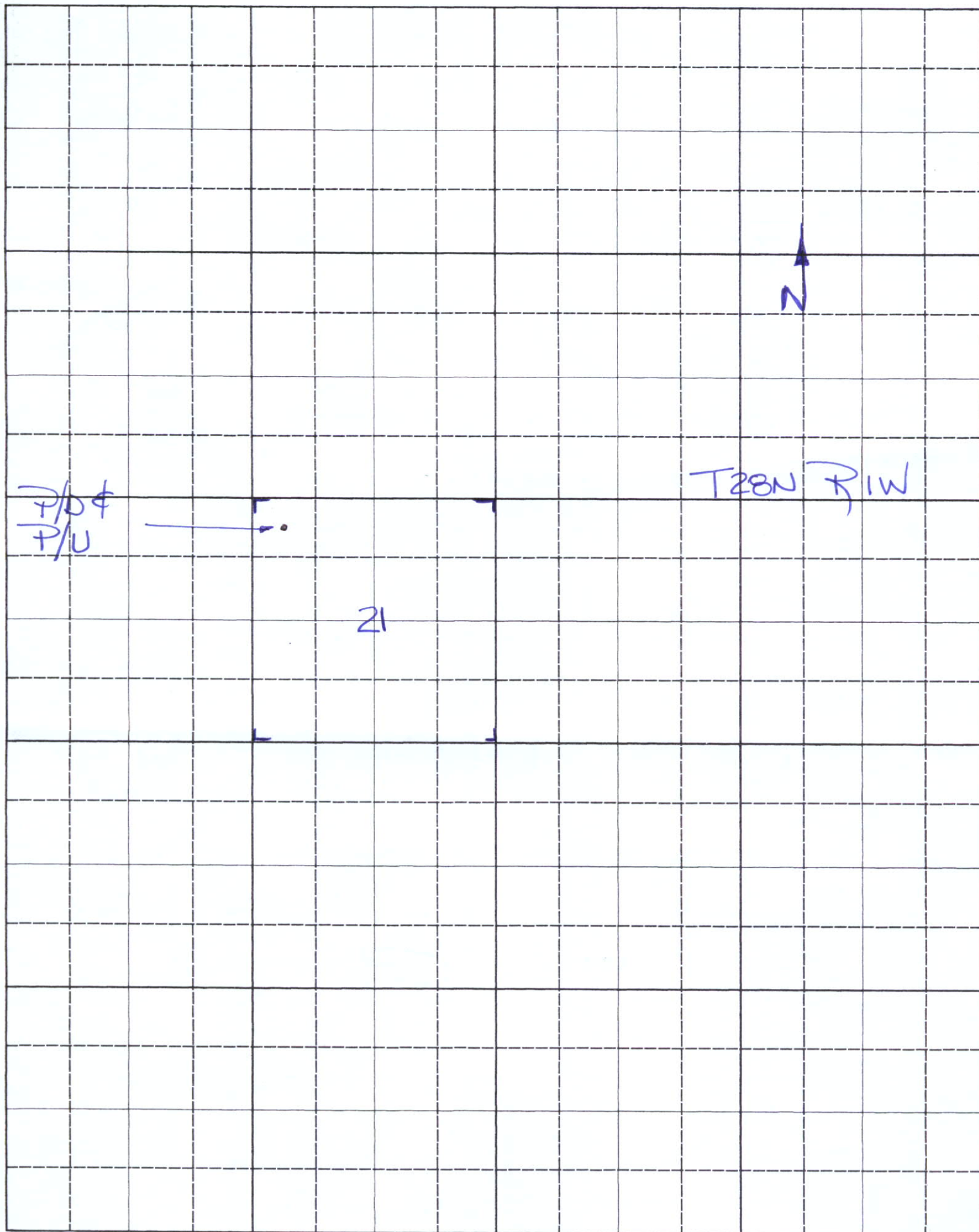


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.


(Applicant)

MICROFILMED

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF IDAHO, } ss.

I, ROBERT E. WHERRY, being first duly sworn, depose and say that I am the Publisher of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issued weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the one hereto is attached is a true copy, was published in said newspaper for 2 weeks being published 2 times, the first publication being on the 23rd day of December, 19782, and the last publication on the 30th day of December, 19782; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Robert E. Wherry

Subscribed and sworn to before me this 30th day of December, 19782.

Patricia E. Wherry, Notary Public,
for the State of Idaho, residing at Cottonwood, Idaho.

NOTICE OF APPLICATION FOR WATER RIGHT

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

79-7118 ✓ 18

NUCKOLS, ROBERT L. and-or
MARY ANN
ADAIR, TERESA MARIE
Rt. 4, COTTONWOOD, ID 83522
Source: ANNIE GULCH trib. to
GETTA CREEK
Date Filed: 12-13-82
Diversion Pt: NWNW Sec 21 T 28N R
01W
Use: DOMESTIC (0.04 CFS)
In: NWNW Sec 21 T 28N R 01W

79-7119

NUCKOLS, ROBERT L. and-or
MARY ANN
ADAIR, TERESA MARIE
Rt. 4, COTTONWOOD, ID 83522
Source: BEAR GULCH trib. to
GETTA CREEK
Dated Filed: 12-13-82
Diversion Pt: NWNW Sec 21 T 28N R
01W
Use: IRRIGATION (0.08 CFS)
DOMESTIC (0.04 CFS)
In: NWNW Sec 21 T 28N R 01W FOR 4
ACRES

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before JANUARY 10, 1983.

KEN DUNN, Dir.

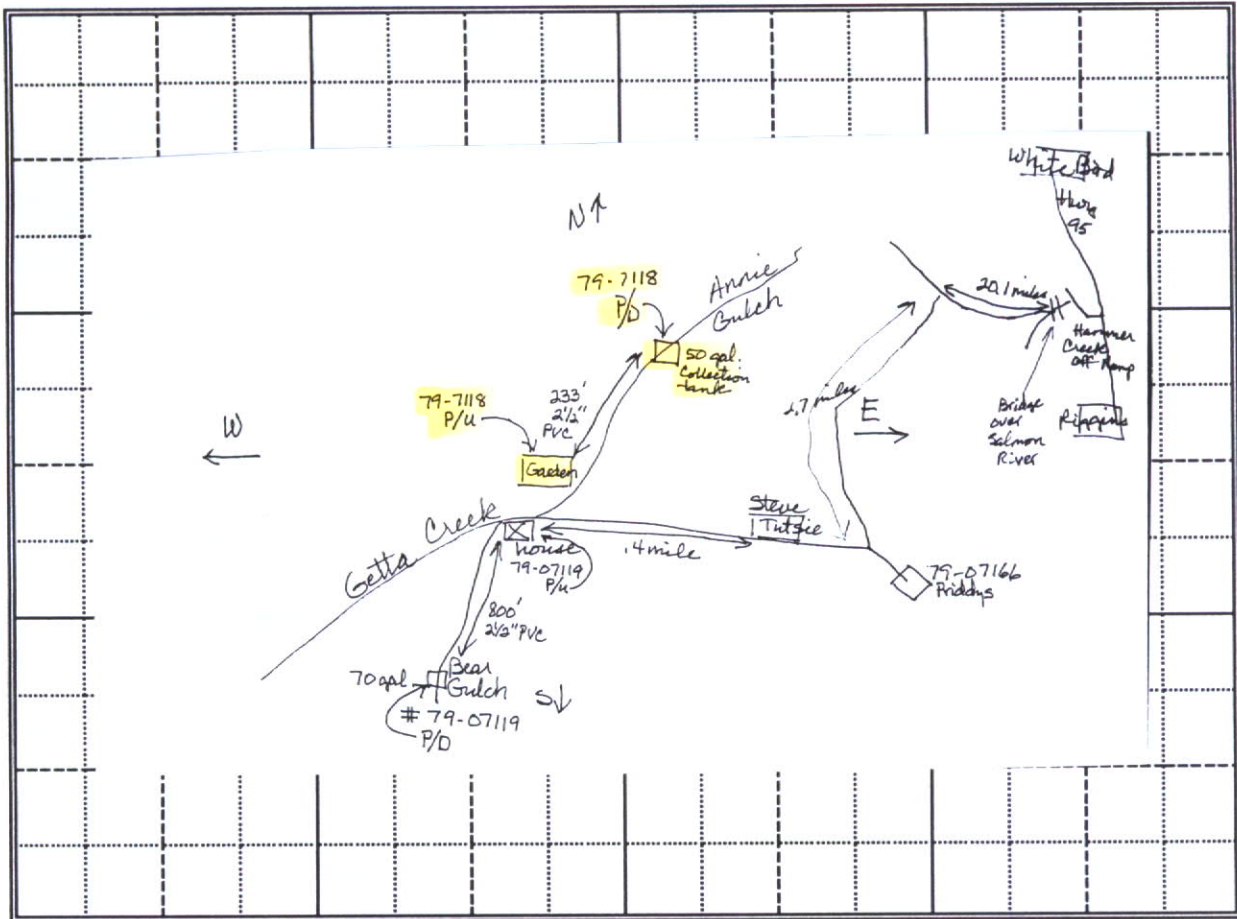
Published in the Cottonwood Chronicle Dec. 23 and 30, 1982.

