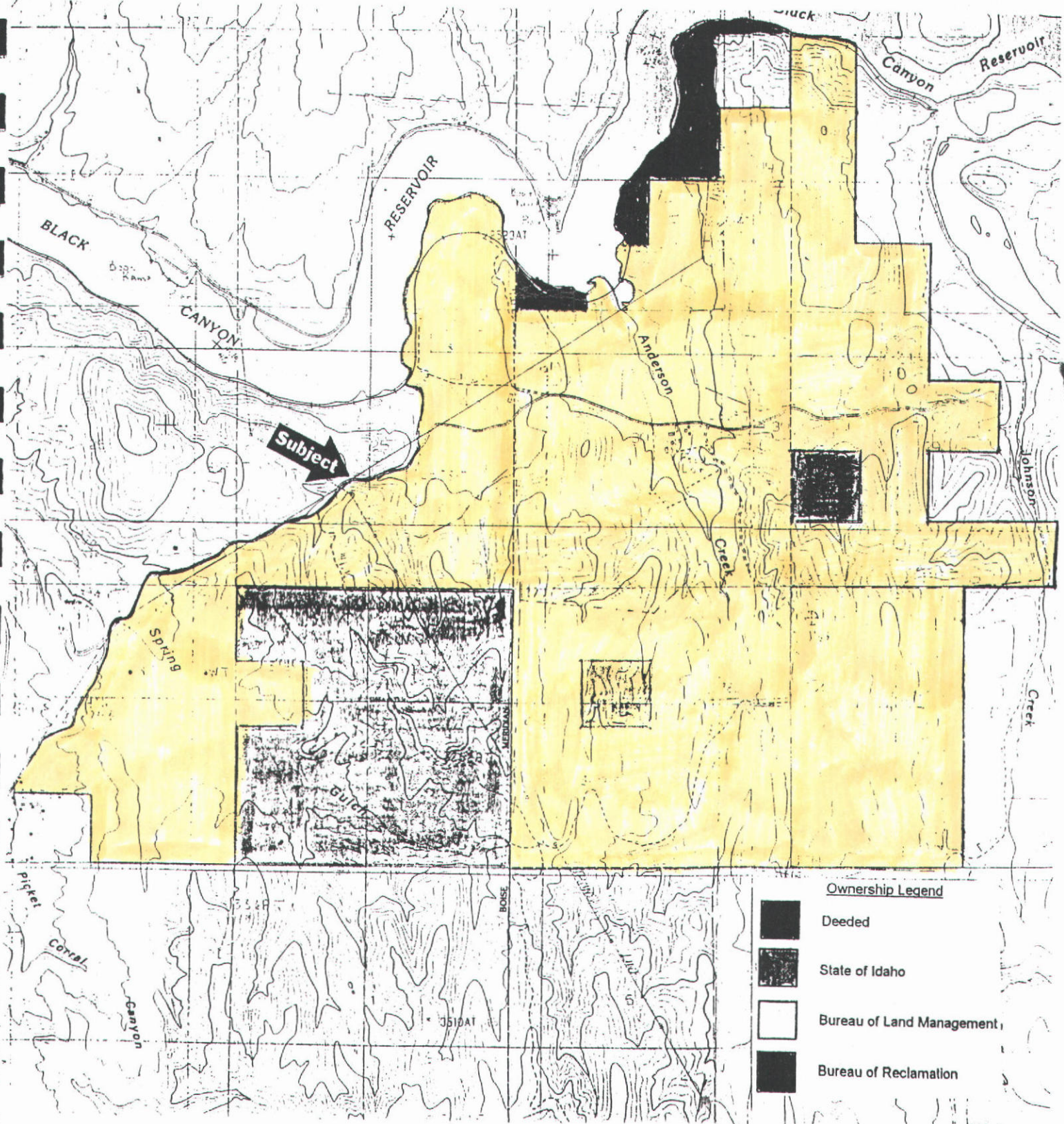
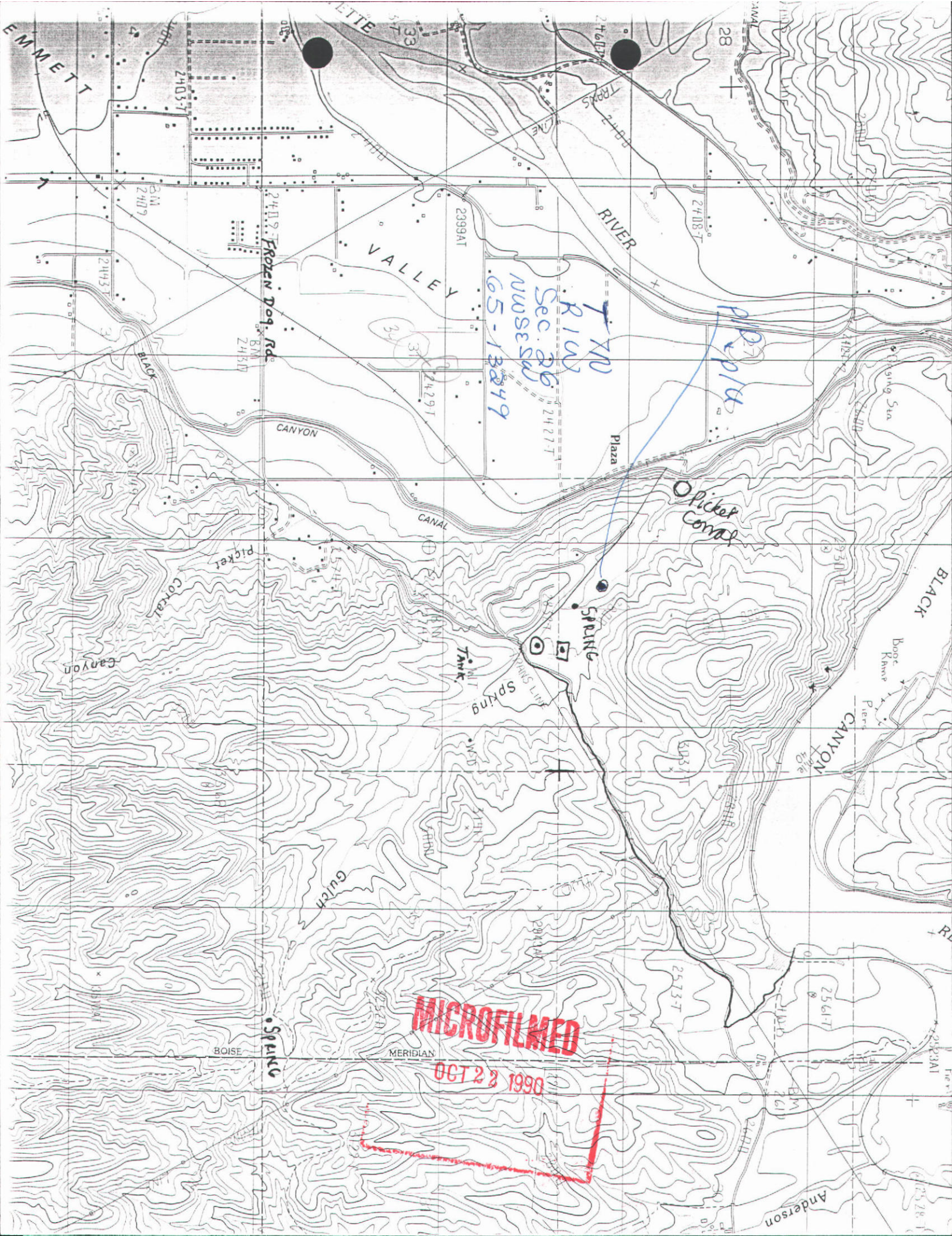




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AUG 09 1999



EMMETT

VALLEY

RIVER

VALLEY

TWO
RIVER
Sec. 26
NW 1/4
65-13249

PL 14

24007 Frozen Dog Rd

CANYON

CANAL

Picket Canyon

Canyon

Tank

Spring

Spine

Picket Canal

Black

CANYON

Gulch

MICROFILMED

OCT 22 1990

BOISE

MERIDIAN

Spine

Anderson

RECEIVED

JUL 17 1990

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

COUNTY OF GEM,

Department of Water Resources
Western Regional Office

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

consecutive weekly issues thereof,
beginning with the issue of

July 3, 1990

and ending with the issue of

July 11, 1990

Joy Fridley

Subscribed and sworn to before me
this 12th day of

July, 1990

Mary Ann Hanson
Notary Public,

Residing at Emmett, Idaho.

My Commission Expires 3-21-95

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropri-
ate the public waters of the State of Idaho:

65-13249

MAC GREGOR, CAROL LYNN

1109 WARM SPRINGS AVE.

BOISE, ID 83712

Source: SPRING

Tributary: SPRING GULCH

Diversion Pt: NWSESW Sec 26 T 07N R 01W

Use: STOCKWATER

Total Diversion:

(.120 CFS)

(.120 CFS)

Date Filed: 6/15/1990

In: T07N R01W S26

SESW

65-13253

HELMICK, SHIRLEY M.

HELMICK, ROBERT L.

3222 BUTTE RD.

EMMETT, ID 83617

Source: SPRINGS

Tributary: HAW CREEK

Diversion Pt: NWSESW Sec 9 T 07N R 01W

Use: STOCKWATER

Total Diversion:

(.040 CFS)

(.040 CFS)

Date Filed: 2/8/1990

In: T07N R01W S09

SESW

The permits(s) will be subject to all prior water rights. Pro-
tests must be filed with the Director, Dept. of Water
Resources, Western Region, 2735 Airport Way, Boise, Idaho
83705 on or before JULY 23, 1990.

