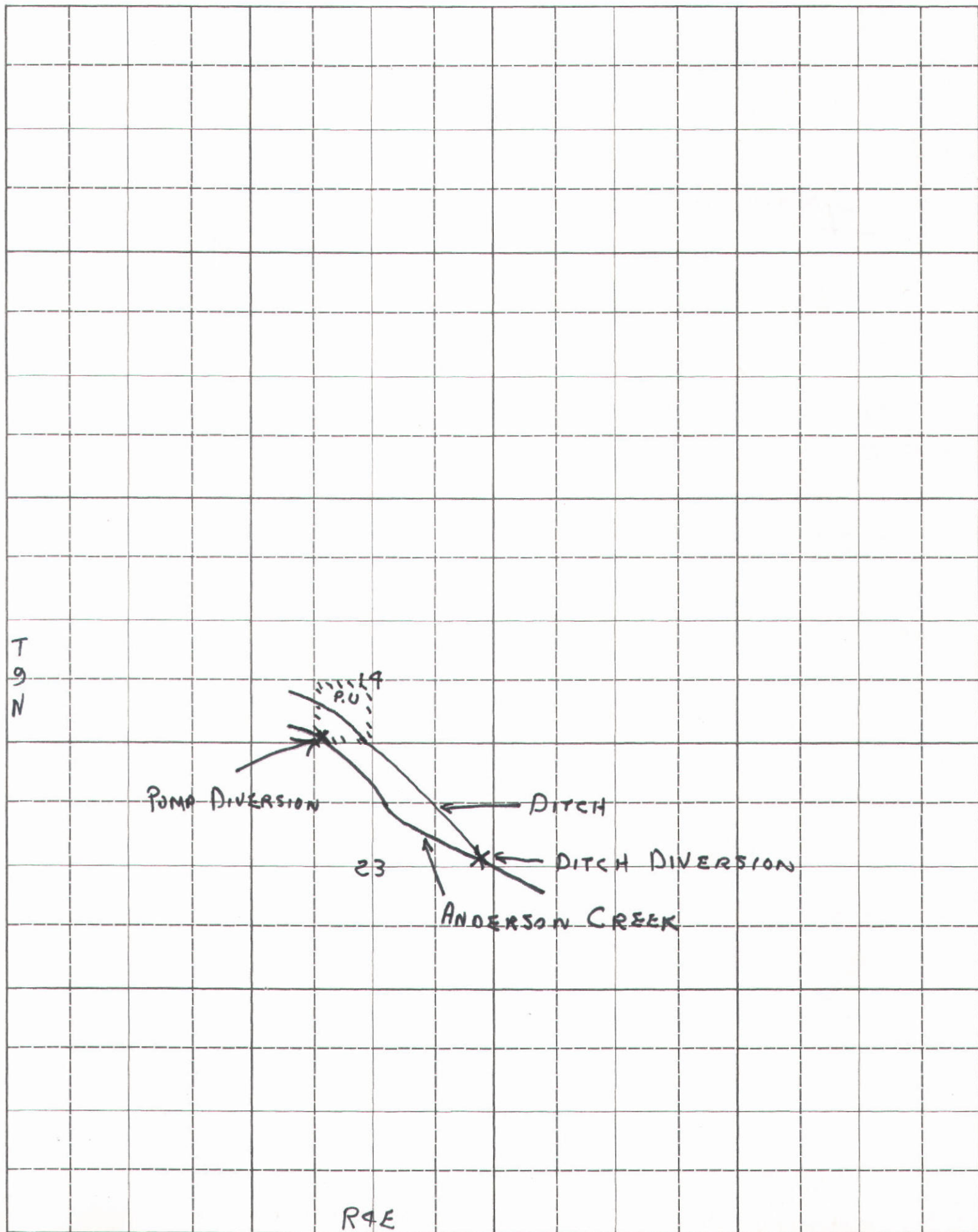


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Werner A. Meserth
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

65-12282
WERNER MESERTH
P/D: SEC 14 TWP 09N RNG 04E
IRRIGATION? Y

KEYED
KEYED

A. GENERAL INFORMATION

Permit No. 65-12282

1. Owner: WERNER A. OR JUDITH MESERTH

Phone No. 344-4270
462-3779

Current Address: BOX 23 GARDEN VALLEY ID. 83622

2. Accompanied by: JUDITH MESERTH

EXAM. DATE: 7-17-86

Address: SAME

Phone No. _____

Relationship to Permit Holder: _____

3. Source: ANDERSON CREEK tributary to MIDDLE FORK PAYETTE RIVER

B. OVERLAP REVIEW

1. Other water rights with same place of use: 65-2140 65-6630

65-10783 (GROUNDWATER)

