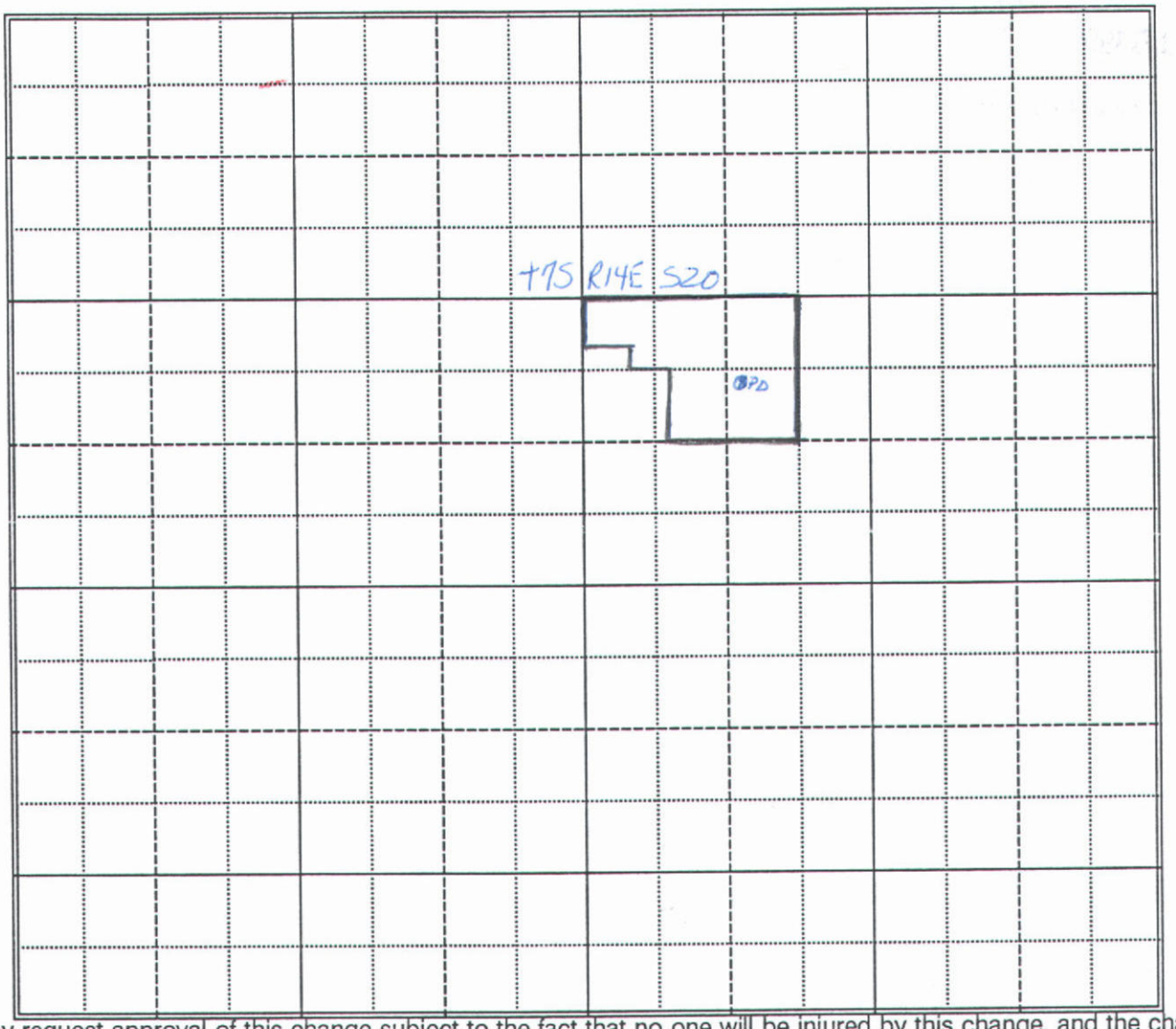
Complete the following map by showing where the point of diversion and place of use are located as proposed by amendment. (Scale: 1 block = [illegible] acres)



I hereby request approval of this change subject to the fact that no one will be injured by this change, and the change will be made at my own risk.

Signed this 17th day of DEC. 19 90

Shirley E. Hess
Applicant

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Published in Gooding Co. Leader OR TFL 1-15-91