RECEIVED
JAN 10 1983

Department of Water Resources
Western Regional Office

RECEIVED

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

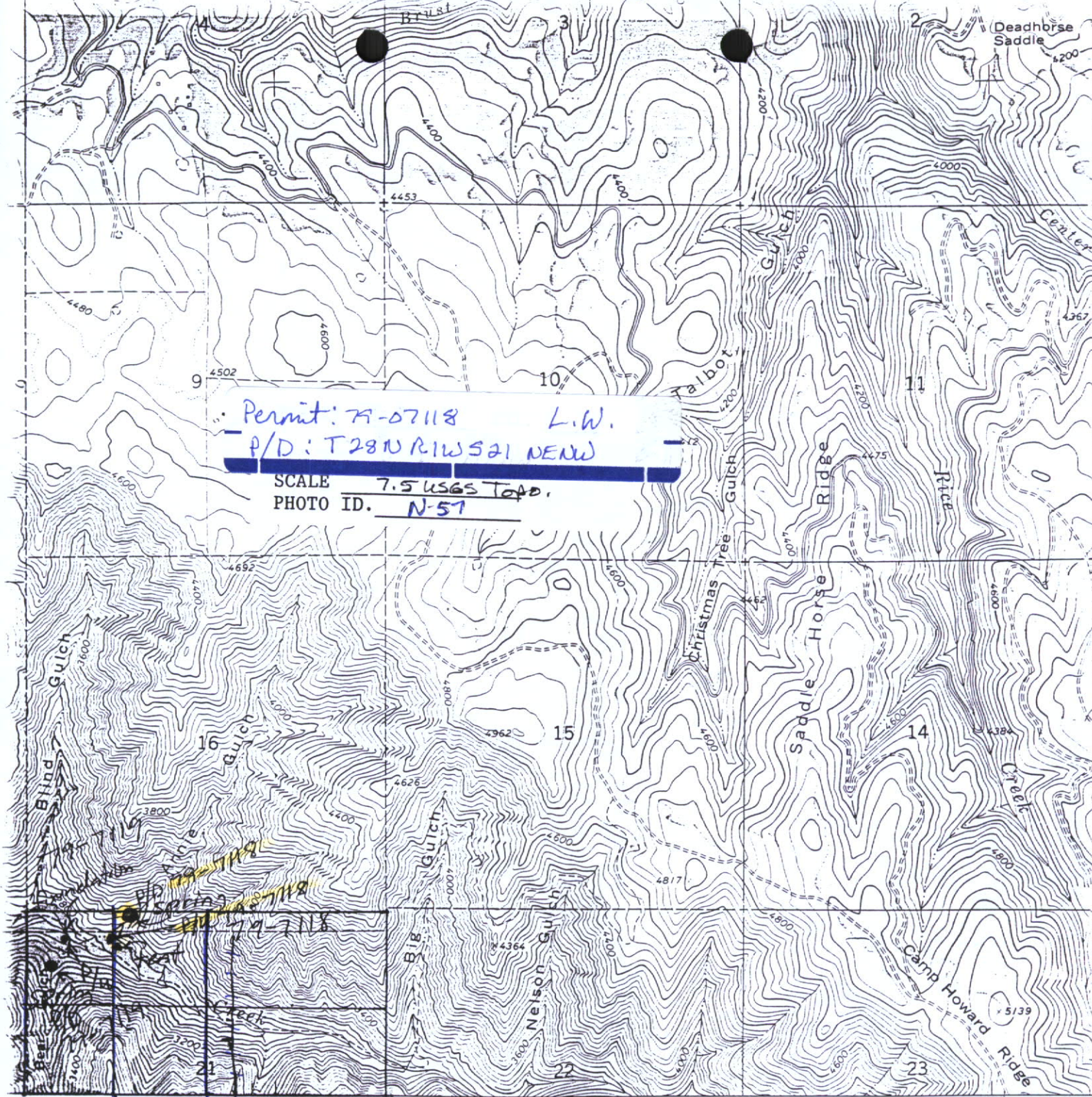
1.

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

2. Measurements: _____

RECEIVED

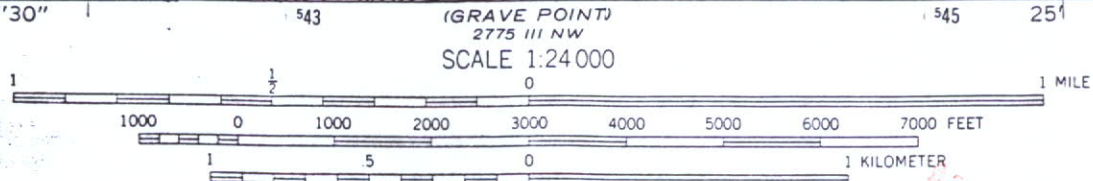
OCT 11 1996



Permit: K-07118 L.W.
P/D: T28N R1W S21 NENW
SCALE 7.5 USGS Topo.
PHOTO ID. N-51



UTM GRID AND 1963 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 20-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER 25, COLORADO OR WASHINGTON 25, D. C.
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

OCT 11 1996

79-7118

4/29/96



P/O:

50 gal.
collection tank
in Annie Gulch
233' of 2 1/2" PVC
to garden area,
with various
hose attachments,
& misc. type
nozzles to garden
& for clean up &
drinking



P/u: trees
garden &
berry bushes

other use:
fire protection

RECEIVED

OCT 11 1996

79-7118
re-examined
& confirmed
this 4/29/96



P/u:
Domestic
D/I
internal +
external

picture of foundation for cabin
looking west.

MICROFILMED

OCT 11 1996

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 79-07118

Priority: December 13, 1982 Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

This is to certify, that GETTA CREEK LAND CO
PO BOX 90

WHITEBIRD ID 83554 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated December 13, 1982; and
has submitted Proof of Beneficial Use on December 23, 1987. An examination indicates
that the works have a diversion capacity of 0.040 cfs of water from:

ANNIE GULCH tributary to GETTA CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 21, Township 28N, Range 01W
IDAHO County

PLACE OF USE: DOMESTIC

TWN RGE SEC

28N 01W 21 NWNW

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 1 home.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 12TH
day of DECEMBER, 1987.

Acting for KARL J. DEEHER, Director

MICROFILMED

JUN 10 1998

RECEIVED
DEC 11 1997
Department of Water Resources

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 79-07118

Date of Priority: December 13, 1982 **Maximum Diversion Rate:** 0.04 CFS
Maximum Diversion Volume: 1.2 AF

Comes now GETTA CREEK LAND CO
PO BOX 90
WHITEBIRD ID 83554

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. 79-07118, and requests that the permit be changed as follows:

Source: ANNIE GULCH tributary to GETTA CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 21, Township 28N, Range 01W
IDAHO County

PLACE OF USE: DOMESTIC
TWN RGE SEC
28N 01W 21 NWNW

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

Signed at Getta Creek, this 9th day of Dec, 1997.

Dawn E Russell
(Signature)

MICROFILMED
JUN 10 1998

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 79-07118

FOR DEPARTMENT USE ONLY

Preliminary check by SWC Fee = 50.00 Receipted by LS #0040882 Date 12/11/97

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 79-07118 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 1 home.

Witness my hand this 12TH day of DECEMBER, 1997.