☐ Copies Attached

2. Other water rights with same point of diversion: 65-10783 (GROUNDWATER)

ALSO SEE ATTACHED PRINTOUT

☐ Copies Attached

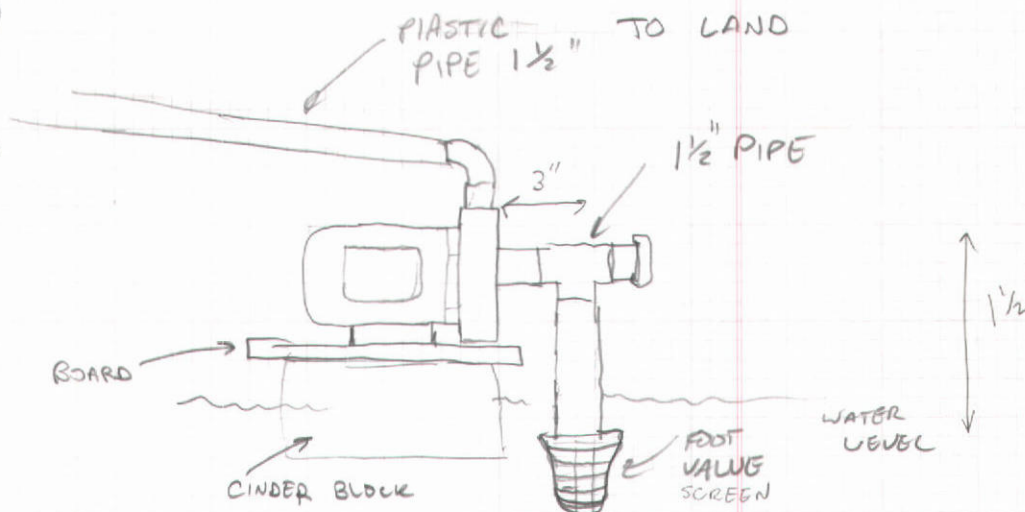
☐ Copies of Field Exam's Attached

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

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DEC 18 1986

Department of Water Resources



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DEC 23 1988

Scale: 1" = _____

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 40 acres or more).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).



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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12282

Priority: October 30, 1979 Amount: 0.06 CFS 10.6 AFA

This is to certify, that WERNER A. MESERTH
JUDITH D. MESERTH

P.O. BOX 23

GARDEN VALLEY, ID 83622

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated October 30, 1979, and has submitted proof to the Department of Water Resources on October 4, 1984, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .130 cfs of water from:

ANDERSON CREEK tributary to PAYETTE RIVER, MIDDLE FORK

source and that a water right has been established as follow:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	04/01 to 11/01	0.06 CFS	10.5 AFA
STOCKWATER	01/01 to 12/31	0.02 CFS	0.1 AFA
	Totals	0.06 CFS	10.6 AFA

LOCATION OF POINT OF DIVERSION(S):

SESW , Sec. 14, Township 09N, Range 04E
SENE , Sec. 23, Township 09N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09N 04E 14	SESW 3			3

Total number of acres irrigated: 3

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or applicable Idaho law.

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DEC 20 1988

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12282

CONDITIONS/REMARKS:

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

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 12th day of DECEMBER, 1988.

Acting for the Director



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DEC 23 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Werner A. and/or Judith D. Meserth Phone 344-4270
462-3779
Post office address Box 23, Garden Valley, ID., 83622

2. Source of water supply Anderson Creek which is a tributary of Middle Fk. Payette R.

3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 14 Township 9N
Range 4E B.M. Boise County, additional points of diversion if any: _____
SENE, Sec. 23, T9N R4E

4. Water will be used for the following purposes:

Amount .06 cfs for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .02 cfs for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. .06 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pump, mainline, and sprinkler system
from Anderson Creek proper. Gravity flow with sprinkler system from irrigation
ditch.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 14 Township 9N
Range 4E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered 2 Goats, Flock of Chickens

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

RECORDED

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9N	4E	14												3					3

Total number of acres to be irrigated 3

c. Describe any other water rights used for the same purposes as described above. Payette River Basin
Adjudication Claim # 65-10784 for irrigation of 1 Acre.