Publication dates 1-2 & 1-9, 1991

I, _____ of the Department of Water Resources hereby

_____

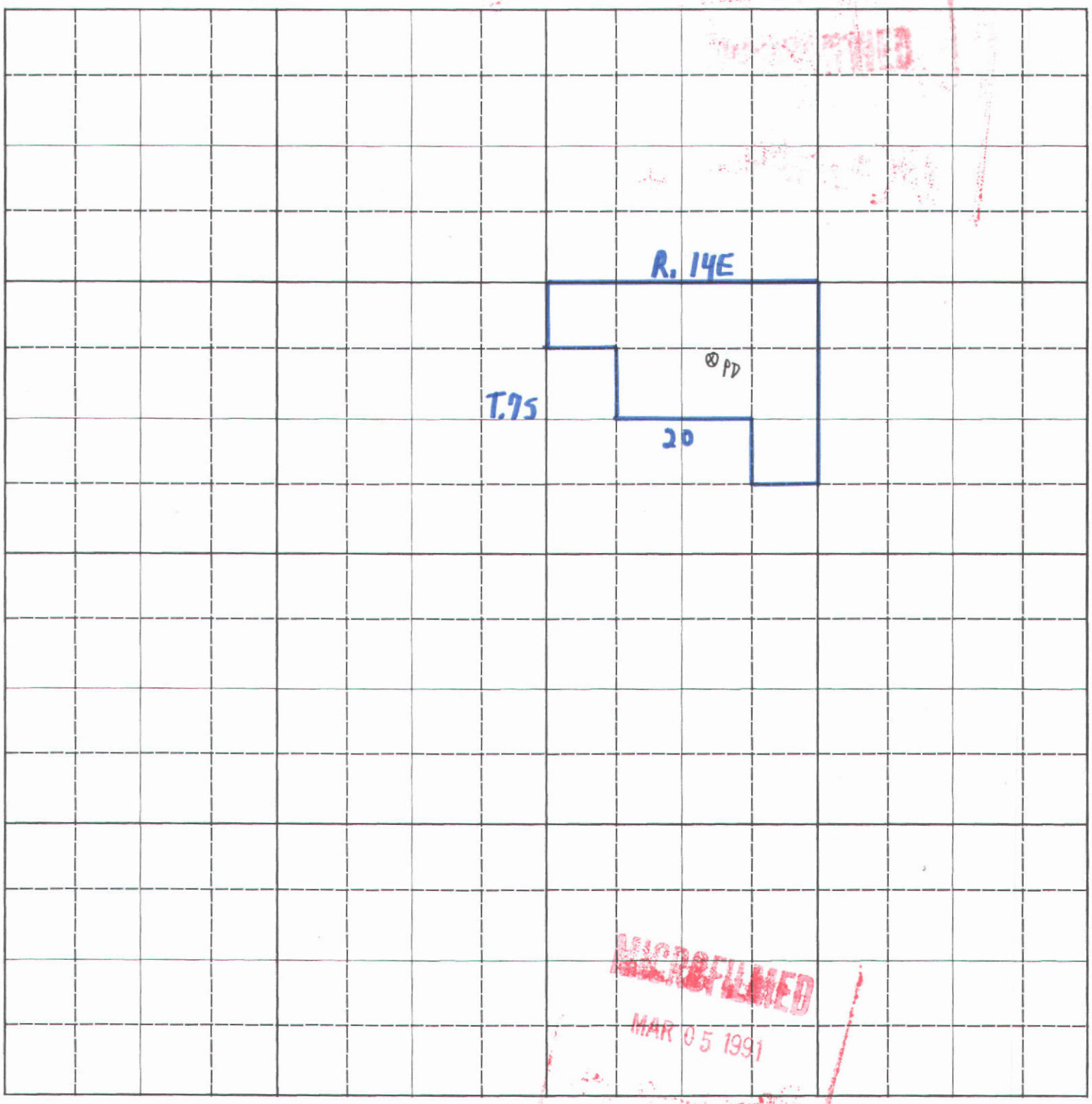
_____

Signed this _____ day of _____ 19____.

_____

MICROFILMED
MAR 05 1991

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



MICROFILMED
MAR 05 1991

Scale: 2 inches equal 1 mile.

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

Shirley E. Hess
(Applicant)

AFFIDAVIT of PUBLICATION

State of Idaho,)
) SS.
County of Gooding)

Patty Nance, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 2nd day of Jan. 19 91, and the date of the last publication was on the 9th day of Jan., 19 91.

Patty Nance

Subscribed and sworn to before me this 10th day of Jan., 19 91.
(SEAL)

Vivian Pandrega
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice _____

Number of Insertions 2X

	Lines tabular at		6¢/Pica
337.5	Lines straight at	16.88	5¢/Pica
	Subsequent lines at	13.50	4¢/Pica
	TOTAL COST	30.38	

COPY OF NOTICE
(Paste Here)

Not. Appl. Trust Wat. Rt.
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

I D W R. Boise
BILL TO

NOTICE OF APPLICATION FOR TRUST WATER RIGHT
36-08333
HESS, SHIRLEY E.
2722 RITCHIE RD.
HAGERMAN, ID 833320000
Source: GROUNDWATER
Diversion Pt: SWNE Sec 20 T 07S R 14E
Use: IRRIGATION (3.660 CFS)
Total Diversion: (3.660 CFS)
Date Filed: 8/25/1987
In: T07S R14E S20 NWNE SWNE NENW NWNW SENW
183.0 ACRES TOTAL
The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before JANUARY 21, 1991.
-s- R. Keith Higginson
Director
Pub: 1-2, 9 **G3455**

PUBLICATION RATES
(Idaho Code, Rev. Statutes 1984)
7-8 pt. per line straight.....5¢/Pica
7-8 pt. per line tabular.....6¢/Pica
7-8 pt. per line successive insertions.....4¢/Pica

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MAR 05 1991

№ 857

OK
1-15-91

3455

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	36-08333	Shirley E. Hess	3.66
Full Assignment	36-08333	Ronnie D. Smith Sharlene M. Smith	3.66

APR 1 1 1994

ASSIGNMENT OF APPLICATION FOR PERMIT

COMES NOW Shirley E. Hess, a widow, of Hagerman, Idaho who does hereby sell and assign to Ronnie D. Smith and Sharlene M. Smith, husband and wife, of Hagerman, Idaho application for permit no. 36833 dated August 25, 1987 and issued by the State of Idaho. The right to use this permit is governed by a Memorandum of Agreement of Sale dated April 17, 1989 between Shirley E. Hess as seller and Ronnie D. and Sharlene M. Smith as buyers which provides for payment of an additional $8,000.00 to Shirley Hess upon the happening of certain conditions.

DATED THIS 17th day of April, 1989.

Shirley E. Hess

Shirley E. Hess

STATE OF IDAHO)
: ss
County of Gooding)

On this 17th day of April, 1989, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Shirley E. Hess, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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

Notary Public for Idaho
Residing at Twin Falls
Comm Expires 5-4-93

ASSIGNMENT OF APPLICATION FOR PERMIT SHALL BE HELD IN ESCROW AND WILL NOT BE RELEASED UNTIL FULL PAYMENT HAS OCCURRED.

GHI-DOC\Hess.App

APR 11 1994

Michael H. Felton
Attorney At Law
Buhl, Idaho

March 25, 1991

Susan M. Bolton, Manager
FIRST AMERICAN TITLE COMPANY
102 Fifth Avenue East
Gooding ID 83330

Dear Susan:

With this letter, I am authorizing you to release the Assignment of Application for Permit (permit number 36833 dated August 25, 1987 and issued by the State of Idaho) from myself to Ronnie D. and Sharlene M. Smith as the additional payment as governed by the Memorandum of Agreement of Sale dated April 17, 1989 as been paid in full.

Yours truly,

Shirley E. Hess

Shirley E. Hess
2278 Meadow Street
Idaho Falls, Idaho 83401

208/523-1835

CC: Ronnie D. and Sharlene M. Smith

APR 11 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE FLOW MEASUREMENT PORT OR MEASURING DEVICE CONDITION OF APPROVAL FOR PERMIT NO. 36-08333.	)	**ORDER**

WHEREAS, the Department of Water Resources (department) has issued the above captioned water right permit with a condition of approval requiring the permit holder to install a flow measurement port or other device to facilitate the measurement and determination of the rate of diversion by the department; and

WHEREAS, the department has determined that the rate of diversion for certain ground water uses can be estimated by the department without the use of an installed flow measurement port; and,

WHEREAS, the department has determined that the rate of flow for the above captioned permit can be estimated without the use of a flow measurement port;

IT IS THEREFORE, HEREBY ORDERED that the condition of approval requiring the installation of a flow measurement port or other device for the above captioned permit is WAIVED. The department retains the jurisdiction to require the condition be reinstated in the future upon a finding of need by the department.

Dated this 15th day of February, 1994.

L. Glen Saxton

L. GLEN SAXTON
Chief, Water Allocation Bureau

REPRODUCED

APR 11 1994

Form 217
11/91

RECEIVED
JAN 3 1 1994
Department of Water Resources

OFFICE USE ONLY
Amt. of Fee $ 175.00
Date 1/31/94
Receipt No. C029538
Receipt by DW

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 36-08333 Telephone No. 837-4790
2. Name(s) of Permit Holder(s): Ronnie D. + Sharlene Smith
3. Mailing Address: 1046 E 2900 S Hagerman, Idaho
4. Source of Water: Ground

   If **GROUNDWATER**, Well Driller's Name: Gene Walker Date Drilled: June 4-1966

   OPTIONAL:
   Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): 130

5. Extent of Use (as authorized by the permit):

   Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

   Irrigation 183 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 3.66 cfs **OR** _____ acre/feet
7. Refer to the approval conditions on your permit and respond accordingly:

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

   OR

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

8. Fee Enclosed: $ 175.00 (See License Fee Schedule on back of Instruction Sheet)
9. Person to contact to accompany the Department representative during field examination of the water system.

   Ron Smith 837-4790
   Name Telephone No.

   1046 E 2900 S Hagerman
   Address

10. 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.

APR 1 1 1994

Feb 27-94 Ronnie Smith
Date Signature (and title, if on behalf of a company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08333

Proposed Priority: August 25, 1987 Maximum Diversion Rate: 3.66 CFS

This is to certify, that **SHIRLEY E. HESS**
2722 RITCHIE RD.
HAGERMAN, ID 833320000

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	03/15 to 11/15	3.66 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNE Sec. 20, Township 07S, Range 14E
GOODING County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
07S	14E	20	NWNE	40	SWNE	40	NENW	40	
			NWNW	33	SENW	30			183

Total number of acres irrigated: 183

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1994.**
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. 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.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
7. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove a requirement as determined to be appropriate.

MICROFILMED

MAR 05 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08333

CONDITIONS/REMARKS:

9. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
10. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 5th day of February, 1991.

for R. Keith Higginson, Director

MICROFILMED
MAR 05 1991

Receipt No._____
Receipted by._____
Date_____

RECEIVED
DEC 18 1990
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDMENT OF APPLICATION FOR PERMIT

To change the point of diversion, place of use or nature of use on an applicant to appropriate the public waters of the State of Idaho.

Applicant: SHIRLEY E. HESS Phone: 837-6383

Address: 2722 RITCHIE ROAD - HAGERMAN, ID 83332

I am the owner and holder of **Application No.** 36-8333 and request that the permit be amended and/or changed as follows:

1. Point of diversion: *(Springs must be identified to the nearest 10 acre tract.)*

____ 1/4 SW 1/4 NE 1/4, Section 20, Twp. 7S, Rge. 14E, B.M. County of _____
(10 acre) (40 acre) (160 acre)

Other point(s) of diversion: _____

2. Water use (irrigation, domestic, stockwater, etc.), amount, and period of use under the permit:

Amount 3.66 cfs (cfs or af) for IRRIGATION (Water Use) purposes from MAR 15 (Begin Month) to NOV 15 (End Month) (inclusive)

Amount ____ (cfs or af) for ____ (Water Use) purposes from ____ (Begin Month) to ____ (End Month) (inclusive)

Amount ____ (cfs or af) for ____ (Water Use) purposes from ____ (Begin Month) to ____ (End Month) (inclusive)

Amount ____ (cfs or af) for ____ (Water Use) purposes from ____ (Begin Month) to ____ (End Month) (inclusive)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE				NW				SW				SE				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	14E	20		40	40	~~40~~ 30	~~35~~ 40	~~38~~ 33	0	30									183

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MAR 05 1991

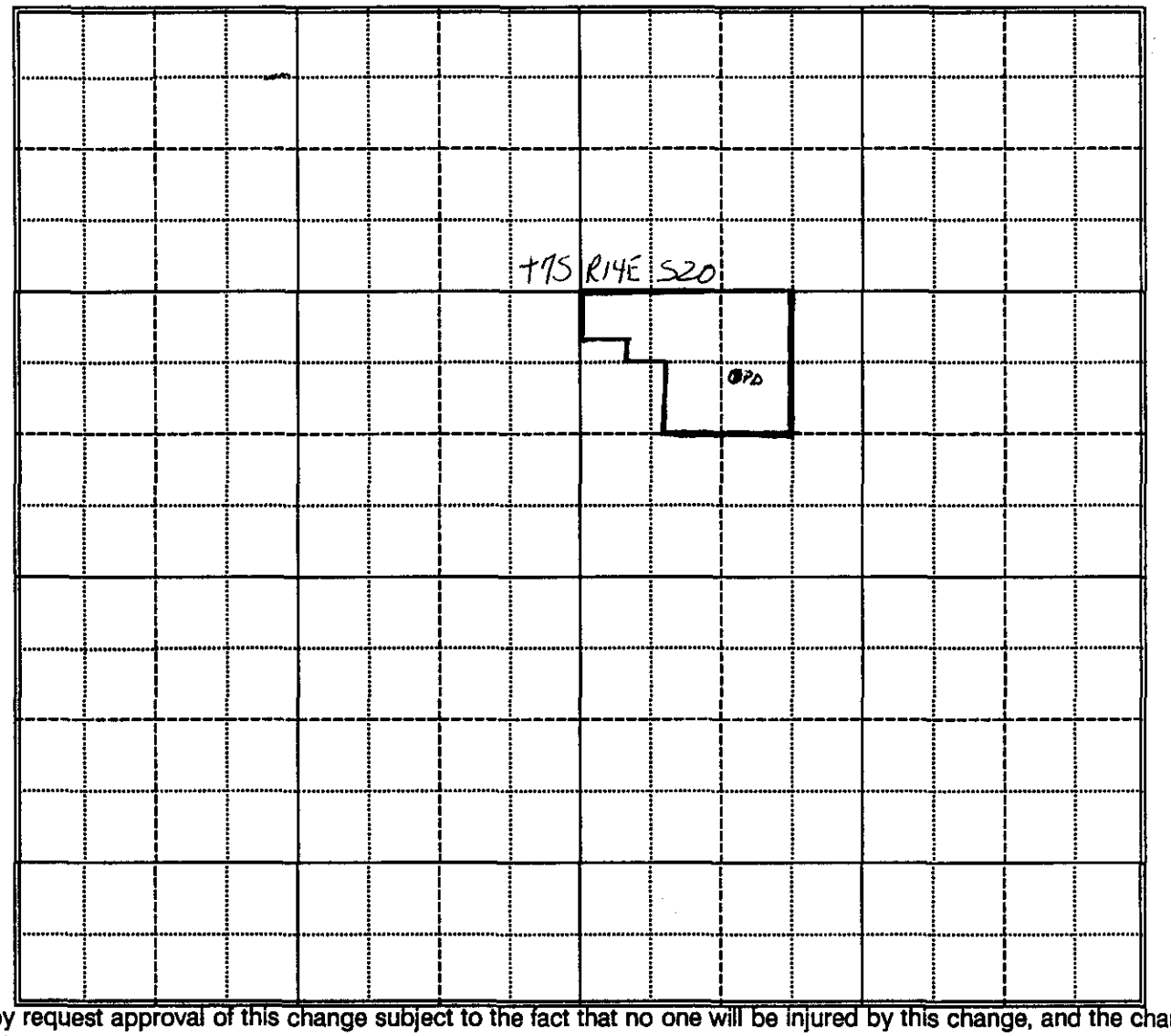
Total Acres 183

4. a. Who owns the property at the point of diversion? RONNIE D. SMITH + SHARLENE M. SMITH

b. Who owns the land to be irrigated or the place of use? RONNIE D. SMITH + SHARLENE M. SMITH

c. If the property is owned by another party, please describe the arrangement allowing you to file on this property: PROPERTY WAS SOLD WITH PROVISION FOR FINAL PAYMENT ONLY IF/WHEN/AFTER PERMIT 36-8333 IS GRANTED.

Complete the following map by showing where the point of diversion and place of use are located as proposed by amendment. (Scale: 1 block = ___ acres)



I hereby request approval of this change subject to the fact that no one will be injured by this change, and the change will be made at my own risk.

Signed this 17th day of DEC. 19 90

Shirley E. Hess
Applicant

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Published in Gooding Co. [illegible] or TJ 1-15-91

Publication dates 1-2 & 1-9, 1991

I, _____ of the Department of Water Resources hereby

_____

_____

Signed this _____ day of _____ 19____.

_____

MICROFILMED
MAR 05 1991

Form 202
6/85

Ident. No. 36-8333

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Shirley E. Hess Phone 837-6383

   Post office address 2722 Ritchie Rd., Hagerman, ID 83332

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is _____ ¼ of SW ¼ of NE ¼, Govt. Lot _____

   Sec. 20 Township 7S Range 14E B.M. Gooding County; additional

   points of diversion if any: _____

4. Water will be used for the following purposes:

   Amount 6.4 cfs (cfs or acre-feet per annum) for Irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)

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

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

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

5. Total quantity to be appropriated is (a) 6.4 (cubic feet per second) and/or (b) _____ (acre feet per annum)

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. Existing well; pump to be installed.

   Sprinklers.

   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total

   reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:

   _____ to _____ inclusive.

   c. ~~Proposed~~ well diameter is 20 inches; ~~proposed~~ depth of well is 165 feet.

   d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and [illegible]r to the proposed beneficial use is

   5 years (*minimum 1 year*).

MICROFILMED
MAR 05 1991

8. Description of proposed uses (*if irrigation only, go to item 9*):

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (*example: D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	14E	20	40	40	40	40	40	40		40					40				320

Total number of acres to be irrigated 320

10. Describe any other water rights used for the same purposes as described above. _____
Claim 36-4176 has been relinquished - use was never developed.

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

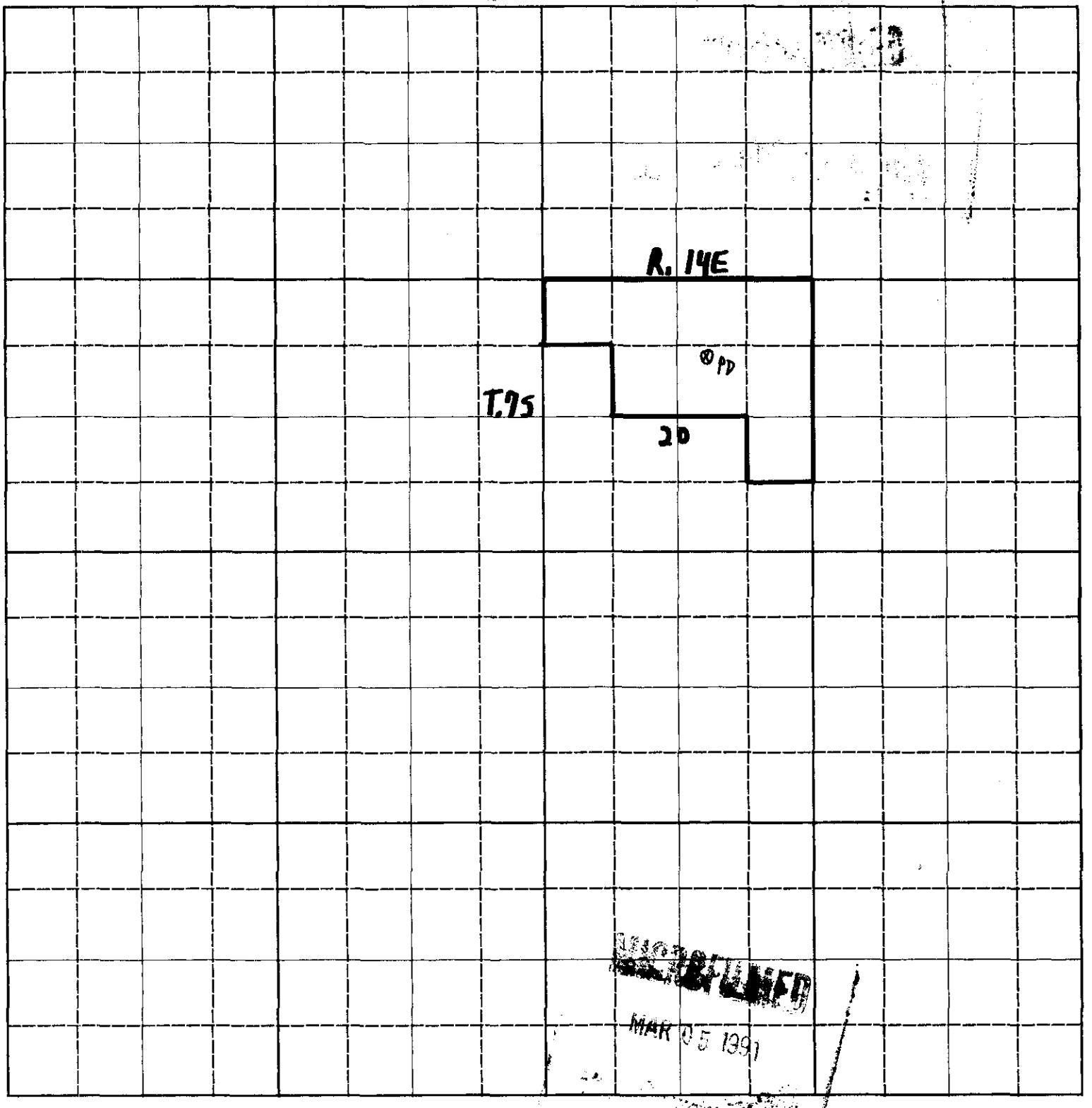
b. Who owns the land to be irrigated or place of use? "

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

12. Remarks: Well was drilled in 1966 but never put to use.

MICROFILMED
MAR 05 1991

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



RECEIVED
MAR 05 1991

Scale: 2 inches equal 1 mile.

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

Shirley E. Hess
(Applicant)

Received by J. Fletcher Date 8-25-87 Time 3:14 pm Preliminary check by TB

Fee $ 165.00 Receipted by JS # 45170 Date 8-25-87

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

   e. Other:

MICROFILMED
MAR 05 1991

AFFIDAVIT of PUBLICATION

State of Idaho,)
) SS.
County of Gooding)

Patty Nance, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 2nd day of Jan. 19 91, and the date of the last publication was on the 9th day of Jan., 19 91.

Patty Nance

Subscribed and sworn to before me this 10th day of Jan., 19 91.
(SEAL)

Vivian Sandiego
NOTARY PUBLIC

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice _____

Number of Insertions 2 X

— _____ Lines tabular at _____ 6¢/Pica
— 23½ Lines straight at 16.88 5¢/Pica
— _____ Subsequent lines at 13.50 4¢/Pica
TOTAL COST 30.38

COPY OF NOTICE
(Paste Here)

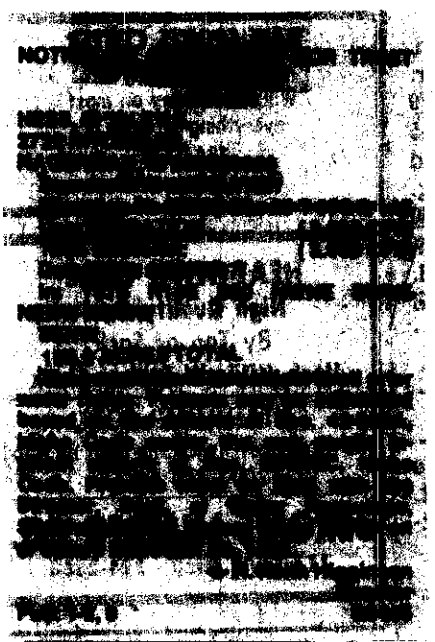
Not. Appl. Trust Wat. Rt.
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR Boise
BILL TO



PUBLICATION RATES
(Idaho Code, Rev. Statutes 1984)
7-8 pt. per line straight.....5¢/Pica
7-8 pt. per line tabular.....6¢/Pica
7-8 pt. per line successive insertions.....4¢/Pica

№ 857

OK
1-15-91

3455

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	TO	DIVERSION RATE	DIVERSION VOLUME
C	RONNIE D SMITH	08/25/1987	IRRIGATION	03-15	11-15	3.66 CFS	
C	SHARLENE M SMITH						
				TOTAL DIVERSION:		3.66 CFS	

Water Source: GROUNDWATER Tributary to: Stage: PERMIT

Point(s) of Diversion: T07S R14E S20 SWNE GOODING County

Place of use Legal Description for: IRRIGATION

T	R	S	NE NENE Lt Ac	NE NWNE Lt Ac	NE SWNE Lt Ac	NE SENE Lt Ac	NW NENW Lt Ac	NW NWNW Lt Ac	NW SWNW Lt Ac	NW SENW Lt Ac	SW NESW Lt Ac	SW NWSW Lt Ac	SW SWSW Lt Ac	SW SESW Lt Ac	SE NESE Lt Ac	SE NWSE Lt Ac	SE SWSE Lt Ac	SE SESE Lt Ac	SUM
07S	14E	20		40	40		40	33		30									183.0
																TOTAL ACRES			183.0

Pou County: GOODING

Other Water Rights with Same Point(s) of Diversion and Source:
36-04176

Other Water Rights Listing Overlapping Place(s) of use:
36-04176

Conditions of Approval:

26A - Project construction shall commence within one year from the
- date of permit issuance and shall proceed diligently to
- completion unless it can be shown to the satisfaction of the
- Director of the Department of Water Resources that delays were
- due to circumstances over which permit holder had no control.

01C - A flow measurement port or other device as specified by the
- Department shall be installed by the right holder to provide for
- the installation of measuring equipment and the determination of
- the rate of diversion by the Department.

046 - Right holder shall comply with the drilling permit
- requirements of Section 42-235, Idaho Code.

051 - Any license issued by IDWR pursuant to the right or portion
- thereof for the use of trust water is subject to a term review
- of 20 years after the date of this approval to determine
- availability of water for the use and to re-evaluate the public
- interest at the end of the term.

052 - Diversion and use of water under this right is subject to an
- annual use fee if rules are subsequently promulgated which
- provide for the submittal of the fee.

053 - The Director retains jurisdiction of this right and/or
- subsequent license issued to change, add or remove any
- requirement as determined to be appropriate.

004 - The issuance of this right in no way grants any right-of-way
- or easement across the land of another.

03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02

Conditions of Approval:
- cubic feet per second for each acre of land.

Remarks: Property has been sold to Ronnie and Sharlene Smith. No assignment has been made by the original permit holder. Proof has been accepted by the Smith's.

Dates:

App. Received:	08/25/1987	Priority Date:	08/25/1987
Proof Due Date:	02/01/1994	Proof Made Date:	01/31/1994
Exam Made Date:		Exam Sent to S.O.:	
Licensed Date:			

Misc: Water District Number: Field Exam Fee: R (Received)

RECEIVED
MAR 02 1994
Department of Water Resources

February 18, 1994

Ron and Sharlene Smith
1046 E. 2900 S.
Hagerman, ID 83332

State of Idaho
Department of Water Resources
1301 No. Orchard St.
Statehouse Mail
Boise, ID 83720-9000

RE: Permit No. 36-08333

Dear Ms. Yarbrough:

Enclosed is a copy of the Assignment of Application For Permit received by us from Shirley Hess in 1989. Also enclosed is the letter from 1st American Title Company authorizing the release of said Assignment to us dated March 25, 1991.

We hope these two papers will be enough to satisfy your requirements and allow the transfer of permit No. 36-08333 to our name. Please let us know if there is more we can do to assist you with this transfer.

Sincerely,

Mr. & Mrs. Ronnie D. Smith

Mr. and Mrs. Ronnie D. Smith

Enclosures: 2

UNCLASSIFIED
APR 11 1994

February 15, 1994

RON AND SHARLENE SMITH
1014 E 7900 S
HAGERMAN ID 83332

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 36-08333

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order waiving the flow measurement port condition on the permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls, at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

APR 1 1 1994

M E M O R A N D U M

Date: February 14, 1994

From: Julie L. Yarbrough

To: File No. 36-08333

Subject: Assignment

Spoke to Ron Smith today regarding the assignment of permit no. 36-08333. He feels that some document filed at the escrow company by the permit holder Shirley Hess should have assigned the permit to him. He owns the property now and Shirley Hess meant to assign the permit to him but did not file the necessary paperwork with us. He'll try to contact the permit holder to get an assignment, if not he'll send us a copy of his deed to the property along with an assignment of some sort filed at the escrow company. In the mean time we will accept the proof.

APR 11 1994

February 9, 1994

Ronnie D. and Sharlene Smith
1046 E. 2900 S.
Hagerman, ID 83332

RE: Permit No. 36-08333

Dear Permit Holder:

On January 31, 1994, the Department received the proof of beneficial use form and fee for the above referenced permit. I note, however, that the permit is in the name of Shirley E. Hess.

Before the department can take action on the permit, the permit needs to be in some way associated with you. Enclosed is an assignment, which when completed by the permit holder or representative of the permit holder, will convey the permit to you. If, however, it is impossible to acquire an assignment, there are other options which are not as desirable, but effective.

The department can accept the proof and fee if you can demonstrate that you have possessory interest in the land. This can be accomplished by providing the department with a copy of the tax record or a copy of your warranty deed and/or sales contract. By submitting such document(s), the department can allow you to take action to maintain the permit, but not necessarily as documentation for conveying ownership of the permit.

In order to protect your priority date, it will be necessary for you to submit this documentation within 30 days of the date of this mailing. I realize this can confusing, so if you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

APR 1

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 36-8333 Reviewed by [illegible] Date 2-4-94

GENERAL CONSIDERATIONS

no Name same as permit?

no Address same as permit?

yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Irr.

Correct Uses? yes

SOURCE OF WATER

____ Surface water source

✓ Ground water source

no Drilling permit required?

____ Copy in the file? Drilling Permit No. ____

____ Amount paid for permit ____ Correct?

____ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?

175 Amount Submitted

yes Correct?

MEASURING DEVICE

yes Required?

no Installed?

no Waiver requested?

PRIORITY CALCULATION

Date proof received ____

Date proof due ____ - ____

No. of days late ____ = ____

Priority Date ____ + ____

New Priority Date ____

DEFICIENCIES OR ACTION ITEMS

Return for info on flow port
~~Request assignment~~. ~~request assignment~~.
Waive flow port condition & accept proof

DATA ENTRY
New Address ____ Proof Made 1-31-94

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

CERTIFIED MAIL
80183708 11-30-93
NO. 140962

RETURN TO SENDER

☐ MOVED, LEFT NO ADDRESS
☒ FORWARDING ORDER EXPIRED
☐ ATTEMPTED - NOT KNOWN
☐ UNCLAIMED ☐ REFUSED
☐ NO SUCH STREET
☐ NO SUCH NUMBER

RECEIVED
DEC 03 1993
Department of Water Resources

BOISE
NOV 30 '93
ID

PB METER 7002444
$1.52
U.S. POSTAGE

APR 11 1994

OCR

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 3, 1994

Ronnie D. & Sharlene M. Smith
1046 E. 2900 S.
Hagerman, ID 83332

RE: Water Right Permit No. 36-08333

Dear Permit Holder:

Enclosed are the forms needed to file proof of beneficial use on water right permit no. 36-08333. The forms were originally sent by certified mail on November 30, 1993, to the name and address listed on the permit, but they were returned undelivered by the postal service.

It has come to our attention that the water right holder may no longer own the property the water right pertains to. If the former property owner would like to assign the water right to you, please have them complete the enclosed Assignment Application for Permit.

Please read the original enclosed letter, complete the necessary forms and return them to this office on or before the proof due date of February 1, 1994. The department can only accept the proof due notice from you if the former property owner has assigned you the water right.

If you have any questions or I can be of any assistance, please do not hesitate to call.

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

Enclosures

APR 11 1994

November 30, 1993

SHIRLEY E. HESS
2722 RITCHIE RD.
HAGERMAN ID 833320000

PROOF DUE NOTICE

RE: PERMIT NO. 36-08333

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

APR 11 1994

CERTIFIED MAIL
NO. 140962

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

February 7, 1991

SHIRLEY E. HESS
2722 RITCHIE RD.
HAGERMAN, ID 833320000

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08333

Dear Permit Holder:

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

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

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of of measuring device options.

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

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of

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MAR 15 1991

Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

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MAR 15 1991

APPLICATION FOR PERMIT REVIEW

Application #: 36-8333 Reviewer: Pam Skaggs
Date: 1-24-91

Amendment of Application on the permit issued. Reflected on the 2-4-91

Existing:
- **No** - 26A-P17
  - Complete in 1 year - P16
- Yes
  - Proof not submitted - P16
  - Proof submitted - N/A

Groundwater:
- **GT. 0.7 cfs** - 01G-P03, 01C-P03 (existing well)
- LT. 0.7 cfs - N/A

Drilling Permit:
- Approved w/permit - P99
- **Not included** - 046-P23 (All GW, even existing wells)

Location:
- Water Districts - WD No. ____
  - Surface water - 005, 005-01H-P01 (LT.7 w/pump)
    005-01J-P08 (GT.7)
  - Groundwater - P05
- Irrigation Districts - 023
- Canal Co. Areas - 023
- Drainage Districts - 024
- Boise Front (63) - 058 (Groundwater)
- **Swan Falls Flag** - 7 (or Blank)
- **Trust** - 051-052-053-P74 (Cons.), 041 (DCMI, w/Irr or Irr & Dom)
- Non Trust - 048-049

River Basins:
- (Surface Water) Water District Control Condition &....
- Boise (63) - 11D-P72
- Payette (65) - 047-P04, 059-P71
- Snake (01, 02 & 03) - 11A-P04 (01), 061-P07 (02/03 No W.D.Cond.)

Use:
- Fish Propagation - 002-P06, 06A, 007, 09E-P10, 010, 042, 044
- Power - (less than 25cfs P18), 01F-P19, 08A (Req.),
  - 17K, 17G-17M (Choose One), 025
- Mining - 06A, 006, 09E-P10, 010, 54
- Storage - 18A-P09 (In W.D.), 18B-P09 (Size)
- Domestic - 021 (restricted areas)

Ownership:
- **Non land owner** - 004

Protested:
- Agreement - 020

Minimum Stream Flow:
- Overlapping uses - 029-P20

Beneficial Use Due Date: - 02-01-1994

Other Conditions Recommended _____

Amendment reviewed + data entered. OK to process. 1-25-91

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MAR 05 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

DECEMBER 26, 1990

Gooding County Leader
442 Main Box 56
Gooding, ID 83330

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before JANUARY 21, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

MICROFILMED

MAR 05 1991

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

36-08333

HESS, SHIRLEY E.
2722 RITCHIE RD.
HAGERMAN, ID 833320000

Source: GROUNDWATER

Diversion Pt: SWNE Sec 20 T 07S R 14E

Use: IRRIGATION (3.660 CFS)
Total Diversion: (3.660 CFS)

Date Filed: 8/25/ 1987

In: T07S R14E S20 NWNE SWNE NENW NWNW SENW

183.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before JANUARY 21, 1991.

R. Keith Higginson, Director

Published 1/ 2/1991 & 1/ 9/1991

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MAR 05 1991

RECEIVED
DEC 19 1990
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Application No. 36-08333

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes____ No X

b. If you are not the propoerty owner, please descibe the arrangement enabling you to develop the proposed project.
SOLD WITH PROVISION FOR FINAL PAYMENT AFTER GRANTING PERMIT. I WILL ASSIGN PERMIT AFTER FINAL PAYMENT.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes X No____

b. If yes, please describe the extent of development and number of acres irrigated.(Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain conditions. You may be asked to verify uses established prior to October, 1984.)
LATE HUSBAND USED WATER FROM THIS SOURCE IN LATE 60'S OR EARLY 70'S - HOWEVER, I WAS UNABLE TO SUBMIT SUFFICIENT PROOF OF THIS USE AND RELINQUISHED MY HUSBAND'S CLAIM AND REFILED, APPLICATION 36-8333, IN OWN NAME.

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. 0

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. 183

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

_____

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant Shirley E. Hess Date DEC. 17, 1990

No Development prior to 10-1-84. Put full acreage (183) as trust.
T J Lobe
12-20-90

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MAR 05 1991

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 10, 1990

RE: APPLICATION FOR PERMIT NO. 36-8333

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, the department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (copy enclosed). In particular, rules 4,5,3. through 4,5,3,5. apply to your project if it is more than 200 acres. If necessary, the rule 4,5. information notice will be sent to you after you return the questionnaire.

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MAR 05 1991

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,

Tim Luke

TIM LUKE
Sr. Water Resource Agent

Enclosures

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MAR 05 1991

36-8333

HESS, Shirley E.

Form No. 202a
3/79

State of Idaho

Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: T. Blau APPLICATION NUMBER: _____

CHECK:

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

Field check by: _____
Date: _____
Comments: _____

- ☐ Yes ☑ No Field check required.
- ☐ Yes ☑ No Critical groundwater area.
- ☐ Yes ☑ No Request dam safety information. Sent by: _____ Date: _____
- ☑ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

PROCESSING:

- ☐ Yes ☑ No Platted by: _____ Map No. AA-70
- ☐ Yes ☐ No Other rights on same place of use. _____
- ☑ Yes ☐ No* In form for advertising.
  Final date for protests: _____
- ☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received. Date: _____
- ☐ 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? _____
  _____ Date of priority recommended.

Special conditions of approval or cover letter. _____

By: _____ Date: _____

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: _____ Date: _____

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

____.____.____.____.____.___.___.__.__.__

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

____.____.____.____.____.___.___.__.__.__

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

____.____.____.____.____.___.___.__.__.__

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

____.____.____.____.____.___.___.__.__.__

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
____	__	___	___	__	_	___.__

IDAHO STREAM CODE INDEX

____.____.____.____.____.___.___.__.__.__

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

RECEIVED
SEP 16 1988
Department of Water Resources
Southern Region Office

CECIL D. ANDRUS
GOVENOR
R. KEITH HIGGINSON
DIRECTOR

September 14, 1988

RE: Lapsed Permit No. 36-2649

Shirley E. Hess
2722 Ritchie Rd.
Hagerman, ID 83332

Dear Ms. Hess:

This office is in receipt of the proof form and examination fee which you recently submitted to our Southern Regional office for the above referenced water right permit. Our regional office has also forwarded your letter and attached documentation dated August 12, 1988. In that letter, you specifically requested that certain portions of Permit No. 36-8333 (dated 8/25/87) be amended. These amendments will be handled by the regional office.

In regards to Permit No. 36-2649, this permit was originally approved by the Department in April of 1966. The due date for proof of beneficial use under this permit was April 22, 1971. Since the proof was never submitted, the permit lapsed. On August 26, 1988, the Department received the proof form and examination fee. After reviewing all of the pertinent information, we believe that you are seeking to reinstate this lapsed permit.

Pursuant to Section 42-218a, Idaho Code (copy enclosed) the permit can now be reinstated only if you submit the following:

a) Evidence to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period from the time the permit was issued until the proof due date.

b) Reasonable cause why the proof of beneficial use was filed late.

The authorized permit period for 36-2649 was April 22, 1966 to April 22, 1971. Evidence showing beneficial use during the authorized period would include the type of documentation which you submitted with your letter of August 12, 1988. [illegible] this particular

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MAR 05 1991

36-8333

documentation does not clearly provide evidence that beneficial use occurred during the authorized permit period. The aerial photo from 1969 indicates that there was no beneficial use in this or previous years. The enlarged aerial photograph which you identified as "C" is dated 1977 and therefore is insufficient evidence of any use during the authorized period. Photograph "B" is undated and is additionally insufficient at this time. This photo appears to perhaps be an enlargement of Photograph "C".

Before the Department can further consider reinstatement of this permit, you must submit additional information to show the extent of use of water for irrigation purposes.

Sincerely,

TIM LUKE
Sr. Water Right Agent

TL:sc

MICROFILMED
MAR 05 1991

August 12, 1988

RECEIVED
AUG 29 1988
Department of Water Resources

Idaho Department of Water Resources
Southern Regional Office
2148 4th Avenue East
Twin Falls, Idaho 83301

ATTENTION: Loren Holmes

Dear Mr. Holmes:

IN REGARD TO: My Application for Permit to appropriate the public water of the State of Idaho, dated August 25, 1987, no identification number yet assigned:

a. Please amend the application TO 310 acres FROM 320 acres as I have since sold 10 acres (the W¼ of the SE¼ of the NW¼ of Section 20 Township 7 South Range 14 East in Gooding County, Idaho) showing 30 acres in the SE¼ of the NW¼ rather than 40 acres to be irrigated. All other acreages in "9. Description of place of use:" are to remain the same. See attached enclosure "1."

b. Concerning "10. Describe any other water rights used for the same purposes as described above. Claim 36-4176 has been relinquished - use was never developed." Yes, I did relinquish this claim to a water right as Mr. Philip H. Hess (my now deceased husband) was confused about the date of priority when he filed this claim. HOWEVER, he did tell me that he used this well for ninety to one hundred days to bring up alfalfa, Siberian wheatgrass, orchard grass, and fescue grass. I am enclosing enlargements of aerial photographs: the first identified as "A" taken on May 10, 1969 showing no developed irrigation system so far as I can ascertain; photograph "B", no date available, shows irrigation lines in place. Both enlargements were made from aerial photographs now at the Soil Conservation Service office in Gooding, Idaho and are accompanied by an affidavit which so states. Photograph "C" is an enlargement of an aerial photograph taken in 1977 which is now in the possession of the Agricultural Stabilization and Conservation Service office, also in Gooding, which to my eye conclusively shows lines of irrigation pipe and reflects development. Photograph "C" is also accompanied by an affidavit.

Three more affidavits also are included here: one from Mr. Eugene Walker, who drilled this well in 1966; one from Mr. Gerhard Luttmer, a neighbor, who observed the Lorimer diesel engine near the well as he considered a similar application of diesel power for his own irrigation power supply; and one from Mrs. Carren Peterson, also a neighbor, who had many occasions to cross this property.

c. On the sheet marked "2" are photocopies of two pages of a small notebook which I recently found. These notes are in my husband's handwriting [redacted] I have highlighted an entry dated February 5, 1967 concern[redacted]planting of 320 acres and an entry dated October 29, 1972 concer[redacted]he need for more Siberian wheatgrass seed on "the Miller ranch."

Enclosure "3" is a copy of the Declaration of Trust for Personal Property by which the Claim to a Water Right would have passed from my deceased husband to me - had the date of priority been correct. Mr. J. G. Stanton of your office found this error when I consulted with him about having this claim changed into my name to reflect the current ownership.

d. I am also enclosing copies of Deeds as there have been so many changes since my husband first purchased this ranch from the Miller's in 1965: C. Ralph Miller and Violet E. Miller to Philip H. Hess and Emma Hess: Power of Attorney from Emma Hess to Philip H. Hess; Philip H. Hess and Emma Hess to Gem State Ranches, Inc., an Idaho Corporation; Gem State Ranches an Idaho Corporation to Phillip H. Hess, a single man; Gem State Ranches, Inc., an Idaho Corporation to Philip H. Hess, a single man (rerecorded to show correct spelling); Philip H. Hess to Philip H. Hess, Trustee for Shirley E. Hess, together with a Declaration of Trust for 315 acres; Philip H. Hess to Philip H. Hess, Trustee for Shirley E. Hess, together with a Declaration of Trust for 5 acres; Philip H. Hess, Trustee for Shirley E. Hess, to Shirley E. Hess, his wife, as her sole and separate property, 315 acres; and Philip H. Hess, Trustee for Shirley E. Hess, to Shirley E. Hess, his wife, as her sole and separate property, 5 acres.

e. For your convenience in reviewing, copies of the Application for Permit, numbered #36-2649; Claim to a Water Right, #36-4176, dated February 22, 1983; your letter, signed by Jim Johnson, dated September 10, 1987, regarding the relinquishing of claim numbers 36-4176 and 36-4177; and my Application for Permit, dated August 25, 1987; are enclosed.

f. Finally, a copy of the advertisement of the "Phil Hess Estate Sale" on which is listed the Lormier diesel referred to by Mr. Lutter, miscellaneous switch boxes, and the damaged aluminum sprinkler pipe (we had previously sold all the undamaged pipe.)

I would like to point out that, in 1971 when you mailed Mr. Hess information and/or forms on filing the Proof of Beneficial Use to his previous California address and which was returned to you as not forwardable and is now being retained in your files, that title was held under "Gem State Ranches, Inc., an Idaho Corporation". Gem State Ranches, Inc. held title from December 24, 1968 to December 7, 1977. Did your office make any attempt/s to determine a possible change in ownership? or acquire a possible new owner's address?

I would like it noted that on page 2 of Claim to a Water Right, number 36-4176, under "8. Remarks" it reads: "System was developed for these lands & also additional lands to the east under an old permit that apparently lapsed. These lands were split from the other lands & other wells in 1[illegible]." I believe that this notation should have been a part o[illegible]tion for Permit rather than Mr. Stanton's notation under [illegible]marks: Well was drilled in 1966 but never put to use." I hereby request that it be so changed on my above re[illegible] an amended Application for Permit.

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It had been my husband's and my intention that Mr. Sonny Sonnichsen, now deceased also, grow potatoes on this 320 acres. Mr. Sonnichsen had, prior to my meeting and marrying Mr. Hess, purchased the pump which was in the well and with which Mr. Hess started the pasture grasses to which I above referred. We three had expected Mr. Sonnichsen to use this same pump with the Lorimer diesel engine here, again, during the coming years he expected to lease the 320 acres. My husband had told me that he and Mr. Sonnichsen removed the pump from the well themselves; certainly I have no doubt that my husband had the knowledge, experience, and access to the necessary equipment to do so. However, I did attempt to locate any local pump business which might have sold him the pump, set the pump, tested the pump, or removed the pump - but without success.

I request that this added information and documentation be added to my file and taken into consideration at any review. I realize that it is lengthy and bulky - but, I feel, necessary under the circumstances. I look forward to an expedient granting of my amended Application for Permit.

Yours truly,

Shirley E. Hess

Shirley E. Hess
2722 Ritchie Road
Hagerman, Idaho 83332

837-6383

CC: Michael H. Felton, Esq.

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State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
Southern Region
2148 4th Ave. East
Twin Falls, Idaho 83301
(208) 734-3578

September 25, 1987

Shirley E. Hess
2722 Ritchie Rd.
Hagerman, ID 83332

Re: Application for Permit No. 36-8333

Dear Ms. Hess:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No.36-8333. Please refer to this number in all further correspondence.

Because your application proposes to appropriate water which has been identified as "trust water" in the Swan Falls agreement, it will be processed under rules and regulations for water appropriation that have been adopted as required by law.

Under the rules, applications will be processed at a rate which allows development of 20,000 acres per year. The oldest applications will be processed first, provided that applicants are willing and able to proceed.

For this reason, it is not possible to estimate at this time when action will be taken on your application.

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

Very truly yours,

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

LOH:mb

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HESS, Shirley E.
36 - 8333

STAFF ANALYSIS SUPPLEMENT

1) Water District ? Basin # 36

2) Local Description: (of one P/D)

☐ At the above street address

☒ 1 miles N/S S and 3 miles E/W E of Hagerman (City or landmark).

☐ Other (describe) _____