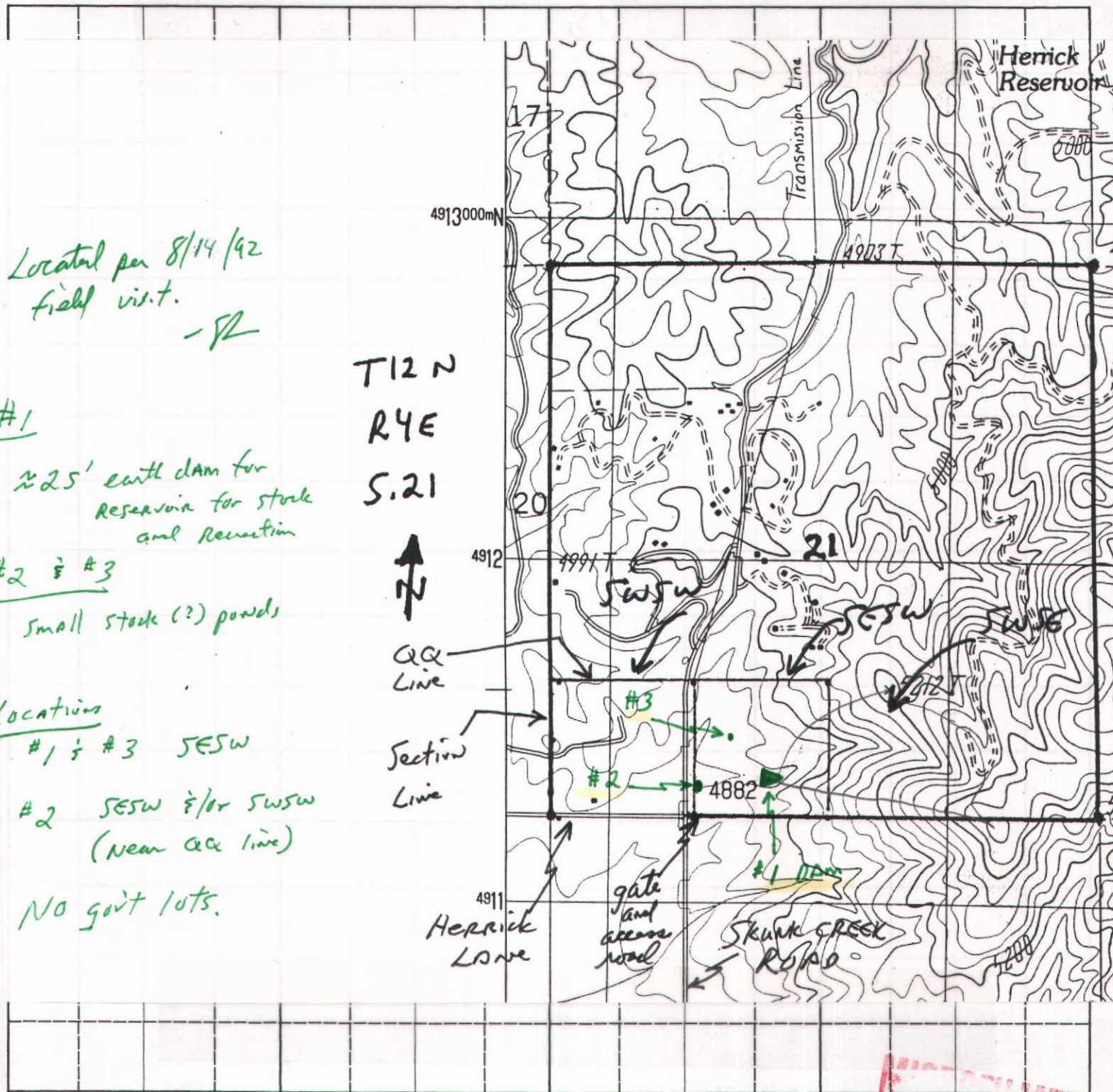


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Lueder L. Munday
 (Applicant)

OCT 28 1993

GENERAL CONDITION AND DESCRIPTION OF DAM: Poor, it appears nothing has been done to decrease seepage through the embankment. An 8" PVC overflow pipe has been installed near the right abutment, which provides 4.8 ft of freeboard. No low level controlled outlet has been installed. The spillway channel has been filled-in off the right abutment. It appears the upper ^{right} downstream slope has been overtopped or sloughed away, as a new fill patch has been added (photo #4). Area is saturated and unstable.

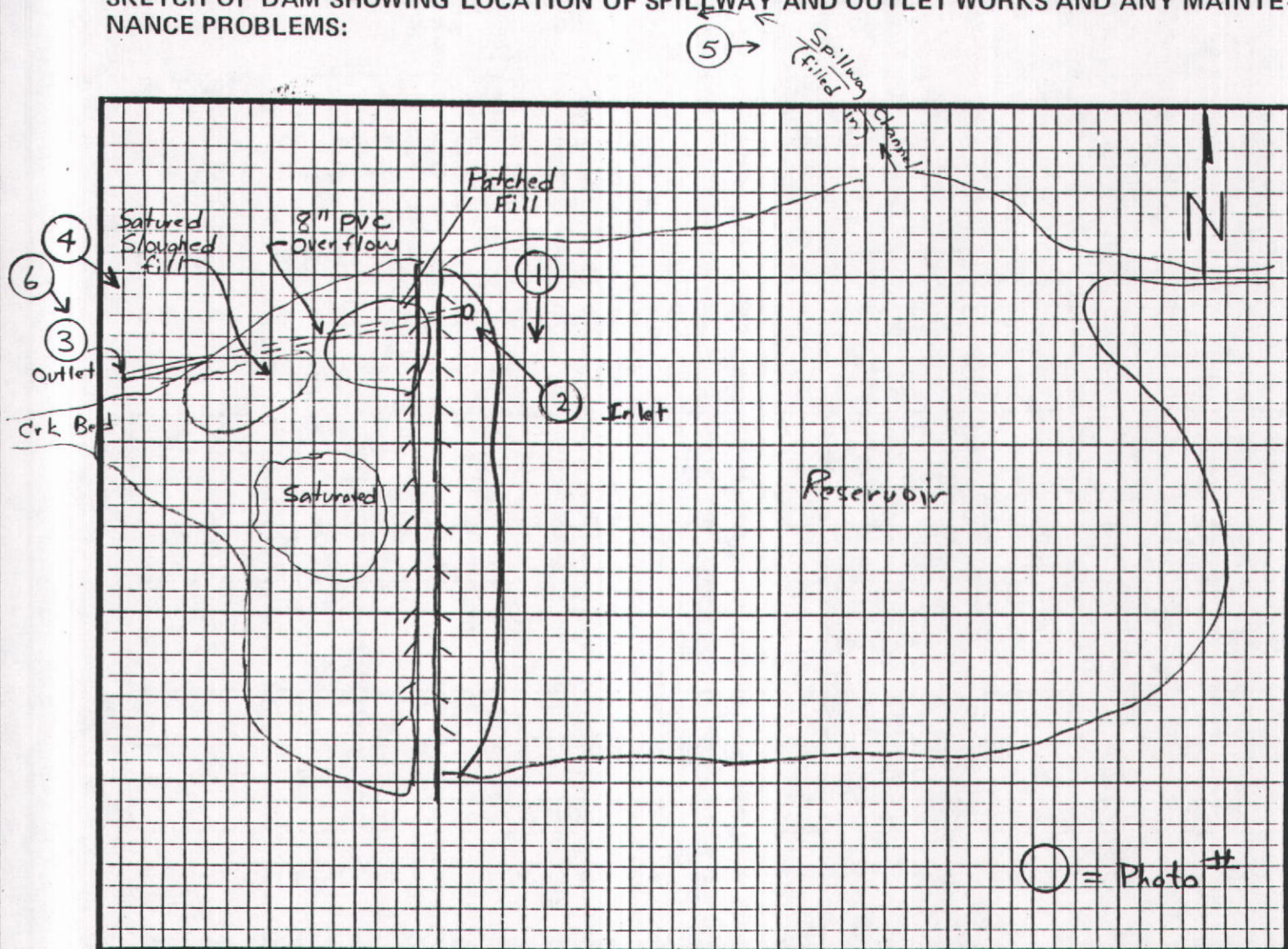
INSTRUMENTATION READINGS (Piezometer, Seepage measurement, Alignment, Elevation, etc.) _____

The Crest of the embankment, and previous spillway channel area were surveyed.

Cal. Est. overflow pipe capacity $\approx$ 7 CFS.

Q100 IDF = 17 CFS

SKETCH OF DAM SHOWING LOCATION OF SPILLWAY AND OUTLET WORKS AND ANY MAINTENANCE PROBLEMS:



RECOMMENDATIONS: Removal of the reservoir and embankment.

The facility does not meet basic dam safety provisions

Date: 5/31, 1995

Inspected by: J. Weston, Western Reg.
Sandy Hemenway, Agent

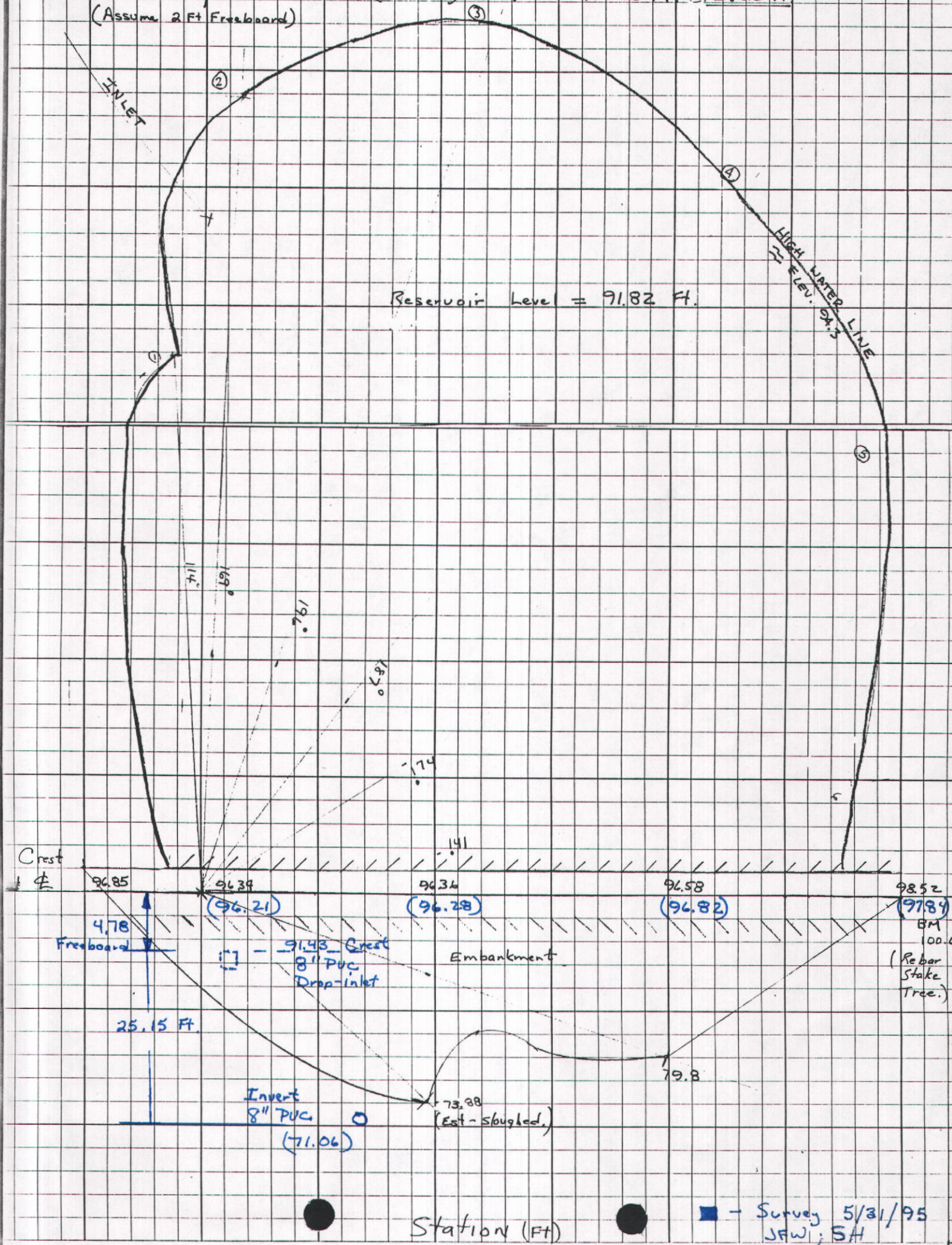
Munday - Haney Dam.
 D65-XX26
 Survey by JFW, GB
 5/13/93

Scale : 1 sq = 25 sq. ft.

Reservoir Surface Area = (998 sq.) (25 sq. ft./sq.) / 43,560 ft²/ac. = .57 ac ≈ .6

Dam Height = 22.7 Ft.

Est. Storage = (20.7 Ft.) (.6 ac) (.4) = 4.9 ac-ft ≈ 5. ac-ft
 (Assume 2 Ft Freeboard)



IDAHO DEPARTMENT OF WATER RESOURCES

DAM SAFETY PHOTOGRAPHS



DAM NAME: MUNDAY_HANEY
65-13410

DATE: 5/31/95

BY: J. WESTRA
WESTERN REG.

1. Upstream slope of the embankment,
taken from the right abutment.
is in good condition.



PVC overflow pipe located
e right abutment on the
n slope.

PVC downstream outlet.
uration of fill material.
groin area)



of the downstream slope
Fill below the patch is
d and has sloughed downstream



Overflow
Pipe

IDAHO DEPARTMENT OF WATER RESOURCES

DAM SAFETY PHOTOGRAPHS



DAM NAME: MUNDAY_HANEY
65-13410

DATE: 5/31/95

BY: J. WESTRA
WESTERN REG.

1. Upstream slope of the embankment.
- taken from the right abutment.
Slope is in good condition.

2. 8" dia. PVC overflow pipe located
near the right abutment on the
m slope.



PVC downstream outlet.
turation of fill material.
(grain area)

of the downstream slope
Fill below the patch is
d and has sloughed downstream



DAM SAFETY PHOTOGRAPHS



DAM NAME: MUNDAY_HANEY
65-13410

DATE: 5/31/95

BY: J. WESTRA
WESTERN REG.

1. Upstream slope of the embankment
— taken from the right abutment.
Slope is in good condition.

2. 8" dia. PVC overflow pipe located
— near the right abutment on the
upstream slope.

3. 8" dia. PVC downstream outlet.
Note saturation of fill material.
(grain area)



v of the downstream slope
. Fill below the patch is
ed and has sloughed downstream



↑
Overflow
Pipe

IDAHO DEPARTMENT OF WATER RESOURCES

DAM SAFETY PHOTOGRAPHS



DAM NAME: MUNDAY_HANEY
65-13410

DATE: 5/31/95

BY: J. WESTRA
WESTERN REG.

1. Upstream slope of the embankment,
taken from the right abutment.
Slope is in good condition.
2. 8" dia. PVC overflow pipe located
near the right abutment on the
upstream slope.
3. 8" dia. PVC downstream outlet.
Note saturation of fill material.
(right groin area)
4. Overview of the downstream slope
and toe. Fill below the patch is
saturated and has sloughed downstream



IDAHO DEPARTMENT OF WATER RESOURCES

DAM SAFETY PHOTOGRAPHS



DAM NAME: MUNDAY_HANEY
65-13410

DATE: 5/31/95

BY: J. WESTRA
WESTERN REG.

1. Upstream slope of the embankment,
- taken from the right abutment.
Slope is in good condition.

2. 8" dia. PVC overflow pipe located
- near the right abutment on the
upstream slope.

3. 8" dia. PVC downstream outlet.
Note saturation of fill material.
(right groin area)

4. Overview of the downstream slope
and toe. Fill below the patch is
saturated and has sloughed downstream

5. Spillway channel area previously.
Area have been filled-in and seeded.



IDAHO DEPARTMENT OF WATER RESOURCES

DAM SAFETY PHOTOGRAPHS



DAM NAME: MUNDAY_HANEY
65-13410

DATE: 5/31/95

BY: J. WESTRA
WESTERN REG.

1. Upstream slope of the embankment,
- taken from the right abutment.
Slope is in good condition.

2. 8" dia. PVC overflow pipe located
- near the right abutment on the
upstream slope.

3. 8" dia. PVC downstream outlet.
Note saturation of fill material.
(right grain area)

4. Overview of the downstream slope
and toe. Fill below the patch is
saturated and has sloughed downstream

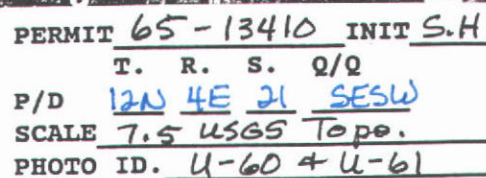
5. Spillway channel area previously.
Area have been filled-in and seeded.
(see 8/28/92 Inspection Report)

6. Toe area, no low level outlet.



UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

581



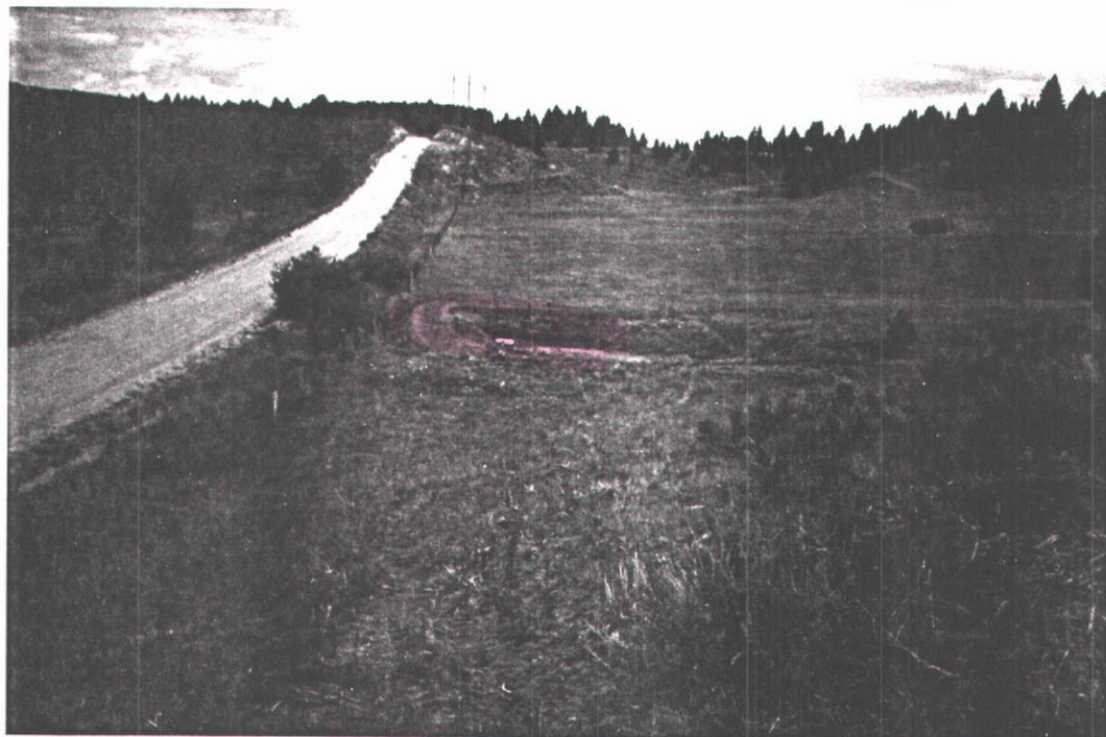


① Looking North at earth dam is $5\frac{1}{2}$ SE SW.
Drainage flows to left in picture. (cuts #1 per logs)

