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PAYETTE NATIO

JUN 25 1973
Department of Water Administration

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Proposed Change of Water Right" as per clipping hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

June 14, 1973 consecutive weeks, the first publication of the same being made in the issue dated June 21, 1973

and the last in the issue dated "Notice" that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said as aforesaid.

Subscribed and sworn to before me this 22ND

day of

June 19 73
Rene Braun

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 78-0162

Notice is hereby given that MINNIE DRYDEN of New Meadows, Idaho has applied to the Department of Water Administration for a change of point of diversion & place of use of the waters of Goose Creek, trib. Little Salmon River. The right sought to be changed is evidenced by decree to Minnie Dryden in Case of Clay et al vs. Clark et al, dated June 17, 1920, in 7th Judicial District Court, County of Adams and is recorded as follows. Amount: 1.58 c.f.s. Priority: May 1, 1897. Point of Diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 19 N., R. 2 E., B.M., Adams County. The water is used for irrigation purposes from May 1 to Oct. 31 within the S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T. 19 N., R. 2 E., B.M.

TO BE CHANGED AS FOLLOWS

Amount: 1.58 c.f.s. Point of Diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, (Campbell Ditch); SE $\frac{1}{4}$ NW $\frac{1}{4}$, (Clay Dryden Ditches); Sec. 28, T. 19 N., R. 2 E., B.M. The water will be used for irrigation purposes from May 1 to Oct. 31 within the S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T. 19 N., R. 2 E., B.M.

Any protests against approval of the proposed change of water right application must be filed with the Department of Water Administration, Statehouse, Annex No. 2, Boise, Idaho, on or before July 2, 1973.

R. KEITH HIGGINSON
Director

Published in the Adams County Leader, Council, Idaho on June 14, 1973 and June 21, 1973.

Department of Water Resources
Western Regional Office

Identification No. 78-0162

Transfer No. 2003

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED
Rescinded

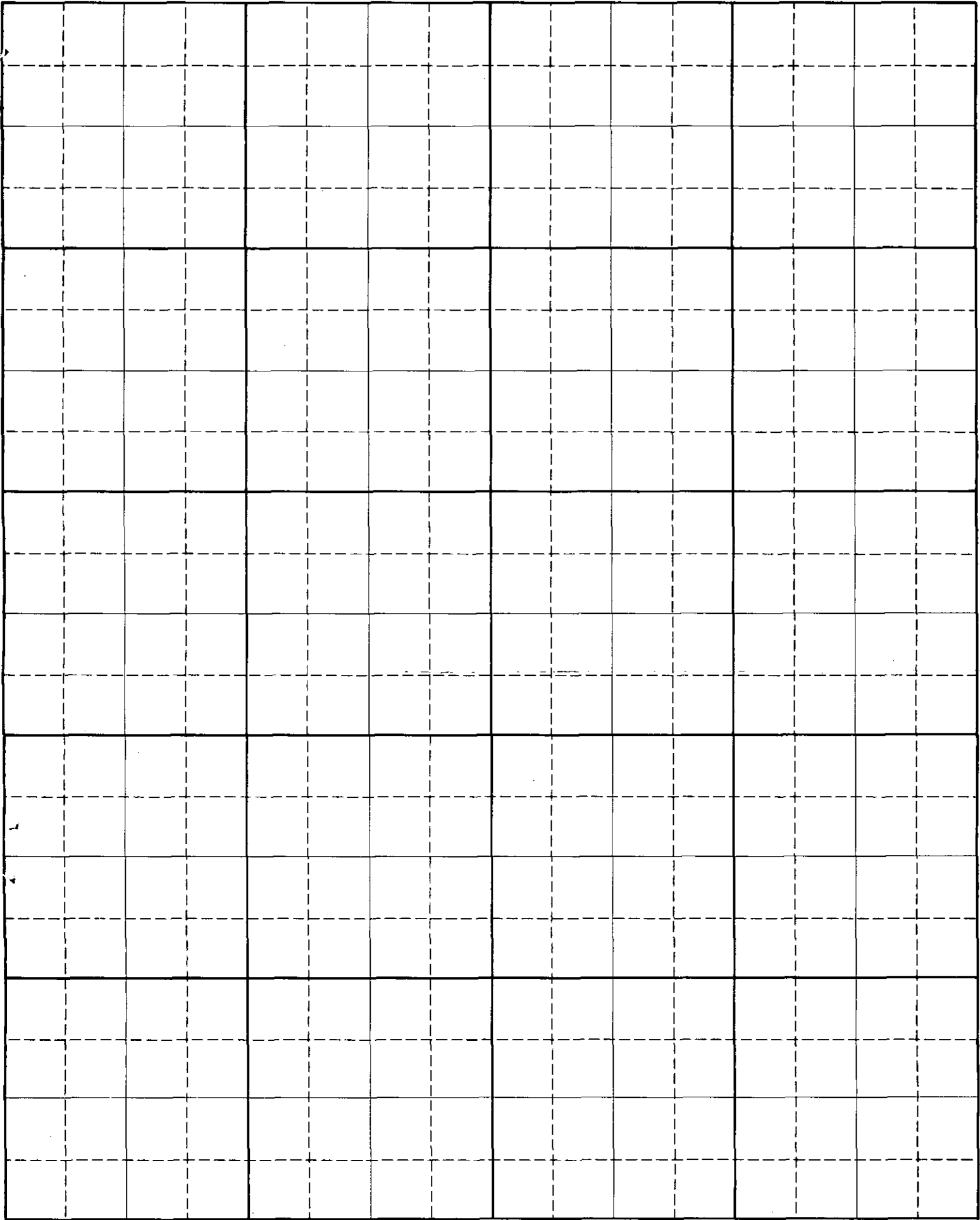
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Minnie DRYDEN
Post office address New Meadows, Idaho , Box 312
2. Right obtained by:
a. Decree to Minnie Dryden in Case of Clay et al
(Name)
vs. Clark et al , Dated _____ in 7th Judicial District
(Name of Court)
Court. County of Adams
b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Goose Creek tributary to Little Salmon River
(Name of stream or source)
4. Date of Priority 5-1-1897
5. Amount of water a. 1.58 (79.2 in.) c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for irrigation from May 1 to Oct. 31
Clay-Dryden ditch (Month, Day) (Month, Day)
7. Original location of point of diversion is SE 1/4 NW 1/4 of Section 28
Township 19 N. , Range 2 E. , B.M., in Adams County;
Additional points of diversion, if any _____

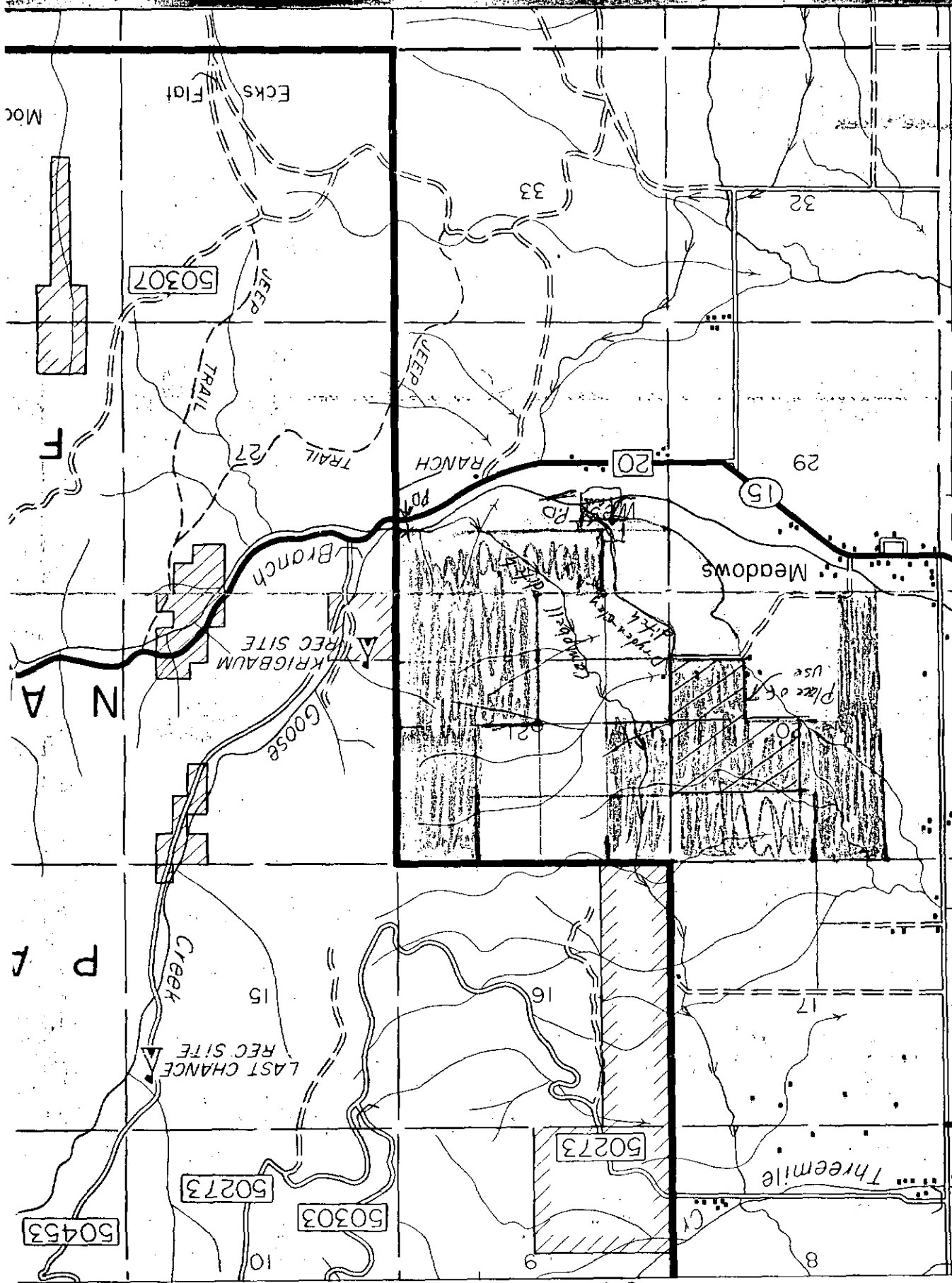
8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
19 N.	2 E.	2			40	40									40				120

