



#### STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

#### RECEIVED

## APPLICATION FOR TRANSFER OF WATER RIGHT OCT 17 2000

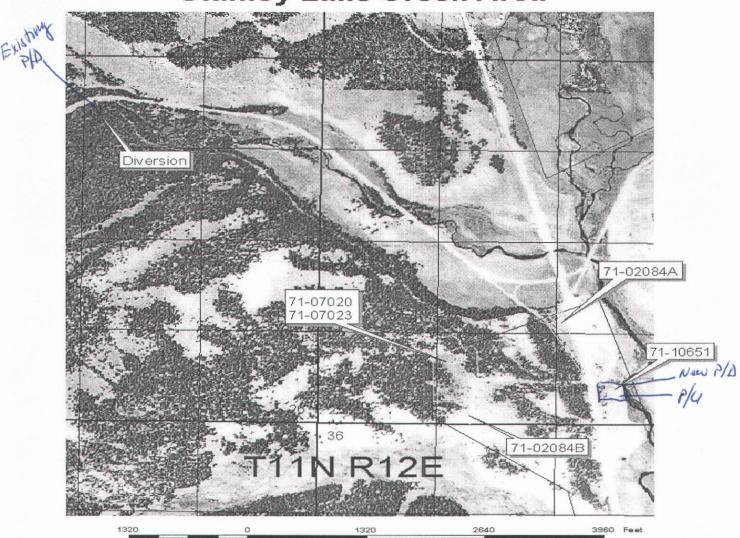
PART 3

Department of Water Resources Southern Region

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

IDAHO DEPARTMENT OF WATER RESOURCES

#### Stanley Lake Creek Area



Section Lines

Quarter/Quarter Lines

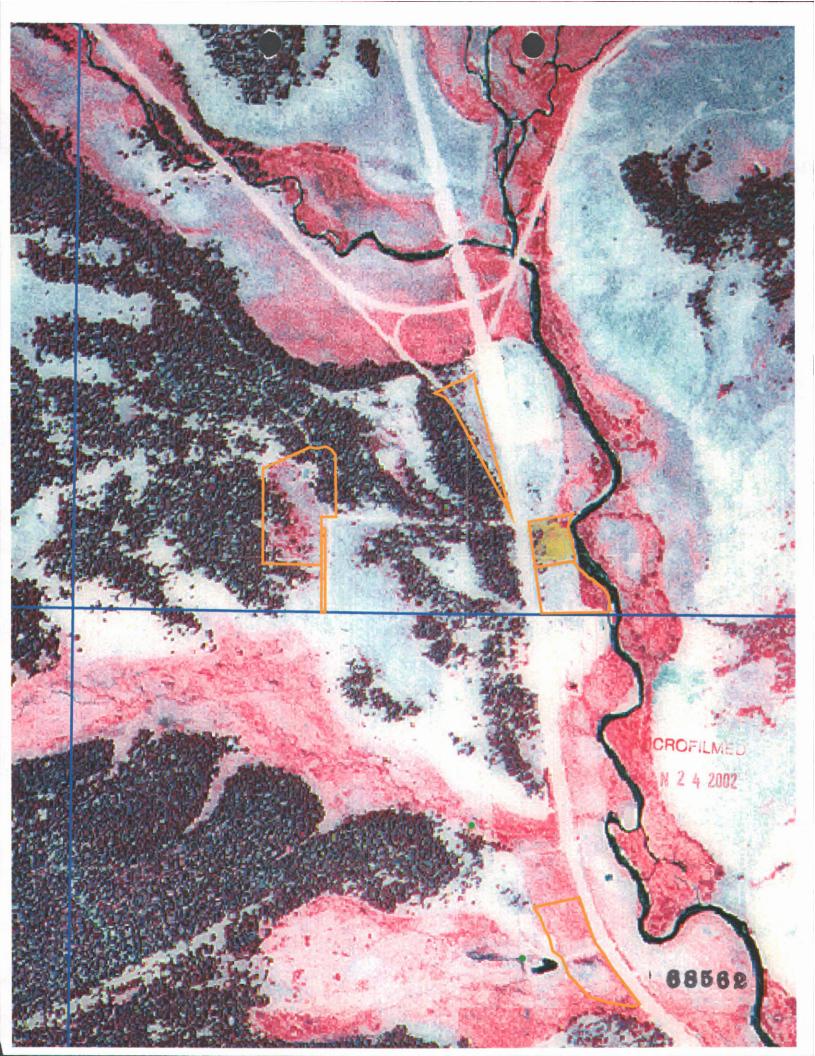
Recommended Place of Use

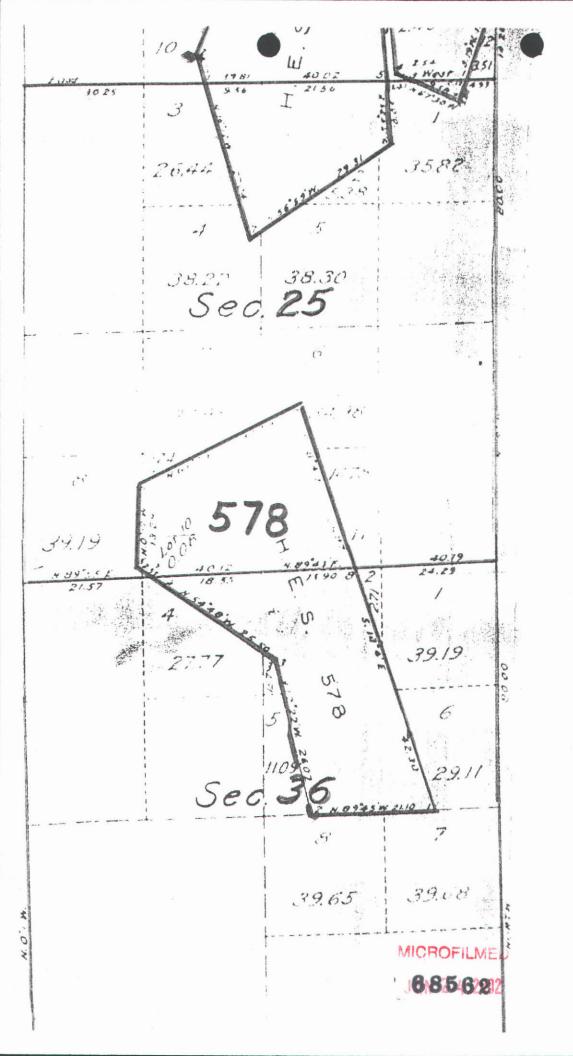
Recommended Point(s) of Diversion

GIS PLACE OF USE PRESENTATION

PHOTOGRAPHY: 1988 BLM IICROFIL Byout Developed: 4/2000 By. D. Jones

JAN 2 4 2002





2.02Ac. Me Kain To Halle 12200 1. B . A. Hollelise 8790 Holling & Lea P1745 Far Reynolds Tr 2.95 He. 14.3854 L.D. F. W. N 143174 Day 1472 142173 T-1205 HUIIN126 85:0 Kennoth Buts 198337 157016 400 A 2 20 AC 12.4 Act 68562 114500

940 000 (CENTR

JAN 2 4 2002

68562

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

township and range number			
	R12		
arles	Lake Gi Point of D	iversion	
T1/N	26	Highway 21	
	46	192	
		Parcel B 3.0 Acres	
		Pascel A 3,36 acres	
		3,36 acves	
	36	36	
	<u> </u>		
		MARON	
		DEC 16 1986	)
		DEOTO	
		1986	

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.



#### AFFIDAVIT OF PUBLICATION

State of Idaho. County of Custer. ss:

, Margaret Parks

Subscribed and sworn to before methis 30. day of Sept.

me this 30. day of

Notary Public, residing at Challis,

Idaho. My commission expires on

3-21-92

#### NOTICE OF APPLICATION FOR WATER RIGHT

The following application have been filed to appropriate public waters of the State of Idaho: 71-7102
REYNOLDS, JR., EARL C.

REYNOLDS, HARRIET A.
2848 STARLINGTON DRIVE,

BOISE, ID 83712

Source: STANLEY LAKE CREEK trib. to VALLEY CREEK Diversion Pt.: SENWNE Sec 26 T 11N R 12E

Use: IRRIGATION (0.130 CFS)
Date Filed: 09/02/1986
In: SESW SWSE Sec 25 T 11N R
12E FOR 6.36 ACRES; 3 miles N, 7
miles E of Stanley, ID.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Department of Water Resources, Southern Region, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho 83301 on or before OCTOBER 6, 1986.

KEN DUNN, Director Published: September 18 & 25, 1986.

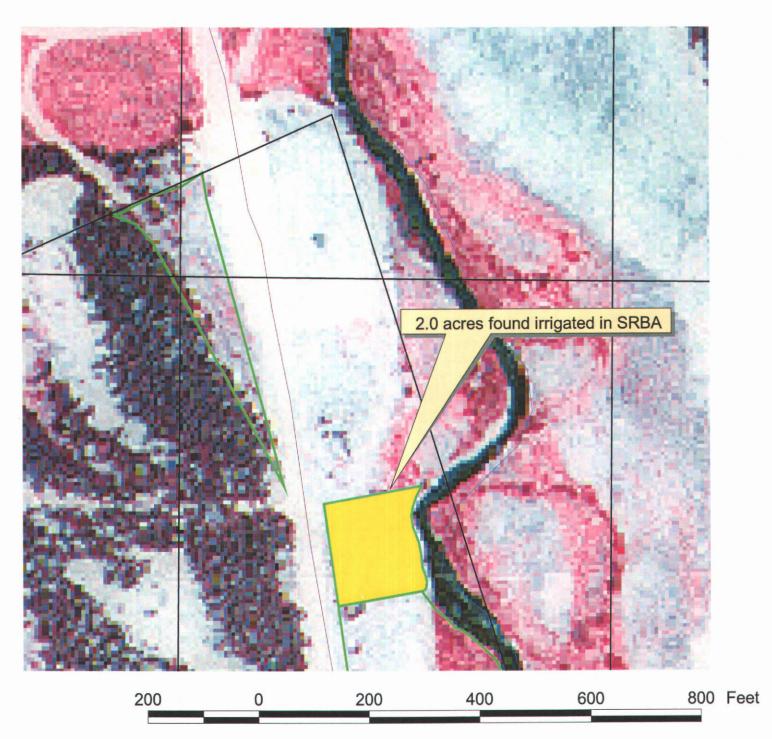
0 MB 2/86



DEC 1 6 1986

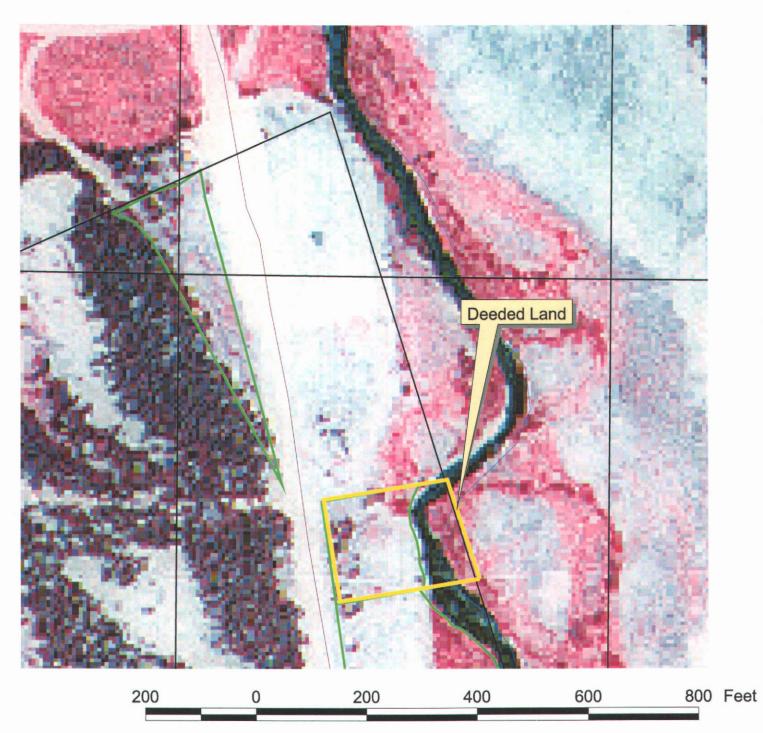
# Waxenberg Transfer T68562





# Waxenberg Transfer T68562





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JAN 2 4 2002

#### AFFIDAVIT OF PUBLICATION

### AL EIVEL APR 0 6 2001

Pepartment of Water Resource Sautham Region

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 March 29 100 and ending with
the issue dated april 5 1001.
Ruth & Burchell

STATE OF IDAHO

COUNTY OF CUSTER

$\Lambda = 0$	
On this day of	in the
year of 2001 before me, a Notary	
personally appeared Ruth E. Burch	uil_
known or identified to me to be the	person
whose name subscribed to the within	instru-
ment, and being by me first duly sworn, d	eclared
that the statements therein are true, a	nd ac-
that the statements therein are true, a	me.
NOTARY \	

lic for Idaho

nmission expires:

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

JERI WAXEN, ERG, P.O. BOX 2869, SUN VALLEY, ID 83353 has filed Application No. 68562 for changes to the following water rights within CUSTER County:

Right No. 71-7102 Priority: 8/27/86

Source: STANLEY LAKE CREEK

Use: IRRIGATION (0.13 CFS) Point(s) of Diversion: NWNE S26 T11 N R12E

Place of Use: 6.3 acres within 8 S25 T11 N R12E

Right No. 71-10651 Priority: 5/01/1970

Source: STANLEY LAKE CREEK Use: IRRIGATION (1.96 CFS) Point(s) of Diversion: SWNWNE

S26 T11N R12E Place of Use: 2.0 acres within

SWSE S25 T11 N R12E

The application proposes to divert a total of 0.232 cfs from Valley Creek within SWSE for more efficient delivery and irrigation of three (3) acres, all S25 T11N R12E; using Water Right No. 71-7102 (0.062 cfs) and Water Right No. 71-10651 (0.17 cfs). The remainder of Right No. 71-7102 (0.068 cfs) will continue to irrigate 3 acres within SESW S25 T11 N R12E; the remainder of Right No. 71-10651 (1.79 cfs) will be diverted from Stanley Lake Creek for conveyance losses in delivery of other rights.

Any prot against the pro-

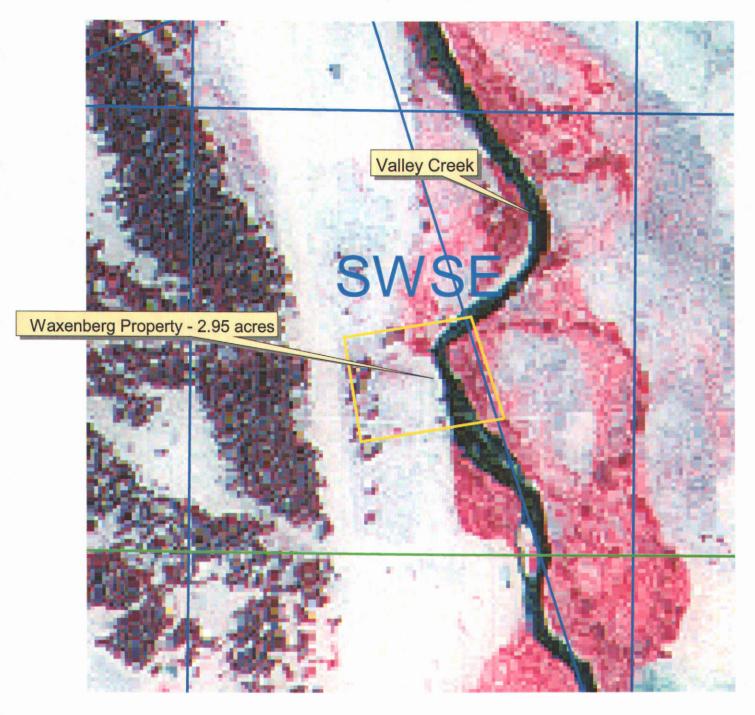
posed change must be filed with the Department of Water Resources, 1341 Fillmore St-Suite #200; Twin Falls, ID 83301 together with a protest fee of \$25 for each application on or before April 16, 2001. The profestant must also send a copy or the protest to the applicant.

K'RLJ DREHER Director Pub: March 29 & April 5, 2001.

## Legal description from warrenty deed for Waxenberg transfer.

Done in COGO by John Freitag 12/01/00

T11N, R12E, S25



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JAN 2 4 2002

#### STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

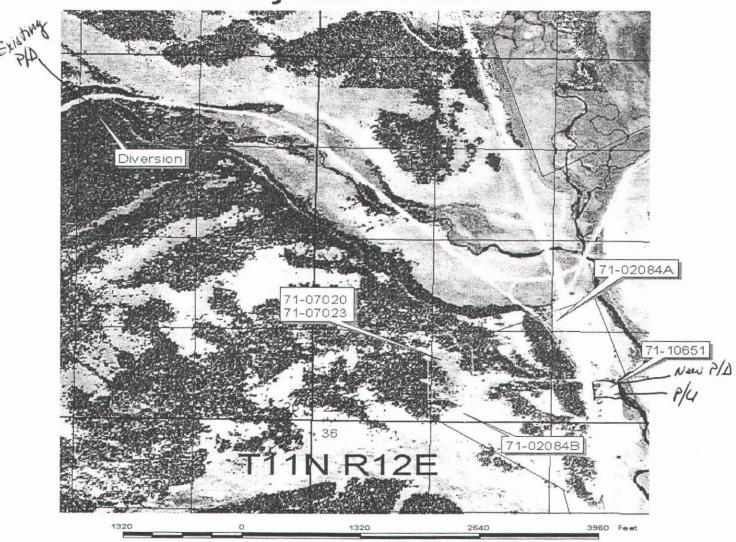
## RECEIVED OCT 17 2000

### APPLICATION FOR TRANSFER OF WATER RIGHT Southern Resources PART 3

Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for A. rights described in part 1. Clearly depict the land by section, township and range number.

IDAHO DEPARTMENT OF WATER RESOURCES

#### Stanley Lake Creek Area



Section Lines

Quarter/Quarter Lines

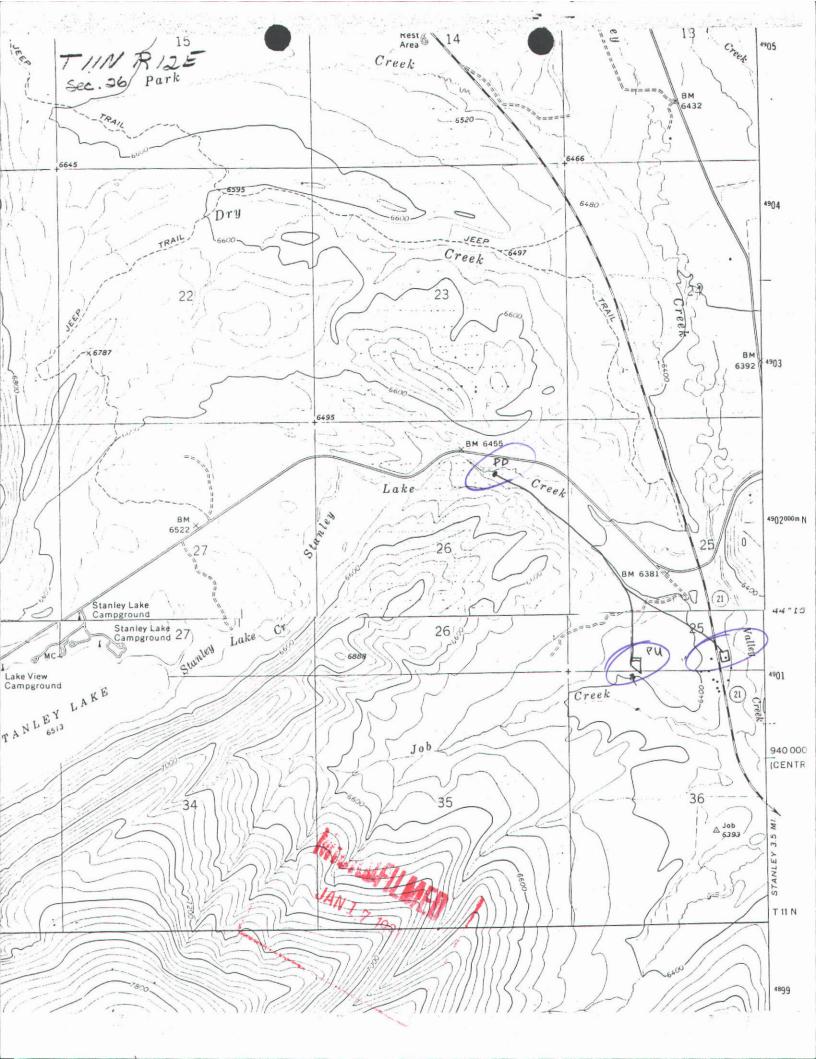
Recommended Place of Use

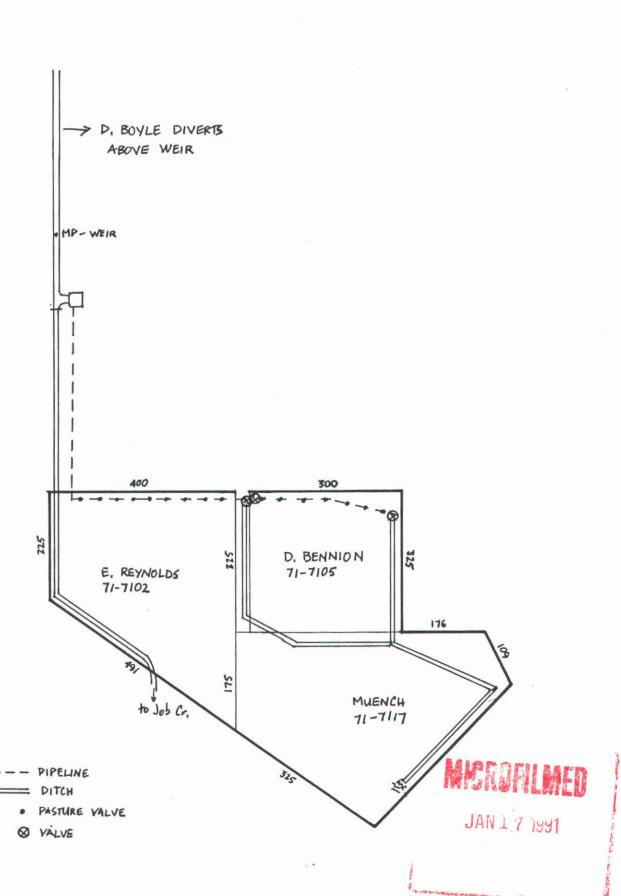
Recommended Point(s) of Diversio MICROFILMED By: D. Jones



GIS PLACE OF USE PRESENTATION PHOTOGRAPHY: 1988 BLM

Layout Developed: 4/2000







MP just below P/D



Dom ditch noto pipeline

P/U

pastur valve

point of discharge Into Joh Cr.

FILMED



Don detile noto popular

P/U

pastur valve

point of discharge Into Joh Cr.

MIMED

P/U



pastur

point of discharge Into Joh Cr.

MIMED

P/U



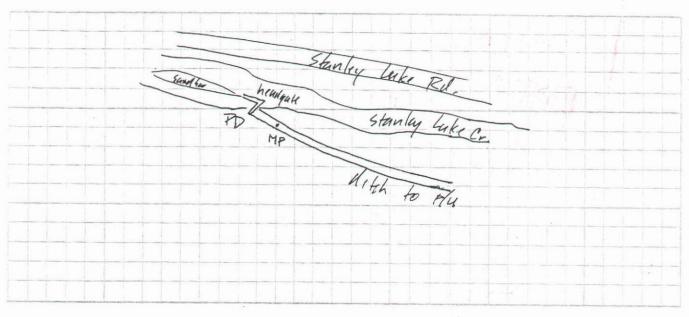
pustur valve

point of discharge Into Joh Cr.

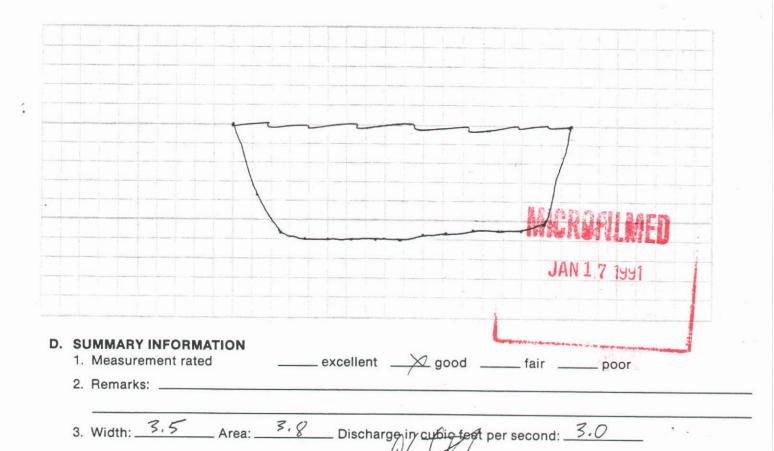
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			2 M	B.A	

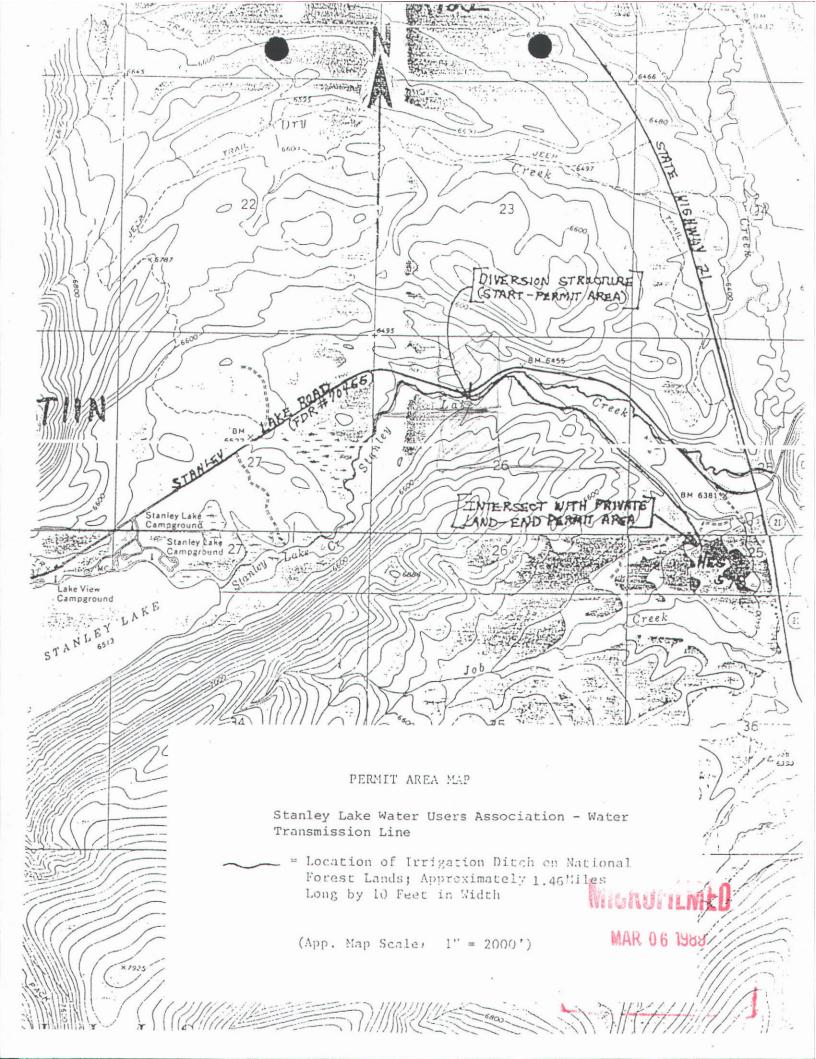
Measurement Location
 Scale: \_\_\_\_\_ = \_\_\_\_\_



2. Cross-Section of Measurement Scale \_\_\_\_\_\_ = \_\_\_\_\_\_



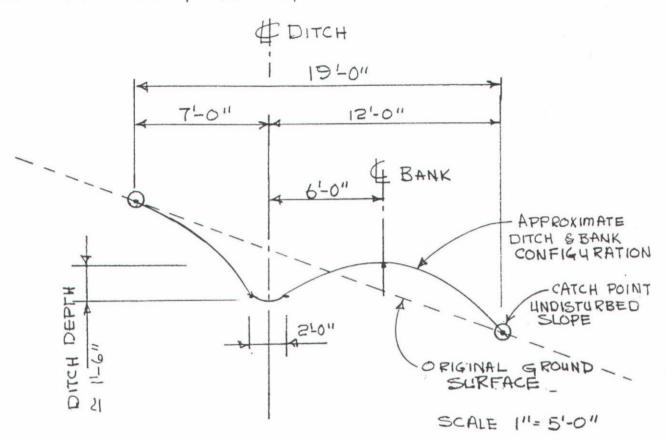
SIGNATURE OF PERSON CONDUCTING MEASUREMENT



CROSS SECTION NO.

