1902-May 15

3.74 c.f.s.

410

To be diverted from Antelope Creek through the Hanrahan Ditch having its point of diversion in the Northeast quarter of Section 21, Township 5 North, Range 25 East, B. M., for the irrigation of the following described land, to-wit:

Lots 3 and 4, Southeast quarter of the Northwest quarter and the Southwest quarter of the Northeast quarter of Section 12, Township 5 North, Range 25 East, B. M.

No. 255

Chas. E. Judd

1897-June 1
1898-June 1

3.2 c.f.s.
0.8 c.f.s.

411
412

To be diverted from Antelope Creek through the Hanrahan Ditch having its point of diversion in the Northeast quarter of Section 21, Township 5 North, Range 25 East, B. M., for the irrigation of the following described land, to-wit:

Northeast quarter of the Southwest quarter, Northwest quarter of the Southeast quarter, and the South half of the Southwest quarter of Section 15, North half of the Northwest quarter of Section 22, all in Township 5 North, Range 25 East, B. M.

No. 256

Joseph F. Keele

1891-May 15

3.6 c.f.s.

413

To be diverted from Antelope Creek through private ditches having their points of diversion in the Southeast quarter of Section 18, Township 4 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

Northwest quarter of the Southwest quarter of Section 9; North half of the Southeast quarter, Northeast quarter of the Southwest quarter, Southeast quarter of the Northwest quarter, and the South half of the Northeast quarter of Section 8 and all that part of the Northwest quarter of the Northeast quarter of Section 8 lying South of a straight line drawn beginning at a point on the west line of the Northwest quarter of the Northeast quarter 20 feet South of the Northwest corner thereof and running thence Southeasterly to a point on the East line of said Northwest quarter of the Northeast quarter 20 feet North of the Southeast corner thereof. All in Township 4 North, Range 24 East, B. M.

No. 257

Geo. Kent

(a) 1885-June 1

1.8 c.f.s.

414

To be diverted from Kent Springs through a private ditch having its point of diversion on the land constituting the place of use of said water, for the irrigation of the following described land, to-wit:

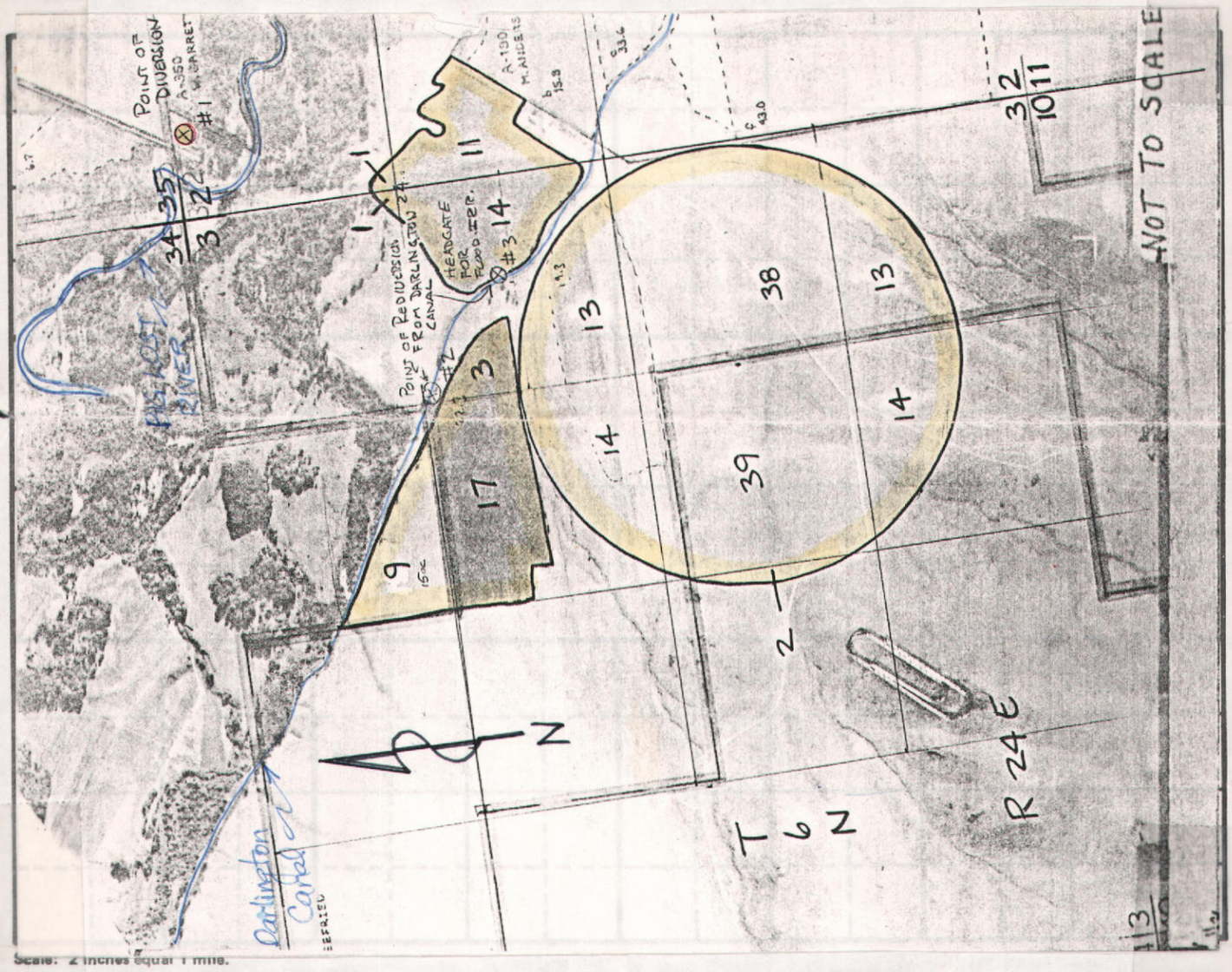
Southeast quarter of the Southwest quarter and the West half of the Southwest quarter of Section 1, and the Northeast quarter of the Southeast quarter of Section 2, all in Township 6 North, Range 24 East, B. M., and

(Continued)

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Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

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

Signed at Mackay, Idaho, this 9 day of July, 19 87.

X William A. Schofield
(Signature)

FOR DEPARTMENT USE ONLY

#41273

Preliminary check by HCJ Fee = $20.00 dg Receipted by dg Date 7-13-87

Publication prepared by dg Date 7-29-87 Published in Custer County Publishing

Publication dates 8-6 & 8-13-87

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. KEITH HIGGINSON, of the Department of Water Resources hereby

Approve the above Application for Amendment for Permit No. 34-7171.

APPROVED

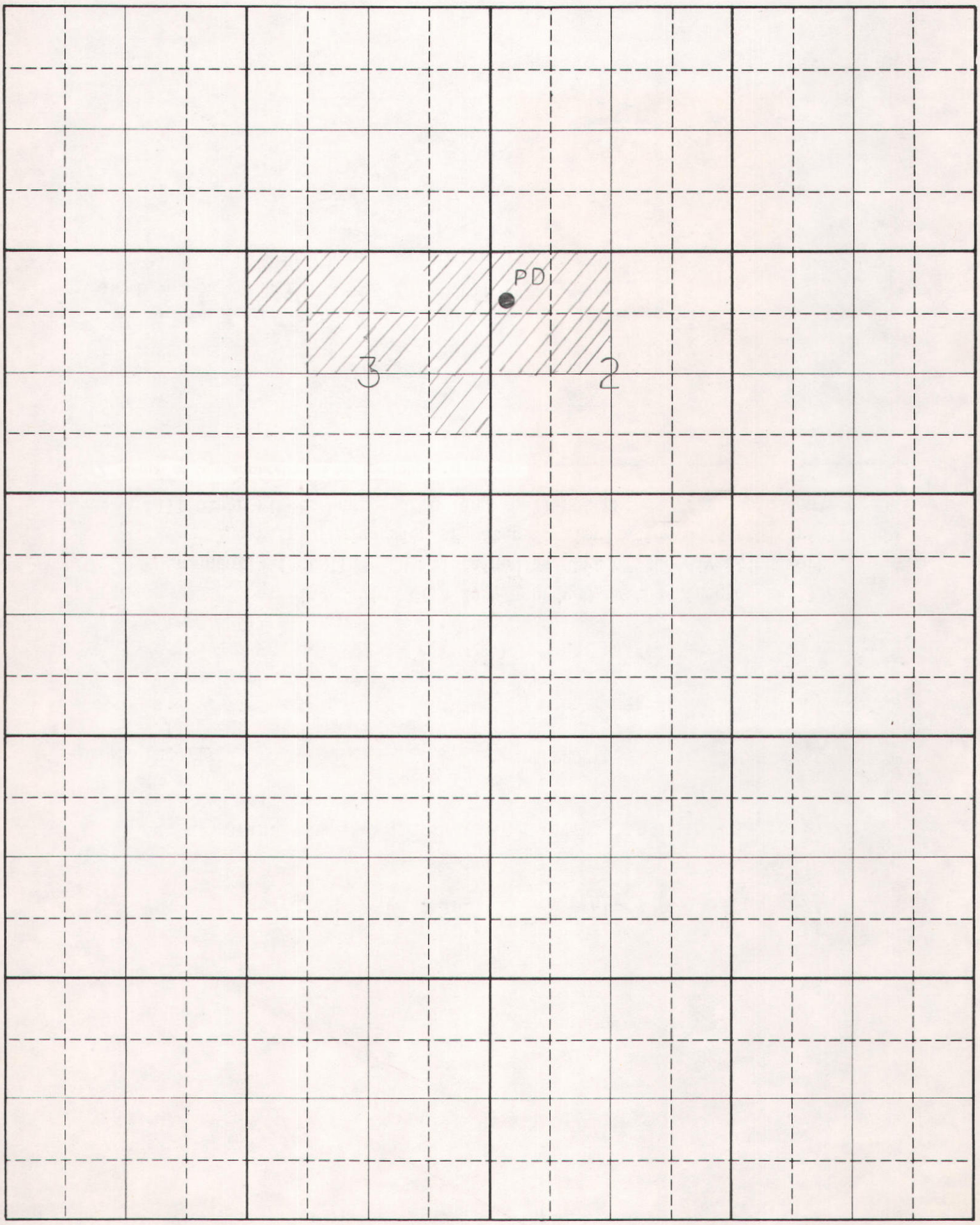
MAR 09 1988

Witness my hand this 22nd day of February, 19 88.

R. Keith Higginson
Director

RECEIVED

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



Scale: 2 inches equal 1 mile

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

W F Seufried
(Applicant)

Print-out of water measurements of Kent Springs made by Don Cain and a record of when the Seefried well was in service.

JULY 25,1989	SEEFRIED WEIR #1	WEIR #2	CENTER	WHEEL	LINE#	LINE#	LINE#
MORNING	2.7	3.5	YES	NO	NO	NO	NO
EVENING	1.7	2.5	YES	NO	NO	NO	NO
JULY 26, 1989							
MORNING	2.7	3.5	YES	NO	NO	NO	NO
EVENING	2.7	3.1	yes	no	no	no	no
JULY 27,1989							
MORNING	2.7	3.1	YES	NO	NO	NO	NO
EVENING	2.7	3.1	YES	NO	NO	NO	NO
JULY 28, 1989							
MORNING	2.8	3.1	YES	NO	NO	NBO	NO
EVENING	2.6	3	yes	no	NO	NO	NO
JULY 29, 1989							
MORNING	2.6	3.1	YES	NO	NO	NO	NO
EVENING	2.5	3	YES	NO	NO	NO	NOO
JULY 30, 1989	0						
MORNING	2.6	3.2	YES	NO	NO	NO	NO
EVENING	2.5	3	YES	NO	NO	NO	NO
JULY 31,1989							
MORNING 3	2.8	3.1	yes	no	no	no	no
ENENING	2.6	2.75	yes	no	no	no	no
aug.1,1989							
morning	2.6	2.75	yes	yes	yes	no	no
evening	2.5	2.7	YES	YES	YES	NO	NO
AUGUST 2,1989							
MORNING	2.4	2.6	YES	YES	YES	NO	NO
EVENING	2.4	2.5	yes	yes	yes	no	no
aug 4, 1989							
morning	2.4	2.5	yes	yes	yes	no	no
evening	2.3	2.4	yes	yes	yes	yes	yes
AUG 5, 1989							
MORNING	2.3	2.3	YES	YES	YES1	YES	YES
EVENING	2.2	2.2	YES	YES	YES	YES	YES
AUG 6, 1989	2.1	2.2	YES3S	YES	YES	YES	YES
MORNING	2.1	2.2	Y2S	YES	YES	YES	YES
EVENING							
AUG 7, 1989							
MORNING	2.1	1.9	YES	YES	YES	YES	YES
EVENING	2.1	1.9	YES	YES	YES	YES	YES
AUG 8, 1989							

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JA

State use only

Department of Water Resources within 30 days after the completion

AUG 15 1985

1. WELL OWNER

Name William A. Seefried

Address Mackay, Idaho 83251

Owner's Permit No. _____

7. WATER LEVEL

Department of Water Resources
Eastern Idaho Office

Static water level 19 feet below land surface.

Flowing? ☐ Yes ☒ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature Amb. Quality good

(Describe erosion or temperature problems below)

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☐ Pump ☒ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping water	Hours Pumped
20		

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal

☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

☐ Other _____ (specify type)

9. LITHOLOGIC LOG

Core Diam.	Depth From	Depth To	Material	Water Yielding
6"	0	11	Top Soil	
"	11	53	Granular Sand & Gravel	X
"	53	570	Gravel	X

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary

☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Diameter	From	To
350 inches	2 inches	+ 1 feet 50 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

Was perforated? ☐ Factory ☐ Knife ☒ Torch

Size of perforations 1/4 inches by 5" inches

Number	From	To
30 perforations	30 feet	45 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 of gravel _____

Placed from _____ feet to _____ feet

Surface seal: 20 Material used in seal: ☐ Cement grout ☐ Concrete ☒ Puddling clay ☐ _____

Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Clay puddled in and tamped

Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata

Describe access port _____

10. Work started 5-31-85 Completed 5-14-85

6. LOCATION OF WELL

Sketch map location and give distance and direction from nearest town or intersection

Subdivision Name _____

Lot No. ____ Block No. ____

County CUSTER

NE 1/4 NE 1/4 Sec. 2 Twp. 6 N Rge. 21 E W

11. DRILLER'S CERTIFICATION OR

I/We certify that all minimum well construction standards were complied with at the time this report was prepared.

Firm Name Custer Drilling Firm No. 226

Address Mackay, Idaho

Signed by: Firm Official _____

OR

Driller _____

RECEIVED
AUG 19 1985
Department of Water Resources

NOV 22 1988

RECEIVED

APR 4 1977

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, MARGARET PARKS, Publisher of the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated MAR. 17, 19 77 and ending with the issue dated MAR 24, 19 77.

Margaret Parks

Subscribed and sworn to before me this 1 day of April, 19 77.

Janette Pina

Notary Public, residing at Challis, Idaho. My commission expires on 10-10-77

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that William F. Seefried, Mackay, Idaho has on 3-09-77 submitted Application No. 34-7171 for a permit to appropriate 8.00 cubic feet per second of water from a ground-water source by means of well and pump within the NW¼NW¼, Sec. 2, T. 6N, R. 24E, B.M., Custer County; to be used from Apr. 1 to Nov. 1 for the irrigation of 440 acres within the NW¼, Sec. 2, NE¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, NE¼SE¼, Sec. 3, T. 6N, R. 24E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 4, 1977.

R. KEITH HIGGINSON
Director

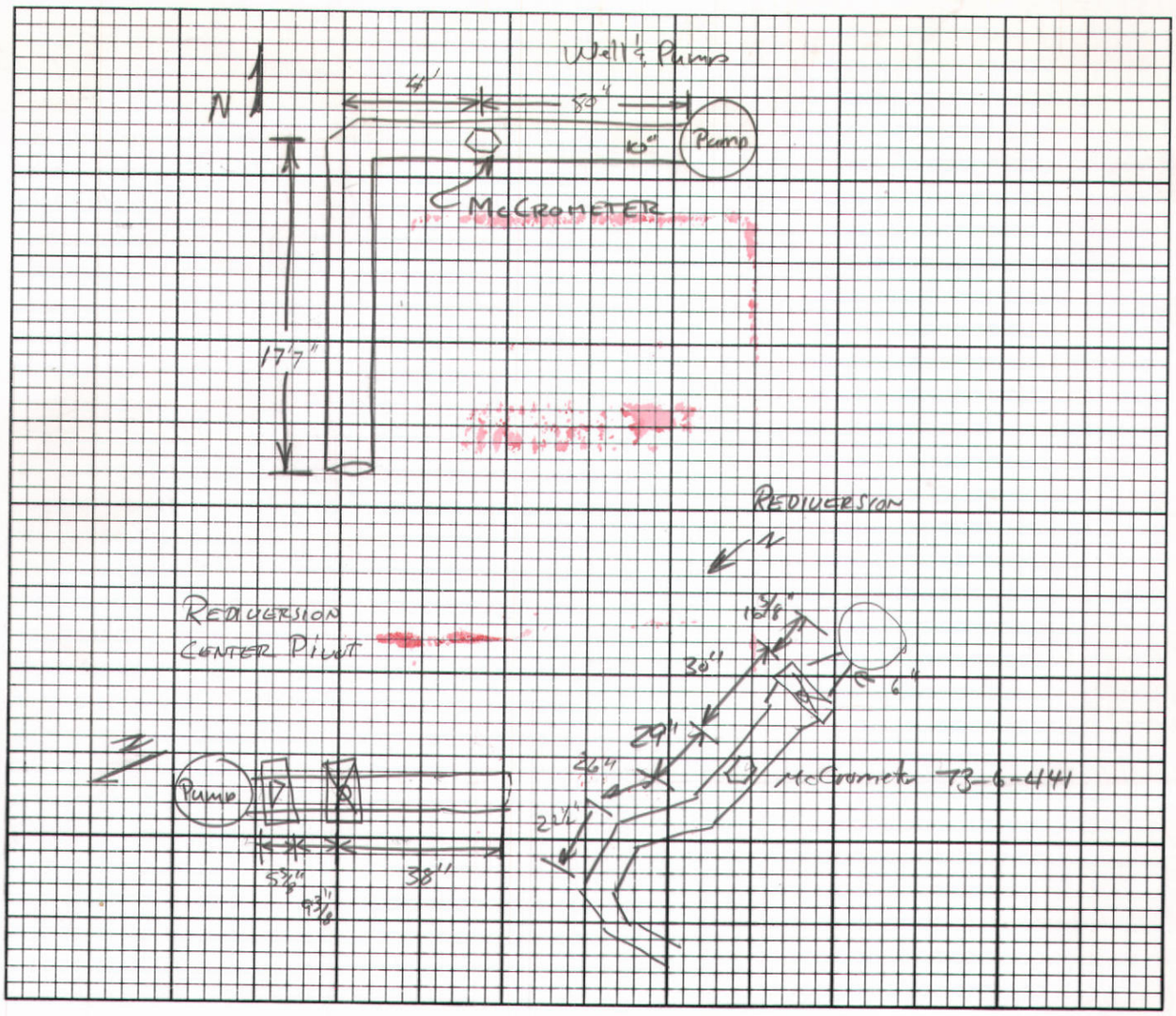
Published in the Challis Messenger, Challis, Idaho on March 17 and March 24, 1977 □□□

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10. Other water rights on these lands _____

11. Other water right diverted from same p.d. _____

12. **Diversion and Delivery System Diagram**: Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☑ **Photo of Diversion & System Attached** ☑ **Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached**

14. Remarks William A. (son) bought property 6 weeks before William F Seefried (father) died

#1 Diversion is ground water well which pumps into the Big Lost River to compensate for diversion in Darlington Canal

#2 & #3 Diversions are rediversions from Darlington Canal, and is actual water used for irrigation

15. 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

16. Examiner's/Consultant's Signature Keith C Wilson Date 31 July 1984

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____ MAR 09 1988

Date

CONSULTANT SEAL

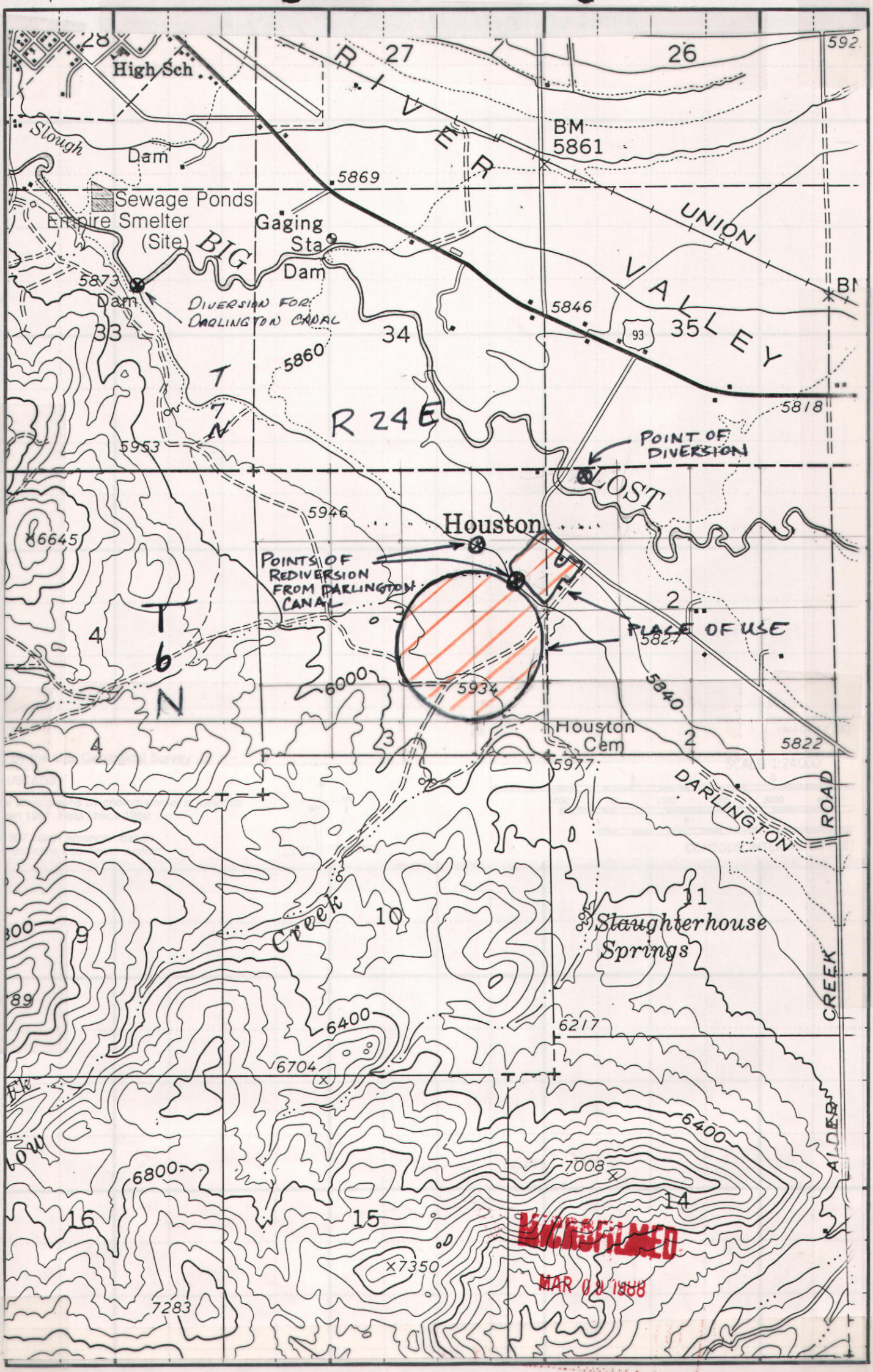
34-7171



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MAR 09 1988

NAME OF APPLICANT 34-7191

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

NENE	01		01	34-0324	CAMPBELL GIRAUD CLARK	C C C	D	04-01-1884	BIG LOST RIVER	
NENE	01		01	34-0275	GIRAUD CLARK	C C	D	01-01-1895	BIG LOST RIVER	
NWNE		32	01	34-2359	CAMPBELL CAMPBELL	C C	L	02-23-1961	GROUNDWATER	
NWNE	02		01	34-0324	GIRAUD CLARK	C C	D	04-01-1884	BIG LOST RIVER	
NWNE	02		01	34-0275	GIRAUD CLARK	C C	D	01-01-1895	BIG LOST RIVER	
SWNE			01	34-0452C	LAMBSON SAYER	O C	D	06-01-1885	BIG LOST RIVER	
SWNE			01	34-0780B	MACKAY, VILLIAGE O	O	D	04-22-1884	BIG LOST RIVER	
SWNE			01	34-0827C	ANDERSON WELLS HINTZE	C O D	D	05-31-1884	BIG LOST RIVER	
SWNE			01	34-0829F	WELLS HINTZE	O C	D	05-31-1884	BIG LOST RIVER	
SWNE			01	34-0935	PERKINS ANDERSON	C C	D	04-22-1884	BIG LOST RIVER	
SENE			01	34-0452C	LAMBSON SAYER	O C	D	06-01-1885	BIG LOST RIVER	
SENE			01	34-0780B	MACKAY, VILLIAGE O	O	D	04-22-1884	BIG LOST RIVER	
SENE			01	34-0827C	ANDERSON WELLS HINTZE	C O D	D	05-31-1884	BIG LOST RIVER	
SENE			01	34-0829F	WELLS HINTZE	O C	D	05-31-1884	BIG LOST RIVER	

WRR156 — IDAHO DEPARTMENT OF WATER RESOURCES — WATER RIGHTS BY PLACE OF USE — PAGE 1902 — 01/02/1987

TWNSHP	RNG	SEC	TRACT	LOT	ACRES	USES	WATER RIGHT NUMBER	LAST NAME	OWNER CODE	STAGE	PRIORITY DATE	SOURCE OF WATER
06N	24E	02	SENE			01	34-0935	PERKINS ANDERSON	C C	D	04-22-1884	BIG LOST RIVER
			NENW			43	34-4074	KINSEY GARRETT	C D	S	06-01-1970	GROUNDWATER
			NENW		40	01	34-7171	SEEPRIED	C	P	03-09-1977	GROUNDWATER
			NENW	03		01	34-0168C	CONTINENTAL LIFE I	C	D	06-01-1883	BIG LOST RIVER
			NENW	03		01	34-0964	CONTINENTAL LIFE I	C	D	06-01-1884	CLIFF CREEK WHITE KNOB CREEK
			NWNW		40	01	34-7171	SEEPRIED	C	P	03-09-1977	GROUNDWATER
			NWNW	04		01	34-0168C	CONTINENTAL LIFE I	C	D	06-01-1883	BIG LOST RIVER
			NWNW	04		01	34-0964	CONTINENTAL LIFE I	C	D	06-01-1884	CLIFF CREEK WHITE KNOB CREEK
			SWNW			01	34-0160	CLUTE IDAHO BOND & LOAN	O C	D	04-22-1884	BIG LOST RIVER
			SWNW			01	34-0168C	CONTINENTAL LIFE I	C	D	06-01-1883	BIG LOST RIVER
			SWNW			01	34-0452C	LAMBSON SAYER	O C	D	06-01-1885	BIG LOST RIVER
			SWNW			01	34-0780B	MACKAY, VILLIAGE O	O	D	04-22-1884	BIG LOST RIVER
			SWNW			01	34-0827C	ANDERSON WELLS HINTZE	C O D	D	05-31-1884	BIG LOST RIVER
			SWNW			01	34-0935	PERKINS ANDERSON	C C	D	04-22-1884	BIG LOST RIVER
			SWNW			01	34-0964	CONTINENTAL LIFE I	C	D	06-01-1884	CLIFF CREEK WHITE KNOB CREEK
			SWNW		40	01	34-7171	SEEPRIED	C	P	03-09-1977	GROUNDWATER
			SWNW		10	01	34-7182	ANDERSON	C	P	04-18-1977	GROUNDWATER
			SENW			01	34-0168C	CONTINENTAL LIFE I	C	D	06-01-1883	BIG LOST RIVER
			SENW			01	34-0964	CONTINENTAL LIFE I	C	D	06-01-1884	CLIFF CREEK WHITE KNOB CREEK
			SENW		40	01	34-7171	SEEPRIED	C	P	03-09-1977	GROUNDWATER
			SENW		10	01	34-7182	ANDERSON	C	P	04-18-1977	GROUNDWATER
			NESW			01	34-0160	CLUTE IDAHO BOND & LOAN	O C	D	04-22-1884	BIG LOST RIVER
			NESW			01	34-0452C	LAMBSON SAYER	O C	D	06-01-1885	BIG LOST RIVER
			NESW			01	34-0780B	MACKAY, VILLIAGE O	O	D	04-22-1884	BIG LOST RIVER
			NESW			01	34-0827C	ANDERSON WELLS HINTZE	C O D	D	05-31-1884	BIG LOST RIVER
			NESW			01	34-0829F	WELLS HINTZE	O C	D	05-31-1884	BIG LOST RIVER
			NESW			01	34-0935	PERKINS ANDERSON	C C	D	04-22-1884	BIG LOST RIVER
			NESW		40	01,43	34-2128	CLARK	C	L	05-12-1911	ALDER CREEK
			NESW		35	01	34-7182	ANDERSON	C	P	04-18-1977	GROUNDWATER
			NWSW			01	34-0160	CLUTE IDAHO BOND & LOAN	O C	D	04-22-1884	BIG LOST RIVER
			NWSW			01	34-0452C	LAMBSON SAYER	O C	D	06-01-1885	BIG LOST RIVER
			NWSW			01	34-0780B	MACKAY, VILLIAGE O	O	D	04-22-1884	BIG LOST RIVER

MICROFILMED MAR 0 9 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

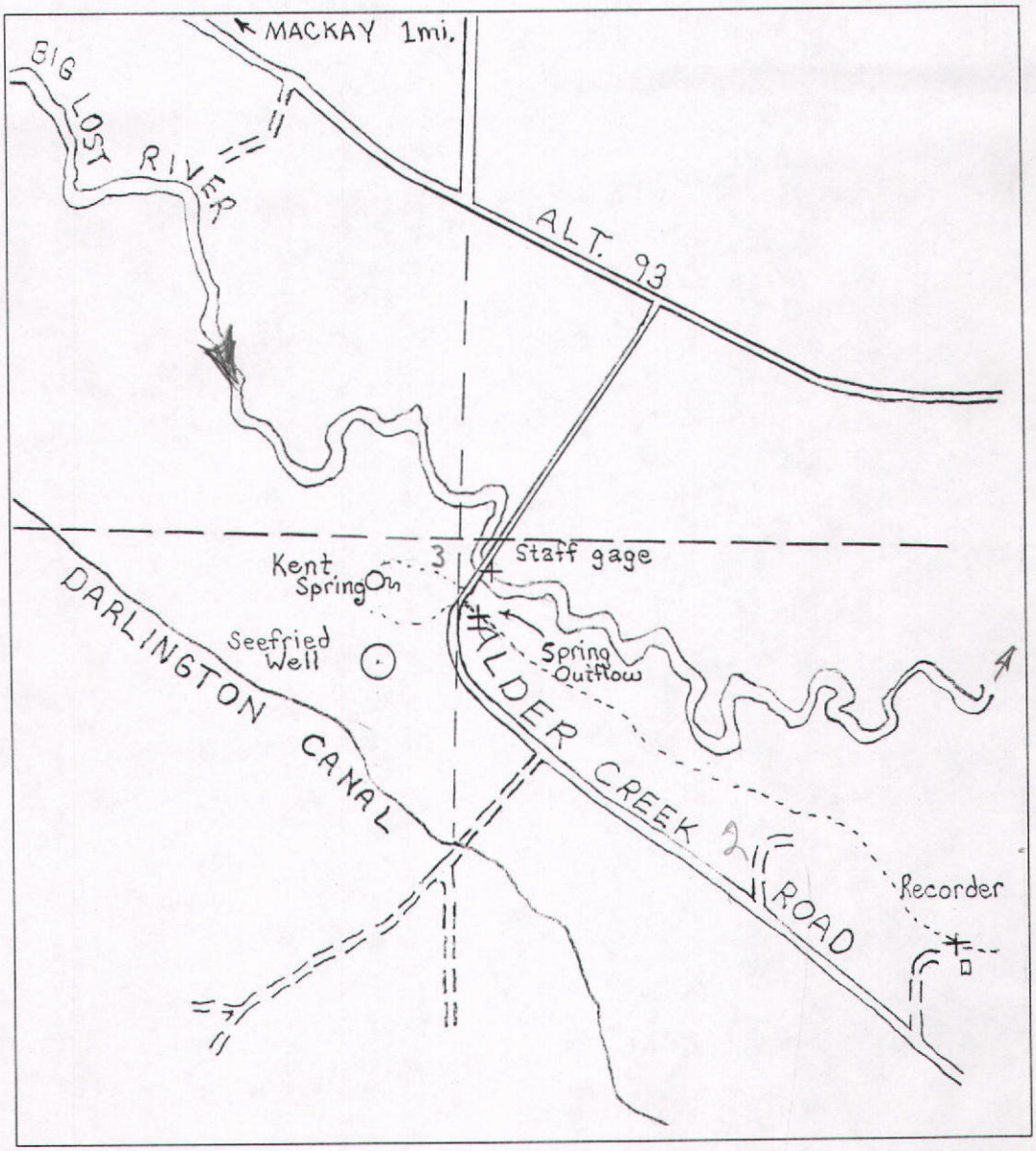
150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161





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Figure 1.
Location Map, Area of Kent Spring near Mackay, Idaho



Seefried pump evaluation

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DEC 09 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

Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 2
To Harold Jones | From R. Fleck
Co. | Co.
Dept. | Phone #
Fax # | Fax #

August 24, 1990

William A. Seefried
Box 176
Mackay, ID 83251

#138182
CERTIFIED MAIL

17.3

Dear Mr. Seefried:

As you know, in mid-July of 1990, the department conducted some tests to determine the hydrologic effect, if any, of the pumping of your well located in the NENE Sec. 3, Twp. 6N, Rge. 24E, B.M. upon the outflow of Kent Spring which is used by Hugh Dorst and Donald Cain Sr.

The tests do show that as your well is pumped, less flow is available from Kent Springs. The investigation of this matter also shows there are several sources of water for Kent Spring including losses from the Big Lost River, underflow from Cliff Creek to the west of the spring, seepage from the Darlington Canal and from irrigation north and west of the spring.

As you know, the department has been intensively involved in the review of the administration of surface and ground water in the basin. The department's involvement in this activity has been substantial during the last two (2) years and included systematic meetings with community leaders and the water users in general concerning the matter.

As specific relationships between ground water users and surface water users are identified, the department will issue administrative orders to provide for equitable distribution of water.

As a result of the study conducted by the department, it is hereby ORDERED that effective immediately, use of water from your well in the NENE Sec. 3, Twp. 6N, Rge. 24E, B.M. is subject to the following conditions:

1. Use of water from the well is subject to the control of the watermaster of State Water District No. 34, Big Lost River. (This was and is a condition of approval of the transfer which allowed construction and use of the well.)

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DEC 09 1991

2. Diversion of water from your well shall be shut off or reduced in rate of flow if the flow from Kent Springs under water right no. 34-0414 is less than ~~1.9~~ 1.8 cfs (~~80~~ 90 miner's inches) provided: VVS

a) You may propose mitigation reasonably acceptable to the owner of water right no. 34-0414 to allow continued use of your well; or

b) You may make other proposals acceptable to the department and the owner of water right No. 34-0414 to allow the continued diversion and use of water from the well or from other wells.

3. The department reserves jurisdiction in this matter to require water right administration relative to other surface and ground water rights in the Big Lost River drainage.

By copy of this letter, the department is instructing the watermaster of the water district, Doug Rosenkrance, to shut off the diversion from your well if the conditions described above which allow continued use of the well are not complied with within ten (10) days of receipt of this letter.

Section 42-1701A(3), Idaho Code, provides that any person aggrieved by a decision of the director may request a hearing within fifteen (15) days of receipt of the decision. A request for hearing must be written and must state the grounds for requesting a hearing.

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

Sincerely,

NORMAN C. YOUNG
Administrator

c: IDWR - E. Region
IDWR - Hydology Sec.
Hugh Dorst and Donald Cain, Sr.
Doug Rosenkrance

Encl: 1

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DEC 09 1991

JUN-18-'91 TUE 16:20 ID:IDWR FAX #1 TEL NO:208 327-7866 #893 P02


River
c 16.0
d 15.7
e 1.9
f 10.0
f 6.7
Irrigation Ditch
Ditch
34
35
3
2
A-350
W. BARRETT
33
34
4
3
A-192
W.F. SEEFRIED
192A
Bench
Marshy
Channel blocked by mat
Springs
Bench
Marshy
Canal
Old River Channel
well
306
A-190
M. ANDERSON
b 15.8
Canal
c 33.6
1317
f 43.0
DEC 09 1991
MISSOULA MED
Notes by Dennis Dunn 9Feb90

DEC 09 1991
Not filmed in place
8 photos

PHOTOS OF KENT SPRING

DENNIS DUNN 8 Feb 90



looking NW from road. Bench on right. - Bench to SW not seen. Swampy ground on the left

D. DUNN BFeb 90



2. Wet ground to the South-Southwest of the springs

D. DUNN 8Feb90



3 looking East "Southeast note bench on the North - Springs at bottom of bench

D. DUNN 8 Feb 90



4 Bench to east north east of the springs, note wet seam at the bottom of the bench. Springs rise from here

D. DUNN 8Feb90



5 looking north - note wet seam & springs. Note tree on air photo for direction

D. DUNN 8Feb90

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF WATER RIGHT NO. 34-7171 IN THE NAME OF WILLIAM A. OR HOLLY C. SEEFRIED	**MEMORANDUM DECISION AND ORDER**

This matter came before the Department of Water Resources (department) as the result of a complaint from the owners of Water Right No. 34-0414 and as a result of a request for hearing filed pursuant to Section 42-1701A(3), Idaho Code. The department having investigated the matter, having issued an order, having conducted a hearing in the matter, having issued a proposed memorandum decision and order and having considered exceptions to the proposed decision makes the following Findings of Fact, Conclusions of Law, Analysis and Order:

FINDINGS OF FACT

1. Water Right No. 34-7171 was initiated by the filing of an application for permit by William F. Seefried on March 9, 1977 seeking a right to divert 8.0 cfs of water from a well to be drilled in the NWNW Section 2, T6N, R24E,BM to be used for irrigation of 440 acres of land in Sections 2 and 3, T6N, R24E,BM. The application was approved and permit issued on April 28, 1977 and was "subject to all prior water rights".

2. Subsequently William A. Seefried, assignee of the permit holder, applied for and received approval of an amendment authorizing the exchange of 3.78 cfs of water from the well by delivering it into the Big Lost River and by diverting a like quantity through the Darlington Canal for the irrigation of 189 acres of land.

3. Water Right license 34-7171 was issued in the name of William A. Seefried with priority date of March 9, 1977, evidencing a right to divert 3.78 cfs of water from a well in the NWNW Section 2, T6N, R24E,BM for irrigation of 189 acres of land within Sections 2 and 3, T6N, R24E,BM. The license indicates that the department's examination found that the diversion works had a capacity to divert 5.09 cfs of water.

4. William A. or Holly C. Seefried (petitioner) subsequently filed Application for Transfer No. 3454 seeking the right to drill a new well in the NENE Section 3, T6N, R24E,BM from which the 3.78 cfs of water would be pumped directly to the 189 acres of land served by the right. The transfer was approved subject to several

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conditions including the requirement that the well be constructed using unperforated casing and a seal extending to a minimum of 50 feet below land surface or to the first confining layer, whichever is encountered first, and that diversion and use of the water from the well be subject to the control of the watermaster of Water District 34, Big Lost River.

5. John Naisbitt owns water right no. 34-0414 which is diverted from Kent Springs (springs). The right authorizes the diversion of 1.8 cfs of water for irrigation purposes with a priority of June 1, 1885.

6. In the summer of 1989, Hugh Dorst, the predecessor of John Naisbitt complained to the department that the diversion of water from the petitioner's well in Section 3, T6N, R24E,BM was injuring water right no. 34-0414 by diminishing the flow from the springs. The springs are located about two and a half miles southeast of Mackay, Idaho above Alder Creek road at the NENE corner of Section 3, T6N, R24E,BM. The petitioner's well is located only about 250 feet southwest of the spring outflow.

7. In mid-July 1990, the department investigated the alleged interference, conducted some pumping tests and issued a report of its findings. Among other findings, the investigation and report conclude that the pumping of the petitioner's well reduces the outflow from Kent Springs as much as thirty two (32%) per cent.

8. On August 24, 1990, the department issued an order to the petitioner to either reduce the rate of flow from the well or shut off the pump from the well when use of the well decreased the flow from Kent Springs to less than 1.8 cfs. The order provided alternatives to the petitioner which if implemented would allow continued use of the well.

9. On September 10, 1990, Teresa L. Sturm, petitioner's attorney requested a hearing in connection with the order.

10. On September 19, 1990, the department advised Ms. Sturm that the department would grant a hearing upon a showing of need but that the request for hearing did not stay the effect of the order.

11. The department delayed the scheduling of a hearing in the matter to allow time for the parties to attempt to reach an agreement to resolve the matter.

12. On July 11, 1991, Ms. Sturm advised the department that a resolution of the matter had not been reached and asked the department to schedule a hearing in connection with its order dated August 24, 1990.

13. On August 20, 1991, the department conducted a hearing in the matter. The petitioner was represented by Ms. Sturm and John

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Naisbitt was represented by attorney Kent Foster.

14. The testimony of the watermaster of Water District No. 34, the Big Lost River and tributaries agreed with findings of the department during its investigation and pump testing in mid-July 1990 that there are several sources of water which contribute to the flow of Kent Springs.

15. The watermaster testified that the flow from Kent Springs during the last several years is less than it has historically been.

16. John Naisbitt did not call for the delivery of water right no. 34-0414 from Kent Springs during the 1991 irrigation season. Testimony did not show or even suggest, however, that the right has not been used for a period of five (5) consecutive years.

CONCLUSIONS OF LAW

1. Pumping of water from the petitioner's well decreases the flow of water from Kent Springs by as much as 32% of the usual discharge and injures water right no. 34-0414 when pumping of the well causes the flow from the springs to be reduced below the natural flow from the springs or 1.8 cfs whichever is less.

2. The watermaster is authorized to regulate the diversion of water from the petitioner's well as a part of his water distribution duties in State Water District No. 34.

3. As between appropriators of the public waters of the state, the first in time is the first in right - Section 42-106, Idaho Code.

4. All ground waters in this state are declared to be the property of the state whose duty it shall be to supervise their appropriation and allotment to those diverting the same for beneficial use - Section 42-226, Idaho Code.

5. The Director is authorized to supervise and control the exercise and administration of rights to the use of ground water and in the exercise of this power the Director may prohibit or limit the withdrawal of water from any well during any period that he determines that water to fill the ground water right is not available - Section 42-237a(g), Idaho Code.

6. Ground water shall not be deemed available to fill a water right if withdrawal would affect the use of any prior surface or ground water right in a manner contrary to the declared policy of the ground Water Act - Section 42-237a(g), Idaho Code.

7. In accordance with the evidence received at the hearing, some changes should be made to the order of the department issued on August 24, 1990.

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ANALYSIS

Testimony presented at the hearing on behalf of the petitioner alleged the following:

a) That the department did not properly conduct the pumping test in July 1990,

b) That there are various sources of water which contribute to the flow of Kent Springs,

c) That Kent Springs naturally flows less than decreed from the springs,

d) That the drought is the cause of decreased flow from the springs, not pumping of the petitioner's well,

e) That the right from Kent Springs might be less than decreed,

f) That the petitioner should not be required to provide water in excess of the amount that would naturally flow from Kent Springs when the petitioner's well was not being pumped.

g) That more testing needs to be conducted over a long period of time to be representative.

The department has considered the allegations and responds to each as follows:

a) The department properly conducted the pump test in mid-July 1990 with the knowledge and consent of the involved parties.

b) The department agrees there are several sources of water which contribute to the flow of Kent Springs. The investigation and report of the department in mid-July 1990, determined there were several sources of water which contibuted to the flow from the springs. The department's pumping test recognized this potential and accounted for the effects of the various sources by holding them constant to the extent possible as shown by monitoring during the test. The variable which changed during the test was the effect of pumping of the petitioner's well upon the discharge of the springs.

c) The natural flow from Kent Springs under current conditions likely is less than the 1.8 cfs decreed from the springs. After five (5) consecutive years of drought there should be little surprise to anyone that sources of water in the Big Lost River basin produce less water than they may have previously produced.

d) The drought likely has contributed to decreased flow from Kent Springs but so has the pumping of petitioner's well as clearly shown by the department's investigation and pump test.

e) Water right no. 34-0414 from Kent Springs was decreed in the amount of 1.8 cubic feet per second. Until this right has been determined to be reduced in extent or lost through non-use in an appropriate proceeding before the department or in a court of competent jurisdiction, the water right remains in the amount of 1.8 cfs. The ongoing Snake River Basin Adjudication is a proper forum to pursue the validity of water rights should the petitioner choose to do so.

f) The department should modify its order dated August 24, 1990, since the order can be interpreted to require the petitioner to augment or supplement the natural flow of Kent Springs, thus providing more water to the owner of right 34-0414 than would normally be available when the petitioner's well was not being pumped.

g) The department agrees that additional testing could provide for the refinement in conclusions reached from the mid-July 1990 pump test conducted by the department. The department does not agree, however, that such additional testing is needed or is appropriate before imposing regulatory requirements to stop the reduction of flows from Kent Springs caused by the pumping of petitioner's well.

An argument can always be made that any given period of testing is too short. This argument is not persuasive in an administrative proceeding where a decision is needed in a relatively short time period to prevent injury to the parties. In addition, the lack of historic flow measurements on Kent Springs can not be remedied by conducting future tests. The department recognizes, however, that some additional data may become available to refine its decision and order and for this reason retains jurisdiction of this matter.

The only change to the proposed order is clarification of where flow from Kent Springs is to be measured. This location which is described in the order below is relatively near the outflow from Kent Springs, since the petitioner is not and should not be accountable for delivery of water through a conveyance system over which the petitioner has no control with respect to maintenance, losses or other diversions from the conveyance system.

ORDER

IT IS HEREBY, ORDERED, as follows:

1. The petitioner is required to cease diversion from his well at any and all times that the flow from Kent Springs is determined by the watermaster of Water District No. 34 to be less than 1.8 cfs or the rate of flow demanded under right 34-0414, whichever is less, until such time as the petitioner has submitted and received approval from the Director of the department for a plan to mitigate the effect of pumping of the well on right

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34-0414. The plan may include a procedure for determining the "natural discharge" of Kent Springs which does not need to be augmented or enlarged by the petitioner. The "natural discharge" from the springs is intended to mean the rate of flow which would occur without the effect of pumping petitioner's well.

2. The amount of water flow from Kent Springs available to provide water for right 34-0414 shall be measured near the Alder Creek road where flow from the springs concentrates into a single channel and passes under the road. This location is further described as being within the NW1/4NW1/4 Section 2, T6N, R24E,BM.

3. Use of water from petitioner's well is under the control of the watermaster of Water District No. 34, Big Lost River and tributaries. The watermaster will control the use of the well in accordance with the provisions of this order and any mitigation plan subsequently approved.

4. This order does not preclude the determination of the validity or extent of water right nos. 34-7171 and 34-0414 in the ongoing Snake River Basin Adjudication.

5. The department reserves jurisdiction of this matter to refine this order as additional or different data may become available and to administer water right nos. 34-0414 and 34-7171 relative to other surface and ground water rights in the Big Lost River drainage.

IT IS FURTHER HEREBY, ORDERED, that this order is effective immediately upon service of the petitioner.

Dated this 20TH day of NOVEMBER, 1991.

R. KEITH HIGGINSON
Director

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF WATER RIGHT NO. 34-7171 IN THE NAME OF WILLIAM A. OR HOLLY C. SEEFRIED	PROPOSED MEMORANDUM DECISION AND ORDER

This matter came before the Department of Water Resources (department) as the result of a complaint from the owners of Water Right No. 34-0414 and as a result of a request for hearing filed pursuant to Section 42-1701A(3), Idaho Code. The department having investigated the matter, having issued an order and having conducted a hearing regarding the matter, makes the following Findings of Fact, Conclusions of Law, Analysis and Proposed Order:

FINDINGS OF FACT

1. Water Right No. 34-7171 was initiated by the filing of an application for permit by William F. Seefried on March 9, 1977 seeking a right to divert 8.0 cfs of water from a well to be drilled in the NWNW Section 2, T6N, R24E,BM to be used for irrigation of 440 acres of land in Sections 2 and 3, T6N, R24E,BM. The application was approved and permit issued on April 28, 1977 and was "subject to all prior water rights".

2. Subsequently William A. Seefried, assignee of the permit holder, applied for and received approval of an amendment authorizing the exchange of 3.78 cfs of water from the well by delivering it into the Big Lost River and by diverting a like quantity through the Darlington Canal for the irrigation of 189 acres of land.

3. Water Right license 34-7171 was issued in the name of William A. Seefried with priority date of March 9, 1977, evidencing a right to divert 3.78 cfs of water from a well in the NWNW Section 2, T6N, R24E,BM for irrigation of 189 acres of land within Sections 2 and 3, T6N, R24E,BM. The license indicates that the department's examination found that the diversion works had a capacity to divert 5.09 cfs of water.

4. William A. or Holly C. Seefried (petitioner) subsequently filed Application for Transfer No. 3454 seeking the right to drill a new well in the NENE Section 3, T6N, R24E,BM from which the 3.78 cfs of water would be pumped directly to the 189 acres of land served by the right. The transfer was approved subject to several conditions including the requirement that the well be constructed using unperforated casing and a seal extending to a minimum of 50 feet below land surface or to the first confining layer, whichever is encountered first, and that

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diversion and use of the water from the well be subject to the control of the watermaster of Water District 34, Big Lost River.

5. John Naisbitt owns water right no. 34-0414 which is diverted from Kent Springs (springs). The right authorizes the diversion of 1.8 cfs of water for irrigation purposes with a priority of June 1, 1885.

6. In the summer of 1989, Hugh Dorst, the predecessor of John Naisbitt complained to the department that the diversion of water from the petitioner's well in Section 3, T6N, R24E,BM was injuring water right no. 34-0414 by diminishing the flow from the springs. The springs are located about two and a half miles southeast of Mackay, Idaho above Alder Creek road at the NENE corner of Section 3, T6N, R24E,BM. The petitioner's well is located only about 250 feet southwest of the spring outflow.

7. In mid-July 1990, the department investigated the alleged interference, conducted some pumping tests and issued a report of its findings. Among other findings, the investigation and report conclude that the pumping of the petitioner's well reduces the outflow from Kent Springs as much as thirty two (32%) per cent.

