

A hand-drawn map on a grid background showing a property layout. The map includes the following features and labels:

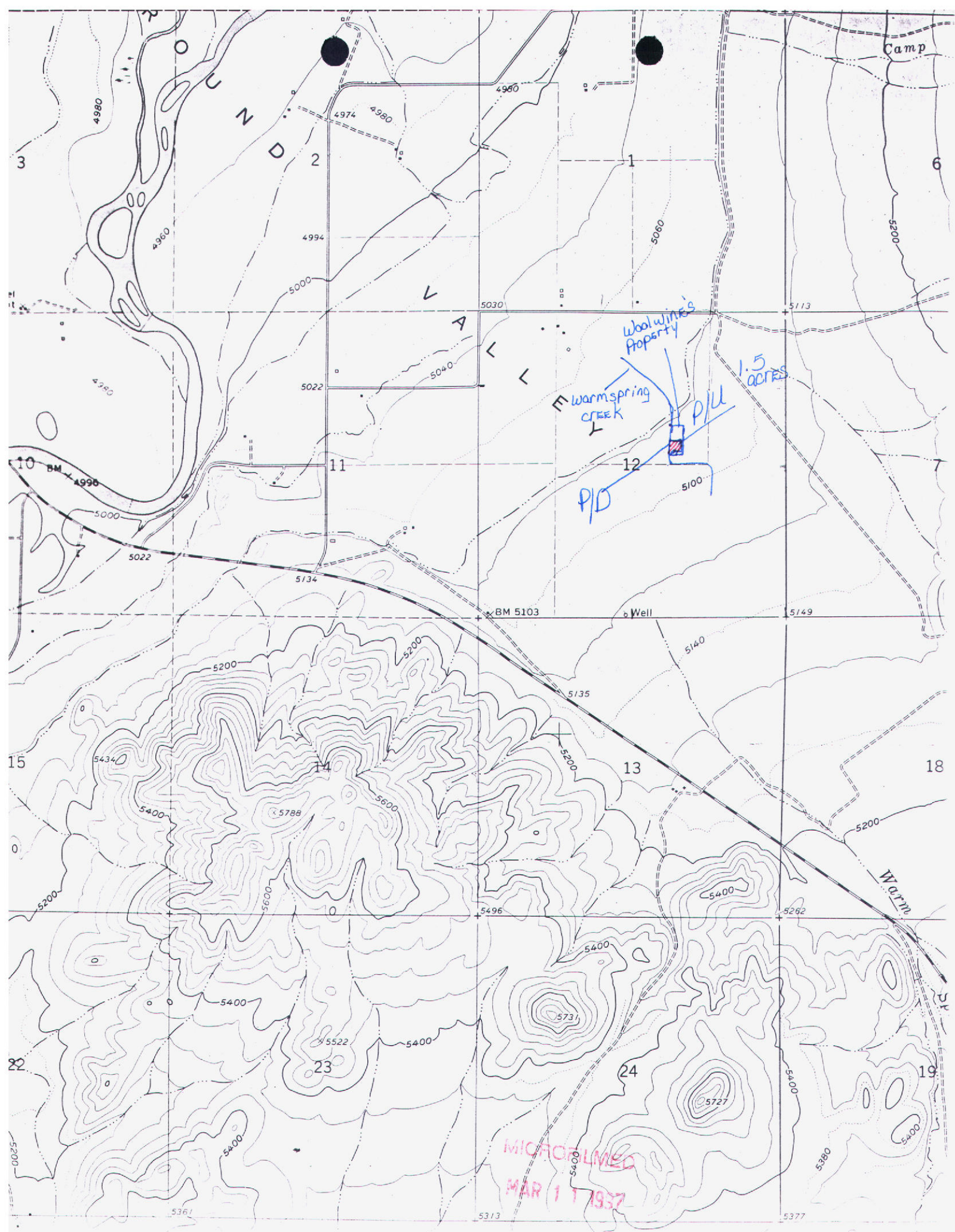
- Gravel Road:** A red line at the top of the property.
- Warm Spring Creek:** A blue line on the left side of the property.
- 1.82 acres:** A label pointing to the top-right corner of the property.
- sprinklers:** A red label pointing to a pink hatched area in the center-right.
- Land irrigated 1.5 acres:** A pink label pointing to the pink hatched area.
- shed:** A blue label pointing to a small rectangular structure on the right side.
- 1.81 acres:** A blue label pointing to the bottom-right corner of the property.
- Lawn:** A green label pointing to a green rectangular area at the bottom center.
- trailer house:** A blue label pointing to a small rectangular structure at the bottom center.
- Garage:** A blue label pointing to a small rectangular structure at the bottom left.
- Driveway:** A blue label pointing to a blue line at the bottom left.
- historic P/O:** A red label pointing to a red dot on the left side.
- cow shed:** A blue label pointing to a small rectangular structure on the left side.

X 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 |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

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

2. Measurements: \_\_\_\_\_ MICROFILMED  
\_\_\_\_\_ MAR 11 1937





MICROFILMED  
MAR 11 1997



72-07366  
GARDEN

MICROFILMED  
MAR 11 1997

72-07366  
COWSHED AND SPRINKLER  
WEST SIDE

Sprinkler



72-07366  
OVERVIEW OF PROPERTY  
LOOKING SOUTH

property End of

72-07366  
COW SHED AND END OF THE PROPERTY  
IN THE PERMIT

MICROFILMED  
MAR 11 1967





72-07366  
WARM SPRING CREEK  
ENTERS IRRIGATED PASTURE  
SOUTHEND OF PROPERTY



72-07366  
WARM SPRING CREEK FLOW  
SOUTHEND OF PROPERTY

horse



cow

MICROFILMED

sprinkler

APR 11 1957

72-07366  
PICTURE OF SPRINKLER  
AND ANIMALS( 4 COWS & 1 HORSE)  
LOOKING NORTHEAST

1981.

Tue  
Chairman  
Att., Deputy

RECORDER'S CERTIFICATE

Andrew Woolwine  
Skyline Sub  
T13 N R19E Sect 12

the foregoing plat was filed in the Office  
ter County, Idaho on this 16th day  
at 10:30 A m. and duly recorded in Plat

Att., Deputy

an access easement have a ten (10) foot wide  
ilities, drainage and irrigation easement.

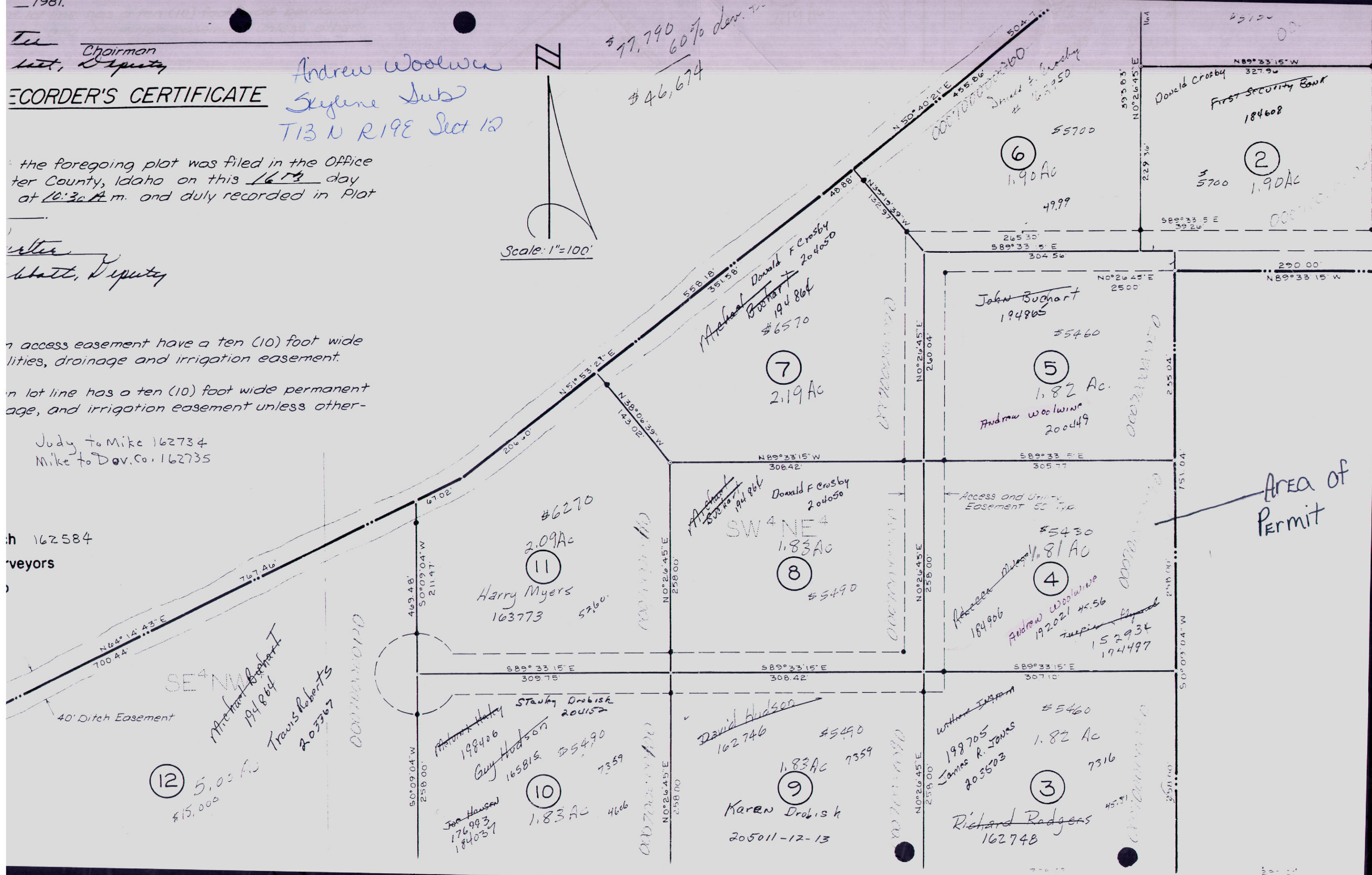
in lot line has a ten (10) foot wide permanent  
age, and irrigation easement unless other-