Total number of acres presently irrigated 120



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



9. If applicant was not the original holder of this right explain how it was acquired: _____

10. CHANGE IN POINT OF DIVERSION

Campbell Ditch & Clay Dryden Ditches

a. Quantity to be diverted at new point: 1.58 c.f.s. and/or 28 acre feet
NE NE
b. New point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 19 N.
2 E., B.M.

c. Description of method of diversion and conveyance from new points of diversion: Gravity from
Goose Creek

d. Is water to be conveyed to the lands previously irrigated? Yes X No _____

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

More economical use of water. Less shrink to place of use.

f. Do you intend to make the transfer permanent? Yes

g. Do you intend to abandon completely the old point of diversion? No

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
19 N.	2 E.	20			40	40									40				120

Total number of acres to be irrigated 120

- b. Do you intend to make the transfer permanent? Yes
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
No. Correcting error in decree.
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: Yes. 5-1-1899 & 5-1-1898 water.
- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Wimie Dwyden
(signature of applicant)

Subscribed and sworn to before me this 30th day of May, 1973
W. H. Swanson
(notary public)

My commission expires Oct 13 1975

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 78-0162,
and said application is hereby APPROVED.

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

A measuring device of a type approved by this Department shall be
permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons:

Witness my hand this 10th day of July, 1973

W. H. Swanson
Deputy Director

Rec'd # 10571

FOR DEPARTMENT USE ONLY

Received by ij Date 6-4-73

Protest filed by: _____ Date _____

Prelim. check by W. H. Date 6-4-73

Fee received by ij Date 6/4/73 Fee \$ 10⁰⁰

Approved for publication by ED

Published in Adms County Dates 6-14-73 to 6-21-73

Hearing held _____

Watermaster Recommendation sent _____

RECEIVED
JUN 29 1973
Department of Water Administration

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of the Application
for Proposed Change of Water Right
No. 78-0162 of MINNIE DRYDEN

P R O T E S T

COMES NOW, GOOSE LAKE RESERVOIR COMPANY, an
Idaho corporation, by and through its attorney, Randall C.
Fredricks of Clemons, Cosho, Humphrey & Samuelsen, Boise,
Idaho, and hereby makes formal protest to any approval
by the Department of Water Administration for a change
of point of diversion and place of use of the waters of
Goose Creek, tributary of the Little Salmon River, as
set out in the above-captioned Application.

Dated this 28th day of June, 1973.

GOOSE LAKE RESERVOIR COMPANY

By

Randall C. Fredricks
Randall C. Fredricks
Clemons, Cosho, Humphrey & Samuelsen
1110 Bank of Idaho Building
Boise, Idaho 83702
Attorneys for said Company

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF TRANSFER OF)
WATER RIGHT NO. 78-0162)
in the name of MINNIE DRYDEN)

ORDER

WHEREAS, on June 4, 1973, Minnie Dryden filed with the Department of Water Administration an application for Transfer of Water Right; and,

WHEREAS, the Notice of Transfer was published in the Adams County Leader, Council, Idaho on June 14 and June 21, 1973; and,

WHEREAS, a protest was received on June 29, 1973; and,

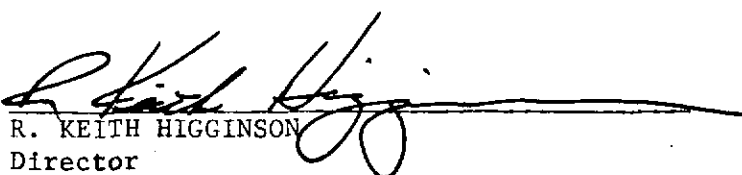
WHEREAS, the protest was not entered into the file at the time of receipt; and,

WHEREAS, on July 10, 1973, the Department of Water Administration approved the application for Transfer of Water Right No. 78-0162; and,

WHEREAS, the protestants were not given an adequate opportunity to have the matter of protest heard;

THEREFORE, IT IS HEREBY ORDERED that the approval of Transfer of Water Right No. 78-0162 on July 10, 1973, is hereby RESCINDED.

Dated this 20 day of July, 1973.


R. KEITH HIGGINSON
Director

DDR/jc

JUN 25 1973

Department of Water Administration

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Proposed

Change of Water Right" as per clipping hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

June 14, 1973 consecutive weeks, the first publication of the

same being made in the issue dated June 21, 1973

and the last in the issue dated "Notice" that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said

as aforesaid.

Subscribed and sworn to before me this 22nd

day of

June 1973
Paul Brown

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 78-0162

Notice is hereby given that MINNIE DRYDEN of New Meadows, Idaho has applied to the Department of Water Administration for a change of point of diversion & place of use of the waters of Goose Creek, trib. Little Salmon River. The right sought to be changed is evidenced by decree to Minnie Dryden in Case of Clay et al vs. Clark et al, dated June 17, 1920, in 7th Judicial District Court, County of Adams and is recorded as follows. Amount: 1.58 c.f.s. Priority: May 1, 1897. Point of Diversion: SE 1/4 NW 1/4, Sec. 28, T. 19 N., R. 2 E., B.M., Adams County. The water is used for irrigation purposes from May 1 to Oct. 31 within the S 1/2 NE 1/4, NE 1/4 SE 1/4, Sec. 20, T. 19 N., R. 2 E., B.M.

TO BE CHANGED AS FOLLOWS

Amount: 1.58 c.f.s. Point of Diversion: NE 1/4 NE 1/4, (Campbell Ditch); SE 1/4 NW 1/4, (Clay Dryden Ditches); Sec. 28, T. 19 N., R. 2 E., B.M. The water will be used for irrigation purposes from May 1 to Oct. 31 within the S 1/2 NE 1/4, NE 1/4 SE 1/4, Sec. 20, T. 19 N., R. 2 E., B.M.

Any protests against approval of the proposed change of water right application must be filed with the Department of Water Administration, Statehouse, Annex No. 2, Boise, Idaho, on or before July 2, 1973.

R. KEITH HIGGINSON

Director

Published in the Adams County Leader, Council, Idaho on June 14, 1973 and June 21, 1973.



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

June 27, 1989

Dean Dryden
P.O. Box 312
New Meadows, ID 83654

Re: Protested Application for Transfer #78-0162

Dear Mr. Dryden:

Thank you for providing to this office a withdrawal of the above-referenced application for transfer. The withdrawal does serve to clarify this matter.

By telephone conversation with the Adams County Assessor I have verified that you are the property owner of the places of use indicated in the transfer application so no further documentation in this regard is necessary. By copy of this letter, we will be notifying other interested parties, Mrs. Nita Branstetter, and Mr. Randall C. Fredericks, of the withdrawn status of this application.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

CC: Randall C. Fredericks, Esq.
Nita Branstetter

CONVERSATION MEMORANDUM

DATE 6/23/89

FILE 78-0162

NAME OF PARTY Adams Co Assessor 253-4271

EMPLOYEE Dan Tuttle

RE: Property Ownership

Marshal Dan Dyden is property owner of
S $\frac{1}{2}$ NE $\frac{1}{4}$ + NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 20 T 19N R 2E per assessor.