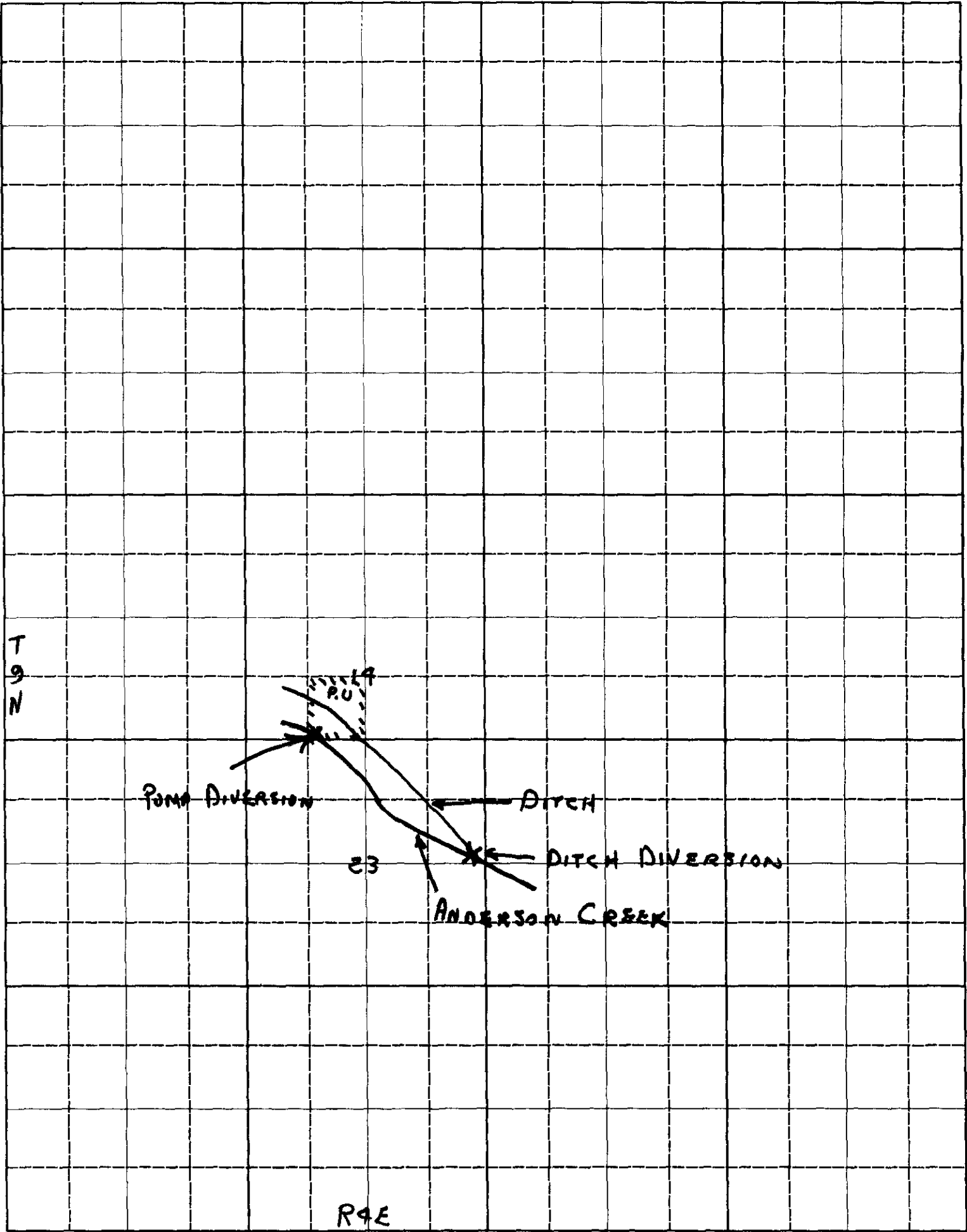
9. a. Who owns the property at the point of diversion James E. Youren

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 Will obtain easement for pump diversion from the Youren's/

10. Remarks

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



Scale 2 inches equal 1 mile.

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

Werner A. Meserth
(Applicant)

Proposed Priority 10/30/79

Received by EL Date 10/30/79 Time 9:50 AM

Preliminary check by _____ Fee \$ 20.00

Receipted by kw Date 10/30/79 # 15210

Publication prepared by kk Date 11/1/79

Published in Idaho World

Publication dates 11/9 & 11/16/79

Publication approved KK Date 12/17/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DBS Jim

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. 65-12282, and said application is hereby approved.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 19 84.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: (1) The issuance of this permit in no way grants any right-of-way or easement across the land of another. (2) Use of water under this permit is subject to control by the watermaster of State Water District # 65, Payette River. (3) A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Witness my hand this 21st day of December, 1979.

A. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO,
County of Boise

B. Kuchant, being
duly sworn, deposes and says:
that he is the manager and prin-
cipal clerk of THE IDAHO
WORLD, a weekly newspaper
published at Idaho City, in the
County of Boise and State of Ida-
ho, that said paper has been and
is in general circulation in the
county aforesaid, and in the vi-
cinity of Idaho City; that the
advertisement, a copy of which is
hereto attached, was published in
said newspaper once a week for
... **2** ... consecutive weeks in
the entire and regular issue of
every number of said paper dur-
ing the period and time of publi-
cation and was published in the
newspaper and not a supplement;
that said paper has been estab-
lished and regularly and continu-
ously published for more than
seventy-eight weeks past previ-
ous to the first publication of
this notice. Such notice was pub-
lished in the issue beginning with

... **11-9** ... 197**9** ... and end-
ing with the issue of ... **11-16**

197 ... **B. Kuchant**

Subscribed and sworn to before

me this **25** day of **Nov**, 197**9**

Notary Public for
State of Idaho

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following
applications have been submitted for permit to
appropriate the public waters of the State of
Idaho:

65-12281
BOWERS, FRANK &/or VENITA
BOX 22, HORSESHOE BEND, ID. 83629
Source: groundwater
Date Filed: 10/25/1979
Amount: 0.10 CFS
Diversion Point: SENE Sec 23T 07 N R 02E,
BOISE CO.
Use: DOMESTIC (0.04 CFS) from 01/01 to 12/31
IRRIGATION (0.06 CFS) from 04/01 to 10/31
Place of Use: SENE Sec 23T 07N R 02 E for 2
acres
Diversion Means: PUMP, PRESSURE SYSTEM
AND SPRINKLER SYSTEM

65-12282
MESERTH, WERNER A. &/or JUDITH D.
Box 23, GARDEN VALLEY, ID. 83622
Source: ANDERSON CREEK tributary to
PAYETTE RIVER, MIDDLE FORK
Date Filed: 10/30/1979
Amount: 0.06 CFS
diversion Point: SESW Sec. 14 T 09N R 04E,
BOISE CO.
Use: IRRIGATION (0.06 CFS) from 04/01 to 11/01
STOCKWATER (0.02 CFS) from 01/01 to 12/31
Place of Use: SESW Sec 14 T 09N R.04E for
3 acres.
Diversion Means: PUMP, MAINLINE &
SPRINKLER SYSTEM

K-KK
12/17/79

If issued, the permits will be subject to all prior
water rights. Protests against the granting of
any permit must be filed with the Director of the
Idaho Department of Water Resources, 92 S.
Cole Road, Boise, Idaho 83709 on or before
November 26, 1979.

C. Stephen Allred
Director

Published in the Idaho World, Idaho City,
Idaho 83631, November 9 and 16, 1979.





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

January 4, 1994

Werner & Judith Meserth
P.O. Box 23
Garden Valley, ID 83622

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Re: Anderson Creek Water Rights

Dear Mr. & Mrs. Meserth:

Pursuant to Mrs. Meserth's visit to this office last week I have researched the water rights from Anderson Creek near Crouch. Attached to this letter is a listing of all water rights from Anderson Creek. The water right numbers which are circled are those rights which are diverted into the ditch which has its origin in the SENE of Section 23, T9N, R4E and runs north of Anderson Creek. This is the same ditch which you had described to me and which you explained had some flooding problems last winter. You will note from the attached listing that there are other rights with the same point of diversion description. Most of the rights which are not circled are rights diverted into the ditch which runs south of Anderson Creek. I had matched water rights to the respective ditches based on maps which are on file at the Department of Water Resources and had been prepared for the Payette River Adjudication sometime in the late 1970's.

Also attached to this letter is a summary report of the water rights which are circled on the Anderson Creek water rights listing. Of those rights which our records show as being appurtenant to lands serviced by the north ditch, only two rights include stock water use during the non-irrigation season. One of those two rights is owned by you. The total rate of diversion for stock use under those two rights is 0.05 cubic feet per second (cfs), or 22.45 gallons per minute (gpm). Based on this review, I conclude that no more than 0.05 cfs should be diverted into the north ditch during the non-irrigation season, which is November 1 to April 1.

Please note that I have also reviewed and enclosed listings of claims filed in the more recent and ongoing Snake River Basin Adjudication. This latter review does not indicate that any additional claims have been made for diversion of stock water to the north ditch during the non-irrigation season.

I hope this information addresses your questions. If you have further questions, you may contact me directly at 327-7864.

Sincerely

Tim Luke
Tim Luke

Hydrologist
Water Allocations

cc: Western Region Office

December 13, 1988

WERNER A. MESERTH
JUDITH D. MESERTH
P.O. BOX 23
GARDEN VALLEY, ID 83622

RE: PERMIT NO. 65-12282

Dear Permit Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

DEC 20 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD

65-12282

WERNER MESERTH

P/D: SEC 14 TWP 09N R10E 04E
IRRIGATION? Y

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

A. GENERAL INFORMATION

1. Owner WERNER A. & JUDITH MESERTH Permit No. 65-12282
Current Address BOX 23 GARDEN VALLEY ID. 83622 Phone No. 344-4270
2. Accompanied by: JUDITH MESERTH EXAM DATE 7-17-86
Address: SIDIE Phone No. _____
Relationship to Permit Holder _____
3 Source: ANDERSON CREEK tributary to MIDDLE FORK PAYETTE RIVER