PROJECT NO.

REPRESENTATIVE CROSS SECTION OF EXISTING DITCH
FROM DIVERSION STRUCTURE AT STANLEY LAKE CREEK
TO APPROXIMATELY 7001 HPSTREAM FROM SHEEP BRIDGE



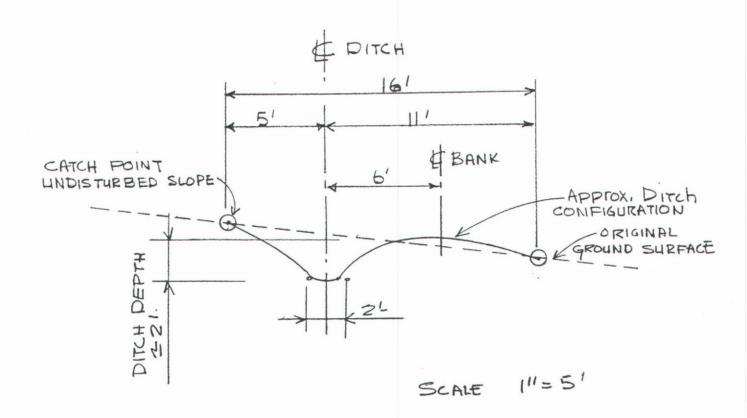
APPROXIMATE WIDTH OF EXISTING DITCH EXCAUATION & BANK CONSTRUCTION 19'

MAR 06 1989



CROSS SECTION NO. 3

REPRESENTATIVE CROSS SECTION OF EXISTING DITCH FROM 100+ FT. LIPSTREAM OF FOREST SERVICE Sheep Carrel Road, DOWNSTREAM TO BOYLE / FOREST SERVICE BOUNDARY



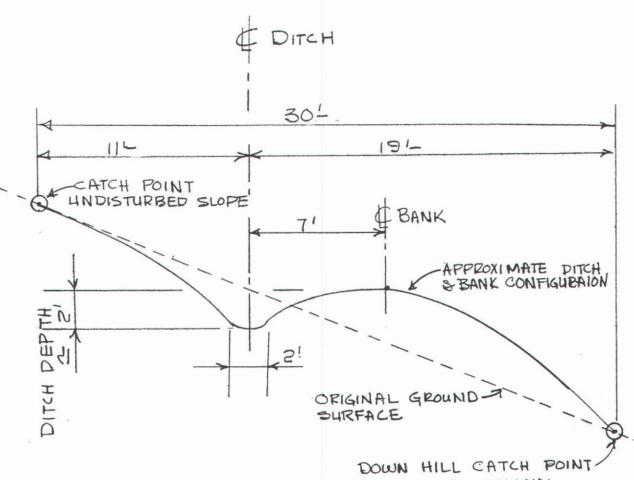
APPROXIMATE WIDTH OF EXISTING EXCAUATION & BANK CONSTRUCTION 16'

MAR 06 1989



#### CROSS SECTION NO. 2

REPRESENTATIVE CROSS SECTION OF EXISTING DITCH
WORST CASE SITUATION - CROSS SECTION TAKEN APPROXIMATELY
50' DOWN STREAM OF SHEEP BRIDGE CROSSING.
REPRESENTATIVE OF DITCH FROM 700' UPSTREAM OF
Sheep Crossing Down STREAM TO LOCATION WHERE
DITCH LEAVES STEEP HILLSIDE



DOWN HILL CATCH POIN
EFFECTED BY CRIGINAL
ABANDONED L'ERGATION
DITCH

SCALE 1'=5'-0"

& BANK CONSTRUCTION 301 MAR 06 1989

## RECEIVED

#### 1 — THE CHALLIS MESSENGER — SEP 19 1902

NOTICE OF APPLICATION
SELFOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho: 71-7102

REYNOLDS, JR., EARL C. REYNOLDS, HARRIET A. 2848 STARLINGTON DRIVE,

BOISE, ID 83712

Source: STANLEY LAKE CREEK trib. to VALLEY CREEK Diversion Pt.: SENWNE Sec 26 T

Use: IRRIGATION (0.130 CFS)

Date Filed: 09/02/1986

In: SESW SWSE Sec 25 T 11N R 12E FOR 6.36 ACRES; 3 miles N, 7

miles E of Stanley, ID.

The permit (s) will be subject to all prior water rights. Protests must be filed with the Director, Department of Water Resources, Southern Region, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho 83301 on or before OCTOBER 6, 1986.

KEN DUNN, Director Published: September 18 & 25, 1986.

0 KB 186

## STATE OF IDAHO DEPARTMENT OF WATER RESOURCES TRANSFER OF WATER RIGHT

TRANSFER NO. 68562

This is to certify that JERI L. WAXENBERG

PO BOX 2869

SUN VALLEY ID 83353

(208)726-1685

has requested a change to the water right(s) listed below This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	<b>Priority</b>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
71-7102	WR/License	08/27/1986	0.13 cfs	18 9 af	63	63	STANLEY LK CK
71-10651	WR/Decreed	05/01/1970	1 96 cfs		20	20	STANLEY LK CK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
71-7102	YES	YES	NO	NO	NO	NO
71-10651	YES	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No (remaining portion)	Remaining Rate			Remaining Total Acres
71-7102	71-7102B	0.00 cfs	0 0 af	N/A	0.0	71-7102A	Ó.07 cfs	9 9 af	N/A	3 3
71-10651	71-10881	0 17 cfs	28.0 af	N/A	2.0	71-10880	1.79 cfs		N/A	0 0
TOTALS	ì	0.17 cfs	28.0 af		2.0					

Detailed Water Right Description(s) attached

Dated this \_ \_

day of

Chief, Water Allocation Bureau

MICROFILMED

JAN 2 4 2002

Page 2 of 6

#### WATER RIGHT NO. 71-7102A As Modified by Transfer No. 68562

In accordance with the approval of Transfer No. 68562, Water Right No. 71-7102A is now described as follows.

Right Holder: HARRIET A REYNOLDS

2848 STARLINGTON DR

**BOISE ID 83712** 

And/Or

EARL C REYNOLDS JR 2848 STARLINGTON DR

**BOISE ID 83712** 

**Priority Date: 08/27/1986** 

Source: STANLEY LAKE CREEK Tributary: VALLEY CREEK

day of

 BENEFICIAL USE
 From To 06/01 to 10/15
 Diversion Rate 0.07 CFS
 Volume 9 9 AF

 0 07 CFS
 9 9 AF

LOCATION OF POINT(S) OF DIVERSION:

STANLEY LAKE CREEK NWNE Sec. 26 Twp 11N - Rge 12E CUSTER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	1	NW	l	SW	1.	SE
I NE	I <u>nw Isw Ise</u>	<u>NE</u>	<u> [nw [sw ]se</u>	į NE			NW SW SE Totals
11N 12E 25		l i		1	3.3	3	33

Total Acres: 3.3

#### CONDITIONS OF APPROVAL

- 1 This right when combined with all other rights shall provide no more than 02 cfs per acre nor more than 3 0 afa per acre for irrigation of the lands above.
- 2. The period of use for the irrigation described in this approval may be extended to a beginning date of 5/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 6/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the <u>Department of Water Resources</u>

Dated this

Mater Allegation Donger

Chief, Water Allocation Bureau MICROFILMED

JAN 2 4 2002

Page 3 of 6

#### WATER RIGHT NO. 71-7102B As Modified by Transfer No. 68562

In accordance with the approval of Transfer No 68562, Water Right No. 71-7102B is now described as follows.

Right Holder: JERI L. WAXENBERG

PO BOX 2869

SUN VALLEY ID 83353

Priority Date: 08/27/1986

#### **CONDITIONS OF APPROVAL**

1 Right 71-7102B shall be considered forfeited through approval of Transfer 68562.

This water right is subject to all pnor water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources

Dated this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_, 20\_\_\_\_\_\_

Chief, Water Allocation Bureau

MICROFILMED
JAN 2 4 2002

Page 4 of 6

#### WATER RIGHT NO. 71-10880 As Modified by Transfer No. 68562

In accordance with the approval of Transfer No. 68562, Water Right No. 71-10880 is now described as follows.

Right Holder: JERI L. WAXENBERG

PO BOX 2869

SUN VALLEY ID 83353

**Priority Date: 05/01/1970** 

Source: STANLEY LAKE CREEK Tributary: VALLEY CREEK

BENEFICIAL USE From To Diversion Rate Volume

IRRIGATION 05/01 to 10/31 1 79 CFS

1.79 CFS

LOCATION OF POINT(S) OF DIVERSION:

STANLEY LAKE CREEK SWNWNE Sec 26 Twp 11N Rge 12E CUSTER County

**PLACE OF USE: IRRIGATION** 

Twp Rge Sec	NE	NW	j sw	SE
<u>  NE</u>   11N 12E 26	<u> </u>	NE INW ISW ISE	NE INW ISW ISE	I NE   NW   SW   SE   Totals
	^	! }	<u> </u>	

#### CONDITIONS OF APPROVAL

- 1 This right is used for conveyance losses for Right Nos 71-2084A, 71-2084B, 71-7020 and 71-7023
- 2 Right Nos 71-2084A, 71-2084B, 71-7020 and 71-7023 are also diverted through the point of diversion described above.
- 3 All water rights within Basin 71 are from connected sources of water in the Snake River Basin and shall be administered conjunctively
- Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this

-1 A

Chief, Water Allocation Bureau

MICROFILMED

IAN 2 4 2002

Page 5 of 6

#### WATER RIGHT NO. 71-10881 As Modified by Transfer No. 68562

In accordance with the approval of Transfer No 68562, Water Right No 71-10881 is now described as follows.

Right Holder: JERI L WAXENBERG

PO BOX 2869

SUN VALLEY ID 83353

Priority Date: 05/01/1970

Source: VALLEY CREEK Tributary: SALMON RIVER

 BENEFICIAL USE
 From To Diversion Rate
 Volume

 IRRIGATION
 05/01 to 10/31
 0 17 CFS
 28 0 AF

 0 17 CFS
 28 0 AF

#### LOCATION OF POINT(S) OF DIVERSION:

VALLEY CREEK SWSE Sec. 25 Twp 11N Rge 12E CUSTER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE [	NW	sw	SE I	I
14N 43C 35	INW ISW ISE I	NE   NW   SW   SE	NE INW ISW ISE	NE INW ISW ISE	<u>Totals</u>
11N 12E 25	I \	ı		20	20

Total Acres 2

#### **CONDITIONS OF APPROVAL**

- 1 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Stanley Lake Creek at the original point of diversion and at the point of diversion from Valley Creek.
- 2. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game
- 3 Diversion of water from Valley Creek is limited to those times water is available for diversion under this right and priority from Stanley Lake Creek.
- 4 This right when combined with all other rights shall provide no more than 0 17 cfs nor more than 28.0 afa at the field headgate for impation of the land described above.
- After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
- 6. Property is also known as a portion of Homestead Entry No. 578.

MICROFILMED

JAN 2 4 2002

#### WATER RIGHT NO. 71-10881 As Modified by Transfer No. 68562

#### **CONDITIONS OF APPROVAL**

- 7 All water rights within Basin 71 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
- 8 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- 9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval
- 10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer

This water right is subject to all pnor water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this \_\_\_

Chief, Water Allocation Bureau

Form 222

RECEIVED

Transfer No. \_

**68562** 5879

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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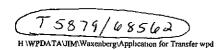
## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Department of Water Resourcer Southern Region

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	cribe the <u>to deliver</u>			•		_												
point of c	diversion	in Stanl	ey Lake	<u> Cree</u>	<u>k.</u>													
B. DESC	RIPTION	OF RI	GHT(S)	OR I	PORT	TION	THER	EOF,	AFTI	ER THI	E REC	QUES	TED (	CHAN	IGE		<del></del> T	
Right	Number	Priori	ty			Amount Nature of				f Use	Jse Period of Use					Volume		
71-106	551	May	1, 1970	_		0.17 cfs			gation		May 1			o C	octobe	er 31		
71-071	02	Augu	st 27, 1	986		0 062	2 cfs	irriç	ation		June 1 to October 15							
3. Soul	al amount	ter <u>\</u>	∕alle <u>y</u> C								_		ac	re-fee	et per	annu	ım.	
4. Poin	t(s) of Dr	version:	<u> </u>	· -				<del></del>				_	T-					
ldent No.	Gov't Lot	1/4	1/4	1/4	s	ec.	Twp.	F	Rge.	C	ounty	·	L	ocal.	name	for o	divers	io <u>n</u>
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Total acres:

<u>3</u>



8		68562
Page 2 of 9	Transfer No	
6. General Information:		
o. General information.		
a. Description of diversion system: <u>Headgate or pu</u>	<u>ımp in Valley Creek, maınline to sprinkler or flo</u>	od irrigation system.
b. Are the lands from which you propose to transfer contracts? Yes X No If yes, provide mortgage or contract agreeing to the proposed change	e a notarized statement from the holder of the li	
c Describe the affect on the land now irrigated if the	e place of use is changed pursuant to this tran	sfer: N/A
d. Remarks: 1.79 cfs of 71-10561 is limited to converge system and will be left in those ditches for that purpose Creek. 71-10561 will be limited to the irrigation of 2 acres.	e. The balance of this right - 0.17 cfs - will be d	
ACTION OF THE DIRECTOR,	, DEPARTMENT OF WATER RESOURCES	
This is to certify that I have examined Applicati	on for Transfer of Water Rights No.	
and said Application is hereby		limitations and
conditions:	<b>-</b>	

MICROFILMED
JAN 2 4 2002

Witness my hand this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_.



#### STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

#### APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

(Attach one copy for each right)

A. DES				GHT A	S REC	ORD	ED	J		ρ, .σ			<b>,</b> ,						
	•		ed by:	07400	Door	and t	_												
			No <u>71-</u> of																
			No _7									artme	nt of V	Vater	Resi	nurces			
																	•		
	c. Claim No on file with the Idaho Department of Water Resources.  d Transfer No which produced this right.																		
	2 Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Check appropriate box below																		
,	Ta	ax no	tice		_X_	Warı	anty	Deed		_ Othe	er:								
3	Source	e of v	vater <u>S</u>	tanley	Lake (	<u>Creek</u>													
4.	Date o	of pric	ority <u>Au</u>	gust 2	7, 1986	<u>3.</u>													
5.	Water	is us	ed for	the foll	owing	purpo	ses:	:											
a	moun	t0	.13 cfs for_	_ for	ırrıgat	ion		p	urpo	ses fr	om	<u>June</u>	1		_ to_	Octo	ber 1	5	_
	amoui	'L	101_	·····	<del></del>			— р	ıı pos	62 110	,,,,,				_ 10_			_	_
6.	Total a	amou	nt of w	ater ur	ider rig	ht <u>0.</u>	<u>13</u> cı	ubic fee	et/se	cond a	and/or		_ acr	e-fee	t per	annun	٦.		
7. Poir	nt(s) of	f Dive	ersion.																
ldent	Gov	/'t																	
No.	Lo		1/4	1/4	1/4	Se	с.	Twp.	R	lge.	С	ount	у		Loca	l nam	e for	diver	sion
				NW	NE	26		11N	1	2E	Cust	er							
8. Lan	ds Irriç	gated	or Pla																
				N	<u> </u>			N	W			S	W			S	E		
TWP			NE	NW	sw	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW.	SE	TOTALS
11N	12E													3.3			3		6.3
TO	TAL	<u>S</u>				<u> </u>					<u> </u>							<u></u>	6
9. Des	9. Describe any other water rights used for the same purpose as described above 71-10561																		
														· , 1	. /s	65 1			

MICROFILMEL



10.	To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-
_	to your fallowings, the daily portion of the water right and expense a period at the contract of the contract
use?	
	No If yes, describe

#### B. DESCRIPTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit parts B and C)

1	amount	0 062 cfs	_ for_	Irrigation	purposes from _	June 1	to	October 15
---	--------	-----------	--------	------------	-----------------	--------	----	------------

#### 2 Point(s) of Diversion

ldent No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			NW	NF	26	11N_	12F	Custer	

#### 3 Lands Irrigated or Place(s) of Use

			<u>NE</u>			<u>NW</u>			<u>sw</u>			<u>SE</u>							
TWP	RGE	SEC	NE_	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	TOTALS
11N	12E	25																3	3
TC	TAL	s																	3

#### C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1.	amount	0 068 cfs	for	Irrigation	purposes from	June 1	to	October 15	_
----	--------	-----------	-----	------------	---------------	--------	----	------------	---

#### 2. Point(s) of Diversion

ldent No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			NW.	NF	26	11N	12F	Custer	

#### 3. Lands Irrigated or Place(s) of Use:

			<u>NE</u>			<u>N</u> W			<u>sw</u>			<u>SE</u>							
TWP	RGE	SEC	NE	NW	SW	SE_	NE	NW	sw	SE	NE	NW	SW	SE	NE	NW	SW	SE	TOTALS
11N	12E	25				-								3.3					3.3
TO	TAL	S																	3

HIGROFILMEL

Page of			ANS NO.	8562
	PART 2	2	_	
A. DESCRIPTION OF R	IGHT AS RECORDED:			
Water Right No. 7	1-07102			
STAGE: LICENSE				
BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME	
IRRIGATION	06/01 to 10/15	0.13 CFS	18.9 AF	
SOURCE	TRIBU	TARY OF		
STANLEY LAKE CRE	EK VALLE	Y CREEK		
<b>Priority:</b> 08/27/19	86			
LOCATION OF POINT	S) OF DIVERSION:		. 26, Township 1: STER County	1N, Range 12E
PLACE OF USE:				
IRRIGATION				
T R S : Lt Ac Lt Ac Lt Ac Lt		: Lt Ac Lt Ac Lt Ac	Lt Ac : Lt Ac Lt Ac	SWSE SESE : Lt Ac Lt Ac : SUM
11N 12E 25 :	:	:	03 :	03 : 6.3 AL ACRES 6.3
more than	at when combined with a 1.02 cfs per acre nor on of the lands above.	_	<del>-</del>	0
Describe any other water	rights used for the s	ame purpose as (	described above:	
To your knowledge has an consecutive years of nor		_	ne a period of f	ive or more
Attach a copy of last ye appurtenant or other doc Check appropriate box be	cuments which show owne			
	_ '_/ Warranty Deed			
Inge	rted by John Fre	والمحم	- (1)	

# STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

(Attach one copy for each right)

A. DES	CRIP	TION	OF R	GHT A	S RE	COR	DED			• •			<b>J</b> ,						
1. Ri	_				1 3														
	a De	cree	Νρ. <u>71</u>	<u>-10561</u>	Dec	reed	to <u>E</u>	arl C.	Reyr	<u>iolds,</u>	Jr.						_		
	In	case	of_	- <del>3</del> 88	Á				vs _										
	Da	ted_	Marcl	<u>16, 19</u>	999		1	n <u>Disti</u>	rict Ç	ourt_	_ cour	nty of	Twin	Falls_	_				
	b. Lic	ense	No				_ issu	ed by	the le	daho l	Depar	tmen	t of Wa	ater F	Resou	ırces.			
	c. Cla	aim N	lo			_ on	file v	vith the	ldah	o Dep	oartme	ent of	Water	r Res	ource	es.			
	d Tra	ansfe	r No			\	vhich	produ	iced t	this rig	ght								
2.	Attact which	n a co shov	py of I v owne	ast yea ership	ar's ta: Chec	x noti k app	ce fo ropri	r the po	roper x belo	ty to v	which	the w	/ater ri	ght is	аррі	urtena	nt or	other (	documents
	T	ax no	tice		<u>x</u>	_ Wa	rrant	y Deed	i	_ Oth	er:								
3.	Sourc	e of v	vater <u>S</u>	tanley	Lake	Cree	<u>k</u>												
4.	Date o	of pric	ority <u>Ma</u>	ay 1, 1	970 <u>.</u>														
5.	Water	ıs us	ed for	the foll	owing	purp	oses	:											
				for_ rater ur														l ,	_ <b>-</b>
7. Poir	nt(s) o	Dive	ersion:																
ident No.	Gov		1/4	1/4	1/4	Se	ec.	Twp.	F	≀ge.	C	ount	ty		Loca	al nan	ne for	· diver	sion
			sw	NW	NF	26		11N	┰╴	2E	Cus	er	· <u>·</u>	Ī					
8. Lan	de Irra	nated	or Pla				<del></del>		-								-		
O. EGIT	uo m	jatod	OI I IA				==	TATE	XX7	-	<del></del>		***						
TWP	RGE	SEC	NF	NI L NW	_	SE	NE		W Sw	CE.	NE		W Lsw	SE	NIE?	NW	E	SE	TOTALS
11N						13.8%	1. F.		1.1.1	<u>SF.</u>		T VV	7.77	-3.6	N.E.	I N W	2	1 SF.	
	TAL	_			$\vdash \vdash$		$\vdash$		<del> </del>		1 -			-			-	<u> </u>	2 2
<u>``</u>			<u> </u>	<u></u>	[			<u> </u>	<u> </u>	<u> </u>	1	<u> </u>	<u></u>	<u> </u>		<u> </u>	<u> </u>	<u> </u>	<u> </u>
9. Des	scribe	апу с	other w	ater rig	jhts us	sed fo	or the	same	purp	ose a	s des	cribed	d abov	e <u>71-</u>	<u>0710</u>	2		<u>, , , , , , , , , , , , , , , , , , , </u>	

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Page 6 o	g fær											(	) ()	ansfe	r No		8	8562
10. <b>T</b> o use?	your kno	owiedge	, has a	iny po	rtion (	of the	s water	right	t unde	rgone	a pe	eriod o	f five	or mo	ore co	nseci	utive y	ears of nor
7	<u>√o</u> . If yes	, descri	be		<del></del> ,		<del></del>	<u> </u>		· <del></del> -			_					
	DESCRIP																	
If the ex	t <b>i</b> re right i	s to be	change	ed by t	the ap	plica	ınt, omi	it par	ts B a	nd C)								
1 a	inount	0 06	2 cfs_	f	or!	rriga	<u>tion</u>	pu	ırpose	es fror	n	June 1	<u> </u>		to		<u>Octob</u>	er 15
2. Point	t(s) of DN	ersion:																
ldent	Gov't																	_
No.	Lot	1/4	<b>V</b> 4	1/4	Se	.c.	Twp.	R	ge.	C	ount	у		Loca	ıl nam	e for	diver	sion
		[	NW	NE	26		11N	1	2F	Cust	Or.	<u> </u>	Ī					
3. Land	ls Irrigate	d or Pla			<del></del>													
-			N	£			N	W			<u>S</u>	W			S	E		
TWP	RGE SEC	NE	NW	sw	SE	NE	NW	SW	SE	NE	NW	sw	SE	NE	NW	şw	SE	TOTALS
11N	12E 25																3	3
	12E   25 FALS		-		_													
TO:		OF UN 0.068 c	fsfc						(omit	if the	ere is	no cl	nange	e)	ctobe			3

3. Lands Irrigated or Place(s) of Use:

NW

No.

Lot

				<u>NE</u>				<u>NW</u>			<u>sw</u>			SE					٦	
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	sw	SE	TOTAL	s
11N	12E	25												3.3					3.3	
TC	TAL	S																	/ 3	

Rge.

12E

County

Custer

Twp.

11N

Sec.

depliebe 4

TOTAL = 3.3

Local name for diversion

MICROFILMEL

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TRANS NO. | 68562

#### PART 2

#### A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 71-10651

STAGE: DECREED

DIVERSION

BENEFICIAL USE PERIOD OF USE

RATE

IRRIGATION 05/01 to 10/31

1.96 CFS

SOURCE

TRIBUTARY OF

STANLEY LAKE CREEK

VALLEY CREEK

Priority: 05/01/1970

LOCATION OF POINT(S) OF DIVERSION: SWNWNE , Sec. 26, Township 11N, Range 12E

CUSTER County

PLACE OF USE:

**IRRIGATION** 

	NE	ИH	SW	SE
	NENE NWNE SWNE SENE	: NENW NWNW SWNW SENW :	NESW NWSW SWSW SESW	: NESE NWSE SWSE SESE :
				: Lt Ac Lt Ac Lt Ac Lt Ac : SUM
11N 12E 25		_		: 02 : 2.0

#### CONDITIONS/REMARKS:

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 71:

WATER RIGHT NO.

SOURCE

NONE

NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.

SOURCE NONE

NONE

ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED

CONJUNCTIVELY.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

MICROFILMEL

In-erted by John Freitag

Page	of	

TRANS NO.

68562

Claim No. 71-10651

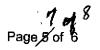
#### CONDITIONS/REMARKS:

- 3. PROPERTY IS ALSO KNOWN AS A PORTION OF HOMESTEAD ENTRY NO. 578
- 3. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 71-02084A, 71-02084B, 71-07020, AND 71-07023.
- 4. 1.79 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND OTHER RIGHTS.