R. KEITH HIGGINSON, Director

Pub.: 7-3, 11-90

Legal Notice No. 830

Pub. in the Messenger Index

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OCT 22 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

1. Owner: Carol Lynn Mac Gregor Permit No. 65-13249
Current Address: 1109 Warm Springs Ave. Boise, Idaho 83712 Phone No. 386-9000
2. Accompanied by: Carol Mac Gregor & employee EXAM. DATE: 4-12-91
Address: Same Phone No. Same
Relationship to Permit Holder: Same
3. Source: _____ tributary to _____

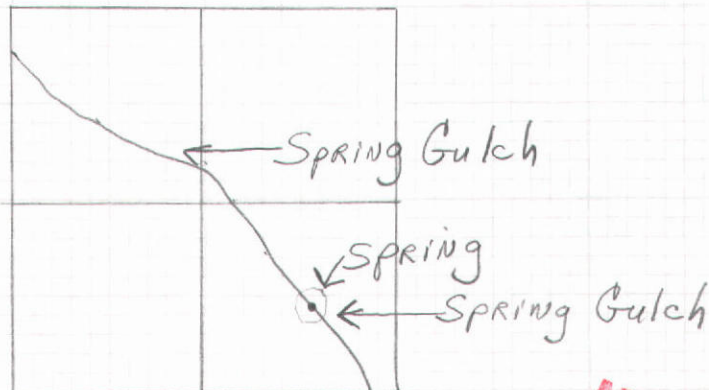
B. OVERLAP REVIEW

1. Other water rights with same place of use: 65-7839 ☒ Copies Attached
2. Other water rights with same point of diversion: 65-7839 ☒ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

T7N, R1W, Sec 26, SW $\frac{1}{4}$



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DEC 27 1991

Scale: 1" = 1200'

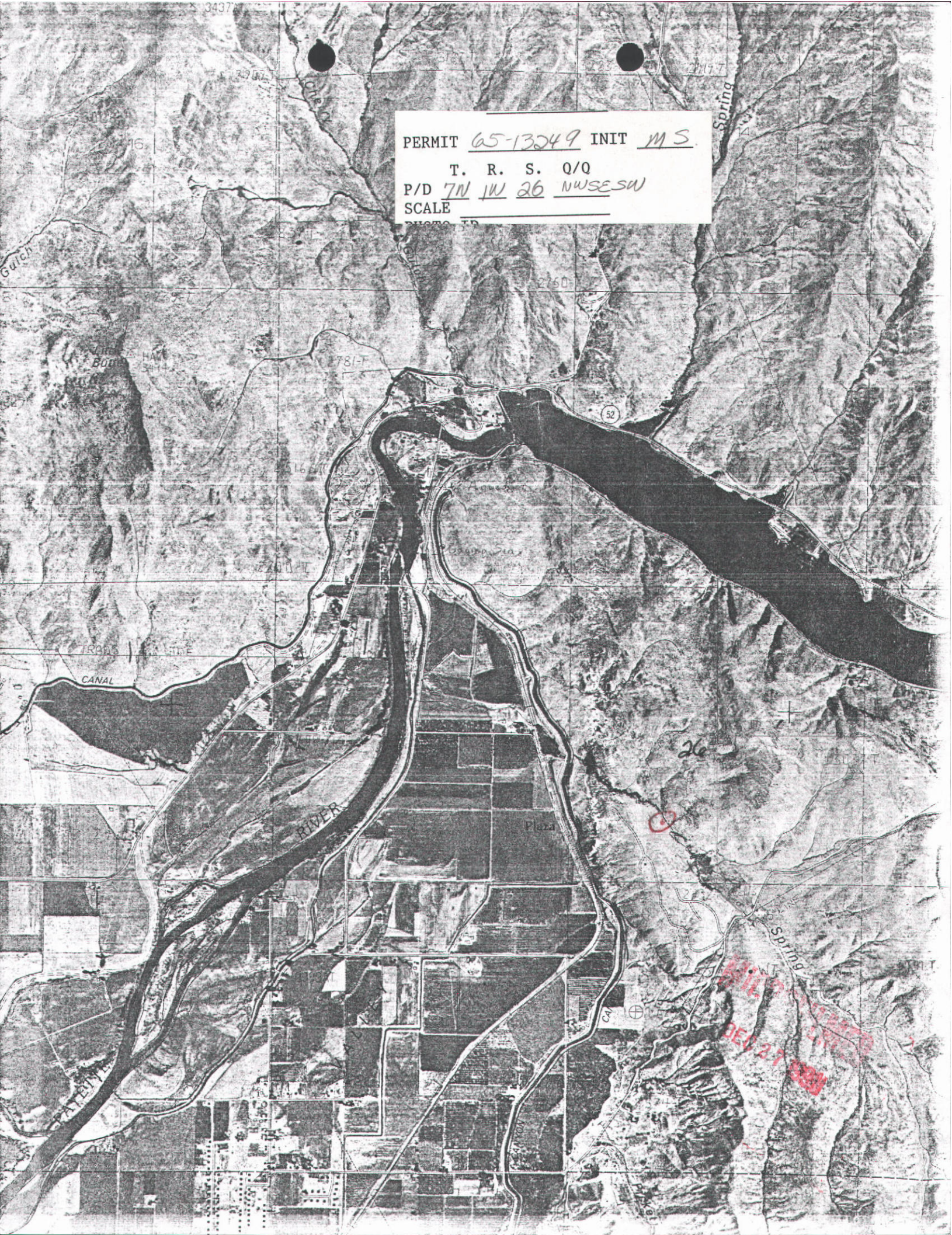
2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

PERMIT 65-13249 INIT MS

T. R. S. Q/Q

P/D 7N 1W 26 NWSESW

SCALE



65-13249



#5.
A few of the
cattle that use
the water.



#6.
Cattle and
horses.

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DEC 27 1991

65-13249

#1

Point of diversion for
main spring



#2

Area of seepage
and a place
of use along
Spring Gulch

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65-13249



#3

An area of
spring seepage



#4

An area of
seepage and
a place of use.

DEC 27 1991

65-13249



#7.

Place where unnamed
stream flows into the
Black Canyon Canal

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DEC 27 1991

RECEIVED

SEP 15 1998

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): See attached IDWR Source Summary Report. 65-13249
Adjudication Claim No(s): See attached IDWR Adjudication Source Summary Report.
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Carol Lynn MacGregor and J.G. Schwartz
1109 Warm Springs Avenue, Boise, ID 83712
4. New Owner/Claimant(s) Ronald L. Kuenzli, Ida Marie Kuenzli
Name Connector (Check one): ☐ and. ☐ or, ☒ and/or
New Mailing Address P. O. Box 284
City, State and ZIP Code Star, ID 83669
New Telephone Number (208) 286-7481
5. Date you acquired the property December 31, 1997
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Marie Kuenzli
Ronald Kuenzli
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

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AUG 14 1999

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

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

IDWR Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

WARRANTY DEED

For value received, JOSEPH GORDON SCHWARZ (aka J. G. BETTIS) a married man dealing with his sole and separate property, the Grantor, does hereby grant, bargain, sell and convey unto RONALD L. KUENZLI and IDA MARIE KUENZLI, husband and wife, whose address is Box 284, Star, Idaho, 83669, the Grantees, an undivided 7.82% interest in and to the following described premises located in Gem County, State of Idaho, consisting of 350 acres of irrigated crop land; 2,783 acres of native dry range land; and, 89 acres of dry farm land, more particularly described as follows, to-wit:

See Exhibit A attached hereto and made a part hereof as if fully set forth herein.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title, and interest in and to the said real property, as well as all buildings, structures, and improvements; all mineral rights other than those retained by the United States of America and/or the State of Idaho; all growing crops of any kind or nature; all water, water rights, water storage rights, ditches, easements and rights-of-way for ditches appurtenant thereto and used in connection therewith; all grazing permits, grazing leases, and grazing rights

WARRANTY DEED - 1.

RECORDED
AUG 09 1999

EXHIBIT A

PARCEL I:

Lot 4, excepting a piece of land for reservoir right of way purposes above Black Canyon Diversion Dam, Boise Project, Idaho, described as follows:

Beginning at a point on the South line of Section 19, Township 7 North, Range 1 East of the Boise Meridian, Gem County Idaho, which point is 606.3 feet North 89°55' West of the South quarter corner of said Section 19; thence
North 20°12' West 389.9 feet; thence
North 46°32' East 42.5 feet; thence
North 44°09' West 50.0 feet, to a point on the centerline of the Idaho Northern Branch of the Oregon Short Line Railroad, which point is on 5°05' curve of said railroad, and is approached from the convex side, and normal to said curve; thence
North 44°09' West 52.9 feet; thence
North 17°51' West 83.1 feet; thence
North 40°50' West 142.9 feet; thence
North 75°29' West 96.0 feet; thence
South 70°23' West 80.4 feet; thence
South 47°58' West 73.1 feet; thence
South 50°10' East 130.6 feet; thence
South 14°26' East 184.0 feet; thence
South 65°09' West 42.2 feet; thence
North 66°30' West 151.7 feet; thence
South 89°38' West 159.6 feet to a point on the West Lot line of said Lot 4; thence along the West lot line of said Lot 4
North 00°02' East 868.4 feet; thence along a meander line
North 62°30' East 105.3 feet to a point on the North Lot line of said Lot 4; thence along the North Lot line of said Lot 4,
North 89°00' East 649.6 feet; thence
South 26°50' West 136.1 feet; thence
South 2°06' West 161.0 feet; thence
South 65°24' East 166.0 feet; thence
South 14°57' West 97.5 feet; thence
South 21°32' West 86.6 feet; thence
South 28°58' West 67.0 feet; thence
South 61°41' East 51.1 feet to a point on above mentioned 5°05' curve and center line of the said Idaho Northern Railroad, approached from the concave side of said 5°05' curve and normal to said curve which point is 345.2 feet from above mentioned intersection, measured on 50 foot chords along said 5°05' curve; thence

South 61°01' East 50.0 feet; thence
South 42°46' East 233.7 feet; thence
South 8°09' East 336.8 feet; thence
South 25°49' East 192.9 feet to a point on the South section line
of said Section 19, which point is 202.0 feet North 89°55' West
of the South quarter corner of said Section 19; thence along the
South section line of said Section 19
North 89°55' West 404.3 feet to the POINT OF BEGINNING.

And the Southwest quarter of the Southeast quarter all in Section
19; and

The Northwest quarter of the Northeast quarter and South half of
the Northeast quarter and East half of the Northwest quarter and
Lot 1, Lot 2, Lot 3 and Lot 4, and the East half of the Southwest
quarter and Southeast quarter all in Section 30; and

The Northeast quarter and the Northeast quarter of the Northwest
quarter, and Lot 1, Lot 2, Lot 3 and Lot 4 and the East half of the
Southwest quarter and the Southeast quarter, all in Section 31; and

The Northwest quarter and North half of the Southwest quarter of
Section 32; EXCEPT the East half of the Northeast quarter of the
Southwest quarter and the East half of the Southeast quarter of the
Northwest quarter and the East half of the Northeast quarter of the
Northwest quarter of Section 32;

The Southwest quarter of the Southwest quarter and the West half of
the Southeast quarter of the Southwest quarter of Section 32,
Township 7 North, Range 1 East, Boise Meridian, Gem County, Idaho.

All of the above and foregoing property being in Township 7 North,
Range 1 East of the Boise Meridian, Gem County, Idaho.

PARCEL 2:

That portion of the South half of the Southeast quarter of Section
26 lying South of the County Road;

All that portion of the Northwest quarter of the Northeast quarter
lying South and East of the County road in Section 35;

All that portion of the Southeast quarter of the Northwest quarter
lying East of the County Road in Section 35;

All that portion of the Northeast quarter of the Southwest quarter
lying South and East of the County Road in Section 35;

Exhibit A

Page 2 of 4

NOV 09 1999

The Southwest quarter of the Northeast quarter lying South and East of the County Road, subject to the State of Idaho, Easement #717 to Idaho Power Company for poleline right of way, in Section 35;

The East half of the Northeast quarter of Section 35;

The Southeast quarter of Section 35;

The Southwest quarter of the Northwest quarter of Section 36;
The South half of the Southwest quarter of Section 25, lying South of the County Road;

All being in Township 7 North, Range 1 West, Boise Meridian, Gem County, Idaho.

PARCEL 3:

The Southeast quarter of the Northeast quarter, the North half of the Southeast quarter, the Southeast quarter of the Southeast quarter of Section 19; and Lot 4, the Southwest quarter of the Northwest quarter, the West half of the Southwest quarter, the Southeast quarter of the Southwest quarter of Section 20; and the Northwest quarter, the Southwest quarter of the Northeast quarter, the Northeast quarter of the Southwest quarter, the South half of the Southwest quarter, the South half of the Southeast quarter of Section 29 and the Northeast quarter of the Northeast quarter of Section 30; all being in Township 7 North, Range 1 East of the Boise Meridian, Gem County, Idaho.

PARCEL 4:

The North half of the Southwest quarter, lying South and East of the County Road, the Southwest quarter of the Southeast quarter excepting the following described tract: Beginning at a point 1,493.4 feet West of the 1/16 corner in the East side of the Southeast Quarter of Section 25; thence South 47°30' West 338.45 feet; thence North 70°30' West 345.3 feet; thence North 3°14' East 112.30 feet; thence East to POINT OF BEGINNING. The Southeast quarter of the Southeast quarter of Section 25, all in Township 7 North, Range 1 West of the Boise Meridian, in Gem County, State of Idaho.

PARCEL 5:

Township 7 North, Range 1 West, Boise Meridian, Gem County, Idaho:
Section 25:

The South half of the Northeast quarter lying East of the drain ditch.

That portion of the Northwest quarter of the Southeast quarter lying East of the Drain Ditch and South of the County Road.

The Northeast quarter of the Southeast quarter.

and

Beginning at a point 1493.4 feet West of the 1/16 corner in the East side of the Southeast quarter of Section 25, Township 7 North, Range 1 West, Boise Meridian; run thence South 47°30' West, 338.45 feet; thence North 70°30' West, 345.3 feet; thence North 3°14' East, 112.30 feet; thence East to said POINT OF BEGINNING.

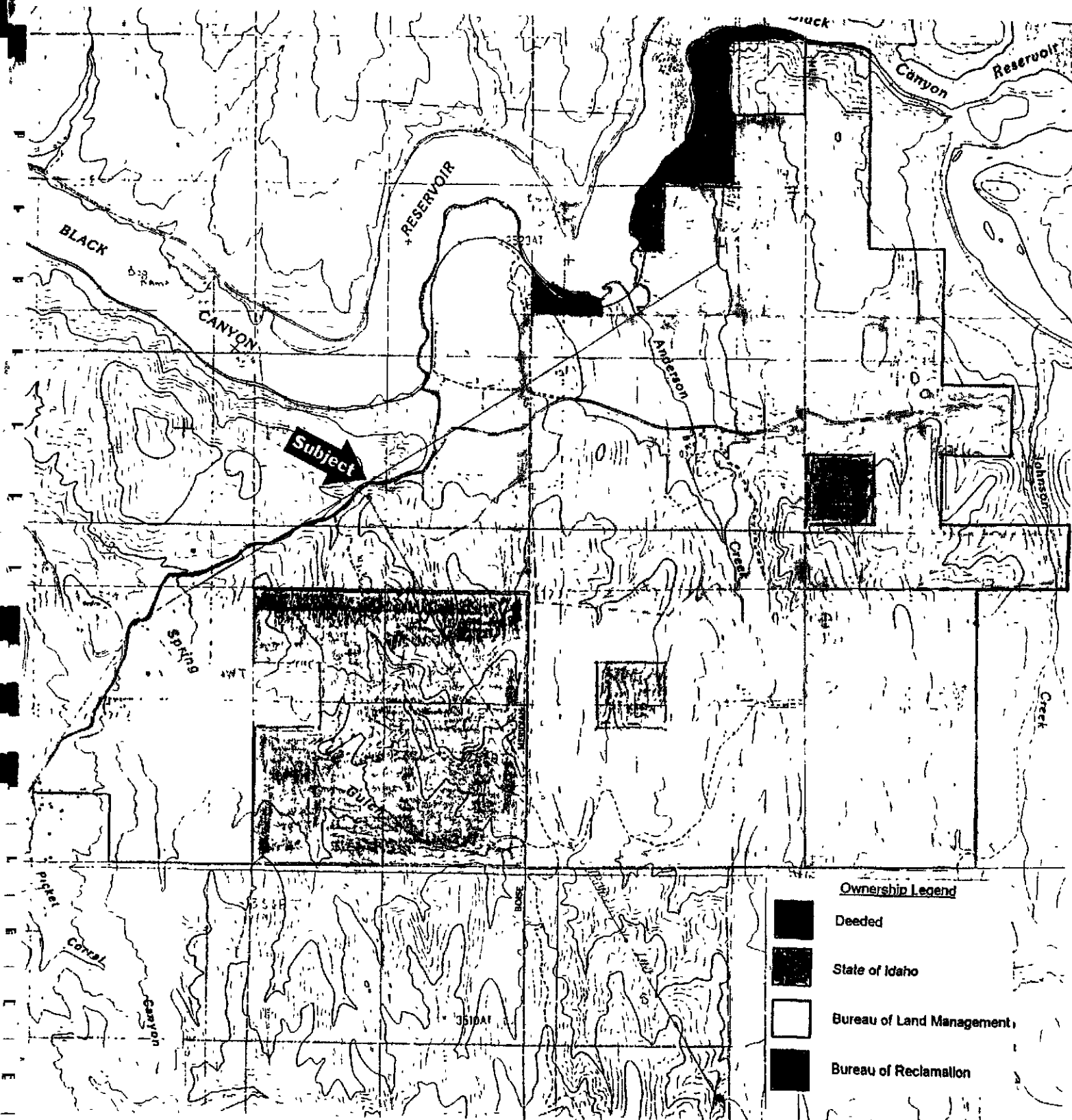
PARCEL 6:

Lots 4, 5, 6 and 7, in Section 24;
the Northeast quarter of the Northeast quarter, and Lot 1, in Section 25 all in Township 7 North, Range 1 West, Boise Meridian, Gem County, Idaho.

EXCEPT All the Southwest quarter Northwest quarter Northeast quarter Southwest quarter Northeast quarter of Section 35, Township 7 North, Range 1 West, Boise Meridian, Gem County, Idaho, commonly known as the Water Reservoir Storage Lot and encompassing approximately 0.625 acres.

AUG 09 1999

Exhibit A
Page 4 of 4



This document was prepared from sources deemed reliable. However, neither seller nor agent can guarantee it's accuracy

1973 0 1 1973

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-13249

Priority: June 15, 1990

Maximum Diversion Rate:

0.12 CFS

Maximum Diversion Volume:

6.7 AF

This is to certify, that CAROL LYNN MAC GREGOR

1109 WARM SPRINGS AVE

BOISE ID 83712

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 15, 1990; and has submitted Proof of Beneficial Use on April 11, 1991. An examination indicates that the works have a diversion capacity of .120 cfs of water from:

SPRING

tributary to SPRING GULCH

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.12 CFS	6.7 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSESW , Sec. 26, Township 07N, Range 01W
GEM County

PLACE OF USE: STOCKWATER

TWN RGE SEC

07N 01W 26

NESW

NWSW

SESW

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
6. This right includes instream watering of stock from Spring Gulch.
7. Stockwater use is for 300 horses and range cattle.

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OCT 27 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-13249

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 19TH
day of OCTOBER, 1992.

Acting for Norman C. Young
R. Keith Higginson, Director

OCT 27 1992

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13249

Proposed Priority: June 15, 1990 Maximum Diversion Rate: 0.12 CFS
This is to certify, that CAROL LYNN MAC GREGOR
1109 WARM SPRINGS AVE.
BOISE, ID 83712
has applied for a permit to appropriate water from:

SPRING tributary of SPRING GULCH

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

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

STOCKWATER	01/01 to 12/31	0.12 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NWSESW Sec. 26, Township 07N, Range 01W
GEM County

PLACE OF USE: STOCKWATER

TWN RGE SEC

07N 01W 26 SESW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1991.
2. Subject to all prior water rights.
3. Use of water under this permit is subject to control by the watermaster of State Water District No. 65.
4. Stockwater use is for 500 cattle and horses.

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

27th day of September, 1990.

R. Keith Higginson
for R. Keith Higginson, Director

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OCT 22 1990

Ident. No. 65-13249

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: CAROL LYNN MACGREGOR 208-386-9000
Address: 1109 WARM SPRINGS AVE.
BOISE, ID 83712
2. Source: SPRING Trib. to: SPRING GULCH
3. Location of Point of Diversion: NWSESW Sec. 26, Township 07N, Range 01W
GEM County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
STOCKWATER	01/01	12/31	0.120		
5. Total quantity appropriated is:
0.120 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
DUG SPRING
 - b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 90F being sought? NO
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 years.
8. Description of proposed uses:
STOCKWATER
9. Place of Use: STOCKWATER

TWN RGE SEC
07N 01W 26 SESW
10. Describe any other water rights used for the same purposes.
NONE

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06142 1990

Ident. No. 65-13249

Page 2

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

APPLICANT

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

APPLICANT

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

* 12. Remarks:

~~CATTLE ARE IN THE PASTURE DURING THE SPRING AND FALL AND HORSES
MAY BE THERE ON A YEAR AROUND BASIS.~~

13. Map of proposed point of diversion and place of use attached? [X]

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.

Carol Lynn MacGregor
Applicant

Received by Werner Date 6-15-90 Time 1415 Preliminary check by [Signature]

Fee \$ 30 00 Receipted by L. Werner # W12469 Date 6-15-90

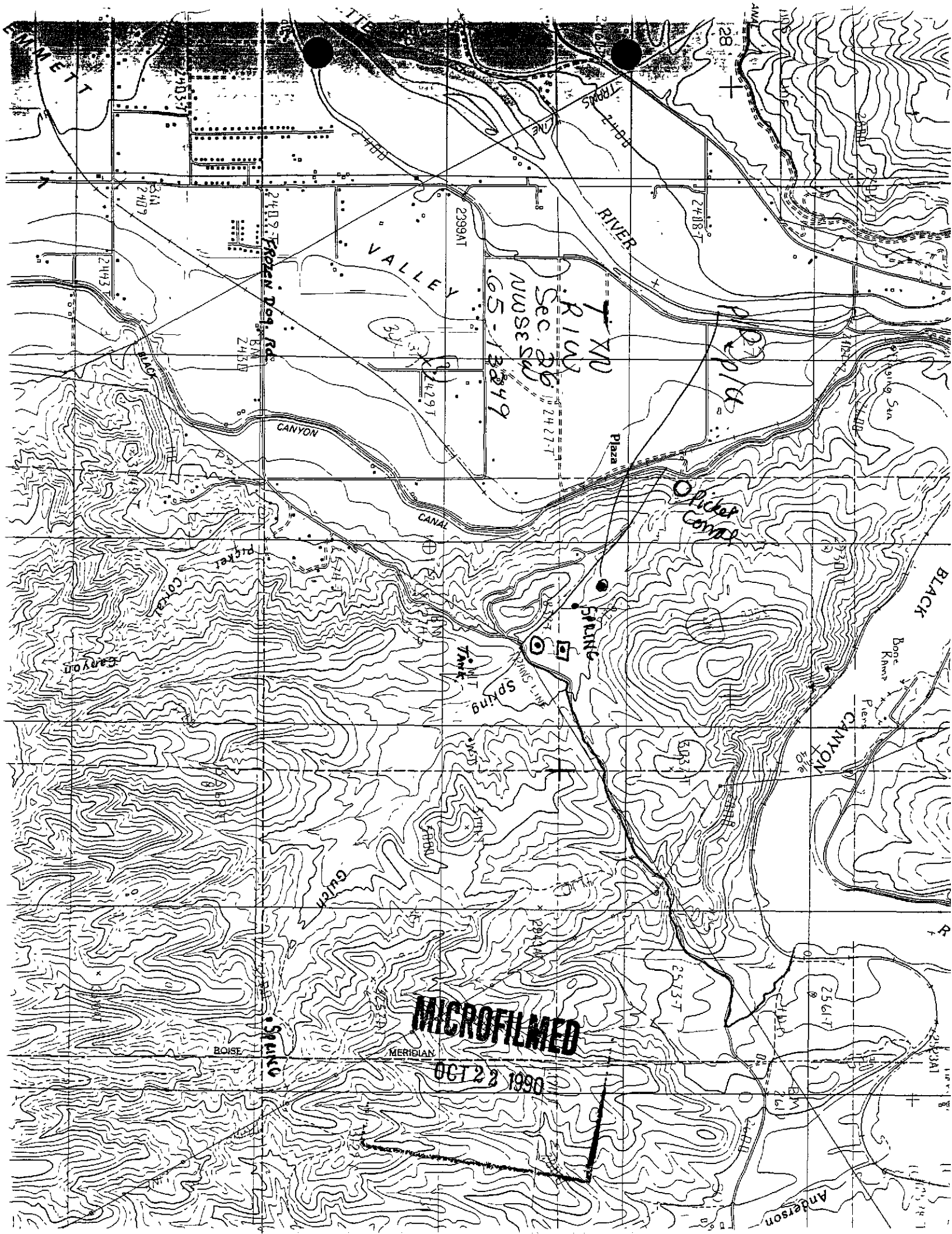
Publication prepared by GG Date 6-27-90 Published in Messenger-Index

Publication approved [Signature] Date 7-30-90

* deleted in data base 6-19-90 BR

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OCT 22 1990



RECEIVED

JUL 17 1990

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
ss.
COUNTY OF GEM,

Department of Water Resources
Western Regional Office

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

consecutive weekly issues thereof,
beginning with the issue of
July 3, 1990
and ending with the issue of

July 11, 1990
Joy Fridley

Subscribed and sworn to before me
this 12th day of

July, 1990
Mary Ann Hanson

Notary Public,
Residing at Emmett, Idaho.

My Commission Expires 3-21-95

NOTICE OF APPLICATION FOR WATER RIGHT

The following application has been filed to appropri-
ate the public waters of the State of Idaho.

MAC GREGOR, CAROL LYNN
1109 WARM SPRINGS AVE.
BOISE, ID 83712
Source: SPRING
Tributary: SPRING GULCH
Diversion Pt. NWSEBW Sec 26 T. 07N R. 01W
Use: STOCKWATER
Total Diversion:

Date Filed: 6/15/1990
In: T07N R01W S26

HELMICK, SHIRLEY M.
HELMICK, ROBERT L.
3222 BUTTE RD.
EMMETT, ID 83617
Source: SPRINGS
Tributary: HAW CREEK
Diversion Pt. NWSEBW Sec 9 T. 07N R. 01W
Use: STOCKWATER
Total Diversion:

Date Filed: 2/8/1990
In: T07N R01W S09

The permit(s) will be subject to all other water rights. Pro-
ceeds must be filed with the Director, Dept. of Water
Resources, Western Region, 2735 Airport Way, Boise, Idaho
83705 on or before JULY 23, 1990.

R. KERN RICHARDSON, Director.
Page 7-3, 11-90.

MICROFILMED

OCT 22 1990



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

July 1, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RONALD L KUENZLI
IDA MARIE KUENZLI
PO BOX 284
STAR ID 83669

RE: Water Right 65-13249

Dear Mr. & Mrs. Kuenzli:

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

for L. GLEN SAXTON, Chief
Water Allocations Bureau

LGS:klt

Enclosure

cc: IDWR-Western Region

MICROFILMED

JUL 10 1999

RECEIVED

SEP 15 1998

FRANK W. STOPPELLO
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAYS STREET
BOISE, IDAHO 83702

Department of Water Resources

FRANK W. STOPPELLO
JERRY A. KISER

TELEPHONE (208) 336-1020
FACSIMILE (208) 336-1027

September 14, 1998

Idaho Department of Water Resources
Attn: Jim Johnson
1301 North Orchard
P. O. Box 83720
Boise, ID 83720-0098

Re: Water Right Transfer Form
Seller: Carol Lynn MacGregor
Buyers: Ronald L. Kuenzli and Ida Marie Kuenzli

Dear Mr. Johnson:

As we discussed in our telephone conversation of August 13, 1998, enclosed is the completed Notice of Change of Water Right Ownership form, together with the following attachments:

- 1) Department of Water Resources, Source Summary Report;
- 2) Department of Water Resources, Adjudication Source Summary Report;
- 3) Copy of diagram map received with Title Commitment; and,
- 4) Copy of J.G. Schwartz Deed, together with legal description.

After reviewing the legal description and water rights after our telephone conversation, I discovered that in fact the water rights listed in the Source Summary Reports provided by your office do in fact include all water rights appurtenant to the land purchased by the Kuenzlis. Therefore, it does not appear that any of the water rights will need to be fractionalized. I certainly invite your review of this issue. The water right involved is 65-02543 and, the portion which may questionably be appurtenant to the land retained by Carol Lynn MacGregor is

RECEIVED

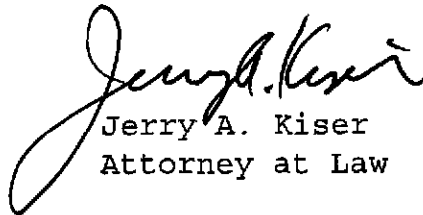
AUG 09 1999

Idaho Department of Water Resources
Attn: Jim Johnson
September 14, 1998
Page TWO.

located in the NW 1/4 of the NE 1/4, Section 25, Township 7 North, Range 1 West and involves 11 acres. In my review, it does appear as though the Kuenzlis do own 11 acres in that quarter quarter section which is irrigated with the water described in water right no. 65-02543.

If you have any questions regarding the enclosed Notice of Change of Water Right Ownership and attachments, please feel free to contact me.

Sincerely,



Jerry A. Kiser
Attorney at Law

JAK/mac

cc: Ronald L. and Ida Marie Kuenzli

10/20/98

09/16/98



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

December 7, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Ms. Carol Lynn Mac Gregor
5801 Eubank Blvd, N.E.
Albuquerque, New Mexico
87111

Dear Ms Mac Gregor;

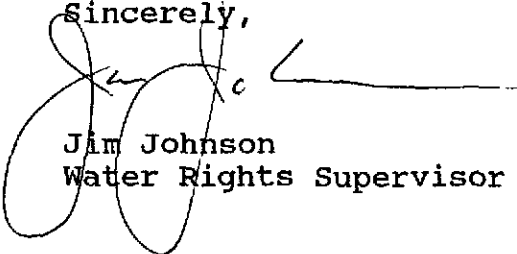
Enclosed is a check representing a refund of \$20.00 for a filing fee you paid for water right no. 65-13249.

Water right 65-13249 is the water right that we had made some errors on when we were trying to issue the license for you. Again, I apologize for those mistakes.

I hope this letter is received while you are in New Mexico, I could not determine from past correspondence what your length of stay was.

If you have any questions or if I can assist you in any way please let me know. My work phone number is 208 327-7947, my home phone is 208 385-0138.

Sincerely,



Jim Johnson
Water Rights Supervisor

DEC 10 1992
DEC 10 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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 19, 1992

Ms. Carol Lynn Mac Gregor
5801 Eubank Blvd, N.E.
Albuquerque, New Mexico 8711

RE: Water Right Filing No. 65-13249

Dear Ms. Mac Gregor:

The purpose of this letter is to respond to the concerns expressed in your letter of September 20, 1992 and the request for payment that was forwarded by State Treasurer Lydia Justice Edwards. First let me assure you that the Department of Water Resources is strongly committed to providing each of our citizen customers with quality service delivered in a prompt and courteous manner. To the extent that your experience in dealing with the department has not met this goal, I express my sincere regret. Rest assured that the concerns you identified will be reviewed to allow our procedures to be improved.

I have carefully reviewed the file for permit 65-13249 to determine if there is a basis for making the reimbursement you have requested. The application was filed on June 15, 1990 seeking to develop a spring tributary to Spring Gulch for stockwater use. A permit was issued on September 27, 1990 allowing until October 1, 1991 for the project to be completed and proof of beneficial use to be filed. Proof was filed in December 1990 and the department field examined the project in May 1991. The examiner found that the project had been completed as permitted, but also noted that livestock were watering from Spring Gulch from more locations than noted in the permit. An application for amendment was prepared to allow the license to confirm the use including the expanded place of use. The amendment form was mailed to you at the address on your permit and when forwarded to your new address, put you up against the requested response date. The amendment form was incorrect in listing an erroneous county and leaving off the point of diversion. The amended form which you have signed and returned now accurately describes the change needed to license the expanded place of use. Your license confirming the water right is enclosed.

Based upon your contention that the department made an error in the preparation of the original application form by not including the larger place of use and thereby making the amendment necessary, I am having your \$20.00 filing fee for the amendment returned.

RECORDED

OCT 27 1992

Ms. Carol Lynn Mac Gregor
Page 2
October 19, 1992

The return must be prepared by the State Auditor and can expect to receive it in a few weeks. I have found no basis in law for the Department to either reimburse your telephone charges or pay you for your time spent in correcting the amendment form.

I trust that you will find this handling of your concerns to be fair and that if you find occasion to work with the department again that you will find it to be a favorable experience.

Sincerely,


R. KEITH HIGGINSON
Director

RKH:dc

cc: Lydia Justice Edwards, State Treasurer
File 65-13249

RECEIVED

OCT 27 1992

MEMORANDUM

Date: October 19, 1992
From: Jim Johnson
To: Ranae Sanders
Subject: Refund of Amendment fee for Right No. 65-13249.

=====

Please prepare a refund of \$20.00 to Carol Lynn Mac Gregor for an Amendment of Permit Application. This application is not required.

Please return the check to me so that I may send it to Mrs. Mac Gregor with a special cover letter. Thank you.

Attached is a copy of the Application for Amendment of Permit form containing the receipt numbers. If you have any questions please let me know.

RECEIVED

OCT 27 1992

State of Idaho
Department of Water Resources

RECEIVED

SEP 11 1992

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-13249

Department of Water Resources

Date of Priority: June 15, 1990

Maximum Diversion Rate:

0.12 CFS

Maximum Diversion Volume:

6.7 AF

Comes now

CAROL LYNN MAC GREGOR

1109 WARM SPRINGS AVE

BOISE ID 83712

and represents to the Director of the

Idaho Department of Water Resources:

That she is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 65-13249, and requests that the permit be changed as follows:

Source: SPRING

tributary to SPRING GULCH

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

ANNUAL VOLUME

STOCKWATER

01/01 to 12/31

0.12 CFS

6.7 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSESW, Sec. 26, Township 07N, Range 01W
GEM County

PLACE OF USE: STOCKWATER

TWN RGE SEC

07N 01W 26

NESW

NWSW

SESW

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Albuquerque, NM, this 5 day of September, 1992.

Carol Lynn MacGregor
(Signature)

RECEIVED

OCT 27 1992

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-13249

FOR DEPARTMENT USE ONLY

Preliminary check by 28 Fee = \$4.00 ~~\$16.00~~ Received by JY CO25569 9-25-92
#CO25453 Date 9-11-92

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 65-13249 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
6. Stockwater use is for 500 horses and range cattle.

Witness my hand this 16TH day of OCTOBER, 1992

R. Keith Higginson
R. Keith Higginson, Director

RECEIVED

OCT 27 1992

TO: R. KEITH HIGGINSON

FROM: NORM YOUNG

RE: CAROL LYNN MAC GREGOR'S COMPLAINT ON PERMIT 65-13249

DATE: OCTOBER 7, 1992

Ms. Mac Gregor filed application 65-13249 on June 15, 1990 in Western Region. She was assisted by Linda Werner. Although Linda's memory of this transaction is not clear, it appears from the application that Ms. Mac Gregor was applying for a stockwater use at an excavated spring. When the field examination occurred in May 1991, the examiner, Mel Schulte, determined that the use was instream stockwater that occurred over the length of the stream through three 40 acre subdivisions. The proposed amendment adds these two additional subdivisions to the one applied for and permitted.

Also, is this correct? → There was no need to change the point of diversion because it agrees with the beginning point of the instream use. For this reason the first amendment form sent to Ms. Mac Gregor did not have the legal description of the point of diversion listed. The county designation was incorrect. The cover letter indicated that the permitholder should carefully review the form and *then is there an easy explanation* contact the department if the permitholder did not agree with the proposed amendment. The cover letter, sent on August 5, 1992, allowed 15 days for review and response from the date the letter was sent. Ms. Mac Gregor called this office on August 25, 1992. Our records do not indicate when she received the letter but it was probably delayed because the letter was sent to a Boise address and her call was apparently from Albuquerque. If the letter had been promptly received, there would have been ample time for Ms. Mac Gregor to respond by mail.

In summary, the application appears to have been completed in accordance with the information she provided during her visit to the office. A subsequent field exam identified an opportunity to give her a more extensive license than she had sought. Her unreported change in address delayed receipt of the correspondence, and she elected to make the long distance call. The county designation was in error on the amendment form initially sent, adding confusion to the matter.

If Ms. Mac Gregor believes that she properly described the more extensive, instream use on her initial visit, it is possible to refund the amendment fee. I do not know of any basis in law that would allow IDWR to pay for either her telephone bill or time spent on reviewing the amendment.

MAILED

OCT 27 1992



STATE OF IDAHO
OFFICE OF THE STATE TREASURER
ROOM 102 STATEHOUSE
BOISE, IDAHO 83720

LYDIA JUSTICE EDWARDS
STATE TREASURER
208-334 3200

RECEIVED
OCT 05 1992
Department of Water Resources

DEAR Keith: Would you consider telephoning Ms. MacGregor directly. I think you will get a clearer picture of her distress and she can explain the progression of events that have disturbed her.

She is working towards her doctorate degree in Albuquerque. I know she would be pleased to hear from you.

Sincerely, Lydia

RECORDED
OCT 27 1992

RECEIVED

SEP 24 1992

Department of Water Resources

5801 Eubank, NE #129
Albuquerque, NM 87111
September 20, 1992

Pamela Skaggs, Water Resource Agent
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Dear Ms. Skaggs:

I have received your receipt of my check for \$16.00. Enclosed find \$4.00 which you require from me to complete my amendment.

I was much taken back by the tone of your letter, stating perfunctory, "This is not a negotiable fee." In no way was I attempting to short you or your agency. I believe always in paying my bills promptly and doing my business in a prompt, accurate and courteous manner. Likewise, I believe that is the proper and just comportment especially for those of you who are servants of the public and paid by taxes. Unlike millions of Americans who are disillusioned and frustrated by the great gap between their desire to do business this way with government and the reality of their experience, I seek to find proper and just rectification. In this instance, I am sending the complete record to the board which governs the activities of your agency for a hearing.

Three years ago I applied for a water right on Spring Gulch. I filled out the application at the office of the Water Board exactly as the agent told me to do at his desk. A year ago the inspector contacted me and we made an appointment to go look at the spring. He verified our findings. Last month I received an erroneous form from you. After some consternation searching my files, I made no sense of it and called your department, using the number printed on the stationery. I was transferred three times, and put on hold several minutes each the first two times. Finally, Rob Whitney spoke to me and was very helpful. He apologized for the waste of my time, and informed me the form you sent was completely erroneous. Would I please simply wait for a call from you? Then he called you to call me, at which time you affirmed the sheet was erroneous, and you could not discern "where it came from," which meant it was not reviewed before being sent, I concluded. So after wasting forty-five

RECEIVED

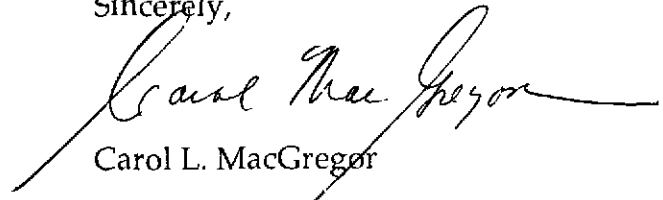
OCT 27 1992

minutes of my time on August 25, 1992, and fifteen more today copying my first letter and pertinent documents today, September 20, 1992, I am mailing a bill not only for the telephone call I made to your department, but also for my professional time. In order to expedite this matter, you find enclosed the check for \$4.00.

You charged me much time for an amendment required because the first administrator did not correctly fill out the application; now you are accusing me of circumventing a non-negotiable fee to amend his error. You sent me an erroneous statement asking me to pay for something inexplicable. I spent time and money calling you. This is ridiculous!

Not at all in the spirit of letting this flagrant accusation that I am "negotiating with you" fall aside, I am now demanding justice, and forwarding my bill and all records to your governing board. I still believe that right is might, and that public servants as well as we business people owe each other respect for our mutual time and understanding.

Sincerely,



Carol L. MacGregor

RECEIVED

OCT 27 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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 14, 1992

Temp
Address

Carol Lynn MacGregor
5801 Eubank Blvd, NE #129
Albuquerque, NM 87111

RE: Amendment Fee/Water Right #65-13249

Dear Ms. MacGregor:

I am in receipt of your letter and the signed amendment. However, the fee of \$16.00 you submitted is not sufficient. Idaho statutes require a \$20.00 fee for amendments of permits. This is not a negotiable fee.

Enclosed you will find the receipt for the partial fee paid. I will withhold your file from processing for 15-days to allow you to submit the remaining \$4.00 of the fee. Failure to complete the amendment will result in a reduced water right.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

Enclosure

RECEIVED

OCT 27 1992

RECEIVED

SEP 11 1992

Department of Water Resources

Temporarily at:

5801 Eubank Blvd, NE #129
Albuquerque, NM 87111
September 2, 1992

Permanent address:

1109 Warm Springs Ave.
Boise, Idaho 83712

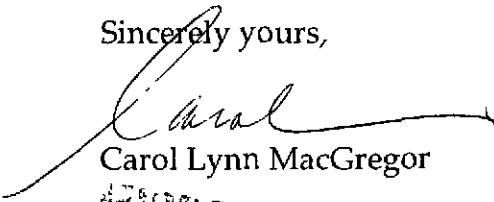
Pamela Skaggs
Water Resource Agent
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Dear Ms. Skaggs:

Thank you for forwarding the amendment for Water Right 65-13249 in its corrected form pursuant to our telephone conversation August 25 th. I am returning it signed as you request. I have deducted \$4.00 for a daytime telephone conversation from Albuquerque to the office of Water Resources regarding the error in the first amendment, which was at my expense. If this confuses your accounting, please send me the money separately and my check for \$16.00, and then I will issue you one for \$20.00. I am glad you responded so quickly once I finally figured out why the first amendment was erroneous.

Thanking you, I am,

Sincerely yours,


Carol Lynn MacGregor

RECEIVED

OCT 27 1992

August 25, 1992

CAROL LYNN MacGREGOR
5801 EUBANK BLVD NE #129
ALBUQUERQUE NM 87111

RE: WATER RIGHT NO. 65-13249

Dear Water Right Holder(s):

Per our telephone conversation this morning, enclosed is a correct application for amendment which contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 15 days.

If you do not concur with these findings or if you have any questions, please contact us within the 15-day period.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

MICROFILMED

OCT 27 1992

Temporary Address

Please send licensing amendment &
license to this address per telecon
w/Carol MacGregor. (ph#(505)821-2895)
CB 8-25-92

5801 Eubank Blvd NE

Apt 129

Albuquerque NM 87111

RECEIVED

OCT 27 1992

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-13249

Original Amendment
Date of Priority: June 15, 1990

Maximum Diversion Rate: 0.12 CFS
Maximum Diversion Volume: 6.7 AF

Comes now CAROL LYNN MAC GREGOR
1109 WARM SPRINGS AVE
BOISE ID 83712

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 65-13249, and requests that the permit be changed as follows:

Source: **SPRING** tributary to **SPRING GULCH**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.12 CFS	6.7 AF
<u>P/D</u> <u>Legal</u> <u>BINGHAM County</u>			

PLACE OF USE: STOCKWATER
TWN RGE SEC

07N 01W 26 NESW NWSW SESW

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at _____, this _____ day of _____, 19____.

(Signature)

MICROFILMED

OCT 27 1992

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-13249

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Receipted by _____ # _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 65-13249 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
6. Stockwater use is for 500 horses and range cattle.

Witness my hand this _____ day of _____, 19____.

R. Keith Higginson, Director

RECEIVED
OCT 27 1992

August 5, 1992

CAROL LYNN MAC GREGOR
1109 WARM SPRINGS AVE
BOISE ID 83712

RE: WATER RIGHT NO. 65-13249

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 15 days.

If you do not concur with these findings or if you have any questions, please contact us within the 15-day period.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

RECEIVED

OCT 27 1992

LICENSE REVIEW CHECKLIST

Permit # 65-13249

Date 7-30-92
28

	<u>Yes</u>	<u>No</u>	
NAME	<u>—</u>	<u>✓</u>	Address Change?
PRIORITY DATE	<u>—</u>	<u>✓</u>	Advance?
	<u>—</u>	<u>✓</u>	Memo to Advance
	<u>—</u>	<u>✓</u>	Order to Reinstate Needed?
TOTAL CFS	<u>—</u>	<u>✓</u>	Incorrect Fee for rate recommended?
	<u>NA</u>	<u>—</u>	Disagree with Actual Measurement?
			<u>500 x .00022 = .12 cfs (STOCK)</u>
	<u>NA</u>	<u>—</u>	Disagree with Theoretical?
	<u>—</u>	<u>✓</u>	Limited by Capacity? <u>.12 cfs</u>
TOTAL VOLUME			Rate/ac <u>—</u> AFA Irr. Season <u>—</u>
			<u>—</u> Standard Irr. Season
			<u>—</u> Season Recommended
	<u>—</u>	<u>✓</u>	Disagree with Examiner's Calculations?
			<u>500 x .0134 = 6.7 afa (STOCK)</u>
	<u>—</u>	<u>✓</u>	Limited by Flow? <u>.11 x 365 x 1.9835 = 79.6 > 6.7</u>
SOURCE	<u>—</u>	<u>✓</u>	Changes? Clarification of <u>Originally</u>
			<u>Intended</u> source
	<u>—</u>	<u>✓</u>	Notice of Intent to Void.
P/D	<u>—</u>	<u>✓</u>	Verify with Map
	<u>—</u>	<u>✓</u>	Amendment Needed?
	<u>—</u>	<u>✓</u>	Is Overlap Analysis a Consideration?
P/U	<u>—</u>	<u>✓</u>	Verify with Map
	<u>✓</u>	<u>—</u>	Amendment Needed? <u>Add NESW + NWSW</u>
	<u>—</u>	<u>✓</u>	Is Overlap Analysis a Consideration?
USES	<u>—</u>	<u>✓</u>	Change(s) in Nature of Use?
	<u>—</u>	<u>✓</u>	Amendment Needed?
REMARKS	<u>—</u>	<u>✓</u>	Multiple P/Ds in 1/4 1/4?
	<u>✓</u>	<u>—</u>	Non-Irr. Uses <u>STOCK/500 Horses + cattle</u>
	<u>—</u>	<u>✓</u>	Special Overlap Condition
	<u>—</u>	<u>✓</u>	Other
CONDITIONS	<u>—</u>	<u>✓</u>	Measuring Device
	<u>B04</u>	<u>—</u>	W/Master Control
	<u>—</u>	<u>✓</u>	Overlap
	<u>—</u>	<u>✓</u>	Water Quality
			DATES/MISC
			<u>65</u> Water Dist.
			<u>—</u> App Rec'd
			<u>—</u> Exam Made

COMMENTS/MEMOS NEEDED: Amend P/U

License — 10-Day — 15-Day ✓ Special Correspondence —

WR0749NP
No. 165-13249

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

DATE: 07/30/92
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CAROL LYNN MAC GREGOR 1109 WARM SPRINGS AVE BOISE ID 83712 (208) 386-9000	06/15/1990	STOCKWATER	01-01 12-31	0.12 CFS	6.7 AFA
TOTAL DIVERSION:					0.12 CFS	6.7 AFA

Water Source: SPRING

Tributary to: SPRING GULCH

Stage: LICENSE

Point(s) of Diversion Capacity: 0.12 CFS

Point(s) of Diversion: T07N R01W S26 NW SE SW

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
07N	01W	26	:																	:
			:																	:

Pou County: GEM

Other Water Rights Listing Overlapping Place(s) of use:
65-07839

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 65.

Remarks: Stockwater use is for 500 horses and range cattle.

Dates:	App. Received:	06/15/1990	Priority Date:	06/15/1990
	Proof Due Date:	10/01/1991	Proof Made Date:	04/11/1991
	Exam Made Date:	04/12/1991	Exam Sent to S.O.:	11/05/1991
	Licensed Date:			

Misc: Water District Number: 65 Field Exam Fee: N (Not Required)

Audit: 07/30/92 SKAGGS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
☒ Copy of Permit
☒ Copies of any Amendments/Orders with Conditions of Approval
☒ Well Inspection Form (If Needed)
☒ Aerial Photo Required? yes ☒ no If yes: copy attached
☒ SRBA Attachment A Submitted to Adjudication Section
SRBA Claim Check Received New 1990 right (initial & date)
☒ N/A Applicable, See Attachment A
☒ Copy of U.S.G.S. Quad
☒ Check for Government Lots. If so, make a copy of government plat
☒ Check of P/D index 4-9-91 KKC (initial & date)
Overlap yes ☒ no If yes: copy of exam(s) attached?
Type of Overlap? Add acres or uses to existing system
 Increase rate of flow or volume
 Other:
☒ Check of P/U index 4-9-91 KKC (initial & date)
Overlap? ☒ yes no If yes: copy of water right(s) attached?
Type of Overlap? Increase rate of flow or volume
 Add P/D's
 Increase number of acres within tracts
 Other: Other rights in same Q9
☒ Scheduling Letter Sent? NO (initial & date)
☒ Appointment Made and Telephone Conversation Memo Attached
for call

B. After Conducting the Exam, the File Contains:

- ☒ Fully Completed and Signed Field Report Form
☒ Photographs of Point of Diversion and Place of Use
☒ Copy of SRBA Claim Verification Sheet / Original Returned to
Adjudication Section

C. Review and Processing:

- Exam Completed Meen D. Jha 5-1-91 (signature of examiner & date)
Exam Reviewed by Senior Water Resource Agent (initial & date)
Exam Reviewed by Manager of Regional Office DW 11/4/91 (initial & date)
Exam Sent to State Office 11-5-91 st (initial & date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

1. Owner: Carol Lynn Mac Gregor Permit No. 65-13249
Current Address: 1109 Warm Springs Ave. Boise, Idaho 83712 Phone No. 386-9000
2. Accompanied by: Carol Mac Gregor & employee EXAM. DATE: 4-12-91
Address: Same Phone No. Same
Relationship to Permit Holder. Same
3. Source: _____ tributary to _____

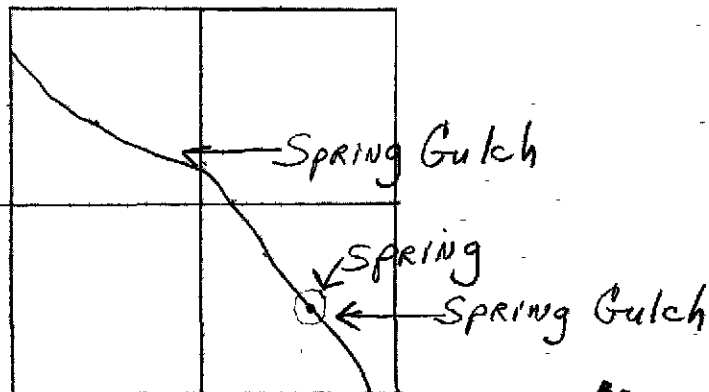
B. OVERLAP REVIEW

1. Other water rights with same place of use: 65-7839
_____ ☒ Copies Attached
2. Other water rights with same point of diversion: 65-7839
_____ ☒ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable ☐ Alternative diagram attached

T7N, R1W, Sec 26, SW $\frac{1}{4}$



MICROFILMED
DEC 27 1991

Scale: 1" = 1200'

2 ☒ Copy of U.S.G.S. 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 or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

System consists of in stream stock watering from Spring Gulch. Water is provided by in stream spring and seepage from springs adjacent to the stream. Water flows from Spring Gulch into the Black Canyon Canal which feeds other canals before returning drainage water to the Payette River. The main spring and seepage springs have not been developed except for a small dug pool at the main spring approx 3' x 10'.

☐ See Remarks on page 4 for continuation

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks

6 Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	1W	26									S	S		S					

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Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

No measurement required

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

No measurement required

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

$V = \text{Smaller of } V_{IR} \text{ and } V_{OR} =$ _____

2. Volume Calculations for Other Uses:

Annual rate for 500 head range animals = .12 cfs.
Annual volume for 500 head range animals = 6.7 af

DEC 27 1991

H. REMARKS AND OVERLAP REVIEW ANALYSIS

The place of use is expanded to reflect that cattle water from the stream at numerous locations.

Other rights in same Q Q donot affect this permit.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Instream Stockwater	1-1	12-31	.12	6.7
Totals:			.12 cfs	6.7 afa

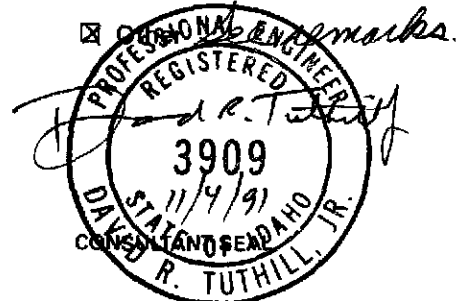
2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above
☐ Change P.U. as reflected above ☒ Add P.U. as reflected above

☐ None

J. AUTHENTICATION

Field Examiner's Name Melvin T. Schulte
 Signature Melvin T. Schulte
 Certification Date _____
 Field Report Preparation Date 5-1-91



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

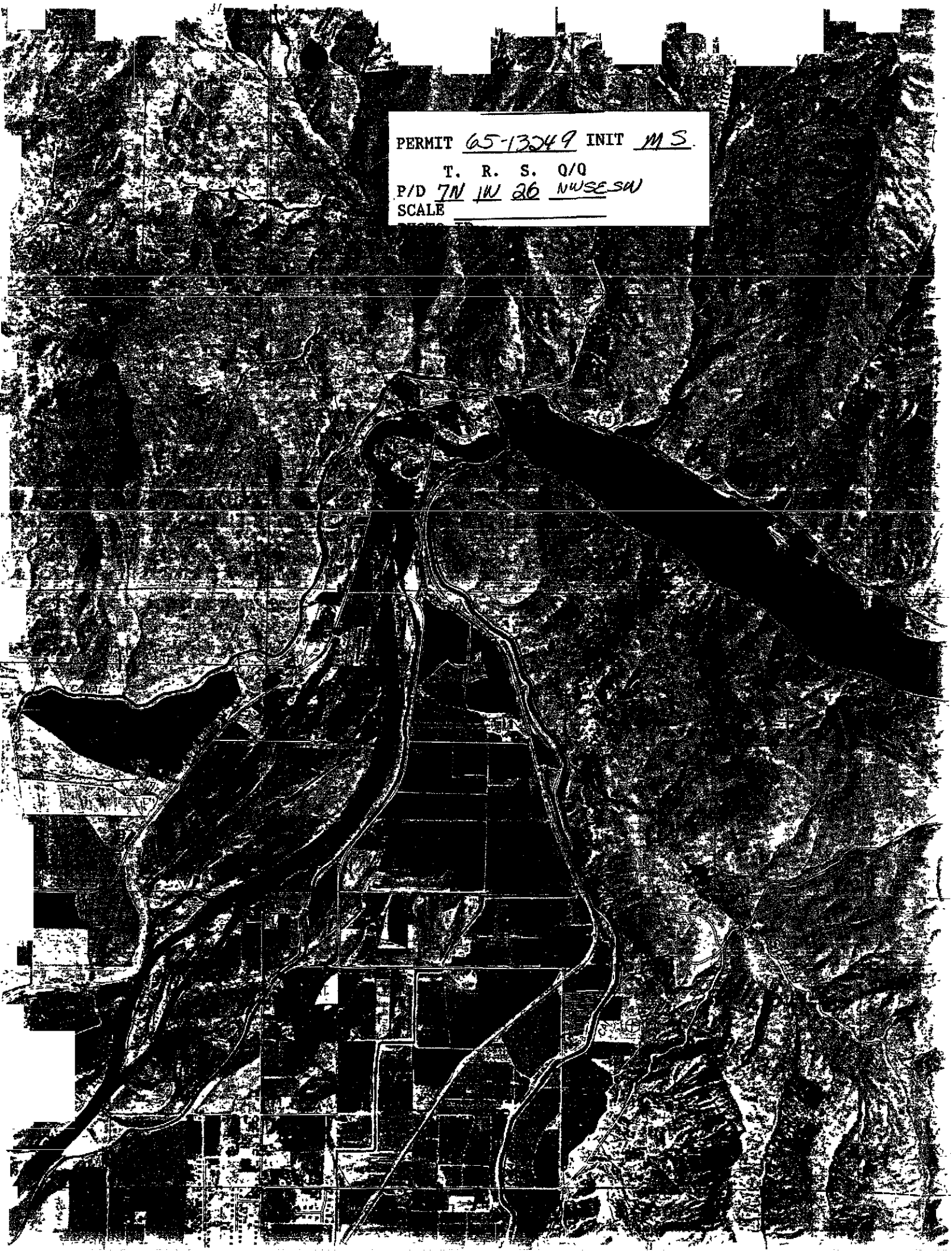
DEC 27 1991

PERMIT 65-13249 INIT MS

T. R. S. Q/Q

P/D 7N 1W 26 NWSE SW

SCALE



65-13249



#5.
A few of the
cattle that use
the water.



#6.
Cattle and
horses.

RECEIVED
DEC 27 1991

65-13249

#1

Point of diversion for
main spring



#2

Area of seepage
and a place
of use along
Spring Gulch

DEC 27 1991

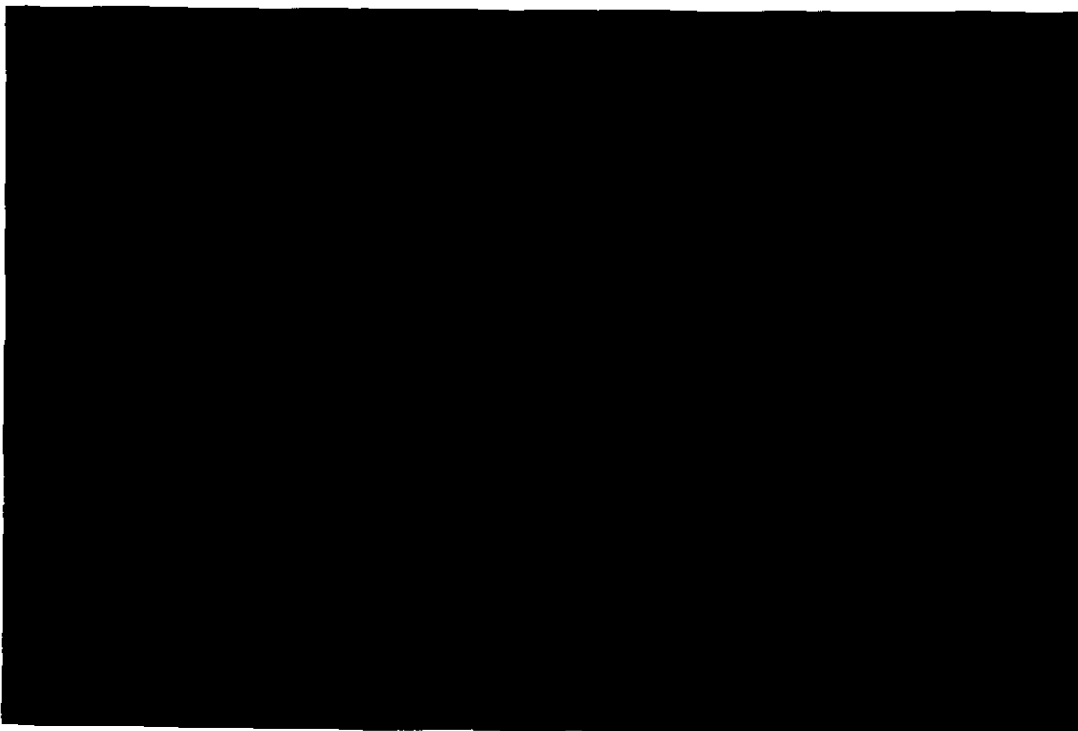
RECEIVED

65-13249



#3

An area of
spring seepage

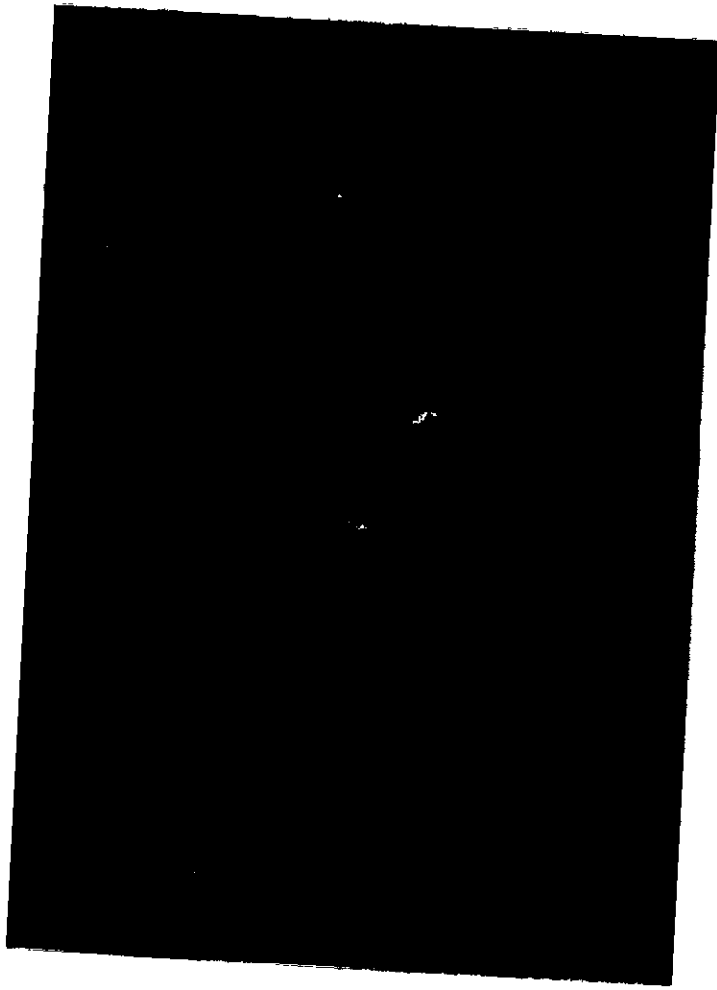


#4

An area of
seepage and
a place of use.

1991
DEC 27 1991

65-13249



#7.

Place where unnamed
stream flows into the
Black Canyon Canal

UNRECORDED
DEC 27 1991

138934
July 31, 1991

CAROL LYNN MAC GREGOR
1109 WARM SPRINGS AVE.
BOISE, ID 83712

PROOF DUE NOTICE

RE: PERMIT NO. 65-13249

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, 1991. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

RECEIVED
DEC 27 1991

*Letter sent in error!
Proof submitted in April
8-9-91*

April 16, 1991

CAROL LYNN MAC GREGOR
1109 WARM SPRINGS AVE.
BOISE, ID 83712

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13249

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,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

RECEIVED
DEC 27 1991

RECEIVED

APR 10 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 11 1991

Department of Water Resources
Western Regional Office

PROOF OF BENEFICIAL USE

Department of Water Resources

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

Permit No. 65-13249

Telephone No. 386 9000

Name(s) of Permit Holder(s): Carol MacGregor

Post Office Address: 1109 Warm Springs Ave. Boise ~~83712~~ ID

Source of Water: Spring

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:

Domestic _____ (No. of households)

Irrigation _____ (No. of acres)

Stockwater 500 (No. and type of stock)

Other _____

Total rate and/or volume for which proof is submitted .12 cfs _____ acre/feet

Show date water was first diverted and beneficially used under this permit: _____

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

Measuring device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

OR

Flow Measurement Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Fee Enclosed: \$ N/A (See License Examination Fee Schedule)

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

Carol MacGregor
Name

above
Telephone No.

Address

DEC 27 1991

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

April 10, 1991 Carol L. MacGregor
Date Signature (and title if on behalf of a company or organization)

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 65-13249

Date 4-16-91

GENERAL CONSIDERATIONS

- ☒ Name same as permit?
☒ Address same as permit? If no, indicate below.
☒ Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

- ☒ Surface water source
☐ Ground water source
☒ Drill permit req'd?
☐ Copy in file? Drill permit no. _____
☐ Amt paid for drilling permit? _____ Correct?
☐ Well log in file?

LICENSE EXAMINATION FEE

- ☒ Required?
☒ Amount submitted?
☒ Correct amount?

MEASURING DEVICE

- ☒ Measuring device or access port required?
☒ Installed?
☒ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

PRIORITY CALCULATION

Date proof received	<u>N/A</u>	
Date proof due		-
No. of days late		=
Priority date		+
NEW PRIORITY DATE		=

[Signature]

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
October 1, 1990

CAROL LYNN MAC GREGOR
1109 WARM SPRINGS AVE.
BOISE, ID 83712

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13249

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ: SC
Enclosures

RECORDED

OCT 22 1990

Form No. 202a.
3/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: [Signature] DATE: 6-19-90 APPLICATION: 65-13249

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)
☒ Period of use: Gov't. Lots: N/A P/D
☒ Nature of proposed use: (Include description of use) N/A 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:
☒ Yes ☐ No* In form to receipt:

ADDITIONAL INFORMATION

YES	NO	
☒	☒	Overlapping place of use: (Describe source & relationship to present application on the back.)
☒	☒	Overlapping point of diversion:
☐	☐	Field check required: Field check by: _____
☐	☐	Field report attached:
☒	☒	Critical groundwater area:
☒	☒	Groundwater management area:
☒	☒	Diversion within interim protected river area
☒	☒	Send dam safety information:
☒	☒	Send power requirement letter:
☒	☒	Send fish farm requirement letter:
☒	☒	Power residency affidavit:
☒	☒	Power efficiency form:
☒	☒	Within trust water boundary: (If yes, attach Trust Water Supplemental Analysis Sheet.)
☒	☒	Diversion greater than 5 cfs or 500 af: (If yes, attach supplementary analysis sheet.)
☒	☒	*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: _____

Additional information on reverse side:

RECEIVED
SEP 13 1990
Department of Water Resources

PROCESSING

APPLICATION NO. 65-13249

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

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 July 23, 1990
☒ ☒ Protest dates, resolution of protest recorded on application:
☒ ☒ Recommendations attached: Approved, Dnr
☒ ☒ Measuring device required:
☒ ☒ Measuring port required:
☒ ☒ Water delivered by water master? Outside area delivered by Wtr Dist 65
☒ ☒ District # 65
☒ ☒ Special conditions of approval or cover letter:

☒ See below for additional information

Recommended Date or Priority 6/15/1990
Recommended by: Dnr Date 9/12/1990

STATE OFFICE REVIEW

P16 05(65)
See below for additional information. By KW Date 9-20-90

ADDITIONAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region
2735 AIRPORT WAY

Boise, Idaho 83705
(208) 334-2190

JUNE 27, 1990

Messenger-Index
P.O. Box 577
Emmett, ID 83617

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before JULY 23, 1990.

Yours truly,

GAIL GARRETT
Secretary

Encl.

MICROFILMED

OCT 22 1990

65-13249

MAC GREGOR, CAROL LYNN
1109 WARM SPRINGS AVE.
BOISE, ID 83712

Source: SPRING

Tributary: SPRING GULCH

Diversion Pt: NWSESW Sec 26 T 07N R 01W

Use: STOCKWATER (.120 CFS)
Total Diversion: (.120 CFS)

Date Filed: 6/15/ 1990

In: T07N R01W S26 SESW

RECORDED