

Water Right Number - 41-07053

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SPILLETT

JAMES JUAN

1 - P.O. BOX 278

2 -

3 -

City- ROCKLAND

State- ID Zip- 83271

Phone - 208-000-0000

*** O - ORIGINAL OWNER ***
SPILLETT

JAMES OREN

1 - P.O. BOX 278

2 -

3 -

City- ROCKLAND

State- ID Zip- 83271

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/09/1981 17 SOUTHERN P - PERMIT+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

10S 31E 20 NE SW (77) POWER

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 1.840
43 - DOMESTIC 01/01 12/31 0.040+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.880+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
10S 31E 20 NW NW 40.0 01 IRRIGATION (77) POWER
10S 31E 20 SW NW 40.0 01 IRRIGATION (77) POWER
10S 31E 20 NE SW 10.0 01 IRRIGATION (77) POWER
10S 31E 20 NW SW 2.0 01 IRRIGATION (77) POWER

Total Acres: 92.0

+ - - Diversion Means - SPRINKLER & DRIP IRRIGATION SYSTEM

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Water right number - 41-07053 Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +
No Remarks found.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.+ - - - - Conditions of Approval - - - - - +
01C - A flow measurement port or other device as specified by the
- Department shall be installed by the permit holder to provide for
- the installation of measuring equipment and the determination of
- the rate of diversion by the Department.+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 09/25/86 05/28/88 CONVERT 07/29/88 CURTIS 12/21/88 CURTIS 02/01/89 CURTIS

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 10/01/1988	Field Exam Made - 00/00/0000	Field Exam Fee - R
Approved/Denied - 09/15/1981	Protested Date - 00/00/0000	Swan Falls - X
Proof Made Date - 10/28/1988	Hearing Date - 00/00/0000	Temporary Right - P
Start Work Date - 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act - 2
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000	Microfilm Roll No -	Presumption Flag -

Water Right Number - A41-000088

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SPILLETT

JAMES JUAN

1 - P.O. BOX 278

2 -

3 -

City- ROCKLAND

Phone - 208-548-2468

State- ID Zip- 83271

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
10/01/1879 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
ROCK CREEK, SOUTH FORK ROCK CREEK+ - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name

10S 31E 20 NE NW SW (77) POWER

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.800+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.800 360.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
10S 31E 20 NW NW 38.0 01 IRRIGATION (77) POWER
10S 31E 20 SW NW 40.0 01 IRRIGATION (77) POWER
10S 31E 20 SE NW 2.0 01 IRRIGATION (77) POWER
10S 31E 20 NE SW 10.0 01 IRRIGATION (77) POWER
10S 31E 20 NW SW 30.0 01 IRRIGATION (77) POWER

Total Acres: 120.0

+ - - Diversion Means - DAMS AND PUMPS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A41-000138

+ - - - - Remarks - - - - - +
P/D IS IN THE PROCESS OF TRANSFER AT THE TIME OF THIS FILING.
THE P/D LISTED IS THE RESULT OF THE TRANS.+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.Claims
old
copy

Water right number - A41-00008B

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +
HOUTZ

+ - - - - Decree Defendant - - - +
ET AL.

+ - Decree Date - +
06/06/1903

+ - - Audit Fields - 11/28/89 CLELLAND

+ - - - - Comments - - - - - +
No Comments Found

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 11/28/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 41
Licensed Date	- 00/00/0000	Receipt Number	- S010543	Federal/State Indicator	- S
Claims Tape Error Flg	-	POU Ownership Flag	- Y	Presumption Flag	- D
Fee Exempt Flag	-	Name Connector	-	Notice of Error Flag	-

Water Right Number - A41-00013B

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SPILLETT

JAMES JUAN

1 - P.O. BOX 278

2 -

3 -

City- ROCKLAND

Phone - 208-548-2468

State- ID Zip- 83271

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
05/01/1881 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
ROCK CREEK, SOUTH FORK ROCK CREEK+ - - - - Point of Diversion - - - - - +
+ - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name
10S 31E 20 NE NW SW (77) POWER+ - - - - Water Use - - - - - +
+ - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.200+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.200 360.0+ - - - - Place of Use - - - - - +
+ - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
10S 31E 20 NW NW 38.0 01 IRRIGATION (77) POWER
10S 31E 20 SW NW 40.0 01 IRRIGATION (77) POWER
10S 31E 20 SE NW 2.0 01 IRRIGATION (77) POWER
10S 31E 20 NE SW 10.0 01 IRRIGATION (77) POWER
10S 31E 20 NW SW 30.0 01 IRRIGATION (77) POWER

Total Acres: 120.0

+ - - Diversion Means - DAMS AND PUMPS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A41-00008B

+ - - - - Remarks - - - - - +
+ - - - - +
P/D IS IN THE PROCESS OF TRANSFER AT THE TIME OF THIS FILING.
THE P/D LISTED IS THE RESULT OF THE TRANS.+ - - - - Old Water Right Numbers - - - - - +
+ - - - - +
No Old Water Right Numbers found.

Prefix Translation: ADJUDICATION CLAIM

+ - Decree Date - +
06/06/1903

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 11/28/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 41
Licensed Date	- 00/00/0000	Receipt Number	- S010543	Federal/State Indicator	- S
Claims Tape Error Flg	-	POU Ownership Flag	- Y	Presumption Flag	- D
Fee Exempt Flag	-	Name Connector	-	Notice of Error Flag	-

V 1076.10

17

Ralph Wheeler, Jr.

R. M. Wheeler

Roscoe Weston

J.O
Spitt #40

37

2

10

R. Wheeler

Ralph W. Dow

State

State

State

R M. Wheeler

20

20

Ray
Spillett

C.
Tayson

O. Tayser

State

R. Weston

~~Alvin Haskett~~
Kent O. Mel

R31E

A
66.3

C
166.6

B
134.3

42

18 17

19 20

A
34.4

17 16
20 21

D
346.1

B
36.1

80.8

146

H
178

253

E
66.1

C
34.1

F
144.5

19 20
20 29

20 21

A 29 28

A
172.8

C-253

B
8.2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 21 1999
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

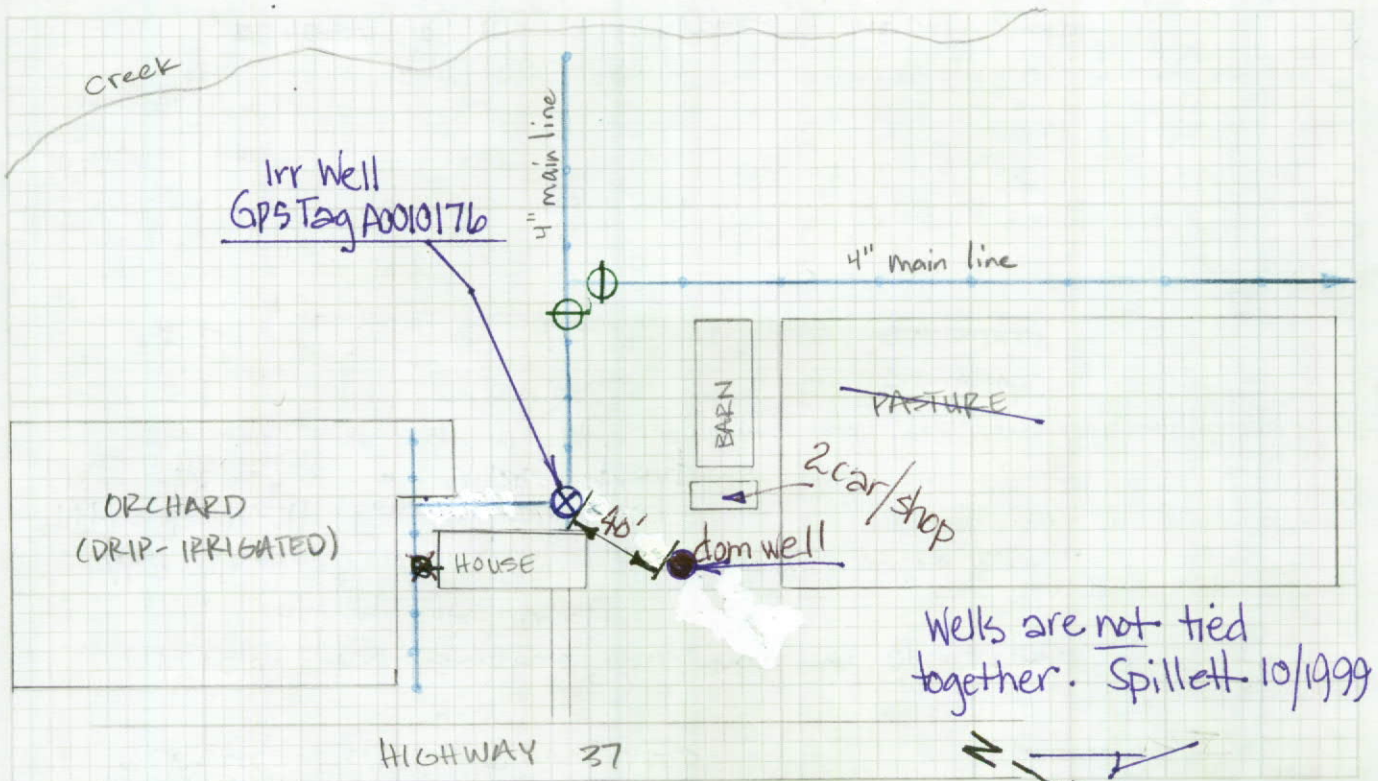
1. Owner: J. Juan Spillet Permit No. 41-07053
Current Address: Box 278 Rockland, ID 83271 Phone No. 548-2468
2. Accompanied by: _____ EXAM. DATE: 6/11/91
Address: _____ Re. Exam = 28 October 1999
Relationship to Permit Holder: _____
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: none Rock Creek decrees
A41-00008B, 00013B ☐ Copies Attached
2. Other water rights with same point of diversion: none
☐ 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

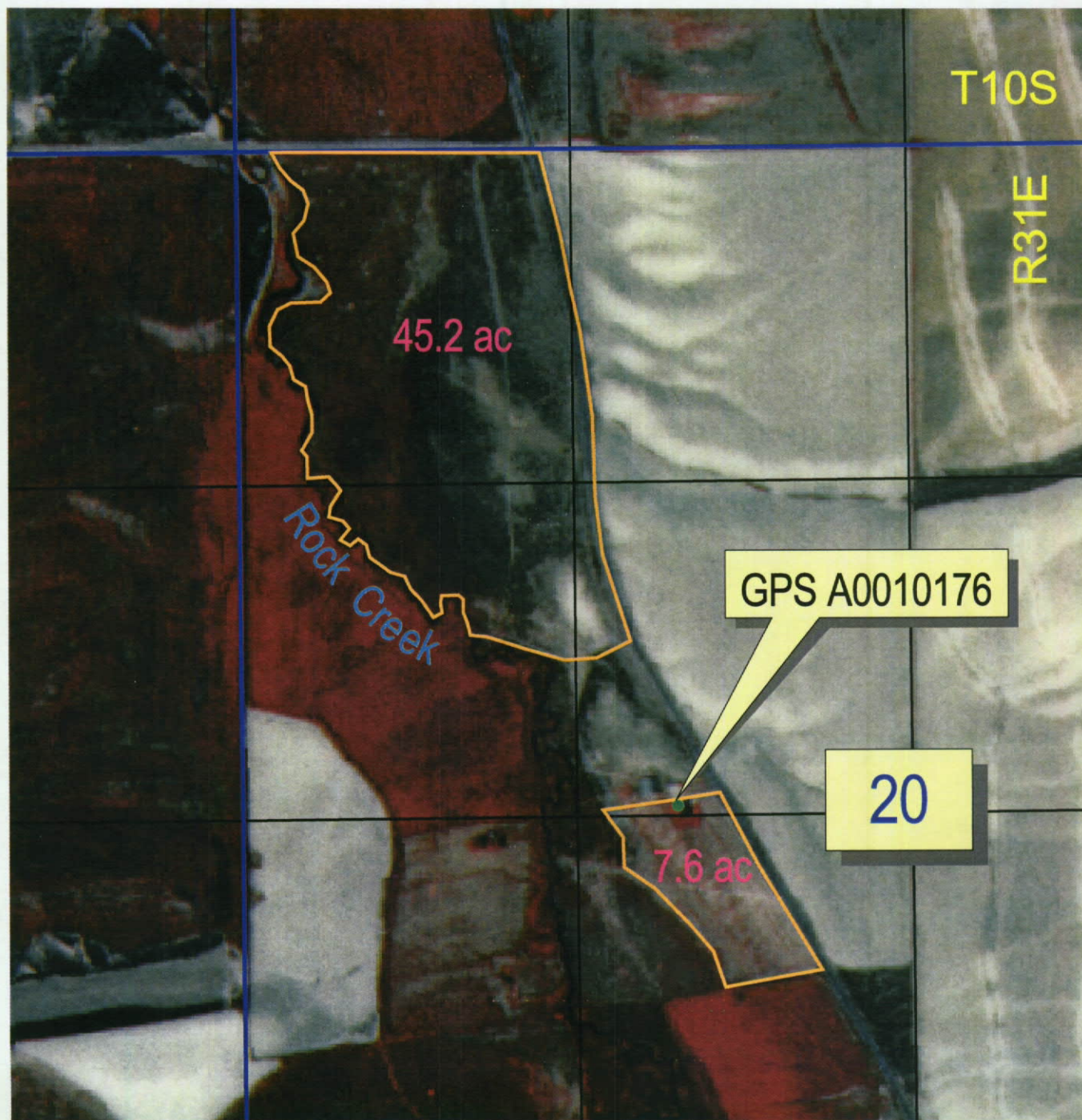


Scale: 1" = approx 50'

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).

IDAHO DEPARTMENT OF WATER RESOURCES

41-07053 Spillett, Juan



- Point of Diversion
- Section Lines
- Quarter-Quarter Lines



P/D and P/U Presentation
1987/1988 NAPP Photography
November 1999 GLS

Eugene & Evan
Kross Partners
(R.M. wheeler)

T-499

#253
Bob
Spilletz

3-29.5

house
yard, PD
Orchard

1-
74.6

CRP
88-319
6-
175.1

Weston Farms
Partnership

Jul
SEP
5130
84-
294

ASCS Flight 1987

Spillet 41-07053

Name	IDWR Site Tag	WR #	Date	Flow(gpm)	psi	kW	PCC	IPCo Meter#	Lift(ft)	IPCo Loc #
Jaun Spillet	A0010176	41-07053	7/12/99	141	20	47.9	1845	76590875G	169	AA-20-1

$$\frac{141}{450} = 0.31 \text{ cfs}$$

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NOV 09 1999

Department of Water Resources
Southern Region



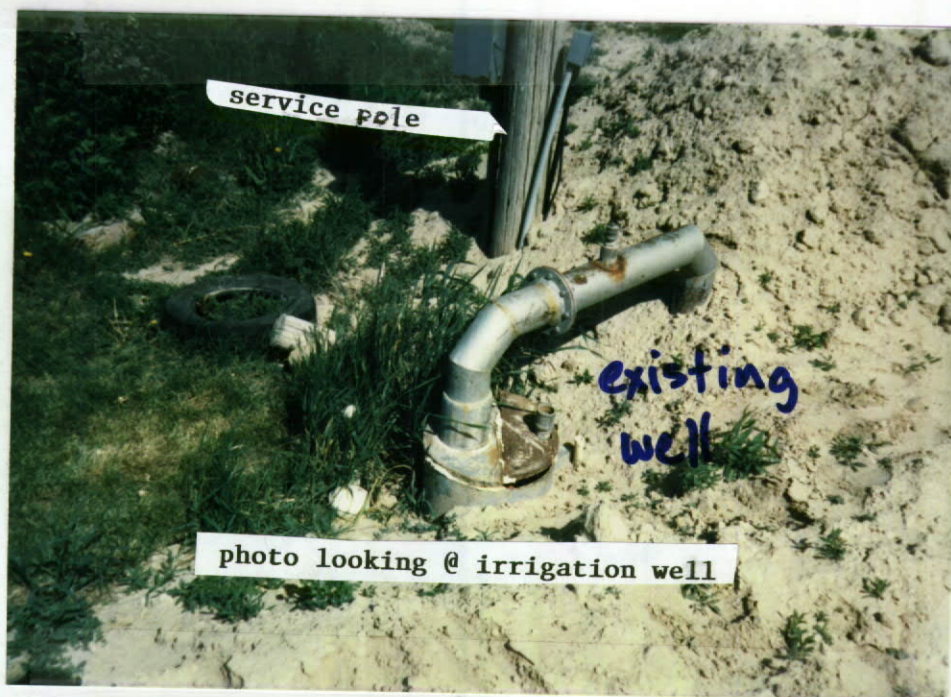
GEORGIA,

THIS IS THE INFORMATION
I MEASURED THIS SUMMER
ON JUAN SPILLET'S WELL.