June 6, 1989

Out
RECEIVED
JUN 7 1989

Department of Water Resources
Western Regional Office

Mr. David Tuthill
Dept. of Water Resources
Boise, ID 83705

Dear Mr. Tuthill:

We received copies of letters from Mr. Randall Fredricks to you and to the Drydens concerning Right #78-0162. We noted that you had requested them to reply by June 4, 1989.

It seems as though there was some question as to the wording in the agreement with the Dryden's back in 1973 and the copy of the agreement we find in the files are not signed by either party.

Please let us know the status of this application.

Sincerely,

Nita Branstetter

Nita Branstetter
Secretary/Treas., Goose Lake Reservoir Co./Sec./Trea. Goose Creek Canal
P.O. Box 175
New Meadows, ID 83654

Phone 347-2374

CLEMONS, COSHO & HUMPHREY, P.A.

COUNSELORS AND ATTORNEYS AT LAW
CARNEGIE BUILDING
815 WEST WASHINGTON STREET
BOISE, IDAHO 83702

LOUIS H. COSHO
HOWARD HUMPHREY
RICHARD H. GREENER
R. MICHAEL SOUTHCOMBE
STANLEY W. WELSH
MAX A. EIDEN, JR.
RANDALL C. FREDRICKS
FREDRIC V. SHOEMAKER
CHRISTOPHER BURKE
RORY R. JONES
STEPHEN J. GLEDHILL
SARA M. THORPE
JOSEPH M. MEIER
DAVID M. PENNY
BRIAN D. NICHOLAS
ANN L. COSHO

DALE CLEMONS (1911 - 1983)

OFFICE ADMINISTRATOR
GLENYS MCPHERSON

TELEPHONE
(208) 344-7811

May 24, 1989

RECEIVED
MAY 26 1989

Department of Water Resources
Western Regional Office

Mr. David R. Tuthill, Jr., P.E.
Manager, Western Regional Office
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Re: Application for Transfer of Water Right No. 78-0162
in the name of Minnie Dryden

Dear Mr. Tuthill:

This particular application goes so far back in time that I do not have any independent recollection of it, but I was able to pull the old file on it. I am enclosing copies of some documents I found in my file. It looks like an agreement or at least a consent to have the determination be made by the Department held without hearing. I do not know whether the copy of the agreement I am enclosing has been signed or not, but you should probably have something like it in your file on the matter.

If you need anything further, please advise. I have had no contact with the Goose Lake Reservoir people for a number of years.

Very truly yours,


Randall C. Fredricks

RCF:cy

Enclosures

cc: Mr. John Goodman
(w/Enclosures and 4/4/89 letter from Tuthill)

COPY

A G R E E M E N T

THIS AGREEMENT, Made and entered into this _____ day of _____, 1973, by and between GOOSE LAKE RESERVOIR COMPANY, an Idaho corporation, hereinafter referred to as "First Party," and MARSHALL L. DRYDEN, hereinafter referred to as "Second Party."

W I T N E S S E T H:

WHEREAS, Second Party, for and on behalf of Minnie Dryden, filed with the Department of Water Administration, State of Idaho, an application for the right to add an additional point of diversion for certain decreed water, which point of diversion would be the Northeast quarter, Northeast quarter of Section 28, Township 19 North, Range 2 East, Boise Meridian, Idaho, (Goose Creek Canal); and

WHEREAS, First Party filed a formal protest to said proposed diversion point in regard to the use of said Goose Creek Canal, which is a private canal owned by First Party; and

WHEREAS, the parties have come to an agreement settling said dispute;

NOW, THEREFORE, In consideration of the terms, covenants and conditions hereinafter contained and other valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, it is agreed as follows:

1. That Second Party is hereby given the right to the use of said Goose Creek Canal for said decreed water evidenced by decree to Minnie Dryden in Case of Clay et al vs. Clark et al., dated June 17, 1920, in Seventh District Court, Adams County, in the amount of 1.58 c.f.s., hereinafter referred to as Minnie Dryden water.

2. That said permission does not enlarge or add to any of Second Party's present existing rights in said canal and that said rights remain as set out in the Minutes of Special Meeting of Stockholders of Goose Lake Reservoir Company dated November 6, 1972, the original of which is on file with the corporate records and referenced thereto.

3. That Second Party shall pay to First Party as compensation for the use of said canal a pro rata share of maintenance and operation charges of Goose Creek Canal based on the amount of said Minnie Dryden water actually conveyed through said canal.

4. That it is understood that First Party is under a duty to keep in good repair and maintenance the said canal and banks and that it may be necessary from time to time to cross lands of Second Party for said purpose. That prior to any such crossing Second Party will be contacted and his consent obtained, which will not be withheld unreasonably. It is further understood and agreed that First Party, whenever reasonable to do so, will exercise all repair and maintenance duties by following the canal itself or along its banks.

5. That upon the execution hereof First Party will withdraw its Protest.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

GOOSE LAKE RESERVOIR COMPANY

By: _____

ATTEST:

Marshall L. Dryden

STATE OF IDAHO

County of

)
) ss.
)

On this _____ day of _____, 1973,
before me, a Notary Public in and for the State of Idaho,
personally appeared _____ and _____,
known to me to be the _____ and _____
respectively of GOOSE LAKE RESERVOIR COMPANY, and acknowledged
to me that they executed the within instrument for and on behalf
of said corporation.

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 Idaho
Residence:

STATE OF IDAHO

County of

)
) ss.
)

On this _____ day of _____, 1973,
before me, a Notary Public in and for the State of Idaho,
personally appeared MARSHALL L. DRYDEN, 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 Idaho
Residence:

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse -- Annex 2
Boise, Idaho 83720
(208) 384-2190



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

November 15, 1973

Re: Transfer No. 78-0162, Minnie Dryden

Goose Lake Reservoir Company
c/o Randall C. Fredricks
Clemons, Cosho, Humphrey, & Samuelson
1110 Bank of Idaho Building
Boise, Idaho 83702

Dear Mr. Fredricks:

A conference was held on August 9, 1973, at Council, Idaho, to consider the protest filed against the above referenced application for transfer. At the bottom of this letter you will find an agreement which, if you sign, will allow the Department to make a decision in this matter based upon the facts obtained at the conference, and the information contained in our records.

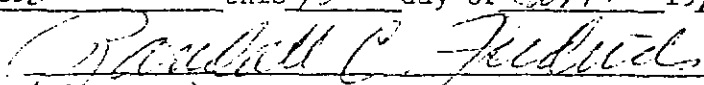
If you concur with this agreement, please sign it and return it to this office within 15 days of the date of this letter. If you have any questions, please contact us within the 15-day period.

Sincerely,


BOBBY D. FLEENOR
Assistant Director

BDF:JC

I, the undersigned, hereby agree to allow the Department of Water Administration to reach a decision regarding approval or denial of Application for Transfer No. 78-0162 based upon the facts obtained at the conference, and the information contained in its records.

Signed at Boise, Idaho this 10th day of Jan. 1974.

(signature)

LAW OFFICES OF
CARL H. SWANSTROM
ATTORNEY AND COUNSELOR AT LAW
POST OFFICE BOX 26
COUNCIL, IDAHO 83612
TELEPHONE 253-4267
AREA CODE 208

December 20, 1973

Mr. Randall C. Fredricks
CLEMONS, COSHO, HUMPHREY & SAMUELSEN
Attorneys at Law
1110 Bank of Idaho Building
Boise, Idaho 83702

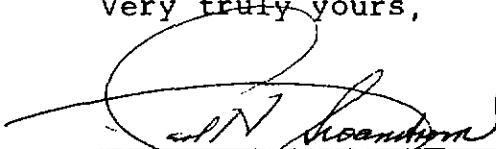
Dear Mr. Fredricks:

I am enclosing photostat copy of my letter of this date to the Department of Water Administration. I think that this will clear your inquiries.

I am sure that Bill Dryden has not requested a further hearing and I do not understand how you were advised of a request for further hearing.

Bill Dryden is satisfied to go along with the Agreement you prepared, but he is not inclined to amend it by addition of certain things that the Board of Directors requested some time ago.

Very truly yours,



CARL H. SWANSTROM

CHS:sh
Encl: 1

LAW OFFICES OF
CARL H. SWANSTROM
ATTORNEY AND COUNSELOR AT LAW
POST OFFICE BOX 26
COUNCIL, IDAHO 83612
TELEPHONE 283-4267
AREA CODE 208

December 20, 1973

State of Idaho
Dept. of Water Administration
Room 107
State House
Boise, Idaho 83701

Re: Your File No. 78-0162 (Marshall L. Dryden)
Application for change of point of diversion,
decreed water of Goose Creek

Gentlemen:

Some months ago, a hearing was held at Council upon the application of Marshall L. Dryden and/or Minnie Dryden, for permit to change point of diversion of certain decreed water of Goose Creek.

