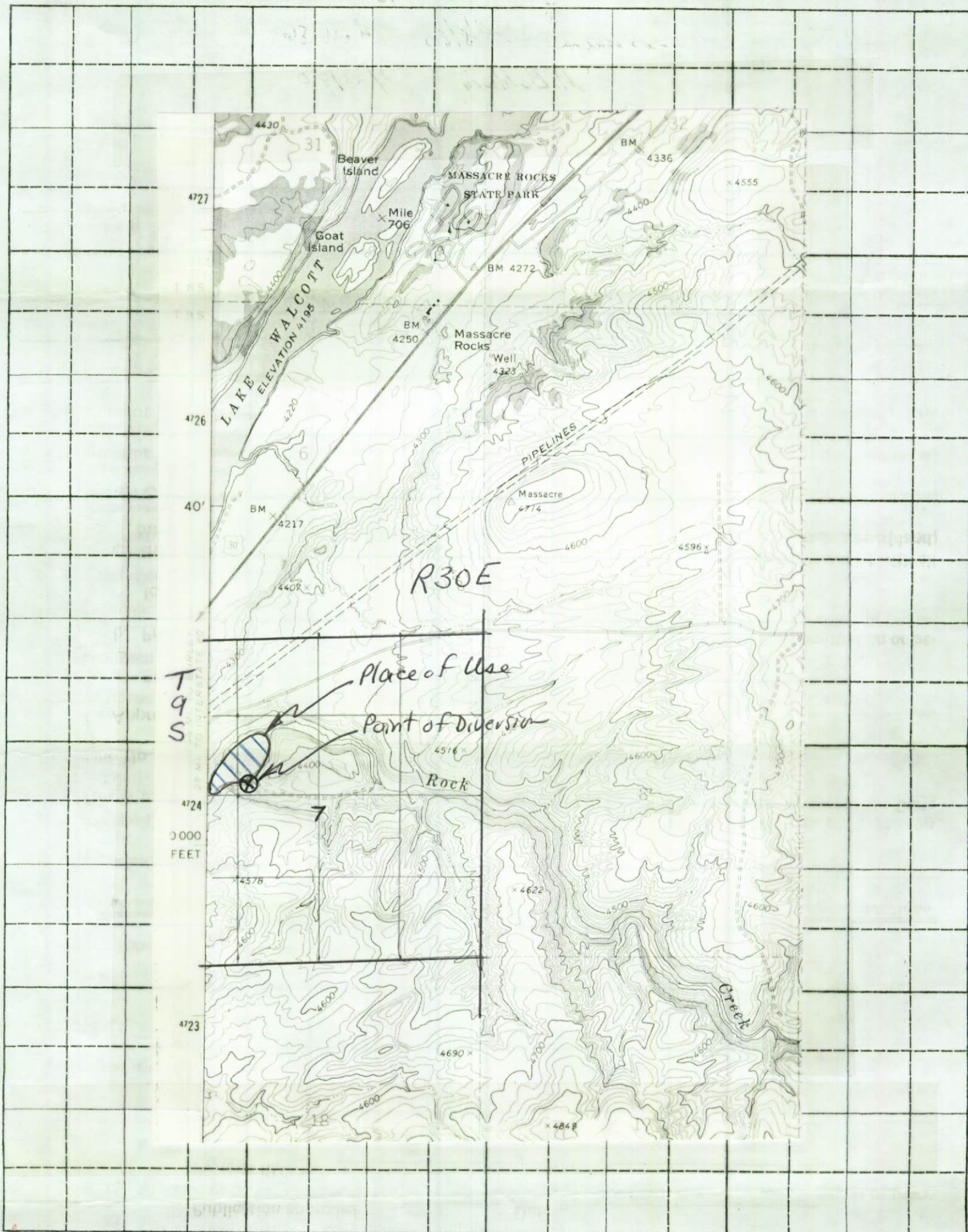


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

MAR 19 1951

*Frederick D. Harry*

(Applicant)

# Affidavit of Publication

State of Idaho

County of Power

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 2 day of may 1990 and the date of last publication being the 9 day of may 1990.

(Signed)

State of Idaho

County of Power

On this 16 day of may in the year of 1990, before me, a Notary Public, personally appeared Erma Crompton, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Brett Crompton  
Notary Public for Idaho  
Residing at American Falls, Idaho  
My commission expires: June 8, 1993

RECEIVED

MAY 10 1990

Department of Water Resources  
Eastern District Office

RECEIVED

JUN 1  
Department of Water Resources  
Southern Region

## Application for water right

Published in The Power County Press,  
May, 2, 9, 1990.

Use: IRRIGATION (.150 CFS)  
DOMESTIC (.040 CFS)  
Total Diversion: (.197 CFS)

### NOTICE OF APPLICATION FOR WATER RIGHT

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

Date Filed: 7/13/1983

In: T09S R 31E S06 SWSE  
11.0 ACRES TOTAL

41-07066  
GARRY, KATHLEEN D.  
SPETH, KERRY G.  
378 TYHEE  
AMERICAN FALLS, ID 832110000

Source: GROUNDWATER

Diversion Pt: SENW Sec 7 T 09S R 30E

Use: IRRIGATION (.280 CFS)  
Total Diversion: (.280 CFS)

Date Filed: 4/8/1983

In: T09S R30E S07 SWNW SENW  
14.0 ACRES TOTAL

41-07067  
WALKER, MERRILL E.  
WALKER, DONNA D.  
BOX 336  
ROCKLAND, ID 83271

Source: GROUNDWATER

Diversion Pt: SENW Sec 5 T 10S R 31E

Use: IRRIGATION (.690 CFS)  
Total Diversion: (.690 CFS)

Date Filed: 5/3/1983

In: T10S R31E S05 SWNW SENW  
80.0 ACRES TOTAL

41-07068  
ROCKLAND VALLEY RANCHES  
BOX 334  
ROCKLAND, ID 83271

Source: ROCK CREEK  
Tributary: SNAKE RIVER

Diversion Pt: SENW Sec 15 T 09S R 30E

Use: IRRIGATION (2.000 CFS)  
Total Diversion: (2.000 CFS)

Date Filed: 4/26/1983

In: T09S R30E S14 SWSW SESW  
NESE SWSE SESE  
S15 SWNE SENW NESW NESE  
NWSE SESE  
S23 NENE NWNE SWNE SENE  
NENW NWNW SENW  
367.0 ACRES TOTAL

41-07069  
WALKER, ONA  
WALKER, GLENNA  
ROCKLAND, ID 83271

Source: GROUNDWATER

Diversion Pt: NESW Sec 33 T 09S R 31E

Use: IRRIGATION (.100 CFS)  
STOCKWATER (.050 CFS)  
DOMESTIC (.040 CFS)  
Total Diversion: (.100 CFS)

Date Filed: 4/28/1983

In: T09S R31E S33 NESW NWSW  
5.0 ACRES TOTAL

41-07071  
DEEG, TIMOTHY P.  
HC 76 BOX 2130  
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: SWSE Sec 6 T 09S R 31E

41-07072  
BOTTROFF, CHARLES R.  
BOTTROFF, TERESA  
3712 REGISTER RD.  
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: NENW Sec 7 T 09S R 30E

Use: IRRIGATION (.160 CFS)  
DOMESTIC (.060 CFS)  
Total Diversion: (.220 CFS)

Date Filed: 8/12/1983

In: T09S R30E S07 NENW  
8.0 ACRES TOTAL

41-07073  
ALLEN, JEFF D.  
P.O. BOX 311  
ROCKLAND, ID 83271

Source: ROCK CREEK, EAST FORK  
Tributary: ROCK CREEK

Diversion Pt: NWNE Sec 10 T 10S R 31E  
NWNE Sec 11 T 10S R 31E

Use: IRRIGATION (.400 CFS)  
Total Diversion: (.400 CFS)

Date Filed: 3/21/1984

In: T10S R31E S03 SWSE  
25.0 ACRES TOTAL

41-07076  
PERMANN, LANNY N.  
2918 COLD CREEK RD.  
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: NWSE Sec 5 T 09S R 30E

Use: IRRIGATION (4.800 CFS)  
Total Diversion: (4.800 CFS)

Date Filed: 9/11/1985

In: T09S R30E S05 NENE NWNE  
SWNE SENE NWSE SWSE  
240.0 ACRES TOTAL

41-07078  
MONTROSS, ERNIE  
MONTROSS, COLEEN  
BOX 299  
ROCKLAND, ID 832710000

Source: GROUNDWATER

Diversion Pt: SENENE Sec 36 T 09S R 30E

Use: IRRIGATION (.150 CFS)  
Total Diversion: (.150 CFS)

Date Filed: 9/22/1986

In: T09S R30E S36 NENE  
5.0 ACRES TOTAL

The permit(s) will be subject to all prior rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, Idaho 83301 on or before MAY 21, 1990.

R. KEITH HIGGINSON, Director

IN THE MATTER OF PERMIT NO. 41-07066 )  
 )  
 ) ORDER OF  
IN THE NAME OF KATHLEEN D. GARRY OR )  
 ) REINSTATEMENT  
KERRY G. SPETH )  
 )

## FINDINGS OF FACT

- RECEIVED  
JUN 27 1996

5. On May 10, 1996, the permit holder submitted an acceptable proof and license examination fee along with invoices showing the purchase and installation of the pump and miscellaneous equipment. The permit holder further explained that he did not receive the notices since he is in the Navy and was transferred.

#### CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.

2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

#### ORDER

IT IS HEREBY ORDERED that Permit No. 41-07066 is REINSTATED.

IT IS FURTHER ORDERED that the priority date is advanced to May 10, 1996.

Dated this 19<sup>th</sup> day of June, 1996.

  
L. GLEN SAXTON, Chief  
Water Allocation Bureau

  
JUN 27 1996

7/94

RECEIVED

FOR OFFICE USE ONLY

Amt. of Fee \$: 100 -

Receipt No. 3079125

Receipt By: GLS

Date Received: 13 MAY 96

MAY 10 1996

STATE OF IDAHO

Department of Water Resources  
Southern Region

DEPARTMENT OF WATER RESOURCES

RECEIVED

## PROOF OF BENEFICIAL USE

MAY 15 1996

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

- Permit No. 41-07066 Telephone No. (360) 679-0518
- Name(s) of Permit Holder(s): KERRY SPETH
- Mailing Address: 4136 N. JONES RD #A, OAK HARBOR WA 98277
- Source of Water: WELL If GROUNDWATER (well), Date Drilled: APPROX 25 YEARS AGO mo.        / yr.       
  - Well Driller: VOLLMER (FROM AM. FALLS) Drilling Permit Number:        -        -
  - OPTIONAL:  
Pump Horsepower: 7.5 Pressure (psi):        Dynamic pumping level (ft):
- Use(s) (as authorized by the water right permit):  
Domestic (No. of households):        Stockwater (No. and type of stock):         
Irrigation (No. of acres): 17 Other:
- Total rate of diversion and/or volume for which proof is submitted: .28 cfs OR 14 acre feet  
GREATER THAN 110 GAL PER MIN.
- Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)  
(This question is **not** optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)  

|                        |                                          |                                  |
|------------------------|------------------------------------------|----------------------------------|
| Measuring Device:      | Is a measuring device required?          | Yes <u>      </u> or No <u>✓</u> |
|                        | Has the measuring device been installed? | Yes <u>      </u> or No <u>✓</u> |
| Flow Measurement Port: | Is a flow measurement port required?     | Yes <u>      </u> or No <u>✓</u> |
|                        | Has the measurement port been installed? | Yes <u>      </u> or No <u>✓</u> |
- Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
- Person to contact to accompany the Department representative during field examination of the water system.  
Name: MR. STEVEN ISAAK Telephone Number: (208) 226-5742  
Address: 3315 ROCK CREEK RD, AMERICAN FALLS ID 83211
- The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder:

Kerry G. Speth  
(include your title, if on behalf of company or organization)

Date: 06 MAY 96

JUN 27 1996

RECEIVED

FEB 11 1993

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only  
\$15 Fee Received by Jan  
Date 2-12-93  
Receipt No. CO 26740**REQUEST FOR EXTENSION OF TIME****TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF  
BENEFICIAL USE FOR A WATER RIGHT PERMIT**

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 41-07066Name(s) of Permit Holder: KERRY G. SPETHMailing Address: 10312 GREAT ROCK RD, SANTEE CA 92071Date Proof is Due FEBRUARY 1 1993Telephone No. (619) 448-3665

Describe what work has been completed toward the development of this water right:  
(This must be filled out! If no work has been completed, show "none".)

MAIN LINE INSTALLED, PUMP PURCHASED.. SEE ATTACHED LETTERCosting \$ 5000 <sup>EST</sup>

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

SEE ATTACHED LETTER

Permit holder(s) request an extension to \_\_\_\_\_, 19\_\_\_\_.

FEE: \$15.00

(Signature)\*

\*If other than permit holder, Power of Attorney must be supplied.

FEB 17 1993

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to February 1, 1996. IT IS FURTHER ORDERED that this permit be REINSTATED and the priority date advanced to April 18, 1983, pursuant to Section 218a, Idaho Code.

Signed this 16<sup>th</sup> day February \_\_\_\_\_, 19 93A. Glen Saylor  
Chief, Water Allocation Bureau

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 41-07066

Proposed Priority: April 8, 1983 Maximum Diversion Rate: 0.28 CFS

This is to certify, that KATHLEEN D. GARRY

KERRY G. SPETH

378 TYHEE

AMERICAN FALLS, ID 832110000

has applied for a permit to appropriate water from: GROUNDWATER  
and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

03/15 to 11/15

0.28 CFS

LOCATION OF POINT(S) OF DIVERSION:

SENW Sec. 7, Township 09S, Range 30E  
POWER County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

09S 30E 7

SWNW 7

SENW 7

14

Total number of acres irrigated:

14

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1993.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

**MICREFILMED**

MAR 19 1991

State of Idaho  
Department of Water Resources**Permit To Appropriate Water**

NO. 41-07066

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

7<sup>th</sup> day of March, 1991.

*J. Glen Saxton*  
for R. Keith Higginson, Director

MICROFILMED

MAR 19 1991

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant KATHLEEN D. GARRY or KERRY G. SPETH Phone 226-2929

Post office address 378 Tyhee, American Falls, ID. 83211

2. Source of water supply GROUNDWATER which is a tributary of \_\_\_\_\_

3. Location of point of diversion is SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 7 Township 9S

Range 30E B.M. POWER County, additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 0.28 cfs for IRRIGATION purposes from 3/15 to 11/15 (both dates inclusive)  
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 0.28 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. WELL, PUMP TO MAINLINE WITH  
SPRINKLERS

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 6 inches; proposed depth of well is 130 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: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_

Range \_\_\_\_\_ B.M.

(2) Amount of water to be generated \_\_\_\_\_ horsepower under \_\_\_\_\_ feet of head.

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 |        |
| 9S  | 30E   | 7    |     |     |     |     |     |     | 7   | 7   |     |     |     |     |     |     |     |     | 14     |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 14

c. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

41-2000, 412008

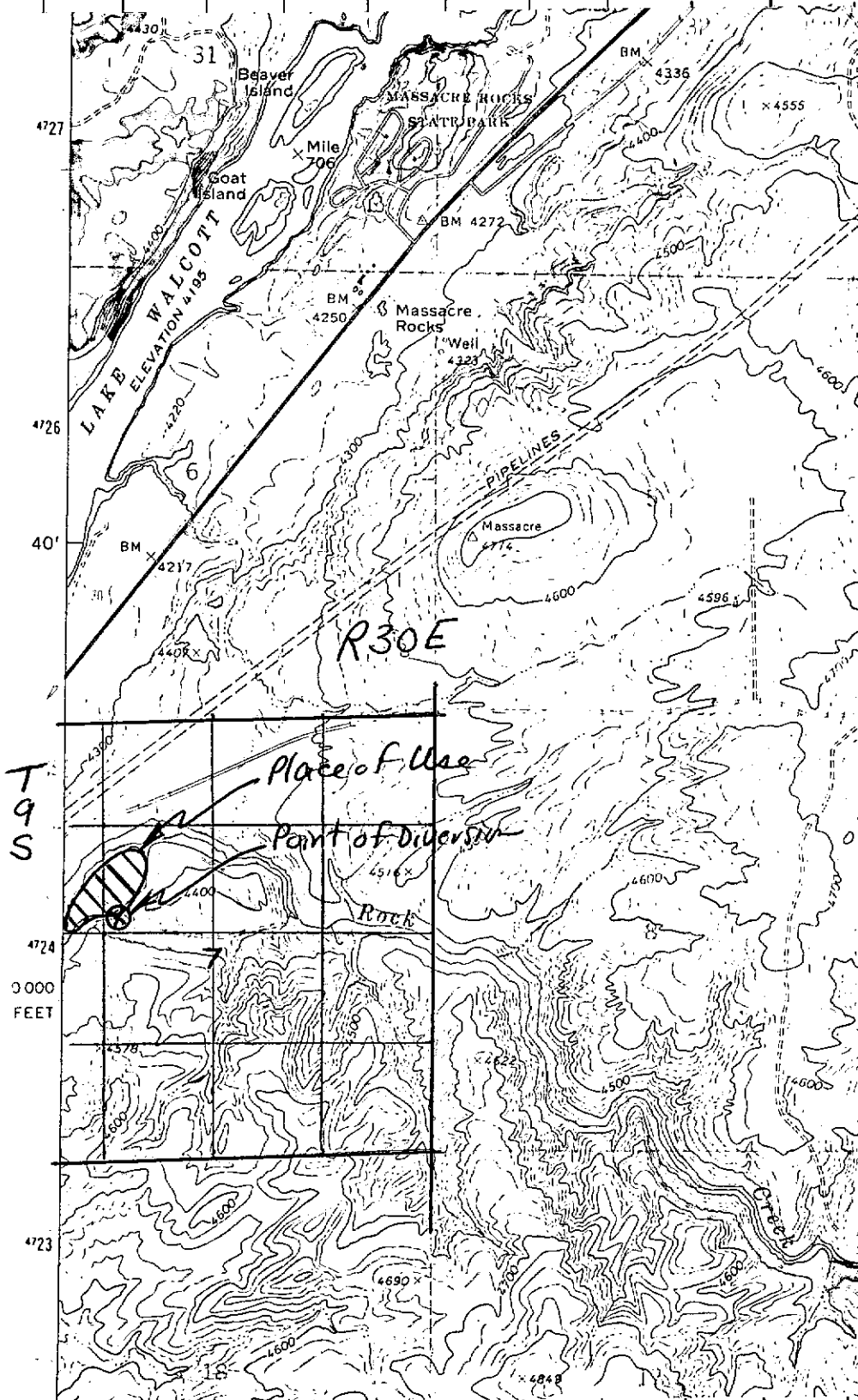
9. a. Who owns the property at the point of diversion APPLICANT

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

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

10. Remarks \_\_\_\_\_

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



Received by marja Date 4/8/83 Time 11:30 a  
Preliminary check by Q Fee \$ 45.00  
Receipted by marja Date 4/8/83 # 26186  
Publication prepared by M. Baldwin Date 4/23/90  
Published in Power Co. Press  
Publication dates 5/2 & 5/9/90  
Publication approved M. Baldwin Date 6/5/90  
Protests filed by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by SA

---

---

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

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before \_\_\_\_\_, 19 \_\_\_\_.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

# Affidavit of Publication

State of Idaho

County of Power

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 2 day of may 1990 and the date of last publication being the 9 day of may 1990.

(Signed)

State of Idaho

County of Power

On this 16 day of may in the year of 1990, before me, a Notary Public, personally appeared Erma Crompton, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Brett Crompton

Notary Public for Idaho

Residing at American Falls, Idaho

My commission expires: June 8, 1993

RECEIVED

MAY 16 1990

Department of Water Resources  
Eastern District Office

RECEIVED

JUN 1

Department of Water  
Southern Region

## Application for water right

Published in The Power County Press,  
May, 2, 9, 1990.

### NOTICE OF APPLICATION FOR WATER RIGHT

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SPETH, KERRY G.  
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Total Diversion: (.280 CFS)

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WALKER, DONNA D.  
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Use: IRRIGATION (.690 CFS)  
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Date Filed: 5/3/1983

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80.0 ACRES TOTAL

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BOX 334  
ROCKLAND, ID 83271

Source: ROCK CREEK  
Tributary: SNAKE RIVER

Diversion Pt: SENW Sec 15 T 09S R 30E

Use: IRRIGATION (2.000 CFS)  
Total Diversion: (2.000 CFS)

Date Filed: 4/26/1983

In: T09S, R30E, S14 SWSW SESE  
NESE SWSE SESE  
S15 SWNE SENW NESW NESE  
NWSE SESE  
S23 NENE NWNE SWNE SENE  
NENW NWNW SENW  
367.0 ACRES TOTAL

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WALKER, GLENNA  
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Source: GROUNDWATER

Diversion Pt: NESW Sec 33 T 09S R 31E

Use: IRRIGATION (.100 CFS)  
STOCKWATER (.050 CFS)  
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Total Diversion: (.100 CFS)

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5.0 ACRES TOTAL

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DEEG, TIMOTHY P.  
HC 76 BOX 2130  
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Source: GROUNDWATER

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Use: IRRIGATION (.130 CFS)  
DOMESTIC (.040 CFS)  
Total Diversion: (.197 CFS)

Date Filed: 7/13/1983

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11.0 ACRES TOTAL

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BOTTROFF, TERESA  
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Source: GROUNDWATER

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P.O. BOX 311  
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Source: ROCK CREEK, EAST FORK  
Tributary: ROCK CREEK

Diversion Pt: NWNE Sec 10 T 10S R 31E

Use: IRRIGATION (.400 CFS)  
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25.0 ACRES TOTAL

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2918 COLD CREEK RD.  
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Source: GROUNDWATER

Diversion Pt: NWSE Sec 5 T 09S R 30E

Use: IRRIGATION (4.800 CFS)  
Total Diversion: (4.800 CFS)

Date Filed: 9/11/1985

In: T09S R30E S05 NENE NWNE  
SWNE SENE NWSE SWSE  
240.0 ACRES TOTAL

41-07078  
MONTROSS, ERNIE  
MONTROSS, COLEEN  
BOX 299  
ROCKLAND, ID 832710000

Source: GROUNDWATER

Diversion Pt: SENENE Sec 36 T 09S R 30E

Use: IRRIGATION (.150 CFS)  
Total Diversion: (.150 CFS)

Date Filed: 9/22/1986

In: T09S R30E S36 NENE  
5.0 ACRES TOTAL

The permit(s) will be subject to all prior rights. Protests must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, Idaho 83301 on or before MAY 21, 1990.

R. KEITH HIGGINSON, Director

**ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE**

Permit No. 41-07066 Reviewed by [Signature] Date 6-12-96

**GENERAL CONSIDERATIONS**

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

**TYPES OF USE**

Irr.

Correct Uses? yes

**SOURCE OF WATER**

           Surface water source

✓ Ground water source

no Drilling permit required?

X Copy in the file? Drilling Permit No.                                 

X Amount paid for permit                                  Correct?

           Well log in the file?

**LICENSE EXAMINATION FEE**

yes Required?  
100 Amount Submitted  
yes Correct?

**MEASURING DEVICE**

no Required?  
           Installed?  
           Waiver requested?

**PRIORITY CALCULATION**

Date proof received 5-10-96  
Date proof due 2-1-96 -             
No. of days late after 60 =             
Priority Date 4-18-83 +             
New Priority Date 5-10-96

5/10/96

**DEFICIENCIES OR ACTION ITEMS**

*Late*  
Reinstate & advance priority to May 10, 1996.  
Advise that permit only authorizes irrigation  
of 14 acres.  
Proof acceptable.

**DATA ENTRY**

New Address 4136 N. Jones Rd. #A Proof Made 5-10-96  
Oak Harbor, WA. 98277



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

June 19, 1996

KERRY SPETH  
4136 N JONES RD #A  
OAK HARBOR WA 98277

**PROOF ACKNOWLEDGEMENT LETTER**

**RE:** PERMIT NO. 41-07066

Dear Permit Holder:

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

Enclosed is an order reinstating your permit since the proof was received after the proof due date of February 1, 1996. Please note that the priority date has been advanced to May 10, 1996.

Be advised that Permit No. 41-07066 only authorizes irrigation of 14 acres and not the 17'acres you indicated you are irrigating on the proof form. Additionally, you asked that Kathleen Garry's name be taken off the permit and Mercy Speth be added. The department cannot make this change without an Assignment of Permit form from the permit holder (you). I have enclosed a partially completed assignment form for your convenience if you chose to submit it.

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.

RECEIVED  
JUN 27 1996

Kerry Speth  
Page 2  
June 19, 1996

If you have questions concerning the field examination,  
contact the SOUTHERN Regional Office in Twin Falls at (208) 736-3033.