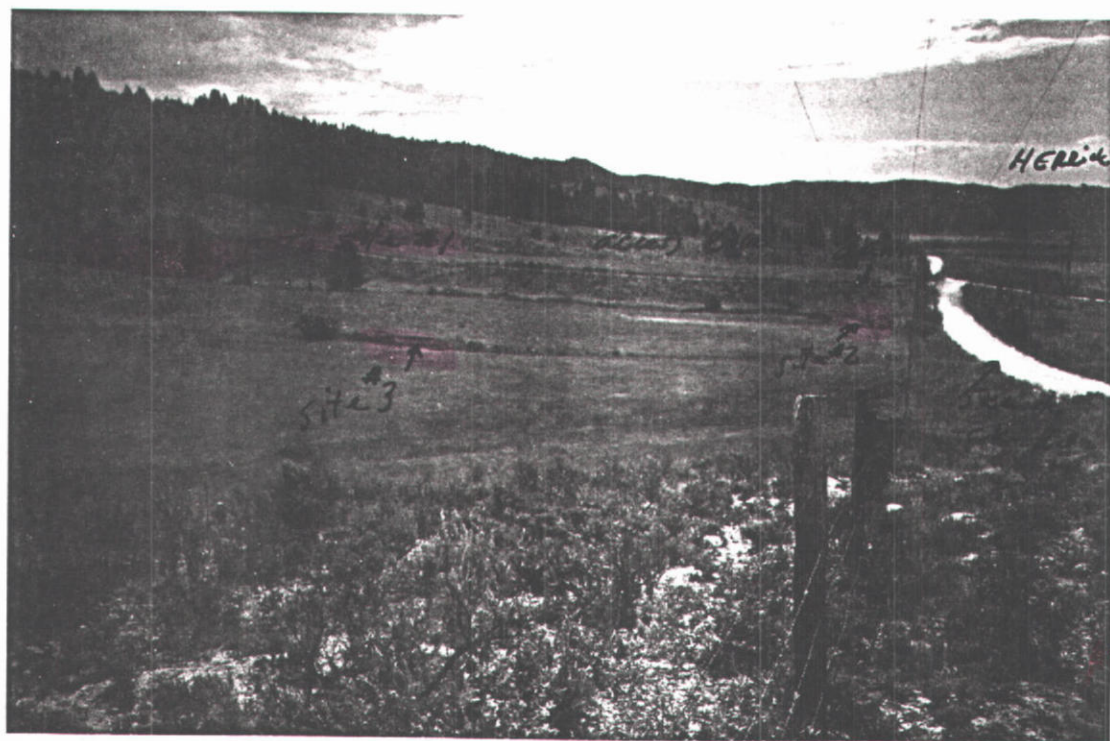


② Looking SW at back side of earth dam

OCT 28 1993



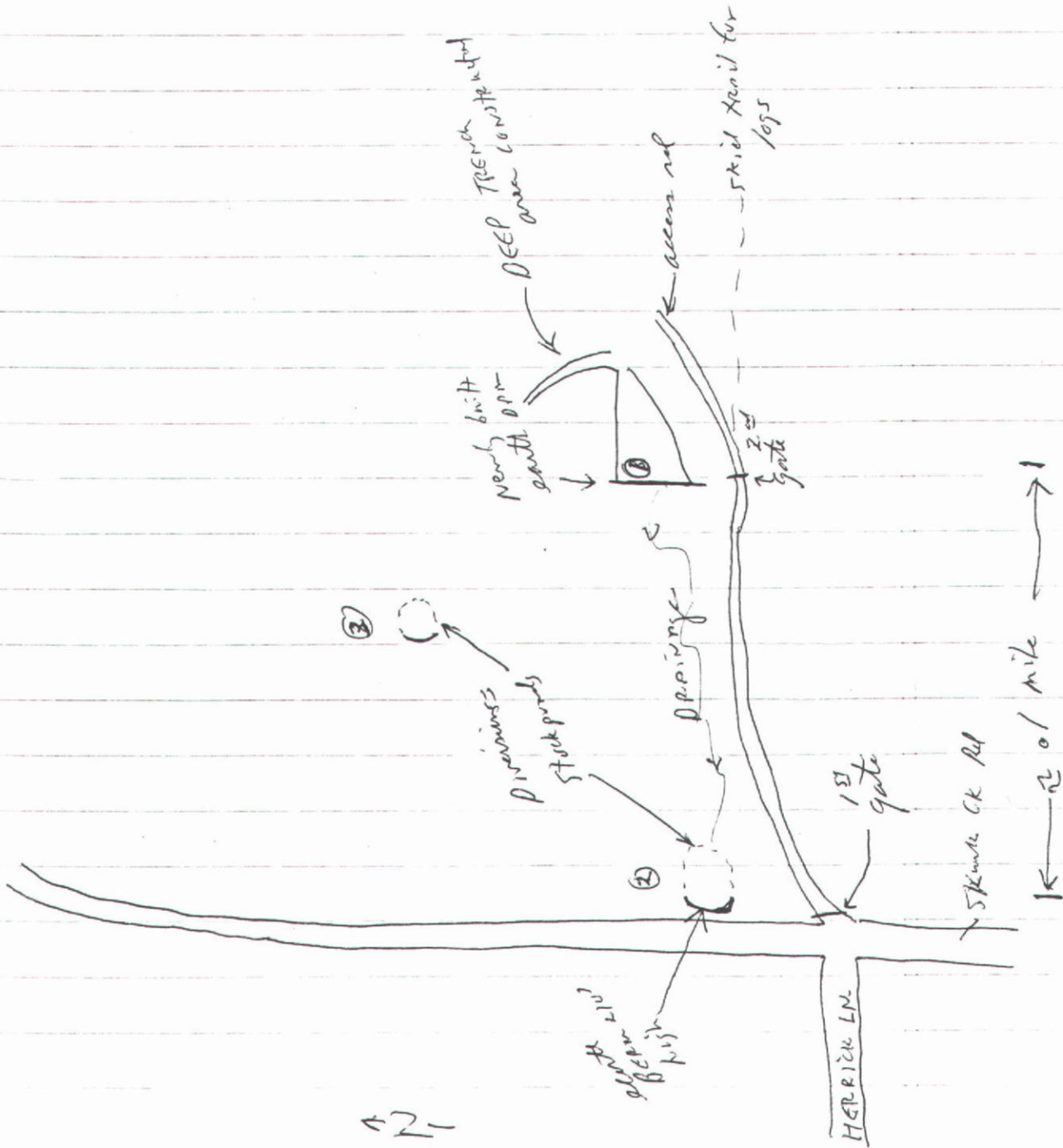
③ Looking N at small pond (site # 2 per topo).
Skunk Cr. Rd. shown on left.



④ Looking S. at sites 2 & 3, small stock (?)
ponds. Site 1 - earth 25' dam - is in trees on
upper left

RECEIVED
OCT 28 1993

8/14/92



26x55
130' long
8-10' wide

OPM

OCT 28 1993

Dam ①

125' long

8-10' wide on top

>10' crest to toe

#3 is on same
drainage as #2

No water impounded
today

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

SESW SWSE S?

NO WR/DJ
Found 8/20/92
57' 30"

44° 22' 30" 00' 580000E

581

582

57' 30"

12N
4E
5.21

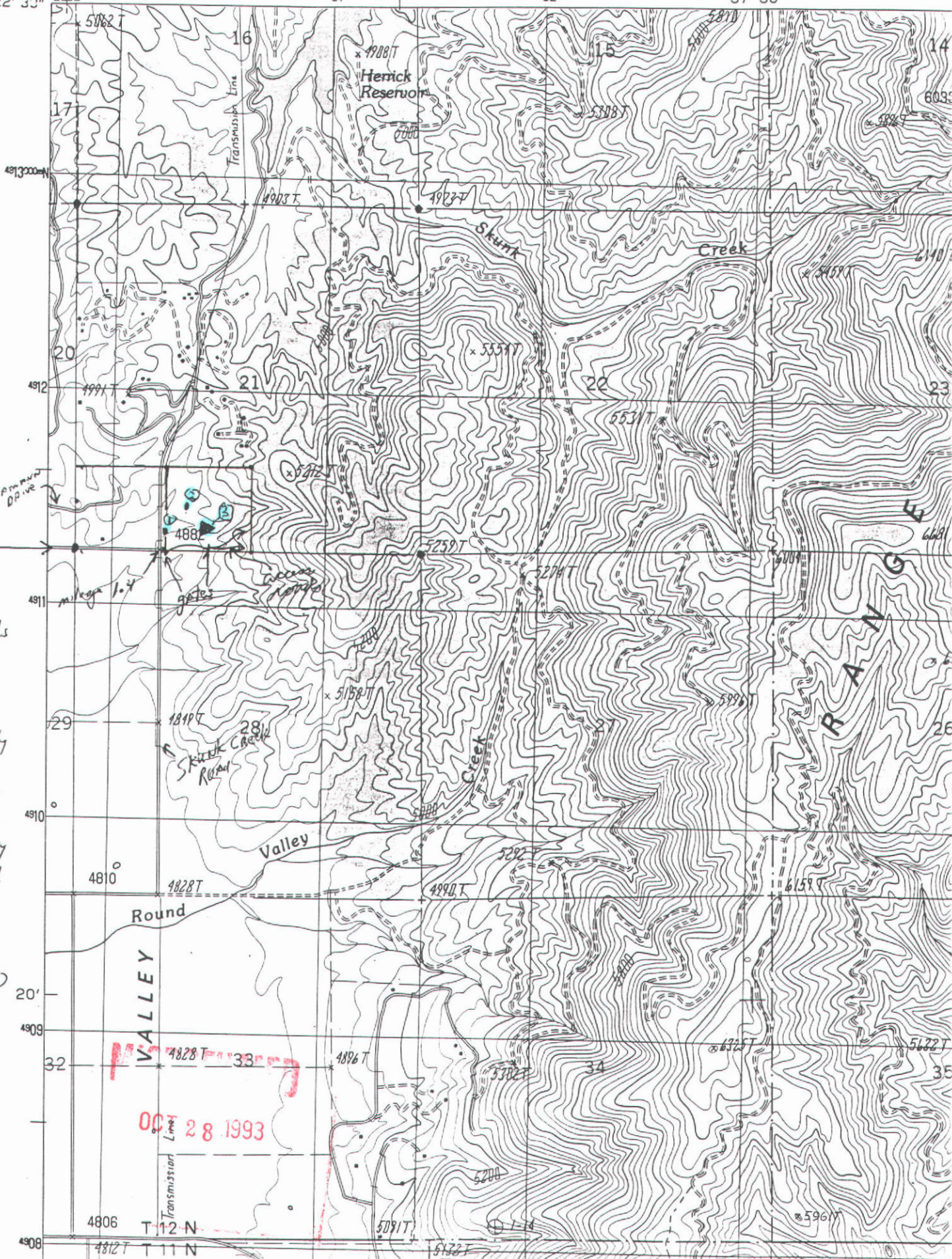
Herrick Lane

① 2 small
stockpounds
on w. w.
drainage

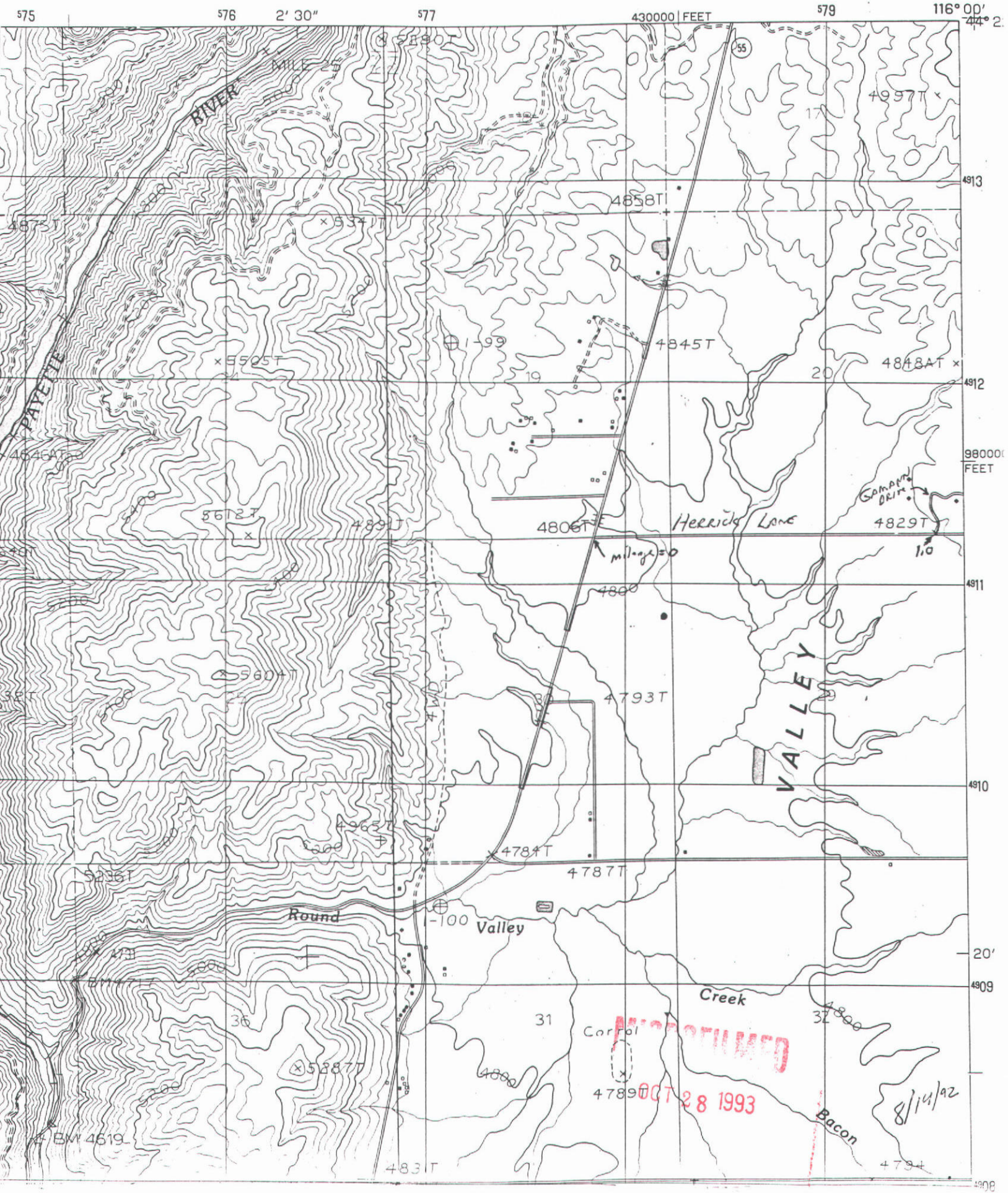
③ Dam-newly
Built on
drainage -
1 mile from
rocked gate by
County road

Site ①
SWSW/SESW
Site ② is ③
SESW

8/14/92



DAHO-VALLEY CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT NO.)
65-13410 IN THE NAME OF BUDDIE)
L. MUNDAY)
_____)

**ORDER GRANTING
PETITION FOR RECONSIDERATION**

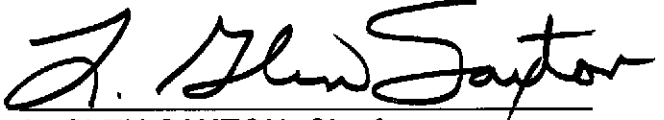
On June 7, 1999, The Idaho Department of Water Resources (department) issued a Preliminary Order Voiding Permit No. 65-13410 in the name of Buddie L. Munday and/or Robert Haney (permit holder).

On June 18, 1999, the permit holder submitted an Assignment of Permit form and a Petition for Reconsideration (petition) to the department.

Based upon the information in the water right permit file and in the petition, IT IS HEREBY ORDERED as follows:

1. The petition of the permit holder is hereby **GRANTED**,
2. The Preliminary Order of the department dated June 7, 1999, is **SET ASIDE**,
and
3. Permit No. 65-13410 is **REINSTATED**.

Dated this 29th day of June, 1999.



L. GLEN SAXTON, Chief
Water Allocation Bureau

BEFORE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 65-13410 IN THE NAME OF)
BUDDIE L. MUNDAY AND/OR)
ROBERT HANEY)
_____)

**PRELIMINARY ORDER
VOIDING PERMIT**

This matter having come before the Department of Water Resources (Department) as a result of an examination by Department staff to determine the extent of beneficial use of water, the Department makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On September 9, 1992, Buddie L. Munday and/or Robert Haney (permit holders) applied to the Department to appropriate 5.0 acre feet of water from an unnamed stream, tributary to Round Valley Creek, within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, Township 12 North, Range 4 East, B.M., Valley County, to be used for stockwater storage and recreation storage purposes.
2. On October 7, 1993, the Department approved the application as permit no. 65-13410 (permit).
3. The permit included the following approval conditions:

Subject to all prior water rights.

Use of water under this right is subject to control by the watermaster of State Water District No. 65.

4. On August 25, 1994, the Department received Proof of Beneficial Use for the permit.
5. On May 31, 1995, Department staff conducted a field examination to verify the beneficial use of water developed in accordance with the provisions of the permit.
6. The field examination revealed that the dam constructed as a diversion structure for the development authorized by the permit has no low-level outlet to pass water during times of shortage.

7. Section 42-106, *Idaho Code*, provides as follows:

As between appropriators, the first in time is the first in right.

8. Prior water rights are diverted downstream on Round Valley Creek and on the North Fork of the Payette River.

9. Without a low-level outlet on the diversion structure, the watermaster cannot regulate storage of water under the permit to satisfy prior rights during a period of water storage.

10. Section 42-219, *Idaho Code*, provides in pertinent part as follows:

In the event that the Department shall find that the applicant has not fully complied with the law and the conditions of the permit, it may issue a license for that portion of use which is in accordance with the permit, or may refuse issuance of a license and void the permit.

CONCLUSIONS OF LAW

1. Investigation by the Department revealed that the permit holder has not complied with the conditions of the permit by not constructing the diversion works in a manner that enables the watermaster to regulate the diversion of water under the permit to satisfy prior water rights.

2. The Department should void the permit pursuant to Section 42-219, *Idaho Code*

ORDER

IT IS HEREBY ORDERED that issuance of a license is **REFUSED** and Permit No. 65-13410 is **VOIDED** under Section 42-219, *Idaho Code*.

IT IS FURTHER ORDERED that within thirty days of the date of this order Buddie L. Munday and/or Robert Haney shall submit to the Department a plan for breaching or bypassing the dam to restore the natural flow of water in the unnamed stream and shall work with the Department to incorporate into the plan any changes recommended by the Department.

Dated this 7th day of June, 1999.



L. GLEN SAXTON
Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 65-13410 Telephone No 208-382-4676
2. Name(s) of Permit Holder(s). Buddie L. Munday, Robert Haney
3. Mailing Address: P.O. Box 536 Cascade, Idaho 83611
4. Source of Water Surface If GROUNDWATER (well), Date Drilled: mo _____ / yr. _____
 - a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____
 - b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi) _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock) _____
Irrigation (No. of acres): _____ Other: Storage
6. Total rate of diversion and/or volume for which proof is submitted _____ cfs OR 5 acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes _____	or	No <u>✓</u>
	Has the measuring device been installed?	Yes _____	or	No <u>✓</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes _____	or	No <u>✓</u>
	Has the measurement port been installed?	Yes _____	or	No <u>✓</u>
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system
Name: _____ Telephone Number: _____
Address: _____
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho
Signature of permit holder: Buddie L. Munday Date: 8-22-94
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13410

Proposed Priority: September 9, 1992

Maximum Storage Volume:

5.0 AF

This is to certify, that **ROBERT HANEY**
BUDDIE L MUNDAY
PO BOX 556
CASCADE ID 836110556

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of **ROUND VALLEY 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>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31		5.0 AF
RECREATION STORAGE	01/01 to 12/31		5.0 AF
	Totals		5.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 21, Township 12N, Range 04E
SESW , Sec. 21, Township 12N, Range 04E
VALLEY County

PLACE OF USE: STOCKWATER STORAGE

TWN RGE SEC

04N 03W 21

12N 04E 21

SWSW

SESW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **October 1, 1994**.
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. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
5. Use of water under this right may be affected by an agreement between the protestant and the right holder.
6. Two points of diversion are located within SESW, S21, T12N, R04E. Single point of diversion located on or near line between SWSW and SESW, S21, T12N, R04E.
7. Stockwater use is for 20 mixed stock.

APPROVED

OCT 28 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13410

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Witness the signature of the Director, affixed at Boise, this

7th day of October, 1993.

R. Keith Higginson
for R. Keith Higginson, Director

RECORDED
OCT 28 1993

RECEIVED

SEP 16 1993

Form 202
6/85

Department of Water Resources

Ident No 65-13410

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Buddie L. Munday / Robert HANEY Phone 208-382-4676
Post office address P.O. Box 556 CASCADE, IDAHO 83611
2. Source of water supply Annual stream which is a tributary of ROUND VALLEY CREEK
3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW Govt Lot —
Sec. 21 Township 12N Range 04E B M VALLEY County; additional
points of diversion if any. SESW S. 21 12N R04E
4. Water will be used for the following purposes
Amount 20 ^{5.0**} for Stockwater purposes from 1/1 to 12/31 (both dates inclusive) *
(cfs or acre-feet per annum) 5.0** for Storage
Amount 20 for Recreation purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) 5.0** for Storage
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) — and/or (b) 20 5.0**
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. two pit-type reservoirs and
one earthen dam to impound runoff
 - b. Height of storage dam 25 feet; active reservoir capacity 20 acre-feet, total
reservoir capacity 20 acre-feet, period of year when water will be diverted to storage:
1/1 to 12/31 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? — OCT 28 1993
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

* Amount of water to be used per applicant's telephone 9/15/92. App. submitted \$45
without specifying amount of water. -52

** Per agreement by applicants at water right conference on June 1, 1993.

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 20 head mixed stock
- c. Municipal; show name of municipality _____
- d. Domestic, show number of households _____
- e. Other, describe fully. Recreation use at main reservoir.