8. On August 24, 1990, the department issued an order to the petitioner to either reduce the rate of flow from the well or shut off the pump from the well when use of the well decreased the flow from Kent Springs to less than 1.8 cfs. The order provided alternatives to the petitioner which if implemented would allow continued use of the well.

9. On September 10, 1990, Teresa L. Sturm, petitioner's attorney requested a hearing in connection with the order.

10. On September 19, 1990, the department advised Ms. Sturm that the department would grant a hearing upon a showing of need but that the request for hearing did not stay the effect of the order.

11. The department delayed the scheduling of a hearing in the matter to allow time for the parties to attempt to reach an agreement to resolve the matter.

12. On July 11, 1991, Ms. Sturm advised the department that a resolution of the matter had not been reached and asked the department to schedule a hearing in connection with its order dated August 24, 1990.

13. On August 20, 1991, the department conducted a hearing in the matter. The petitioner was represented by Ms. Sturm and John Naisbitt was represented by attorney Kent Foster.

CONCLUSIONS OF LAW

1. Pumping of water from the petitioner's well decreases the flow of water from Kent Springs as much as 32% of the usual discharge and injures water right no. 34-0414 when pumping of the

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well causes the flow from the springs to be reduced below the natural flow from the springs or 1.8 cfs whichever is less.

2. The watermaster is authorized to regulate the diversion of water from the petitioner's well as a part of his water distribution duties in State Water District No. 34.

3. The proposed memorandum decision and order of the Director in this matter should include some changes to the order of the department issued on August 24, 1990, in accordance with information received at the hearing.

ANALYSIS

Testimony presented at the hearing on behalf of the petitioner alleged the following:

a) That the department did not properly conduct the pumping test in July 1990,

b) That there are various sources of water which contribute to the flow of Kent Springs,

c) That Kent Springs naturally flows less than decreed from the springs,

d) That the drought is the cause of decreased flow from the springs, not pumping of the petitioner's well,

e) That the right from Kent Springs might be less than decreed,

f) That the petitioner should not be required to provide water in excess of the amount that would naturally flow from Kent Springs when the petitioner's well was not being pumped.

g) That more testing needs to be conducted over a long period of time to be representative.

The department has considered the allegations and responds to each as follows:

a) The department properly conducted the pump test in mid-July 1990 with the knowledge and consent of the involved parties. If the petitioner truly believed the test was not properly conducted, there has been sufficient time in which the petitioner could have conducted additional testing.

b) The department agrees there are several sources of water which contribute to the flow of Kent Springs. The investigation and report of the department in mid-July 1990, determined there were several sources of water which contibuted to the flow from the springs. The department's pumping test recognized this potential and accounted for the effects of the various sources by holding them constant to the extent possible as shown by monitoring during the test. The variable which changed during the test was flow from Kent Springs as related to the pumping of

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the petitioner's well.

c) The natural flow from Kent Springs under current conditions likely is less than the 1.8 cfs decreed from the springs. After five (5) consecutive years of drought there should be little surprise to anyone that sources of water in the Big Lost River basin produce less water than they may have previously produced.

d) The drought likely has contributed to decreased flow from Kent Springs but so has the pumping of petitioner's well as shown by the results of the department's pumping test.

e) Water right no. 34-0414 from Kent Springs was decreed in the amount of 1.8 cubic feet per second. Until this right has been determined to be reduced in extent or lost through non-use in an appropriate proceeding before the department or in a court of competent jurisdiction, the water right remains in the amount of 1.8 cfs. The ongoing Snake River Basin Adjudication is a proper forum to pursue the validity of water rights should the petitioner choose to do so.

f) The department should modify it's order dated August 24, 1990, since the order can be interpreted to require the petitioner to augment or supplement the natural flow of Kent Springs, thus providing more water to the owner of right 34-0414 than would normally be available when the petitioner's well was not being pumped.

g) The department agrees that additional testing could provide for the refinement in conclusions reached from the mid-July 1990 pump test conducted by the department. The department does not agree, however, that such additional testing is needed or is appropriate before imposing regulatory requirements to ensure equity for reduction of flows from Kent Springs caused by the pumping of petitioner's well.

An argument can always be made that any given period of testing, no matter how long, is too short. This type of argument is not rational and has no place in administrative proceedings where a decision is needed in a relatively short time to prevent injury to the parties. In addition, the lack of historic flow measurements on Kent Springs can not be remedied by conducting tests infinitely into the future. The department should recognize, however, that some additional data may become available to refine its decision and order and for this reason should retain jurisdiction of this matter.

IT IS HEREBY, ORDERED, as follows:

1. The petitioner is required to cease diversion from his well at any and all times when the flow from Kent Springs is determined by the watermaster of Water District No. 34 to be less than 1.8 cfs or the rate of flow demanded under right 34-0414, whichever is less, until such time as the petitioner has submitted and received approval from the Director of the department, a plan to mitigate the effect of pumping of the well

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on right 34-0414. The plan may include a procedure for determining the "natural discharge" of Kent Springs which does not need to be subsidized or enlarged over the "natural discharge" by the petitioner. The "natural discharge" from the springs is intended to mean the rate of flow which would occur without the effect of pumping petitioner's well.

2. Use of water from petitioner's well is under the control of the watermaster of Water District No. 34, Big Lost River and tributaries. The watermaster will control the use of the well in accordance with the provisions of this order and any mitigation plan subsequently approved.

3. This order does not preclude the determination of the validity or extent of water right nos. 34-7171 and 34-0414 in the ongoing Snake River Basin Adjudication.

4. The department reserves jurisdiction of this matter to refine this order as additional or different data may become available and to administer water right nos. 34-0414 and 34-7171 relative to other surface and ground water rights in the Big Lost River drainage.

IT IS FURTHER HEREBY, ORDERED, that this order is effective immediately upon service of the petitioner.

Dated this 4th day of September, 1991.

L. GLEN SAXTON
Hearing Officer

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CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT on this the 5th day of September, 1991, a true and correct of the Order Issuing Proposed Memorandum Decision and Proposed Memorandum Decision and Order were mailed, postage prepaid to:

William A. and Holly Seefried
P.O. Box 176
Mackay, ID 83251

John Naisbitt
5963 W. Broadway
Idaho Falls, ID 83402

Teresa Sturm
P.O. Box 51219
Idaho Falls, ID 83405

Kent Foster
P.O. Box 50130
Idaho Falls, ID 83504

NINA K. SHIELDS
Clerical Assistant

BEFORE THE DIRECTOR OF THE DEPARTMENT

OF WATER RESOURCES OF THE

STATE OF IDAHO

IN THE MATTER OF WATER RIGHT NO. 34-7171 IN THE NAME OF WILLIAM A. OR HOLLY C. SEEFRIED	ORDER ISSUING PROPOSED MEMORANDUM DECISION

R. Keith Higginson, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by this appointee, L. Glen Saxton, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF TRANSFER NO. 3454/34-07171 AND DEPARTMENT ORDER OF AUGUST 24, 1990

On October 11, 1988, the Department of Water Resources approved Transfer No. 3454 in the name of William or Holly Seefried.

On July 3, 1989, Hugh Dorst filed a letter of complaint which stated that the relocated point of diversion under Transfer 3454 was interfering with the water flow from Kent Springs.

Subsequent investigation by the Department supported this contention and an Order was issued on August 24, 1990 to William and Holly Seefried relative to watermaster control and possible mitigation for losses due to interference from their well.

The attorney for the Seefried's has now asked for a Department Hearing on the content of the original order. The Department has scheduled the matter for hearing to be conducted at 9:00 a.m., Tuesday, August 20, 1991, in the Second Floor Conference Room, Idaho State Office Building, 150 Shoup Avenue, Idaho Falls, Idaho. The hearing will be held in accordance with provisions of Section 42-1701A(3), of the Idaho Code.

Dated this 31st day of July, 1991.

RONALD D. CARLSON
Eastern Regional Manager

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III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral agruments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 4th day of September, 1991.

R. KEITH HIGGINSON
Director

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[redacted]

3.74 c.f.s.

To be diverted from Antelope Creek through the Hanrahan Ditch having its point of diversion in the Northeast quarter of Section 21, Township 5 North, Range 25 East, B. M., for the irrigation of the following descril land, to-wit:

Lots 3 and 4, Southeast quarter of the Nort west quarter and the Southwest quarter of the Northeast quarter of Section 12, Townsh 5 North, Range 25 East, B. M.

No. 255

Chas. E. Judd

1897-June 1 — 3.2 c.f.s.
1898-June 1 — 0.8 c.f.s.

To be diverted from Antelope Creek through the Hanrahan Ditch having its point of diver sion in the Northeast quarter of Section 21, Township 5 North, Range 25 East, B. M., for the irrigation of the following described land, to-wit:

Northeast quarter of the Southwest quarter, Northwest quarter of the Southeast quarter, and the South half of the Southwest quarter of Section 15, North half of the Northwest quarter of Section 22, all in Township 5 North, Range 25 East, B. M.

No. 256

Joseph F. Keele

1891-May 15 — 3.6 c.f.s.

To be diverted from Antelope Creek through private ditches having their points of diversion in the Southeast quarter of Section 18, Township 4 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

Northwest quarter of the Southwest quarter of Section 9; North half of the Southeast quarter, Northeast quarter of the Southwest quarter, Southeast quarter of the Northwest quarter, and the South half of the Northeast quarter of Section 8 and all that part of the Northwest quarter of the Northeast quarter of Section 8 lying South of a straight line drawn beginning at a point on the west line of the Northwest quarter of the Northeast quarter 20 feet South of the Northwest corner thereof and running thence Southeasterly to a point on the East line of said Northwest quarter of the Northeast quarter 20 feet North of the Southeast corner thereof. All in Township 4 North, Range 24 East, B. M.

No. 257

Geo. Kent

(a) 1885-June 1 — 1.6 c.f.s.

To be diverted from Kent Springs through a private ditch having its point of diversion on the land constituting the place of use of said water, for the irrigation of the following described land, to-wit:

Southeast quarter of the Southwest quarter and the West half of the Southwest quarter of Section 1, and the Northeast quarter of the Southeast quarter of Section 2, all in Township 6 North, Range 24 East, B. M., and

(Continued)

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Form 222
1-87

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No 3454

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant William A. or Holly C. Seefried Phone 588-3330

Post Office address Box 176, Mackay, ID 83251

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes to eliminate the 40% shrink cost in canal delivery.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
34-7171	March 9, 1977	3.78 cfs	Irrigation	4/1 to 11/1
				to
				to
				to

2. Total amount of water being transferred 3.78 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion

Lot	¼	¼	¼	Sec.	Twp	Rge	County	Local name for diversion
		NE	NE	3	6N	24E	Custer	

5 Lands irrigated or place of use

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6N	24E	2						1	11										12
		3	1	9	31	30					2				38	39	14	13	177
																			189

MICROFILMED
NOV 22 1988

Total acres _____

PART 1

6. General Information:

a Description of diversion system groundwater pumped directly into pump station at Darlington Canal. Abandonment of original well and replacement closer to pumping station.

b Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes

c Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

d. Remarks

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No 34-7171

And said application is hereby APPROVED, subject to the following limitations and conditions

SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

NOV 22 1988

Witness my hand this 11th day of October, 1988

L. Glenn Saxton

Chief, Operations Bureau

Page _____ of _____ Transfer No _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1 Right evidenced by.

a Decree No _____ Decreed to _____

in case of _____ vs. _____

dated _____ in _____ county of _____

b License No 34-7171 issued by the Idaho Department of Water Resources.

c. Claim No _____ on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

2 Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water groundwater tributary to _____

4. Date or priority March 9, 1977

5. Water is used for the following purpose.

amount 3.78 cfs (cfs/ac-ft) for Irrigation purposes from 4/1 to 11/1

amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

6 Total amount of water under right 3.78 cubic feet per second and/or _____ acre-feet per annum

7 Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp	Rge.	County	Local name for diversion
		NW	NW	2	6N	24E	Custer	

8 Lands irrigated or place of use

Twp	Rge	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6N	24E	2						1	11										12
		3	1	9	31	30					2				38	39	14	13	177

Total acres 189

9 Describe any other water rights used for the same purpose as described above Surface water rights

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C)

1 amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2 Point(s) of Diversion

Lot	¼	¼	¼	Sec.	Twp	Rge.	County	Local name for diversion

3 Lands irrigated or place of use.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1 amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2 Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3 Lands irrigated or place of use

Twp.	Rge	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

[redacted] [redacted]

RECEIVED
NOV 22 1988

Total acres _____

CONDITIONS OF APPROVAL
Transfer No. 3454

1. Prior to diversion and use of water under this transfer, a measuring device of a type approved by the department shall be permanently installed & maintained as a part of the diverting works.
2. A drilling permit must be obtained in compliance with Section 42-235, Idaho Code, before the well is constructed.
3. The well shall be constructed such that unperforated casing and the seal extends a minimum of 50 feet below land surface or to the first confining layer, whichever is encountered first.
4. The use of water on the lands to which the above referenced water right(s) were appurtenant is hereby abandoned and failure to put the water to beneficial use within five (5) years of the date of the approval of this transfer on the new land identified under item B.5 shall constitute loss or forfeiture of the water right(s).
5. The original well shall be abandoned according to the adopted Well Construction Standards rules and regulations prior to diversion of water from the new well to be constructed.
6. Use of water under this right is subject to control by the watermaster of State Water District No. 34, Big Lost River.

Witness my hand this 11th day of October, 1988.

A. Glen Saxton
Chief, Operations Bureau

[redacted]ED

NOV 22 1988

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

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NOV 22 1988

SCALE 2 inches equal 1 mile Draw plan in ink

Page _____ of _____ Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
			_____ to _____
			_____ to _____

2 Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Holly C. Sackett
(Signature of Applicant)

Subscribed and sworn to before me this 15th day of June, 1988.

Colleen Wray
(Notary Public)

My commission expires 5/29/1991

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by RW Date 6-15-88 Protest filed by _____

Prelim. check by _____ Fee $50.00 E000407 _____

Receipted by RW Date 6-15-88 _____

Published in Custer Publishing Co. Copies of protest forwarded by _____

Pub dates 7-21 & 7-28-88 dg Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by RC Sim

Copy of transfer sent to lien holder _____

MICROFILMED

NOV 22 1988

AFFIDAVIT OF PUBLICATION

State of Idaho County of Custer ss

I.. Margaret Parks ..
Publisher of the Challis Messenger a weekly newspaper published at Challis, Idaho do solemnly swear that the notice hereto attached and made a part hereof was published in the regular and entire issue of the Challis Messenger for 2. consecutive weeks, commencing with the issue dated July 21 . . . . 19 88 and ending with the issued dated July 28 . . 19 88

Margaret Parks .

Subscribed and sworn to before me this 29th. day of July .. 19 88

. . Ethel M. Peck

Notary Public residing at Challis Idaho My commission expires on

. . . . 3-21-92. . .

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
No. 34-7171

Notice is hereby given that William A. or Holly C. Seefried, Mackay, Idaho, have applied to the Department of Water Resources for a change in the point of diversion of water from a groundwater source. The right sought to be changed is evidenced by License No. 34-7171 and is recorded as follows:

AMOUNT: 3.78 cfs PRIORITY: March 9, 1977 POINT OF DIVERSION: NW¼NW¼, Sec. 2, T. 6N, R. 24E, B.M., Custer County;

The water is used for irrigation of 189 acres within the W½NW¼, Sec. 2, E½, NE¼SW¼, SEC. 3, T. 6N, R. 24E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NE¼NE¼, Sec. 3, T. 6N, R. 24E, B.M., Custer County.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before August 8, 1988.

R. Keith Higginson
Director

Pub: July 21 & 28, 1988.

NOV 22 1988

AUG 1 1988

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 34-7171

Priority: March 9, 1977 Amount: 3.78 CFS 567.0 AFA

This is to certify, that WILLIAM A. SEEFRIED
RT. 1
MACKAY, ID 83251 has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated March 9, 1977, and has submitted proof to the Department of Water Resources on January 19, 1981, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 5.09 cfs of water from a **GROUNDWATER** source and that a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	VOLUME
Irrigation	04/01 to 11/01	3.78 cfs	567.0 afa

LOCATION OF POINT OF DIVERSION(S): NWNW , Sec. 2, Township 6N, Range 24E
Custer County

PLACE OF USE: Irrigation

TWN	RGE	SEC	ACRES	ACRES	ACRES	ACRES	TOTAL
6N	24E	2	NWNW 1	SWNW 11			12
		3	NENE 1	NWNE 9	SWNE 31	SENE 30	
			NESW 2	NESE 38	NWSE 39	SWSE 14	
			SESE 13				177

Total number of acres irrigated: 189

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
5. Water is discharged into Big Lost River from the well then rediverted at 2 points within the SENE, S3, T6N, R24E, from Darlington Canal.

This license is issued pursuant to the provisions of Section 42-219, **Idaho Code**. Witness the seal and signature of the Director, affixed at Boise, this 22nd day of February, 19 88.

Director

MAR 09 1988

880208

Form 211
2/80

RECEIVED
OCT 23 1986
Department of Water Resources
Eastern District Office

RECEIVED
JUN 9 1987
Department of Water Resources
Eastern District Office

Permit No. 34-7171

STATE OF IDAHO

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now William A. Seefried Phone [illegible]

of (address) Box 176, Mackay, ID 83251, and represents to the

Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 34-7171, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NW ¼ NW ¼, Section 2, Township 6N, Range 24E, B.M.,

County of Custer. Other points of diversion:

Water from the well is discharged into the Big Lost River in the ~~NWNW, Sec. 2, T. 6N, R. 24E in exchange for water diverted from the~~ river in the SWNE Sec. 33, T. 7N, R. 24E through the heading for ~~the Darlington Canal. Water conveyed by the canal is rediverted by~~ pump at two locations both in the SENE, Sec 3, T. 6N R 24E

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 3.78 (cfs or acre feet per annum) for cfs Irrigation purposes from 4/1 to 11/1 (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)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	24E	2						1	11										12
		3	1	9	31	30					2				38	39	14	13	177

Total number of acres to be irrigated = 189

4. a. Who owns the property at the point of diversion? William A. Seefried

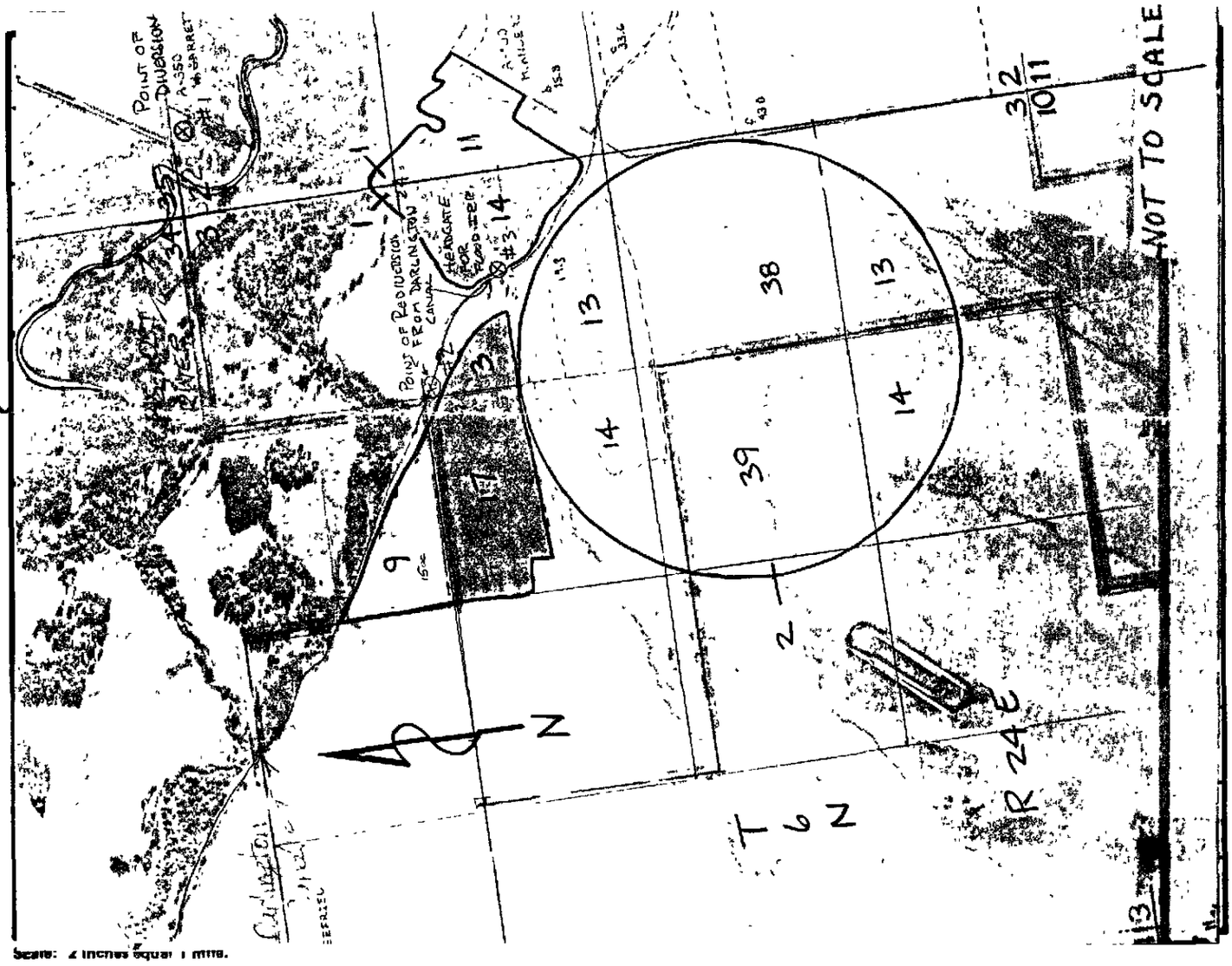
b. Who owns the land to be irrigated or the place of use? William A. Seefried

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

MICROFILMED
MAR 09 1988

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



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

Signed at Mackay, Idaho, this 9 day of July, 19 87.

William P. Schofield
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by HCJ Fee = $20.00 dg Receipted by dg Date 7-13-87 #41273

Publication prepared by dg Date 7-29-87 Published in Custer County Publishing

Publication dates 8-6 & 8-13-87

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. KEITH HIGGINSON, of the Department of Water Resources hereby

Approve the above Application for Amendment for Permit No. 34-7171.

APPROVED

MAR 09 1988

Witness my hand this 22nd day of February, 19 88.

R. Keith Higginson
Director

RECEIVED

OCT 23 1986

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

I, Shirley May Seefried, hereby assign to William A. Seefried

of Rt. 1, Mackay, ID 83251
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 34-7171 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 22nd day of October, 1986.

S. S.

Deceased May 16 - 1984
Permit Holder

Shirley M Seefried
Spouse of Permit Holder

State of Idaho)
) ss.
County of Custer)

On this 22nd day of October, 1986, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Notary Public residing at
Mackay, Idaho

seal

My commission expires:
3/19/1993

RECEIVED

MAR 09 1988

POWER OF ATTORNEY

For Sale by the Arco Advertiser

KNOWN ALL MEN BY THESE PRESENTS, That WILLIAM F. SEEFRIED

have made, constituted, and appointed, and by these presents do make, constitute and appoint SHIRLEY MAY SEEFRIED

of Mackay, Idaho , true and lawful attorney for me and in my name, place and stead, and for my use and benefit, to ask, demand, sue for, recover, collect and receive all such sums of money, debts, dues, accounts, legacies, bequests, interests, dividends, annuities and demands whatsoever as are now or shall hereafter become due, owing, payable, or belonging to me , and have, use and take all lawful ways and means in my name or otherwise for the recovery thereof, by attachments, arrests, distress or otherwise, and to compromise and agree for the same, and acquittances or other sufficient discharges for the same, for me and in my name , to make, seal, and deliver; to bargain, contract, agree for, purchase, receive, and take lands, tenements, hereditaments, and accept the seisin and possession of all lands, and all deeds and other assurances, in the law therefor, and to lease, let, demise, bargain, sell, remise, release, convey, mortgage and hypothecate lands, tenements, and hereditaments upon such terms and conditions, and under such covenants as I shall think fit. Also, to bargain and agree for, buy, sell, mortgage , hypothecate, and in any and every way, and manner deal in and with goods, wares and merchandise, choses in action, and other property in possession or in action and to make, do and transact all and every kind of business of what nature or kind soever, and also for me and in my name and as my act and deed to sign, seal, execute, deliver and acknowledge such deeds, leases and assignments of leases, convenants, indentures, agreements, mortgages, hypothecations, bottomries, charter-parties, bills of lading, bills, bonds, notes, receipts, evidence of debt, releases and satisfaction of mortgage, judgment and other debts, and such other instruments in writing of whatever kind and nature as may be necessary or proper in the premises.

Giving and granting unto said said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as might or could do if personally present,

hereby ratifying and confirming all that said attorney shall lawfully do or cause to be done by virtue of these presents.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the 9th day of May , 19 67 .

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Shirley May Seefried

William F Seefried [Seal]

[Seal]

RELEASED

MAR 09 1988

STATE OF IDAHO,

County of Custer } ss.

On this 9th day of May in the year 1967, before me Kent Giles a Notary Public in and for said State, personally appeared William F. Seefried

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

Notary Public for the State of Idaho,
Residing at Mackay, Idaho.

No. 12534

POWER OF ATTORNEY
GENERAL

William F. Seefried

—TO—

Shirley May Seefried

Dated May 9, 1967, 19

STATE OF IDAHO } ss.
County of Custer

I hereby certify that this instrument was filed for record at request of Idaho First National Bank at ~~minutes past~~ 1:00 o'clock P M., this 12th day of May, A. D. 19 67 in my office, and duly recorded in Book 3 of Power of Attorney at page 313

Ex-Officio Recorder

By Margaret Peaton Deputy.

Fees, $1.50

Mail to Shirley May Seefried
Mackay, Idaho

Compared Indexed

RELEASED
MAR 09 1988

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer ss

I, Margaret T. Parks

Publisher of the Challis Messenger a weekly newspaper published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof was published in the regular and entire issue of the Challis Messenger for 2..... consecutive weeks, commencing with the issue dated August 6 19 87 and ending with the issued dated August 13, 19 87

Margaret Parks

Subscribed and sworn to before me this 27th day of August 19 87

Ethel M. Peck

Notary Public, residing at Challis Idaho My commission expires on

3-21-92

RECEIVED

MAR 09 1988

NOTICE OF [redacted] AMENDING OF WATER RIGHT

Notice is hereby given that Permit No. 34-7171 in the name of William Seefried was issued for the diversion of 8.0 cfs of water from a ground water source with the point of diversion within the NW¼NW¼, Sec. 2, T. 6N, R. 24E; Custer County; to be used for the irrigation of 440 acres from Apr. 1 to Nov. 1, within the NW¼, Sec. 2, NE¼NE¼, S½NE¼, N½NW¼; SE¼NW¼, NE¼SE¼, Sec. 3, T. 6N, R. 24E.

The permit holder now proposes to amend Permit No. 34-7171 for the diversion of 3.78 cfs of the water within the NW¼NW¼, Sec. 2, T. 6N, R. 24E (water from the well is discharged into the Big Lost River in the NW¼NW¼, Sec. 2, T. 6N, R. 24E in exchange for water diverted from the river in the SW¼NE¼, Sec. 33, T. 7N, R. 24E through the heading for the Darlington Canal; water conveyed by the canal is rediverted by pump at two locations both in the SE¼NE¼, Sec. 3, T. 6N, R. 24E.), and used to irrigate 189 acres within the W½NW¼, Sec. 2, E½, NE¼SW¼, Sec. 3, T. 6N, R. 24E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho [redacted] or before August 24, 1987.

Norm Young
Acting Director

Published: August [redacted], 1987

AUG 31 1987

Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING DEVICE REQUIREMENT FOR PERMIT NO. 34-7171

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "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"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows: "The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

L. Glen Saxton

GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

Identification No 34 7171

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1 Name of applicant William F. Seefried Phone: 588-3330

post office address Box 176, Mackay, Idaho 83251

2 Source of water supply ground water which is a tributary of _____

3 a Location of point of diversion is NW ¼ of NW ¼ of Section 2 Township 6N

Range 24E B.M. Custer County, additional points of diversion if any _____

b If water is not consumed, it will be discharged into _____ at a point in _____ ¼

of _____ ¼ of Section _____ Township _____ Range _____ B.M. _____

4 Water will be used for the following purposes

Amount 8.00 (cfs or acre feet per annum) for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)

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

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

5 Total quantity to be appropriated

a 8.00 cubic feet per second and/or

b _____ acre feet per annum

6 Proposed diverting works:

a Description of ditches, flumes, pumps, headgates, etc 40 Hp pump and well

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

Period of year during which storage will occur _____ (Mo Day) to _____ (Mo Day) inclusive

c Proposed well diameter is 20 inches, proposed depth of well is 96 feet

7 a Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years

b Estimated construction cost is $ 4000.

8 Description of proposed uses

a If water is **not** for irrigation

(1) Give the place of use of water _____ ¼ of _____ ¼ of Section _____ Township _____

Range _____ B M

(2) Amount of power to be generated _____ hp 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 _____

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

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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	
6N	24E	2					40	40	40	40									160
		3	40		40	40	40	40		40					40				280

Total number of acres to be irrigated 440

c Describe any other water rights used for the same purposes as described above
Cliff Creek, Willow Creek Water

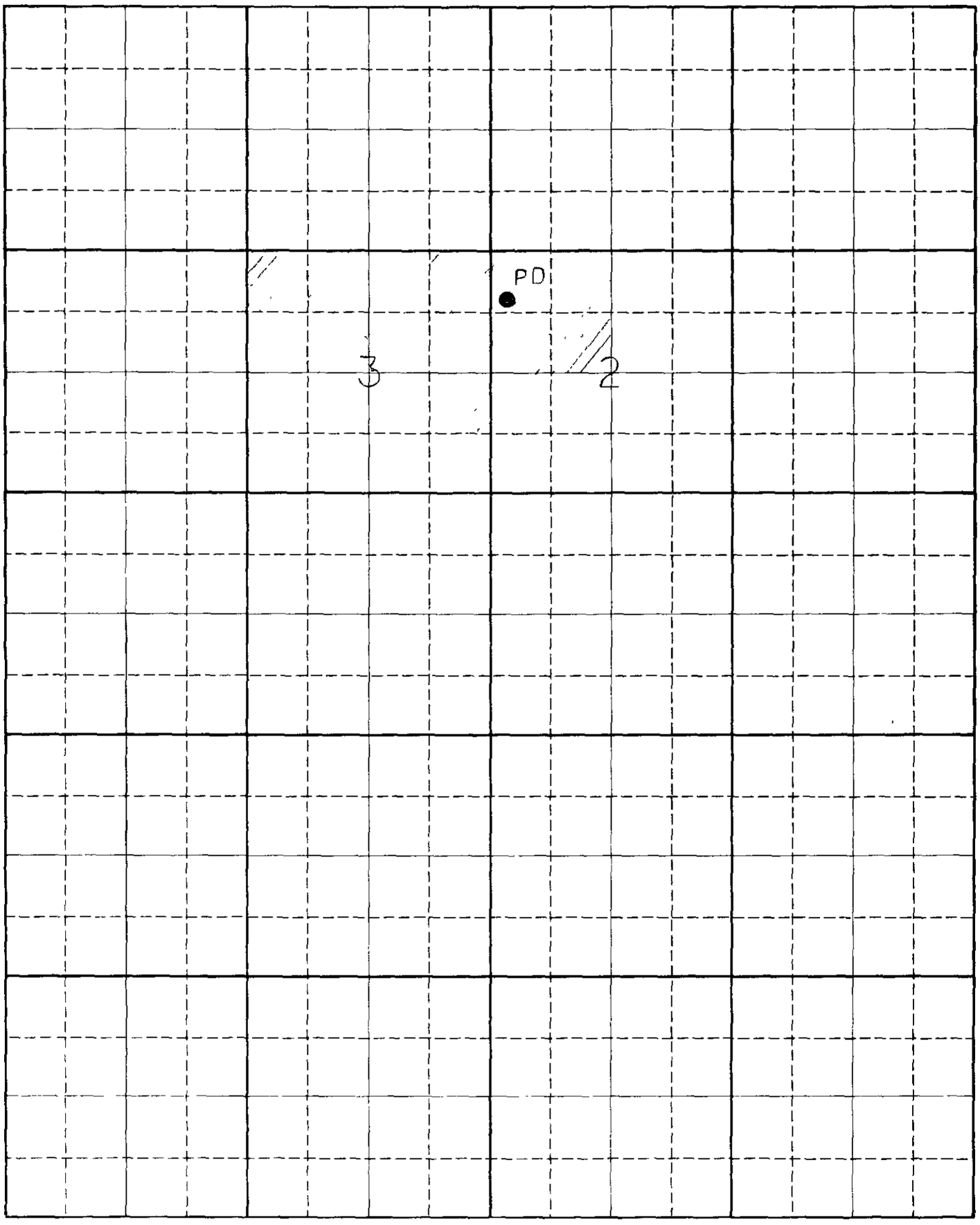
9. a Who owns the property at the point of diversion Applicant

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

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

10 Remarks

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



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

W J Seufried
(Applicant)

3/ 9/77

Proposed Priority _____

Received by [illegible] Date 5-[illegible]-77 Time 2 PM

Preliminary check by [illegible] Fee $ [illegible]

Receipted by [illegible] Date 5-[illegible]-77 #[illegible]

Publication prepared by [illegible] Date 5-11-77

Published in Idaho Statesman

Publication dates May 17, 24, 1977

Publication approved YKE Date 4-4-77

Priority reduced to _____ Reason _____

Protests filed by _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by [illegible]

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 34-7171, 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 April 1, 19 82.

c Other A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works. The rate of diversion of water for irrigation under this right and all other rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Witness my hand this 28 day of April 19 77.

[illegible]
For Director

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, MARGARET PARKS. Publisher of the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated MAR. 17., 19 77 and ending with the issue dated MAR 24, 19 77.

Margaret Parks

Subscribed and sworn to before me this 1 day of April, 19 77

Notary Public, residing at Challis, Idaho. My commission expires on 10-10-77

RECEIVED

APR 4 1977

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that William F. Seefried, Mackay, Idaho has on 3-09-77, submitted Application No. 34-7171 for a permit to appropriate 2.00 cubic feet per second of water from a ground-water source by means of well and pump within the NW¼NW¼, Sec. 2, T. 6N, R. 24E, B.M., Custer County; to be used from Apr. 1 to Nov. 1 for the irrigation of 440 acres within the NW¼, Sec. 2, NE¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, NE¼SE¼, Sec. 3, T. 6N, R. 24E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 4, 1977.

R. KEITH HIGGINSON
Director

Published in the Challis Messenger, Challis, Idaho on March 17 and March 24, 1977

RECEIVED

State of Idaho
DEPARTMENT
1301 North Orchard St

-(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

3-23-93
Place all future correspondence in 2nd file.

November 28, 1989

Hugh Dorst
Star Route
Mackay, ID 83251

RE: LICENSE 34-7171 - KENT

Dear Mr. Dorst:

Department staff have reviewed the water measurements which you submitted with your letter of November 16, 1989. In an attempt to analyse the data, my staff have discussed the data with you once on November 21, 1989 and with Mr. Donald Cain on two occasions on November 22, 1989. Plots of the data you have provided do not conclusively show interconnection between the William Seefried well located in the NE1/4NE1/4 Section 3, T6N, R24E and the flow of water from Kent Springs from which you obtain your water supply. While the data is helpful, there are numerous other factors which could influence changes in surface water flow discharges.

Since the supply of water is of utmost importance to both you and Mr. Seefried, it is important that the department be reasonably sure that interference does exist before directing that diversion of water from the Seefried well be curtailed or shut off. To accomplish this end, I have assigned department staff to further investigate or to conduct tests if appropriate to determine any relationship between the well and the spring. Any tests which are needed will be conducted at or just prior to the beginning of the next irrigation season when the Seefried well can be operated without making special provisions for turning on the well during the non-irrigation season.

By copy of this letter, the department is advising Mr. Seefried of the investigation and/or planned tests and requests his cooperation in the matter.

If you have questions, please feel free to contact L. Glen Saxton at 327-7955 in Boise.

Sincerely,

R. KEITH HIGGINSON
Director

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c: IDWR - E. Region
William Seefried
Donald Cain, Sr.

COPY

MEMORANDUM

To: Hal Anderson

From L. Glen Saxton

RE: WORK REQUEST - INVESTIGATION TO DETERMINE ALLEGED WELL AND SPRING INTERCONNECTION

Date: November 28, 1989

The purpose of this memo is to request that staff from Hydrology Section investigate and/or conduct tests to determine potential interference between a well and a spring in the Mackay, Idaho area. If tests are needed, the tests should be conducted near the beginning of the irrigation season in 1990, perhaps in March or April.

More specifically, owners of decreed right 34-0414 who divert 1.8 cfs from a spring commonly known as Kent Springs allege that a well drilled by William Seefried in 1989 in the NENE Section 3, T6N, R24E,BM reduces the flow of water from Kent Springs. The users of Kent Springs installed weirs and have made some measurements, but there perhaps are other factors which influence the flows measured that is is difficult to draw any definite conclusions using the measurements provided. Steve McCormick and Dennis Dunn of our Idaho Falls office also have visited the site last summer and suspect that there is interference but did not conduct any tests.

The department has been involved in numerous water delivery controversies in the Big Lost River drainage this last year, most of which involved similar allegations between surface and ground water users. Please advise if your staff can conduct the necessary investigations and/or tests in order to provide data and recommendations to guide the department's administrative actions.

I do have the measurements taken this last summer of spring flows relative to diversion of water from the well and can provide them if needed.

DEC 09 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

November 28, 1989

Hugh Dorst
Star Route
Mackay, ID 83251

RE: LICENSE 34-7171 - KENT SPRINGS (34-0414) CONTROVERSY

Dear Mr. Dorst:

Department staff have reviewed the water measurements which you submitted with your letter of November 16, 1989. In an attempt to analyse the data, my staff have discussed the data with you once on November 21, 1989 and with Mr. Donald Cain on two occasions on November 22, 1989. Plots of the data you have provided do not conclusively show interconnection between the William Seefried well located in the NE1/4NE1/4 Section 3, T6N, R24E and the flow of water from Kent Springs from which you obtain your water supply. While the data is helpful, there are numerous other factors which could influence changes in surface water flow discharges.

Since the supply of water is of utmost importance to both you and Mr. Seefried, it is important that the department be reasonably sure that interference does exist before directing that diversion of water from the Seefried well be curtailed or shut off. To accomplish this end, I have assigned department staff to further investigate or to conduct tests if appropriate to determine any relationship between the well and the spring. Any tests which are needed will be conducted at or just prior to the beginning of the next irrigation season when the Seefried well can be operated without making special provisions for turning on the well during the non-irrigation season.

By copy of this letter, the department is advising Mr. Seefried of the investigation and/or planned tests and requests his cooperation in the matter.

If you have questions, please feel free to contact L. Glen Saxton at 327-7955 in Boise.

Sincerely,

R. KEITH HIGGINSON
Director

c: IDWR - E. Region
William Seefried
Donald Cain, Sr.

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Department of Water Resources

Hugh Dorst — 588-3373
Donald Cain Sr. — 588-3090
Star Route
Mackay, Idaho 83251
November 16, 1989

Mr. R. Keith Higginson, Director
Department of Water Resources
State House Mail
Boise, Idaho 83720

Dear Mr. Higginson,

This letter is in reference to a matter we brought to your attention in a letter dated July 3, 1989. We received a reply from your office dated July 20, 1989, signed by L. Glen Saxton, Chief Water Allocation Bureau. After receiving this letter, we complied with your suggestions.

On August 29, following, we had an appointment with Mr. Ron Carlson in Idaho Falls. He failed to meet with us even though he was in his office. We finally got an audience with Dennis Dunn and he outlined procedures for us to go through. We sent a packet, similar to the one enclosed with this letter, with the requested data to Mr. Carlson on September 1. The packet was accompanied with a letter requesting an answer from him in 30 days. Since we failed to hear from him in any manner within 60 days, we sent a follow-up request on October 30, once more asking to hear from him within a week. It has now been two weeks and still we have not been contacted.

We are anxious to have this matter resolved, one way or the other, so we will know what steps we may have to take. At present we do not think it is necessary or right that we hire an attorney to have the laws of the State of Idaho enforced.

We would appreciate an answer from your office before November 28 when the delegation of water users from the Big Lost River Irrigation District has an audience with the Governor. My phone number is 588-3373.

We have chosen not to send a copy of this letter to Mr. Carlson since he has failed to acknowledge our former correspondence.

Sincerely,
Hugh Dorst
Donald Cain Sr.

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Water Right Number - 34-00414 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
KENT	GEORGE	1 -
		2 -
		3 -
		City- State- Zip-
		Phone -

Priority Date	Region	Stage	Status
06/01/1885	15	D - DECREED	

Source	Tributary
KENT SPRINGS	BIG LOST RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
06N	24E	2			(37)	CUSTER

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	05/01	10/15	1.800	

Total Div. Rate	Total Div. Volume	Total Div. Capacity
1.800		

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	24E	1	NW SW			01	IRRIGATION	(37) CUSTER
06N	24E	1	SW SW			01	IRRIGATION	(37) CUSTER
06N	24E	1	SE SW			01	IRRIGATION	(37) CUSTER
06N	24E	2	NE SE			01	IRRIGATION	(37) CUSTER

Total Acres:

Diversion Means -

Non-Irrigation Use -

+ - - Other Rights for Same Use - 34-0415

+ - Remarks - +

P/D PRIVATE DITCH

P/U INCOMPLETE

+ - Conditions of Approval - +

No Conditions of Approval found.

Water right number - 34-00414 Adj. flag translation: Standard Water Right Number

Decree Plaintiff	Decree Defendant	Decree Date
UTAH CONSTRUCTION	JOHN F. ABBOTT, ET AL	10/21/1925

Audit Fields -

Water Rights Dates and Flags Area

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 03/12/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 34
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 10/21/1925				

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

File

June 30, 1989

William Seefried
Box 176
Mackay, ID 83251

RE: TRANSFER 3454 - LICENSE 34-7171

Dear Mr. Seefried:

On October 11, 1988, the department approved a transfer of water right which allowed you to drill a new well in the NE1/4NE1/4 Section 3, T6N, R24E, BM to replace the existing well in Section 2.

The department's approval of the transfer included several conditions including the requirement to obtain a "drilling permit" before constructing the new well, that the new well had to be constructed with unperforated casing and be sealed to a minimum of 50 feet below land surface or to the first confining layer whichever was encountered first and that the old well be abandoned in compliance with Well Construction Standards before diversion of water from the new well would be authorized.

Department records do not show that a drilling permit for construction of the new well has been issued. The department also can not locate a copy of a well log showing that the new well has been constructed. It appears either the new well has not been drilled or the requirements of the transfer have not been met.

Since there apparently is substantial controversy in the Big Lost River basin this year relative to the relationship of ground water to surface water, it is most important that you submit information to the department at your earliest convenience in order to determine whether diversion and use of water under the terms of the transfer is authorized.

Please contact the department if you have questions. My direct phone number is 327-7955.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: E. Region
Doug Rosenkrance

Star Route
Mackay, Idaho 83251
October 30, 1989

Mr. Ron Carlson, Eastern Region Supervisor
Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

Dear Mr. Carlson,
This letter is a follow-up to a letter sent to your office on September 1, 1989 pertaining to a dispute over the William Seefried well which we claim reduced the flow of water from Kent Springs. In our letter we requested a reply in 30 days. It has now been over six weeks and we have not heard from your office on this matter. We would appreciate your review of our previous letter and request and would like to hear from you within the next week if possible.

Sincerely,

Hugh Doust
Donald W. Evans
Carolyn R. Evans
Mary M. Doust

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Eastern District Office

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Department of Water Resources
Eastern District Office

Star Route
Mackay, Idaho 83251
September 1, 1989

Mr. Ron Carlson, Eastern Region Supervisor
Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

Dear Mr. Carlson,

This letter pertains to the irrigation well licensed as #34-7171 to William and Holley Seefried, which was drilled in 1989 within the perimeter of Kent Springs, Custer County Idaho, from which our decreed water for 160 acres (Section 1, Township 6 N, Range 24 EBM, SE¼ of SW¼ and the W½ SW¼; Section 2 NE¼ of SE¼) comes. The number of our decree is #34-0414, the priority date is 6/1/1885 for 90 inches or 1.8 CFS from Kent Springs. The location of the well and Kent Springs has been checked by Mr. Dennis Dunn and Mr. Steve McCormick of your office at our request. We have installed two measuring devices, weirs, under the direction of Mr. McCormick.

We are submitting affidavits, one each, from the following:

Lloyd Smith
Marlin Anderson
James Lambert
Scott McAffee
Earl Cotteral
Hugh & Mary Dorst
Donald Cain

These affidavits were submitted by long-time residents of our immediate area, one previous owner, one previous tenant and the present owners, Don Cain and Hugh & Mary Dorst.

Donald Cain has been monitoring the stream flows from Kent Springs from July 25th to August 28th, 1989. We submit his readings for this period, along with a record of the usage of the Seefried well-pump. Our letter to your office of July 3,1989, written in error to Ernest Carlsen instead of Ron Carlson, a copy of which was hand delivered by Don Cain to the Seefrieds, requested that the Seefrieds and the Water Resources Board also monitor the Kent Springs stream flows. We have no knowledge of whether or not this has been done.

Kent Springs lies between the Big Lost River and the Darlington Ditch. We are submitting stream flows obtained from the Big Lost River Irrigation District, dated 8/14/1989 through 8/28/1989, along with our readings from the two weirs situated in the channel from Kent Springs. Weir #2 is located at our point of deversion. Weir #1 is located at the outlet of Kent Springs at the insistence of William Seefried when he met with Lloyd Smith, Donald Cain, Hugh Dorst and Dennis Dunn of your office.

We request that your department review the enclosed data and we also request that your department measure the flow from the Seefried pump and place Mr. Seefried on Water Master control subject to existing surface rights.

We also request that we have a reply, in writing, from your office to Mr. & Mrs. Donald Cain and Hugh & Mary Dorst within thirty days from the receipt of this letter. The reason for some haste in this matter is so that we will be able to formulate our future plans. We have definitely been hurt this past growing season by the loss of stream flow from Kent Springs.

Sincerely,

Donald W. Cain S.
Mary Dorst
Hugh Dorst

Enclosures: 7 Affidavits
1 comparison chart of stream flows from Big Lost River
1 record of flow from Darlington Ditch
1 print-out of stream flows from Kent Springs/ record of Seefried pump usage

DEC 89 109

AFFIDAVIT

I purchased 160 acres (Section 1, Township 6 N, Range 24 EBM, SE¼ of SW¼ and the W½ SW¼. Section 2 NE¼ of SE¼) from William Bitton in 1976. I put up 100 to 120 ton of hay and pastured 80 head of cattle for four months out of the year until 1979 when I sold Donald and Carolyn Cain the NE¼ SE¼ Sec. 2, T 6 N, R 24 EBM (40 acres). From that time on I pastured the remaining 120 acres for at least four months with 80 head of cattle. Our water supply from Kent Springs was definitely adequate. We sold the remaining 120 acres to Mary and Hugh Dorst in 1987.

Scott McAffee 8/17/89

SCOTT McAFFEE

DEC 09 1991

AFFIDAVIT

I have lived on our present ranch, which adjoins the Bitton Ranch, (Section 1, Township 6 N, Range 24 EBM. SE¼ of SW¼ and the W½ SW¼. Section 2 NE¼ of SE¼) for thirty-one years. The water from Kent Springs runs through our property. This water supply has been the envy of the water users in this area up until this year. This year I leased the 120 acres in the SE¼ of SW¼ and the W½ SW¼ sec. 1, T 6N, R 24 EBM with the option to buy it for $57,000.00 because of the free, adequate water supply. Due to the shortage of water from Kent Springs for the first time in thirty-one years, I have had to drop my option.

Lloyd T. Smith

LLOYD SMITH

DEC 9 [illegible]

AFFADIVIT

We, Hugh and Mary Dorst, purchased 120 acres of ground (Sec.1, W½ SW¼, SE¼ SW¼ T. 6 N R 24 EBM) from Scott and Gail McAffee in 1987 along with 60 inches of water from Kent Springs, priority date 6/1/1885, and 40 inches of decreed water from the Big Lost River Irrigation District, priority date 6/1/1885. The water from these sources was used to flood the 120 acres in 1988. There was a high shrink on the water from the Big Lost River District. However, we did get our water from Kent Springs which was adequate to flood the lower part of the 120 acres. Hugh Dorst has been familiar with the water for Sec. 1 W½ SW¼ SE¼ SW¼ and Sec. 2, NE¼ SE¼, T. 6N R. 24 EBM in that he had it for sale for Scott McAffee since 1978. In 1979 he sold 40 acres for Mr.McAffee to Donald and Carolyn Cain (Sec. 2, NE¼ SE¼, T.6 N, R 24 EBM). In 1989, we, Hugh and Mary Dorst purchased 27.9 acres of this Cain property when it was put up for sale. We did this in order to get the Kent Springs water.

After the William and Holly Seefried well was drilled in 1989 within the perimeter of Kent Springs, our supply of water from the Springs dropped to where we could not even run our sprinklers on 30 acres of ground without supplementing it with water from another source. We barely had stock water for the 120 acres we purchased from Scott and Gail McAffee in 1987. The Seefried pump was turned off on August 26, 1989 and our water from Kent Springs has been showing a definite increase in volume since that date.

Hugh H. Dorst 8-28-89

Mary M. Dorst 8-28-89

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AFFIDAVIT

My wife and I purchased the NE¼ SE¼ Sec. 2, Tn 6 N, R 26 EBM from Scott and Gail McAffee in 1979. We put sprinklers on the property and raised hay and pasture. There was never a time until this year, 1989, that we did not have enough water to sprinkle adequately. In the last three years we have spent $3,000 improving the ditch that delivers the water from Kent Spring to our property. This work was done by Mackay Lumber Company, Pehrson Construction Company, William Seefried and contract work done by the Big Lost River Irrigation District. At the time that Scott McAffee owned the adjoining property, we had adequate water to sprinkle our 40 acres and also deliver Scott's decreed water to him. After he sold the property to Hugh and Mary Dorst in 1987, we were able to turn this decreed water to them. In 1989 we sold 28.9 acres of our 40 acres to Hugh and Mary Dorst. As soon as the William Seefried well was drilled in 1989, our water supply dropped to where it was not adequate to water our remaining acres. It was necessary to get supplemental water from another source. The only water we could turn to the Dorst property was stock water. Through the years we have owned this property until 1989, our water from Kent Springs was the envy of other neighboring water users.

Early in the spring of 1989, I, in my role as a real estate salesman, had the Dorst property for sale. William Seefried

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asked me to try and obtain a lease-option on the Dorst property. I was unable to give it to him because the property had been committed to Lloyd Smith at that time. It was after this that the Seefried well was drilled.

Donald W. Cain Sr.

DONALD CAIN SR.

