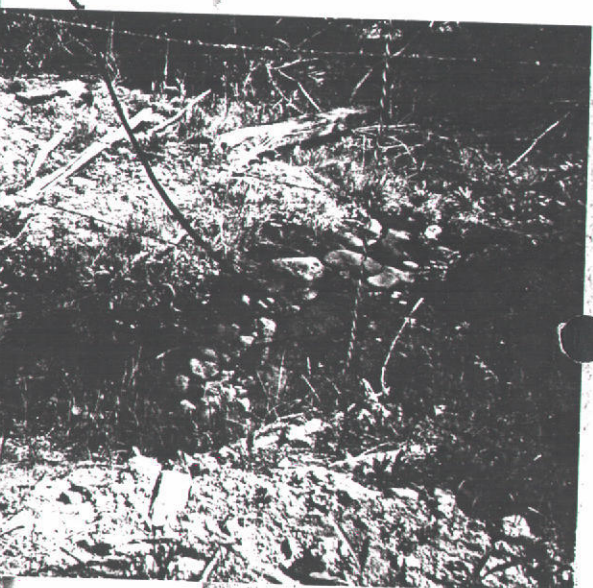
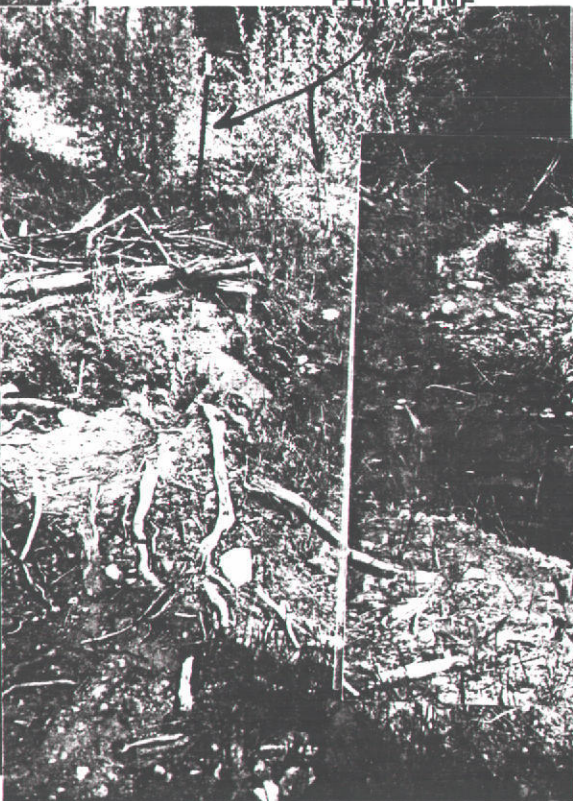
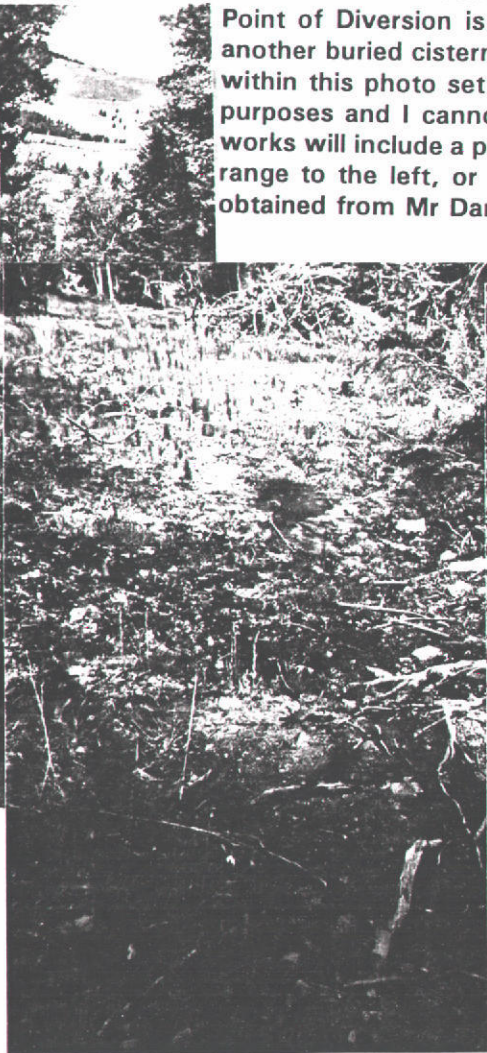
SECTION 10
NO GOVT. LOTS

MICROFILMED
SEP 25 2001

SEP 25 2001

FOR APPLICATION FOR PERMIT
DATE PHOTOS TAKEN; 06-18-96
PICTURE SET # 1

You are looking northeast on the right to west on the left across the diversion works for Mr Crane. There are two 'cisterns' buried in the spring seep area. One is visible underwater on the right on the far side of the fenceline. That Point of Diversion is on Pederson's property. That cistern is tied to another buried cistern further down hill from this point. The location is within this photo set but I did not mark the location for picture taking purposes and I cannot spot its location in the photos. The diversion works will include a pump to the place of use which is out of the picture range to the left, or southwest. The system layout information was obtained from Mr Dan Guerrerio.



PEDERSON
FENCELINE CISTERN

ALLEN
MERRITT DAN
GUERRERIO

MICROFILMED
DEC 23 1996

72 -
07541

ANDREWS (WELL)

COLE P/D (DOM)
A72-10105 (WELL)

BRYANT P/D
(DOM WELL)

GUERRERO P/D

72-04117

PEDERSON P/D

72-07425

CRANE P/D
(2)

GUERRERO P/D

72-07509

POINT OF DIVERSION COMPARISON
FOR:

TNS 13N; RING 18E; SEC 10; SE 1/4 B.M.
FOUND DURING A FIELD VISIT ON
6-18-1996 BY KKC AND ADM

CLAIM _____ INIT KKC
T. R. S. Q/Q PREP DATE 6-19-96
P/D 13N 18E 10 SE 1/4 enlarged
PHOTO SCS 241-161 150%
DT & ID 8-29-84

72-07541

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 72-07539

Priority: September 27, 1995

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 0.6 AF

It is hereby certified that MYLES COLE
292 BLUE LAKES S
TWIN FALLS ID 83301

And/Or

DALE COLE
PO BOX 821

PAUL ID 833470821 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated September 27, 1995; and has
submitted Proof of Beneficial Use on June 05, 1998. An examination indicates that the works have a
diversion capacity of 0.02 cfs of water from:

SOURCE

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>
DOMESTIC	04/01 to 10/01	0.02 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NW¼SW¼SE¼ Sec. 10, Twp 13N, Rge 18E, B.M. CUSTER County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13N	18E	10														X			

CONDITIONS OF APPROVAL

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. Domestic use is for landscape around 1 home.
3. Right 72-07509 is also diverted through the point of diversion described above.

MICROFILMED

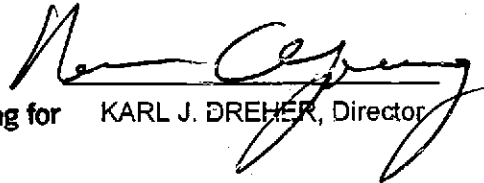
SEP 25 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 72-07539

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 26TH day of JANUARY, 2001


Acting for KARL J. DREHER, Director

MICROFILMED
SEP 25 2001

RECEIVED
JUN 05 1998
Department of Water Resources
Southern RegionFOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 5021207
Receipt By: R. SKINNER
Date Received: 6/5/98

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUN 08 1998

PROOF OF BENEFICIAL USE Department of Water Resources

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

1. Permit No. 72-07539 Telephone No. 208-438-5175
208-733-5226

2. Name(s) of Permit Holder(s): MYLES COLE AND/OR DALE COLE

3. Mailing Address: 292 BLUE LAKES SOUTH, TWIN FALLS, IDAHO 83301

4. Source of Water: SPRING If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____

a. Well Driller: _____ Drilling Permit Number: ____ - ____ - ____ - ____

b. OPTIONAL:

Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

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

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

Irrigation (No. of acres): _____ Other: IRRIGATION OF TREES

6. Total rate of diversion and/or volume for which proof is submitted: 0.02 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes ____ or No X
Has the measuring device been installed? Yes ____ or No X