Acting for KARL J. DREHER, Director

MICROFILMED

JUN 10 1998

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	79-07118	Nuckels, Robert L Mary Ann Adair, Teresa Marie	0.04
Full Assignment	79-07118	Nuckels, Mary Ann Adair, Teresa Marie McFarland, Dennis L Diane L	0.04
Full Assignment	79-07118	Nuckels, Robert L Mary Ann Adair, Teresa Marie	0.04
Full Assignment	79-07118	Nuckels, Mary Ann Adair, Teresa Marie Markovitz, Neil Mary	0.04
Full Assignment	79-07118	Nuckels, Mary Ann Adair, Teresa Marie Getta Creek Land Co	0.04

* E/O language made 1st assignment to McFarlands, no orig. party retained.
 2 other orig. owners assumed no longer parties
 to the right - 1 signature is all that is
 req'd to ack. assignment

UNRECORDED

OCT 11 1996

RECEIVED

JUN 07 1996

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT

Department of Water Resources

I, Mary Markovitz, hereby assign to Getta Ck. Land Co.
 of, P.O. Box 90 Whitebird Id 83554
 (Full Address) (Phone)

All my right, title, and interest in and to Permit No. 79-07118 to
 appropriate the public waters of the State of Idaho. 79-07119

QF (for partial assignments)

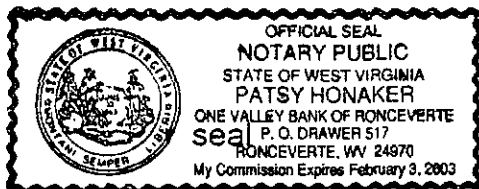
The following described portion of my right, title, and interest in and to
 Permit No. _____ to appropriate the public waters of the State of
 Idaho. (Describe portion of the permit assigned listing the number of acres in each 40 acre
 subdivision, point of diversion location, and the amount of water in cubic feet per second.)

Made this 3 day of June, 1996

Mary Markovitz
 Permit Holder

State of ~~Idaho~~ WV)
 County of Greenbrier) ss

On this 3 day of June, 1996, personally appeared before me the signer(s) of the
 above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Patsy Honaker
 Notary Public residing at
Ronceverte, WV

My commission expires: 2-3-2003

OCT 11 1996

RECEIVED

MAY 13 1996

WATER RESOURCES
WESTERN REGIONState of Idaho
DEPARTMENT OF WATER RESOURCES# 25.00
transfer fee

RECEIVED

ASSIGNMENT OF APPLICATION FOR PERMIT MAY 15 1996

To change the ownership of an application for permit

Department of Water Resources

I, Neil Markovitz, hereby assign to Getta Creek Land Co.
(Applicant)
 of Getta Creek Landing, River Route Lewiston Id. 83501
(Full Address)

All my right, title, and interest in and to Application for Permit
 No. 79-07119 to appropriate the public waters of the State of Idaho.
79-07118

OR (for partial assignments)

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

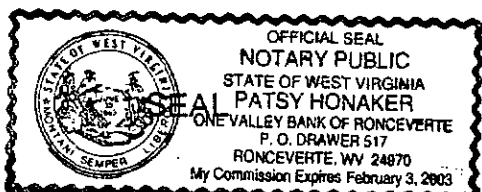
Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

Made this 7th day of May, 1996.

Neil Markovitz
 Applicant(s)

West Virginia
 State of Idaho
 County of Greenlee ^{SS}

On this 7 day of May, 19996, personally appeared before me the
 signer of the above instrument, duly acknowledged to me that he/she/they executed the same.



Patsy Honaker
 Notary Public

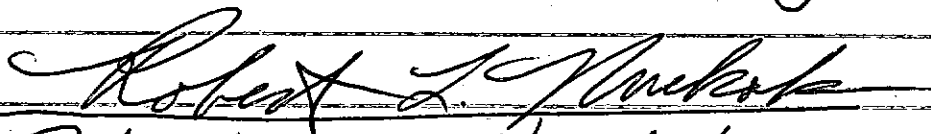
Patsy Honaker
 Signature

My commission expires: 2-3-2003

pd # 25-
 # W020847
 5-13-96
 By: VR

I, Robert L. Nuckols, of
Cottonwood, Idaho hereby assign
and convey the following water
right permits: (Cetta Creek
79-7122), (Bear Gulch # 79-7119),
and, (Annie Gulch # 79-7118) to
Neil and Mary Markovitz
of Slatyfork, West Virginia.
This assignment of water right
permits is full and complete
and is to be transferred with
the property being conveyed to the
Markovitz in the NW 1/4 of Section
21, Township 28, N. R. 1. W of Boise
Meridian, Idaho County, Idaho

Signed this first day of May 1990.

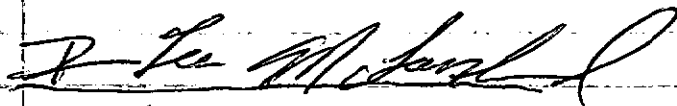

Robert L. Nuckols

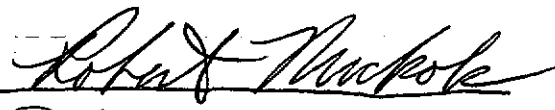
MICROFILMED

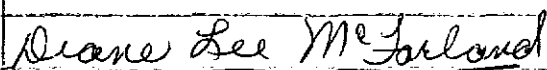
NOV 15 1995

WE, DENNIS LEE McFARLAND AND DIANE LEE
McFARLAND, 8203 HUMMINGBIRD WAY, FORT PIERCE
FLORIDA, 34951, do hereby assign and convey
ALL OUR WATER RITES ON Gotta Creek (Permit
79-7122), Bear Gulch (79-7119) AND ANNIE GULCH
(79-7119) to Robert L NUCKOLS of PO Box 304,
Cottonwood Idaho on this 19th day of March
1990.

THIS ASSIGNMENT OF WATER RIGHTS IS FULL
and COMPLETE AS AGREED TO BY ALL PARTIES
here signed.


DENNIS LEE McFARLAND


Robert L NUCKOLS


DIANE LEE McFARLAND

MICROFILMED

NOV 15 1995

I, Robert L. Nuckols, of
P.O. Box 504, Cottonwood, Idaho 83522
hereby assign & convey all my water
rights on Gotta Creek, (Permit #79-7122,
Bear Gulch, (79-7119), and Annie Gulch,
(79-7118), to Mr. & Mrs. Dennis
McFarland on this 11th day of July 1989.
This assignment of water rights is
contingent on the McFarlands paying
of the property where on this water is
used no later than July 30, 1992.
It is agreed by the parties hereto
that; if for any reason the property
being conveyed is not paid for by
July 30, 1992 that the McFarlands
will reassign said water rights
back to Robert Nuckols.

Signed on this 11th day of
July 1989.

Robert Nuckols

D. McFarland

Diane McFarland

RECEIVED

OCT 30 1989

Department of Water Resources

RECEIVED
DEC 23 1987

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Reviewed by _____
Sent to region _____

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

Permit No. 79-7118

Name(s) of Permit Holder: Robert Nuckols/Mary Nuckols and/or Teresa Adair

Post Office Address: Rt. 4, Cottonwood, Idaho 83522

Telephone No. 983-0619

Source of Water: Annie Gulch

Extent of Use:

Domestic 1 (number of households) Stockwater 2 equine (number and type of stock)

Irrigation 1 (acres) Other/Remark mainly used to

water a large garden & orchard

Total rate and/or volume for which proof is submitted .04 cfs 2 acre-feet

Show the date water was first diverted and beneficially used under this permit: April 1983

Measuring Device: Required? Yes No
Installed? Yes No

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

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

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

Robert Nuckols 983-0619
(Name) (Telephone Number)

Rt. 4, Cottonwood, Idaho 83522
(Address)

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

MAR 03 1988

12/18/87 Robert Nuckols
Date Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES **APPROVED**
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Robert L. Nuckols and/or Mary Ann Nuckols, And/or {Teresa Marie Adair} Phone _____
- Post office address Rt. 4, Cottonwood, Idaho 83522
2. Source of water supply Annie Gulch which is a tributary of Betta Creek
3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 21 Township 28N
Range 1W B.M. Idaho County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .04 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. .04 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. small dam, pipelines sprinklers

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

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

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

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 21 Township 28N

Range 1W B.M.: _____

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

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 1.

(5) If water is to be used for other purposes describe: 1/2 acre for garden orchard & vineyard, barn etc.