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AFFIDAVIT

I was raised on the ranch which I now own. This ranch adjoins the Cain and Dorst properties. The ditch leading from Kent Springs to their ranches crosses under our driveway. In my estimation, Kent Springs has been a dependable source of irrigation for them.

My grandfather, William Bitton, owned the place now owned by Cains and Dorsts from 1955 to 1976.

Melvin J. Cudmore

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AFFIDAVIT

I have been familiar with the Dorst and Cain properties, (Section 1, Township 6 N, R 24 EBM, SE¼ of SW¼ and the W½ SW¼; Section 2 NE¼ of SE¼) in that I resided on and farmed the property from approximately 1938 to 1945. Quote: "It was an 1885 water right; it was better than all the '84's." During those years the water supply from Kent Springs was definitely adequate to raise hay and pasture our cattle. It was considered to be the best water in the neighborhood.

I still frequently fish on the Kent Springs and near by at the river.

Signature: Earl E. Cattell

Date: 8-26-1959

DEC 09 1981

AFFIDAVIT

I have lived on our ranch, which is adjacent to the Dorst and Cain properties (Section 1, Township 6 North, Range 24 EBM, SE1/4 of SW1/4 and the W1/2 SW1/4; Section 2 NE1/4 of SE1/4) since 1948. Through the years I have known Kent Springs to supply or be a source of irrigation water for this ranch to produce crops and livestock pasture sufficient to make their living.

James C. Lambert

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M E M O R A N D U M

Date: August 29, 1989

From: Dennis Dunn

To: Ron Carlson (file)

Subject: William Seefried Well in Kent Springs

On July 25, 1989, I met with Mr. William Seefried and Mr. Hugh Dorst. We inspected the location of Mr. Seefried's well and measured the amount of water flowing into Kent Creek, from Kent Springs, at Mr. Dorst's point of diversion.

Kent Springs rises at the toe of an alluvial fan that has been reworked by the Big Lost River. In the geologic setting occupied by Kent Springs, large scale impervious layers do not exist. While clay layers can be found, they are of small scale, contain sand and gravel, and tend to be porous.

Mr. Seefried drilled his well in the middle of Kent Springs. I believe the placement of the well in the middle of Kent Springs by Mr. Seefried was deliberate. I also believe the well is directly interfering with the flow of Kent Springs.

Steve McCormick has inspected the location of Mr. Seefried's well. In our conversations, he told me he believes the well is interfering with Kent Springs.

Kent Creek was flowing .38cfs at Mr. Dorst's point of diversion. Mr. Dorst has the only right in Kent Springs (34-00414, June 1, 1885 for 1.8cfs). Because of this, Mr. Dorst has not kept a record of the flow of Kent Springs.

Rather than Mr. Dorst having to prove he has been injured, Mr. Seefried should have to prove he is not injuring the flow of Kent Springs and, thereby, Mr.

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Dorst. If he is unwilling, unable, or cannot do so, the Idaho Department of Water Resources could require Mr. Seefried to (1) go on regulation, subject to all surface rights in Kent Springs, (2) deepen his well and casing, and (3) move the location of his well out of Kent Springs.

While Mr. Seefried met the conditions of approval attached to his transfer, that does not mean his well is not injuring the flow of Kent Springs, nor do I believe it frees him of further regulation of his well by the department.

Dennis M. Dunn

Dennis M Dunn

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Print-out of water measurements of Kent Springs made by Don Cain and a record of when the Seefried well was in service.

	SEEFRIED WEIR #1	CAIN WEIR #2	CENTER	WHEEL	LINE#	LINE#	LINE#
[redacted]							
MORNING		2.7	3.5YES	NO	NO	NO	NO
EVENING		1.7	2.5YES	NO	NO	NO	NO
JULY 26, 1989							
MORNING		2.7	3.5YES	NO	NO	NO	NO
EVENING		2.7	3.1yes	no	no	no	no
JULY 27,1989							
MORNING		2.7	3.1YES	NO	NO	NO	NO
EVENING		2.7	3.1YES	NO	NO	NO	NO
JULY 28, 1989							
MORNING		2.8	3.1YES	NO	NO	NBO	NO
EVENING		2.6	3yes	no	NO	NO	NO
JULY 29, 1989							
MORNING		2.6	3.1YES	NO	NO	NO	NO
EVENING		2.5	3YES	NO	NO	NO	NOO
JULY 30, 1989		0					
MORNING		2.6	3.2YES	NO	NO	NO	NO
EVENING		2.5	3YES	NO	NO	NO	NO
JULY 31,1989							
MORNING	3	2.8	3.1yes	no	no	no	no
ENENING		2.6	2.75yes	no	no	no	no
aug.1,1989							
morning		2.6	2.75yes	yes	yes	no	no
evening		2.5	2.7YES	YES	YES	NO	NO
AUGUST 2,1989							
MORNING		2.4	2.6YES	YES	YES	NO	NO
EVENING		2.4	2.5yes	yes	yes	no	no
aug 4, 1989							
morning		2.4	2.5yes	yes	yes	no	no
evening		2.3	2.4yes	yes	yes	yes	yes
AUG 5, 1989							
MORNING		2.3	2.3YES	YES	YES]	YES	YES
EVENING		2.2	2.2YES	YES	YES	YES	YES
AUG 6, 1989		2.1	2.2YES	YE3S	YES	YES	YES
MORNING		2.1	2.2Y2S	YES	YES	YES	YES
EVENING							
AUG 7, 1989							
MORNING		2.1	1.9YES	YES	YES	YES	YES
EVENING		2.1	1.9YES	YES	YES	YES	YES
AUG 8, 1989							

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MORNING

MORNING	2	1.8yes	yes	yes	yes	yes
EVENING	2	1.9yes	yes	yes	yes	yes
aug 9, 1989						
morning	2.1	1.9yes	yes	yes	yes	yes
evening	2.1	1.9yes	yes	yes	yes	yes
aug 10, 1989						
morning	2.05	1.8yes	yes	yes	yes	yes
evening	2.05	1.8yes	yes	yes	yes	yes
AUG 11, 1989						
MORNING	2.1	1.8YES	NO	NO1	NO	NO
EVENING -	2.1	1.75YES	NO	NO	NO	NO
AUG. 12, 1989						
MORNING	2	1.7YES	NO	NO	NO	NO
EVENING	2	1.7YES	NO	NO	NO	NO
AUG 13,1989						
MORNING	2	1.7YES	NO	NO	NO	NO
EVENING	2	1.7YES	NO	NO	NO	NO
AUG.14, 1-						

MORNING	1.9	1.5YES	NO	NO	NO	NO
EVENING	1.9	1.5YES	NO	NO	NO	NO
AUG.15, 1989	1.9	1.5yes	yes	yes	no	no
morning						
evening	1.9	1.5yes	yes	yes	no	no
AUG 16, 1989						
MORNING	1.9	1.6YES	YES	YES	NO	NO
EVENING	1.8	1.6YES	YES	YES	YES	NO
AUG.17.1989	1.9	1.6YES	YES	YES	NO	NO
MORNING						
EVENING	1.9	1.6YES	YES	YES	NO	NO
AUG 18,1989						
MORNING	1.9	1.5YES	YES	YES	NO	NO
EVENING	1.8	1.5YES	YES	YES	NO	NO
AUG 19, 1989						
MORNING	1.8	1.5YES	YES	YES	NO	NO
EVENING	1.8	1.5YES	YES	YES	NO	NO
AUG. 20, 1989	0	0-	-	-	-	-
MORNING	1.7	1.5YES	YES	YES	NO	NO
EVENING	1.6	1.5YES	YES	YES	NO	NO
AUG 21, 1989						
MORNING	1.6	1.5YES	YES	NO	NO	NO
EVENING	1.5	1.4YES	YES	NO	NO	NO

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MORNING	1.3	.75YES	YES	YES	YES	YES	
EVENING	1.3	.5YES	YES	YES	YES	YES	
AUG 24,1989	0	0	0	0	0	0	0
MORNING	1.3	.5YES	YES	YES	YES	YES	
EVENING	1.2	.5YES	YES	YES	YES	YES	
AUG 25,1989	0	0	0	0	0	0	0
MORNING	1.2	.4YES	YES	YES	YES	YES	
EVENING	1.2	.4YES	YES	YES	YES	YES	
AUG 26,1989							
MORNING	1.2	.5NO	NO	NO	NO	NO	
EVENING	1.8	.75NO	NO	NO	NO	NO	
AUG 27,1989							
MORNING	2.3	1.1NO	NO	NO	NO	NO	
EVENING	2.4	1.2NO	NO	NO	NO	NO	
AUG 28,1989							
MORNING	2.5	1.5NO	NO	NO	NO	NO	
EVENING	2.2-	YES	YES	YES	NO	NO	

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July 20, 1989

Hugh Dorst
Mackay, ID 83251

Dear Mr. Dorst:

The department has reviewed your letter dated July 3, 1989 relative to potential interconnection of a spring located in Sections 34 and 35, T6N, R24E and a well drilled pursuant to license 34-7171 in the name of William and Holly Seefried.

A review of the water right file shows that License 34-7171 was issued in February 1988 with the well located in NW1/4NW1/4 Section 2, T6N, R24E, BM. In October 1988, the department approved transfer 3454 which authorized a change in the location of the point of diversion (well) to the NE1/4NE1/4 Section 3, T6N, R24E, BM. The well has been constructed.

Conducting measurements of discharge from your spring is a worthwhile effort, but the measurements likely will not show changes in flow which may be attributable to the Seefried well. The reason is that a data base of past flows is needed to make appropriate comparisons. If decreases in flow from the springs can be shown, some sort of determination then would need to be made to show whether the decrease was attributable to a well or wells or to natural decreases of recharge to the general ground water system.

I have contacted the watermaster, Doug Rosenkrance, who indicated he is willing to check on your measuring device to determine whether it is properly installed. I also discussed your measurement plans with Mr. Seefried who was not adverse to the taking of measurements.

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

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: E. Region
Doug Rosenkrance
William Seefried

DEC 09 1991

July 3, 1989

Mr. Hugh Dorst
Mr. Donald Cain, Sr.
Star Route
Mackay, Idaho 83251

RECEIVED
JUL 06 1989
Department of Water Resources

Mr. Ernest Carlsen
Department of Water Resources
150 Shoup Avenue
Idaho Falls, Idaho 83401

Dear Mr. Carlsen:

We have reason to believe that unlicensed Well No. 347171 located in Sec. 34, T6N, R24E, is restricting the flow of our decreed water from Kent Springs located in Sections 34 and 35 of T6N, R24E. This well belongs to William A. Seefried.

Our decree reads 90 inches of water from Kent Springs with a priority date of June 1, 1885. We are in the process of monitoring the flow from the springs and are recording our readings. We are doing this on our own as our local Watermaster, Mr. Doug Rosenkrance does not wish to become involved in record-this water.

We would hope that someone representing the Water Resources Board or William Seefried would come forth and help with these readings so an uncontested record can be kept.

We request that this pump not be licensed until it is proven that we are not being damaged. In the event it is ruled that we are being deprived of a portion or eventually all of our water due to the above mentioned well, we maintain the use of the well should be discontinued. It is our understanding that Well No. 347171 is to be inspected in the near furture, and we would like to have the inspector from your office look the situation over at that time.

Sincerely,

Hugh Dorst
Donald Cain, Sr.

Copies to: Mr. Keith Higgenson ✓
Department of Water Resources
State House, Boise, Idaho 83720
Mr. Douglas Rosenkrance
Big Lost River Watermaster
Mackay, Idaho 83251
Mr. William A. Seefried
Mackay, Idaho 83251

DEC 09 19[illegible]

where taken? Unknown.

BIG LOST RIVER RELEASE flows

Date	C.F.S.	Inches
8/14/1989	312	15,600
8/15	296	14,800
8/16	292	14,600
8/17	264	13,200
8/18	211.7	10,585
8/19	187.6	9,380
8/20	184.2	9,210
8/21	180.8	9,040
8/22	177.4	8,870
8/23	167.2	8,360
8/24	208	10,400
8/25	194.4	9,720
8/26	191	9,550
8/27	187.6	9,380
8/28	184.2	9,210

DITCH Darlington

From Aug 13 to Aug 19, 1989

NAME	Account Number	13 Sunday	14 Monday	15 Tuesday	16 Wednesday	17 Thursday	18 Friday	19 Saturday
1. Shane Rosenbrand	√322	225	225	225	225	225	225	225
2. Orville Smith	√325A	417	417	417	417	417	417	417
3. Lloyd Smith	√360	83	83	83	83	83	83	83
4. Higgs Farms	√411A	83	83	83	83	83	83	83
5. Mike Duke	√325AA	233	233	233	233	233	233	0
6. Marlin anderson	√257	75	75	75	325	325	250	250
7. Clyde Lambert	√259	0	0	225	225	225	225	225
8. Emil Goff	√263	0	0	0	0	250	250	250
9.								
10.								
11. These figures on Marlin Anderson below								
12. should have been on last weeks report								
13.								
14. Marlin anderson √ ~~257~~		317	317	75	75	~~75~~	75	75
15. aug 6 to aug 1989								
16. AUG 19		1,313.00 CF	1,313.00 CF	1,313.00 CF			1,313.00 CF	

DITCH Darlington

From Aug 13 to Aug 19, 1989

NAME	Account Number	13 Sunday	14 Monday	15 Tuesday	16 Wednesday	17 Thursday	18 Friday	19 Saturday
1. Ann managaff t-low								
2.								
3. Orville Smith	√325A	50	50	100	150	150	50	50
4.								
5.		1166	1166	1441	~~1652~~	1991	1816	155
6.					1741			
7.								
8. AUG 19		60000 CF	60000 CF	60000 CF			60000 CF	
9.								
10.								
11. AUG 19		.00 CF	.00 CF		.00 CF			.00
12.								
13.								
14.		DEC 06 1991						
15.								
16.								

DITCH Darlington

From aug 20 to aug 26, 1989

NAME	Account Number	20 Sunday	21 Monday	22 Tuesday	23 Wednesday	24 Thursday	25 Friday	26 Saturday
1. Orville Smith	325A	292	292	292	0	0	0	0
2. Lloyd Smith	260	83	83	83	83	83	83	0
3 Kizer Farms	411A	83	83	0	83	83	83	83
4. Clyde Lambert	259	150	0	0	0	0	0	0
5. Marlin Anderson	257	250	250	250	250	250	250	250
6.								
7.								
8.								
9								
10. AUG 26	3780.00	3780.00 CR	3780.00 CR	3780.00 CR			3780.00 CR	
11.								
12.								
13.								
14.								
15.								
16								

DITCH Darlington

From aug 20 to aug 26, 1989

NAME	Account Number	20 Sunday	21 Monday	22 Tuesday	23 Wednesday	24 Thursday	25 Friday	26 Satur
1. ~~Orville Sm~~								
2. Kinnard ditch flow								
3 Orville Smith	325A	100	50	50	100	50	0	0
4.								
5.		966	752	675	516	466	414	3
6.								
7.								
8.								
9. AUG 24	350.00	350.00 CR	350.00 CR	350.00 CR		350.00 CR		
10. AUG 26		.00 CR	.00 CR		.00 CR			.00 C
11.								
12 Reading from Aug 21 and 22 obtained from								
13 Daniel Kizer 1991		300 inches on aug 27						
14		400 inches on aug 28						
15.								
16.								

90" right
24" weir - Rectangular

outlet of plant spec.

Forest point div.

See file

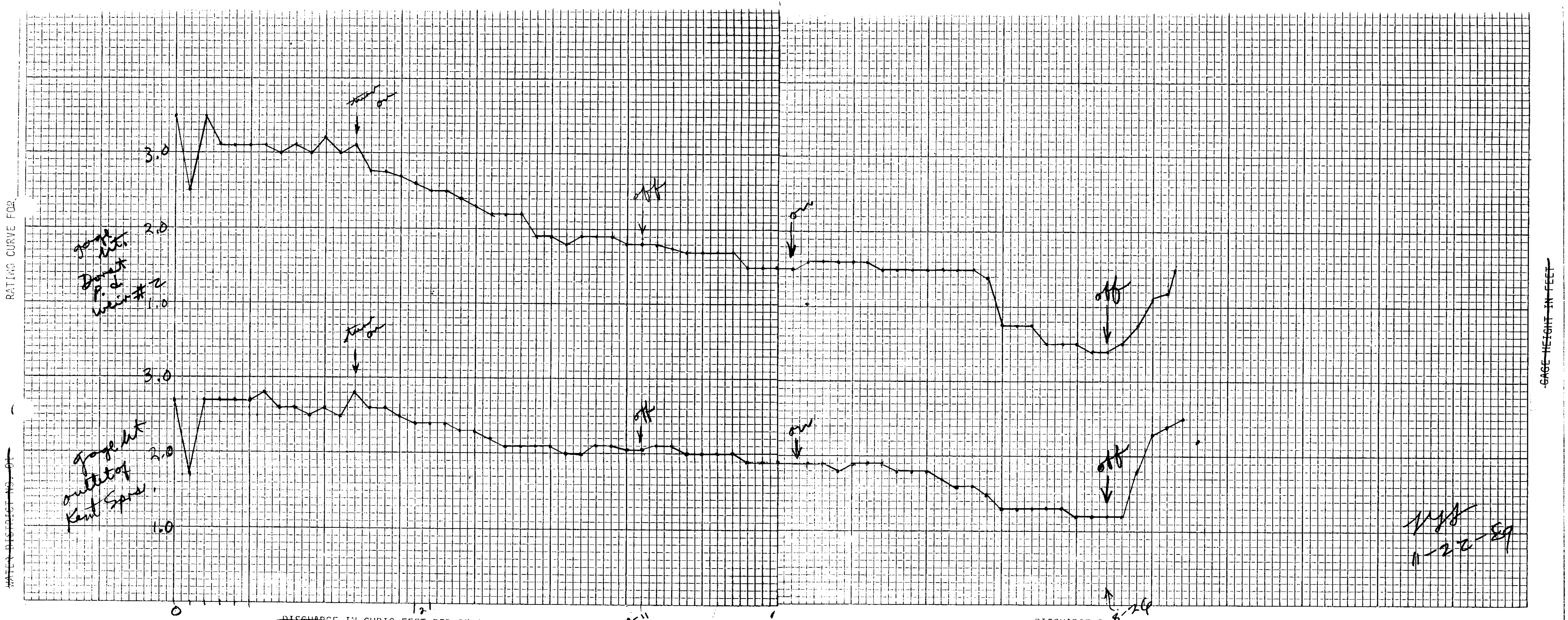
	A	B	C	D	E	F	G
1	.....						
2			SEEFRIED CAIN				
3	JULY 25,1989		WEIR #1	WEIR #2	CENTER	WHEEL	LINE#	LINE#
4							
5	MORNING		2.7	3.5YES	NO	NO	NO
6	EVENING		1.7	2.5YES	NO	NO	NO
7	JULY 26, 1989						
8	MORNING		2.7	3.5YES	NO	NO	NO
9	EVENING		2.7	3.1yes	no	no	no
10	JULY 27,1989						
11	MORNING		2.7	3.1YES	NO	NO	NO
12	EVENING		2.7	3.1YES	NO	NO	NO
13	JULY 28, 1989						
14	MORNING		2.8	3.1YES	NO	NO	NBO
15	EVENING		2.6	3yes	no	NO	NO
16	JULY 29, 1989						
17	MORNING		2.6	3.1YES	NO	NO	NO
18	EVENING		2.5	3YES	NO	NO	NO
19	JULY 30, 1989		0				
20	MORNING		2.6	3.2YES	NO	NO	NO
21	EVENING		2.5	3YES	NO	NO	NO
22	JULY 31,1989						
23	MORNING	3	2.8	3.1yes	no	no	no
24	ENENING		2.6	2.75yes	no	no	no
25	aug.1,1989						
26	morning		2.6	2.75yes	yes	yes	no
27	evening		2.5	2.7YES	YES	YES	NO
28	AUGUST 2,1989						
29	MORNING		2.4	2.6YES	YES	YES	NO
30	EVENING		2.4	2.5yes	yes	yes	no
31	aug 4, 1989						
32	morning		2.4	2.5yes	yes	yes	no

	A	B	C	D	E	F	G	H
33	evening		2.3	2.4yes	yes	yes	yes
34	AUG 5, 1989						
35	MORNING		2.3	2.3YES	YES	YES1	YES
36	EVENING		2.2	2.2YES	YES	YES	YES
37	AUG 6, 1989		2.1	2.2YES	YE3S	YES	YES
38	MORNING		2.1	2.2Y2S	YES	YES	YES
39	EVENING						
40	AUG 7, 1989						
41	MORNING		2.1	1.9YES	YES	YES	YES
42	EVENING		2.1	1.9YES	YES	YES	YES
43	AUG 8, 1989						
44	MORNING		2	1.8yes	yes	yes	yes
45	EVENING		2	1.9yes	yes	yes	yes
46	aug 9. 1989						
47	morning		2.1	1.9yes	yes	yes	yes
48	evening		2.1	1.9yes	yes	yes	yes
49	aug 10, 1989						
50	morning		2.05	1.8yes	yes	yes	yes
51	evening		2.05	1.8yes	yes	yes	yes
52	AUG 11, 1989						
53	MORNING		2.1	1.8YES	NO	NO1	NO
54	EVENING		2.1	1.75YES	NO	NO	NO
55	AUG. 12, 1989						
56	MORNING		2	1.7YES	NO	NO	NO
57	EVENING		2	1.7YES	NO	NO	NO
58	AUG 13,1989						
59	MORNING		2	1.7YES	NO	NO	NO
60	EVENING		2	1.7YES	NO	NO	NO
61	AUG.14,						
62	MORNING		1.9	1.5YES	NO	NO	NO
63	EVENING		1.9	1.5YES	NO	NO	NO
64	AUG.15, 1989		1.9	1.5yes	yes	yes	no
65	morning						
66	evening		1.9	1.5yes	yes	yes	no
67	AUG 16, 1989						
68	MORNING		1.9	1.6YES	YES	YES	NO
69	EVENING		1.8	1.6YES	YES	YES	YES
70	AUG.17.1989		1.9	1.6YES	YES	YES	NO
71	MORNING						
72	EVENING		1.9	1.6YES	YES	YES	NO

DEC 09 1991

73	AUG 18,1989						
74	MORNING	1.9	1.5YES	YES	YES	NO	
75	EVENING	1.8	1.5YES	YES	YES	NO	
76	AUG 19, 1989						
77	MORNING	1.8	1.5YES	YES	YES	NO	
78	EVENING	1.8	1.5YES	YES	YES	NO	
79	AUG. 20, 1989	0	0-	-	-	-	
80	MORNING	1.7	1.5YES	YES	YES	NO	
81	EVENING	1.6	1.5YES	YES	YES	NO	
82	AUG 21, 1989						
83	MORNING	1.6	1.5YES	YES	NO	NO	
84	EVENING	1.5	1.4YES	YES	NO	NO	
85	AUG 22, 1989		YES				
86	MORNING	1.3	.75YES	YES	YES	NO	
87	EVENING	1.3	.75YES	YES	YES	NO	
88	AUG 23,1989						
89	MORNING	1.3	.75YES	YES	YES	YES	
90	EVENING	1.3	.5YES	YES	YES	YES	
91	AUG 24,1989	0	0	0	0	0	0
92	MORNING	1.3	.5YES	YES	YES	YES	
93	EVENING	1.2	.5YES	YES	YES	YES	

	A	B	C	D	E	F	G	H	
94	AUG 25,1989	0	0	0	0	0		0	
95	MORNING	1.2	.4YES	YES	YES	YES			
96	EVENING	1.2	.4YES	YES	YES	YES			
97	AUG 26,1989								
98	MORNING	1.2	.5NO	NO	NO	NO			
99	EVENING	1.8	.75NO	NO	NO	NO			
100	AUG 27,1989								
101	MORNING	2.3	1.1NO	NO	NO	NO			
102	EVENING	2.4	1.2NO	NO	NO	NO			
103	AUG 28,1989								
104	MORNING	2.5	1.5NO	NO	NO	NO			
105	EVENING	2.2-	YES	YES	YES	NO			


RATING CURVE FOR
WATER DISTRICT NO. 01
GAGE HEIGHT IN FEET
DISCHARGE IN CUBIC FEET PER
gage ht. Dorset P. d weir #2
3.0
2.0
1.0
turn on
off
on
off
gage ht outlet of Kent Sprs.
3.0
2.0
1.0
turn on
off
on
off
0
1/2
8-26
11-22-89

June 30, 1989

William Seefried — 588-3330
Box 176
Mackay, ID 83251

RE: TRANSFER 3454 - LICENSE 34-7171

Dear Mr. Seefried:

On October 11, 1988, the department approved a transfer of water right which allowed you to drill a new well in the NE1/4NE1/4 Section 3, T6N, R24E, BM to replace the existing well in Section 2.

The department's approval of the transfer included several conditions including the requirement to obtain a "drilling permit" before constructing the new well, that the new well had to be constructed with unperforated casing and be sealed to a minimum of 50 feet below land surface or to the first confining layer whichever was encountered first and that the old well be abandoned in compliance with Well Construction Standards before diversion of water from the new well would be authorized.

Department records do not show that a drilling permit for construction of the new well has been issued. The department also can not locate a copy of a well log showing that the new well has been constructed. It appears either the new well has not been drilled or the requirements of the transfer have not been met.

Since there apparently is substantial controversy in the Big Lost River basin this year relative to the relationship of ground water to surface water, it is most important that you submit information to the department at your earliest convenience in order to determine whether diversion and use of water under the terms of the transfer is authorized.

Please contact the department if you have questions. My direct phone number is 327-7955.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: E. Region
Doug Rosenkrance

DEC 09 1991

Form 238-7
9/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER OR BALLPOINT PEN

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.

1. WELL OWNER

Name W. A. SieFried

Address MacKay ID.

Owner's Permit No. Transfer # 3454

2. NATURE OF WORK

☑ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc in lithologic log)

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	From	To
.250 inches	16" inches +	1 feet	90 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 3/8 inches by 10" inches

Number		From	To
165'	perforations	24' feet	90' 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 of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth _____ Material used in seal: ☐ Cement grout ☑ Bentonite ☐ Puddling clay ☐ _____
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 1½ pipe

6. LOCATION OF WELL

Sketch map location must agree with written location.

N / W / E / S

Subdivision Name _____

Lot No ____ Block No. ____

County Custer

NE ¼ NE ¼ Sec. 3 , T 6 N/S, R. 24 E/W.

7. WATER LEVEL

Static water level 10' feet below land surface
Flowing? ☐ Yes ☑ No G.P.M flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by ☐ Valve ☐ Cap ☐ Plug
Temperature ____ °F Quality Good
Describe artesian or temperature zones below

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☒ Other _____

Discharge G.P.M	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
	0	2	Topsoil		
	2	18	Sand Gravel		
	18	21	Sand + Clay		✓
	21	90	Gravel	X	
	90	—	Basalt Rock		

RECEIVED
JUN 1 1989
Department of Water Resources
Eastern District Office

10.

Work started 5-23-89 finished 6-2-89

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Findley Drilling Firm No. 062
Address 285 Parson Blvd Date _____
Signed by (Firm Official) Bill Findley
and
(Operator) Bill Findley

RECEIVED
DEC 05 1991

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

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

CECIL D. ANDRUS
GOVENOR
R. KEITH HIGGINSON
DIRECTOR

October 18, 1988

RE: Transfer of Water Right No. 34-7171

William A. or Holly C. Seefried
Box 176
Mackay, ID 83251

Dear Mr. and Mrs. Seefried:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3454). Be sure to note any conditions of approval as listed on the second page.

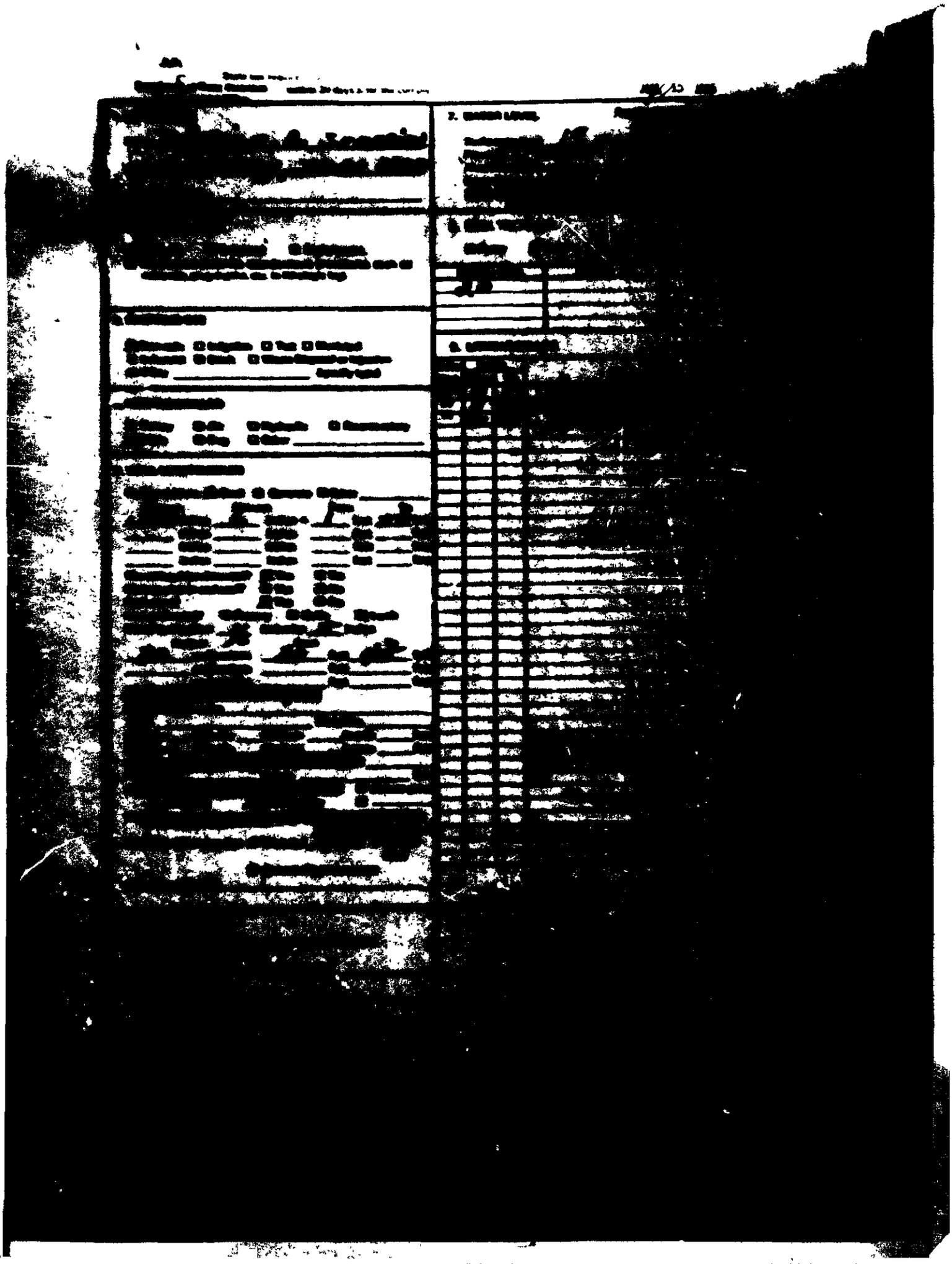
Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED
NOV 22 1988



MEMORANDUM

TO: FILE

FROM: JIM JOHNSON

RE: TRANSFER REVIEW OF TRANSFER NO. 3454, SEEFRIED

DATE: 9-16-88

==========

CONDITIONS OF APPROVAL

<<R01>> A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

<<R04>> Use of water under this license is subject to control by the watermaster of State Water District No.34 Big Lost River.

NOV 22 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

June 17, 1988

William A. Seefried
Box 176
Mackay, Idaho 83251

Dear Sir:

Part of the process for reviewing applications for transfer requires that the applicant provide proof of ownership of the land. The proof can consist of a copy of last years tax notice.

Please supply this office with a copy of last year's tax notice for the place of use under this transfer before June 29, 1988.

Your cooperation will be appreciated.

Sincerely,

Keith C. Wilson

Keith C. Wilson
Sr. Resource Agent

KCW/dg

RECEIVED
NOV 22 1988

Robert N Savage
Custer County Assessor
P O. Box 597
Challis, Idaho 83226

THIS IS NOT A BILL

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
1 IRRGTD AG	103.870 AC	16,485
5 DRY GRAZING	274.630 AC	9,612
19 WASTE	1.000 AC	
TOTALS	379.500	26,097

TAXPAYERS 1987
VALUATION ASSESSMENT NOTICE

Information on Protest of Assessment and Claims for Tax Reduction and Exemption on Reverse Side

IN CASE OF ERROR
Notify Assessor's Office Immediately
JUNE 15, 1987

KEEP THIS COPY FOR YOUR RECORDS

Mail To:
SEEFRIED, WILLIAM A
& SEEFRIED, HOLLY
MACKAY, ID 83251

LOTS 3,4
S2NE4,SE4NW4, NE4SE4
SE4SE4,E2W2SE4,E2W2W2SE4
E2W2SE4
TRACT 1177
SEC 3 T6N R24E

PROPERTY ADDRESS

PARCEL NO. RP 06N24E030001 A TAX CODE 9-00

Robert N Savage
Custer County Assessor
P O. Box 597
Challis, Idaho 83226

THIS IS NOT A BILL

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
1 IRRGTD AG	13.500 AC	3,856
5 DRY GRAZING	79.500 AC	2,783
10 RURAL HOMESITE	1.000 AC	5,000
19 WASTE	3.260 AC	
31 RURAL RES BLDG		42,490
31 RURAL RES BLDG		2,000
32 RURAL IMP ON AG		10,611
58 MACH & EQUIP		30,816
TOTALS	97.260	97,556

HOME OWNER EXEMP 21,245

TAXPAYERS 1987
VALUATION ASSESSMENT NOTICE

Information on Protest of Assessment and Claims for Tax Reduction and Exemption on Reverse Side

IN CASE OF ERROR
Notify Assessor's Office Immediately
JUNE 15, 1987

KEEP THIS COPY FOR YOUR RECORDS

Mail To:
SEEFRIED, WILLIAM A
& SEEFRIED, HOLLY
MACKAY, ID [redacted]

NOV [illegible]

LOT 3
TRACTS 112, 1536, 2026
SEC 2 T6N R24E

Moving Well

Robert N Savage
Custer County Assessor
P O. Box 597
Challis, Idaho 83226

THIS IS NOT A BILL

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
1 IRRGTD AG	20.000 AC	3,180

TAXPAYERS 1987
VALUATION ASSESSMENT NOTICE

Information on Protest of Assessment and Claims for Tax Reduction and Exemption on Reverse Side

IN CASE OF ERROR
Notify Assessor's Office Immediately
JUNE 15, 1987

KEEP THIS COPY FOR YOUR RECORDS

Mail To:
SEEFRIED, WILLIAM A
& SEEFRIED, HOLLY
MACKAY, ID 83251

TOTALS 20.000 3,180

W2W2W2SE4
SEC 3 T6N R24E

PROPERTY ADDRESS

PARCEL NO RP 06N24E038710 A TAX CODE 9-00

Robert N. Savage
Custer County Assessor
P O Box 597
Challis, Idaho 83226

THIS IS NOT A BILL

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
5 DRY GRAZING	160.000 AC	5,600
19 WASTE	1.560 AC	

TAXPAYERS 1987
VALUATION ASSESSMENT NOTICE

Information on Protest of Assessment and Claims for Tax Reduction and Exemption on Reverse Side

IN CASE OF ERROR
Notify Assessor's Office Immediately
JUNE 15, 1987

KEEP THIS COPY FOR YOUR RECORDS

Mail To:
SEEFRIED, WILLIAM A
& SEEFRIED, HOLLY
MACKAY, ID 83251

TOTALS 161.560 5,600

MICROFILMED

NOV 22 1988

LOTS 2,3,7,8,14
SEC 10 T6N R24E

Form 222a
6/78

Distributed for Staffing — INITIAL dg — DATE 6-16-88
Submitted for Advertising — INITIAL [illegible] — DATE 6-28-88

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: KCW

1. Right number 34-7171 Applicant William A. or Holly C. Seefried
2. Type of right: ☐ Decree ☑ License ✓ ☐ Claim
3. Purpose of transfer: ☑ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
   ☐ Other _____
4. Check:
   a. ☑ Source ☑ Priority ☑ Amount ☑ Purpose ☑ Period of use
   b. ☑ Description of original point of diversion.
   c. ☑ Description of original place of use.
5. Amount of land &/or water transferred:
   a. ☑ All of right.
   b. ☐ Part of right *(NOTE! Part B should be filled in only if part of the right is owned by the applicant).*
   c. ☑ Check description of point(s) of diversion.
   d. ☑ Check description of place of use.
   e. ☑ Check map (shows p.d. and p.u. after transfer).
   f. ☑ Check for correct signature, notarization, and fee.
   g. ☑ Check proof of ownership of right &/or land from which water is transferred. requested ✓ received
   h. ☑ Check for expansion in use of right. Comments NONE
   i. ☑ Check for existing water rights from same source, on land water is being transferred to.
      Right number(s) N.A.
   j. ☑ Is use within a Watermaster District? ☑ Yes ☐ No
      If yes, what district? WD 34 + D/S Last Irrig. District (Madeay) ✓
      send copies

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 7-25-88 dg Received on _____
2. Is transfer published correctly? ☑ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

protest date 8-8-88

1. ☑ Approve
2. ☐ Deny
3. Conditions* AN ~~ADEQUATE~~ MEASURING DEVICE OF A TYPE APPROVED BY THE IDWR SHALL BE PERMANENTLY INSTALLED & MAINTAINED. THE DELIVERY OF THIS RIGHT SHALL BE SUBJECT TO THE CONTROL OF THE WATERMASTER [illegible]
4. By KDC Date 8/22/88

RECEIVED SEP 06 1988 Department of Water Resources

Jim 9-16-88

** All uses within Watermaster Districts require special conditions.*

cc Pgt to Roberta ✓ 7-25-88

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. 34-7171

RECEIVED
AUG 3 1988
Department of Water Resources
Eastern District Office

WATER DISTRICT 34

WATERMASTER Doug Loundsbury

DATE: _____

COMMENTS: _____

none

✓ I do endorse approval of this change.

___ I do not endorse approval of this change.

I recommend the following conditions of approval:

Doug Loundsbury
Watermaster

FILED
NOV 22 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 25, 1988

Douglas Rosenkrance, Watermaster
Water District #34
Rt. 1, Box 24
Mackay, ID 83251

RE: Application for Transfer of Water Right
No. 34-7171

Dear Watermaster:

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning them to this office as soon as possible.

Thank you for your cooperation in this matter.

Respectfully submitted,

Ernest Carlsen

Ernest Carlsen
Water Rights Supervisor

EC/dg
Enclosure

NOV 22 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 21, 1988

William or Holly Seefried
Box 176
Mackay, Idaho 83251

RE: Transfer Application No. 34-7171

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your transfer application. Please refer to the application number above in all further correspondence.

This office is currently in the process of advertising the application in the Custer Publishing Co. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

Ernest Carlsen
Water Rights Supervisor

EC/dg

RECEIVED
NOV 22 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

July 14, 1988

Custer Publishing Co.
P.O. Box 405
Challis, ID 83226

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before August 8, 1988.

Respectfully submitted,

Deena Green

Deena Green
Office Secretary

Enclosure

RECEIVED
NOV 22 1988

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 34-7171

Notice is hereby given that William A. or Holly C. Seefried, Mackay, Idaho, have applied to the Department of Water Resources for a change in the point of diversion of water from a ground-water source. The right sought to be changed is evidenced by License No. 34-7171 and is recorded as follows:

AMOUNT: 3.78 cfs PRIORITY: March 9, 1977

POINT OF DIVERSION: NW1/4NW1/4, Sec. 2, T. 6N, R. 24E, B.M., Custer County;

The water is used for irrigation of 189 acres within the W1/2NW1/4, Sec. 2, E1/2, NE1/4SW1/4, Sec. 3, T. 6N, R. 24E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the NE1/4NE1/4, Sec. 3, T. 6N, R. 24E, B.M., Custer County.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83402, on or before August 8, 1988.

R. Keith Higginson

Director

Published July 21 & 28, 1988

NOV 22 1988

February 29, 1988

WILLIAM A. SEEFRIED
RT. 1
MACKAY, ID 83251

RE: Permit No. 34-7171

Dear Permit Holder(s):

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED
MAR 09 1988

Form 219B
5/84

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

LICENSING REPORT

34-7171
Permit No

1. **Measurement Calculations**
   a) Field Measurement Calculations (Include theoretical capacities and system capacity)

Flow measured at well (diversion #1) which pumps into Big Lost River. Measurement was accomplished by timing the accrual of 0.01 ac-ft on McCrometer Totalizing Meter - 85.6 seconds to pump 0.01 ac-ft.

$0.01 \text{ ac-ft} / 85.6 \text{ sec.} \times 43560 \frac{\text{ft}^2}{\text{ac}} = 5.09 \text{ cfs}$

$0.02 \text{ cfs/ac} \times 189 \text{ ac} = 3.78 \text{ cfs}$

Limited by acres irrigated - Recommend 3.78 cfs

Note. No measurement was taken at diversions #2 or #3.

   b) Volume Calculations for Irrigation:

V_{IR} = (Acres Irrigated) x (Irrigation Requirement) = 189 x 3.0 = 567 ✓
V_{DR} = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = 3.78 x 214 x 1.9835 = 1604.5 ✓
V = Smaller of V_{IR} and V_{DR} = 567 afa

   c) Volume Calculations for Other Uses:

2. **Overlap Review** per VAX:
   a) Other water rights with same place of use: - see abstract of overlapping rights -
   b) Other water rights with same point of diversion: 34-0414, 34-0233, 34-0492
   c) Analysis:

34-0414 Kent Springs - no overlap
34-0233 Big Lost River - no overlap
34-0492 Big Lost River - no overlap

No other rights from same source

Recommend R29 for P/U

overlaps - kw

MICROFILMED
MAR 09 1988

old exam - no fee

License w/approval of attached amendment

RECOMMENDED AMOUNTS

3.

Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
34-7171	3-9-1977	3.78 cfs	3-9-1977	1-19-1981	5.09 cfs

4. Permit Holder: William A. Seefried

Address: Rt. 1, Mackay, ID 83251

5. Source: gw tributary to ✓

6. Beneficial Use

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
IRRIGATION ✓	4/1 ✓	11/1 ✓	3.78 cfs ✓	567.0 afa ✓
Allowable Maximums:			3.78 cfs ✓	567.0 afa ✓ (567.0 AFA)

7. Point(s) of Diversion:

No.	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County
			NW	NW	2	6N	24E	Custer

8 Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6N	24E	2						1	11										12
		3	1	9	31	30					2				38	39	14	13	177
Total Acres																			189

9. Recommended Conditions/Remarks:

① Water is discharged into Big Lost River from the well then rediverted at 2 points within the SENE, S3, T6N, R24E, from Darlington Canal.

② R29

FILMED

MAR 09 1988

10. Recommended Amendments

☐ Change P.D. as reflected above ☑ Add P.D. as reflected above ☐ None → with approval of attached amendment

☑ Change P U as reflected above ☐ Add P.U. as reflected above ☐ Other

11. Examiner's Signature _____ Date _____

Checked in Regional Office by _____ Date _____

Approved in State Office by Kay Walker Date 1/8/88

ACTION REQUIRED

FROM: Jim

TO: KAS

The amendment in this file is related to the findings of the field exam. Rather than process the amendment now, let's process the license also. therefore we can put the same conditions on the amendment as required for the license. If you have any questions please let me know.

Form 219A
2/84

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

Permit No. 34-7171

1. Owner: William F. Seefried Phone No. 588-3330
   Current Address: Box 176, Mackay Ida 83251

2. Accompanied by: William A. Seefried EXAM. DATE: 31 July 84
   Address: Same Phone No. ____
   Relationship to Permit Holder: Son - Operator

3. Source: Groundwater tributary to —

4.

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Well & Pump	GE	40	DSJ40 9267	Johnston	10" discharge
Rediversion (Circle)	Newman	60	S/148830 S	Western Land	8" discharge
Rediversion (handline)	US MOTORS	40	36,182 03	Western Land	6" "
Rediversion Flood	Headgate	For Flood	IRRIGATION		

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
#1 well pump mainline to open discharge into Big Lost River. Darlington canal diverts water from Big Lost River and the groundwater well under this permit replenishes the river downstream from the headgates of the Darlington canal. Diversions #2 and #3 are taken from Darlington Canal.

6.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
well-Totalizing Meter		McCrometer		77-10-2368	10"	N/A

7. Measurements Measurement of well + Pump 7.683 to 7.693 in 85.6 sec ☐ Additional data/computation sheets attached
7.700 to 7.710 in 85.6 sec ≈ 509 cfs

8. Point(s) of Diversion: Indicate Method of Determination

Ident #	¼	¼	¼	Sec.	Twp.	Rge.	Survey Information from Known Corner	County	Remarks
#1	NW	NW	NW	2	6N	24E		Custer	See other side
#2	NW	SE	NE	3	6N	24E		Custer	See other side
#3	NE	SE	NE	3	6N	24E		Custer	See other side

9. Place(s) of Use: Irrigation - give acres served by system at time of exam.
Indicate Method of Determination ACCS AERIAL PHOTO

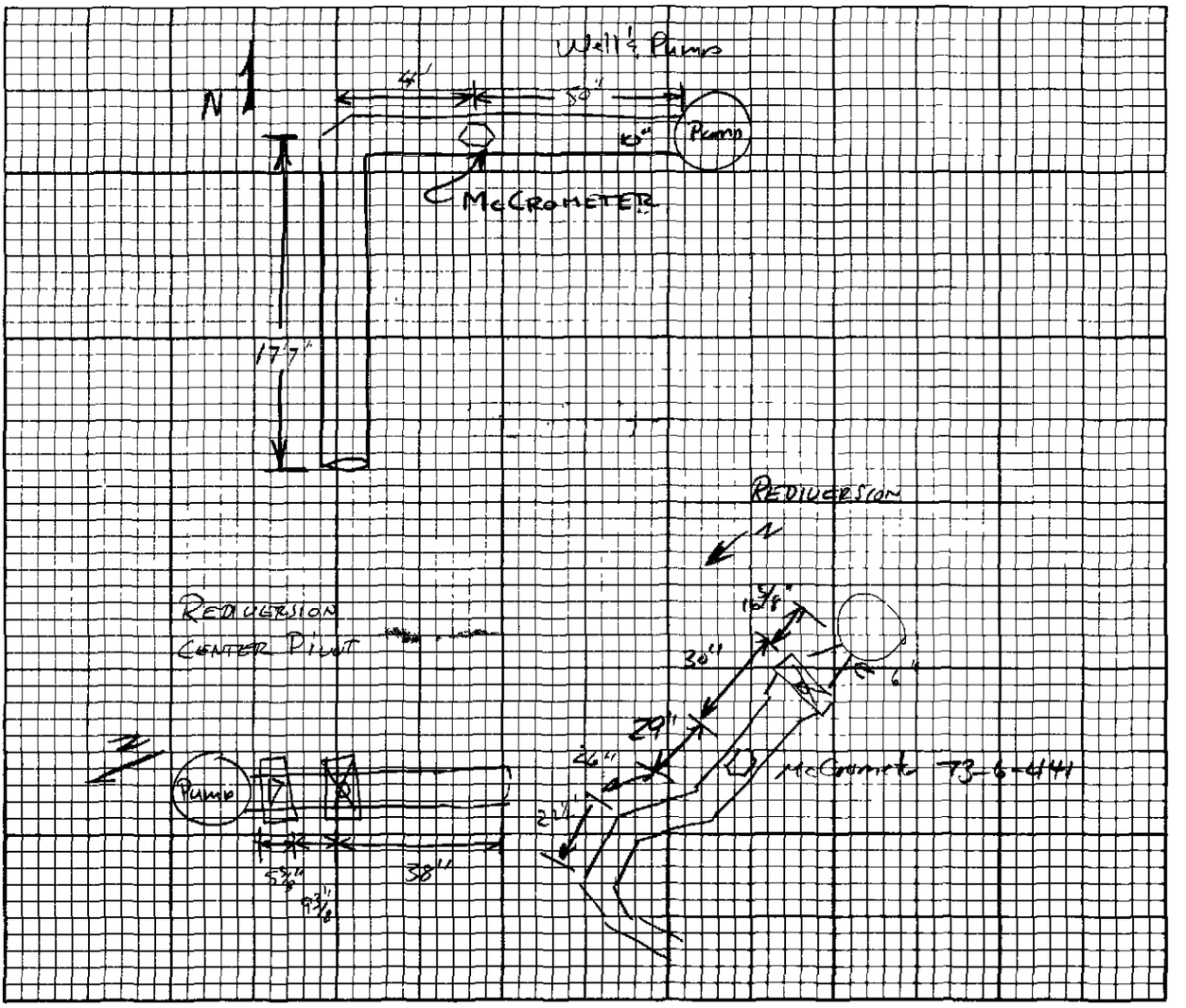
Twp.	Rge.	Sec.	NE I/4				NW I/4				SW I/4				SE I/4				Totals
			NE I/4	NW I/4	SW I/4	SE I/4	NE I/4	NW I/4	SW I/4	SE I/4	NE I/4	NW I/4	SW I/4	SE I/4	NE I/4	NW I/4	SW I/4	SE I/4	
6N	24E	2																	12
		3	1	9	31	30					2				38	39	14	13	177

Total Acres 189

10. Other water rights on these lands _____

11. Other water right diverted from same p.d. _____

12. **Diversion and Delivery System Diagram**: Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☑ **Photo of Diversion & System Attached** ☑ **Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached**

14. Remarks William A. (son) bought property 6 weeks before William F Seefried (father) died
#1 Diversion is ground water well which pumps into the Big Lost River to compensate for diversion in Darlington Canal
#2 & 3 Diversions are diversions from Darlington Canal, and is actual water used for irrigation

15. 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

16. Examiner's/Consultant's Signature Keith C Wilson Date 31 July 1984

Consultant's License Number _____

IDWR Director's Authorization to Conduct Beneficial Use Examination _____
Date

CONSULTANT SEAL

34-7171

(#2) It appears that vital information was not supplied by the applicant in filing for a ground water permit. The delivery system was described as "40 hp [redacted] when in fact the water is diverted from the Big Lost River up stream from the ground water well thru the Darlington Canal, and the river is "replinished" from a well 50' deep (preforated. from 30' to 45') located within 200 yards of the river. It would appear that the well may be pumping river water and therefore the source could be the Big Lost River.

