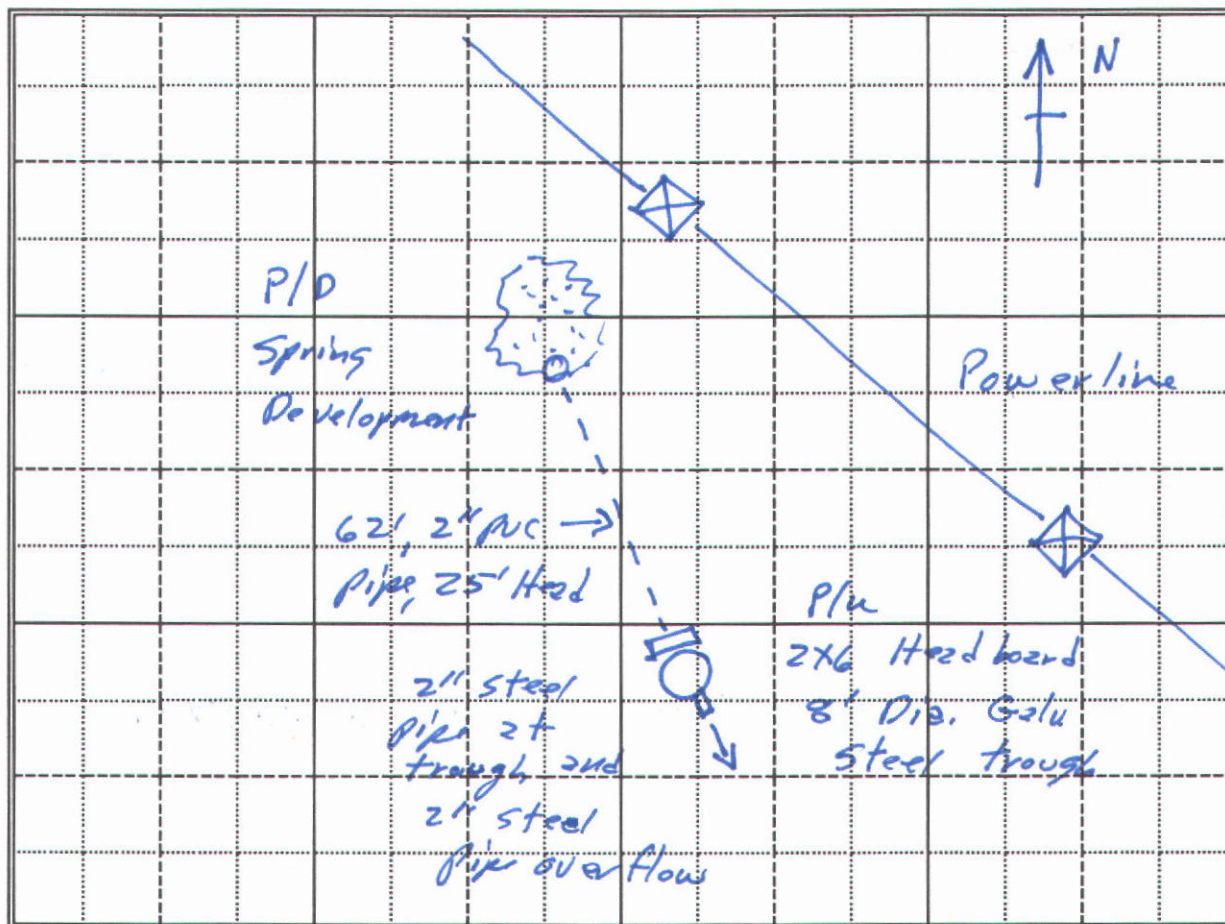


TIN R/W 53
 End of Bristol Creek
 Goutlets N/2 N/2 only in section
 Haw Creek

NOTE TO EXAMINER - CAN
LICENSE From info in JUN 9 1995
Exam 65-13165. -JL 1/12/95

Ronald L. Woodie
(Applicant)

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



Scale: 1" = None

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

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

☒ Photo of Diversion and System Attached

4.

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

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

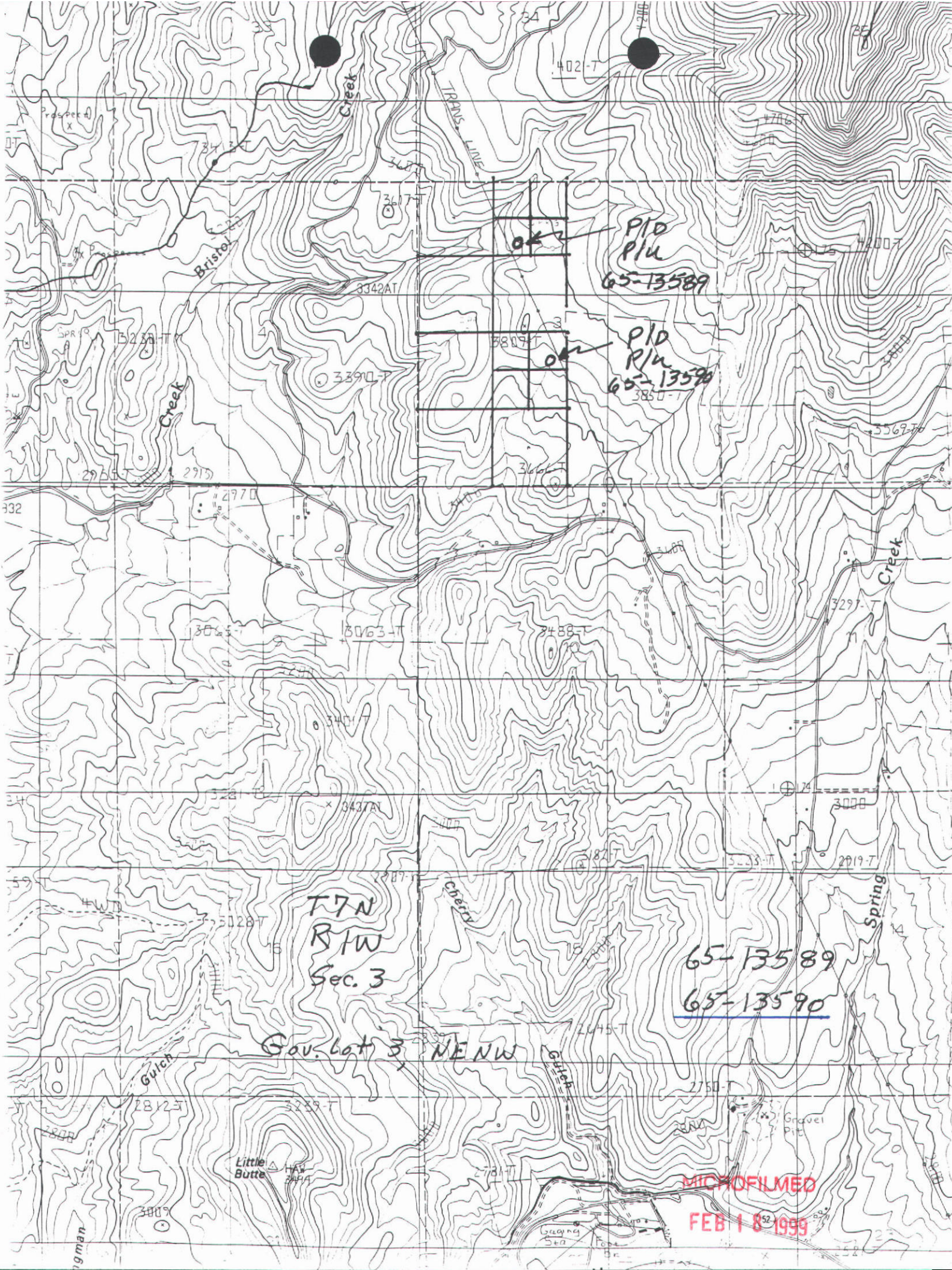
D. FLOW MEASUREMENTS

1.