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

[illegible]

Total number of acres to be irrigated

c. Describe any other water rights used for the same purposes as described above. *None*

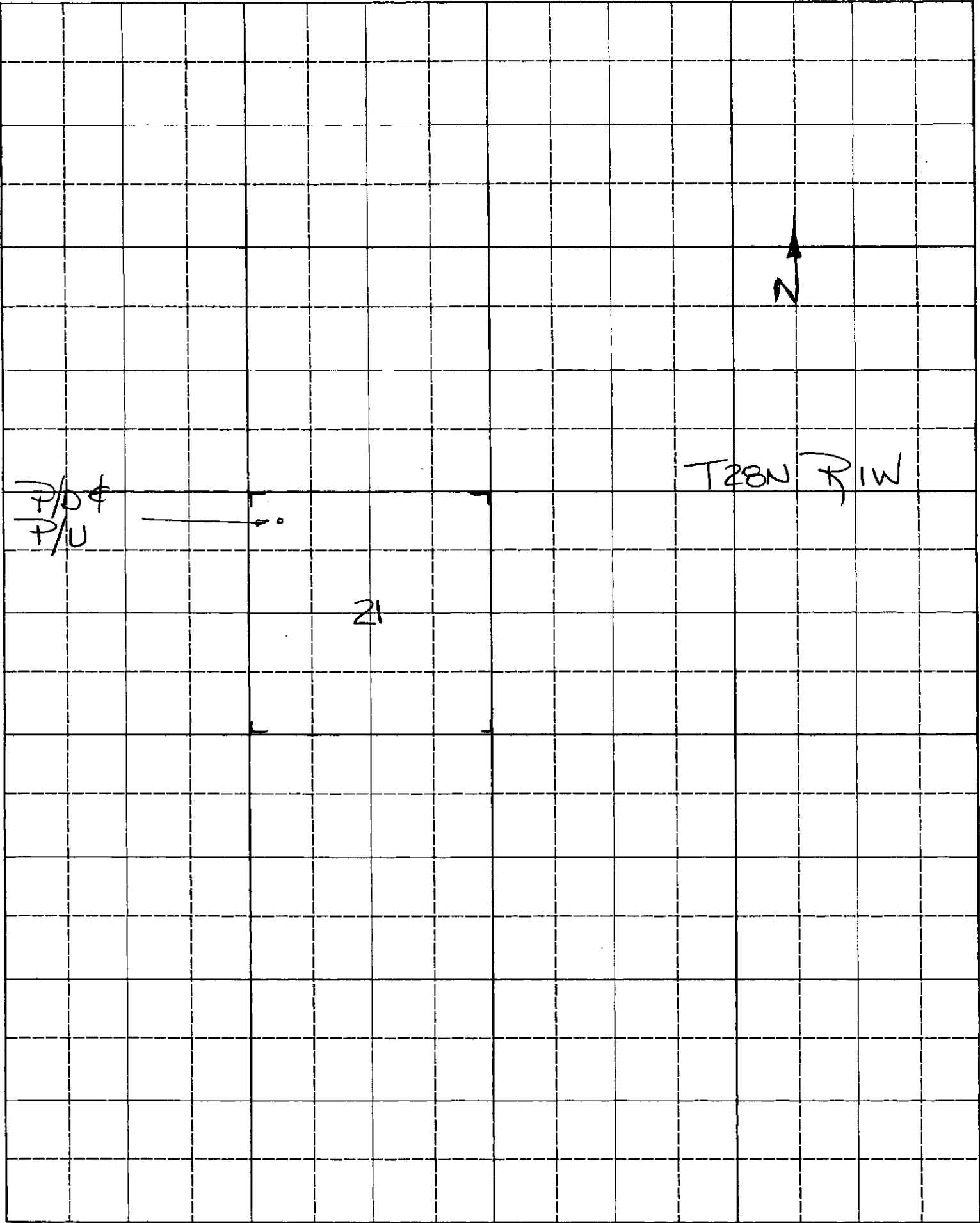
9. a. Who owns the property at the point of diversion *Teresa Marie Adair*

b. Who owns the land to be irrigated or place of use *Teresa Marie Adair*

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing I, Robert Muckols, live on the property with my wife, and we have a written agreement with Teresa Adair.

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.

APPROVED
1/17/2017

Robert L. Nichols
(Applicant)

12/13/1982

Received by RC Date 12-13-82 Time 1:30 pm
Preliminary check by DBS Fee \$ 30.00
Receipted by AP Date 12/13/82
Publication prepared by AP Date 12/10/82
Published in Cottonwood Chronicle
Publication dates 12/23 & 12/30/82
Publication approved AP Date 1/14/83
Protests filed by: None

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DBS RC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 79-7118, 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 January 1, 19 88.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 20th day of January, 1983.

A. Glen Sayton
Chief, Operations Bureau

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF IDAHO, } ss.

I, ROBERT E. WHERRY, being first duly sworn, depose and say that I am the Publisher of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issued weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the one hereto is attached is a true copy, was published in said newspaper for 2 weeks being published 2 times, the first publication being on the 23rd day of December, 1978, and the last publication on the 30th day of December, 1978; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Robert E. Wherry

Subscribed and sworn to before me this 30th day
of December, 1978
Patricia E. Liberman, Notary Public,
for the State of Idaho, residing at Cottonwood, Idaho.

NOTICE OF APPLICATION FOR WATER RIGHT

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

79-7118 / 18

NUCKOLS, ROBERT L. and-or
MARY ANN
ADAIR, TERESA MARIE
Rt. 4, COTTONWOOD, ID 83522
Source: ANNIE GULCH trib. to
GETTA CREEK
Date Filed: 12-13-82
Diversion Pt: NWNW Sec 21 T 28N R
01W
Use: DOMESTIC (0.04 CFS)
In: NWNW Sec 21 T 28N R 01W

79-7119

NUCKOLS, ROBERT L. and-or
MARY ANN
ADAIR, TERESA MARIE
Rt. 4, COTTONWOOD, ID 83522
Source: BEAR GULCH trib. to
GETTA CREEK
Dated Filed: 12-13-82
Diversion Pt: NWNW Sec 21 T 28N R
01W
Use: IRRIGATION (0.08 CFS)
DOMESTIC (0.04 CFS)
In: NWNW Sec 21 T 28N R 01W FOR 4
ACRES

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720 on or before JANUARY 10, 1983.

KEN DUNN, Dir.

Published in the Cottonwood Chronicle Dec. 23 and 30, 1982.

RECEIVED

JAN 10 1983

Department of Water Resources
Western Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

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

December 12, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GETTA CREEK LAND CO
PO BOX 90
WHITEBIRD ID 83554

RE: WATER RIGHT NO. 79-07118

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

MICROFILMED
JUN 10 1998

UNRECORDED

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

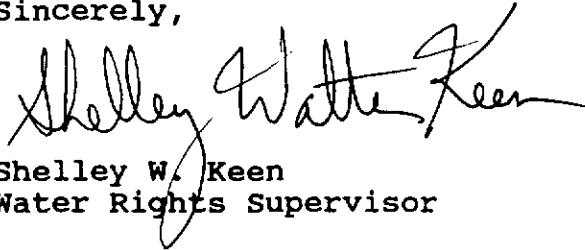
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

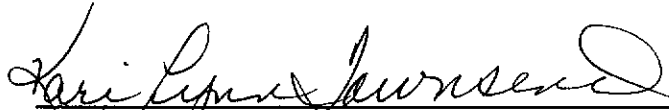
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of December, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 79-07118

GETTA CREEK LAND CO
PO BOX 90
WHITEBIRD ID 83554


Kari Lynn Townsend
Secretary

MICROFILMED

JUN 10 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

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

November 19, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GETTA CREEK LAND CO
PO BOX 90
WHITEBIRD ID 83554

RE: WATER RIGHT NO. 79-07118

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed. I have not yet received the amendment. If I do not receive it within fourteen days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

Enclosed for your convenience is another amendment form. Please note that the filing fee for this amendment is \$50.00. If you have any questions, please call me at (208) 327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

JUN 10 1998

M E M O R A N D U M

DATE: October 29, 1997

TO: File 79-07118

FROM: Kari Lynn Townsend

RE: Returned mail

=====

The letter of 10-17-97 sent with the amendment was returned by the postoffice marked "Attempted-not known". I called the Tax Assessor in Grangeville and they gave me the address of:

Snake River Route, Lewiston, ID 83501

for Getta Creek Land Co.

I resent the letter and amendment to the new address today and reset the call-up date to 11-19-97.

NOV 11 1997

K:\WRMEMOS\MEMO.DOC 1998

7501 North Orchard Street
Boise, Idaho 83706-2237

REQUESTED

Snake River Pt
Lewis fort

☐ Pending Order Expired
☐ Pending Address
☐ Pending Ltr No Address
☒ Unclaimed ☐ Address
☐ Unclaimed - Not Known
☐ No Good Email
☐ No Good Number
☐ No Good Address
☐ Pending
☐ Pending

RECEIVED
OCT 27 1997
Department of Water Resources
JUN 10 1998

DEC 20 1967

0239
U.S. POSTAGE
PB MATER
2021178

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

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

October 17, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GETTA CREEK LAND CO
PO BOX 90
WHITEBIRD ID 83554

RE: WATER RIGHT NO. 79-07118

Dear Permit Holder(s):

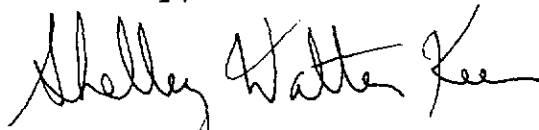
The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

JUN 10 1998

WR0749NP
No. L79-07118

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/08/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GETTA CREEK LAND CO PO BOX 90 WHITEBIRD ID 83554	12/13/1982	DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

Water Source: ANNIE GULCH

Tributary to: GETTA CREEK

Stage: LICENSE

Point(s) of Diversion Capacity: 0.040 CFS

Point(s) of Diversion: T28N R01W S21 NENW IDAHO County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE																			
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE	
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	

28N 01W 21 : : D : :																															

Pou County: IDAHO

Other Water Rights Listing Overlapping Place(s) of use:
79-07119

Remarks: Domestic use is for 1 home.