(#1) the permit holders son (William F Seefried.) purchased the place of use two weeks prior to the death of permit holder (Mr William F. Seefried)

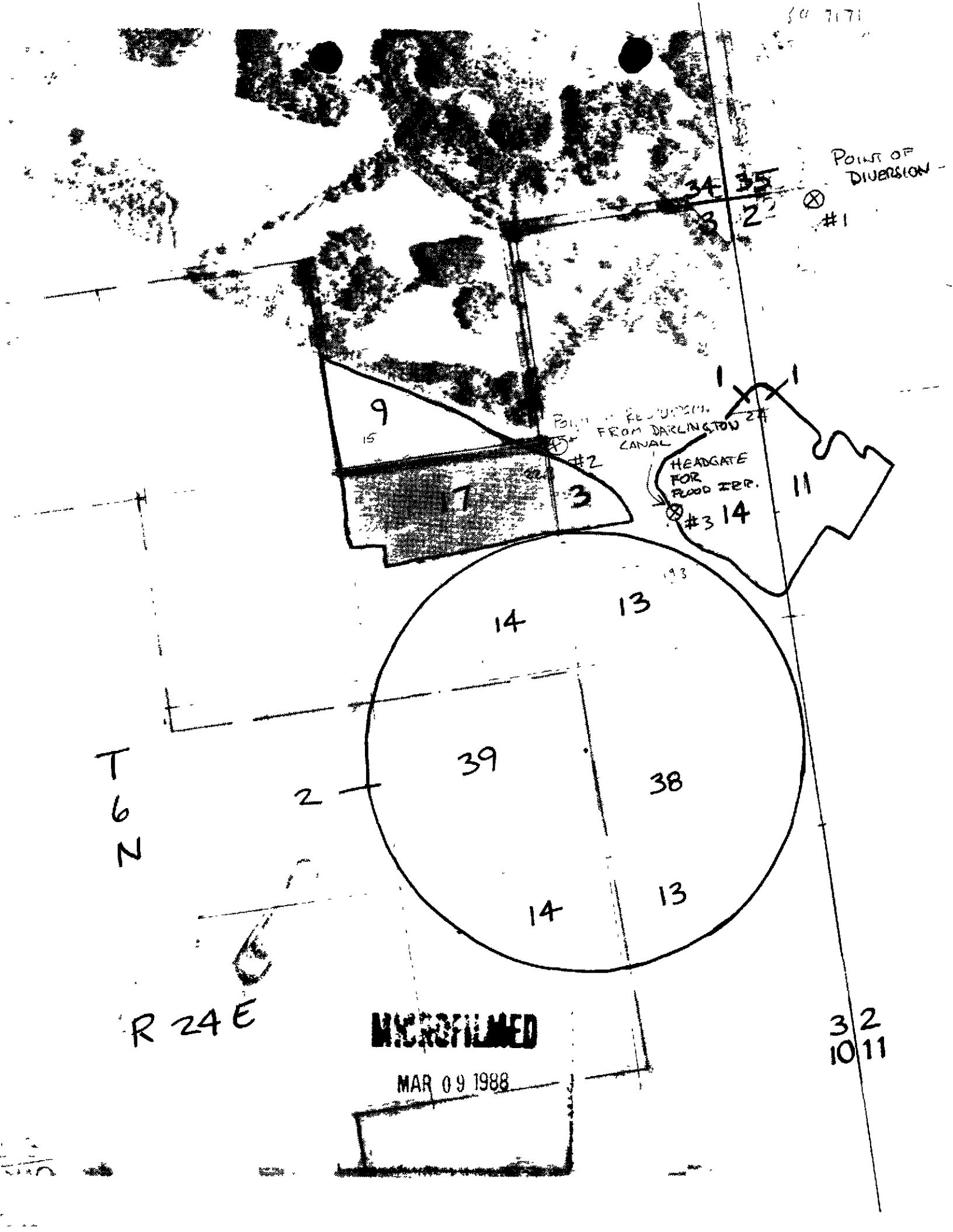
(#3) From these facts gathered during the field examination I feel that if licensed the right should have the most restrictive conditions.

[redacted]

RECEIVED

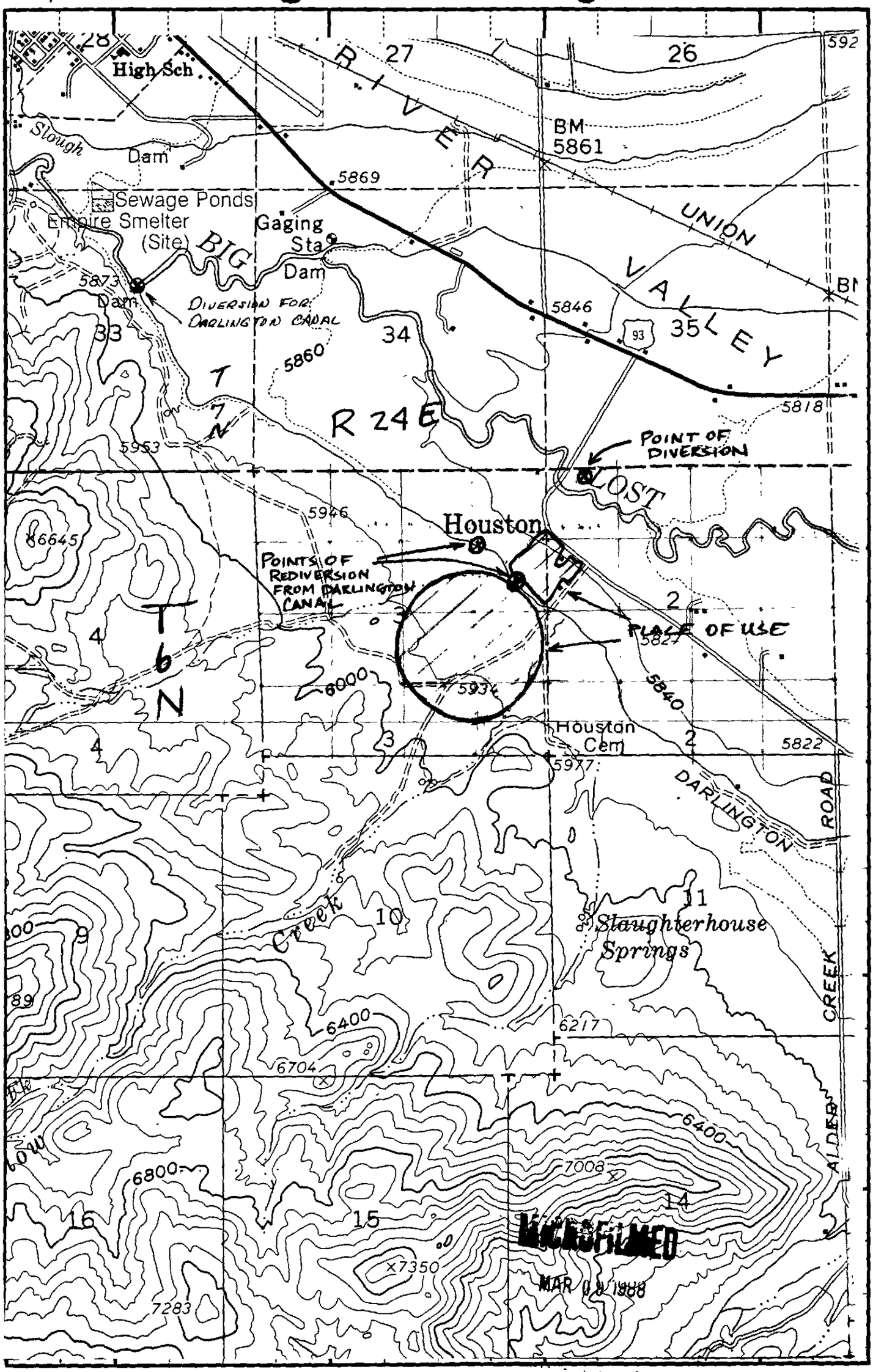
MAR 09 1988

[redacted]


POINT OF DIVERSION
#1
34
35
3
2
9
15
#2
FROM DARLINGTON CANAL
HEADGATE FOR FLOOD IRR.
#3
14
11
1
1
7
3
14
13
39
38
2
T 6 N
R 24 E
MICROFILMED
MAR 09 1988
3 2
10 11

NAME OF APPLICANT 34-7[illegible]1

Form No. 0



MICROFILMED
MAR 0 9 1988

SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

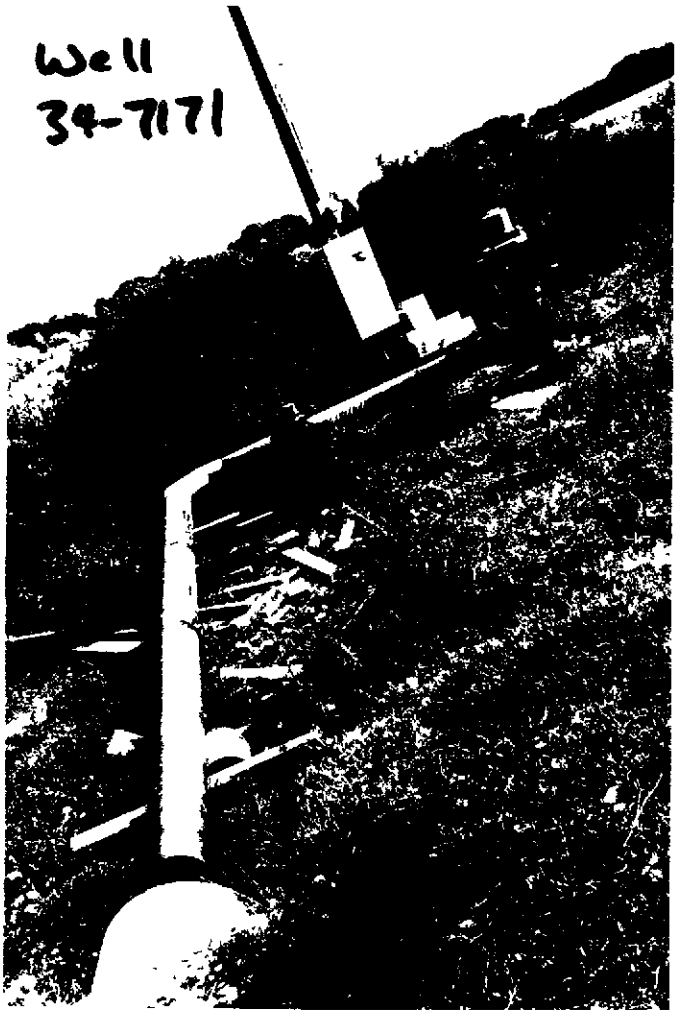
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

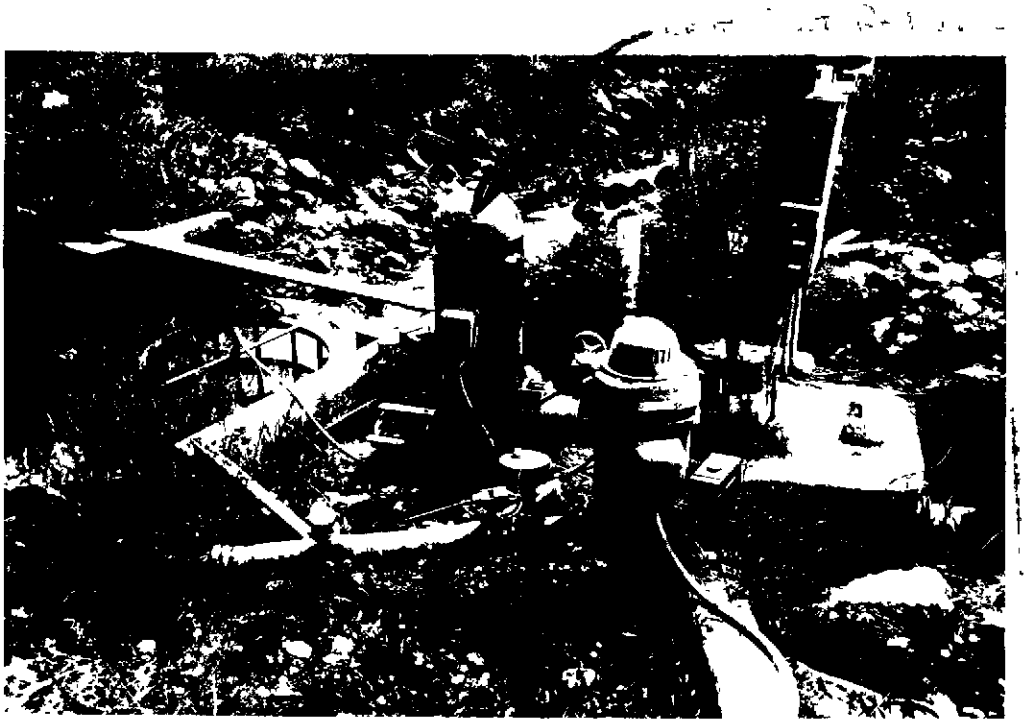
John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

Well
34-7171





	NENE			01		34-0274	CAMPBELL GIRAUD CLARK	C	D	04-01-1884	BIG LOST RIVER
	NENE	01		01		34-0275	GIRAUD CLARK	C	D	01-01-1895	BIG LOST RIVER
	NENE		22	01		34-2359	CAMPBELL CAMPBELL	C	L	07-23-1981	GROUNDWATER
	NWNE	2		0		34-0274	GIRAUD CLARK	C	D	04-01-1884	BIG LOST RIVER
	NWNE	02		0		34-0275	GIRAUD CLARK	C	D	01-01-1895	BIG LOST RIVER
	SWNE			01		34-0452C	LAMBSON SAYER	C	D	06-01-1885	BIG LOST RIVER
	SWNE			01		34-07808	MACKAY, VILLIAGE O ANDERSON	C	D	04-22-1884	BIG LOST RIVER
	SWNE			01		34-0827C	WELLS HINTZE	C	D	05-31-1884	BIG LOST RIVER
	SWNE			01		34-0829F	WELLS HINTZE	C	D	05-31-1884	BIG LOST RIVER
	SWNE			0		34-0935	PERKINS ANDERSON	C	D	04-22-1884	BIG LOST RIVER
	SENE			01		34-0452C	LAMBSON SAYER	C	D	06-01-1885	BIG LOST RIVER
	SENE			01		34-07808	MACKAY, VILLIAGE O ANDERSON	C	D	04-22-1884	BIG LOST RIVER
	SENE			01		34-0827C	WELLS HINTZE	C	D	05-31-1884	BIG LOST RIVER
	SENE			0		34-0829F	WELLS HINTZE	C	D	05-31-1884	BIG LOST RIVER

[redacted] D 2 [redacted]

HRR156 — IDAHO DEPARTMENT OF WATER RESOURCES — PAGE 1902
WATER RIGHTS BY PLACE OF USE — 07/02/1987

TWNSHP	RNG	SEC	TRACT	LOT	ACRES	USES	WATER RIGHT NUMBER	LAST NAME	OWNER CODE	STAGE	PRIORITY DATE	SOURCE OF WATER
06N	24E	02	SENE			01	34-0935	PERKINS ANDERSON	C	D	04-22-1884	BIG LOST RIVER
			NENW			43	34-4074	PINSEY GARRETT	C	S	06-01-1970	GROUNDWATER
			NENW		40	01	34-7171	SEEPRIED	C	P	03-09-1977	GROUNDWATER
			NENW	03		01	34-0168C	CONTINENTAL LIFE I	C	D	06-01-1883	BIG LOST RIVER
			NENW	04		01	34-0964	CONTINENTAL LIFE I	C	D	06-01-1884	CLIFF CREEK WHITE KNOB CREEK
			NWNW		40	0	34-7171	SEEPRIED	C	P	03-09-1977	GROUNDWATER
			NWNW	04		01	34-0168C	CONTINENTAL LIFE I	C	D	06-01-1883	BIG LOST RIVER
			NWNW	04		01	34-0964	CONTINENTAL LIFE I	C	D	06-01-1884	CLIFF CREEK WHITE KNOB CREEK
			SWNW			01	34-0160	CLUTE IDAHO BOND & LOAN	C	D	04-22-1884	BIG LOST RIVER
			SWNW			01	34-0168C	CONTINENTAL LIFE I	C	D	06-01-1883	BIG LOST RIVER
			SWNW			0	34-0452C	LAMBSON SAYER	C	D	06-01-1885	BIG LOST RIVER
			SWNW			01	34-07808	MACKAY, VILLIAGE O ANDERSON	C	D	04-22-1884	BIG LOST RIVER
			SWNW			01	34-0827C	WELLS HINTZE	C	D	05-31-1884	BIG LOST RIVER
			SWNW			01	34-0935	PERKINS ANDERSON	C	D	04-22-1884	BIG LOST RIVER
			SWNW			01	34-0964	CONTINENTAL LIFE I	C	D	06-01-1884	CLIFF CREEK WHITE KNOB CREEK
			SWNW		40	01	34-7171	SEEPRIED	C	P	03-09-1977	GROUNDWATER
			SWNW		[illegible]	01	34-7182	ANDERSON	C	P	04-18-1977	GROUNDWATER
			SENW			01	34-0168C	CONTINENTAL LIFE I	C	D	06-01-1883	BIG LOST RIVER
			SENW			01	34-0964	CONTINENTAL LIFE I	C	D	06-01-1884	CLIFF CREEK WHITE KNOB CREEK
			SENW		40	01	34-7171	SEEPRIED	C	P	03-09-1977	GROUNDWATER
			SENW		10	01	34-7182	ANDERSON	C	P	04-18-1977	GROUNDWATER
			NESW			01	34-0160	CLUTE IDAHO BOND & LOAN	C	D	04-22-1884	BIG LOST RIVER
			NESW			01	34-0452C	LAMBSON SAYER	C	D	06-01-1885	BIG LOST RIVER
			NESW			01	34-07808	MACKAY, VILLIAGE O ANDERSON	C	D	04-22-1884	BIG LOST RIVER
			NESW			01	34-0827C	WELLS HINTZE	C	D	05-31-1884	BIG LOST RIVER
			NESW			01	34-0829F	WELLS HINTZE	C	D	05-31-1884	BIG LOST RIVER
			NESW			01	34-0935	PERKINS ANDERSON	C	D	04-22-1884	BIG LOST RIVER
			NESW		40	01,43	34-2128	CLARK	C	L	05-12-1911	ALDER CREEK
			NESW		35	01	34-7182	ANDERSON	C	P	04-18-1977	GROUNDWATER
			NWSW			01	34-0160	CLUTE IDAHO BOND & LOAN	C	D	04-22-1884	BIG LOST RIVER
			NWSW			01	34-0452C	LAMBSON SAYER	C	D	06-01-1885	BIG LOST RIVER
			NWSW			01	34-07808	MACKAY, VILLIAGE O	C	D	04-22-1884	BIG LOST RIVER

[redacted] E 2 [redacted]

Dear Sirs.

Enclosed find the following papers Copies of the power of attorney designating Shirley May Seefried as executor for William F. Seefried, a copy of the original statement for drilling the well in question, the corrected assignment for the well, the papers you sent us for amendment of our permit, and our check for $20.00. I call L.W. Frandsen of Lava, Idaho and talked to him about our well. He told me the well was cased to at least 100 feet and should on cause a problem

Please let me know if we need anything else to take care of this matter

I'm sorry it took so long to get this done.

Sincerely,

Holly Seefried

Holly Seefried

hcs

Enclosures

MICROFILMED
MAR 09 1988

STATEMENT

Transcontinental Bridge
RR Blackfoot Idaho
8-31
W. F. Swafford
Blackfoot Idaho

[illegible] 20' Span 133 ft. Deck Plate Girders 212.00
133 ft. (Covering 20' ft. 12 in. Pins) 133.00
1 20' Span
345.00

[illegible] Day Work 100.00
Foot Walk Lg. Bal. due 245.00
1 5 Clay
5 76 Clay Gravel
76 133 " "

MICROFILMED
MAR 0 9 1988

Form No. 211a
11/78

State of Idaho

Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

Right Number 34-7171 Applicant William A. Seefried

Purpose of Amendment: ☐ Change point of diversion. ☑ Add diversion point(s).

☐ Increase amount. ☑ Change place of use. ☐ Other _____

CHECK:

- ☑ Description of amended point(s) of diversion.
- ☑ Amount, nature and period of use. If increased, delay date of priority.
- ☑ Description of amended places of use. If expanded, delay date of priority.
- ☑ Ownership of point of diversion and place of use.
- ☑ Map.
- ☑ Signature (must be permit holder).
- ☑ Fee.
- ☑ Existing water rights from the same source, amended place of use.
- ☑ Right number(s) doesn't appear to have overlapping groundwater rights
- ☑ Yes ☐ No Should amendment be advertised?
- ☐ Yes ☑ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

- ☑ Affidavit of publication received.
- ☑ Amendment published correctly.
- ☐ Protests processed.
- ☑ Approve.
- ☐ Deny.

protest date 8-24-87

Conditions 01E - at pod and point or rediversion.; 05 (WD-34).

letter acknowledging approval of amendment should contain paragraph L 05 normally included in permit letters.

By EMC Date 31 Aug, 1987.

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete. By _____ Date _____
- ☐ Approved copy sent to applicant and to Region. By _____ Date _____

RECEIVED
SEP 0 1987
Department of Water Resources

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

August 25, 1987

Custer County Publishing Co.
P.O. Box 405
Challis, Idaho 83226

Re: Application No. 34-7171, Seefried

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced applications. The legal notices were to have been published in your paper on August 6, and August 13, 1987.

Your cooperation in this matter is greatly appreciated.

Sincerely,

Deena Green
Office Secretary

RECEIVED
MAR 09 1988

July 31, 1987

Douglas Rosenkrance, Watermaster
Water District #34
Rt 1, Box 24
Mackay, Idaho 83251

Re: Application for Amendment of Permit No. 34-7171, Seefried

Dear Mr. Rosenkrance:

We are enclosing a copy of an application that may be of interest to you. Please review the application and submit any comments you may have to our Department as soon as possible. The last date for protest is August 24, 1987, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Ernest Carlsen
Assistant Regional Manager

EC/dg

Enclosure

RECEIVED
MAR 09 1988

July 30, 1987

William A. Seefried
Box 176
Mackay, Idaho 83251

RE: Application for Amendment of a Permit No. 34-7171

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification no. 34-7171 . Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Custer County Publishing Co. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

Ernest Carlsen
Assistant Regional Manager

EC/dg

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

JULY 29, 1987

Custer County Publishing Co.
P. O. Box 405
Challis, Idaho 83226

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 AUGUST 24, 1987.

Yours truly,

Michele Davis
Office Secretary

Encl.

RECEIVED
MAR 09 1988

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No 34-7171 in the name of William Seefried was issued for the diversion of 8 0 cfs of water from a ground water source with the point of diversion within the NW¼NW¼, Sec 2, T. 6N, R 24E. Custer County, to be used for the irrigation of 440 acres from Apr 1 to Nov. 1, within the NW¼, Sec 2, NE¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, NE¼SE¼ Sec 3, T 6N, R. 24E

The permit holder now proposes to amend Permit No 34-7171 for the diversion of 3 78 cfs of the water within the NW¼NW¼, Sec 2 T. 6N, R. 24E (water from the well is discharged into the Big Lost River in the NW¼NW¼, Sec 2, T 6N, R 24E in exchange for water diverted from the river in the SW¼NE¼, Sec 33, T 7N, R 24E through the heading for the Darlington Canal water conveyed by the canal is rediverted by pump at two locations both in the SE¼NE¼, Sec 3, T 6N, R 24E), and used to irrigate 189 acres within the W½NW¼, Sec. 2, E½, NE¼SW¼, Sec 3. T 6N, R 24E, B M

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 150 Shoup Ave , Suite 15, Idaho Falls, Idaho 83402 on or before August 24, 1987

Norm Young
Acting Director

Published August 6 & 13, 1987

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 34-7171 in the name of William Seefried was issued for the diversion of 8.0 cfs of water from a ground water source with the point of diversion within the NW1/4NW1/4, Sec. 2, T. 6N, R. 24E, Custer County: to be used for the irrigation of 440 acres from Apr. 1 to Nov. 1, within the NW1/4, Sec. 2, NE1/4NE1/4,S1/2NE1/4, N1/2NW1/4, SE1/4NW1/4, NE1/4SE1/4, Sec. 3, T. 6N, R. 24E.

The permit holder now proposes to amend Permit No. 34-7171 for the diversion of 3.78 cfs of the water within the NW1/4NW1/4, Sec. 2, T. 6N, R. 24E (water from the well is discharged into the Big Lost River in the NW1/4NW1/4, Sec. 2, T. 6N, R. 24E in exchange for water diverted from the river in the SW1/4NE1/4, Sec. 33, T. 7N, R. 24E through the heading for the Darlington Canal: water conveyed by the canal is rediverted by pump at two locations both in the SE1/4NE1/4, Sec. 3, T. 6N, R. 24E.), and used to irrigate 189 acres within the W1/2NW1/4, Sec. 2, E1/2, NE1/4SW1/4, Sec. 3, T. 6N, R. 24E, B.M.

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before August 24, 1987.

Norm Young

Acting Director

Published August 6 and August 13, 1987

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

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The permit holder now proposes to amend Permit No 34-7171 for the diversion of 3 78 cfs of the water within the NW¼NW¼, Sec 2, T 6N, R 24E (water from the well is discharged into the Big Lost River in the NW¼NW¼, Sec. 2, T 6N, R 24E in exchange for water diverted from the river in the SW¼NE¼, Sec. 33, T. 7N, R 24E through the heading for the Darlington Canal, water conveyed by the canal is rediverted by pump at two locations both in the SE¼NE¼, Sec 3, T 6N, R 24E), and used to irrigate 189 acres within the W½NW¼, Sec 2, E½, NE¼SW¼, Sec 3, T 6N, R, 24E, B M

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before August 24 1987

Norm Young
Acting Director

Published August 6 & 13, 1987

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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

June 11, 1987

Barbara Hejtmanek
Farmers Home Administration
P.O. Box 656
Arco, ID 83213

Re: Water Permit No. 34-7171 in the name of William F. Seefried

Dear Ms. Hejtmanek:

This letter confirms our conversation on June 1, 1987. In the conversation, I informed you that Seefried had not responded to your instruction letter dated April 7, 1987. The Department has not received the application for amendment of permit, the amendment application filing fee, a copy of the well drillers report, or the necessary documents to complete an assignment.

Based on our conversation, the Department will defer any action until July 1, 1987. Please be advised, however, that if no response is received by July 15, 1987, administrative action will be taken to either cancel the permit or substantially reduce the lands actually irrigated.

Sincerely,

Gary Spackman

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Eastern Region

MICROFILMED
MAR 09 1988

United States Department of Agriculture

Farmers Home Administration

P. O. Box 656
Arco, ID 83213
Telephone: 527-3486

RECEIVED
APR 09 1987
Department of Water Resources

Gary Spackman, Supervisor
Department of Water Resources
450 W. State Street
Boise, ID 83720

April 7, 1987

Re: Water Permit No. 34-7171 in the name of William F. Seefried

Dear Mr. Spackman:

This letter is in reference to your letter of March 5, 1987, concerning this permit. Attached is a copy of the letter I sent the Seefried's concerning the actions they need to take to retain the permit. If any of the information I gave them is in error I would appreciate your comments so I can correct the information I gave the Seefried's.

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

Sincerely,

Barbara Hejtmanek

BARBARA HEJTMANEK
Assistant County Supervisor

Attachment

RECEIVED
MAR 09 1988

FmHA Farmers Home Administration is an Equal Opportunity Lender
Complaints of discrimination should be sent to
Secretary of Agriculture, Washington, D C 20250

United States
Department of
Agriculture

Farmers
Home
Administration

P. O. Box 656
Arco, ID 83213
Telepone: 527-3486

RECEIVED
APR 09 1987
Department of Water Resources

Mr. and Mrs. William Seefried
P. O. Box 176
Mackay, ID 83251

April 7, 1987

Dear Mr. and Mrs. Seefried:

Enclosed please find the papers you provided me to review concerning your situation with the Department of Water Resources.

Based on my review, it appears you need to submit the following to the Department of Water Resources to retain your license:

1. The Assignment of Permit dated October 22, 1986, needs to be corrected. The Permit Number should read 34-7171 rather than 37-7171.
2. A copy of the order designating Mrs. Shirley Seefried as the administrator of Mr. Seefried's will or documentation that she is his sucessor. You will need to contact the attorney who handled the estate to provide this documentation.
3. The Application for Amendment of Permit .
4. A copy of the Well Driller's Report. If you are unable to locate this item, I would recommend contacting the Department to explain the situation and inquire as to alternatives.
5. The $20.00 filing fee.

Please feel free to call if you have any questions.

Sincerely,

Barbara Hejtmanek

BARBARA HEJTMANEK
Assistant County Supervisor

Enclosures

RECEIVED
MAR 09 1988

FmHA Farmers Home Administration is an Equal Opportunity Lender
Complaints of discrimination should be sent to
Secretary of Agriculture Washington, D C 20250

U.S. SMALL BUSINESS ADMINISTRATION
1020 MAIN STREET — SUITE 290
BOISE, IDAHO 83702

RECEIVED
MAR 26 1987
Department of Water Resources

March 25, 1987

Gary Spackman, Supervisor
Water Allocation Section
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: WILLIAM A. SEEFRIED
DLH-178305 30 03-SM
Water Right Permit No. 34-7171

Dear Mr. Spackman:

Thank you for your letter dated March 20, 1987, regarding the above referenced Water Right Permit on lands owned by William A. Seefried.

The Small Business Administration has a Mortgage on the land involved; however, we do not have a perfected interest in water rights or the water right permit.

If you need anything further from this office, please feel free to call me at 334-9638. We are interested in getting this cleared up and have contacted Mr. and Mrs. Seefried in an attempt to assist you.

Sincerely,

Barbara A. McGlochlin
Loan Servicing Assistant

cc: William A. and Holly C. Seefried
P. O. Box 176
Mackay, Idaho 83251

RECEIVED
MAR 09 1988

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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

March 20, 1987

Small Business Administration
1020 Main Street, Suite 290
Boise, ID 83702

Re: Water Right Permit No. 34-7171

Dear Sirs:

The Department of Water Resources recently received the field examination for Permit No. 34-7171 in the name of William F. Siefried from our regional office in Idaho Falls. The field examination showed that the acres irrigated are substantially different than those permitted to be developed under the permit.

Our files show that Federal Land Bank once had an interest in the land irrigated under the water right listed above. We corresponded with the Federal Land Bank, and they indicated that their loan secured by the property was paid off by a Small Business Administration loan.

We wrote numerous letters to Seefried in an attempt to rectify the problems with the permit. At this point in time, the problems have not been resolved. We are in the process of either substantially reducing the acreage irrigated under the permit or possibly cancelling the entire permit.

The purpose of this letter is to inquire if Small Business Administration has any interest in the water right permit or the lands being irrigated by the permit.

Sincerely,

Gary Spackman

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Eastern Region

MICROFILMED
MAR 09 1988

Farm Credit Services
Blackfoot

10 West Judicial
P.O. Box 10
Blackfoot, Idaho 83221
208/785-0820

March 13, 1987

RECEIVED
MAR 16 1987
Department of Water Resources

Department of Water Resources
State Office
450 W. State Street
Boise ID 83720

Re: FLB 186514-5 William A. Seefried
Water Right Permit No. 34-7171

ATTENTION: Gary Spackman, Supervisor
Water Allocation Section

Dear Mr. Spackman:

This letter is in response to your letter dated February 25, 1987 regarding the Water Permit No. 34-7171 in name of William F. Seefried.

Our Federal Land Bank loan was paid in full 4-27-1984 with a check from First American Title Company. This was an escrow they handled for the Small Business Administration (SBA), 1020 Main Street, Suite 290, Boise, Idaho, who refinanced our loan with the Seefrieds. William F. Seefried is deceased and this loan was transferred to his son, William A. Seefried, Box 176, Mackay ID 83251.

We enclose a copy of a letter dated January 20, 1981, which is the last thing we have in our file regarding this water permit. We are sorry we do not have any further information.

Sincerely

Harry B. Gambles
Senior Credit Officer

HBG:jm
Enclosure

cc: William A. Seefried
Box 176
Mackay ID 83251

cc: Small Business Administration
Boise ID

RECEIVED
MAR 0 J 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V Evans
Governor

C. Stephen Allred
Director

525-7161
150 Shoup
Idaho Falls, ID 83401

January 20, 1981

RE: Permit No. 34-7171

William F. Seefied
Box 176
Mackay, Idaho 83251

Dear Mr. Seefied:

We acknowledge receipt of the proof of beneficial use card submitted for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our eastern regional office.

Very truly yours,

HAROLD W. JONES
Sr. Resource Agent

cc: IDWR - State Office

RECEIVED
MAR 09 1988

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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

March 5, 1987

Farmers Home Administration
101 West Grand Avenue
Arco, ID 83213

Re: Water Right Permit No. 34-7171 in the Name of William F. Seefried

Dear Sirs:

The Department of Water Resources recently received a field examination for Permit No. 34-7171 from our regional office in Idaho Falls. The information received indicates that Farm Home Administration may have some interest in the permit and the land proposed to be irrigated thereunder.

Our files are replete with correspondence in an attempt to prompt the Seefrieds to file an amendment to properly reflect the place of use. The acreage currently irrigated differs substantially from the acres listed in the permit. In addition, the method of diversion has changed dramatically. As of this date, Seefrieds have not filed the proper amendments, and the regional office states that perhaps Seefrieds are not interested in pursuing the permit to licensing. Because of the notations indicating that Farm Home Administration may have an interest in the lands covered by the permit, this letter is an inquiry about your current interest in the permit. If the proper amendment is not filed expeditiously, the Department will take action to substantially reduce or totally void the permit.

Sincerely,

Gary Spackman

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

RECEIVED
MAR 09 1988

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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

February 25, 1987

FLB 186514-6
PD 4-27-84

Harry B. Gambles
Farm Credit Services
10 West Judicial, P.O. Box 10
Blackfoot, ID 83221

Re: Water Right Permit No. 34-7171 in the Name of William F. Seefried

Dear Mr. Gambles:

The Department of Water Resources recently received a field examination for Permit No. 34-7171 from our regional office in Idaho Falls. The information received indicates that Federal Land Bank was instrumental in the submittal of Proof of Beneficial Use in 1981.

Our files are replete with correspondence in an attempt to prompt the Seefrieds to file an amendment to properly reflect the place of use. The acreage currently irrigated differs substantially from the acres listed in the permit. In addition, the method of diversion has changed dramatically. As of this date, Seefrieds have not filed the proper amendments, and the regional office states that perhaps Seefrieds are not interested in pursuing the permit to licensing.

Because of the correspondence of Federal Land Bank contained in our files, this letter is an inquiry about your current interest in the permit. If the proper amendment is not filed expeditiously, the Department will take action to substantially reduce or totally void the permit.

who Paid loan?
FAT

Sincerely,

Gary Spackman

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf
CC: Eastern Region

RECEIVED
MAR 09 1987

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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

February 25, 1987

Harry B. Gambles
Farm Credit Services
10 West Judicial, P.O. Box 10
Blackfoot, ID 83221

Re: Water Right Permit No. 34-7171 in the Name of William F. Seefried

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Sincerely,

Gary Spackman

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf
CC: Eastern Region

MICROFILMED
MAR 09 1988

INTER-DEPARTMENT MEMO — 1

FROM Ernest Carlsen

DATE January 23, 1987

TO Gary Spackman

SUBJECT Permit 34-7171, William F. Seefried

Mr. Seefried has neither called nor written in response to my letter dated 29 December, 1986. His lack of a response in conjuction with the information relayed to me by Rita Lundy (see memo dated 23 December, '86) leads one to believe he is not concerned with licensing of this permit. Therefore, I recommend we either license only the land both listed on the permit & being irrigated, or void the permit If a license is issued it should contain conditions requring installation of a measuring device, be subject to control of the watermaster, and be subject to the water right priorities already established on the Big Lost River.

These conditions should resolve our concern over the proximity of the well to the river & well construction.

SIGNATURE

December 29, 1986

William A. Seefried
Box 176
Mackay, Idaho 83251

Re: 34-7171, William F. Seefried

Dear Mr. Seefried:

For several months we have been involved in trying to get the above captioned permit assigned to you and also amended to reflect the land actually being irrigated. Though some items have been submitted they were subsequently returned for a variety of reasons and consequently the status of the permit is unchanged from what is was when we initially wrote you in July, 1986.

At this point I am somewhat frustrated with the lack of progress, as I suspect you are also. To get this matter resolved, maybe the question to be asked is whether or not a water right for the well is crutial for your farming operation. If the answer is yes, then its important at this point to finalize the assignment of the permit to you from your mother and to get the necessary amendment filed. Both these documents have been previously forwarded to you.

If we have not received the above documents by January 19, 1987, or have not been advised they will be submitted in the near future, the permit will be forwarded to our state office. Without the amendment only a portion of the land presently irrigated could be licensed for irrigation from the well.

I will be glad to answer any questions you may have. And feel free to contact this office if either another assignment form or amendment form is needed.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/md

MICROFILMED
MAR 09 1988

December 29, 1986

William A. Seefried
Box 176
Mackay, Idaho 83251

Re: 34-7171, William F. Seefried

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I will be glad to answer any questions you may have. And feel free to contact this office if either another assignment form or amendment form is needed.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/md

MICROFILMED
MAR 09 1988

WATERWAYS TRANSPORT AGREEMENT

THIS AGREEMENT, made and entered into this 27 day of October 19 80, by and between William Seefried and _____ of _____, _____ County, State of Idaho and the Big Lost River Irrigation District, an Irrigation District duly organized under the laws of the State of Idaho, with its principal office in Mackay, Custer County, State of Idaho.

WITNESSETH:

WHEREAS, W. Seefried is the owner of certain rights to well waters with a point of diversion described as follows:
NW¼NW¼ Sec. 2 Twp 6 N R 24 E Custer County

and,

WHEREAS these rights to waters are in the amount of approximately 200 miners inches of capacity, and

WHEREAS W. Seefried desires to transport said waters through an existing canal of District for use at a point other than the point of diversion.

WHEREAS, the District is the owner of a canal known as the Darlington Canl, being a part of the facilities of the District for the transmission of decreed and storage waters within the boundaries of said district, and,

WHEREAS, W. Seefried desires to transport said waters described above through said Darlington Canal to the end of said canal at the boundaries of the District, and thereafter beyond said boundary on to land owned by W. Seefried outside the boundary lines of the district, to the end that said waters would be used on lands described as follows. (enter legal description)

~~NW¼,Sec. 2 E½ NE¼, SW¼SE¼~~, N½NW¼ SE¼NW¼, NE¼SE¼, Sec. 3 Twp 6N R 24 E (160 ac)

MICROFILMED
MAR 09 1988

RECEIVED
DEC 24 1986
Department of Water Resources
Eastern District Office

NOW,THEREFORE,it is mutually agreed as follows:

1. W. Seefried may transport the well waters with the point of diversion at noted on page one in the amount of approximately 200 miners inches capacity,in and through said Darlington Canal owned by the District,subject to the terms and conditions of this agreement.

2. W. Seefried Shall construct and maintain at their own expense,any additional ditch,structures,or other improvements,other than the existing Darlington Canal,that might be required to make the waters available to the land of W. Seefried.

3.The right of W. Seefried as set forth above is subordinate to all existing and prior rights for the transportation of waters of the District in and through said Darlington Canal,and the right granted herein is granted only as long as there is sufficient additional capacity in Darlington Canal beyond the needs and uses of District to carry said waters of W. Seefried.The determination of the availability of additional capacity in Darlington Canal shall be the sole determination of District.In the event that there is no additional capacity in the Darlington Canal for the transportation of said waters, W. Seefried agrees to construct at their sole expense any additional carrying capacity in the Darlington Canal.In the event W. Seefried decides to forego the use of the Darlington Canal when there is no additional capacity,this agreement shall terminate.

4. W. Seefried shall pay a proportbnate part of the annual operation,maintenance,assessment and overhead costs of the District as a toll charge for the use of Darlington Canal.The operation and maintenance portions of the toll charge shall be based upon an assessment of the benefit received,said amount to be set by District on the same basis as other toll charges made concerning like rights.The assessment and overhead charges will be set against all lands benefitted hereby proportionately. Since all charges,including operation and maintenance are based on the number of irrigated acres, W. Seefried shall notify District of the number of acres that have been irrigated by W. Seefried with said waters each year.

Notice of charges shall be given to W. Seefried by the District on or after the 1st day of April and are payable in full within thirty(30) days of such notice.

MAR 09 1988

5. No water rights, transmission rights, or ditch rights, in the Darlington Canal shall accrue to W. Seefried by reason of this agreement, the rights of said W. Seefried being contained only in the terms of this agreement.

6. This agreement shall be for a term of twenty(20) years beginning the 1st day of May, 19 81, and shall remain in full force and effect until the 1st day of May, 2001, unless terminated as indicated in paragraph 7.

7. Failure to pay all charges and assessments agreed to when due shall be a breach of this agreement. Failure to accurately report the number of irrigated acres or to increase the flow of water through the Darlington Canal above that specified in this agreement without the written consent of the District shall also constitute a material breach of this agreement. In the event the District is required to file suit to collect past due charges or to remedy any other breach of this agreement, W. Seefried agrees to pay the District's costs and attorney's fees. W. Seefried is entitled to ten(10) days notice of any breach before suit is filed.

8. W. Seefried agrees that no assignment or other transfer of this agreement may be made except as hereafter provided.

In the event W. Seefried desires to assign this agreement to any institution as security for a farm loan, the District hereby agrees to give its written consent upon ten(10) days written notice of said assignment. In the event said assignment is consented to by the District, however, W. Seefried agrees to continue to remain responsible and obligated under all the terms, covenants and conditions of this agreement.

9. This document constitutes the full agreement of the parties hereto and any amendments or changes shall be invalid unless written.

ATTEST:

/ W. F. Seefried
Authorized signature dated

Richard C. Rothwell
Secretary-Treasurer

by: J. Doyle Jensen
Big Lost River Irrigation District, dated
Chairman of the Board

WATER TRANSPORT AGREEMENT-Page three

RECORDED
MAR 09 1988

STATE OF IDAHO)
ss
COUNTY OF Custer)

ON THIS 27 day of October 1980, before me, the undersigned a Notary Public in and for said County and State, personally appeared William Seefried and _____ known to me to be the person)s) whose name(s) are sbuscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEROF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

SEAL

Rita M. Lundy
Notary Public for the State of Idaho
Residing at Mackay Ida.

STATE OF IDAHO)
ss
COUNTY OF Custer)

ON THIS 24 day of November, 1980, before me, the undersigned a Notary Public in and for said county and State, personally appeared J. Doyle Jensen and Richard C. Rothwell known to me to be the Chairman and Secretary respectively, of the Corporation that executed the foregoing instrument, and acknowledged to me that such Corporation executed the same.

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

SEAL

Rita M. Lundy
Notary Public for the State of Idaho
Residing at Mackay, Idaho

RECORDED
MAR 09 1983

Wm. Seafoss

T6/24	Lot 4 (NW¼NW¼ Sec. 2	in	
	NE¼NW¼, Lot 3, S½ NE¼	out	
	SE¼NW¼, NE¼SE¼	out	80
	SE¼SE¼	out	40
	FR: Lot 1 (NE¼NE¼,	In	38.81 ac
	Lot 3 (NE¼NW¼ Sec. 2	In	25 ac.
	Tax #324 (FR SE¼NW¼)		36.0 ac

Sec. 10

Lots 2	
3	
7	out
8	
14	

QC 206	In District	Out of district
No benefits	224.7 (family)	Sec. 3 166 ac.
No assessment		Lot 4 (NW¼NW¼,
S½ NE¼	80	Lot 3 (NE¼ NW¼)
FR: Lot 1 (NE¼NE¼	38.81	S½ NW¼
Lot 3 (NE¼NW¼)	25.	NE¼ SE¼
FR: SE¼ NW¼	36.	E½ SE¼
	179	T6N R24 E4

RECEIVED
MAR 01 1988

CONVERSATION MEMORANDUM

DATE 23 December, 86

FILE

NAME OF PARTY Rita Lundy, Secretary, Big Lost River Irrigation Dist.

EMPLOYEE Ernest Carlsen EJC

RE: I called Rita Lundy to inquire whether or not Mr. Seefried had obtained a transport agreement with the Big Lost River Irrigation District (BLRID). She advised me Mr. Seefried had an agreement for the transport of 200 miners inches. But she also had knowledge that Mr. Seefried turned off the power to his well. She felt this action was probably a spinoff of Mr. Seefrieds hopes to construct a gravity flow sprinkler system to divert water from Cliff Creek. Mr. Seefried has a decreed water right for all of the flow from Cliff Creek.

At my request, Rita agreed to send the Department a copy of Mr. Seefried's transport agreement.

MICROFILMED

MAR 09 1988

November 20, 1986

Holley Seefried
Rt. 1
Mackay, Idaho 83251

Dear Mrs. Seefried:

I am returning your check for $20.00 (ck # 535). You will have to resubmit payment when you decide to proceed with the amendment of your permit.

Sincerely,

Michele Davis
Office Secretary

Enclosure

RECEIVED
MAR 09 1988

CONVERSATION MEMO

PARTY: Holly Seefried November 5, 1986

EMPLOYEE: Ernest Carlsen

RE: Permit 34-7171

Mrs. Seefried called about a question she had concerning the assignment of permit 34-7171. She was relatively certain that Mrs. W. F. Seefried had already assigned the permit to F.H.A. and was consequently confused about the relevancy of an assignment to her husband.

This was the first mention we had received of a previous assignment so I asked her to confirm whether or not Shirley May Seefried had initiated the action. I asked her to obtain a copy of the assignment for the Department. Mrs. Seefried was told the F.H.A. would have to initiate the amendment.

Mrs. Seefried also related they were experiencing difficulty in obtaining a copy of the well driller's report. The well was drilled over twenty years ago and nobody remembers who constructed it. Shirley May Seefried is looking through her records hoping to find a copy. William Seefried is fairly certain the question of whether of not the well impacts the river was addressed several years ago. It was apparently decided the well was a different source than the river. Unfortunately, Mr. Seefried can not find documentation to verify such findings.

October 24, 1986

Holley Seefried
Rt. 1
Mackay, Idaho 83251

RE: Permit No. 34-7171

Dear Mrs. Seefried:

Enclosed you will find the application for amendment of permit 34-7171 & the assignment form signed by Shirley May Seefried & another assignment form.

I have attached to the amendment form a copy of an aerial photo. It illustrates the location of the well and the land Keith Wilson determined had been irrigated when he conducted the licensing field exam. The amendment has been prepared to reflect the legal description for the well and irrigated land as shown on this aerial photo.

The second assignment form was prepared because the original signed by Mrs. Shirley Seefried does not list the correct permit. Instead of permit 37-7171 it should be permit 34-7171. Mrs. Seefried can either correct the original or sign the newer form in the presence of a notary.

Mrs. Seefried also needs to submit documentation verifying her authority to initiate the assignment. This normally can be satisfied by providing a copy of the pertinent document showing her as administrator of the late Mr. Seefrieds's estate, or as his successor.

When returning the amendment be sure it has been signed and is accompanied by a check for $20.00 for payment of statutory amendment fee.

Feel free to contact this office if you have any questions.

Respectfully submitted,

Ernest Carlsen
Assistant Regional Supervisor

EC/md

Enclosure

RECEIVED
MAR 09 1988

State Department of Water Resources
150 Shoup - Suite 15
Idaho Falls, ID 83402

Dear Sirs,

This letter is to confirm the conversation that I had with Mr. Keith Wilson on Oct. 17, 1986. In this conversion I told him that I had contacted Ag. Services and asked them to file a drilling log on our well. Ag. Services told me that they must have subcontracted the drilling out and would contact me when they found out who had drilled the well.

Mr. Wilson and I also agreed to have someone in your office put the point of diversion of our well on the grid on the back of our application, because I know very little about filling out grids.

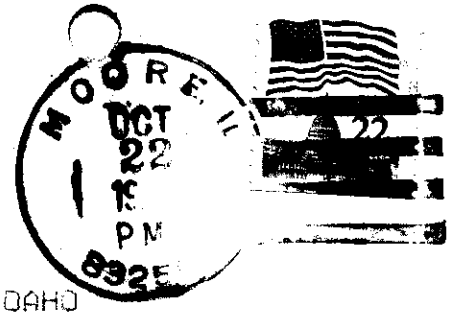
Sincerely,

Holly Seefried

RECEIVED
OCT 23 1986
Department of Water Resources
Eastern District Office

MICROFILMED
MAR 09 1988

Seefried
Rt. 1
Mackay, ID 83251



Open in Error

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
150 SHOUP - SUITE 15
IDAHO FALLS, ID 83402

October 8, 1986

RE: Permit No. 34-7171

Mr. William A. Seefried
Box 176
Mackay, ID 83251

Dear Mr. Seefried:

On July 8 and September 3, 1986, Ernest Carlsen notified you that on or before September 30, 1986, an application to amend permit No. 34-7171 and an assignment were necessary before any administrative consideration of the license could be made. Our records reveal that the amendment nor assignment have been returned as of the date of this letter. Therefore, be advised that the Department will take action to either reduce or cancel the permit if the amendment with the $20.00 amendment fee and the assignment have not been returned by October 20, 1986.

For your convenience enclosed are copies of the July 8 and September 3 letters, a typed copy of the amendment, and an assignment form.

Your prompt attention will be appreciated.

Very truly yours,

KEITH C. WILSON
Sr. Resource Agent

KCW:CW

Enclosures

MICROFILMED
MAR 09 1988

September 3, 1986

William A. Seefried
Box 176
Mackay, Idaho 83251

RE: Amendment of Permit No. 34-7171

Dear Mr Seefried:

On July 8, 1986 I sent you an application to amend permit 34-7171 along with a letter. The cover letter explained the reasoning for the amendment and also discussed why it was necessary for you to secure an assignment of the permit along with furnishing a copy of the well drillers report on the well. Our records reveal the amendment has not been returned, nor have we received the other two items. We ask that every effort be made to obtain the assignment and file the amendment prior to September 30, 1986. Please contact me if there is a reason why compliance with this request is not possible. Remember when submitting the amendment it must also be accompanied by a check for $20.00 as payment of the statutory filing fee.

Respectfully submitted,

Ernest Carlsen
Assistant Regional Supervisor

EC/md

RECEIVED
MAR 09 1988

July 8, 1986

RE: Permit No. 34-7171

Mr. William A. Seefried
Box 176
Mackay, ID 83251

Dear Mr. Seefried:

In July, 1984, Keith Wilson, Sr. Water Resource Agent, conducted a licensing field exam for the above captioned permit. Based on Mr. Wilson's findings, it will be necessary to amend the permit prior to licensing.

One reason for the amendment is the significant difference between what the permit stated and how the water was diverted and conveyed to the place of use. The permit indicates the diversion works would be a 40 hp pump and well. With no other explanation provided that implies the development would be a typical, sprinkler irrigation system with a mainline connecting the pump and sprinkler system. Mr. Wilson found the irrigation system was being operated as a ground-water exchange with the Big Lost River. Water from the well was being discharged into the Big Lost River to replace water already diverted through the Darlington Canal. Water conveyed through the canal was then rediverted by either pump or gravity flow.