Flow Measurement Port: Is a flow measurement port required? Yes ____ or No X
Has the measurement port been installed? Yes ____ or No X

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: SAME AS ABOVE Telephone Number: _____

Address: OR MARTIN COLE 208-733-3356

10. The information given on this form 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.

Signature of permit holder: [Signature]
(include your title, if on behalf of company or organization)

Date: 6/5/98

MICROFILMED
AUG 10 1998

State of Idaho
Department of Water Resources

AMENDED

Permit To Appropriate Water

AMENDED

NO. 72-07539

Proposed Priority: September 27, 1995 Maximum Diversion Rate: 0.02 CFS

This is to certify, that **MYLES COLE**
DALE COLE

292 BLUE LAKES S
TWIN FALLS ID 83301

has applied for a permit to appropriate water from:
SPRING tributary of **SINKS**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	04/01 to 10/01	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION: NWSWSE , Sec. 10, Township 13N, Range 18E
CUSTER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

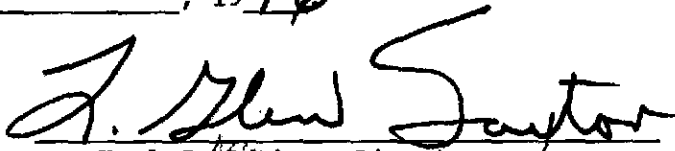
13N 18E 10 NWSE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **November 1, 1998**.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
5. The issuance of this right does not grant any right-of-way or easement across the land of another.
6. Domestic use is for landscape around 1 home.

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

24th day of October, 1996


Karl J. Dreher, Director
for

DEC 28 1996

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 72-07539

Proposed Priority: September 27, 1995 Maximum Diversion Rate: 0.04 CFS

This is to certify, that **MYLES COLE**

DALE COLE

292 BLUE LAKES S

TWIN FALLS ID 83301

has applied for a permit to appropriate water from:

SPRING

tributary of **SINKS**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

DOMESTIC	04/01 to 10/01	0.04 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NWSWSE , Sec. 10, Township 13N, Range 18E
CUSTER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

13N 18E 10

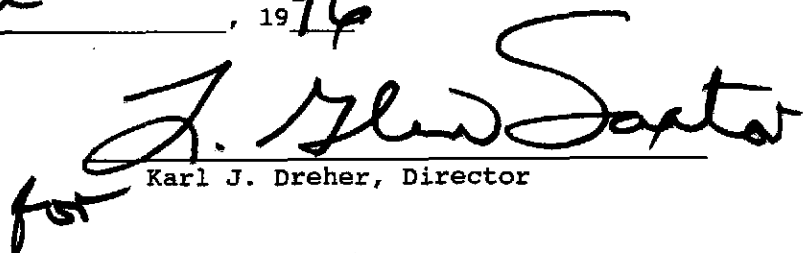
NWSE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1998.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Domestic use is for 1 home.

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

26th day of April, 1996

for 
Karl J. Dreher, Director

MICROFILMED
DEC 2 8 1996

RECEIVED

RECEIVED

APR 24 1996

Form 202
10/92

SEP 27 1995

Department of Water Resources
Southern RegionDepartment of Water Resources
STATE OF IDAHOIdent. No. 72-07539

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- Name of applicant MYLES & DALE COLE Phone (208)438-5175
(208)733-5226
Post office address 292 Blue Lakes So. Twin Falls, ID. P.O. Box 821 Paul, Id. 83347
- Source of water supply Spring (unnamed) which is a tributary of Sinks
- Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 10 Township 13N Range 18E B.M. Custer County; additional
points of diversion if any: _____
- Water will be used for the following purposes:
3-13-96
Amount 0.4 for Domestic purposes from April 1 to Oct. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.4 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 3-13-96 to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Total quantity to be appropriated is (a) 0.4 and/or (b) _____
cubic feet per second acre feet per annum
- Proposed diverting works:
 - Description of ditches, flumes, pumps, headgates, etc. Holding Pond,
Metal & Plastic Pipe----With shut off valve.
 - Height of storage dam 8' feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
October to April inclusive.
 - Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - Is ground water with a temperature of greater than 85°F being sought? no
 - If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____
- Time required for the completion of the works and application of the water to be proposed beneficial use is
2 yrs. years (minimum 1 year).

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DEC 23 1995

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. one
- e. Other; describe fully. domestic-shrubs-trees-garden-animals-poultry

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use 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	
13N	9E	10								<u>8 1/2</u>	<u>12 1/2</u>				<u>4</u>				
13N	18E	10								<u>8</u>					<u>D</u>				

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. Drilled Well

11. a. Who owns the property at the point of diversion? U.S.

b. Who owns the land to be irrigated or place of use? Myles Cole & Dale Cole

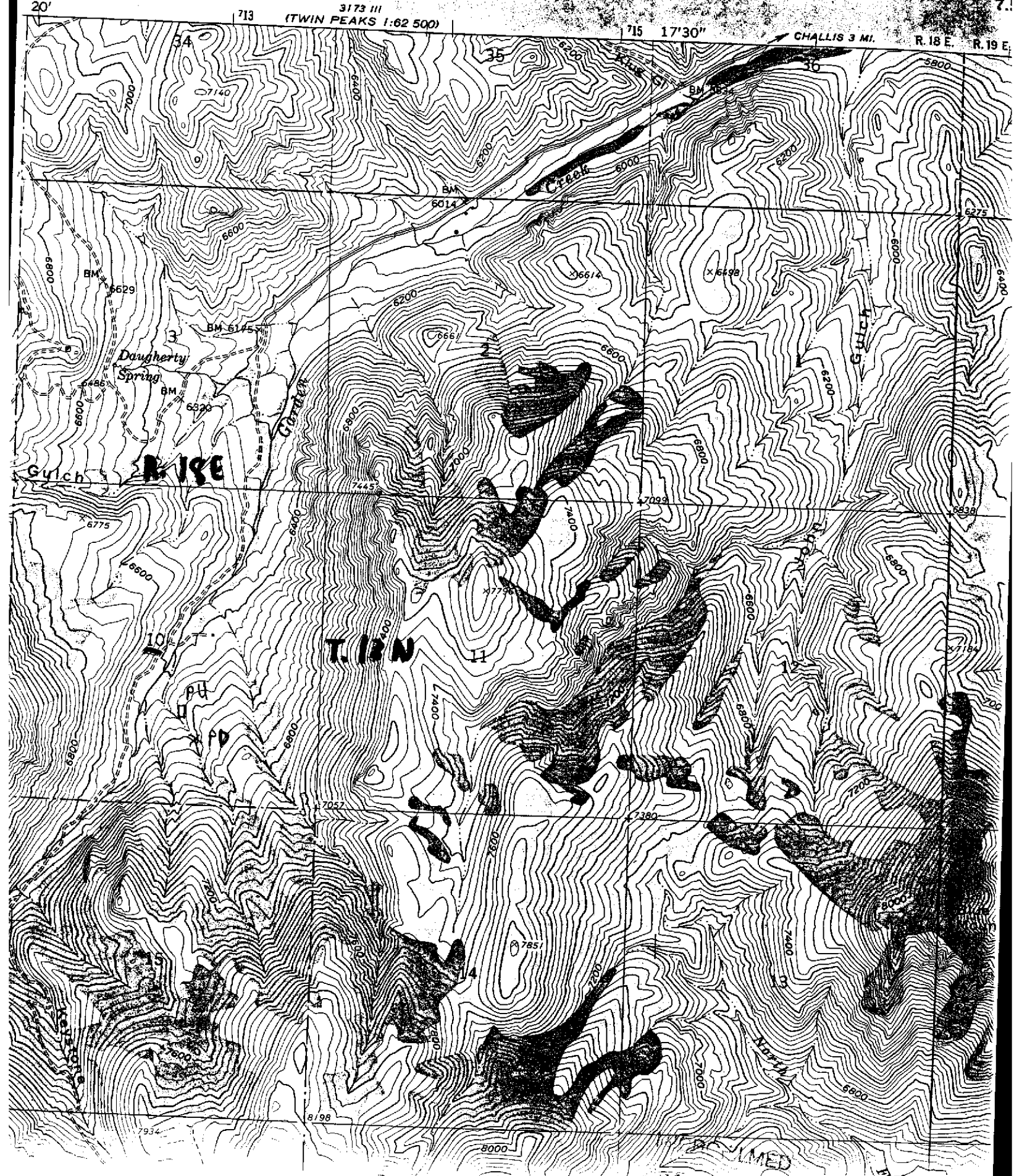
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

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DEC 23 1956

715 17'30" CHALLIS 3 MI. R. 18 E. R. 19 E.