Charles E. McIntosh

AA-20-1

Photo looking W'ly



unknown
date/time

2/5



Service Pole

Access Port

irrigation well

photo looking W'ly

photo
taken @ a different
time then photo pg 1/5



Service Pole and Irr Well

photo looking east

green area watered
out of Rock Creek
41-00008B,-00013B



unknown
date/time



photo looking due south

2/5

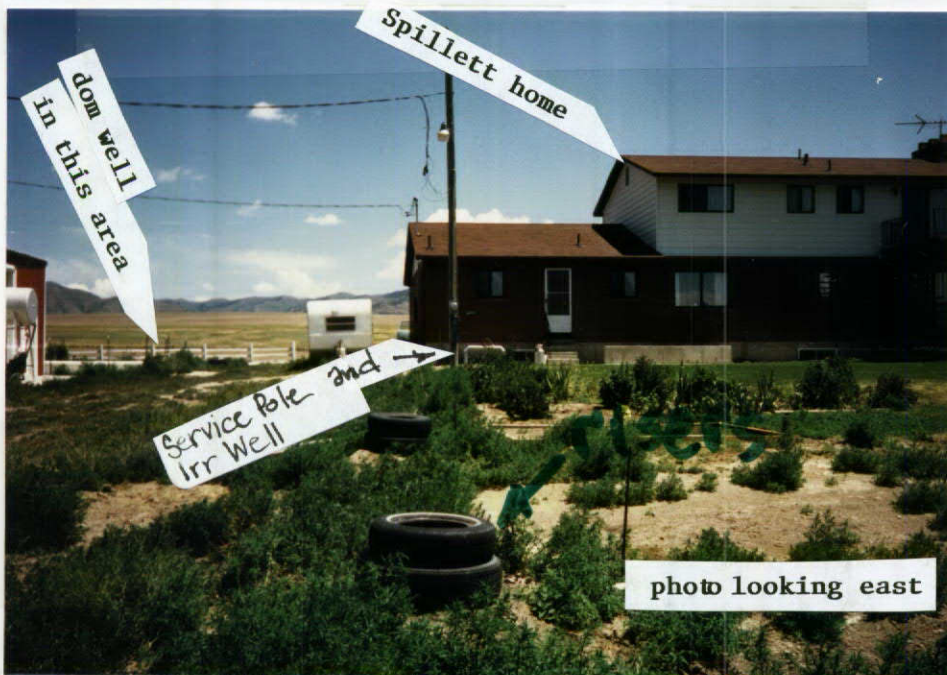


photo
taken @ a different
time then photo pg 1/5

green area watered
out of Rock Creek
41-00008B, -00013B



photo looking due south

unknown
date/time

2/5

photo
taken @ a different
time then photo pg 1/5



Rock Creek flow →

green area watered
out of Rock Creek
41-00008B, -00013B



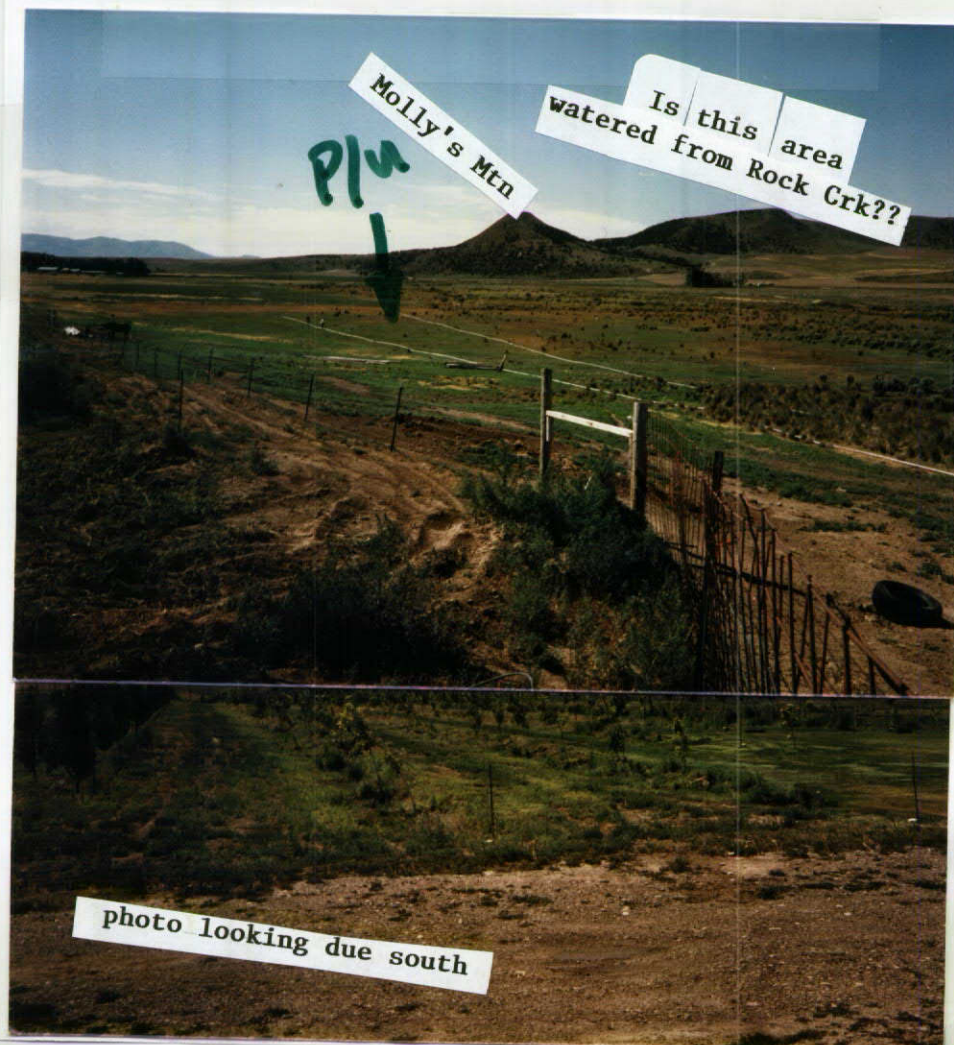
unknown
date/time



photo looking due south

2/5

photo
taken @ a different
time then photo pg 1/5



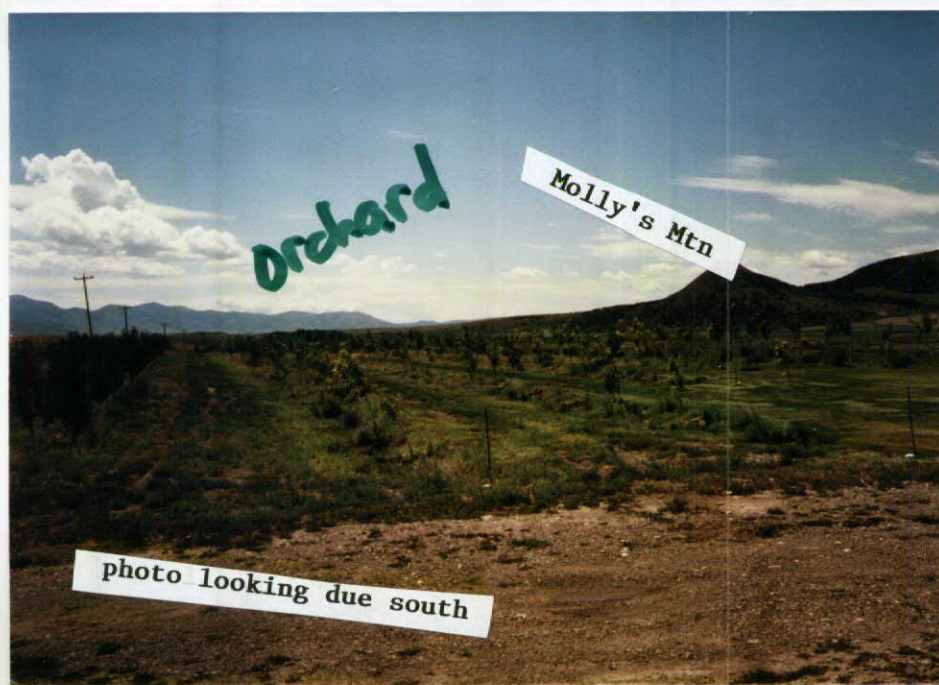
green area watered
out of Rock Creek
41-00008B,-00013B

unknown
date/time

2/5

photo
taken @ a different
time then photo pg 1/5

green area watered
out of Rock Creek
41-00008B, -00013B



Orchard

Molly's Mtn

photo looking due south

unknown
date/time

3/5

east side Spillet home

Molly's Mtn

photo looking s'ly

orchard

Satterlee/Folsom
28 Oct 1999 1530 hrs

Spillet, James Juan 41-07053

4/5



GPS Tag A0010176

photo looking sw'ly



service pole for irrigation well

GPS Tag A0010176

domestic well

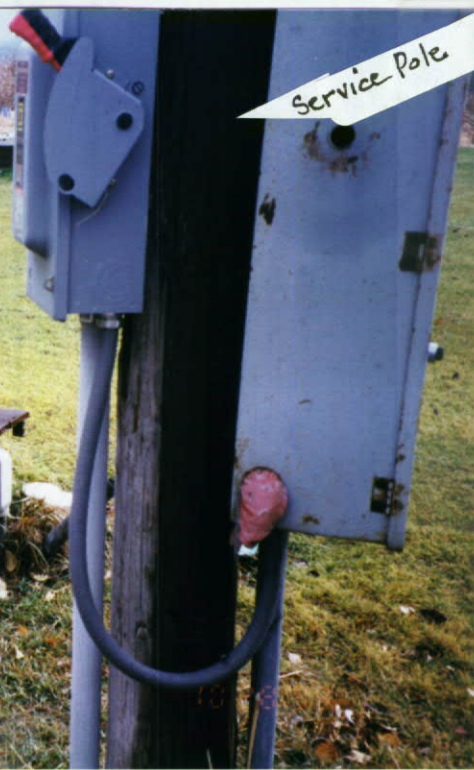
photo looking sw'ly



Spillet home

irrigation well

photo looking s'ly



Service Pole

Satterlee/Folkson
28 Oct 1999 1530hrs

Spillet, James Juan 41-07053

Satterlee/Folsom
28 Oct 1999 1530 hrs

Spillet, James Juan

41-07053



ASCS does not
recognize area
south of fnc.



Irrigated Area

photo looking

w'ly

5/5



ASCs does not
recognize area
south of fnc.

photo looking

w'ly

Published in the Power County
Press July 8, and July 15, 1981.

NOTICE OF APPLICATION FOR WATER RIGHT

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

41-7053
SPILLITT, JAMES ORIN
P.O. BOX 298, ROCKLAND, ID
83271
Source: GROUNDWATER
Date Filed: 03/13/1981
Amount: 1.88 CFS
Diversion Point: NESW Sec 20 T
10S R 31E, POWER CO.
Use: IRRIGATION (1.84 CFS)
From 03/15 to 11/45
DOMESTIC (0.04 CFS) from
01/01 to 12/31

Place of Use: NWNW SWNW
NESW NWSW Sec 20 T 10S R 31E
FOR 92 ACRES
Diversion Means: SPRINKLER &
DRIP IRRIGATION SYSTEM

If issued, the permit(s) will be sub-
ject 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, 1041 Blue Lakes Blvd.
North, Twin Falls, Idaho 83301 and
received on or before JULY 27,
1981.

A. KENNETH DUNN
Director

7/7/81
mcg
SP

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 41-7053 IN THE)
NAME OF JAMES JUAN SPILLETT) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before October 1, 1988; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on October 28, 1988;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 41-7053 be REINSTATED and the priority advanced to June 9, 1981.

Dated this 21st day of December , 1988.

MICROFILMED

FEB 08 1989

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

WATER RIGHT SUMMARY

<u>ACTION</u>	<u>RIGHT NO.</u>	<u>NAME</u>	<u>AMOUNT CFS</u>
Original Permit	41-7053	Spillet, James Oren	1.88 total
Full Assignment	41-7053	Spillet, James Juan	1.88

MICROFILMED

FEB 08 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received 44
Date 8-25-86
Receipt # 38950

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use on a water right permit

James Juan Spillett

Box 278, Rockland, Idaho 83271 ph. 548-2468

(Name)

(Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the

State of Idaho No. 41-7053

RECEIVED
AUG 22 1986

That under the terms and conditions of said permit, work thereunder was required to be completed on or before

October 1, 1986

That he has heretofore performed the following work described under said permit: Drilled & cased well,

installed a submersible pump, purchased materials for a drip-irrigation orchard +

sprinkler line. Worked with SCS, University, private consultants and others

designing a system, surveying, etc. See attached letter for details.

Costing \$ \$32,000

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

The first phase of my irrigation system was to develop a drip-irrigation system
for an orchard. SDS, University and other people contacted were unable to provide
information needed, i.e., water requirements for mature apple trees, what and
where to get materials, and what kinds of trees (root stock, etc.) is best for
my area. Arranging to survey for my proposed system also took time. Then I was
informed I needed to subsoil. We tried chizels, which didn't work, etc.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations

under said permit to October 1, 1991
(1 yr. minimum,
5 yrs. maximum)

James Juan Spillett
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

FEE: \$15.00

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within
which to submit proof of beneficial use is extended to October 1, 1988.

MICROFILMED

Signed this 16th day of September, 1986

A. Glen Sayton
Chief, Operations Bureau

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DEC - 5 1988

Department of Water Resources
Southern Region Office

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

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DEC 08 1988

Department of Water Resources

I, James Oren Spillet, hereby assign to James Juan Spillet
of P. O. Box 278, Rockland, ID 83271
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 41-7053
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this _____ day of _____, 19 _____.

James Oren Spillet
Permit Holder

Spouse of Permit Holder

State of Idaho

County of Twin Falls) ss. 1

On this 5th day of December, 19 88, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Mary A. Baldwin
Notary Public residing at
Gooding, Id

My commission expires:

10/16/1992

MICROFILMED

FEB 08 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
JUN 1 1981
Department of Water Resources
Southern District Office

1. Name of applicant James Owen Spillett Phone (208) 548-2324
Post office address P.O. Box 298, Rockland, Idaho 83271
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20 Township 10 S
Range 31 E B.M. Power County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.66 for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .04 for Domestic purposes from Jan 1 to Dec 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. 1.70 1.88 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. sprinkler and drip irrig. system.

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.

c. Proposed well diameter is 16 inches; proposed depth of well is 200 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: NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20 Township 10 S
Range 31 E 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 _____

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

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

MICROFILMED

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	
~~106~~	~~31 E~~	~~20~~						40	40		~~8~~								~~83~~
105	31 E	20						40	40		10	2							92

Total number of acres to be irrigated 83-92

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

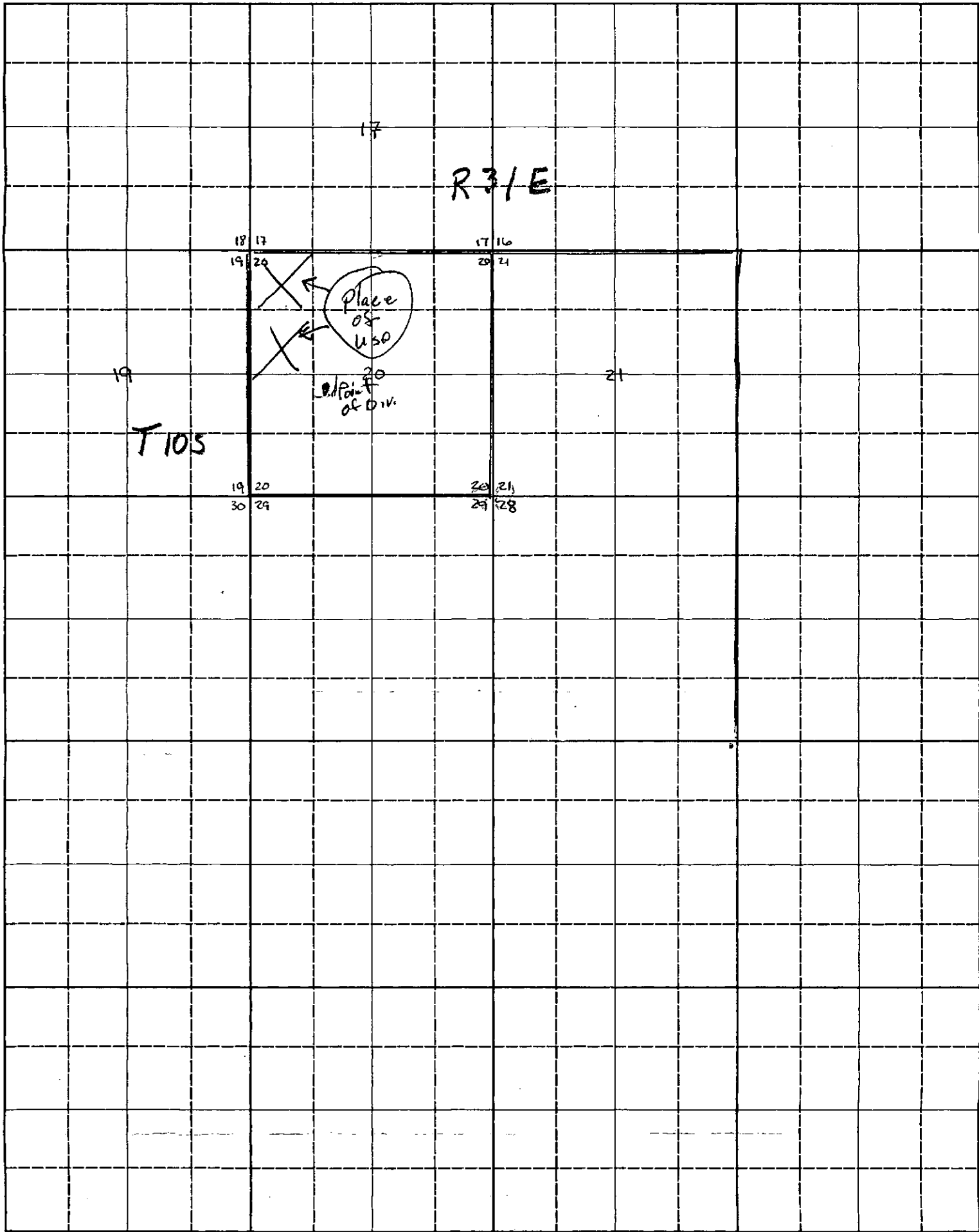
41-0013

9. a. Who owns the property at the point of diversion
applicant
- b. Who owns the land to be irrigated or place of use
James Oren Spillett
- 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 well to be used to irrigate 50 acres of crop land + 20 acres orchard on a drip system

I do not have any interest to the permit 41-7032 in the name of H. Roscoe Weston.

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



Scale: $\frac{2}{4}$ 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.

Oren Spillett
(Applicant)

5-13-1981

Proposed Priority

Received by KW Date 5/20/81 Time 12:25
5-13-81
Preliminary check by KW Fee \$ 65.
Receipted by KW Date 5/22/81 # 17679
Publication prepared by marry2 Date 6/30/81
Published in Boise Co. Press
Publication dates 7/8 + 7/15/81
Publication approved marry2 Date 7/17/81
Protests filed by: None
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by ADM RC

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. 41-7053, 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 October 1, 19 86.
 - 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:

An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand the 15th day of Sept, 1981.

L. Glen Saxton

Chief, Operations Bureau

WARRANTY DEED

Benjamin Joseph Spillet, a widower,

Grantor,

TO

James Oren Spillet, sometimes known as James E. Spillet,

Grantee.

Dated, June 17th, 1937.

Consideration: \$1.00 and other good and valuable consideration.

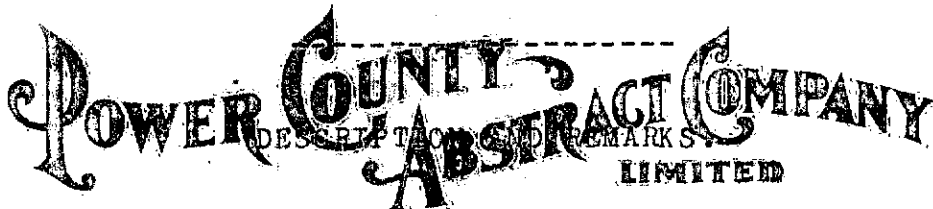
Recorded, June 22nd, 1937, at 11:50 a.m., in Book 91, of Deeds, at Page 224, of the Records of Power County, Idaho.

Acknowledged, June 17th, 1937,

before W.C.Loofbourrow, Notary Public, Power County, Idaho, residing at

American Falls, therein. Sealed. Regular.

Witness: W.C.Loofbourrow.



The North Half of the Northeast Quarter of the Southwest Quarter of ~~AMERICAN FALLS, IDAHO~~, Township Ten (10) South, Range Thirty-one (31), East of the Boise Meridian; and the West Half of the Northwest Quarter, and the North Half of the Northwest Quarter of the Southwest Quarter of Section Twenty (20), Township Ten (10), South, Range Thirty-one (31), East of the Boise Meridian.

"Subject to a mortgage of \$1500.00 in favor of Land Bank Commissioner, which grantee expressly assumes and agrees to pay; and subject to taxes assessed and to be assessed against said premises for the year 1937 and all subsequent years which grantee expressly assumes and agrees to pay; and Subject to a life estate in grantor, and the grantee herein expressly reserves in himself a life estate in said premises, and the right to use, occupation, rents, issues and profits of said premises during his, the said grantor's life."

The actual consideration of this deed is less than \$50.00. Hence, no revenue stamps are required.

.....

CERTIFICATE OF ABSTRACTER

STATE OF IDAHO, }
County of Power. } ss.

The POWER COUNTY ABSTRACT COMPANY, Limited, a corporation, duly authorized by the laws of the State of Idaho to compile and certify title abstracts, hereby certifies that the foregoing continuation pages, numbered from -69- to -76-, both inclusive, set forth a true and correct abstract of all conveyances, or other instruments of writing, now of record in the office of the County Recorder of said Power County, which in any way affect the title to the property described in the caption hereof. Filed or Recorded subsequent to March 9th, 1934, at 5:00 P.M.

It is further certified that there are no judgments, or liens of any kind, of record in the office of the Clerk of any Court of Record in said County, which are liens upon the said lands, and that there are no taxes due and unpaid thereon, except as hereinbefore shown.

It is further certified that the United States District Court has held no session within said Power County.

This certificate is made to ----- and -----
at the request of ----- JAMES OREN SPILLETT -----

Dated at American Falls, Idaho, this -7th- day of July,
A. D. 1952, at 9:00 o'clock A. M.

POWER COUNTY ABSTRACT COMPANY, Limited

By [Signature] Secretary.

This certificate is hereby extended to include this -18th- day of July,
A. D. 1952, at 11:10 o'clock A. M., and -1- sheets added.

POWER COUNTY ABSTRACT COMPANY, Limited

By [Signature] Secretary.

This certificate is hereby extended to include this ----- day of -----
A. D. -----, at ----- o'clock ----- M., and ----- sheets added.

POWER COUNTY ABSTRACT COMPANY, Limited

By ----- Secretary.