The other reason for the amendment concerns the land being irrigated. Mr. Wilson determined there were 189 acres being irrigated in the W1/2NW1/4, Sec. 2, E1/2, NE1/4SW1/4, Sec. 3, T. 6N, R. 24E. While the permit listed the place of use as 440 acres in the NW1/4, Sec. 2, E1/2NE1/4, SW1/4NE1/4, N1/2NW1/4, SE1/4NW1/4, NE1/4SE1/4, Sec. 3, T. 6N, R. 24E. Essentially, the legal description for over half of the land irrigated was not identified on the permit.

MICROFILMED

MAR 09 1988

To implement these changes on the permit, I have prepared the enclosed application for amendment. Included with the amendment application you will find a copy of Mr. Wilson's field report. This report identifies what he found and also contains a map illustrating the point of diversion, points of rediversion, and place of use. The amendment should reflect the results of Mr. Wilson's field exam.

Prior to submitting the amendment, the permit will have to be assigned to you. Department records show the permit is still in the name of your father, William F. Seefried. I understand he passed away just shortly after you purchased the property. Therefore, the executor of your father's estate should initiate the assignment. For your convenience, a blank assignment form has been furnished. It should be returned with or prior to submitting the amendment application.

Another item needing your attention concerns the well. It was drilled close enough to the Big Lost River that a relatively unrestricted interchange of water between the two might be occurring. One method for preventing this interchange is to case through a confining layer with unperforated casing. Information concerning well construction is normally obtained from the well driller's report on the well. Unfortunately the driller never submitted a report. If you can't provide a copy of the report, please contact the well driller who constructed the well and have him file it. This report is needed in order for the Department to rule out possible impacts to the Big Lost River.

Administrative consideration of the license will be deferred while the Department processes the amendment. If you have any questions or will not be able to return the amendment application in the near future, please call me.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosures

RECEIVED
MAR 09 1993

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

December 16, 1981

William F. Seefried
Box 176
Mackay, ID 83251

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

David R. Tuthill Jr.

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

DRT:jg

Enclosures

NORTHERN REGION OFFICE
Route #5, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No 57-7121.

Name(s) of Permit Holder: William E Seefried

Post Office Address: P.O Box 176

Mackay, Idaho 83251 Tel. No. 588-3330

Source of Water: well underground well-ground water

Extent of Use: ☐ Domestic _____ (number of households) 1 (unit)

☐ Stockwater _____ (number and type of stock)

☒ Irrigation 247 (acres)

☐ Other _____

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

Access Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

Amended - see below

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

3/21/81
Date

William E Seefried
Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE

RECEIVED

MAY 18 1981

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

January 20, 1981

RE: Permit No. **34-7171**

William F. Seefied
Box 176
Mackay, Idaho 83251

Dear Mr. Seefied:

We acknowledge receipt of the proof of beneficial use card submitted for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our eastern regional office.

Very truly yours,

HAROLD W. JONES
Sr. Resource Agent

cc: IDWR - State Office

MICROFILMED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 34-7171

Name(s) of Permit Holder: William F. Seefried

Post Office Address Box 176, Mackay, Idaho 83251

Tel. No. 588-3330

Source of Water: groundwater

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

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

Access Port Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the [illegible] permit has been developed.

December 29, 1980
Date

RECEIVED JAN 2 1981 IDAHO DEPT. OF WATER RESOURCES

W F Seefried
Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE

RECEIVED

JAN 19 1981

Department of Water Resources
Eastern District Office

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED
JAN 21 1981
Department of Water Resources

April 29, 1977

Re: Permit No. 34-7171

William F. Seefried
Box 176
Mackay, ID 83251

Dear Mr. Seefried:

Enclosed is a copy of your approved Application for Permit No. 34-7171. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item	Initial	Date	
			Application No. William J. Seefried
			X Source Gw.
			X Point of Diversion
			X County
			800 / 440 Ac X Quantity of Water and Period of Use
			X Description of Diverting Works
			X Time required for B/U of water
			X Place of Use or Acres Irrigated
			X Map
			X Signature
			X Fee
(1)	EMC	3/9/77	In form to receipt YES.
(2)	EMC	3/9/77	Send Copies to:
			Idaho State Health Department
			Idaho Fish and Game Department
			Bureau of Land Management
(3)	EMC	3/9/77	Request Special Use Permit from U.S.F.S.
			Request Easement from B.L.M.
			Request Information from Applicant
(4)	EMC	3/9/77	In form for advertising YES.
(5)			Platted on Map No. 6 N 24 E BASIN. 34
(6)	EMC	3/9/77	Located within Water District No. 24
(7)	EMC	3/9/77	Critical groundwater area: yes ____ no X
(8)	EMC	3/9/77	Groundwater levels:
			____ Declining, ____ Stable, ____ Increasing
			(comment) NO OB. WELLS IN AREA.
(9)	EMC	3/9/77	Other rights on the same place of use CLIFF CREEK & WILLOW CREEK WATER.
(10)	EMC	3/9/77	Comments: NONE. none platted
(11)	Cwi	4-04-77	Affidavit of Publication received(date) April 4-1977
(12)	Cwi	4-04-77	Final date for protests ~~March~~ April 4, 1977
			Protests received: yes ____ no ✓
(13)	~~RDC~~	4/4/77	All requested information received from agencies or applicant: yes ____ no ____
(14)	"	"	Action recommended:
			✓ Approve ____ Deny
			3/9/77 Proposed Priority
			____ Reason for Reduction ____
			✓ Measuring device required
			____ See attached sheet for other conditions of approval
			____ No special conditions for approval
(15)	District E		By RDC Date 4/4/77

Supplemental clause

Cap Dist.

MICROFILMED

March 11, 1977

RE: Application for Permit No. 34-7170 STORER
34-7171 SEEFRIED

Custer Publishing Co.
P.O. Box 405
Challis, Idaho 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 4-04-77 by Cw

RDC:CW

Enc: Legal Notice (2)

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that William F. Seefried, Mackay, Idaho has on 3-09-77 submitted Application No. 34-7171 for a permit to appropriate 8.00 cubic feet per second of water from a ground-water source by means of well and pump within the NW¼NW¼ Sec. 2, T. 6N, R. 24E, B.M., Custer County; to be used from Apr. 1 to [illegible] for the irrigation of 440 acres within the NW¼, Sec. 2, NE¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, E½SE¼, Sec. 3, T. 6N, R. 24E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 4, 1977.

R. KEITH HIGGINSON
Director

Published in the Challis Messenger, Challis, Idaho on March 17 and March 24, 1977 □□□

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that William F. Seefried, Mackay, Idaho

has on 3-09-77 submitted Application No. 34-7171

for a permit to appropriate 8.00 cubic feet per second XXXXXXXXXXXXXXXXXX acre feet per annum

of water from a ground-water source

by means of well and pump

within the NW¼NW¼, Sec. 2, T. 6N, R. 24E, B.M., Custer County;

to be used from Apr. 1 to Nov. 1

for the irrigation of 440 acres

within the NW¼, Sec. 2, NE¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, NE¼SE¼, Sec. 3, T. 6N, R. 24E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before April 4, 1977.

R. KEITH HIGGINSON

Director

Published in the Challis Messenger, Challis, Idaho

on March 17 and March 24, 1977

MICROFILMED

3/79

IDENT. NO. 34-7171

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

Initials	Date	Item
		Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
AE	4-14-89	Keypunched by State Office

State
DEPA
1301 No
Phone:

SOURCES
se, Idaho 83720-9000

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Place all further correspondence in file 3

July 22, 1992

John A. Naisbit
P.O. Box 128
Mackay, ID 832

RE: WATER MEAS GE

Dear Mr. Naisbi

I have reviewed your letter dated July 10, 1992, in which you question the accuracy of the weir installed by William Seefreed near the Alder Creek road.

As you know the Seefreeds submitted a proposed mitigation plan to the department for review and approval. The department subsequently approved the plan on May 20, 1992, after receiving no objection from the parties. The approved plan authorizes Seefreed to proceed with diversion and use of water from his well.

The department also wants the measurements taken with respect to mitigation of lost flow from Kent Springs to be "accurate and fair" as described in your letter. The watermaster has advised the department that there is not much difference in the flow measured at the Seefreed weir and at your weir. The department will have one of our Idaho Falls office staff in cooperation with the watermaster measure and compare the flows as shown at both weirs and to adjust amounts as appropriate.

As you likely already know, department staff is spread very thin this sixth year of drought dealing with water delivery questions. For this reason, I can not give you a specific date when department staff will be in the Mackay area to conduct the above described measurements but we will try to be prompt.

After the measurements are taken, the department will make the measurements available to you. If you have questions, please feel free to contact the department.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: Doug Rosenkrance
Kent Foster
Wm. Seefried
Teresa L. Sturm
IDWR - E. Region - Jones

[illegible]

APR 08 1993

July 10, 1992

Certified Mail #P 801 230 779

Mr. L. Glen Saxton, Chief
Water Allocation Bureau
State of Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83720-9000

RECEIVED
JUL 13 1992
Department of Water Resources

RE: In the Matter of Application for Permit No. 34-07171

REFERENCE: N. C. Young, "Water Right No. 34-7171 in the Name of William A. or Holly C. Seefried, to T. L. Sturm, dated May 20, 1992.

Dear Mr. Saxton:

Confirming my telephone request of July 1, 1992, I would like you agency to take the action relative my concerns regarding flow measurements being made on Kent Springs. We believe that the weir location and installation were not made in our best interest. Our observations are as follows:

a) The weir is fabricated from a piece of heavy diamond plate, with a rough flame-cut edge. There is less than 8" plate below the weir opening for burying in the stream channel and no waterstop along the lower edge or sides to prevent water from flowing around the weir; a condition that would indicate a flow less than what the spring produces.

b) The weir was installed approximately 25 feet downstream from the road culvert outlet on the high point of a gravel bar. The weir elevation (lower channel edge) is approximately 8 to 10 inches higher than the culvert outlet. In this location, the weir creates an "un-natural" obstruction causing the stream to back up well above the culvert. This reduces the output of the spring by increasing the surface water level and causes a substantial seep from the pool above the weir into the adjacent low ground on each side of the steam.

The Seefrieds previously asserted that there are contributing factors affecting the spring flow and cited the Watermaster's testimony (August 20, 1991) that conditions such as "lack of effective drop in the stream channel" and "poor stream bed maintenance" affect the stream flow between the spring and our point of diversion. The present weir installation serves only to compound those existing problems.

c) The weir installation is such that one side is approximately 1/2" lower than the other. Furthermore, the wings of the weir are inadequately short; the stream was observed on June 19th and 20th to be flowing around the weir installation because the spring flow was increasing after the diversion ceased. The stream bank was subsequently reinforced with sod to reduce unmeasured flow.

On June 25, 1992, I installed a second weir with a 24 inch rectangular opening approximately 20 yards downstream from the existing weir. My weir and its installation did not create the problems discussed above. After installing

APR 08 1993

the weir and cleaning the stream channel between the two devices, I measured approximately 3-3/4 inches flow over each weir. I subsequently removed the upper weir, cleaned and lowered the stream channel at its previous location. After a period of about 45 minutes during which the storage pool behind Seefried's weir dissipated, I measured the flow over my weir at approximately 5-3/4 inches. This flow level may have gone slightly lower with more time, but Mr. Seefried came along and insisted that the upper weir be replaced, which he did.

Although I do not have a copy of the Watermaster's weir flow tables, I do know that the total flow is an exponential function of the depth over the weir and it effectively doubles with every inch of greater depth. It is my contention that the Seefried's weir in its present location directly affects the spring output.

Because this effort to measure the spring flow affects any interpretation of what my water delivery will be (assuming that we do not object to the mitigation plan in its entirety), we would like to have a measurement that is accurate and fair. Accordingly, we ask that you direct the Watermaster to verify the compatibility of measurements over both weirs, then remove the Seefied's weir and continue making his measurements over our weir. We also ask that we be provided with the Watermaster's measurements on a bi-weekly basis; including all measurements made to date, both at Seefried's weir and the weir located at our prescribed point of diversion.

We want the latitude to move the weir again if we feel conditions warrant. We plan to experiment with ways to improve the spring or retain the discharge to enable a higher flow; on June 25th, Mr. Seefried suggested cleaning the spring area and building a dike with a head gate as one option. We might try a temporary diversion at the culvert to see if this is feasible.

At this time, we do not want the Seefrieds to divert water from their well as called for in their mitigation plan. We feel that the information gained will help us all to make better decisions about future options we can take. However, we reserve the right to request that the prescribed mitigation be implemented if our needs change.

Because Mr. Seefried will be needing to restart his pump in the near future, we request your immediate action on this matter. I am FAXing this letter to you today July 9, 1992, as well as sending it by Certified Mail. If you have any questions, please contact me at (208) 526-3171. Thank you in advance for your prompt attention to our request.

Sincerely,

John A. Naisbitt

cc: Mr. Kent Foster
Mr. Doug Rosenkranz
Mr. & Mrs. Bill Seefried

APR 08 1993

MEMORANDUM

To: File 34-7171

From: L. Glen Saxton LGS

RE: **PHONE CALL FROM WATERMASTER - DOUG ROAENKRANCE**

Date: June 26, 1992

Doug Rosenkrance, the watermaster of Water District 34, called today and advised that John Naisbitt, the owner of water right no. 34-0414 from Kent Springs tore out the measuring device which was installed near the Alder Creek road by William Seefried. The device was used to determine the natural flow from Kent Springs in order that Seefried could mitigate any effect caused by the pumping of the Seefried well.

I advised the watermaster that Seefried probably now had no continuing obligation to Naisbitt due to Naisbitt's action. Rosenkrance said the two parties likely will work the matter out between themselves.

The Rosenkrance call was for information purposes and was not a request for action by the department.

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OCT 08 1993

1st File

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
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TERESA L. STURM
STEVEN K BROWN
JAMES P. HILLMAN*
DAVID H SHIPMAN
KATHERINE STEELE MORIARTY
*ADMITTED TO PRACTICE IN OHIO ONLY

SEWARD H FRENCH
(1941-1984)
TED C SPRINGER
(1943-1984)
ROBERT A. deGROOT
REGISTERED PATENT AGENT

May 29, 1992

RECEIVED
JUN 1 1992
Department of Water Resources

Norman C. Young, Administrator
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Re: Water Right No. 34-7171 In The Name of William A. or Holly C. Seefried

Dear Mr. Young:

I received your letter of May 20, 1992. The purpose of this correspondence is to advise you that my clients are agreeable to the conditions outlined in your letter of May 20, 1992, regarding our proposed plan of mitigation. Mr. and Mrs. Seefried are currently acting in accordance with the provisions of the plan and will continue to do so and will likewise continue to observe the conditions discussed in your correspondence.

We will advise the Department of Water Resources immediately of any complications or modifications which may arise from circumstances beyond our control and will likewise keep the watermaster apprised of all circumstances surrounding this situation.

Very truly yours,

Teresa L. Sturm

TLS/csh
cc: Mr. and Mrs. William Seefried

APR 08 1993

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

May 20, 1992

Teresa L. Sturm
Hopkins, French, et. al.
P.O. Box 51219
Idaho Falls, ID 83405-1219

RE: WATER RIGHT NO. 34-7171 IN THE NAME OF WILLIAM A. OR HOLLY C. SEEFRIED

Dear Ms. Sturm:

The department has reviewed the mitigation plan which you submitted to the department on May 7, 1992 on behalf of William and Holly Seefried. The plan of mitigation is for the purpose of mitigating the effect of pumping of the Seefried well upon the flow from Kent Springs and more specifically upon water right no. 34-0414 which is diverted from Kent Springs.

The department approves the proposed plan to determine the "natural discharge" from Kent Springs and the petitioners proposal to mitigate the effect of pumping of the Seifried well upon the discharge from Kent Springs with the following conditions:

1. The department's order dated November 20, 1991 remains effective until modified or superceded.

2. The Seifrieds are responsible to pay reasonable charges incurred by the watermaster while conducting monitoring measurements which are over and above his usual water delivery activities.

3. Approval of the plan of mitigation does not waive compliance with other requirements described in the Director's Report for Basin 34 which may generally apply to diversion and use of ground water.

4. The Seifried's are not required to mitigate flow from Kent Springs when the priority of water right no. 34-0414 is not being filled by the water master as a result of insufficient water to fill prior water rights.

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APR 0 8 1993

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

Sincerely,

NORMAN C. YOUNG
Administrator

c: William Seefried
John Naisbitt
Kent Foster
IDWR - E. Region

APR 08 1993

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
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JAMES P HILLMAN*
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KATHERINE STEELE MORIARTY
*ADMITTED TO PRACTICE IN OHIO ONLY

SEWARD H FRENCH
(1941-1984)
TED C SPRINGER
(1943-1984)
ROBERT A deGROOT
REGISTERED PATENT AGENT

May 6, 1992

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MAY 07 1992
Department of Water Resources

Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

Department of Water Resources
150 Shoup Avenue
Idaho Falls, ID 83402

Attention: Skip Jones

Re: In the Matter of the Application for Permit
No. 34-07171
William A. and Holly Seefried

Gentlemen:

In accordance with the Order of Director R. Keith Higginson dated November 20, 1991, in the matter of Water Right No. 34-7171 in the name of William A. or Holly C. Seefried, we are authorized to propose the following plan to mitigate the affect of pumping, if any, of Seefrieds' well on right no. 34-0414, by our clients, William and Holly Seefried.

William and Holly Seefried (hereinafter petitioners) have placed a measuring device acceptable to the Watermaster of Water District No. 34, Big Lost River and Tributaries, near the Alder Creek Road where the flow from the spring identified as Kent Springs concentrates into a single channel and "passes under the road." This location is further described as being within the Northwest quarter of the Northwest quarter of Section 2, Township 6 North, Range 24 East, of the Boise Meridian, County of Custer, State of Idaho, all in accordance with the provisions of paragraph number 2 of the Director's Order of November 20, 1991. Measurements are taken on a regular basis by the Watermaster of Water District No. 34, Big Lost River and Tributaries (hereinafter Watermaster).

Measurements in accordance with the foregoing arrangement have been taken by the Watermaster since approximately March, 1992, and shall continue to be taken for ar

APR 08 1993

period of not less than nine months from the date of this correspondence, such that measurements shall be taken through at least March, 1993. Measurements taken by the Watermaster shall be regularly reported to the Department of Water Resources. The results of measurements taken from March, 1992, through the present will be made available to Department of Water Resources.

Petitioners must commence diversion from their well immediately. Measurements in accordance with the foregoing explanation shall be ongoing during the period of time the petitioners are diverting water from their well. Petitioners shall continue diversion through the period of approximately May 22, 1992. On or about May 22, 1992, petitioners shall cease diversion from their well for a period not to exceed ten days. Measurements shall be taken by the Watermaster as set forth herein during the time of diversion and thereafter in order to obtain a determination of the "natural discharge" from Kent Springs before, during and after diversion by petitioners.

Petitioners shall prepare and immediately install mainline irrigation pipe not less than three inches in diameter at the diversion point from their well. At such time as the "natural discharge" from Kent Springs has been determined by measurements taken by the Watermaster, petitioners will mitigate the affect, if any, of pumping their well on right number 34-0414 by pumping water through the three inch mainline into Kent Springs, above the measuring device installed near the Alder Creek Road. Petitioners will pump sufficient water into Kent Springs to maintain the flow as measured by the device at or near Alder Creek, which flow has been determined by measurements of the Watermaster to be the "natural discharge" from Kent Springs.

Petitioners will continue operating in this manner throughout the 1992 crop season. Petitioners propose to commence diversion from their well again on May 31, 1992, and to continue diversion through approximately June 30, 1992. Petitioners will then terminate diversion for a period of not less than ten days. During periods of diversion and thereafter for the period of not less than ten days, the Watermaster will continue to take measurements for the purpose of providing further data on the "natural discharge" from Kent Springs and also for the purpose of assuring that the affects of pumping or diversion from petitioners' well are mitigated such that the "natural discharge" as determined by the Watermaster is maintained.

Petitioners will recommence diversion from their well on or about July 12, 1992, and continue diversion through August,

APR 28 ''

1992, at which time diversion shall again terminate. Petitioners propose that the Watermaster continue regular measurements throughout this period of time in order to supplement data obtained on the "natural discharge" from Kent Springs and also in order to insure continued mitigation of the affect, if any, of the diversion from plaintiffs' well on right number 34-0414.

Petitioners do not anticipate diverting water from their well after August, 1992. However, petitioners propose that the Watermaster continue to measure the discharge from Kent Springs for the period September, 1992, through at least March, 1993, in order that additional data on the "natural discharge" from Kent Springs be obtained. Thereafter, petitioners will request a determination from the Department as to the "natural discharge" from Kent Springs. Petitioners will continue to mitigate the affect, if any, of their pumping on the natural discharge from Kent Springs by diverting water from their well into Kent Springs via the mainline irrigation pipe installed in accordance with the foregoing proposal. Petitioners shall continue this form of mitigation until such time as the Department of Water Resources orders otherwise, or until the parties agree to the contrary.

We understand that following review of this proposal, the Director of the Department of Water Resources or an appropriate official will advise of the approval or disapproval of the same. We would appreciate it if you would direct any questions to this office. We would like to take this opportunity to advise the Department that the petitioners are anxious that this matter be resolved in order that the parties can continue with their respective operations without further dispute. If the Department has any suggestions for modifications in order to obtain approval, we would again appreciate that the same be submitted to this office.

Thank you for your continued cooperation in this matter.

Very truly yours,

Teresa L. Sturm

TLS/csh
cc: Mr. & Mrs. William Seefried

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

November 21, 1991

William A or Holly C. Seefried
P.O. Box 176
Mackey, ID 83251

RE: In the Matter of Application for Permit No. 34-07171

Dear Mr. and Mrs. Seefried:

Enclosed is a copy of the Memorandum Decision and Order in reference to the above mentioned permit.

Any person who does not agree with the decision of the department may request a rehearing before the Director within 20 days, or may appeal directly to the district court within 30 days of the date the decision is mailed.

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

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

c: w/enc, final order and
cert. of mailing:
See cert. of mailing

DEC 09 1991

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT on this the 21st day of November 1991, a true and correct copy of the MEMORANDUM DECISION AND ORDER was mailed, postage prepaid to:

William A. and Holly Seefried
P. O. Box 176
Mackey, ID 83251

John Naisbitt
5963 West Broadway
Idaho Falls, ID 83402

Teresa Sturm
P.O. Box 51219
Idaho Falls, ID 83405

Kent Foster
P.O. Box 50130
Idaho Falls, ID 83504

Karen L. Gustafson
Secretary/Records Manager

changes made 12/3.

MEMORANDUM

TO: Glen Saxton / Norm Young (NCY)

FROM: Phillip J. Rassier PJR

RE: Seefried Permit 34-7171 - Comments on Draft Order

DATE: November 13, 1991

At your request, I have reviewed the draft Memorandum Decision and Order resolving the complaint of John Naisbitt, owner of right 34-0414. The Naisbitt water right from Kent Springs is for 1.8 cfs with a priority of June 1, 1885. The complaint is that Seefried's pumping of ground water under right 34-7171 depletes the flow of water from Kent Springs required to satisfy the senior water right of Naisbitt.

The Seefried right is a licensed ground water right to divert 3.78 cfs with a 1977 priority date. The department approved a change in point of diversion for the right in 1988. The new well is located about 250 feet from the spring outflow for the Naisbitt right. The change approval requires unperforated casing to 50 feet or to the first confining layer, whichever is deeper. The well is under the control of the watermaster. The results of a pump test conducted by the department showed that pumping of the Seefried well reduces the outflow of Kent Springs by as much as 32%.

Based upon the results of the pump test, the department on August 24, 1990, ordered Seefried to stop using the well in a manner that interfered with Naisbitt's water right from Kent Springs. On August 20, 1991, the department held a hearing on the order. Attorney Teresa Sturm, representing Seefried, has filed exceptions to the departments proposed decision ordering Seefried not to interfere with the natural flow of the springs.

In addition to the changes shown on the draft memorandum decision and order, I suggest the following Conclusions of Law be added to state the legal authority for the departments action:

1. As between appropriators of the public waters of the state, the first in time is the first in right. I.C. §42-106.

2. All ground waters in this state are declared to be the property of the state, whose duty it shall be to supervise their appropriation and allotment to those diverting the same for beneficial use. I.C. § 42-226.

3. The Director is authorized to supervise and control the exercise and administration of rights to the use of ground water and in the exercise of this power the Director may prohibit or limit the withdrawal of water from any well during any period that

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he determines that water to fill the ground water right is not available. I.C. § 42-237a(g).

4. Ground water shall not be deemed available to fill a water right if withdrawal would affect the use of any prior surface or ground water right in a manner contrary to the declared policy of the Ground Water Act. I.C. § 42-237a(g).

In response to the arguments raised in the Exceptions and Brief filed by Seefried it may be helpful to:

1) add a finding addressing whether Naisbitt is making beneficial use of the water diverted from Kent Springs under right 34-0414;

2) review whether a finding is required to respond to the arguments concerning the watermaster's testimony (Exceptions p. 4); and

3) review whether the department could provide any advance guidance to Seefried as to what will constitute an acceptable augmentation or mitigation plan.

DEC 09 1991

INTER-DEPARTMENT MEMO

TO: Glen Sarton - Boise

SUBJECT: Seefried Exceptions

FROM: H.W. Jones - Eastern

DATE: 9-23-91

Attached is the Brief filed by Teresa Sturm on behalf of the Seefrieds as per our tele-con.

DEC 09 1991

(X) For your information

( ) Response required

signature

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
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KATHERINE STEELE MORIARTY

SEWARD H FRENCH
(1941-1984)
TED C SPRINGER
(1943-1984)

ROBERT A deGROOT
REGISTERED PATENT AGENT

September 20, 1991

State of Idaho
Department of Water Resources
150 Shoup Avenue
Idaho Falls, ID 83402

HAND DELIVERY

Attention: Harold Jones

Re: William A. and Holly C. Seefried

Dear Mr. Jones:

We have enclosed herewith an original Exceptions and Brief Filed in Support Thereof in the above-reference matter.

Very truly yours,

Teresa L. Sturm

Teresa L. Sturm

TLS/csh
Enclosure

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SEP 23 1991
Department of Water Resources
Eastern District Office

DEC 09 1991

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FALLS OFFICE

FRED J HAHN
KENT W FOSTER
ROBERT E FARNAM
WILLIAM D FALER
STEPHEN E MARTIN
CHARLES A HOMER
GARY L MEIKLE
MICHAEL D CRAPO
GAYLE A SORENSON
DONALD L HARRIS
MARIE T TYLER
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TELEPHONE (208) 343-0820
TELEFAX (208) 343-8078

BOISE OFFICE

WM LYMAN BELNAP, P C
RANDALL B REED

ARTHUR W HOLDEN
(1877-1967)
ROBERT B HOLDEN
(1911-1971)
TERRY L CRAPO
(1939-1982)
WILLIAM S HOLDEN
(1907-1988)

September 16, 1991

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SEP 18 1991
Department of Water Resources

L. Glen Saxton, Chief
Water Allocation Bureau
IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RE: Proposed Order - Right 34-7171

Dear Mr. Saxton:

We are in receipt of the Proposed Memorandum Decision and Order of September 4, 1991. We appreciate the promptness and thoroughness of your work and believe the matter has been treated fairly.

The only question we might have would relate to the determination by the watermaster of the flow of Kent Springs. As we understand Right No. 34-0414, the point of diversion is in the NE1/4 of the SE1/4 of Section 2, Township 6 North, Range 24 East, and we assume the amount of the right is to be measured at this point. We wonder if it would be helpful to specify that the watermaster's measurements are to be made at the point of diversion for Right No. 34-0414.

Thank you for your kind and continued attention to this matter.

Yours very truly,

Kent W. Foster

#8627.00/srs

cc: Teresa L. Sturm, Esq.

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DEC 09 1991

HOPKINS, FRENCH, CROCKETT,
SPRINGER & HOOPES
Teresa L. Sturm
428 Park Avenue
P.O. Box 51219
Idaho Falls, ID 83405-1219
Telephone: 208-523-4445
Attorneys for Petitioners

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF WATER RIGHT NO. 34-7171 IN THE NAME OF WILLIAM A. OR HOLLY C. SEEFRIED	EXCEPTIONS AND BRIEF FILED IN SUPPORT THEREOF

COME NOW William A. and Holly C. Seefried (hereinafter petitioners), by and through their attorneys, the law firm of Hopkins, French, Crockett, Springer & Hoopes, and in accordance with the provisions of Idaho Code §67-5211 and the order issuing Proposed Memorandum Decision issued by the Director of the Department of Water Resources in the above matter on September 4, 1991, file the following Exceptions and Brief in Support Thereof to the Proposed Memorandum Decision and Order (hereinafter Order) issued by the Idaho Department of Water Resources (hereinafter IDWR) on September 4, 1991, and served on petitioners by mail on September 5, 1991.

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DEC 09 1991

EXCEPTIONS AND BRIEF FILED IN SUPPORT THEREOF

EXCEPTION

Petitioners take exception to those portions of the Order found at page 3, subparagraphs a) and b) (responses), page 4, subparagraphs e) and g), and related provisions which shift the burden of proving and quantifying the degree of any affect petitioners' pumping may have on the flow of Kent Springs to petitioners.

ARGUMENT

Petitioners completed requirements for transfer of their point of diversion in accordance with Idaho Code §42-222 and related provisions; no protest was made in accordance with Section 42-222(1). The transfer was approved October 18, 1988 subject to certain conditions (there is no indication these conditions have not been met by petitioners) and petitioners commenced irrigating within the confines of their licensed water right. In accordance with the provisions of Section 42-222(1), protest should have been made with the Department within ten (10) days of the date of the last publication of the notice of the proposed change.

A protest was made in July, 1989, almost one year after the approval of the Application for Transfer. The individual so protesting must bear the burden of proving that a licensed water right, presumably investigated by IDWR, injures or interferes with his water right. The Department may choose to conduct an investigation of the alleged injury, however, the protestant must bear the burden of proving the nature and extent of the injury.

If it were otherwise, the provisions of the code which call for publication of notice and a period of time in which to file a protest upon application for a change of point of diversion are rendered meaningless.

If the protest had been made timely, petitioners and the IDWR might then have had the opportunity to deal with the terms of the protest in advance of the transfer. This is the obvious intent of the statute.

There is a substantial impact on the petitioners where the protest comes well after the physical transfer of the point of diversion has been made. In this circumstance, it is not unreasonable to place the burden upon the individual making the protest to prove the nature and degree of the alleged injury to his water right, notwithstanding the priority date of his water right.

IDWR made a determination based upon a limited amount of data which inflicts a substantial hardship on petitioners. No effort was made to elicit information as to the historical flow of water in Kent Spring, the amount of water available for use at the point of diversion for Right No. 34-0414, the additional factors which may impede the flow of water from its source in Kent Spring to the point of diversion or other factors which may contribute to an increase or decrease in the flow of water through Kent Spring. Rather, the burden has been placed upon petitioners to somehow establish the "natural flow" of Kent Springs as less than the decreed right of 1.8 c.f.s.

DEC 00 1991

IDWR's investigation of the proposed transfer and the problem which has arisen since the time of transfer, as well as the protestant's allegations, fall woefully short of meeting the burden of proving the extent of degree of injury to protestants' water right.

IDWR should not disregard the testimony of Doug Rosenkrance, Water Master for District No. 34, as to the results of his substantial efforts to measure the flow of water at Kent Spring during times when petitioners were and were not pumping their well. Mr. Rosenkrance testified as to other conditions which would affect the stream flow to the point of diversion, including poor stream bed maintenance, lack of any effective drop in the stream channel, water overflowing stream banks at places above the point of diversion, etc. No mention was made of this testimony in the Proposed Memorandum Decision nor was any effort made to take into account facts provided in that testimony. If the Department of Water Resources chooses to disregard the uncontroverted facts testified to by Mr. Rosenkrance, the Department must, at a minimum, acknowledge the uncontroverted testimony and justify its decision to disregard the same.

The protestant made no effort to establish proof of use of the water from Kent Spring or its historical "natural flow". Petitioners' uncontroverted evidence from an eye witness established an historical lack of water flow and beneficial use of the waters from Kent Spring. The protestant placed nothing in evidence establishing the nature and degree of alleged

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DEC 09 1991

interference with his water right, despite evidence presented by petitioners establishing substantial question as to the natural flow and beneficial use of his water.

EXCEPTION

Petitioners take exception to that portion of the Order at paragraph 1, pages 4 and 5, which require petitioners to prepare a plan to mitigate the affect of pumping of their well, which plan may include a procedure for determining the natural discharge of Kent Springs.

ARGUMENT

Petitioners are called upon to propose a plan of mitigation acceptable to IDWR or cease pumping through their well. No parameters or guidelines are provided to petitioners as to factors IDWR will look to in determining reasonable mitigation. At a minimum, petitioners are entitled to know what factors or conditions IDWR would consider reasonable in the circumstances of this case. Such direction is in keeping with IDWR's responsibility to establish terms and conditions under which a proposed transfer of a point of diversion will be approved.

It is reasonable to expect that if IDWR demands a plan of mitigation, IDWR will agree to participate in additional testing of the flow of Kent Springs and the alleged impact of pumping of petitioners' well on that flow. It is likewise reasonable to expect that IDWR will participate in attempting to determine the historic flow of the spring and availability of

DEC 09 1991

water at the protestant's point of diversion, given the other substantial factors that impact the flow of Kent Spring.

IDWR has, as set forth above, placed an unreasonable burden on the petitioners' previously approved license.

DATED this 20th day of September, 1991.

HOPKINS, FRENCH, CROCKETT,
SPRINGER & HOOPES

By _____
Teresa L. Sturm
Attorneys for Petitioners

CERTIFICATE OF SERVICE BY MAIL, HAND DELIVERY OR FACSIMILE TRANSMISSION

I hereby certify that a true and correct copy of the foregoing document was on this date served upon the person named below, at the address set out below his name, either by mailing, hand delivery or by telecopying to him a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid; by hand delivery to him; or by facsimile transmission.

DATED this 20th day of September, 1991.

_____
Teresa L. Sturm

Kent W. Foster, Esq.
Holden, Kidwell, Hahn & Crapo
West One Bank Building
P. O. Box 50130
Idaho Falls, ID 83405-0130

[X] Mail
[ ] Hand Delivery
[ ] Facsimile

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DEC 09 1991

September 4, 1991

WILLIAM A OR HOLLY SEEFRIED
P O BOX 176
MACKAY ID 83251

RE: PROPOSED ORDER - RIGHT 34-7171 - WILLIAM SEEFRIED

Dear Mr. & Mrs. Seefried:

On August 20, 1991, the department conducted a hearing in the above referenced matter pursuant to a request from Teresa Sturm representing William and Holly Seefried. Authority for the hearing is provided in Section 42-1701A(3), Idaho Code.

During the hearing, I advised the parties that subsequent to the hearing, the department would issue a Final Order taking one of three actions described as follows:

1. Affirm prior order
2. Rescind prior order
3. Modify prior order

The department's legal counsel advises that the issuance of a Final Order without the hearing having been conducted by the Director or the Director having reviewed the record is not appropriate. Hence, the enclosed document has been issued as a "Proposed Memorandum Decision and Order". The enclosed "Order Issuing Proposed Memorandum Decision and Order" describes rights of the parties subject to terms of the order and describes time frames in which exceptions or a response may be filed.

I wish to emphasize to the parties that the decision reached in this matter, once finalized, will still be subject to applicable findings of rights in the Big Lost River Drainage pursuant to the ongoing Snake River Basin Adjudication. Paragraph No. 3. in the order makes this provision.

Sincerely,

L. GLEN SAXTON, Chief Water Allocation Bureau

Encl:

c: IDWR - E. Region

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DEC 09 1991

September 4, 1991

TERESA STURM
P O BOX 51219
IDAHO FALLS ID 83405

RE: PROPOSED ORDER - RIGHT 34-7171 - WILLIAM SEEFRIED

Dear Ms. Sturm:

On August 20, 1991, the department conducted a hearing in the above referenced matter pursuant to a request from Teresa Sturm representing William and Holly Seefried. Authority for the hearing is provided in Section 42-1701A(3), Idaho Code.

During the hearing, I advised the parties that subsequent to the hearing, the department would issue a Final Order taking one of three actions described as follows:

1. Affirm prior order
2. Rescind prior order
3. Modify prior order

The department's legal counsel advises that the issuance of a Final Order without the hearing having been conducted by the Director or the Director having reviewed the record is not appropriate. Hence, the enclosed document has been issued as a "Proposed Memorandum Decision and Order". The enclosed "Order Issuing Proposed Memorandum Decision and Order" describes rights of the parties subject to terms of the order and describes time frames in which exceptions or a response may be filed.

I wish to emphasize to the parties that the decision reached in this matter, once finalized, will still be subject to applicable findings of rights in the Big Lost River Drainage pursuant to the ongoing Snake River Basin Adjudication. Paragraph No. 3. in the order makes this provision.

Sincerely,

L. GLEN SAXTON, Chief Water Allocation Bureau

Encl:

c: IDWR - E. Region

DEC 09 1991

September 4, 1991

KENT FOSTER
P O BOX 50130
IDAHO FALLS ID 83405

RE: PROPOSED ORDER - RIGHT 34-7171 - WILLIAM SEEFRIED

Dear Mr. Foster:

On August 20, 1991, the department conducted a hearing in the above referenced matter pursuant to a request from Teresa Sturm representing William and Holly Seefried. Authority for the hearing is provided in Section 42-1701A(3), Idaho Code.

During the hearing, I advised the parties that subsequent to the hearing, the department would issue a Final Order taking one of three actions described as follows:

1. Affirm prior order
2. Rescind prior order
3. Modify prior order

The department's legal counsel advises that the issuance of a Final Order without the hearing having been conducted by the Director or the Director having reviewed the record is not appropriate. Hence, the enclosed document has been issued as a "Proposed Memorandum Decision and Order". The enclosed "Order Issuing Proposed Memorandum Decision and Order" describes rights of the parties subject to terms of the order and describes time frames in which exceptions or a response may be filed.

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Sincerely,

L. GLEN SAXTON, Chief Water Allocation Bureau

Encl:

c: IDWR - E. Region

September 4, 1991

JOHN NAISBETT
5963 W BROADWAY
IDAHO FALLS ID 83402

RE: PROPOSED ORDER - RIGHT 34-7171 - WILLIAM SEEFRIED

Dear Mr. Naisbitt:

On August 20, 1991, the department conducted a hearing in the above referenced matter pursuant to a request from Teresa Sturm representing William and Holly Seefried. Authority for the hearing is provided in Section 42-1701A(3), Idaho Code.

During the hearing, I advised the parties that subsequent to the hearing, the department would issue a Final Order taking one of three actions described as follows:

1. Affirm prior order
2. Rescind prior order
3. Modify prior order

The department's legal counsel advises that the issuance of a Final Order without the hearing having been conducted by the Director or the Director having reviewed the record is not appropriate. Hence, the enclosed document has been issued as a "Proposed Memorandum Decision and Order". The enclosed "Order Issuing Proposed Memorandum Decision and Order" describes rights of the parties subject to terms of the order and describes time frames in which exceptions or a response may be filed.

I wish to emphasize to the parties that the decision reached in this matter, once finalized, will still be subject to applicable findings of rights in the Big Lost River Drainage pursuant to the ongoing Snake River Basin Adjudication. Paragraph No. 3. in the order makes this provision.

Sincerely,

L. GLEN SAXTON, Chief Water Allocation Bureau

Encl:

c: IDWR - E. Region

DEC 09 1991

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
LAWYERS
SALISBURY BUILDING-428 PARK AVENUE
P O. BOX 51219
IDAHO FALLS, IDAHO 83405-1219
(208) 523-4445
FAX (208) 523-4474

C. TIMOTHY HOPKINS
GREGORY L. CROCKETT
D. FREDRICK HOOPES
LARY S. LARSON
PAUL B. RIPPEL
TERESA L. STURM
STEVEN K BROWN
STEPHEN A. GRATTON
DAVID H. SHIPMAN
KATHERINE STEELE MORIARTY

SEWARD H. FRENCH
(1941-1984)
TED C. SPRINGER
(1943-1984)

ROBERT A deGROOT
REGISTERED PATENT AGENT

August 22, 1991

RECEIVED
AUG 26 1991
Department of Water Resources

Mr. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83706-2237

Re: Naisbitt/Seefried Water Dispute

Dear Mr. Saxton:

As you will recall, at the hearing in the above matter held on August 20, 1991, we submitted correspondence in the form of an affidavit from Mr. Jack Barnett of Barnett Intermountain Water Consulting. We have received the original of that document and for purposes of clarity, we are submitting the original document to be filed in Water Resources file marked as Seefried Exhibit No. 1.

By copy of this correspondence, we are notifying Mr. Foster of our action.

Very truly yours,

Teresa L. Sturm

TLS/csh
Enclosure
cc: Kent W. Foster, Esq.

DEC 09 1991

BARNETT INTERMOUNTAIN WATER CONSULTING

106 West 500 South, Suite 101
Bountiful, Utah 84010-6232
(801) 292-4662

RECEIVED
AUG 26 1991
Department of Water Resources

RECEIVED
AUG 22 1991

August 20, 1991

Ms. Teresa Sturm, Esq.
Hopkins, French, Crockett, Springer & Hoopes
P.O. Box 51219
Idaho Falls, Idaho 83405-1219

Re: Potential interference between Seefrieds' well and the Kent Springs.

Dear Teresa:

Based upon phone conversations we have had with yourself and Harold Jones of the Idaho Department of Water Resources (IDWR) we have formulated the following cursory understandings and beliefs:

Understandings:

1) It is our understanding that Seefrieds possess a bona fide and legitimate water right for the diversion of ground water in the Mackay area. That they filed transfer application 3454 with IDWR. That this transfer application was duly advertised as prescribed and that no protests were received. That Seefrieds complied with all other rules and regulations prescribed by IDWR and by law, and that transfer application 3454 was approved. That pursuant to this approval, Seefrieds drilled a new well.

2) Subsequent to the completion of Seefrieds' new well, Dorst and Cain, predecessors to Naisbetts (protestants), filed a letter of complaint with IDWR indicating that the pumping of the Seefrieds' well interfered with their rights in the Kent Springs. That during the summer of 1990, IDWR, in a cursory way, inquire into the alleged interference. That IDWR determined that there was reason to believe that there was some effect and connection between the pumping of the Seefrieds' well and the flow of the Kent Springs. Based upon this cursory examination and Naisbett's decreed claim to a flow of 1.8 cfs from the Kent Spring, IDWR issued an order directing Seefrieds' to either cease and desist the pumping

DEC 09 1991

of their well or provide make-up water to the protestants, up to 1.8 cfs.

3) During this past summer (1991), IDWR in conjunction with the water master has made additional observations and tests with regards to the alleged interference. Basically, it our understanding, that IDWR observed that the flow from the Kent Springs, prior to Seefrieds using their well, was in the neighborhood of 0.5 cfs, and that a week after the Seefrieds' well was turned on, the flow diminished to almost no flow. That it is IDWR's and the water masters general observations that there is also a relationship between the flow of the Big Lost River and an adjacent canal in this area, with the flow of the Kent Springs. That during the time that IDWR observed the reduction in the flow of the Kent Springs, not only was the well producing, but the flow of the river was declining and the canal was turned off. These factors, potentially with others not identified, all combined to created the observed effect.

4) Today's hearing is to allow the IDWR to review and understand the rights of the contesting parties and the associated hydrology while considering the appropriateness of the current order.

Beliefs:

1) Under Idaho law, we believe the applicant can only and should be reasonably responsible to mitigate that portion of the observed effect for which they created.

2) It is our belief that the maximum replacement of water must be limited by not only the interference of flow from the spring created by the Seefrieds' well, but also by the historic flow of the springs and the beneficial use of the water made by the Naisbetts. The Naisbetts are not entitled to 1.8 cfs unless the spring would have been flowing that amount without the pumping of the Seefrieds' well, and the Naisbetts are only entitled to use water when they can place it to a beneficial use.

DEC 09 1991

3) From the forgoing history, it is our understanding that the Seefrieds completed an appropriate transfer of water under the rules of the State, and without a protest. It is our belief that Naisbetts fully have the right to protest an application after it has been approved and completed, but, that at this

point in time, the full burden of asserting, proving, and quantifying the magnitude of any effect of Seefrieds' pumping on the Kent Springs, is upon the protestants. To our knowledge, the Naisbetts have provided none.

4) Based upon our understanding of the efforts performed this summer by IDWR and the water master to quantify any effect of the pumping of the Seefrieds' well and the Kent Springs, it is our belief that the maximum combined effect of pumping the Seefrieds' well in conjunction with the dropping in the flow of the Big Lost River and the cessation of flow in an adjacent canal is something less than 0.5 cfs. It would be unreasonable for IDWR to require Seefrieds to mitigate beyond the effect the pumping of their well creates. To require Seefrieds to deliver to Naisbetts make-up water at the rate of 1.8 cfs when production from the Seefrieds' well is something less than this would be wholly unreasonable. Further, the best available data at this juncture would indicate that this year, with the Seefrieds' pump off, the Big Lost flowing at a reasonable rate, and the canal full, the maximum flow that the Naisbett's right entitles them to is 0.5 cfs.

5) It is our belief that, through a cooperative effort, a reasonable test can be performed which is designed to quantify the effect, if any, that the pumping of the Seefrieds' well may have on the flow of the Kent Springs. Such a cooperative test should be designed and conducted. That because the burden is the protestant's to quantify this effect, it would be unreasonable to dramatically limit Seefrieds' pumping at this moment in time.

6) It is our belief that following this hearing, IDWR will either require that a controlled and proper pump test be run or that a new order will be issued which will allow Seefrieds and their representatives to further comment. If additional tests are conducted, they may be run by IDWR. Further, the test would be conducted in such a way as to allow representatives of both parties to participate in the planning and observation of the tests, and allow both parties to review all data collected in advance of additional orders or hearings by the IDWR. It is also our belief that said tests should include a consideration of historic fluctuations in the flow of the spring, factors other than the well that may influence the flow of the spring, and the beneficial use made of the flow from the spring.

DEC 09 1991

7) In the interim, prior to a pump test, we believe that it is unreasonable to enforce the current order, as IDWR's best data shows that such would be inconsistent with factual evidence.

Sincerely,

Jack A. Barnett, P.E.

The above signatory personally appeared before me this twentieth day of August, 1991 and executed this document.

NOTARY PUBLIC
DON A BARNETT
30 East 795 South
Centerville, UT 84014
My Commission
Expires Jan 30 1994
STATE OF UTAH

(Notary Public)

My commission expires Jan 30, 1994.

My residence is Centerville, UT.

DEC 09 1991

LGS
8-20-91 Idaho Falls NOTES 1/2

Seufried - Teresa Sturm

FOSTER

Issues

Teresa Sturm - direct
- Barnett firm -

- affidavit - rec'd.
- Burden of proof shifted ??? ?
- 0.5 cfs - is the effect of well upon
- Kent Springs.
-
- Nolan Sayer direct - called by Teresa Sturm
  - Used water from Kent Springs in 1987
  - ~~1987 needs~~
  - Water not meas - but was estimated

- Rosenkranz direct
  - 6 yr. as watermaster
  - Has authority to control Seufried well.
  - Spr is Trib to Big Lost River + probably wouldn't be delivered after Aug 1.

FILED
DEC 09 1991

Seifried Sturm Foster Naisbitt 2/2

Rosenkrance direct (con't)
- Had authority over old well.
- Dept instr for enforcement not adequate.
- 40" - most meas this year @ from Spring. — by Doug
-

Foster - X of Rosenkrance
- Drought started in 1986.
- meas taken only during last year or so.
- meas taken @ property, not @ spring. Spr about a mile away.
- Ditch loses water from Spr to ℄ Naisbitt property
- Doug has not
- 2B gage - prob a 4 hr. delay.

Naisbitt direct
- 1.8 cfs — 90"
-

DEC 09 1991

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
LAWYERS
SALISBURY BUILDING-428 PARK AVENUE
P O. BOX 51219
IDAHO FALLS, IDAHO 83405-1219

DEC 09 1991

POCATELLO ID 832
22 AUG
1991

MAIL HANDLING ANNEX
SERVING
WITH PRIDE

MR GLEN SAXTON
DEPARTMENT OF WATER RESOURCES
1301 N ORCHARD ST
STATEHOUSE MAIL
BOISE ID 83706-2237

Seefried Exhibit #1

BARNETT INTERMOUNTAIN WATER CONSULTING

106 West 500 South, Suite 101
Bountiful, Utah 84010-6232
(801) 292-4662

August 20, 1991

Ms. Teresa Sturm, Esq.
Hopkins, French, Crockett, Springer & Hoopes
P.O. Box 51219
Idaho Falls, Idaho 83405-1219

Re: Potential interference between Seefrieds' well and the Kent Springs.

Dear Teresa:

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2) Subsequent to the completion of Seefrieds' new well, Dorst and Cain, predecessors to Naisbetts (protestants), filed a letter of complaint with IDWR indicating that the pumping of the Seefrieds' well interfered with their rights in the Kent Springs. That during the summer of 1990, IDWR, in a cursory way, inquire into the alleged interference. That IDWR determined that there was reason to believe that there was some effect and connection between the pumping of the Seefrieds' well and the flow of the Kent Springs. Based upon this cursory examination and Naisbett's decreed claim to a flow of 1.8 cfs from the Kent Spring, IDWR issued an order directing Seefrieds' to either cease and desist the pumping

of their well or provide make-up water to the protestants, up to 1.8 cfs.

3) During this past summer (1991), IDWR in conjunction with the water master has made additional observations and tests with regards to the alleged interference. Basically, it our understanding, that IDWR observed that the flow from the Kent Springs, prior to Seefrieds using their well, was in the neighborhood of 0.5 cfs, and that a week after the Seefrieds' well was turned on, the flow diminished to almost no flow. That it is IDWR's and the water masters general observations that there is also a relationship between the flow of the Big Lost River and an adjacent canal in this area, with the flow of the Kent Springs. That during the time that IDWR observed the reduction in the flow of the Kent Springs, not only was the well producing, but the flow of the river was declining and the canal was turned off. These factors, potentially with others not identified, all combined to created the observed effect.

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DEC 09 1991

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BARNETT INTERMOUNTAIN WATER CONSULTING

7) In the interim, prior to a pump test, we believe that it is unreasonable to enforce the current order, as IDWR's best data shows that such would be inconsistent with factual evidence.

Sincerely,

Jack A. Barnett, P.E.

The above signatory personally appeared before me this twentieth day of August, 1991 and executed this document.

NOTARY PUBLIC
DON A BARNETT
[illegible] East 200 South
[illegible] UT 84014
My Commission
Expires Jan 30 1994
STATE OF UTAH

(Notary Public)

My commission expires Jan 30, 1994

My residence is Centerville, Ut.