B. OVERLAP REVIEW

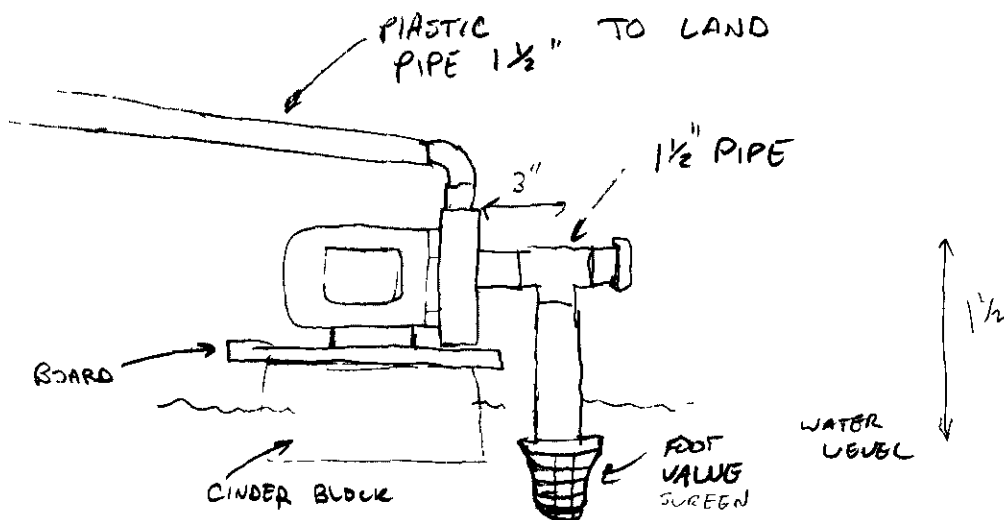
- 1 Other water rights with same place of use 65-2140 65-6630
65-10783 (GROUNDWATER) ☐ Copies Attached
2 Other water rights with same point of diversion. 65-10783 (GROUNDWATER)
ALSO SEE ATTACHED PRINTOUT ☐ Copies Attached ☐ Copies of Field Exam's Attached

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

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DEC 18 1986

Department of Water Resources



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JUL 20 1988

Scale: 1" = _____

- 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.)

1 1/2 HP PUMP WITH 1/2 FT OF LIFT - SUCKER
HOSE IS ONLY ~~20~~ LONG 1 1/2 FT LONG AND SYSTEM
IS PORTABLE, SO CAN BE TAKEN DOWN IN WINTER.
HAS 1 1/2" SUCKER HOSE AND 1 1/2" OUTLET TO LOT.
ALSO PART OF LOT CAN BE IRRIGATED FROM AN
EXISTING DITCH. THE 1 1/2" PLASTIC PIPE TO LOT GOES
UNDERGROUND TO 5 OUTLETS THAT THEY HAVE SPRINKLERS
OR HOSES TO.

☐ 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
	FRANKLIN	1 1/2	11030/3417	AERMOTOR	CN 150
	ELECTRIC				

*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
~~PUMP~~ DITCH →		SE	SW	NE	14	9N	4E	BOISE	USGS QUAD
~~PUMP~~ DITCH →		SE	SW	NE	23	9N	4E	BOISE	USGS QUAD

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	
9N	4E	14											3						3

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
5 GALLON BUCKET						

2 Measurements:

FILLED 5 GALLON BUCKET IN 5 SECONDS
 $\approx 20 \text{ G.P.N} \approx .13 \text{ cfs}$
 .13 MORE THAN WHAT APPLIED SO GIVE
 WHAT APPLIED FOR

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$$\frac{1 \frac{1}{2} \text{ HPX } .8 \times 8.8}{1.5 + (2.31 \times 1)} = \frac{10.56}{3.81} = 2.77 \text{ cfs} > .13 \text{ cfs} > .06 \text{ cfs}$$

USE .06 cfs

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 Amps x .001732 = _____ (6)

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

G. VOLUME CALCULATIONS

1 Volume Calculations for Irrigation.

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 3 \times 3.5 = 10.5 \text{ afa}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .06 \times 214 \times 1.98 = 25.4 \text{ afa}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 10.5 \text{ afa}$$

2 Volume Calculations for Other Uses

$$.02 \times 1.98 \times 365 = 14.4 \text{ afa} \quad 4 \text{ HOGS} - 2 \text{ GOATS} - \text{CHICKENS}$$

TABLE NO. 7 $\approx 25 \text{ GPD} = 9125 \text{ GALLON PER YEAR}$

$$\frac{2125 \text{ GAL}}{10 \text{ DAY}} = 212.5 \text{ GPD}$$

1440 min. NOT USED

$$\frac{9125 \text{ GAL}}{\text{YEAR}} \frac{1 \text{ AC FOOT}}{325,850 \text{ GAL}} = .028 \text{ afa}$$

ROUND TO .1 afa

H REMARKS AND OVERLAP REVIEW ANALYSIS

ABOUT 3/4 OF AN ACRE WAS IRRIGATED UNDER A
DITCH - CURRENTLY THEY ARE NOT USING DITCH TO
IRRIGATE LAND, BUT COULD, AND SOME RUNS OVER WHEN
NEIGHBOR IRRIGATES.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	4/1	11/1	.06	24.4 10.5
STOCKWATER	1/1	12/31	.02	14.4 .1
Totals:			.08	23.4 24.4 10.6

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

J. AUTHENTICATION

Field Examiner's Name Quentin Nesbitt
Signature Quentin Nesbitt
Certification Date 7-17-86
Field Report Preparation Date _____