Judy to Mike 162734  
Mike to Dev. Co. 162735

h 162584  
veyors



\$77,790 60% dev. fee  
\$46,674



Area of  
Permit

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 72-07366

Priority: July 30, 1984

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

5.5 AF

This is to certify, that GWENDOLYN O WOOLWINE  
ANDREW JACKSON WOOLWINE

PO BOX 942

CHALLIS ID 83226-0942

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 20, 1984; and has submitted Proof of Beneficial Use on February 12, 1990. An examination indicates that the works have a diversion capacity of 0.030 cfs of water from:

WARM SPRINGS CREEK

tributary to SALMON RIVER

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       | 0.03 CFS                 | 5.3 AF               |
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS                 | 0.2 AF               |
|                       | Totals               | 0.03 CFS                 | 5.5 AF               |

LOCATION OF POINT(S) OF DIVERSION:

SWNE, Sec. 12, Township 13N, Range 19E  
CUSTER 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> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 13N        | 19E        | 12         | SWNE         | 1.5          |              | 1.5          |

Total number of acres irrigated: 1.5

PLACE OF USE:

STOCKWATER, same as IRRIGATION use

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 must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

State of Idaho  
Department of Water Resources

## WATER RIGHT LICENSE

WATER RIGHT NO. 72-07366

### CONDITIONS OF APPROVAL AND REMARKS

5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
6. Place of use is located within Lot 4, Skyline Subdivision.

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 10<sup>TH</sup> day of FEBRUARY, 1997.

  
KARL J. DREHER, Director

# WATER RIGHT SUMMARY

| ACTION          | RIGHT NO. | NAME                                     | AMOUNT CFS |
|-----------------|-----------|------------------------------------------|------------|
| Original Permit | 72-7366   | Plymel, John A.                          | .07        |
| Full Assignment | 72-7366   | Turpin, Becki                            | .07        |
| Full Assignment | 72-7366   | Woolwine, Andrew Jackson<br>Gwendolyn O. | .07        |

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 72-7366 IN )  
THE NAME OF ANDREW JACKSON WOOLWINE ) ORDER OF REINSTATEMENT  
AND GWENDOLYN O. WOOLWINE )  
\_\_\_\_\_ )

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before January 1, 1990; and,

WHEREAS, the Department notified the permit holders by certified mail that proof was due and instructed the permit holders of the steps to be taken to submit the proof of beneficial; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause; and,

WHEREAS, a reasonable showing why the permit should be reinstated has been made by receipt of an acceptable proof of beneficial use form and license examination fee on July 11, 1990;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 72-7366 be REINSTATED and the priority advanced to July 30, 1984.

Dated this 27<sup>th</sup> day of August, 1990.

  
L. GLEN SAXTON  
Chief, Water Allocation Bureau

RECEIVED  
SEP 19 1990

**RECEIVED**  
FEB 12 1990

## STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

For Office Use Only

Amt. of Fee \$ 15.00Date 2/12/90Receipt No. C017619Received by [Signature]

## Department of Water Resources

## PROOF OF BENEFICIAL USE

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

Permit No. 72-07366 Telephone No. \_\_\_\_\_Name(s) of Permit Holder(s): Andrew Jackson & Gwendolyn D. WoolwinePost Office Address: P.O. Box 942, Challis Idaho 83226Source of Water: Well & Warm Springs CreekIf ground water, well driller's name: John Plymel Date drilled: April 1982

Extent of Use:

|            |                    |                         |            |             |                |
|------------|--------------------|-------------------------|------------|-------------|----------------|
| Domestic   | <u>1</u>           | (No. of households)     | Irrigation | <u>1.81</u> | (No. of acres) |
| Stockwater | <u>6</u>           | (No. and type of stock) | Other      | _____       |                |
|            | <u>Beef Cattle</u> |                         |            |             |                |

Total rate and/or volume for which proof is submitted 0.06 cfs \_\_\_\_\_ acre/feetShow date water was first diverted and beneficially used under this permit: 1/20/84

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

Measuring device: Required? Yes No Installed? Yes No  
2 Horse Power Pump with 4" main and 2" hand lines with 4 sprinkler  
Domestic use 165' well with 85 gal. pressure tank heads per line  
Flow Measurement Port: Required? Yes No Installed? Yes No & 1 HP. pump.

Fee Enclosed: \$ 15.00 (See License Examination Fee Schedule)

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

Name Andrew J. & Gwendolyn D. Woolwine Telephone [Redacted]Address P.O. Box 942 Challis Idaho 83226 SEP 13 1990

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.

Date 2/8/90 Signature Andrew J. Woolwine ; Gwendolyn D. Woolwine  
(and title if on behalf of a company or organization)

RECEIVED  
FEB 20 1990

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
PROOF OF BENEFICIAL USE

RECEIVED  
DEC 26 1989

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed 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. 72-7366 Telephone No. None

Name(s) of Permit Holder(s): Andrew Jackson & Gwendolyn O. Woolwine

Post Office Address: P.O. Box 942, Challis, Idaho 83226

Source of Water: 165' well & Warm Springs Creek

If ground water, well driller's name: \_\_\_\_\_ Date drilled: April 1982

Extent of Use:  
Domestic 1 (No. of households) Irrigation 1.81 (No. of acres)  
Stockwater 6 (No. and type of stock) Other \_\_\_\_\_  
Beef Cattle

Total rate and/or volume for which proof is submitted 0.07 cfs \_\_\_\_\_ acre/feet

Show date water was first diverted and beneficially used under this permit:  
We obtained this property and water rights from Becki Turpin Muegel 6/19/89

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: \$ 0 (See License Examination Fee Schedule) Domestic use, and private stock use.

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

\* We may be reached at 9351 W. Safford St, Marana, Ariz 85653  
Name Telephone No.  
\* 12/1/89 until Feb. 28/90 Ph. 602-791-2464. we will be moving to Idaho  
Address  
the latter part of Feb. 1990.

MICROFILMED

SEP 19 1990

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.

12/20/89  
Date

Gwendolyn O. Woolwine  
Andrew Jackson Woolwine  
Signature (and title if on behalf of a company or organization)

RECEIVED

JUN 21 1989

State of Idaho  
Department of Water Resources

ASSIGNMENT OF PERMIT

Department of Water Resources

I, BECKI TURPIN (Muegel)

, hereby assign to

Andrew Jackson Woolwine <sup>Husband</sup>  
Doreen Lynn D. Woolwine <sup>Wife</sup>

of P.O. Box 942 Challis, Idaho 83226

Address

CHECK ONE

☒

All my right, title, and interest in and to Permit No. 72-7366  
to appropriate the public waters of the State of Idaho.

☐

The following described portion of my right, title, and interest in and to Permit  
No. \_\_\_\_\_ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within  
each 40 acre subdivision, the point of diversion and the amount of water in cubic  
feet per second for direct diversion, or acre feet for storage)

Made this

19<sup>th</sup>

day of

June

, 19

89

x Becki Turpin Muegel  
Permit Holder

\_\_\_\_\_  
Spouse of Permit Holder

State of Idaho

County of

Custer

ss.

On this

19

day of

June

, 19

89

, personally

appeared before me the signer(s) of the above instrument, who duly acknowledged to me  
that he (she) (they) executed the same.

Susan Sundell

Notary Public residing at Challis, Idaho

My commission expires:

7-15-92

JUL 18 1989

State of Idaho  
Department of Water Resources

ASSIGNMENT OF PERMIT

I, JOHN A. PLYMEL, hereby assign to BECKI TURPIN  
of HC 63 Box 1798 CHALLIS, IDAHO 83226  
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 72-7366  
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit  
No. \_\_\_\_\_ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within  
each 40 acre subdivision, the point of diversion and the amount of water in cubic  
feet per second for direct diversion, or acre feet for storage)

Made this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

NOTE! This document was

\_\_\_\_\_  
Permit Holder

PREPARED TO SHOW CHANGE

IN OWNERSHIP OF PERMIT

AS IDENTIFIED IN CASE No.

\_\_\_\_\_  
Spouse of Permit Holder

D-85-21 DECREE OF DIVORCE

LOCATED ELSEWHERE IN THIS FILE.

State of Idaho )

County of \_\_\_\_\_ )

ss. J. J.

1-31-86

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, personally  
appeared before me the signer(s) of the above instrument, who duly acknowledged to me  
that he (she) (they) executed the same.

seal

\_\_\_\_\_  
Notary Public residing at

My commission expires:

JUL 12 1989

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

Ident. No. 72-7366

RECEIVED  
DEC 29 1983

RECEIVED  
JAN 6 1984  
Department of Water Resources  
Southern District Office

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of applicant John A. Plymel Phone NONE  
Post office address P.O. Box 825 Challis, Id. 83226  
2. Source of water supply WARM Springs Creek which is a tributary of Salmon River  
3. Location of point of diversion is SW 1/4 of NE 1/4 of Section 12 Township 13N  
Range 19E B.M. Custer County, additional points of diversion if any: \_\_\_\_\_

- Amts Corrected As per 1/23/84 Phone CONO. WITH Applicant TB*  
4. Water will be used for the following purposes:  
Amount 0.05 cfs for Irrigation purposes from May 1 to Oct 1 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount 0.02 cfs for Stock purposes from JAN 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:  
a. 0.07 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. 2 horse power pump with 4" MAIN + 2" hand lines with 4 sprinkler heads

- b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet, materials used in storage dam: \_\_\_\_\_  
Period of year when water will be diverted to storage \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Month/Day) (Month/Day)  
c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.

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 - maximum 5 years).