Decision upon the application was deferred until it might be determined if an Agreement could be concluded between the applicants and Goose Lake Reservoir Company for transporting the water in question through the main Goose Creek Canal, and for other matters concerning maintenance of the Goose Creek Canal through Dryden lands.

Attorneys for Goose Lake Reservoir Company (Clemons, Cosho, Humphrey & Samuelsen) prepared such an Agreement and submitted it to Mr. Dryden, who executed all copies of the Agreement and sent it to attorneys for Goose Lake Reservoir Company for execution by the Company. Until recently, Mr. Dryden thought the Agreement had been completed and the Department advised.

On the basis of the Agreement referred to, a copy of which is enclosed, Mr. Dryden is willing that the Department rule upon his pending application without requirement for any further hearings or for submission of other evidence.

Very truly yours,


CARL H. SWANSTROM

CHS:sh
Encl: 1
cc: Marshall L. Dryden
John E. A. Goodman, Sec.
Goose Lake Reservoir Company

December 12, 1973

Mr. Bobby D. Fleenor
Assistant Director
State of Idaho
Department of Water Administration
614 State Street
Boise, Idaho 83702

Re: Transfer No. 78-0162, Minnie Dryden

Dear Mr. Fleenor:

In regard to your letter of December 11, 1973, I am really in the dark as to the intent of it. You indicated the matter would be set for hearing unless you received the Agreement within 15 days.

I don't know what the delay is, and I am attempting to find out through Mr. Swanstrom, who is the attorney for Mr. Dryden. Since we have already had a hearing in this matter, I do not understand your letter. Please advise.

Very truly yours,

Randall C. Fredricks

mb

December 12, 1973

Mr. Carl H. Swanstrom
Attorney at Law
P.O. Box 26
Council, Idaho 83612

Re: Transfer No. 78-0162, Minnie Dryden

Dear Carl:

I received a letter from the Department of Water Administration that Richard Dryden has requested another hearing.

I am not sure what all this is going to avail any of us and wonder what the problem is in getting the Agreement signed. We would appreciate your advice so that we can conclude this matter without further expense and costs.

Best regards,

Randall C. Fredricks

mb

cc: Mr. John E. A. Goodman

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

December 11, 1973

Re: Application for Transfer of Water Right No. 78-0162, Minnie Dryden

Goose Lake Reservoir Company
c/o Randall C. Fredricks
Clemons, Cosho, Humphrey & Samuelson
1110 Bank of Idaho Building
Boise, Idaho 83702

Dear Mr. Fredricks:

Mr. Dryden has indicated that he would like a hearing concerning the above referenced application for transfer.

Therefore, unless we receive the agreement within 15 days, this matter will be set for hearing.

Your cooperation in this matter, is very much appreciated.

Sincerely,


BOBBY D. FLEENOR
Assistant Director

BDF:jc

cc: Bill & Minnie Dryden

November 21, 1973

Mr. Bobby D. Fleenor
Assistant Director
State of Idaho
Department of Water Administration
614 State St.
Boise, Idaho 83702

Re: Transfer No. 78-0162, Minnie Dryden

Dear Mr. Fleenor:

In reference to your letter of November 15th, please bear with us a short time longer. The agreement has been presented to Mr. Dryden's attorney and everything seems favorable and hopefully a signed copy will be returned and forwarded to you shortly.

Very truly yours,

Randall C. Fredricks

RCF:cg
cc: John Goodman



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

May 11, 1989

Dean Dryden
P.O. Box 312
New Meadows, ID 83654

Re: Application for Transfer of Water Right #78-0162 in the name of Minnie Dryden

Dear Mr. Dryden:

Enclosed is a Withdrawal form for your signature in the above-referenced matter. Please complete this form and return it to our office and we will remove the application from our records.

If you have any further questions, please feel free to call this office.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

for DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Encl: Withdrawal Form

RECEIVED
MAY 10 1989

Dnr

Department of Water Resources
Western Regional Office

May 9, 1989

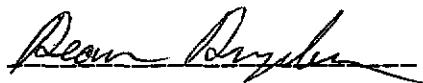
Dean Dryden
P.O. Box 312
New Meadows, ID.
83654

Idaho Department of Water Resources
David R. Tuthill, JR., P.E.
Manager, Western Regional Office
2735 Airport Way
Boise, ID. 83705

Dear sir:

In looking into this change of point of diversion,
Identification number 78-0162 and transfer number 2003, I
have found that during our refilling last year that there is
a better description of this water right its number is A78-
00162. Therefore I no longer feel it is necessary for this
application to be of record with your office. I withdrawal
said application 78-0162 with transfer number 2003, dated
June 4, 1973.

Dean Dryden
for estate of
Minnie Dryden



HARRIET LAWRENCE
ADAMS COUNTY ASSESSOR
BOX 46
COUNCIL, ID 83612

S IS NOT A BILL

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
4 MEADOW	118.000 AC	20,299
5 DRY GRAZING	2.000 AC	60
32 RURAL IMP ON AG		2,670

**TAXPAYERS 1987
VALUATION ASSESSMENT NOTICE**

Taxes are based on the valuation
listed on this statement

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JULY 3, 1987

See the reverse side for further references

KEEP THIS COPY FOR YOUR RECORDS

TOTALS

Mail To:

**DRYDEN, MARSHALL DEAN
PO BOX 312
23,029 NEW MEADOWS, ID 83654**

**T19N R2E SEC 20
S2NE4 NE4SE4**

PROPERTY ADDRESS

PARCEL NO. **RP 19N02E201200 A** TAX CODE

12-00

ANY PROTEST REGARDING THE MARKET VALUE ASSESSMENT OF PROPERTY MUST BE FILED WITH THE BOARD OF EQUALIZATION PRIOR TO THE SECOND MONDAY OF JULY (OR PRIOR TO THE FIRST MONDAY OF DECEMBER FOR PROPERTY ENTERED ON THE SUBSEQUENT ASSESSMENT ROLLS).

TO BE ELIGIBLE FOR A HARDSHIP EXEMPTION A CLAIM MUST BE FILED WITH THE COUNTY BOARD OF EQUALIZATION BETWEEN JANUARY 1 AND JUNE 20. SEE IDAHO CODE, SECTION 63-105BB.

TO BE ELIGIBLE FOR TAX REDUCTION (CIRCUIT BREAKER) A CLAIM MUST BE FILED IN THE OFFICE OF THE COUNTY ASSESSOR BETWEEN JANUARY 1 AND APRIL 15. SEE IDAHO CODE, SECTION 63-117 THROUGH 63-125.

TO PROTEST ACTION OF THE COUNTY ASSESSOR DISAPPROVING OR MODIFYING A CLAIM FOR TAX REDUCTION (CIRCUIT BREAKER) AN APPEAL MUST BE FILED WITH THE COUNTY BOARD OF EQUALIZATION PRIOR TO MAY 15.

~~FAILURE TO OBSERVE THE RIGHT OF PROTEST AND APPEAL. CONTACT THE COUNTY ASSESSOR OR COUNTY COMMISSIONERS AS TO WHERE THE BOARD OF EQUALIZATION MEETS.~~

Meeting of the Board of County Commissioners for the purposes of equalizing assessments and allowing exemptions and rebates.

REAL PROPERTY (Land)

1. Investment Irrigated Agricultural
2. Investment Irrigated Pasture
3. Investment Non-Irrigated Agricultural
4. Investment Meadow
5. Investment Dry Grazing
6. Productivity Value-Forest Land
7. Bare Forest Land Value
8. Reforestation
9. Mineral
10. Homestead Value on Rural Investment Land Categories 1-9
11. Recreational Sites
12. Rural Residential Tracts
13. Rural Commercial Tracts
14. Rural Industrial Tracts
15. Rural Subdivisions Residential Lots and/or Acreages
16. Rural Subdivisions Commercial Lots and/or Acreages
17. Rural Subdivisions Industrial Lots and/or Acreages

18. Other Rural Land
19. Waste (acreage only (public rights of way))
20. Residential Lots and/or Acreages—(inside city limits)
21. Commercial Lots and/or Acreages—(inside city limits)
22. Industrial Lots and/or Acreages—(inside city limits)
23. Common Areas, Condominiums, Townhouses, etc.