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

2. Measurements: None

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FEB 18 1999



P10
P14
65-13589

P10
P14
65-13590

T7N
R1W
Sec. 3

Gov. lot 3 NE NW

65-13589
65-13590

MICROFILMED
FEB 18 1999

65-13590 FEB 18 1998

OF MED



P/u
Stock
watering
Trough
View
Looking
East



L of T
P/D
Springs
Development
Area.
View
Looking
North

KEY

- ① Woodie - Developed spring needs New Water Right
- ② Woodie - Developed Spring for Permit 65-13165
- ③ Developed Spring - Area of dispute:
Radandt : 65-00115 decadal right,
1915
" : 65-13535 * Withdrawn
Appl. for Permit
- Woodie : Developed Spring needs NEW WATER RIGHT
- ④ Radandt - 2 wells (arterial?)
Appl. for Permit 65-13531,
Protested by Woodie
- ⑤ Radandt - 2 springs
Appl. for Permit 65-13532,
Protested by Woodie
* Also protested by Woodie

-
- KEY**
- ① Woodie - Developed spring needs New Water Right
 - ② Woodie - Developed Spring for Permit 65-13165
 - ③ Developed Spring - Area of dispute:
Radandt : 65-00115 decadal right,
1915
" : 65-13535 * Withdrawn
Appl. for Permit
 - Woodie : Developed Spring needs
New Water Right
 - ④ Radandt - 2 wells (arterial?)
Appl. for Permit 65-13531,
Protected by Woodie
 - ⑤ Radandt - 2 springs
Appl. for Permit 65-13532,
Protected by Woodie
* Also protected by Woodie



SECTION 3

SPRING IN PERMIT 65-13165

Probable spring in 65-00115
Examined " found in 65-13
(instead of one to north)
Spring listed in Application
65-13535

NENESW 5.3

2 Wells in Appl. 65-13531

2 Springs in
Appl. 65-13532

SECTION CORNER

Section 10

SL 8/17/94
PER TOWR
RECORDS

JUN 05 1995

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13590

Priority: February 28, 1995

Maximum Diversion Rate:
Maximum Diversion Volume:

0.03 CFS
2.7 AF

This is to certify, that RON WOODIE
JUDY WOODIE

PO BOX 785

EMMETT ID 83617-0785

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 12, 1995; and has submitted Proof of Beneficial Use on July 18, 1996. An examination indicates that the works have a diversion capacity of 0.030 cfs of water from:

SPRING

tributary to HAW CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.03 CFS	2.7 AF

LOCATION OF POINT(S) OF DIVERSION: NENESW , Sec. 3, Township 07N, Range 01W
GEM County

PLACE OF USE: STOCKWATER

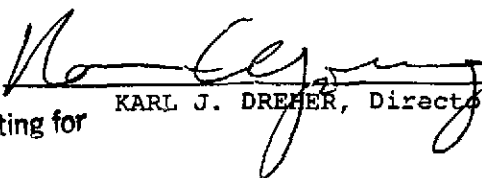
TWN RGE SEC

07N 01W 3 NESW

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
2. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 4th day of JANUARY, 1999.


Acting for KARL J. DREHER, Director

MICROFILMED
FEB 18 1999

IN THE MATTER OF PERMIT NO. 65-13590)
)
IN THE NAME OF RON & JUDY WOODIE) **ORDER OF**
) **REINSTATEMENT**
)

AUG 09 1944

RECEIVED

JUL 18 1996

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

- Signature of permit holder:**

(include your title if on behalf of company of organization)

Date:

7-10-96

AUG 09 1996

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13590

Proposed Priority: January 12, 1995

Maximum Diversion Rate:

0.03 CFS

This is to certify, that RON WOODIE
JUDY WOODIE
PO BOX 785
EMMETT ID 83617-0785

has applied for a permit to appropriate water from:
SPRING tributary of HAW CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION: NENESW , Sec. 3, Township 07N, Range 01W
GEM County

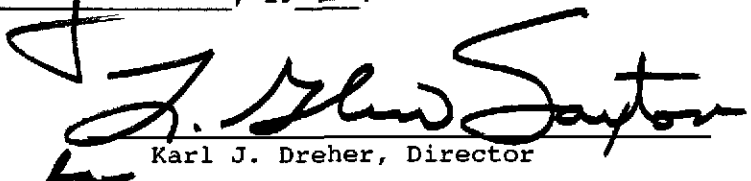
PLACE OF USE: STOCKWATER
TWN RGE SEC
07N 01W 3 NESW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1996.
2. Subject to all prior water rights.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 65.
4. Stockwater use is for 300 range cattle.

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

31st day of May, 1995.


for Karl J. Dreher, Director

RECORDED

JUN 08 1995

RECEIVED
MAY 25 1995

Ident. No. 65-13590

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: RON WOODIE 208-365-4022
Address: PO BOX 785
EMMETT ID 83617
AND/OR
Name: JUDY WOODIE 208-365-4022
Address: PO BOX 785
EMMETT ID 83617

2. Source: SPRING Trib. to: HAW CREEK
3. Location of Point of Diversion: NENESW Sec. 3, Township 07N, Range 01W
GEM County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
STOCKWATER	01/01	12/03	0.030		

5. Total quantity to be appropriated is:
0.030 CFS (and/or) AF

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc.
EXISTING SPRINGBOX, PIPELINE & TROUGH; OVERFLOW FROM 65-00115
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 groundwater with a temperature greater than 85F being sought? NO
e. If well is already drilled, when?
Drilling Firm
Well was drilled for

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 year(s).

JUN 08 1995

8. Place of Use: STOCKWATER

TWN RGE SEC
07N 01W 3 NESW

9. a. Who owns the property at the point of diversion?
APPLICANT
- b. Who owns the land to be irrigated or place of use?
APPLICANT
- c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

Stockwater use is for 300 range cattle, which are the same stock covered by right nos. 65-13165 and 65-13589.

11. Map of proposed point of diversion and place of use attached? [✓]

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

Received by JS Date 1/12/95 Time 12:03 Preliminary check by CMH

Fee \$ 100.00 Received by *JL* #W018501 Date 1/12/1995

Publication prepared by st Date 1-25-95 Published in Messenger-Index

Publication approved AS Date 5-13-95

Same receipt @ \$50 each for -13589 & 13590.

JUN 08 1995

See Comments

Comments: Date: 1/12/1995 User-ID: SLESTER

SEE COMMENTS IN 65-13589.

This is an existing development and is same spring as Radandt
right 65-00115 & 65-13535 (latter is withdrawn application).