8. Description of proposed uses:  
a. If water is not for irrigation:  
(1) Give the place of use of water: SW 1/4 of NE 1/4 of Section 12 Township 13N  
Range 19E B.M.  
(2) Amount of power to be generated: \_\_\_\_\_ horsepower under \_\_\_\_\_ feet of head.  
(3) List number of each kind of livestock to be watered 4 cows + 2 horses  
(4) Name of municipality to be served \_\_\_\_\_, or number of families to be supplied with domestic water 1  
(5) If water is to be used for other purposes describe: \_\_\_\_\_

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

| 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 | 19E   | 12   |     |     | 1.81 |     |     |     |     |     |     |     |     |     |     |     |     |     | 1.81   |
|     |       |      |     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 1.81

c. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

9. a. Who owns the property at the point of diversion John A Plymel

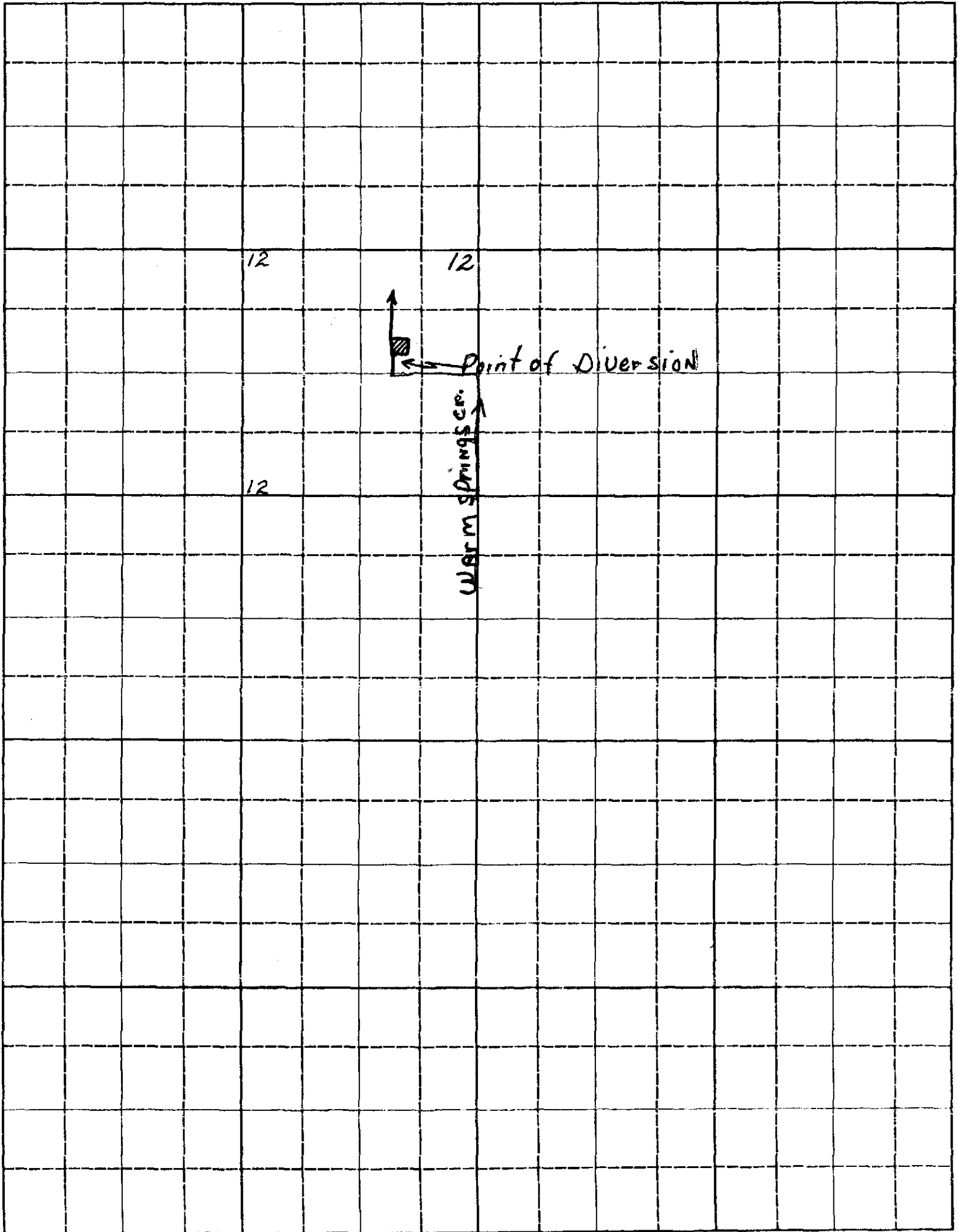
b. Who owns the land to be irrigated or place of use John A Plymel

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

10. Remarks The Amount of water coming from Ingrams Hot Spring has more than tripled the reason being caused by the Oct. 28 earthquake. Before the quake all 600 gpm of water was claimed by Will Ingram But now he will not be able to use all the water coming out now. Since the creek runs through my property I thought I would try and claim a water right of 2" per Acre from the creek if the full amount hasnt yet been claimed.

John A Plymel

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

*John A Phymel*  
(Applicant)

RECEIVED  
MAY 19 1964

Proposed Priority 1/20/84

1/6/84

11:30 a

CB received 1/20/84  
priority

Received by

MS

Date

12/29/83

Time

8:30 am

Preliminary check by

T.G. Blau

Fee \$

30.00

#

32983

Received by

marga

Date

1/30/84

Publication prepared by

marga

Date

2/9/84

Published in

Eastern Publishing

Publication dates

2/6

2/23/84

Publication approved

4/17/84

Date

marga

Protests filed by:

None

Copies of protests forwarded by

Hearing held by

Date

Recommended for

approval

denial

by

ADM

kw

#### 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. 72-7366, 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 January 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. 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.

Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.

Witness my hand this 16<sup>th</sup> day of January, 1985.

A. Glen Saxton  
Chief, Operations Bureau

RECORDED

**AFFIDAVIT OF PUBLICATION**

State of Idaho, County of Custer, ss:

I, MARGARET PARKS  
Publisher of the Challis Messenger, a  
weekly newspaper, published at Challis,  
Idaho, do solemnly swear that the notice  
hereto attached and made a part hereof,  
was published in the regular and entire  
issue of the Challis Messenger for .....  
consecutive weeks, commencing with  
the issue dated FEB 16  
19. 84 and ending with the issue  
dated FEB 23 19. 84

Margaret Parks  
Subscribed and sworn to before  
this 27 day of February,  
19. 84

Ethel M. Beck  
Notary Public, residing at Challis,  
Idaho. My commission expires Life

**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:

72-7363  
INGRAM, TIM A.  
HC 61 BOX 3020, CHALLIS,  
ID 83226  
Source: WARM SPRINGS  
CREEK trib. to SALMON  
RIVER  
Date Filed: 12/05/1983  
Diversion Pt: SWNW Sec 10  
T 12N R 20E  
Use: IRRIGATION (5.74  
CFS)  
In: NESW NWSW SWSW  
SESW Sec 03 T 12N R 20E  
NENW NWNW SWNW SENW  
Sec 10 T 12N R 20E NESE  
SESE Sec 04 T 12N R 20E FOR  
287 ACRES

72-7366  
PLYMEL, JOHN A.  
P.O. BOX 825, CHALLIS, ID  
83228  
Source: WARM SPRINGS  
CREEK trib. to SALMON  
RIVER  
Date Filed: 01/20/1984  
Diversion Pt: SWNE Sec 12  
T 13N R 19E  
Use: IRRIGATION (0.05  
CFS) STOCKWATER (0.02  
CFS)  
In: SWNE Sec 12 T 13N R 19E  
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  
MARCH 5, 1984.

**WENETH DUNN**  
Director  
Published 2/16 & 2/23/84.

**RECEIVED**  
FEB 28 1984  
DEPARTMENT OF WATER RESOURCES  
SALT LAKE CITY OFFICE



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

February 11, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

GWENDOLYN O. AND ANDREW JACKSON WOOLWINE  
PO BOX 942  
CHALLIS ID 83226-0942

RE: WATER RIGHT NO. 72-07366

Dear Water Right Holders:

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 within fourteen (14) days after issuance 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.

### 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 questions, please contact me at (208) 327-7946.

Sincerely,



Shelley W. Keen  
Water Rights Supervisor

SWK:pah

c: Southern Region

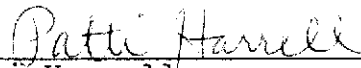
Enclosures

**CERTIFICATE OF MAILING**

I hereby certify that on the **11th** day of **February, 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. 72-07366**

**GWENDOLYN O. AND ANDREW JACKSON WOOLWINE  
PO BOX 942  
CHALLIS ID 83226-0942**

  
\_\_\_\_\_  
Patti Harrell  
Secretary

## B/U FIELD EXAM REVIEW

Cindy Zimmerman

Permit #: 72-7366 Name: Wood Wine Date: 1/28/97 ✓ Lots       

NAME        Chng        Same ✓ Or Address Change?

SOURCE        ✓ Clarify source         
       Prelim. Order to Void - Source change.

P/D        ✓ Amendment Needed? SESWNE P39  
 Overlap(s) none (within Chellis Ln Dist PPU)

P/U ✓        Amendment Needed? SWNE (per topo) P41  
       NE SW 1.5 ac No stock  
 Overlap(s) none (within Chellis Ln. Dist PPU)  
 (Gov't use special P's) \*P/D & P/U Amend? P37

RATE        ✓ Permit/proof fee limits 0.07 / 0.06  
       ✓ Measured Quantity = 0.03 cfs Theoretical Quantity = 0.03 cfs  
 $(3 \text{ nozzles @ } 5/32" @ 40 \text{ psi}) / 448.83 = (3 \times 4.61) / 448.83 = 13.83 / 448.83 = 0.03$   
 (HP)  $\frac{8.8 \times 0.70 \times 0.5}{5 + (2.31 \times 40)} = 0.03 \text{ cfs}$  also:  $1.5 \text{ ac} \times 0.02 \text{ cfs/ac} = 0.03 \text{ cfs}$

       ✓ Recommended capacity 0.03 cfs  
       ✓ Recommended rate 0.03 cfs

VOLUME        ✓ Season: (B 13.5) 4/15-10/15 = 184 days  
 Calculations: 1.5 ac x 3.5 AF/ac. = 5.25 AF  $\approx$  5.3 AF  
(rounded to dept. standard 1/10th) + stock = 0.2 = 5.5

✓ Flow limit: 0.03 cfs x 184 days/yr. x 1.9835 = 10.9 AF  
✓ Recommended volume 5.5 AF

USES        ✓ Same Nature of Use?        P46  
       Amendment Needed?       