IMPROVEMENTS

30. Non Residential Imp
31. Improvements on Category 10
32. Improvements other than Residential on Category 1-12, 15, 18
33. Improvements on Category 11
34. Improvements on Category 12
35. Improvements on Category 13
36. Improvements on Category 14
37. Improvements on Category 15
38. Improvements on Category 16

PROPERTY CATEGORY NUMBERS

39. Improvements on Category 17
40. Improvements on Category 18
41. Improvements on Category 20
42. Improvements on Category 21
43. Improvements on Category 22
44. Improvements on Partially Exempt Land
45. Utility Systems (locally assessed)
46. Manufactured Housing
47. Improvements to Manufactured Housing

PERSONAL PROPERTY

55. Boats
56. Construction Machinery Tools and Equipment
57. Equities in State Land (pvt in 2 inst. Sec. 63-1302)
58. Farm Machinery Tools and Equipment
59. Furniture and Fixtures
60. Improvements on Railroad Rights of Way
61. Improvements by Lessee other than Category 62.

* * The board of county commissioners must meet as a BOARD OF EQUALIZATION AT LEAST ONCE EVERY MONTH THROUGH THE FOURTH MONDAY IN JUNE, ONE DAY TO DAY THROUGH THE SECOND MONDAY OF JULY at which time it must adjourn, for the purposes of equalizing the assessment of real and personal property; allowing or disallowing claims for hardship exemptions; and hearing protests regarding the assessment of property. See Idaho Code, Section 63-401 and 63-402.

The board of county commissioners must meet as a board of equalization on or before may 15, and shall approve all claims for tax reduction (circuit breaker), approved by the county assessor, and shall approve the action of the county assessor in modifying or disapproving all other claims unless an appeal has been filed with the board prior to May 15. See Section 63-121, Idaho Code. **Contact the county assessor for the precise date of the aforementioned meeting.**

* * The board of county commissioners of each county shall meet as a BOARD OF EQUALIZATION FROM THE FOURTH MONDAY OF NOVEMBER THROUGH THE FIRST MONDAY OF DECEMBER for the purposes of equalizing the assessment of all property entered upon the subsequent property assessment rolls, allowing or disallowing exemptions and rebated claimed, and hearing protests regarding such assessments. If other personal or real property is discovered and assessed after the board has adjourned, the taxpayer may appeal that assessment to the county board of equalization during the monthly meeting in January of the following year. See Section 63-1904, Idaho Code.

The board of county commissioners may, at any time when in session, cancel or refund any double or illegal tax, or any tax based on a double or erroneous assessment. See Idaho Code, Section 63-2022. However, taxpayers must file all protests regarding property assessment with the board of equalization as provided above.

62. Leasehold Improvements Exempt Land (pvt in 2 inst. Sect. 63-1302 & 63-1223)
63. Logging Machinery Tools and Equipment
64. Mining Machinery Tools and Equipment
65. Manufacture Housing
66. Net Profit of Mines
67. Operating Property (assessed by STC assessor identification only)
68. Other Miscellaneous Machinery Tools and Equipment
69. Recreational Vehicles
70. Reservations and Easements
71. Signs and Signboards
72. Tanks, Cylinders, Storage Vessels (Kegs, Vats, etc.)
73. Water
- EXEMPT PROPERTY**
81. Real and/or Personal



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

May 4, 1989

Minnie Dryden
Box 312
New Meadows, ID 83654

Randall C. Fredricks, Esq.
Clemens, Cosho, Humphrey & Samuelson
1110 Bank of Idaho Building
Boise, ID 83702

*815 W. Washington
Boise, Id 83702*

Re: Application for Transfer of Water Right #78-0162 in the name of Minnie Dryden

Dear Interested Party:

We have discovered in the Department of Water Resources files a pending application for transfer that has never been resolved. Because many years have passed since the last transaction on this file, we have enclosed a copy of the application for transfer and a copy of the protest filed by Mr. Fredricks on behalf of Goose Lake Reservoir Company. We would ask that the applicant please advise this office no later than June 4, 1989, if approval of the proposed transfer is still desired. Also, we ask that Mr. Fredricks provide to this office any information which would be useful in determining the current status of this transfer proposal.

Thank you for your assistance in this matter.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Encl: Copies of Application for Transfer
Copy of Protest

INTER-DEPARTMENT MEMO — 1

FROM D. Shaw

DATE 6/28/85

TO R. Tutthill ✓ DMS

SUBJECT 78-0162

This surfaced during proof reading and needs to be resolved. It was not on my protest list so I was not aware of it until now. I will add it to the list of protests I keep but you may want to familiarize yourself with the file.

SIGNATURE

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
324 25th Street
Ogden, Utah 84401

RECEIVED

JAN 11 1974

Department of Water Administration
2540

January 8, 1974



307

Mr. R. Keith Higginson, Director
Idaho Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

Reference is made to Mr. Bobby D. Fleenor's letter of December 20, 1973, concerning the agreement for the use of Point Spring, Permits No. 24760/43-2403 - A. D. Pierce Estate and No. 24761/43-2404 - Raft River Grazing Association.

We received a copy of a December 21 letter sent to Mr. Fleenor by Mr. William A. Parsons, Parsons and Smith, Attorneys and Counsellors at Law. The letter indicates significant progress is being made, and the agreement should be completed shortly.

We suggest postponement of a hearing until the agreement is received.

Sincerely,

OLIVER CLIFF
Acting Assistant Regional Forester
Division of Soil and Water Management

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

November 15, 1973

Re: Transfer No. 78-0162, Minnie Dryden

DDF

Goose Lake Reservoir Company
c/o Randall C. Fredricks
Clemons, Cosho, Humphrey, & Samuelson
1110 Bank of Idaho Building
Boise, Idaho 83702

Dear Mr. Fredricks:

A conference was held on August 9, 1973, at Council, Idaho, to consider the protest filed against the above referenced application for transfer. At the bottom of this letter you will find an agreement which, if you sign, will allow the Department to make a decision in this matter based upon the facts obtained at the conference, and the information contained in our records.

If you concur with this agreement, please sign it and return it to this office within 15 days of the date of this letter. If you have any questions, please contact us within the 15-day period.

Sincerely,

Bobby D. Fleenor
BOBBY D. FLEENOR
Assistant Director

BDF:JC

RECEIVED

JAN 11 1974

Department of Water Administration

I, the undersigned, hereby agree to allow the Department of Water Administration to reach a decision regarding approval or denial of Application for Transfer No. 78-0162 based upon the facts obtained at the conference, and the information contained in its records.

Signed at Boise, Idaho this 10th day of Jan. 1974.
Randall C. Fredricks
(signature)

December 21, 1973

Re: Transfer No. 78-0162 - Minnie Dryden

Carl H. Swanstrom
P. O. Box 26
Council, Idaho 83612

Dear Mr. Swanstrom:

Thank you for your December 20 letter, and copy of the proposed agreement between Marshall L. Dryden, and Goose Lake Reservoir Co.

We have recently contacted Mr. Randall Fredricks, attorney for Goose Lake Reservoir Co., concerning the status of this agreement and expect an answer shortly.

We also appreciate Mr. Dryden's willingness to allow us to reach a decision without a formal hearing. However, Goose Lake Reservoir Co. has not agreed to that procedure at the present time.

We will let you know whether a hearing will be necessary, as soon as we receive a reply from Mr. Fredricks:

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc

cc: Marshall L. Dryden

LAW OFFICES OF
CARL H. SWANSTROM
ATTORNEY AND COUNSELOR AT LAW
POST OFFICE BOX 26
COUNCIL, IDAHO 83612
TELEPHONE 253-4267
AREA CODE 208

December 20, 1973

RECEIVED

DEC 21 1973

Department of Water Administration

State of Idaho
Dept. of Water Administration
Room 107
State House
Boise, Idaho 83701

Re: Your File No. 78-0162 (Marshall L. Dryden)
Application for change of point of diversion,
decreed water of Goose Creek

Gentlemen:

Some months ago, a hearing was held at Council upon the application of Marshall L. Dryden and/or Minnie Dryden, for permit to change point of diversion of certain decreed water of Goose Creek.

Decision upon the application was deferred until it might be determined if an Agreement could be concluded between the applicants and Goose Lake Reservoir Company for transporting the water in question through the main Goose Creek Canal, and for other matters concerning maintenance of the Goose Creek Canal through Dryden lands.

Attorneys for Goose Lake Reservoir Company (Clemons, Cosho, Humphrey & Samuelsen) prepared such an Agreement and submitted it to Mr. Dryden, who executed all copies of the Agreement and sent it to attorneys for Goose Lake Reservoir Company for execution by the Company. Until recently, Mr. Dryden thought the Agreement had been completed and the Department advised.

On the basis of the Agreement referred to, a copy of which is enclosed, Mr. Dryden is willing that the Department rule upon his pending application without requirement for any further hearings or for submission of other evidence.