Sincerely,



JULIE L. YARBROUGH  
Senior Secretary

Enclosures

c: IDWR - Region

RECEIVED  
JUN 27 1996

7 MAY 96

Dear Sir:

In regard to permit No. 41-07066, Work was started August 1995 and completed on October 1995. It was my intent to be ready (show) beneficial use prior to the 2-1-96 deadline, however due to my being transferred (U.S. Navy, Active Duty) your office did not have my correct address. Due to this I did not receive the proof due notice from December. I hope that you will still be able to process my permit at this time.

I am inclosing copies of receipts for irrigation pump and installation, also inclosed is a copy of the lease contract of said property to Mr. Steve Isaak and Mr. LaMar Isaak. This contract is sent with the intent to show that the irrigated land is being used for grazing. The Isaak's have agreed to assist your department and to serve as point of contact for access and inspection to water systems.

Point of contacts for permit 41-07066 and claims A41-02000 and A41-02008:

Steven Isaak  
3315 Rock Creek Rd.  
American Falls, Idaho 83211      Phone: (208)226-5742

LaMar Isaak  
3298 S. Isaak Lp.  
American Falls, Idaho 83211      Phone: (208)226-2618

My new address is:

Kerry & Mercy Speth  
4136 N. Jones Rd. #A  
Oak Harbor, Washington 98277      Phone: (360)679-0518

In regards to proof of beneficial use form No. 217, I have answered to the best of my ability with the information I have available. I am providing the following information and requesting that your office review it and assist me if possible.  
question No.

2. Kathleen Gary is deceased, if possible and it would not slow down processing I would like to add my wife's name, (Mercy Speth)
4. This well was drilled approximately 25 years ago by Mr. Vollmer of American Falls. I do not have record of the permit no.
6. This well tested out at over 110 gal per min. in August 1995.
7. No permanent measuring device is currently installed on this well.

Thank you for the assistance your office has provided.

Sincerely  
  
Kerry Speth  
JUN 27 1996

# Lease Between Kerry Speth & LaMar & Steve Isaak

Leasee: LaMar & Steve Isaak

Leassor: Kerry Speth

Leassor agrees to lease his Farm with the following legal description: See Addendum A.

Containing 50.5 acres more or less.

The duration of this lease is From 8-15-95 to 12-31-05, for the amount of \$1.00 per year. Leassor agrees to allow leasee's unrestricted use of the above described property for the grazing of cattle & the production of forage crops.

Leasee agrees to the following terms:

1. To pay to leassor the amount of property tax from 1-1-96 to 12-31-05, leassor will provide receipt and a copy of the tax statement to leasee.

2. To irrigate as much as Feasable in an effort to preserve the water rights.

3. Furnish pump pipe ect. to water out of the creek.

4. Repair & maintain Fences.

5. Work on suppression of noxious weeds

6. Remove leasee's private irrigation equipment unless both parties agree on leassor purchasing said equipment, or there is an extension or renewal of the lease.

JUN 27 1996

2W.  
K6  
7. To provide liability insurance in the amount of \$1,000,000.<sup>00</sup>.

8. To allow lessor access to all property, and to allow him to pasture up to 3 head of horses.

9. lessee is aware that lessor may be starting a house on the property.

lessor: *Kerry G. Smith* 8-15-95

lessee: *Leman Isack* 8-15-95  
*Stem Isack* 8-15-95

*RECORDED*  
JUN 27 1996

SNAKE RIVER LAND SURVEYORS  
P. O. Box 164  
American Falls, Idaho

95066  
Kerry Speth  
504.4 Acres

Parcel 1

In Section 7, Township 9 South, Range 30 East, Boise Meridian:  
Part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  lying S'ly of Deeg Road and Register Road;  
Part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  lying S'ly of Register Road;  
All of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
All of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  lying SE'ly of Register Road and the Scenic  
Enhancement line;  
All of the W $\frac{1}{2}$ SW $\frac{1}{4}$ .

Parcel 2

In Section 18, Township 9 South, Range 30 East, Boise Meridian:  
All of the W $\frac{1}{2}$ NW $\frac{1}{4}$ .

Parcel 3

In Section 12, Township 9 South, Range 29 East, Boise Meridian:  
Part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  lying SE'ly of the Scenic Enhancement line;  
All of the S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
All of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Parcel 4

In Section 13, Township 9 South Range 29 East, Boise meridian:  
All of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$  and S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$

Containing 505 Acres more or less.

RECORDED  
JUN 27 1996

SNAKE RIVER LAND SURVEYORS

P. O. Box 164

American Falls, Idaho

95066

Kerry Speth

504.4 Acres

Parcel 1

In Section 7, Township 9 South, Range 30 East, Boise Meridian:

Part of the  $NW\frac{1}{4}NE\frac{1}{4}$  lying S'ly of Deeg Road and Register Road;

Part of the  $NE\frac{1}{4}NW\frac{1}{4}$  lying S'ly of Register Road;

All of the  $SW\frac{1}{4}NE\frac{1}{4}$ ;

All of the  $SE\frac{1}{4}NW\frac{1}{4}$ ;

Part of the  $SW\frac{1}{4}NW\frac{1}{4}$  lying SE'ly of Register Road and the Scenic Enhancement line;

All of the  $W\frac{1}{2}SW\frac{1}{4}$ .

Parcel 2

In Section 18, Township 9 South, Range 30 East, Boise Meridian:

All of the  $W\frac{1}{2}NW\frac{1}{4}$ .

Parcel 3

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Part of the  $NE\frac{1}{4}SE\frac{1}{4}$  lying SE'ly of the Scenic Enhancement line;

All of the  $S\frac{1}{2}SE\frac{1}{4}$ ;

All of the  $SE\frac{1}{4}SW\frac{1}{4}$ ;

Parcel 4

In Section 13, Township 9 South Range 29 East, Boise meridian:

All of the  $NE\frac{1}{4}NE\frac{1}{4}$ ;

$S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$  and  $S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$

Containing 505 Acres more or less.

JUN 27 1988



P. O. Box 729 2766 Neu Road  
American Falls, Idaho 83211  
Phone (208) 226-5059

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KERRY SPETH

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|-----------------|-------------|------------|--------------------|
| INVOICE DATE<br>8-23-95                                                                                                                                                                                                                                                                                                               | CUSTOMER ORDER NO. | SOLD BY                  | CASH SALE<br>KX | CHARGE SALE | R.O.A.     | MERCHANDISE RET'D. |
| QUANTITY<br>1                                                                                                                                                                                                                                                                                                                         | PART NO.           | DESCRIPTION<br>WELL TEST |                 |             | UNIT PRICE | AMOUNT<br>600.00   |
| PAID BY<br>K-H 510                                                                                                                                                                                                                                                                                                                    |                    |                          |                 |             |            | S                  |
|                                                                                                                                                                                                                                                                                                                                       |                    |                          |                 |             |            |                    |
|                                                                                                                                                                                                                                                                                                                                       |                    |                          |                 |             |            |                    |
|                                                                                                                                                                                                                                                                                                                                       |                    |                          |                 |             |            |                    |
|                                                                                                                                                                                                                                                                                                                                       |                    |                          |                 |             |            |                    |
| 10% HANDLING CHARGE ON ALL RETURNED PARTS. Not Returnable After 10 Days.                                                                                                                                                                                                                                                              |                    |                          |                 |             |            |                    |
| <p>I certify that the property which I have here purchased will be used by me for the following purpose:<br/><input type="checkbox"/> Directly and primarily in the process of producing tangible personal property by mining, manufacturing, processing, or for farming.</p> <p><i>Thank You</i><br/>WE APPRECIATE YOUR BUSINESS</p> |                    |                          |                 |             |            | SUB-TOTAL          |
|                                                                                                                                                                                                                                                                                                                                       |                    |                          |                 |             |            | Idaho Sales Tax    |
|                                                                                                                                                                                                                                                                                                                                       |                    |                          |                 |             |            | TOTAL<br>600.00    |

In consideration of being given such credit now or at any other time, in the event I fail to pay and collection is made by suit or otherwise, I agree to pay all collection costs, including a reasonable attorney's fee for collection with or without suit. No Service or Carrying charge is made on accounts paid within 15 days of purchase. Accounts not paid within 15 days will, on the billing date following, be charged a FINANCE CHARGE OF 1% PER MONTH which is an ANNUAL PERCENTAGE RATE OF 21%. Returned parts are subject to 10% discount accompanied by invoice. Special Orders ARE NOT RETURNABLE.