Describe any other water rights used for the same purpose as described above:	
To your knowledge has any portion of this water right undergone a period of fiv consecutive years of non-use? If yes, describe:	e or more
Attach a copy of last year's tax notice for the property to which the water rig appurtenant or other documents which show ownership. Label document as attachm Check appropriate box below:  /// Tax Notice /// Warranty Deed /// Other	

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#### STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

## RECEIVED

# APPLICATION FOR TRANSFER OF WATER RIGHT OCT 17 2000 PART 3

Department of Water Resources Southern Region

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

IDAHO DEPARTMENT OF WATER RESOURCES

# Stanley Lake Creek Area



Section Lines

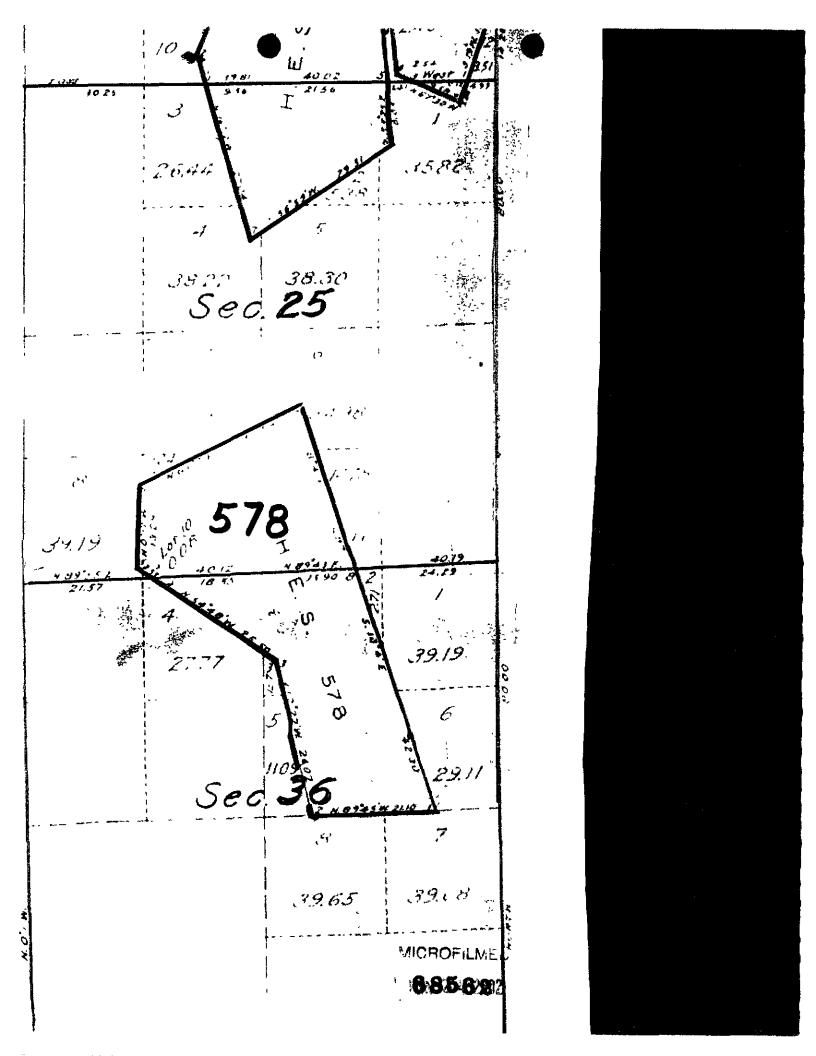
Quarter/Quarter Lines Recommended Place of Use

Recommended Point(s) of Diversion

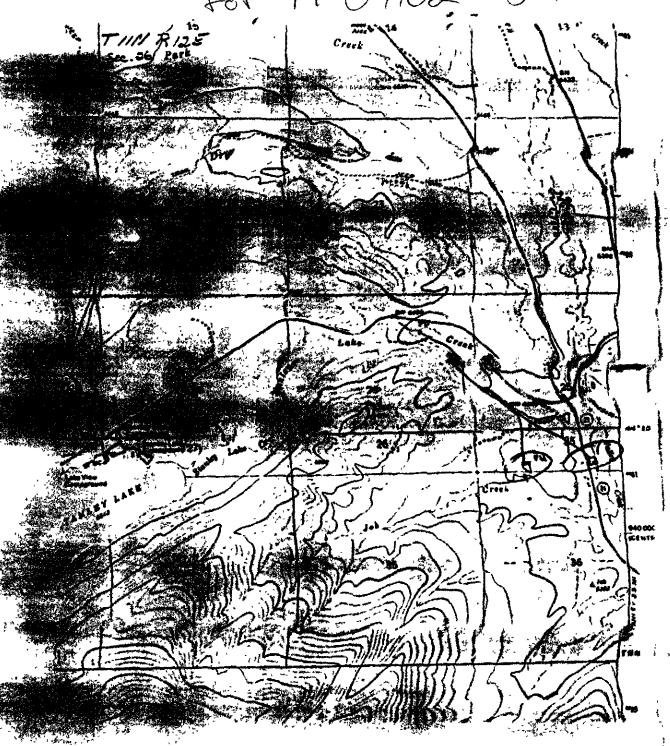
GIS PLACE OF USE PRESENTATION PHOTOGRAPHY: 1988 BLM MICROFILL By D. Jones 4/2000

JAN 2 4 2002





From Adjudication File 142175 THEOS. HUMA126 85:0 Kenwork Buta 68562 From Field Exam File
for 71-07/02 J.F.
TIMF12= Creek 1



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JAN 2 4 2002

68562





#### PART 3

#### **B. CHANGES IN NATURE OF USE**

1.

New Nature of Use	Amount (cfs/AF)	Hours/Days/Year	Period Of Use
			to
			to
			to

	(cfs/AF)			
				to
				to
				to
2. Quantity and quality of return flows ar	nd location of di	scharge:		
B Describe effects on other water uses	resulting from t	he proposed change	:	
I hereby assert that no one will be injurnal nlargement in use of the original right. The nowledge.				
I understand that any willful misreprese	entations made	in this application m	ay result ın voidi	ng its approval
ATE:		,	<u>.</u>	ANDI S. D.
•	JERI L.	WAXENBERG	į	NOTAL.
F	Notary Public fo		_, 2000.	OF IDA
	FOR DEPA	RTMENT USE ONL	·	
relim. check by JF relim. check by JF receipted Selection Graph School Graph ublished in Challes Messenge ub. dates 3/29 4 4/5/01 retermaster recommendation requested reld exam conducted (required for statute	Recommend  N/A	/7/00 An- approve	4/2/01 deny	Protest filed by Hearing held by

MICROFILMEL

Order No. 26712

#### SPECIAL WARRANTY DEED

THE GRANTOR, U.S. BANK SUCCESSORIN INTEREST TO IDAHO FIRST NATIONAL BANK, TRUSTEE OF THE EARL C. REYNOLDS, JR. FAMILY TRUST AS AMENDED AND RESTATED APRIL 8, 1982, do(es) hereby TRANSFER and CONVEY unto JERI L. WAXENBERG, a single woman, GRANTEE(s) whose address is P.O. Box 2869, Sun Valley, ID 83353 the following described real property in Custer County, Idaho, to wit.

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER WITH all an singular the tenements, hereditements and appurtenances thereunto belonging or in anywise appeitaining, including all water and water rights, ditch and ditch rights

Subject To: Reservations in United States Patent, existing and recorded rights-of-way, and easements, zoning and building guilinances, and taxes and assessments as prorated between the parties hereto.

TO HAVE AND 'TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Granter does hereby covenant to and with the said Grantees, that the Granter is the owner in fee simple of said premises. The Granter warrants that said premises are free and clear of all encumbrances suffered or created by the Granter, except such warranty does not apply to all taxes, assessments, and charges to be paid by the Grantee and any lien or encumbrance revived or placed on said premises by, through or under the Grantee, his heirs and assigns.

U.S. BANK SÚCCESSOR IN INTEREST TO IDAHO FIRST NATIONAL BANK, TRUSTEE

Dated June 16, 2000

BY: GARY MICALLISTER, VI	E PRESIDENT		<del></del>
State of Idaho	}		
State of Idaho  County of	}ss , }		
On this / day of personally appeared GARY M IDAHO FIRST NATIONAL BAthe within instrument as trus	CALLISTER, VICE PRES NK, known or identified it dec(s) of the EARL C. I	on the year, before me, the uncestident of U.S. BANK SUCCESSOR IN INTE one to be the person(s) whose name is/are sub REYNOLDS, JR. FAMILY TRUST AS AMENT that he/she/they executed the same as such trus	REST TO scribed to DED AND
WITNESS my hand and officia	l scal,		

Commission Expires 7' / /

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ingrejani

Notary Public

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#### EXHIBIT "A"

A fraction of H.E.S. No. 578, in Section 25, Township 11 North, Range 12 East, Hoise Meridian, Custer County, Idaho, more particularly described as follows: Commencing at Corner No. 7 of said H.E.S. No. 578 and running thence South 18°04' East along the Easterly Boundary of H.E.S. No. 578 a distance of 1172.43 feet to the Foint of Deginning; (being the Northeasterly corner of the tract of Tand herein described); thence continuing S. 18°04' E. 319.03 feet; thence S. 80°53' W. 433.07 feet, more or leas, to a point on the Easterly Right-of-way line of Idaho State Highway No. 21; thence N. 9°06'45" W. along said Right-of-way line 315.20 feet; thence North 89°53' E. 383.80 feet to the Point of Beginning.

ANADALIJA, S. 14th POINTY I MINIS DE MONTH DE STANDOOM COMIN BUILDING MAND RO PRI MARKE IN STREET BOOM SHAND STAND

193854

#### WARRANTY DEED

FOR VALUE RECEIVED, EARL C. REYNOLDS, a widowor, of the City of Boise, County of Ada, State of Idaho, the Granter, does hereby grant, bargain, soil and convey unto MEST ONE BANK, IDAMO, N.A., as trustee of Trust B of the Earl C. Reynolds, Jr. Family Trust, dated becember 21, 1973, and as amended and restated on April B, 1982, Grantee, as its, sole and separate property whose current address in: P. O. Box 7928, 101 South Capitol Roulovard, Boise, Idaho 83701, all of his right, title and interest in and to the following described premises located at Stanley, Custer County. State of Idaho, more particularly described as follows, to-wit:

A Eraction of H.E.S. No. 578, in Section 25 Township 11 North, Range 12 East Boise Moridian, more particularly described as follows, towart:

Communing at Corner No. 7 of said N.S.S. No. 578 and running thence South 18°04' east along the nasterly boundary of N.E.S. No. 578 a distance of 1172.43 feet to the point of beginning, and the northeasterly corner of the tract of land herein described; continuing thence South 18°04' east 319.03 feet; thence South 80°53' west 433.07 feet, more or less, to a point on the easterly right-of-way 10°06'45" west along said right-of-way line 315.20 feet; thence North 80°53' east 383.60 feet to the point of boulaning. Containing 2.59 acres, years

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantee, its heirs and with the said Grantee, that he is the owner in fee simple of said premises, and that they are free from all encumbrances, and that he will warrant and defend the name from all lawful claims whatsoever.

DATED: This 5th day of Pacember, 1989.

PARE C. REMORDS, SHAWARD

WARRANTY DEED, Page 1.

MICROFILMEL

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68562

STATE OF IDAMO )
County of Ada )
On this de

On this day of December, 1989, before me, a Notary Public in and for said State, personally appeared EARL C. REYNOMS, JR., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have herounto set my hand and affixed my official seal the day and year in this curtificate first above twellthey

Notary Public for Idaho Realding at Boise, Idaho By Commission Expires:

to a ana Jy an Dep

WARBANTY DEED, Page 2.

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#### DEED OF PERSONAL REPRESENTATIVE

FROM ALL MEN BY THESE PRESENTS, that the undersigned, EARL C. REYNOLDS, JR., as Personal Representative of the Estate of MARKUTA. REYNOLDS, deceased, Granter, For Value Received, does hereby grant, bargain, self, convey and distribute unto MEST DNE MANK, (DAMO, R.A., as Trustee of Trust B of the Earl C. Reynolds, Jr. Pamily Trust, dated becomber 21, 1973, and as amended and this tated on April 4, 1982, Grantee, as its, sole and separate property whose current address is: P. O. Hox 7928, 101 South Capital Boulevard, noise, idaho 83701, all of the interest of the hetate of Harriet A. Reynolds, deceased, in and to the following described premises located at Stanley, Custer County, State of Idaho, more particularly described as follows, to-wit:

A fraction of H.E.S. No. 570, in Section 25 Township 11 North, Rankle 12 Kant Bolse Meridian, more particularly described as follows, to-wit:

Commoncing at Corner No. 7 of said N.R.S. No. 578 and running thence South 18°04' east along the conterly boundary of N.E.S. No. 578 a distance of 1172,43 feet to the point of beginning, and the northeasterly corner of the tract of land herein described; continuing thence South 18°04' east 319,03 feet; thence South 80°53' west 433.07 feet, more or loss, to a point on the easterly right-of-way line of losh of the lightway No. 21; thence North 9°06'45" west along hald right-of-way line 315.20 feet; thence North 80°53' east 303.80 feet to the point of beginning. Containing 2,59 acres.

TO HAVE AND TO HOLD the said premises, with their appurtenences, unto the said Grantee, its heirs and assigns forever.

DATED: This 5 day of December, 1969.

PART C. REYNOLDS, JRJ,
Personal Representative of the Estate
of MARRIET A. REYNOLDS, deceased

DOIN OF PERSONAL REPRESENTATIVE, Page L.

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#### WARRANTY DEED

THIS INDENTURE Mode this 22 Adday of August, 1969, by and between ALBERT R. CHORN and MARJORY C. CHORN, husband and wife, presently residing in the City of Rena, County of Washoe, State of Nevada, hereinafter referred to as the Grantors and EARL C. REYNOLDS, JR. and HARRIET A. REYNOLDS, husband and wife, presently residing in the City of Boise, County of Ada, State of Idaho, hereinafter referred to as Grantees.

#### WITH BEETH!

The Grantors, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, lawful currency of the United States of America, to them in hand paid by the Grantees, and other valuable consideration, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by those presents do grant, bargain and sell, convey and confirm unto the Grantees, and to their heirs and assigns forever, all the real estate situate in 1 of County of Custer, State of Idaho, more particularly described 1 follows, to-wit:

A fraction of R.E.B. No. 578, in Section 25 Township II North, Range 12 East Boise Meridian, more particularly desc-"had as follows, to-wit:

Commencing at Corner No. 7 of said H.E.S. No. 578 and Tunning thence South 18°04° east along the easterly boundary of H.E.S. No. 578 a distance of 1172.43 feet to the point of beginning, and the northeasterly corner of the tract of land herein described; continuing thence South 18°04° east 119.03 feet; thence South 80°53° west 433.07 feet, more or less, to a point on the easterly right-of-way line of Idaho State Highway No. 21; thence North 9°06° 45° west along seid right-of-way line 315.20 feet thence North 80°53° east 183.80 feet to the point of beginning. Containing 2.59 acres

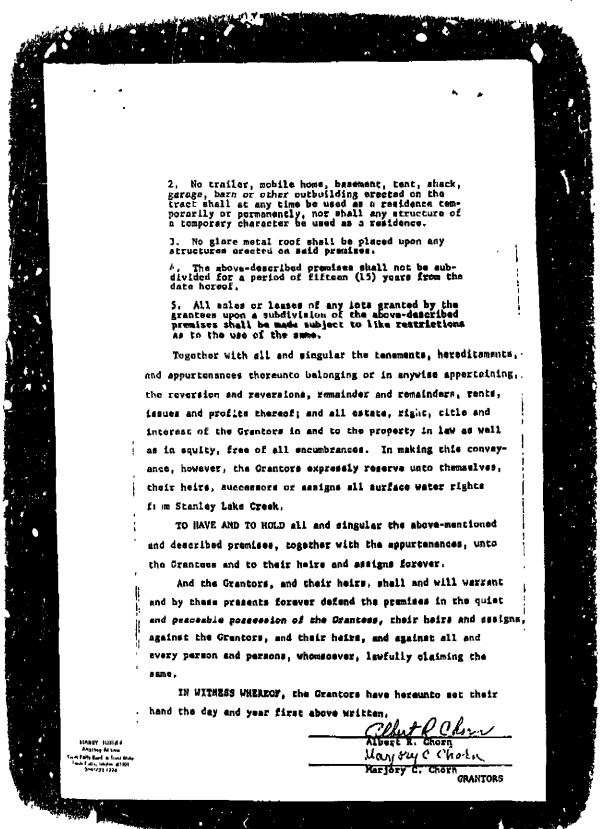
Subject to the following restrictions:

1. No commercial enterprise, or enterprises, of any kind for profit shall be maintained upon, or in connection with the above-described premises.

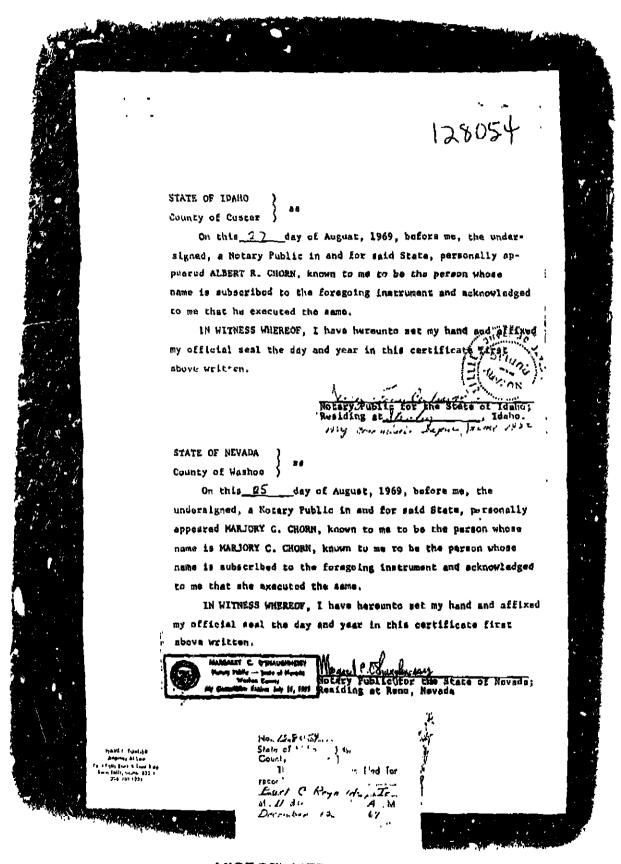
HARRY LUMBER
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from Palife bank & Brown Bing
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TO SOLUTION SENSOR 
19385y

#### WARRANTY DEED

FOR VALUE RECEIVED, EARL C. REYNOLDS, a widower, of the City of Boise, County of Ada, State of Idaho, the Grantor, does hereby grant, Emrgain, and Land convey unto MEST ONE BANK, IDAHO, N.A., on Trustee of Trust B of the Earl C. Reynolds, Jr. Family Trust, dated December 21, 1973, and as amended and restated on April 8, 1982, Grantoe, as its, sole and separate property whose current address is: P.O. Box 7928, 101 South Capitol Houlevard, Boise, Idaho 83701, all of his right, title and internst in and to the following described premises located at Stanley, Custer County, State of Idaho, more particularly described as follows, to-wit:

A fraction of H.R.S. No. 378, in Section 25 Township 11 North, Range 12 hast Boise Meridian, more particularly described as follows, to-wit:

Communcing at Corner No. 7 of said H.B.S. No. 578 and running thence South 18°04' east along the easterly boundary of H.B.S. No. 578 a distance of 1172.43 feet to the point of beginning, and the northeasterly corner of the tract of land herein described; continuing thence South 18°04' east 319.03 feet; thence South 80°53' west 433.07 feet, more or less, to a point on the easterly right-of-way line of Idaho State Highway No. 21; thence North 9°05'45" west along said right-of-way line 315.20 feet; thence North 80°53' east 363.80 feet to the point of beginning. Containing 2.59 acces.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Granter does hereby coverant to and with the said Granter, that he is the owner in fee simple of said premises, and that they are tree from all encumbrances, and that he will warrant and defend the same from all lewful claims whatsoever.

DATED: This 5th day of Pacember, 1989.

WARRANTY DEED, Page 1.

MICROFILMED

347.2 4.2012

193854 STATE OF LDANG : 35. County of Ada On this \_\_\_\_\_\_ day of December, 1989, before me, a Notary
Public in and for said State, personally appeared EARL C. REYNOLDS,
JR., known to me to be the person whose name is subscribed to the
foregoing instrument, and acknowledged to me that he executed the same. IN WITHESS WHEREOF, I have horeunto set my hand and affixed my official seal the day and year in this cortificate first above (pritter) 7. COV Natary Public for Idaho Natiding at Boise, Idaho Ny Commission Expiresi 193854 ...  $P \stackrel{\mathcal{Q}}{\leftarrow} \mathcal{U} = \ell$ Martin Baster Chapman Racke Suncer 1/30 ordina 19 13/13 ... 10/85... ENUT PO CONT. EN-ONICIDATED des --- Dopety WARRANTY DEED, Page 2.

MICROFILMED

Jan 2 4 21102

### DEED OF PERSONAL REPRESENTATIVE

NOW ALL MEN BY THESE PRESENTS, that the undersigned, EARL C. REYNOLDS, dR., as Personal Representative of the Estate of BARRIET A. RENNOLDS, deceased, Grantor, For Value Received, does byreby drant, barrely, seel, convey and distribute unto MENT ONE BANK, HARD, B.A., as Trustee of Trust B of the Earl C. Reynolds, Jr. Hamily trust, dated December 21, 1973, and as amended and restated on April B, 1982, Grantee, as its, sole and separate property whose current address is: P. D. Box 7928, 101 South Capitol Boulevard, Balse, Idaho 83701, all of the interest of the Estate of Harriet A. Reynolds, deceased, in and to the following described promises incended at Stanley, Custer County, State of Idaho, more particularly described as follows, to-with

A fraction of H.E.S. No. 578, in Section 29 Township 11 North, Range 12 East Heise Meridian, more particularly described as follows, to-wit:

Commanding at Corner No. 7 of said H.E.S. No. 578 and running thence South 18°04' east along the easterly boundary of H.E.S. No. 578 a distance of 1172.43 feet to the point of beginning, and the northeasterly corner of the tract of land herein described; continuing thence South 8°04' cast 319.03 feet; thence South 80°53' west 473.07 feet, more or less, to a point on the easterly right-of-way line of Idaho State Highway No. 21; thence North 9°96/45" west along said right-of-way line 315.20 tout; thence North 80°53' east 183.60 feet to the point of Doginning. Containing 2.59 acres.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, its heirs and assigns forever.

DATED: This 5 day of December, 1989.

Personal Representative of the Estate of HARRIST A. REYNOLDS, deceased

DEED OF PERSONAL REPRESENTATIVE, Page 1.

MICROFILMEL

3 % 3 Z 4 2 M2

193755 STATE OF IDAHO County of Ada On this day of becember, 1989, before me, a Notary Public in and for said State, personally appeared EARL C. REYNOLDS, JR., known to me to be the Personal Representative of the Estate of HARPIET A. REYNOLDS, depeaded, and known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same. IN WITNESS WHEREOF, I have horounto set my hand and affixed my official seal the day and year in this certificate first above weitten. Residing at Boise, My Commission Expir 1.4 . /93855 meeter chann on took & Bucke 1:30 Physical and the property of the Reports of Carties . . . . . . EPT VIII. No. 172**015** En-OHIO Jo Topourgos 1 This ... DEED OF PERSONAL REPRESENTATIVE, Page 2.

MICROFILMEL,

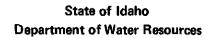
100 A \$ 100 A

TOTAL P.05

STATE, OF LOADO ag. County of Ada IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official soul the day and year in this certificate first above written. Notary Public for Idaho Residing at Boine, Idaho My Commission Expires: Martin Chapen ma Real & Builder  $\{a_{i,j,k}^{*}\}_{i=1,k}^{i,j}$ TOTAL M. CHOR Con-Chile to Stronger Receive (1/4 Cer \_\_\_ Disputs DEED OF PERSONAL REPRESENTATIVE, Page 2.

MICROFILMEL

118 24 2002



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## **WATER RIGHT LICENSE**

WATER RIGHT NO.

71-07102

Priority: August 27, 1986

Maximum Diversion Rate: Maximum Diversion Volume: 0.13 CFS 18.9

This is to certify, that EARL C. REYNOLDS, JR. HARRIET A. REYNOLDS

2848 STARLINGTON DR.

<del></del><del></del> BOISE, ID 837120000 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 27, 1986; and has submitted Proof of Beneficial Use on July 5, 1989. An examination indicates that the works have a diversion capacity of 1.560 cfs of water from:

STANLEY LAKE CREEK

tributary to VALLEY CREEK

source, and a water right has been established as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

ANNUAL VOLUME

IRRIGATION

06/01 to 10/15

0.13 CFS

18.9 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 26, Township 11N, Range 12E

CUSTER County

PLACE OF USE:

IRRIGATION

**ACRES** 

**ACRES** 

**ACRES** 

TOTAL

TWN RGE SEC 11N 12E 25

SESW 3.3

SWSE

6.3

Total number of acres irrigated:

6.3

#### CONDITIONS/REMARKS:

- 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 which 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.
- This right is subject to all prior water rights and may be forfeited by five years of non-use.
- Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
- This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

JAN 1 7 1597

FACE 2

State of Idaha
Department of Water Resources

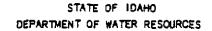
WATER RIGHT LICENSE
WATER RIGHT NO. 71-07102

CUNDITIONS/REMARKS:

This license is issued pursuant to the provisions of Section 42-219, Idaha Code witness the seal and signature of the Director, affixed at Boise, this day of R. Keith Higginson, Director

Acting for R. Keith Higginson, Director

JAN 17 1991



For Office Use Only
\$15 FEE Receipted by CP
Date 11/14/88
Receipt # COO3306

## REQUEST FOR EXTENSION OF TIME

Departing it of Water Resources

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

Date Proof is Due:	December 1. 1988
Describe what work has	been completed toward the development of this water right:  (This must be filled out! If no work has been completed, show "none".)
See Attachment	z A
	Costing \$ 2,500.00
The permit holder(s) ha	Costing \$ $2,500.00$
	as been unable to complete the remainder of the work for the following reasons:
Negotiations and	
Negotiations and	execution of the required Special Use Permit from the U.S. Forest ret been completed, as outlined in the response to the above question
Negotiations and Service has not ; in Attachments A,	execution of the required Special Use Permit from the U.S. Forest ret been completed, as outlined in the response to the above question  B, C, and D.
Negotiations and Service has not ; in Attachments A,	execution of the required Special Use Permit from the U.S. Forest ret been completed, as outlined in the response to the above question

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

Signed this 28 day of November, 1988.

Chief Water Allesting Europe

Chief, Water Allocations Bureay

SEP 2 1986

Ident No. 7/-7/02

Form 202 6/85

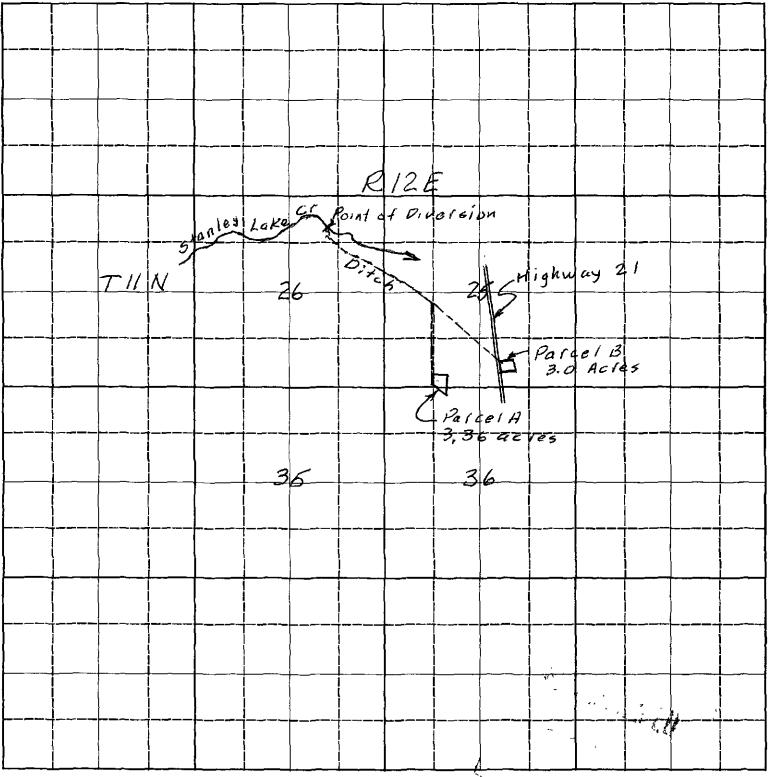
# STATE OF IDAHO COMPANY OF THE 
APPLICATION FUN FLI......

To appropriate the public waters of the State of Idahe APPROVED

1.	Name of applicant Earl C. Reynolds Jr. and/or Harriet A Reynolds Phone (208) 342-9152
	Post office address 2848 Starlington Drive, Boise, Idaho 83712
2.	Source of water supplyStanley Lake Creek which is a tributary ofValley Creek
3.	Location of point of diversion is SE ¼ of NW ¼ of NW ¼, Govt. Lot
	Sec. 26 Township 11N Range 12E B.M. Custer County; additional
	points of diversion if any.
4.	Water will be used for the following purposes
	Amount 0.13 for <u>Trrigation</u> purposes from <u>June 1</u> to <u>October 15</u> (both dates inclusive)
	Amount for purposes from to (both dates inclusive)
	Amount for purposes from to (both dates inclusive)
	Amount for purposes from to (both dates inclusive)
5.	Total quantity to be appropriated is (a) 0.13 and/or (b) acre feet per annum
	Proposed diverting works.
	a. Description of ditches, flumes, pumps, headgates, etc. Existing Headgate and ditches
	b. Height of storage dam feet; active reservoir capacity acre-feet; total
	reservoir capacity acre-feet; period of year when water will be diverted to storage
	to inclusive.
	c. Proposed well diameter is inches; proposed depth of well is feet.
	d. Is ground water with a temperature of greater than 90°F being sought?No
7.	Time required for the completion of the works and application of the water to the proposed beneficial use is
	years (minimum 1 year).