10/10/10

17

R. M. Wheeler

37

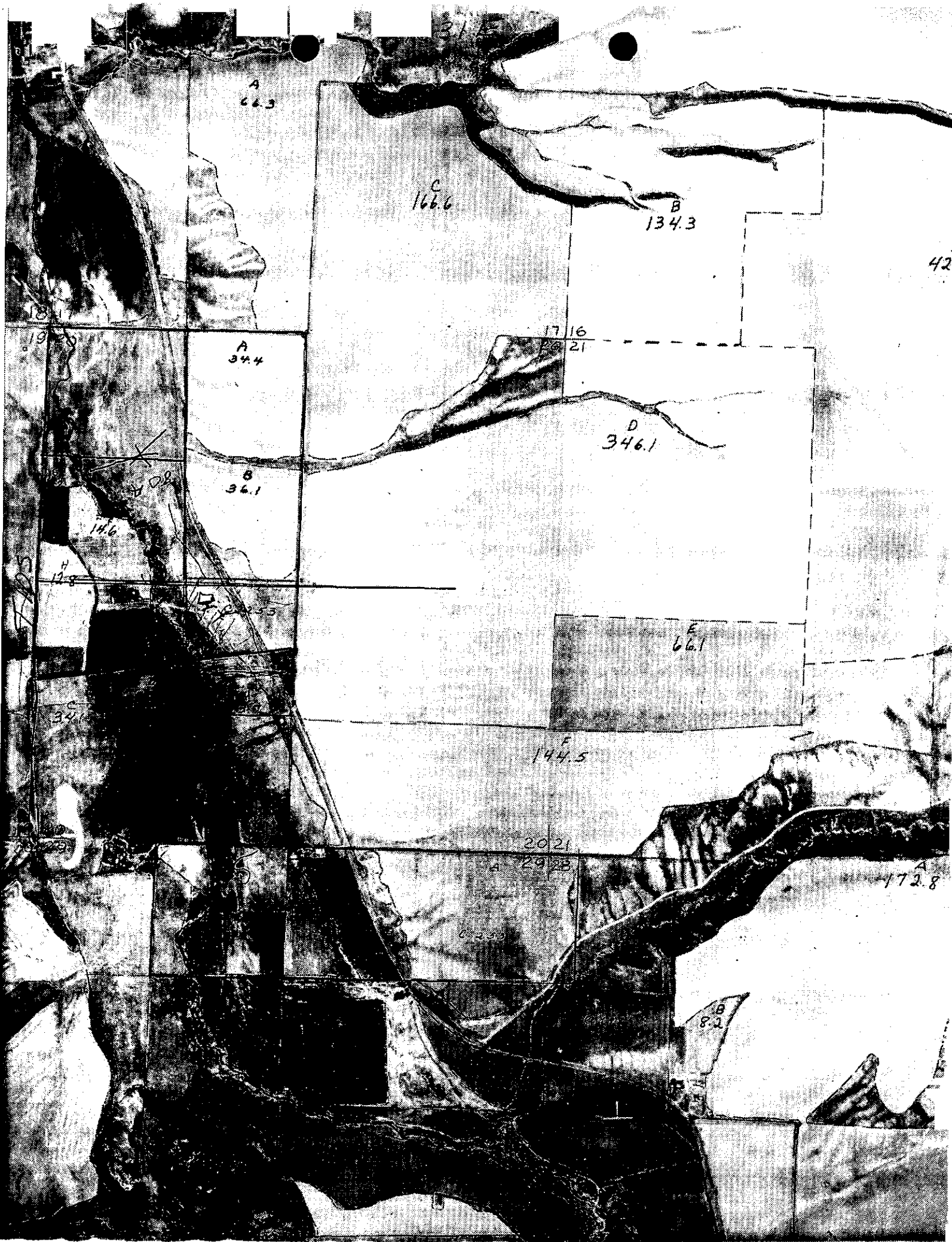
State

R. M. Wheeler

20

State

~~Alvin Haskett~~
Kent O. McI



Affidavit of Publication

STATE OF IDAHO }
COUNTY OF POWER } S.S.

.....Brett Crompton..... being first duly sworn
on oath, states:

That he..... is the Editor-Manager.....
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 publica-
tion being the 8..... day of July....., 19...81

the date of last publication being the

.....15..... day of July....., 19...81

(Signed) *Brett Crompton*

Subscribed and sworn to before me this

.....16..... day of July....., 19...81

Lois Foster
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL)

Lois Foster..... day of, 19

Legal Notice

Published in the Power County
Press July 8, and July 15, 1981.

NOTICE OF APPLICATION FOR WATER RIGHT

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

41-7053
SPILLET, JAMES OREN
P.O. BOX 298, ROCKLAND, ID
83271
Source: GROUNDWATER
Date Filed: 05/13/1981
Amount: 1.88 CFS
Diversion Point: NESW Sec 20 T
10S R 31E, POWER Co.
Use: IRRIGATION (1.84 CFS)
from 03/15 to 11/15
DOMESTIC (0.04 CFS) from
01/01 to 12/31
Place of Use: NWNW SWNW
NESW NWSW Sec 20 T 10S R 31E
FOR 92 ACRES
Diversion Means: SPRINKLER &
DRIP IRRIGATION SYSTEM

If issued, the permit(s) will be sub-
ject 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, 1041 Blue Lakes Blvd.
North, Twin Falls, Idaho 83301 and
received on or before JULY 27,
1981.

A. KENNETH DUNN
Director

RECEIVED

JUL 17 1981

Department of Water Resources
Southern District Office

*ok
may*

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 21 1999
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

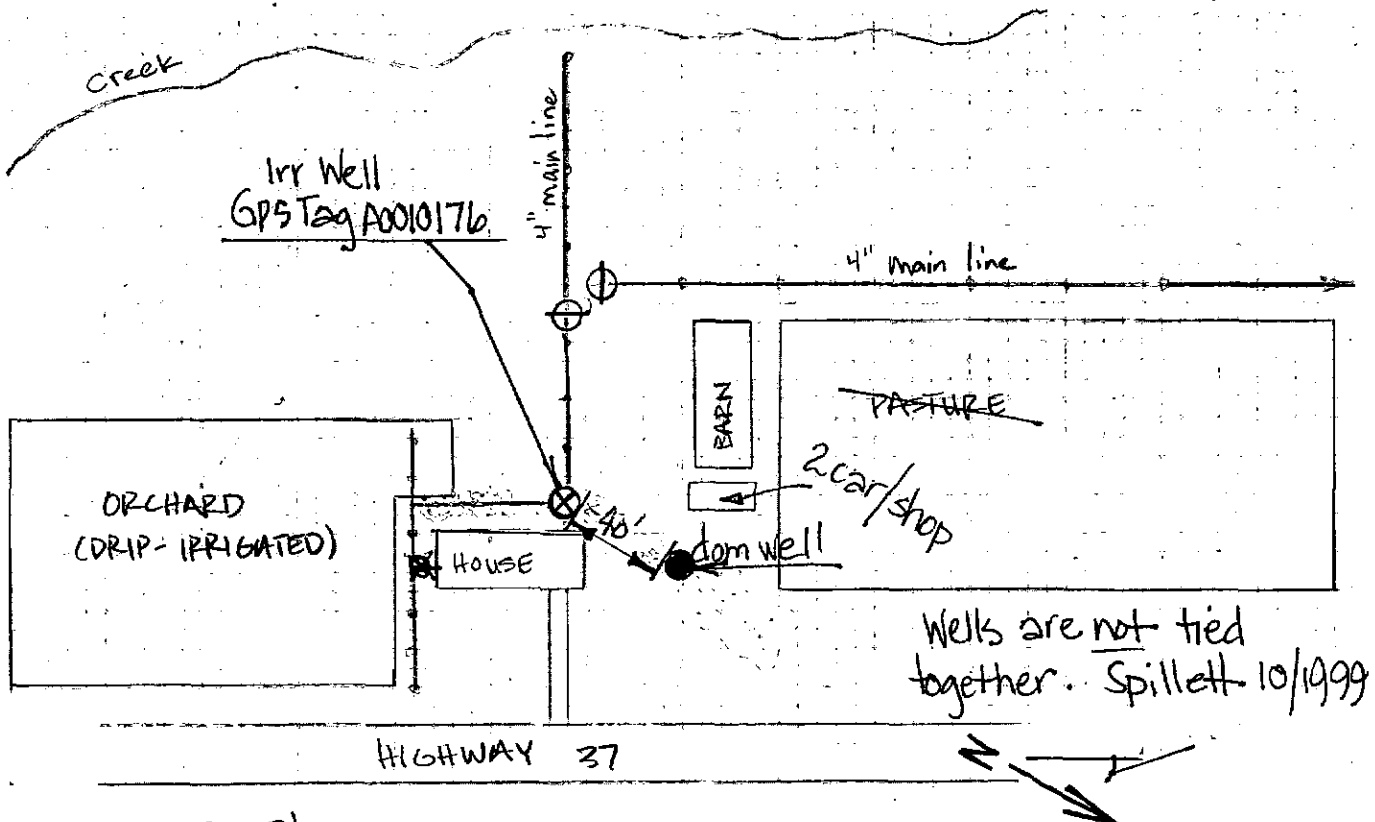
1. Owner: J. Juan Spillet Permit No. 41-07053
Current Address: Box 278 Rockland, ID 83271 Phone No. 548-2468
2. Accompanied by: _____ EXAM. DATE: 6/11/91
Address: _____ Re-Exam = 28 October 1999
Relationship to Permit Holder: _____
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: none Rock Creek decrees
A41-000088, 000138 ☐ Copies Attached
2. Other water rights with same point of diversion: none
☐ 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



Scale: 1" = approx 50'

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.)

Well contains 2 pumps. Pump #1 (5hp) services house and domestic use. Pump #2 (20 hp) services irrigation uses

note: the system was not in operation at our time of visit.

Note: Separate domestic well was drilled after exam.

1999 = Irr Well has 20hp. only

☐ 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
#1		5		submersible	
#2		20		submersible	

*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
		~~NE~~	~~NE~~	~~SW~~	20	10S	31E	Power	Aerial photo
		SW	SE	NW					irrigation well A0010176
		"	"	"	20	10S	31E	Power	domestic well 40ft. NE of irrigation well

6. Place(s) of Use:

Indicate Method of Determination aerial photo

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	
10S	31E	20					34	15	8	2	11								70
10S	31E	20																	
10S	31E	20					1.0	3.5	10.6	3.1	6.6								52.8

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 10 November 1999
RE: 41-07053

The Basin 41 recommendation for irrigation deadline was 05 November 1999. I obtained the file with instructions to verify point(s) of diversion and obtain a measurement of the irrigation well.

Using Corey's memo from March 1998, I tracked down Jenny Mickelson who then referred me to Quentin Nesbitt. Mr. Nesbitt, from Idaho Power, scheduled to measure Mr. Spillet's well in July 1999. Nesbitt said that Spillet said, "...the well was not working that great." Question: If Spillet knew he was going to get the well measured wouldn't he make sure it was running as he normally used it? Or perhaps what Quentin measured was normal?

It appears that the initial examiner, Brian Block, visited the Spillet property at least twice. The photo of the well on photo page 1/5 and on photo page 2/5 are the same well but the area surrounding the irrigation well looks more matured on photo page 2/5. Question: Why couldn't Block get at least one measurement on either of those visits? Mr. Spillet is concerned that he will not get his fair diversion rate. He feels he has been victimized by the department since the Final Order (Fall 1992) regarding the surface rights out of rock Creek.

I will recommend the most current measurement. I suspect when the preliminary order is issued Mr. Spillet will disagree with the recommendation. Prior to licensing the permit, Mr. Spillet will have an opportunity to present another measurement, hopefully to his satisfaction.

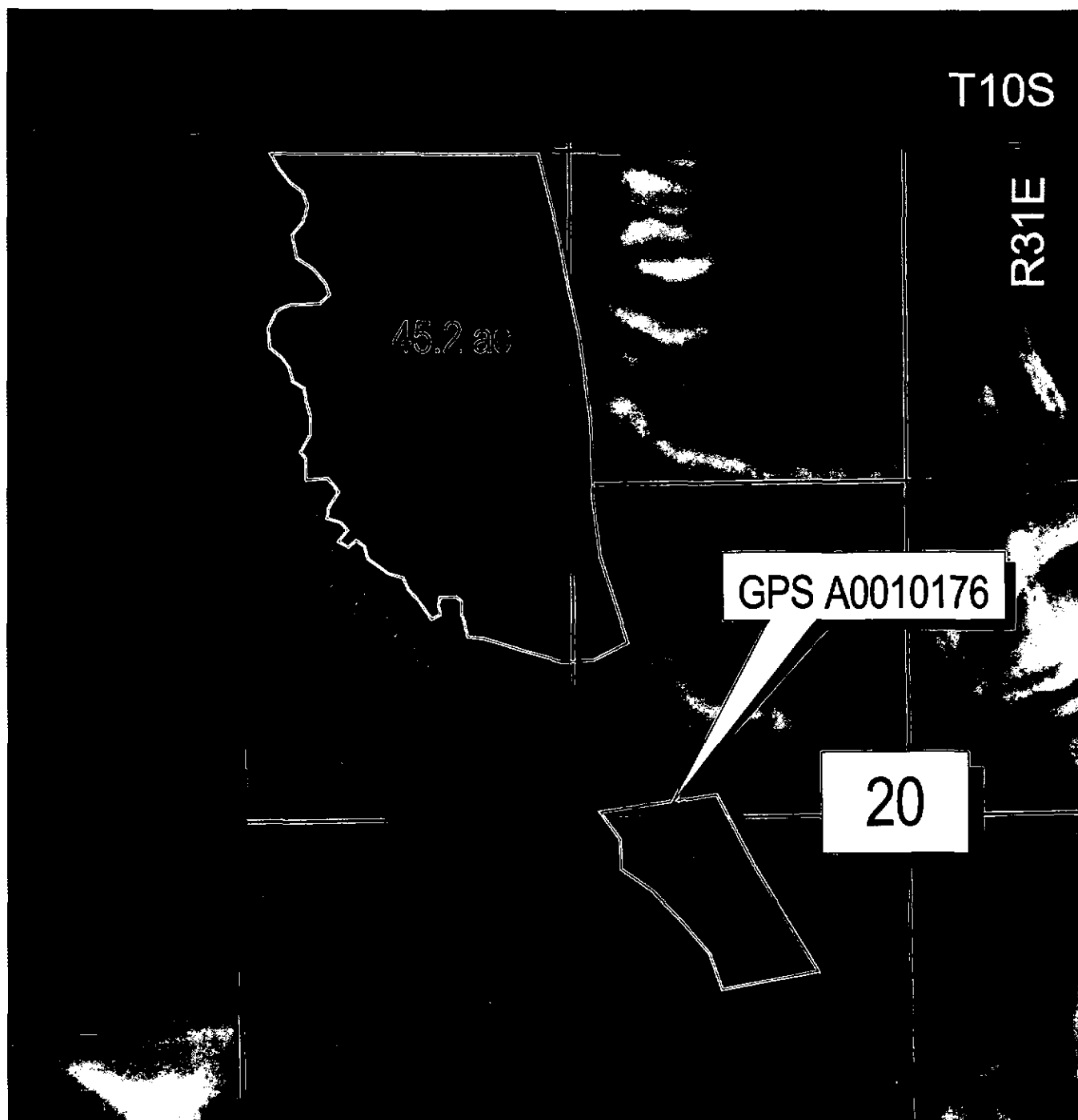
The irrigated acres are delineated on the 1987 aerial flight map and the GIS outlay. The ASCS office in Power County verified the acreage as the same in 1999 as what is shown on the 1987 aerial map. The GIS method slightly increases the acreage, which will be the recommended amount.

I asked for Spillet's permission via the phone conversation to come out on 28 October 1999. He expressed his dissatisfaction about the Final Decision from 1992 regarding the Transfer of #3518 and #3519. I told him I was not coming out for the surface rights but I wanted to verify the irrigation well, etc. I asked if the domestic and irrigation wells were valved together. He said that the wells were separate.

The irrigation well will have a recommended diversion rate of 0.31 cfs for the irrigation of 52.8 acres. The domestic well is used for the home with no irrigation.

IDAHO DEPARTMENT OF WATER RESOURCES

41-07053 Spillet, Juan



- Point of Diversion
- Section Lines
- Quarter-Quarter Lines



P/D and P/U Presentation
1987/1988 NAPP Photography
November 1999 GLS

T-499

#253

Bob
Spillett

house
yard
Orchard

74.6

4-
148

BC
ST
NHPL

34.7

3-
29.3

Englewood
Cross
CPRM

68
319
175

ASCS Flight 1987

Spillett 41-07053

Name	IDWR Site Tag	WR #	Date	Flow(gpm)	psi	kW	PCC	IPCo Meter#	Lift(ft)	IPCo Loc #
Juan Spillet	A0010176	41-07053	7/12/99	141	20	47.9	1845	76590875G	169	AA-20-1

$$\frac{141}{450} = 0.31 \text{ cfs}$$

RECEIVED

NOV 09 1999

Department of Water Resources
Southern Region



AA-20-1
Photo looking Wly

GEORGIA

THIS IS THE INFORMATION
I MEASURED THIS SUMMER
ON JUAN SPILLET'S WELL.

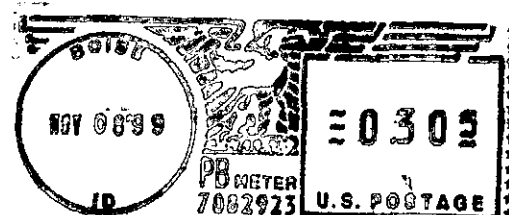
Charles E. McIntosh

ISD-110



IDAHO POWER COMPANY
P.O. BOX 70
BOISE, IDAHO 83707

PRESORTED
FIRST CLASS



Idaho Dept. of Water Resources
ATTN: Georgia Satterlee
1341 Filmore, Suite 200
Twin Falls, ID. 83301

AUTO 83301



Satterlee, Georgia

Subject: 41-07053
Entry Type: Phone call
Start: Tue 11/2/99 8:00 AM
End: Tue 11/2/99 8:15 AM
Duration: 15 minutes

He measured and GPS'd (A0010176) Spillet's well; He is going to send the measurement information to the attention to me. We visited the site on 28 October and located the irrigation well using ID Tag Number, we also verified the location of the domestic well (which is drastically different from Block's schematic).
If the information from Nesbitt is not here by 5 November, I will call again and let him know about our deadline for 41 that was last Friday...

08 Nov 1550 hr called Quentin Nesbitt
@ Id. Pwr. 388-2519 —
He said he mailed the package, 05 Nov 99
Rcvd. 9 Nov 99

NOTE: IT APPEARS FROM
THE MAPS THAT 2 ACRES
ARE IRRIGATED IN THE
NWSW $\frac{1}{4}$ AND 11 ACRES
ARE IRRIGATED IN THE
NESW $\frac{1}{4}$ OF SECTION 20.

P. SKINNER

12 March 1998

See Memorandum

MEMORANDUM

TO: 41-07053 Field Exam File

FROM: Corey Skinner /CS

DATE: March 12, 1998

SUBJECT: Relevant Information

The enclosed field exam file looks to have been completed back in 1991. However, apparantly the field exam was not sent to Boise due to concerns about possible overlaps with decreed water rights out of the South Fork of Rock Creek. I have recently reviewed two transfer applications involving the decreed water rights that may have been potential overlaps. The decreed water rights that were possible overlaps were James Juan Spillett's portions of rights 41-00008 and 41-00013. On 09/15/92, a Final Memorandum Decision and Order (copy enclosed) was issued by Gary Spackman of the Department addressing previously filed transfers involving Mr. Spillett's portions of 41-00008 and 41-00013.