SECRET

JUN 08 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident No 65-13590

To appropriate the public waters of the State of Idaho

1 Name of applicant Row s/o Judy Wouche Phone 365-4022
Post office address PO Box 785 Emmett ID 83617

2. Source of water supply Spring which is a tributary of HAW Creek

3. Location of point of diversion is NE 1/4 of NE 1/4 of SW 1/4, Govt. Lot —
Sec 03 Township 07N Range 01W B.M. 96m County; additional
points of diversion if any. —

4 Water will be used for the following purposes:

Amount .03 * for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) .03 and/or (b) —
cubic feet per second acre feet per annum

6 Proposed diverting works.

a Description of ditches, flumes, pumps, headgates, etc. Existing Springbox, pipe &
trough, overflow from 65-00115 (Rudonett)

N/A

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 85°F being sought? —

e. If well is already drilled, when? —; Drilling firm —

Well was drilled for (well owner) —

JUN 08 1995

7. Time required for the completion of the works and application of the water to be proposed beneficial use is
1 years (minimum 1 year). * Flow rate measured 6/27/94 by
IDWR Examiner

Original

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 300 Range Cattle
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully _____

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	1W	03									S								—

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 65-13165 plw

Application for Lot 3 (SWNW) J.3 Spring for some stock

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

b. Who owns the land to be irrigated or place of use? Applicant

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

12. Remarks: _____

RECORDED

JUN 08 1995

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



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:

NOTE TO EXAMINER - CAN

LICENSE From 12th 12 JUL 1995

Exam 65-13165. -82 1/12/95

Ronald L. Woodie
(Applicant)

Received by RL Date 1/12/95 Time 12:03 Preliminary check by _____
Fee \$ 50.00 Received by RL # W018501 Date 1/12/95
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS

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

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

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

e. Other:

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JUN 08 1995

SD-0605-2		Township: 07N		Range: 01W		Section: 3		Tract: NESW		Lot: 12	
S	L	R	STATE		O	S	Max # Records		12		
E	O	D	Water	Name	W	T	Priority	Total			
L	Tract	T	V	Right No.	Last, First	N	G	Date	Source	Diversion	
—	NESW			65-00115	RADANDT, LEO	C	D	04/01/1915	SPRING	0.060	
—					RADANDT, BESSI	C					
—	NESW			65-01274	DARNELL, ROGER	C	D	08/14/1934	GROUNDWATER	0.020	
—				(Woodie)	DARNELL, ROSE	C					
—	NESW			65-01999	RADANDT, LEO	C	D	04/01/1915	GROUNDWATER	0.020	
—					RADANDT, BESSI	C					
—	NENESW			65-13590	WOODIE, RON	C	A	01/12/1995	SPRING	0.030	
—					WOODIE, JUDY	C					
—	NENESW			65-13535	RADANDT, JERRY	C	A	08/03/1994	SPRING	0.020	
—	SENESEW			65-13531	RADANDT, JERRY	C	A	07/27/1994	GROUNDWATER	0.060	

withdrawn

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

RECEIVED

JUN 08 1995

SD-0604-2 Township: 07N Range: 01W Section: 3				Tract: NESW		Lot:	
S	L	STATE	O	S	Max # Records	7	
E	O	Water	W	T	Priority	Use	
L Tract T	Right No.	Name	N	AC	G	Date	Code Desc
NESW	65-13590	WOODIE, RON	C		A	01/12/1995	04 STOCK
		WOODIE, JUDY	C				
NESW	65-13535	RADANDT, JERRY	C		A	08/03/1994	04 STOCK
NESW	65-01274	DARNELL, ROGER L.	C		D	08/14/1934	04 STOCK
		DARNELL, ROSE M.	C				

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

JUN 08 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 5, 1999

PHILIP E. BATT
GOVERNOR

RON WOODIE
JUDY WOODIE
PO BOX 785
EMMETT ID 83617-0785

KARL J. DREHER
DIRECTOR

RE: WATER RIGHTS 65-13589/65-13590

Dear Mr. & Mrs. Woodie:

The Department of Water Resources (the Department) has issued the enclosed licenses confirming that water rights have been established in accordance with the permits referenced above. The license are **preliminary orders** issued by the Department pursuant to section 67-5243, Idaho Code. **They can and will become final orders without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below.**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

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

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ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one(21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency

MICROFILMED

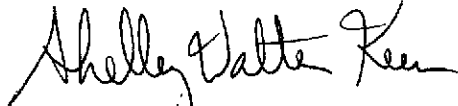
FEB 18 1999

action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SWK:klt
Enclosures

MICROFILMED

3

FEB 18 1999

CERTIFICATE OF MAILING

I hereby certify that on the 5th day of January, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDERS (Approved Licenses) to the person(s) listed below:

Water Rights 65-13589/65-13590

RON WOODIE
JUDY WOODIE
PO BOX 785
EMMETT ID 83617-0785


Kari Lynn Townsend
Secretary

MICROFILMED
4
JAN 18 1999

B/U FIELD EXAM REVIEW

by Cindy Lou

Permit #: 65-13590 Name: Woodie Date: 12/31/98 ✓ Lots ✓

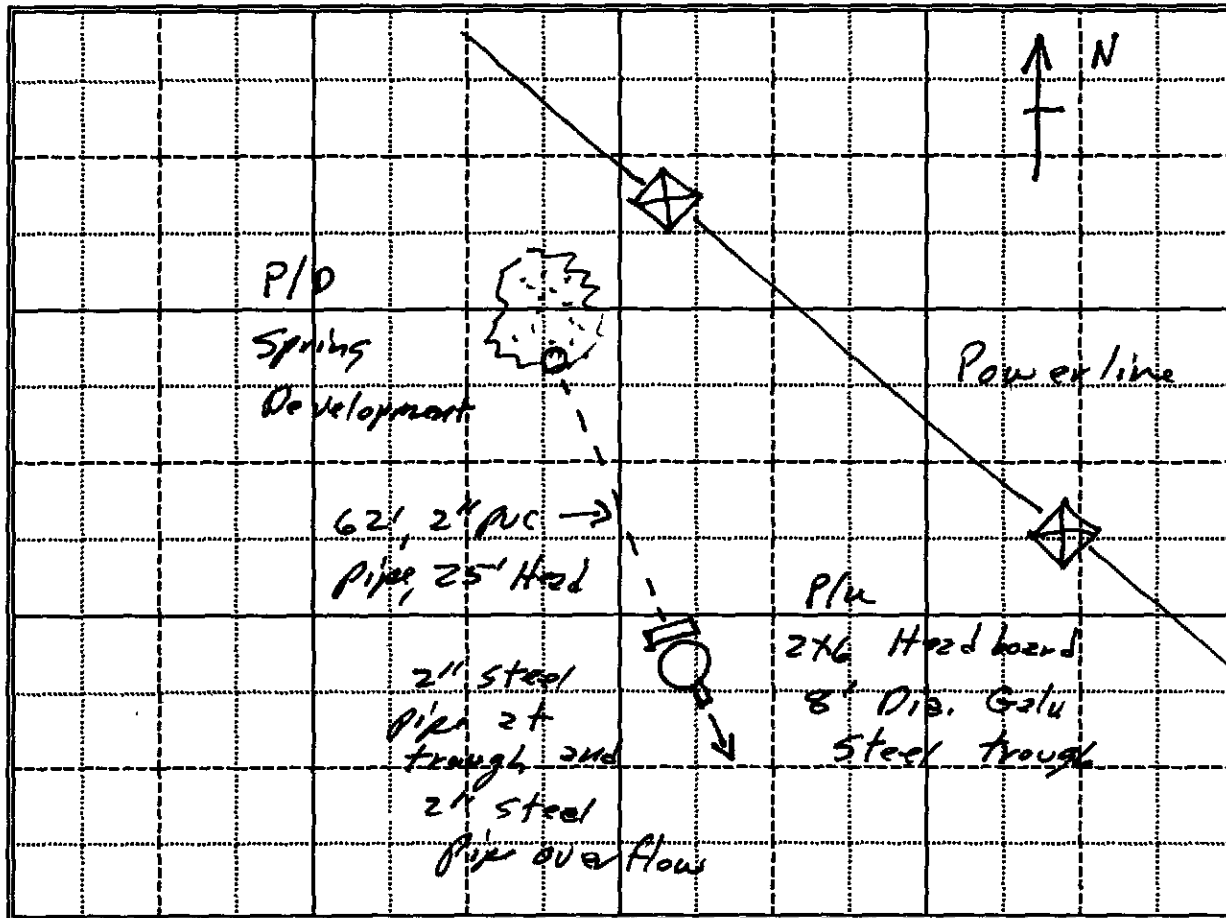
NAME	Chng	Same	Or Address Change?
SOURCE		✓	Clarify source _____ Prelim. Order to Void - Source change.
P/D		✓	Amendment Needed? Addn'l 1/4? _____ Legal _____ P39 Same 1/4? _____ W32 _____ P36 Overlap(s) <u>none</u>
P/U		✓	Amendment Needed? _____ P41 Overlap(s) <u>none</u> (Gov't use special P's) _____ *P/D & P/U Amend? P37
RATE		✓	Permit/proof fee limits <u>0.03</u> / <u>0.20</u> Measured Quantity = <u>none</u> cfs Theoretical Quantity = <u>none</u> cfs <u>allow permitted 0.03 cfs</u>
		✓	Recommended capacity <u>0.03</u> cfs
		✓	Recommended rate <u>0.03</u> cfs
VOLUME		✓	Season (<u>1/1 - 12/31</u>) = <u>365</u> days Calculations: <u>used 240 d/yr (varying)</u> <u>stock = (300 h/d × 12 gpd × 240 d/yr) / 325,850 = 2.7 AF</u> Flow limit: <u>0.03</u> cfs × <u>240</u> days/yr. × 1.9835 = <u>14.3</u> AF Recommended volume <u>2.7</u> AF
USES		✓	Same Nature of Use? _____ P46 Amendment Needed? _____
REMARKS			Multiple p/d's in same 1/4? Use W32 _____
CONDITIONS			<u>OIP</u> Measuring Device (R43) or Lockable Controlling Works (R02) <u>R04</u> Watermaster Control (R04) - WD # <u>65</u> Irrigation rate/annual volume overlap GW irrigation replaces surface water (050) GW irrigation supplements surface water (065) Water Quality Other _____
PRIORITY	App Rcd	<u>1/12/95</u>	Due <u>6/1/95</u> Rcd <u>7/18/98</u>
	Receipt#	<u>CO30131</u>	Fee OK? Yes <u>150</u>
	Order to Reinstate Needed?	<u>Yes/No Done?</u>	Advanced to: <u>2/28/95</u>
	Priority	<u>2/28/95</u>	Examined <u>10/7/98</u>
COMMENTS:	<u>license as permitted</u>		