Dates:	App. Received:	12/13/1982	Priority Date:	12/13/1982
	Proof Due Date:	01/01/1988	Proof Made Date:	12/23/1987
	Exam Made Date:	04/29/1996	Exam Sent to S.O.:	06/11/1996
	Licensed Date:			

Misc: Water District Number: Field Exam Fee: N (Not Required)

Audit: 10/08/97 SCURTIS

LICENSE REVIEW CHECKLIST

PERMIT NO. 79-07118

DATE 10/8/97

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>—</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change clarification of originally intended source? <u>—</u>
POINT OF DIV	<u>✓</u>	<u>—</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>—</u>	<u>✓</u>	Amendment required <u>yes</u>
			Amendment required <u>NO</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate

.04 cfs

Fee limit

.04 cfs # NO FEE PD. OR REQD AT TIME OF B/U PROCESSING

Measured

— cfs

Theoretical

— cfs

Recommended Total Div Rate .04 cfs

ANNUAL VOLUME/
NATURE OF USES —

<u>✓</u>	Use <u>Dom</u>	cfs <u>.04</u>	Volume Calc <u>1.2</u> af
			af
			af
			af
	SUBTOTAL	<u>.04</u>	<u>1.2</u> af

Flow rate .04 cfs X 365 days X 1.98 = 29.0 af

Total volume recommended 1.2 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS

— Watermaster Control WD# —

— GW Measurement/Measuring Device

— Overlap

— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed N/A

Adjustment Memo —

1st Amend Letter P39 P38

2nd Amend Letter P47



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JUNE 14, 1996

GETTA CREEK LAND CO
PO BOX 90
WHITEBIRD ID 83554

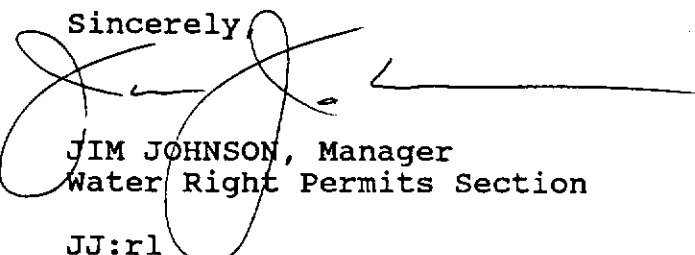
RE: Permit Nos. 79-07118 and 79-07119

Dear Permit Holder(s):

We acknowledge receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

RECORDED

OCT 11 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUN 12 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 79-07118

1. Owner: Neil Markovitz Phone No. (304) 497-3875

Current Address: PO Box 1732 Lewisburg West Virginia

2. Accompanied by: Chris EXAM DATE: 4/29/96

Address: PO Box 223 Whitebird Id 83554 Phone No. none

Relationship to Permit Holder: renter w/option to buy

3. Source: Annie Gulch tributary to Getts Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 79-07119

2. Other water rights with the same point of diversion: 79-07119

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	NW	21	28N	1W	Idaho	USGS Topo. & exam

2. Place(s) of Use:

Indicate Method of Determination

USGS Topo. & exam

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28N	1W	21						D/1											

OCT 11 1996

✓ Photo of Diversion and System Attached

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

OCT 11 1965

E. NARRATIVE/REMARKS/COMMENTS

- No spirit lot was found
- ^{Original} Other WL A-07119 Bear Gulch (other P/D & other P/U).
- Use is Domestic D/I internal/external (garden, fruit trees, berry bushes). Other use: fire protection.
- Recommend amending to P/D to read: T28 R1W521 NENW, per Chris/Wenter at the time of exam, & USGS Topo. verification.
- The system consists of a 50 gallon collection tank in Annie Gulch, w/ 233' of 2 1/2" PVC that converts to 3/4" ABS w/ hose adapters going to different locations of the garden, fruit trees, house foundation, & berries. Different size nozzles are on the hoses so an accurate measurement was unable to be taken.
- Recommend allowing other Domestic D/I internal/external, & 1.2 Afa.

Have conditions of permit approval been met? ☒ yes ☐ no

RECORDED

OCT 11 1996

F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

Recommend allowing Domestic D/I .04cfs
internal/external, since the system had so many
different hoses going off, & misc. size nozzles
being used.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

Recommend allowing 1.2 Afa Domestic D/I
internal/external.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1/1	12/31	.04	1.2
Totals:			.04	1.2

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

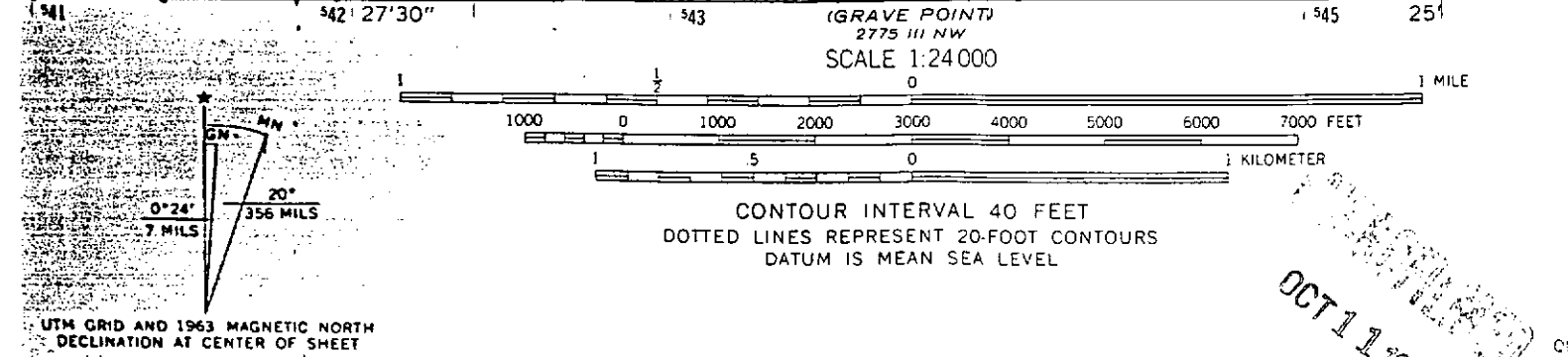
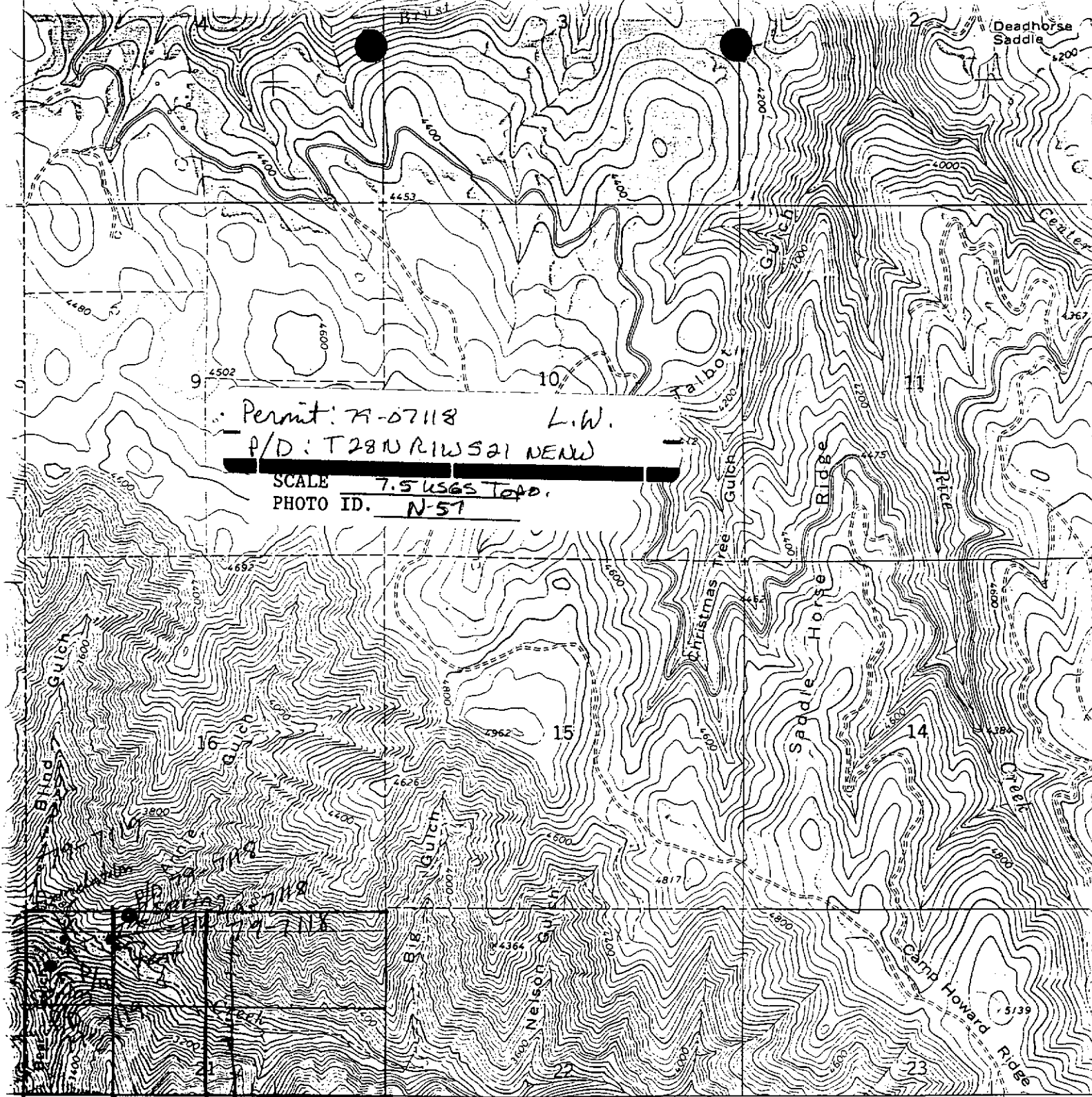
I. AUTHENTICATION