72-1537539
 MED
 DEC 72 1968

A large grid of 15 columns and 20 rows, with a 'MICROFILMED' stamp in the bottom right corner. The grid is composed of thin black lines forming a series of small squares. The stamp is located in the bottom right corner, with the word 'MICROFILMED' in a bold, sans-serif font, and the word 'REEL' in a smaller font below it. The stamp is slightly tilted to the right.

MICROFILMED
DEC 23 1956

Application for permit to appropriate the public waters of


(Applicant)

Received by J. E. Stanton Date 9-27-95 Time 5 pm Preliminary check by GS
Fee \$ 50.00 Received by JA # 5018520 Date 9-27-95
Publication prepared by MB Date 3/21/96 Published in Challis Messenger
Publication approved MB Date 4/15/96

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. 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:

MICROFILMED

DEC 23 1995



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

January 30, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MYLES COLE
DALE COLE
PO BOX 821
PAUL ID 833470821

RE: License No. 72-7539 - 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.

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:KLT
Enclosure(s)

MICROFILMED

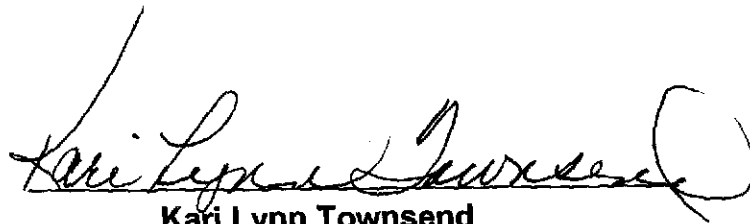
SEP 25 2001

CERTIFICATE OF MAILING

I hereby certify that on January 30, 2001 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. 72-7539

**MYLES COLE
DALE COLE
292 BLUE LAKES S
TWIN FALLS ID 83301**


**Kari Lynn Townsend
Secretary**

MICROFILMED

SEP 25 2001

**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 25 2001

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.

LICENSE REVIEW CHECKLIST

Permit No. 72-7539

Date: 1-22-01

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): pld OK w/ 72-07509

File reviewed _____ Profile reports printed _____

plu OK w/ well - no problem

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

Rate of Diversion:

Permitted rate 0.02 cfs

Fee Limit 0.02 cfs

Measured 0.02 cfs

Theoretical _____ cfs

Recommended Total Diversion Rate 0.02

Water Uses OK

Change (P46)

Season of Use per new Standards

N/A

Irrigation _____ cfs _____ af

Stockwater _____ cfs _____ af

Domestic 0.02 cfs 0.02 af

_____ cfs _____ af

_____ cfs _____ af

Total 0.02 cfs 0.02 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 (081/R07)~~

~~Payette - (W22/047/27A)~~

~~Stockwater for US (R37)~~

Volume Determination

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

Remarks:

W36(72-7509)

Additional Conditions

☒ Watermaster Control

☒ GW Measurement/Measuring Device

☒ Other

☒ Trust (052/R55 - remove 051)

☒ Non-trust (048/049)

GW Dist? ☒

Water Msmt. Dist? ☒

Crit. GWMA? ☒

GWMA? ☒

Government Lots? NO

Advance Priority? ☒ yes

☒ no

If yes, explain why below.

SRBA Claim?

Not req'd

Adjust memo _____

Amend Letters

P87, S06

Second Amendment Notice

S06

Idaho Department of Water Resources

Place of Use 1/4 1/4 Comparison Report

T13N R18E S10			NE				NW				SW				SE				Total
Type	WR- Number	Source	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Right	72-7539	SPRING													X				0
Rec	72-4117	SPRINGS			X														0
Right	72-7425	SPRING													X				0
Right	72-10105	GROUND WATER													X				0
Rec	72-10106	SPRING													X				0
Rec	72-10380			X															0
Right	72-10445	GROUND WATER													X				0
Rec	72-10680	DAUGHERTY SPRING 2						X											0
Right	72-11761	SPRING													X				0
Rec	72-16571	SPRING		X															0
Rec	72-16572	GARDEN CREEK	X																0
Right	72-7509	SPRING				10													10
Rec	72-4117	SPRINGS				25													25

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SEP 25 2001

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE								NW								SW								SE								SUM
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
7207539	T13N R18E S10 SPRING	:								:								:								:								:
7204117	SPRINGS	:				25		:		:								:								:								25
A7204117	SPRINGS	:				30		:		:								:								:								30
7207509	SPRING	:				10		:		:								:								:								10
7207542	GROUNDWATE	:						:		:				02				:								:			02					4

diff
source

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 21 1999

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 72-07539

1. Owner: MYLES AND/OR DALE COLE Phone No. (208) 733-5226 (MYLES)
438-5175 (DALE)

Current Address: 292 BLUE LAKES S. TWIN FALLS, ID 83301
PO BOX 231, TWIN FALLS, ID

2. Accompanied by: MYLES COLE EXAM DATE: 7/14/1998

Address: SAME Phone No. SAME

Relationship to Permit Holder: SAME

3. Source: SPRING tributary to SINKS

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 72-10105

2. Other water rights with the same point of diversion: 72-07509

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	SW	SE	10	13N	18E	CLUSTER	ORTHO PHOTO QUAD, 615

2. Place(s) of Use:

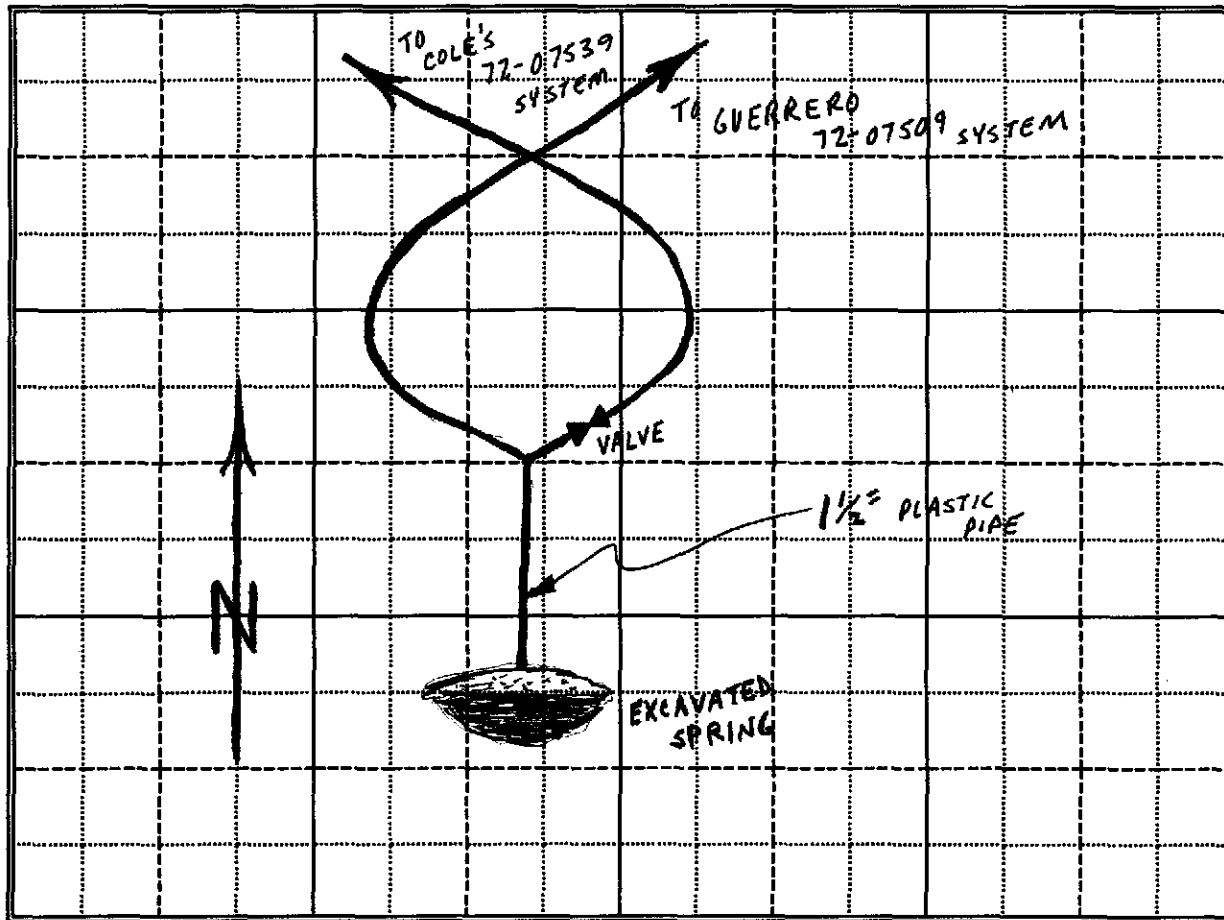
Indicate Method of Determination ORTHO PHOTO QUAD, 615

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	18E	10														D*			

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SEP 25 2001

* NOTE DOMESTIC USE CONSISTS OF IRRIGATION AROUND ONE HOME

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



Scale: $\Gamma =$ NONE

☒ ORTHO PHOTO
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. NONE - GRAVITY PIPELINE SYSTEM

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

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SEP 25 1981

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
BUCKET AND WATCH						

2. Measurements: $10\text{ L in } 20\text{ seconds} \Rightarrow 7.95\text{ gpm} \Rightarrow 0.018\text{ cfs}$
 $10\text{ L in } 15\text{ seconds} \Rightarrow 10.6\text{ gpm} \Rightarrow 0.024\text{ cfs}$

E. NARRATIVE/REMARKS/COMMENTS

POINT OF DIVERSION WAS IDENTIFIED WITH GPS SITE TAG # A0003056 PRIOR TO THE FIELD EXAM FOR THIS PERMIT. DIVERSION WORKS CONSIST OF AN EXCAVATED SPRING WITH A $1\frac{1}{2}$ " PLASTIC PIPELINE FROM SPRING TO PLACE OF USE. THE PLASTIC PIPELINE IS APPROXIMATELY 300 TO 350 FEET LONG. DAN GUERRERO SHARES THE POINT OF DIVERSION, AND THE FIRST FEW FEET OF THE PLASTIC PIPELINE. THE PIPELINE IS THEN VALUED AND FORKS INTO TWO SEPERATE PIPELINES WITH ONE SYSTEM LEADING TO GUERRERO'S PLACE OF USE (COVERED BY ~~PERMIT~~ LICENSE 72-07509) AND THE OTHER PIPELINE CONVEYS WATER TO COLE'S PLACE OF USE (COVERED UNDER THIS PERMIT). THE FLOW RATE THROUGH COLE'S SYSTEM WAS MEASURED WITH A BUCKET AND A STOPWATCH. THE PLACE OF USE CONSISTS OF LANDSCAPING AROUND THE COLE HOME. THE LANDSCAPING CONSISTS OF 32 PLANTED TREES AND A FEW NATURAL TREES LOCATED ON THE LOT. A GARDEN HOSE IS UTILIZED TO CONVEY WATER FROM THE END OF THE PLASTIC PIPELINE TO THE TREES. DECREED WATER RIGHT 72-10105 (GROUNDWATER) OVERLAPS PLACE OF USE.

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

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SEP 25 2001

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

10 Liters in 20 seconds $\Rightarrow$ 7.95 gpm $\Rightarrow$ 0.018 cfs

10 Liters in 15 seconds $\Rightarrow$ 10.6 gpm $\Rightarrow$ 0.024 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: ASSUME: 20 ft² of irrigation per tree (235 trees) $\Rightarrow$ 700 ft² $\Rightarrow$ 0.016 acre

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (0.016)(3.5 \text{ AFA}) = 0.056 \text{ acre-feet/year}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.02)(184)(1.9835) = 7.3 \text{ acre-feet/year}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 0.056 \text{ AFA}$$

2. Volume Calculations for Other Uses:

DEPARTMENT STANDARD FOR "DOMESTIC" IRRIGATION = 0.6 AFA

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Period of Use

Rate of Diversion
Q (cfs)

Annual Volume
V (afa)

DOMESTIC

From
04/01

To
10/01

0.02 cfs

0.6 AFA

Totals:

0.02 cfs

0.6 AFA

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

Date 8/12/1999

Reviewer

Date

SEAL

MICROFILMED

SEP 25 2001

CLAIM # MULTIPLE USERS AND RIGHTS NEAR GARDEN CREEK
 PRIMARILY PICTURED, TNS 13N; RING 18E; SEC 10; B.M.
 DATE PHOTOS TAKEN: 06-18-96 BY KKC
 PICTURE SET #

You are looking east on the right to north on the left. The photo set was taken to capture the location of various property/claimant locations within this area.



GUERRERO GUERRERO P/D PEDERSON GUERRERO P/D PEDERSON P/D CRANE BRYANT GUERRERO P/D
 P/U A72-04117 P/U A72-04117 P/D (2) P/U P/D 72-07809

SAME PD AS 72-07539 IS.

SKI SLOPE
 Tow Rope

ANDREWS
 P/D P/U

COLE P/D P/U
 A72-10105 GW

SAME PD AS 72-07539

IS.

MICROFILMED
 SEP 25 2001



MICROFILMEDTM FOR 72-07539 (COLE)

SEP 25 2001

P. SKINNER

MICROFILMED
SEP 25 2001

FIELD EXAM FOR
72-07539
P. SKINNER

FIELD EXAM FOR 72-07539 (OLE)
T13N, R18E SECTION 10
BAYHORSE QVAD (U24) / SKINNER
2001



T13N
R18E

1/8/81
E 1/4

Garden
Creek

SQUICK
TRAIL

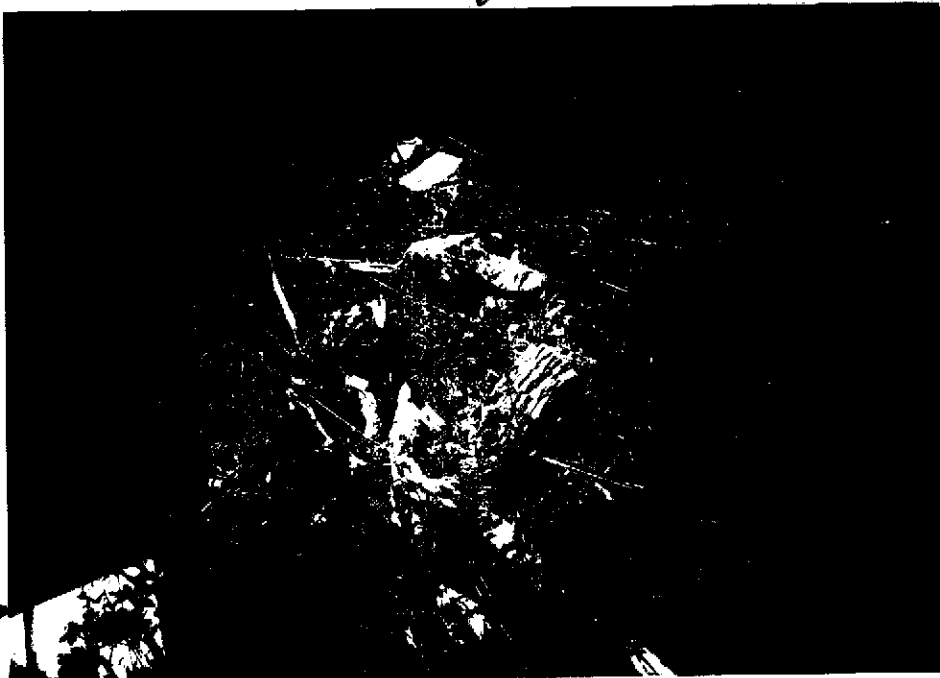
JEEP
TRAIL

NF

15

2

GPS SITE #A0056
TAG ON
THIS TREE



EXCAVATED
SPRING



PIPELINE



ABOVE: VIEW OF POINT OF DIVERSION

BELOW: VIEW FURTHER DOWN (TO THE NORTH) PIPELINE
TO PLACE OF USE. THE PIPE FORKS, AND THE RIGHT (EAST)
FORK GOES TO THE COLE (72-07539) PLACE OF USE.



TO GUERRERO



TO COLE



↑
PIPELINE
FROM
SPRING

MICROFILMED
SEP 25 2001

PHOTOS FOR 72-07539
FIELD EXAM

C. SKINNER



ABOVE: VIEW OF MEASUREMENT POINT AT
PLACE OF USE. ARROW POINTS TO CHICKEN WIRE
AND LATH, USED TO PROTECT TREE. NOTE NUMEROUS
WIRE TREE PROTECTORS VISIBLE IN BACKGROUND.
THESE TREES ARE IRRIGATED BY THE 72-07539 SYSTEM.

BELOW: VIEW OF PLACE OF USE, LOCATED APPROXIMATELY 300 TO 350
FEET DOWNHILL FROM THE POINT OF DIVERSION.



PHOTO FILMED
SEP 25 2001

PHOTOS FOR 72-07539
FIELD EXAM
J. SKINNER

NO GOVT. LOTS

MICROFILMED
SEP 25 2001

SEP 25 2001

S1
4/92

IDAHO DEPARTMENT OF WATER RESOURCES

STAFF ANALYSIS SHEET FOR BENEFICIAL USE FIELD EXAMS:

PERMIT NO.

72-07539

A. Items To Be Placed In Exam File (Items A & B to be Completed by Compiler)

- (☒) Blank Field Report & Notice of Completed Exam
- (☐) Copy of App. for Permit, Approved Permit, Amendments, Orders, Assignments, Proof of Beneficial Use, SRBA Claim (Claim Filed? ☐ Required? ☐)
- (☐) Well Inspection Form, Dairy Water-Use Worksheet (if applicable)
- (☐) Well Log(s) & Groundwater Measurement Analysis Form (if applicable)
- (☒) Copy of Orthophotoquad Map
- (☐) 660-Scale Aerial Photo (Examiner Will Obtain If Applicable)
- (☒) Government Lot Plats (If Applicable)

B.1. P/D Overlap - Yes or No? If Yes, Include Copy of Overlapping Rights & Claims

- If Yes, Type of Overlap: (☐) Add Acres or Uses to Existing System
(☐) Increase Rate of Flow or Volume

B.2. P/U Overlap - Yes or No? If Yes, Include Copies of Overlapping Rights & Claims

- If Yes, Type of Overlap: (☐) Increase Rate of Flow or Volume
(☐) Add Supplemental Water Source
(☐) Increase Acres Within Tracts

C. Field Exam Appointment Made:

Date 7/14/1998

Time NOONISH

Place @ SITE

Contact Person & Phone MYLES COLE

D. Post-Exam Review & Processing

Exam Completed 7/14/1998

Notice of Completion Turned In

Field Report Completed 8/12/1999

[Signature] 8/12/1999
Signature of Examiner & Date

Field Report Reviewed by Sr. Agent _____ (Initial & Date)

Field Report Reviewed by Region Mgr. ADm 12/17/95 (Initial & Date)

Field Report Sent to S.O. _____ Region Card File Updated _____



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 10, 1998

Myles Cole
Dale Cole
292 Blue Lakes S
Twin Falls ID 83301

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 72-07539

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.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the department's SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
AUG 10 1998

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 72-01539 Reviewed by Jay Date 7-9-98

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? dom.
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source
 Ground water source
 Drilling permit required?
 Copy in the file? Drilling Permit No.
 Amount paid for permit Correct?
 Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50- Amount Submitted
yes Correct?
NO Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u>
Date proof due	<u> </u>	<u> </u>
No. of days late	<u> </u>	<u> </u>
Priority Date	<u> </u>	<u> </u>
New Priority Date	<u> </u>	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X Proof Made 6-5-98



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

October 25, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MYLES COLE AND DALE COLE
292 BLUE LAKES S
TWIN FALLS ID 83301

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 72-07539

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "Conditions of Approval and Remarks" listing on the permit.

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

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

Also, 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 to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify 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 to obtain the proper reporting form.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosures

MICROFILMED

DEC 29 1996

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 72-7539 Name: Cole Date: 10/18/96 Ad OK? ☒ Gvmt Lts: ☒

AREA OF CONCERN? ^{Source} ~~refused~~ No/Yes slc Mor _____ GWMA Trust/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)

SYSTEM COMPLETED:

Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065(if GW use SW 1st)

DRILLING PERMIT:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):

~~WATER District (dem)~~ - ~~005~~ (req) WD # 72B <SEE MAP & LISTING>
+ 0.2 cfs - 01J(meas dev)-P08
~~0.2 cfs~~ - ~~01J(meas dev)-P08~~ or ~~NO MD~~
~~0.2 cfs~~ - 01M or No MD (in-stream)
~~0.2 cfs~~ - ~~NO MD~~ NO MD.
=/+ 5 a. irr. - 01M

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9- Weiser), NA
Boise River (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette River (65) - 064(regulated uses), 047-P04(Payette Lake), NA

USE:

Domestic (surface) - *WB5(Boise R - Star Bridge); 27A(Payette R); NA
Fish Propagation - 07A-042(req)-010/06A/09E(WQ)-P10;044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-028-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09
Storage(✓3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), W07

LOCATION:

42-248 area - In 20/30/40/50/60/70/80 (87) basin? P84
Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - _____ <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-owner

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- 004 (PD/PU) USE S
- _____
- 11-1-1998
- Issue Amended Permit

FROM: Allen Merritt *AM*

DATE: October 11, 1996

TO: Application No. 72-07539

In the Name of: Myles Cole &/or Dale Cole

SUBJECT: Review and Recommendation

This application was initially processed earlier this year and inadvertently approved. The application was timely protested by Dan Guerrero. The first approval of the application was set aside by interlocutory order dated 4/30/96. On 6/18/96 I conducted a prehearing conference into the matter of protest. At the conference the parties agreed to work out a solution between them. On this day our office has received an agreement executed by the applicant and the protestant. We also received a written withdrawal of protest.

RECOMMENDATION

I recommend that the application be approved subject to the following limitations and conditions:

- The rate of diversion be reduced to 0.02 cfs (that of a garden hose).
- The permit is subject to the agreement between applicant and protestant.
- Conditions 1 through 4 of set aside permit.
- The domestic use is for water of landscape around 1 house.

MICROFILMED

DEC 23 1996

Call, Myles for date

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 24 1996

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY G. GATTERLEE
APPLICATION NO. 72-07539

DATE ^{15 GLS} March, 1996

Department of Water Resources

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.)
☒ County
☒ Quantity (flow &/or volume)
☒ Period of use
☒ Nature of proposed use (include description of use)
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt
- ++++PROPOSED PRIORITY DATE
SEPTEMBER 27 19, 95

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back.
☒ Overlapping point of diversion.
☒ Yes ☐ No Field check required
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical Ground water area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send Dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit.
☐ Yes ☒ No Power efficiency form
☐ Yes ☒ No Within trustwater boundary(If yes, attach trustwater supplementary analysis sheet.
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.
- In Salmon River
Municipium but
process since domestic
of source silks,
per ADM*

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEE BACK

Date Requested _____, 19____

PROCESSING Yes No In form for Advertising
Yes ☒ No Statewide Advertising
☒ Yes No Fee amount, receipt date & No. recorded on app.

SEND COPIES TO: Idaho Dept of Health & Welfare
Idaho Dept of Fish & Game
Idaho Dept of Lands
Adjudication Bureau Unit

☒ USDI BLM
USFS
Water Dist.
Other

SALMON-ELM

72F NOT ACTIVE in 1995
72B

FINAL REGIONAL PROCESSING REVIEW

☒ Yes No Affidavit of publication received.
☒ Yes No Application published correctly. If not, record action taken.

☒ Yes No Publication dates and paper, recorded on App.
Yes ☒ No Protests received
Final date for Protest

N/A Yes No Protests, dates, resolution of protest, recorded on app.
Yes ☒ No Recommendations attached
Yes ☒ No Measuring device required
Yes ☒ No Access port required

? Yes No Will water be delivered by watermaster? If yes, what dist. 72B
☒ Yes No Special conditions of approval or cover letter below.

Should be under his control.
005 - 72B 004 (Prior to development 2 R/W or special use permit must be obtained from BLM)

See below for additional information
Date of priority recommended 9/27, 1995
By ADW Date 4/23, 1996

STATE OFFICE REVIEW

See below for additional information
By Date, 19

ADDITIONAL INFORMATION:

OVERLAP POINT OF DIVERSION: 72-07509

↓ PLACE OF USE : A72-10105-GROUNDWATER

OR SPECIAL USE

⊗ IT APPEARS THE COLE'S NEED TO OBTAIN A R/W PERMIT



IN QUESTION 11. THE APPLICANT DESIGNATED THE U.S. AS THE OWNER OF THE PROPERTY AT THE POINT OF DIVERSION. THE INSTRUCTIONS REGARDING FILING AN APPLICATION FOR PERMIT READ AS FOLLOWS, "...EVIDENCE THAT AN APPLICATION HAS BEEN FILED WITH THE FEDERAL GOVERNMENT FOR A RIGHT OF WAY OR SPECIAL USE PERMIT".

LOCAL PUBLIC INTEREST

Comments recieved from:

_____ City	_____ Idaho Fish & Game	_____ Irrigation Dist.
_____ County	_____ Idaho Health & welfare	_____ Canal Company
_____ Reservations	_____ Div. of Enviromental Quality	_____ Other _____

PROJECT IMPACTS/IMPLICATIONS REPORT

COMMENTS:

_____ DATE _____, 19____



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE
TWIN FALLS ID 83301
(208) 736-3033

GOVERNOR

KARL J DREHER
DIRECTOR

October 11, 1996

D C GUERRERO
GARDEN CREEK RANCH
PO BOX 248
CHALLIS ID 83226

RE: Application for Permit No. 72-07539 (COLE, Myles & Dale)

Dear Mr. Guerrero:

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

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

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

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

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

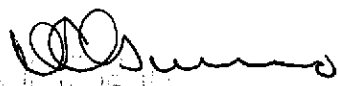
AM:MB

cc: Dale Cole

MICROFILMED
DEC 23 1996

10-8-96

I, D.C. GUERRERO
D.B.A. GARDEN CREEK RANCH
DO, HEREBY, WITHDRAW
MY PROTEST OF WATER
PERMIT # 72-07539, SUBJECT
TO THE (4) FOUR CONDITIONS
STATED ON THE AGREEMENT
BETWEEN THE PARTIES.


D.C. GUERRERO

OCT 11 1996

Department of Water Resources
Southern Region

MICROFILMED

DEC 23 1996

RECEIVED

RECEIVED

OCT 11 1996

AUG 08 1996

August 8th, 1996.

Department of Water Resources
Southern Region

Department of Water Resources
Southern Region

The Parties of Dale E. Cole and Dan Guerrero met on June 18th at the Custer County Courthouse. This meeting took place with members from the Idaho Department of Water Resources to discuss Permit to Appropriate Water number 72-07539.

At this meeting agreement between the parties was reached as follows:

- 1.) Mr. Cole's primary use of the water would be to water trees and shrubs during the summer months.
- 2.) A pipe would be installed and the discharge diameter would be 3/4 of an inch. (i.e. garden hose size).
- 3.) Permit number 72-07539 would be subject to all prior water rights.
- 4.) Mr. Guerrero would provide a written withdrawal of protest.

Dale E. Cole

Dale E. Cole

Dan Guerrero

Dan Guerrero

CC. DALE COLE

UNRECORDED

DEC 23 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

August 9, 1996

Dan C. Guerrero
Garden Creek Ranch
PO Box 248
Challis, ID 83226

RE: Application for Permit 72-07541- in the name of
Myles & Dale Cole

07539

Dear Mr. Guerrero:

Our office recently received the enclosed agreement executed by Dale Cole which appears to be an effort to resolve your protest of the above referenced application. It is my recollection of the June 18th prehearing conference that you and the Coles were going to work on such an agreement.

I am forwarding the agreement to you for your review since it does not appear you have signed it. Please understand that the department's involvement is neutral with regards to the agreement. If it is not acceptable to you I suggest that you negotiate further with the Coles.

Once both you and the Coles have agreed to something please send the signed agreement to our office. Please note that any agreement must include or be accompanied with a statement signed by you that you withdraw your protest.

If you have questions please feel free to contact our office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

CC: Dale Cole

MICROFILMED

DEC 23 1996

RECEIVED

AUG 6 1996

August 8th, 1996.

Department of Water Resources
Southern Region

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- 3.) Permit number 72-07539 would be subject to all prior water rights.
- 4.) Mr. Guerrero would provide a written withdrawal of protest.

COPY

Dale E. Cole

Dale E. Cole

Dan Guerrero

MICROFILMED
DEC 23 1996

Dale E. Cole

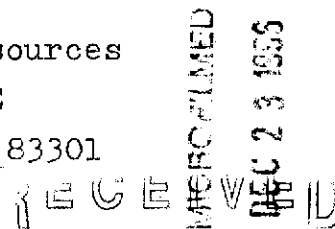
P.O. Box 821

Paul, Idaho 83347-0821



Dept. of Water Resources
222 Shoshone St. E
Twin Falls, Idaho 83301

Attention: Kelly Christensen



AUG 09 1996

Department of Water Resources
Southern Region

MEMORANDUM

TO: Earl Crane Application for Permit File
FROM: Corey Skinner *CS*
DATE: June 24, 1996
SUBJECT: Staff Review

The enclosed application for permit, filed by Earl Crane, seeks to develop a small spring in a drainage above Garden Creek west of Challis. The spring development is to supply domestic water to two nearby cabins. Allen Merritt and Kelly Christensen visited the property involved with the enclosed application on June 18th.

Mr. Christensen confirmed the location of the spring and took the attached photographs during the June 18th site visit. There are no overlap problems with this particular application, but several other small water developments exist in the surrounding area.

MICROFILMED
DEC 2 9 1996

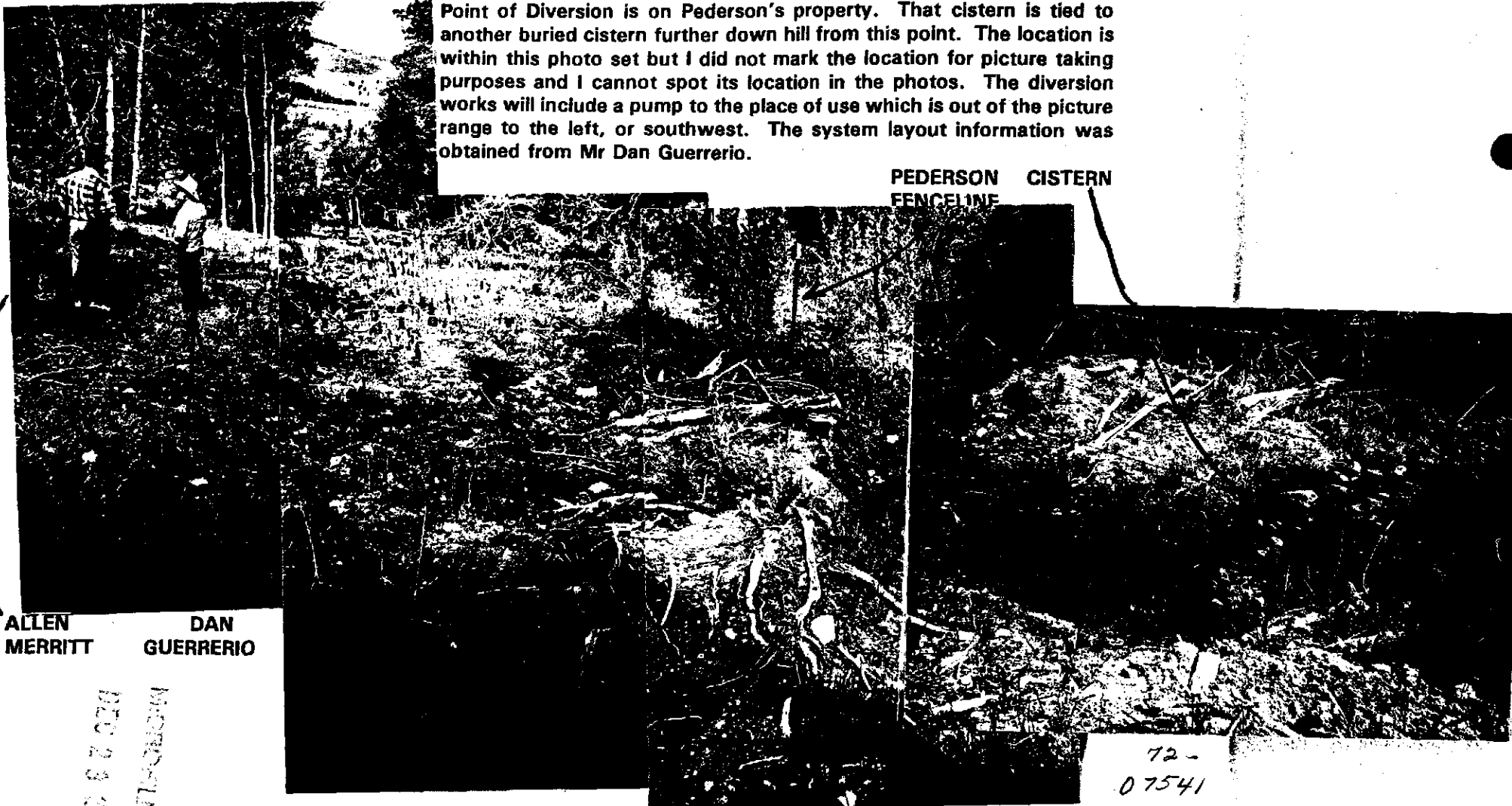
Earl Crane
72-07541

FOR APPLICATION FOR PERMIT
DATE PHOTOS TAKEN; 06-18-96
PICTURE SET # 1

You are looking northeast on the right to west on the left across the diversion works for Mr Crane. There are two 'cisterns' buried in the spring seep area. One is visible underwater on the right on the far side of the fenceline. That

Point of Diversion is on Pederson's property. That cistern is tied to another buried cistern further down hill from this point. The location is within this photo set but I did not mark the location for picture taking purposes and I cannot spot its location in the photos. The diversion works will include a pump to the place of use which is out of the picture range to the left, or southwest. The system layout information was obtained from Mr Dan Guerrero.

PEDERSON CISTERN
FENCELINE



ALLEN MERRITT DAN GUERRERIO

RECORDED
DEC 23 1996

ANDREWS (WELL)

COLE P/D (DOM)
A72-10105 (WELL)

BRYANT P/D
(DOM WELL)

GUERRERO P/D

72-04117

PEDERSON P/D
72-07425

CRANE P/D
(2)

GUERRERO P/D
72-07509

POINT OF DIVERSION COMPARISON
FOR:

TNS 13N; RNG 18E; SEC 10; SE 1/4 B.M.
FOUND DURING A FIELD VISIT ON
6-18-1996 BY KKC AND ADM

CLAIM	INIT	KKC
T. R. S. O/Q PREP DATE	6-19-96	
P/D	13N 18E 10 SE 1/4	enlarged
PHOTO	SCS 241-161	150%
DT & ID	8-29-84	

72-07541

FROM: Allen Merritt

DATE: June 21, 1996

TO: File 72-07539

SUBJECT: Pre-hearing Conference and field inspection

On 6/18/96 I conducted a conference with the applicant and the protestant. Kelly Christensen assisted since he had done the AJ reviews in the area. Also a Cathy Andrews showed up at the conference since she lives in the area. The attached sign-up sheet documents who was at the conference.

We discussed the various issues involved in the development and the issues of protest. The Coles had purchased the property in 1989 from Barbara Metz. She had filed an application (72-07277) to use the spring but never proved up on it so it lapsed. She also drilled a well. When SRBA claims were filed Mr. Cole filed one for the well (A72-10105) and one for the spring (A72-10106), both based on beneficial use.

****Note that Claim A72-10106 should be recommended to be disallowed.**

Mr. Guerrero the protestant has developed under permit 72-07509 the use of the same spring source. A plastic pipe diverts from an earthen catch basin and delivers the water to the P/U. The pipeline is run down an old ditch that had diverted water from the same spring source but had not been used for years. Guerrero's permit re-established the water right to divert this spring source.

After discussion it was found that the Guerrero's use may injure the Cole's prior well use so the protestant and applicant agreed to work together to draft an agreement so that Cole could water some trees via drip system from the spring source, thus avoiding further litigation.

After the conference we viewed the site and were also shown the area on the other side of the ski hill where Crane (Applic. not yet numbered) and Pederson (72-07425) were developing other springs that Cole relies on for irrigation (72-04117). (72-7541)

I will hold this application until agreement provided resolving protest.

MICROFILMED
DEC 23 1996

FILE PROGRESS SUMMARY

APPLICANT: COLE, Myles

WATER RIGHT NO. 72-07539

[illegible]

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 72-07539

MYLES COLE, DALE COLE,
Applicants

DAN C. GUERRERO, Protestant

NOTICE OF
PRE-HEARING CONFERENCE

SOURCE: Spring
Tributary to Sinks
COUNTY: Custer

On September 27, 1995, applicant, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The Department has received a protest against the approval of said application from the above captioned protestant.

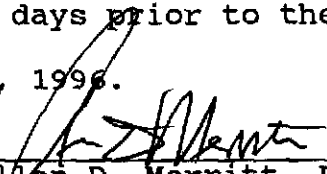
The Department has set the matter of protest for conference on Monday, June 17, 1996 at 10:00 a.m. in the Commissioners Room, Custer County Courthouse; Challis, ID.

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with Chapter 2, Title 42, of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources.

If you require special accommodations for accessibility in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 30th day of May, 1996.


Allen D. Merritt, P.E.
Regional Manager

MICROFILMED
DEC 23 1993

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of May, 1996, a true and correct copy of the foregoing Notice of Pre-Hearing Conference was forwarded with all required charges prepared, by the method(s) indicated below, to the parties listed:

Mary Baldwin
Secretary

MYLES COLE
292 BLUE LAKES S
TWIN FALLS ID 83301

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

DALE COLE
PO BOX 821
PAUL ID 83347

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

DAN C GUERRERO
GARDEN CREEK RANCH
PO BOX 248
CHALLIS ID 83226

Hand delivered _____
U.S. Mail-Regular x
U.S. Mail-Certified _____
Fax _____

MICROFILMED
DEC 23 1996

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
6. Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria. The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. The department may issue a "pre-conference statement order" which requires response to the inquiries.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape. The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director. Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer. As part of the conference a date may be set by which exchange of exhibits and witness lists must occur.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing party.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within (10) days prior to the hearing.

MICROFILMED
DEC 28 1985



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

May 30, 1996

ATTN ETHEL
CUSTER COUNTY COURTHOUSE
PO BOX 160
CHALLIS ID 83226

Dear Ethel:

This is a follow-up to our telephone conversation on this date to confirm the reservation of the Commissioners Room for a meeting to be held by this office on Monday, June 17, 1996 from 10:00 a.m.- 12:00 p.m.

If you have any questions please feel free to contact me or Allen Merritt, Southern Regional Office Manager.

Thank you very much for your assistance in this matter.

Very truly yours,

Mary Baldwin
Senior Secretary

MICROFILMED

JUN 23 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

May 22, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

MYLES COLE
292 BLUE LAKES S
TWIN FALLS ID 83301

DALE COLE
PO BOX 821
PAUL ID 83347

RE: APPLICATION FOR PERMIT NO. 72-07539

Dear Applicant:

Enclosed is a copy of a protest filed against the above referenced application.

The Department suggests you contact the protestant directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

RECEIVED
MAY 23 1996

CONFERENCE AND HEARING PROCEDURE

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144-0000-0000

APR 26 1985



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

May 22, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

DAN C GUERRERO
GARDEN CREEK RANCH
PO BOX 248
CHALLIS ID 83226

RE: APPLICATION FOR PERMIT NO. 72-07539

Dear Mr. Guerrero:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

RECEIVED

JUL 2 1996

RECEIVED

APR 19 1996

PROTEST

Department of Water Resources

TO: Karl J. Dreher, Director
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

RECEIVED

APR 25 1996

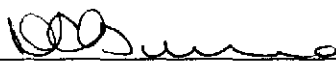
Department of Water Resources
Southern Region

The undersigned hereby protests that certain Application for Water Permit filed by Myles and/or Dale Cole, 292 Blue Lakes South, Twin Falls, Idaho 83301. Such application is published as #72-07539 with your Department and seeks a permit upon an unnamed spring with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Township 13 North, Range 18 East, Boise Meridian, Custer County, Idaho, and indicates a filing date of 09/27/95.

The reasons for this protest are:

1. Protestant holds an earlier and prior water right and permit to such spring and the flow therefrom.
2. There is not an adequate flow to fulfill the permitted flow of the prior right.
3. Any new or attempted diversion will interfere with and diminish the flow available for Protestant.
4. That Protestant has expended considerable money and labor in perfecting his beneficial use and that a new diversion will only serve to restrict or prohibit the use of the prior right without prospects of benefit to the above named applicant.
5. Enclosed is the statutory filing fee of \$25.00.

Dated: 4-17-96


Dan C. Guerrero, Protestant
P. O. Box 248
Challis, Idaho 83226-0248

MICROFILMED
DEC 23 1995

Receipt # C035359
4/19/96
JW

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of this Protest was, on this 17th day of April, mailed by regular mail, posted at Challis, Idaho, with postage pre-paid, to the following party at the address noted:

Myles and/or Dale Cole
292 Blue Lakes South
Twin Falls, Idaho 83301



Dan C. Guerrero

MICROFILMED
DEC 23 1983

GUERRERO
PO BOX 248
CHALLIS ID

CERTIFIED

P 251 822 460

MAIL
RETURN RECEIPT
REQUESTED

KARL J DREHER DIRECTOR
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 NORTH ORCHARD STREET
STATEHOUSE MAIL
BOISE ID 83720-9000



0000

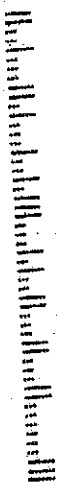


83729

MICROFILMED
DEC 28 1971

U.S. POSTAGE
PAID
CHALLIS ID
83226
GPH 17-06
AMOUNT

\$2.52
00059313-01





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

April 30, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MYLES COLE
DALE COLE
292 BLUE LAKES S
TWIN FALLS ID 83301

RE: PERMIT NO. 72-07539

Dear Applicants:

Enclosed is an Interlocutory Order which "sets aside" the approval of permit no. 72-07539 until the matter of the protest is resolved.

If you have any questions, you may contact me directly at (208) 327-7947.

Respectfully,

A handwritten signature in dark ink, appearing to be 'Jim Johnson', is written over a horizontal line. Below the signature, the text 'Jim Johnson, Manager Water Permits Section' is printed.

Jim Johnson, Manager
Water Permits Section

JJ:rl

MICROFILMED

DEC 23 1996

M E M O R A N D U M

DATE: April 29, 1996

TO: File 72-07539

FROM: Shelley W. Keen

RE: Protest filed

Today Mary Baldwin of Southern Region called to inform us that a timely protest against 72-07539 had been filed. Later I spoke with Dale Cole to to inform him that the Department will be issuing an order to set aside their approval so that we can comply with the statutory process for resolving a protest.

I also called Mary Baldwin to ask her to fax a copy of the protest to me.

MICROFILMED

DEC 2 4 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 26, 1996

MYLES COLE
DALE COLE
292 BLUE LAKES S
TWIN FALLS ID 83301

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 72-07539

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

RECORDED
DEC 12 1996

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW**
by Cindy Zimmerman

No.: 72-7539 Name: Cole Date: 4/26/96 Ad OK? ✓
Correct Fee? ✓ Receipt #: 5018526 Priority: 9/27/95 ✓ Gvmt Lts: ✓

AREA OF CONCERN? spr/sinks - No/Yes S/C Mor GWMA Trust/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)

SYSTEM COMPLETED:

Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

~~GROUNDWATER~~: <✓ FLO-CH>

+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065(if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):

Water District (dem) - 005 (req) WD # _____ <SEE MAP & LISTING>
+ 0.2 cfs - 01J(meas dev)-P08
=/- 0.2 cfs - 01H(lock dev)-P01 or No MD
spr/sinks In-WB + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9-† Weiser), NA
Boise R (63) - 05A (if WB), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA

USE:

Domestic (surface) - 021(Boise R † Star Bridge); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10; 044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - B <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner

004 (PD/PU) US

OTHER CONDITIONS:

STANDARD REMARKS:

Owner/

BENEFICIAL USE DUE:

5-1- 1998

COMMENTS:

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

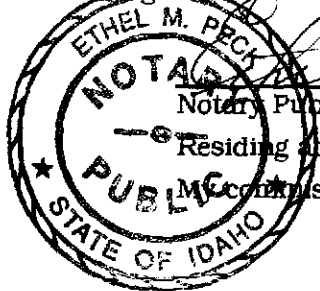
I, Ruth E. Burchill, representing the
Challis Messenger, a weekly newspaper, pub-
lished at Challis, Idaho, do solemnly swear that
the notice hereto attached and made a part here-
of, was published in the regular and entire issue
of the Challis Messenger for 2
consecutive weeks, commencing with the issue
dated April 4 1996 and ending with
the issue dated April 11 1996.

Ruth E. Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 11th day of April in the
year of 1996 before me, a Notary Public,
personally appeared Ruth E. Burchill
known or identified to me to be the person
whose name subscribed to the within instru-
ment, and being by me first duly sworn, declared
that the statements therein are true, and ac-
knowledge to me that he executed the same.



Notary Public for Idaho

Residing at Challis

Commission expires: 3-12-98

RECEIVED

APR 12 1996

Department of Water Resources
Southern Region

NOTICE OF APPLICATION FOR WATER PERMIT

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

MYLES &/OR DALE COLE

292 BLUE LAKES SOUTH

TWIN FALLS ID 83301

72-07539

Source: Unnamed Spring tributary to
Sinks

Diversion Pt: NW1/4SW1/4SE1/4, S10,
T13N, R18E; Custer County.

Use: Domestic (0.04 cfs) 4/1-10/1

Date Filed: 09/27/95

In: NW1/4SE1/4, S10, T13N, R18E.

The permit will be subject to all prior
water rights. Any protest must be filed
with the Director, Dept. of Water

Resources, Southern Region, 222
Shoshone Street East, Twin Falls, ID
83301 together with a protest fee of
\$25.00 on or before April 22, 1996.

The protestant must also send a copy of
the protest to the applicant.

Karl J. Dreher, Director

Pub: April 4 & 11, 1996.

OK
mb
4/15/96

MICROFILMED
DEC 23 1996

STATEMENT

**Custer Publishing, Inc.**

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

Dept. of Water
222 Shoshone St. East
Jurn Falls, Id 83301-6105

Job No.	Date	DESCRIPTION	Amount
	4-11-96	Notice of Application for Water Permit # 72-07539 4/4+11/96 26 lines	\$ 26.91 OK MB 4/15/96
RECEIVED APR 12 1996 Department of Water Resources Southern Region			

A finance charge of 1½ percent (annual percentage rate of 18%) with a minimum charge of 50¢ will be charged to all accounts not paid within 30 days of billing.

MICROFILMED
 DEC 23 1996

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Karl J. Dreher, Director

✓ Published in the Challis Messenger on
4/4 & 4/11/96.

OK ✓

MICROFILMED

DEC 23 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

March 22, 1996

CUSTER PUBLISHING CO
PO BOX 405
CHALLIS ID 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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 Baldwin
Sr. Secretary

Enclosure

MICROFILMED
DEC 23 1993

NOTICE OF APPLICATION FOR WATER PERMIT

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Karl J. Dreher, Director

Published in the Challis Messenger on 4/4 & 4/11/96.

MICROFILMED

DEC 23 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

March 21, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

MYLES &/OR DALE COLE
292 BLUE LAKES SOUTH
TWIN FALLS ID 83301

Re: Application for Permit No. 72-07539

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the Challis Messenger for 4/4 & 4/11/96. A period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Very truly yours,

Georgia Satterlee L.S.I.T.
Water Resource Agent

GS:mb

MAILED
SEP 29 1996