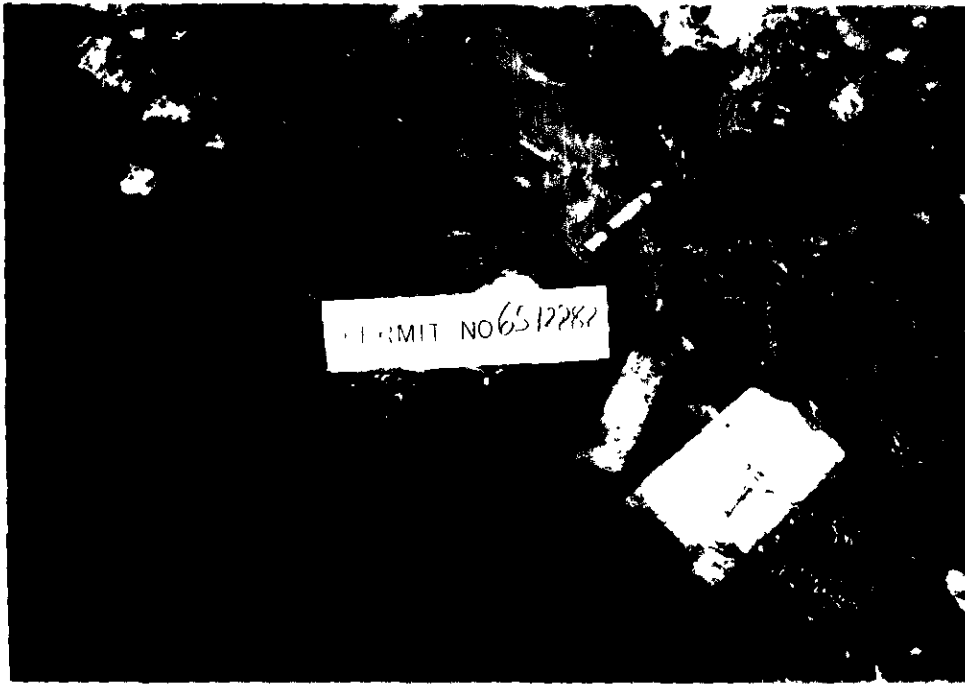
CONSULTANT SEAL

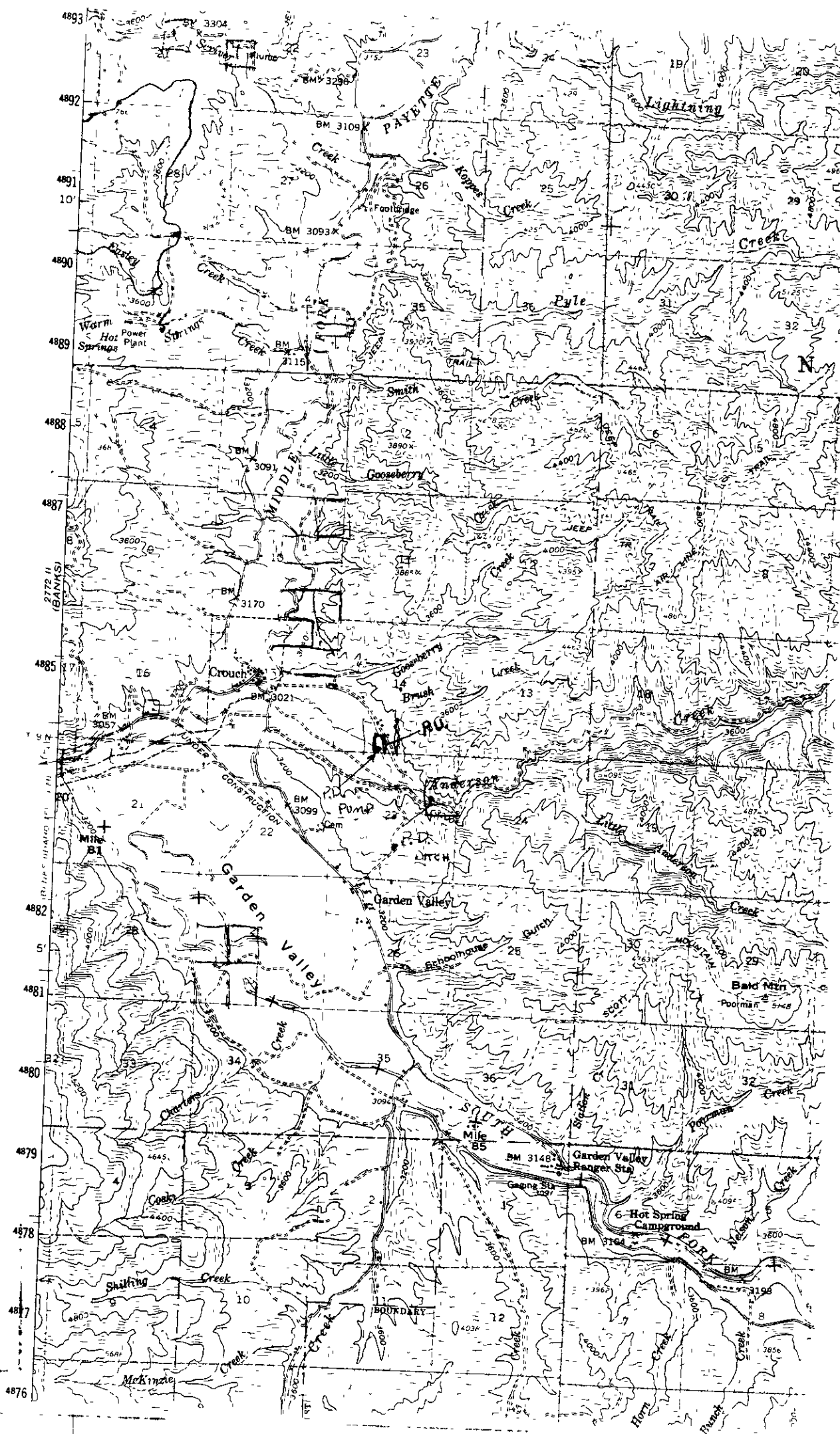
K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