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	b Sto	ckwate	ering;	list n	umbe	er and	d kınd	of liv	estoc	k	<u>.</u>					_			
	c Mu	nicipal	, sho	w nar	ne of	mun	cipal	ity _									<u>.</u>		
	d. Dor	nestic,	shov	v nun	nber d	of hou	useho	olds _											
	e. Oth	er, des	scribe	fully													·		
									<u> </u>					_					
9.	Descr	iption	of pla	ace o	fuse														
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	b If v	vaterı	s use	d for	othe	r pur	pose	s, pla	ceas	symb	ol of	the u	ise ( <i>e.</i>	xamp	le <sup>.</sup> D	for D	omes	<i>itic</i> ) ir	the corres
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	A small											Total	numi	er of	acre	s to b	e irri	aated	6.36
	into Se	ection	n 36	(See	e ske	e tch	nex	t pag	ge)									<b>J</b>	
10	Descri	be any	othe	r wate	er rigl	nts us	sed fo	r the	same	purp	oses	as de	scribe	d abo	ove			<del></del>	7 3
																<u>.                                    </u>			· 
11	a Wh	o own	s the	prope	erty a	t the	point	of div	ersio	n?	U. S	5. Fo	rest	Set	rvic	e			-
	b Wh	o own	s the	land	to be	ırrıga	ated o	or plac	ce of u	ıse? _	App	plica	an ts						
	c. If th	ne pro	perty	IS OV	vned	by a	perso	on oth	ner th	an th	пе ар	plicar	nt, de	scrib	e the	arra	ngem	ent e	nabling the
	app	licant	to ma	ke th	ıs filu	ng _													
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	Remai	ks: I	his :	sys te	em wa	as de	evel	oped	unde	er Li	.c.	71-20	وبل80	whi	ch s	erve	s the	e apr	olicants'
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12	prope 1969	(Par	cel 1	B) ar	nd 19				·				•						ginal er right.
12	prope 1969 land	(Par	cel   been	B) ar solo	nd 19	sma.	11 p	arcel	ls, n	ost	of 1	whi cl	n are	no	t us	ing '	thi s	wate	

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



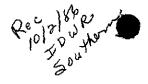
Scale 2 inches equal 1 mile

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

Applicant)

Proposed Pri	8/27/86 MB 9/2/86 /: 30 p Priority	
Re	Received by Date 27/1986 ime 3:43 Preliminary check by	
Fe	ee \$ 3000 Receipted by 4 # 38952 Date 8-21-8  Publication prepared by M. Baldum Date 9/2/86 Published in Charles Medical Published i	86 Lashing Co
		senger
Pu 	Publication approved M. Balifferin Date 10/02/86	<u></u>
	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	e State of
lda	daho No. 71-7102 , 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 o	or before
	c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.	l other
	d The water right acquired under this permit if for hydropower purposes shall be junior and subordin rights to the use of water, other than hydropower, within the State of Idaho that are initiated later than the priority of this permit and shall not give rise to any right or claim against any future rights use of water, other than hydropower, within the State of Idaho initiated later in time than the prior permit.	in time s to the
	e. Other: Permit holder shall commence the excavation or construction diverting works within one year of the date this permit is issued and s proceed diligently until the project is complete.	haff
	The issuance of this permit in no way grants any right-of-wa easement across the land of another.	y or
	Witness my hand this day of November, 1986.	
	A. Men Sayton Chief, Operations Bureau	)
	# A	





#### AFFIDAVIT OF PUBLICATION

State of Idaho County of Custer ss

Subscribed and sworn to before methis 30 day of

methis at day of

Notary Public residing at Challis Idaho My commission expires on

3-21-92

NOTICE OF APPLICATION
FOR WATER RIGHT
The Property of the State of Idaho:

REYPOLDS, JR., EARL C.
REYPOLDS, HARRIET A.
MIN STARLENGTON DRIVE,
BOISE, ID 83712

Source: STANLEY LAKE CREEK trib. to VALLEY CREEK Diversion Pt.: SENWINE Sec 28 T 11N R 12E

Use: IRRIGATION (0.130 CF9)-Date Filed: 08/02/1986

In: SESW SWSE See 25 T 14N R 12E FOR 6.36 ACRES; 3 miles N, 7 miles E of Stanley, ID.

The permit(s) will be subject to all prior water rights. Protestsmust be filed with the Director, Department of Water Resources, Southern Region, 1041 Blue Lakes, Boulevard North, Twin Falls, Idaho 33301 on or before OCTOBER 6, 1986.

KENTAUM, Director Published: September 14 & 25, 1986.

0 KB 2/86

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DEPARTMENT OF WATER RESOURCES

## **CHANGE IN ADDRESS**

This form can be used to notify the Department of a change in address of the owners of record for the listed water rights.

(Please print or type)

[]	Water Right Number(s)	71-7102A
[]	Name(s).	Earl C Reynolds Jr Harriet A Reynolds - deceased
		Harriet A Reynolds - deceased
[]	Old Mailing Address	2848 Starlington Dr.
		Boise, 1D 83712
[]	New Mailing Address:	2390 E, Gossamer Ln Boise, 10 83706
		Boise, 1D 83706
	Telephone Number:	(208) 342-9152
[]	Signature(s) of Owner(s)	Earl Parmuele
		(Include your title if on behalf of company or organization)
	Date:/_	//21/01 MICROFILMED
		JAN 2 4 2002



# State of Idano

# DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE Governor

KARL J. DREHER

November 1, 2001

EARL C REYNOLDS JR HARRIET A REYNOLDS 2848 STARLINGTON DR BOISE ID 83712 JERI L WAXENBERG PO BOX 2869 SUN VALLEY ID 83353

RE: Transfer No 68562 - Water Rights 71-7102A/B, 71-10651, 71-10880, 71-10881

Transfer Approval Notice

Dear Water Right Holder(s)

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 the APPLICANT 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.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

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 208-327-7940.

Lowisans

Sincerely.

Jeff Peppersack, Manager

Water Rights Permits Section

MICROFILMED

14 N S 4 2002

JP:kit Enclosure(s)

#### **CERTIFICATE OF MAILING**

I hereby certify that on November 1, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 68562 - WATER RIGHTS 71-7102A/B, 71-10651, 71-10880, 71-10881

JERI L WAXENBERG PO BOX 2869 SUN VALLEY ID 83353

EARL C REYNOLDS JR HARRIET A REYNOLDS 2848 STARLINGTON DR BOISE ID 83712

> Kari Lynn Townsend Secretary

# 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 **MSROPIPMET** other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

Page 1

#### **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,
- 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.



### TRANSFER REVIEW SHEET

TRANSFER # 68562 (5879) DAT	E REVIEWED 10/31/01
SPLIT POD ADD POD POU PERIO	D or NATURE of USE
ALL OF RIGHT(S) W=Water Right C=SRBA Cla	im R=SRBA Recommendation / / / / / / / / / / / / / / / / / / /
PART OF RIGHTS(S)	// / / / / / / / / / / / / / / / / / /
WM/Rcvd_NA	
	- 10991
6) new source for 71-10881 - Valley	
7) new p/d for 71-1082!	
(2) convert SRBA conditions	
SRBA conversion ( W63)(TIT), measurement	tish screening, rock +
WRs for Update Comments 1044	
Database Updated to Reflect Final Act	10n 10/31/01 W
	, , , , , , , , , , , , , , , , , , ,

send copy of appeared to Jim Speak - Attorny

### Memorandum

From: Jeff Peppersack October 29, 2001

**To:** Transfer No. 68562 (old no 5879)

Re: Annual Volume Calculations

The attached calculations estimate the annual volume for irrigation for WR No. 71-10651. The irrigation volume is 28.0 AF per year (will go to WR No. 71-10881). The remainder of the original right (1.79 cfs) will go to 71-10880 for conveyance loss in the ditch associated with other rights.

The irrigation volume was calculated by estimating the efficiency from the decreed rate and the ET requirements for pasture.

#### FIELD IRRIGATION REQUIREMENT

mitials

ΙĐ

Claimant =

Transfer No 68562

date

10/29/01

Weather Station =

Stanley

							Monthly (mm/da					AVE IR	net irrig		ımg				on Apple ET/eff in		y)				
стор	acres	irrig system	eff (%)	mar	apr	may	Jun	Jul	aug	sep	oct	season (mm/yr)	app (in)	ET ratio	freq (days)	mar	apr	may	jun	jul	aug	sep	oct	season (mm/yr)	
pasture		2 flood	12	:		2 29	5 28	4 99	4 19	3 24		512	0 69	1 14	29			21 76	50 16	47 41	39 81	30 78		4267	

Summary

2

Peak Gross Imgation Application (mm/day) = On-Farm Imgation Requirement (cfs/acre) = Total On-Farm Imgation Requirement (cfs) = Imgation Diversion Volume (ft/yr) = Total Imgation Diversion Volume (ac-ft/yr) =

- STARTED WITH

DECREED RATE

TO BACK OUT

THE EPPICIENCY

21 76 50 16 47 41 39 81 30 78

4267

Annual Volume = 28.0 AF

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#### 80th Percentile Values of Monthly ET (mm/day)

Stanley

Station

Station	Stanley																		
		ETR	ALFH	ALFS	BEANS	F CRN	SILGE	SCRN	PEAS	POTAT	SBEET	SGRAN	WGRAN	PAST	ORCHD	VEGES	ONION	HOPS	
March	AVE ET	0.35		0.00	0.00	0.00	0.00	0 00	0.00	0 00	0.00	0 00	0.00	0.00	0 00	0.00	0.00	0.00	
March	STDD ET	0 57		0.00	0.00	0.00	0 00	0.00	0.00	0 00	0.00	0 00	0 00	0.00	0.00	0 00	0.00	0 00	
March	80PCT ET	0.83	U	0.00	0 00	0 00	0.00	0 00	0.00	0.00	0.00	0 00	0 00	0.00	0 00	0.00	0.00	0 00	
****			Š										<del></del>						
April	AVE ET	2 89	E	0.00	0.00	0 00	0.00	0 00	0.00	0 00	0.00	0 00	0 00	0.00	0 00	0.00	0.00	0 00	
April	STDD ET	0 47		0.00	0.00	0 00	0.00	0 00	0 00	0 00	0.00	0 00	0 00	0 00	0 00	0.00	0.00	0 00	
April	80PCT ET	3 29		0.00	0 00	<u>0 00</u>	0 00	0.00	0.00	<u>0 00</u>	0 00	<u>0 00</u>	<u>0 00</u>	<u>0 00</u>	<u>0 00</u>	0 00	<u>0 00</u>	<u>0 00</u>	
			E																
May	AVE ET	4 78	Т	0.00	0 00	0 00	0 00	0 00	0 00	0.00	0.00	0 00	0.00	2 14	0 00	0.00	0 00	0 00	
May	STOD ET	0.40	R	0.00	0.00	0 00	0.00	0 00	0.00	0 00	0 00	0 00	0.00	0 18	0 00	0.00	0 00	0 00	
May	80PCT ET	<u>5 12</u>		0 00	<u>0 00</u>	<u>0 00</u>	0 00	0.00	0 00	<u>0.00</u>	<u>0 00</u>	<u>0.00</u>	<u>0.00</u>	2.29	<u>0 00</u>	<u>0 00</u>	<u>0 00</u>	0.00	
June	AVE ET	6 45	F	0.00	0 00	0 00	0 00	0 00	0 00	0.00	0.00	0.00	0 00	4.97	0.00	0 00	0 00	0.00	
June	STOD ET	0.49	0	0 00	0 00	0,00	0.00	0.00	0 00	0 00	0.00	0.00	0 00	0 37	0.00	0 00	0 00	0.00	
June	80PCT ET	<u>6 86</u>	R	0.00	<u>0 00</u>	<u>0.00</u>	<u>0 00</u>	<u>0 00</u>	<u>0 00</u>	<u>o co</u>	<u>0 00</u>	<u>0.00</u>	<u>0.00</u>	<u>5 28</u>	<u>0 00</u>	<u>0 00</u>	<u>0 00</u>	<u>0.00</u>	
Lake	AVE ET	6 32		0.00	0 00	0 00	0 00	0.00	0 00	0.00	0.00	0.00	0.00	4.86	0.00	0 00	0 00	0.00	
July	STDD ET	0 20	4	0.00 0.00	0 00	0.00	0.00	0.00	0 00	0.00	0.00	0.00	0.00	0 15	0.00	0 00	0.00	0.00	
July July	80PCT ET	_	A			0.00 0 00	0 00	0 00	0 00	0 00	0.00	0 00	0 00	4.99	0 00	0 00	0 00	0.00	
July	OUPGIEI	<u>6 49</u>	L E	0.00	<u>0 00</u>	<u>0 00</u>	0 00	000	0.00	<u>u 00</u>	0.00	<u>u uu</u>	<u>u 00</u>	7.32	<u>0 00</u>	0.00	<u> </u>	0.00	
August	AVE ET	5 14	A	0.00	0 00	0 00	0 00	0.00	0 00	0.00	0.00	0.00	0 00	3.96	0.00	0.00	0.00	0.00	
August	STDD ET	0 34	î	0 00	0 00	0 00	0.00	0 00	0 00	0.00	0.00	0 00	0 00	0.27	0 00	0 00	0.00	0.00	
August	80PCT ET	<u>5 43</u>	F	0 00	0 00	0 00	0 00	0.00	0 00	0 00	0.00	0 00	0 00	4 19	0 00	0.00	0 00	0.00	
ragast	35, 5. 2.	<u>0 40</u>	A	<u> </u>	<u> </u>	***	<u> </u>	9.00											
September	AVE ET	3 76	.,	0 00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0 00	0.00	2 89	0.00	0.00	0.00	0.00	
September	STDD ET	0.53		0.00	0.00	0 00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0 41	0.00	0 00	0 00	0.00	
September	80PCT ET	4 21	н	0 00	0 00	0 00	0.00	0 00	0 00	0,00	0.00	0 00	0 00	3 24	0 00	0.00	<u>0 00</u>	0.00	
•		_	A			-							<del></del>						
October	AVE ET	2 40	Υ	0.00	0 00	0.00	0.00	0.00	0 00	0.00	0.00	0.00	0 00	0 00	0.00	0 00	0.00	0.00	
October	STDD ET	0 32		0 00	0 00	0.00	0 00	0.00	0 00	0 00	0.00	0.00	0 00	0 00	0 00	0 00	0 00	0 00	
October	80PCT ET	<u> 2 67</u>		0 00	0.00	<u>0 00</u>	0 00	0.00	0 00	0.00	<u>0 00</u>	<u>0 00</u>	<u>0 00</u>	<u>0 00</u>	<u> </u>	0.00	<u>0 00</u>	<u>0,00</u>	
							· · · · · · · · · · · · · · · · · · ·												

ET and standard deviation data (AVE ET and STDD ET) taken from Appendix E (unpublished) of Brockway, C.E., and R G. Allen, 1983, Estimating Consumptive Irrigation Requirements for Crops in Idaho, Idaho Water and Energy Resources Research Institute

80tb\_Percentile ET values (80PCT ET) calculated based on Walpole, R E , and R H Meyers, 1985, third edition, PROBABILITY AND STATISTICS

80th: Percentile ET values (80PCT ET) calculated based on Walpole, R E , and R H Meyers, 1985, third edit FOR ENGINEERS AND SCIENTISTS, New York Macmillan Publishing Company, pp. 132-144 and 574

### DIVERSON RATE ANAYS FROM SRBA CLAIM

CLAIM NO - A71-10/51 Lotus Program: IRH-PRAC.WKS DATE - ----- 05/26/94 Dute form revised: 4/21/93 by KKC SUITE CHARACTERISTICS. Soil Type \* SNI; VERY GRAVELLY SANDY LOAM SMIRLE OF Soils Date - Printout From SC Printout From SCS State Orfire soil depth ALC: organic (%) soil AWC depth (inches) (Inches) (In/in) family (ft) Lower upper tower Lower upper lover flood TUFFON 0.06 0,54 Q.B5 0,58 0.03 0.06 0.021.80 alternato method

Management Allowed Deficit ( AD) FIELD NOTES AND CALCULATIONS FIELD 1 FIELD 2 FIELD 3 FIELD 4 MAU 1001 Stress depth (ft) point (INCHES) FIELD WIDTH IRRIGATION DAYS nRY DAYS 10 SCT TIME(hours) 8 CALCULATED RUN (run = acres\*43560/width) alfulfa (hay or seed) corn (field or siloge) 0.5 1.11 grain (winter or spring) CALCULATED BORDER WIDTH (ditch length/irr days \* cha pasture (or grass hay) other (enter below) 0.69 WIDTH ≈ THEORETICAL ROTATION (mad/net irr req in inches per SELECTED MAD = 0.69 ROTATION = 4.D DAYS

PEAK IRRIGATION DIVERSION REQUIREMENT AT FIELD 

Weather Station = Figure No = 10-73

Net Irrigation Requirement (mm/day) recomm. мау acres system oct PASTURE 2 FL000

4.07 4,35 3.34 SUMBBER 2.24 1.61 Peak Not Irrigation Pequirement (mm/day) =

"CUIDELINES FOR THE EVALUATION OF INRIGATION DIVERSION RATES" HUBBLE ENGINEERING INC. OCTOBER 1991 SULL CONSERVATION SERVICE STUDIES Soil Characteristics based upon

Peak Irrigation Diversion based upon ALLEN & BROCKWAY MEATHER INFORMATION 1983

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### GRADED BORDER EVALUATION

Job name: A71~10651 Ву: ККС

Location: SN1 SOIL FOR 2 ACRES

Date: May 26, 1994

Roughness coefficient (n) = 0.250

Intake family (If)=4.00 Border width (W)= 7 ft Border length (L)= 290 ft Slope (S) = 0.0200 ft/11. Bo Not application (Fn) = 0.69 inches Bo Inflow time (Ti) = 8 hours, 0 minutes

I	F <b>low</b> por Border (cfs)		Unit Flow cfs/ft)		Appl:	oss Lcatio in)	Dec on Parcol (ii	lation		Application Efficiency (percent)	Notes
	0.10	Gross	depth	is	less	than	required	gross	application	depth	
	0.11	Gross	depth	js	less	than	required	gross	application	depth	
,									application		
	0.13	Gross	depth	is	less	than	required	gross	application	depth	
,	0.14	Cross	depth	is	less	than	required	gross	application	depth	
	0.15	Gross	depth	is	less	than	required	gross	application	depth	
č.									application		
. (	(0.17)		0.024		28.9		27.70	-	0.49	2.4	
	0.18		0.026		30.6	54	27.70	5	2.20	2.3	
	0.19	\ (	0.027		32.3	35	27.70	5	3.90	2.1	

DECREED RATE

FORM 2224

### IDWR TRANSFER ANALYSIS SHEET

68562

)	7 - F-7 - Y
APPLICANT	11-10651 TRANSFER NO. 5789
1. Right number(s)	11-10651 )
2. Type of right	Decree License Statutory Claim  SRBA Beneficial Use Claim
3. Purpose of transfer	Change P/D Add P/D Change P/U Change N/U Change Source Split Right Other:
4. Check Existing Right:	Source Priority Amount Purpose Period SRBA Claim Description of original point(s) of diversion Description of original place of use Overlapping rights on original place of use
Comments:	
<del></del>	
5. Check Proposed Right	for amount of land &/or water transferred:
-	e attached memo for more analysis information
a. ½ All o	of right .
	of right (NOTB! Part B should be filled in only if part ght is owned by the applicant)
c. V Descr	iption of point(s) of diversion
d. É Descr	ription of place of use
e Map s	howing P/D & P/U after transfer
f Corre	ect notarized signature and \$100 fee
	of ownership of right &/or land from which water is sterred see www.mo
h Expan	usion in use of right - Comments: None apparent

(T5879/68562)

		•
		Transfer No. 5789, Page
i	Existing rights from a transferred to; right	ame source, on land water is being number(s):
j	SRBA claim; difference.	ts (NOTE! Approved transfer amends s between existing water right and hip or other outstanding issues?
k INITIAL ALLOCATION SREA SUPERVISOR R	Comment letters If yes  N REVIEW BY John From	Yes No Terry F+6 Water District # Lienholder, others, see #2 below for name and address  PATE 12/4/00
PUBLICATION REVIE		DATE
1. Legal Notice e	lectronically sent to D	- <del></del>
2. COMMENT LETTER	s	Copy of Pg 1 to AJ Yes 3/26/01
		ed on, Received on he following name(s) & address(es):
3. Transfer publi	shed correctly?	Yes No
4. Affidavit of p	ublication received?	Yes No
5. Protesta recei	ved? Yes No;	Acknowledgement sent?Yes
6. Copies made fo	r Region file (see atta	ched supplemental page)? Yes
RECOMMENDED AC	TION	-
1 Approve		_
2 Deny due t	o	
_	ecial conditions in Wat	er Districts)
Also	see attached memo for	recommendation dated: 4/18/0 /
4. By	ft	Date

### **MEMO**

FROM: Allen Merritt AD~

DATE: April 18, 2001

TO: Transfer File No. 68562

In the name of:

Jeri Waxenburg

Water Right(s):

71-10651

71-07102

### SUBJECT: Review and Recommendation

This transfer proposes to change the point of diversion for the water rights associated with a lot along Valley Creek that has historically been watered from a community ditch diverting from Stanley Lake Creek. The lot was originally owned by Earl Reynolds but has been recently sold to Waxenberg. The lot has two overlapping water rights as described below:

72-10651 is a recent decree in the SRBA. This right is for a relatively large flow for irrigation of 2 acres on the subject lot and also for conveyance loss in the community ditch from Stanley Lake Creek. The community ditch delivers other rights to other users and likely the flow rates for these rights would not allow delivery without the conveyance loss associated with 72-10651.

71

72-07102 part is a license that was not included in the SRBA. It was issued to Earl Reynolds for irrigation of two lots. One is the subject lot now owned by Waxenberg and the license was issued for irrigation of 3 acres for this lot.

Attached is a plot of the deed in arcview showing the 2.95 acres. The lot straddles Valley Creek with only 2.0 acres on the west side of the creek being what has historically been irrigated. The license was issued in error &/or the irrigation of the land on the east side of creek has been forfeited since it has never been irrigated.

The transfer was processed without protest.

### Analysis

Licensed part of 72-07102 for this lot is duplicative. License 72-07102 should be split between the two lots as follows:

71-07102B\*  $3/6.3 \times 0.13 = 0.062$  cfs for irrigation of 3 acres (Waxenberg lot)

71-07102A  $3.3/6.3 \times 0.13 = 0.068$  cfs for irrigation of 3.3 acres (Reynold's other lot west of Hwy; current ownership unknown)

\*71-07102B should be voided or forfeited as part of this transfer approval.

Decree 71-10651 covers entirely the historical use at the subject property. 0.17 cfs field headgate was justified in the SRBA (See SRBA claim file). Proposed changes of proposed changes of the sprinkler system

would justify 0.03 cfs/acre X 2 acres = 0.06 cfs but if gravity irrigation continues then the 0.17 cfs is justified. To move the entire right (1.96 cfs) out of the community ditch would cause injury to others since they rely on the conveyance loss provided in this right to deliver their rights. Ideally right 71-10651 should be split as follows:

71-10651A for 1.79 cfs for conveyance loss in Stanley Lake Creek Community Ditch. (Ideally it should be in the name of the Stanley Lake Creek Water User's Association as mentioned in file 71-07102 describing the easement across USFS ground for the ditch)

71-10651B for 0.17 cfs for irrigation of the Waxenberg lot pursuant to this transfer approval.

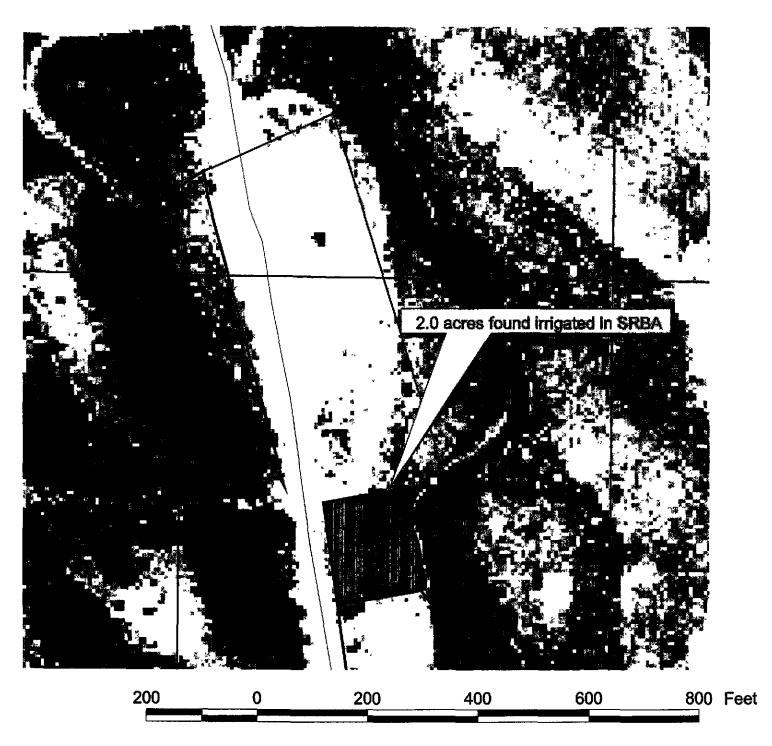
### Recommendation

I recommend that this transfer be approved subject to the following conditions:

- -Right 71-07102B is voided or relinquished.
- -Right 71-10651 is split as described above.
- -Right 71-10651B is limited to 0.17 cfs if utilized for gravity flood irrigation and if sprinkler applied is limited to 0.06 cfs. The right is further limited to irrigation of no more than 2.0 acres.
- -The new point of diversion authorized for 71-10651B must meet F&G screening requirements to protect fishery in Valley Creek.

# Waxenberg Transfer T68562

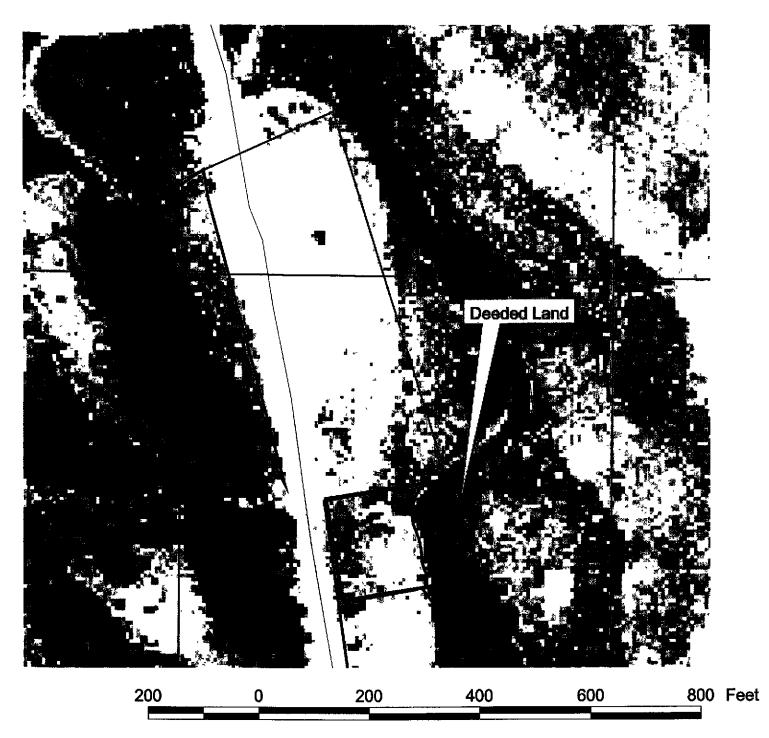




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# Waxenberg Transfer T68562





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### AFFIDAVIT OF PUBLICATION

### AL EIVEL

APR 0 6 2001

Department of Water Resource

State of Idaho, County of Custer, ss:

I, Ruth E. Burchill, representing 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 2 consecutive weeks, commencing with the issue dated March 39 101 and ending with the issue dated 2 pul 5 101.

STATE OF IDAHO

COUNTY OF CUSTER

on this \_\_\_\_\_ day of \_\_\_\_\_ in the year of \_\_\_\_\_ before me, a Notary Public, personally appeared \_\_\_\_\_ ku th E. Burch.il known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to the total he executed the same.