Field Examiner's Name Andy Hemenway Date 6/1/96

Reviewer _____ Date _____

OCT 11 1996

SEAL



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER 25, COLORADO OR WASHINGTON 25, D. C.
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

OCT 1 1 1996

① Permit: Domestic 1/1 - 12/31 1.04 cfs

② B/u proof: ~~pd~~ pd 12/3/87 1.04 cfs

③ Max. Allowable:

Domestic D/1 internal/external

1.04 cfs 1.2 Afa

④ Measurement:

Unable to get accurate measurement due
~~to~~ to variable type of nozzles, & it would
~~be~~ be a measurement of the collection tank
~~not~~ ^{not} that of the actual "gully to pipe" system.

Recommend allow Domestic D/1
1.04 cfs + 1.2 Afa internal/external
 use.

OCT 11 1986

79-7118

4/29/96



P/O:

50 gal.

Collection tank
in Annie Gulch

233' of 2 1/2" PVC
to garden area,
with various
hose attachments
& misc. type
nozzles to garden
& for clean up &
drinking



P/u: trees
garden &
berry bushes

other use:
fire protection

RECEIVED

OCT 11 1996

79-7118
re-examined
& confirmed
this 4/29/96



P/u:
Domestic
D/I
internal +
external

picture of foundation for cabin
looking west.

RECORDED

OCT 1 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 17, 1996

NEIL MARKOVITZ
PO BOX 1732
LEWISBURG WV 24901

RE: ASSIGNMENTS OF WATER RIGHTS 79-07118 AND 79-07119 ~~S~~

Dear Mr. Markovitz:

I received the Assignments of Permit for the above referenced water rights. However, before I can process both assignments I need for you to submit to the Department another \$25.00. The \$25.00 fee is "per" assignment.

I am assuming that Mary Markovitz is assigning her portion of the rights to Getta Creek Land Co. also, and because her name also appears on our records as a partial owner, I need for her to sign an Assignment of Permit form. Please return the assignment with the additional \$25.00 fee. I have enclosed a form for her.

If I do not hear from you by June 10, 1996, I will apply the fee already paid to the lowest numbered (79-07118) right and process it, leaving Mary's name on the permit.

If you have any questions, I can be contacted directly at (208) 327-7941.

Sincerely,

A handwritten signature in cursive script that reads 'Roberta Loveall'.

Roberta Loveall
Clerical Specialist
Water Permits Section

RECEIVED

OCT 11 1996



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

October 30, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

NEIL MARKOVITZ
MARY MARKOVITZ
PO BOX 1732
LEWISBURG WV 24901-1732

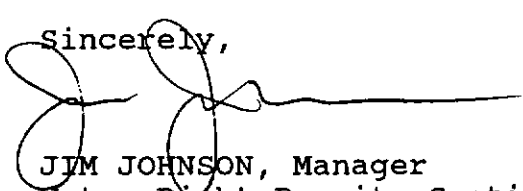
RE: Assignments of Permit Nos. 79-07118 & 79-07119

Dear Mr. & Mrs. Markovitz:

We acknowledge receipt of correspondence transferring Robert L. Nuckols' ownership of the above referenced permits to you. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:cz

MICROFILMED

NOV 15 1995

10/12/95

Dear Ms. Zimmerman,

Enclosed is the information you requested as per our conversation Mon., 10/16, 9:00 AM. As you can see the water rights were transferred to us almost five years ago. Unfortunately we can not track down those parties, to have the signatures notarized and the McFarlands never owned the property they had the water rights too. Please verify the signatures with those on record and transfer the water rights to us. We also have a letter from Larry Waters from 1990 that said he would come down and inspect the water systems on our property by 1991, but either we weren't home or no one came out. Thank you for your help in finally getting this issue resolved.

NOV 15 1995

Sincerely,

Neil Macdonald

Neil & Mary Markowitz

P.O. Box 1732

Lewisburg, W.V. 24901

304-497-3875

RECEIVED
FBI - WASH DC
JUN 10 1995

51905

06/93

RECEIVED

OCT 23 1995

State of Idaho

DEPARTMENT OF WATER RESOURCES

Rec # C033774
10-24-95 juw 25.00

RECEIVED

OCT 02 1995

WATER RESOURCES
WESTERN REGION

RECEIVED

OCT 06 1995

ASSIGNMENT OF ~~APPLICATION FOR~~ PERMIT

To change the ownership of an application for permit

Department of Water Resources

I, _____, hereby assign to Neil Markovitz
(Applicant)
of PO Box 1732 Lewisburg, West Virginia 24901
(Full Address)

All my right, title, and interest in and to Application for Permit
No. 79-07119 to appropriate the public waters of the State of Idaho.
79-07118

OR (for partial assignments)

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

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
point of diversion location, and the amount of water in cubic feet per second.

Made this 28th Thurs day of Sept, 19 95.

Neil Markovitz

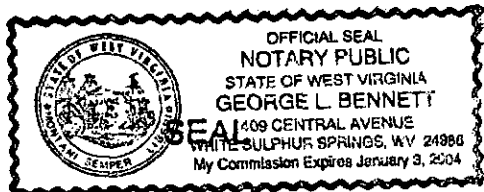
Applicant(s)

NOV 15 1995

State of Idaho)

County of GREENBRIER ss

On this 28th day of Sept, 1995, personally appeared before me the
signer of the above instrument, duly acknowledged to me that he/she/they executed the same.



George L. Bennett
Notary Public

Signature

My commission expires: 1/3/2004

W019938

\$25.00

08

10-2-95



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

October 6, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

NEIL MARKOVITZ
PO BOX 1732
LEWISBURG WV 24901-1732

RE: Assignments of Permit Nos. 79-07118 & 79-07119

Dear Mr. Markovitz:

I recently received an 'Assignment of Permit' form on the above referenced permits assigning the permits to you.

In Idaho, permits are considered personal property and can only be assigned by the owner of record. Our records identify Dennis &/or Diane McFarland as owners of the permit. The assignment submitted was not signed by Dennis &/or Diane McFarland and, therefore, is not acceptable.

As of July 1, 1994, the assignment of a permit must be accompanied by a \$25.00 filing fee. The assignment form you submitted identified two permits, therefore, \$50.00 in filing fees are required to process the assignments of both permits. Your assignment form was accompanied by \$25.00 in filing fees (see attached receipt #W019938), leaving a balance due of \$25.00. Assignments of permits are not acceptable without the full filing fees.