Blaine McElroy 11/9/88 154
12/9/86

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DEC 23 1988





UNCLASSIFIED

DEC 20 1986

HAD P.D. & P.U. IN WRONG
PLACE ON U.S.G.S. QUAD.
O.K. NOW

Q.N.

RECEIVED

APR 16 1987

Department of Water Resources
Western Regional Office

INTER-DEPARTMENT MEMO — 1

DATE 4/15/87

RECEIVED

JAN 28 1987

Department of Water Resources

FROM Kay thru Jim^W

TO Western

SUBJECT legal descriptions of P/D & P/U

When I reviewed this exam I went directly to the quad attachment and found different legal descriptions than what ^{the} examiner recommended. (using a copy of the attached grid to get my legals) Please check out the legal descriptions - even if mine are wrong, so are the examiners... (he shows a P/D in SESE, S23 in legals...) Good luck!!

SIGNATURE

Form 204-p
6/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 65-12282

Name(s) of Permit Holder(s): Werner A and/or Judith D Meserth

Post Office Address: P.O. Box 23

Garden Valley Id 83622 Tel. No. 462-3779

☒ I hereby certify that construction of diversion works for the above referenced permit began on July 1981 (date) and I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

☐ I hereby certify that construction of diversion works on the above referenced project has not yet begun due to the following reason beyond my control*:

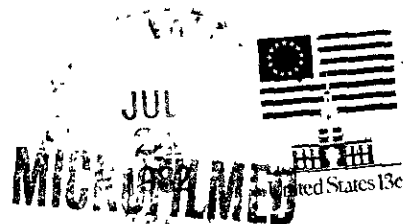
*Note: A financing difficulty is
not an acceptable reason

24 July 82
(Date)

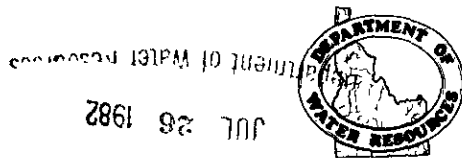
Judith D Meserth
Signature of Permit Holder

We are currently using gravity ~~flod~~ irrigation from ditch, also.

W. A. [unclear]
P.O. Box 23
Garden Valley Id 83622



DEC 25 1988



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

FROM

Ray thru Jim

65-12282
exam
returned

DATE

4/15/87

TO

Western

SUBJECT

Legal descriptions of P/D & P/U

When I reviewed this exam I went directly to the quad attachment and found different legal descriptions than what ^{the} examiner recommended. (using a copy of the attached grid to get my legals) Please check out the legal descriptions - even if mine are wrong, so are the examiners... (he shows a p/d in SESE, S23 in legals...) Good luck

SIGNATURE

☐ Other:

C.F.R. RIGHTS & E.C. RIGHTS R. 62

Aerial Photo

Required? ☐ yes ☒ noIf yes: ☐ copy attached?Scheduling Letter sent? ☒

(Initial and date)

☒ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

☐ Fully completed and signed Field Report Form☒ Photographs of Point of Diversion and Place of Use☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed Quentin Nesbitt 2-29-86 (Signature of examiner and date)Exam Reviewed by Senior Water Resource Agent BD 8-11-86 (Initial and date)Exam Reviewed by Manager of Regional Office DWR 12/9/86 (Initial and date)Exam Date Entered in Computer 12-18-86 (Initial and date)Exam sent to State Office 12-18-86 (Initial and date)Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original Re-filed in White File 12-16-86 (Initial and date)

Do Not Film!!

4/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received 50.00
Date 7/15/86
Receipt # 40436
Receipt by JS
Sent to S.O. 10-6-86

1. Permit No. 5-12282

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Werner A & Judith E.