This Final Memorandum Decision and Order states that Mr. Spillett's portions of rights 41-00008 and 41-00013 have been historically used on land west of the South Fork of Rock Creek (#26, #27, and #29 of Findings of Fact and #3 of the Order). Review of the field exam file for permit 41-07053 reveals that the field examiner determined that water right permit 41-07053 was used only on land east of the South Fork of Rock Creek. Therefore, it appears that **there is no overlap between 41-07053 and rights 41-00008 and 41-00013.**

Further examination of the 41-07053 field exam file reveals that the diversion rate was determined from a theoretical calculation, and that no actual measurements were obtained. The diversion for 41-07053 is within the boundaries of the Aberdeen-American Falls Ground Water District. I placed a call to Jenny Mickelson (226-5914) of the American Falls Ground Water District to see if they had measured this particular diversion yet. Ms. Mickelson said that they had not yet measured this diversion, but she would have it scheduled to be measured this summer (1998). If a representative from the department is unable to make it to Rockland to measure this diversion, perhaps the American Falls Ground Water District's measurement could be used to determine the diversion rate.

It should also be noted that there appears to be an error in the description of the place of use in the 41-07053 field exam file. Examination of the place of use maps in the file reveal that 2.0 acres are irrigated in the NWSW $\frac{1}{4}$ and 11.0 acres are irrigated in the NESW $\frac{1}{4}$ of Section 20 (T10S, R31E). It appears that these acreage amounts have been reversed on the place of use description on the field examination form.

FLOW CALCULATIONS

41-07053

KNOWN DATA:

PUMP #1 —

power = 5 hp
depth = 140 ft (dynamic level from well log)
pressure = 40 psi. (estimate)

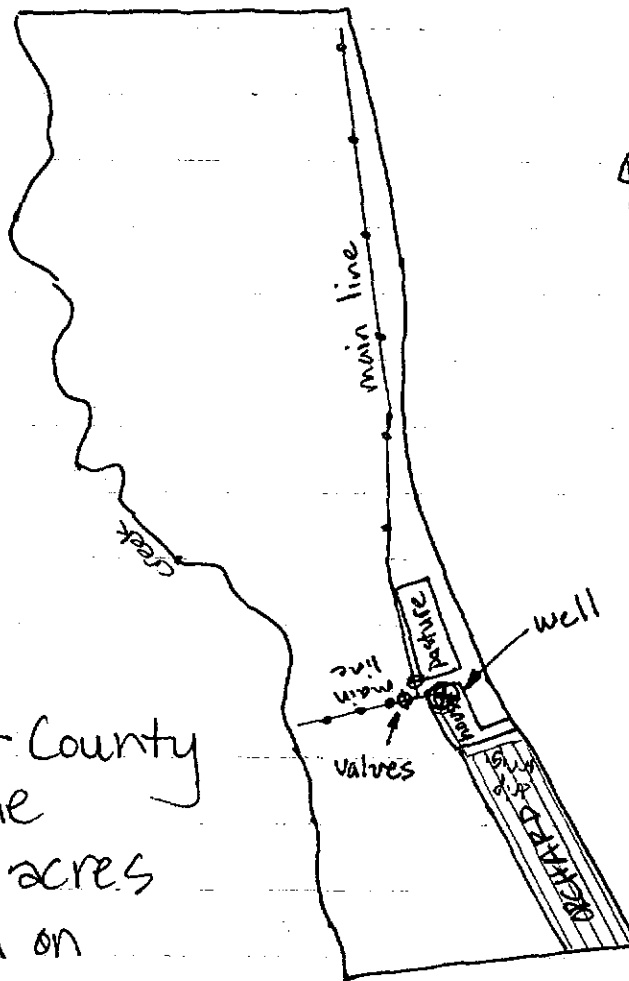
$$Q = \frac{8.8(0.7)(5)}{140 + 2.31(40)} = \boxed{0.13 \text{ cfs.}}$$

PUMP #2 —

power = 20 hp
depth = 140 ft. (from well log)
press. = 40 psi (estimate)

$$Q = \frac{8.8(0.7)(20)}{140 + 2.31(40)} = \boxed{0.53 \text{ cfs}}$$

ALTERNATE DIAGRAM



Nov. 19, 1999

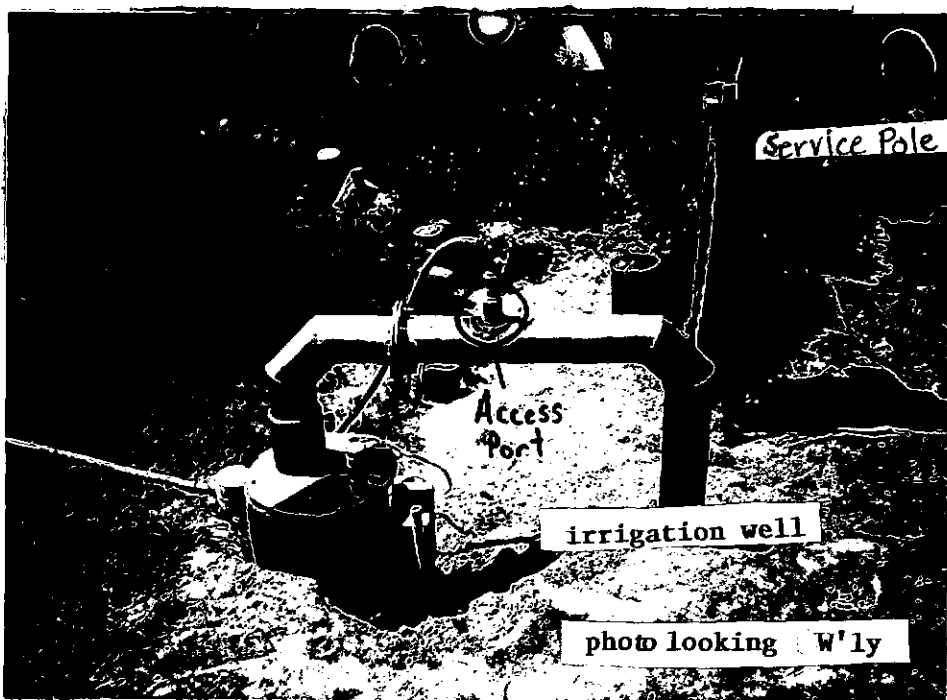
ASCS Power County
verified the
irrigated acres
as shown on
1987 flight

I believe this diagram misrepresents the
actual irrigated acres.
See GIS map for clarification



unknown
date/time

2/5



Service Pole

Access Port

irrigation well

photo looking W'ly

photo
taken @ a different
time then photo pg 1/5



Service Pole and
Irr Well

photo looking east

green area watered
out of Rock Creek.
41-00008B, -00013B



unknown
date/time

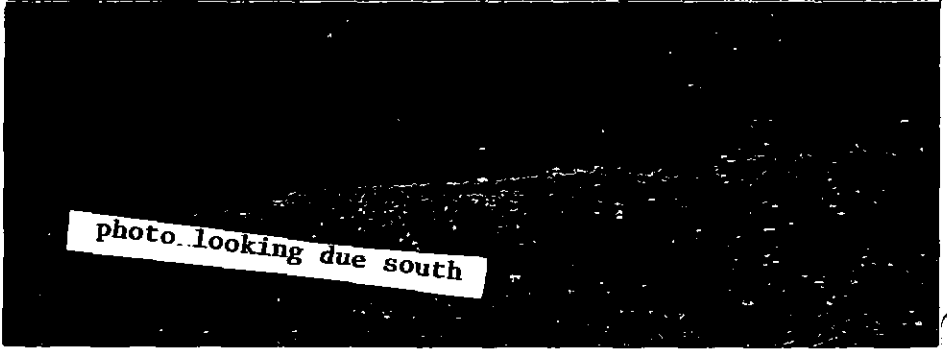


photo looking due south

2/5

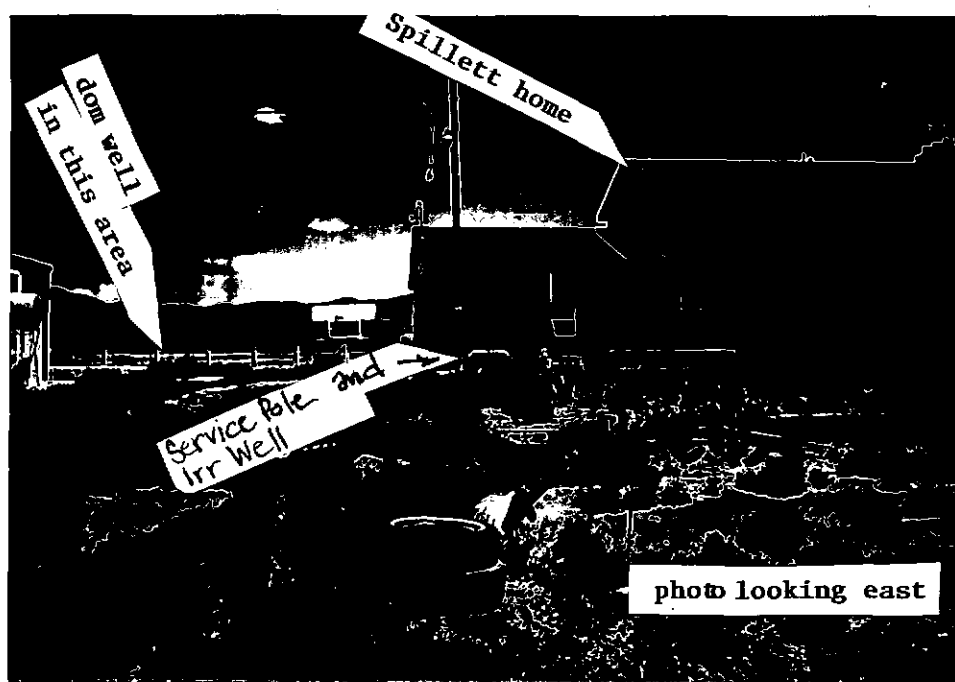


photo
taken @ a different
time then photo pg 1/5

photo looking east

green area watered
out of Rock Creek
41-00008B, -00013B

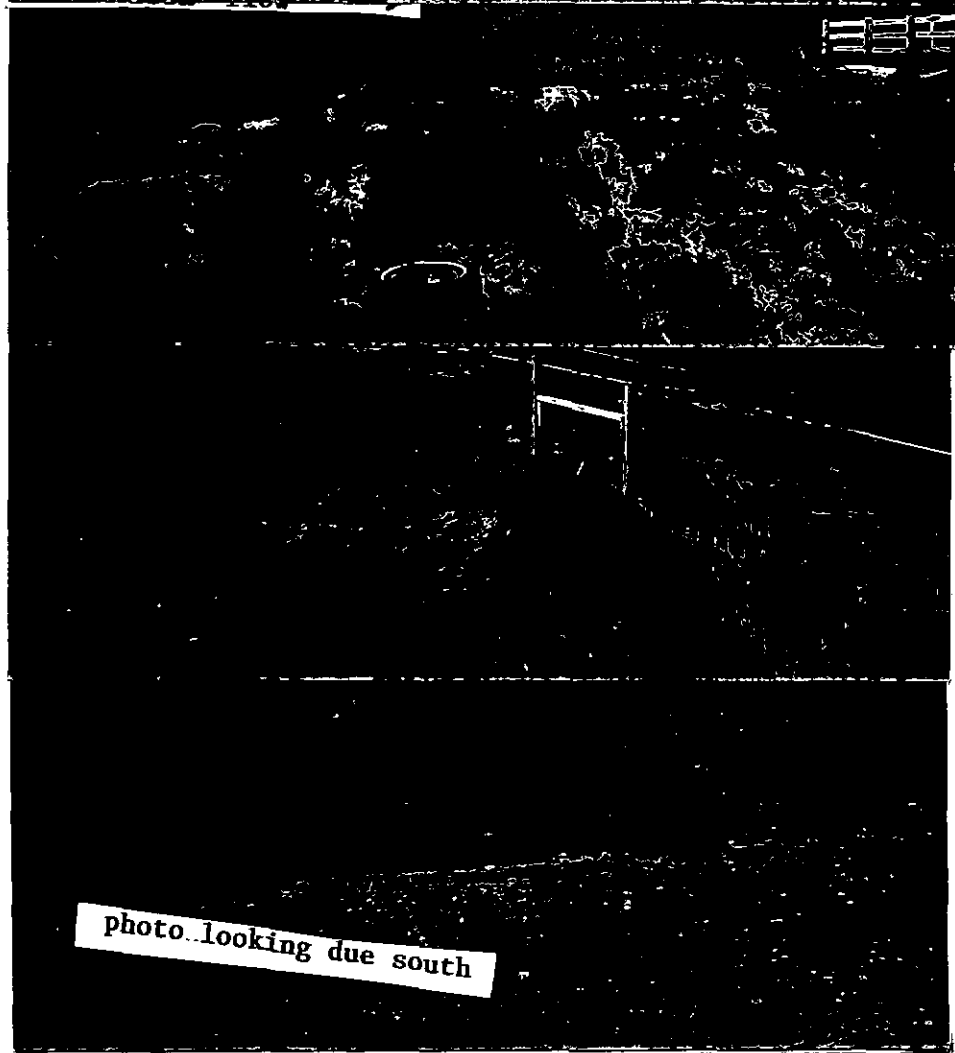
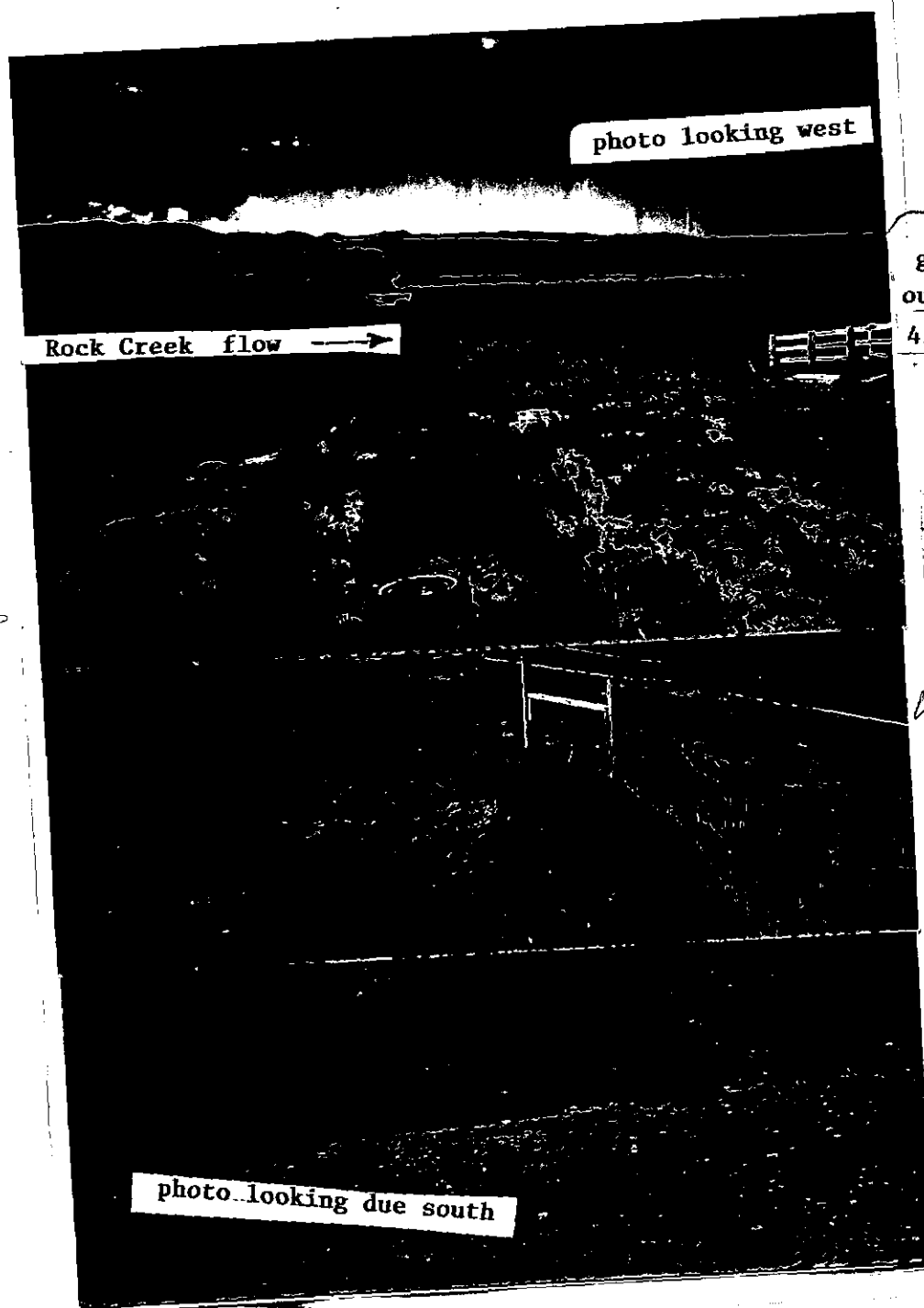


photo looking due south

unknown
date/time

2/5

photo
taken @ a different
time then photo pg 1/5



green area watered
out of Rock Creek
41-00008B, -00013B

unknown
date/time

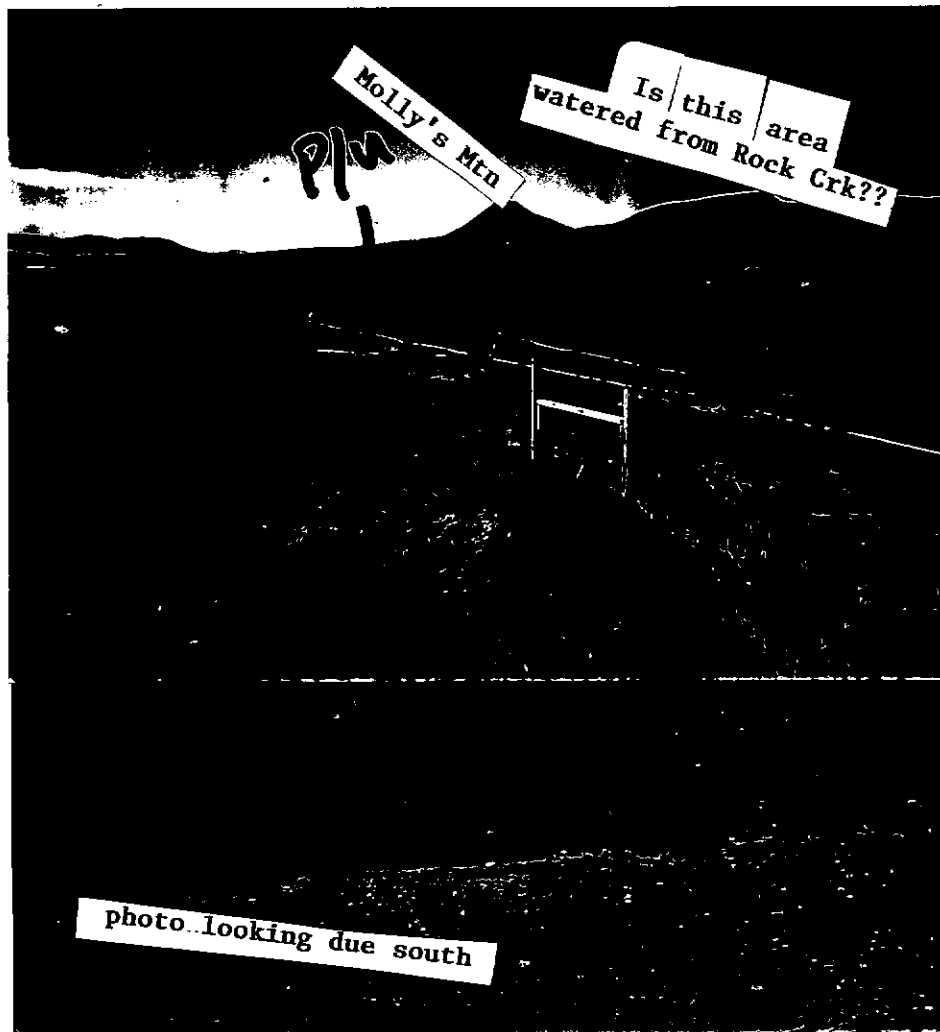
Spillett, Juan

41-07053

2/5

photo
taken @ a different
time then photo pg 1/5

green area watered
out of Rock Creek
41-00008B, -00013B

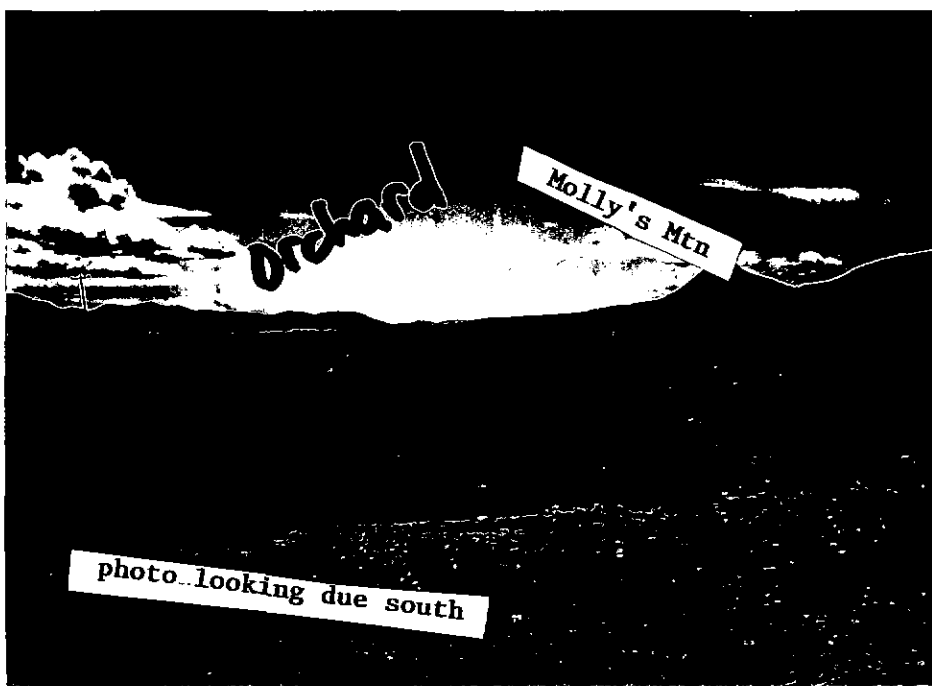


unknown
date/time

2/5

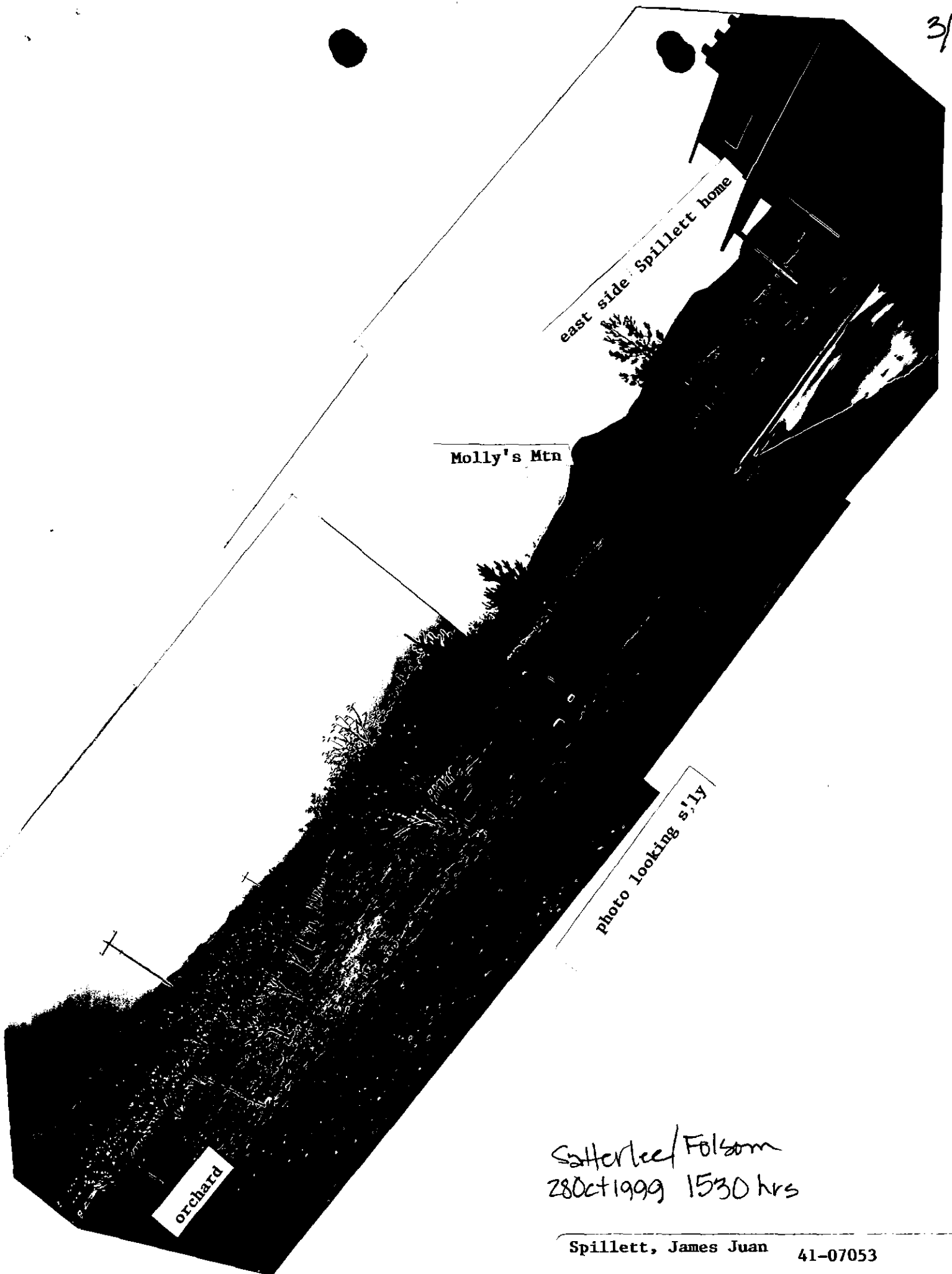
photo
taken @ a different
time then photo pg 1/5

green area watered
out of Rock Creek
41-00008B,-00013B



unknown
date/time

3/5



east side Spillet home

Molly's Mtn

photo looking sily

orchard

Satterlee/Folsom
28 Oct 1999 1530 hrs

4/5

service pole for
irrigation well

GPS Tag A0010176



domestic well

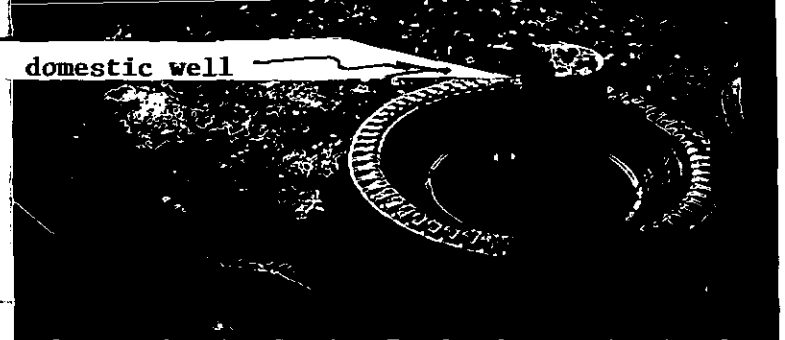


photo looking sw'ly

GPS Tag A0010176



photo looking sw'ly

Spillet home

irrigation
well



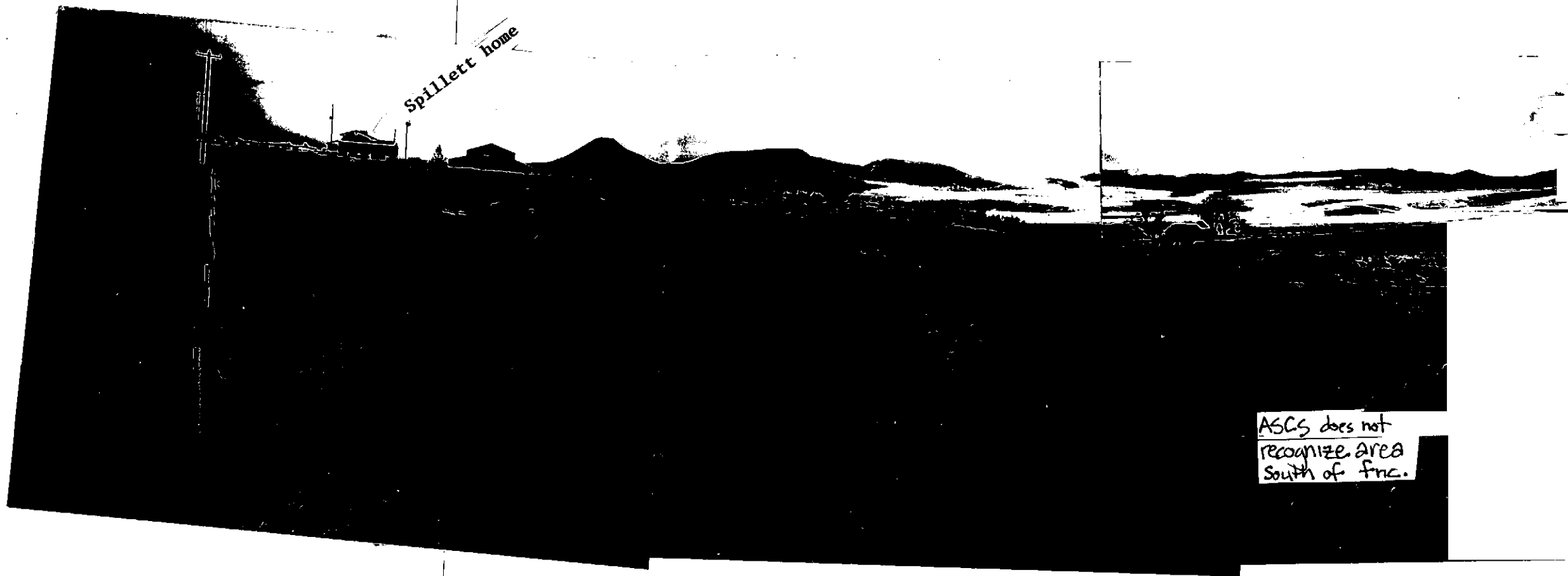
Service Pole

photo looking s'ly

Catterlee/Folkson
28 Oct 1999 1530 hrs

5/5

Spillet home



ASCS does not
recognize area
south of fnc.

photo looking

w'ly

photo looking

W'ly

ASCs does not
recognize area
south of fnc.

Irrigated Area

Satterlee/Folsom
28 Oct 1999 1530 hrs

Spillet, James Juan

41-07053

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

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

2. Measurements:

~~Not measured.~~

1999 Idaho Power employee Quentin Nesbitt measured irrigation well July 1999

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes: horsepower

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:

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

$$53(4) = 212$$
$$70(3.5) = 245 \text{ afa.}$$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.53)(245)(1.9835) = 257.5 \text{ afa.}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 212 \text{ afa.}$

2. Volume Calculations for Other Uses:

$$(0.31) 214 (1.9835) = 133$$

single family residence
2 occupants
Domestic $\Rightarrow$ 120 gpd Domestic - Allow 1.2
AFA / home
w/19wn
total $\Rightarrow$ 120 gpd 365 days
325, 850 $\Rightarrow$ 0.2 afa.

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Domestic well capacity is larger than permit rate.

calculated irrigation pump capacity is significantly less than permit rate.

It appears to be undersized for its intended application. Well is the only water source for the orchard, but provides supplemental water for the rest of the farm.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
irrigation	3/15	11/15	~~0.53~~ 0.31	~~245.2~~ 133
domestic	1/1	12/31	0.04	~~1.2~~ 0.6
seperate well				

Totals:

~~0.57~~

~~245.2~~

0.31 cfs

133 afa

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

BRIAN BLOCK

Signature

Brian Block

Certification Date

Field Report Preparation Date

6/19/91

G. Satterlee 11/09/1999

CONSULTANT SEAL

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

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

Department of Water Resources
Southern Region

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 3518/ WATER RIGHT NO.)
41-00013 & TRANSFER NO. 3519/WATER)
RIGHT NO. 41-00008 IN THE NAME OF)
JAMES JUAN SPILLETT)

FINAL ORDER ADOPTING
PROPOSED MEMORANDUM
DECISION AND ORDER

WHEREAS, R. Keith Higginson, Director of the Department of Water Resources, sent a copy of the Proposed Memorandum Decision and Order addressing the above captioned matter to the parties of record on September 15, 1992, pursuant to Section 67-5211, Idaho Code; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exception to that Proposed Memorandum Decision and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order, and Application for Transfer No.'s 3518 and 3519/Water Right No.'s 41-00013 and 41-0008 are APPROVED.

Dated this 15th day of OCTOBER, 1992.


R. KEITH HIGGINSON
Director

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR	)	
TRANSFER NO. 3518 (WATER RIGHT NO.	)	SECOND PROPOSED
41-00013) AND TRANSFER NO. 3519 (WATER	)	MEMORANDUM
RIGHT NO. 41-00008) IN THE NAME OF	)	DECISION AND ORDER
JAMES JUAN SPILLETT	)	
	)	

FINDINGS OF FACT

1. James Juan Spillettt (Spillettt) filed two applications for transfer of water right, numbered 3518 and 3519, with the Department on December 5, 1988. The applications proposed a change in the point of diversion for portions of water rights no.'s 41-00008 and 41-00013.

2. The applications for transfer were advertised in the Power County Press on March 15 and 22, 1989.

3. Timely protests against a change in point of diversion of water right no. 41-00008 were received from Farold Nelson and 7 UD Ranches (Nelson), and from Bench Ditch Irrigation Company (Bench).

4. Protests against a change in point of diversion for water right no. 41-00013 were timely received from the Bench Ditch Irrigation Company and the U.S. Ditch Company.

5. A pre-hearing conference was conducted on September 19, 1989, and a hearing was conducted on November 16, 1989, in American Falls, Idaho. Spillettt represented himself. James Robinson represented Bench. Nelson was represented by Ben Cavaness, attorney at law. U.S. Ditch Company failed to appear at the hearing.

6. A proposed memorandum decision and order was issued January 23, 1990. Both parties filed exceptions to the decision. A final memorandum decision and order was issued on August 30, 1990. Both parties requested a rehearing, and a rehearing was granted. The rehearing was conducted on January 10, 1991.

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Spillett was represented by Kenneth Lyon, attorney at law. The rehearing was held to augment the prior record, and did not replace it.

7. After the hearing, the parties requested a delay in issuance of the decision because of negotiations between the parties which might resolve the conflict. On approximately January 1, 1992, the parties informed the Department that the matter had not been resolved, and resubmitted it for decision.

8. Spillett stated that he wants to move the point of diversion for his portion of water right no. 41-00008 downstream on Rock Creek so he could more efficiently use his water. Nelson objected to the transfer of water right no. 41-00008 because the use of water under the water right has historically been rotated among the users, and Nelson alleged that he would be injured by the withdrawal of a portion of the rotated right. Bench protested the transfer of both water rights because of possible enlargement and loss of downstream flows that would satisfy Bench water rights.

9. Water rights 41-00008 and 41-00013 were established by beneficial use, and confirmed by a decision of arbitration executed on or about April 1, 1890. The decision of arbitration was recorded in the Oneida County book of judgments, but was never endorsed by the district court as a judicial decree.

10. For purposes of administering the water rights on Rock Creek, the Department, and the parties diverting water from Rock Creek, recognized the decision of arbitration as a judgment decreeing the water rights in Rock Creek. The waters from Rock Creek were administered according to the decision of arbitration after the decision was rendered. A water district was created by the Department, and a watermaster distributed water from Rock Creek to the respective users.

11. The decision of arbitration which established water right no. 41-00008 authorized diversion of 160 miner's inches (3.2 cfs) of flow by three individuals in the following proportions: one-half to Charles Taysom, Sr., one-fourth to David Taysom, and one-fourth to William Adshead, all with a priority date of October 1,

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1879.

12. The location of and number of acres in the place of use for right no. 41-00008 is not described in the arbitration decision. When a place of use is described in the arbitration decision, however, the decision usually awards one miner's inch of water (0.02 cfs) per acre of land irrigated.

13. Right no. 41-00013 authorizes diversion of 30 miner's inches (0.60 cfs) of water to 30 acres of land, although the location of the place of use is not described. The right was given a priority of May 1, 1881.

14. Each application for transfer states that water is not available for diversion during the latter part of the irrigation season.

15. The locations of the points of diversion for both rights were not described in the arbitration decision. Application for transfer no. 3519 for water right no. 41-00008 alleges that the point of diversion was originally located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, Township 10S, Range 31E, and is the point of diversion for what is commonly known as the Adshead Ditch.

16. Application for transfer no. 3518 for water right no. 41-00013 alleges that the point of diversion is the head of the Jackson Ditch, located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 10S, Range 13E.

17. The applications for transfer allege that Spillettt owns 0.60 cfs (30 miner's inches) of right no. 41-00008 and 0.20 cfs (10 miner's inches) of water right no. 41-00013.

18. Application for transfer no. 3518 lists 70 irrigated acres as the total place of use for right no. 41-00013 rather than the 30 acres to which the right is decreed. Spillettt proposes to irrigate 29 of the 70 acres with 0.20 cfs (10 miner's inches), his portion of the right.

19. Application for transfer no. 3519 lists 290 irrigated acres as the total place of use for right no. 41-00008 with 3.2 cfs (160 inches) of water. Spillettt proposes to irrigate 75 of the 290 acres with 0.60 cfs (30 miner's inches), his portion of the right.

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20. Although the number of acres in the place of use is not decreed for right no. 41-00008, irrigation of 290 acres with 3.2 cfs (160 inches) of water greatly exceeds the 160 acres that would normally have been irrigated at a rate of 0.02 cfs (one inch) per acre. Both Spilletts applications propose irrigation of more acres than could be fully irrigated if the acreage was limited to one acre irrigated for each miner's inch (0.02 cfs) diverted.

21. Water right no. 41-00008 has been delivered to five water users through the Adshead Ditch. The five water users are Nelson (7 UD Ranches), Grace Spilletts, Taysom, Weston and Spilletts. The water users have historically rotated the water on a twelve day rotation schedule, with each water user diverting the entire decreed flow for his proportionate share of the time. Spilletts is entitled to divert water for two days out of every twelve days.

22. When the water right was first diverted, all of the water was delivered through the Adshead Ditch, located on the east side of Rock Creek. The Spilletts property irrigated by right no. 41-00008, was at the end of the ditch, and was all located on the east side of Rock Creek within the NW $\frac{1}{4}$ of Section 20, Township 10S, Range 31E, B.M.

23. The delivery ditch to the Spilletts property was difficult to maintain. Spilletts and his predecessors also suffered the greatest delivery loss of water because their land was located at the end of the ditch.

24. The Adshead Ditch washed out near the upstream end of the Spilletts property in the late 1920's, and has not been rebuilt.

25. An eight acre parcel on the east side of Rock Creek located above the break in the canal was irrigated by Spilletts in the 1950's, but has not been irrigated since.

26. For many years, Spilletts diverted his portion of water right no. 41-00008 through the Jackson Ditch instead of the Adshead Ditch when it was his turn to divert water in rotation. The Jackson Ditch diversion is located on the west side of Rock Creek in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29, Township 10S, Range 31E, downstream from the Adshead diversion.

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* 27. Approximately 40 acres of land west of Rock Creek was irrigated with Spilletts portion of water rights no.'s 41-00008 and 41-00013. The irrigated land is located in the west half of Section 20, Township 10S, Range 31E, B.M. Irrigation of land on the west side of Rock Creek with water right no. 41-00008 resulted in an unrecorded transfer. Water diverted under right no. 41-00013 presumably irrigated the same lands to which it was originally appurtenant.

28. Applicant's exhibit #3 was submitted by the applicant to illustrate lands currently irrigated with Rock Creek water, and also to illustrate the land located on the east side of Rock Creek which was irrigated in the 1950's.

* 29. The current place of use, approximated from applicant's exhibit #3, is located in the following described survey tracts:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20	-	Acres:	2
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20	-	Acres:	21
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20	-	Acres:	15
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20	-	Acres:	2

30. Spilletts owns permit to appropriate water no. 41-07053 which proposes diversion of groundwater to irrigate 92 acres, some of which overlaps the land listed in paragraph 29. Proof of beneficial use has been filed for permit no. 41-07053. The record does not show, however, how much of the 92 acres has been irrigated with groundwater.

31. Spilletts stated that he plans to commingle surface water and groundwater into one system, and irrigate approximately 100 acres if this transfer is approved.

32. Spilletts desires to change the points of diversion to more efficiently use his water. The new point of diversion for both rights is located approximately two to three miles downstream from the Adshead Ditch point of diversion and one-half mile downstream from the Jackson Ditch point of diversion.

33. Spilletts also proposes to divert his water continuously, rather than diverting the water in rotation, which was customary in the past. Proper operation of a well planned ~~springler~~ ^{springler} system

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requires more frequent use than permitted by rotation.

34. Nelson testified that he is entitled to 1.4 cfs (70 inches) of water right no. 41-00008 with which he irrigates 107 acres.

35. Spillett's withdrawal from the traditional rotation scheme for right no. 41-00008 will reduce the total amount of water delivered in the Adshead Ditch, but will also increase the length of time over which the remaining users from the Adshead Ditch can divert water. Spillett's withdrawal from rotation will not prevent delivery of the remaining users' respective shares.

36. Nelson testified that if the amount of water diverted in the Adshead Ditch is reduced, the use of water by others will be less efficient. He testified that it will take longer to irrigate with a smaller stream, and that the delivery ditch will lose the same amount of water even if Spillett's water is not diverted through it. Losses which were once born by Spillett may be born by the remaining users.

37. Nelson's land is located near the diversion for the Adshead Ditch, and delivery of his water would result in less ditch loss than delivery of other water in the downstream part of the Adshead Ditch.

38. Nelson flood irrigates a portion of his land and sprinkles the remainder. He stated he would have to change his existing system to irrigate with a smaller flow rate by reducing his pump size or rearranging his method of irrigation.

39. At the rehearing, Galen McMasters, a professional engineer, testified on behalf of Nelson. McMasters analyzed Nelson's system, and calculated additional losses in Nelson's ditches and delivery system that would occur because of a lesser amount of water running in the ditches for a greater period of time. He estimated that the additional losses in the system would require reduction in irrigated acres of between approximately 1/2 and 3 acres.

40. The information submitted shows that Nelson irrigates approximately 107 acres. A loss of three acres of irrigation is

not large, but significant. There are other factors such as how well the water is tended or how well the delivery system is maintained that probably would dwarf the effects of Spillet's withdrawal found by the McMaster calculations.

41. Gene Nelson, a relative of Farold Nelson, has operated the ranch for 30 years. He discussed the present system and its operation. He stated that if Spillet were allowed to withdraw from rotation, Nelson would be required to change their delivery system dramatically. He stated that he would not be able to irrigate in the present manner, and would either have to convert fully to sprinklers or change the sizes of main lines. He stated that the cost would be substantial.

42. Kelvin Taysom, a downstream user from the Adshead Ditch, hesitantly testified at the first hearing that the decrease in the amount of water and the increase in time of water availability would adversely impact him. After the initial decisions were issued, Taysom again testified at the rehearing that his hesitancy was a result of his not wanting to get involved, and he was certain Spillet's withdrawal from rotation would injure him.

43. Groundwater return flows contribute to surface flows of Rock Creek. Water Resources of Rockland Basin, Southeastern Idaho, U.S. Geological Survey Open File Report 82-755 (1982). Return flows from irrigation enhance these groundwater contributions to surface water flow.

44. Rock Creek gains water from groundwater inflow between the Adshead diversion and the proposed points of diversion. Spillet's water can be transported in the stream without substantial loss.

45. Spillet's proposed conversion to sprinkler irrigation will result in more efficient use of water by preventing delivery and application losses.

46. Bench Ditch Irrigation Company owns irrigation rights diverted from the East Fork of Rock Creek. Although flows from Rock Creek are not tributary to the East Fork, depletions in the flow of upper Rock Creek reduce the amount of water available to

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appropriators below the confluence of Rock Creek and East Fork of Rock Creek. The rights owned by Bench are some of the latest rights on the East Fork of Rock Creek, and are curtailed or not delivered when water from the East Fork and Rock Creek cannot provide water to downstream users and Bench at the same time.

47. A reduction in the flow of Rock Creek will result in an earlier curtailment of delivery of the Bench water rights.

48. Spillett's efficient use of water could reduce return flows to Rock Creek. If Spillett's total annual volumetric use and the place of use is properly limited, however, Spillett's use will not consume more water than has been traditionally consumed.

49. The Department has determined that the maximum annual consumptive irrigation requirement in the geographical area of the Spillett property is 3.0 acre feet per acre. An additional 1.0 acre foot per acre may also be delivered to the field headgate to compensate for delivery and application losses. A total annual field headgate volume of 4.0 acre feet per acre can be delivered to the Spillett field headgates.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, as enacted at the time of the rehearing, sets forth the criteria that the Department can consider in determining whether an application for transfer should be approved:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho, and the change is in the local public interest as defined in Section 42-203A, Idaho Code; . . .

2. Hidden Springs Trout Ranch, Inc. v. Allred, 101 Idaho 677, 619 P.2d 1130 (1981) held that an amendment to the statutes governing the appropriation of water must be applied to applications pending before the Department.

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3. The applicant carries the burden of coming forward with evidence that his proposed change will not injure other water right holders, that it will not constitute an enlargement of the use, and will be consistent with principles of conservation of the water of the state of Idaho.

4. Both the applicant and the protestant have the responsibility of coming forward with evidence regarding matters of public interest of which they are each most cognizant.

5. The applicant has the ultimate burden of persuasion for all of the criteria of Section 42-222.

6. When the Adshead Ditch delivered water to Spilletts property, Spilletts and his predecessors suffered a major portion of the losses in the Adshead Ditch because of the location of the Spilletts property at the end of the Adshead Ditch.

7. Idaho law requires that water be used in a reasonable and efficient manner. The Department also recognizes its responsibility to encourage efficient use of water. Rotation is one method by which water can be used more efficiently.

8. Helphery v. Perault, 12 Idaho 451, 86 P. 417 (1906), states that rotation and irrigation tend to conserve the waters of the state. "Experience seems to indicate that the use of the rotation system not only tends to conserve the already inadequate water supply, but also tends to contribute to larger and better crops and retention of soil fertility." Muir v. Allison, 33 Idaho 146, 191 P.206 (1920).

9. None of the cases cited, however, hold that rotation is a matter of right. Instead, the cases recognize rotation as a permissible method of conserving water.

10. Helphery stated that users have a right to rotate if they choose. The Muir court was asked to declare that all water rights are subject to rotation, but the court declined to establish rotation as a general rule, holding that most rights are based on a continuous flow. Beecher v. Cassia Creek Irrigation Company, 66 Idaho 1, 154 P.2d 507 (1944) raised an issue about whether a proposed rotation pursuant to a transfer would injure other water

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users. The case does not describe why rotation was injuring the other water rights. The court allowed some rotation within the irrigation company, but otherwise granted a continuous flow right to other users.

11. Finally, Simonson v. Moon, 72 Idaho 39, 237 P.2d 93 (1951) reversed a district court mandate that the defendants rotate their individual water rights in a ditch constructed by a plaintiff which was too small to carry the full rights of both defendants. The case focused on the fact that neither parties' rights could be fully delivered at the same time. It was not a case which determined rotation issues, but held that the plaintiff was required to reconstruct another ditch so that both defendants could irrigate with the amount of water to which they were entitled.

12. The best discussion about rotation is contained in Muir:

. . . [I]t may be added in passing that it is far from the purpose or intention of the court to close the door against the adoption of the rotation system in the state. Undoubtedly the courts would enforce contracts between the parties involving the use of the rotation system as has already been done by this court in the case of the State v. Twin Falls etc. Co., 21 Ida. 410, 121 Pac. 1039, L. R. A. 1916F, 236, and perhaps when property rights have grown up, or common practice and usage have made it a settled and fixed practice in a particular community, it might be the duty of the courts to enforce it.

33 Idaho at 163.

13. The court alluded that more experience may be necessary prior to imposing a requirement that water be rotated. It also alluded that the imposition of rotation may depend on the individual facts confronting the decision maker:

But when and in what cases the rules for the distribution of water should be changed must be left entirely to future investigation and determination, and this opinion should not be understood as laying down rules for any prospective modification of the law.

33 Idaho at 163.

14. In other words, rotation is a permissible and laudable method of beneficially using water, but will only be enforced when, viewing all of the facts, rotation is necessary to provide the most

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efficient and best use of the water. In addition, contractual obligations of the parties are important.

15. Most of the cases cited predate the development of mechanized irrigation systems that have greatly improved irrigation efficiency. Rotation of water delivery for flood irrigation was one of the few methods of conserving and more efficiently using water. Today, however, there are other ways to increase efficiency that perhaps may surpass the efficiency of rotation. Efficiency is a matter of public interest and will be discussed later.

16. Idaho Code § 42-222 requires a finding that "no other water rights are injured" prior to approval of an application for transfer. The terms "water right" and "injury" must be defined for purposes of this decision. A water right is an entitlement to use the waters of the state for a beneficial purpose. The right authorizes diversion of enough water for the beneficial use and enough additional water for reasonable losses.

17. For purposes of this decision, injury is defined as a detrimental effect on any component of the water right which would be substantially (or unreasonably) diminished or reduced as a result of the transfer.

18. Where an individual water user desires to withdraw from rotation, he must show that the water entitlements of the remaining users can be delivered through the existing delivery system without substantial reduction.

19. "Existing delivery system" is defined as the delivery works from the point of diversion to the wateruser's property. It does not include internal ditch or pipe networks which conduct water within an individual wateruser's property.

20. If a change is necessary to the existing delivery system (excluding internal conveyance) it must be shown that the change will not cause unreasonable inconvenience to other users or will not cause a substantial reduction of the availability of water to the other users. The applicant must bear the cost of any reasonable change in the system which delivers water to the property of the other users.

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21. Once a hearing officer is convinced that this test has been satisfied, the burden shifts to the protestants to show that injury will occur, or that there are matters of public interest, including the existence of a contract, that should force continued participation in rotation.

22. The following is a list of factors which the Director will consider to determine whether the transfer proposing withdrawal from rotation would be in the local public interest:

- a. The efficiency of the proposed continuous use by the person withdrawing versus the loss of rotation efficiency resulting from withdrawal.
- b. The monetary cost to the remaining parties of modifying their internal systems.
- c. Evidence of any existing contracts between the parties to rotate water.
- d. The customs or traditions of water use in the area.

23. The continuous diversion of water through a sprinkler system by Spillettt will increase his efficiency of use.

24. The withdrawal of Spillettt from the scheme of rotation will result in a reduction in irrigated acres by Nelson, and will cost him money to modify his system to prevent the loss.

25. The withdrawal from rotation will also cause injury to other users on the Adshead Ditch.

26. The monetary cost of modifying the Nelson system is substantial.

27. Although there are no existing contracts between the parties to rotate water, the custom and tradition of water use from the Adshead Ditch and within the entire Rockland Basin is to rotate water.

28. Spillettt must continue rotating water with the other users of the Adshead Ditch.

29. The Department should encourage more efficient methods of irrigation, but still protect other water rights. Other water rights could be injured if efficiency of delivery substantially reduces return flows to the creek.

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30. If Spillettt is required to compensate Rock Creek for the entire amount of water he saves, the incentive to be more efficient will be frustrated. If he is allowed to divert and use all the water he saves, downstream water rights will be injured.

31. The amount of water originally lost from delivery of Spillettt's water through the Adshead Ditch that would reach downstream surface water right holders cannot be determined from the information now before the Department. Nevertheless, only a portion of the losses would resurface for downstream use.

32. If Spillettt's use of water is limited to irrigation of the same number of acres as irrigated previously, the delivery losses saved will remain in the Rock Creek hydrologic system. Consumptive use, flow rate, total volume diverted, and acres irrigated must all be limited to ensure that Spillettt's use is not enlarged.

33. The interconnection of Spillettt's surface water and groundwater systems could result in an enlargement of his use of surface water. If the groundwater and surface water systems are interconnected, a totalizing meter must be installed on Spillettt's diversion works from Rock Creek. Diversion from Rock Creek must cease when 160 acre-feet has been diverted, or when water is no longer available for diversion.

34. Spillettt is entitled to divert 0.20 cfs under right 41-00013B and 0.60 cfs under right 41-00008B to irrigate 40 acres. Total consumptive irrigation use should not exceed 120 acre-feet annually.

35. The 40 acres currently irrigated by Spillettt will be irrigated by 0.80 cfs, or an application rate of 0.02 cfs (one miner's inch) per acre, when the flow rates of the partial rights owned by Spillettt are added together.

36. Spillettt should specifically designate thirty (30) acres as the place of use for his portion of right no. 41-00008 and ten (10) acres as the place of use for his portion of water right no. 41-00013 prior to final approval of these transfers.

37. Water is not available to fully satisfy the rights during

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the latter part of the irrigation season. Rock Creek is a gaining stream, and a change in the point of diversion to a downstream location could result in diversion of more water than was available at either the Adshead Ditch diversion or the Jackson Ditch diversion. Spillettt should be entitled to divert only his pro rata share of water available for diversion at the Adshead Ditch diversion for right no. 41-00008 and at the Jackson Ditch diversion for right no. 41-00013.

38. The applications for transfer attempt to identify the location and number of acres irrigated by other parties with the residual portion of the rights not owned by Spillettt.

39. The place of use identified for the residual portions of right no.'s 41-00008 and 41-00013 will not be recognized as represented on the application for transfer. If the land alleged as the place of use is being irrigated, the water right has been enlarged and cannot be recognized as part of the administrative transfer process.

ORDER

IT IS HEREBY ORDERED that the portions of applications for transfer no.'s 3518 and 3519 proposing to change the point of diversion are APPROVED, but the water must be diverted in rotation with the other users of the Adshead Ditch.

IT IS FURTHER ORDERED that, because the applications for transfer also sought a change in the place of use, the change in the place of use can be approved if Spillettt identifies 30 acres as a place of use for right no. 41-00008B and 10 acres as a place of use for right no. 41-00013B within the acres irrigated as identified in the findings of fact. The information must be submitted within 42 days of service of this order.

IT IS FURTHER ORDERED that failure to identify irrigated acreage for each of the rights will result in a full denial of the applications for transfer.

IT IS FURTHER ORDERED that the following conditions shall govern the water rights if the transfers are partially approved:

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1. This transfer approves a total diversion of 0.80 cfs for irrigation purposes authorizing diversion of 0.60 cfs under water right no. 41-00008B and 0.20 cfs under right no. 41-00013B.

2. Total consumptive irrigation use shall not exceed 120 acre-feet annually.

3. The place of use shall be limited to the following (with proposed a future designation of 30 acres to right no. 41-00008B and 10 acres to right no. 41-00013B):

NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20	-	Acres:	2
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20	-	Acres:	21
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20	-	Acres:	15
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20	-	Acres:	2

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4. If the surface water and groundwater systems are interconnected, a measuring device and totalizing meter approved by the Department must be installed and maintained as part of the surface water diversion works. Diversion must cease when 160 acre-feet has been diverted from Rock Creek.

5. This approved transfer does not address or recognize apparent expanded acreage listed as a place of use for the residual portions of water rights no.'s 41-00008 and 41-00013 not owned by Spillettt.

6. Diversion of water under the rights as approved by this transfer is subject to the control of the watermaster of Water District No. 41, Rock Creek.

Dated this 15th day of September, 1992.

Gary Spackman
Gary Spackman
Hearing Officer

CERTIFICATE OF MAILING

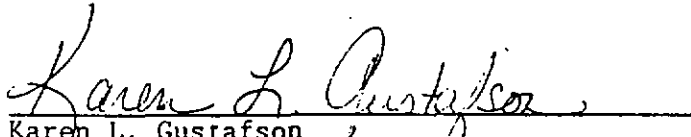
I HEREBY CERTIFY THAT on this 15th day of September, 1992, I mailed a true and correct copy of the foregoing Proposed Memorandum Decision and Order and Order Issuing the Proposed Memorandum Decision and Order, postage prepaid, to the following:

James Juan Spillett
P.O. Box 278
Rockland, ID 83271

Kenneth E. Lyon
Attorney at Law
602 S Fifth Avenue
Pocatello, ID 83205

James Robinson
Bench Ditch Irrig.
Rockland, ID 83271

Ben Cavaness
P.O. Box 70
American Falls, ID 83211


Karen L. Gustafson
Secretary/Records Manager

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State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR COX/HALL MEASUREMENT

Measured by: Russ LewinsDate 7/22/89Owner: J. Juan SpilletPermit No. 41-07053

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

MEASURED INSIDE PIPE RADIUS IN INCHES (IR)

CIR = Pipe Circumference in Inches = _____

T = Pipe Thickness in Inches = _____

IR = [(0.1592 X CIR) - T] = 1.94DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)High Reading = 38.5Low Reading = 35.8High - Low = H = 2.7

COX/HALL DESCRIPTION & FACTOR DETERMINATION (H#)

State ID No. 120389Size of tip used 1 1/8"Number of holes in
meter taped or blocked 0

To determine Cox/Hall Factor (H#) use table to the right.
Using the Differential Pressure Reading (H) find appropriate
Row and Column to determine (H#).
(example: H = 12.4 then H# = 17.0)

Determine (H#) and enter here: 7.5

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(3.1416) (IR)^2 (H\#)}{(448.8)}$$

$$Q = \frac{(3.1416) (1.94)^2 (7.5)}{(448.8)} = 0.20 \text{ CFS}$$

SKETCH (If not shown on Field Report)

	.0	.1	.2	.3	.4	.5	.6	.7	.8	.9
0	0.0	0.8	1.3	1.8	2.2	2.5	2.9	3.3	3.7	4.0
1	4.3	4.5	4.8	5.0	5.2	5.4	5.6	5.8	6.0	6.2
2	6.3	6.5	6.7	6.9	7.0	7.2	7.3	7.5	7.6	7.7
3	7.9	8.0	8.2	8.3	8.5	8.6	8.7	8.8	9.0	9.1
4	9.3	9.4	9.5	9.6	9.7	9.8	10.0	10.1	10.2	10.3
5	10.4	10.5	10.6	10.7	10.9	11.0	11.1	11.2	11.3	11.4
6	11.5	11.6	11.7	11.8	11.9	12.0	12.1	12.2	12.3	12.4
7	12.5	12.6	12.7	12.8	12.9	13.0	13.1	13.2	13.3	13.4
8	13.5	13.6	13.7	13.8	13.9	14.0	14.1	14.2	14.3	14.4
9	14.5	14.6	14.7	14.8	14.9	15.0	15.1	15.2	15.3	15.4
10	15.5	15.6	15.7	15.8	15.9	16.0	16.1	16.2	16.3	16.4
11	16.5	16.6	16.7	16.8	16.9	17.0	17.1	17.2	17.3	17.4
12	17.5	17.6	17.7	17.8	17.9	18.0	18.1	18.2	18.3	18.4
13	18.5	18.6	18.7	18.8	18.9	19.0	19.1	19.2	19.3	19.4
14	19.5	19.6	19.7	19.8	19.9	20.0	20.1	20.2	20.3	20.4
15	20.5	20.6	20.7	20.8	20.9	21.0	21.1	21.2	21.3	21.4
16	21.5	21.6	21.7	21.8	21.9	22.0	22.1	22.2	22.3	22.4
17	22.5	22.6	22.7	22.8	22.9	23.0	23.1	23.2	23.3	23.4
18	23.5	23.6	23.7	23.8	23.9	24.0	24.1	24.2	24.3	24.4
19	24.5	24.6	24.7	24.8	24.9	25.0	25.1	25.2	25.3	25.4
20	25.5	25.6	25.7	25.8	25.9	26.0	26.1	26.2	26.3	26.4
21	26.5	26.6	26.7	26.8	26.9	27.0	27.1	27.2	27.3	27.4
22	27.5	27.6	27.7	27.8	27.9	28.0	28.1	28.2	28.3	28.4
23	28.5	28.6	28.7	28.8	28.9	29.0	29.1	29.2	29.3	29.4
24	29.5	29.6	29.7	29.8	29.9	30.0	30.1	30.2	30.3	30.4
25	30.5	30.6	30.7	30.8	30.9	31.0	31.1	31.2	31.3	31.4
26	31.5	31.6	31.7	31.8	31.9	32.0	32.1	32.2	32.3	32.4
27	32.5	32.6	32.7	32.8	32.9	33.0	33.1	33.2	33.3	33.4
28	33.5	33.6	33.7	33.8	33.9	34.0	34.1	34.2	34.3	34.4
29	34.5	34.6	34.7	34.8	34.9	35.0	35.1	35.2	35.3	35.4
30	35.5	35.6	35.7	35.8	35.9	36.0	36.1	36.2	36.3	36.4
31	36.5	36.6	36.7	36.8	36.9	37.0	37.1	37.2	37.3	37.4
32	37.5	37.6	37.7	37.8	37.9	38.0	38.1	38.2	38.3	38.4
33	38.5	38.6	38.7	38.8	38.9	39.0	39.1	39.2	39.3	39.4
34	39.5	39.6	39.7	39.8	39.9	40.0	40.1	40.2	40.3	40.4
35	40.5	40.6	40.7	40.8	40.9	41.0	41.1	41.2	41.3	41.4
36	41.5	41.6	41.7	41.8	41.9	42.0	42.1	42.2	42.3	42.4
37	42.5	42.6	42.7	42.8	42.9	43.0	43.1	43.2	43.3	43.4
38	43.5	43.6	43.7	43.8	43.9	44.0	44.1	44.2	44.3	44.4
39	44.5	44.6	44.7	44.8	44.9	45.0	45.1	45.2	45.3	45.4
40	45.5	45.6	45.7	45.8	45.9	46.0	46.1	46.2	46.3	46.4
41	46.5	46.6	46.7	46.8	46.9	47.0	47.1	47.2	47.3	47.4
42	47.5	47.6	47.7	47.8	47.9	48.0	48.1	48.2	48.3	48.4
43	48.5	48.6	48.7	48.8	48.9	49.0	49.1	49.2	49.3	49.4
44	49.5	49.6	49.7	49.8	49.9	50.0	50.1	50.2	50.3	50.4
45	50.5	50.6	50.7	50.8	50.9	51.0	51.1	51.2	51.3	51.4
46	51.5	51.6	51.7	51.8	51.9	52.0	52.1	52.2	52.3	52.4
47	52.5	52.6	52.7	52.8	52.9	53.0	53.1	53.2	53.3	53.4
48	53.5	53.6	53.7	53.8	53.9	54.0	54.1	54.2	54.3	54.4

7/87

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR COX/HALL MEASUREMENT

Measured by: Russ LewinsDate 7/22/89Owner: J. Juan SpillettPermit No. 41-07053

Description of well &/or measuring site

- Include any clarifications of the sketch

- Include legal description if more than one p.d. is described in the Field Report

MEASURED INSIDE PIPE RADIUS IN INCHES (IR)

CIR = Pipe Circumference in Inches = _____

T = Pipe Thickness in Inches = _____

IR = [(0.1592 X CIR) - T] = ... 1.94DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)High Reading = 38.5Low Reading = 35.8High - Low = H = ... 2.7

COX/HALL DESCRIPTION & FACTOR DETERMINATION (H#)

State ID No. 120389Size of tip used 1 1/8"Number of holes in
meter taped or blocked 0

To determine Cox/Hall Factor (H#) use table to the right.
Using the Differential Pressure Reading (H) find appropriate
Row and Column to determine (H#).
(example: H = 12.4 then H# = 17.0)

Determine (H#) and enter here: 7.5

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(3.1416) (IR)^2 (H\#)}{(448.8)}$$

$$Q = \frac{(3.1416) (1.94)^2 (7.5)}{(448.8)} = 0.20 \text{ CFS}$$

SKETCH (If not shown on Field Report)

	.0	.1	.2	.3	.4	.5	.6	.7	.8	.9
0	0.0	0.8	1.3	1.8	2.2	2.5	2.9	3.3	3.7	4.0
1	4.3	4.5	4.8	5.0	5.2	5.4	5.6	5.8	6.0	6.2
2	6.3	6.5	6.7	6.9	7.0	7.2	7.3	7.5	7.6	7.7
3	7.9	8.0	8.2	8.3	8.5	8.6	8.7	8.8	9.0	9.1
4	9.3	9.4	9.5	9.6	9.7	9.8	10.0	10.1	10.2	10.3
5	10.4	10.5	10.6	10.7	10.9	11.0	11.1	11.2	11.3	11.4
6	11.5	11.6	11.7	11.8	11.9	12.0	12.1	12.2	12.3	12.4
7	12.5	12.6	12.7	12.8	12.9	13.0	13.1	13.2	13.3	13.4
8	13.5	13.5	13.6	13.7	13.8	13.9	14.0	14.0	14.1	14.2
9	14.3	14.4	14.5	14.5	14.6	14.7	14.8	14.9	15.0	15.0
10	15.1	15.2	15.3	15.4	15.5	15.5	15.6	15.7	15.8	15.9
11	15.9	16.0	16.1	16.2	16.3	16.3	16.4	16.5	16.5	16.6
12	16.7	16.7	16.8	16.9	17.0	17.0	17.1	17.2	17.3	17.3
13	17.4	17.5	17.5	17.6	17.7	17.8	17.8	17.9	18.0	18.1
14	18.1	18.2	18.3	18.3	18.4	18.5	18.5	18.6	18.7	18.7
15	18.8	18.9	18.9	19.0	19.1	19.1	19.2	19.3	19.3	19.4
16	19.5	19.5	19.6	19.6	19.7	19.7	19.8	19.9	19.9	20.0
17	20.1	20.1	20.2	20.2	20.3	20.4	20.4	20.5	20.5	20.6
18	20.7	20.7	20.8	20.9	20.9	21.0	21.0	21.1	21.2	21.2
19	21.3	21.3	21.4	21.4	21.5	21.6	21.6	21.7	21.7	21.8
20	21.9	21.9	22.0	22.0	22.1	22.2	22.2	22.3	22.3	22.4
21	22.4	22.5	22.5	22.6	22.6	22.7	22.7	22.8	22.9	22.9
22	23.0	23.0	23.1	23.1	23.2	23.2	23.3	23.4	23.4	23.5
23	23.5	23.6	23.6	23.7	23.7	23.8	23.8	23.9	23.9	24.0
24	24.0	24.1	24.2	24.2	24.3	24.3	24.4	24.4	24.5	24.5
25	24.6	24.6	24.7	24.7	24.8	24.8	24.9	24.9	25.0	25.0
26	25.1	25.1	25.2	25.2	25.3	25.3	25.4	25.4	25.5	25.5
27	25.6	25.6	25.7	25.7	25.8	25.8	25.9	25.9	26.0	26.0
28	26.1	26.1	26.2	26.2	26.3	26.3	26.4	26.4	26.5	26.5
29	26.6	26.6	26.7	26.7	26.8	26.8	26.9	26.9	27.0	27.0
30	27.0	27.1	27.1	27.2	27.2	27.3	27.3	27.4	27.4	27.5
31	27.5	27.5	27.6	27.6	27.7	27.7	27.8	27.8	27.9	27.9
32	28.0	28.0	28.0	28.1	28.1	28.2	28.2	28.3	28.3	28.4
33	28.4	28.5	28.5	28.5	28.6	28.6	28.7	28.7	28.8	28.8
34	28.9	28.9	29.0	29.0	29.0	29.1	29.1	29.2	29.2	29.2
35	29.3	29.3	29.3	29.4	29.4	29.5	29.5	29.6	29.6	29.6
36	29.7	29.7	29.8	29.8	29.9	29.9	30.0	30.0	30.0	30.1
37	30.1	30.2	30.2	30.3	30.3	30.4	30.4	30.5	30.5	30.5
38	30.6	30.6	30.7	30.7	30.8	30.8	30.8	30.9	30.9	31.0
39	31.0	31.0	31.1	31.1	31.2	31.2	31.2	31.3	31.3	31.4
40	31.4	31.5	31.5	31.5	31.6	31.6	31.7	31.7	31.7	31.8
41	31.8	31.9	31.9	31.9	32.0	32.0	32.1	32.1	32.1	32.2
42	32.2	32.3	32.3	32.3	32.4	32.4	32.4	32.5	32.5	32.5
43	32.6	32.6	32.7	32.7	32.8	32.8	32.9	32.9	33.0	33.0
44	33.0	33.0	33.1	33.1	33.2	33.2	33.3	33.3	33.4	33.4
45	33.4	33.5	33.5	33.5	33.6	33.6	33.7	33.7	33.7	33.8
46	33.8	33.9	33.9	33.9	34.0	34.0	34.0	34.1	34.1	34.1
47	34.2	34.2	34.2	34.3	34.3	34.4	34.4	34.4	34.5	34.5
48	34.6	34.6	34.6	34.7	34.7	34.8	34.8	34.8	34.9	34.9

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

41-07053
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

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

- ☒ Blank Field Report Form
☒ Copy of Permit
☒ Copies of any Amendments/Orders with conditions of approval
☒ Computer Data Proof Report
☒ Copy of U.S.G.S. Quad
☐ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index IG 11/12/89 (Initial and date)

Overlap? ☐ yes ☐ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____

Check of P/U index IG 11/12/89 (Initial and date)

Overlap? ☐ yes ☐ no If yes: ☐ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____

Aerial Photo

Required? ☒ yes ☐ no If 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.

George Suttlee 11/9/89

C. Review and Processing: Brian Block 6/14/91

Exam Completed Russell Curran 8/3/89 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent _____ (Initial and date)

Exam Reviewed by Manager of Regional Office AD 12/17/88 (Initial and date)

Exam Date Entered in Computer _____ (Initial and date)

Exam sent to State Office _____ (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

RECEIVED

OCT 28 1988

S20, T10S, R31E

Reinstate

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received \$100.00
Date 10-31-88
Receipt # C003122
Receipt by [Signature]
Reviewed by [Signature]
Sent to region [Signature]

Department of Water Resources

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

Permit No. 41-07053

Name(s) of Permit Holder: James Oren Spillett ^{NJK} Please Change To: J. Juan Spillett

Post Office Address: Box 278

Rockland, ID 83271

Telephone No. (208) 548-2468

Source of Water: Well

Extent of Use:

Domestic 1 (number of households)

Stockwater 150 sheep + 20 cattle (number and type of stock)

Irrigation 70 (acres)

Other/Remark 5 acre drip irrigation orchard

Total rate and/or volume for which proof is submitted 300 GPM = .66 cfs One 240 acre-feet

Show the date water was first diverted and beneficially used under this permit: Sept. 1984

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

Fee enclosed \$100.00
(See License Examination Fee Schedule)

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

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

J. Juan Spillett
(Name)

(208) 548-2468
(Telephone Number)

Box 278, Rockland, ID 83271
(Address)

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

9/30/88

Date

J. Juan Spillett
Signature of Permit Holder (and title, if appropriate)

Form 204
09-10-120-2000-A-6887
RECEIVED
SEP 16 1986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Rec
10/6/86
IDWR
Southern

For Office Use Only
\$15 FEE Received
Date 8-25-86
Receipt # 38950

REQUEST FOR EXTENSION OF TIME

Department of Water Resources
Western Regional Office

To provide additional time in which to submit proof
of beneficial use on a water right permit

James Juan Spillettt of Box 278, Rockland, Idaho 83271 ph. 548-2468
(Name) (Address)

State of Idaho, deposes and says:

RECEIVED
AUG 22 1986

That he is the holder, or the duly authorized agent of the holder*, of Permit to appropriate the Public Water of the
State of Idaho No. 41-7053

That under the terms and conditions of said permit, work thereunder was required to be completed on or before
October 1, 1986

That he has heretofore performed the following work described under said permit: Drilled & cased well,
(This must be filled out! If no work has been completed put none.)
installed a submersible pump, purchased materials for a drip-irrigation orchard +
sprinkler line. Worked with SCS, University, private consultants and others
designing a system, surveying, etc. See attached letter for details.
Costing \$ 32,000

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
The first phase of my irrigation system was to develop a drip-irrigation system
for an orchard. SDS, University and other people contacted were unable to provide
information needed, i.e., water requirements for mature apple trees, what and
where to get materials, and what kinds of trees (root stock, etc.) is best for
my area. Arranging to survey for my proposed system also took time. Then I was
informed I needed to subsoil. We tried chizels, which didn't work, etc.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations
under said permit to October 1, 1991
(1 yr. minimum,
5 yrs. maximum)

James Juan Spillettt
(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

FEE: \$15.00

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within
which to submit proof of beneficial use is extended to October 1, 1988.

Signed this 16th day of September, 1986.

A. Glen Sayton
Chief, Operations Bureau

41-7053

8/14/89

Talked to Mr Spillett today about setting up another field exam date due to a bad measurement. He is planning on drilling a new well for domestic use and moving his pumps for irrigation deeper in the present well. He would like to have the system re-examined after this, try summer of 1990.

R Lewins

8/14/89

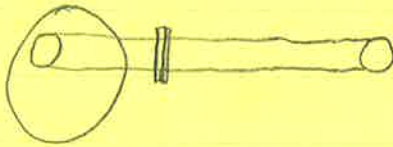
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R Lewins

Ditches

Adshend 30"

Jackson 10"



Ditch & Driveway

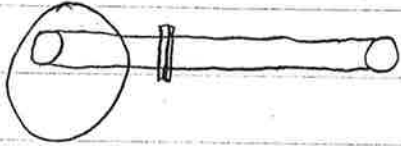
across
post



Ditches

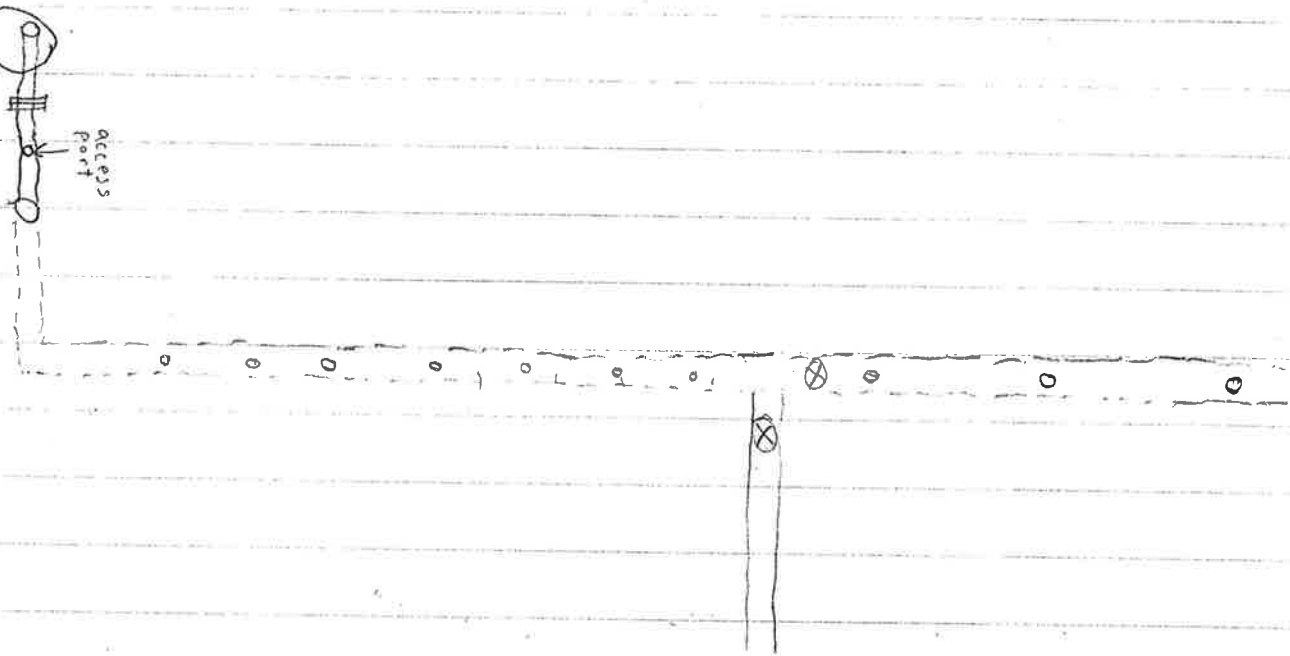
Adshad 30"

Jackson 10"



125
Ditch & Orchard

Access
Point



7.5 12.4 63 psi

21 sprinklers

20hp 4 in Dischar

35.8 38.5 52 psi

5 hp 1 1/4 Dischar

12 gal / min 50psi

20

one well 2 pumps

7.5 12.4 63 psi

21 sprinklers

20hp 4 in Dischar

35.8 38.5 52 psi

5 hp 1 1/4 Disch.

12 gal / Min 50psi

20

one well 2 pumps

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 41-7053Date: 11/7/88

General Considerations:

☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change _____ If yes, prepare a data entry
☒ Proof received timely
☒ Reinstated

Source of Water:

☐ Surface water
☒ Groundwater
 ☒ 1. well log in file *
 ☒ 2. drilling permit
 _____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

proof acceptable
 Reinstated
 * See gw. sheet

☒	Priority Calculation:		
	Date proof received	<u>Oct. 28, '88</u>	<u>301</u>
	Date proof due	<u>Oct. 1, '88</u>	<u>- 274</u>
	No. of days late		<u>= 27</u>
	Priority date	<u>May 13, '81</u>	<u>+ 133</u>
	NEW PRIORITY. DATE	<u>June 9, '81</u>	<u>= 160</u>

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED

OCT 28 1988

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Fee Received \$100.00

Date 10-31-88

Receipt # C003122

Receipt by [Signature]

Reviewed by [Signature]

Sent to region

Department of Water Resources

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

Permit No. 41-07053

NJK Please Change To: -

Name(s) of Permit Holder: James Oren Spillettt J. Juan Spillettt

Post Office Address: Box 278

Rockland, ID 83271

Telephone No. (208) 548-2468

Source of Water: Well

Extent of Use:

Domestic 1 (number of households) Stockwater 150 sheep + 20 cattle (number and type of stock)

Irrigation 70 (acres) Other/Remark 5 acre - drip irrigation orchard

Total rate and/or volume for which proof is submitted 300 GPM = .66 one cfs 240 acre-feet

Show the date water was first diverted and beneficially used under this permit: Sept. 1984

Measuring Device: Required? Yes No
Installed? Yes No

Fee enclosed \$ 100.00
(See License Examination Fee Schedule)

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

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

J. Juan Spillettt

(208) 548-2468

(Name)

(Telephone Number)

Box 278, Rockland, ID 83271

(Address)

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

9/30/88

Date

J. Juan Spillettt

Signature of Permit Holder (and title, if appropriate)

FEB 08 1989

Permit No. 41-7053

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? ✓
2. Notary? ✓
3. a. Full Assignment? ✓
b. Partial Assignment? N/A
4. "No assignment" condition on permit? N/A
5. Commencement of Works received? - proof rec'd
 - a. Commencement of works requested?
 - b. Show Cause Order drafted & sent?
 - c. Cancellation necessary?
6. Affidavit of ~~residency~~ required?
7. Extension granted due to litigation?
(If yes, commencement of works is not required.)

1. Type permit summary sheet. ✓
2. Coding sheet. ✓
3. Acknowledgement letter type. - Rate of b/u
4. Copy to region. ✓

Date 12-20-88

Employee SCurtis

MICROFILMED

FEB 08 1989

To: File 41-7053
From: Groundwater Protection
Date:

20
105
31E

Drilling Permit: ☒ Not Applicable
☐ Found and in file
☐ Not Found

Well Drillers Report:

☐ Not found, due to reported age of well
☒ probably not available
☐ Found and is in file
☐ Not found

Follow-up

☐ Request from permit holder the well
drillers report and/or the name of the
well driller, *and date drilled.*
☐ Ask permit holder when well was drilled
and notify holder of drilling permit
requirement if after July 01, 1987.

*This may or may not be
correct log.*

*The Legal or log may be
incorrect?*

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FEB 08 1989

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

RECEIVED
AUG 22 1964

Department of Water Resources
Eastern District Office

1. WELL OWNER

Name Juan Spilleth
Address Rochland, Idaho
Owner's Permit No. _____

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

3. PROPOSED USE

☒ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	Inches +	From	To
1250 inches	16"	1	feet	465 feet
_____ inches	_____ inches	_____	feet	_____ feet
_____ inches	_____ inches	_____	feet	_____ feet
_____ inches	_____ inches	_____	feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☒ Yes ☐ No
How perforated? ☒ Factory ☐ Knife ☐ Torch
Size of perforation 3/16 inches by 3 inches

Number	From	To
perforations	250 feet	460 feet
perforations	_____ feet	_____ feet
perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size # gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 18" Material used in seal: ☐ Cement grout
☐ Puddling clay ☒ Well cuttings
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing
☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent weld
☐ Cemented between strata
Describe access port 2" pipe

6. LOCATION OF WELL

Sketch map location must agree with written location.

N		E
W		

Subdivision Name _____
Lot No. _____ Block No. _____
County Ponderosa
T. 10 S. 7 E. 24

7. WATER LEVEL

Static water level 70' feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____ p.s.i.
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____

8. WELL TEST DATA

Discharge G.P.M.	Pumping Level	Hours Pumped
_____	_____	_____
_____	_____	_____
_____	_____	_____

9. LITHOLOGIC LOG

Hole Diam.	Depth From	To	Material	Water Yes No
11"	0	5	Soil	X
"	5	75	clay brown sandy	X
"	75	130	clay yellow sand gravel	X
"	130	195	sandstone yellowish white	X
"	195	270	gravel black	X
"	270	465	sandstone white	X
"	465	_____	sandstone with gravel	X
"	_____	_____	black	

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SEP 3 1985
Department of Water Resources

10. Work started Sept 15-81 **finished** Sept 20-81

11. DRILLERS CERTIFICATION

I/we certify that all minimum well construction standards were complied with at the time the rig was removed. 0403
Firm Name Frye & Sons Firm No. 0447
Address Axon Falls, Idaho Date Sept 20-81
Signed by (Firm Official) Frye & Sons
and
(Operator) Frye & Sons

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

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.

October 19, 1988

JAMES OREN SPILLETT
P.O. BOX 278
ROCKLAND, ID 83271

LAPSE NOTICE

RE: PERMIT NO. 41-07053

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced water permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper form in our proof due notice to you dated July 31, 1988.

Your permit cannot be reinstated unless you submit proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal (including the examination fee or a completed field examination report) or the extension request form together with the \$15 fee must be received by this department within sixty days of the date of mailing of this lapse notice or the permit will no longer be of any force or effect.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. 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 governmental agency or by litigation which might bring title to the water in question.

L. Glen Saxton
Chief, Operations Bureau

Enclosures

LGS:RF

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FEB 08 1989

CERTIFICATION OF MAILING

I hereby certify that on Oct. 19, 1988
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

John L. Schultz

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
Certified Mail
July 31, 1988

138182

JAMES OREN SPILLETT
P.O. BOX 298
ROCKLAND, ID 83271

PROOF DUE NOTICE

RE: PERMIT NO. 41-07053

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1988. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

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FEB 08 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

COMMENCEMENT OF WORKS

Permit No. 41-7053
Name(s) of Permit Holder(s): James Juan or James Owen
Post Office Address: Box 278 SPILLETT
Rockland, ID 83271 Tel. No. 8-2468

☒ I hereby certify that construction of diversion works for the above referenced permit began on Sept. 1981 (date). 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 diverting 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.

4/26/83
Date

James Juan Spillet
Signature of Permit Holder

J. Juan Spillet
P. O. Box 278
Rockland, ID 83271



RECEIVED



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FEB 08 1989

APR 26 1983

UPON HAND OF JOHN R.

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

September 16, 1986

James Oren Spillettt
Box 278
Rockland, ID 83271

Dear Mr. Spillettt:

Re: Permit No. 41-7053

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 October 1, 1988.

In the letter which accompanied the extension request, James Juan Spillettt requested the department to change the name on the permit to his. Please be advised that a water right permit is personal property and only the permit holder can take action to change the ownership. Enclosed is an assignment form.

Also, the department would like to call to your attention that the permit may be subject to the review requirements of Sec. 42-203, Idaho Code.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

RECEIVED
SEP 22 1986

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 41-2053

Reviewed by [Signature]

Date 9-16-1986

BASIC INFORMATION

- y Date stamp received
y Extension received timely
 (not prior to 6 month before proof due date or after reinstatement period)
y Fee received and receipted
- Name and signature same as permit
- Address change (indicate on coding sheet)

BASIS FOR EXTENSION REQUEST

- y Has adequate work been completed to demonstrate due diligence?
y Has the cost incurred been adequate to demonstrate an intent to complete the project?
Yes Has the permit been involved in litigation?
 a. Swan Falls Yes Dismissed from Swan Falls No
 Other Identify _____
 b. Is supporting documentation needed to complete the file? _____
 Requested _____
 c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

- N/A Is delay by a government agency?
 Is supporting documentation needed to complete the file? _____
 Requested? _____

ACTION TAKEN - Recommend approval based on due diligence for 2 yrs.

Special conditions or remarks:

n Reinstatement Date extension received _____ = _____
 Proof due date _____ = _____
 No. of days late _____ = _____
 Priority date _____ = + _____
 ADJUSTED PRIORITY DATE _____ = _____

____ Prepare coding sheet
 ____ Change rolodex card

No need to film (KOB)

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AUG 22 1986

Box 278
Rockland, Idaho 83271
August 20, 1986

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

Subject: Request for Extension of Time to Develop Water Permit No. 41-7053
(SEE Attached Form 204 - "Request for Extension of Time")

The permitted well was drilled and cased during late fall of 1981 at a cost of about \$24,000. Thereafter, I spent two years building a house, barn and shed adjacent to the well, and developing a water system for these buildings and watering livestock. The barn burned in 1984, but was rebuilt in 1985. This helped delay well development.

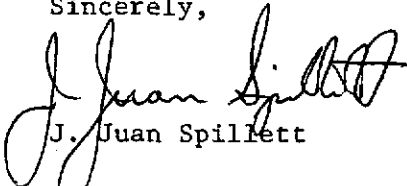
Throughout the permit period I tried numerous sources to get information needed to develop my proposed water system. My first development phase was to develop a drip-irrigation apple orchard. SCS, University (Utah State, University of Idaho, etc.), and others were unable to provide needed information, i.e., water requirements for mature apple trees in our area, what emitters and drip systems were best suited for our conditions, etc. I then contacted private firms in California, Texas and Washington, and finally obtained what I felt was more-or-less adequate information. I then purchased emitters, a filter, etc. from a firm in Wenatchee, Washington + lines etc. locally at a cost of about \$1,500.

I also was informed I needed to subsoil the proposed orchard area prior to planting, because of hardpan. I first hired the area chizeled. This did not work. I then finally found a subsoiler and hired the area subsoiled this summer, but this still didn't subsoil to the depth desired. Thus, I plan to drill holes around each tree with a post-hole digger prior to planting next spring.

I already have installed a 5 hp submersible pump + pressure system in the well, which will be used for the drip irrigation system (as well as for culinary and livestock use). I now plan to install a larger pump for a sprinkler system -- as per plans developed by the SCS.

Thus far I have invested approximately \$32,000 + considerable time and effort into development of my permit or water system. Major delays have been primarily the result of my not being able to obtain the needed information to develop the desired watering system.

Sincerely,


J. Juan Spillet

NOTE: Could I request that the name of the holder of Permit No. 41-7053 be changed from James Oren Spillet (my father) to James Juan Spillet (myself)? I am purchasing the property where the well is located from my father, and he made application for a water permit for me, but it for some reason was issued in his name, rather than mine.

RECEIVED

J. Juan Spillet
P. O. Box 278
Rockland, ID 83271



State of Idaho
Department of Water Resources
Statehouse
Boise, ID
83720



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

EXTENSION OF TIME

September 3, 1986

James Juan Spillettt
P. O. Box 278
Rockland, ID 83271

PERMIT NO. 41-7053

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 38950.

Roberta Garrett
Records Supervisor

Enclosure

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
JULY 31, 1986

SPIILETT, JAMES OREN
P.O. BOX 298
ROCKLAND, ID 83271

138964

PROOF DUE NOTICE

RE: PERMIT NO. 41-7053

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE OCTOBER 1, 1986. (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 COMPLETED FIELD EXAMINATION REPORT PREPARED BY A CERTIFIED WATER RIGHT EXAMINER MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

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

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

ENCLOSURE

ENCLOSURE



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

RECEIVED
SEP 11 1985

RECEIVED
JUL 8 1985
Department of Water Resources

FORM B

Please answer all questions fully if you believe that actual use or a substantial investment existed as of November 19, 1982, (\$15,000 or 25% of the estimated cost of the project):

SEE ACCOMPANYING LETTER!

Permit or Application Number: 41-7053

Name(s) of Permit Holder: J. Juan Sp. Velt
(J. Oren Sp. Velt)

Post Office Address: Box 278
Rockland, ID 83271

Telephone No. (208) 548-2468

Indicate the date water was first diverted and beneficially used under this permit: Fall 1982

1. As of November 19, 1982, had the sum of at least \$15,000 been spent on the purchase or construction of wells or on equipment primarily used for irrigation purposes to be used to develop the above listed application or permit?

YES

yes

NO

If the answer is "yes", attach copies of cancelled checks or receipts showing the expenditure.

\$24,000 paid to Gary Vollmer of American Falls to drill well

2. As of November 19, 1982, did there exist actual expenditures or written commitments for expenditures totaling at least \$15,000 for the purchase or construction of wells or of equipment primarily used for irrigation purposes to be used to develop the above listed application or permit?

YES

X

NO

If the answer is "yes", attach copies of cancelled checks or receipts showing the expenditure, or of written commitments for such purchase or construction.

Small pump installed Oct. 1982

3. Describe the irrigation project contemplated. For example, number of acres, number of wells or headgates, type of application system (gravity, handlines, center pivots, length and size of canals, laterals, mainlines, etc.), number and size of pumps.

anticipate putting in 3 - 1/4 mile sprinkler wheel lines
to sprinkle 85 acres

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4. Describe how much of the project was completed on or before November 19, 1982.

well drilled and cased - small (5hp. pump)
installed - Bids acquired for sprinkler system

5. What is the total estimated cost of the irrigation project necessary to use water under the above permit or application? (In figuring project cost, do not include cost of land or engineering and feasibility studies).

\$45,000

6. Did the total of the actual expenditures and written commitments exceed 25% of the total projected cost as of November 19, 1982?

YES ☒ NO ☐

I swear (or affirm) that the information stated above is true and correct, to the best of my knowledge.

J. Juan Garcia

5/9/85

SUBSCRIBED and SWORN to before me this 24 day of June, 1985.

Samuel Lammack

NOTARY PUBLIC FOR

Residing at: Rockland, I.D.

NOTARY PUBLIC

Well development - Permit # 41-7053

2 1/2 miles South of Rockland, Power Co., Idaho

J. Juan Spillet

(J. Owen Spillet)

Box 278

Rockland, ID 83271

Well drilled between Sept. 15 + 20, 1981 by:

Gary Vollermer

Route 1, Box 67

American Falls, ID 83211

<u>Payments</u>	<u>date</u>	<u>check #</u>	<u>Amount</u>
1.	Sept. 16, 1981	9	\$10,000 ⁰⁰
2.	Oct. 12, 1981	0582	5,960 ⁰⁰
3.	Jan. 30, 1982	11	8,220 ⁰⁰

Total cost for drilling, casing, etc. = \$24,180⁰⁰

Other

1. Mar. 10, 1982 B & B Plumbing 132 \$492⁰⁰

Atlas Adapter

2. Aug. 7, 1982 Wycoff cash 9⁰⁴

Deliver Pump **UNRECORDED**

3. Aug. 21, 1982 Don's Plumbing Supply 295 \$2,384⁰⁵

Pump, etc.

4. Nov. 18, 1982 Don's Plumbing 387 \$386⁶⁵
Balance on Pump

5. Nov. 30, 1982 Ray Garton 409 \$359⁵⁸
Pump Installation

Sub total - Pump + Installation = \$3,169⁰⁰

Well \$24,180⁰⁰

Total Expenditures To Date \$27,349⁰⁰

PAID

Box 278
Rockland, Idaho 83271
June 24, 1985

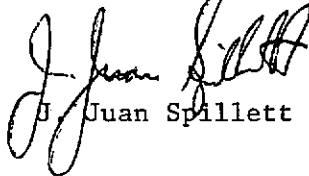
Nelson, Rosholt, Robertson, Tolman & Tucker
Attorneys at Law
P.O. Box 1906
Twin Falls, ID 83303-1906

Re: Idaho Power Company v. Idaho
Department of Water Resources
I.D. # 41-7053

Inclosed is the completed and notarized Form B, as requested in your letter of May 14, 1985.

Also inclosed are copies of cancelled checks regarding the development of a well, as well as documentation as to these expenditures. I expect to complete development of this irrigation system within approximately 1 year.

Sincerely yours,


J. Juan Spillet

RECEIVED

WATER RIGHT NUMBER 41-7053

1 OWNER LAST NAME - SPILLET
2 ADDRESS LINE 1 - P.O. BOX 298
3 ADDRESS LINE 2 -
4 SOURCE - GROUNDWATER
5 (STAGE - PERMIT
6 TOTAL DIV. VOLUME - .00 AFA
7 DIVERSION POINT - NESW 20 10S 31E LOT
8 FROM - 03-15 TO - 11-15 USE - IRRIGATION
9 FROM - 01-01 TO - 12-31 USE - DOMESTIC
9 USE - IRRIGATION

FIRST NAME - JAMES OREN
ADDRESS LINE 2 -
CITY - ROCKLAND
STATE - ID ZIP CODE - 83271
TRIBUTARY OF -
PRIORITY - 05-13-1981 COUNTY - POWER
WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
USE DIV. RATE - 1.8400 CFS USE DIV. VOLUME - .00 AFA
USE DIV. RATE - .0400 CFS USE DIV. VOLUME - .00 AFA
PLACE OF USE - TWN 10S RNG 31E SEC 20 TRACT NWNW LOT AC 40 TRACT SWNW LOT AC 40
TRACT NESW LOT AC 10 TRACT NWSW LOT AC 02
DATE - TOTAL ACRES 92

DECREE NAME -
REMARKS -
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE - 41-0013
10 PROOF DUE - 10-01-1986 PERMIT/DENIED - 09-15-1981 PROTESTED -
11 PROOF MADE - FLD EXAM - COND. OF APPROVAL - 01C
DIVERSION MEANS - SPRINKLER & DRIP IRRIGATION SYSTEM

HEARING -
OLD NO. -

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

SPILLETT, JAMES OREN
P.O. BOX 298
ROCKLAND, ID 83271

SEPTEMBER 22, 1981

RE: PERMIT NO. 41-7053

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE, OR AN ACCESS PORT TO PROVIDE FOR THE INSTALLATION OF MEASURING EQUIPMENT BY THE DEPARTMENT. ENCLOSED PLEASE FIND A LIST OF MEASURING DEVICE OPTIONS, AND SPECIFICATIONS FOR THE INSTALLATION OF THE ACCESS PORT.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

NOTED
SEP 23 1981
MICHAEL J. HARRIS

ACT

ION

L STAGE - PERMIT

PROOF DUE - 10-01-1986

COND. OF APPRVL - 01C 803

L

WATER RIGHT NUMBER 41-7053

OWNER LAST NAME - SPILLET

FIRST NAME - JAMES OREN

ORIG OWNER -

ADDRESS LINE 1 - P.O. BOX 298

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - ROCKLAND

STATE - ID ZIP CODE - 83271

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE - APPLICATION

STATUS -

PRIORITY - 05-13-1981

COUNTY - POWER

TOTAL DIV. RATE -

1.8800 -CFS

TOTAL DIV. VOLUME -

.00 AFA

TRER/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NESW 20 10S 31E LOT

REDIV -

FROM - 03-15 TO - 11-15 USE - IRRIGATION

USE DIV. RATE -

1.8400 CFS

USE DIV. VOLUME -

.00 AFA

FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE -

.0400 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 10S RNG 31E SEC 20

TRACT NWNW LOT

AC 40 TRACT SWNW LOT

AC 40

TRACT NESW LOT

AC 10 TRACT NWSW LOT

AC 02

DATE -

TOTAL ACRES

92

DECREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS - SPRINKLER & DRIP IRRIGATION SYSTEM

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

SPILLETT, James Oren

INITIAL REVIEW BY: ADM

APPLICATION NUMBER: 41-7053

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.
☐ 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.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: ADM Map No. BD 86
☒ Yes ☐ No Other rights on same place of use. 41-0017 - Decreed right from Rock Creek.
41-7032 overlap on 3 acres NESW from groundwater.
☒ Yes ☐ No* In form for advertising. 7/27/81 ✓ See Attached deed
☐ Yes ☒ No Final date for protests: 7/27/81 ✓ No Overlay
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application. See remarks on Permit.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 7/17/81 ✓
☒ 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? _____
5-13-81 6-29-81 Date of priority recommended.
Special conditions of approval or cover letter. OIC

MICROFILMED

By: ADM

Date: 8/7/81

STATE OFFICE REVIEW:

SLW/103 OIC

RECEIVED
AUG 13 1981

- ☐ See attached sheet for more information.

By: Rolyn

Date: 9/11/81

Department of Water Resources

NOTICE OF APPLICATION FOR WATER RIGHT

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

41-2053-

SPILLETT, JAMES OREN

P.O. BOX 298, ROCKLAND, ID 83271

Source: GROUNDWATER

Date Filed: 05/13/1981

Amount: 1.88 CFS

Diversion Point: NESW Sec 20 T 10S R 31E, POWER Co.

Use: IRRIGATION (1.84 CFS) from 03/15 to 11/15
DOMESTIC (0.04 CFS) from 01/01 to 12/31

Place of Use: NWNW SWNW NESW NWSW Sec 20 T 10S R 31E FOR 92 ACRES

Diversion Means: SPRINKLER & DRIP IRRIGATION SYSTEM

If issued, the permit(s) 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, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before JULY 27, 1981.

A. KENNETH DUNN

Director

Published 7/8 & 7/15/81.

RECEIVED
JUL 15 1981

Published in the Power County
Press July 8, and July 15, 1981.

NOTICE OF APPLICATION
FOR WATER RIGHT

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

SHLETT, LAM, LOR
P.O. BOX 240, RICHFIELD, ID
83271

Source: GROUNDWATER

Date Filed: 05-13-1981

Amount: 1.88 CFS

Diversion Point: NESW Sec 20 T
10S R 31E, POWER Co.

Use: IRRIGATION (1.84 CFS)
from 03/15 to 11/15

DOMESTIC (0.04 CFS) from
01/01 to 12/31

Place of Use: NWNW SWNW
NESW NWSW Sec 20 T 10S R 31E

FOR 92 ACRES

Diversion Means: SPRINKLER &
DRIP IRRIGATION SYSTEM

If issued, the permit(s) will be sub-
ject 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, 1041 Blue Lakes Blvd.
North Twin Falls, Idaho 83301 and
received on or before JULY 27,
1981.

A. KENNETH DUNN
Director

*ad
may
7/7/81*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

JUNE 30, 1981

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before JULY 27, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

RECEIVED