PUBLIC for Idaho
Residua at Chall. 5

47E O FIDE Aminission expires: 9/16/82

NOTICE OF PROPOSED CHARGE

JERI WAXEL ERG, P.O. BOX 2869, SUN VALLEY, ID 83353 has filed Application No. 68562 for changes to the following water rights within CUSTER County:

Right No. 71-7102 Priority: 8/27/86

Source: STANLEY LAKE CREEK Use: IRRIGATION (0.13 CFS) \*\*\*\* Point(s) of Diversion: NWNE S26 T11 N R12E

Place of Use: 6.3 acres within \$5 \$25 T11 N R12E

Right No. 71-10651 Priority: 5/01/1970

Source: STANLEY LAKE CREEK Use: IRRIGATION (1.96 CFS) Point(s) of Diversion: SWNWNE S26 T11N R12E

Place of Use: 2.0 acrés within SWSE S25 T11 N R12E

The application proposes to divert a total of 0.232 cfs from Valley Creek within SWSE for more emcient delivery and irrigation of three (3) acres, all S25 T11N R12E; using Water Right No. 71-7102 (0.062 cfs) and Water Right No. 71-10651 (0.17 cfs). The remainder of Right No. 71:7102 (0.068 cfs) will continue to irrigate 3 acres within SESW S25 T11 N R12E; the remainder of Right No. 71-10651 (1.79 cfs) will be diverted from Stanley Lake Creek for conveyance losses in delivery of other rights.

Any prot against the pro-"

posed change must be the pate the Department of Water Resources, 1341 Fillmore St. Suite #200; Twin Falls, ID 83301 together with a protest fee of \$25 for each application on or below that 16, 2001. The pressuant must also send a copy on the pressuant must also send a copy of the pressuant must be the applicant.

K' Rio Danger, Director Pub: March 29 & April 5, 2001

JUN 16 ZULY

DEPARTMENT OF VATER RESOURCE.

### AFFIDAVIT OF PUBLICATION

AECEIVEL APR 0 6 2001

Repartment of Water Resource

State of Idaho, County of Custer, ss:

I. Kuth E. Burchill. representing 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 2 consecutive weeks, commencing with the issue dated March 29 101 and ending with the issue dated 2 pul 5 101.

STATE OF IDAHO

COUNTY OF CUSTER

On this \_\_\_\_\_\_ day of \_\_\_\_\_\_ in the year of \_\_\_\_\_\_ before me, a Notary Public, personally appeared \_\_\_\_\_\_ known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the Thomas therein are true, and acknowledged to me that he executed the same.

mas

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

JERI WATENBERG, P.O. BOX 2869. SUN VALLEY, ID 83353 has filed Application No. 68562 for changes to the following water rights within CUSTER County:

Right No. 71-7102 Priority: 8/27/86

Source: STANLEY LAKE CREEK Use: IRRIGATION (0.13 CFS)

Point(s) of Diversion: NWNE S26 T11 N R12E

Place of Use: 6.3 acres within 8 S25 T11 N R12E

Right No. 71-10651 Priority: 5/01/1970

Source: STANLEY LAKE CREEK Use: IRRIGATION (1.96 CFS)

Point(s) of Diversion: SWNWNE S26 T11N R12E

Place of Use: 2.0 acres within SWSE S25 T11 N R12E

The application proposes to divert a total of 0.232 cfs from Valley Creek within SWSE for more efficient delivery and irrigation of three (3) acres, all \$25 T11N R12E: using Water Right No. 71-7102 (0.062 cfs) and Water Right No. 71-10651 (0.17 cfs). The remainder of Right No. 71-7102 (0.068 cfs) will continue to irrigate 3 acres within SESW S25 T11 N R12E: the remainder of Right No. 71-10651 (1.79 cfs) will be diverted from Stanley Lake Creek for conveyance losses in delivery of other rights.

Any protest against the pro-

posed change must be filed we the Department of Water Resources, 1341 Fillmore St-Suite #20 Twin Falls, ID 83301 together we a protest fee of \$25 for each approaction on or before April 16, 200 The protestant must also send copy of the protest to the approant.

KARL J DREHER, Direct Pub: March 29 & April 5, 2001

n6/19/0'

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### STATEMENT



### Custer Publishing, Inc.

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

Dept. of Water 1341 Fillmore street, Suite 200 Jurn Falls, Sa 83301-3380

Job No.	Date	DESCRIPTION	Amount
	4-5-01	Rotece of Proposed Charge of Water Reght 50. lines	- <del></del>
760	APR û b Maler enment di Waler Goutham Ra	Hosonic.	

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

### NOTICE OF PROPOSED CHANGE OF WATER RIGHT

JERI WAXENBERG, PO BOX 2869, SUN VALLEY ID 83353 has filed Application No. 68562 for changes to the following water rights within CUSTER County:

Right No. 71-7102

Priority: 8/27/86

Source: STANLEY LAKE CREEK Use: IRRIGATION (0.13 CFS)

Point(s) of Diversion: NWNE S26 T11N R12E
Place of Use. 6.3 acres within \$ \$25 T11N R12E

Right No. 71-10651 Priority: 5/01/1970

Source: STANLEY LAKE CREEK Use: IRRIGATION (1.96 CFS)

Point(s) of Diversion: SWNWNE S26 T11N R12E Place of Use: 2.0 acres within SWSE S25 T11N R12E

The application proposes to divert a total of 0 232 cfs from Valley Creek within SWSE for more efficient delivery and irrigation of three (3) acres, all S25 T11N R12E, using Water Right No. 71-7102 (0.062 cfs) and Water Right No. 71-10651 (0.17 cfs). The remainder of Right No. 71-7102 (0.068 cfs) will continue to irrigate 3 acres within SESW S25 T11N R12E; the remainder of Right No. 71-10651 (1.79 cfs) will be diverted from Stanley Lake Creek for conveyance losses in delivery of other rights.

Any protest against the proposed change must be filed with the Department of Water Resources, 1341 Filimore St-Suite #200; Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before April 16, 2001 The protestant must also send a copy of the protest to the applicant

KARL J DREHER, Director

Published in the Challis Messenger on 03/29 & 04/05/01

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# State of Idaho DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE GOVERNOR

KARL J. DREHER DIRECTOR

March 22, 2001

Legal Notice Department Custer Publishing Co PO Box 405 Challis ID 83226

#### **Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find a legal notice which we wish to have published in the Chailis Messenger on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before April 16, 2001 Your cooperation is appreciated.

Sincerely

Mary A. Baldwin Administrative Assistant

MICHOFILMED

JAN 2 4 7002

### SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

JAMES P. SPECK
DOUGLAS J AANESTAD
BENJAMIN W WORST

120 EAST AVENUE POST OFFICE BOX 987 KETCHUM, IDAHO 83340 TELEPHONE (208) 726-4421 FACSIMILE (208) 726-0752

November 29, 2000

RECEIVED

NOV 3 0 2000

Mr. John Freitag
IDWR - Southern Region
1341 Fillmore
Suite 200
Twin Falls ID 83301-3380

Department of Water Resources Southern Region

Re: Applica

Application for Transfer of Water Right - Jeri L. Waxenberg

Our File No.: 861/000005

Dear John:

Pursuant to our recent telephone conversations, I have prepared and enclosed revised Parts 1 and 2 for the above-referenced Transfer Application. The purpose of the revisions is to include that portion of Water Right License No. 71-07102 appurtenant to my client's property. You will note the place of use described on page 1 is now 3 acres. In the remarks section on page 2, 71-10561 is limited to irrigation of 2 acres within this place of use.

Please call me if you have any questions about these revisions. If not, let me know as soon as possible when this Application will be advertised.

Thank you.

Sincerely yours,

SPECK & AANESTAD A Professional Corporation

By:

James P. Speci

JPS:jal Enclosures

cc: Client (w/encls.)

MICROFILMED

JAN 4 4 1002

### **SPECK & AANESTAD**

A PROFESSIONAL CORPORATION ATTORNEYS

120 EAST AVENUE POST OFFICE BOX 987 KETCHUM, IDAHO 83340

October 16, 2000

TELEPHONE (208) 726-4421 FACSIMILE (208) 726-0752

RECEIVED

OCT 17 2000

Department of Water Resources Southern Region

Mr. Allen Merritt Idaho Department of Water Resources 1341 Fillmore, Suite 200 Twin Falls ID 83301

Ŧ

Re: Application for Transfer of Water Right No. 71-10651 -

Jeri L. Waxenberg Our File No.: 000005

Dear Allen:

JAMES P SPECK

DOUGLAS J AANESTAD

BENJAMIN W. WORST

Enclosed you will find the original and a copy of the above-referenced Application for Transfer of Water Right and my firm's check for the \$100 filing fee. We have included copies of the deeds in the chain of title from Mr. Earl C. Reynolds to whom the Partial Decree for this water right was issued in the SRBA to my client, Jeri L. Waxenberg. I understand this will satisfy the change in ownership requirement without having to file the Notice of Change in Water Right Ownership form.

Please call me if you have any questions about the Application. Let me know as soon as possible the projected date for publishing notice of the Application.

Thank you for your continuing cooperation and assistance in these matters.

Sincerely yours,

SPECK & AANESTAD A Professional Corporation

By:

James P. Spec

JPS:jal Enclosures

cc: Client (w/encls.)

MICROFILMED

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## State of Idaho DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

Memorandum

DIRK KEMPTHORNE GOVERNOR

KARL J. DREHER DIRECTOR

To: 5879

From: John Freitag, Water Resource Agent

Re: Warranty Deed/Conveyance Losses

**Date:** 12/05/00

It should be noted that the warranty deed provided for T5879 maps out in COGO for a total of 2.95 acres (See attachment). The 2.95 acres includes Valley Creek and since Valley Creek splits the property, it seems unlikely that there will be a need for 3 acres of irrigation as requested in this application.

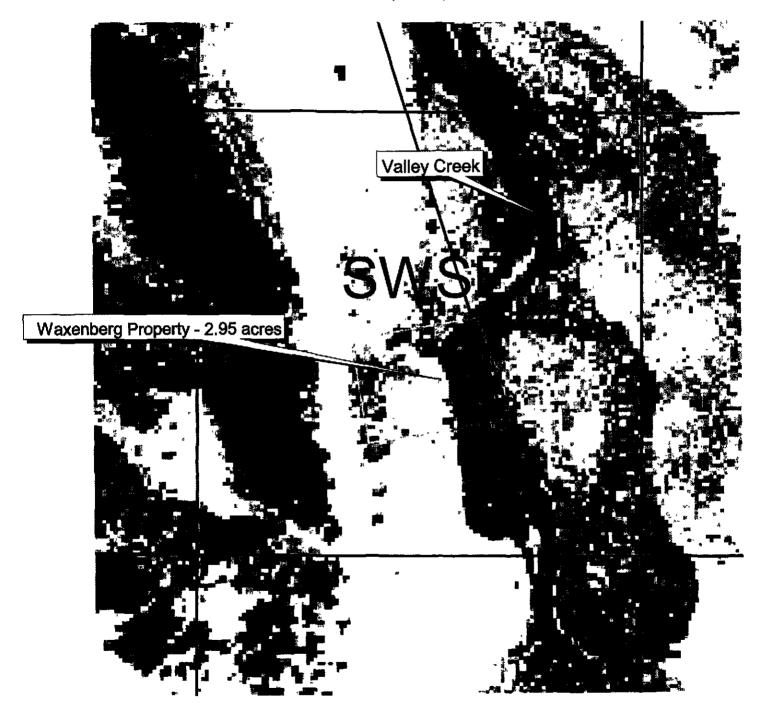
Also as a note 71-10651 is for a flow rate of 1.96cfs, only 0.17 cfs of this is included in this transfer. 1.79cfs of 71-10651 will be left in Stanley Lake Creek for conveyance losses.

MICROFILMED

### Legal description from warrenty deed for Waxenberg transfer.

Done in COGO by John Freitag 12/01/00





MICROFILMED

DATE: 10/17/00 PAGE: 1

RUST 1TAL BLVD 28 83702 -7172 YNOLDS JR SSAMER LN 83706 -9152	•		05/0	01/1970	IRRIGA	TION	••••		05-01 . DIVER	_		960 CF:	-		•
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POU County: CUSTER
Other Rights: NONE

Conditions of Approval:

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
 IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER

- RIGHTS IN BASIN 71:

WATER RIGHT NO. SOURCE

NONE NONE

- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER

- RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO. SOURCE

NONE NONE

- ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES - OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED

- CONJUNCTIVELY.

C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

- ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY

- DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE

- ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks: GEN PROPERTY IS ALSO KNOWN AS A PORTION OF HOMESTEAD ENTRY NO. 578

DATE: 10/17/00 PAGE: 2

Remarks: EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF

> DIVERSION DESCRIBED ABOVE: 71-02084A, 71-02084B, 71-07020, AND 71-07023.

1.79 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE

LOSSES IN DELIVERY OF THIS RIGHT AND OTHER RIGHTS.

Dates: Exam Made Date: 09/22/1993 Verified Date: Objection Filed Date:

Misc: Field Inspection Flag: Water District Number: Presumption Flag:

Date: 10/12/1993 User-10: CHRISTEN Subject: COPIED FROM REMARKS

SEE ATTACHMENTS ON ORIGINAL CLAIM FORM.

Date: 05/26/1994 User-ID: CHRISTEN Subject: CONVEYANCE LOSSES FOR ALL RIGHTS ON SYSTEM

BASED UPON THE WAY CLAIMANTS CLAIMED AND/OR THEIR LEGAL STANDING I HAVE USED THIS RIGHT AS A CARRIER FOR ALL THE CONVEYANCE LOSSES FOR THE SYSTEM AND JUST POINT TO THIS CLAIM IN THE OTHER RIGHTS THAT USE THIS SYSTEM. LICENSED RIGHTS AFTER COMMENCEMENT ARE NOT INCLUDED IN THE CONVEYANCE LOSS DETERMINATION OF THE SYSTEM. KKC

Date: 07/21/1998 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE

CONDITION CODE(S) C13 ADDED IF NOT ALREADY PART

OF RECORD THRU AJU10.

Date: 12/14/1999 User-ID: CTIMM Subject: OWNERSHIP CHANGE 12/14/99, CHANGED OWNERSHIP: REYNOLDS TO US BANK TRUST AS PER

FORM AND DEED REC'D 8/9/99. C.T.

Date: 06/19/2000 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE

CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART

OF RECORD THRU AJU10.

11/06/92 MERRITT 11/14/92 POST-STD 10/12/93 CHRISTEN 01/05/94 CHRISTEN Audit:

> 05/26/94 CHRISTEN 03/30/95 POST-STD 06/12/98 KCHRISTE 07/21/98 CMU-DSHA 07/21/98 AJU10-DS 11/07/98 CPDSHAFF 11/10/98 ADT-DSHA 12/14/99 CTIMM

06/19/00 AJU10-DS 06/19/00 ADT-DSHA MICHOFILMEL

#### IDAHO DEPARTMENT OF WATER RESOURCES ADJUDICATION CLAIN PROFILE REPORT

DATE: 10/17/00

6.3

PAGE:

TOTAL ACRES

OWNER CODE	R NAME & ADDRESS	PRIORITY DATE WATER USE	USE PERIOD FROM TO	DIVERSION Rate	DIVERSI <b>ON</b> Volume
_	EARL C REYNOLDS JR	07/13/1966 IRRIGATION	05-01 10-15	3.000 CFS	******
	2390 E GOSSAMER LN BOISE ID 83706		TOTAL DIVERSION: CONSUMPTIVE USE:	3.000 CFS	12.70 AFA
	(208) 342-9152 Water Source: STANLEY LAKE CREEK	Tributary to: VALLE	CONSOMPTIVE USE:	Stage: B	ENEFICIAL USE

Point(s) of Diversion: T11N R12E S26 SWNWNE CUSTER County

Place of use Legal Description for: IRRIGATION

NENE NUNE SUNE SENE : NENW NWNW SUNW SENW : NESW NWSW SUSW SESW : NESE NWSE SUSE SESE : T R S : Lt Ac Lt A --- --- -- ; ----- ----- ; ----- ; ----- ----- ; ----- ; ----- ----- ; ----- ; ----- ----- ; ----- ----- -----11N 12E 25 :

POU County: CUSTER Other Rights: NONE

Remarks: GEN SEE ATTACHMENTS ON ORIGINAL CLAIM FORM.

Objection Filed Date: Dates: Exam Made Date: Verified Date:

Misc: Water District Number: field Inspection Flag: Presumption flag:

Audit: 06/17/92 BAUMHOFF 03/30/95 POST-STD

DATE: 11/17/00

71-1	0651		N CLAIM PROFILE REPORT	18#220000455555	PAGE	: 1
OWNER CODE	NAME & ADDRESS	PRIORITY Date	WATER USE	USE PERIOD FROM TO		ERSION LUMI
	BANK TRUST	05/01/1970	IRRIGATION	05-01 10-31	1.960 CFS	
PO BO	11 S CAPITAL BLVD 1 BOX 7928 11SE 1D 83702 108) 383-7172		тотя	AL DIVERSION:	1.960 CFS	
23 B0	RL C REYNOLDS JR 190 E GOSSAMER LN DISE ID 83706 108) 342-9152					
Wa	ter Source: STANLEY LAKE	CREEK Tribu	itary to: VALLEY CREEK		Stage: DECREE	)
int(s)	of Diversion:	T11N R12E S26 SWNW	INE		CUSTER County	
	: Lt Ac Lt Ac Lt Ac Lt Ac Lt	NH NE : NENU NUNU SWNW S	SW : NESW NWSW SWSW : Ac : Lt Ac Lt Ac Lt Ac		Lt Ac Lt Ac Lt Ac :	SUM  2.0
	:y: CUSTER ghts: NONE				TOTAL ACRES	2.0

Conditions of Approval:

C13 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER - IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER

- RIGHTS IN BASIN 71:

WATER RIGHT NO. SOURCE

NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER - IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER

- RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO. SOURCE NONE

NONE

ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES - OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED

- CONJUNCTIVELY.

C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

- ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY

- DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE

- ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks: GEN PROPERTY IS ALSO KNOWN AS A PORTION OF HOMESTEAD ENTRY NO. 578

DATE: 11/17/00

PAGE: 

Remarks: EXP

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 71-02084A, 71-02084B, 71-07020, AND 71-07023.

1.79 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND OTHER RIGHTS.

Dates:

Exam Made Date: 09/22/1993

Verified Date:

Objection Filed Date:

Misc:

Water District Number:

Field Inspection Flag: Presumption Flag:

Comments: Date: 10/12/1993 User-ID: CHRISTEN Subject: COPIED FROM REMARKS

SEE ATTACHMENTS ON ORIGINAL CLAIM FORM.

Date: 05/26/1994 User-ID: CHRISTEN Subject: CONVEYANCE LOSSES FOR ALL RIGHTS ON SYSTEM BASED UPON THE WAY CLAIMANTS CLAIMED AND/OR THEIR LEGAL STANDING I HAVE USED THIS RIGHT AS A CARRIER FOR ALL THE CONVEYANCE LOSSES FOR THE SYSTEM AND JUST POINT TO THIS CLAIM IN THE OTHER RIGHTS THAT USE THIS SYSTEM. LICENSED RIGHTS AFTER COMMENCEMENT ARE NOT INCLUDED IN THE CONVEYANCE LOSS DETERMINATION OF THE SYSTEM. KKC

Date: 07/21/1998 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE CONDITION CODE(S) C13 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Date: 12/14/1999 User-ID: CTIMM Subject: OWNERSHIP CHANGE 12/14/99, CHANGED OWNERSHIP: REYNOLDS TO US BANK TRUST AS PER FORM AND DEED REC'D 8/9/99. C.T.

Date: 06/19/2000 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Audit:

11/06/92 MERRITT 11/14/92 POST-STD 10/12/93 CHRISTEN 01/05/94 CHRISTEN 05/26/94 CHRISTEN 03/30/95 POST-STD 06/12/98 KCHRISTE 07/21/98 CWU-DSHA 07/21/98 AJU10-DS 11/07/98 CPDSHAFF 11/10/98 ADT-DSHA 12/14/99 CTIMM 06/19/00 AJU10-DS 06/19/00 ADT-DSHA

MICHOFILME

IDAHO DEPARTMENT OF WATER RESOURCES DATE: 11/17/00 WR5809NP PAGE: No. 71-07102 WATER RIGHT PROFILE REPORT USE PERIOD DIVERSION DIVERSION OWNER CODE DATE WATER USE FROM TO RATE VOI UME NAME & ADDRESS ------------------------08/27/1986 IRRIGATION 06/01 10/15 0.130 CF\$ 18.90 AFA C EARL C. REYNOLDS, JR. C HARRIET A. REYNOLDS .......... ------TOTAL DIVERSION: 0.130 CFS 18.90 AFA 2848 STARLINGTON DR. BOISE ID 837120000 Stage: LICENSE Water Source: STANLEY LAKE CREEK Tributary to: VALLEY CREEK Point(s) of Diversion Capacity: 1.560 CFS Point(s) of Diversion: T11N R12E S26 NWNE CUSTER County Place of use Legal Description for: IRRIGATION NW SE ΝE NENE NUNE SUNE SENE : NENU NUNU SUNU SENU : NESU NUSU SESU : NESE NUSE SUSE SESE : TRS: Lt Ac L --- --- : : ----- : ----- : ----- : ----- : ----- : ----- : ----- ----- : ----- : ----- : ----- : ----- : -----03 : 11N 12E 25 : 6.3 TOTAL ACRES 6.3 Pou County: CUSTER Conditions of Approval: R29 - This right when combined with all other rights shall provide no - more than .02 cfs per acre nor more than 3.0 afa per acre for - irrigation of the lands above. App. Received: 08/27/1986 Priority Date: 08/27/1986 Dates: Proof Made Date: Proof Due Date: 12/01/1990 07/05/1989

Exam Sent to S.O.:

12/30/86 05/28/88 CONVERT 03/02/89 CURTIS 07/24/89 CURTIS

Field Exam Fee: R (Received)

Exam Made Date: 08/13/1990

Licensed Date: 12/18/1990

08/14/90 JASPER 11/01/90 CURTIS

Water District Number:

Misc:

Audit:

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IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT PROFILE REPORT

USE PERIOD DIVERSION PRIORITY VOLUME CODE NAME & ADDRESS DATE WATER USE FROM TO RATE ------\*\*\*\* -----..... ------C TERT WAXWNRERG 05/01 10/31 0.170 CFS 05/01/1970 IRRIGATION

P.O. BOX 2869 Sun valley ID 83353

TOTAL DIVERSION: 0.170 CFS

-----

(108) **726-1685** 

D FARL C REYNOLDS JR

1) E GOSSAMER LN

TE ID 83706

") 342**-9152** 

Water Source: VALLEY CREEK Tributary to: SALMON RIVER Stage: DECREED

Point(s) of Diversion: T11N R12E S25 SWSE CUSTER County

Place of use Legal Description for: IRRIGATION

NE NW SW SE

NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE :

T R S : Lt Ac 
TOTAL ACRES 2.0

DATE: 12/06/00

Pou County: CUSTER

Other Trites NONE

f htions of Approval:

C13 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER

- IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 71:
- WATER RIGHT NO. SOURCE
- NONE NONE
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN THE SNAKE RIVER BASIN:
- WATER RIGHT NO. SOURCE
- NONE NONE
- ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
- CONJUNCTIVELY.
- C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
  - NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
  - ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
  - DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
  - ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks: GEN PROPERTY IS ALSO KNOWN AS A PORTION OF HOMESTEAD ENTRY NO. 578

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 71-02084A, 71-02084B, 71-07020, AND MICROFILMS.

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### IDAHO DEPARTMENT OF WATER RESOURCES WATER RIGHT PROFILE REPORT

DATE: 12/06/00

PAGE:

R marks:

71-07023.

1.79 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND OTHER RIGHTS.

Dates:

App. Received:

Priority Date:

05/01/1970

Proof Due Date:

Proof Made Date:

Exam Made Date:

Exam Sent to S.O.:

Licensed Date:

Misc:

Water District Number:

Field Exam Fee:

Commits: Date: 10/12/1993 User-ID: CHRISTEN Subject: COPIED FROM REMARKS

SEE ATTACHMENTS ON ORIGINAL CLAIM FORM.

Date: 05/26/1994 User-ID: CHRISTEN Subject: CONVEYANCE LOSSES FOR ALL RIGHTS ON SYSTEM BASED UPON THE WAY CLAIMANTS CLAIMED AND/OR THEIR LEGAL STANDING I HAVE USED THIS RIGHT AS A CARRIER FOR ALL THE CONVEYANCE LOSSES FOR THE SYSTEM AND JUST POINT TO THIS CLAIM IN THE OTHER RIGHTS THAT USE THIS SYSTEM. LICENSED RIGHTS AFTER COMMENCEMENT ARE NOT INCLUDED IN THE CONVEYANCE LOSS DETERMINATION OF THE SYSTEM. KKC

Date: 07/21/1998 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE CONDITION CODE(S) C13 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Date: 12/14/1999 User-ID: CTIMM Subject: OWNERSHIP CHANGE 12/14/99, CHANGED OWNERSHIP: REYNOLDS TO US BANK TRUST AS PER FORM AND DEED REC'D 8/9/99. C.T.

Date: 06/19/2000 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Date: 12/05/2000 User-ID: JFREITAG Subject: TRANSFER NO. 5879 Transfer proposes to change the point of diversion. 71-10651 is for a flow of 1.96 cfs, this transfer is only for 0.17 cfs of this and will leave the remaining 1.79 cfs in Stanley Lake Creek for conveyance losses.

Airtit:

12/05/00 JFREITAG

MICROFILMEL 27年 工具 加熱

₩º0749NP №0. 171-**07102B**  IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/05/00

PAGE: 1

PRIORITY USE PERIOD DIVERSION CODE NAME & ADDRESS VOLUME DATE WATER USE FROM TO RATE ------------C JERT WAXWNRERG 08/27/1986 IRRIGATION 06/01 10/15 0.062 CFS

(208) 726-1685

Water Source: VALLEY CREEK Tributary to: SALMON RIVER Stage: LICENSE

Point(s) of Diversion: T11N R12E S25 SMSE CUSTER County

Place of use Legal Description for: IRRIGATION

NE NW SW SE

NENE NUME SUME SENE : NENW NWNW SUMW SENW : NESW NWSW SESW : NESE NWSE SUSE SESE :

T R S : Lt Ac Lt A

1'W 10F 05: : 03 : 3.0
TOTAL ACRES 3.0

Pou County: CUSTER

Conditions of Approval:

R29 - This right when combined with all other rights shall provide no

- more than .02 cfs per acre nor more than 3.0 afa per acre for

- irrigation of the lands above.

Dates: App. Received: 08/27/1986 Priority Date: 08/27/1986

Proof Due Date: 12/01/1990 Proof Made Date: 07/05/1989

Exam Made Date: 08/13/1990 Exam Sent to S.O.:

Licensed Date: 12/18/1990

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 12/05/2000 User-ID: JFREITAG Subject: TRANSFER NO. 5879

Transfer proposes to change the point of diversion and split

71-07023 into parts A and B.

Audit: 12/05/00 JFREITAG



## State of Idaho DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE GOVERNOR

March 26, 2001

KARL J. DREHER DIRECTOR

JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM ID 83340

Re: Application for Transfer No. 68562 (Waxenberg) 71-7102, 71-10651

Dear Mr. Speck

The Department of Water Resources acknowledges receipt of the Application for Transfer on behalf of your client, Jeri L. Waxenberg. Please refer to this number in all correspondence regarding the above referenced application.

This office has scheduled advertising the application in the Challis Messenger for 3/29 & 4/5/01. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests (April 16, 2001)

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

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication

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

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

Sincerely,

Mary A. Baldwin Administrative Assistant

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# State of Idaho DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE GOVERNOR

March 26, 2001

KARL J. DREHER DIRECTOR

MIKE LARKIN ID DEPT FISH & GAME PO BOX 1336 SALMON ID 83467

Re Application(s) for Transfer No. 68562 (Waxenberg)

Dear Mr. Larkin,

The Department is seeking your comment and/or recommendation on your letterhead paper regarding an Application(s) within your area of jurisdiction

Regional review of an unprotested application can be completed as soon as the final protest period is past; therefore, your prompt response to this request is appreciated.

If you have any questions about an application, please contact this office or the applicant's legal counsel, James Speck, at 726-4421.

Very truly yours,

Mary A Baldwin
Administrative Assistant

Enclosure(s)

MICROFILMED

ACH Fu Jan

## ACTION REQUIRED

3/26/01

FROM: MB

TO: Terry Blace

SCA Comment Olease

MICROFILMED

JAN 2 4 2002

Form 222 7/92

	}			
-	Transfer No	_	 	_

### RECEIVED

### STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

OCT 17 2000

Southern Region

# APPLICATION FOR TRANSFER OF WATER RIGHTDepartment of Water Resources

Name of applicant: JERIL WAXENBERG Phone 1-208-726-1685 Post Office address: P.O Box 2869, Sun Valley, Idaho 83353 A. PURPOSE OF TRANSFER \_\_\_ Change place of use 1. X Change point of diversion Add diversion point(s) \_\_\_ Other (change source, split right) Change period of use \_\_\_ Change nature of use 2. Describe the reason for the proposed changes Valley Creek runs through the property and it will be much more efficient to deliver the water right from Valley Creek rather than through the very extensive ditch system from the current point of diversion in Stanley Lake Creek B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE Right Number Priority Nature of Use Period of Use Volume Amount 71-10651 May 1, 1970 0 17 cfs irrigation` May 1 October 31 to 2. Total amount of water being transferred. 0.17\_cubic feet/second and/or \_\_\_\_\_ acre-feet per annum. Stanley Lake Creek 3. Source of water. tributary to Valley Creek Point(s) of Diversion. Gov't ldent 1/4 1/4 1/4 County Local name for diversion No. Lot Sec. Twp. Rge. SW 11N Custer County Lands Irrigated or Place(s) of Use. TWP RGE SEC **Totals** NE N W S W SE 11N 12E 25 2 Total acres. Recipied Part 1 30

\*\*\*\* 2 & 2007

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#### 6. General Information:

a. Description of diversion system: Headgate or pump in Valley Creek, mainline to sprinkler or flood irrigation system.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes \_\_\_ X \_\_ No If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: N/A

d. Remarks: 1.79 cfs of the water right is limited to conveyance losses for this and other rights in the existing delivery system and will be left in those ditches for that purpose. The balance of the right - 0.17 cfs - will be diverted from Valley Creek.

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

nd said Application is herebyonditions	 , subject to the following limitations and	
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/itness my hand this day of		
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MICROFILMEL

*	Transfer No		

## STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED

(Attach one copy for each right)

OCT 17 2000

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				SRB/															
				16, 19															
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	d. Tra	ınsfe	r No		<u> </u>	<i>w</i>	/hich	produc	ed this	righ	nt.								
2.				ast yea rship.							hich t	he wa	ater riç	ght is	appu	ırtenar	nt or o	ther o	locuments
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3.	Source	e of v	water <u>S</u>	tanley	Lake	Creel	2												
4.	Date o	of prio	ority <u>Ma</u>	ay 1, 19	<u>970</u>														
5.	Water	is us	ed for	the foll	owing	purpe	oses.												
	amoun amour	t1 nt	96 cfs for_	for	irriga	ntion_		p	urpose Irposes	s fro	om m	May			_ to _ to	Octob	er 31		<del>-</del> -
<b>3</b> .	Total a	amou	ınt of w	ater ur	nder ri	ght <u>1.</u>	<u>96</u> cı	ubic fee	et/seco	nd a	ınd/or		_ acr	e-feet	t per a	annun	١.		
7. Poi	nt(s) of	Dive	ersion:																
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ldent No.	Gov	v't t	1/4 SW	NW ce(s) c	NF of Use	26	寸	11N	12E	T T		er			Loca			diver	sion
Ident No. 8. Lar	Gov Lot	v't t	% SW l or Pla	NW ce(s) c	NF of Use	26		11N N	12F		Cust	er S	<u>w</u>			<u>s</u>	<u> </u>		
Ident No. 8. Lar	Gov Lot nds Irrig	v't t gated	5W for Pla	NW ce(s) c	NF of Use	26		11N N	12F		Cust	er S	<u>w</u>				E sw		TOTAL
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MICROPILMED

use?													five	or me	ore co	nseci	utive y	ears of nor
No If yes, describe  B. DESCRIPTION OF RIGHT BEING TRANSFERRED  If the entire right is to be changed by the applicant, omit parts B and C)  1. amount for purposes from											<u>.</u>	to						
2. Point(s) of Diversion:																		
ldent No.	Gov'		1/4	1/4	1/4	Se	ec.	Twp.	Rge.	С	ount	у		Loca	l nam	e for	diver	sion
					l	1			<u> </u>				<u>L</u> _					
3. Lands Irrigated or Place(s) of Use:																		
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TWP	RGEIS	ECL	NE .	NW	1 2 W 1	SE_	NE	1 <u>NW 13</u>	W   SE	V.F.	NW	2M	SE	NE	NW	SW	_Sr_	TOTALS
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MICROFILMED

Page	of	TRANS	NO
_		 PART 2	

#### A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 71-10651

STAGE: DECREED

DIVERSION

BENEFICIAL USE PERIOD OF USE

RATE

IRRIGATION

05/01 to 10/31

1.96 CFS

SOURCE

TRIBUTARY OF

STANLEY LAKE CREEK

VALLEY CREEK

Priority: 05/01/1970

LOCATION OF POINT(S) OF DIVERSION:

SWNWNE , Sec. 26, Township 11N, Range 12E

CUSTER County

#### PLACE OF USE:

IRRIGATION

NENE NUNE SUNE SENE : NENU NUNU SUNU SENU ; NESU NUSU SUSU SESU : NESE NUSE SUSE SESE : TRS: Lt Ac L --- --- --- | ----- ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | -----11H 12E 25 : 02 2.0 TOTAL ACRES

#### CONDITIONS/REMARKS:

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 71:

WATER RIGHT NO.

SOURCE

NONE

NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.

SOURCE

NONE

NONE

ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

MICROFILMEL

323 2 3 July 2

•				
ι 1	Page		of	TRANS NO.
C	Claim	No.	71-10651	
	CONI	ITIO	NS/REMARKS:	
		3.	PROPERTY	IS ALSO KNOWN AS A PORTION OF HOMESTEAD ENTRY NO. 578
		3.		WING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF SCRIBED ABOVE: 71-02084A, 71-02084B, 71-07020, AND
		4.	1.79 CFS (	OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LIVERY OF THIS RIGHT AND OTHER RIGHTS.
Descr	ribe a	iny o	ther water ric	ghts used for the same purpose as described above:
				ortion of this water right undergone a period of five or more e? If yes, describe:
				s tax notice for the property to which the water right is nts which show ownership. Label document as attachment A.

/\_/ Tax Notice /\_/ Warranty Deed /\_/ Other \_\_\_\_\_

MICROFILMEL AND A STATE OF THE 
Check appropriate box below:

Form 222 7/92

Transfer No	
,	

### RECEIVED

### STATE OF IDAHO

OCT 17 2000

# APPLICATION FOR TRANSFER OF WATER RIGHT Department of Water Resources Southern Region

Name of applicant JERI L. WAXENBERG												Phone <u>1-208-726-1685</u>							
Post Offic	ice ad	ddres	s. <u>P.O.</u>	Box 2	869, Sı	<u>un V</u>	alley,	Idaho	83353	3									<del></del>
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efficient t							y Cre	ek ratr	ner tha	n t <u>hr</u>	rough t	he ve	ry ext	ensiv	e ditc	h syst	em fr	om the	current
point of d	livers	SIOH II	Starile	ey Laki	<u>e Cree</u>	<u>K</u> _													
B. DESC	RIPT	TION	OF RI	GHT(S	OR P	ORT	LION	THERI	EOF, A	AFTE	ER THE	REC	QUES	TED	CHAI	NGE			
Right I	Numl	per	Priori	ty			Amo	unt	Natu	re o	f Use	Period of Use Volum						Volume	
71-106	551		May 1	1, 1970			0.17	cfs	ırrıga	tion		May	/ 1		to (	Octobe	er 31		
3. Sour	2. Total amount of water being transferred: 0.17 cubic feet/second and/or acre-feet per annum,  3. Source of water Stanley Lake Creek tributary to Valley Creek																		
4. Point	t(s) o	f Dive	ersion			+			<del></del>	<del>,</del>				<del></del>				-	<del></del>
ident No.	Go Lo		1/4	1/4	1/4	s	ec.	Twp.	Rg	e.	Cc	ounty		<u> </u>	_ocal	name	for c	livers	ion
Ĺ	<u> </u>			SW_	SE	25	<u> </u>	11N		E_	Custe	r Cou	inty						
5 Land	ds Irri	gated	or Pla	ace(s) o	of Use														
TWP F	RGE	SEC		N				N					w				E		Totals
11N 1:	2E	25	NE	N/A	SW	SE	ME	NIA	SIA	SE	NE	NE NW SW SE NE NW SW SE						2	

Total acres:

<u>2</u>



#### 6 General information:

#### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No.

	, subject to the following limitations and
conditions:	

Page	3	of	6

_		
	Transfer No.	
	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	<del></del>

## STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

RECEIVED

OCT 17 2000

Department of Water Resourcer Southern Region

(Attach one copy for each right)

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		ed <u>Mar</u>																
		nse No.																
	c. Clai	m No			_ on	file v	vith the	Idat	o Dep	partme	ent of	Wate	r Res	ource	es.			
	d. Tran	nsfer No			v	vhich	produ	ced :	this rig	ht.								
2.		a copy o show ow								vhich	the w	ater ri	ight is	appo	urtena	int or	other (	documents
	Та	x notice		X_	_ Wai	rant	y Deed	_	_ Oth	er:								
3.	Source	of water	Stanley	Lake	Creel	2												
4.	Date of	priority	<u> May 1, 1</u>	<u>970.</u>														
5.	Water i	s used fo	or the fol	lowing	purp	oses	:											
;	amount amount	fc	fs_for_ or	irriga	ition		F	ourpo: urpo:	ses fr	rom	May	1		_ to_ _ to_	Octo	ber 3	<u> </u>	<u> </u>
6.	Total at	mount of	water u	nder ri	ght <u>1.</u>	<u>96</u> c	ubic fe	et/se	cond a	and/o	r	acr	e-fee	t per	annur	n.		
7. Poi	nt(s) of	Diversio	1 <u>:</u>		·													
ident No.	Gov' Lot	· )	1/4	1/4	Se	c.	Twp.		₹ge.		ount	-					diver	sion
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rwp 11N		25 N	NW							}					<b> </b> -	2		2 2

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Transfer No.	
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Page 4	of 6				T	j							<b>.</b>	T T	anste	er No.			<del></del>		
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			TION O																		
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2 Poir	nt(s) o	f Dive	arsion:							<del></del>	<del></del>	المراد		-2-7:22					<del></del>		
Ident No.	Gov Lo	- 1	1/4	1/4	1/4	Se	ec.	Twp.	F	≀ge.	С	ount	ty	Local name for diversion							
3 Land	ds Irm	gated	l or Plac	ce(s) o	of Use	:															
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TWP	RGE	SEC	NE	NW	241	<u>SE</u>	NE	NW	SW	_S <u>E</u>	NE	NW	SW	SE	NE.	NW	SW	SE	TOTALS		
TO	TAL	S								<b> </b>				<b> </b>							

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change
--

i, amount to buildes from to		to	purposes from	for	amount	1.
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2. Point(s) of Diversion.

ldent	Gov't								
No.	Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3 Lands Irrigated or Place(s) of Use:

				N	£			<u>NW</u>				S	W			S			
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	sw	SE	NE	NW	SW	SE	NE	NW	SW	SE	TOTALS
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TO	TAL	S																	

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#### STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

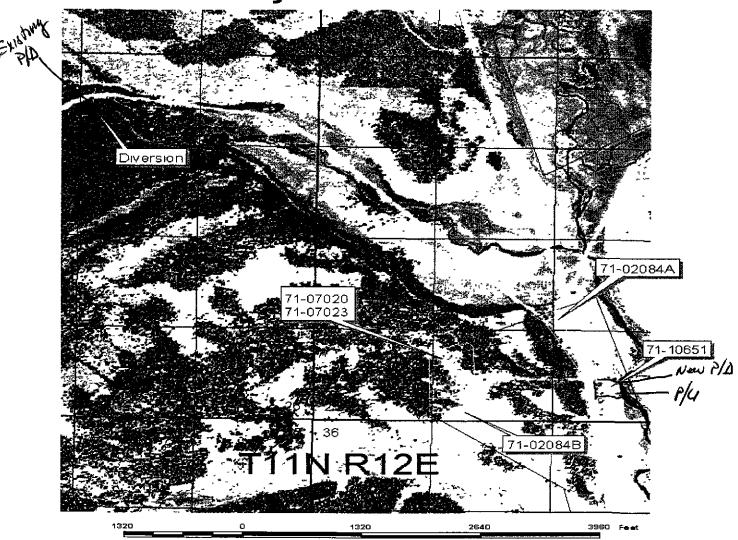
## RECEIVED OCT 17 2000

## APPLICATION FOR TRANSFER OF WATER RIGHT Southern Resources PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

IDAHO DEPARTMENT OF WATER RESOURCES

### Stanley Lake Creek Area



Section Lines

Quarter/Quarter Lines

Recommended Place of Use

Recommended Point(s) of DiversioNICROFILMED By D Jones



GIS PLACE OF USE PRESENTATION PHOTOGRAPHY 1988 BLM Layout Developed 4/2000

#### PART 3

#### **B. CHANGES IN NATURE OF USE**

1.

New Nature of Use	Amount (cfs/AF)	Hours/Days/Year	Period Of Use
			to
			to
			to

		to
		to
		to
2. Quantity and quality of return flows ar	nd location of discharge.	
Describe effects on other water uses	resulting from the proposed chan	ge
I hereby assert that no one will be injur- enlargement in use of the original right. The knowledge.		
i understand that any willful misreprese	entations made in this application	may result in voiding its approval
DATE: 10/16/00	JERI L. WAXENBERG	NOTAP
R	day of October  Candi S Duin  Notary Public for Tduho  Residing at Hailey, IP  My commission expires 8-29	2000. PUBLIC POPULATION OF IDA
	FOR DEPARTMENT USE ON	LY
Received by		D. A. A. Cl. all
Prelim. check by	Fee	Protest filed by:
Receipted #		
Published in	Recommend: approve _	Hearing held by
Watermaster recommendation requested		

Field exam conducted (required for statutory claims)

December 19, 1990

EARL C. REYNOLDS, JR. HARRIET A. REYNOLDS 2848 STARLINGTON DR. BOISE, ID 837120000

RE: WATER RIGHT NO. 71-07102

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON Water Rights Supervisor

JJ:blm

Enclosure

NAC AN ILLIED

JAN 1.7 1931

#### LICENSE REVIEW CHECKLIST

Permit No.	-1102
Name/Address	change?ok
Priority date	Advance? yesno
Total cfs	Limited by fee Durit  Limited by capacity
Total volume	Limited by flow
Capacity	Actual measurement checked  Theoretical checked  If greater than permit, check for other rts
Source	Changed? yes no ; If so, is memo needed to clarify?
P/D	Verify with map v permit v  More than one per 44? Remember remark  Check p/d overlap
Uses	Check irrigation period of use w/ chart NA
P/U	Verify with map permit > 5 acres irrigated, run overlap
Remarks	More than one p/d in 44 Description of non-irrig uses Special overlap condition
Conditions	Measuring device W.Master control Overlap Water quality Other
Dates/Misc	Water district App Rec'd date Proof Rec'd date
Comments/Changes	to Examiner's Recommendations:
License	10-day 30-day
Back of field rep Reviewer	Date 11-1-90  Review time (4 minutes

PAGE:	4		PLACE	OF U	SE 1	/4	1/4	OΨ	ERLA	P R	EPO:	RT									1	1/0:	2/90	
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7100058	SILVA	Ď	VALLEY CREEK	11N	12E	25	X	х	X		: X			x	:				7: P)O	. 0	Oc.			
7102084	CHORN	L	STANLEY LAKE CREEK	11N	12E	25					:				:		(	_17	<b>1</b> :`	5	13		35	
7104002	MENDIOLA	s <	VALLEY CREEK	11N	12E	25					:				:			<del></del>	:	X	X			
7 <del>1071</del> 02 -	-REYNOLDS; -JR	₽	STANLEY LAKE CREEK	11N	12E	25					:	-			:			3	;		3			_
7107105	BENNION	P	STANLEY LAKE CREEK	11N	12E	25					:				:			(2, 1)	:				2	
7107124	MC KAIN	P	VALLEY CREEK	11N	12E	25					:				:			$\sim$	•	3	2		5	
L7107192	REYNOLDS, JR.	L	STANLEY LAKE CREEK	11N	12E	25					:				:			3_	:		3		6	
L7107105	BENNION	T.	STANLEY LAKE CREEK	11N	12E	25					:				;			(2)	:				2	
	1986 MAPPING DATA	-	COUNTY 37 QUAD U 69	11N	12E	25	17	39	10		: 1	6		1	;				:				83	

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15% & 1 4ST

IDAHO DEPARTMENT OF WATER RESOURCES WATER RIGHTS BY POINT OF DIVERSION

DATE: 11/02/90 PAGE:

	WATER RIGHT NO.	LAST	NAME	STG	PRIORITY DATE	P F		WA'	TER RCE	WATER USE	RATE cfs	CAPACITY	TWP	RNG	SECT	TRACT	LOT
	L71-07102	REYNOLDS, REYNOLDS	JR.	L	08/27/1986		STANLEY	LAKE	CREEK	 IRR	0.13	1.56	11N	12E	26	NWNE	•••
	L71-07105	BENNION BENNION		L	12/22/1986		STANLEY	LAKE	CREEK	IRR	0.06	1.56	11N	12E	26	NWNE	
	<b>71-07097</b>	BRUBAKER	•	P	10/07/1985	:	STANLEY	LAKE	CREEK	IRR	0.06		11N	12E	26	SENWNE	
	7 <del>1-07102</del>	REYNOLDS;	− <b>J</b> R.···	P	08/27/1986		STANLEY	LAKE	CREEK	IRR -	0.13-		11N	- 12E	26	SENWNE	<del></del>
Á	71-07105	BENNION BENNION		P	12/22/1986	. :	STANLEY	LAKE	CREEK	IRR	0.06		11N	12E	26	SENWNE	
	71-07117	MUENCH MUENCH MUENCH		₽	05/31/1988	i <b>5</b>	STANLEY	LAKE	CREEK	IRR	0.09		11N	12E	26	SENWNE	
		MOCAGE								71	-7097	doe	M.	Ł	ha	ue a	ing prentapo.
												in p	u				0
		_	ブノヘッ し														

7102 | 7105 | all on same system 7117 | Cap. = 1.56 c/s

uses from the 3 rights total . ZB cfs
OK

orm 219-S.A. 6/86 ·

## STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

7.1-7102 Permit No.

Staff Analysis Sheet for Beneficial Use Field Report

A.	Prior to Conducting the Exam, the File Contains:
	☑Blank Field Report Form
	Copy of Permit
	Copies of any Amendments/Orders with conditions of approval Department of Water Resources
	Computer Data Proof Report
	Copy of U.S.G.S. Quad
	Check for Government Lots. If so, make a copy of Government Plat
	Check of P/D index (Initial and date)
	Overlap? []yes []no If yes: []copy of exam(s) attached? Type of Overlap? []Add acres or uses to existing system []Increase rate of flow or volume []Other:
	Check of P/U index (Initial and date)
	Overlap?yesno
	Aerial Photo
	Required?yesno
	Scheduling Letter sent? (Initial and date)
	Appointment made and telephone conversation memo attached
В.	After Conducting the Exam, the File Contains:
	☐Fully completed and signed Field Report Form
	□Photographs of Point of Diversion and Place of Use
	Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.
C.	Exam Completed (Signature of examiner and date)  Exam Reviewed by Senior Water Resource Agent 18 8/21/40 (Initial and date)  Exam Reviewed by Manager of Regional Office Africal and date)
	Exam Date Entered in Computer (Initial and date)
	Exam sent to State Office (Initial and date)
	Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original Refiled in White File (Initial and date)

## DEPARTMENT OF WATER RESOURCES BENEFICIAL USE EXAMINATION

.P2 1 1990

#### CHECKLIST

the Land of Water Resources

WATER RIGHT 7/-	7102		•				
REVIEWER	7	DATE 8/21/90					
[EACH RULE MUST	BE CHECKED]	SEE FOOTNOTE FO	R SYMBOLS				
RULE 5 EXAMINATI		·	,				
1,2. 1/4	1,3.	1,4.	1,5.				
1,6.							
1,10.	1,11. <u>NA</u>	1,12.	1,13.				
1,14. <u>DIA</u>	1,15.	1,16. NA	1,17. WA				
RULE 6 MEASUREME	-						
1,1.	1,2.	2.	3.				
4. NA	5.	·					
RULE 7 DRAWINGS,	MAP, AND SCHEM	ATIC DIAGRAM;	,				
RULE 7 DRAWINGS,  1,1.  1,5.	1,2.	1,3.	1,4.				
1,5.							
RULE 5,2. FIELD	REPORT ACCEPTAB	ILITY [STATE OF	FICE REVIEW]				
2,1.	2,2.	2,3.	2,4.				
Reviewer			Date				
	<del></del>						
N/A = NOT APPLIC ** = SEE ATTACHN		* = SEE ITEM *** = SEE REMĀ	IN BENEFICIAL USE RFT				

Form 219 6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

#### **BENEFICIAL USE FIELD REPORT**

DENEFICIA	AL USE FIELD REPORT
. GENERAL INFORMATION	Permit No 7/-7/0Z
1. Owner. Zarl C. Reynolds,	
Current Address: 2848 Starling	gton Dr. Boise, ID 83712
2. Accompanied by David Benniou	EXAM. DATE: 8/11/40
Address 2217 Ridge Point	1110110110
Relationship to Permit Holder: 191944	nor in Stanley 83712
3 Source tributary	y to
OVERLAP REVIEW	
Other water rights with same place of use.	None
T. Strick Water rights with Sums place of ass.	Copies Attached
2. Other water rights with same point of divers	11-7000 7, 716- 71-711 71 -1-
71-2084, 71-7020, 71-702	,
,	
SYSTEM DESCRIPTION	
	pajor components and distances between components. Indicate wei
size/ditch size/pipe i.d. as applicable.	Alternative diagram attached
	-
	:
	massing Court all Co
	MARKEFILMED
1	JAN 1.7 1991
Scale: 1" =	
2. Copy of U.S.G.S Quadrangle Attached	☐ Aerial Photo Attached
Showing location(s) of point(s) of diversion	on and (required for irrigation of 10 acres or more).
place(s) of use (required).  Photo of Diversion and System Attached	***

(required for all but single household domestic groundwater, and stockwater.

#### System Description (continued)

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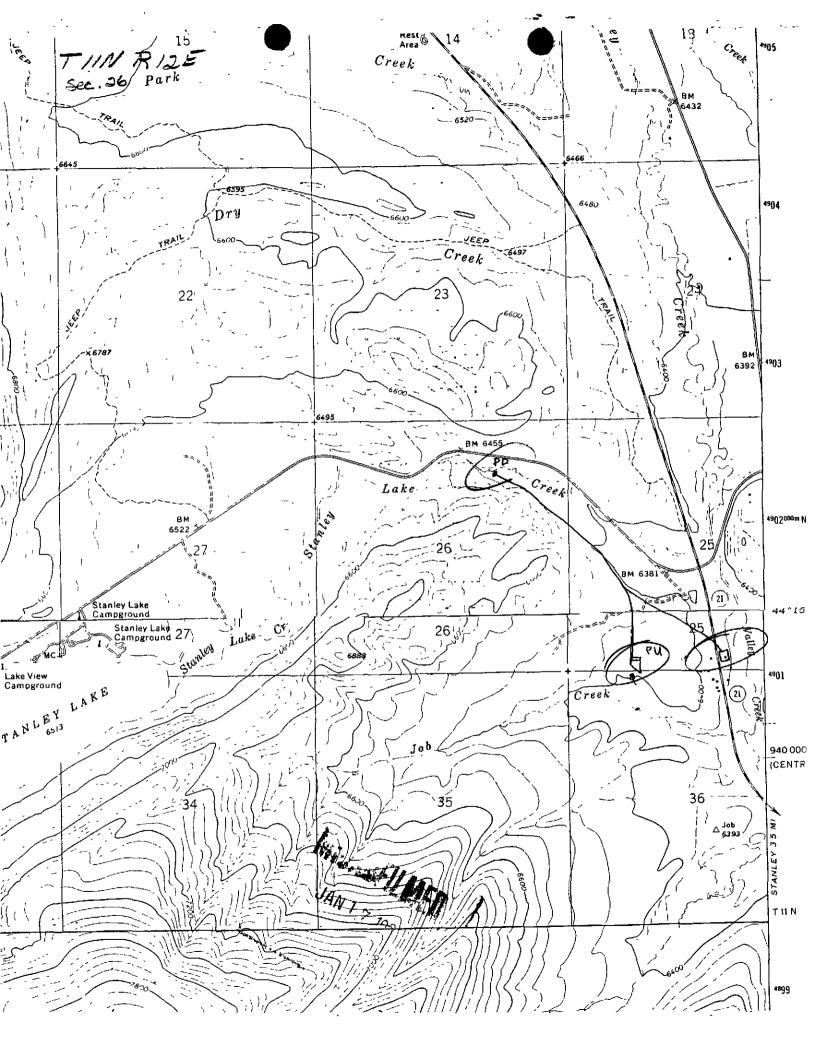
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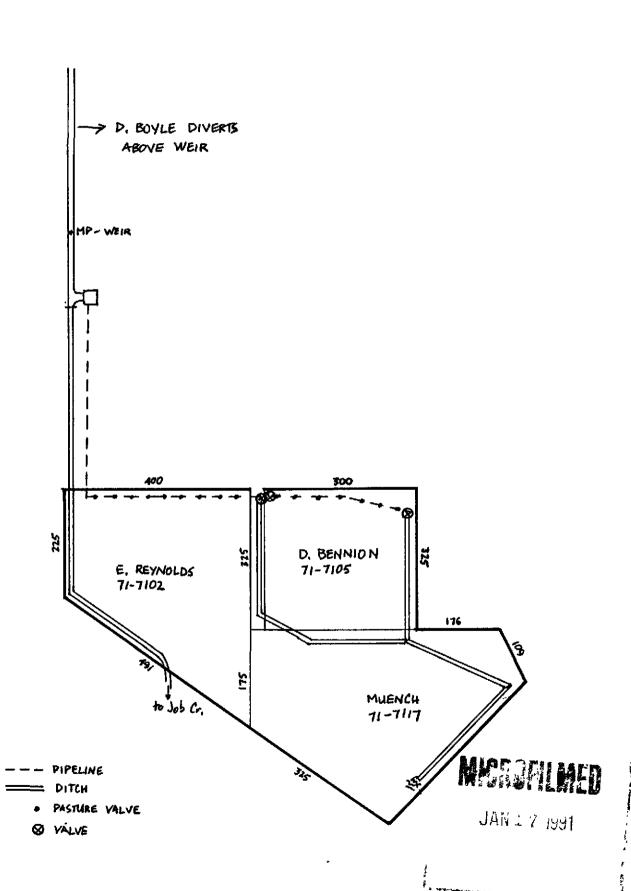
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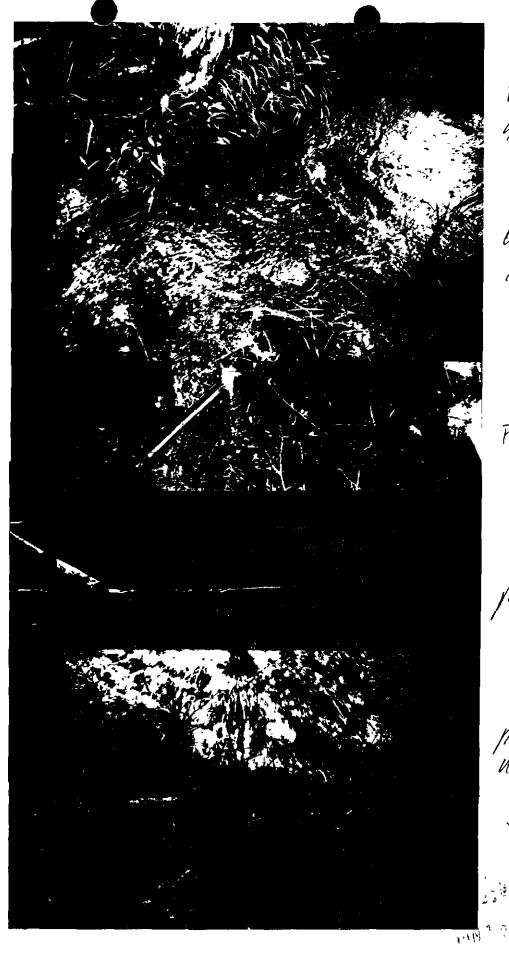
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MP Just below P/D

divivsion Dom detch into pipeline

P/U

pastur valve

point of discharge Into Joh Cr.

MP Just below P/D

diversion Dom ditch into pipeline

P/U

pustur valve

point of discharge Into Joh Cr.

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MP just below P/D

diversion from ditch into pipeline

P/U

pustur valve

point of discharge Info Joh Cr.

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MP Just below P/D

diversion from ditch into pipeline

P/U



pustur valve

point of discharge Info Loh Cr.

1.414

MP Just below P/D

diversion Now ditch into pipeline

P/U



Form 219-N 7/86

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## STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

7/-7/02 Water Right No. (if applicable)

	(if applicable)	
	Open Channel Discharge Measurement Notes	.90
A.		
	1. Name of stream or ditch: Stanley Lake Creek Butch	.92
	2. Location: NW Y4NE 1/4 Sec ZU TIIN RIZE	
	3. Person conducting measurement: Lhuck Brockway	.94
	4. Date and time of measurement: 8/11/40 2:30 PM	
	5 Accompanied by: David Bennion	.96
	6. Measuring device size and ID no. May Miles	
	7. Spin test before measurement OK? after measurement OK?	.97
	8 Purpose of measurement: Myrmine divirsion rate from Stanley Lake Cr.	.98
	8 Purpose of measurement: Marmine divirsion rate from Stanky Wake Cr.	
В.	MEASUREMENT DATA	.99

							VELC	CITY			]	]
Angle co- efficient	Dist. from Initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	At point	Mean in vertical	Adjusted for hor. angle or	Area	Discharge	
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3	. Measuremen	t rated	exc	ellent ———— good	fair _	N 1 7 1991	

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08-Aug-1989

Earl C. Reynolds Jr. Harriet A. Reynolds 2848 Starlington Drive Boise, Idaho 83712

Re; Permit No. 71-7102

Dear Mr. & Mrs. Reynolds,

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

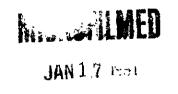
Field examinations must be done while the system is in operation. For this reason we concentrate on irrigation permits during the summer months and do examinations on permits for other uses during the non-irrigating months.

If you have any questions regarding the field examination, please contact our office.

Very truly yours,

Lloyd Payne Clerk

Encl:



Department of the Assurces

STATE OF IDAHO

#### For Office Use Only Fee Received SUD Date 7/5/89 Receipt # CONO Receipt by Klynne Reviewed by Sent to region

#### 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 completed all development that will occur under this permit and that water has been applied according to the

	Earl C. Reynolds Jr.		
ost Office Address:	2848 Starlington Drive		_
		Telephone No.	342-9152
ource of Water:St	anley Lake Creek		
xtent of Use:			
Domestic	(number of households)	Stockwater	(number and type of stock)
	. 3. 31.01.00 Gus sens.1610111 s	200 2,10-1 11112 por	07+700
once the dare water was ti			
Show the date water was fi Measuring Device: Require	d?Yes <u>X_No</u>	fee enclosed \$	Jackton For Cabadula)
wasuring Device: Require		fee enclosed \$ (See License Exam	ination Fee Schedule)
Measuring Device: Require		fee enclosed \$(See License Exam	ination Fee Schedule)
Measuring Device: Require Install Flow Measurement Port: Re In	ed? Yes X No ed? Yes No quired? Yes No estalled? Yes No epany the Department representat		
leasuring Device: Require Install Tow Measurement Port: Re	quired? Yes No		

SEP 11 1989

#### PROOF OF BENEFICIAL USE

#### ANALYSIS SHEET

Permit N	10. <u>7/</u>	- 7	102				Date:		7-5-89	
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Source of	Surface Groundwa	wate ater 1.	well lo drillin	g perm	nit	lling fee	paid f	or pro	oposed uses	
Extent of	Rate of	dive Is	rsion a rate or	ppropr	iate fo ne and f	ee approp		; put	to a beneficia	ıl
////_ F	Is a mea Has one	surin been	install	ed?	_	, ort requi ng device		sted		
Remarks:	:			•						
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November 29, 1988

Earl C. Reynolds, Jr. Harriet A. Reynolds 2848 Starlington Dr. Boise, ID 83712

Dear Permit Holders:

Re: Permit No. 71-7102

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

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

Sincerely,

RITA I. FLECK Secretary/Records Manager

Enclosure



MAR 06 1989

#### STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No	0. 71-17102	Reviewed by	Date <u>11-28-198</u>
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b.	<ul> <li>Is supporting documentation r Requested</li> </ul>	needed to complete the	e file?
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#### ATTACKLENT A. DESCRIPTION OF WORK COMPLETED TO DATE

- 1. Agreement for joint use of existing irrigation supply ditch through private land upstream from Applicant's property (Parcel A) has been executed. Negotiations leading to this agreement were difficult and complex. Development of this agreement with the poperty owner's representative, W. Dean Boyle, were commenced in earnest in late 1986, following withdrawal of a protest of our water right application by the Idaho Department of Fish and Came on October 21, 1986. After preparation and review of many drafts of an agreement, the final agreement between the Boyle's and the Applicants was executed on February 10, 1988.
- 2. An Operation and Maintenance Agreement among water users to be served by the existing diversion structure on Stanley Lake Creek and the existing transmission ditch through USFS property to the private lands to be irrigated has been executed. This agreement among water users was required by the USFS as a condition for a Special Use Permit to be issued by the USFS to the water users allowing use of USFS land for the operation and maintenance of the diversion structure and transmission ditch on USFS property. Negotiation of this agreement was difficult and time-consuming, complicated by the fact that six properties were involved, including 11 persons having ownership interest, two of which reside out of the state of Idano. Negotiations were further complicated by the change in ownership of one of the properties during negotiations and changes in USFS personnel having review responsibility over the preparation of the required USFS Special Use Permit. Negotiations of the agreement began in early 1988 and resulted in a final agreement which was executed in early August, 1988.
- 3. Field surveys and designs have been completed for an underground pipeline and control structures to transmit irrigation water through Applicants' property (Parcel A) to supply applicant and other users east and south of Applicant's property. This parcel was irrigated once during 1988, but this irrigation could be accomplished on a portion of the parcel only with the joint use of ditches on the adjoining Boyle property to the north. Completion of the pipeline will be required to allow continued irrigation of the entire parcel following the intended abandonment of existing lateral ditches on the Boyle property.
- Application for the required Special Use Permit has been submitted to the USFS for the diversion structure on Stanley Lake Creek and the transmission ditch through USFS property. (Application submitted August 19, 1988, see attachment B). By letter of September 29, 1988, the USFS has submitted to the water users group (Stanley Lake Creek Water Users Association, referred to as the "SLCWUA") a signature draft of the required Special Use Permit. (Attachment C). As outlined in the letter from D.K. Bennion, Sec'y-Treas. of the SLCWUA, to the USFS (Attachment D) certain questions in the initial draft of the Special Use Permit are addressed as a basis for developing a final draft of the permit which can be executed by the SLCWUA. Vegotiations of these final details are proceeding with a cooperative spirit between the parties, and it is expected that the final permit can be executed before the early of this year. This will allow remaining construction would be developed a fully operable system to begin as early as possible in 1989 construction season.

MAR 0 6 1989

ATTACK : IT B.

2212 Ridge Point Way Boise, Idaho 83712 August 19, 1988

Mr. Deon Wells
Sawtooth National Recreation Area
U. S. Forest Service
Star Route
Ketchum, Idaho 83340

Dear Mr. Wells:

Transmitted herewith is a signed copy of the Operation and Maintenance Agreement for the Stanley Lake Creek Water Users Association (SLCWUA).

It is my understanding that this is the necessary prerequisite for issuance of a Special Use Permit to authorize the members of SLCWUA to use and maintain the diversion and ditch located on Forest Service lands for the transmission of water to the members' properties.

This executed agreement is essentially the same as our draft agreement which we reviewed with you in June at your office. The changes that have been made are minor and clarify the intent of the members and the agreement. Based on our discussion relative to the draft agreement in June, I am confident you will find this a satisfactory document.

Hopefully, you will be able to expedite the preparation and issuance of the Special Use Permit. We are anxious to undertake some significant improvements to the dîtch system located on the Boyle, Reynolds, and Bennion properties. It would be very helpful to us if we could accomplish this work in September or early October. However, we feel it would be wise to have the Special Use Permit resolved prior to proceeding with this investment. Your assistance in this effort would be greatly appreciated.

In addition to the Forest Service review of the agreement and preparation of the Special Use Permit, I understand from Mr. Earl Reynolds that you would like to inspect the ditch prior to finalizing the permit. Hopefully, this can be done concurrently with the review. We would like to schedule a visit to inspect the ditch as soon as possible.

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MAR 06 1989

Deon, I am pleased we were ultimately able to get all parties with water rights and pending permits who own irrigable lands under the ditch to sign the agreement. This certainly will simplify the management and operation of the ditch. This also helps the Forest Service in the administration of the permit and reduces the potential for future conflicts.

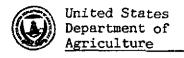
I appreciate the cooperation and assistance you and Randy have provided during the past year to get a positive solution to this issue. Please don't hesitate to call if there are any questions or if you need additional information from the members of the Association.

Sincerely,

David K. Bennion

Enclosure

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Forest Service Sawtooth National Forest ATTACH MENT C

2647 Kimberly Road East Twin Falls, ID 83301-7976

Reply To: 2720

Date: September 29, 1988

Stanley Lake Creek Water Users Assoc. c/o David K. Bennion (Sec., Treas.) 2212 Ridge Point Way Boise, ID 83712

Dear Mr. Bennion:

Enclosed for your signature are two copies of your water transmission special use permit for water diversion at Stanley Lake Creek. Please sign both copies and return for the Forest Officer's signature. A signed copy will be returned to you.

We have also enclosed a bill for collection for the transfer fee.

Carl Pence, Area Ranger for the Sawtooth National Recreation Area, will work with you in the administration of your permit. If you have questions about your permit, please contact Carl at Sawtooth National Recreation Area Headquarters, Star Route, Ketchum, Idaho 83340, telephone (208) 726-8291.

Sincerely,

ROLAND M. STOLESON Forest Supervisor

redell

Enclosures

cc: SNRA





#### United States Department of Agriculture Forest Service

#### SPECIAL USE PERMIT

FLPMA Act of October 21, 1976 (PL 94-579)
This permit is revocable

a. Record no.(1-2)		b. Region(3-4)		c. Forest(5-6)	
	70	1	04	1	14
				1	~-
d. District(7-8)		e. User number(9-	12)	f. Kind of use (13-	-15)
SNRA	04	1	5756	Water	911
				Transmission	1
g. State(16-17)		h.  County(18-20)		k.   Card no. (21)	
Idaho	16	Custer	037	1	1
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Permission is hereby granted to Stanley Lake Creek Water Users Association

c/o David K. Bennion, (Sec.-Treas) 2212 Ridge Point Way, Boise, ID 83712, hereinafter called the holder, to use subject to the conditions set out below, the following described lands or improvements:

A right-of-way, 10 feet in width, traversing the SW1/4 NW1/4, & SW1/4, Sec. 25 and NEI/4 and E1/2 NW1/4 Sec. 26, T.11N, R.12E, Boise Meridian, as shown on the plat attached hereto and made a part of this permit. Improvements consist of a diversion structure in Stanley Lake Creek and an irrigation ditch from the diversion structure to private land owned by the holder.

This permit covers 1.46 acres and/or 1.20 miles and is issued for the purpose of:

Use and maintenance of an existing water diversion and water transmission line for the irrigation of private land. Water is diverted from Stanley Lake Creek and conveyed across National Forest land to private land owned by the holder and others.

- 1. Construction or occupancy and use under this permit shall begin within \_\_\_\_ months, and construction, if any, shall be completed within \_\_\_ months, from the date of the permit. This use shall be actually exercised at least \_\_\_\_ 365 \_\_\_ days each year, unless otherwise authorized in writing.
  - 2. For payment of fee by the holder, see clause 18.
- 3. This permit is accepted subject to the conditions set forth herein, and to conditions 4 to 38 attached hereto and made a part of this permit.

name of holder	signature of authorized offic	er  date
1	  TTTLE	
name and signature	Imama C	dete
		name and signature TITLE ROLAND M. STOLESON AT Forest, Supervisor

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- 4. Development plans; lay-out plans; construction, reconstruction, or alteration of improvements; or revision of lay-out or construction plans for this area must be approved in advance and in writing by the forest supervisor. Trees or shrubbery on the permitted area may be removed or destroyed only after the forest officer in charge has approved, and has marked or otherwise designated that which may be removed or destroyed. Timber cut or destroyed will be paid for by the holder as follows: Merchantable timber at appraised value; young-growth timber below merchantable size at current damage appraisal value: provided that the Forest Service reserves the right to dispose of the merchantable timber to others than the holder at no stumpage cost to the holder. Trees, shrubs, and other plants may be planted in such manner and in such places about the premises as may be approved by the forest officer in charge.
- 5. The holder shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the forest officer in charge.
  - 6. This permit is subject to all valid claims.
- 7. The holder, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of Agriculture and all Federal, State, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this permit.
- 8. The holder shall take all reasonable precautions to prevent and suppress forest fires. No material shall be disposed of by burning in open fires during the closed season established by law or regulation without a written permit from the forest officer in charge or his authorized agent.
- 9. The holder shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this permit, and shall pay the United States for any damage resulting from negligence or from the violation of the terms of this permit or of any law or regulation applicable to the National Forests by the holder, or by any agents or employees of the holder acting within the scope of their agency or employment.
- 10. The holder shall fully repair all damage, other than ordinary wear and tear, to national forest roads and trails caused by the holder in the exercise of the privilege granted by this permit.
- 11. No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom unless it is made with a corporation for its general benefit.
- 12. Upon abandonment, termination, revocation, or cancellation of this permit, the holder shall remove within a reasonable time all structures and improvements except those owned by the United States, and shall restore the site, unless otherwise agreed upon in writing or in this permit. If the holder fails to remove all such structures or improvements within a reasonable period, they shall become the property of the United States, but that will not relieve the holder of liability for the cost of their removal and restoration of the site.
- 13. "Upon change in ownership of the facilities authorized by this ye authorization, the rights granted under this authorization may be assigned to the new owner upon application to and approval of the Authorized Officer. The new holder must qualify and agree to comply with and be bound by the terms and conditions of the authorization.

- 14. In case of change of address, the holder shall immediately notify the forest supervisor.
- 15. The temporary use and occupancy of the premises and improvements herein described may be sublet by the holder to third parties only with the prior written approval of the forest supervisor but the holder shall continue to be responsible for compliance with all conditions of this permit by persons to whom such premises may be sublet.
- 16. This permit may be terminated upon breach of any of the conditions herein or at the discretion of the regional forester or the Chief, Forest Service.
- 17. In the event of any conflict between any of the preceding printed clauses or any provisions thereof and any of the following clauses or any provisions thereof, the following clauses will control.
- 18. "The holder shall pay annually in advance a sum determined by the Forest Service to be the fair market value of the use granted by this authorization. The initial payment is set at \$25.00 for the calendar year. Subsequent payments shall be determined by the use of an annual fee schedule. The Forest Service may adjust the amount of payment annually by an appropriate factor to reflect more nearly the fair market value of the use, but at certain intervals the Forest Service shall review the fee and adjust the fee as necessary to assure that it is commensurate with the value of the rights and privileges authorized as determined by appraisal or other sound business management principles. Failure of the holder to make the annual payment, late payment charge, and any other charges when due shall cause this authorization to terminate.

"The holder shall pay an interest charge on any fee amount not paid by the payment due date.

"Interest shall be assessed using the most current rate prescribed by the United States Department of Treasury Financial Manual (TFM-6-8025.20). Interest shall accrue from the date the fee payment was due. In addition, certain processing and handling administrative costs may be assessed in the event the account becomes delinquent and added to the amounts due.

"A penalty of 6 percent per year shall be assessed on any fee amount overdue in excess of 90 days from the due date of the first billing.

"Payments will be credited on the date received by the designated collection officer or deposit location. If the due date(s) for any of the above payments or fee calculation statements fall on a nonworkday, the charges shall not apply until the close of business of the next workday."

- 19. (E-8) The holder shall indemnify the United States against apy liability for damage to life or property arising from the occupants or use of National Forest lands under this permit.

  MAR 06 1989
- 20. (B-24) Avalanches, rising waters, high winds, falling limbs or trees, and other hazards are natural phenomena in the Forest that present risks which

the holder assumes. The holder has responsibility of inspecting the site, lot, right-of-way, and immediate adjoining area for dangerous trees, hanging limbs, and other evidence of hazardous conditions and, after securing permission from the Forest Service, of removing such hazards.

- 21. (B-26) Holder shall take all measures necessary to protect the health and safety of all persons affected by its activities performed in connection with the construction, operation, maintenance, or termination of the right-of-way, and shall promptly abate as completely as possible any physical or mechanical procedure, activity, event, or condition, existing or occurring at any time: (1) that is susceptible to abatement by the holder, (2) which arises out of, or could adversely affect the construction, operation, maintenance, or termination of all or any part of the water transmission permit, and (3) that causes or threatens to cause: (a) a hazard to the safety of workers or to public health or safety, or (b) serious and irreparable harm or damage to the environment (including but not limited to areas of vegetation or timber, fish or other wildlife populations, or their habitats, or any other natural resource). Holder shall immediately notify the authorized officer of all serious accidents which occur in connection with such activities.
- 22. (D-2) No waste or byproduct shall be discharged into water if it contains any substance in concentrations which will result in harm to fish and wildlife, or to human water supplies.

Storage facilities for materials capable of causing water pollution, if accidentally discharged, shall be located so as to prevent any spillage into waters or channels leading into water, that would result in harm to fish and wildlife or to human water supplies.

- 23. (D-3) The holder shall protect the scenic esthetic values of the area under this permit, and the adjacent land, as far as possible with the authorized use, during construction, operation, and maintenance of the improvements.
- 24. (D-4) The holder shall protect, in place, all public land survey monuments, private property corners, and Forest boundary markers. In the event that any such land markers or monuments are destroyed in the exercise of the privileges authorized by this permit, depending on the type of monument destroyed, the holder shall see that they are reestablished or referenced in accordance with (1) the procedures outlined in the "Manual of Instructions for the Survey of the Public Land of the United States," (2) the specifications of the county surveyor, or (3) the specifications of the Forest Service.

Further, the holder shall cause such official survey records as are affected to be amended as provided by law. Nothing in this clause shall relieve the holder's liability for the willful destruction or modification of any Government survey marker as provided at 18 U.S.C. 1858.

25. (D-9) Holder shall be responsible for prevention and control of soil erosion and gullying on lands covered by this permit and adjacent theretery resulting from construction, operation, maintenance, and termination of the significant construction.

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permitted use. Holder shall so construct permitted improvements to avoid the accumulation of excessive heads of water and to avoid encroachment on streams. Holder shall revegetate or otherwise stabilize all ground where the soil has been exposed and shall construct and maintain necessary preventive measures to supplement the vegetation.

- 26. (D-11) Seeding or planting will be done at a time of the year, in a manner, and with species which the District Ranger considers offer the best chance of success and will be repeated annually until such areas are accepted in writing by the District Ranger as satisfactorily revegetated and stabilized.
- 27. (D-15) The holder shall take reasonable precautions to prevent pollution of or deterioration of lands or waters which may result from the exercise of the privileges extended by this permit. In particular, the holder shall at all times comply with applicable local, State, and Federal requirements for pollution abatement. Failure of the holder to so comply may result in termination or suspension of this authorization.
- 28. (D-23) Pesticides may not be used to control undesirable woody and herbaceous vegetation, aquatic plants, insects, rodents, trash fish, etc., without the prior written approval of the Forest Service. A request for approval of planned uses of pesticides will be submitted annually by the holder on the due date established by the authorized officer. The report will cover a 12-month period of planned use beginning 3 months after the reporting date. Information essential for review will be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time an annual report was submitted.

Only those materials registered by the U. S. Environmental Protection Agency for the specific purpose planned will be considered for use on National Forest System lands. Label instructions will be strictly followed in the application of pesticides and disposal of excess materials and containers.

29. (E-6) This authorization is issued for a period of ten years ending on December 31, 1998.

If the right-of-way project or facility is still being used, operated, and maintained in accordance with the purpose of the authorization, and renewal is allowed under then existing law, and is consistent with the then existing resource management plans for the affected land, the authorized officer will renew the authorization for a term he deems to be reasonable under the circumstances.

30. (E-11) Any lands described in this permit which have been withdrawn for waterpower purposes under the Act of March 3, 1879, or Act of June 25, 1910 (or are embraced in an application or license under the Federal Power Act of June 10, 1920), or have been withdrawn under the Reclamation Act of June 17, 1902, are subject at any time to use in connection with the development of waterpower or for reclamation purposes. This permit, therefore, is issued with the specific understanding that (1) its use shall not interfere with such waterpower or reclamation development and that (2) the permit may be, if necessaring if 1989

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terminated upon ninety (90) days notice when in the judgment of the Federal Power Commission, or of the Bureau of Reclamation in the event of reclamation withdrawals, the lands occupied are needed for use in connection with the generation of hydroelectric power, reclamation developments, or other purposes contemplated by the act or acts under which the lands have been withdrawn. No claim shall be made against the United States or power licensees for or on account of prospective profits or for any injury or damage to properties, improvements, or operations due to such development. The holder will be allowed ninety (90) days in which to remove his improvements.

- 31. (X-3) Nothing in this permit shall be construed to imply permission to build or maintain any structure not specifically named on the face of this permit, or approved by the authorized officer in the form of a new permit or permit amendment.
- 32. (X-17) If, prior to or during excavation work, items of archaeological, paleontological, or historic value are reported or discovered, or an unknown deposit of such items is disturbed, the holder will immediately cease excavation in the area so affected. Holder will then notify the Forest Service and will not resume excavation until written approval is given by the authorized officer.

If it deems it necessary or desirable, the Forest Service may require the holder to have performed recovery, excavation, and preservation of the site and its artifacts at the holder's expense. At the option of the Forest Service, this authorization may be terminated at no liability by the United States when such termination is deemed necessary or desirable to preserve or protect archaeological, paleontological, or historic sites and artifacts.

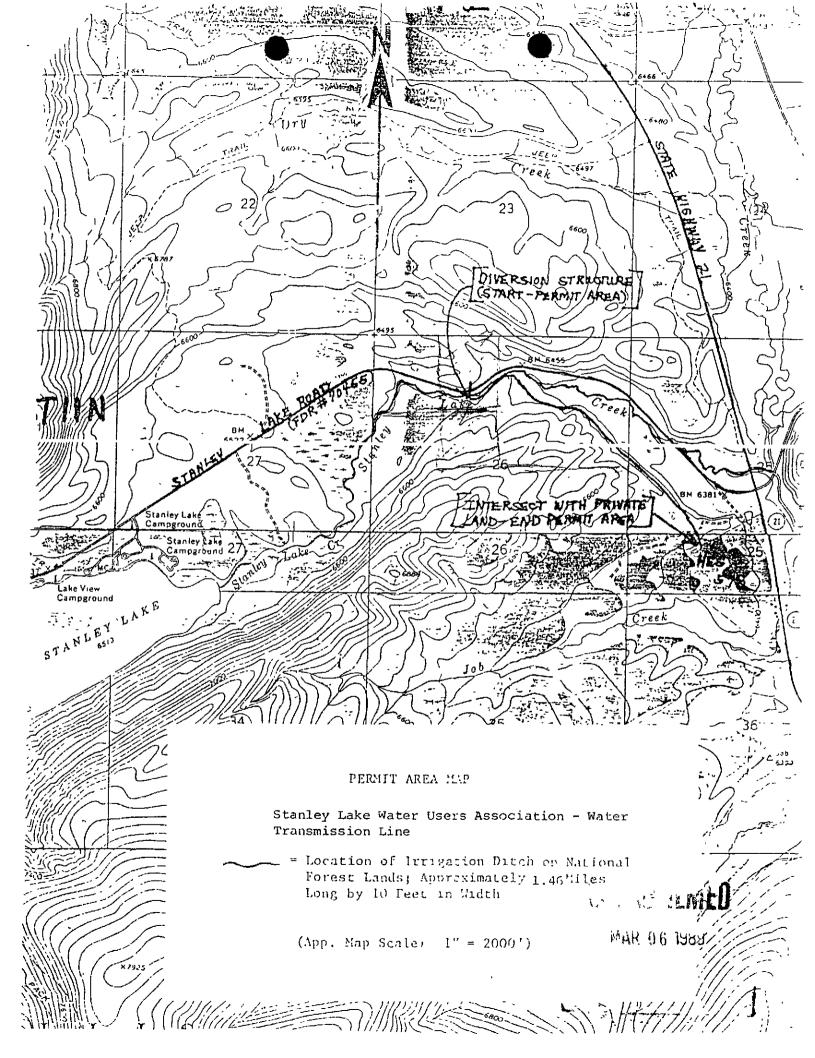
33. (X-18) This permit supersedes a special-use permit designated:

#### Albert R. Chorn, dated September 4, 1964

- 34. (X-19) The holder agrees to permit the free and unrestricted access to and upon the premises at all times for all lawful and proper purposes not inconsistent with the intent of the permit or with the reasonable exercise and enjoyment by the holder of the privileges thereof.
- 35. (X-33) This permit is granted with the express understanding that should future location of United States Government-owned improvements or road rights-of-way require the relocation of the holder's improvements, such relocation will be done by, and at the expense of, the holder within a reasonable time as specified by the authorized officer.
- 36. (X-49) This permit is not exclusive; that is, the Forest Service reserves the right to use or permit others to use any part of the permitted area for any purpose, provided such use does not interfere with the rights and privileges hereby authorized.
- 37. (X-50) The holder will reduce to writing all of its agreements with authorized users of the facilities covered by this permit, specifying therein, as a separate item, the rental and service charge for the use of said MAR 66 1989

facilities, and will furnish a true copy of each such agreement and any changes therein to the authorized officer.

38. (X-74) This permit confers no right to the use of water by the holder.



USDA - Forest Service

3. Date or Period

### BILL FOR COLLECTION

(Ref. FSM 6530)

. Place of Issue

Twin Falls, Idaho

2. Date of Issue

Please pay by money order, bank draft, or check payable to FOREST SERVICE, USDA.

Mail payment with this statement in the enclosed envelope to: UNIT COLLECTION OFFICER, FOREST SERVICE.

September 28, 1988

5. Amount

Unit Collection Officer Forest Service Intermountain Region File 61657 PO Box 60000

San Francisco, CA 94160-1657

Stanley Lake Creek Water Users Assoc. c/o David Bennion (Sec., Treas) 2212 Ridge Point Way Boise, ID 83712

Please Show Any Change Of Address Below:

4. Description

1988	Transfe	r fee						\$25.00
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October 25, 1988

Mr. Roland M. Stoleson Forest Supervisor (Coe Toleson Sawtooth National Forest 2647 Kimberly Road East Twin Falls, Idaho 83301-7976

Dear Mr. Stoleson:

Subject: Special Use Permit to Stanley Lake Creek Water User's Association--Your Reference No. 2720

On October 3, we received from you for our signature two copies of our Water Transmission Special Use Permit for water diversion at Stanley Lake Creek. In reviewing this document, we encountered a few questions which we have subsequently discussed briefly by telephone with Mr. Deon Wells in Ketchum on October 17, 1988.

We had a few questions and concerns regarding some of the provisions of the Agreement. Mr. Wells suggested we outline these questions in a letter to you as a basis for discussions to better tailor this agreement to our given situation.

We fully recognize that the Forest Service is required to issue many Special Use Permits and that a good deal of standard language is to be expected. We do feel, however, that some special questions might be worthy of your attention. These questions are outlined as follows:

On Page 1, Paragraph 2, reference is made to a 10-foot right-of-way width to include the improvements described in the Special Use Permit. While a width of 10 feet is adequate for the maximum width of water surface in the ditch, it is not adequate to cover the full width of the ditch structure, particularly on hillside locations where cut and fill slopes consume greater width than 10 feet. We are in the process of preparing a couple of typical cross-sections of the existing facility to illustrate this question. We will forward this information to you next week.