USE	CFS	VOLUME
Stock	0.03	2.7
<del> </del>	<del> </del>	<del> </del>
<del> </del>	<del> </del>	<del> </del>
TOTAL	0.03	2.7

 SRBA Overlap no
 Adjustment Memo _____
 LICENSE
 #1 AMEND: _____/P38
 #2 AMEND: (R)P42/(C)P47

FEB 18 1999

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



Scale: 1" = None

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

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

☒ Photo of Diversion and System Attached

4.

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

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

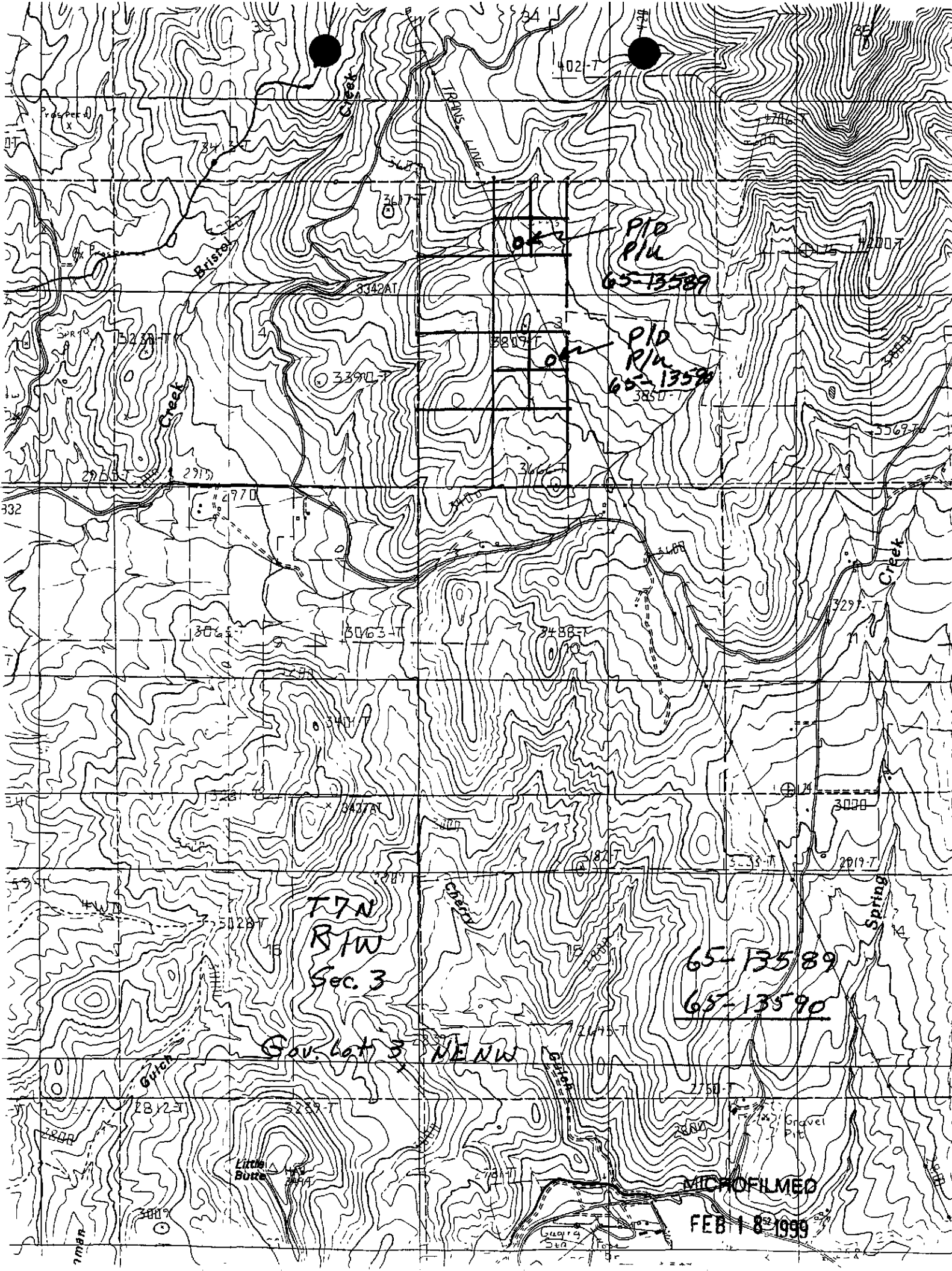
D. FLOW MEASUREMENTS

1.

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

2. Measurements: None

MICROFILMED
FEB 18 1999



P10
P14
65-13589

P10
P14
65-13590
385-T

T7N
R1W
Sec. 3

Gov. Lot 3 NE NW

65-13589
65-13590

MICROFILMED
FEB 18 1999

1 of 1

P/D

Spring

Development
Area.

View
Looking
North



P/u

Stock
watering
Trough

View
Looking
East



OF MED

8 1985-13590

E. NARRATIVE/REMARKS/COMMENTS

1. This permit is for a spring development, 62' of 2" PVC pipe, and a 8' Diameter Galv steel stock watering trough.

2. 300 Range cattle use the water from about April 1 to Dec. 1 each year

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

MICROFILMED

FEB 18 1995

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: None, Theoretical Cal. Using PVC Pipe Tables

62' 2" PVC pipe

25' Head

$$H = H_f + H_e + H_v$$

$$25' = \left(\frac{0.03 \text{ cfs}}{100'} \right) \left(\frac{62'}{1} \right) \left(\frac{34'}{14.7 \text{ psi}} \right) + 10\% H_f + V^2/2g$$

Assume Q Head Loss Head Available

0.03 cfs, 146m 0.30' 25'

0.07 32 1.2' 25'

The pipe can deliver much more than 0.07 cfs > 0.03 cfs in permit

Q Allowed for 300 Head = 0.07 cfs.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \frac{(0.03)(365)(1.9835)}{325,850 \text{ Gal}} = 21.72 \text{ AFA}$$

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

2. Volume Calculations for Other Uses: Stock water

$$\begin{aligned} \text{AFA} &= \left(\frac{12 \text{ GPD}}{1 \text{ head}} \right) \left(\frac{300 \text{ Head}}{1} \right) \left(\frac{240 \text{ Days}}{1 \text{ Ann}} \right) \left(\frac{1 \text{ AF}}{325,850 \text{ Gal}} \right) \\ &= 2.65 \\ &= \underline{2.70 \text{ AFA}} \end{aligned}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Stock water</u>	<u>01/01</u>	<u>12/31</u>	<u>0.03</u>	<u>2.70</u>
Totals:			<u>0.03</u>	<u>2.70</u>

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name Jan Zambich Date 11-12-98

Reviewer _____ Date _____

MICROFILMED
FEB 18 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 18, 1996

Ron & Judy Woodie
P.O. Box 785
Emmett, ID 83617

RE: Water Right Nos. 65-13589 & 65-13590

Dear Permit Holder:

I am returning the Proof of Beneficial Use forms you submitted on November 13, 1996, for the above referenced water rights. Proof of beneficial use was filed on both water rights on July 18, 1996, and no further action by you is required.

If you have any questions regarding this matter, please contact me at (208)327-7953.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough".

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
FEB 18 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 7, 1996

RON & JUDIE WOODIE
PO BOX 785
EMMETT ID 83617

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 65-13590

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating your permit since the proof was received after the proof due date of June 1, 1996. Please note that the priority date has been advanced to February 28, 1995.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, contact the **WESTERN** Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

AUG 09 1996

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

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

June 20, 1996

RON WOODIE
JUDY WOODIE
PO BOX 785
EMMETT ID 836170785

LAPSE NOTICE

RE: PERMIT NO. 65-13590

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated March 31, 1996. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

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

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

AUG 09 1996

CERTIFICATION OF MAILING

I hereby certify that on 6/20/96
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

March 31, 1996

RON WOODIE
JUDY WOODIE
PO BOX 785
EMMETT ID 836170785

PROOF DUE NOTICE

RE: PERMIT NO. 65-13590

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 June 1, 1996.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

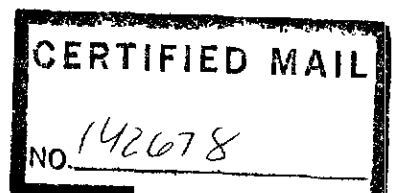
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

AUG 09 1996





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 1, 1995

RON WOODIE
JUDY WOODIE
PO BOX 785
EMMETT ID 83617-0785

PERMIT APPROVAL NOTICE

RE: PERMIT NOS. 65-13589 AND 65-13590

Dear Permit Holder:

Enclosed are copies of your approved applications for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permits.

Enclosed are forms entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop these permits. Also enclosed are forms entitled "Proof of Beneficial Use". If your projects are already completed you should complete and submit these forms immediately.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

RECORDED

JUN 08 1995

RECEIVED

MAR 23 1995

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
SS.
COUNTY OF GEM,

Ginger Johnson being first
duly sworn, on her oath deposes and
says that she is the clerk of the Mes-
senger Index, a legal weekly news-
paper published at Emmett, in Gem
County, Idaho; that said newspaper
is in general circulation in said
county and has been published unin-
terruptedly and continuously for
more than 78 weeks prior to the
first publication of the annexed
document; and that the document
notice, process, or advertisement
hereunto annexed was published in
the regular edition of Messenger
Index for two

consecutive weekly issues thereof,
beginning with the issue of
March 15, 1995,
and ending with the issue of
March 22, 1995
Ginger Johnson

Subscribed and sworn to me this

22nd day of

March, 1995

Jessie J. Smith

Notary Public

Residing at Emmett, Idaho

MY COMMISSION EXPIRES
JUNE 21st, 1997

My Commission Expires _____

the State of Idaho

DERBONNE, BETTY L
3940 HANCOCK ST #202
SAN DIEGO, CA 92110
Source: UNNAMED STREAMS
Source: FIR TREE GULCH
Diversion Pt: LOT 1 (NENE)

65-13588

Tributary: SQUAW CREEK
Tributary: SQUAW CREEK

Sec 21 T 10N R 01E in GEM County.
SWNW Sec 22 T 10N R 01E in GEM County.
SWNW Sec 22 T 10N R 01E in GEM County.
SWNW Sec 22 T 10N R 01E in GEM County.
SESW Sec 22 T 10N R 01E in GEM County.
SESW Sec 22 T 10N R 01E in GEM County.
SESW Sec 22 T 10N R 01E in GEM County.
SESW Sec 22 T 10N R 01E in GEM County.
NENE Sec 27 T 10N R 01E in GEM County.
NWNE Sec 27 T 10N R 01E in GEM County

Use: IRRIGATION
IRRIGATION STORAGE
IRRIGATION FROM STORAGE
WILDLIFE
WILDLIFE STORAGE
DIVERSION TO STORAGE
Total Diversion:
Date Filed: 2/23/1995
In: GEM County

4.000 CFS) { 32.00 AF)
32.00 AF)
4.000 CFS) { 32.00 AF)
4.000 CFS)

TION ROW S22 NESW NWSW SWSW SESW
S26 SWSE
S27 NWNW NENE NWNE NENW

200.0 ACRES TOTAL

DERBONNE, BETTY L
3940 HANCOCK ST #202
SAN DIEGO, CA 92110
Source: SPRINGS
Diversion Pt:

65-13589

Tributary: SQUAW CREEK

NESENW Sec 22 T 10N R 01E in GEM County.
SESENW Sec 22 T 10N R 01E in GEM County.
NENESW Sec 22 T 10N R 01E in GEM County.
SESENW Sec 22 T 10N R 01E in GEM County.
SWNWSE Sec 22 T 10N R 01E in GEM County.
SENWSE Sec 22 T 10N R 01E in GEM County

Use: IRRIGATION
STOCKWATER
DOMESTIC
Total Diversion:
Date Filed: 2/23/1995
In: GEM County

2.800 CFS)
0.030 CFS)
0.040 CFS)
2.870 CFS)

TION ROW S22 SWNE SESW NWSE SWSE
S26 NWNW
S27 NENE NWNE NENW

140.0 ACRES TOTAL

NEWELL, DEANA J
NEWELL, CHARLIE W
PO BOX 100
HORSESHOE BEND, ID 83629
Source: SPRING
Diversion Pt:

65-13603

Tributary: PAYETTE RIVER

NWNWSE Sec 14 T 07N R 01E in GEM County.
0.020 CFS)
0.040 CFS)
0.060 CFS)

Use: STOCKWATER
DOMESTIC
Total Diversion:
Date Filed: 3/1/1995
In: GEM County

TION ROW S14 SWSE

CHARTERS, DEAN
1507 JORDAN LN
EMMETT, ID 83617
Source: UNNAMED DRAIN
Diversion Pt: LOT 2

65-13588

Tributary: PAYETTE RIVER

(NWNE) Sec 4 T 06N R 01W in GEM County.
SWNE Sec 4 T 06N R 01W in GEM County.
0.20 CFS)
0.20 CFS)

Use: IRRIGATION
Total Diversion:
Date Filed: 10/24/1994
In: GEM County

TION ROW S04 SWNE

10.0 ACRES TOTAL

HAW CREEK RANCH INC
PO BOX 785
EMMETT, ID 83617
Source: GROUNDWATER
Diversion Pt:

65-13592

NENW Sec 17 T 07N R 01W in GEM County.
1.00 CFS)
1.00 CFS)

Use: IRRIGATION
Total Diversion:
Date Filed: 1/12/1995
In: GEM County

TION ROW S08 SESW
S17 NENW NWNW SWNW SENW
S18 NWSW SESE

360.0 ACRES TOTAL

This right will irrigate 50 acres per year in a 360 acre rotation area.

HAW CREEK RANCH INC
PO BOX 785
EMMETT, ID 83617
Source: GROUNDWATER
Diversion Pt:

65-13591

NENE Sec 8 T 07N R 01W in GEM County.
NWNE Sec 8 T 07N R 01W in GEM County.
SWNE Sec 8 T 07N R 01W in GEM County.
SENE Sec 8 T 07N R 01W in GEM County.

Use: IRRIGATION
Total Diversion:
Date Filed: 1/12/1995
In: GEM County

TION ROW S08 NENE NWNE SWNE SENE
S08 NWNW SWNW

240.0 ACRES TOTAL

A single well in the NE 1/4 will irrigate 50 acres per year in a 240 acre rotation area.

WOODIE, RON
WOODIE, JUDY
PO BOX 785
EMMETT, ID 83617
Source: SPRING
Diversion Pt:

65-13590

Tributary: HAW CREEK

NENESW Sec 3 T 07N R 01W in GEM County.
0.030 CFS)
0.030 CFS)

Use: STOCKWATER
Total Diversion:
Date Filed: 1/12/1995
In: GEM County

TION ROW S03 NESW

WOODIE, RON
WOODIE, JUDY
PO BOX 785 EMMETT, ID 83617
Source: SPRING
Diversion Pt: LOT 3
Use: STOCKWATER
Total Diversion:
Date Filed: 1/12/1995
In: GEM County

65-13589

Tributary: HAW CREEK

(SWNENW) Sec 3 T 07N R 01W in GEM County.
0.030 CFS)
0.030 CFS)

Use: STOCKWATER
Total Diversion:
Date Filed: 1/12/1995
In: GEM County

TION ROW S03 Lot 3(NENW)

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before APRIL 3, 1995. The protestant must also send a copy of the protest to the applicant.

Pub: 3-15, 22, 1995

R. KEITH HIGGINSON, Director

Legal Notice No 2170
Published in the Messenger Index

Minnow Creek

JUN 08 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 27, 1995

JERRY RADANDT
2848 S BOISE AVE
EMMETT ID 83617

Re: Applications for of Water Right Nos. 65-13589 and 65-13590 in
the Name of Ron &/or Judy Woodie

Dear Sir:

Enclosed is a copy of the above referenced application for
water right.

Please review the application and return any comments you might
have within two weeks. If you have questions or need
information, feel free to contact this office.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Enclosure: Copy of Application

RECORDED

JUN 08 1995

RECEIVED

AUG 28 1970

65-1273

Department of Water Administration

(Name of Claimant)

33617

claims a right to the diversion

JUN 08 1995

ADJUDICATION DIVISION

REPORT OF EXAMINERS

Claim No. 65-1273

1. Name of Applicant... Reger... Inc... &... Reger... M... D... &... Co...
2. Priority... 1/15/1930
3. Source of Water... Ground water
4. Determine Purpose and Quantity of Water Found Used:

(Quantity) (Dom., Irr., Stk. water, etc.) (to.-Day) (mo.-Day)
 ... 0.211 Use Stockwater Period of Use From... 1/1 To... 12/31
 ... 1930 Use Dom. Period of Use From... 1/1 To... 12/31
 ... Use ... Period of Use From... To...

5. Location of Point of Diversion: NWSE of Section 19
 Twp. 7N, Rge. 16W, County of Gen

6. Describe Diversion Works: Stockwater well... is... hand pump...
 ... Domestic well... has... pump... to... water...

7. Describe Location of Use:

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SE 1/4				SW 1/4				TOTAL
			NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	
<u>7N</u>	<u>16W</u>	<u>19</u>																	

TWP. 7N RGE. 16W COUNTY Gen SCALE: 1" = 1 MILE

8. Purpose Other Than Irrigation. Stockwater
9. Remarks: ... (dom) ...
 ... 600 ft. ... Stockwater well ...
 ... by ... the ...

This examination was made on the 25 day of July, 1928

(Signed) [Signature]
 Examiner,

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL DETERMINATION OF THE RIGHT TO THE USE OF THE SURFACE AND GROUND WATERS OF THE PAYETTE RIVER DRAINAGE BASIN

NOTICE OF CLAIM
TO A
WATER RIGHT

IDENT. NO. 6 MAP NO. AUG 28 1970

Department of Water Administration

Notice is hereby given that Roger L. and/or Rose M. Darnell

(Name of Claimant)

Rt. 3, Box 278-A, Emmett, Idaho 83617

(Mailing Address)

claims a right to the diversion and beneficial use of the surface or groundwater, of or tributary to the Payette River;

The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) August 14, 1934
- (2) Describe source of water: (Name of stream, lake, spring, etc., or subterranean) ground water
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: (Both Dates Inclusive)

Use <u>stock water</u> <u>02</u>	Period of Use From <u>Jan 1</u> To <u>Dec 31</u>
(Domestic, irrigation, stock, etc.)	(Mo., Day) (Both Dates Inclusive) (Mo., Day)
Use _____	Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.)	(Mo., Day) (Both Dates Inclusive) (Mo., Day)
Use _____	Period of Use From _____ To _____
(Domestic, irrigation, stock, etc.)	(Mo., Day) (Both Dates Inclusive) (Mo., Day)
- (4) Quantity of water claimed: 005 Cubic Feet Per Second, or _____ Acre Feet Per Annum, and/or _____ Gals. Per Minute.
- (5) A) Point of Diversion: Give location of point where water is diverted from its source. NE 1/4 SW 1/4 Sec. 3, Twp. 7N, Rge. 1W, B.M.; additional points: _____
 B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
 Give sizes and capacities; be as specific as possible. gravity flow from well
- (6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>7N</u>	<u>1W</u>	<u>3</u>									X								

Total No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
100 head cattle Same 100 head of cattle use both wells Claim 2/2

- (7) Effluent, sewage waste, or return water from this use is discharged into _____
- (8) If you are claiming water as a member of an organization, list name of organization _____
- (9) Remarks This Rt when combined with Rte 65-7, 73 shall provide no more than .02 CFS Nor 1.4 AFA for stockwater
- (10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case _____
☐ C) Right based on application, license, or claim filed with State Reclamation Engineer, Office No.: _____

Be it known that the undersigned, after being duly sworn on oath, depose(s) and say(s) that all statements included herein are true and accurate to the best of (his, her, their) knowledge.

August 27, 1970
(Date)

Individual

Roger L. Darnell
(Signature of Claimant)

Organization

KEYPUNCH
(Signature of Authorized Agent)

State of Idaho

County of Idaho
On this 27th day of August, 1970, before me,

a notary public, personally appeared ROGER L. DARNELL known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that he, she, they, corporation, partnership or _____ executed the same.

Notary Public residing at Boise, Idaho

My commission expires May 26, 1974

7-10/7/77

JUN 08 1995

ADJUDICATION DIVISION

REPORT OF EXAMINERS

Claim No. 65-1274

1. Name of Applicant... Roger L. & Rose M. Durrell

2. Priority... 8/14/1934

3. Source of Water... Groundwater

4. Determine Purpose and Quantity of Water Found Used:

(Quantity) (Dom., Irr., Stk. water, etc.) (No.-Day) (No.-Day)

*Q3... Use Stk Period of Use From 1/1 To 12/31

..... Use Period of Use From To

..... Use Period of Use From To

5. Location of Point of Diversion: NE 1/4 of Section 3

Twp. 7N, Rge. 1W, County of Con

6. Describe Diversion Works: Artesian well... pump... etc... etc...

... built... tub... used... as a... water... tank...

7. Describe Location of Use:

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SE 1/4				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>7N</u>	<u>1W</u>	<u>3</u>								X					

TWP. 7N RGE. 1W COUNTY Con SCALE: 1" = 1 MILE

8. Purpose Other Than Irrigation. Stock water

9. Remarks: well... located... East... of... F.A.A. ... Pond

... App... 7/4... miles... with... color... water... with...

... County... road...

This examination was made on the 25 day of July, 1934

(Signed) [Signature]

JUN 08 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

*Original was
corrected to
26th but forgot
to keep copy for Woodie
file -JL*

September 22, 1994

Ron and Judy Woodie
PO Box 785
Emmett, ID 83617

RE: Woodie and Radandt Water Rights

Dear Mr. and Mrs. Woodie:

This letter follows my recent letter to you and Jerry Radandt regarding a disagreement over a spring located in NENESW Section 3. Please see the attached map for the location of the spring and other items. I am also writing to you to convey what I hope is useful information to settle any problems between the parties regarding water rights and water uses.

The attached map locates the springs and wells used and/or proposed for use by you and by Mr. Radandt. Regarding your protest of the three water right applications filed by Mr. Radandt, please note that his filing for site no. 3 has been withdrawn. This is the disputed spring. He filed Application for Permit No. 65-13535 to provide water for your stock. Perhaps his gesture to secure a water right at this location for your stock water needs might offer a basis for settling the disagreement. The other two Radandt applications are for different sites.

Turning to water systems that you have developed as confirmed by the field examination conducted on June 27, 1994, the examiner found that three springs have been developed by you. Your Permit No. 65-13165 specifies a spring in SWSENW Section 3. The examiner found a developed spring at that site and will recommend that spring for licensing of the permit. This letter corrects a misunderstanding on my part in my August 18 letter to you in which I stated that the license recommendation would include spring no. 3 but not spring no. 2 as referenced on the enclosed map. Instead, the license will cover spring no. 2 as specified by the permit but cannot include spring no. 3.

Springs developed by you at site nos. 1 and 3 do not have valid water rights for your uses. These uses must be protected by new water rights to be secured by filing applications for permit. I prepared two applications for you to review and complete. The applications can be returned to me.

① = 65-13589

③ = 65-13590

*apps. filed
1/12/95*

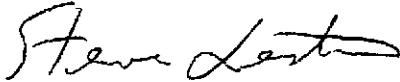
JUN 08 1995

-JL

Ron and Judy Woodie
September 22, 1994
Page 2 ^{1/6}

Please contact me at 334-2190 if you have any questions in filing these applications.

Sincerely,



Steve Lester
Water Rights Supervisor

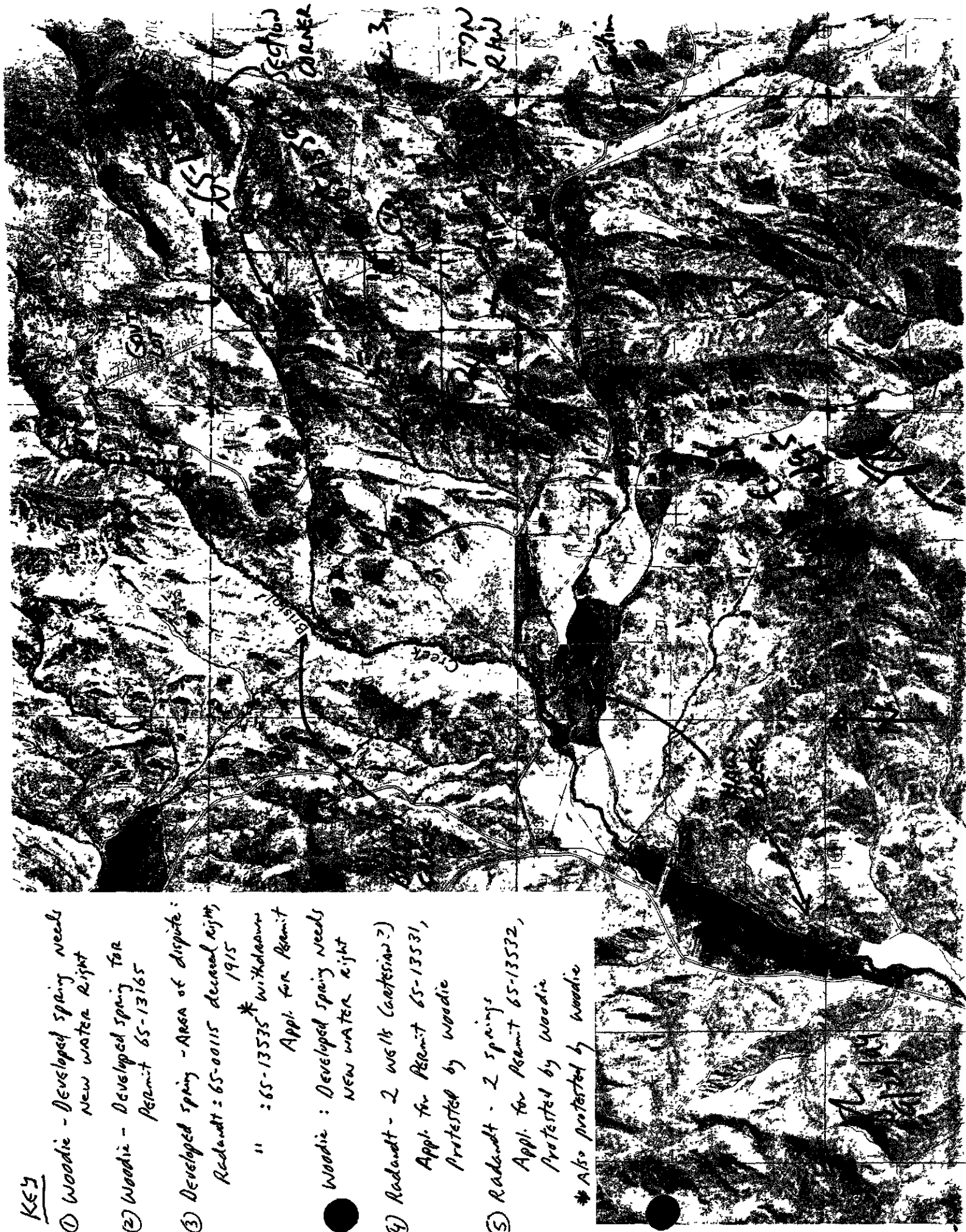
Enclosure: Map and Applications

c: Jerry Radandt
Dave Gray, IDWR Examiner

JUN 08 1995

KEY

- ① Woodie - Developed spring needs new water right
- ② Woodie - Developed spring for Permit 65-13165
- ③ Developed spring - Area of dispute:
Radandt = 65-00115 decadal right, 1915
" = 65-13535 * Withdrawn Appl. for Permit
- Woodie : Developed spring needs new water right
- ④ Radandt - 2 wells (artesian?)
Appl. for Permit 65-13531, Protected by Woodie
- ⑤ Radandt - 2 springs
Appl. for Permit 65-13532, Protected by Woodie
* Also protected by Woodie





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 18, 1994

Ron and Judy Woodie
PO Box 785
Emmett, ID 83617

Jerry Radandt
2848 S. Boise Avenue
Emmett, ID 83617

RE: Water Right Nos. 65-13165 (Woodie) and
65-00115 and 65-13535 (Radandt)

Dear Water Users:

I am writing to respond to telephone calls and a letter from Mr. and Mrs. Woodie as well as to solicit information from Mr. Radandt. The former parties contacted this office regarding problems experienced with a spring apparently on the Woodie land. The latter party recently filed three new water right applications, one of which requires clarification.

It appears that three water right filings are related to the spring in question. There is some uncertainty at this time in the department water right files for the area in question. I will be working with the field examiner who recently inspected right no. 65-13165 (Woodie) to clarify the uncertainty about the spring and which rights are associated with it.

Meanwhile, I wanted to provide a summary of what appears to be the recorded rights for the spring in NENESW Sec. 3. A map is enclosed that summarizes the filings that are listed below.

Radandt

Decreed right No. 65-00115 from 1915 lists a spring in the NESW Sec. 3 for irrigation and stock uses on Radandt land in Sec. 10.

Application for Permit No. 65-13535 shows a spring in NENESW Sec. 3 for stock use. The spring and use of water are shown as Woodie property where stock water will be provided via a "private contract to supply Ron Woody (sic) with adequate stock water".

RECORDED

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With this letter I am asking Mr. Radandt to explain that statement. I do not see how this statement shows that the applicant has a possessory interest in the place of use, in this case the stock owned by the Woodies. Possessory interest in the place of use must be established as a basis for approval of a water right application.

Woodie

Permit No. 65-13165 lists a spring in SWSEW Sec. 3 but the recent field examination shows the spring in NENESW Sec. 3. It is possible for the permit to be amended via the licensing field examination to define the right as that found in the exam. The exam serves to correct what seems to be an error in the original permit filing. It appears that this right will be licensed for the NENESW Sec. 3 spring.

Other Rights

Mr. Radandt filed two other applications for permit but neither relates to a spring in NENESW Sec. 3. See the enclosed map for these other locations. The other applications are nos. 65-13531 (two wells on Woodie land) and 65-13532 (two springs on Radandt land). Both propose use on the applicant's property.

Protest

As discussed with Mr. Woodie in a recent telephone conversation, protests of new applications must be completed by the deadline in the legal notice and require a \$25 fee as well as a copy of the protest letter supplied to the applicant by the protestant. The protest deadline for the three applications is September 6, 1994.

Civil Problems

If multiple parties have conflicting water rights from the same spring, any disputes remain a civil matter related to trespass, right-of-way or other private property issues beyond the jurisdiction of this agency. If, however, a party diverts water without a valid water right, such as an approved permit or a decreed right, this agency retains jurisdiction over control of such a diversion under Sections 42-351 and 42-352, Idaho Code. Water cannot be diverted based on an application for permit.

My impression of the information submitted to this office is that the problems associated with the spring in question are civil in nature and therefore beyond the scope of this agency. If you think otherwise and have additional information to submit, department staff will be glad to review your comments and respond accordingly.

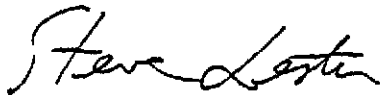
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Woodie / Radandt
August 18, 1994
Page 3

To help clarify at least some of the confusion, Mr. Radandt is asked to respond by September 6, 1994, to my question regarding possessory interest in application no. 65-13535. Processing of the three Radandt applications will resume based on the response. I will continue to work on clarifying the water rights and will keep you informed.

Please contact me at 334-2190 if you have any questions.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure: Map & Water Rights

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PER TOWN
8/17/94



SECHID
CORNER

2 Springs
Appl. 65-13532

SPRIM IN
65-13165

SECTION 3

TRAIL

NE NESW 5.3

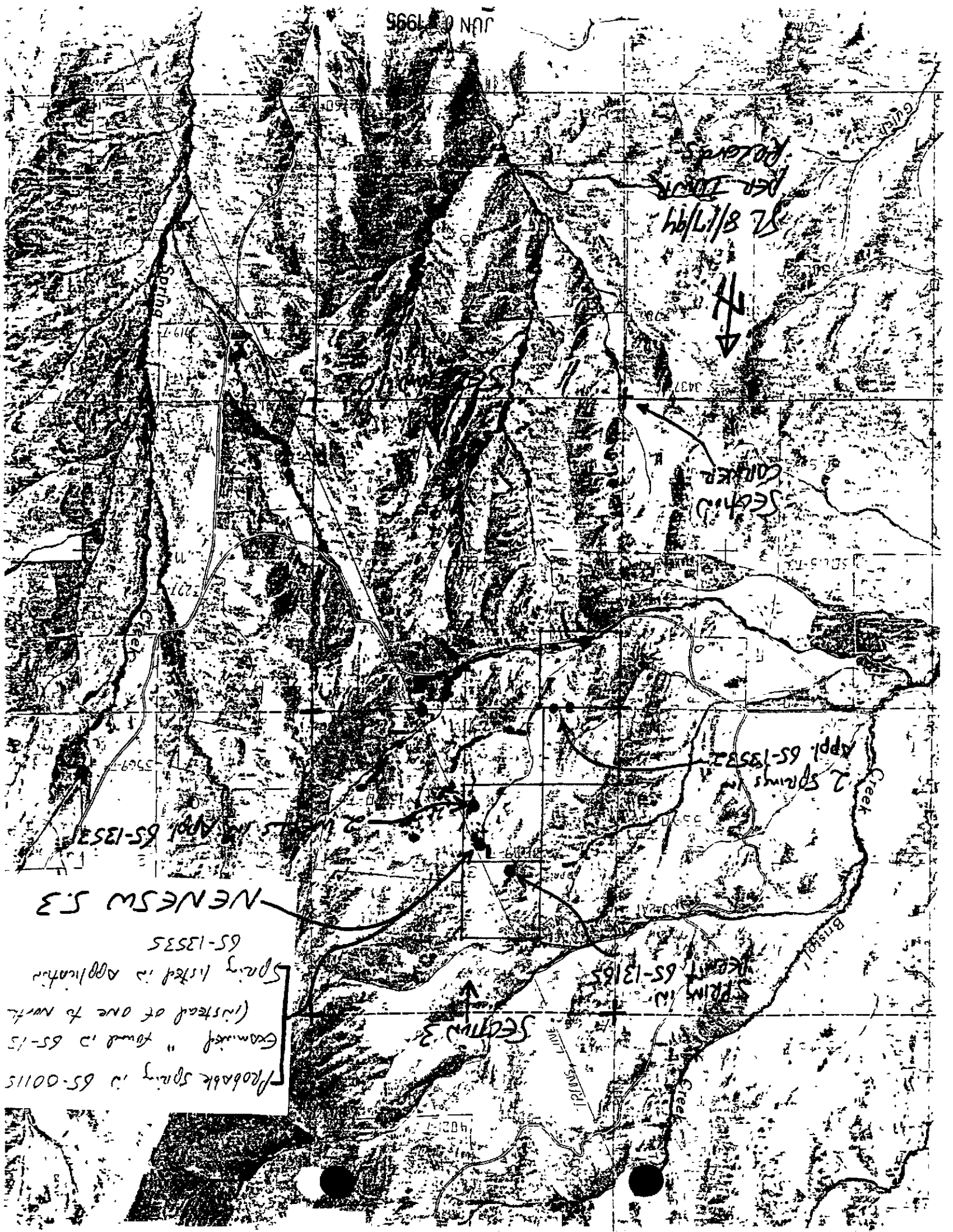
65-13535

Springs listed in Application

(instead of one to north)

Examined " found in 65-13

Probable Springs in 65-00115



65-13590

WOODIE, RON
WOODIE, JUDY
PO BOX 785
EMMETT, ID 83617

Source: SPRING

Tributary: HAW CREEK

Diversion Pt: NENESW Sec 3 T 07N R 01W in GEM County.

Use: STOCKWATER (.030 CFS)
Total Diversion: (.030 CFS)

Date Filed: 1/ 12/ 1995

In: GEM County
T07N R01W S03 NESW

JUN 08 1995