3. Post Office Address: P.O. Box 23, Garden Valley Id 83622
Telephone No. 462-3779

4. Source of Water: Anderson Creek

5. Extent of Use:

Domestic ☒ (No. of households), Stockwater 4-8 Pigs, 20 chicken (No. and type of stock)
Irrigation to House lawn (acres) 1/2 to 1/2 acres Other/Remark trees (pine trees one acre)

6. Total rate &/or volume for which proof is submitted _____ cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

started 1984

8. Person to contact to accompany the department representative during the field examination:

Werner or Judith Meserth
(Name)

P.O. Box 23 Garden Valley Id 83622
(Address) (Telephone Number) 462-3779

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner. I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

July 15 86
Date

Werner A. Meserth DEC 20 1988
Signature of Permit Holder (and title, if appropriate)



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

Mailing address:
Statehouse
Boise, Idaho 83720

A. KENNETH DUNN
Director

65-12282
MESERTH, WERNER A.
MESERTH, JUDITH D.
BOX 23
GARDEN VALLEY, ID 83622

138612

June 5, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination. If you may change to another certified examiner.

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

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DEC 23 1988

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region

Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region

Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region

Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

UT 94 1982

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

DECEMBER 17, 1984

WERNER MESERTH
P.O. BOX 23
GARDEN VALLEY ID 83622

RE: Permit No. 65-12282

Dear Permit Holder

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

Before a license can be issued, a field examination must be made by a representative of this department.

A condition of approval of your original permit required the installation of a measuring device which, according to the proof card submitted by you, has not been installed. A measuring device must be installed and operating at the time the field examination is made. If a measuring device is not installed your permit may be subject to cancellation.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 334-2190 or in person in the third floor State Towers Building, 450 West State Street, Boise.

Sincerely,
s/Judy Pense
Secretary

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DEC 19 1984

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 65-12282

Name(s) of Permit Holder: Werner & Judith Meserth

Post Office Address: P.O. Box 23

Garden Valley Id Tel. No 462-3779

Source of Water: Anderson Creek

Extent of Use ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 2 acres (acres)
☐ Other

Local
 Measuring Device: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No
 Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed

Oct 2 1984 **MICROFILMED** Werner A. Meserth
 Date Signature of Permit Holder

Werne Meser H

P.O. Box 23

Garden Valley Id 83622



RECEIVED
OCT 4 1984

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

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S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138300

MESERTH, WERNER A. & JUDITH D.
BOX 23
GARDEN VALLEY, ID 83622

P R O O F D U E N O T I C E

SEPTEMBER 30, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 65-12282 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 31, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

December 21, 1979

Werner & Judith Meserth
Box 23
Garden Valley, Idaho 83622

Dear Mr. & Mrs. Meserth,

RE: Permit No. 65-12282

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed on the fourth page. Be sure to note the special condition requiring you to install a lockable device on your diverting works.

Please be advised that there is insufficient natural flow available in the Payette River and tributaries to provide water for a new appropriation throughout the entire season of use.

During the spring run-off each year, there may be a period of time in which the prior rights to the use of natural flow and storage are filled leaving water available for your later-in-time permit. As the natural flow diminishes, however, there would be no water available for your right unless you had arranged for an additional source of water as a supplemental supply.

This information is provided so that you will not be misled into thinking that this permit will provide sufficient water through the entire season of use. If you have any questions regarding this matter, please feel free to contact this office.'

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit will be subject to the water rights of Idaho Power.

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Page 2

RE: Permit No. 65-12282

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:mr

Enclosure

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State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: CW Bryan
CHECK:

APPLICATION NUMBER: 65-12282
MESERTH

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____
Date: _____
Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☐ Other _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☒ Yes ☐ No Other rights on same place of use. 65-10784 for 1 acre
in same 40
☒ Yes ☐ No* In form for advertising.
Final date for protests: 11/26/79
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 12/14/79
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 65
10/30/79 Date of priority recommended.
Special conditions of approval or cover letter. _____
✓ Right-of-way clause
✓ Payette River letter
✓ Payette River W.M. Condition
✓ I.P. letter

By: DBS Date: 12/29/79

STATE OFFICE REVIEW:

- 04, 05 (65 Payette River) OLD checkable district
Payette River letter w/ conditions include Idaho Power paragraph
State River letter w/ underlined paragraph
☐ See attached sheet for more information.

By: Jui Date: 12/21/79

Depart. of Water Resources
12/21/79

65-12282

MESERTH, WERNER A. &/or JUDITH D.

BOX 23, GARDEN VALLEY, ID 83622

Source: ANDERSON CREEK tributary to PAYETTE RIVER, MIDDLE FORK

Date Filed: 10/30/1979

Amount: 0.06 CFS

Diversion Point: SESW Sec 14 T 09N R 04E, BOISE Co.

Use: IRRIGATION	(0.06 CFS)	from 04/01 to 11/01
STOCKWATER	(0.02 CFS)	from 01/01 to 12/31

Place of Use: SESW Sec 14 T 09N R 04E FOR 3 ACRES

Diversion Means: PUMP, MAINLINE & SPRINKLER SYSTEM