I am returning your assignment form to you. I have enclosed two partially completed assignment of permit forms which Dennis &/or Diane McFarland may sign. Please resubmit the assignment forms with the remaining filing fee to my attention at the above address.

If you have any questions, please contact me directly at (208) 327-7944.

Sincerely,

Cindy Zimmerman
Water Resource Agent

Enclosures

NOV 15 1995

From: DWR80::SLESTER
To: @STAFF
CC:
Subj: EXAMS IN BASIN 79

13-JUL-1994 13:46:01.38

RECEIVED

JUL 15 1994

Department of Water Resources

JUST FOUND 2 PERMITS IN BS. 79 THAT ARE NOT ON LIST OF EXAMS TO DO BUT NEED SITE VISITS. PARTIAL EXAMS WERE DONE FEW YEARS AGO & FILES WERE RE-SHELVED. SO THESE DROPPED OFF LIST BUT MORE OR LESS DISAPPEARED FROM OUR VIEW. IF YOU DO ANY EXAMS UP THERE SOMEWHERE, PLEASE TRY TO COMPLETE THESE 2:

79-07118 & 79-07119. ALSO NOTE THAT 79-07122 LAPSED SO NO EXAM FOR THAT ONE (WILL SEE REFERENCE TO LAST NUMBER IN NEW OWNER'S 6/94 LETTER IN 79-07118).

PER PROOF FILED DATE & AJ5 CHECK, NO SRBA CLAIMS NEEDED OR FOUND.

.....THANKS.....SL

Partial exam @ 8/90 - photos & few notes in Regier files.

2nd visit needed to complete exams.

SRBA claims MA, proof > 11/87.

79-07118 Annie Gull T28N R1W West of Whitebird.
79-07119 Bear Gull

Contact owner (see 7/13/94 letter) prior to scheduling.

No exam fee paid so limit to .04 cfs each.

Also bring 79-07122 for possible clarification in field visit.

C: Regier Files



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 13, 1994

Mr. Neil Markovitz
405 Rowan Road
Gap Mills, WV 24941

RE: Water Right Examinations

Dear Mr. Markovitz:

Your letter regarding your water rights has been received and noted. Our records indicate that a partial field examination was conducted for Permit Nos. 79-07118 (Annie Gulch) and 79-07119 (Bear Gulch) during the summer of 1990 but that an additional site visit is needed to complete the examination process in order to issue water right licenses.

Permit No. 79-07122 (Getta Creek) is a lapsed right, meaning that it is no longer valid due to a failure to file the proof of beneficial use in a timely manner. It appears that this right was not developed and used. If you have information indicating otherwise for 79-07122, please contact this office at your convenience.

Meanwhile, we will make an effort to complete the field work in the area around Grangeville in the near future. Due to the distance from our regional office in Boise to the Grangeville area, field trips for water right exams are few and far between. This office hopes to make at least one good working trip to the more northerly part of the region this summer or fall.

You will be contacted as requested prior to any planned field visits. Please let me know if you need additional information regarding your water rights.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Water Rights Supervisor

RECORDED

NOV 15 1995

RECEIVED

JUN 24 1994

WATER RESOURCES
WESTERN REGION

6/20/94

Dear sir:

We are interested in having the water rights to our property in Idaho County transferred into our name from that of the previous owner. A couple of years ago you were out to inspect our water systems but we were unfortunately away that day. A copy of your subsequent letter to us is on the other side of this page. We currently have a couple caretaking the property, full-time. They will be there when you come down to inspect, but we would like to be notified in advance so we can notify them and make sure they don't go to town that day. Because of the remoteness of the property and lack of a phone we would appreciate a few weeks notice so we can write to them. Enclosed is a copy of the computer printout with the previous owners' name highlighted.

Thank You,


Neil Markovitz
405 Rowan Rd.
Gap Mills, W.V. 24941

(304) 772-3549

RECEIVED
NOV 15 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Dear Neal Markovitz:

Mr. O'leary showed me your place while I was up there looking at his place. You told me on the phone that you had just bought the place from McFarlands and that your irrigation system was not set up yet. If the system is not set up properly when we come out, you will be limited in the amount of water you can use. Therefore, I didn't feel it was fair to you to conduct a field exam at this time. However, someone will be out next year to look at your system and conduct an exam. So you have a year to get it operating properly. Good luck.

Sincerely, Yours
Larry Waters
Water Right field examiner.

7/15/95

33	NW	NW		01.04	82-07017	YORK	C	L	07-05/1973	BLANCO CREEK
	SW	SW	20.0	01.04	82-07017	YORK	C	L	07-05/1973	BLANCO CREEK
10E 3	SE	SE		10.22.43	82-04132	RED RIVER CORP.	C	S	07-01/1900	RED RIVER HOT SPRINGS
	SE	SW	1.0	43.01	82-07148	FEYK	C	P	04-21/1986	UNNAMED STREAM
	NW	SE	5.0	01.43	82-07127	DANIELS	C	P	06-30/1983	UNNAMED STREAM
	SW	SE		43	82-07164	DANIELS	C			
						LEONARD	C	P	08-04/1988	GROUNDWATER
	SW	SW		04.43	82-04040	LEONARD	C			
	SE	SW		04.43	82-04040	GEORGE	C	S	05-26/1914	UNNAMED STREAM
19	SW	NW		46	82-04077	GEORGE	C	S	05-26/1914	UNNAMED STREAM
11E 10	NW	SW		16.04	81-04052	U.S. DEPT. OF AGRI	C	S	08-31/1958	SPRING
32	NE	NW		43.46	77-04100	U.S. DEPT. OF AGRI	C	S	07-01/1942	CABIN CREEK SPRING
01W 18	NE	NW	10.0	01.43	79-02028	U.S. DEPT. OF AGRI	C	S	06-30/1947	GRANITE SPRINGS
21	NW	NE		43	79-07189	ADAM	C	L	04-11/1911	FIR CREEK
	SW	NE	1.0	01.04.28.43	79-07178	LEFSAKER	C	P	07-22/1988	SPRING
						KLOSTER	C	P	07-18/1988	GETTA CREEK
	SW	NE		43	79-07142	KLOSTER	C			
						WARNER	O	P	06-28/1983	FOURTH OF JULY SPRING
	SW	NE	1.0	01.04.43	79-07177	KLOSTER	C			
						KLOSTER	C	P	07-18/1988	SPRING
	NW	NW		43	79-07118	KLOSTER	C			
						NUCKOLS	O	P	12-13/1982	ANNIE GULCH
						MC FARLAND	C			
						NUCKOLS	O			
						ADAIR	O			
						MC FARLAND	C			
	NW	NW	4.0	01.43	79-07119	NUCKOLS	O	P	12-13/1982	BEAR GULCH
						NUCKOLS	O			
						MC FARLAND	C			
						ADAIR	O			

Exam 1990
Provt 12/87

Exam 1990
Provt 12/87

NO SRBA claims
Ground per AJS
check 7/13/94

012

-JL

RECEIVED
JUN 24 1994
WATER RESOURCES
WESTERN REGION

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS MICROFICHE BY PLACE OF USE

DATE: 03/03/90
PAGE: 4753

TRP	RNG	SECT	TRACT	LOT	ACRES	WATER-USE-CODE	WATER RIGHT NO.	LAST NAME	O	STG	PRIORITY	DATE	WATER SOURCE
39N	01W	21	NW	NW	4.0	01.28	LAPSED → 79-07122	NUCKOLS	O	P	12-13/1982	GETTA CREEK	
								ADAIR	U				
								MC FARLAND	C				
								MC FARLAND	C				
								NUCKOLS	O				
22	NE	SW			5.0	01.43	79-07166	PRIDDY	C	P	05-17/1988	SPRING	
	SW	SW			43		79-07153	PRIDDY	C				GETTA CREEK
								INDIAN WAY CORP.	O	P	06-28/1983	INDIAN CREEK	
	SW	SW			43		79-07158	O LEARY	C				SPRING
								O LEARY	C	P	05-21/1985	INDIAN CREEK	
													SPRINGS
23	NW	SE			04		79-02100	U.S. DEPT. OF INTE	C	L	10-02/1953	SPRING	
	NW	SE			16		79-04419	U.S. DEPT. OF INTE	C	S	09-23/1944	HARRIMAN SPRING	
	SE	SE			04		79-02101	U.S. DEPT. OF INTE	C	L	10-02/1953	SPRING	

NOV 15 1995
HR 4001 NP
(001-21)

EXPENDITURE VOUCHER

AUDITOR USE

STATE OF IDAHO
Office of State Auditor

AGENCY USE

7953
Date 02/01/90
Code 193002

VENDOR: If you require additional information regarding this payment, please contact the State agency listed below.

AGENCY NAME:

DEPT. OF WATER RESOURCES

Document No.	
Pre-Audit	Date
Warrant No.	

CHECK ONE:

(1) MISCELLANEOUS EXPENDITURE

() STATE CONTRACT

() PURCHASE ORDER

() MISCELLANEOUS ENCUMBRANCE REQUISITION

PAY

DENNIS OR DIANE MCFARLAND
5203 HUMMINGBIRD WAY
FT. PIERCE, FL 34951

TO

Encumbrance Reference No.

PAYMENT: () PARTIAL () FINAL

LINE No.	PROGRAM	FUND	ACCT.		DESCRIPTION	LINE AMOUNT	AGENCY USE
			Major	Minor			
1	06 10 199	1238	8831		EXT. 79-7122/79-7118 79-7119 PER RITA FLECK 1/29/90 45.00	45.00	
TOTAL						45.00	

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

Date

Head of Agency or Institution

State Auditor

January 29, 1990

Dennis L. and Diane L. McFarland
5203 Hummingbird Way
Ft. Pierce, FL 34951

Dear Mr. and Mrs. McFarland:

Re: Permit Nos. 79-7118, 79-7119 and 79-7122

This office acknowledges receipt of the assignment conveying these permits to you. The assignment has been entered into the department's records. Enclosed is a copy of each permit for your records.

I am returning the three requests for extension of time and I have notified the Fiscal Section to prepare a refund. For Permit Nos. 79-7118 and 79-7119, the proof of beneficial use forms have been submitted. This means that the previous permit holders notified us that these projects were complete and water was being diverted and put to a beneficial use. Specifically, for Permit No. 79-7118 there existed a diversion for garden, orchard and vinyard, and barn use from Annie Gulch and for Permit No. 79-7119, there existed a diversion from Bear Gulch for a domestic and yard and garden up to four acres.

Permit No. 79-7122 was issued for the diversion of water from Getta Creek for power and irrigation uses. It shows that a proof of beneficial use or request for extension of time is not due until March 1, 1991. Note, however, that one request has been granted and unless the reason for requesting an extension is a delay caused by either litigation or a governmental agency, another request cannot be granted.

If you have any questions concerning these filings, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

c: Fiscal Section

NOV 15 1995

MEMORANDUM

DATE: January 29, 1990

TO: FISCAL SECTION

FROM: Nina Shields or Rita Fleck

RE: REFUND - Permit No. 79-7118, 79-7119 and 79-7122

Please prepare a refund of \$45.00 (receipt No. C012595). Attached is a copy of a letter which explains why the refund is necessary along with the receipt.

Also, please reference the water right identification number on any papers returned to me for the files. Thanks.

Attachments: Letter
Receipt

1990 1 30 1335



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 7, 1988

RECEIVED
OCT 07 1988

Robert L. Nuckols
Route 4
Cottonwood Idaho 83522

RE: NO. 79-7118
NO. 79-7119

Department of Water Resources

Dear Mr. Nuckols:

The above mentioned water permits with sources of Annie Gulch and Bear Gulch, are due to have the field exam conducted. I was planning on completing the field exams on September 28, 1988. However, due to the remoteness of the area and the fact that our schedules were such that we could not meet, the field exams were not done.

Before a license can be issued, the field exams must be completed. In order to keep these permits in a valid status, please contact the department and make arrangements to have the field exam conducted.

Sincerely,

Darren Knuteson
Sr. Water Resource Agent

RECEIVED

NOV 15 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

OR

Teresa Adair

Permit No.

79-7118

Name(s) of Permit Holder(s)

Rob & Mary Nuckols

Post Office Address:

Rt. 4, Cottonwood, Id. 83522

Tel. No.

☐ I hereby certify that construction of diversion works for the above referenced permit began on 6-1-82 (date) I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

NOV 15 1995

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

*Note: A financing difficulty is not an acceptable reason.

12-7-83

Date

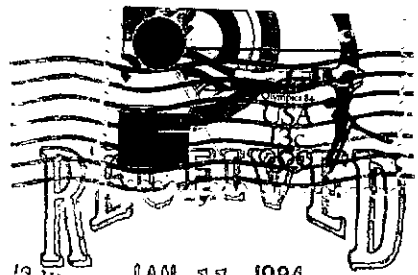
Rob Nuckols

Signature of Permit Holder

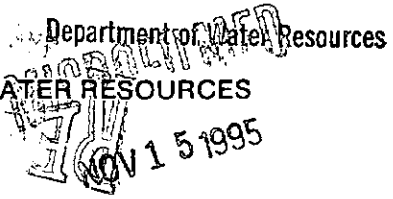
Bob Nichols

Rt. 4

Cottonwood, Cal



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720





State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

February 23, 1988

- 79-7118 & 79-7119
- Robert C. &/or Mary Ann Nuckols
- Rt. 4
- Cottonwood, ID 83522

Dear Applicant(s):

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

Before a license can be issued, a field examination must be made by a representative of this Department. A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

Judy Pense
Secretary

/jdp

RECORDED
NOV 15 1995

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 79-7118

Date: 1-14-1988

General Considerations:

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

Source of Water:

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

Extent of Use and Rate of Diversion:

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

Measuring Device:

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

Remarks: - Prog - okay

N/A Priority Calculation:
Date proof received _____
Date proof due _____ + _____
No. of days late _____ = _____
Priority date _____ + _____
NEW PRIORITY DATE _____ = _____

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

138059
CERTIFIED MAIL
October 31, 1987

NUCKOLS, ROBERT L. & MARY ANN
RT. 4
COTTONWOOD, ID 83522

PROOF DUE NOTICE

RE: Permit No. 79-7118

Dear Permit Holder:

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

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

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this Department on or before the above described proof due date, or the permit will no longer be of any force nor effect.

Sincerely,

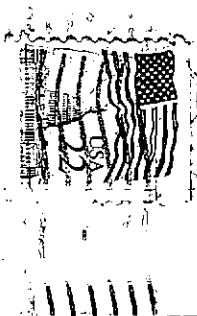
RITA FLECK
Secretary/Records Manager

Enclosures

MAILED

MAR 03 1988

Wichita
Kern
83522



Depd. Water Resources
State House
Boise, ID 83720

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

NUCKOLS, ROBERT L. & MARY ANN
RT. 4
COTTONWOOD, ID 83522

FEBRUARY 01, 1983

RE: PERMIT NO. 79-7118

DEAR PERMIT HOLDER:

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

THE 1982 IDAHO LEGISLATURE ADDED A REQUIREMENT THAT AS A PERMIT HOLDER, YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

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

SINCERELY, .

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

ENCLOSURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: 665

APPLICATION NUMBER: 79-7118

CHECK:

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

Field check by: _____

Date: _____

Comments: _____

☒ Fee.

☒ Yes ☒ No

☒ Yes ☒ No

☒ Yes ☒ No

☒ Yes ☒ No*

Field check required.

Critical groundwater area.

Request dam safety information. Sent by: _____ Date: _____

In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

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

Copies sent by: _____ Date: _____

PROCESSING:

☐ Yes ☐ No

☐ Yes ☒ No

Platted by: _____ Map No. _____

Other rights on same place of use. None

☒ Yes ☐ No*

In form for advertising.

Final date for protests: 1/10/83

☐ Yes ☐ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 1/10/83
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application. 30/23065
☒ Publication dates and paper, recorded on application. 1/23 & 12/30/82 Cottonwood Chronicle
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☒ Yes ☐ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
12/13/82 Date of priority recommended.
☒ Special conditions of approval or cover letter. Right-of-way Clause

By: DBS

Date: 1/17/83

STATE OFFICE REVIEW:

320/417

26 04

☐ See attached sheet for more information.

By: [Signature]

Date: 1/18/83

RECEIVED
JAN 18 1983

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

DECEMBER 16, 1982

Cottonwood Chronicle
Box 157
Cottonwood, ID 83522

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 billings to this office before JANUARY 10, 1983.

Yours truly,

JUDY PENSE
Secretary

Encl.

RECEIVED
JAN 17 1983
MILWAUKEE

79-7118

NUCKOLS, ROBERT L. &/or MARY ANN
ADAIR, TERESA MARIE

RT. 4, COTTONWOOD, ID 83522

Source: ANNIE GULCH trib. to GETTA CREEK

Date Filed: 12/13/1982

Diversion Pt: NWNW Sec 21 T 28N R 01W

Use: DOMESTIC (0.04 CFS)

In: NWNW Sec 21 T 28N R 01W

RECEIVED
JAN 14 1983