Received by \_\_\_\_\_

JUN 27 1995



P. O. Box 729 • 2766 Neu Road  
American Falls, Idaho 83211  
Phone (208) 226-5059

|             |        |
|-------------|--------|
| ACCOUNT NO. | SPEKER |
|-------------|--------|

# INVOICE

|              |          |
|--------------|----------|
| INVOICE NO.  | 10437    |
| INVOICE DATE | 10-13-95 |

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KERRY G. SPETH  
4136 N. JONES ROAD #A  
OAK HARBOR WA 98277

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KERRY G. SPETH  
4136 N. JONES ROAD #A  
OAK HARBOR, WA 98277

Via:

|                    |                      |        |                |
|--------------------|----------------------|--------|----------------|
| PURCHASE ORDER NO. | SALES REPRESENTATIVE | TERMS  | TAX EXEMPT NO. |
|                    |                      | Net:31 |                |

| QUANTITY | UNIT       | DESCRIPTION                                       | * | UNIT PRICE | EXTENSION |
|----------|------------|---------------------------------------------------|---|------------|-----------|
| 1        | D-MISCINV  | 7 1/2 HP GOULD PUMP <i>CAST / BRONZE IMPELLER</i> | N | 983.330    | 983.33    |
| 1        | D-MISCINV  | HOM BREAKER BOX 6/12 RT                           | N | 29.810     | 29.81     |
| 2        | D-MISCINV  | HOM 60 AMP BRK BOX 2 POLE                         | N | 16.100     | 32.20     |
| 1        | D-MISCINV  | IER CONTACT SWITCH                                | N | 23.690     | 23.69     |
| 1        | D-MISCINV  | TDR (TIME DELAY)                                  | N | 13.480     | 13.48     |
| 2        | D-MISCINV  | 2" PVC CPLG                                       | N | 0.750      | 1.50      |
| 2        | D-MISCINV  | 2" PVC CONN                                       | N | 2.060      | 4.12      |
| 2        | D-MISCINV  | 2" LOCK NUT (RINGS)                               | N | 0.900      | 1.80      |
| 2        | D-MISCINV  | 2" PVC END BUSHING                                | N | 0.780      | 1.56      |
| 1        | D-MISCINV  | 2" HW STRAP                                       | N | 0.730      | 0.73      |
| 2        | D-MISCINV  | 2" PVC 90                                         | N | 3.310      | 6.62      |
| 10       | D-MISCINV  | 2" PVC SCH 80                                     | N | 1.590      | 15.90     |
| 360      | D-MISCINV  | 4-0 TRIPLEX <i>WIRE</i>                           | N | 1.700      | 612.00    |
| 1        | D-MISCINV  | ELEC. SERV. BY RAMSEY REPAIR                      | N | 650.000    | 650.00    |
| 4        | D-MISCINV  | BACKHOE FOR TRENCH BY T. ZIE                      | N | 65.000     | 260.00    |
| 1        | D-MISCINV  | FURN 40 AMP 2 POLE MAG                            | N | 50.000     | 50.00     |
| 1        | D-MISCINV  | FURN MAG 40 AMP 2 POLE W/HTR                      | N | 75.000     | 75.00     |
| 1        | D-MISCINV  | 7 1/2 HP DEL. CONT. BOX                           | N | 307.000    | 307.00    |
| 32       | D-EL-S40C1 | 1" SCH 40 CONDUIT                                 | N | 0.050      | 1.60      |

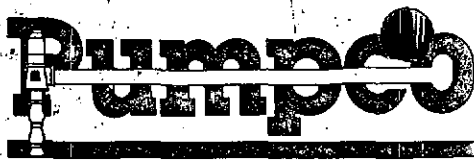
\*TAX Y-YES N-NO

## COMMENTS

WE ALWAYS APPRECIATE A CALL FROM YOU!  
ALL ACCOUNTS DUE 10TH OF MONTH

|               |          |
|---------------|----------|
| SUB TOTAL     | 3,070.34 |
| SALES TAX     | 0.00     |
| MISC.         | 0.00     |
| INVOICE TOTAL | 3,070.34 |

JUN 27 1996



P. O. Box 729 • 2766 Neu Road  
American Falls, Idaho 83211  
Phone (208) 226-5059

|             |        |
|-------------|--------|
| ACCOUNT NO. | SPEKER |
|-------------|--------|

# INVOICE

|              |          |
|--------------|----------|
| INVOICE NO.  | 10434    |
| INVOICE DATE | 10-13-95 |

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KERRY G. SPETH  
4136 N. JONES ROAD #A  
OAK HARBOR WA 98277

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KERRY G. SPETH  
4136 N. JONES ROAD #A  
OAK HARBOR, WA 98277

Via:

|                    |                      |        |                |
|--------------------|----------------------|--------|----------------|
| PURCHASE ORDER NO. | SALES REPRESENTATIVE | TERMS  | TAX EXEMPT NO. |
|                    |                      | Net:31 |                |

| QUANTITY | UNIT          | DESCRIPTION                | * | UNIT PRICE | EXTENSION |
|----------|---------------|----------------------------|---|------------|-----------|
| 11       | LABOR-MATT    | LABOR                      | N | 30.000     | 330.00    |
| 7        | LABOR-2ND MAN | SECOND MAN LABOR           | N | 18.000     | 126.00    |
| 2        | LABOR RIG     | RIG TIME                   | N | 32.000     | 64.00     |
| 1        | D-SM7.51P-230 | 7-1/2HP 1P 230 FRANK MOTOR | N | 1017.240   | 1,017.24  |
| 111      | D-GP3D        | 3" GALV T&C PIPE DOM       | N | 7.160      | 794.76    |
| 112      | D-SCF4-4      | SUBM CABLE 4-4 PVC FL      | N | 3.120      | 349.44    |
| 1        | D-SP #4       | SPLICE KIT #4              | N | 11.500     | 11.50     |
| 2        | D-GN3X6 D     | 3" X 6" GALV NIPL DOM      | N | 9.380      | 18.76     |
| 1        | D-G90-3 D     | 3" GALV 90 EL DOM          | N | 20.690     | 20.69     |
| 1        | D-WBGV3       | 3" WATTS BRASS GATE VALVE  | N | 53.370     | 53.37     |
| 1        | D-MISCINV     | 5" WELL PLATE              | N | 25.000     | 25.00     |
| 1        | D-FCV3HC      | 3" FLOMATIC CK VLV HD CAST | N | 160.860    | 160.86    |
| 350      | D-PVCP2C200   | 2" CLASS 200 PVC PIPE      | N | 0.550      | 192.50    |
| 2        | D-EL-PVCMA1   | 1" PVC MALE ADAPTER        | N | 0.430      | 0.86      |
| 2        | D-EL-75PVCA M | ELECT 3/4" PVC ADAPT MALE  | N | 0.900      | 1.80      |
| 1        | PERMIT-E      | ELECTRICAL PERMIT          | N | 30.000     | 30.00     |

\*TAX Y-YES N-NO

COMMENTS

WE ALWAYS APPRECIATE A CALL FROM YOU!  
ALL ACCOUNTS DUE 10TH OF MONTH

|               |          |
|---------------|----------|
| SUB TOTAL     | 3,196.78 |
| SALES TAX     | 0.00     |
| MISC.         | 0.00     |
| INVOICE TOTAL | 3,196.78 |

PAID  
10/27/95





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033  
Fax (208) 736-3037

PHILIP E. BATT  
Governor

KARL J. DREHER  
Director

Kerry Speth  
4136 N Jones Rd #A  
Oak Harbor, WA  
98277

April 25, 1996

RE: Lapsed Permit 41-07066

Dear Mr. Speth;

Per your request, enclosed is a copy of this permit, and a proof of beneficial use form and instructions. Since you moved over a year ago without giving us your new address, it appears likely that you never got the proof-due notice that was sent out in December. Since it has been more than 60 days since proof was due, this permit has lapsed. However, the permit can be reinstated with a proper showing that development was completed by 2-1-96. If we receive a completed proof form, examination fee, supporting documents, and an explanation of why proof was not filed on time, reinstatement of this permit will be considered.

If you have further questions, feel free to contact me.