Mr. Roland M. Stoleson Page 2 October 25, 1988

On Page 1, Paragraph 3, the area of 1.46 acres indicated may possibly require adjustment depending upon your disposition of the appropriate width of right-of-way as outlined in the previous paragraph.

On Page 1, Paragraph 4, we suggest that the last four words of this paragraph "the holders and others" might better be replaced by the words "members of the Stanley Lake Creek Water User's Association." The Stanley Lake Creek Water User's Association (SLCWUA) actually does not legally own any property.

Section 4. The ditch covered under this permit is an existing ditch. The only construction activity proposed is the accomplishment of some deferred maintenance. We would hope that approval of this maintenance work could be based upon the letter of September 7, 1988, to Earl C. Reynolds, Jr., from F. Karl Pence, Area Ranger for the Sawtooth National Recreation Area.

Section 5. Our group has every intention of adequate maintenance of the facilities covered under the permit. It is difficult for us to fully understand what standards may be "acceptable to the Forest Service Officer in Charge" if there are written standards that would outline the full extent of our responsibilities and the standards to which we should operate, we would be pleased to review and appropriately accomplish our activities in accordance with these written standards.

Section 12. Upon abandonment, a very sizeable and environmentally destructive project would be required to eliminate all evidence of the existing ditch. As a matter of fact, the major maintenance operation anticipated under this permit would be the control of the natural growth of lodgepole pine within the ditch and on the ditch bank where access is necessary for proper maintenance and operation. We would hope that the Forest Service would approve the abandonment of the ditch if necessary without the requirement for obliteration of the existing ditch, simply allowing natural reforestation to heal any remaining wounds of the original existing construction and any necessary maintenance required in the future.

Section 13. We would assume that the sale of the property of one of the members of the SLCWUA would not require the

Mr. Roland M. Stoleson Page 3 October 25, 1988

development of a completely new permit. We make this assumption on the basis of the fact that this permit is drafted in the name of the organization (SLCWUA) and not in the name of any individual owner. It would be our intent that the responsibilities of the SLCWUA would continue regardless of the change of ownership of any of the members of the association. The addition of a new member to the association would not require any modification of the facilities constructed on USFS lands, since the capacity of these existing facilities is already adequate to serve the entire parcel under the original Homestead Entry No. 578.

Section 16. We would appreciate amplification of this section. We would have absolutely no objection to this section if a period were placed after "herein" on the first line of this section. Our concern is with the uncertainty that exists with the term "at the discretion of the Regional Forester or the Chief, Forest Service."

Section 18, Paragraph 1. The SLCWUA has absolutely no objection to the proposed annual payment and the necessary right of the U.S. Forest Service to make adjustments in this payment in future years. We would hope however, that if substantial fee adjustments are contemplated that an opportunity would be made for the permit holder SLCWUA to have input to the USFS before the fee revision is finalized.

Section 20. Given the specific conditions noted in the inspection of the ditch on August 30, 1988, by Max Norris and Earl Reynolds, we would prefer deletion of the last portion of the last sentence "after securing permission from the Forest Service of removing such hazards." Our thought here is that, given the nature of the existing situation any dangerous maintenance items would be attended to immediately upon their discovery in the normal course of maintenance. None of these hazard removals are anticipated to be of such disruptive character as to justify the necessity for a USFS employee to travel to the site to examine the conditions before they are corrected.

Sections 25 and 26. Since the ditch under this permit is an existing facility, we assume that it is the intent of the Forest Service that no reseeding or planting will be required.

Section 28. We have no question to Section 28 as written if it is intended that this section pertain to the use of the section pertain the section pertain

Mr. Roland M. Stoleson Page 4 October 25, 1988

pesticides. We do not see any circumstances under which such use would be necessary in the maintenance of this facility. If however, this section pertains to the use of herbicides for the control of vegetation within the hydraulic area of the ditch, we would have some concern.

Section 30, Page 2. As a matter of updating what apparently is a standard provision, it is our understanding that the Federal Power Commission no longer exists and that its responsibilities are exercised by the Federal Energy Regulatory Commission.

Section 37. Mr. Wells of the Sawtooth National Recreation area has had the opportunity to review the Agreement between the members of the SLCWUA. We were under the impression that this Agreement was acceptable as written. Unfortunately this Agreement does not comply fully with Section 37, in that the rental and service charge is not specifically mentioned in this Agreement. We do feel however, that it is adequately covered within the broad range of the operation and maintenance activities visualized by the SLCWUA.

We welcome the opportunity to provide these questions and comments concerning the Special Use Permit to you. We would appreciate the opportunity to discuss them with you in person or would be pleased to consider any modifications or response to our questions that you may be able to provide us.

Sincerely,

David K. Bennion Secretary-Treasurer Stanley Lake Creek Water User's Association

BOPM3/084/jmc

cc: Deon Wells, Sawtooth National Recreation Area

bcc: SLCWUA Members

210, 15,000 to 81 - 6

October 31, 1988

Mr. Roland M. Stoleson Forest Supervisor Sawtooth National Forest 2647 Kimberly Road East Twin Falls, Idaho 83301-7976

Dear Mr. Stoleson:

Subject: Special Use Permit to Stanley Lake Creek Water Users' Association (SLCWUA) -- Forest Service Reference No. 2720

I am transmitting to you, as a follow-up of SLCWUA's letter dated October 25, 1988, three representative cross sections of the Stanley Lake Crock Ditch. As we pointed out in our letter dated October 25, there is a question relative to the 10-foot right-of-way referred to in the Forest Service Special Use Permit.

The existing ditch cross section (excavation and embankment) varies continuously along the ditch alignment due to changing terrain and grade of ditch. We found in our field observations that the ditch configuration could be approximated by using three representative cross sections.

- o <u>Cross Section No. 1--From Stanley Lake Creek diversion downstream to 700 feet upstream of sheep bridge crossing.</u>
- o <u>Cross Section No. 2--Steep hillside terrain from upstream of sheep bridge crossing to flat terrain approximately 100 feet upstream of Forest Service Sheep Corral Road crossing.</u>
- o <u>Cross Section No. 3--Flat sloping terrain approximately 100 feet upstream of Forest Service road crossing to the Boyle/Forest Service property boundary.</u>

The proposed 10-foot right-of-way width is not adequate to cover the existing ditch structure as shown in the light of the cover the existing ditch structure as shown in the light of the cover the existing ditch structure as shown in the light of the cover the existing ditch structure as shown in the light of the cover the existing ditch structure as shown in the light of the cover the existing ditch structure as shown in the light of the cover the existing ditch structure as shown in the light of the cover the existing ditch structure as shown in the light of the cover the existing ditch structure as shown in the light of the cover the existing ditch structure as shown in the light of the cover the existing ditch structure as shown in the light of the cover the existing ditch structure as shown in the light of the cover the existing ditch structure as shown in the light of the cover the existing discharge and the cover the existing discharge and the cover the light of the cover the existing discharge as the light of the cover the light of the cover the light of the cover the light of the cover the light of the cover the light of t

Mr. Poland M. Stoleson Page 1 October 31, 1988

cross sections. The field observations indicate the approximate width of the ditch structure, including the escavition and embankment slopes to undisturbed terrain, varios from 16 to 30 forc.

We would appreciate the opportunity to discuss the question of an appropriate right-of-way width. Our need to to have an adequate right-of-way to allow for the existing ditch structure and appropriate ongoing maintenance.

Sincerely,

David K. Bernion Secretary-Tressurer SICNUA

POCL/045/crr Prolocurer co: Dean Wells





CROSS SECTION NO. 1

REPRESENTATIVE CROSS SECTION OF EXISTING DITCH FROM DIVERSION STRUCTURE AT STANLEY LAKE CREEK TO APPROXIMATELY 7001 UPSTREAM FROM SHEEP BRIDGE

# DITCH 19-0" 7-0" 15,-0,, & BANK APPROXIMATE DITCH & BANK CONFIGURATION -CATCH POINT DITCH DEPTH undisturbed Slope Sr0., ORIGINAL GROUND -SURFACE 21 SCALE ("= 5'-0"

APPROXIMATE WIDTH OF EXISTING DITCH EXCAUATION & BANK CONSTRUCTION 19'

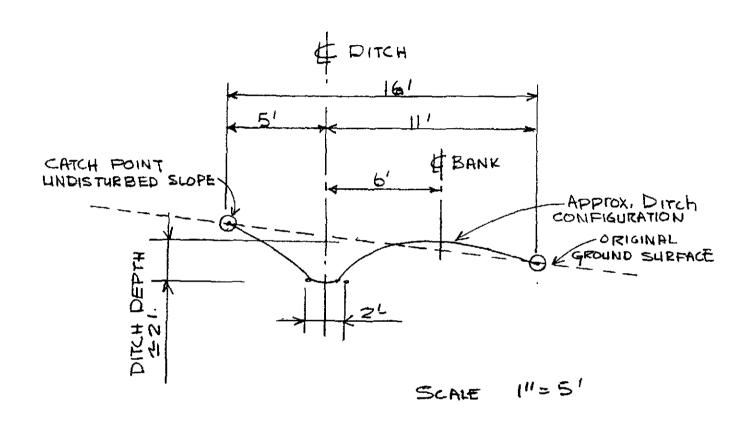


3



Cross Section No. 3

REPRESENTATIVE GROSS SECTION OF EXISTING DITCH FROM 100+ FT. LIPSTREAM OF FOREST SERVICE Sheep Carrel Road, Downstream to Boyle / Forest SERVICE BOUNDARY



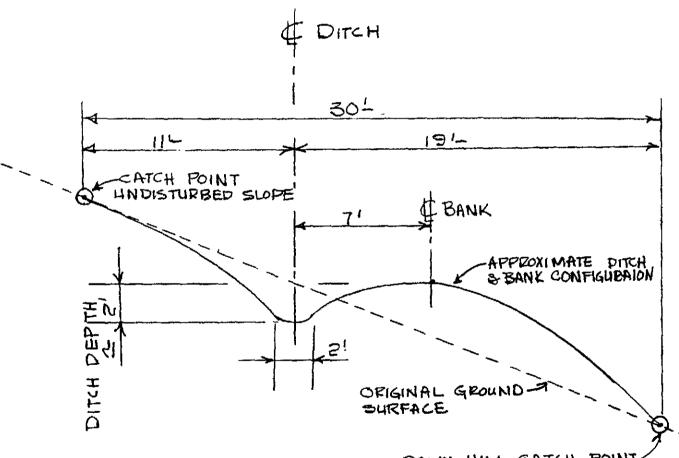
Approximate WIDTH OF EXISTING EXCAUATION & BANK CONSTRUCTION 16'





CROSS SECTION NO. Z

REPRESENTATIVE CROSS SECTION OF EXISTING DITCH
WORST CASE SITUATION - CROSS SECTION TAKEN APPROXIMATELY
50' DOWN STREAM OF SHEEP BRIDGE CROSSING.
REPRESENTATIVE OF DITCH FROM 700' UPSTREAM OF
Sheep Crossing Down Stream to Location Where
DITCH LEAVES STEEP HILLSIDE



DOWN HILL CATCH POINTS
EFFECTED BY CRIGINAL
ABANDONED L'RICKATION
DITCH

SCALE 1'=5-0"

APPROXIMATE WIDTH OF EXISTING DITCH ENLINATION & BANK CONSTRUCTION 30' MAR 06 1989

September 30, 1988 138516

HARRIET A. REYNOLDS EARL C. REYNOLDS, JR. 2848 STARLINGTON DRIVE BOISE, ID 837120000

PROOF DUE NOTICE

RE: PERMIT NO. 71-07102

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1988. (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 compeleted your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

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

SINCERELY,

Rita Fleck Secretary/Records Manager

Enclosures

MICROFILMED

The complete section is the second of the second

2848 STELLINGTON DR.
BOISE, ID 83712





Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES STATEHOUSE BOISE, IDAHO 83720 Form 204-p 6/82

## STATE OF IDAHO DEPARTMENT OF WATER RESOURCES COMMENCEMENT OF WORKS



Permit No 71-7102  Name(s) of Permit Holder(s): Earl C. Reynolds Jr. For H	arriet A.
Post Office Address: 2848 Starlington Drive.	<u>Reyno</u> lds
	<u>2-9152                                    </u>
☐ I hereby certify that construction of diversion works for the above	
permit began on (existing diversity) Winderstand	that I must
continue to develop the water system with due thingence to main	•
distribution  A l hereby certify that construction of diverting works on the above	referenced
project has not yet begun due to the following reason beyond my	control*
Execution of required Special Use Permit from	_the
U.S. Forest Service as described on attached	Request_for
*Note A financing difficulty is Visit International Party International Acceptable reason Date Signature of Permit Hole	der Ext



# State of Idaho DEPARTMENT OF WATER RESOURCES

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

**CECIL D. ANDRUS** 

Governor

A. KENNETH DUNN

Director

Mailing address: Statehouse Boise, Idaho 83720 (208) 334-4440

July 30, 1987

W. Dean Boyle Rural Route 6, Box 28 Minot, ND 58701

Dear Mr. Boyle:

Thank you for your letter dated July 1, 1987. The records of the Department reveal three permits to appropriate water in the location you describe: Permit No. 71-7097 in the name of Fred H. Brubaker; Permit No. 71-7102 in the name of Earl C. Reynolds; and Permit No. 71-7015 in the name of David K. &/or Susan Bennion. A permit to appropriate water grants authority to develop the proposed use of water within prescribed time limits.

The inadequacy of the delivery ditch was not raised as an issue when the initial application was filed with the Department of Water Resources. The applications were not protested prior to approval.

Your letter will be filed in the Department's files and will be reviewed at the time the permitholders are required to submit proof of beneficial use. The field examiner conducting exams for the permits will also be apprised of the possible problems with the delivery ditch. At the time the field exam is conducted, the field examiner will determine whether the permitholders are authorized to deliver water from the Chorn Ditch.

Sincerely,

GARY SPACKMAN, Supervisor Water Allocation Section

GS:jf

CC: Southern Region
David K. & Susan Bennion
Fred H. Brubaker
Earl C. Reynolds

MICHOFILMED

STATEHOUSE BOISE, IDAHO 83720 (208) 334-4440

NOVEMBER 21, 1986

REYNOLDS. JR.. EARL C. 2848 STARLINGTON DRIVE BOISF. IC 83712

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 71-7102

DEAR PERMIT HOLDER:

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

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

WE HAVE ENCLOSED A FORM ENTITUED "INSTRUCTIONS FOR PROOF OF BENEFI-CIAL USF". PLEASE READ THE INSTRUCTIONS CARFFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCFRELY.

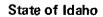
GARY SPACKMAN
SUPERVISOR, WATER ALLOCATION SECTION

GS: SC ENCLOSURES



DEC 1 6 1986

Commence of the second



### Department of Water Resources

## APPLICATION FOR PERMIT ANALYSIS SHEET REYNOLDS, Earl C.

INITIAL REVIEW BY:	APPLICATION NUMBER: 7/- 7/02
CHECK:	
☑ Source.	Field check by:
Point of diversion.	Date:
⊄ County.	Comments:
☐ Quantity of water and period of use.	
Description of diverting works.	
☑ Time required for beneficial use of water. ☑ Place of use or acres irrigated.	
☐ Map.	
☑ Signature.	
☑ Fee.	
Yes ☑ No Field check required. ☐ Yes ☐ No Critical groundwater area.	
— · — — · · · · · · · · · · · · · · · ·	tion. Sent by: Date:
✓ Yes □ No* In form to receipt.	
*REQUEST THE FOLLOWING ADDITIONAL INFO	RMATION FROM THE APPLICANT
Water District # 71- 12	2N=
SEND COPIES TO	
☐ Idaho State Health Department. Copies sen	t by: Date
daho Fish and Game Department.	MB 9/2/86
Idaho Department of Lands.	
☐ U.S. Bureau of Land Management.	
<ul><li></li></ul>	mf 9/2/86
PROCESSING:	
☐ Yes ☑ No Platted by:	
☐ Yes	t use.
Final date for protests:	
☑ Yes ☐ No Protests received. If yes, ree	ord information on 4th page of application.
FINAL REGIONAL PROCESSING REVIEW:	service, proce place - object apaux.
Affidavit of publication received. Date: 10	
Application published correctly. If not, record	action taken'
Fee-amount, receipt date & number, recorded on analy	
withdrawal etc., recorded on application dates and paper, recorded on application dates, withdrawal, etc., recorded on a	cation.  Last Prot. Sate 10/6/86
Recommendation & initial, recorded on applied	
☐ Yes ►No Measuring device required.	
☐ Yes ☐ No Access port required.	
Yes Will water be delivered by water by water by the water be delivered by water by water by the water by water by the water by the water by the water by the water by water by the water by	
Special conditions of approval or cover letter.	
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	OLO ST. CO.
	0111
allow 2 ments	for Bill developmen
D J == 1 1	100
V. 02 0- 0 0	te: 11/5/86
STATE OFFICE REVIEW:	
217 04	26
☐ See attached sheet for more information.	
By: Dat	te: 11-19-86
	<del>-</del>

Para Carantains

### POINT OF DIVERSION AND STREAM INDEX INFORMATION

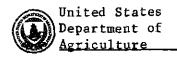
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### STAFF ANALYSIS SUPPLEMENT

1)	Water	District 71- None
2)	Local	Description: (of one P/D)
		At the above street address
	$\boxtimes$	$\overline{\mathcal{J}}$ miles N/S $\overline{\mathcal{N}}$ and $\overline{\mathcal{J}}$ miles E/W $\overline{\mathcal{E}}$
		of Stanley, land (City or landmark).
		Other (describe)

DEU 18 1808

\* • •





Intermountain Region



324 25th Street Ogden, UT 84401

Reply to:

Date:

OCT 3 1 1986

\*\*27 3 1986

Dating to a coll Walth Barneroes El tit Hegion Office

Mr. Loren O. Holmes Southern Region Supervisor Idaho Department of Water Resources 1041 Blue Lakes Blvd. North Twin Falls, ID 83301

Dear Mr. Holmes:

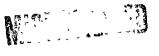
On October 1, we protested Application for Permit No. 71-7102 filed by Earl C. and Harriet A. Reynolds to appropriate 0.13 cfs from Stanley Creek. We have met with the applicants and satisfactorily resolved the basis of our protest of the application.

Thank you for your assistance in this matter.

Sincerely,

J. S. TIXIER
Regional Forester

1. a Radeur



DEC T Q 1200



October 22, 1986

Earl C. Reynolds, Jr. 2848 Starlington Drive Boise, ID 83712

Dear Mr. Reynolds:

The protest filed by the Department of Fish and Game was withdrawn on October 21, 1986.

The protest by the U.S. Forest Service is still effective, but I understand you are in the process of obtaining a Forest Service Permit and that the protest will be withdrawn when this is done.

Please keep us advised of your progress.

Very truly yours,

Loren O. Holmes, P.E. Southern Region Supervisor

LH:MB

cc: State Office

36,

### MECEIVED

OCT 21 1986

Department of Water Resources
Southern Region Office



#### IDAHO DEPARTMENT OF FISH AND GAME REGION 6 1515 Lincoln Road Idaho Falls • Idaho • 83401

October 16, 1986

Mr. Loren O. Holmes, P.E. Southern Region Supervisor Department of Water Resources 1041 Blue Lakes Blvd. North Twin Falls, Idaho 83301

RE: 71-7102 - Earl C. Reynolds, Jr.

Stanley Lake Creek

Dear Loren:

After further investigation into the water rights application of Mr. Reynolds, the Department of Fish and Game withdraws its protest against issuance of the above referenced water right.

Sincerely,

Merbert A. Pollard, II Regional Supervisor

Region 6

HAP:JAD:dk

cc: U.S. Fish & Wildlife Service
Bureau of Program Coordination
Bureau of Fisheries
James A. Davis



# STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

SOUTHERN RIGION

John V. Fvans Gevernon

A Renneth Dunn

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

October 6, 1986

Earl C. Reynolds, Jr. 2848 Starlington Drive Boise, ID 83712

Dear Mr. Reynolds:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your above referenced application. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

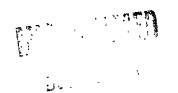
If this office can be of further assistance, please contact us.

Very truly yours,

LOREN O. HOLMES Southern Region Supervisor

LOH: MB

Encl:





# STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

tionernor

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

October 6, 1986

J.S. fixier United States Dept. of Agriculture Forest Service 324 25th Street Ogden, HT 84401

RE: Permit No. 71-7102

Dear Mr. lixter:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

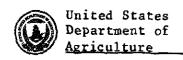
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- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

LOREN O. HOLMES Southern Region Supervisor Same Billion

LOH: MB





Intermountain Region 324 25th Street Ogden, UT 84401

2001/8p

Reply to: 2540

Date:

OCT 0 1 1986

Mr. Loren O. Holmes
Southern Region Supervisor
Idaho Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301

Dear Mr. Holmes:

We are writing regarding Application for Permit No. 71-7102 filed by Earl C. and Harriet A. Reynolds to appropriate 0.13 cfs from Stanley Creek. We are protesting this application because the applicants have not applied for a permit to occupy National Forest System land and will be unable to develop the water and put it to beneficial use until they do. We ask that approval of this application be deferred until the applicants secure the necessary occupancy permit.

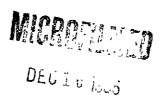
Thank you for your cooperation.

a Karther

Sincerely,

J. S. TIXIER

Regional Forester





September 25, 1986

Earl C & Harriet A. Reynolds 2848 Starlington Drive Boise, ID 83712

RE: 71-7102

Dear Mr. & Mrs. Reynolds:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your above referenced application. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be acheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- Will the proposed use conflict with the local public interest?

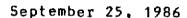
If this office can be of further assistance, please contact us. Very truly yours.

LOREN O. HOLMES Southern Region Supervisor

LOH:marya

Mondalle DEC 1 6 1986

Encl:



Tom Reinecker, Supervisor Region 6 Idaho Dept. of Fish & Game 1515 Lincoln Road Idaho Falls, ID 83401

RE: 71-7102

Dear Mr. Reinecker:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

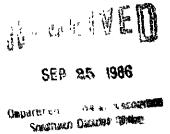
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- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours.

DEC 1 6 1986

LOREN O. HOLMES Southern Region Supervisor





#### IDAHO DEPARTMENT OF FISH AND GAME REGION 6 1515 Lincoln Road Idaho Falls • Idaho • 83401

September 24, 1986

Mr. Loren O. Holmes, P.E. Southern Region Supervisor Department of Water Resources 1041 Blue Lakes Blvd. North Twin Falls, Idaho 83301

RE: 71-7102 - Earl C. Reynolds, Jr. Stanley Lake Creek

Dear Loren:

The Idaho Department of Fish and Game must protest the issuance of the above referenced application for a water permit in Stanley Lake Creek. This stream provides valuable rearing habitat for anadromous fish. Stanley Lake Creek is presently in a degraded condition due to watershed activities and the removal of additional water could be detrimental to the anadromous fish. The Department and the U.S. Forest Service, as well as other agencies, are coordinating their efforts to increase the numbers of anadromous fish in the Stanley area. Efforts should be made by all state agencies toward this goal.

Thank you for allowing us the opportunity to comment on this proposal.

Sincerely,

Herbert A. Pollard, II Regional Supervisor

Region 6

HAP:JAD:dk

cc: U.S. Fish & Wildlife Service
Bureau of Program Coordination

Bureau of Fisheries Salmon Subregion Office

DEC 1 n isco



# STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V Evans

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

September 2, 1986

Sawtooth National Recreational Area Star Route Ketchum, ID 83340

RE: Application for Water Permit No. 71-7102

Gentlemen:

Enclosed for your information is a copy of an application for water permit which has been filed with this office.

If you have any questions or need additional information regarding this application, please feel free to contact this office.

Very truly yours,

Loren O. Holmes, P.E. Southern Region Supervisor

LH:MB

Enclosure

DECTO Book



# STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans Gavernor

A Kenneth Dunn
Director

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

September 2, 1986

Idaho Dept. Fish & Game Region 6 1515 Lincoln Road Idaho Falls, ID 83401

RE: Application for Water Permit No. 71-7102

Gentlemen:

Enclosed for your information is a copy of an application for water permit which has been filed with this office.

If you have any questions or need additional information regarding this application, please feel free to contact this office.

Very truly yours,

Loren O. Holmes, P.E. Southern Region Supervisor

LH:MB

Enclosure

DEUL WISS

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

SEPTEMBER 2, 1986

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

#### Gentlemen:

Enclosed you will find a lesal notice which we wish to have rublished 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 salley proof to this office for review before the first rublication date. If you cannot rublish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before OCTOBER 6, 1986.

Yours truly.

Mary A. Baldwin Secretary/Office Coordinator DEC 1 6 1986

Encl.

The Heliumana amplemention of the education filed to approximate the Fullian makes one of a State of Justin

71-7101

ABNE DIRALINGTON DRIVE, EGIZE IN SITUA

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Use ISPIGATION

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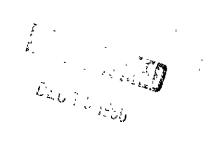
In SEEK SHEE See DIT LIN R LDE FOR 6.36 PORES; 3 miles N, 7 miles E of Stanley, ID.

The remoit(s) will be subject to all reion mater rights. Protests
must be filed with the Director. Dept. of Mater Resources. Southern Region.

1041 Plue Lakes Blod. N. Torn Falls. Idaho 83301 on or before CCTOBER 6. 1986.

REN DUNN. Dir.

Fublished 948 & 9/20/86.



## BECEIVED

1 - THE CHALLIS MESSENGER -SEP 19 1012

> NOTICE OF APPLICATION MUFOR WATER RIGHT

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

PUBLIC WATERS OF THE STATE OF TURNOT.

71-7102

REYNOLDS, JR., EARL C.
REYNOLDS, HARRIET A.
2848 STARLINGTON DRIVE,
BOISE, ID 83712

SOURCE: STANLEY LAKE
CREEK trib. to VALLEY CREEK
Diversion Bt. SENWINE See 28 T. Diversion Pt.: SENWNE Sec 26 T

11N R 12E Use IRRIGATION (0.130 CFS)

Use: IRRIGATION (0.130 CFS)
Date Filed: 09/02/1986
In: SESW SWSE Sec 25 T 11N R
12E FOR 6.36 ACRES: 3 miles N, 7
miles E of Stanley, ID.
The permit (s) will be subject to
all prior water rights. Protests
must be filed with the Director,
Department of Water Resources,
Southern Region, 1041 Blue Lakes
Boulevard North, Twin Falls, Idaho Boulevard North, Twin Falls, Idaho 83301 on or before OCTOBER 6,

KIEN DUNK, Director Polificari deployment if \$ 35, 1866.

0 K/2 2/86

### $\underline{\textbf{I}}\,\,\underline{\textbf{D}}\,\,\underline{\textbf{A}}\,\,\underline{\textbf{H}}\,\,\underline{\textbf{O}}\quad\,\underline{\textbf{D}}\,\,\underline{\textbf{E}}\,\,\underline{\textbf{P}}\,\,\underline{\textbf{A}}\,\,\underline{\textbf{R}}\,\,\underline{\textbf{T}}\,\,\underline{\textbf{M}}\,\,\underline{\textbf{E}}\,\,\underline{\textbf{N}}\,\,\underline{\textbf{T}}\quad\,\underline{\textbf{O}}\,\,\underline{\textbf{F}}\quad\,\underline{\textbf{W}}\,\,\underline{\textbf{A}}\,\,\underline{\textbf{T}}\,\,\underline{\textbf{E}}\,\,\underline{\textbf{R}}\quad\,\underline{\textbf{R}}\,\,\underline{\textbf{E}}\,\,\underline{\textbf{S}}\,\,\underline{\textbf{O}}\,\,\underline{\textbf{U}}\,\,\underline{\textbf{R}}\,\,\underline{\textbf{C}}\,\,\underline{\textbf{E}}\,\,\underline{\textbf{S}}$

#### WATER RIGHT DATA ENTRY LOG

Initials	Da te	Item
mp	9/2/86	Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
kw	14/24/86	Record Verified
J		Amendment Approved
<del></del>		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Updated
		Transfer Updated
		Keypunched by State Office
	<del></del>	
	<del></del>	