Very truly yours,


CARL H. SWANSTROM

CHS:sh
Encl: 1
cc: Marshall L. Dryden
John E. A. Goodman, Sec.
Goose Lake Reservoir Company

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CLEMONS, COŠO, HUMPHREY & SAMUELSEN
COUNSELLORS AND ATTORNEYS AT LAW
1110 BANK OF IDAHO BUILDING
BOISE, IDAHO 83702

CLEMONS, COSHO, HUMPHREY & SAMUELSEN
COUNSELLORS AND ATTORNEYS AT LAW
1110 BANK OF IDAHO BUILDING
BOISE, IDAHO 83702

2. That said permission does not enlarge or add to any of Second Party's present existing rights in said canal and that said rights remain as set out in the Minutes of Special Meeting of Stockholders of Goose Lake Reservoir Company dated November 6, 1972, the original of which is on file with the corporate records and referenced thereto.

3. That Second Party shall pay to First Party as compensation for the use of said canal a pro rata share of maintenance and operation charges of Goose Creek Canal based on the amount of said Minnie Dryden water actually conveyed through said canal.

4. That it is understood that First Party is under a duty to keep in good repair and maintenance the said canal and banks and that it may be necessary from time to time to cross lands of Second Party for said purpose. That prior to any such crossing Second Party will be contacted and his consent obtained, which will not be withheld unreasonably. It is further understood and agreed that First Party, whenever reasonable to do so, will exercise all repair and maintenance duties by following the canal itself or along its banks.

5. That upon the execution hereof First Party will withdraw its Protest.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

GOOSE LAKE RESERVOIR COMPANY

By: _____

ATTEST:

Marshall L. Dryden
Marshall L. Dryden

CLEMONS, COSHO, HUMPHREY & SAMUELSEN
COUNSELLORS AND ATTORNEYS AT LAW
1110 BANK OF IDAHO BUILDING
BOISE, IDAHO 83702

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STATE OF IDAHO }
County of } ss.

On this _____ day of _____, 1973,
before me, a Notary Public in and for the State of Idaho,
personally appeared _____ and _____,
known to me to be the _____ and _____
respectively of GOOSE LAKE RESERVOIR COMPANY, and acknowledged
to me that they executed the within instrument for and on behalf
of said corporation.

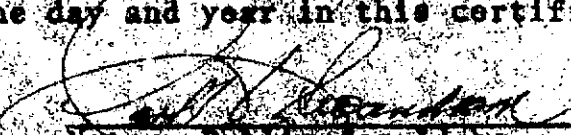
IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

Notary Public for Idaho
Residence: _____

STATE OF IDAHO }
County of Adams } ss.

On this 29th day of August, 1973,
before me, a Notary Public in and for the State of Idaho,
personally appeared MARSHALL I. BRIDEN, 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 Idaho
Residence: Council, Idaho.

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	JEB	7/4/73	Application No. <u>78-0162</u> Name <u>Dryden</u>
(2)	JEB	7/4/73	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee
(3)	JEB	7/4/73	Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	JEB	7/4/73	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	JEB	7/4/73	In form for advertising <u>yes</u> <u>approved</u>
(6)	MP	6-25-73	Affidavit of Publication received <u>OK</u>
(7)	RWH	7-6-73	Final date for protests <u>7-2-73</u> Protests received: yes _____ no <u>✓</u>
(8)		NA	Date and Place of hearing _____ Decision reached at hearing _____
(9)		NA	Located within Water District No. _____
(10)		NA	Critical groundwater area: yes _____ no _____
(11)		NA	Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)			Comments: <u>This transfer is to correct the place of use which was incorrectly stated when decreed.</u>
(13)	RWH	7-6-73	Action recommended: ☒ Approve Priority <u>5-1-1897</u> ☐ Deny Reason for Reduction _____ See attached sheet for conditions of approval <u>measuring device</u> No conditions for approval
(14)	RWH	7-6-73	District <u>Western</u> By <u>Robert W. Hamilton</u> Date <u>7-6-73</u> Title <u>Supervisor of Water Dist.</u> JUL 6 1973 Department of Water Administration

DALE CLEMONS
LOUIS H. COSHO
HOWARD D. HUMPHREY
DAVID R. SAMUELSEN
MAX A. EIDEN, JR.
RANDALL C. FREDRICKS
R. MICHAEL SOUTHCOMBE

CLEMONS, COSHO, HUMPHREY & SAMUELSEN
COUNSELLORS AND ATTORNEYS AT LAW
1110 BANK OF IDAHO BUILDING
BOISE, IDAHO 83702

December 12, 1973

RECEIVED
C. STANLEY SKILES
[1909-1967]
DEC 14 1973
TELEPHONE 308
AREA CODE 208
344-7811
Department of Water Administration

Mr. Bobby D. Fleenor
Assistant Director
State of Idaho
Department of Water Administration
614 State Street
Boise, Idaho 83702

Re: Transfer No. 78-0162, Minnie Dryden

Dear Mr. Fleenor:

In regard to your letter of December 11, 1973,
I am really in the dark as to the intent of it. You
indicated the matter would be set for hearing unless
you received the Agreement within 15 days.

I don't know what the delay is, and I am
attempting to find out through Mr. Swanstrom, who is
the attorney for Mr. Dryden. Since we have already had
a hearing in this matter, I do not understand your letter.
Please advise.

Very truly yours,


Randall C. Fredricks

mb

Answered by telephone 12/18/73 JDF

Mr Fredricks will submit authorization for Dept to reach
a decision without formal hearing -

December 11, 1973

Re: Application for Transfer of Water Right No. 78-0162, Minnie Dryden

Goose Lake Reservoir Company
c/o Randall C. Fredricks
Clemons, Cosho, Humphrey & Samuelson
1110 Bank of Idaho Building
Boise, Idaho 83702

Dear Mr. Fredricks:

Mr. Dryden has indicated that he would like a hearing concerning the above referenced application for transfer.

Therefore, unless we receive the agreement within 15 days, this matter will be set for hearing.

Your cooperation in this matter, is very much appreciated.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc

cc: Hill & Minnie Dryden

CLEMONS, COSHO, HUMPHREY & SAMUELSEN

DALE CLEMONS
LOUIS H. COSHO
HOWARD D. HUMPHREY
DAVID R. SAMUELSEN
MAX A. EIDEN, JR.
RANDALL C. FREDRICKS
R. MICHAEL SOUTHCOMBE

COUNSELLORS AND ATTORNEYS AT LAW
1110 BANK OF IDAHO BUILDING
BOISE, IDAHO 83702

C. STANLEY SKILES
[1909-1967]

TELEPHONE
AREA CODE 208
344-7811

November 21, 1973

RECEIVED

NOV 23 1973

Mr. Bobby D. Fleenor
Assistant Director
State of Idaho
Department of Water Administration
614 State St.
Boise, Idaho 83702

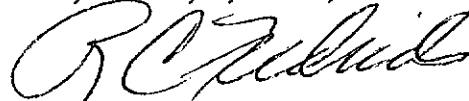
Department of Water Administration

Re: Transfer No. 78-0162, Minnie Dryden

Dear Mr. Fleenor:

In reference to your letter of November 15th, please bear with us a short time longer. The agreement has been presented to Mr. Dryden's attorney and everything seems favorable and hopefully a signed copy will be returned and forwarded to you shortly.

Very truly yours,


Randall C. Fredricks

RCF:cg
cc: John Goodman

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

November 15, 1973

Re: Application for Transfer No. 78-0162, Minnie Dryden

Mrs. Minnie Dryden
Box 312
New Meadows, Idaho 83654

Dear Mrs. Dryden:

A conference was held on August 3, 1973, at Council, Idaho, to consider the protest filed against the above referenced application for transfer. At the bottom of this letter you will find an agreement which, if you sign, will allow the Department to make a decision in this matter based upon the facts obtained at the conference, and the information contained in our records.

If you concur with this agreement, please sign it and return it to this office within 15 days of the date of this letter. If you have any questions, please contact us within the 15-day period.

Sincerely,


BOBBY D. FLEENOR
Assistant Director

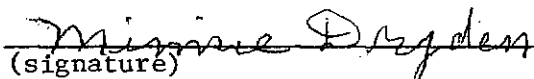
BDF:JC

RECEIVED
NOV 19 1973

Department of Water Administration

I, the undersigned, hereby agree to allow the Department of Water Administration to reach a decision regarding approval or denial of Application for Transfer No. 78-0162, based upon the facts obtained at the conference, and the information contained in its records.

Signed at New Meadows, Idaho this 14th day of Nov. 1973


(signature)

November 15, 1973

Re: Application for Transfer No. 78-0162, Minnie Dryden

Mrs. Minnie Dryden
Box 312
New Meadows, Idaho 83654

Dear Mrs. Dryden:

A conference was held on August 3, 1973, at Council, Idaho, to consider the protest filed against the above referenced application for transfer. At the bottom of this letter you will find an agreement, which, if you sign, will allow the Department to make a decision in this matter based upon the facts obtained at the conference, and the information contained in our records.