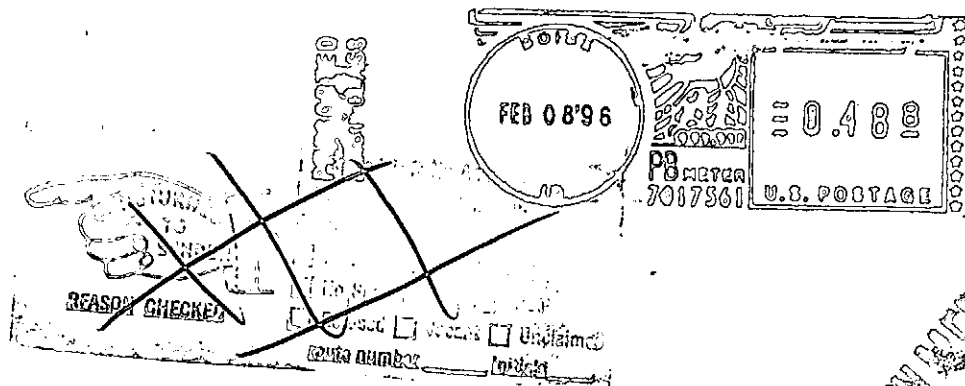
Sincerely,

James E. Stanton  
Sr. Water Resource Agent

cc: State Office —

APPROVED  
JUN 27 1996

**North Orchard Street  
Boise, Idaho 83706-2237**



GARR312 920712028 1N 02714/9  
RETURN TO SENDER  
NO FORWARD ORDER ON FILE  
UNABLE TO FORWARD  
RETURN TO SENDER

JUN 27 1996

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ORDER EXP: 157

1155



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT  
GOVERNOR

RECEIVED February 8, 1996  
KARL J. DEEMER  
DIRECTOR

FEB 20 1996

Department of Water Resources

KATHLEEN D. GARRY  
KERRY G. SPETH  
10312 GREAT ROCK ROAD  
SANTEE CA 920170000

LAPSE NOTICE

RE: PERMIT NO. 41-07066

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated November 30, 1995. No further construction or additional development is authorized under this permit unless it is reinstated.

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

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

L. GLEN SAXTON  
Chief, Water Allocation Bureau

Enclosures

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. \_\_\_\_\_ Telephone No. \_\_\_\_\_

2. Name(s) of Permit Holder(s): \_\_\_\_\_

3. Mailing Address: \_\_\_\_\_

4. Source of Water: \_\_\_\_\_ If GROUNDWATER (well), Date Drilled: mo. \_\_\_\_\_ / yr. \_\_\_\_\_

a. Well Driller: \_\_\_\_\_ Drilling Permit Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

b. **OPTIONAL:**  
Pump Horsepower: \_\_\_\_\_ Pressure (psi): \_\_\_\_\_ Dynamic pumping level (ft): \_\_\_\_\_

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): \_\_\_\_\_ Stockwater (No. and type of stock): \_\_\_\_\_

Irrigation (No. of acres): \_\_\_\_\_ Other: \_\_\_\_\_

6. Total rate of diversion and/or volume for which proof is submitted: \_\_\_\_\_ cfs OR \_\_\_\_\_ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

**Measuring Device:** Is a measuring device required? Yes \_\_\_\_\_ or No \_\_\_\_\_

Has the measuring device been installed? Yes \_\_\_\_\_ or No \_\_\_\_\_

**Flow Measurement Port:** Is a flow measurement port required? Yes \_\_\_\_\_ or No \_\_\_\_\_

Has the measurement port been installed? Yes \_\_\_\_\_ or No \_\_\_\_\_

8. Fee Enclosed: \$ \_\_\_\_\_ (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Address: \_\_\_\_\_

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: \_\_\_\_\_ Date: \_\_\_\_\_  
(include your title, if on behalf of company or organization)

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

INSTRUCTIONS FOR FILING PROOF OF BENEFICIAL USE

**HOW TO MAKE PROOF:**

In order for a permit holder to fulfill the conditions of the permit obtain a water right license, the permit holder must submit the Proof of Beneficial Use form (proof) together with the license examination fee (if required) OR submit the proof together with a completed field examination report prepared by a certified water right examiner on or before the date set in the permit for the proof. The information submitted by the permit holder will enable the department to determine the extent of beneficial use before the license is issued. The information entered on the proof form should show the extent of actual development of the project and should correspond to that authorized by the permit. If it does not, an amendment to the permit may be required.

Additional information is optional for an irrigation well diverting more than 0.20 cfs (90 gpm or 10 miner's inches). To complete Section 4.b., indicate the pump horsepower and the wellhead pressure in psi. The dynamic pumping level is the sum of the static or standing water level in the well and the drawdown when pumping. Do not confuse the dynamic pumping level with the pump setting depth. Provide the best estimate if unsure about the answers.

**WHAT TO DO IN CASE YOU HAVE NOT FULLY APPLIED THE WATER TO BENEFICIAL USE:**

If the development authorized by the permit has not been completed in the time allowed, the permit holder may submit a request for extension of time. In order for a request for extension of time to be considered without loss of priority, it must be filed prior to the date on which proof of beneficial use is due. Each request for extension of time will be considered on its own merits.

**WHAT IF YOU FAIL TO MAKE PROOF OF BENEFICIAL USE ON TIME:**

If you have applied the water to beneficial use, but did not submit the proof of beneficial use on or before the date set for the proof, the permit will lapse. A lapsed permit may be reinstated within sixty (60) days from the date the department sends a lapse notice. In order for the department to reinstate a permit, the permit holder must show reasonable cause why the permit should be reinstated. Submission of an acceptable proof of beneficial use form within sixty (60) day period will be considered as reasonable cause for reinstatement.

**EXAMINATION FEE:**

Section 42-217 and Section 42-221, Idaho Code, require an examination fee as part of the proof of beneficial use submittal if a completed field examination report prepared by a certified water right examiner is not submitted as part of the proof. The fee is based upon the rate of diversion or volume of water claimed on the proof of beneficial use form. The appropriate fee can be determined from the license examination fee schedule on the back of this sheet.

**ISSUANCE OF LICENSE:**

The department will issue a license of water right based on the determination of the amount of water beneficially used in compliance with existing law. The license will include specific information to describe the water right developed.

**NOTE** - You must comply with the conditions of approval of your permit or seek to have the department waive the conditions. (See the last page of the permit).

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
LICENSE EXAMINATION FEE SCHEDULE

(C.F.S. = cubic feet per second    AF = acre feet)

| <u>CFS</u>    | <u>AF</u>   | <u>FEE</u> |
|---------------|-------------|------------|
| 0 - 0.20      | 0 - 20      | \$50.00*   |
| .21 - 1.00    | 21 - 100    | 100.00     |
| 1.01 - 2.00   | 101 - 200   | 125.00     |
| 2.01 - 3.00   | 201 - 300   | 150.00     |
| 3.01 - 4.00   | 301 - 400   | 175.00     |
| 4.01 - 5.00   | 401 - 500   | 200.00     |
| 5.01 - 6.00   | 501 - 600   | 225.00     |
| 6.01 - 7.00   | 601 - 700   | 250.00     |
| 7.01 - 8.00   | 701 - 800   | 275.00     |
| 8.01 - 9.00   | 801 - 900   | 300.00     |
| 9.01 - 10.00  | 901 - 1000  | 325.00     |
| 10.01 - 11.00 | 1001 - 1100 | 350.00     |
| 11.01 - 12.00 | 1101 - 1200 | 375.00     |
| 12.01 - 13.00 | 1201 - 1300 | 400.00     |
| 13.01 - 14.00 | 1301 - 1400 | 425.00     |
| 14.01 - 15.00 | 1401 - 1500 | 450.00     |
| 15.01 - 16.00 | 1501 - 1600 | 475.00     |
| 16.01 - 17.00 | 1601 - 1700 | 500.00     |
| 17.01 - 18.00 | 1701 - 1800 | 525.00     |
| 18.01 - 19.00 | 1801 - 1900 | 550.00     |
| 19.01 - 20.00 | 1901 - 2000 | 575.00     |
| 20.01 - over  | 2001 - over | 600.00     |

Checks should be made payable to the  
Idaho Department of Water Resources (IDWR)

A license examination fee is not required in connection with  
permits which use a ground water source AND have a total rate of  
diversion of 0.04 cfs or less or where the total volume stored is 4.0 AF per annum or less.

A license exam fee is required for ANY permit which uses surface water

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME  
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF  
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. \_\_\_\_\_

Name(s) of Permit Holder: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Date Proof is Due: \_\_\_\_\_ Telephone No. \_\_\_\_\_

Describe what work has been completed toward the development of this water right:  
(This must be filled out! If no work has been completed, show "none".)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Costing \$ \_\_\_\_\_

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Permit holder(s) request an extension to \_\_\_\_\_, 19\_\_\_\_.

FEE: \$50.00

\_\_\_\_\_  
(Signature)\*

*\*If other than permit holder, Power of Attorney must be supplied.*

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

INSTRUCTIONS FOR EXTENSION OF TIME REQUEST  
TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may receive one or more extensions of time even though no work has been accomplished:

1. When there is a lack of a required consent or final approval from a federal government agency (evidence of delay must be submitted with the request), i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
2. When litigation related to title of the water has prevented development of the permit (evidence must be submitted with the request).
3. When the water project is of a large scale -- storage of more than 200,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
4. When the water right permit is held by the United States of America (reason for request must be submitted).

A non-refundable filing fee of \$50.00 must accompany the Request for Extension of Time form.

NOTE that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect. A new application will then need to be submitted to the department if water right development is still planned.

# WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

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

February 8, 1996

KATHLEEN D. GARRY  
KERRY G. SPETH  
10312 GREAT ROCK ROAD  
SANTEE CA 920170000

LAPSE NOTICE

RE: PERMIT NO. 41-07066

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated November 30, 1995. No further construction or additional development is authorized under this permit unless it is reinstated.

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

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

L. GLEN SAXTON  
Chief, Water Allocation Bureau

Enclosures

*Handwritten:* KATHLEEN  
JUN 27 1996

CERTIFICATION OF MAILING

I hereby certify that on 2-8-96  
a ~~copy~~an original of this document was  
deposited in the United States mail,  
postage prepaid addressed to the  
individual(s) named above.

*Handwritten signature*

REGISTERED MAIL

12438

DATE

NOV 30 1995

== 1.65 ==

PM METER  
7006048

U.S. POSTAGE

RECEIVED

DEC 12 1995

DEC 27 1996

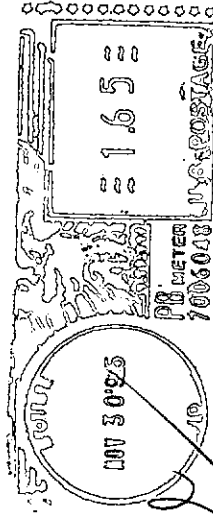
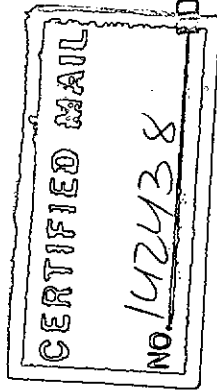
Department of Water Resources

GARR312

920713049 IN 12/03/95

RETURN TO SENDER  
NO FORWARD ORDER ON FILE  
UNABLE TO FORWARD  
RETURN TO SENDER

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
North Orchard Street  
Idaho 83706-2237



RECEIVED

DEC 12 1995

Department of Water Resources

GARR312 920713049 IN 12/03/95

RETURN TO SENDER ON FILE  
NO FORWARD OR ORDER TO FORWARD  
UNABLE TO FORWARD  
RETURN TO SENDER

92071-1658 21



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

November 30, 1995

KATHLEEN D. GARRY  
KERRY G. SPETH  
10312 GREAT ROCK ROAD  
SANTEE CA 920170000

PROOF DUE NOTICE

RE: PERMIT NO. 41-07066

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 February 1, 1996.

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

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

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

SINCERELY,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures

November 30, 1995

KATHLEEN D. GARRY  
KERRY G. SPETH  
10312 GREAT ROCK ROAD  
SANTEE CA 920170000

PROOF DUE NOTICE

RE: PERMIT NO. 41-07066

Dear Permit Holder:

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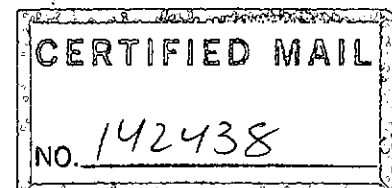
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SINCERELY,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures

RECEIVED  
NOV 27 1995





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

February 16, 1993

Kerry G. Speth  
10312 Great Rock Road  
Santee, CA 92071

Re: Permit No. 85-07560 4/-07066

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to February 1, 1996. However, since the extension was received after the proof of beneficial use date, it was necessary for the department to reinstate your permit and advance your priority date to August 18, 1983.

Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department will not be able to grant additional requests based on due diligence.

I would like to clarify the "beneficial use requirements". You indicate that you hope to have a solid plan by late August, and in your letter request an extension to that time. However, the proof due date is the date the project must be complete. It is the date by which you must be beneficially using the water. Accordingly, the Department has granted you an extension to 1996 to allow you time to complete the project. However, it is the only extension of this type that the Department is authorized to grant pursuant to Section 42-204, Idaho Code.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson  
Secretary/Records Manager

c: IDWR - Regional Office

RECEIVED

APR 13 1993

Reta K.

RECEIVED

FEB 17 1993

← PLEASE EXTEND  
DATE FOR AS LONG  
AS POSSIBLE.

PLEASE SEE  
ATTACHED LETTER

ANALYSIS SHEET  
FOR  
EXTENSION OF TIME

Permit No. 41-07066 Reviewed by Klg Date 2/12/93  
BASIC INFORMATION

2/11/93 Date stamp received  
no Extension received timely  
yes Fee received and receipted  
yes Name and signature same as permit  
yes Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?  
Has the permit been involved in litigation?  
Is supporting documentation needed to complete the file? Requested?  
Is delay by a government agency?  
Is supporting documentation needed to complete the file? Requested?  
Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Recommend approval Based on due diligence  
Extend to 2/1/96

Note to permit holder that project must be complete by then

PRIORITY CALCULATION

|                         |                |   |            |
|-------------------------|----------------|---|------------|
| Date extension received | <u>2/11/93</u> | = | <u>42</u>  |
| Proof due date          | <u>2/1/93</u>  | = | <u>32</u>  |
| Number of days late     |                | = | <u>10</u>  |
| Priority date           | <u>4/8/83</u>  | = | <u>98</u>  |
| New Priority Date       | <u>4/18/83</u> | = | <u>108</u> |

DATA ENTRY

New Address 10312 Great Rock Rd Santee, CA 92071  
Change Proof Due Date 2/16/93  
Change Priority Date \_\_\_\_\_

February 6, 1993

Mr. R. Keith Higginson, Director  
Department of Water Resources  
State of Idaho  
1301 N. Orchard Street  
Boise, Idaho 83720-9000

RE: PERMIT NO. 41-07066

Dear Mr. Higginson,

I am writing in response to Ms. Karen L. Gustafson's letter of November 30, 1992 concerning proof of beneficial use of my water rights on the land covered by the referenced permit. I fully realize that the deadline for submission was February 1st. However, I am currently deployed with USS NIMITZ (CVN 68) for a six-month cruise to the Persian Gulf. The time preceding our departure was an extremely busy one, as well as emotional for myself and my family. Additionally, I have had difficulty fully understanding the beneficial use requirements and formulating a plan for my property.

Therefore, I am enclosing a Request for Extension application and the requisite fee. I am requesting an extension to late August as that is when I will return to the United States and be available to take action on this matter.

The following information is submitted for your consideration at this point in time: (a) There is currently a 6" mainline installed on my property; (b) I have purchased a 5" pump for use in accordance with the referenced permit; (c) Due to Rock Creeks' tendency for excessive flooding during the Spring, I must obtain professional advice and services for proper exploitation of my water rights and development of a water system on a flood plain; (d) I have discussed this matter with my wife at length to begin researching and soliciting the appropriate individuals to assist us with our dilemma; (e) We anticipate having a solid plan by late August.

I hope the foregoing will assist you in understanding my present circumstances, and that you will grant my request for extension. I thank you in advance for your cooperation.

Sincerely,

  
Kerry G. Speth

RECORDED

FEB 17 1993

Kathleen and Kerry Speth  
10312 Great Rock Road  
Santee, CA 92071

February 4, 1993

10

LAPSE NOTICE

RE: PERMIT NO. 41-07066

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated November 30, 1992. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

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

L. GLEN SAXTON  
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

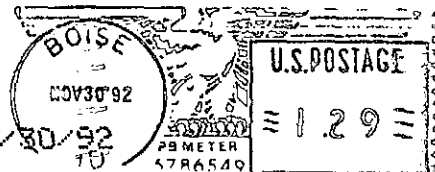
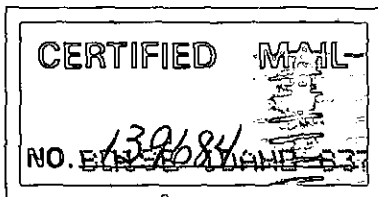
I hereby certify that on 2/4/93  
~~a copy~~ an original of this document was  
deposited in the United States mail,  
postage prepaid addressed to the  
individual(s) named above.

*Elg*  
WATER ALLOCATION BUREAU

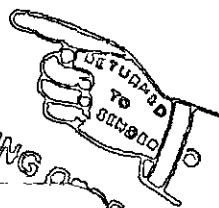
FEB 17 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

North Orchard Street  
Idaho 83706-2237



FORWARDING POWER EXPIRED



10312 Great Lock Rd

RECEIVED

DEC 4 1992

Department of Water Resources

Sander CH

REPROFILMED 2071

FEB 17 1993

Remailed on 12/7/92

November 30, 1992

KATHLEEN D. GARRY  
KERRY G. SPETH  
378 TYHEE  
AMERICAN FALLS ID 832110000

PROOF DUE NOTICE

RE: PERMIT NO. 41-07066

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 February 1, 1993. (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.

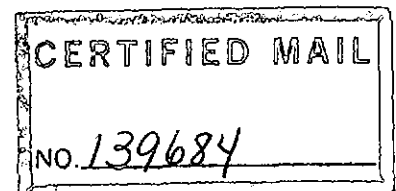
SINCERELY,

Karen L. Gustafson  
Secretary/Records Manager

Enclosures

RECEIVED

FEB 17 1993



139729



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

March 14, 1991

KATHLEEN D. GARRY  
KERRY G. SPETH  
378 TYHEE  
AMERICAN FALLS, ID 832110000

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 41-07066

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well

MICROFILMED

MAR 19 1991

so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:blm

Enclosures

MICROFILMED

MAR 13 1991

# APPLICATION FOR PERMIT REVIEW

Application #: 41-7066  
Date: 2-14-91

Reviewer: Pam Skaggs <sup>28</sup>

- ✓ Existing:
  - ✓ No - 26A-P17
  - Complete in 1 year - P16
  - Yes
    - Proof not submitted - P16
    - Proof submitted - N/A
- ✓ Groundwater:
  - GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)
  - ✓ LT. 0.7 cfs - N/A
- ✓ Drilling Permit:
  - Approved w/permit - P99
  - ✓ Not included - 046-P23 (All GW, even existing wells)
- ✓ Location:
  - Water Districts - WD No. 41
  - Surface water - 005, 005-01H-P01(LT.7 w/pump)  
005-01J-P08(GT.7)
  - ✓ Groundwater - P05
  - Irrigation Districts - 023
  - Canal Co. Areas - 023
  - Drainage Districts - 024
  - Boise Front (63) - 058 (Groundwater)
  - ✓ Swan Falls Flag - 1 (1 or Blank)
  - Trust - 051-052-053-P74 (Cons.), 041(DCMI, w/Irr  
or Irr & Dom)
  - ✓ Non Trust - 048-049
- River Basins:
  - (Surface Water) - Water District Control Condition &....
  - Boise (63) - 11D-P72
  - Payette (65) - 047-P04, 059-P71
  - Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)
- Use:
  - Fish Propagation - 002-P06, 06A, 007, 09E-P10, 010, 042, 044
  - Power - Use Power Review
  - Mining - 06A, 006, 010, 09E-P10 & 054(req.)
  - Storage - 18A-P for multiple measuring devices(In  
W.D.), 18B-P09(Size)
  - Rec. & Aesthetic - 027(Non-Consumptive)
  - Domestic - 021(restricted areas)
- Ownership:
  - Non land owner - 004
- Protested:
  - Agreement - 020
- Minimum Stream Flow:
  - Overlapping uses - 029-P20
- ✓ Beneficial Use Due Date: - 02-01-1993

Other Conditions Recommended \_\_\_\_\_

RECEIVED

MAR 19 1991

*JS*  
3-6-91

State of Idaho  
Department of Water Resources

7066

APPLICATION FOR PERMIT ANALYSIS SHEET

SPETH, Kerry G.

GARRY, Kathleen D.

INITIAL REVIEW BY: J. G. Stanton

APPLICATION NUMBER: 41-7066

CHECK:

- ☐ Source.
- ☐ Point of diversion.
- ☐ County.
- ☒ Quantity of water and period of use.
- ☐ Description of diverting works.
- ☐ Time required for beneficial use of water.
- ☐ Place of use or acres irrigated.
- ☐ Map.
- ☐ Signature.
- ☐ Fee.

Field check by: \_\_\_\_\_

Date: \_\_\_\_\_

Comments: \_\_\_\_\_

☐ 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.

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: \_\_\_\_\_

SEND COPIES TO:

- ☐ Idaho State Health Department.
- ☐ Idaho Fish and Game Department.
- ☐ Idaho Department of Lands.
- ☐ U.S. Bureau of Land Management.
- ☐ U.S. Forest Service.
- ☒ Other District 41 Watermaster

Copies sent by: \_\_\_\_\_ Date: \_\_\_\_\_

PROCESSING:

☐ Yes ☒ No Platted by: JG Map No. B8-35

☒ Yes ☐ No Other rights on same place of use. 41-2008 (surface water)

☒ Yes ☐ No\* In form for advertising.

☐ Yes ☒ No Final date for protests: \_\_\_\_\_

☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received. Date: 5/16/90

☒ 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? \_\_\_\_\_

4/8/83 Date of priority recommended.

Special conditions of approval or cover letter. 43, 26A.

By: Loren O. Hansen  
STATE OFFICE REVIEW:

Date: 1/22/91

☐ See attached sheet for more information.

By: \_\_\_\_\_ Date: \_\_\_\_\_

RECEIVED

JAN 25 1991

Department of Water Resources

STATE OF IDAHO  
Department of Water Resources

No 26186

Boise, Idaho, April 8, 1982

RECEIVED  
FROM

Rathbun & Garry  
forty-five and 00/100

of Am. Lumber

\$ 45.<sup>00</sup>

DOLLARS

MICROFILMED

MAR 18 1991

FOR

|                    |    |           |           |
|--------------------|----|-----------|-----------|
| <u>appl / perm</u> | \$ | <u>45</u> | <u>00</u> |
|                    | \$ |           |           |
| <u>864</u>         | \$ |           |           |
| <u>92-141</u>      | \$ |           |           |
| TOTAL - - -        | \$ | <u>45</u> | <u>00</u> |

Mary A. Newley



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS  
Governor

24-Apr-1990

R. KEITH HIGGINSON  
Director

KATHLEEN D GARRY  
KERRY G SPETH  
378 TYHEE  
AMERICAN FALLS ID 83211

RECEIVED

APR 26 1990

Department of Water Resources  
Southern Region Office

Re: Application for Permit No. 41-07066

Dear Applicant (s):

On March 25, 1988 the Federal Energy Regulatory Commission (FERC) issued an order satisfying the last condition to make the Swan Falls Agreement effective. The Department is now prepared to proceed with the normal processing of your application.

This office will be advertising the application in the Power County Press on 5/2 & 5/9/90. A period of ten days after the last publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Very truly yours,

*Loren O. Holmes*  
Loren O. Holmes, P.E.  
Southern Region Manager

RECEIVED

MAR 19 1991

LH:MB

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
222 Shoshone Street East • Twin Falls, Idaho • 83301

FOR

FORWARDING ORDER EXPIRED

RECEIVED

APR 26 1990

Department of Water Resources  
Southern Region Office





Diversion Pt:            SENW        Sec 7 T 09S R 30E

Date Filed: 4/ 8/ 1983

14.0 ACRES TOTAL

RECEIVED  
MAR 19 1991

The permit(s) will be subject to all prior water rights. Protests must be filled with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, Idaho 83301 on or before MAY 21, 1990.

R. KEITH HIGGINSON, Director

Published 5/ 2/1990 & 5/ 9/1990

RECEIVED  
MAY 19 1990

MAR 19 1991

24-Apr-1990

KATHLEEN D GARRY  
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Very truly yours,

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

LH:MB

MAR 19 1990

24-Apr-1990

JIM WOODWORTH  
ROCKLAND ID 83271

Re: Application(s) for Permit

Dear Mr. Woodworth:

Please find enclosed copy(ies) of an Application(s) for Permit for your information and files.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

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

LH:MB

Enclosure(s)

RECEIVED  
MAR 10 1990

MAR 10 1990

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region  
222 Shoshone Street East  
Twin Falls, ID 83301  
(208)734-3578

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APRIL 23, 1990

POWER COUNTY PRESS  
174 IDAHO STREET  
AMERICAN FALLS, ID 83211

Gentlemen:

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 MAY 21, 1990.

Yours truly,

Mary Baldwin  
Secretary/Office Coordinator

Enclosure

MICROFILMED

MAR 19 1991