DEC 08 1

8-20-1991

Scefried Hearing on Order

Start tape 0019 - Glen Saxton opening remarks
+ Teresa Sturm opening remarks

0430 - Nolan Sayer (witness)
0634 -

0649 - Doug Rosencrantz (witness)
1823

1829 - John Naisbitt (witness)
2321

FILED
DEC 09 1991

Seifried	Exhibits	Nesbitt
Exhibit #1 – affidavit from Barnett Intermountain Water Consulting		
Exhibit #2 – Day Rosencrantz daily records for Kent Springs From July 18 to Aug 18		
Exhibit #3 Measurements submitted by Day Rosencrantz for Kent Springs from June 25th to July 17th, 1991.		

RECEIVED
DEC 09 1991

June 14,1991

Mr. Harold Jones
Idaho Dept. Water Resources
150 Shoup AVenue
Idaho Falls,Id. 83401

Dear Skip:

The following is my report for those days that Kent Springs was measured by me using my portable staff gage. There is question whether the staff gage on the weir is accurate so I always use my own.

I use a "Water Measurement Manual" issued by the Dept. of the Interior and the Bureau of Reclamation printed in 1981for the amount of water in CFS.

May 23rd	Bill Seefried turned his pump off on this day water at Kent Springs but not reaching property.	River was 98.6 CFS
May 28th	Water barely reached property-could not be read Lloyd Smith had his garden hose running in the ditch that day. Please note: I had opened the gates from 98.6 CFS to 457 CFS	River was 457.CFS
May 30th	My reading for this day was .18 which is .499 CFS in my book.	River this day-539.4
May 31st	Reading was the same There was water on the field this day ,just above the ditch,no water then,but it looked to me like it had been running.	
June 3rd	Reading was .14 which in my book is .344 CFS Bill Seefried turned his well on this day.	River at 581 CFS
June 4th	reading was .15 which is .381 CFS and the well was on.	River at 586.2 CFS
June 10th	Reading was .07 which is .065 CFS.	River was dropped back to 394 CFS but shut the Darlington down.
June 12th	Reading was the same	River at 448 CFS
June 14th	Reading was .07 which is .065 CFS	River at 452.5 CFs

DEC 09 1991

Bill Seefried's well has been on since the 3rd of June.

That ditch picks up the waste water from Lloyd Smith property when he is irrigating.

Water right 34-0414

It is my opinion that Kent Springs ,like all the springs around here,is fed by the river: when I open the gates and release an abundance of water the springs in the area all run good,when the gates are closed the springs go dry.

Hope all of this will be of some help to you.Please advise if you wish me to continue this measurement on a spot check .

Yours truly,

Doug Rosenkrance
Watermaster

DR/rml

DEC 09 1991

T 3454/34-07171 - SEEFRIED

Tuesday, August 20, 1991 - 9:00 a.m.
Second Floor Conference Room, State Office Building
150 Shoup, Idaho Falls, ID

Hearing Officer: Glen Saxton

Name	Representing	Address
KENT W. FOSTER	JOHN NAISBITT	IDAHO FALLS
JOHN A. NAISBITT	SELF	IDAHO FALLS/MACKAY
Holly Seefried	self	Mackay, I.D.
Doug Rosenbrance		Mackay I.D.
Lewis Rothwell	self	Arco, Id
Richard Rothwell	SELF	Leslie Idaho
Bill Seefried	Self	Mackay Idaho
Teresa L. Sturm	Seefried's	Idaho Falls, Id
Nolan Sayer		Mackay Idaho

DEC 09 1991

Seefried Subdivision

KENT, SPRINGS #2

JULY 18. — .18 — Wellon water out above weir

JULY 20 — .16=19" Wellon water out above weir

JULY 25 — .15=19" Wellon water out above weir

JULY 28 — .25=40" Wellon water out above weir

JULY 30 — .23=35.9" Wellon water out above weir

AUG. 2 — .22=33.6" Wellon water out above weir

AUG 3 — .23=35.9" wellon water running over Ditch

AUG 5 — .22 33.6" wellon water running over ditch

AUG 6 — .22 33.6" wellon water running over ditch

AUG 10 — .22 33.6" wellon water running over ditch

aug 13 — .22 33.6" wellon water running over ditch

aug 16 — .22 33.6" wellon water running over ditch

aug 18 — .22 33.6" wellon water running over ditch

MICROFILMED
DEC 09 1991

Serfied Exhibit #3.

WATER DISTRICT 34

P. O. Box 206
Mackay, Idaho 83251

July 19,1991

Mr. Harold Jones
State of Idaho
Dept.Water Resources
150 Shoup Avenue
Idaho Falls,Id. 83401

Dear Skip:

The following is my report for those days Kent Springs was measured by me using my portable staff gage.As mentioned to you previously there is a question as to whether the staff gage on the weir is accurate,so I always use my own.

I use a "Water Measurement Manural" issued by the Dept. of the Interior and the Bureau of Reclamation printed in 1981 for the amount of water given in CFS.

	Reading	Inches	well
June 25th	.19	27"	on
June 26th	.19	27"	off
July 1,	.23	35.9"	off
July 2nd	.23	35.9"	off
July 8th	.25	40"	water running in Smith ditch
July 11th	.25	40"	water running in Smith ditch
July 15th	.21	31"	water running in Smith ditch-well off
July 17,	.21	31"	well on-water running in Smith ditch.

Please note the river release for the following dates:

June 14	452.5 CFS
June 25	673 CFs
July 1	591 CFS
July 2	629 Cfs
July 8	662 CFS
July 11	634.5 CFS
July15	581 CFS
July 17	618 CFS

DEC 09 1991

Yours truly,

UNITED STATES [illegible]TAL SERVICE

OFFICIAL BUSINESS

POCATELLO ID 23 AUG 1991

RECEIVED

AUG [illegible]

FOR THE RIDE OF A LIFETIME- CONTACT YOUR [illegible]

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

Department of Water Resources
Eastern District Office

RETURNED

DEC 09 1991

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83402

[redacted]DER: Complete items 1 and 2 when additional services are desired, and complete items [redacted]nd 4.

Put your address in the [redacted]TURN TO" Space on the reverse side. Failure to do th[redacted] prevent this card from being returned to [redacted]. The return receipt fee will provide you the name of the [redacted]n delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

Teresa Sturm
PO Box 51219
Idaho Falls, Id. 83405

4. Article Number
0748

Type of Service:
- ☐ Registered
- ☐ Insured
- ☒ Certified
- ☐ COD
- ☐ Express Mail
- ☐ Return Receipt for Merchandise

Always obtain signature of addressee [redacted] and DATE DELIVERED.

5. Signature — Addressee
X.

8. [redacted] Address *(ONLY if requested and fee paid)*

6. Signature — Agent
X

[redacted] of Delivery
AUG 0 2 1991

MISSENT
DEC 09 1991

PS Form 3811, Apr. 1989 ★U.S.G.P.O. 1989-238-815 DOMESTIC RETURN RECEIPT

UNITED STATES [illegible]TAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

POCATELLO ID 83 PM 02 AUG 91

RECEIVED

AUG

Department [illegible] Resources
Eastern [illegible] Office

OR THE RI[illegible] OF A LIFETIME COL[illegible] STAM[illegible]

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

DEC 09 1991

Print sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83402

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

MICROFILMED

3. Article Addressed to:

Kent Foster
PO Box 50130
Idaho Falls, ID 83405

DEC 09 1991

4a. Article Number
P 749

Type of Service:
- ☐ Registered
- ☒ Certified
- ☐ Express Mail
- ☐ Insured
- ☐ COD
- ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED

5. Signature — Addressee
X

6. Signature — Agent
X

7. Date of Delivery
AUG 0 2 1991

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Apr. 1989 ★U.S.G.P.O. 1989-238-815 **DOMESTIC RETURN RECEIPT**

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

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- **Attach to front of article if space permits, otherwise affix to back of article.**
- **Endorse article "Return Receipt Requested" adjacent to number.**

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83402

RECEIVED
DEC 09 1991

Department of Water Resources
Eastern District Office

AUG 6 1991

U.S.MAIL

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1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

John Naisbitt
5963 W. Broadway
Idaho Falls, Id. 83402

4. Article Number

0750

Type of Service:

- ☐ Registered
- ☐ Insured
- ☒ Certified
- ☐ COD
- ☐ Express Mail
- ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED

5. Signature — Addressee

X Kristen Naisbitt

DEC 09 1991

6. Signature — Agent

X

7. Date of Delivery

8/2/91

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form **3811**, Apr. 1989 * U.S.G.P.O. 1989-238-815 **DOMESTIC RETURN RECEIPT**

NAME AND ADDRESS OF SENDER

IDAHO DEPT OF WATER RESOURCES
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Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee / Remarks
1	0747	William & Holly Seifried P.O. Box 176 Mackay	.29	1.00					1.00			T3454
2	0748 ✓	Teresa Sturm P.O. Box 51219 Dt.	"	"					"			"
3	0749 ✓	Kent Foster P.O. Box 50130 Dt.	"	"					"			"
4	0750 ✓	John Nesbitt 59630 Indy Dt.	"	"					"			"
5												DEC 09 1991
6												
7												
8												
9												
10												
11												
12												
13												
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15												

IDAHO FALLS RIVER PLANT IDAHO FALLS IDAHO AUG 7 1991

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Form 3877, May 1985

☆ U.S. G.P.O. 1985-478-804

DITCH Darlington

From Aug 13 to Aug 19, 1989

	NAME	Account Number	13 Sunday	14 Monday	15 Tuesday	16 Wednesday	17 Thursday	18 Friday	19 Saturday
1.	Shane Rosenbrand	√322	225	225	225	225	225	225	225
2.	Orville Smith	√325A	417	417	417	417	417	417	417
3.	Lloyd Smith	√360	83	83	83	83	83	83	83
4.	Higbee Farms	√411A	83	83	83	83	83	83	83
5.	Mike Duke	√325AA	233	233	233	233	233	233	0
6.	Marlin anderson	√257	75	75	75	325	325	950	250
7.	Clyde Lambert	√259	0	0	225	225	225	225	225
8.	Emil Gobb	√263	0	0	0	0	250	250	250
9.									
10.									
11.	These Figures on Marlin Anderson below								
12.	should have been on last weeks report								
13.									
14.	Marlin anderson	~~257~~	317	317	75	75	~~75~~	75	75
15.	aug 6 to aug 1989								
16.	AUG 19		1 1,3 1 3.00 CR		1,3 1 3.00 CR		1 1,3 1 3.00 CR		1 1,3 1 3.00

DITCH Darlington

From Aug 13 to Aug 19, 1989

	NAME	Account Number	13 Sunday	14 Monday	15 Tuesday	16 Wednesday	17 Thursday	18 Friday	19 Saturday
1.	An management below		-						
2.									
3.	Orville Smith	√325A	50	50	100	150	150	50	50
4.									
5.			1166	1166	1441	~~1658~~ 1741	1991	1816	1583
6.									
7.									
8.	AUG 19		0 0 0 0 CR	0 0 0 0 CR	0 0 0 0 CR			0 0 0 0 CR	
9.									
10.									
11.	AUG 19		MIS 00 CR		00 CR	.00 CR			
12.									.00 CR
13.									
14.									
15.									
16.									

DEC 09 1991

DITCH Darlington

From aug 20 to aug 26, 1989

	NAME	Account Number	20 Sunday	21 Monday	22 Tuesday	23 Wednesday	24 Thursday	25 Friday	26 Saturday
1.	Orville Smith	3251	292	292	292	0	0	0	0
2.	Lloyd Smith	260	83	83	83	83	83	83	0
3.	Hintze Farms	411A	83	83	0	83	83	83	83
4.	Clyde Lambert	259	156	0	0	0	0	0	0
5.	Marlin Anderson	257	250	250	250	250	250	250	250
6.									
7.									
8.									
9.									
10.	AUG 26	3780.00	CR 3780.00	CR	3780.00	CR		3780.00	CR
11.									
12.									
13.									
14.									
15.									
16.									

DITCH Darlington

From aug 20 to aug 26, 1989

	NAME	Account Number	20 Sunday	21 Monday	22 Tuesday	23 Wednesday	24 Thursday	25 Friday	26 Saturday
1.	~~Orville Sm~~								
2.	Ammanagall flow								
3.	Orville Smith	3251	100	50	50	100	50	0	0
4.									
5.			966	752	675	516	466	414	333
6.									
7.									
8.									
9.	AUG 24	350.00	CR 350.00	CR	350.00	CR		350.00	CR
10.	AUG 26	.00	CR .00	CR	.00	CR		.00	CR
11.									
12.	Reading for aug 27 and 28 obtained from								
13.	Darrell DEC 08 1989		300 miles on aug 27						
14.			400 miles on aug 28						
15.									
16.									

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
LAWYERS
SALISBURY BUILDING-428 PARK AVENUE
P O. BOX 51219
IDAHO FALLS, IDAHO 83405-1219
(208) 523-4445
FAX (208) 523-4474

C TIMOTHY HOPKINS
GREGORY L. CROCKETT
D FREDRICK HOOPES
LARY S LARSON
PAUL B RIPPEL
TERESA L STURM
STEVEN K BROWN
STEPHEN A GRATTON
DAVID H SHIPMAN
KATHERINE STEELE MORIARTY

SEWARD H. FRENCH
(1941-1984)
TED C SPRINGER
(1943-1984)

ROBERT A deGROOT
REGISTERED PATENT AGENT

August 19, 1991

RECEIVED
AUG 21 1991
Department of Water Resources

Kent W. Foster, Esq.
Holden, Kidwell, Hahn & Crapo
West One Bank Building
P. O. Box 50130
Idaho Falls, ID 83405

HAND DELIVERY

Re: Seefried/Naisbitt Water Dispute

Dear Kent:

As per our various conversations in the above-referred to matter, we have spent considerable time trying to discover an alternative to the current irrigation system employed by the Seefrieds which would either reduce the alleged impact on the flow of Kent Springs to an acceptable level or eliminate any impact altogether.

To that end, we have employed two separate irrigation specialists to undertake an on-site inspection and to suggest alternative irrigation systems with these goals in mind. At your suggestion, we contacted Dale Peterson and he has reviewed the property. We also contacted a gentleman by the name of George Knodle who conducted an on-site inspection. Both were able to suggest alternative means of irrigation utilizing the so-called old well. However, the estimated cost of redoing the Seefrieds' irrigation system is $20,000.00 to $25,000.00. This figure was arrived at independently by these gentlemen as they neither conferred together nor did we disclose statements made by one to the other.

Both gentlemen suggested Mr. Naisbitt explore the possibility of placing a well on his premises. Both Mr. Knodle and Mr. Peterson opined as to the very obvious difficulties inherent in trying to utilize the stream flow for irrigations purposes and suggested that consistent water flow from a well thus assuring a viable irrigation program would substantially enhance the value of the property. These suggestions were made

DEC 09 1991

by these gentlemen based on their own analysis. We did not propose this as an alternative but rather simply asked them for suggestions or advice in dealing with these competing irrigation claims.

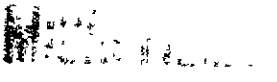
I am providing you with this information primarily to make you aware that we have continued our efforts throughout the period of the last 30 to 60 days to come to some type of resolution and avoid the necessity of litigation. Both gentlemen involved, as you might imagine, are extremely busy and Mr. Peterson was only able to complete his analysis of the matter on Friday, August 16.

While removal of their system to the old well site remains a viable alternative, it is not economically feasible for the Seefrieds to contemplate that for the 1991 crop season. Seefrieds have been and remain willing to replace water into Kent Spring from their well provided some determination can be made of the reduction in the spring flow. Seefrieds are not in a position to subsidize the flow of Kent Springs from their well, nor do we believe the Department of Water Resources expects this to take place.

It was my understanding from our previous conversations that your client is not willing to accept the proposal that the Seefrieds pay the cost of providing an irrigation well on Mr. Naisbitt's property unless they are willing to also pay the cost of pumping water from the well presumably for as long as Mr. Naisbitt chooses to utilize that means of irrigation.

It is also my understanding that Mr. Naisbitt demands a spring flow through Kent Springs of a minimum of 1.8 c.f.s. and that he will not accept our clients' suggestion that they replace the water which they appear to be removing from the spring flow unless in so doing, Mr. Naisbitt is able to receive his 1.8 c.f.s.

If my understanding of your client's position is inaccurate, please advise immediately. Also, as set forth above,



DEC 09 1991

we are very interested in ongoing negotiations for a resolution of this problem and would appreciate hearing from you in that regard.

Very truly yours,

Teresa L. Sturm

TLS/csh
cc: Mr. and Mrs. Bill Seefried
Mr. Harold Jones
Mr. Glen Saxton

DEC 08

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
LAWYERS
SALISBURY BUILDING-428 PARK AVENUE
P. O BOX 51219
IDAHO FALLS, IDAHO 83405-1219
(208) 523-4445
FAX (208) 523-4474

C TIMOTHY HOPKINS
GREGORY L CROCKETT
D FREDRICK HOOPES
LARY S LARSON
PAUL B RIPPEL
TERESA L STURM
STEVEN K BROWN
STEPHEN A GRATTON
DAVID H SHIPMAN
KATHERINE STEELE MORIARTY

BERNARD H FRENCH
(1941-1984)
TED C SPRINGER
(1943-1984)
ROBERT A deGROOT
REGISTERED PATENT AGENT

RECEIVED
JUL 15 1991
Department of Water Resources
Eastern District Office

July 11, 1991

Mr. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83706-2237

Re: Seefried/Naisbitt Water Dispute

Dear Mr. Saxton:

This will confirm our various conversations regarding a hearing before the Department of Water Resources in the above matter. During our conversation of June 21, 1991 we agreed tenatively to schedule a hearing in the matter on July 2, 1991, in the Idaho Falls, Idaho, office of Water Resources. On about June 24, 1991 I was contacted by Harold Jones of Water Resources and advised that it would not be possible to hold a hearing on July 2nd and was questioned as to my availability for a hearing on July 9. Water Resources had previously scheduled a hearing for July 9 in the morning and thought that perhaps we could simply follow with the Seefried hearing in the afternoon. I advised that this would be acceptable to me and followed with correspondence to Kent Foster with copies to Ron Carlson and Harold Jones of Water Resources advising that a July 9 hearing would be acceptable.

Thereafter, I again talked with Harold Jones who advised me that it would not be possible to hold this hearing on July 9 due to a conflict in Mr. Foster's schedule (Mr. Kent Foster represents Mr. Naisbett, the individual who holds the conflicting water right in Kent Springs), and also due to the presumed length of the hearing already scheduled for July 9. Mr. Jones asked if it would be acceptable that we continue the July 9 hearing since it was obviously a very inconvenient for both Water Resources and Mr. Foster.

I agreed with Mr. Jones, as an accommodation to the individuals involved, that we could continue the hearing previously scheduled for July 9 with the understanding that we would reschedule the hearing at a time convenient to all parties.

MICROFILMED
DEC 09 1991

Please consider this correspondence a request that the hearing be rescheduled in the Seefried matter at a time convenient to Water Resources and to Mr. Foster, myself and our respective clients. To that end, please be advised that I am unavailable due to scheduling conflicts for the period July 17 through July 21, 1991, and July 24 through July 31, 1991. However, I will be available, as will my client, at any other reasonable date and time.

In our conversations you have indicated that Water Resources would proceed with a hearing if it appears that we will not be able to come to a resolution with Mr. Naisbitt. We are continuing our efforts to work out a reasonable resolution of this situation and have contacted an engineer who might be able to give us some advice on a reasonable way to minimize the impact, if any, of the Seefried well on the flow of Kent Springs. We have also continued our negotiations with Mr. Naisbitt toward a resolution of this matter. However, at this time we have not been able to determine a reasonable resolution acceptable to the Seefrieds and to the Department of Water Resources and would like to have the matter scheduled for hearing. We will continue our efforts to resolve the issues short of the hearing process and will continue to keep you apprised of our progress in that regard.

Thank you for your continued attention to this matter and your contiued cooperation in seeking a reasonable resolution satisfactory to all parties.

Very truly yours,

/s/ Teresa L. Sturm

Teresa L. Sturm

TLS/csh
cc: Mr. Ron Carlson
Mr. Harold Jones

DEC 09 1991

BIG LOST RIVER RELEASE

Date	C.F.S.	Inches
8/14/1989	312	15,600
8/15	296	14,800
8/16	292	14,600
8/17	264	13,200
8/18	211.7	10,585
8/19	187.6	9,380
8/20	184.2	9,210
8/21	180.8	9,040
8/22	177.4	8,870
8/23	167.2	8,360
8/24	208	10,400
8/25	194.4	9,720
8/26	191	9,550
8/27	187.6	9,380
8/28	184.2	9,210

DEC 09 1991

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
LAWYERS
SALISBURY BUILDING-428 PARK AVENUE
P O BOX 51219
IDAHO FALLS, IDAHO 83405-1219

DEC 09 1991

MR GLEN SAXTON
DEPARTMENT OF WATER RESOURCES
1301 N ORCHARD ST
STATEHOUSE MAIL
BOISE ID 83706-2237

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
LAWYERS
SALISBURY BUILDING-428 PARK AVENUE
P O. BOX 51219
IDAHO FALLS, IDAHO 83405-1219
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FAX (208) 523-4474

C TIMOTHY HOPKINS
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SEWARD H. FRENCH
(1941-1984)
TED C. SPRINGER
(1943-1984)

ROBERT A deGROOT
REGISTERED PATENT AGENT

July 11, 1991

RECEIVED
JUL 16 1991
Department of Water Resources

Mr. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83706-2237

Re: Seefried/Naisbitt Water Dispute

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09 1991

I agreed with Mr. Jones, as an accommodation to the individuals involved, that we could continue the hearing previously scheduled for July 9 with the understanding that we would reschedule the hearing at a time convenient to all parties.

Tues 23rd 10:00 a. I. Falls.

Please consider this correspondence a request that the hearing be rescheduled in the Seefried matter at a time convenient to Water Resources and to Mr. Foster, myself and our respective clients. To that end, please be advised that I am unavailable due to scheduling conflicts for the period July 17 through July 21, 1991, and July 24 through July 31, 1991. However, I will be available, as will my client, at any other reasonable date and time.

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Thank you for your continued attention to this matter and your contiued cooperation in seeking a reasonable resolution satisfactory to all parties.

Very truly yours,

Teresa L. Sturm

TLS/csh
cc: Mr. Ron Carlson
Mr. Harold Jones

DEC 09 19

Please consider this correspondence a request that the hearing be rescheduled in the Seefried matter at a time convenient to Water Resources and to Mr. Foster, myself and our respective clients. To that end, please be advised that I am unavailable due to scheduling conflicts for the period July 17 through July 21, 1991, and July 24 through July 31, 1991. However, I will be available, as will my client, at any other reasonable date and time.

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Thank you for your continued attention to this matter and your contiued cooperation in seeking a reasonable resolution satisfactory to all parties.

Very truly yours,

/s/ Teresa L. Sturm

Teresa L. Sturm

TLS/csh
cc: Mr. Ron Carlson
Mr. Harold Jones

DEC 09 199

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
LAWYERS
SALISBURY BUILDING-428 PARK AVENUE
P O BOX 51219
IDAHO FALLS, IDAHO 83405-1219
(208) 523-4445
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GREGORY L CROCKETT
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LARY S. LARSON
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STEVEN K BROWN
STEPHEN A. GRATTON
DAVID H. SHIPMAN
KATHERINE STEELE MORIARTY

SEWARD H FRENCH
(1941-1984)
TED C SPRINGER
(1943-1984)

ROBERT A deGROOT
REGISTERED PATENT AGENT

July 1, 1991

JUL 02 1991

JUL 02 1991

Kent W. Foster, Esq.
Holden, Kidwell, Hahn & Crapo
West One Bank Building
P.O. Box 50130
Idaho Falls, ID 83405-0130

Re: Naisbett/Seefried Water Matter

Dear Mr. Foster:

This will confirm our meeting in your office of approximately June 25, 1991 and my telephone conference with your secretary on or about June 28, 1991 regarding our proposals for resolution of the above referred to matter. During our conversation, it is suggested that we contact an engineer with an appropriate degree and knowledge about the irrigation business to discuss alternatives to the current irrigation system undertaken by the Seefrieds. Our purpose in initiating these contacts will be to discuss economically feasible alternatives to their current irrigation project, which alternatives will minimize to the greatest degree possible any impact on the flow of Kent Spring.

As I related in my conversation with your office on June 28, we had contacted and had made arrangements to meet with two individuals who are knowledgeable in the area of irrigation and in particular in installation of irrigation systems. One of the individuals is Dale Peterson, the gentleman you had suggested in our meeting in your office. These gentlemen will meet with me to discuss the status of the problem and to arrange a time for an on-site inspection of the Seefried premises. They will then prepare and submit to me written proposals for altering the system to bring us into compliance with the order of the Department of Water Resources. I will have those proposals in hand no later than July 10, 1991 and will discuss with you each proposal and its feasibility visa my clients, the Seefrieds.

DEC 09 1991

We appreciate your cooperation in this matter and understand that you will provide us with an opportunity to pursue these proposals with the goal of bringing ourselves in compliance with the order of Water Resources as soon as is possible.

At our meeting with the Department of Water Resources representatives, Ron Carlson and Harold Jones, several questions were asked of the Seefrieds' current process. A query was made as to the amount of water being pumped and utilized by the Seefrieds. Please be advised that they are currently pumping 1600 to 1700 gallons per minute and are utilizing the total amount of that water in their irrigation system. They are not at this time, and have not for a considerable period of time, returned any water to the Darlington canal or to any other river, canal, ditch, etc. located in their vicinity. They have been returning some water to the Darlington canal when they commenced the pumping at the new well because of the flow fluctuation. However, that action is no longer necessary and they have consistently pumped 1600 to 1700 gallons per minute through at least this current agricultural season and for most of the last agricultural season. I believe this answers the questions which were raised visa the amount of water being pumped at our meeting at Water Resources.

I contacted Water Resources and left a message for both Mr. Carlson and Mr. Jones on June 28; however, because of prior commitments neither was able to return my call. By copy of this correspondence, I am advising them of the information provided to you on the status of this matter.

Should any of you have any questions or problems with the information provided herein, or if you wish to take further action in this matter, please contact me. In the meantime, we will follow the course of conduct outlined above.

Very truly yours,

/s/ Teresa L. Sturm

Teresa L. Sturm

TLS:ct
cc: Mr. Ron Carlson
Mr. Harold Jones

DEC 09 1991

WATER DISTRICT 34

P. O. Box 206
Mackay, Idaho 83251

RECEIVED
JUN 16 1991
Department of Water Resources
Eastern District Office

June 14,1991

Mr. Harold Jones
Idaho Dept. Water Resources
150 Shoup AVenue
Idaho Falls,Id. 83401

Dear Skip:

The following is my report for those days that Kent Springs was measured by me using my portable staff gage. There is question whether the staff gage on the weir is accurate so I always use my own.

I use a "Water Measurement Manual" issued by the Dept. of the Interior and the Bureau of Reclamation printed in 1981for the amount of water in CFS.

May 23rd	Bill Seefried turned his pump off on this day water at Kent Springs but not reaching property.	River was 98.6 CFS
May 28th	Water barely reached property-could not be read Lloyd Smith had his garden hose running in the ditch that day. Please note: I had opened the gates from 98.6 CFS to 457 CFS	River was 457.CFS
May 30th	My reading for this day was .18 which is .499 CFS in my book.	River this day-539.4
May 31st	Reading was the same There was water on the field this day ,just above the ditch,no water then,but it looked to me like it had been running.	
June 3rd	Reading was .14 which in my book is .344 CFS Bill Seefried turned his well on this day.	River at 581 CFS
June 4th	reading was .15 which is .381 CFS and the well was on.	River at 586.2 CFS
June 10th	Reading was .07 which is .065 CFS	River was dropped back to 394 CFS but shut the Darlington down.
June 12th	Reading was the same	River at 448 CFS
June 14th	Reading was .07 which is .065 CFS	River at 452.5 CFs

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DEC 09 1991

WATER DISTRICT 34

P. O. Box 206
Mackay, Idaho 83251

Bill Seefried's well has been on since the 3rd of June.

That ditch picks up the waste water from Lloyd Smith property when he is irrigating.

Water right 34-0414

It is my opinion that Kent Springs ,like all the springs around here,is fed by the river: when I open the gates and release an abundance of water the springs in the area all run good,when the gates are closed the springs go dry.

Hope all of this will be of some help to you.Please advise if you wish me to continue this measurement on a spot check .

Yours truly,
Doug Rosenkrance
Doug Rosenkrance
Watermaster

DR/rml

Notary Public [illegible]
Residing at Mackay, Idaho
Commission expires 3/19/93

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DEC 09 1991

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
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SALISBURY BUILDING-428 PARK AVENUE
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IDAHO FALLS, IDAHO 83405-1219
(208) 523-4445
FAX (208) 523-4474

C TIMOTHY HOPKINS
GREGORY L CROCKETT
D FREDRICK HOOPES
LARY S LARSON
PAUL B RIPPEL
TERESA L STURM
STEVEN K BROWN
STEPHEN A GRATTON
DAVID H SHIPMAN
KATHERINE STEELE MORIARTY

SEWARD H. FRENCH
(1941-1984)
TED C. SPRINGER
(1943-1984)

ROBERT A deGROOT
REGISTERED PATENT AGENT

July 11, 1991

RECEIVED
JUL 15 1991
Department of Water Resources
Eastern District Office

Mr. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83706-2237

Re: Seefried/Naisbitt Water Dispute

Dear Mr. Saxton:

This will confirm our various conversations regarding a hearing before the Department of Water Resources in the above matter. During our conversation of June 21, 1991 we agreed tenatively to schedule a hearing in the matter on July 2, 1991, in the Idaho Falls, Idaho, office of Water Resources. On about June 24, 1991 I was contacted by Harold Jones of Water Resources and advised that it would not be possible to hold a hearing on July 2nd and was questioned as to my availability for a hearing on July 9. Water Resources had previously scheduled a hearing for July 9 in the morning and thought that perhaps we could simply follow with the Seefried hearing in the afternoon. I advised that this would be acceptable to me and followed with correspondence to Kent Foster with copies to Ron Carlson and Harold Jones of Water Resources advising that a July 9 hearing would be acceptable.

Thereafter, I again talked with Harold Jones who advised me that it would not be possible to hold this hearing on July 9 due to a conflict in Mr. Foster's schedule (Mr. Kent Foster represents Mr. Naisbett, the individual who holds the conflicting water right in Kent Springs), and also due to the presumed length of the hearing already scheduled for July 9. Mr. Jones asked if it would be acceptable that we continue the July 9 hearing since it was obviously a very inconvenient for both Water Resources and Mr. Foster.

I agreed with Mr. Jones, as an accommodation to the individuals involved, that we could continue the hearing previously scheduled for July 9 with the understanding that we would reschedule the hearing at a time convenient to all parties.

MICROFILMED
DEC 09 1991

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

RECEIVED
NOV 1990
Department of Water Resources
Eastern District Office

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

November 13, 1990

Hugh Dorst
Star Route
Mackay, ID 83251

RE: TRANSFER NO. 3454 OF WATER RIGHT NO. 34-7171

Dear Mr. Dorst:

I have received your letter dated November 3, 1990, in which you say you did not receive information you had requested in connection with the above referenced water right.

The department sent you the requested information on September 25, 1990 as shown in the enclosed copy of my letter. Enclosed again is a copy of Application for Transfer No. 3454 of water right 34-7171 which shows the conditions of approval of the transfer.

By copy of this letter, I am also providing this information to Mr. and Mrs. John Naisbitts as you have requested.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region
John Naisbitts
William Seefried

Encl: 2

RECEIVED
DEC 09 1991

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

RECEIVED
JAN 31 1991
Department of Water Resources
Eastern District Office

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

January 29, 1991

Teresa L. Sturm
Hopkins, French, et. al.
428 Park Avenue
P.O. Box 51219
Idaho Falls, ID 83405-1219

RE: TRANSFER NO. 3454 OF RIGHT NO. 34-7171 - WILLIAM SEEFRIED

Dear Ms. Sturm:

My last correspondence with you in connection with the above referenced matter was September 19, 1990. In my correspondence I advised that the department would schedule a hearing in connection with the department's August 24, 1990 letter order if needed. I also requested that you notify the department with respect to timing of a hearing. To date, I have not heard from you.

Subsequent to my letter of September 19, 1990, a couple of questions have come up with respect to the letter order. The first question was in connection with Condition No. 2 in the order. The right from Kent Spring should have shown a rate of 1.8 cfs rather than 1.9 cfs.

The other question was in connection with the natural variation of flow from Kent Spring as related to the order. In this regard, the intent of the order was not to require the Seefried's to subsidize the natural flow from Kent Spring and essentially provide a flow of water which under normal conditions would not flow from the spring. In order to be able to determine the normal fluxuations in flow from Kent Spring, however, a record of such changes needs to exist. As described in my prior letter, an installed weir below the county road would provide the basis for compilation of such a record.

Please advise me with respect to the pending request for hearing, since another irrigation season is fast approaching.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region
John Naisbitts
William Seefried
Doug Rosenkrance

DEC 00 19

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

January 29, 1991

Teresa L. Sturm
Hopkins, French, et. al.
428 Park Avenue
P.O. Box 51219
Idaho Falls, ID 83405-1219

RE: TRANSFER NO. 3454 OF RIGHT NO. 34-7171 - WILLIAM SEEFRIED

Dear Ms. Sturm:

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Please advise me with respect to the pending request for hearing, since another irrigation season is fast approaching.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

RECEIVED
DEC 09 1991

c: IDWR - E. Region
✓John Naisbitt
William Seefried
Doug Rosenkrance

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

November 13, 1990

Hugh Dorst
Star Route
Mackay, ID 83251

RE: TRANSFER NO. 3454 OF WATER RIGHT NO. 34-7171

Dear Mr. Dorst:

I have received your letter dated November 3, 1990, in which you say you did not receive information you had requested in connection with the above referenced water right.

The department sent you the requested information on September 25, 1990 as shown in the enclosed copy of my letter. Enclosed again is a copy of Application for Transfer No. 3454 of water right 34-7171 which shows the conditions of approval of the transfer.

By copy of this letter, I am also providing this information to Mr. and Mrs. John Naisbitt as you have requested.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region
John Naisbitt
William Seefried

Encl: 2

DEC 09 1991

Star Route
Mackay, Idaho 83251
November 3, 1990

L. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83706-2237

Dear Mr.Saxton,
In reference to our letter of September 24, we have not as yet received the information we requested in regard to the conditions Mr. Seefried was to have complied with. We would like to have this information.
We have recently sold our property to Mr. & Mrs. John Naisbitt whose address is P. O. Box 51612, Idaho Falls, Idaho 83405. Their home phone number is 523-9545. With exception of the above request, any further correspondence in regard to the Dorst-Cain-Seefried conflict should be sent to the Naisbitts.

Sincerely,
Hugh Dorst
Hugh Dorst

Current Address: as of 5/8/91
Change of address filed w/Idy
Claims

5963 W Broadway
Idaho Falls, Id
83402
hm phone 523-9545

RECEIVED
NOV 7 1990
Department of Water Resources

DEC 0 [illegible]

September 25, 1990

Hugh Dorst
Star Route
Mackay, ID 83251

Dear Mr. Dorst:

Re: Permit No. 34-7171

Pursuant to your request enclosed is a copy of the Application for Transfer of Water Right No. 34-7171.

If I can be of further assistance, please contact me.

Sincerely,

L. GLEN SAXTON, Chief,
Water Allocation Bureau

Enclosure

00 1301

RECEIVED
SEP 25 1990
Department of Water Resources

Star Route
Mackay, Idaho 83251
September 24, 1990

L. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, IdahO 83706-2237

Dear Mr. Saxton,

In reference to your letter of September 19, 1990 written to Teresa L. Strum about the Kent Springs- Seefried disagreement, you made reference to "certain conditions some of which have not been complied with." Please send me a copy of all the conditions the Seefrieds were to have complied with. Mr. Seefried was to have filled in his other well and we know he has not done so. We request that he not be allowed to fill it in until this conflict is resolved.

Sincerely,
Hugh Dorst

DEC 09 1991

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" and number.

RECEIVED

MAY 24 1991

Department of Water Resources

U.S. MAIL

PENALTY FOR PRIVATE USE, $300

MICROFILMED

DEC 09 1991

RETURN TO

Write sender's name, address, and ZIP Code in the space below.

Water Allocation Bureau
Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and address of delivery's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

ROBERT S DUKE
RT 1
DARLINGTON ID 83231

MICROFILMED
DEC 09 1991

Type of Service:
- ☐ Registered
- ☐ Certified
- ☐ Express Mail
- ☐ Insured
- ☐ COD
- ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
X LaReese E. Duke

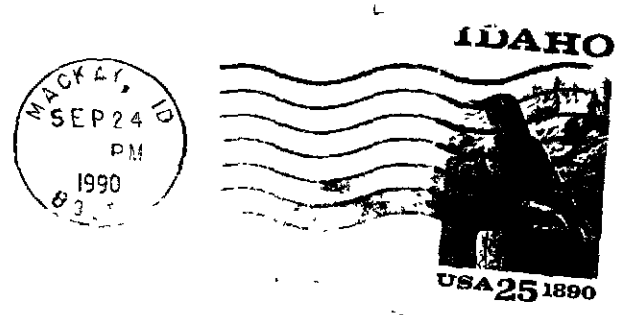
6. Signature — Agent
X

7. Date of Delivery
5-21-91

8. Addressee's Address *(ONLY if requested and fee paid)*
Rt. 1 Box 18 A
Darlington Id 83231
34-7171

PS Form **3811**, Apr 1989 ★U.S.G.P.O. 1989-238-815 **DOMESTIC RETURN RECEIPT**

Hugh Dorst
Star Route
Mackay, Idaho 83251



MACKAY, ID
SEP 24
PM
1990

L. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83706-2237

DEC 09 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

September 19, 1990

Teresa L. Sturm
Hopkins, French, Crockett, Springer & Hoopes
428 Park Avenue
P.O. Box 51219
Idaho Falls, ID 83405-1219

RE: TRANSFER NO. 3454 OF RIGHT NO 34-7171 - WILLIAM SEEFRIED

Dear Ms. Sturm:

The department has reviewed your letter dated September 10, 1990 in which you request a hearing in connection with the Department's August 24, 1990 letter order. Since the certified return receipt was not marked with the date of receipt by the post office the department cannot determine whether your letter was timely filed within 15 days of the date of receipt of the letter order. For that reason, the department will consider the letter as timely filed and will schedule such a hearing, if needed.

It is true that the department approved a transfer which allowed the Seefrieds to construct a new well in the NENE, Sec. 3, Twp. 6N, Rge. 24E, B.M., but the approval was under certain conditions some of which have not been complied with. Enclosed for your information is a copy of the approved transfer and the conditions of approval.

Also enclosed is a copy of the report conducted by the department in 1990 which shows the connection between Kent Spring and the Seefried well.

Your letter states you plan to work with the department and may "contact the department with further proposals regarding a resolution to the problem". Please feel free to do so at your earliest convenience since the matter needs to be resolved before another irrigation season begins. Also recognize that the request for hearing does not stay the effect of the letter order.

The department will review the practicality of installing a weir below the county road to measure the flow of Kent Spring. If the weir is installed, the department will have the watermaster periodically read it.

DEC 09 1991

Please advise of your client's wishes with respect to timing of a conference or hearing in this matter. You may contact either our office in Idaho Falls or this office in Boise.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 2

c: Hugh Dorst
Donald Cain
IDWR - E. Region

DEC 09 1991

34-7171

HOPKINS, FRENCH, CROCKETT, SPRINGER & HOOPES
LAWYERS
SALISBURY BUILDING-428 PARK AVENUE
P O BOX 51219
IDAHO FALLS, IDAHO 83405-1219
(208) 523-4445
FAX (208) 523-4474

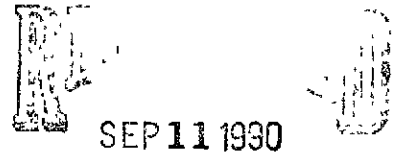
C TIMOTHY HOPKINS
GREGORY L CROCKETT
D FREDRICK HOOPES
LARY S LARSON
PAUL B. RIPPEL
TERESA L. STURM
STEPHEN A. GRATTON *
STEVEN K BROWN
DAVID H. SHIPMAN

*ADMITTED TO PRACTICE IN COLORADO ONLY

SEWARD H FRENCH
(1941-1984)
TED C SPRINGER
(1943-1984)

ROBERT A. deGROOT
REGISTERED PATENT AGENT

September 10, 1990



State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

Attention: Norman C. Young
Administrator

Re: William and Holly Seefried

Dear Mr. Young:

This office has been working with Bill and Holly Seefried on matters involving their well located in Section 3, Township 6 North, Range 24 East, of the Boise Meridian; in particular, the effect of pumping on the outflow of Kent Spring.

We have received and reviewed your correspondence of August 24, 1990, concerning the outcome of testing done in mid-July, 1990, on the hydrologic effects when Seefrieds pump their well. In accordance with the provisions of Idaho Code, Section 42-1701A(3), we are hereby requesting a hearing on the department's decision as set forth in the correspondence of August 24. Please consider this a written request for hearing.

Your correspondence of August 24, 1990, also invites a number of proposals or alternatives by which the matter might be resolved as between the parties and the department. We feel it is necessary to request a hearing in writing in order to protect future possible action. However, we would like an opportunity to explore the various proposals suggested in your correspondence and determine if a reasonable alternative is available.

This request for hearing is based upon the grounds that water flow from the area of Kent Spring to real property owned and/or farmed by Hugh Dorst and Donald Cain, Sr., has rarely, if ever, maintained a flow of 1.9 cfs at the diversion point adopted by Mr. Dorst and Mr. Cain. There is no evidence that maintaining

DEC 09 1991

a flow of 1.9 cfs at the point of Mr. and Mrs. Seefried's pump will assure a flow of 1.9 cfs at the point of the Dorst and Cain diversion. Historically, the flow of water through Kent Spring has never been maintained at 1.9 cfs and the practical effect of your proposed alternative is to force Mr. and Mrs. Seefried to attempt to maintain that water level with water pumped from their well.

Also, it appears that no effort was made to determine what if other points of diversion along the creek between the Seefried pump and the diversion point maintained by Mr. Dorst and Mr. Cain might be affecting the flow from Kent Spring. It appears obvious that other wells, in the proximity of Kent Spring, will affect the flow to property owned by Mr. Dorst and/or Mr. Cain.

We understand that Mr. and Mrs. Seefried maintained a well on the opposite bank of the river from the area of Kent Spring and the now existing well. In their effort to transfer the well to a more convenient location, they complied with all the rules and regulations required by the Department of Water Resources and received express permission to transfer the well and likewise received a license to pump water. All of these actions were taken at considerable cost to Mr. and Mrs. Seefried. We believe it is unreasonable for the department to now insist that the Seefried well has a negative impact on the flow of water through Kent Spring, and to order Mr. and Mrs. Seefried to cease using their well or pump their water into Kent Spring.

Finally, as your investigation revealed, there are several sources of water for Kent Spring, including losses from the Big Lost River, underflow from Cliff Creek, seepage from the Darlington Canal and irrigation north and west of the spring. None of these factors was measured or taken into account in the department's decision to subject use of the Seefrieds' well to conditions which will assure a flow of 1.9 cfs from Kent Spring. The effect of these other factors must be taken into account or the practical result will be to force Mr. and Mrs. Seefried to independently maintain the flow of water in Kent Spring, while other similarly situated irrigators and water users are not significantly impacted.

As set forth above, we are interested in working with the Department of Water Resources to seek a reasonable resolution of this situation. We are filing this request for hearing primarily to protect our clients' rights. We would appreciate the opportunity to review your correspondence in more detail and to contact the department with further proposals regarding a

DEC 09 1991

resolution of the problem. Also, we would like to receive a copy of all reports, etc., prepared and filed in conjunction with the testing done in July. Finally, we believe it is important for the Department to immediately install a weir to measure the flow in Kent Spring continuously.

We appreciate your cooperation in this matter, and should you have any questions or problems, please don't hesitate to contact this office.

Very truly yours,

Teresa L. Sturm

TLS/csh
cc: Mr. and Mrs. William Seefried

DEC 13 1991

Effect Of Pumping Seefried Well On Flow Of Kent Spring

by

John E. Lindgren

Introduction

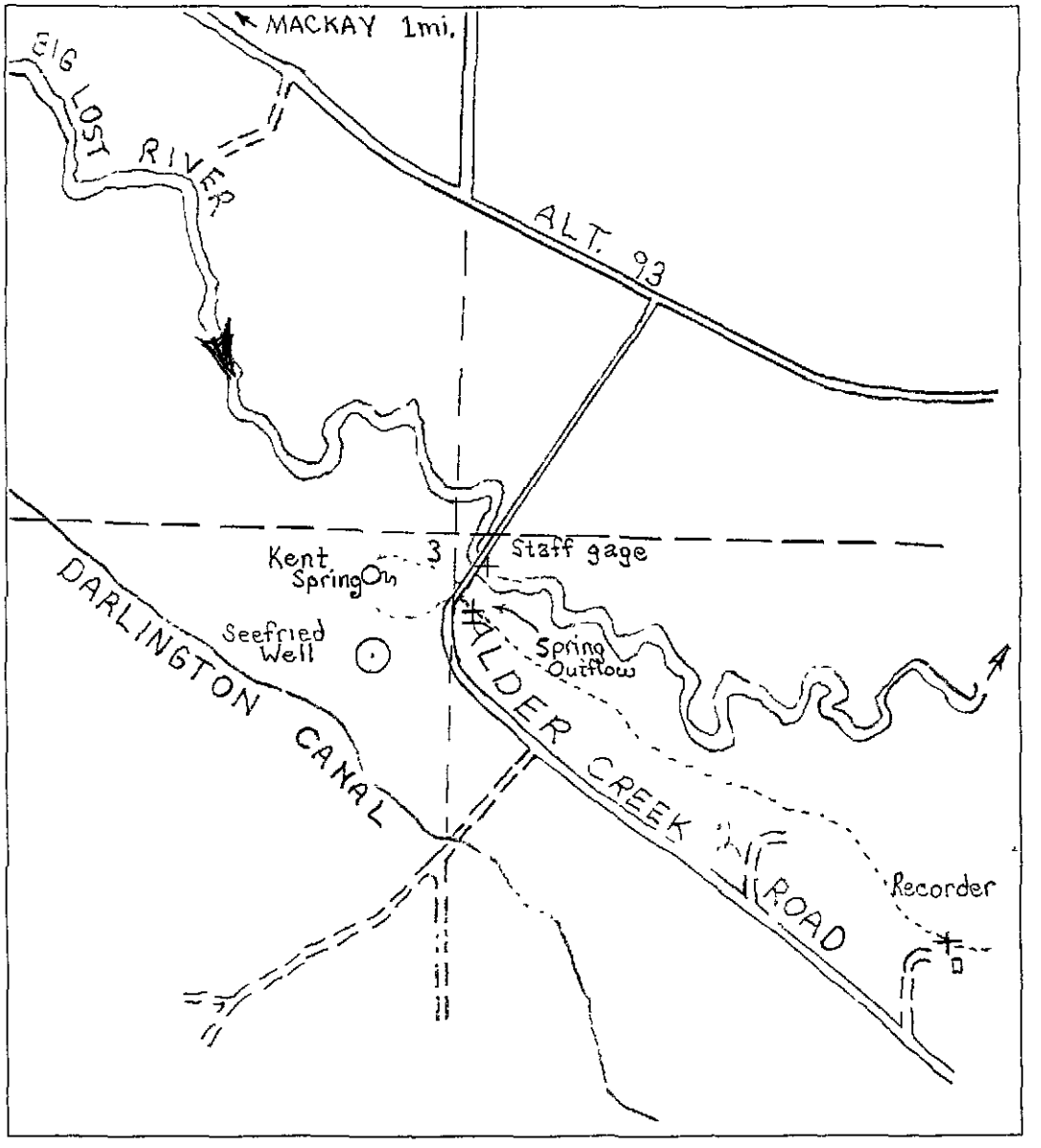
This report is to describe the collection of data on the hydrologic effects of pumping the Seefried well in the NE1/NE1/4 Section 3, T6N, R24E. The data collected and additional observations provide the basis for the evaluation of the impact of pumping the Seefried well on the outflow of Kent spring.

Location

Kent spring is located two and a half miles southeast of Mackay, Idaho above Alder Creek Road at the NE NE corner of section 3 Township 6N Range 24E. Figure 1. shows the relative location of Kent spring to the Big Lost River, to the Seefried well and the Darlington canal. The spring rises in old flood channel of the Big Lost River originating in reworked sediments of the river and Cliff creek. The spring outflow concentrates to a single channel just below Alder Creek road 300 feet west of the Big Lost river. The Seefried well is located approximately 250 feet southwest of this site. The Darlington canal is an additional 200 feet

DEC 09 1991

Figure 1.
Location Map, Area of Kent Spring near Mackay, Idaho



Seefried pump evaluation

DEC 19 1991

southwest of the well site.

There are four sources of water for Kent spring. The natural sources are losses from the Big Lost river and from underflow from Cliff creek to the west of the spring. The additional sources are seepage from the Darlington canal and from irrigation north and west of the spring.

During the time observations were made the Seefried well was pumped between 1700 and 1600 gallons per minute. A portion of this water was applied by sprinkler to lands southwest of the Darlington canal,and the surplus was dumped into the Darlington canal.

DEC 09 1991

Procedures

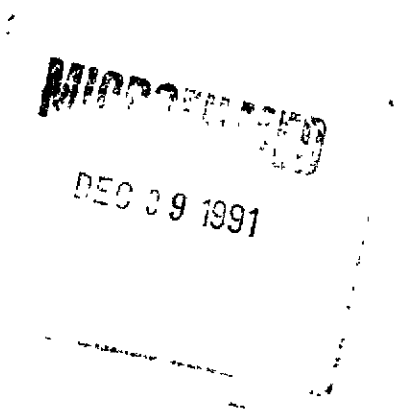
Department of Water Resources staff installed a rectangular weir and a Stevens type A recorder with staff gage on Kent spring outflow channel near the Dorst diversion about one mile below the culvert under Alder Creek road. The stream section was rated using a pygmy type current meter by department personnel, and the recorder was started on June 14, 1990. Dennis Dunn of the Department of Water Resources Eastern Region office installed a staff gage on the collection channel of the spring and established a rating section 50 feet below Alder Creek road on July 13. The section was rated using a pygmy type current meter over the period July 13 through July 16. On July 14 a staff gage was also established on the right embankment of the Big Lost river just below the bridge on Alder Creek road in order to monitor any changes in head of the river during the pumping period.

The elevation of the groundwater surface in the Seefried well was measured before and during the pumping period using a steel tape. The rate of pumping was monitored during the test period as well. No pumping had taken place for two weeks previously.

An engineers level was used to establish the relative elevations of the staff gage on the Big Lost River, the gage on the spring outflow rating section and the land surface at the Seefried well.