REMARKS        Multiple p/d's in same 1/4? Use W32         
✓ DPU/LT4 Skyline Subd.

CONDITIONS        Measuring Device (R01) or Lockable Controlling Works (R02)         
       Watermaster Control (R04) - WD #         
R30 Irrigation rate/annual volume overlap  
       GW irrigation replaces surface water (050)  
065 GW irrigation supplements surface water (065)  
       Water Quality  
       Other       

PRIORITY App Rod 1/20/84 Due 1/1/90 Rc'd 2/12/90  
 Receipt# 2014600 Fee OK? Yes/No         
 Order to Reinstate Needed? Yes/No Done? 8/27/90 Advanced to: 7/30/84  
 Priority 7/30/84 Examined 8/15/96

COMMENTS: Stock drinking from in-stream only; delete Stockwater Use.

| USE        | CFS         | VOLUME     |
|------------|-------------|------------|
| <u>200</u> | <u>0.03</u> | <u>5.5</u> |
|            |             |            |
|            |             |            |
| TOTAL      | <u>0.03</u> | <u>5.5</u> |

SRBA Overlap None  
 Adjustment Memo ✓  
 LICENSE LTR: P49  
~~AMEND LTR: P49~~  
~~AMEND LTR: P42~~

## MEMORANDUM

DATE: January 31, 1997  
TO: File No. 72-07366  
FROM: Cindy Zimmerman *CJ*  
SUBJECT: Review of Beneficial Use Field Report

~~~~~

The examiner noted that stockwatering of 4 cows and 1 horse was occurring directly from Warm Spring Creek. Also, stock tanks are visible next to the cow shed in one of the exam photographs. I recommend stockwatering for 5 head of mixed livestock be included on the license.

The following adjustments<sup>1</sup> were made on the field report to reflect the location of the point of diversion as represented on the topographic map, my recommendations, and the department's standard of rounding acre-feet to the nearest 1/10th:

C. Diversion and Delivery System.

1. Point of diversion is located within **SWNE**, S12, T13N, R19E.

G. Volume Calculations.

$$V_{I.R.} = \text{acres} \times \text{AF/acre} = 1.5 \times 3.5 = 5.25 \approx \mathbf{5.3 \text{ AF}}$$

$$V_{S.R.} = \mathbf{0.2} \text{ (minimum per Admin Memo \#47)}$$

$$V = V_{I.R.} + V_{S.R.} = 5.3 + 0.2 = \mathbf{5.5 \text{ AF}}$$

H. Recommendations.

1. Recommended amounts:

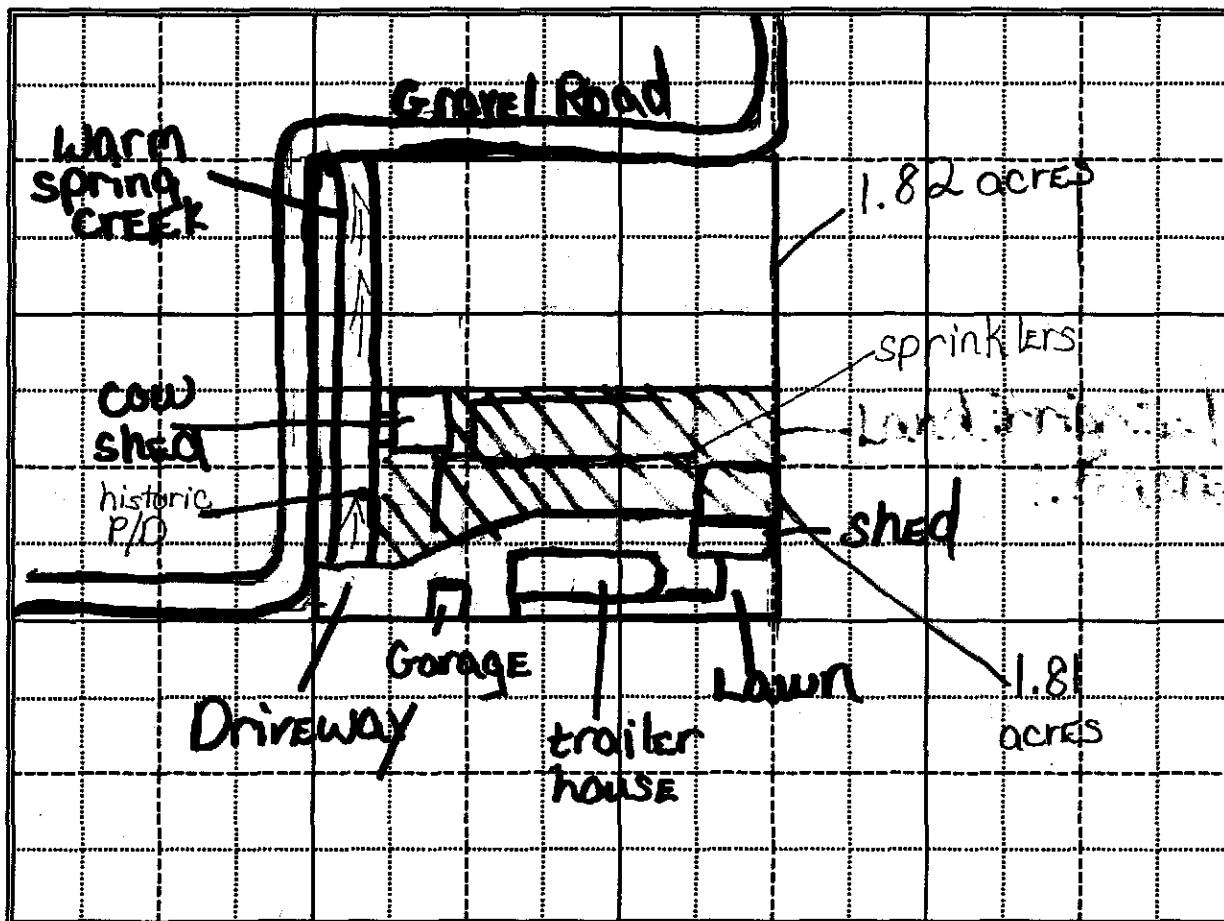
| Beneficial Use           | Period of Use           | Rate of diversion      | Annual Volume        |
|--------------------------|-------------------------|------------------------|----------------------|
| Irrigation               | 4/15-10/15              | 0.03 cfs               | <b><u>5.3 AF</u></b> |
| <b><u>Stockwater</u></b> | <b><u>1/1-12/31</u></b> | <b><u>0.02 cfs</u></b> | <b><u>0.2 AF</u></b> |
|                          | Totals:                 | 0.03 cfs               | <b><u>5.5 AF</u></b> |

Examiner: Tara Backlund  
Examined: August 15, 1996

<sup>1</sup>Adjustments made are **bolded and underlined**.

[illegible]

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



Scale: 1" = \_\_\_\_\_

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

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

☒ Photo of Diversion and System Attached

4.

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

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

#### D. FLOW MEASUREMENTS

1.

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

2. Measurements: \_\_\_\_\_

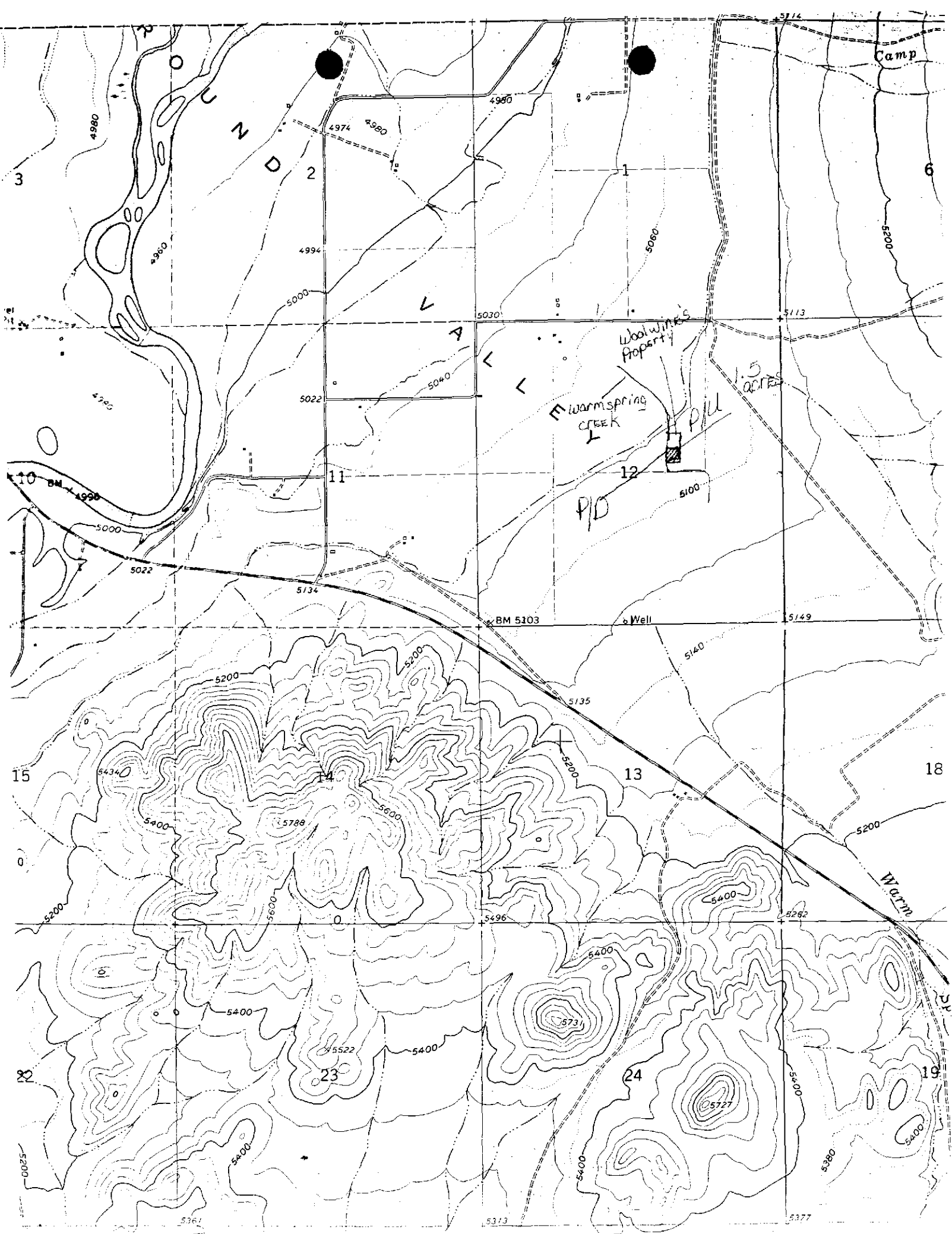
MICROFILMED

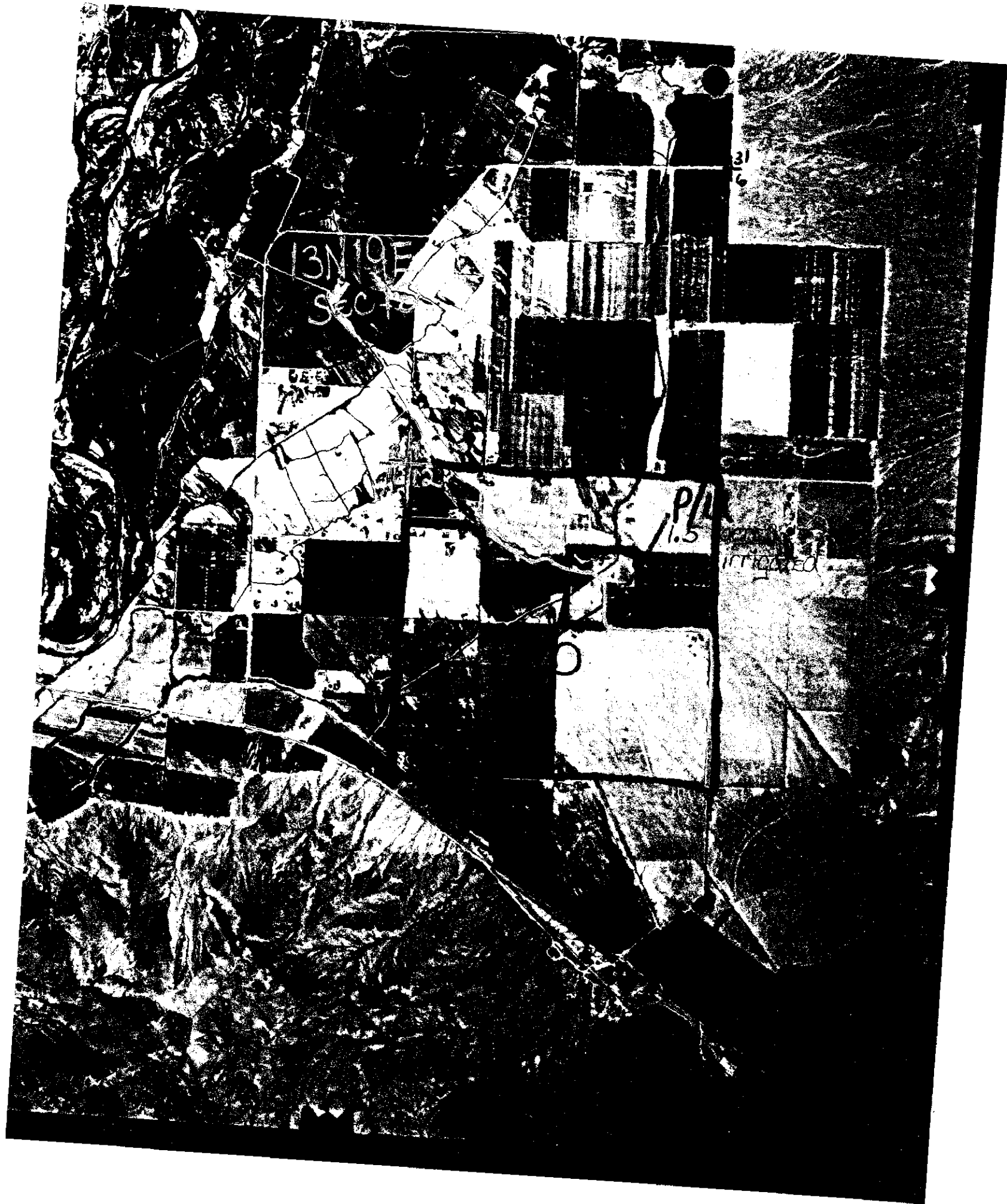
MAR 11 1997

MEMO TO FILE 72-07366

TO: STATE OFFICE  
FROM: TARA BACKLUND, FIELD EXAMINER, SOUTHERN REGION

IN TALKING WITH MR. WOOLWINE ON 8/28/96, HE SAID HE WOULD SEND AN AFFIDAVIT FROM HIS NEIGHBOR, MR. CROSBY, THAT THEY USED THE 1/2 H.P. PUMP IN 1991. THAT WAS THE LAST YEAR THE CREEK WAS HIGH ENOUGH TO PUMP. MR. WOOLWINE SAID HE WOULD SEND IT AS SOON AS POSSIBLE.



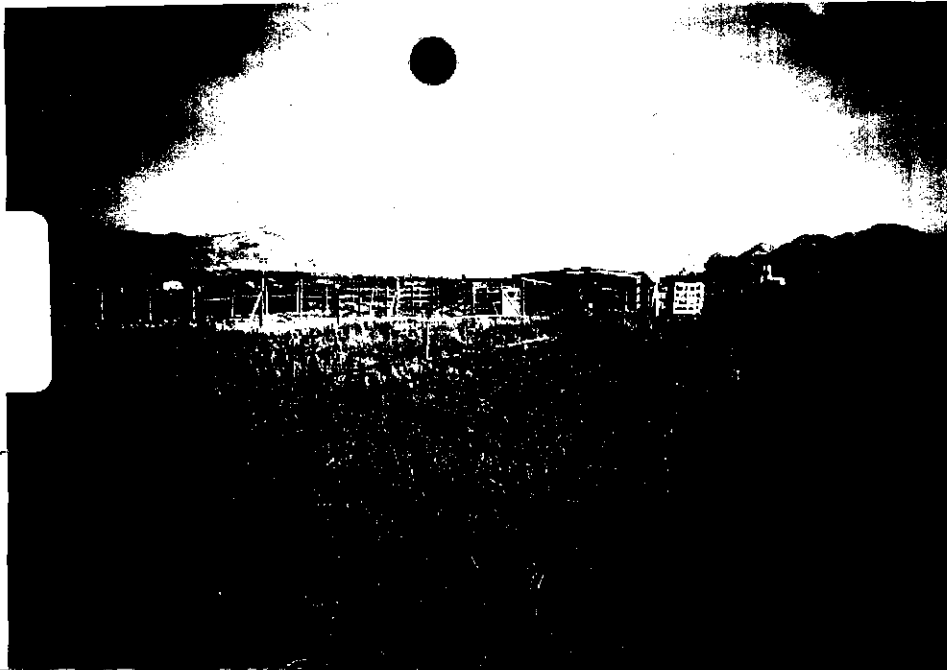




72-07366  
GARDEN

72-07366  
COWSHED AND SPRINKLER  
WEST SIDE

*Sprinkler*



72-07366  
OVERVIEW OF PROPERTY  
LOOKING SOUTH



*property End of*

72-07366  
COW SHED AND END OF THE PROPERTY  
IN THE PERMIT



*Stock tanks*



72-07366  
WARM SPRING CREEK  
ENTERS IRRIGATED PASTURE  
SOUTHEND OF PROPERTY



72-07366  
WARM SPRING CREEK FLOW  
SOUTHEND OF PROPERTY



72-07366  
PICTURE OF SPRINKLER  
AND ANIMALS( 4 COWS & 1 HORSE)  
LOOKING NORTHEAST

Lee Chairman  
West, Secretary

# RECORDER'S CERTIFICATE

TIB 10 R19E Sect 12

the foregoing plot was filed in the Office  
ter County, Idaho on this 16<sup>th</sup> day  
at 10:32 a.m. and duly recorded in Plot

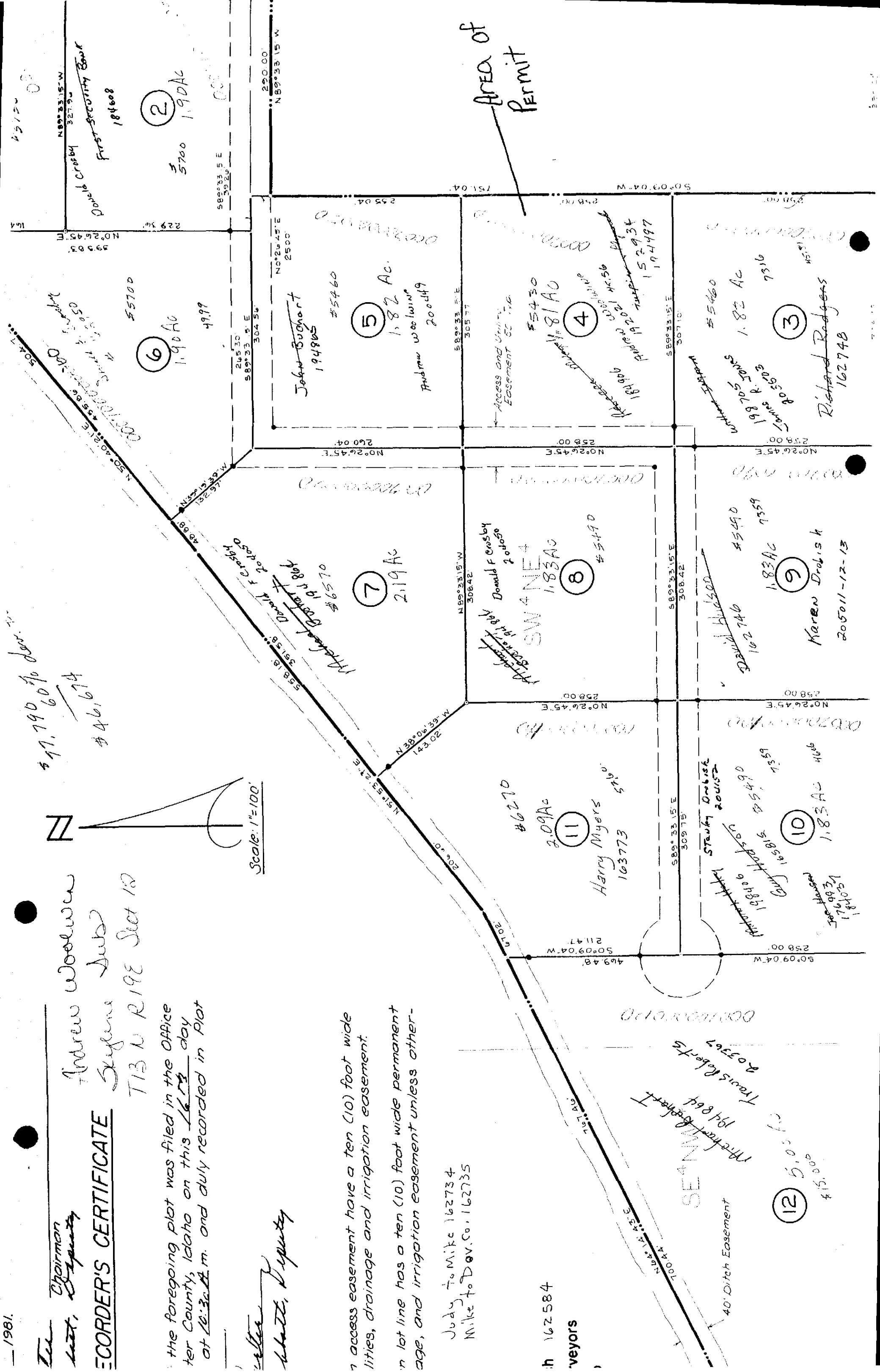
Walter  
Schmitt, Deputy

access easement have a ten (10) foot wide  
ilities, drainage and irrigation easement.

lot line has a ten (10) foot wide permanent  
age, and irrigation easement unless other-

Judy to Mike 162734  
Mike to Dav. Co. 162735

# h 162584



E. NARRATIVE/REMARKS/COMMENTS

This permit stated that there was .05 cfs for irrigation and .02 cfs for stock use. On Aug. 15, 1996 the field exam was completed. Mrs. Woolwine accompanied me on the exam. I saw that the animals, 4 cows and one horse, drank directly from the stream. This makes it an in-stream use, so there is no stock use.

They have 16 sprinklers with  $\frac{5}{32}$  nozzles; they were 2" lines. They had a  $\frac{1}{2}$  hp pump, but they sold it this year. They stated that this was first year in four years that there was enough water in the creek to pump. The Woolwines have been borrowing their neighbor's 5 hp pump this year and irrigating the pasture and garden. This information was confirmed by Andrew Woolwine per phone conversation on 8/28/96. They last used their  $\frac{1}{2}$  hp pump in 1991. They typically use only 3 sprinkler heads.

The permit stated that there was 1.81 acres. In looking at plat maps and seeing the property, I saw that the 1.81 acres included the house, driveway, three sheds, and a lawn. The lawn is irrigated by the domestic well. I excepted these things out and came up with 1.5 acres.

The point of diversion is the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  in Section 12 of Township 13N, Range 18E.

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

## F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: no pump

Theoretical:  $Q = \frac{8.8 \times .5 \text{ hp} \times .70}{5 \text{ ft} + (40 \text{ psi} \times 2.31)} = .03 \text{ cfs}$   
or  
14.19 gpm

Use of 1/2 hp pump

## G. VOLUME CALCULATIONS

### 1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1.5 \text{ acres} \times 3.5 = 5.25 \text{ afa}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .03 \text{ cfs} \times 215 \times 1.9835 = 12.79$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 5.25 \text{ afa}$

### 2. Volume Calculations for Other Uses:

Permit amount .07 cfs  
 Fee amount .07 cfs  
 theoretical amount .03 cfs

## H. RECOMMENDATIONS

### 1. Recommended Amounts

| Beneficial Use    | Period of Use |             | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|-------------------|---------------|-------------|------------------------------|--------------------------|
|                   | From          | To          |                              |                          |
| <u>Irrigation</u> | <u>4-1</u>    | <u>11-1</u> | <u>.03 cfs</u>               | <u>5.25 afa</u> *        |
|                   |               |             |                              |                          |
|                   |               |             |                              |                          |
|                   |               |             |                              |                          |
|                   |               |             |                              |                          |
|                   |               |             |                              |                          |
| Totals:           |               |             | <u>.03 cfs</u>               | <u>5.25 afa</u> *        |

### 2. Recommended Amendments

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

## I. AUTHENTICATION

Field Examiner's Name

Lora L. Buckland Date 8/29/96

Reviewer

Date

\* Adjustments made during the review of this right for license approval.  
 See memo for additional information. 1/28/97

SEAL

ROFILMED

11 1997

September 7, 1990

ANDREW JACKSON WOOLWINE  
GWENDOLYN O. WOOLWINE  
P.O. BOX 942  
CHALLIS, ID 83226

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 72-07366

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. 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

Enclosure

RECEIVED  
SEP 11 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 19, 1990

Andrew Jackson and Gwendolyn O. Woolvine  
P. O. Box 942  
Challis, ID 83226

Dear Mr. and Mrs. Woolvine:

Re: Permit No. 72-7366

On January 1, 1990, the proof of beneficial use form was due. The department received the form with no fee on December 26, 1989. The proof was returned as a fee was requested. On February 12, 1990, the department received another proof of beneficial use form with a \$15 filing fee.

For a diversion rate of 0.06 cfs for multiple uses (domestic, stock and irrigation), the license exam fee is \$50. Note that there is only an exemption of a license exam fee for diversions greater than 0.06 cfs, when the uses are domestic and/or stock. However, when the uses increase to include such as irrigation, a fee is required per the license examination fee schedule.

To resolve this matter, either return the \$35 difference or advise the department by letter that you wish to reduce the diversion rate to 0.04 cfs where no fee is required. Please take action by July 1, 1990.

If you have any questions, contact me at 327-7953.

Sincerely,

RITA I. FLECK

Secretary/Records Manager

Microfilmed

SEP 19 1990

Enclosure

Arrived in Challis 7/2/90 Permanently Mail finally caught up with us. To Arizona and then back here. We are happy to be in Idaho as Permanent Residence

Thank You

G.O. Woolvine

June 19, 1990

Andrew Jackson and Gwendolyn O. Woolvine  
P. O. Box 942  
Challis, ID 83226

Dear Mr. and Mrs. Woolvine:

Re: Permit No. 72-7366

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To resolve this matter, either return the \$35 difference or advise the department by letter that you wish to reduce the diversion rate to 0.04 cfs where no fee is required. Please take action by July 1, 1990.

If you have any questions, contact me at 327-7953.

Sincerely,

RITA I. FLECK  
Secretary/Records Manager

Enclosure

MICROFILMED

SEP 19 1990



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

January 10, 1990

ANDREW JACKSON WOOLWINE  
GWENDOLYN O. WOOLWINE  
P.O. BOX 942  
CHALLIS, ID 83226

*Proof of Beneficial Use  
Sent for 1500  
check #6523*

**RECEIVED**  
FEB 20 1990

LAPSE NOTICE

RE: PERMIT NO. 72-07366

Department of Water Resources

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced water permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper form in our proof due notice to you dated October 31, 1989.

Your permit cannot be reinstated unless you submit proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal (including the examination fee for a completed field examination report) or the extension request form together with the \$15 fee must be received by this department within sixty days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a governmental agency or by litigation which might bring title to the water in question.

*L. Glen Saxton*

L. GLEN SAXTON  
Chief, Water Allocation

**UNRECORDED**

Enclosures

SEP 19 1990

LGS:RF

*2/16/90*

*I don't understand one person says this is a \$1500 charge the other says 5000 charge ???*

*Back of Schedule*

*Shows for Domestic Use*

*or Single Family use + Stockwater*

*No Fee Required. 602-741-2464*

*Please Send Reply to:*

*9351 W. Safford St.*

*A. J. ANDRUS*

From: DWR60::WHITE  
To: DWR01::WRFLECK  
CC: WHITE  
Subj: PROOF

15-FEB-1990 16:54:37.23

HI RITA, I FINALLY REACHED MRS. WOOLWINE REGARDING THE PROOF AND \$15 CHECK SHE SENT FOR PERMIT 72-07366. SHE IS SENDING DOCUMENTATION THAT SHE RECEIVED FROM SO STATING THAT SHE ONLY OWED \$15 FOR THE PROOF FILING... A COPY OF THAT DOCUMENTATION IS ON THE WAY. I AM SENDING THE 12/26/89 PROOF THAT SHE ATTACHED TO HER ADJUDICATION CLAIMS. LORI.

MICROFILMED

SEP 19 1990

# WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

January 10, 1990

ANDREW JACKSON WOOLWINE  
GWENDOLYN O. WOOLWINE  
P.O. BOX 942  
CHALLIS, ID 83226

LAPSE NOTICE

RE: PERMIT NO. 72-07366

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced water permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper form in our proof due notice to you dated October 31, 1989.

Your permit cannot be reinstated unless you submit proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal (including the examination fee or a completed field examination report) or the extension request form together with the \$15 fee must be received by this department within sixty days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a governmental agency or by litigation which might bring title to the water in question.

L. GLEN SAXTON  
Chief, Water Allocation Bureau

Enclosures

LGS:RF

**MICROFILMED**

SEP 13 1990

CERTIFICATION OF MAILING  
I hereby certify that a true and correct copy of this document was deposited in the United States mail, postage prepaid, addressed to the individual(s) named above.  
1-15-90  
[Signature]

138876  
October 31, 1989

Andrew Jackson & Gwendolyn O. Woolwine  
P. O. Box 942  
Challis, ID 83226

Dear Mr. and Mrs. Woolwine:

PROOF DUE NOTICE

RE: PERMIT NO. 72-7366

One of the conditons 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 January 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 provided the delay is for reasonable cause as described 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 I. FLECK  
Secretary/Records Manager

Enclosures

MICROFILMED

SEP 19 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 27, 1989

RE: Water Right No. 72-7366

Andrew Jackson & Gwendolyn O. Woolwine  
P.O. Box 942  
Challis, ID 83226

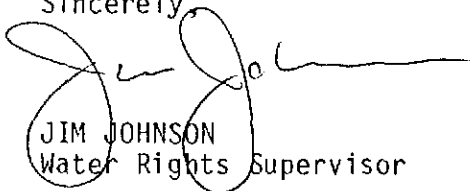
Dear Water Right Holder(s):

We acknowledge receipt of the correspondence transferring ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

We assume you are aware of requirements remaining to finalize the permit into a license.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

  
JIM JOHNSON  
Water Rights Supervisor

JJ:hm

RECEIVED  
JUN 29 1989  
JUN 29 1989

February 5, 1986

RE: Permit No. 72-7366

Becki Turpin  
HC 63, Box 1798  
Challis, ID 83226

Dear Permit Holders:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

If you have any questions on this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:sc  
Enclosure

JAMES R. BENNETTS  
Attorney at Law  
P. O. Box 36  
Challis, Idaho 83226  
Telephone: (208) 879-4488

STATE OF IDAHO )  
COUNTY OF CUSTER )SS

I hereby certify that the foregoing is a full,  
true and correct copy of the original on file  
in this office.

Date 9-6-85

Barbara Brecklove  
Deputy Clerk

Department of Water Resources

RECEIVED

JAN 20 1986

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CUSTER

BECKI PLYMEL,

Plaintiff,

vs.

JOHN PLYMEL,

Defendant.

Case No. D-85-21

DECREE OF DIVORCE

THE ABOVE CAUSE Coming on regularly to be heard before the Court,

sitting without a jury, at Challis, County of Custer, State of Idaho, on the  
6th day of September, 1985, the Plaintiff appearing in person and by her attorney,  
JAMES R. BENNETTS, and no one appearing for or on behalf of the Defendant;  
whereupon Plaintiff was duly and regularly sworn and examined and testified  
for and in her own behalf; and thereupon the Plaintiff rested, and the Defen-  
dant, having submitted no proof whatever for and in his behalf, this cause was  
thereupon submitted to the Court for its decision upon the testimony submitted  
for and on behalf of the Plaintiff, and it further appearing that the parties  
have lived separate and apart for some time and have previously divided all  
of their personal effects and that the parties have divided their common prop-  
erty by agreement previous hereto, and it further appearing that there are no  
children living as issue of said marriage and the Court being fully advised in  
the premises, now finds as follows:

STATE OF IDAHO )  
COUNTY OF CUSTER )SS

I hereby certify that the foregoing is a full,  
true and correct copy of the original on file  
in this office.

Date 9-6-85

Barbara Brecklove  
Deputy Clerk

Deputy Clerk

JAMES R. BENNETTS  
ATTORNEY AT LAW  
P. O. BOX 36  
CHALLIS, IDAHO 83226  
TEL (208) 879-4488

I.

That the above named Defendant, JOHN PLYMEL, has been fully and regularly served with a true copy of the Summons issued out of the above entitled Court, in the within case, to which was attached a true copy of the Complaint filed herein; that the Defendant has refused to answer or plead to said Complaint; that the Default of said Defendant has been duly and regularly entered according to law; that this Court has jurisdiction of the parties and of the subject matter of this action to the extent required by law; that the allegations set forth in said Complaint have been established by competent evidence free from legal objection; that the property and personal effects of the parties have been divided satisfactorily by the parties and therefore, the division of such property is not to be made a part of this Decree; that Plaintiff is entitled to have restored to her her name prior to this marriage, to-wit: BECKI TURPIN; and that Plaintiff is entitled to a Decree of Divorce as prayed for in her Complaint filed herein;

NOW, THEREFORE, On Motion of JAMES R. BENNETTS, Attorney for the Plaintiff,

IT IS ORDERED, ADJUDGED AND DECREED, and this Court, by virtue of the power and authority therein vested, and in pursuance of the statutes of Idaho, in such case made and provided, does ORDERED, ADJUDGE AND DECREE as follows, to-wit:

I.

That the marriage heretofore and now existing between the above named Plaintiff, BECKI PLYMEL, and the above named Defendant, JOHN PLYMEL, be, and the same hereby is forever dissolved, set aside and held for naught, and that the above named Plaintiff and the above named Defendant, and each of them be and they are hereby forever absolutely released from all the obligations

thereof.

II.

That the Plaintiff's name prior to this marriage be restored to her, to-wit: BECKI TURPIN.

III.

That the Court accepts the division of property as being fair but does not make such division a part of this Decree.

DONE At Challis, County of Custer, State of Idaho, this 6th day of September, 1985.



Fred Snook, District Judge

MES R. BENNETTS  
ATTORNEY AT LAW  
P. O. BOX 36  
ALLIS, IDAHO 83226  
EL. (208) 879-4488

DECREE OF DIVORCE :

RECEIVED

JAN 24 1986

Department of Water Resources

PROPERTY SETTLEMENT AGREEMENT

THIS PROPERTY SETTLEMENT AGREEMENT, Made and entered into this \_\_\_\_\_ day of July, 1985, by and between BECKI PLYMEL, of Challis, Idaho, hereinafter referred to as "Wife", and JOHN PLYMEL, of Challis, Idaho, hereinafter referred to as "Husband";

W I T N E S S E T H:

WHEREAS, Said parties hereto are now husband and wife, having been married at Redfish Lake, Custer County, Idaho, on the 14th day of August, 1982, and

WHEREAS, As a result of the difficulties existing between the parties, the parties are now living separate and apart or intend to live separate and apart, and

WHEREAS, It is the present intention of the parties that a divorce action will be filed in the District Court, Seventh Judicial District of the State of Idaho, in and for the County of Custer, by BECKI PLYMEL, as Plaintiff, seeking divorce from JOHN PLYMEL, as Defendant, and

WHEREAS, Whether a divorce action is filed or not filed by either party hereto, the parties now desire to make a full and complete settlement of their property rights.

NOW, THEREFORE, In consideration of the mutual covenants and agreements herein contained, it is agreed between the parties as follows:

I

That Wife shall take as her sole and separate property all of the household items, furniture, personal property or personal effects now in her possession, including but not limited to, those items described upon a Bill of

JAMES R. BENNETTS  
ATTORNEY AT LAW  
P. O. BOX 36  
CHALLIS, IDAHO 83226  
TEL (208) 879-4488

Sale, a copy of which is attached hereto and made a part hereof as Exhibit "A".

## II

The parties further understand and agree that Husband shall be entitled to all his personal effects and personal belongings now in his possession, and Husband is further entitled to all monies accrued as retirement benefits from the Herm Hughes and Associates firm; and further, is entitled to all monies, causes of action, claims and to all funds flowing from any judgments against Herm Hughes and Associates, it being understood and agreed that Husband has presently joined in a suit against such firm and may have further claims in addition to those already asserted. Wife, therefore, hereby assigns, transfers and sets over any and all of her right, equity and interest in and to such claim and causes of action regardless of what or where asserted.

## III

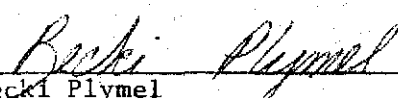
Wife is further entitled, and husband agrees, to transfer and assign all of his right, title, equity and interest in and to that certain Sale Agreement of Personal Property, made and entered into the 4th day of June, 1984, by and between Dave Mifflin and Dora Mifflin, husband and wife, of the County of Custer, State of Idaho, as Sellers therein, and John Plymel and Becki Plymel, husband and wife, of the County of Custer, State of Idaho, as Buyers therein, the original of which is presently in escrow with First Security Bank, Custer County Branch, Challis, Idaho, as Escrow Holder; and Husband further agrees that he is hereby assigning all right, title, interest and equity not only in such document, but in and to the property therein described. Husband further agrees, and does hereby assign all of his right, title, equity and interest in and to Lot 4, Skyline Subdivision, Custer County, Idaho, and that certain Deed of Trust, made and entered into on the 2nd day of April, 1982, by and between John Plymel and Becki Turpin, both single persons, Grantors therein, Custer County Title,

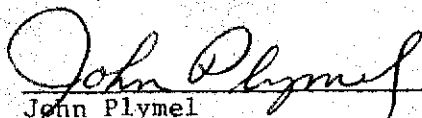
AMES R. BENNETTS  
ATTORNEY AT LAW  
P. O. BOX 36  
CHALLIS, IDAHO 83226  
TEL. (208) 879-4488

Inc., an Idaho Corporation, Trustee therein, and BUCHART DEVELOPMENT CORPORATION, Beneficiary therein, recorded as Instrument No. \_\_\_\_\_. Husband further agrees that this assignment includes, but is not limited to, an assignment of all documentation in respect to purchase by Husband and Wife of the described property from Bucharth Development Corporation upon a Deed and Deed of Trust arrangement, the documentation of which is on escrow with First Security Bank, Custer County Branch, Challis, Idaho. This assignment is made subject to all encumbrances of record.

I HEREBY CONFIRM THAT I HAVE READ AND UNDERSTOOD THIS AGREEMENT AND CONFIRM THAT THE ABOVE COVENANTS CONSTITUTE A FAIR DIVISION OF PROPERTY.

IN WITNESS WHEREOF, The parties hereto have hereunto set their hands and seals the day and year first above written.

  
Becki Plymel  
Wife

  
John Plymel  
Husband

STATE OF IDAHO,     )  
                              : ss.  
County of Custer    )

On this 19th day of July, 1985, before me, the undersigned, a Notary Public in and for said State, personally appeared BECKI PLYMEL and JOHN PLYMEL, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

JAMES R. BENNETTS  
ATTORNEY AT LAW  
P. O. BOX 36  
CHALLIS, IDAHO 83226  
TEL. (208) 879-4488

EXHIBIT "A"  
BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, That on this 19th day of July,

19 85 , JOHN PLYMEL, a married man,

of the County of Custer  
State of Idaho , the party of the first part, for and in consideration of the  
sum of TEN AND NO/100-----DOLLARS,  
and other good and valuable consideration,  
lawful money of the United States of America, to him in hand paid by

BECKI PLYMEL, a/k/a BECKI TURPIN, a married woman,

of the County of Custer,  
State of Idaho , the party of the second part, the receipt whereof  
is hereby acknowledged, does by these presents Grant, Bargain, Sell and Convey unto the said party  
of the second part, her executors, administrators and assigns the following described  
personal property, to-wit:

- 1 certain 1976 Bronco, Serial No. 1115GLC52427 (Ford)  
All stove wood  
All miscellaneous furniture, furnishings and personal property including,  
but not limited to that upon Lot 4, Skyline Subdivision, Custer County,  
Idaho.  
1973 Concord Mobile Home, 14' x 70' ID NO. 293419S600

TO HAVE AND TO HOLD The same to the said party of the second part, her executors,  
administrators and assigns, forever; and the said party of the first part do es for his heirs,  
executors and administrators, covenant and agree to and with the said party of the second part, her  
executors, administrators or assigns to WARRANT and DEFEND the sale of said property, goods and  
chattels hereby made, unto the said party of the second part, her executors,  
administrators and assigns, against all and every person and persons whomsoever, lawfully claiming or  
to claim the same.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his  
hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

\_\_\_\_\_(SEAL)  
\_\_\_\_\_(SEAL)  
\_\_\_\_\_(SEAL)  
\_\_\_\_\_(SEAL)

STATE OF IDAHO, }  
County of Custer } ss.  
On this 19th day of July, in the year 19 85, before me,  
the undersigned, a Notary Public in and for said State,  
personally appeared JOHN PLYMEL, a married man,  
known to me to be the person whose name is subscribed to the within instrument, and  
acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in  
this certificate first above written.

Notary Public residing at Challis, Idaho  
My Com. Expires: Life

STATE OF IDAHO, }  
County of } ss.

I hereby certify that this instrument was filed for record at the request of  
at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock M., this \_\_\_\_\_, A.D. 19 \_\_\_\_\_,  
day of \_\_\_\_\_  
in my office, and duly recorded in Book \_\_\_\_\_ of \_\_\_\_\_ at page \_\_\_\_\_.

Fees \$

Ex Officio Recorder.  
By \_\_\_\_\_, Deputy.

# WARRANTY DEED

For Value Received JOHN PLYMEL, a married man,

the grantor , do es hereby grant, bargain, sell and convey unto BECKI PLYMEL, a/k/a BECKI TURPIN,  
a married woman,

the grantee , whose current address is P. O. Box 825  
Challis, ID 83226  
the following described premises, in Custer

County Idaho, to-wit:

Lot 4 Skyline Subdivision, Custer County, Idaho, as shown on  
the Official Plat recorded June 16, 1981 as instrument No. 158533,  
records of Custer County. Consisting of approximately 1.81 acres.

TOGETHER WITH the lots pro rata share of water as set forth in the  
Restrictive Covenants of Skyline Subdivision and amendments thereto.

SUBJECT, HOWEVER, to that certain Deed of Trust, made and entered into  
on the 2nd day of April, 1982, by and between JOHN PLYMEL and BECKI  
TURPIN, both single persons, as Grantors therein, Custer County Title,  
Inc., an Idaho Corporation, as Trustee therein, and Buchart Development  
Corporation, as Beneficiary therein, recorded \_\_\_\_\_,  
as Instrument No. \_\_\_\_\_.

*Copy*

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee ,  
her heirs and assigns forever. And the said Grantor do es hereby covenant to and  
with the said Grantee , that he is the owner in fee simple of said premises; that they are free  
from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: July 19, 1985.

## STATE OF IDAHO, COUNTY OF CUSTER

On this 19th day of July , 19 85,  
before me, a notary public in and for the said State, per-  
sonally appeared

JOHN PLYMEL, a married man,

known to me to be the person whose name is  
subscribed to the within instrument, and acknowledged to  
me that he executed the same.

Notary Public

Residing at Challis  
Comm. Expires Life

## STATE OF IDAHO, COUNTY OF CUSTER

I hereby certify that this instrument was filed for record at  
the request of

at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock M.,  
this \_\_\_\_\_ day of \_\_\_\_\_,  
19 \_\_\_\_\_, in my office, and duly recorded in Book  
of Deeds at Page \_\_\_\_\_

Ex-Officio Recorder

By \_\_\_\_\_

Deputy.

Fees \$  
Mail to:

INSTRUMENT NO.



State of Idaho

# DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

January 10, 1986

RE: Permit No. 72-7366

Becki Tuipin  
HC 63, Box 1798  
Challis, ID 83226

Dear Ms. Tuipin:

We are in receipt of your correspondence regarding the above referenced permit. Before the Department can change the ownership of the permit from John A. Plymel to you, evidence needs to be submitted to show that the water permit was awarded to you.

The divorce decree may have included the water right. If so, please provide us with a certified copy of the document. If it did not, then other avenues may be pursued; however, we can be more specific later.

If you have any questions on this, please let us know.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:sc

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
COMMENCEMENT OF WORKS

Permit No. 72-7366  
Name(s) of Permit Holder(s): John A. Plymel  
Post Office Address: HC 63 Box 1798  
Challis, ID 83226 Tel. No. 208-879-4497

☐ I hereby certify that construction of diversion works for the above referenced permit began on \_\_\_\_\_ (date) . I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☒ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control:  
Divorced Sep. 1985 - wife would like  
an extension of time to continue use  
Jan. 1 1986 Becki L. Turpin  
Date Signature of Permit Holder

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

Beckie Turpin  
HC63 Box 1798  
Challis, Id. 83226

PLACE  
STAMP  
HERE



IDAHO DEPARTMENT OF WATER RESOURCES  
STATEHOUSE  
BOISE, IDAHO 83720

RECEIVED  
JAN 8 1988  
Department of Water Resources

72-7366 John A. Plymel

I Becki Turpin would like to receive an extension of time to begin construction for water use from Warm Springs Creek.

John Plymel and I have been divorced since Sep. 1985 and had been separated several months prior. I had my name legally changed with my divorce. I have all legal rights to this property and the changes have been recorded. This property will remain my home and I wish to continue with my plans of water use from warm springs with this requested extension of time. I wish to have this permit changed to my name only as John Plymel no longer has any rights to said property. I can receive any proof as such from my lawyer if needed for this transaction.

RECEIVED

JAN 6 1986

Department of Water Resources

Thank You  
Becki L. Turpin  
HC63 Box 1798  
Challis, Id. 83226

February 27, 1985

RE: Permit No. 72-7366

John A. Plymel  
Box 825  
Challis, ID 83225

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 a prior water right application to use water from Warm Springs Creek is on file with the Department under a Carey Act Project. Although this right has not yet been developed, the priority is senior to your right and may affect the amount of water available to fill your right when the diversion is initiated. You may want to consider this potential impact in the development of water use under your right.

The 1982 Idaho Legislature added a 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

MAILED  
FEB 28 1985

MEMORANDUM

January 16, 1985

TO: L. Glen Saxton and files 72-7359, 72-7360, 72-7366 and 72-7367

FROM: Bob Fleenor *Bob*

These four applications are for the diversion and use of the water of Warm Springs Creek and were filed following the October 28, 1983 earthquake.

There are three other applications 72-7363, 72-7364 and 72-7365 to use water from Warm Springs Creek that are later in priority than 72-7359 and 73-7360 but earlier than 72-7366 and 72-7367. Application 72-7364 was originally protested, but the protest has since been withdrawn.

Loren Holmes says that the flow of Warm Springs Creek has been measured at about 70 cfs.

When we consider final action on these applications, we should note that the diversion and use of 35.78 cfs by application 72-7359 is near the spring and, therefore, any return flow would also be available to satisfy the downstream users.

There is also an application 72-7074 filed in 1979 for the diversion of 22.4 cfs to irrigate Carey Act lands. The application was filed about 4 years before the earthquake so there was a question of availability of water at the time of the application. I would suggest that when a permit is issued, the permit holder be informed of the existence of 72-7074.

*[Handwritten signature]*

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

---

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

FEBRUARY 9, 1984

Custer Publishing Company  
P. O. Box 405  
Challis, Idaho 83226

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 MARCH 5, 1984.

Yours truly,

Mary R. 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:

---

Z2-7366L

PLYMEL, JOHN A.

P.O. BOX 825, CHALLIS, ID 83226

Source: WARM SPRINGS CREEK trib. to SALMON RIVER

Date Filed: 01/20/1984

Diversion Pt: SWNE Sec 12 T 13N R 19E

Use: IRRIGATION (0.05 CFS)  
STOCKWATER (0.02 CFS)

In: SWNE Sec 12 T 13N R 19E 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 MARCH 5, 1984.

A. KENNETH DUNN

Director

Published 2/16 & 2/23/84.

MICROFILMED

72-7386

PLYMEL, JOHN A.  
P.O. BOX 825, CHALLIS, ID

83226

Source: WARM SPRINGS  
CREEK trib. to SALMON  
RIVER

Date Filed: 01/20/1984

Diversion Pt: SWNE Sec 12

T 13N R 19E

Use: IRRIGATION (0.05  
CFS) STOCKWATER (0.02  
CFS)

In: SWNE Sec 12 T 13N R 19E  
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  
MARCH 5, 1984.

A. KENNETH DUNN  
Director

Published 2/16 & 2/23/84.

*old  
mug  
2/17/84*