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	
12N	4E	21											S	S					—
													R						—

Total number of acres to be irrigated _____

10 Describe any other water rights used for the same purposes as described above. NONE

- 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 _____

OCT 28 1993

12. Remarks Stockwater use is for 20 mixed stock.
Two points of diversion in SE¼, S21, T12N, R64E and one point
on or near line between S15SW and SE¼, S21, T12N, R64E

COMMENTS: Although the application involves three separate facilities normally requiring separate rights, this is actually a common development within a local area and built to serve the same stock. It seems more efficient and more economical to include all of this in one.

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

Located per 8/14/42
field visit.
- SL

#1

~25' earth dam for
Reservoir for stock
and Recreation

#2 & #3

Small stock (?) ponds

Locations

#1 & #3 SESW

#2 SESW &/or SWSW
(near C&C line)

No govt lots.

T12 N
R4E
S.21



C&C
Line

Section
Line

Herrick
Line

gate
and
access
road

Skunk Creek
Road

Herrick
Reservoir

Transmission
Line

4913000m

4903 T

4912

4991

4912

SWSW

SESW

SESW

#3

#2

4882

#1 Dam

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.

Ludlow L. Munday
(Applicant)

007-4803

Received by Cyt Date 9/9/92 Time 9:30 Preliminary check by FL
Fee \$ 45 ^{30⁰⁰} Receipted by Cyt # W015368 Date 9/9/92
Publication prepared by GG Date 9/30/92 Published in The Advocate
Publication approved ST Date 11-16-92 ^{10/7 & 10/14/92}

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

OCT 28 1992

OD-5816
 WR5816NP
 SELECTION FILE: SWK-RVC-060499

IDAHO DEPARTMENT OF WATER RESOURCES
 SOURCE SUMMARY REPORT
 BY WATER SOURCE/POINT OF DIVERSION

DATE: 06/04/99
 TIME: 13:00:05
 PAGE: 1

WATER RIGHT NUMBER	OWNER NAME	O C	PRIORITY DATE	STG	POINT OF DIVERSION	POD FLAG	TOTAL DIVERSION	TOTAL ACRES	WATER USES
-----------------------	------------	--------	------------------	-----	--------------------	-------------	-----------------	----------------	------------

WATER SOURCE: ROUND VALLEY CREEK

25-02016	COLLINS, HARRY	C	06/11/1907	L	04S 42E 6	NESW	2.100 CFS	128.0	43,01
65-10404	EQUITIES INC.	C	06/01/1900	D	12N 03E 36	SENE	0.020 CFS		43
65-10331	KERBY, WILLIAM E.	C	07/01/1970	D	12N 04E 28	SESW	0.050 CFS		04
65-12359	PATTERSON, STAN	C	08/19/1980	L	12N 04E 31	NWNE	0.850 CFS	112.0	01
65-12637	CONGER, ALEX W	C	08/10/1983	L	12N 04E 31	NWNW	0.020 CFS	1.0	01
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	20N 01E 3	NENW	16.000 CFS	885.0	01
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	20N 01E 4	NENW	16.000 CFS	885.0	01
78-04301	BOISE CASCADE CORP.	C	01/01/1940	S	21N 01E 27	NENE	0.230 CFS		04, 10, 49
78-07387	BOONE, BURCH	C	10/29/1996	P	21N 01E 27	SWSW	0.040 CFS		52, 53, 16, 17, 55
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 27	SWSE	16.000 CFS	885.0	01
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 28	SESW	16.000 CFS	885.0	01
78-04301	BOISE CASCADE CORP.	C	01/01/1940	S	21N 01E 28	SESW	0.230 CFS		04, 10, 49
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 28	NESE	16.000 CFS	885.0	01
78-04301	BOISE CASCADE CORP.	C	01/01/1940	S	21N 01E 28	NESE	0.230 CFS		04, 10, 49
78-07361	BOONE, BURCH	C	08/23/1994	L	21N 01E 28	NWSE	0.200 CFS		50, 53, 55, 52
78-07387	BOONE, BURCH	C	10/29/1996	L	21N 01E 28	SESE	0.040 CFS		52, 53, 16, 17, 55
78-07387	BOONE, BURCH	C	10/29/1996	P	21N 01E 28	SESE	0.040 CFS		52, 53, 16, 17, 55
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 33	NESW	16.000 CFS	885.0	01
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 34	NWSW	16.000 CFS	885.0	01

WATER SOURCE: SPRINGS

78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	20N 01E 3	NENW	16.000 CFS	885.0	01
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	20N 01E 4	NENW	16.000 CFS	885.0	01
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 27	SWSE	16.000 CFS	885.0	01
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 28	SESW	16.000 CFS	885.0	01
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 28	NESE	16.000 CFS	885.0	01
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 33	NESW	16.000 CFS	885.0	01
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 34	NWSW	16.000 CFS	885.0	01

WATER SOURCE: TRAIL CREEK

78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	20N 01E 3	NENW	16.000 CFS	885.0	01
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	20N 01E 4	NENW	16.000 CFS	885.0	01
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 27	SWSE	16.000 CFS	885.0	01
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 28	SESW	16.000 CFS	885.0	01
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 28	NESE	16.000 CFS	885.0	01
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 33	NESW	16.000 CFS	885.0	01
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 34	NWSW	16.000 CFS	885.0	01

WATER SOURCE: UNNAMED STREAMS

78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	20N 01E 3	NENW	16.000 CFS	885.0	01
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	20N 01E 4	NENW	16.000 CFS	885.0	01
78-04301	BOISE CASCADE CORP.	C	01/01/1940	S	21N 01E 27	NENE	0.230 CFS		04, 10, 49

OD-5816
WR5816NP
SELECTION FILE: SWK-RVC-060499

IDAHO DEPARTMENT OF WATER RESOURCES
SOURCE SUMMARY REPORT
BY WATER SOURCE/POINT OF DIVERSION

DATE: 06/04/99
TIME: 13:00:05
PAGE: 2

WATER RIGHT NUMBER	OWNER NAME	O C	PRIORITY DATE	STG	POINT OF DIVERSION	POD FLAG	TOTAL DIVERSION	TOTAL ACRES	WATER USES
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 27	SWSE	16.000 CFS	885.0	01
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 28	SESW	16.000 CFS	885.0	01
78-04301	BOISE CASCADE CORP.	C	01/01/1940	S	21N 01E 28	SESW	0.230 CFS		04,10,49
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 28	NESE	16.000 CFS	885.0	01
78-04301	BOISE CASCADE CORP.	C	01/01/1940	S	21N 01E 28	NESE	0.230 CFS		04,10,49
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 33	NESW	16.000 CFS	885.0	01
78-04272	CIRCLE C RANCH CO.	C	01/01/1934	S	21N 01E 34	NWSW	16.000 CFS	885.0	01

MEMORANDUM

To: File 65-13410
From: L. Glen Saxton 
RE: LICENSING OF 65-13410 – BUDDIE L. MUNDAY
Date: January 29, 2001

On this date Mike Stubblefield of Dam Safety brought this file to my attention indicating that some action on the water right file appeared to be needed. After some discussion we agreed that the department likely should waive the requirement for a low level outlet for the following reasons:

- Due to the size of the dam that is classed as low risk, it is not subject to dam safety jurisdiction of the department.
- The dam has been in place for about 10 years and likely will remain in place even though the construction may not meet usual construction criteria
- A low-level outlet likely is not needed. The drainage area above the dam is not large and the dam only fills during runoff in the spring or during unusual precipitation events when competing water users usually have enough water without seeking release of water impounded in the small stockwater reservoir

The department should consider the issuance of a license for this permit.

c: Mike Stubblefield – State Office
John Westra – W. Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

5-YR DAM INVENTORY RECORD OF INSPECTION

Dam Name: MUNDAY-HANEY

File No: 65-13410

Name of Owner: BUD L. MUNDAY

☐ New Owner Photos: NO

Owner Address and Phone Number: (Fill out only if owner info has changed)

Hazard Classification: LOW RISK

☐ Changed

☒ Unchanged

(If downstream development has changed since last inspection, fill out new HAZARD CLASSIFICATION WORKSHEET and attach. If downstream risk has changed to significant or high, fill out regular RECORD OF INSPECTION OF DAM form.)

Inspection of Dam:

☐ Changed

☒ Unchanged

(If the dam, outlet (s), spillway, reservoir, etc. have been modified in any way since the last inspection, mark "Changed" and note changes below.)

Condition of Dam:

☐ Good

☐ Fair

☒ Poor

Condition of Outlet (s) NO OUTLET

☐ Good

☐ Fair

☐ Poor

Condition of Spillway (s): NONE

☐ Good

☐ Fair

☐ Poor

Reservoir Level at Time of Inspection: UNKNOWN

Seepage Conditions:

UNKNOWN

Recommended Maintenance, Comments, or Remarks:

VIEWED FACILITY FROM THE COUNTY ROAD, DID NOT ENTER PROPERTY.

SEE ATTACHED MEMORANDUM

Inspector: J.WESTRA, WESTERN REG.

Date: 9/14/00

65-13410-MEM1-00

Memorandum

To File: #65-13410

Munday-Haney Dam

From: J. Westra

Date: 1/25/01

RE: Status- Munday-Haney Dam

On 9/14/00 I stopped off the county road to view the dam site from a distance. The dam has not failed and continues to store water. It appeared, it is in the same condition as reported by the 1995 inspection report; no modifications/ changes were apparent from the road.

In June 1999, an order was issue by the Department (allocations) for removal of the dam, due to noncompliance of permit conditions. Permit #65-13410 was voided. I am not aware of any response from the owners, or Department follow up since that time.

My past experience with the 2 owners has been very hostile. I would not recommend Department personnel enter the property, or meet with the owners without law enforcement.

Please advise me concerning future regional inspections/actions.

Attachment

7/94

RECEIVED

JUN 18 1999

Department of Water Resources

For Office Use Only

\$25 Filing Fee

Receipt# 045790

Date 6/18/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

I, Buddie L. Munday, hereby assign to Buddie L. Munday (solely)
of, P.O. Box 536 CASCADE Idaho 83611 (208) 382-4476
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 65-13410 to
appropriate the public waters of the State of Idaho.

Of (for partial assignments)

The following described portion of my right, title, and interest in and to
Permit No. _____ to appropriate the public waters of the State of
Idaho. (Describe portion of the permit assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.)

Made this 18 day of JUNE, 1999.

Buddie L. Munday
Permit Holder

State of Idaho

County of Ada) ss

On this 18th day of June, 1999, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he ~~(she)~~ ~~(they)~~ executed the same.

Sharla R. Curtis
Notary Public residing at
Emmett, Id

seal

My commission expires: 10-10-2006

RECEIVED

JUN 18 1999

Department of Water Resources

I Bud Munday on 18th June request
A petition for Reconsideration for
Permit # 65-13410. DRIN WATER used
for Stock. Open for Discussion of
possible REMEDIES for DEPARTMENT'S
~~CONSIDER~~ CONcern.

Bud Munday
6/18/99



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

June 8, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BUDDIE L MUNDAY
ROBERT HANEY
PO BOX 536
CASCADE ID 83611

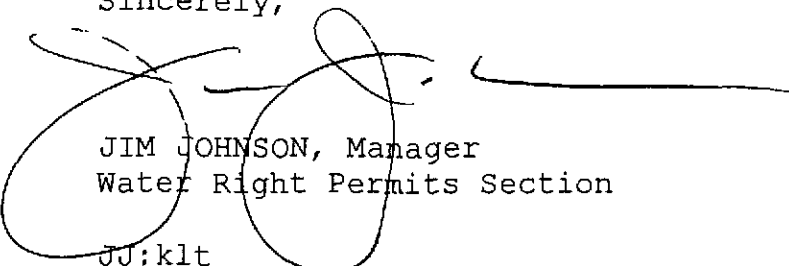
RE: Permit 65-13410

Dear Mr. Munday & Mr. Haney:

The accompanying order is a "**preliminary order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

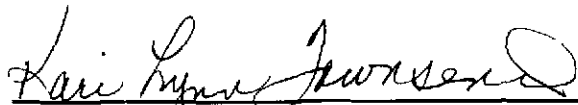
cc: Steve Lester
Western Region office

CERTIFICATE OF MAILING

I hereby certify that on the **8th** day of **June, 1999**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

RE: PERMIT 65-13410

BUDDIE L MUNDAY
ROBERT HANEY
PO BOX 536
CASCADE ID 83611



Kari Lynn Townsend
Secretary

MEMORANDUM

TO: File 65-13410

FROM: Sharla

DATE: May 21, 1999

RE: *Issuance of License*

When the field examiner made the inspection for this right, John Westra also conducted a dam safety inspection. John wrote up his findings and included a memorandum in which he recommends that the dam and reservoir be removed due to dam safety concerns downstream. He also stated the owners have made little effort to make necessary improvements. The dam safety file at the State Office includes another dam inspection report made in 1993 and the photos taken at that time show a very large area on the front of the earthen embankment sloughing off and was totally saturated.

On this date I spoke with Mike Stubblefield about this dam. He called John Westra and the two of them feel a water right license should not be issued and that the dam should be breached. Unfortunately, the size of the dam places it in a category for which IDWR's Dam Safety Section has no jurisdiction for regulation

The file should be routed through Shelley and on to Glen for a decision as to whether or not a water right license should be issued.

MEMORANDUM

To: File WR# 65-13410 (Munday-Haney)

From: J. Westra, Western Region

Date: 6/22/95

RE: Munday-Haney Dam #D65-13410

In conjunction with the water right field examination, a dam safety inspection was also completed on the facility 5/31/95. Generally, the facility was found to be in the same/worse condition as recorded in the previous inspection of 5/13/93. The embankment is very saturated and unstable. The open channel spillway off the right abutment has been filled in, and a PVC overflow pipe installed through the dam which is inadequate. It appears the owners have made no effort to improve the embankment or reduce seepage. None of the recommendations outlined in the Department's 10/19/92 letter have been executed, see attached copy. The high-lited (circled) conditions of approval under the water right protest agreement have also not been met.

It is recommended the dam and reservoir be removed due to dam safety concerns downstream. The facility does not meet basic dam safety provisions. Unfortunately, the owners have made little effort over the past 2 years to make the necessary improvements.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECORD OF INSPECTION OF DAMName of dam: Munday-Haney Stream: Unnamed Stream ☐ OffstreamName of owner: Bud Munday - Robert Haney Location: 12N-4E Sec 21Individuals accompanying inspector: Sandy Hemenway, IDWR - Field AgentReservoir characteristics: Dam height 25.15 Ft Surface area .6 Storage capacity 5 Ac-FtSize: Intermediate
Hazard class: low Photographs: yesCONDITION OF EMBANKMENT OR STRUCTURE: ☒ Poor ☐ Fair ☐ Good ☐ ExcellentType: ☒ Earth ☐ Rockfill ☐ Conc. arch ☐ Conc. gravity ☐ Timber crib ☐ Other _____

	UPSTREAM SLOPE	CREST	DOWNSTREAM SLOPE	TOE AREA
Surface cover material	Earth Fill (Photo #1)	Earth	Earth Fill	
Growth	Grasses	None	Grasses - weeds	Weeds
Settlement or cracks	None	None	Saturated sloughed fill, (Photos 4+6)	
Surface erosion	None	Patched area near right abutment	photo #4	
Debris	None	None	None	None
Animal burrows	None	None	None	None
Crest width and slope measurements	$\approx 2:1$	5-6 Ft	$\approx 1:1$	

(No change)

CONDITION OF OUTLET WORKS: ☐ Poor ☐ Fair ☐ Good ☐ ExcellentLocation: ☐ Left side ☐ Center ☐ Right side ☐ Other _____Description and condition: No low level outletGate hoist: ☐ Manual ☐ Electric ☐ Other _____Stem: ☐ Inclined from entrance to crest ☐ Vertical on tower at entrance☐ Vertical through dam from crest ☐ Downstream valve

Entrance: _____ Outlet: _____

CONDITION OF SPILLWAY: ☐ Poor ☒ Fair ☐ Good ☐ Excellent

- Open channel spillway filled in off right abutment (photo #5)

Location: ☐ Left abutment ☒ Right abutment ☐ Away from dam ☐ Other _____Base width 8" dia PVC Freeboard at crest 4.78 Ft Sideslope _____ Channel slope steep Fetch _____Overflow channel: ☒ Well defined ☐ Flow directed away from toe ☒ Flow could reach toe

Est Pipe length - 100 ft.

Erosion control present: _____ Erosion present: _____

Maintenance condition: Debris _____ Growth _____

- Reference IDWR inspections - 8/28/92; 5/13/93

SEEPAGE:

Reservoir level during inspection: spilling into overflow pipe (photo #2)

	TOE AREA	DOWNSTREAM SLOPE	ABUTMENTS	OTHER
Piping of material evident (Est. G.P.M.)	Several areas sloughed downstream	saturated fill has	OK	
Flowing water (Est. G.P.M.) 10 gpm	Right toe below patch	Central area Photo #4	OK	
Marshy or standing water	right toe	saturated fill	Appears the same/worse from 5/13/93 inspection	
Damp			OK	
Evident from growth present	weeds	Grasses - Weeds	OK	

GENERAL CONDITION AND DESCRIPTION OF DAM: Poor, it appears nothing has been done to decrease seepage through the embankment. An 8" PVC overflow pipe has been installed near the right abutment, which provides 4.8 ft of freeboard. No low level controlled outlet has been installed. The spillway channel has been filled-in off the right abutment. It appears the upper ^{right} downstream slope has been overtopped or sloughed away, as ^a new fill patch has been added (photo #4). Area is saturated and unstable.

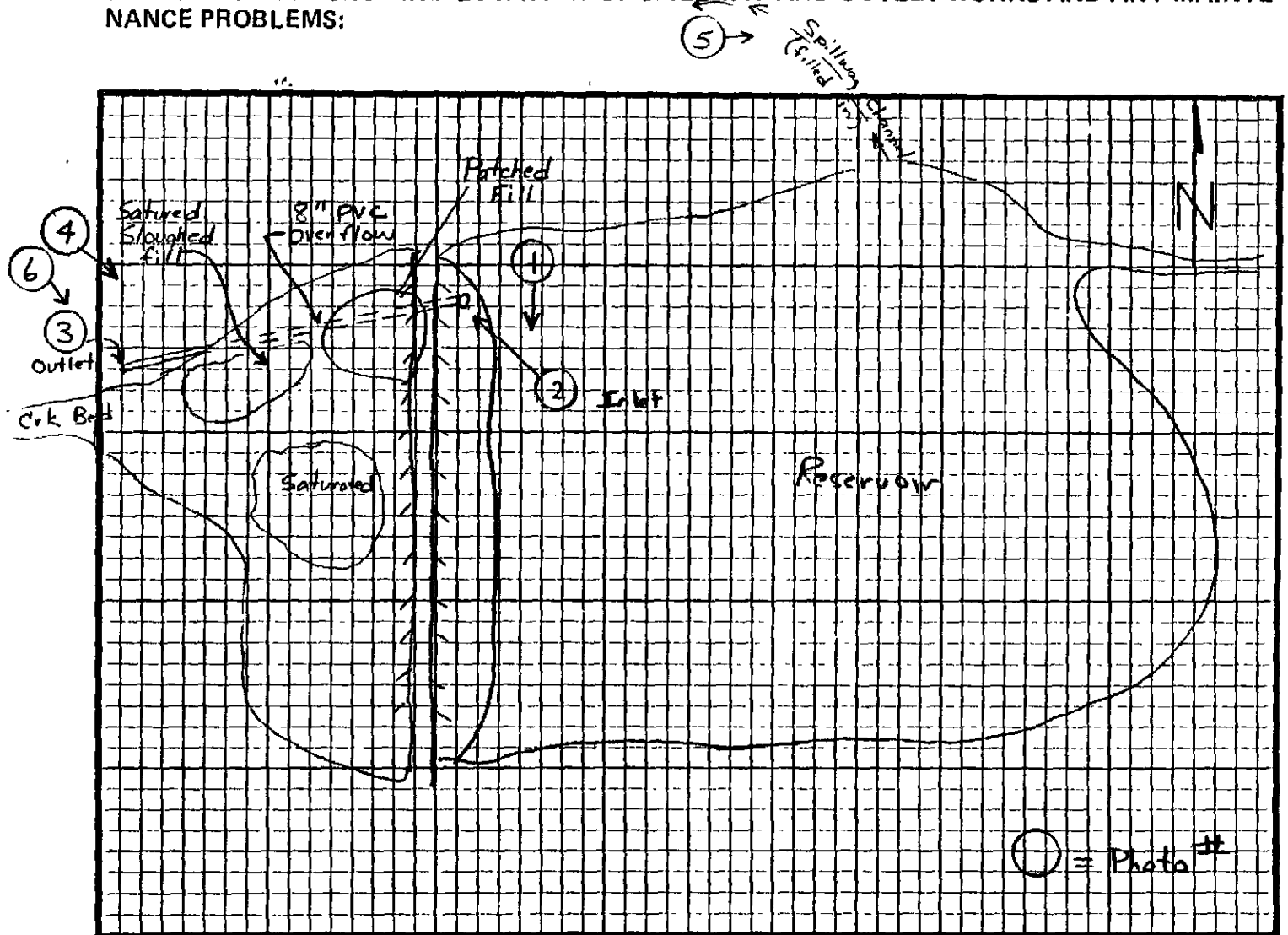
INSTRUMENTATION READINGS (Piezometer, Seepage measurement, Alignment, Elevation, etc.) overflow pipe,

The crest of the embankment, and previous spillway channel area were surveyed.

Cal. Est. overflow pipe capacity 3-7 CFS

Q100 IDF = 17 CFS

SKETCH OF DAM SHOWING LOCATION OF SPILLWAY AND OUTLET WORKS AND ANY MAINTENANCE PROBLEMS:



RECOMMENDATIONS: Removal of the reservoir and embankment.

The facility does not meet basic dam safety provisions

Date: 5/31, 1995

Inspected by: J. Weston, Western Reg.
Sandy Hemenway, Agent

5	13	93
---	----	----

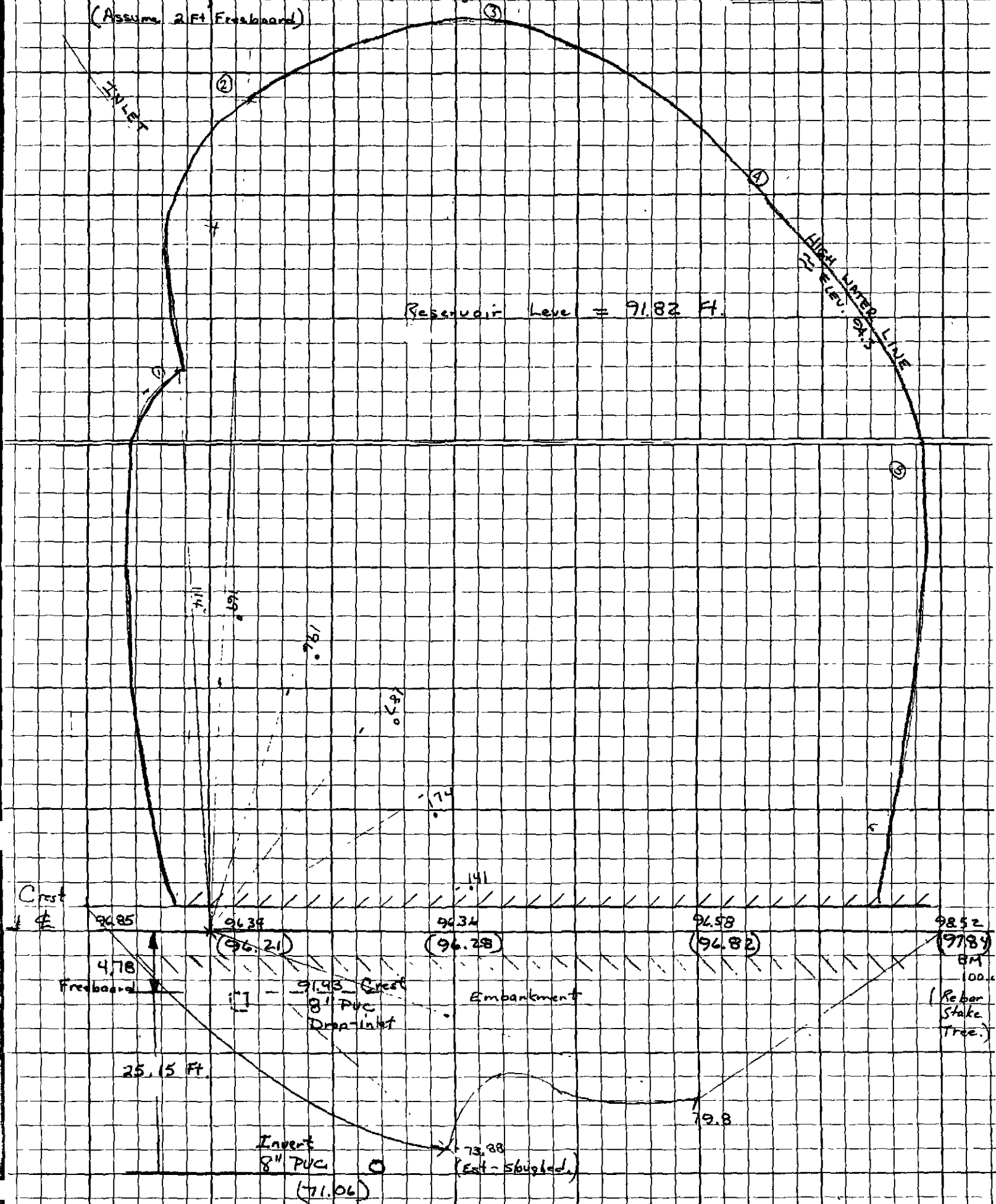
Scale : 1 sq = 25 sq. ft.

$$\text{Reservoir Surface Area} = (998 \text{ sq. ft.}) (25 \text{ sq. ft.} / \text{sq. ft.}) / 43,560 \text{ ft}^2 / \text{ac} = .57 \text{ ac} = .6 \text{ ac}$$

Dam Height = 227 Ft.

$$\text{Est. Storage} = (20.7 \text{ Ft.}) (.6 \text{ ac}) (.4) = 4.9 \text{ ac-ft} \approx 5.0 \text{ ac-ft}$$

(Assume 2 Ft Freeboard)



Station (Ft)

■ - Survey 5/31/95
JFW; SH

IDAHO DEPARTMENT OF WATER RESOURCES

DAM SAFETY PHOTOGRAPHS



DAM NAME: MUNDAY_HANEY
65-13410

DATE: 5/31/95

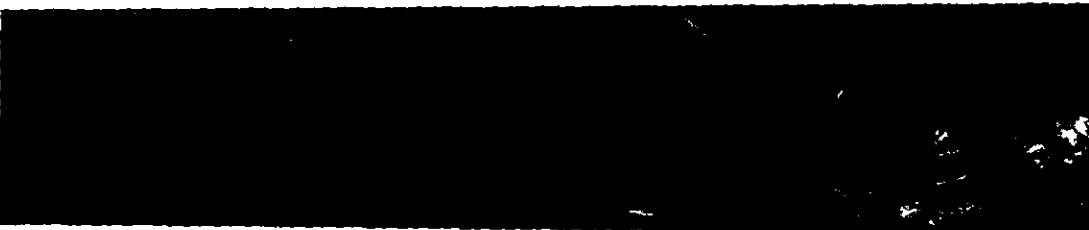
BY: J. WESTRA
WESTERN REG.

1. Upstream slope of the embankment.
taken from the right abutment.
Slope is in good condition.

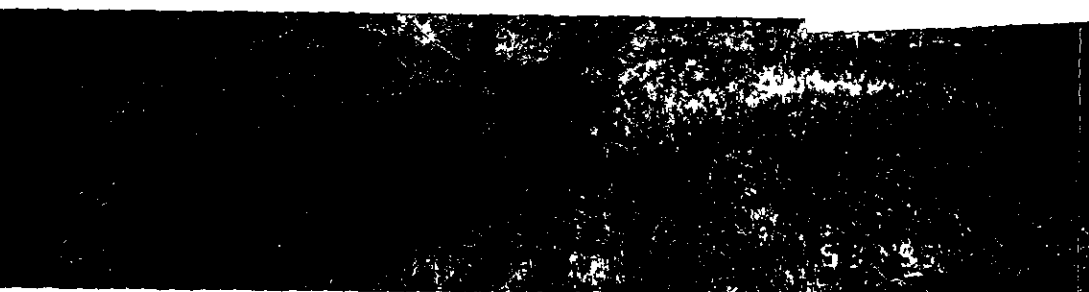
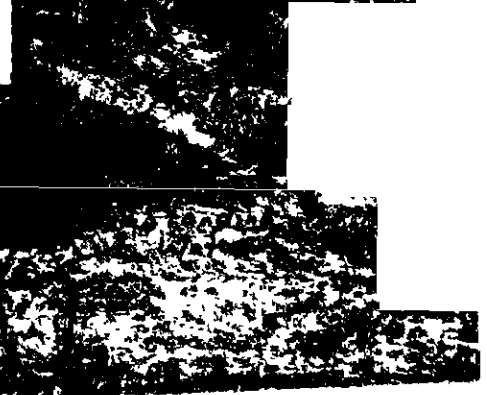
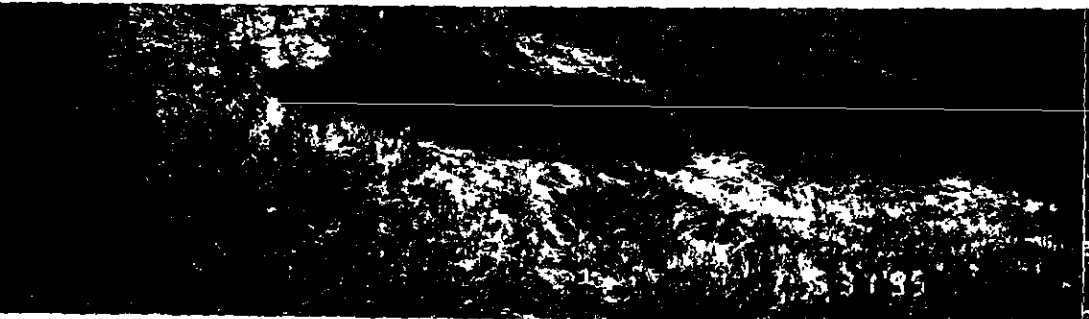


PVC overflow pipe located
e right abutment on the
m slope.

PVC downstream outlet.
turation of fill material.
groin area)



w of the downstream slope
. Fill below the patch is
ed and has sloughed downstream



IDAHO DEPARTMENT OF WATER RESOURCES

DAM SAFETY PHOTOGRAPHS



DAM NAME: MUNDAY_HANEY
65-13410

DATE: 5/31/95

BY: J. WESTRA
WESTERN REG.

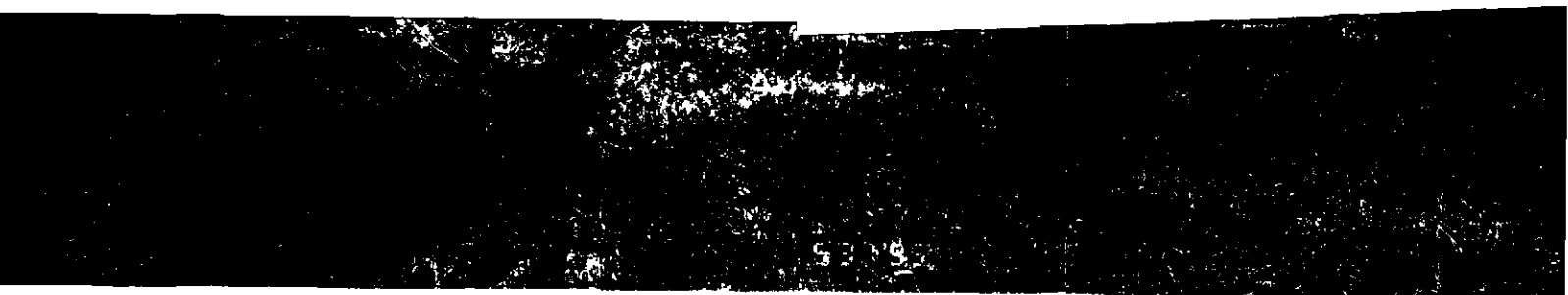
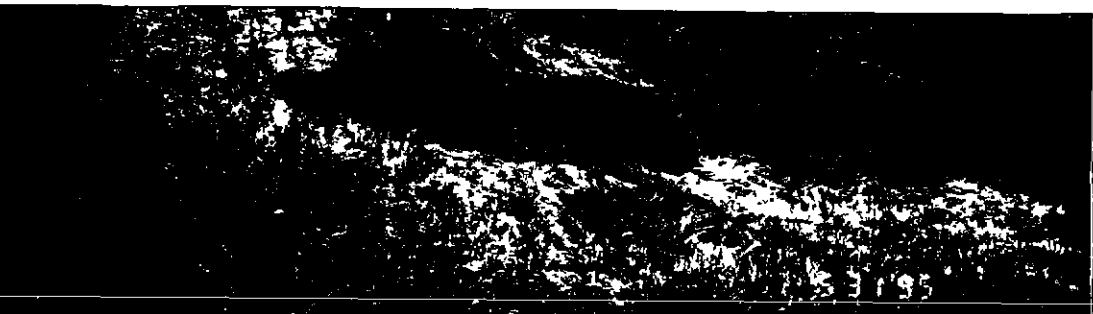
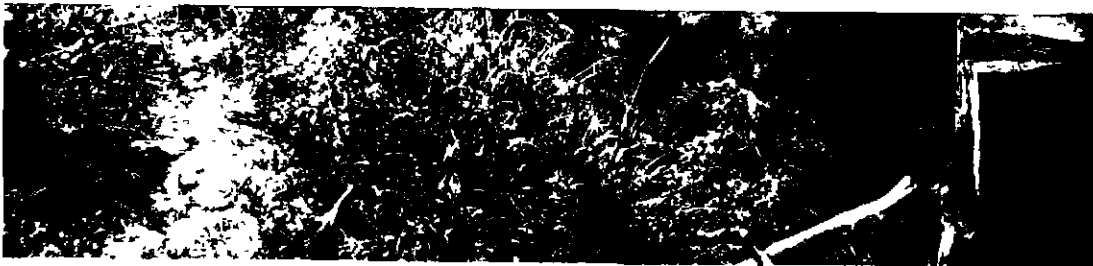
1. Upstream slope of the embankment
- taken from the right abutment.
Slope is in good condition.

2. 8" dia. PVC overflow pipe located
near the right abutment on the
upstream slope.



PVC downstream outlet.
turbation of fill material.
(grain area)

w of the downstream slope
. Fill below the patch is
ed and has sloughed downstream



IDAHO DEPARTMENT OF WATER RESOURCES

DAM SAFETY PHOTOGRAPHS



DAM NAME: MUNDAY_HANEY
65-13410

DATE: 5/31/95

BY: J. WESTRA
WESTERN REG.

1. Upstream slope of the embankment.
— taken from the right abutment.
Slope is in good condition.

2. 8" dia. PVC overflow pipe located
near the right abutment on the
upstream slope.

3. 8" dia. PVC downstream outlet.
Note saturation of fill material.
(right groin area)



w of the downstream slope
. Fill below the patch is
ed and has sloughed downstream



IDAHO DEPARTMENT OF WATER RESOURCES

DAM SAFETY PHOTOGRAPHS



DAM NAME: MUNDAY_HANEY
65-13410

DATE: 5/31/95

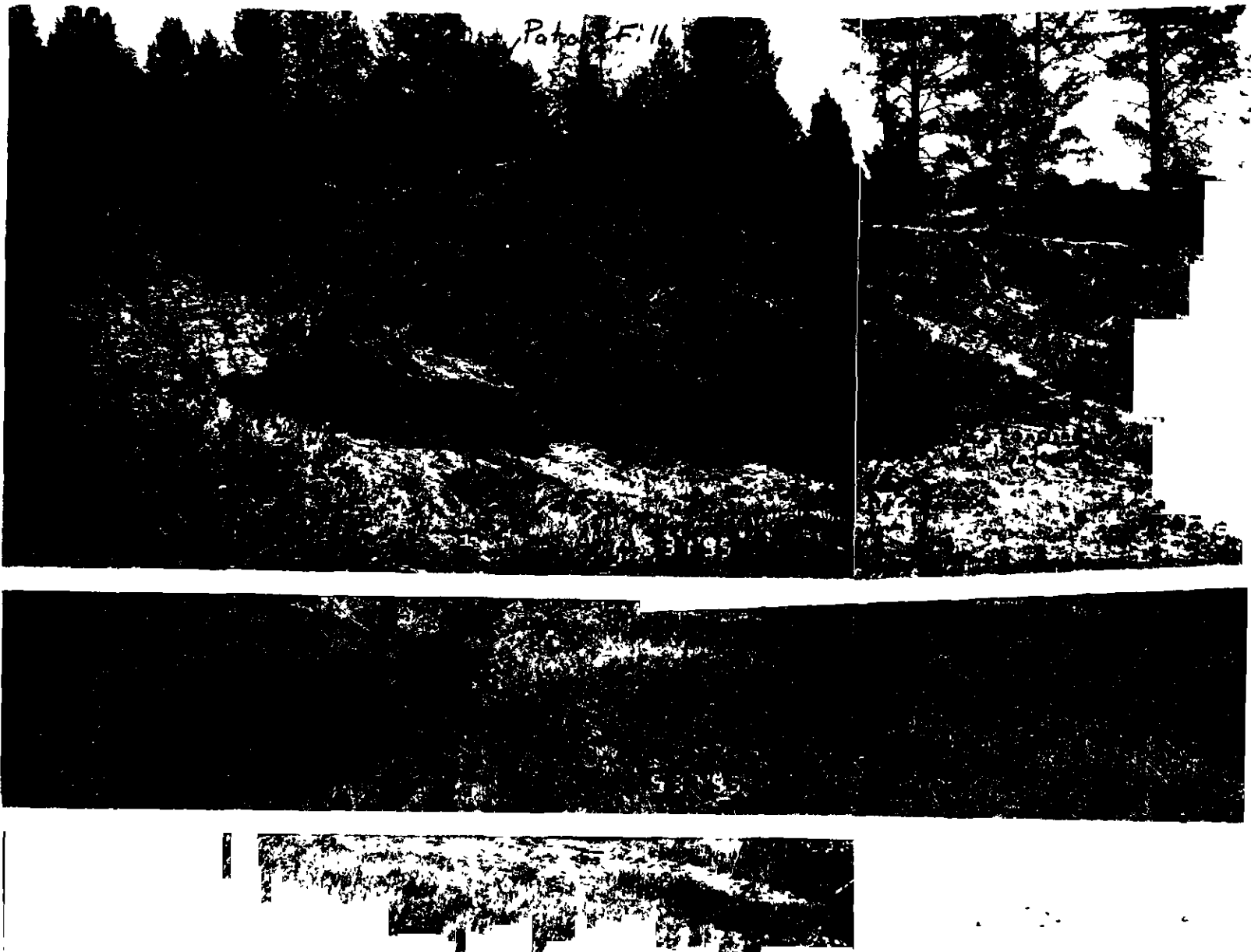
BY: J. WESTRA
WESTERN REG.

1. Upstream slope of the embankment,
- taken from the right abutment.
Slope is in good condition.

2. 8" dia. PVC overflow pipe located
near the right abutment on the
- upstream slope.

3. 8" dia. PVC downstream outlet.
Note saturation of fill material.
(right groin area)

4. Overview of the downstream slope
and toe. Fill below the patch is
saturated and has sloughed downstream



IDAHO DEPARTMENT OF WATER RESOURCES

DAM SAFETY PHOTOGRAPHS



DAM NAME: MUNDAY_HANEY
65-13410

DATE: 5/31/95

BY: J. WESTRA
WESTERN REG.

1. Upstream slope of the embankment.
- taken from the right abutment.
Slope is in good condition.

2. 8" dia. PVC overflow pipe located
- near the right abutment on the
upstream slope.

3. 8" dia. PVC downstream outlet.
Note saturation of fill material.
(right groin area)

4. Overview of the downstream slope
and toe. Fill below the patch is
saturated and has sloughed downstream

5. Spillway channel area previously.
Area have been filled-in and seeded.



IDAHO DEPARTMENT OF WATER RESOURCES

DAM SAFETY PHOTOGRAPHS



DAM NAME: MUNDAY_HANEY
65-13410

DATE: 5/31/95

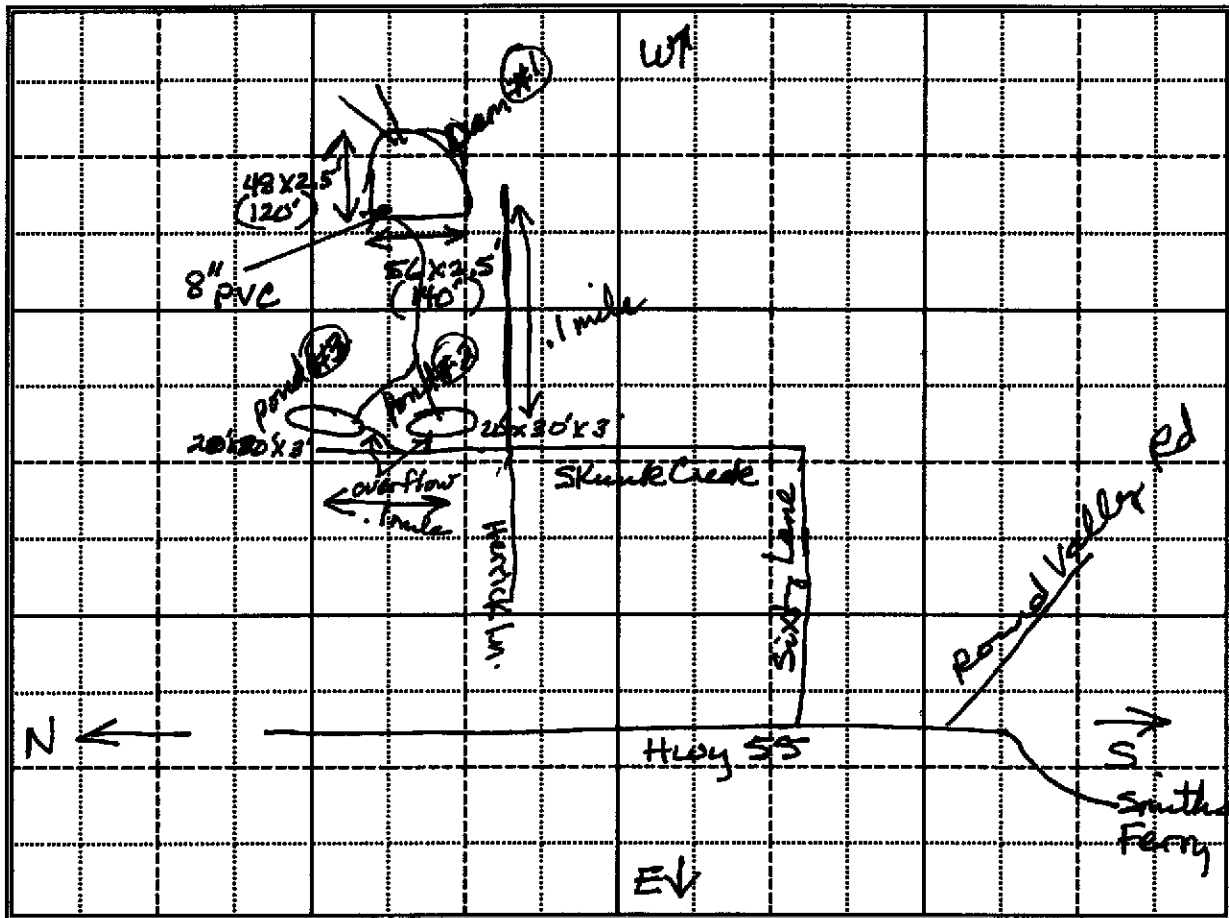
BY: J. WESTRA
WESTERN REG.

1. Upstream slope of the embankment,
- taken from the right abutment.
Slope is in good condition.
2. 8" dia. PVC overflow pipe located
- near the right abutment on the
upstream slope.
3. 8" dia. PVC downstream outlet.
Note saturation of fill material.
(right groin area)
4. Overview of the downstream slope
- and toe. Fill below the patch is
saturated and has sloughed downstream
5. Spillway channel area previously.
Area have been filled-in and seeded.
(see 8/28/92 Inspection Report)
6. Toe area, no low level outlet.



[illegible]

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



Scale: 1" = _____

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

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

☒ Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: _____

APR 0 1 1988
 RECEIVED

E. NARRATIVE/REMARKS/COMMENTS

- No govt lots were found.
- Use is Stockwater Storage for mixed stock (horses, cattle), & Recreation Storage.
- The system consists of a unnamed stream formed by precipitation, & snow melt-off that in a wide spread area flows into Pond #1, a 5.0 Af. estimated storage area, dammed on the west side w/ an 8" PVC overflow into a ditch. (At the time of the exam, seepage from the bottom of the dam was occurring). The overflow w/ a 10 gallon bucket measured 6 sec., or .22 cfs, which flows down a ditch & splits to fill pond #2 (20' x 30' x 3') & pond #3 (20' x 20' x 3'), with some overflow/seepage going into a ditch along the road side.

Have conditions of permit approval been met? ☐ yes ☒ no * see "Record Dam Inspection"

Per 6/22/95 dam inspection record, John Westra "recommended the dam & reservoir be removed due to dam safety concerns downstream. The facility does not meet basic dam safety provisions. Unfortunately, the owners have made little effort over the past 2 years to make the necessary improvements."

F. FLOW CALCULATIONS

Measured Method:

Overflow from pond #1

6 sec / 10 gal

$$\frac{10 \text{ gal} \times 60 \text{ sec}}{6 \text{ sec}} = 100 \text{ gpm} \times .00223 \text{ cfs} = .22 \text{ cfs}$$

Additional Computation Sheets Attached

(this measurement was not required for this permit but was calculated for flow to pond #2 + #3)

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

(see attachment)

$$\text{pond \#1} + \text{pond \#2} + \text{pond \#3} = 5.07 \text{ Af}$$

permit 5.0 Afa

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Stockwater Storage				
Recreation Storage				
Totals:				

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

* See part E, under "Have conditions been met"

I. AUTHENTICATION

Field Examiner's Name Andy Hemenway Date 6/1/26

Reviewer _____ Date _____

SEAL

Permit #65-13410

① Permit:

Stockwater storage	1/1 - 12/31	5.0 Af
Recreation Storage	1/1 - 12/31	5.0 Af
Total		5.0 Af

② B/u fee: \$50⁰⁰ 8/25/94 pd. 0 - 0.20 cfs.
Storage 0 - 20 Af

③ Measurement:

Overflow 8" PVC from dam
6 sec. / 10 gallons

$$\frac{10 \text{ gallons} \times 60 \text{ sec}}{6 \text{ sec}} = 100 \text{ gpm} \times .00223 \text{ cfs} \\ = .22 \text{ cfs}$$

Stockwater Storage/Recreation Storage:

Pond #1 per John Westra's measurements

~~box 1~~ surface area (S.A.) = $(98.8 \text{ sq ft}) (25.25 \text{ ft/sq}) / 43560 \text{ ft}^2/\text{ac}$
est. storage = $(20.7 \text{ ft}) (.6 \text{ ac}) (4) = 4.9 \text{ ac ft} = .57 \text{ ac ft} = \underline{\underline{5.0 \text{ ac ft}}}$

Pond #2

20' x 30' x 3'

surface area (S.A.) = $\frac{20 \times 30}{43560} = .014$

capacity = $(\text{S.A.}) \times 3' = .014 \times 3 = \underline{\underline{.04 \text{ Af}}}$

Pond #3

20' x 20' x 3'

(S.A.) = $(20 \times 20) / 43560 = .009$

capacity = $.009 \times 3 = .027 = \underline{\underline{.03 \text{ Af}}}$

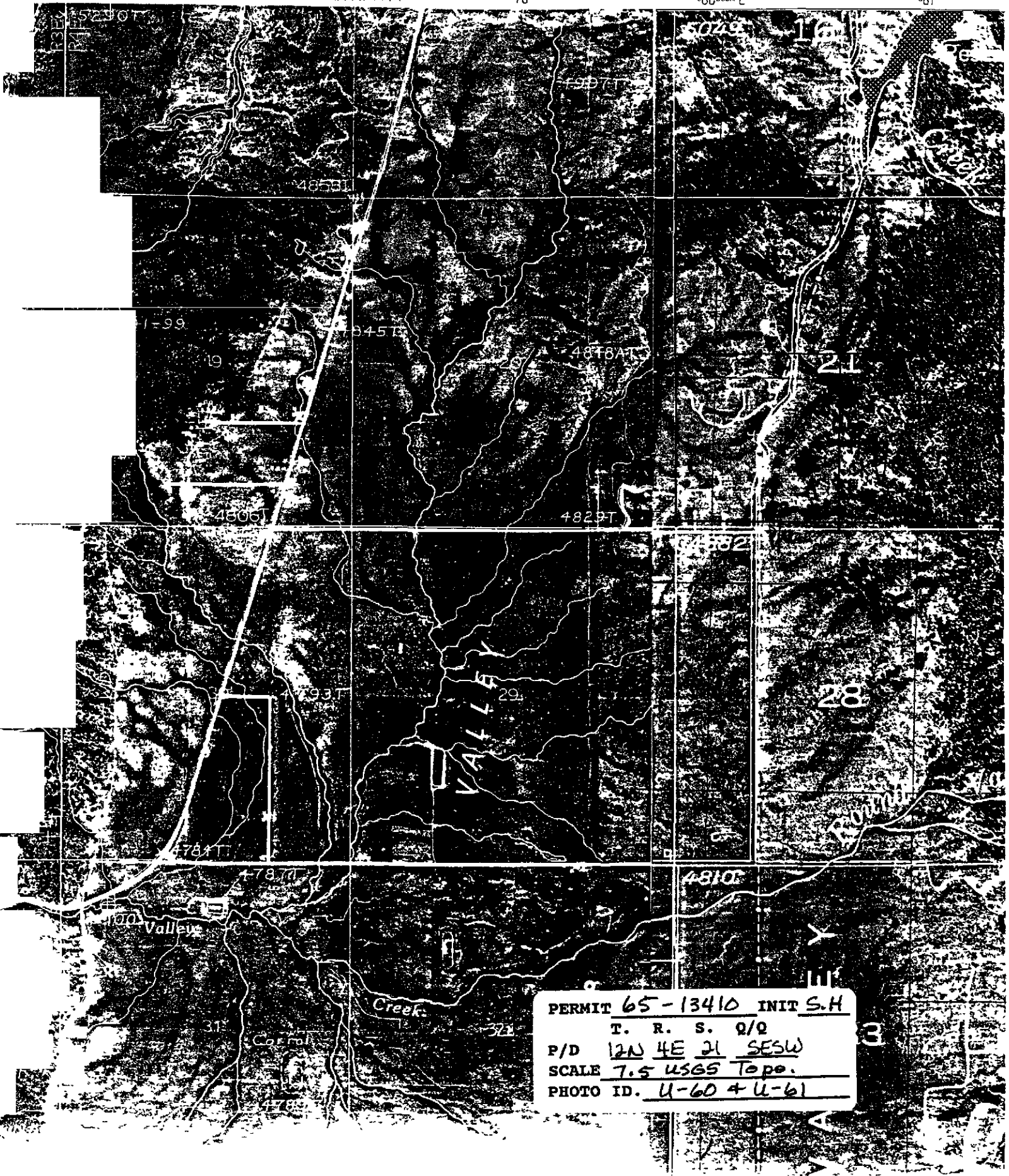
Pond #1 + Pond #2 + Pond #3 = 5.07 Af.

E R4E

WILKINS FERRY QUADRANGLE
IDAHO
7.5-MINUTE SERIES (ORTHO PHOTOQUAD)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

577 430 000 FFEET 578 16 00' 580 000m E 581



PERMIT 65-13410 INIT S.H
T. R. S. Q/Q
P/D 12N 4E 21 SESW
SCALE 7.5 USGS Topo.
PHOTO ID. U-60 + U-61



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RECEIVED

OCT 19 1992

October 19, 1992

Bud Munday
P.O. Box 556
Cascade, ID 83611

Department of Water Resources
Western Regional Office

RE: Munday-Haney (Proposed) Dam

D65-13410

Dear Mr. Munday:

The Department has reviewed your application for construction of a small dam that is to be located in Section 21, Township 12 North, Range 4 East B.M., in Valley County. The dam, as proposed, is too small for our jurisdiction under the Dam Safety Rules and Regulations, and therefore, no approval is necessary. We do however recommend the dam be constructed according to the following guidelines and the information supplied in the application, copy enclosed.

- Your application does not indicate whether or not a cutoff trench has, or will be constructed under the dam. The trench should be excavated to an impervious layer (clay or rock), or to a minimum depth determined during excavation.
- The material to be used for backfill of the cutoff trench and for construction of the core of the dam shall be clayey material placed in lifts not exceeding 6 inches, before compaction.
- The fill should be compacted by means of a loaded sheepsfoot or pneumatic roller to the required density. An acceptable range of moisture content should be established and maintained throughout construction.
- The core material should be free of organic material, frozen or cloddy material and rocks greater than 4 inches in maximum diameter.
- The application indicates that no outlet pipe will be installed through the embankment to release storage. Since no outlet is planned, you should have a pump or siphon pipe available to draw the reservoir down if an emergency situation should occur.
- The application indicates the dam crest width is 9 feet. A dam that is 23 feet in height is required to have a crest at least 14.6 feet wide as indicated in Rule 8,1,2, page 15 of the Safety of Dams Rules and Regulations, copy enclosed.

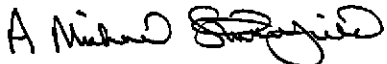
As proposed, your dam is classified an intermediate, low risk dam. Rule 8,1,11 indicates that a dam so classified must be capable of passing an inflow design flood (IDF) that has a 1 in 100 chance of occurring in any given year (Q100). Since the drainage area above the dam appears to be approximately 50 acres, the

Bud Munday
RE: D65-13410
Page 2

IDF is estimated to be 17 CFS. To pass the IDF, the spillway needs to have a basewidth of 12 feet, a depth of at least 2.5 feet and sideslopes of 3:1. The 2.5 feet spillway depth is required to pass the IDF with required freeboard (2.0 feet).

Should you have any questions, please contact John Westra, phone 334-2190 in our Western Region Office, and let Mr. Westra know when construction is completed so that a final inspection can be conducted.

Sincerely,



A. Michael Stubblefield, P.E.
Dam Safety Section

cc: IDWR - Western Region

BEFORE THE DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 27 1993

OF THE

STATE OF IDAHO

Department of Water Resources
Western Regional Office

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-13410) WITHDRAWAL OF PROTEST
IN THE NAME OF BUDDIE L. MUNDAY)
AND/OR ROBERT HANEY)

We, the undersigned protestants, agree to withdraw our protest to the approval of Application for Permit No. 65-13410 in the name of Buddie L. Munday and/or Robert Haney, if the following conditions of approval are added to the water right:

- ✓1. This water right is subject to all prior water rights.
- ② The dam structure used to divert water under this water right must be improved to qualify as a small dam under Department Rules and Regulations, to include the following provisions:
 - a. The dam must be fitted with an operational outlet works that allows for (1) emergency draining of the reservoir, and (2) flow-through of water entering the reservoir during the irrigation season.
 - b. All vegetative debris must be removed from the dam structure.
 - (c.) The downstream face of the structure shall be extended to a minimum slope of 2:1.
 - (d.) The dam structure shall be modified to minimize the amount of seepage.
 - (e.) A spillway will be constructed of adequate capacity and freeboard.
- ③ Inflows to the reservoir shall be allowed to pass through the dam during any period when such flows would assist in the delivery of downstream water rights.

○ = Conditions not met

RECEIVED
OCT 28 1993

Page 2
Withdrawal of Protest

4. This water right is subject to the control of the Watermaster of Water District 65.

Signed this _____ day of August, 1993.

Stan &/or Cleotta Patterson
Protestants

Signed in concurrence this 27th day of August, 1993.

Buddie L. Munday Robert J. Haney
Buddie L. Munday &/or Robert Haney
Applicants

RECEIVED
OCT 28 1993

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 65-13410

Reviewed by Jif

Date 8/29/94

GENERAL CONSIDERATIONS

yes Name same as permit?
no Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Storage

Correct Uses? yes

SOURCE OF WATER

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

LICENSE EXAMINATION FEE

yes Required?
50.00 Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
1 Installed?
 Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address P.O. Box 536
Cascade WA 98611

Proof Made 8/25/94

August 30, 1994

ROBERT HANEY
BUDDY MUNDAY
P O BOX 536
CASCADE ID 83611

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 65-13410

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise, at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

SEP 1 8 1994

July 31, 1994

ROBERT HANEY
BUDDIE L MUNDAY
PO BOX 536
CASCADE ID 836110556

PROOF DUE NOTICE

RE: PERMIT NO. 65-13410

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 October 1, 1994. (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.

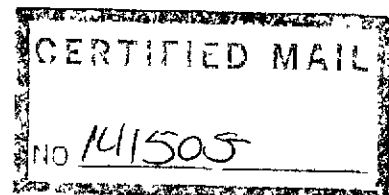
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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



MEMORANDUM

DATE: October 26, 1993

TO: File 65-13410

FROM: Donna Corless

SUBJECT: Returned Mail

=====

Mail addressed to Robert Haney and Buddie Munday, at PO Box 556, Cascade, ID 83611, on October 8, 1993, was returned by the U.S. Post Office as Attempted - Not Known.

A call to the Valley County Assessor's Office revealed that the current address is as follows:

Robert Haney
Buddie L. Munday
PO Box 536
Cascade, ID 83611-0536

OCT 28 1993



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 7, 1993

ROBERT HANEY
BUDDIE L MUNDAY
PO BOX 556
CASCADE ID 836110556

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13410

Dear Permit Holder:

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

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

Sincerely,

JTM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

OCT 28 1993

APPLICATION FOR PERMIT
STATE OFFICE REVIEW

Application #: 65-13410 Date: 10/1/93 Reviewer: Cindy Zimmerman

AREA OF CONCERN? - No/Yes _____
SYSTEM COMPLETED:
No - 26A-P17
Complete in 1 year - P16
Yes
Proof not submitted - P16
Proof submitted - N/A
GROUNDWATER:
+ 0.2 cfs <flo-ch> - 01G-P03 (new), 01C-P03 (existing), NMR
- 0.2 cfs - NMR <flow chart>
Drilling Permit:
Included w/permit - P99 Permit No. _____
Existing well - N/A (if drilled before 7/1/87)
No WD permit? - 046-46A<Irr>-46B-P23 (if drilled after 7/1/87)
SURFACE WATER: not in WD - 01C-P03 (+.2 w/pump), NMR <flow chart>
LOCATION:
Water District - WD No. 65
Surface water - 005 or 005-01J-P08 (+.2, or -.2 no pump)
or 005-01H-P01 (-.2 w/pump); NMR
Groundwater - P05 (if well has not been drilled)
In stream channel - 030 (stream channel alteration)
Irrigation Dist. - 023
Canal Co. Areas - 023
Drainage Districts - 024
Flood Control Dist. - 063
Boise Front (63) - 058 (Groundwater temperature)
Swan Falls Flag - B <See condition code chart>
Trust - 051-052-053-P74 (Consumptive Uses)
Non Trust <1> - 048-049
RIVER BASINS (Surface): Water District Control Condition (005) &....
Boise (63) - 05A (req), 11E (non-domestic use), NA
Payette (65) - 064 (consump. use), 047-P04 (Payette Lake), NA
Snake (01, 02 & 03) - 11A-P04 (01), 061-P07 (02/03 No W.D.Cond.), NA
USE:
Fish Propagation - 010/06A/09E-P10 (WQ) & 07A-042-002-P06 (MD) (req)
044 (N 1000 Spr)
Irrigation - 803 (if GW use SW 1st) (+5A do POU comparison)
Power - 08A-17K-025-027 (req); 01F-P19; 09E-P10;
+25 cfs-P18; 17G (FERC) or 17M (FERC); 18B-P09
Mining - 06A/010/09E-P10 & 054 (req)
Storage (✓ 3 compo.) - 18A-for multi MD in WD, 18B-P09 (+10' high dam)
Domestic (surface) - 021 (Boise R ↑ L Peak), 27A (Payette R)
OWNERSHIP:
Non land owner - 004 (P/D or P/U)
PROTESTED:
Prehearing agreement - 020
OTHER CONDITIONS: -
REMARKS: - ① 2 P/D within SESW, S21, T2N, R4E and one P/D on/near within line between SWSWSESW,
S24, T2N, R4E. ② W02 (20)
10-1-1994
BENEFICIAL USE DUE: -
COMMENTS: - ① On Dec.

WR0749NP
No. P65-13410

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 10/01/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROBERT HANEY	09/09/1992	STOCKWATER STORAGE	01-01 12-31		5.0 AFA
C	BUDDIE L MUNDAY		RECREATION STORAGE	01-01 12-31		5.0 AFA
	PO BOX 556					
	CASCADE ID 836110556					
	(208) 382-4676					
				TOTAL DIVERSION:		5.0 AFA

Water Source: UNNAMED STREAM

Tributary to: ROUND VALLEY CREEK

Stage: PERMIT

Point(s) of Diversion: T12N R04E S21 SW SW SE SW

Place of use Legal Description for: STOCKWATER STORAGE

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
12N	04E	21	:																	:
			:																	:

Pou County: VALLEY

Conditions of Approval:

- 005 - Use of water under this right is subject to control by the watermaster of State Water District No. 65.
- 18B - The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
- 020 - Use of water under this right may be affected by an agreement between the protestant and the right holder.

Remarks: Two points of diversion are located within SESW, S21, T12N, R04E.
Single point of diversion located on or near line between SWSW and SESW, S21, T12N, R04E.
Stockwater use is for 20 mixed stock.

Dates: App. Received: 09/09/1992 Priority Date: 09/09/1992
Proof Due Date: 10/01/1994 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Comments: Date: 10/01/1993 User-ID: ZIMMERMA Subject: DIVERSION DESCRIPTION
Two pit-type reservoirs and one earthen dam to impound runoff.

Audit: 10/01/93 ZIMMERMA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: SL DATE: 9/15/92 APPLICATION: 65-13410

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume) *SEE LAST entry, next pg - SL 9/25/92*
Period of use: Gov't. Lots: N P/D
Nature of proposed use: (Include description of use) N P/U
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map:
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee: *NEED \$15 refund, SEE MEMO*
Yes ___ No* In form to receipt:

ADDITIONAL INFORMATION

YES NO

no water rights on property in question
N/A
Overlapping place of use: (Describe source & relationship to present application on the back.)
Overlapping point of diversion:
Field check required: Field check by: SL on 8/14/92 per letter of complaint
Field report attached:
Critical groundwater area:
Groundwater management area:
1992 moratorium
Diversion within interim protected river area
Send dam safety information: *- see letter dated 8/19/92 from Dam Safety, S.O.*
Send power requirement letter:
Send fish farm requirement letter:
Power residency affidavit:
Power efficiency form:
Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED:

X Additional information on reverse side:

RECEIVED
SEP 16 1993

PROCESSING

APPLICATION NO

65-13410

YES NO

☒ ☐
☐ ☒
☒ ☐

In form for advertising:

Statewide advertising:

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☒ ☐
☐ ☒
☐ ☒
☒ ☐

U.S. BLM

U.S. Forest Svc.

Water Dist. #

Other Protestant - SEE BELOW

for info *

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Protests received: Final date for protest October 26, 1992

Protest dates, resolution of protest recorded on application:

Recommendations attached: See attached

Measuring device required:

Measuring port required:

Water delivered by water master? District # 65, Payette R.

Special conditions of approval or cover letter:

Add 4 conditions of approval as shown on attached Withdrawal of Protest form.

☒ See below for additional information

Recommended Date or Priority 9/9/1992Recommended by: DW Date 9/14/1992

STATE OFFICE REVIEW

See below for additional information. By

Date

ADDITIONAL INFORMATION

* PROTESTED BY: Stan & Cleota Patterson, HC71 Box 2153, CASCADE ID, 83611
SEE THEIR LETTER DATED 8/7/92

LETTER LEAD TO SITE VISIT TO INVESTIGATE COMPLAINT ON 8/14/92. Results are optimal
in my letter dated 8/31/92. (original field visit info filed in Region under
ILLEGAL DIVERSIONS)

EXEMPT FROM MORATORIUM TO EXTENT THAT PROJECT IS NON-CONSUMPTIVE. STOCK & RECREATION
ARE ± NON-CONSUMPTIVE, BUT LARGEST RESERVOIR might include some consumption via evaporation.

JOHN WESTRA FORWARDED COPY OF MY 8/31/92 LETTER TO SO DM SAFETY SECTION FOR
FURTHER ACTION ON CONSTRUCTION OF 25' dam without dam safety permit.

9/25/92 NOTE SEE 9/22/92 LETTER FROM OAH - EST capacity main reservoir = 10 a.c.
Height of dam = 23 ft.

? IF approved, approve for 10 a.c. + 1/2 a.c. + (2 small ponds), total 10 1/2 a.c.?



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

September 2, 1993

STAN &/OR CLEOTA PATTERSON
HC 71 BOX 2153
CASCADE ID 83611

Re: Application for Permit No. 65-13410 in the Name of Buddie
L. Munday &/or Robert Haney

Dear Mr. & Mrs. Patterson:

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

The Department now will continue to process the application,
subject to certain conditions of approval.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. R. Tuthill, Jr.'.

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

DRT:st

CC: Applicants

RECEIVED

OCT 8 1993



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, 1993

Buddie L. Munday and/or Robert Haney
P.O. Box 556
Cascade, ID 83611

Stan and/or Cleota Patterson
HC 71 Box 2153
Cascade, ID 83611

RECEIVED

AUG 27 1993

Department of Water Resources
Western Regional Office

RE: Protested Application for Permit No. 65-13410

Dear Interested Parties:

Based on the discussion at the on-site water right conference earlier this summer I have drafted a proposed Withdrawal of Protest document, enclosed.

Please review this document. If you have any proposed changes, please make them on this draft, and return the modified document to me. If you are satisfied with the document, please sign it and return it to me. If you decide to forego this technique for dispute resolution, and desire instead to participate in a formal water right hearing, please notify me. In any case, please respond no later than September 1, so that we may proceed with timely action in this matter.

Sincerely,

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

Enclosure: Withdrawal of Protest

OCT 28 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 27 1993

OF THE
STATE OF IDAHO

Department of Water Resources
Western Regional Office

IN THE MATTER OF APPLICATION)
)
FOR PERMIT NO. 65-13410) WITHDRAWAL OF PROTEST
)
IN THE NAME OF BUDDIE L. MUNDAY)
)
AND/OR ROBERT HANEY)

We, the undersigned protestants, agree to withdraw our protest to the approval of Application for Permit No. 65-13410 in the name of Buddie L. Munday and/or Robert Haney, if the following conditions of approval are added to the water right:

- ✓ 1. This water right is subject to all prior water rights.
- ✓ 2. The dam structure used to divert water under this water right must be improved to qualify as a small dam under Department Rules and Regulations, to include the following provisions:
 - a. The dam must be fitted with an operational outlet works that allows for (1) emergency draining of the reservoir, and (2) flow-through of water entering the reservoir during the irrigation season.
 - b. All vegetative debris must be removed from the dam structure.
 - c. The downstream face of the structure shall be extended to a minimum slope of 2:1.
 - d. The dam structure shall be modified to minimize the amount of seepage.
 - e. A spillway will be constructed of adequate capacity and freeboard.
- ✓ 3. Inflows to the reservoir shall be allowed to pass through the dam during any period when such flows would assist in the delivery of downstream water rights.

RECEIVED

OCT 28 1993

Protest Withdrawal
Agreement Conditions

Page 2
Withdrawal of Protest

4. This water right is subject to the control of the Watermaster of Water District 65.

Signed this _____ day of August, 1993.

Stan &/or Cleotta Patterson
Protestants

Signed in concurrence this 27TH day of August, 1993.

Buddie L. Munday &/or Robert J. Haney
Buddie L. Munday &/or Robert Haney
Applicants

RECEIVED
OCT 28 1993

RECEIVED

AUG 31 1993

Department of Water Resources
Western Regional Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-13410) WITHDRAWAL OF PROTEST
IN THE NAME OF BUDDIE L. MUNDAY)
AND/OR ROBERT HANEY)

We, the undersigned protestants, agree to withdraw our protest to the approval of Application for Permit No. 65-13410 in the name of Buddie L. Munday and/or Robert Haney, if the following conditions of approval are added to the water right:

1. This water right is subject to all prior water rights.
2. The dam structure used to divert water under this water right must be improved to qualify as a small dam under Department Rules and Regulations, to include the following provisions:
 - a. The dam must be fitted with an operational outlet works that allows for (1) emergency draining of the reservoir, and (2) flow-through of water entering the reservoir during the irrigation season.
 - b. All vegetative debris must be removed from the dam structure.
 - c. The downstream face of the structure shall be extended to a minimum slope of 2:1.
 - d. The dam structure shall be modified to minimize the amount of seepage.
 - e. A spillway will be constructed of adequate capacity and freeboard.
3. Inflows to the reservoir shall be allowed to pass through the dam during any period when such flows would assist in the delivery of downstream water rights.

OCT 28 1993

Page 2
Withdrawal of Protest

4. This water right is subject to the control of the Watermaster of Water District 65.

Signed this 19th day of August, 1993.

Cleota Patterson
Stan &/or Cleotta Patterson
Protestants

Signed in concurrence this _____ day of August, 1993.

Buddie L. Munday &/or Robert Haney
Applicants

1. We would like to have it specifically noted that irrigation season is from June 1 to September 1.

2. The pond is not now or in the future to be used for irrigation purposes.

RECEIVED

OCT 28 1993

2C

Valley Creek Ranch

Stan & Cleota Patterson

(208) 382-4991

~~H.C. #71, Box 2158~~

(4 Miles North of Smith's Ferry)

Cascade, Idaho 83611

10144 Round Valley Road

RECEIVED

AUG 31 1993

August 19, 1993

Department of Water Resources
Western Regional Office

Dear Dave:

Enclosed is our release with the two items we would like to have included.

I would like to apologize for my language. I have never cursed anyone in my life. The man has so infuriated us it was hard to control my temper. Myrtle Herrick came to the house a couple of days later and felt badly that they had Dorsey Herrick, who is old and blind, there on Munday's behalf. In truth it was Myrtle Herricks husband Lavon who ran all of the ranches for them and he is now deceased. It made Dorsey feel important.

We appreciate your patience with the problems in this valley. It is difficult and we hate always to be the ones protesting, however, we have the oldest irrigation water rights and are the last to receive irrigation water. We are only selling a part of our ranch as we want to be able to slow down and enjoy things a little more.

Sincerely,

Cleota Patterson

RECEIVED
OCT 28 1993



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, 1993

Buddie L. Munday and/or Robert Haney
P.O. Box 556
Cascade, ID 83611

Stan and/or Cleota Patterson
HC 71 Box 2153
Cascade, ID 83611

RE: Protested Application for Permit No. 65-13410

Dear Interested Parties:

Based on the discussion at the on-site water right conference earlier this summer I have drafted a proposed Withdrawal of Protest document, enclosed.

Please review this document. If you have any proposed changes, please make them on this draft, and return the modified document to me. If you are satisfied with the document, please sign it and return it to me. If you decide to forego this technique for dispute resolution, and desire instead to participate in a formal water right hearing, please notify me. In any case, please respond no later than September 1, so that we may proceed with timely action in this matter.

Sincerely,

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

Enclosure: Withdrawal of Protest

RECEIVED
OCT 28 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 65-13410	)	
IN THE NAME OF BUDDIE L. MUNDAY	)	WITHDRAWAL OF PROTEST
<u>AND/OR ROBERT HANEY</u>	)	

We, the undersigned protestants, agree to withdraw our protest to the approval of Application for Permit No. 65-13410 in the name of Buddie L. Munday and/or Robert Haney, if the following conditions of approval are added to the water right:

1. This water right is subject to all prior water rights.
2. The dam structure used to divert water under this water right must be improved to qualify as a small dam under Department Rules and Regulations, to include the following provisions:
 - a. The dam must be fitted with an operational outlet works that allows for (1) emergency draining of the reservoir, and (2) flow-through of water entering the reservoir during the irrigation season.
 - b. All vegetative debris must be removed from the dam structure.
 - c. The downstream face of the structure shall be extended to a minimum slope of 2:1.
 - d. The dam structure shall be modified to minimize the amount of seepage.
 - e. A spillway will be constructed of adequate capacity and freeboard.
3. Inflows to the reservoir shall be allowed to pass through the dam during any period when such flows would assist in the delivery of downstream water rights.

FILED
OCT 28 1993

Page 2
Withdrawal of Protest

4. This water right is subject to the control of the Watermaster of Water District 65.

Signed this _____ day of August, 1993.

Stan &/or Cleotta Patterson
Protestants

Signed in concurrence this _____ day of August, 1993.

Buddie L. Munday &/or Robert Haney
Applicants

RECEIVED
OCT 28 1993

Attendance Roster

Conference Re: Munday-Haney App for Permit No 65-13410

Location: Dam Site June 1, 1993 12.00 pm

Conference Officer: David E. Tuthill Jr.

<u>Name</u>	<u>Representing</u>
Bud Munday	Self
Cleota Patterson	Self
Stan Patterson	Self
Bob Haney	SELF
Bob Gigg	SELF
Gene Brumbaugh	self
Dorsey Herrick. (by Dave Tuthill)	self

OCT 28 1993

P 423 600 629



**Receipt for
Certified Mail**

No Insurance Coverage Provided

STAN &/OR CLEOTTA PATTERSON
HC 71 BOX 2153
CASCADE ID 83611

Postage	\$ 29
Certified Fee	1-
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 30
Postmark or Date	

PS Form 3800, June 1991

P 423 600 630



**Receipt for
Certified Mail**

No Insurance Coverage Provided

BUDDIE MUNDAY &/OR
ROBERT HANEY
PO BOX 556
CASCADE ID 83611

PS Form 3800, June 1991

Postage	\$ 29
Certified Fee	1 -
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1 -
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 229
Postmark or Date	

65-13410

SENDER:

- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

BUDDIE L MUNDAY &/OR
ROBERT HANEY
PO BOX 556
CASCADE ID 83611

4a. Article Number

423 600 630

4b. Service Type

- ☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5-21-93 R

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

David Munday

OCT 28 1993

UNITED STATES POSTAL SERVICE

Official Business

RECEIVED

MAY 24 1993

Department of Water Resources
Western Regional Office

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705



PENALTY FOR PRIVATE
MAIL
MISPLACED

OCT 28 1993



IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION

2735 Airport Way
Boise, Idaho 83705-5082

P 397 927 207



**Receipt for
Certified Mail**

No Insurance Coverage Provided

STAN &/OR CLEOTTA PATTERS
HC 71 BOX 2153
CASCADE ID 83611

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, June 1991

P 377 917 201



Receipt for Certified Mail

No Insurance Coverage Provided

ALEX W CONGER
10145 ROUND VALLEY RD
CASCADE ID 83611

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	10
Return Receipt Showing to Whom Date and Addressee's Address	08
TOTAL Postage & Fees	229

Postmark or Date

PS Form 3800, June 1991

P 397 917 208



Receipt for Certified Mail

No Insurance Coverage Provided

Buddie Munday &/or

ROBERT HANEY

PO BOX 556

CASCADE ID 83611

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ <u>2.29</u>
Postmark or Date	

PS Form 3800, June 1991

SENDER:

- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

25-134/00
JAN 25 1991
I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: **US**

STAN &/OR CLEOTA BATTERSON
HC 71 BOX 8853
CASCADE ID 83611

4a. Article Number

P 397 917 207

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE



Official Business

RECEIVED

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$500



JAN 29 1993

OCT 28 1993

Department of Water Resources

Print your name, address and ZIP Code here
Western Regional Office

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

Is your RETURN

tag to be used for using Return Receipt Service.

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

ALEX W CONGEE
10145 ROUND VALECY RD
CASCADE ID 8361126

4a. Article Number

4b. Service Type

- ☒ Registered ☐ Insured
☒ Certified ☐ COD
☒ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

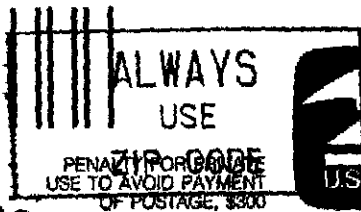
UNITED STATES POSTAL SERVICE



Official Business

26 JAN

1993



RECEIVED

JAN 27 1993

RECEIVED

OCT 28 1993

Print your name, address and ZIP Code here

Department of Water Resources
Western Regional Office

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

65-13410

SENDER:

- Complete items 1 and/or 2 for additional services
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

BUDDIE L MUNDAY &/OR
ROBERT HANEY
PO BOX 556
CASCADE ID 83611

4a. Article Number

P 392 917 208

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

Date of Delivery

5. Signature (Addressee)

Wanda Murray

6. Signature (Agent)

at 1-22-93

8. Addressee's Address (Only if requested and fee is paid)

01-22-93 22:33

UNITED STATES POSTAL SERVICE



Official Business

RECEIVED

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



JAN 25 1993

Department of Water Resources
Western Regional Office

RECEIVED

Place your name, address and ZIP Code here

OCT 28 1993

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

IDAHO DEPARTMENT OF WATER RESOURCES

WESTERN REGION

2735 Airport Way

Boise, Idaho 83705-5082

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
	)	
FOR PERMIT NO. 65-13410 IN THE	)	NOTICE OF CONFERENCE
	)	
NAME OF BUDDIE L. MUNDAY &/OR	)	
	)	
<u>ROBERT HANEY</u>	)	

On September 9, 1992, Buddie L. Munday &/or Robert Haney filed with the Department of Water Resources an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Stan &/or Cleotta Patterson and Alex W. Conger, and a conference was held on February 9, 1993. Alex W. Conger did not appear at the conference and failed to answer to the Order to Show Cause; therefore, he is no longer considered a protestant.

The Department has set the matter of protest for a conference to be held on Tuesday, June 1, 1993, at 12:00 noon, at the site in of the dam identified in the application. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 19th day of May, 1993.

David R. Tuthill Jr.

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

OCT 28 1993

I hereby certify that on the 19th day of May, 1993, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary

CERTIFIED MAIL

BUDDIE L MUNDAY &/OR
ROBERT HANEY
PO BOX 556
CASCADE ID 83611

STAN &/OR CLEOTTA PATTERSON
HC 71 BOX 2153
CASCADE ID 83611

CONFERENCE AND HEARING PROCEDURE

IN THE MATTER OF A PROTESTED APPLICATION FOR PERMIT

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

- 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 proposed project?
- 5) Will the proposed use conflict with the local public interest?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1,2,3,4,& 6 above, that is, the applicant has the burden of coming forward with evidence for evaluation of those criteria.

The initial burden of proof on issue 5, local public interest, lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant of. The applicant has the ultimate burden of persuasion with respect to this issue.

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

OCT 28 1993

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

HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and to request oral argument before the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not predjudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

If you require special accommodations for a disability in order to participate in or attend the conference (hearing) (public meeting) please advise the department within ten (10) days prior to the conference, hearing or public meeting.

EXHIBITS

If any party at a hearing intends to present an exhibit to augment the hearing record, such party shall in advance of the hearing, prepare sufficient copies of the exhibit for distribution to all parties at the hearing.



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

May 6, 1993

Buddie L. Munday
P.O. Box 556
Cascade, ID 83611

RE: Order to Partially De-Water Munday-Haney Dam

Dear Mr. Munday:

Pursuant to our telephone conversation on this date, this Department requires the Munday-Haney Dam (65-13410) to be immediately de-watered to a level halfway between the high water mark and the deepest point in the reservoir.

As we discussed, you agreed to immediately commence this action via re-initiating operation of on-site siphon hoses including a 3 inch hose. You indicated that recently you had evacuated the reservoir to a level about three feet below the full level, and that the hoses operating simultaneously had quickly reduced the reservoir level.

As I indicated, next week Department personnel will be onsite to inspect the status of the sloughing structure, to more accurately measure the reservoir capacity, and to inspect the water level.

Thank you for your immediate compliance with this de-watering requirement.

Sincerely,

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

cf: Dave Hollingshead, Bob Fleenor, Norm Young

RECEIVED

OCT 28 1993

CONVERSATION MEMORANDUM

DATE 5/6/1993

FILE 65-13410

NAME OF PARTY Burrel Ligg

EMPLOYEE D. Turnill

RE: Munday Dam

I called Mr. Ligg to discuss the Munday Dam. He

seemed satisfied with our assessment & action (see letter

in file to Bud Munday on this date).

Dro

OCT 28 1993

Note:

SEE DAM SAFETY FILE
FOR PHOTOS # 65-XX26

STATE OF IDAHO

Department of Water Resources

DAM INSPECTION REPORT

Dam name: Munday-Haney File No: D65-XX26
WR-65-13410 (Protested)
 Date: 4/20/93 Time: 10:30 AM Photos: ☒ Yes ☐ No
 Weather Conditions: clear-cool Temperature: 30's
 Ground Condition (wet, muddy, dry, snow covered, etc): saturated-some frost
 Condition of Dam (maintenance problems): Significant sloughed area on the downstream
slope of the embankment. Some sloughing of spillway channel sides reducing
freeboard.
 Reservoir Condition (ice covered, low, spilling, etc.): _____
 Reservoir Stage (gage ht.): ± 3 Ft. of freeboard.
 Percentage Full (by volume): _____
 Inflow to Reservoir: < 1 CFS
 Outflow From Reservoir: _____
 Seepage Conditions: _____

 Spillway Open: ☐ Yes ☐ Flashboards ☒ Other obstructions (if other than 'yes'
 explain) sloughed material
 Comments or Remarks: The stability of the embankment is very questionable as
the sloughed area is very saturated, see photos. The spillway channel
has sloughed in with fill in the crest area, question amount of
freeboard. The entire ground area is very saturated impass-
able for equipment at this point in time.

* Will follow up with telephone call to Mr MundayInspector: J. Weather, Western Reg.

OCT 28 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
)
PERMIT NO. 65-13410 IN THE NAME OF) ORDER TO SHOW CAUSE
)
BUDDIE L. MUNDAY &/OR ROBERT HANEY)
_____)

Whereas, a conference was held on Tuesday, February 9, 1993, in the matter of protested water right application no. 65-13410; and,

Whereas, protestant Alex W. Conger was properly notified of the conference but failed to appear;

Now, therefore, IT IS HEREBY ORDERED that the protestant, Alex Conger provide to the Department no later than March 25, 1993, the reason why he did not appear at the conference. Failure to provide a satisfactory reason will result in dismissal of his protest.

Dated this 5th day of March, 1993.

David R. Tuthill, Jr.
David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of March, 1993, I mailed true and correct copies by certified mail, postage prepaid, of this document to Alex Conger.

Sue Taylor
Sue Taylor
Secretary - Office Coordinator

RECEIVED

OCT 28 1993

65-13410

Notes by D. Tuttle

9 Feb 93

Buddie L. Munday / Robert Haney

Attendees: Bud Munday, D.C. Herrick & Gene Brumbaugh

Per D.C. Herrick & Gene Brumbaugh, the water appropriated under this app would not reach the downstream rts except during high runoff. Mr. Herrick calved cows in the swale outflow from this draw for 30 years. Normally by 20 June the swale is totally dry.

Per a conference discussion, we determined:

1. An on-site conference should be conducted at the dam on 1 Jun 93. Mr. Munday agreed to allow all parties to attend.
2. IDWR will not require modification of the existing structure until 1 Jul 93 at the earliest, depending on the results of the conference.

→ Set Conf for 1 Jun 93 after a determination is made whether Alex Conger is still a valid protestant. He was a no-show at the conf. The Fathersons provided an adequate reason as to why they did not attend.

Dor

RECEIVED

OCT 28 1993

2C

Valley Creek Ranch

Stan & Cleota Patterson

(208) 382-4991

H.C. #71, Box 2153

(4 Miles North of Smith's Ferry)

Cascade, Idaho 83611

January 28, 1993

1993
Department of Water Resources
Western Regional Office

David R. Tuthill, J. R.,
Manager, Western Regional Offices
Department of Water Resources
State of Idaho
2735 Airport Way
Boise, Idaho 83705-5082

RE: Application for Permit No. 65-13410
Buddie L. Munday and/or Robert Haney

Dear Mr. Tuthill:

We are in receipt of your Notice of Conference in the above captioned application. As we work in St. George, Utah during the winter months we will not be able to attend the February 9th meeting. We will be back in Cascade May 1st and would like to see the meeting postponed until sometime after May 15th.

We have discussed with you pretty thoroughly our feelings with regards to the application and want you to know we still feel the same.

There might be a Gene Brumbaugh to speak on behalf of Munday and Haney. We would like you to be informed Mr. Brumbaugh constructed the dam for Munday and Haney. Mr. Brumbaugh has had disagreements in the past regarding water in Round Valley and is a very strong minded individual. He owns a substantial amount of land on the east side of Round Valley and if a ruling were to be made in favor of Munday and Haney you will see more dams going up. Mr. Brumbaugh has already constructed some ponds on his property which he does not have water rights for.

We appreciate your efforts in this matter.

Sincerely,


Stan Patterson


Cleota Patterson

OCT 28 1993

Valley Creek Ranch

Stan & Cleota Patterson

XXXXXXXXXXXXXXXXXXXX

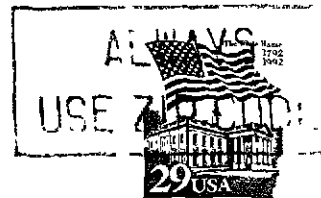
Cascade, Idaho 83611
XXXXXXXXXXXXXXXXXXXX

556 N. 160 W. Circle
St. George, Utah 84770

OCT 8 1993



David R. Tuthill, J. R.
Manager, Western Regional Offices
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

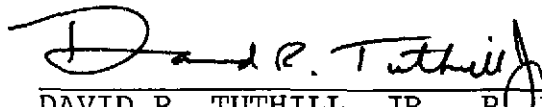
IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-13410 IN THE)
NAME OF BUDDIE L MUNDAY &/OR)
ROBERT HANEY)

NOTICE OF CONFERENCE

On September 9, 1992, Buddie L. Munday &/or Robert Haney filed with the Department of Water Resources an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Stan &/or Cleotta Patterson and Alex W. Conger.

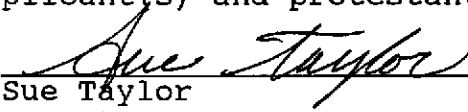
The Department has set the matter of protest for a conference to be held on February 9, 1993, at 11:00 a.m., in the Valley County Courthouse, 210 N. Main, Cascade, ID 83611. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 21st day of January, 1993.


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

6-11-93
8 1993

I hereby certify that on the 21st day of January, 1993, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Secretary

Certified Mail

BUDDIE L MUNDAY &/OR
ROBERT HANEY
PO BOX 556
CASCADE ID 83611

STAN &/OR CLEOTTA PATTERSON
HC 71 BOX 2153
CASCADE ID 83611

ALEX W CONGER
10145 ROUND VALLEY RD
CASCADE ID 83611


OCT 28 1993

CONFERENCE AND HEARING PROCEDURE

IN THE MATTER OF A PROTESTED APPLICATION FOR PERMIT

In accordance with IDAHO CODE, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

- 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 proposed project?
- 5) Will the proposed use conflict with the local public interest?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1,2,3,4,& 6 above, that is, the applicant has the burden of coming forward with evidence for evaluation of those criteria.

The initial burden of proof on issue 5, local public interest, lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant of. The applicant has the ultimate burden of persuasion with respect to this issue.

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

OCT 28 1993

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

HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and to request oral argument before the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not predjudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

If you require special accommodations for a disability in order to participate in or attend the conference (hearing) (public meeting) please advise the department within ten (10) days prior to the conference, hearing or public meeting.

EXHIBITS

If any party at a hearing intends to present an exhibit to augment the hearing record, such party shall in advance of the hearing, prepare sufficient copies of the exhibit for distribution to all parties at the hearing.

OCT 28 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 21, 1992

Stan and Cleotta Patterson
HC 71, Box 2153
Cascade, ID 83611

Alex W. Conger
10145 Round Valley Road
Cascade, ID 83611

RE: Conference for Protested Water Right No. 65-13410 in the Name
of Buddie L. Munday and Robert Haney

Dear Protestants:

The applicants in this matter would like to schedule the application for a conference soon, to enable a determination of what action is needed to release water from the existing storage pond. In my discussions with the Pattersons, it is my understanding that you will away from Idaho for much of the winter, but you may be returning to Idaho on occasion.

I would like to schedule the conference for sometime in January, but would like to do so at the convenience of all parties. Accordingly, I am requesting that the Pattersons and Mr. Conger please advise me of your available dates during January for a conference in Boise. Please provide this information by January 5, either telephonically or by mail.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office

cc: Buddie Munday and Robert Haney

RECEIVED
OCT 28 1993

CONVERSATION MEMORANDUM

DATE 65-13410
FILE 11/5/92

NAME OF PARTY Various

EMPLOYEE Dave Tuthill

RE: _____

Alex Conger -

During the last 3 or 4 years the water has been going down each year. He objects to additional upstream appropriations of water. Will be in ^{the} hospital until Mid-December

Stan Patterson -

Objects to depletion of upstream storage in the large reservoir. Does not object to small stockwater ponds.

Will be departing Round Valley on 11/12 and does not plan to return until May '93 (will be in St. George, Utah). Would accept release of storage in July.

Bud Monday - 382-4676

I advised him that we will not be conducting a conf until early Jan. In the meantime, I told him that he needs to install an outlet works which should be left open as ~~the~~ he does not have a permit to store water. Otherwise we will be required to order the structure to be breached.

- Consider telephonic contacts to be replies to protestants' ~~letter~~ **MEMORANDUM**
- Set for conference in Jan '93.

OCT 28 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 3, 1992

Buddie L. Munday
Robert Haney
P.O. Box 556
Cascade, ID 83611

RE: Application for Permit No. 65-13410

Gentlemen:

Enclosed are copies of protests filed against the issuance of a permit pursuant to the above-referenced application. As I indicated in my telephone call to your answering machine yesterday, we are attempting to expedite the setting of a conference in this matter. One of the protestants is scheduled to be departing the area soon. I will plan to set up the conference with you and the protestants in the near future.

In the meantime, I need to apprise you of some considerations relative to your application. Please be advised that although the ponds that you have created are too small to be subject to jurisdiction under the Dam Safety Rules and Regulations (per the letter in this matter from Mike Stubblefield to you dated October 19, 1992), these storage facilities are nevertheless subject to the laws of the State regarding water appropriation and delivery. Thus, until a valid water right is obtained for the structures, storage in the structures cannot be allowed.

Presently there are two impediments to the issuance of a water right based on the above-referenced application. The first is a moratorium signed by the Director of the Department of Water Resources which prohibits additional appropriation because of the drought (copy enclosed). Establishment of a new water right in the Payette River basin is thus prevented pending the revocation of the moratorium. However, there could be an opportunity to transfer an existing water right to the proposed site.

The second impediment is the existence of senior downstream water rights. As identified in the enclosed letters, there are significant concerns regarding the potential impacts of the structures on available water supplies within Round Valley Creek.

Accordingly, please consider alternatives for providing an outlet mechanism for each of the structures. We will plan to discuss these alternatives at the conference. It is possible that if no alternatives are deemed to be acceptable, the structures will be required to be breached.

OCT 28 1993

Page 2
Buddie L. Munday, Robert Haney

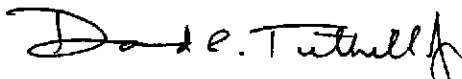
November 3, 1992

At the conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water 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 under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,



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

Enclosures: Copy of protests, Copy of Moratorium

OCT 28 1992

**NOTICE OF APPLICATION
FOR WATER RIGHTS**

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

65-13406

HOECK, RICHARD
HOECK, MARIA ELENA
PO BOX 354
DONNELLY, ID 83615

Source: GROUNDWATER
Diversion Pt: NWSW Sec 16
T 16N R 03E in VALLEY County.

Use: DOMESTIC (.040)
Total Diversion: (.040)

Date Filed: 9/8/92

In: VALLEY County
T16N R03E S16 NWSW

65-13410

HANEY, ROBERT
MUNDAY, BUDDIE L
PO BOX 556
CASCADE, ID 83611

Source: UNNAMED
STREAM
Tributary: ROUND VALLEY
CREEK

Diversion Pt: SWSW Sec 21 T
12N R 04E in VALLEY County
SESW Sec 21 T
12N R 04E in VALLEY County.

Use: STOCKWATER STORAGE
(20.00 AF)
RECREATION STORAGE
(20.00 AF)
Total Diversion:
(20.00 AF)

Date Filed: 9/9/1992

In: VALLEY County
T12N R04E S21 SWSW

**NOTICE OF APPLICATION
FOR WATER RIGHTS**

77-07325

US DEPT OF AGRICUL-
TURE
FOREST SERVICE
1750 FRONT ST
BOISE, ID 83702

Source: GROUNDWATER

Diversion Pt: NESWNW Sec
17 T 15N R 07E in VALLEY Coun-
ty.

Use: IRRIGATION
(.060 CFS)
DOMESTIC
(.110 CFS)
FIRE PROTECTION
(.110 CFS)
Total Diversion:
(.110 CFS)

Date Filed: 9/9/1992
In: ADA County
T15N R07E S17 SWNW
1.1 ACRES TOTAL

The permits will be subject to
all prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, Western Region,
2735 Airport Way, Boise, Idaho
83705 on or before OCTOBER 26,
1992.

R. KEITH HIGGINSON, Di-
rector
Publish 10/7 & 10/14 - #229

In: VALLEY County
T12N R04E S21 SWSW
SESW

OCT 30 1992

Department of Water Resources
Western Regional Office

Affidavit of Publication

STATE OF IDAHO
COUNTY OF VALLEY

I, Mike Stewart, being duly sworn deposes and says, I am the
Publisher of The Advocate, a weekly newspaper published at
Cascade, in Valley County, Idaho; and having a general circulation
therein and of legal status in said county.

The ~~notice of application/water right~~ a copy of
which is attached hereto; was published in said newspaper once
a week for 2 consecutive weeks in the regular and
entire issue of every number thereof during the period and time
of publication, and was published in the newspaper proper and
not in a supplement; and that publication of such notice began:

10/7, 1992,
and ended 10/14, 1992.

Mike Stewart

Michael Stewart

Signed this the 23rd day of Oct, 1992

STATE OF IDAHO
COUNTY OF VALLEY

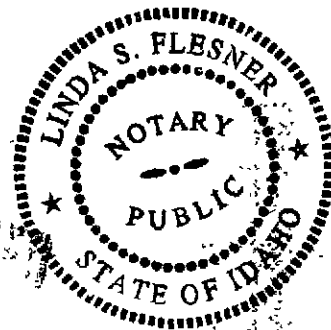
On this 23rd day of Oct, 1992,

before me the undersigned Notary Public in and for said State, personally
appeared Mike Stewart known to me to be the person(s) whose name(s) are
subscribed to the within instrument and acknowledged to me that they
executed the same.

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

Linda S. Flesner

Notary Public for Idaho
Residing at Cascade, Idaho



SPECIAL NOTE: _____

PROTEST INFORMATION SHEET

Protestant - Name(s)

Stan &/or Cleotta Patterson

Alex W. Conger

Address HC 71 Box 2153, Cascade, ID 83611

10145 Round Valley Rd, Cascade, ID 83611

Attorney - Name & Address _____

Date Filed 9-9-92 **Protest Date** 10-26-92

Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement letters: _____

Hearing Notice: _____

Hearing Date: _____

Other: _____

2C.

Valley Creek Ranch

Stan & Cleota Patterson

(208) 382-4991

H.C. #71, Box 2153

(4 Miles North of Smith's Ferry)

Cascade, Idaho 83611

October 7, 1992

RECEIVED
OCT 20 1992

R. Keith Higginson, Director
Department of Water Resources, Western Region
2735 Airport Way
Boise, Idaho 83705

Department of Water Resources
Western Regional Office

Dear Mr. Higginson:

Re: Letter to Linda Werner, 8/7/92
Application #65-13410

As per your inspection of 8/14/92, Mr. Haney and Munday had already constructed a dam of more than 25' high, with two additional small dams, and as of this letter are preparing to store water for which they have no rights.

I vigorously ask that the Department of Water Resources have the dam removed immediately pending the outcome of the above referenced application #65-13410. We are in possession of water rights from Round Valley Creek dating back to the 1890's and it has been our experience through the years that we almost never have been able to exercise all of our water rights because of the lack of water. We have requested of Mr. David Tuthill on numerous occasions that Round Valley should be considered to be placed in a moratorium due to the lack of water for people who already hold valid rights. We have had to exert a great deal of time and energy opposing the numerous requests for water in order to protect our rights. This is just another example of why this should be done. The amount of water requested in the application borders on being ludicrous considering the amount of water which flows into the valley. From July 10th no water was running into Round Valley Creek. The water that runs under the bridge on Round Valley Road is water that surfaces in the stream on the west of my storage dam between the dam and the bridge.

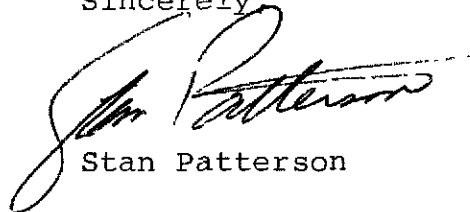
Mr. Haney and Munday purchased the property from my wife's brother, now deceased, knowing full and well they had neither stock or irrigation water rights on the place. They flagrantly violated dam safety requirements, the Bureau of Reclamation requirements, and the Water Resources requirements in installing these dams that collect water belonging in Round Valley Creek, and for which we already have irrigation and stock water rights.

OCT 28 1993

During the past five years our grass and grain crops have suffered immensely from the lack of water. This particular year our cattle had to be taken off the grass two and one-half months early due to the lack of water. People who move here for recreational purposes or have other jobs and doing this for a hobby are threatening our very livelihood. Since Valbois this valley has been booming with land sales. They are purchasing the land with the idea that they can obtain water rights with no problem. As I said to Mr. Tuthill three years ago as the valley continues to grow we are just beginning to see the tip of the iceberg of people moving here and all wanting water. Most of these people have financial resources to hire lawyers which makes it very difficult for us who are making a living from agriculture. Furthermore, when these gentlemen found out that we had protested the construction of their dams, one of them came down to our house and tried to intimidate us into withdrawing our protest saying we had no rights to the water on their property and to withdraw our protest or suffer the consequences of their attorney.

We will appreciate your consideration in this matter.

Sincerely



Stan Patterson

OCT 28 1993

2C

Valley Creek Ranch

Stan & Cleota Patterson

(208) 382-4991

H.C. #71, Box 2153

(4 Miles North of Smith's Ferry)

Cascade, Idaho 83611

August 7, 1992

Linda Werner
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

RECEIVED
AUG 11 1992
Department of Water Resources
Western Region

Dear Ms. Werner:

Reference is made to our telephone conversation of August 7, 1992.

As we discussed Bud L. Munday and Robert Haney purchased an 80 acre tract from my wife's brother, Roger Darnell, who is now deceased.

We have observed from the county road that two dams have been placed across a stream that is fed by springs and runoff water that flows into Round Valley Creek from which my wife and I have valid irrigation and stock water rights.

A check with Northwest Properties, the realty company that sold the property, reveals no water rights for any purpose was sold with the property. Also, as water is in short supply in this valley at all times we watch the legal notices in the local paper very carefully and we know of no applications for water.

The legal description for the property is as follows: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Twp 12 N., R. 4 E., B.M., Section 21.

There is an influx of new people in this valley who buy small acreages and they try to legally acquire water where it is in very short supply. It is a constant fight and expense for those of us who have water rights to keep up with it all. Now it appears we have a situation of just taking the water without regards to the legal rights of others.

Because of the height of the dam it appears they have also violated Bureau of Reclamation regulations. If your investigation bears this out this agency may need to be contacted.

We are upset and would ask for your prompt action.

OCT 28 1993

Sincerely,


Stan Patterson

SP:cp
cc: David Tuthill

CONSIDER AS PROTEST LETTER

RECEIVED

OCT - 9 1992

Department of Water Resources
Western Regional Office

Mr R Keith Higginson, Director
Western Region, Dept of Water Resources
2735 Airport Way
Boise, Idaho 83705

939-6620

Mr Higginson;

I must strongly protest the request for 20 A.F. of water from an unnamed stream, tributary of Round Valley Creek as request by # 65-134K Robert Haney and Buddie J Munday, P O Box 556 Cascade, Idaho.

I live at 10145 Round Valley Road and have water rights on Round Valley Creek.

All waters that dump into Round Valley Creek from unnamed creeks especially creeks that produce 20 A.F. of water must continue to flow in order to maintain a flow in Round Valley Creek.

OCT 28 1993

"over"

Let the stock bank ~~by~~ out of the
Creek and I don't understand
Recreation use.

Alex Conger
ALEX W. CONGER

M E M O R A N D U M

DATE: OCTOBER 28, 1992
TO: DAVE TUTHILL *DT*
FROM: NORM YOUNG *NY*
RE: APPLICATION 65-13410

I guess this is a good example of why the definition of dam should not have been changed to ~~exist~~^{exclude} small low risk dams. I view this use as being at least somewhat consumptive and do not believe it meets the requirements to be processed under the exemption in the moratorium. The application should be held, but in the meantime the applicant has a dam (or dams) without outlets that can't help but contain water. Because the structure(s) are deemed to be outside our jurisdiction for dam safety, we can only encourage an outlet works be installed under that authority.

Thus, our action must be under the water allocation authority. My reaction is to issue a cease and desist order to stop construction until a water right permit is obtained (violation of rule 3,1,1.) and require owner to either remove dams or build outlets to prevent storage of water.

OCT 28 1993



State of Idaho
DEPARTMENT
1301 North Orchard St
Phone: (208) 327-7900

TO: JOHN WESTRA

FOR YOUR FILES

SOURCES

e, Idaho 83720-9000

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 19, 1992

Bud Munday
P.O. Box 556
Cascade, ID 83611

Department of Water Resources
Western Regional Office

RE: Munday-Haney (Proposed) Dam

D65-13410

Dear Mr. Munday:

The Department has reviewed your application for construction of a small dam that is to be located in Section 21, Township 12 North, Range 4 East B.M., in Valley County. The dam, as proposed, is too small for our jurisdiction under the Dam Safety Rules and Regulations, and therefore, no approval is necessary. We do however recommend the dam be constructed according to the following guidelines and the information supplied in the application, copy enclosed.

- Your application does not indicate whether or not a cutoff trench has, or will be constructed under the dam. The trench should be excavated to an impervious layer (clay or rock), or to a minimum depth determined during excavation.
- The material to be used for backfill of the cutoff trench and for construction of the core of the dam shall be clayey material placed in lifts not exceeding 6 inches, before compaction.
- The fill should be compacted by means of a loaded sheepsfoot or pneumatic roller to the required density. An acceptable range of moisture content should be established and maintained throughout construction.
- The core material should be free of organic material, frozen or cloddy material and rocks greater than 4 inches in maximum diameter.
- The application indicates that no outlet pipe will be installed through the embankment to release storage. Since no outlet is planned, you should have a pump or siphon pipe available to draw the reservoir down if an emergency situation should occur.
- The application indicates the dam crest width is 9 feet. A dam that is 23 feet in height is required to have a crest at least 14.6 feet wide as indicated in Rule 8,1,2, page 15 of the Safety of Dams Rules and Regulations, copy enclosed.

As proposed, your dam is classified an intermediate, low risk dam. Rule 8,1,11 indicates that a dam so classified must be capable of passing an inflow design flood (IDF) that has a 1 in 100 chance of occurring in any given year (Q100). Since the drainage area above the dam appears to be approximately 50 acres, the

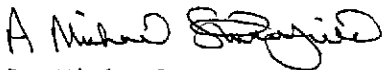
OCT 28 1993

Bud Munday
RE: D65-13410
Page 2

IDF is estimated to be 17 CFS. To pass the IDF, the spillway needs to have a basewidth of 12 feet, a depth of at least 2.5 feet and sideslopes of 3:1. The 2.5 feet spillway depth is required to pass the IDF with required freeboard (2.0 feet).

Should you have any questions, please contact John Westra, phone 334-2190 in our Western Region Office, and let Mr. Westra know when construction is completed so that a final inspection can be conducted.

Sincerely,



A. Michael Stubblefield, P.E.
Dam Safety Section

cc: IDWR - Western Region

OCT 28 1993

October 14, 1992

Cascade, Idaho

R. Keith Higginson, Director
Dept. of Water Resources, Western Region
Boise, Idaho

RECEIVED
OCT 15 1992

Department of Water Resources
Western Regional Office

Dear Sir;

I am writing in regard to the Haney-Munday application No. 65-13410. I own and rent practically all of the east side of Round Valley, 1,434 acres, so I know how the snow fall melts in this area. The only water shed Round Valley has on the east side is what melts early in March and April, and crosses the fields. The east side will be greening up and the west side will still have snow.

Stan Patterson told me he owns the water in this application and he is going to see that the pond is removed. The Pattersons have never used a drop of water from this location and never will unless they carry their sprinklers around on snow.

Mr. Haney and Mr. Munday had absolutly no water in this 80 acres for their livestock and were watering them with several hundred feet of garden hose from their house.

This pond is an asset to the community, and more water should be stored in the Round Valley area. I know this is a good soil conservation practice because of logging that was done this past summer. Where this pond is constructed is in a dry gulch with a very small amount of drainage.

If you have any questions, please feel free to contact me.

Gene Brumbaugh

Gene Brumbaugh

290 Gray Lane

Cascade, Idaho 83611

Phone 382-3330

OCT 28 1993

October 14, 1992

Cascade, Idaho

A. Keith Higginson, Director

Dept. of Water Resources, Western Region

Boise, Idaho

Dear Sir;

We, the undersigned, support the Haney-Munday water storage application

No. 65-13410.

1st Gen'l Council 186 Summit Dr. Harco Valley
Gene Brumbaugh 290 Gray Lane Cascade
Roberta Brumbaugh 290 Gray Lane Cascade
Florence Herrick 10568 Hwy 55 Cascade, Ida
Dorsey Herrick 10568 Hwy 55 Cascade, Ida

OCT 28 1992



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

September 22, 1992

RECEIVED

SEP 23 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Bud L. Munday and Robert Haney
9601 Scorpio Way
Boise, ID 83709

Department of Water Resources
Western Regional Office

RE: Munday-Haney Dam

D65-XX26

Dear Sirs:

Mid August, the Department discovered an unauthorized dam in the SE1/4, SW1/4, Section 21, T12N, R4E, Valley County, which according to the County records is on your property (northeast of the intersection of Herrick Lane and Skunk Creek Road). A subsequent examination (August 28th) revealed the embankment has a hydraulic height of 23ft, and an approximate storage capacity of 10 ac-ft. No outlet (pipe) was apparent, although it appears a spillway was excavated with a considerable amount of loose soil material left in the channel. The crest appeared to be compacted by equipment (driving over it) although it is not wide enough for a dam this height. And it appears the crest will settle and thereby reduce the freeboard, which is inadequate.

In accordance with Title 42, Chapter 17 of the Idaho Code, this Department regulates dams that have a height of 10ft, or store 50 ac-ft or more, of water. However, as indicated in Section 42-1711, Idaho Code, certain small, low risk dams.... barriers constructed in low risk areas as determined by the Director, which impound 10 ac-ft or less at maximum water storage elevation, regardless of height... are not included as regulated dams.

If you intend to store more than 10 ac-ft of water, the Department will require that you reconstruct the embankment to meet our Safety of Dams requirements (a copy of our Rules is enclosed). If not, you should file application to show that storage is less than 10 ac-ft (this volume must correlate with your water right filing). As indicated in the Department's previous (August 31, 1992) letter you are not authorized to store any water, until a water right application has been filed and a permit issued.

If you have questions regarding the filings required, contact John Westra (phone 334-2190) in the Department's Western Regional Office.

Very truly yours,

David H. Hollingshead

DAVID H. HOLLINGSHEAD
Safety of Dams Section, Mgr

Enclosure

cc: IDWR - Western Region

Appl. 65-13410 filed for 20 ac-ft,

*most of this is in reference to
the 23' dam.*

-JC 9/25/92

MEMORANDUM

TO: NANCY HANDZEL

FROM: STEVE LESTER

DATE: SEPT. 15, 1992

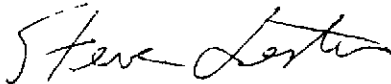
SUBJ: REFUND

An application for permit in the name of Buddie L. Munday &/or Robert Haney was receipted on 9/9/92 for \$45, #W015368. The applicants reduced the amount of water to the \$30 fee category by calling me today. Please send a \$15 refund to:

Buddie L. Munday &/or Robert Haney
PO Box 556
Cascade. ID. 83611

(telephone 382-4676)

Thanks,



Steve Lester
Water Rights Supervisor

CC: Application for Permit File

CONVERSATION MEMORANDUM

DATE 9/15/92

FILE Application

NAME OF PARTY Bud Munday 382-4676

EMPLOYEE Steve Luster

RE: _____

① # & type of stock

Horses 6

Range cattle 12-14

total ≈ 20

② uses

Stock storage

Recreation storage

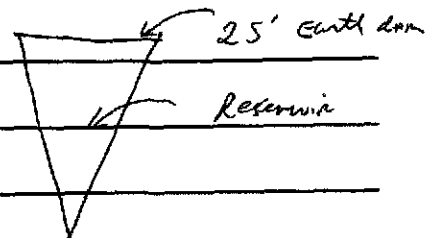
③ amount

Assume $\approx 125'$ wide

400' Long

20' deep

Triangular Reservoir



$$\text{VOLUME} = (.5)(125)(400)(20)$$

$$\frac{43,750}{43,750} = 11.5 \text{ af}$$

OCT 28 1993

Other 2 small pit-type res. add minor amt. amount

NOT sure how big minor res. will be when done.

Wants to show ≈ 20 at total storage, \$30 fee, need \$15 refund.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 31, 1992

Bud L. Munday and/or Robert Haney
9601 Scorpio Way
Boise, ID. 83709

RE: Complaint of Illegal Diversion of Water and Construction of Dams

Dear Sirs:

This office received a complaint that you built at least one dam in the SESW, Section 21, T12N, R4E. According to the Valley County Assessor's information, you own the property described as the SESW and SWSE of Section 21.

I visited the site on 8/14/92. I found two small constructed ponds (more or less pits) that appear to be for stock use. Also, a recently constructed earth dam was observed just northeast of the intersection of Herrick Lane and Skunk Creek Road. The dam is approximately 25 feet tall. Water was not found in any of the reservoirs during my visit. The attached map outlines my findings.

Two issues are involved with the work on your property. These include water rights to use water and a permit to construct a dam.

Water Rights

In order to store any surface water for any purpose in any of the reservoirs, valid water rights must first be obtained. According to water right and adjudication records on file at this agency, no water rights or adjudication claims can be identified for your property. A new application(s) for permit for a water right(s) is required if you want to store and/or use any water.

Due to limited water supplies in these drought conditions, applications for new consumptive uses of water cannot be approved until conditions improve. For example, an irrigation right for surface water cannot be approved at this time. However, a stock water, recreation, or other non-consumptive use application is approvable.

Enclosed are applications for permit to establish new water rights. I encourage you to file for any uses of water that are anticipated. Although some uses cannot be approved, a date of priority can be established by filing an application.

OCT 28 1993

*This letter returned with
application for permit.
Also attached is info from 8/14/92
site visit - JL*

B. Munday and/or Robert Haney
August 31, 1992
Page 2

Permit to Construct a Dam

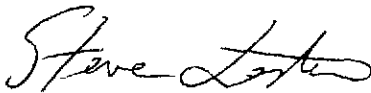
A Dam Safety Permit is required for site no. 1 (see map). This item has been referred to the department's Dam Safety Section, and you will be contacted by appropriate staff regarding the dam.

Dam Safety Permits are not required for sites 2 and 3 because of the small size of the "dams".

If water is stored in any of the three reservoirs without protection of a valid water right, further action under Sections 42-351 and 42-352, Idaho Code, can result.

Please contact me if you have any questions or need assistance.

Sincerely,



Steve Lester
Water Rights Supervisor

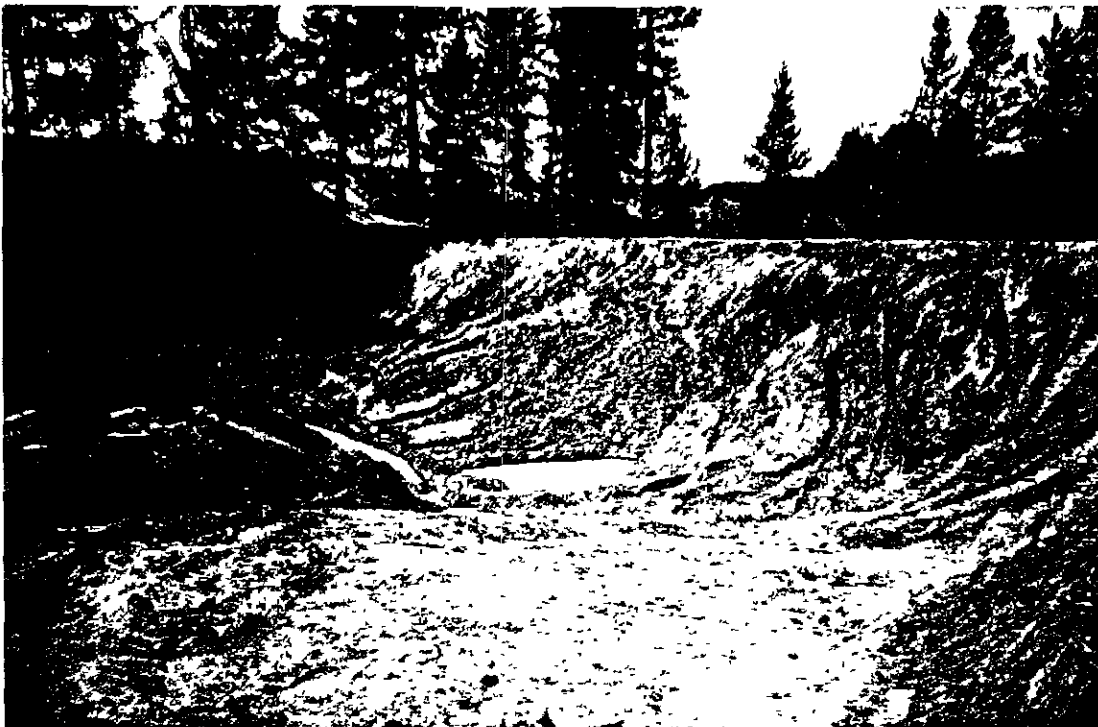
Enclosure: Map
CC: Dam Safety Section, IDWR
Illegal Diversion File

OCT 8 1992

Page 1 of 2
Photos taken
8/14/92



① Looking N at north dam to S¹/₂SESW
Dip angle line to left of picture. (cont #1) per logs



② Looking SW at back side of north dam.

pg 2 of 2
8/14/92

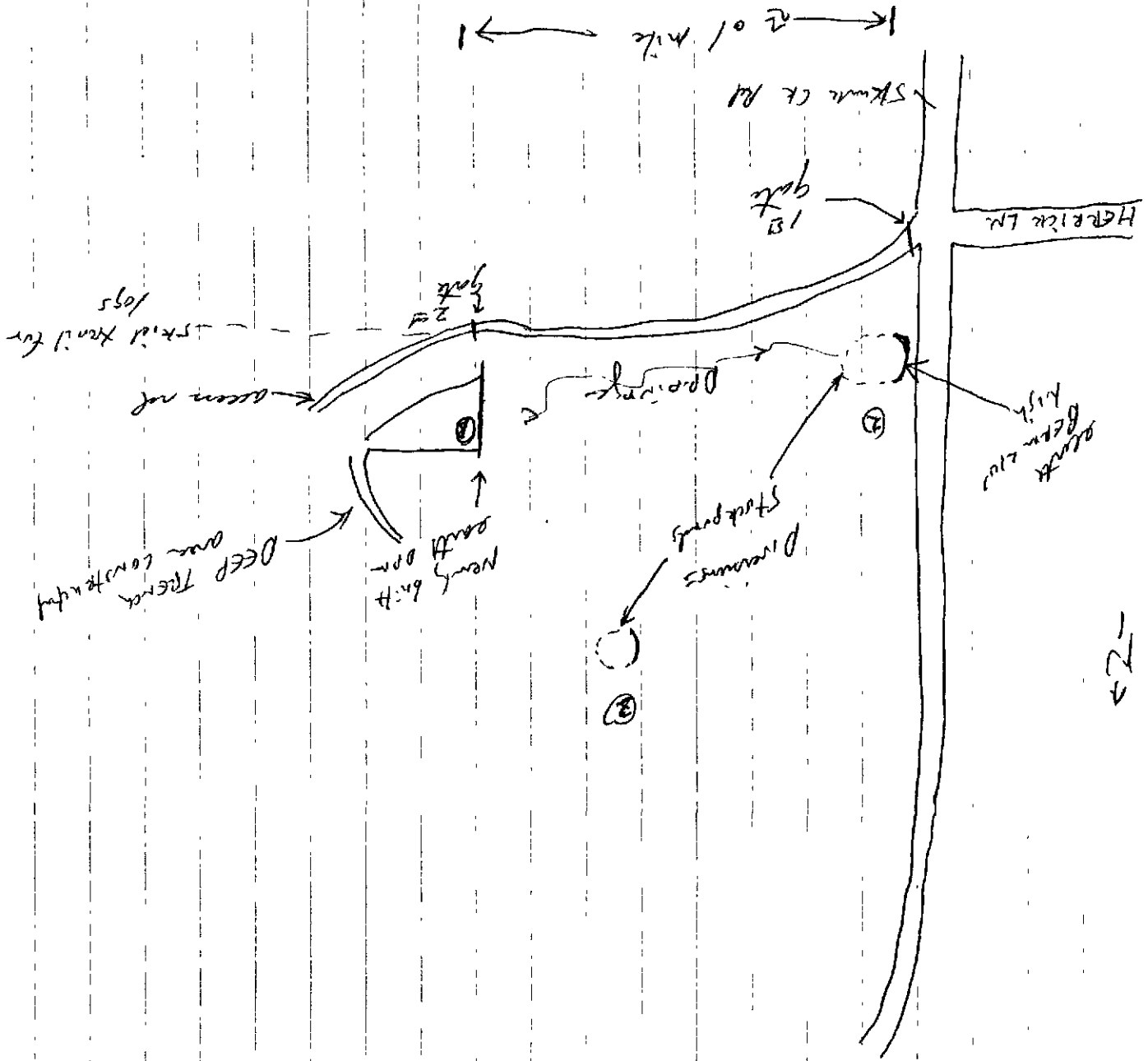


③ Looking N at small pond (site # 2 per topo).
Stream & rd shown on left.



Looking S. at sites 2 & 3, small stock (?)
ponds. Site 1 - small 25' dam - is in trees on
upper left

24



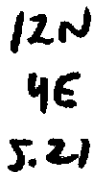
No water impurities
today

0
 4
 4
 26 x 5 x
 130' long
 8-10' wide
 OCT 28 1993
 125' long
 8-10' wide on top
 210' east to the
 Dam
 ①
 #3 is on form
 Average as #2

NO WR/DJ
Found 8/26/92
57' 30'

582

57' 30"



Herrick
Lane

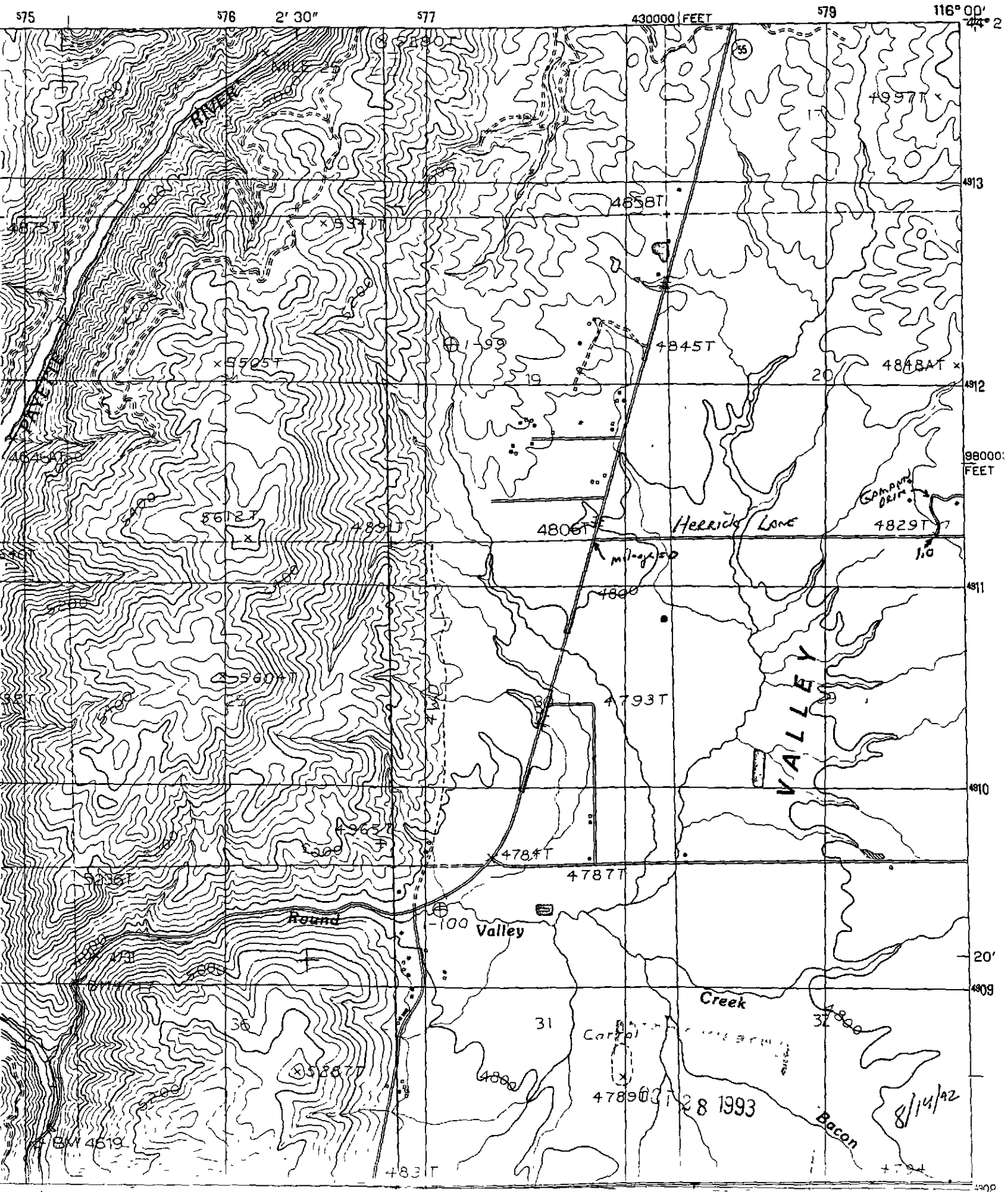
- ② 2 Small
stockpiles
on ann.
drainage

- ③ 0.3m - nearly
Built on
drainage -
.1 mile from
locked gate by
County road

Site ①
SWSW/SESW
Site ② & ③
SESW

8/14/92

IDAHO-VALLEY CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)



65-13410

HANEY, ROBERT
MUNDAY, BUDDIE L
PO BOX 556
CASCADE, ID 83611

Source: UNNAMED STREAM

Tributary: ROUND VALLEY CREEK

Diversion Pt:	SWSW	Sec 21 T 12N R 04E in VALLEY County.
	SESW	Sec 21 T 12N R 04E in VALLEY County.

Use: STOCKWATER STORAGE	(20.00 AF)
RECREATION STORAGE	(20.00 AF)
Total Diversion:	(20.00 AF)

Date Filed: 9/ 9/1992

In: VALLEY County		
T12N R04E S21	SWSW	SESW

RECEIVED
FEB 11 1993

COT 18 1993