DEC 09 1991

The Big Lost River Irrigation District was asked to maintain a constant flow in the Big Lost river and in the Darlington canal for the duration of the study. Data supplied by their office show small variations in flow and the river staff gage installed at the bridge on Alder Creek road showed very little fluctuation. The Darlington canal increased its flow from 30 to 36 cubic feet per second during the period July 12 to July 16. Both the river and the canal were operating at similar levels for five days preceding the beginning of pumping.


DEC 09 1991

Observations and Results

Pumping began in the Seefried well at 8:25 am on July 14. The depth to water in the well was 6.34 feet below the bottom of the pump housing, and the pumping rate was 1700 gallons per minute. The spring outflow was measured at 1.42 cfs and the water surface at the spring outflow rating section was 4.5 feet below the water level in the well and .62 feet above the level of the river at the installed staff gage. At the recorder site the staff gage read .31 feet coresponding to a flow of 1.1 cfs. Figure 2 shows the response of the Kent spring outflow during the study period. The flow data from the recorder near the Dorst diversion for July 12 through July 19 is shown in Figure 3.

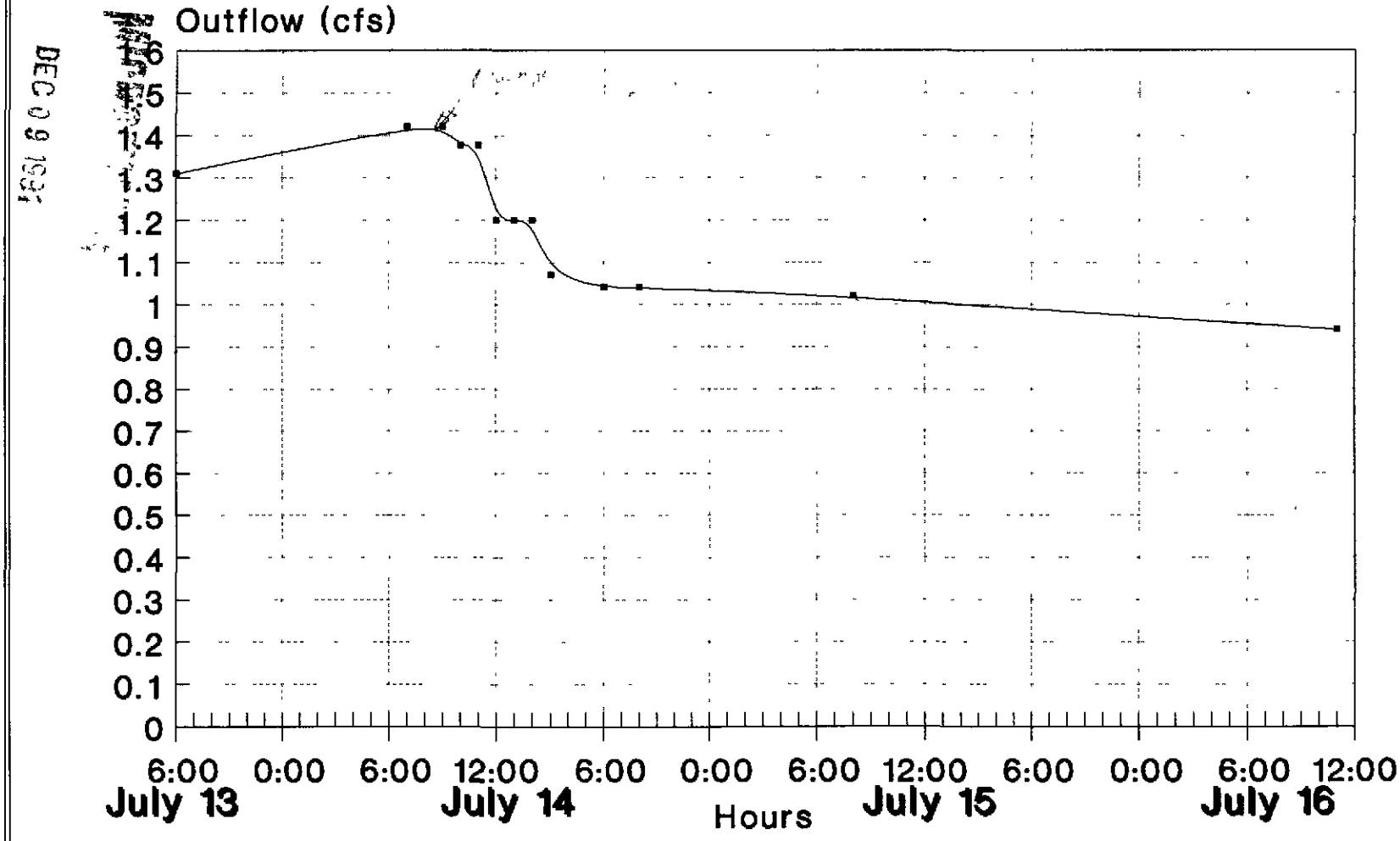
After one hour of pumping there was no change at spring rating section and the depth to water in the well had increased to 15.4 feet which is 4.6 feet lower than the water surface in the spring outflow section. The water level in the well declined further to a maximum of 15.88 feet below the bottom of the pump housing on July 15. The pumping rate continued at 1700 gallons per minute.

At 10:30 am July 14 the staff gage at the spring outflow section showed a decline and by 12:30 pm the gage reading was reduced by .015 feet , .20 cfs. At 6:00 pm the flow had been reduced a total of .38 cfs, and at 8:30 am on July 15 the flow was down .40 cfs.

Recorder data near the Dorst diversion showed a diurnal fluctuation of .02 cfs for several days preceding pumping, Figure

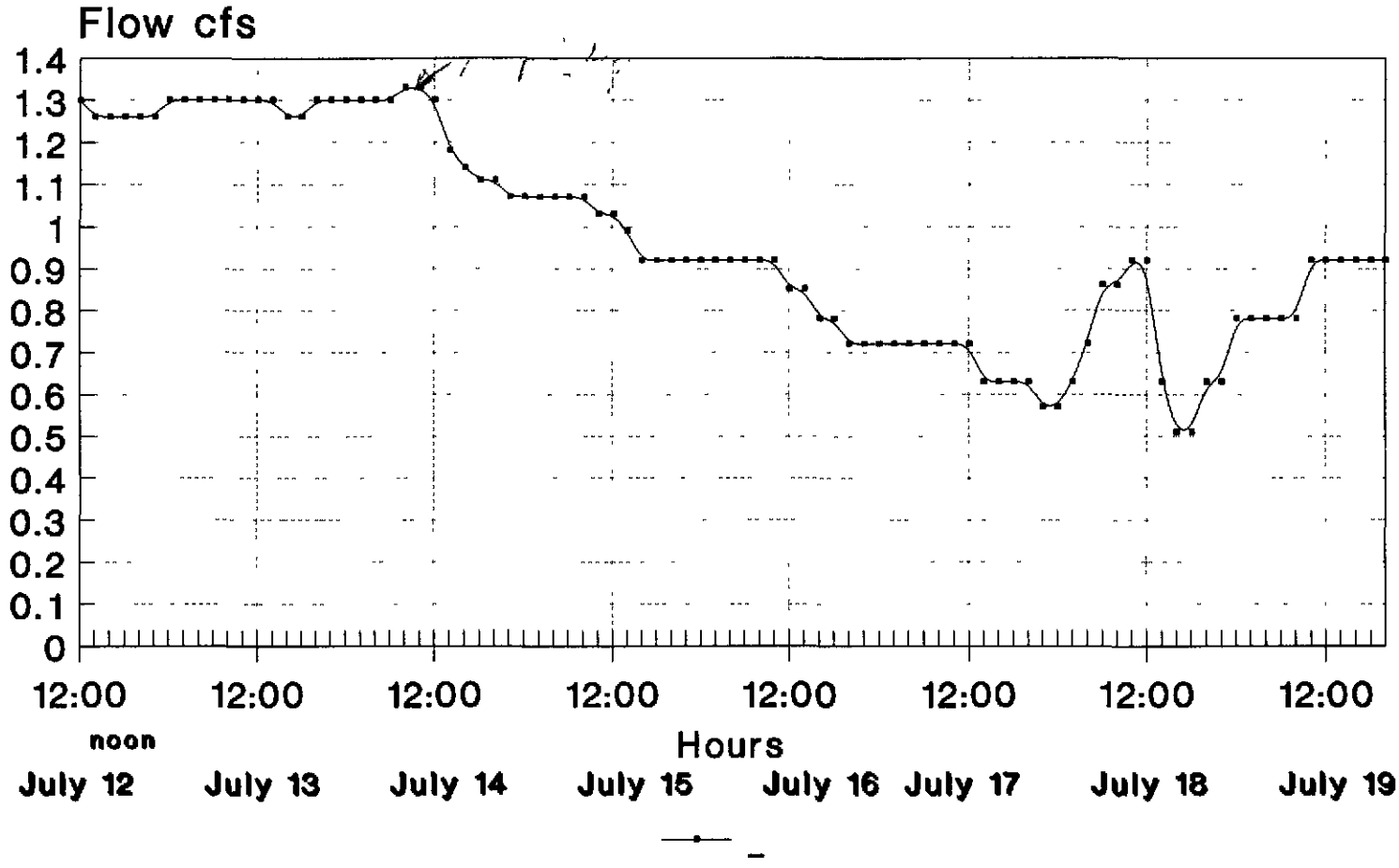
DEC 09 1991

Figure 2
Kent Spring Outflow



Seefried pump evaluation

Figure 3
Kent Spring Recorder



Seefried pump evaluation

3. The flow when pumping started at 8:30 am on July 14 showed 1.32 cfs, within four hours the flow showed a decline and by 6:00 pm the flow was reduced to 1.07 cfs. Flow had declined to .58 cfs by 6:00 pm on July 17.

DEC 09 1991

Conclusions

The decline in measured flow from Kent spring during the pumping of the Seefried well indicates that the pumping by the Seefried well does impact the outflow of the spring. The other possible sources of water for the spring were constant during the evaluation. The measured head in the pumping well and the changes in water surface at the spring and the river are consistent with pumping being the cause of the decline in spring outflow. Based on the measured spring outflow data by July 16 at 11:00 am pumping had reduced the Kent spring outflow by at least .46 cfs or by 32 percent of the flow before pumping began.

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

MEMORANDUM

September 5, 1990

TO: File 34-7171

FROM: Rita Fleck

RE: Request for John Lingren's Report

On this date, I mailed a copy of John Lingren's report entitled Effect of Pumping Seefried Well on Flow of Kent Spring to William Seefried, Hugh Dorst and Donald Cain.

09 1991

File 34-7171 WR

RECEIVED
SEP 12 1990
Department of Water Resources

Star Route
Mackay, Idaho 83251
September 10, 1990

L. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83706-2237

RE: Kent Spring - Seefried Well (34-0414)

Dear Mr. Saxton,

We have received your letter and the report done by John E. Lindgren. Thank you for your help in getting this problem resolved.

In my conversation with you, I gave as Identification Number for Kent Springs water 34-0414 with the priority date 6/1/1885 for 90" (1.8 cfs). This is to correct the error which appeared in your letter of August 24, 1990, page 2, item 2.

Sincerely,

Hugh Dorst

DEC 09 1991

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

MICROFILMED
DEC 09 1991

U.S.MAIL

PENALTY FOR PRIVATE USE, $300

RETURN [illegible] Print sender's name, address, and ZIP Code in the space below.

RECEIVED
SEP 6 1990
Department of Water Resources

Water Allocation
Dept. of Water Resources
1301 N. Orchard
Boise, ID 83706-22[illegible]

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
P[illegible]r address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this c[illegible]om being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

William A. Seefeied
Box 176
Mackay ID 83251

4. Article Number
138182

Type of Service:
- ☐ Registered
- ☐ Insured
- ☒ Certified
- ☐ COD
- ☐ Express Mail
- ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DELIVERED.

5. Signature — Address
X Kelly Seefried

6. Signature — Agent
X

7. Date of Delivery

8. Addressee's Address *(ONLY if requested and fee paid)*

MICROFILMED
DEC 09 1991

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

(Rec: 11-4-91)

INTER-DEPARTMENT MEMO — 1

FROM Glen

DATE 8-27-90

TO File 34-7171

SUBJECT — Hugh Dorst called today and advised that right 34-0414 front Kent Spring consists of 90 inches rather than 80 inches described in Aug 24, 1990 letter order.

— apparently Dorst owns 81 inches and Dorlaine owns 9 inches.

DEC 09 1991

SIGNATURE

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

August 24, 1990

William A. Seefried
Box 176
Mackay, ID 83251

#138182
CERTIFIED MAIL

Dear Mr. Seefried:

As you know, in mid-July of 1990, the department conducted some tests to determine the hydrologic effect, if any, of the pumping of your well located in the NENE Sec. 3, Twp. 6N, Rge. 24E, B.M. upon the outflow of Kent Spring which is used by Hugh Dorst and Donald Cain Sr.

The tests do show that as your well is pumped, less flow is available from Kent Springs. The investigation of this matter also shows there are several sources of water for Kent Spring including losses from the Big Lost River, underflow from Cliff Creek to the west of the spring, seepage from the Darlington Canal and from irrigation north and west of the spring.

As you know, the department has been intensively involved in the review of the administration of surface and ground water in the basin. The department's involvement in this activity has been substantial during the last two (2) years and included systematic meetings with community leaders and the water users in general concerning the matter.

As specific relationships between ground water users and surface water users ~~is~~ are identified, the department will issue administrative orders to provide for equitable distribution of water.

As a result of the study conducted by the department, it is hereby ORDERED that effective immediately, use of water from your well in the NENE Sec. 3, Twp. 6N, Rge. 24E, B.M. is subject to the following conditions:

1. Use of water from the well is subject to the control of the watermaster of State Water District No. 34, Big Lost River. (This was and is a condition of approval of the transfer which allowed construction and use of the well).

DEC 09 1991

2. Diversion of water from your well shall be shut off or reduced in rate of flow if the flow from Kent Springs under water right no. 34-0414 is less than ~~1.9~~ 1.8 cfs (~~80~~ 90 miner's inches) provided:

a) You may propose mitigation reasonably acceptable to the owner of water right no. 34-0414 to allow continued use of your well; or

b) You may make other proposals acceptable to the department and the owner of water right No. 34-0414 to allow the continued diversion and use of water from the well or from other wells.

3. The department reserves jurisdiction in this matter to require water right administration relative to other surface and ground water rights in the Big Lost River drainage.

By copy of this letter, the department is instructing the watermaster of the water district, Doug Rosenkrance, to shut off the diversion from your well if the conditions described above which allow continued use of the well are not complied with within ten (10) days of receipt of this letter.

Section 42-1701A(3), Idaho Code, provides that any person aggrieved by a decision of the director may request a hearing within fifteen (15) days of receipt of the decision. A request for hearing must be written and must state the grounds for requesting a hearing.

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

Sincerely,

NORMAN C. YOUNG
Administrator

c: IDWR - E. Region
IDWR - Hydology Sec.
Hugh Dorst and Donald Cain, Sr.
Doug Rosenkrance

Encl: 1

DEC 09 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

Fax-it™ brand fax transmittal memo 7671 | # of pages > 3

To Harold Jones	From K Ricks
Co	Co
Dept.	Phone #
Fax #	Fax #

August 24, 1990

William A. Seefried
Box 176
Mackay, ID 83251

#138182
CERTIFIED MAIL

14.3

Dear Mr. Seefried:

As you know, in mid-July of 1990, the department conducted some tests to determine the hydrologic effect, if any, of the pumping of your well located in the NENE Sec. 3, Twp. 6N, Rge. 24E B.M. upon the outflow of Kent Spring which is used by Hugh Hurst and Donald Cain Sr.

The tests do show that as your well is pumped, less flow is available from Kent Springs. The investigation of this matter further shows there are several sources of water for Kent Springs including losses from the Big Lost River, underflow from Cliff to the west of the spring, seepage from the Darlington and from irrigation north and west of the spring.

As you know, the department has been intensively involved in the review of the administration of surface and ground water in the basin. The department's involvement in this activity has been substantial during the last two (2) years and included systematic meetings with community leaders and the water users general concerning the matter.

As specific relationships between ground water users and surface water users are identified, the department will issue administrative orders to provide for equitable distribution of water.

As a result of the study conducted by the department, it is hereby ORDERED that effective immediately, use of water from your well in the NENE Sec. 3, Twp. 6N, Rge. 24E, B.M. is subject to the following conditions:

1. Use of water from the well is subject to the control of the watermaster of State Water District No. 34, Big Lost River. (This was and is a condition of approval of the transfer which allowed construction and use of the well.)

MICROFILMED
DEC 09 1991

2. Diversion of water from your well shall be shut off or reduced to a rate of flow if the flow from Kent Springs under water right no. 34-0414 is less than ~~1.9~~ 1.8 cfs (~~80~~ 90 miner's inches) unless:

a) You may propose mitigation reasonably acceptable to the owner of water right no. 34-0414 to allow continued use of your well; or

b) You may make other proposals acceptable to the department and the owner of water right No. 34-0414 to allow the continued diversion and use of water from the well or from other wells.

3. The department reserves jurisdiction in this matter to require water right administration relative to other surface ground water rights in the Big Lost River drainage.

By copy of this letter, the department is instructing the watermaster of the water district, Doug Rosenkrance, to shut off the diversion from your well if the conditions described above which allow continued use of the well are not complied with within ten (10) days of receipt of this letter.

Section 42-1701A(3), Idaho Code, provides that any person aggrieved by a decision of the director may request a hearing within fifteen (15) days of receipt of the decision. A request for hearing must be written and must state the grounds for requesting a hearing.

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

Sincerely,

NORMAN C. YOUNG
Administrator

c: IDWR - E. Region
IDWR - Hydology Sec.
Hugh Dorst and Donald Cain, Sr.
Doug Rosenkrance

Encl: 1

MICROFILMED
DEC 09 1991

34-7171

RECEIVED
JUL 30 1990
Department of Water Resources

Star Route
Mackay, Idaho 83251
July 26, 1990

L. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse mail
Boise, Idhao 83706-2237

RE: Kent Springs - Seefried Well (34-0414)

Dear Mr. Saxton,

We believe from readings taken by your office and ourselves that it has been established that the Seefried well is interfering with the flow from Kent Springs. This is the second year we have suffered losses due to this well. It is our suggestion that Mr. Seefried should have to go back to his original well and pump through additional main-line to his booster pumps. This well is covered with a metal plate and has not been back-filled.

Sincerely,

Hugh Dorst

Hugh Dorst

Mary Dorst for Donald Cain Sr

Donald Cain Sr.

RECEIVED
JUL 5 1990
Department of Water Resources

34-7171

Star Route
Mackay, Idaho 83251
July 2, 1990

L. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83706-2237

RE: Kent Springs - Seefried Well (34-0414)

Dear Mr. Saxton,

Paul Meyers and Tony Olienchak of the Water Resource Board in Idaho Falls installed a measuring device at our point of diversion in Kent Springs on June 14th. We had been reading our weir also and on that day the reading showed 1" on a measuring stick. At that time the Darlington Ditch and the Big Lost River were way down. On June 16th the river rose considerably and more water was turned into the Darlington Ditch and our readings came up to between 1.75" to 2.25" over a period of time from June 16th to July 2nd.
Mr. Seefried started to pump his well on June 20th and, even though the river and canal continued to rise, the water from Kent Springs has not increased. It is my opinion that, if the Seefried pump is to be turned off for about 6 or 7 days in order to get an accurate measurement on Kent Springs with the pump off, now is the time to do it as he will be cutting his hay and will be turning most of his system off. Since he has had adequate time to water his fields, it should not inconvenience him to completely shut off his system for that length of time.
I don't know who would be in charge of turning off his pump, if it is done, but I would suggest that a reading of his electric meter be done at the time it is turned off until the time it is turned back on. He has a history of turning his pumps on

DEC 09 1991

After being told to turn off by the Watermaster. I do not ask you to take my word on this, so if you would like, you can check this with Mr. Doug Rosenkrance, the local Watermaster. I also do not believe it has been established how much Mr. Seefried is pumping from his well.

Sincerely,

Hugh H. Dorst

Hugh Dorst

DEC 19 1991

ER-DEPARTMENT MEMO — 1

FROM Glen

DATE 6-5-90

TO File.

SUBJECT — on this date, I requested E. Region to set up a recorder on Kent Spring. The region later advised me they will set up the recorder,

RECEIVED
DEC 09 1991

GJ

SIGNATURE

Star Route
Mackay, Idaho 83251
May 28, 1990

L. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83706-2237

RECEIVED
MAY 30 1990
Department of Water Resources

RE: Kent Spring - Seefried Well (34-0414)

Dear Mr. Saxton,

It appears that William Seefried is making preparations to start pumping his well. The power company has been making installations at the well-site. We have wondered whether the Water Resources Board has been monitoring the stream flow from Kent Springs starting at the date of your last letter (April 26, 1990), so that there will be comparison figures available if and when he begins to pump. The reason for our inquiry is that we were told before that we had no previous measurements on this stream to back up our claim. We think there has been adequate time for the Board to have taken these measurements since the beginning of the irrigation season.

NO.

Sincerely,

Hugh Dorst

Hugh Dorst

Hugh Dorst
Star Route
Mackay, Idaho 83251

CERTIFIED

P 298 175 263

MAIL

RETURN RECEIPT REQUESTED



L. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83706-2237

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 34-00414 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER *** KENT	GEORGE	1 - 2 - 3 - City- State- Zip- Phone -

Priority Date	Region	Stage	Status
06/01/1885	15	D - DECREED	

Source	Tributary
KENT SPRINGS	BIG LOST RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
06N	24E	2			(37)	CUSTER

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	05/01	10/15	1.800	

Total Div. Rate	Total Div. Volume	Total Div. Capacity
1.800		

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	24E	1	NW SW			01	IRRIGATION	(37) CUSTER
			SW SW					(37) CUSTER
			SE SW					(37) CUSTER
		2	NE SE					(37) CUSTER

Total Acres:

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use - 34-0415

Remarks

P/D PRIVATE DITCH
P/U INCOMPLETE

Conditions of Approval

No Conditions of Approval found.

Water right number - 34-00414 Adj. flag translation: Standard Water Right Number

Decree Plaintiff	Decree Defendant	Decree Date
UTAH CONSTRUCTION	JOHN F. ABBOTT, ET AL	10/21/1925

Audit Fields -

Water Rights Dates and Flags Area

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 03/12/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 34
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 10/21/1925				

April 29, 1990

TO: Glen

FROM: Alan

SUBJECT: Kent Spring [Big Lost]

See attached slip from Sharla. John has not called Cain or Dorst. I believe contacts with them or Seefried should be by you or someone in Water Mgmt Div.

If the well is now being pumped, or is to be pumped, it may be difficult to get a definitive test. With other irrigation now under way, the river, the Darlington Canal and other wells in the vicinity will be having varying effects on the groundwater.

IMPORTANT MESSAGE

FOR John Lindgren

DATE 5/29 TIME 9:10 A.M. P.M.

M Don Cain or Hugh Dorst

OF

PHONE 527-3503 / 588-3373
AREA CODE NUMBER EXTENSION

MESSAGE Re: tests to be made on pump (William Seefried) Water Rt. # 34-7171

SIGNED Sharla

LITHO IN U.S.A.

Everett Pad & Paper No 79-120

RECEIVED
DEC 09 1991

April 26, 1990

Hugh Dorst
Mackay, ID 83251

RE: KENT SPRING - SEEFRIED WELL

Dear Mr. Dorst:

As you know from my recent telephone conversation with Don Cain, the department has been attempting to make arrangements to conduct tests in connection with potential interference between a well owned by William Seefried and Kent Spring which is used by you and Don Cain.

In my attempt last week to set up the test, the Seefried's advised that their pump had "burned up" and was not functional. The test can only be conducted if there is a pump in the Seefried well to turn off and on in order to monitor any effects on the flow of Kent Spring.

By copy of this letter, I am requesting the Seefrieds to notify the department if a pump is installed on their well for use in 1990. Use of water from the Seefried well is subject to the control of the watermaster of Water District 34.

If you have questions, please feel free to contact the department.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: Wm. Seefried
IDWR - E. Region
Hydrology Section

09 1990

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

April 26, 1990

RECEIVED
APR 30 1990
Department of Water Resources
Southern Region Office

Hugh Dorst
Mackay, ID 83251

RE: KENT SPRING - SEEFRIED WELL

Dear Mr. Dorst:

As you know from my recent telephone conversation with Don Cain, the department has been attempting to make arrangements to conduct tests in connection with potential interference between a well owned by William Seefried and Kent Spring which is used by you and Don Cain.

In my attempt last week to set up the test, the Seefried's advised that their pump had "burned up" and was not functional. The test can only be conducted if there is a pump in the Seefried well to turn off and on in order to monitor any effects on the flow of Kent Spring.

By copy of this letter, I am requesting the Seefrieds to notify the department if a pump is installed on their well for use in 1990. Use of water from the Seefried well is subject to the control of the watermaster of Water District 34.

If you have questions, please feel free to contact the department.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: Wm. Seefried
IDWR - E. Region
Hydrology Section

RECEIVED
MAY - 1 1990
Department of Water Resources
Eastern District Office

RECEIVED
APR 24 1990
Department of Water Resources

Star Route
Mackay, Idaho 83251
April 23, 1990

L. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83706-2237

RE: License 34-7171 - Kent Springs (34-0414) Controversy

Dear Mr. Saxton,
Don Cain informed me that you had called him in regard to the two previous letters we had sent you. This letter is to inform you that we did not get adequate water from Kent Springs to produce a crop and pasture in 1989. If you will go back through the readings we sent you on the two weirs that we installed, you will note that we did not get adequate water.
We prefer that any correspondence we have with you be done in writing.

Sincerely,
Hugh Dorst

DEC 09 1991

ER-DEPARTMENT MEMO — 1

FROM Glen

DATE 4-18-90

TO File 34-7171

SUBJECT - I called Don Cain on this date & advised of the Dept's planned activities between the well & spring during the last week of Apr & 1st wk of May.

MICROFILMED
DEC 09 1991

SIGNATURE

ER-DEPARTMENT MEMO — 1

FROM

DATE

TO E. Region

SUBJECT

1. Advise Seefried that dept wants to make some tests (turn his pump off & on) during week of Apr 30 → May 4

tentative 1st or 2nd

2. Need to reset weir below Spring Set recorder (type F.) on weir pool. behind weir

Request week (Apr 23 → Apr 27).

NOT EXAMINED
DEC 09 1991

John Lindgren of S.O & Easton to conduct tests jointly week of Apr. 30 → May 4.

SIGNATURE

April 18, 1990

TO: Norm Young

FROM: Wayne T. Haas Wayne

SUBJECT: Work Request - Kent Springs/Big Lost

This is a follow up to our discussion on April 16 clarifying the assistance we will provide relative to your original work request for a pump test. It is my understanding that what is needed is a determination of whether the pumping of the Seefried well causes a decline in flow of Kent Spring.

In that context I see our role as participating in the collection of the necessary data and a review of it to draw a conclusion with respect to the effect of pumping. The data collected will not provide information on aquifer characteristics. We will rely on staff from your division to make all arrangements with Mr. Seefried for access and authority to control the pumping sequence.

The weir below Kent Spring will have to be re-set and a recorder installed and started before the well is pumped. This should be done by your staff next week so that the pumping test could begin the following week. One person from your division and one from Hydrology should be involved in collecting the data, probably during the week of May 1.

We are looking for relative change not exact discharge no reason to "reset" weir, just be sure it isn't leaking around or under.

DEC 09 1991

MAR 3 0 1990
Department of Water Resources

Star Route
Mackay, Idaho 83251
March 23, 1990

L. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho

RE: License 34-7171 - Kent Springs (34-0414) Controversy

Dear Mr. Saxton,

This is a follow-up letter to one we sent to you on January 29, 1990. We are interested in knowing what decision has been made by your office in regard to testing the William Seefried well. We would appreciate an answer to this inquiry.

Yours,
Hugh Dorst
Hugh Dorst
Donald Cain Sr.

DEC 09 19

MEMORANDUM

To: Hal Anderson

From: L. Glen Saxton

RE: WORK REQUEST - INVESTIGATION TO DETERMINE ALLEGED WELL AND SPRING INTERFERENCE

Date: February 13, 1990

I have reviewed Alan Robertson's memorandum dated February 12, 1990 in response to my work request dated November 28, 1989.

Alan's response that groundwater diversions generally affect surface water flows is not sufficient to justify administrative action of instructing the watermaster to shut off the Seefried well if flow from the Kent Spring diminishes.

The department is working on a general solution to the groundwater-surface water relationship in the Big Lost River drainage, but until a general solution is in place, we can not apply Alan's general response to a specific well without applying it to all wells.

I think a pump test is needed to determine whether a direct immediate connection exists between the Seefried well and the spring in question since a general solution to the groundwater-surface water question will not be in place in time to apply to this matter.

Please advise me if a site specific test can not be conducted.

c: Norman C. Young

DEC 89

February 12, 1990

TO: Glen Saxton
THRU: Hal Anderson, Wayne Haas
FROM: Alan Robertson

SUBJECT: Kent Spring/Big Lost

We have reviewed available information on Kent Spring and Mr. Seefried's well, including items supplied by Dennis Dunn. Dennis revisited the spring and took pictures [attached]. Spring flows enter the receiving channel from both sides; from the areas marked "marshy" [photo No. 1] and "springs" [3, 4, 5] on the map. The springs and marshy area are in an old river channel.

Kent Spring is downslope from the Darlington Canal, which is about 1/4 mile to the southwest. It also appears to be at the toe of the fan of Cliff Creek which enters the Big Lost Valley from the southwest. Kent Spring probably receives its flow from a combination of underflow from these sources. It is also possible that it is partially supplied from upstream river losses.

In the various studies which are available to the department it is generally recognized that withdrawal of groundwater below Mackay Dam affects surface water users. We believe that both the original Seefried well and the new well [no matter how constructed] affected surface water users. The Kent Spring question is merely another, more obvious, case of groundwater users affecting surface water rights. Since IDWR has generally accepted the concept that groundwater withdrawal adversely affects older surface water rights, it does not appear necessary to do a pump test to support administrative action.

It should also be observed that Cain and Dorst should be regulated by the watermaster. Prior watermaster reports (1970 and earlier) indicate that 1885 rights get cut in drier than normal years. In 1961 the June 1, 1885 priority was off from April 20 to May 29 and from June 22 to the end of the season. In 1989 it appears to have been off all season except for a period of about three weeks beginning on June 7.

DEC 09 1991


33 34
4 3
A-192
W.F. SEEFRIED
192A
Canal
Old River Channel
Springs
Marshy
DEC 09 1991
1317
Note by Dean Dunn 9Feb90

12 February 1990 -

Memo to file re WA Sigfried Well & Kent Springs

I inspected the well and its relationship to Kent Springs on February 8, 1990. The well is about 100 yards from "Kent Springs" proper. Though it is not running the springs are at a lower level than August of 1989 - Two things may be happening; ① The springs are directly affected by the canal; ② The drought in the drainage above the springs has started to affect the springs.

Due to the location of the well, the depth at which the perforations start and the source of water for the springs I believe that the well is intercepting water which would rise as spring water.

Proving the previous point may prove to be tough -

- Photos and a write up were sent to Alan Robertson in Boise -

Dennis McGinn

MICROFILMED
DEC 09 1991

DRAFT -- DRAFT -- DRAFT - DRAFT - DRAFT - DRAFT - DRAFT

February 7, 1990

TO: Glen Saxton
THRU: Hal Anderson, Wayne Haas
FROM: Alan Robertson

SUBJECT: Kent Spring/Big Lost

We have reviewed available information on Kent Spring and Mr. Seefried's well, including a conversation with Dennis Dunn. Dennis describes the spring as issuing at the toe of a slope on the west side of a pond at an elevation a few feet above river level. The Seefried well is situated a few feet up the slope (west of) the springs. Because of the proximity, the apparent direction of the flow to the spring, and considering the well log information it is difficult to imagine the well not affecting the spring.

Kent Spring is downslope from the Darlington Canal, which is about 1/4 mile to the southwest. It also appears to be at the toe of the fan of Cliff Creek which enters the Big Lost Valley from the southwest. Kent Spring probably receives its flow from a combination of underflow from these sources. It is also possible that it is partially supplied from upstream river losses.

In the various studies which are available to the department it is generally recognized that withdrawal of groundwater below Mackay Dam affects surface water users. We believe that both the original Seefried well and the new well (no matter how constructed) affected surface water users. The Kent Spring question is merely another, more obvious, case of groundwater users affecting surface water rights. Since IDWR has generally accepted the concept that groundwater withdrawal adversely affects older surface water rights, it does not seem necessary to do a pump test to show injury.

It should also be observed that Cain and Dorst should be regulated by the watermaster. Prior watermaster reports (1970 and earlier) indicate that 1885 rights get cut in drier than normal years. In 1961 the June 1, 1885 priority was off continuously after June 22. In their July 3, 1989 letter Cain and Dorst indicated that "---Mr. Doug Rosenkrance does not wish to become involved in record[ing] this water".

DEC 09 1991

Star Route
Mackay, Idaho 83251
January 29, 1990

RECEIVED
FEB 1 1990
Department

L. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

RE: License 34-7171 - Kent Springs (34-0414) Controversy

Dear Mr. Saxton,

This letter is in answer to a letter written to us on November 28, 1989 from the office of Mr. R. Keith Higginson. We are in accord with waiting until just prior to the irrigating season to test the Seefried well and the stream flow from Kent Springs. It would be our suggestion that they be tested by your office at about May 10, 1990. You might want to check with Mr. Seefried to see if this meets with his approval.

Sincerely,
Hugh Dorst
Donald Cain Sr.

RECEIVED

DEC 0 9 1991

Note filmed in place
of photos

PHOTOS OF KENT SPRING

DENNIS DUNN 9 FEB 90



1 facing NE from road Bench on right - Bench to left not seen. Swamp by ground on left



2 Background to the South-Southwest of the springs

D. Dowd BFeb90



3. Looking E. from Southeast north beach to Pt. North Spruce at bottom of beach

D Dunn 8 Fig C



1 Beach to east, north, out of the springs, note mist seen at the bottom of the beach. Springs rise from here

Daniel Beale



looking north - note wet seam
& springs letters on air photo
for duplication

D DUNN 8Feb90

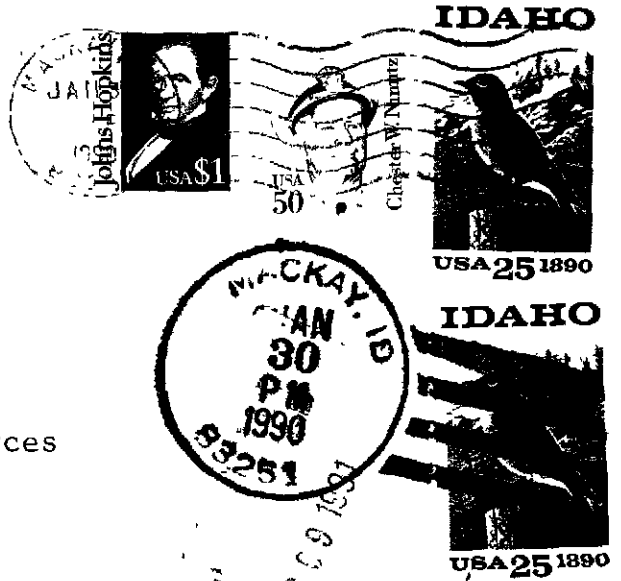
CERTIFIED

P 126 634 251

MAIL

RETURN RECEIPT REQUESTED

Hugh Dorst
Star Route
Mackay, Idaho 83251



L. Glen Saxton
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

MEMORANDUM

To: File 34-07171 - Seefried

From: L. Glen Saxton LGS

RE: INQUIRY FROM THE WATERMASTER OF W.D. 34

Date: June 1, 1993

Doug Rosenkrance, the watermaster of W.D. 34 called today with some questions concerning delivery of water from Kent Springs to property owned by John Naisbitt. From the point near the county road where Doug measures the water, it is carried in a ditch about 1/2 mile to the Naisbitt property. William Seefried apparently owns some of the land over which the ditch crosses and does not want Naisbitt to work on the ditch.

Doug advised that the discharge from Kent Springs today measured near the county road was 178 miner's inches. He advised, however, that the water was not reaching the Naisbitt diversion in the amount of the 90 inches decreed in right 34-0414 due to the condition of the ditch. Naisbitt apparently wanted Doug to do something about the condition of the ditch.

I advised Doug that it was up to the parties to work out agreements relative to ditch maintenance and that it was not within the watermaster's jurisdiction.

Doug also stated that Naisbitt did not have a measuring device near his property where the 90 inches apparently is delivered. I advised Doug that without a device, the amount of water reaching the Naisbitt property could not be easily determined.

Doug said he would advise the parties the ditch maintenance was up to them to resolve.

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 18, 1993

John A. Naisbitt
207 Park St.
P.O. Box 128
Mackay, ID 83251

RE: WATER RIGHT 34-07171 IN THE NAME OF WILLIAM A. AND HOLLY C. SEEFRIED AND 34-00414 IN THE NAME OF JOHN NAISBITT

Dear Mr. Naisbitt:

I have reviewed your letter dated February 26, 1993 in connection with the above referenced water rights together with the department's extensive water right file.

Department files show that the alleged interference between the Seefried well as related to the discharge of water from Kent Spring which provides water for right no. 34-00414 has existed since approximately the Fall of 1989. The files show that in November 1989, I advised Hugh Dorst that I had assigned department staff to investigate the alleged interference and to conduct appropriate tests to determine any relationship between the well and the spring.

In mid-July 1990, department staff conducted pump tests and prepared a report of the findings. The report showed that pumping of ground water from the Seefried well decreases the flow of water from Kent Spring. The report also shows that there are other sources of water which contribute to the flow from Kent Springs including the Big Lost River, underflow from Cliff Creek to the west of the spring, seepage from the Darlington Canal and from irrigation north and west of the spring. Based on the findings of the study, in August 1990, the department ordered that use of water from the Seefried well be reduced or shut off if certain conditions existed.

In September 1990, the Seefrieds requested a hearing in connection with the Department's August 1990 order. On August 20, 1991, the department conducted a hearing in Idaho Falls which the record shows you attended with your legal counsel, Kent Foster.

On September 4, 1991, the department issued a Proposed Memorandum Decision and Order and served it upon you and the

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Seefrieds. Upon review of the proposed decision, your counsel responded to the department that

> "We appreciate the promptness and thoughtfulness of your work and believe the matter has been treated fairly."

Your counsel also suggested that the final order of the department should specify where the watermaster was to measure Kent Spring. This suggestion was included in the department's Final Memorandum Decision issued on November 20, 1991 specifying that the spring should be measured near the Alder Creek road where flow from the springs concentrates into a single channel and passes under the road.

In compliance with the department's decision, on May 6, 1992, the Seefrieds submitted a proposed mitigation plan of which the department FAXed a copy to your legal counsel. After receiving no objection to the proposed plan, on May 20, 1992, the department approved the plan.

The watermaster, Doug Rosenkrance, testified at the August 20, 1991 hearing in Idaho Falls that Kent Spring was tributary to the Big Lost River and that the right from Kent Spring wouldn't be delivered after about August 1st due to water availability.

Your statement that Kent Springs is not tributary to the Big Lost River since it is shown in the Director's Report as tributary to "sinks" is not correct. The sources of water which are recommended to be administered as "separate" from the surface water sources of the Big Lost River are specifically shown in General Provision 4.b. of the Director's Report on page 10, Part I, Volume One. These "separate" sources do not include Kent Spring.

The well in the NE1/4NE1/4 Section 3, T6N, R24E,BM being used by the Seefrieds was authorized by transfer no. 3454 approved by the department on October 11, 1988, and is not an illegal well as stated in your letter. Also contrary to your statements in your letter, Seefrieds have also complied with Condition of Approval no. 5 of the transfer which required abandonment of the original well. This well has been capped and is not being used.

The department has thoroughly investigated the alleged interference including conducting several site inspections, conducting an on-site pump test, holding an admininstrative hearing, issuing a proposed and final memorandum decision and order which required mitigation by the well pumper. My intent with respect to the term of the Seefried plan is that the general plan of mitigation not be limited to 1992 and should extend to successive years. However, this plan can be amended as necessary to protect prior rights, including yours. Absent further data upon which to base a change in the plan, it is my intent to continue administration of the Seefried well relative to your right in accordance with the present plan.

APR 08

Please feel free to discuss this matter further with me if you wish to.

Sincerely,

R. KEITH HIGGINSON
Director

c: IDWR - E. Region
Doug Rosenkrance
William Seefried

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 4, 1993

William and Holly Seefried
P.O. Box 176
Mackay, ID 83251

RE: MITIGATION BETWEEN SURFACE WATER AND GROUND WATER USERS - 34-07171

Dear Ms. Seefried:

This letter responds to your telephone inquiry of February 26, 1993 in which you asked about mitigation which might be required from you for the use of your well with respect to other water users in the basin.

As you know, on November 20, 1991, the Director of the department issued an order which described the use of your well under license no. 34-07171 in relation to the flow of water from Kent Spring(s). Among other conditions of approval, the order provided as follows:

> 5. The department reserves jurisdiction of this matter to refine this order as additional or different data may become available and to administer water right nos. 34-00414 and 34-07171 relative to other surface and ground water rights in the Big Lost River drainage.

On May 6, 1992, you provided a proposed mitigation plan for the 1992 irrigation season which the department ultimately approved on May 20, 1992.

The Director's Report for Basin 34 filed as a part of the Snake River Basin Adjudication (SRBA) describes and recognizes interconnection between surface and ground water in Basin 34. This recognition is more general in nature than the specific interconnection found between your well and Kent Spring. Most irrigation wells in the basin (not just yours) used in the future will be required to mitigate their effect on all prior water rights.

In addition to directly affecting the flow of Kent Spring, diversion and use of water from your well has a general effect on other surface water rights in the basin. This more general effect, however, should not unnecessarily penalize your use by requiring

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"double" mitigation in connection with your ground water use.

The mitigation plan which you proposed and the department approved for the 1992 irrigation season should remain in effect. This plan basically provided that after the natural flow of Kent Spring had been determined as compared to the flow from the spring after your well is operating, you will provide the difference in flow to the spring from water pumped from your well. If, however, there was not enough water in the Big Lost River system to fill the Kent Spring right or water was not being requested under right 34-00414, you would not have to provide makeup water to the spring. I think you must continue to mitigate depleted flows from Kent Spring attributable to the pumping of your well. If you are mitigating this right, however, you should not be required to provide general mitigation to other rights in the basin.

If you are not mitigating the flow from Kent Spring and surface water rights in the basin earlier than your well right have been cut due to water availability, you and any other similar ground water rights in the basin will have to provide general mitigation to earlier rights in the basin.

The department has discussed potential mitigation plans with waterusers in the basin but has not yet reviewed or approved specific plans. There currently is an ongoing effort in the basin to develop some type of mitigation plan or operation plan which may negate the need for the department to impose a plan. Until such a plan has been proposed and approved, however, ground water pumpers should plan to provide mitigation to earlier water rights in compliance with the SRBA Director's Report.

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

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region - H. Jones
Doug Rosenkrance
John Naisbitt

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RECEIVED
MAR 3 1993
Department of Water Resources

February 26, 1993

Mr. R. Kieth Higginson, Director
State of Idaho
Department of Water Resources
1301 North Orchard Street, Statehouse Mail
Boise, ID 83720-9000

Certified Mail #P 793 727 572

Subject: In the Matter of Seefried's Application for Mitigation Permit
Water Right No. 34-07171

References: 1) **MEMORANDUM DECISION AND ORDER**, IN THE MATTER OF WATER RIGHT NO. 34-7171 IN THE NAME OF WILLIAM A. OR HOLLY C. SEEFRIED, dated November 20, 1991.

2) Letter, Ms. Teresa L. Sturm, to IDWR Attention Mr. Skip Jones, "In the Matter of Application for Permit /No. 34-07171 /William A. and Holly C. Seefried", dated May 6, 1992.

3) Letter, Mr. Norman C. Young, to Ms. Teresa L. Sturm, "Water Right No. 34-07171 in the Name of William A. or Holly C. Seefried", dated May 20, 1992.

4) Letter, Mr. John A. Naisbitt, to Mr. L. Glen Saxton, " In the Matter of Application for Permit No. 34-07171", dated July 10, 1992.

5) Letter, Mr. L. Glen Saxton, to Mr. John A. Naisbitt, "Water Measurement - Kent Springs Discharge", dated July 22, 1992.

Dear Mr. Higginson:

I am writing as owner of water right 34-0414 to protest the actions taken on my behalf by the IDWR to protect my senior water rights interests. For 3-1/2 years, we the owners of 34-00414 have attempted in vain to arrive at a reasonable settlement of our dispute with Mr. and Mrs. W. A. Seefried over their continued diversion of water under 34-07171. The record shows that we (and the previous owners, Mr. Dorst and Mr. Cain) have patiently corresponded with your office and waited for results that have been less than satisfactory. Each time we thought this matter was settled in our favor by IDWR decisions to stop pumping, you have allowed the Seefrieds to continue.

The latest example is your decision (Ref. #3) to approve their proposal for mitigation (Ref. #2) without the courtesy of requesting our input. Granted, someone faxed a copy to our attorney, Mr. Kent Foster, but without a letter of transmittal, request for comments or indication of when Mr. Norm Young would

APR 0 8 1993

make his decision. From the statements in the Seefried's proposal, it is apparent that the IDWR, acting through the Water Master Mr. Doug Rosencrance, was in collusion on the plan as much as two months before it was submitted.

In my letter (Ref. #4) of July 10, 1992, I stated my observations and concerns. My concerns were not about the plan that I was willing to hold judgment on, but on how the plan was being implemented. Your response (Ref. #5) was once again that I should wait until someone can get around to addressing it.

Well, I am still waiting. I am waiting for someone to visit the site. I am waiting for copies of flow measurements so I can plan my irrigation system. And, I am waiting for the Water Master to require the Seefried's to put in the diversion that would have caused delivery of all or some of my water last year. Just because I am a new-comer to the Lost River Valley, there is no reason that the Water Master, acting as an agent of IDWR, should show preference to a junior 'ground water' right. I call in to question the partiality of Mr. Doug Rosencrance based on his actions in my regard.

I will not accept the excuse that my water right (6/1/1885) should not be filled because there were other senior rights of earlier date going unfilled. Kent Springs, the source of my water right, is not a tributary to the Big Lost River (as recommended in your own Director's Report for Basin 34) nor are there any other claims pending adjudication for this water. There is no demonstrable proof that if the Water Master requires us to let Kent Springs Flow to the 'sinks' located in the middle of our hay meadows, any senior user will benefit. Again, this is the Water Master's interpretation that unfairly favors the Seefrieds and I don't agree. Condition No. 4 of Mr. Norm Young's approval letter (Ref. 3) is without basis and is inconsistent with the General Provisions of the Director's Report for Basin 34 that pertain to conjunctive administration.

Of greater importance is the fact that this well is illegal. The Seefried's willfully misrepresented themselves when they signed the Transfer Application and stated that no other user would be harmed by this action. We are being harmed and we have been telling you this since July 3, 1989. Furthermore, you have failed to require Seefried's to comply with the Conditions of Approval, Condition No. 5. Their original well casing has yet to be sealed in accordance with the requirements you prescribed when Transfer No. 3454 was approved. I have copies of letters from Mr. Dorst telling you of this situation.

It is just as well that the well has not been sealed. You may now reverse Transfer No. 3454 and require Seefrieds to use their original well. This is the only logical solution to this issue; the others have been tried and failed.

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There is no statement in the letter approving Seefried's mitigation (?) plan that indicates the approved term of the plan. I object to its continuance on any terms. We have gone without water, what little there was considering the drought conditions, while they have had all they wanted. This year, they should go without until such time as our water right is filled, as measured at the weir on our property, not that abortion installed by the Water Master, as has been the historical precedent.

Last summer I told Bill Seefried that I would work with him if he'd work with me. Because I didn't get any water I feel that didn't happen and all previous agreements are off. Whether by his actions or by yours, I have been denied the beneficial use of water on my property; that constitutes damage. I am determined not to let this happen again and if you do not intervene on my behalf to resolve this issue before another irrigation season begins then I will be forced seek the remedy through the courts.

This form of administration is a bad precedent to set in Basin 34. I testified before you on February 8, 1993, at Mackay High School and publicly expressed my objections to your handling of this mitigation plan. My testimony at the hearing was not only to air my complaint about my situation, but to tell my neighbors what they can expect from IDWR when it comes to a "mitigation plan." Through inaction you are forcing us into litigation. If that's what you want why don't you just tell us so we can get the ball rolling instead of allowing us to hold out hope that IDWR will intercede. And if this the way you intend to do business, then a reasonable man would ask "why do we waste our tax dollars on IDWR?"

I want action. I am not beyond working with you if you hold up your end of the job. But if I have to go it alone, I will. I want to be a good neighbor and citizen, but I will not stand the treatment given to me so far in return for my patience. This issue is no longer a question of conjunctive management of surface and ground water rights, but one of theft and damage to my interests. For four irrigation seasons, we have been denied the opportunity to have productive use of our water. The impacts of the drought have been far less than the impact of your administration; some water was available and you allowed Seefrieds to take it. I hope you can empathize with my position.

Sincerely,

John A. Naisbitt
207 Park St.
P. O. Box 128
Mackay, ID 83251

APR 06 1993

RECEIVED
MAR 3 1993
Department of Water Resources

February 26, 1993

Mr. R. Kieth Higginson, Director
State of Idaho
Department of Water Resources
1301 North Orchard Street, Statehouse Mail
Boise, ID 83720-9000

Certified Mail #P 793 727 572

Subject: In the Matter of Seefried's Application for Mitigation Permit
Water Right No. 34-07171

References: 1) **MEMORANDUM DECISION AND ORDER**, IN THE MATTER OF WATER RIGHT NO. 34-7171 IN THE NAME OF WILLIAM A. OR HOLLY C. SEEFRIED, dated November 20, 1991.

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Harbaugh!!

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Sincerely,

John A. Naisbitt
207 Park St.
P. O. Box 128
Mackay, ID 83251

APR 08 1993

PLACE OF USE: Township 06N Range 24E Section 03
PLACE OF USE: Township 06N Range 24E Section 02

WR-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
34-0010	BIG LOST RIVER IRRIGATION DISTRICT	23-May-1905	DECREE

COUNTY: CUSTER
SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	1000.000	CFS	0.00	AF
TOTAL RATE:	1000.000	CFS	TOTAL VOLUME: 0.00	AF

REMARKS: P/D MACKAY DAM SEC 12, BLAINE CANAL SEC 24, ARCO CANAL SEC 26
TRANS. 808

POINT OF DIVERSION:	T07N	R23E	S12	SENW
	T06N	R25E	S14	NWNE
	T04N	R26E	S26	NWNW

PLACE OF USE:	T03N	R26E	S01
	T03N	R26E	S02
	T03N	R26E	S12
	T03N	R26E	S13
	T03N	R27E	S05
	T03N	R27E	S06
	T03N	R27E	S07
	T03N	R27E	S08
	T03N	R27E	S17
	T03N	R27E	S18
	T04N	R26E	S02
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	T05N	R26E	S10
	T05N	R26E	S1

Do Not film - in file for P/U overlap information purposes only...

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T07N	R25E	S31
T07N	R25E	S32
T07N	R25E	S33
T03N	R27E	S19
T06N	R25E	S28
T07N	R25E	S35

PLACE OF USE: Township 06N Range 24E Section 03
PLACE OF USE: Township 06N Range 24E Section 02

WR-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
34-0011	BIG LOST RIVER IRRIGATION DISTRICT	2-Oct-1905	DECREE

COUNTY: CUSTER
SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	200.000	CFS	0.00	AF
TOTAL RATE:	200.000	CFS	TOTAL VOLUME: 0.00	AF

REMARKS: P/D MACKAY DAM SEC 12, BLAINE CANAL SEC 24, ARCO CANAL SEC 26
TRANS. 808

POINT OF DIVERSION:				
	T07N	R23E	S12	SENW
	T06N	R25E	S14	NWNE
	T04N	R26E	S26	NWNW

PLACE OF USE:			
	T03N	R26E	S01
	T03N	R26E	S02
	T03N	R26E	S12
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	T03N	R27E	S05
	T03N	R27E	S06
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	T03N	R27E	S17
	T03N	R27E	S18
	T04N	R26E	S02
	T04N	R26E	S03
	T04N	R26E	S04
	T04N	R26E	S05
	T04N	R26E	S07
	T04N	R26E	S08
	T04N	R26E	S09
	T04N	R26E	S10
	T04N	R26E	S11
	T04N	R26E	S14
	T04N	R26E	S15
	T04N	R26E	S16
	T04N	R26E	S17
	T04N	R26E	S18
	T04N	R26E	S19
	T04N	R26E	S20
	T04N	R26E	S21
	T04N	R26E	S22
	T04N	R26E	S23
	T04N	R26E	S25
	T04N	R26E	S26

T04N	R26E	S35
T04N	R26E	S36
T04N	R27E	S31
T05N	R25E	S01
T05N	R25E	S02
T05N	R26E	S03
T05N	R26E	S04
T05N	R26E	S05
T05N	R26E	S06
T05N	R26E	S08
T05N	R26E	S09
T05N	R26E	S10
T05N	R26E	S14
T05N	R26E	S15
T05N	R26E	S16
T05N	R26E	S17
T05N	R26E	S20
T05N	R26E	S21
T05N	R26E	S22
T05N	R26E	S23
T05N	R26E	S26
T05N	R26E	S27
T05N	R26E	S28
T05N	R26E	S29
T05N	R26E	S32
T05N	R26E	S33
T05N	R26E	S34
T05N	R26E	S35
T06N	R24E	S01
T06N	R24E	S02
T06N	R24E	S03
T06N	R24E	S11
T06N	R24E	S12
T06N	R25E	S01
T06N	R25E	S02
T06N	R25E	S03
T06N	R25E	S04
T06N	R25E	S05
T06N	R25E	S06
T06N	R25E	S07
T06N	R25E	S08
T06N	R25E	S09
T06N	R25E	S10
T06N	R25E	S11
T06N	R25E	S12
T06N	R25E	S13
T06N	R25E	S14
T06N	R25E	S17
T06N	R25E	S18
T06N	R25E	S23
T06N	R25E	S24
T06N	R25E	S25
T06N	R25E	S26
T06N	R25E	S27
T06N	R25E	S34
T06N	R25E	S35
T06N	R25E	S36
T06N	R26E	S05
T06N	R26E	S06
T06N	R26E	S07
T06N	R26E	S08
T06N	R26E	S17
T06N	R26E	S18
T06N	R26E	S19
T06N	R26E	S20
T06N	R26E	S21

T06N	R26E	S25
T06N	R26E	S27
T06N	R26E	S28
T06N	R26E	S29
T06N	R26E	S30
T06N	R26E	S31
T06N	R26E	S32
T06N	R26E	S33
T07N	R24E	S07
T07N	R24E	S17
T07N	R24E	S18
T07N	R24E	S20
T07N	R24E	S21
T07N	R24E	S26
T07N	R24E	S27
T07N	R24E	S28
T07N	R24E	S29
T07N	R24E	S33
T07N	R24E	S34
T07N	R24E	S35
T07N	R24E	S36
T07N	R25E	S28
T07N	R25E	S31
T07N	R25E	S32
T07N	R25E	S33
T03N	R27E	S19
T06N	R25E	S28
T07N	R25E	S35

PLACE OF USE: Township 06N Range 24E Section 03
PLACE OF USE: Township 06N Range 24E Section 02

WR-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
34-0012	BIG LOST RIVER IRRIGATION DISTRICT	7-Feb-1916	DECREE

COUNTY: CUSTER
SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:		
IRRIGATION	1000.000	CFS		0.00	AF
TOTAL RATE:	1000.000	CFS	TOTAL VOLUME:	0.00	AF

REMARKS: P/D MACKAY DAM SEC 12, BLAINE CANAL SEC 24, ARCO CANAL SEC 26
TRANS. 808

POINT OF DIVERSION:				
	T07N	R23E	S12	SENW
	T06N	R25E	S14	NWNE
	T04N	R26E	S26	NWNW

PLACE OF USE:			
	T03N	R26E	S01
	T03N	R26E	S02
	T03N	R26E	S12
	T03N	R26E	S13
	T03N	R27E	S05
	T03N	R27E	S06
	T03N	R27E	S07
	T03N	R27E	S08
	T03N	R27E	S17
	T03N	R27E	S18
	T04N	R26E	S02
	T04N	R26E	S03
	T04N	R26E	S04
	T04N	R26E	S05
	T04N	R26E	S07
	T04N	R26E	S08
	T04N	R26E	S09
	T04N	R26E	S10

T04N	R26E	S11
T04N	R26E	S14
T04N	R26E	S15
T04N	R26E	S16
T04N	R26E	S17
T04N	R26E	S18
T04N	R26E	S19
T04N	R26E	S20
T04N	R26E	S21
T04N	R26E	S22
T04N	R26E	S23
T04N	R26E	S25
T04N	R26E	S26
T04N	R26E	S35
T04N	R26E	S36
T04N	R27E	S31
T05N	R25E	S01
T05N	R25E	S02
T05N	R26E	S03
T05N	R26E	S04
T05N	R26E	S05
T05N	R26E	S06
T05N	R26E	S08
T05N	R26E	S09
T05N	R26E	S10
T05N	R26E	S14
T05N	R26E	S15
T05N	R26E	S16
T05N	R26E	S17
T05N	R26E	S20
T05N	R26E	S21
T05N	R26E	S22
T05N	R26E	S23
T05N	R26E	S26
T05N	R26E	S27
T05N	R26E	S28
T05N	R26E	S29
T05N	R26E	S32
T05N	R26E	S33
T05N	R26E	S34
T05N	R26E	S35
T06N	R24E	S01
T06N	R24E	S02
T06N	R24E	S03
T06N	R24E	S11
T06N	R24E	S12
T06N	R25E	S01
T06N	R25E	S02
T06N	R25E	S03
T06N	R25E	S04
T06N	R25E	S05
T06N	R25E	S06
T06N	R25E	S07
T06N	R25E	S08
T06N	R25E	S09
T06N	R25E	S10
T06N	R25E	S11
T06N	R25E	S12
T06N	R25E	S13
T06N	R25E	S14
T06N	R25E	S17
T06N	R25E	S18
T06N	R25E	S23
T06N	R25E	S24
T06N	R25E	S25
T06N	R25E	S26

T06N	R25E	S34
T06N	R25E	S35
T06N	R25E	S36
T06N	R26E	S05
T06N	R26E	S06
T06N	R26E	S07
T06N	R26E	S08
T06N	R26E	S17
T06N	R26E	S18
T06N	R26E	S19
T06N	R26E	S20
T06N	R26E	S21
T06N	R26E	S25
T06N	R26E	S27
T06N	R26E	S28
T06N	R26E	S29
T06N	R26E	S30
T06N	R26E	S31
T06N	R26E	S32
T06N	R26E	S33
T07N	R24E	S07
T07N	R24E	S17
T07N	R24E	S18
T07N	R24E	S20
T07N	R24E	S21
T07N	R24E	S26
T07N	R24E	S27
T07N	R24E	S28
T07N	R24E	S29
T07N	R24E	S33
T07N	R24E	S34
T07N	R24E	S35
T07N	R24E	S36
T07N	R25E	S28
T07N	R25E	S31
T07N	R25E	S32
T07N	R25E	S33
T03N	R27E	S19
T06N	R25E	S28
T07N	R25E	S35

PLACE OF USE: Township 06N Range 24E Section 03
PLACE OF USE: Township 06N Range 24E Section 02

routed for entry kw

WR-NUMBER: [redacted]-0013

CURRENT OWNER:
BIG LOST RIVER IRRIGATION DISTRICT

PRIORITY DATE: 7/31/1905

STAGE: DECREE

COUNTY: CUSTER
SOURCE: ANTELOPE CREEK TRIBUTARY: BIG LOST RIVER

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	100.000	CFS	0.00	AF
TOTAL RATE:	100.000	CFS	TOTAL VOLUME: 0.00	AF

REMARKS: P/D BLAINE CANAL
TRANS. 808

POINT OF DIVERSION:	T07N	R23E	S12	SENW
	T06N	R25E	S14	NWNE
	T04N	R26E	S26	NWNW

PLACE OF USE:	T03N	R26E	S01
	T03N	R26E	S02
	T03N	R26E	S12
	T03N	R26E	S13
	T03N	R27E	S05

T03N	R27E	S06
T03N	R27E	S07
T03N	R27E	S08
T03N	R27E	S17
T03N	R27E	S18
T04N	R26E	S02
T04N	R26E	S03
T04N	R26E	S04
T04N	R26E	S05
T04N	R26E	S07
T04N	R26E	S08
T04N	R26E	S09
T04N	R26E	S10
T04N	R26E	S11
T04N	R26E	S14
T04N	R26E	S15
T04N	R26E	S16
T04N	R26E	S17
T04N	R26E	S18
T04N	R26E	S19
T04N	R26E	S20
T04N	R26E	S21
T04N	R26E	S22
T04N	R26E	S23
T04N	R26E	S25
T04N	R26E	S26
T04N	R26E	S35
T04N	R26E	S36
T04N	R27E	S31
T05N	R25E	S01
T05N	R25E	S02
T05N	R26E	S03
T05N	R26E	S04
T05N	R26E	S05
T05N	R26E	S06
T05N	R26E	S08
T05N	R26E	S09
T05N	R26E	S10
T05N	R26E	S14
T05N	R26E	S15
T05N	R26E	S16
T05N	R26E	S17
T05N	R26E	S20
T05N	R26E	S21
T05N	R26E	S22
T05N	R26E	S23
T05N	R26E	S26
T05N	R26E	S27
T05N	R26E	S28
T05N	R26E	S29
T05N	R26E	S32
T05N	R26E	S33
T05N	R26E	S34
T05N	R26E	S35
T06N	R24E	S01
T06N	R24E	S02
T06N	R24E	S03
T06N	R24E	S11
T06N	R24E	S12
T06N	R25E	S01
T06N	R25E	S02
T06N	R25E	S03
T06N	R25E	S04
T06N	R25E	S05
T06N	R25E	S06
T06N	R25E	S07

T06N	R25E	S08
T06N	R25E	S09
T06N	R25E	S10
T06N	R25E	S11
T06N	R25E	S12
T06N	R25E	S13
T06N	R25E	S14
T06N	R25E	S17
T06N	R25E	S18
T06N	R25E	S23
T06N	R25E	S24
T06N	R25E	S25
T06N	R25E	S26
T06N	R25E	S27
T06N	R25E	S34
T06N	R25E	S35
T06N	R25E	S36
T06N	R26E	S05
T06N	R26E	S06
T06N	R26E	S07
T06N	R26E	S08
T06N	R26E	S17
T06N	R26E	S18
T06N	R26E	S19
T06N	R26E	S20
T06N	R26E	S21
T06N	R26E	S25
T06N	R26E	S27
T06N	R26E	S28
T06N	R26E	S29
T06N	R26E	S30
T06N	R26E	S31
T06N	R26E	S32
T06N	R26E	S33
T07N	R24E	S07
T07N	R24E	S17
T07N	R24E	S18
T07N	R24E	S20
T07N	R24E	S21
T07N	R24E	S26
T07N	R24E	S27
T07N	R24E	S28
T07N	R24E	S29
T07N	R24E	S33
T07N	R24E	S34
T07N	R24E	S35
T07N	R24E	S36
T07N	R25E	S28
T07N	R25E	S31
T07N	R25E	S32
T07N	R25E	S33
T03N	R27E	S19
T06N	R25E	S28
T07N	R25E	S35

PLACE OF USE: Township 06N Range 24E Section 02 Tract SWNW

WR-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
34-0160	IDAHO BOND & LOAN CO.	22-Apr-1884	DECREE

COUNTY: CUSTER
SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	1.280	CFS	0.00	AF
TOTAL RATE:	1.280	CFS	TOTAL VOLUME: 0.00	AF

REMARKS: P/D HUSTON DITCH ABANDONED

POINT OF DIVERSION: T07N R24E S33 NE

PLACE OF USE:

T06N	R24E	S02	SWNW
T06N	R24E	S02	NESW
T06N	R24E	S02	NWSW
T06N	R24E	S02	SWSW
T06N	R24E	S02	SESW
T06N	R24E	S11	NENW
T06N	R24E	S11	NWNW
T06N	R24E	S11	SWNW
T06N	R24E	S11	SENW

PLACE OF USE: Township 06N Range 24E Section 03 Tract E2
PLACE OF USE: Township 06N Range 24E Section 02 Tract SWNW

WR-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
34-0168C	CONTINENTAL LIFE INSURANCE CO.	1-Jun-1883	DECREE

COUNTY: CUSTER
SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	0.136	CFS	0.00	AF
TOTAL RATE:	0.136	CFS	TOTAL VOLUME: 0.00	AF

REMARKS: P/D RODGERS DITCH
RIGHT #34-0168 LESS TRANS #433

POINT OF DIVERSION: T07N R24E S33 SWNE

PLACE OF USE:

T06N	R24E	S03	NWNW	
T06N	R24E	S03	SWNE	
T06N	R24E	S03	SENE	
T06N	R24E	S03	NENW	
T06N	R24E	S03	NWNW	
T06N	R24E	S03	SENW	
T06N	R24E	S03	NESE	
T06N	R24E	S02	NENW	LT03
T06N	R24E	S02	NWNW	LT04
T06N	R24E	S02	SWNW	
T06N	R24E	S02	SENW	

PLACE OF USE: Township 06N Range 24E Section 03 Tract E2

WR-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
34-0393	HYRUM S. JOHNSON	1-May-1900	DECREE

COUNTY: CUSTER
SOURCE: WILLOW CREEK TRIBUTARY: BIG LOST RIVER

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	4.000	CFS	0.00	AF
TOTAL RATE:	4.000	CFS	TOTAL VOLUME: 0.00	AF

REMARKS: P/D PRIVATE DITCH
P/U LOTS 2,3,7 & 8 IN SEC 10 T.6N R.24E

POINT OF DIVERSION: T06N R24E S10

PLACE OF USE:

T06N	R24E	S03	SESE	
T06N	R24E	S10		LT02
T06N	R24E	S10		LT03
T06N	R24E	S10		LT07
T06N	R24E	S10		LT08

PLACE OF USE: Township 06N Range 24E Section 02 Tract SWNW

WR-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
34-0452C	TREASURE SAYER	1-Jun-1885	DECREE

COUNTY: BUTTE
SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	0.400	CFS	0.00	AF
TOTAL RATE:	0.400	CFS	TOTAL VOLUME: 0.00	AF

REMARKS: P/D DARLINGTON DITCH.
TRANS 818.

POINT OF DIVERSION:	T07N	R24E	S33	SWNE

PLACE OF USE:	T06N	R24E	S01	NESW
	T06N	R24E	S01	NWSW
	T06N	R24E	S01	SWSW
	T06N	R24E	S01	SESW
	T06N	R24E	S02	SWNE
	T06N	R24E	S02	SENE
	T06N	R24E	S02	SWNW
	T06N	R24E	S02	NESW
	T06N	R24E	S02	NWSW
	T06N	R24E	S02	SESW

PLACE OF USE: Township 06N Range 24E Section 02 Tract SWNW

WR-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
34-0780B	C. ALBERT ANDERSON	22-Apr-1884	DECREE

COUNTY: CUSTER
SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	0.200	CFS	0.00	AF
TOTAL RATE:	0.200	CFS	TOTAL VOLUME: 0.00	AF

REMARKS: TRANS. #947.
P/D DARLINGTON DITCH.
P/U INCOMPLETE.

POINT OF DIVERSION:	T07N	R24E	S33	SWNE

PLACE OF USE:	T06N	R24E	S01	SWNW
	T06N	R24E	S02	SWNE
	T06N	R24E	S02	SENE
	T06N	R24E	S02	SWNW
	T06N	R24E	S02	NESW
	T06N	R24E	S02	NWSW
	T06N	R24E	S02	SESW

PLACE OF USE: Township 06N Range 24E Section 03
PLACE OF USE: Township 06N Range 24E Section 02

WR-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
34-0810	BIG LOST RIVER IRRIGATION DISTRICT	1-Jun-1888	DECREE

COUNTY: BUTTE
SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	3.200	CFS	0.00	AF
TOTAL RATE:	3.200	CFS	TOTAL VOLUME: 0.00	AF

REMARKS: P/D WEST SIDE AND HARGER SULLIVAN DITCHES.
TRANS 582.

POINT OF DIVERSION:	T05N	R26E	S04	SESE
PLACE OF USE:	T03N	R26E	S01	
	T03N	R26E	S02	
	T03N	R26E	S12	
	T03N	R26E	S13	
	T03N	R27E	S05	
	T03N	R27E	S06	
	T03N	R27E	S07	
	T03N	R27E	S08	
	T03N	R27E	S17	
	T03N	R27E	S18	
	T04N	R26E	S02	
	T04N	R26E	S03	
	T04N	R26E	S04	
	T04N	R26E	S05	
	T04N	R26E	S07	
	T04N	R26E	S08	
	T04N	R26E	S09	
	T04N	R26E	S10	
	T04N	R26E	S11	
	T04N	R26E	S14	
	T04N	R26E	S15	
	T04N	R26E	S16	
	T04N	R26E	S17	
	T04N	R26E	S18	
	T04N	R26E	S19	
	T04N	R26E	S20	
	T04N	R26E	S21	
	T04N	R26E	S22	
	T04N	R26E	S23	
	T04N	R26E	S25	
	T04N	R26E	S26	
	T04N	R26E	S35	
	T04N	R26E	S36	
	T04N	R27E	S31	
	T05N	R25E	S01	
	T05N	R25E	S02	
	T05N	R26E	S03	
	T05N	R26E	S04	
	T05N	R26E	S05	
	T05N	R26E	S06	
	T05N	R26E	S08	
	T05N	R26E	S09	
	T05N	R26E	S10	
	T05N	R26E	S14	
	T05N	R26E	S15	
	T05N	R26E	S16	
	T05N	R26E	S17	
	T05N	R26E	S20	
	T05N	R26E	S21	
	T05N	R26E	S22	
	T05N	R26E	S23	
	T05N	R26E	S26	
	T05N	R26E	S27	
	T05N	R26E	S29	
	T05N	R26E	S32	
	T05N	R26E	S33	
	T05N	R26E	S34	
	T05N	R26E	S35	
	T06N	R24E	S01	
	T06N	R24E	S02	
	T06N	R24E	S03	
	T06N	R24E	S11	
	T06N	R24E	S12	
	T06N	R25E	S01	

T06N	R25E	S02
T06N	R25E	S03
T06N	R25E	S04
T06N	R25E	S05
T06N	R25E	S06
T06N	R25E	S07
T06N	R25E	S08
T06N	R25E	S09
T06N	R25E	S10
T06N	R25E	S11
T06N	R25E	S12
T06N	R25E	S13
T06N	R25E	S14
T06N	R25E	S17
T06N	R25E	S18
T06N	R25E	S23
T06N	R25E	S24
T06N	R25E	S25
T06N	R25E	S26
T06N	R25E	S27
T06N	R25E	S34
T06N	R25E	S35
T06N	R25E	S36
T06N	R26E	S05
T06N	R26E	S06
T06N	R26E	S07
T06N	R26E	S08
T06N	R26E	S17
T06N	R26E	S18
T06N	R26E	S19
T06N	R26E	S20
T06N	R26E	S21
T06N	R26E	S25
T06N	R26E	S27
T06N	R26E	S28
T06N	R26E	S29
T06N	R26E	S30
T06N	R26E	S31
T06N	R26E	S32
T06N	R26E	S33
T07N	R24E	S07
T07N	R24E	S17
T07N	R24E	S18
T07N	R24E	S20
T07N	R24E	S21
T07N	R24E	S26
T07N	R24E	S27
T07N	R24E	S28
T07N	R24E	S29
T07N	R24E	S33
T07N	R24E	S34
T07N	R24E	S35
T07N	R24E	S36
T07N	R25E	S28
T07N	R25E	S31
T07N	R25E	S32
T07N	R25E	S33
T07N	R25E	S35
T03N	R27E	S19
T06N	R25E	S28

PLACE OF USE: Township 06N Range 24E Section 03
PLACE OF USE: Township 06N Range 24E Section 02

WR-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
34-0811	BIG LOST RIVER IRRIGATION DISTRICT	30-Jun-1881	DECREE

COUNTY: BUTTE
SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	1.500	CFS	0.00	AF
TOTAL RATE:	1.500	CFS	TOTAL VOLUME: 0.00	AF

REMARKS: P/D WEST SIDE AND HARGER SULLIVAN DITCHES.
TRANS 582.

POINT OF DIVERSION:	T05N	R26E	S04	SESE

PLACE OF USE:			
	T03N	R26E	S01
	T03N	R26E	S02
	T03N	R26E	S12
	T03N	R26E	S13
	T03N	R27E	S05
	T03N	R27E	S06
	T03N	R27E	S07
	T03N	R27E	S08
	T03N	R27E	S17
	T03N	R27E	S18
	T04N	R26E	S02
	T04N	R26E	S03
	T04N	R26E	S04
	T04N	R26E	S05
	T04N	R26E	S07
	T04N	R26E	S08
	T04N	R26E	S09
	T04N	R26E	S10
	T04N	R26E	S11
	T04N	R26E	S14
	T04N	R26E	S15
	T04N	R26E	S16
	T04N	R26E	S17
	T04N	R26E	S18
	T04N	R26E	S19
	T04N	R26E	S20
	T04N	R26E	S21
	T04N	R26E	S22
	T04N	R26E	S23
	T04N	R26E	S25
	T04N	R26E	S26
	T04N	R26E	S35
	T04N	R26E	S36
	T04N	R27E	S31
	T05N	R25E	S01
	T05N	R25E	S02
	T05N	R26E	S03
	T05N	R26E	S04
	T05N	R26E	S05
	T05N	R26E	S06
	T05N	R26E	S08
	T05N	R26E	S09
	T05N	R26E	S10
	T05N	R26E	S14
	T05N	R26E	S15
	T05N	R26E	S16
	T05N	R26E	S17
	T05N	R26E	S20
	T05N	R26E	S21
	T05N	R26E	S22
	T05N	R26E	S23
	T05N	R26E	S26
	T05N	R26E	S27
	T05N	R26E	S29

T05N	R26E	S32
T05N	R26E	S33
T05N	R26E	S34
T05N	R26E	S35
T06N	R24E	S01
T06N	R24E	S02
T06N	R24E	S03
T06N	R24E	S11
T06N	R24E	S12
T06N	R25E	S01
T06N	R25E	S02
T06N	R25E	S03
T06N	R25E	S04
T06N	R25E	S05
T06N	R25E	S06
T06N	R25E	S07
T06N	R25E	S08
T06N	R25E	S09
T06N	R25E	S10
T06N	R25E	S11
T06N	R25E	S12
T06N	R25E	S13
T06N	R25E	S14
T06N	R25E	S17
T06N	R25E	S18
T06N	R25E	S23
T06N	R25E	S24
T06N	R25E	S25
T06N	R25E	S26
T06N	R25E	S27
T06N	R25E	S34
T06N	R25E	S35
T06N	R25E	S36
T06N	R26E	S05
T06N	R26E	S06
T06N	R26E	S07
T06N	R26E	S08
T06N	R26E	S17
T06N	R26E	S18
T06N	R26E	S19
T06N	R26E	S20
T06N	R26E	S21
T06N	R26E	S25
T06N	R26E	S27
T06N	R26E	S28
T06N	R26E	S29
T06N	R26E	S30
T06N	R26E	S31
T06N	R26E	S32
T06N	R26E	S33
T07N	R24E	S07
T07N	R24E	S17
T07N	R24E	S18
T07N	R24E	S20
T07N	R24E	S21
T07N	R24E	S26
T07N	R24E	S27
T07N	R24E	S28
T07N	R24E	S29
T07N	R24E	S33
T07N	R24E	S34
T07N	R24E	S35
T07N	R24E	S36
T07N	R25E	S28
T07N	R25E	S31
T07N	R25E	S32

T07N	R25E	S33
T07N	R25E	S35
T03N	R27E	S19
T06N	R25E	S28

PLACE OF USE: Township 06N Range 24E Section 03
PLACE OF USE: Township 06N Range 24E Section 02

WR-NUMBER: 34-0814

CURRENT OWNER: BIG LOST RIVER IRRIGATION DISTRICT

PRIORITY DATE: 1-Jun-1896

STAGE: DECREE

COUNTY: BUTTE
SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	3.200	CFS	0.00	AF
TOTAL RATE:	3.200	CFS	TOTAL VOLUME: 0.00	AF

REMARKS: P/D WEST SIDE AND HARGER SULLIVAN DITCHES.
TRANS 582.

POINT OF DIVERSION: T05N R26E S04 SESE

PLACE OF USE:

T03N	R26E	S01
T03N	R26E	S02
T03N	R26E	S12
T03N	R26E	S13
T03N	R27E	S05
T03N	R27E	S06
T03N	R27E	S07
T03N	R27E	S08
T03N	R27E	S17
T03N	R27E	S18
T04N	R26E	S02
T04N	R26E	S03
T04N	R26E	S04
T04N	R26E	S05
T04N	R26E	S07
T04N	R26E	S08
T04N	R26E	S09
T04N	R26E	S10
T04N	R26E	S11
T04N	R26E	S14
T04N	R26E	S15
T04N	R26E	S16
T04N	R26E	S17
T04N	R26E	S18
T04N	R26E	S19
T04N	R26E	S20
T04N	R26E	S21
T04N	R26E	S22
T04N	R26E	S23
T04N	R26E	S25
T04N	R26E	S26
T04N	R26E	S35
T04N	R26E	S36
T04N	R27E	S31
T05N	R25E	S01
T05N	R25E	S02
T05N	R26E	S03
T05N	R26E	S04
T05N	R26E	S05
T05N	R26E	S06
T05N	R26E	S08
T05N	R26E	S09
T05N	R26E	S10
T05N	R26E	S14

T05N	R26E	S15
T05N	R26E	S16
T05N	R26E	S17
T05N	R26E	S20
T05N	R26E	S21
T05N	R26E	S22
T05N	R26E	S23
T05N	R26E	S26
T05N	R26E	S27
T05N	R26E	S29
T05N	R26E	S32
T05N	R26E	S33
T05N	R26E	S34
T05N	R26E	S35
T06N	R24E	S01
T06N	R24E	S02
T06N	R24E	S03
T06N	R24E	S11
T06N	R24E	S12
T06N	R25E	S01
T06N	R25E	S02
T06N	R25E	S03
T06N	R25E	S04
T06N	R25E	S05
T06N	R25E	S06
T06N	R25E	S07
T06N	R25E	S08
T06N	R25E	S09
T06N	R25E	S10
T06N	R25E	S11
T06N	R25E	S12
T06N	R25E	S13
T06N	R25E	S14
T06N	R25E	S17
T06N	R25E	S18
T06N	R25E	S23
T06N	R25E	S24
T06N	R25E	S25
T06N	R25E	S26
T06N	R25E	S27
T06N	R25E	S34
T06N	R25E	S35
T06N	R25E	S36
T06N	R26E	S05
T06N	R26E	S06
T06N	R26E	S07
T06N	R26E	S08
T06N	R26E	S17
T06N	R26E	S18
T06N	R26E	S19
T06N	R26E	S20
T06N	R26E	S21
T06N	R26E	S25
T06N	R26E	S27
T06N	R26E	S28
T06N	R26E	S29
T06N	R26E	S30
T06N	R26E	S31
T06N	R26E	S32
T06N	R26E	S33
T07N	R24E	S07
T07N	R24E	S17
T07N	R24E	S18
T07N	R24E	S20
T07N	R24E	S21
T07N	R24E	S26

T07N	R24E	S27
T07N	R24E	S28
T07N	R24E	S29
T07N	R24E	S33
T07N	R24E	S34
T07N	R24E	S35
T07N	R24E	S36
T07N	R25E	S28
T07N	R25E	S31
T07N	R25E	S32
T07N	R25E	S33
T07N	R25E	S35
T03N	R27E	S19
T06N	R25E	S28

PLACE OF USE: Township 06N Range 24E Section 03
PLACE OF USE: Township 06N Range 24E Section 02

WR-NUMBER: 34-0817B
CURRENT OWNER: BIG LOST RIVER IRRIGATION DISTRICT
PRIORITY DATE: 1-Mar-1902
STAGE: DECREE

COUNTY: BUTTE
SOURCE: BIG LOST RIVER
TRIBUTARY: SINKS

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	0.800	CFS	0.00	AF
TOTAL RATE:	0.800	CFS	TOTAL VOLUME: 0.00	AF

REMARKS: P/D WEST SIDE AND HARGER SULLIVAN DITCHES.
TRANS 582.

POINT OF DIVERSION: T05N R26E S04 SESE

PLACE OF USE:			
	T03N	R26E	S01
	T03N	R26E	S02
	T03N	R26E	S12
	T03N	R26E	S13
	T03N	R27E	S05
	T03N	R27E	S06
	T03N	R27E	S07
	T03N	R27E	S08
	T03N	R27E	S17
	T03N	R27E	S18
	T04N	R26E	S02
	T04N	R26E	S03
	T04N	R26E	S04
	T04N	R26E	S05
	T04N	R26E	S07
	T04N	R26E	S08
	T04N	R26E	S09
	T04N	R26E	S10
	T04N	R26E	S11
	T04N	R26E	S14
	T04N	R26E	S15
	T04N	R26E	S16
	T04N	R26E	S17
	T04N	R26E	S18
	T04N	R26E	S19
	T04N	R26E	S20
	T04N	R26E	S21
	T04N	R26E	S22
	T04N	R26E	S23
	T04N	R26E	S25
	T04N	R26E	S26
	T04N	R26E	S35
	T04N	R26E	S36
	T04N	R27E	S31

T05N	R25E	S01
T05N	R25E	S02
T05N	R26E	S03
T05N	R26E	S04
T05N	R26E	S05
T05N	R26E	S06
T05N	R26E	S08
T05N	R26E	S09
T05N	R26E	S10
T05N	R26E	S14
T05N	R26E	S15
T05N	R26E	S16
T05N	R26E	S17
T05N	R26E	S20
T05N	R26E	S21
T05N	R26E	S22
T05N	R26E	S23
T05N	R26E	S26
T05N	R26E	S27
T05N	R26E	S29
T05N	R26E	S32
T05N	R26E	S33
T05N	R26E	S34
T05N	R26E	S35
T06N	R24E	S01
T06N	R24E	S02
T06N	R24E	S03
T06N	R24E	S11
T06N	R24E	S12
T06N	R25E	S01
T06N	R25E	S02
T06N	R25E	S03
T06N	R25E	S04
T06N	R25E	S05
T06N	R25E	S06
T06N	R25E	S07
T06N	R25E	S08
T06N	R25E	S09
T06N	R25E	S10
T06N	R25E	S11
T06N	R25E	S12
T06N	R25E	S13
T06N	R25E	S14
T06N	R25E	S17
T06N	R25E	S18
T06N	R25E	S23
T06N	R25E	S24
T06N	R25E	S25
T06N	R25E	S26
T06N	R25E	S27
T06N	R25E	S34
T06N	R25E	S35
T06N	R25E	S36
T06N	R26E	S05
T06N	R26E	S06
T06N	R26E	S07
T06N	R26E	S08
T06N	R26E	S17
T06N	R26E	S18
T06N	R26E	S19
T06N	R26E	S20
T06N	R26E	S21
T06N	R26E	S25
T06N	R26E	S27
T06N	R26E	S28
T06N	R26E	S29

T06N	R26E	S30
T06N	R26E	S31
T06N	R26E	S32
T06N	R26E	S33
T07N	R24E	S07
T07N	R24E	S17
T07N	R24E	S18
T07N	R24E	S20
T07N	R24E	S21
T07N	R24E	S26
T07N	R24E	S27
T07N	R24E	S28
T07N	R24E	S29
T07N	R24E	S33
T07N	R24E	S34
T07N	R24E	S35
T07N	R24E	S36
T07N	R25E	S28
T07N	R25E	S31
T07N	R25E	S32
T07N	R25E	S33
T07N	R25E	S35
T03N	R27E	S19
T06N	R25E	S28

PLACE OF USE: Township 06N Range 24E Section 03
PLACE OF USE: Township 06N Range 24E Section 02

WR-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
34-0818	BIG LOST RIVER IRRIGATION DISTRICT	1-Jun-1880	DECREE

COUNTY: BUTTE
SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:		
IRRIGATION	3.200	CFS		0.00	AF
TOTAL RATE:	3.200	CFS	TOTAL VOLUME:	0.00	AF

REMARKS: P/D WEST SIDE AND HARGER SULLIVAN DITCHES.
TRANS 582.

POINT OF DIVERSION: T05N R26E S04 SESE

PLACE OF USE:

T03N	R26E	S01
T03N	R26E	S02
T03N	R26E	S12
T03N	R26E	S13
T03N	R27E	S05
T03N	R27E	S06
T03N	R27E	S07
T03N	R27E	S08
T03N	R27E	S17
T03N	R27E	S18
T04N	R26E	S02
T04N	R26E	S03
T04N	R26E	S04
T04N	R26E	S05
T04N	R26E	S07
T04N	R26E	S08
T04N	R26E	S09
T04N	R26E	S10
T04N	R26E	S11
T04N	R26E	S14
T04N	R26E	S15
T04N	R26E	S16
T04N	R26E	S17
T04N	R26E	S18

T04N	R26E	S19
T04N	R26E	S20
T04N	R26E	S21
T04N	R26E	S22
T04N	R26E	S23
T04N	R26E	S25
T04N	R26E	S26
T04N	R26E	S35
T04N	R26E	S36
T04N	R27E	S31
T05N	R25E	S01
T05N	R25E	S02
T05N	R26E	S03
T05N	R26E	S04
T05N	R26E	S05
T05N	R26E	S06
T05N	R26E	S08
T05N	R26E	S09
T05N	R26E	S10
T05N	R26E	S14
T05N	R26E	S15
T05N	R26E	S16
T05N	R26E	S17
T05N	R26E	S20
T05N	R26E	S21
T05N	R26E	S22
T05N	R26E	S23
T05N	R26E	S26
T05N	R26E	S27
T05N	R26E	S29
T05N	R26E	S32
T05N	R26E	S33
T05N	R26E	S34
T05N	R26E	S35
T06N	R24E	S01
T06N	R24E	S02
T06N	R24E	S03
T06N	R24E	S11
T06N	R24E	S12
T06N	R25E	S01
T06N	R25E	S02
T06N	R25E	S03
T06N	R25E	S04
T06N	R25E	S05
T06N	R25E	S06
T06N	R25E	S07
T06N	R25E	S08
T06N	R25E	S09
T06N	R25E	S10
T06N	R25E	S11
T06N	R25E	S12
T06N	R25E	S13
T06N	R25E	S14
T06N	R25E	S17
T06N	R25E	S18
T06N	R25E	S23
T06N	R25E	S24
T06N	R25E	S25
T06N	R25E	S26
T06N	R25E	S27
T06N	R25E	S34
T06N	R25E	S35
T06N	R25E	S36
T06N	R26E	S05
T06N	R26E	S06
T06N	R26E	S07

T06N	R26E	S08
T06N	R26E	S17
T06N	R26E	S18
T06N	R26E	S19
T06N	R26E	S20
T06N	R26E	S21
T06N	R26E	S25
T06N	R26E	S27
T06N	R26E	S28
T06N	R26E	S29
T06N	R26E	S30
T06N	R26E	S31
T06N	R26E	S32
T06N	R26E	S33
T07N	R24E	S07
T07N	R24E	S17
T07N	R24E	S18
T07N	R24E	S20
T07N	R24E	S21
T07N	R24E	S26
T07N	R24E	S27
T07N	R24E	S28
T07N	R24E	S29
T07N	R24E	S33
T07N	R24E	S34
T07N	R24E	S35
T07N	R24E	S36
T07N	R25E	S28
T07N	R25E	S31
T07N	R25E	S32
T07N	R25E	S33
T07N	R25E	S35
T03N	R27E	S19
T06N	R25E	S28

PLACE OF USE: Township 06N Range 24E Section 03
PLACE OF USE: Township 06N Range 24E Section 02

WR-NUMBER: 34-0819

CURRENT OWNER: BIG LOST RIVER IRRIGATION DISTRICT

PRIORITY DATE: 1-Jun-1896

STAGE: DECREE

COUNTY: BUTTE
SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	3.200	CFS	0.00	AF
TOTAL RATE:	3.200	CFS	TOTAL VOLUME: 0.00	AF

REMARKS: P/D WEST SIDE AND HARGER SULLIVAN DITCHES.
TRANS 582.

POINT OF DIVERSION: T05N R26E S04 SESE

PLACE OF USE:

T03N	R26E	S01
T03N	R26E	S02
T03N	R26E	S12
T03N	R26E	S13
T03N	R27E	S05
T03N	R27E	S06
T03N	R27E	S07
T03N	R27E	S08
T03N	R27E	S17
T03N	R27E	S18
T04N	R26E	S02
T04N	R26E	S03
T04N	R26E	S04
T04N	R26E	S05

T04N	R26E	S07
T04N	R26E	S08
T04N	R26E	S09
T04N	R26E	S10
T04N	R26E	S11
T04N	R26E	S14
T04N	R26E	S15
T04N	R26E	S16
T04N	R26E	S17
T04N	R26E	S18
T04N	R26E	S19
T04N	R26E	S20
T04N	R26E	S21
T04N	R26E	S22
T04N	R26E	S23
T04N	R26E	S25
T04N	R26E	S26
T04N	R26E	S35
T04N	R26E	S36
T04N	R27E	S31
T05N	R25E	S01
T05N	R25E	S02
T05N	R26E	S03
T05N	R26E	S04
T05N	R26E	S05
T05N	R26E	S06
T05N	R26E	S08
T05N	R26E	S09
T05N	R26E	S10
T05N	R26E	S14
T05N	R26E	S15
T05N	R26E	S16
T05N	R26E	S17
T05N	R26E	S20
T05N	R26E	S21
T05N	R26E	S22
T05N	R26E	S23
T05N	R26E	S26
T05N	R26E	S27
T05N	R26E	S29
T05N	R26E	S32
T05N	R26E	S33
T05N	R26E	S34
T05N	R26E	S35
T06N	R24E	S01
T06N	R24E	S02
T06N	R24E	S03
T06N	R24E	S11
T06N	R24E	S12
T06N	R25E	S01
T06N	R25E	S02
T06N	R25E	S03
T06N	R25E	S04
T06N	R25E	S05
T06N	R25E	S06
T06N	R25E	S07
T06N	R25E	S08
T06N	R25E	S09
T06N	R25E	S10
T06N	R25E	S11
T06N	R25E	S12
T06N	R25E	S13
T06N	R25E	S14
T06N	R25E	S17
T06N	R25E	S18
T06N	R25E	S23

T06N	R25E	S25
T06N	R25E	S26
T06N	R25E	S27
T06N	R25E	S34
T06N	R25E	S35
T06N	R25E	S36
T06N	R26E	S05
T06N	R26E	S06
T06N	R26E	S07
T06N	R26E	S08
T06N	R26E	S17
T06N	R26E	S18
T06N	R26E	S19
T06N	R26E	S20
T06N	R26E	S21
T06N	R26E	S25
T06N	R26E	S27
T06N	R26E	S28
T06N	R26E	S29
T06N	R26E	S30
T06N	R26E	S31
T06N	R26E	S32
T06N	R26E	S33
T07N	R24E	S07
T07N	R24E	S17
T07N	R24E	S18
T07N	R24E	S20
T07N	R24E	S21
T07N	R24E	S26
T07N	R24E	S27
T07N	R24E	S28
T07N	R24E	S29
T07N	R24E	S33
T07N	R24E	S34
T07N	R24E	S35
T07N	R24E	S36
T07N	R25E	S28
T07N	R25E	S31
T07N	R25E	S32
T07N	R25E	S33
T07N	R25E	S35
T03N	R27E	S19
T06N	R25E	S28

PLACE OF USE: Township 06N Range 24E Section 02 Tract SWNW

WATER RIGHT NUMBER: 74-0827C

CURRENT OWNER: S. K. HINTZE

PRIORITY DATE: 31-May-1884

STAGE: DECREE

COUNTY: CUSTER

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	0.360	CFS	0.00	AF
TOTAL RATE:	0.360	CFS	TOTAL VOLUME: 0.00	AF

REMARKS: TRANS. 760.
P/D DARLINGTON DITCH.

POINT OF DIVERSION:	T07N	R24E	S33	SWNE
PLACE OF USE:	T06N	R24E	S01	SWNW
	T06N	R24E	S02	SWNE
	T06N	R24E	S02	SENE
	T06N	R24E	S02	SWNW
	T06N	R24E	S02	NESW

T06N R24E S02 NWSW
T06N R24E S02 SESW

PLACE OF USE: Township 06N Range 24E Section 02 Tract SWNW

WR-NUMBER: 34-0935
CURRENT OWNER: ALBERT ANDERSON
PRIORITY DATE: 22-Apr-1884
STAGE: DECREE

COUNTY: CUSTER
SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	0.100	CFS	0.00	AF
TOTAL RATE:	0.100	CFS	TOTAL VOLUME: 0.00	AF

REMARKS: TRANS. #951.
P/D DARLINGTON HUSTON DITCH.
P/U INCOMPLETE.

POINT OF DIVERSION: T07N R24E S33 SWNE

PLACE OF USE:
T06N R24E S01 SWNW
T06N R24E S02 SWNE
T06N R24E S02 SENE
T06N R24E S02 SWNW
T06N R24E S02 NESW
T06N R24E S02 NWSW
T06N R24E S02 SESW

PLACE OF USE: Township 06N Range 24E Section 03 Tract E2
PLACE OF USE: Township 06N Range 24E Section 02 Tract SWNW

WR-NUMBER: 34-0964
CURRENT OWNER: CONTINENTAL LIFE INSURANCE CO.
PRIORITY DATE: 1-Jun-1884
STAGE: DECREE

COUNTY: CUSTER
SOURCE: CLIFF CREEK TRIBUTARY: BIG LOST RIVER
WHITE KNOB CREEK BIG LOST RIVER

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	0.000	CFS	0.00	AF
TOTAL RATE:	0.000	CFS	TOTAL VOLUME: 0.00	AF

REMARKS: P/D CLIFF CREEK DITCH IN NW1/4, SEC.3.
AMT: DECREE SPECIFIES ALL OF THE FLOW OF CLIFF CREEK.
P/U INCOMPLETE, AC IRR = 425.

POINT OF DIVERSION: T06N R24E S03 NW

PLACE OF USE:
T06N R24E S03 NENE LT01
T06N R24E S03 SWNE
T06N R24E S03 SENE
T06N R24E S03 NENW
T06N R24E S03 NWNW
T06N R24E S03 SENW
T06N R24E S03 NESE
T06N R24E S02 NENW LT03
T06N R24E S02 NWNW LT04
T06N R24E S02 SWNW
T06N R24E S02 SENW

PLACE OF USE: Township 06N Range 24E Section 03 Tract E2

WR-NUMBER: 34-2076
CURRENT OWNER: JENKIN N. HARRIS
PRIORITY DATE: 7-May-1909
STAGE: LICENSE

COUNTY: CUSTER
SOURCE: WILLOW CREEK TRIBUTARY: DARLINGTON DITCH

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	0.340	CFS	0.00	AF
DOMESTIC	0.000	CFS	0.00	AF
TOTAL RATE:	0.340	CFS	TOTAL VOLUME: 0.00	AF

REMARKS: P/U INCOMPLETE. SEE FILE.
AC. IRR. = 17.

POINT OF DIVERSION:	T06N	R24E	S10	SWSE

PLACE OF USE:	T06N	R24E	S03	SESE
	T06N	R24E	S10	NWNE
	T06N	R24E	S10	NENE
	T06N	R24E	S10	NENW

PLACE OF USE: Township 06N Range 24E Section 03 Tract E2

WR-NUMBER: 34-2131
CURRENT OWNER: CHASE A. CLARK, SOLON B. CLARK
PRIORITY DATE: 3-Jul-1911
STAGE: LICENSE

COUNTY: CUSTER
SOURCE: WHITE KNOB CREEK TRIBUTARY: BIG LOST RIVER

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	3.200	CFS	0.00	AF
DOMESTIC	0.000	CFS	0.00	AF
TOTAL RATE:	3.200	CFS	TOTAL VOLUME: 0.00	AF

REMARKS: ONE P/D IN THE QUARTER CORNER ON THE WEST SIDE OF SEC 2,
T6N, R24E.

POINT OF DIVERSION:	T06N	R24E	S02	SWNW
	T06N	R24E	S02	NWSW

PLACE OF USE:	T06N	R24E	S03	SWNE	AC 40
	T06N	R24E	S03	NENW	AC 40
	T06N	R24E	S03	NWNW	AC 40
	T06N	R24E	S03	SENW	AC 40
				TOTAL ACRES:	160

PLACE OF USE: Township 06N Range 24E Section 03 Tract E2
PLACE OF USE: Township 06N Range 24E Section 02 Tract SWNW

WR-NUMBER: 34-7171
CURRENT OWNER: WILLIAM F. ~~SEEDRIED~~ Seefried
PRIORITY DATE: 9-Mar-1977
STAGE: PERMIT

COUNTY: CUSTER
SOURCE: GROUNDWATER TRIBUTARY:

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	8.000	CFS	0.00	AF
TOTAL RATE:	8.000	CFS	TOTAL VOLUME: 0.00	AF

POINT OF DIVERSION:	T06N	R24E	S02	NWNW

PLACE OF USE:	T06N	R24E	S03	NENE	AC 40
	T06N	R24E	S03	SWNE	AC 40
	T06N	R24E	S03	SENE	AC 40
	T06N	R24E	S03	NENW	AC 40
	T06N	R24E	S03	NWNW	AC 40
	T06N	R24E	S03	SENW	AC 40
	T06N	R24E	S03	NESE	AC 40
	T06N	R24E	S02	NENW	AC 40
	T06N	R24E	S02	NWNW	AC 40
	T06N	R24E	S02	SWNW	AC 40
	T06N	R24E	S02	SENW	AC 40
				TOTAL ACRES:	440

permit being reviewed

PLACE OF USE: Township 06N Range 24E Section 02 Tract SWNW

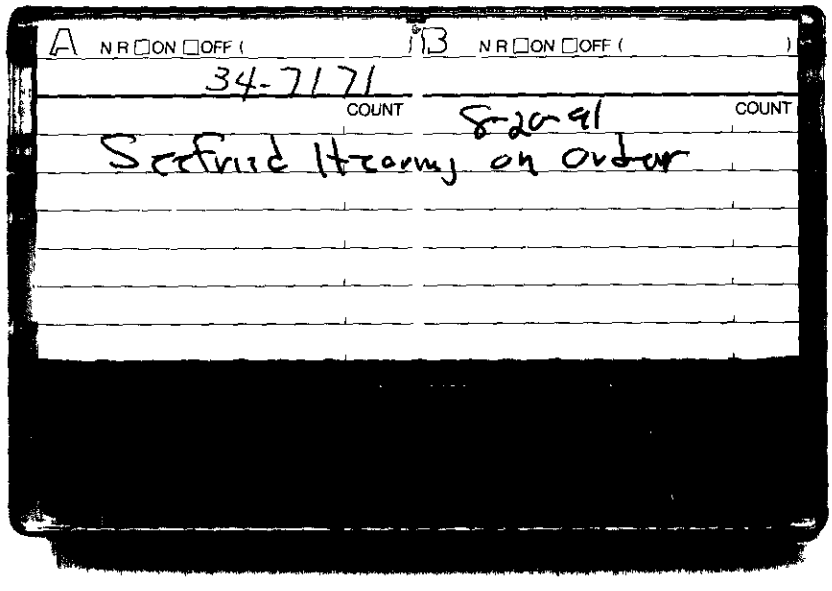
WR-NUMBER:	CURRENT OWNER:	PRIORITY DATE:	STAGE:
34-7182	MARLIN D. ANDERSON	18-Apr-1977	PERMIT

COUNTY: CUSTER
SOURCE: GROUNDWATER TRIBUTARY:

WATER USE:	DIVERSION-RATE:		DIVERSION-VOLUME:	
IRRIGATION	6.000	CFS	0.00	AF
TOTAL RATE:	6.000	CFS	TOTAL VOLUME: 0.00	AF

REMARKS: PT. OF INJECTION INTO BIG LOST RIVER.
PT. OF REDIVERSION FROM BIG LOST RIVER: SWNE, S33, T7N, R24E.

POINT OF DIVERSION:	T06N	R24E	S02	SWNE	
PLACE OF USE:	T06N	R24E	S11	SWNE	AC 20
	T06N	R24E	S11	SENE	AC 20
	T06N	R24E	S11	NENW	AC 40
	T06N	R24E	S11	NWNW	AC 40
	T06N	R24E	S11	SWNW	AC 20
	T06N	R24E	S11	SENW	AC 20
	T06N	R24E	S11	NESE	AC 40
	T06N	R24E	S11	NWSE	AC 40
	T06N	R24E	S11	SWSE	AC 40
	T06N	R24E	S11	SESE	AC 40
	T06N	R24E	S02	SWNW	AC 15
	T06N	R24E	S02	SENW	AC 10
	T06N	R24E	S02	NESW	AC 35
	T06N	R24E	S02	NWSW	AC 40
	T06N	R24E	S02	SWSW	AC 40
	T06N	R24E	S02	SESW	AC 40
				TOTAL ACRES:	500


A N R ☐ON ☐OFF (
34-7171
COUNT
B N R ☐ON ☐OFF (
COUNT
8-20-91
Settled Hearing on Order

#34-7171
Seefried
Conditions

Same - do not erase tape
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Hearing Date
August 20, 1991
Idaho Falls, Id.

DEC 09 1991

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10 Days