If you concur with this agreement, please sign it and return it to this office within 15 days of the date of this letter. If you have any questions, please contact us within the 15-day period.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC

I, the undersigned, hereby agree to allow the Department of Water Administration to reach a decision regarding approval or denial of Application for Transfer No. 78-0162, based upon the facts obtained at the conference, and the information contained in its records.

Signed at _____ this _____ day of _____ 19__.

(signature)

November 15, 1973

Re: Transfer No. 78-0162, Minnie Dryden

Goose Lake Reservoir Company
c/o Randall C. Fredricks
Clemons, Cosho, Humphrey, & Samuelson
1110 Bank of Idaho Building
Boise, Idaho 83702

Dear Mr. Fredricks:

A conference was held on August 9, 1973, at Council, Idaho, to consider the protest filed against the above referenced application for transfer. At the bottom of this letter you will find an agreement which, if you sign, will allow the Department to make a decision in this matter based upon the facts obtained at the conference, and the information contained in our records.

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Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:JC

I, the undersigned, hereby agree to allow the Department of Water Administration to reach a decision regarding approval or denial of Application for Transfer No. 78-0162 based upon the facts obtained at the conference, and the information contained in its records.

Signed at _____ this _____ day of _____ 19____.

(signature)

INTER-DEPARTMENT MEMO — 1

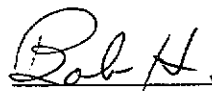
DATE Nov. 8, 1973

FROM Robert W. Hamilton

TO File

SUBJECT Transfer 78-0162

Bill Dryden called 11-7-73 stating that the Goose Lake Reservoir Company was making more demands to be added to the agreement between the company and Drydens over use of the Campbell ditch and that he was not going to sign the agreement. I suppose it is our move now.



SIGNATURE

October 12, 1973

Re: Transfer No. 78-0162

Mrs. Minnie Dryden
Box 312
New Meadows, Idaho 83654

Dear Mrs. Dryden:

Last August 9 a conference was held in Council, Idaho, concerning the protest of Goose Lake Reservoir Company against your Transfer No. 78-0162.

At the conference it was decided that an agreement could be reached between the parties.

Please let us know the status of this agreement, or if it appears that an agreement is not possible.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc

October 12, 1973

Re: Transfer No. 78-0162

Randall C. Fredricks
Clemens, Cosho, Humphrey & Samuelson
1110 Bank of Idaho Building
Boise, Idaho 83702

Dear Mr. Fredricks:

Last August 9 a conference was held in Council, Idaho, concerning the protest of Goose Lake Reservoir Company against Transfer No. 78-0162 by Minnie Dryden.

At the conference it was decided that an agreement could be reached between the parties.

Please let us know the status of this agreement, or if it appears that an agreement is not possible.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc

MEMO

TO: File No. 78-0162
FROM: Bob Fleenor BDF
DATE: August 10, 1973
SUBJECT: Conference

On August 9, 1973 a conference was held at the Adams County Courthouse in Council, Idaho to consider the protest against transfer No. 78-0162. The applicant was represented by her son Marshall Dryden and by Attorney Carl—. The protestants, Goose Lake Reservoir Company, was represented by its attorney, Randall C. Fredricks. After discussing the applicaiton and the protests it appears that the main issue is whether there is sufficient capacity in the Campbell Ditch to convey the 1.58 cfs requested transferred. The applicant at present has a right to transport 100 miners inches of water in the Campbell Ditch. The capacity of the ditch is 2100 miners inches and the transportation rights in the ditch total 2124 miners inches. The applicant agreed to a condition to transport no more than 100 miners inches in the ditch under this right and all other rights that he has. The protestants ~~agreed to~~^{will} withdraw their protest if an agreement could be reached between themselves and the applicant.

Further action should be withheld on this transfer for 30 days and if no agreement is reached we should request authorization from the applicant and the protestants to reach a decision regarding the transfer. If no authorization is reached we should then set the matter for a formal hearing.

78-0162 - Minnie Dryden

Adams County Courthouse, Council, Idaho

August 9, 1973 - 1:00 pm

ROSTER OF ATTENDANCE

Name	Address	Representing
Marshall Dryden	Meadows Idaho	myself
Margory Dryden	Box 1312 New Meadows Idaho	
Inez M. Morris	Meadows, Idaho	George Wilcox
Loyal E. Campbell	New Meadows	Cotate
Warren Osborn	New Meadows	Ditch Co.
John E. Goodman	New Meadows Idaho	Int'l E.
Oscar Branstetter	new meadows Idaho	Ditch Co. Prot
Daniel M. Campbell	New Meadows, Ida.	Ditch Co. Protest
Randall C. Fredrick, atty, Boise, Idaho		Cecil C. Ranch Co. Protest
		Goose Lake Reservoir Co.

78-0162

Campbell Ditch is to be added

Ditch owned by Goose Lake Reservoir Canal

Applicant has 100" ditch right to transport water in Campbell ditch —

2100" capacity of canal —

2124 rights in the ditch —

1. Capacity of Ditch
2. Dryden's do not wish to increase —
3. Irrigation Company must give permission —

Additional water right would cause injury to ditch because of increased number of days that water will run in the ditch.

Approval should be conditioned so that diversion rate from all rights would not exceed 100"

Is there injury to existing right —

Applicant willing to pay of additional maintenance —

Water will be diverted near the head of the ditch —

Ditch is full at least 2100" —

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

☐

Show to whom, date and address
where delivered

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Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

①

Minnie Dryden

INSURED NO.

②

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

24661
JUL 23 1973

③

SHOW WHERE DELIVERED (*only if requested*)

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

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TO

DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE • ANNEX #2
BOISE, IDAHO 83707

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☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

①

Randall, Fredrick

INSURED NO.

②

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

24662

SHOW WHERE DELIVERED (only if requested)

Carol Lenz

JUL 23 1973

③

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

POD Form 3811 Apr. 1969 c55-16-71548-11

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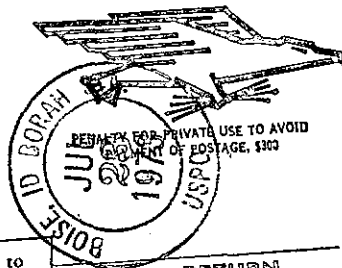
JUL 23

POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or if you have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.

RECEIVED

DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707



RETURN
TO

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE
STATE OF IDAHO

IN THE MATTER OF PROTEST AGAINST)
TRANSFER OF WATER RIGHT NO. 78-0162)
in the name of MINNIE DRYDEN)
_____)

NOTICE OF CONFERENCE

AND/OR HEARING

On June 4, 1973, Minnie Dryden filed with the Department of Water Administration an application for Transfer of Water Right. On June 29, 1973, the Department received a protest against approval of said application from Randall C. Fredricks, Attorney-at-Law, in behalf of Goose Lake Reservoir Company.

The Department has set the matter of protest for conference and/or hearing for Thursday, August 9, 1973, at 1:00 p.m., in the Adams County Courthouse, Council, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceeding thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the permit holder or protestants may allow the Department of Water Administration without prejudice to dismiss the protest of the permit. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 20 day of July, 1973.


BOBBY D. FLEENOR
Assistant Director

July 20, 1973

CERTIFIED MAIL

Re: Transfer No. 78-0162

Mrs. Minnie Dryden
Box 312
New Meadows, Idaho 83654

Dear Mrs. Dryden:

On July 10, 1973, the Department approved your Transfer of Water Right No. 78-0162, however, it was later brought to our attention that a protest against the approval, was received on June 29, 1973. Enclosed you will find an Order which rescinds the approval of the transfer.

Enclosed you will also find a copy of the protest filed by Mr. Randall C. Fredericks, in behalf of Goose Lake Reservoir. The following are the items we can consider at a conference and/or hearing:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

Please refer to the enclosed copy of the notice of conference and/or hearing. You will note that the matter has been set for Thursday, August 9, 1973, at the Adams County Courthouse in Council, Idaho. Legal counsel is not mandatory at any proceeding before the Department, however, you may wish to employ an attorney to act in your behalf.

If you should have any questions regarding this matter, please do not hesitate to contact us.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

Enc: Order

Copy of protest

Copy of Notice of Conference
and/or Hearing

cc: Mr. Randall C. Fredericks

Enc: Copy of Notice of Hearing and/or Conference

July 12, 1973

Re: Transfer No. 78-0162

Ms. Minnie Dryden
Box 312
New Meadows, ID 83654

Dear Ms. Dryden:

Enclosed is a copy of your approved Transfer of Water Right No. 78-0162. 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 as part of the diverting works has been placed on your transfer. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosures

bc, Watermaster

July 12, 1973

Re: Transfer No. 78-0162

Ms. Minnie Dryden
Box 312
New Meadows, ID 83654

Dear Ms. Dryden:

Enclosed is a copy of your approved Transfer of Water Right No. 78-0162. 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 as part of the diverting works has been placed on your transfer. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosures

bc; Watermaster

DALE CLEMONS
LOUIS H. COSHO
HOWARD D. HUMPHREY
DAVID R. SAMUELSEN
MAX A. EIDEN, JR.
RANDALL C. FREDRICKS
R. MICHAEL SOUTHCOMBE

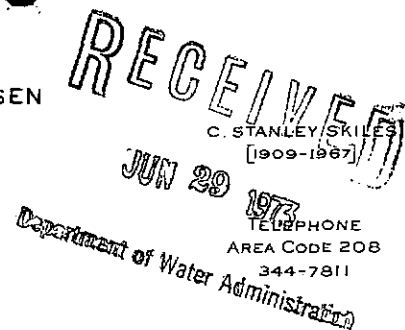
CLEMONS, COSHO, HUMPHREY & SAMUELSEN

COUNSELLORS AND ATTORNEYS AT LAW

1110 BANK OF IDAHO BUILDING

BOISE, IDAHO 83702

June 28, 1973



Department of Water Administration
State of Idaho
614 West State Street
Boise, Idaho 83702

Re: Proposed Change of Water Right
No. 78-0162 of Minnie Dryden

Gentlemen:

Enclosed is Protest for filing in the above-
captioned matter.

Very truly yours,

RC Fredricks
Randall C. Fredricks

mb
Enclosure

Henry T. Clay, et al.
Plaintiffs,

vs.

T. A. Clark, et al.
Defendants.

D E C R E E

78-c

This case came on for trial before the court without a jury, the Hon. Ed L. Bryan, Judge, presiding, at New Meadows, County of Adams, State of Idaho, on June 17th, 1920, and was continued thereafter from day to day and over Sundays, until the trial thereof was completed, said action being heard at said place pursuant to an agreement between Counsel for the respective parties to said action and pursuant to an order of the Court, said place of trial being so agreed upon for the convenience of the respective parties to said cause and their witnesses. James A. Stinson appearing as counsel for all of the plaintiffs above named, excepting the said plaintiffs Johnathan McMahan and C. B. Irwin, and Lot L. Feltham appearing for all of the defendants above named, excepting the defendant, Butterfield Livestock Company, a corporation, and also appearing for the said plaintiffs Johnathan McMahan and C. B. Irwin, upon the trial of said cause, he having been substituted as counsel for the said plaintiffs herein last named in lieu of James A. Stinson, who appeared for the said plaintiffs last named upon the filing of said cause, and J. W. Galloway appearing as counsel for the said defendant Butterfield Livestock Company, and witnesses were duly sworn and on oath testified for and on behalf of the respective plaintiffs and defendants to said action, and oral arguments being waived by respective counsel, time was given for the preparation service and filing of written briefs by respective counsel which were duly served and filed, and the cause being submitted to the court for decision, and the court having heretofore made its findings of fact and conclusions of law herein which are filed, and having ordered judgment to be entered herein accordingly,

NOW THEREFORE on motion of James A. Stinson, Counsel for the plaintiffs above named, it is hereby ordered, adjudged and decreed, as follows,-

That Goose Creek, and its tributaries, is one of the public streams of the State of Idaho, is a tributary of the Little Salmon River, and is located in part of its course in the County of Adams, State of Idaho, and that the waters of said Creek and its tributaries and public waters, susceptible of appropriation and use under the laws of the State of Idaho, by citizens of said State and of the United States of America.

That the lands and premises hereinafter set forth and particularly described are owned respectively by the parties to this action after whose names the lands are so described and that all of said lands are arid in character, and that said lands and all thereof require the artificial application of water thereon in

WATER ALLOTMENTS CONTAINING NAMES OF PARTIES, AMOUNTS ALLOTTED IN INCHES, WITH DATES OF PRIORITY AND CANALS THROUGH DIVERTED AND STREAM OR PRONG OR TRIBUTARY AND THE LANDS OWNED BY SAID PARTIES TO THIS SUIT ON WHICH SAID WATER IS USED AND FOR WHICH ACQUIRED.

NORTH PRONG GOOSE CREEK

CLAY-FREEMAN CANAL

Names of Parties	Amount in Inches	Date of Priority.
------------------	------------------	-------------------

3 0155 Henry T. Clay	45.6	May 1, 1898.
0156	47.6	May 1, 1898

LANDS:-

The East one-half of the Southeast Quarter of the Northwest Quarter, the East one-half of the East one-half of the Southwest Quarter, the Southwest ----- of the Southeast Quarter, and the Northwest Quarter of the Southeast Quarter of Section 20 Township 19 North of Range 2 East of Boise Meridian.

3 0157 Lizzie Freeman:	36.4	May 1, 1898
LANDS The West one-half of the Southeast Quarter of the Northwest Quarter, the West one-half of the Northeast Quarter of the Southwest Quarter, and the West one-half of the Southeast Quarter of the Southwest Quarter of Section 20, Township 19 North of Range 2 East of Boise Meridian.		

3 0158 J. E. Freeman	11 1/2	May 1, 1908.
LANDS:-The Northwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 20, Township 19 North of Range 2 East of Boise Meridian.		

3 0159 Howard Dryden:	8.2	May 1, 1916.
LANDS:-Lots 1, 2, 3, 4, 5 and 6 of Rowells Park Addition to Meadows, Idaho.		

2 0160 CLAY-DRYDEN CANAL

7 0161 Henry T. Clay	8	May 1, 1898
	118.5	May 1, 1899

LANDS:-The Northwest Quarter of the Southeast Quarter, the Northwest Quarter of the Northeast Quarter, the Northeast Quarter of the Northeast Quarter, the Southeast Quarter of the Southeast Quarter Section 20, and the Southwest Quarter of the Northwest Quarter, the Northwest Quarter of the Southwest Quarter, and the Southwest Quarter of the Southwest Quarter, Section 21 Township 19 North of Range 2 East Boise Meridian.

3 0162 Minnie Dryden	79.2	May 1, 1897.
LANDS; The Northeast Quarter of the Southeast Quarter, the Southwest Quarter of the Northeast Quarter, and the Southeast Quarter of the Northeast Quarter of Section 2, Township 19 North of Range 2 East of Boise Meridian.		

SHEPHERD-SMITH CANAL

3 0163 Edward L. Osborn	67.2	May 1, 1899.
LANDS:-Northwest Quarter of the Northwest Quarter, the Northeast Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 18 Township 19 North of Range 2 East of Boise Meridian.		

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

June 7, 1973

RE: APPLICATION FOR TRANSFER OF WATER RIGHT NO. 78-0162 MINNIE DRYDEN

Adams County Leader
Council
Idaho 83612

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 ample 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Sincerely,

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 78-0162

Notice is hereby given that MINNIE DRYDEN,
of New Meadows, Idaho has applied to the Department of Water
Administration for a change of point of diversion & place of use of the waters of
Goose Creek, trib. Little Salmon River

The right sought to be changed is evidenced by decree to Minnie Dryden in Case of Clay et al
dated June 17, 1920,
vs. Clark et al, In 7th Judicial District Court, County of Adams and is recorded as follows.

Amount: 1.58 c.f.s. Priority: May 1, 1897 Point of
Diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 19 N., R. 2 E., B.M., Adams County
The water is used for irrigation purposes from May 1 to Oct. 31
within the S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T. 19 N., R. 2 E., B.M.

TO BE CHANGED AS FOLLOWS

Amount: 1.58 c.f.s. Point of Diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, ~~XXXXXX~~ (Campbell Ditch); SE $\frac{1}{4}$ NW $\frac{1}{4}$,
(Clay Dryden Ditches); Sec. 28, T. 19N., R. 2E., B.M.
The water will be used for irrigation purposes from May 1 to Oct. 31
within the S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T. 19 N., R. 2 E., B.M.

Any protests against approval of the proposed change of water right application
must be filed with the Department of Water Administration, Statehouse, Annex #2,
Boise, Idaho, on or before July 2, 1973.

R. KEITH HIGGINSON
Director

Published in the Adams County Leader, Council, Idaho on

June 14, 1973 and June 21, 1973.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

June 6, 1973

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

RE: APPLICATION FOR TRANSFER OF WATER RIGHT NO. 78-0162

Ms. Minnie Dryden
Box 312
New Meadows, Idaho 83654

Dear Ms. Dryden:

Attached herewith is your Receipt No. 10571 in the amount of \$ 30.00
for Application for Transfer of Water Right no. 78-0162

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure