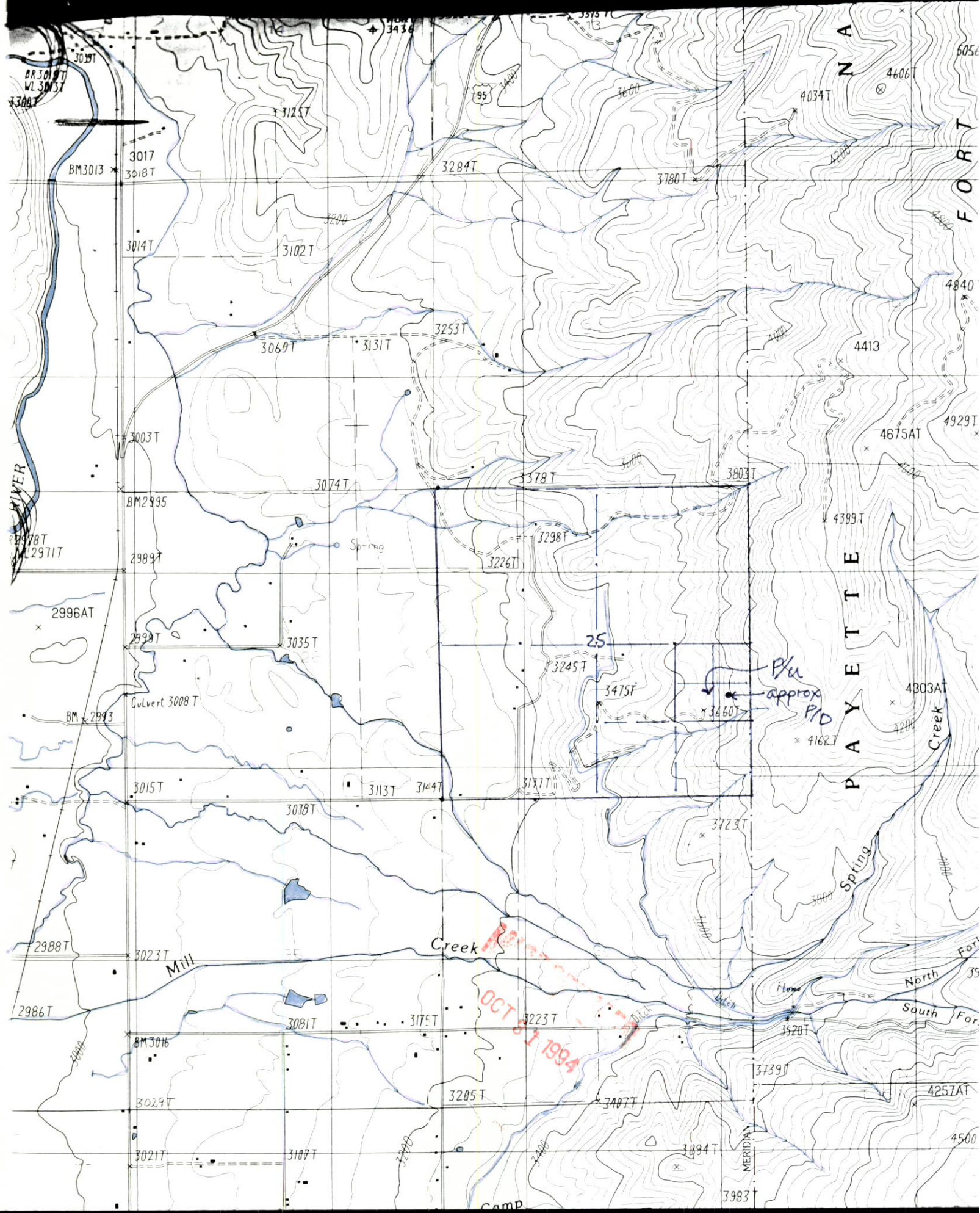




OCT 31 1994

P/u approx P/D

PAYETTE

FORT

North For
South For

MERIDIAN

Creek

Spring

Creek

Camp

Mill

BM 3016

3029T

3021T

3081T

3107T

3175T

3205T

3223T

3407T

3475T

3894T

3723T

3983

3520T

4252AT

4303AT

4675AT

4399T

4840

4929T

4606T

4034T

3780T

3284T

3253T

3131T

3069T

3102T

3014T

3017

3018T

BM 3013

3019T

3019T

3019T

3019T

3019T

38M/025
2/05/85

K. & Mary M. Spaulding
22.65 ac.
#1601

NESE 32709

N77°03'47"E 263.111'
Denny May
Spaulding
30.1 ACRES
Max #606
P.O.B.

155°19'23"W 1091.530'
7201

50°02'33"E 1307.33'

1307.33'

Pond N89°59'38"W 1,000'
McRitt, Vernon & Jeanne
84860 10-1-93 4.59 ac.
#1600 #1500

589°59'38"E 1,000'
To the road

N89°02'38"W 200'

Spring

(288.799')

7600
Trix #762 (approx. 10.464 acres in NESE)
Ewing, James Dale
or Beverly Delores

42M100
9-20-89

1288.23'

537°59'39"W 1279.853' Quick (1.331 AC NESE)
537°59'38"W 1012.10'

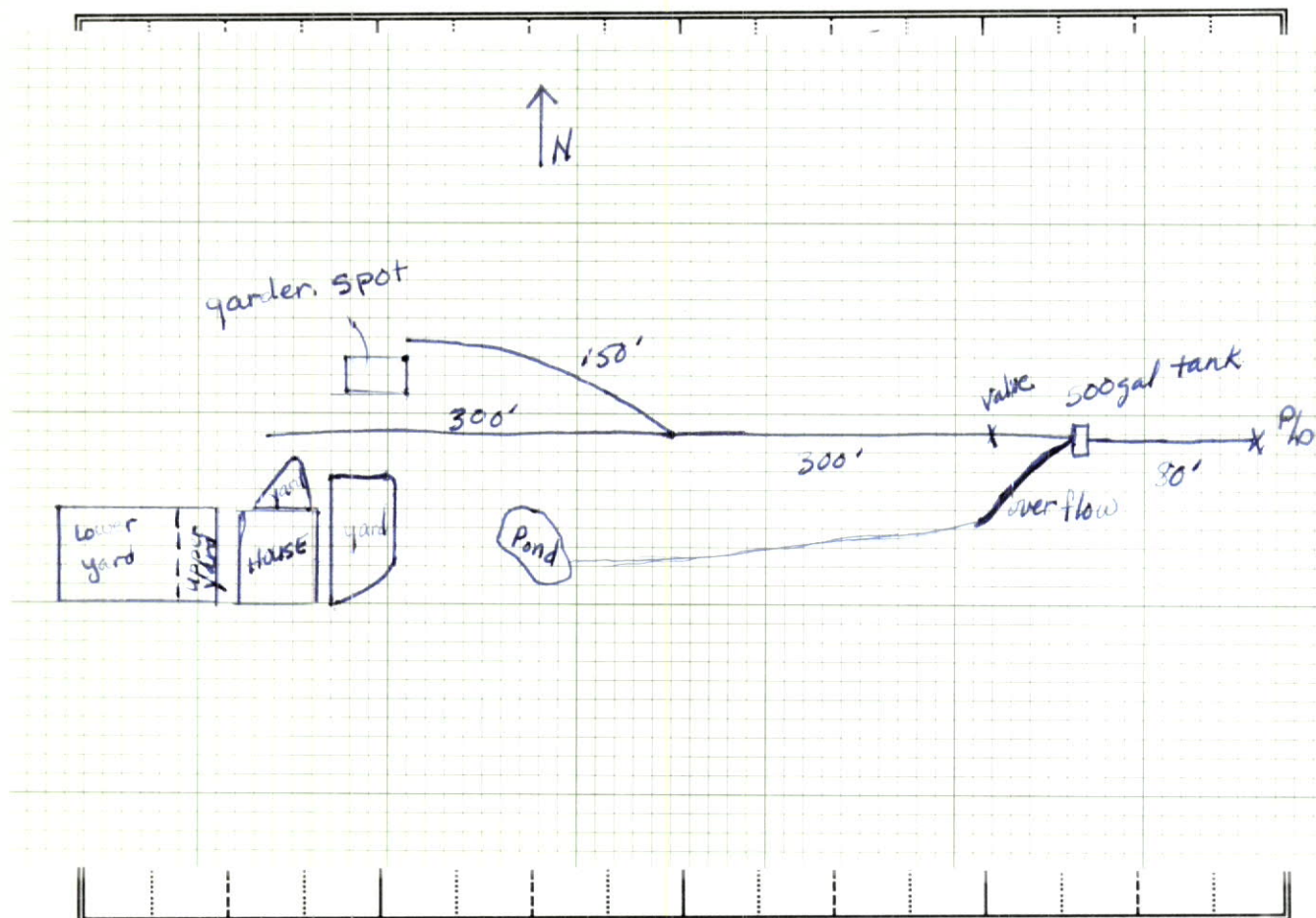
EWING, JAMES Dale & Beverly Delores
42M383
5/30/90

N 2°02'33"W
214.76'

E

RECORDED
OCT 31 1994

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

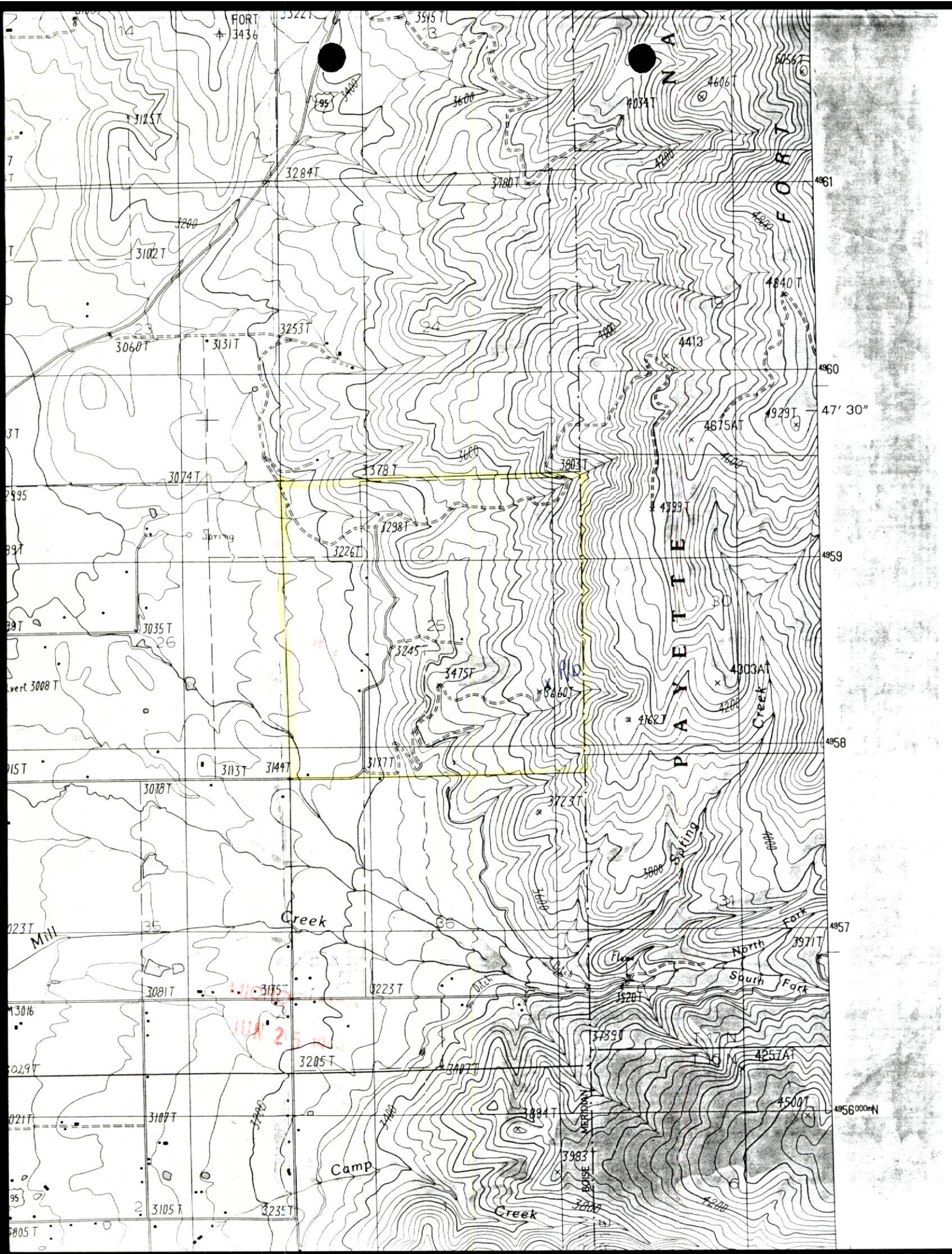
D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Bucket + Stopwatch						

2. Measurements: 5 gal. bucket and stopwatch produced 3 gpm ; 101 seconds

JUN 25 1999



GPS survey points
base corrected
CBird 10/10/1998



17N01W25

P/D. '07-07964

67-07964 Carson p/u-backyard

67-07964 Carson/Glore p/u-backyard

67-07967 Weis on spring box

67-07967 Weis p/u-25' W

Gloor, David
Carson, Wendy
10, October, 1998
Examiner: Cindy Bird
67-07964

0.25 0.5 0.75 Miles



MICROFILMED
JUN 26 1999

Source for both 67-07964 &
67-07967



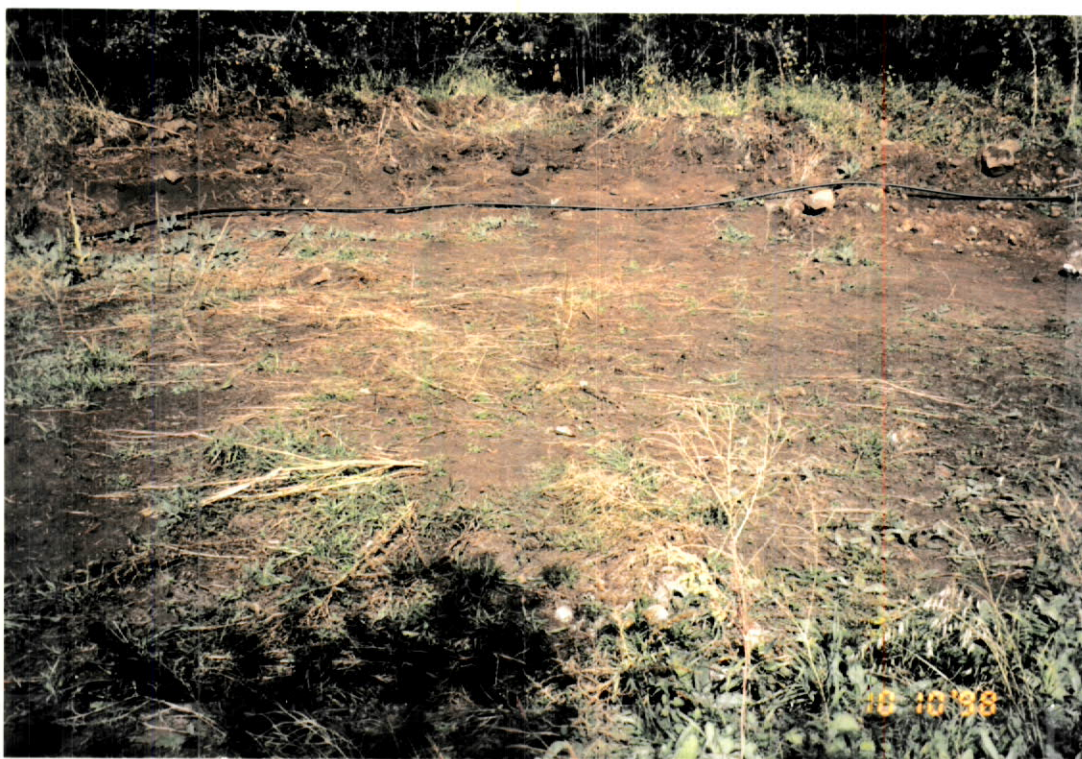
Point of Diversion
67-7964



500 gallon Storage Tank
67-07964

Carson, Wendy/ Gloor, David
10 October, 1998
Examiner: Cindy Bird
67-07964

JUN 25 1999



Proposed garden spot



Lower yard - looking South

RECORDED
JUN 25 1999

Carson, Wendy/Gloor, David
10 October, 1998
Examiner: Cindy Bird
67-07964



Back yard - looking W'ly



Back yard - looking N'ly

Carson, Wendy/Gloor, David
 10 October, 1998
 Examiner: Cindy Bird
 67-07964

MICROFILM
 JUN 25 1999



Back yard- located on the north side of
the house, looking w'ly.



JUN 2 5 1998
Irrigation storage pond

Carson, Wendy/Gloor, David
10 October, 1998
Examiner: Cindy Bird
67-07964



Upper yard - Looking North

Carson, Wendy/Gloor, David
10 October, 1998
Examiner: Cindy Bird
67-07964

PROFILMED
JUN 25 1999

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 Application for Water Right "

67-07964 Vernon & Jeanne Merritt as per clipping
hereto attached, was published in the regular and entire issue
of said newspaper, and not in any supplement thereof, for
two (2) consecutive weeks, the first publication of the
same being made in the issue dated June 7.1994

and the last in the issue dated June 14.1994
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 uninterrupted-
ly published in said county during a period of more than sev-
enty-eight consecutive weeks prior to the first publication of

said "Notice" as aforesaid.

Subscribed and sworn to before me this 14th

day of June, 19 94

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF APPLICATION FOR WATER RIGHT

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

67-07964

MERRIT, VERNON
MERRIT, JEANNE
PO BOX 296
COUNCIL, ID 83612

Source: SPRING

Tributary: SINKS

Diversion Pt: SENESE Sec 25
T17N R01W in ADAMS
County.

Use:

IRRIGATION (.050 CFS)

IRRIGATION

STORAGE

IRRIGATION

FROM STORAGE

DIVERSION

TO STORAGE (.050 CFS)

Total Diversion: (.050 CFS)

Date Filed: 6/9/1994

In: ADAMS County

T17N R01W S25 NESE

5.0 ACRES TOTAL

Permits will be subject to all
prior water rights. Protests
may be submitted based on
the criteria of Sec. 42-203A,
Idaho Code. Any protest
against the approval of this
application must be filed
with the Director, Dept.
of Water Resources, Western
Region, 2735 Airport Way,
Boise, Idaho 83705 together
with a protest fee of \$25.00
on or before JULY 25, 1994.
The protestant must also send
a copy of the protest to the
applicant.

R. KEITH HIGGINSON,

Director

Published: 7/7/1994 &
7/14/1994

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 67-07964

Priority: June 09, 1994

Maximum Diversion Rate: 0.01 CFS

Maximum Diversion Volume: 2.0 AF

It is hereby certified that WENDY CARSON And/Or DAVID A GLOOR
PO BOX 431
COUNCIL ID 83612 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 09, 1994; and have
submitted Proof of Beneficial Use on September 30, 1998. An examination indicates that the works
have a diversion capacity of 0.02 cfs of water from:

SOURCE

SPRING

Tributary: SINKS

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/15 to 11/15	0.01 CFS	2.0 AF

LOCATION OF POINT OF DIVERSION:

SPRING SE¼NE¼SE¼ Sec. 25, Twp 17N, Rge 01W, B.M., ADAMS County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N 01W 25													.5				.5

Total Acres: 0.5

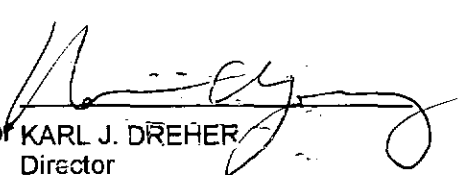
CONDITIONS OF APPROVAL

1. Use of water under this right is subject to an agreement between the protestant and the right holder.
2. Right 67-07697 is also diverted through the point of diversion described above.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 24th day of April, 2002.

MICROFILMED
AUG 26 2002

Acting for 
KARL J. DREHER
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 67-07964 IN THE NAME)
OF DAVID A. GLOOR AND/OR)
WENDY CARSON)
_____)

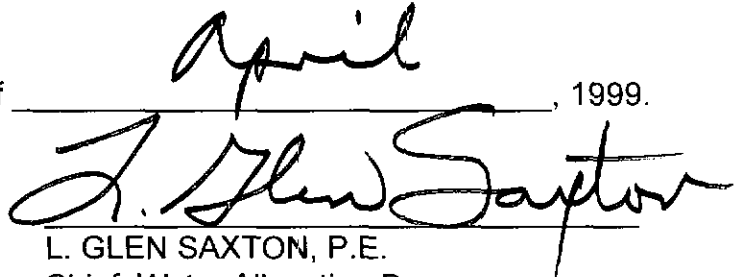
**ORDER RESCINDING
PRELIMINARY ORDER**

On April 14, 1999, the Department of Water Resources ("Department") served a Preliminary Order Voiding Permit ("preliminary order") in connection with Permit No. 67-07964 ("permit") in the names of David A. Gloor and Wendy Carson ("permit holders").

On April 16, 1999, the permit holders responded to the order essentially filing a petition for reconsideration in the matter. The permit holders provided sufficient information to show that the preliminary order should be rescinded and that the Department should conduct a second field examination to determine the extent of beneficial use of water.

IT IS THEREFORE, HEREBY ORDERED that the Preliminary Order Voiding Permit issued by the Department on April 14, 1999 in connection with Permit No. 67-07964 is **RESCINDED**.

Dated this 19th day of April, 1999.


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

MICROFILMED
JUN 25 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT)
NO. 67-07964 IN THE NAME OF)
DAVID A. GLOOR AND/OR)
WENDY CARSON)
_____)

PRELIMINARY ORDER VOIDING PERMIT

This matter having come before the Department of Water Resources (Department) as a result of an investigation by the Department to determine the extent of beneficial use of water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On June 9, 1994, Vernon Merritt and/or Jeanne Merritt applied to the Department for a permit to appropriate 0.05 cubic feet per second from a spring, tributary to sinks, within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, Township 17 North, Range 1 West, B.M., for the irrigation of 5 acres in Adams County.
2. On October 5, 1994, the Department approved the application as Permit No. 67-07964 (permit).
3. On December 6, 1995, Vernon Merritt and/or Jeanne Merritt assigned the permit to David A. Gloor and/or Wendy Carson (permit holders).
4. On October 8, 1996, the Department approved a request to extend the time within which the permit holders could submit proof of beneficial use of water under the permit to October 1, 1998.
5. On September 30, 1998, the Department received Proof of Beneficial Use for the permit.
6. On October 10, 1998, Department staff conducted a field examination to verify the water use developed under the permit. The field examiner reported that although some work had been done to construct the diversion works and delivery system, water was not being diverted and applied to a beneficial use in accordance with the permit.
7. On February 19, 1999, Department staff sent the permit holders a letter asking them to relinquish their permit because they did not develop a beneficial use of water as required by the permit or to submit evidence demonstrating that water was put to beneficial use within the development period authorized by the permit.

MICROFILMED

JUN 25 1999

8. On February 24, 1999, the permit holder spoke with a Department employee about the permit. The Department employee reported that Mr. Gloor told him had "not installed or used the system at the time of filing proof."
9. On March 16, 1999, the Department received a written response from the permit holder. The response contained evidence that the permit holder has invested in equipment to develop a water use, but the response did not contain evidence that water was diverted and put to beneficial use within the time period authorized by the permit.
10. Section 42-219, *Idaho Code*, states that when a water right license is issued, "in no case shall it be an amount in excess of the amount that has been beneficially applied."
11. The provisions of Section 42-219, *Idaho Code*, authorize the Department to void permits for which the permit holder has not fully complied with the law and the conditions of the permit.

CONCLUSIONS OF LAW

1. Section 42-219, *Idaho Code*, states in pertinent part as follows:

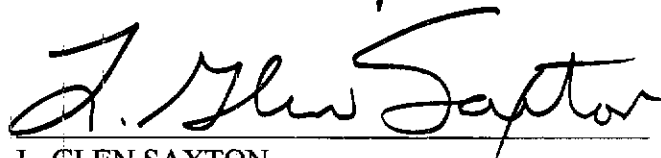
In the event that the Department shall find that the applicant has not fully complied with the law and the conditions of permit, it may issue a license for that portion of the use which is in accordance with the permit, or may refuse issuance of a license and void the permit.

2. Diversion and application of water to beneficial use by October 1, 1998, was a condition of the permit.
3. Investigation by the Department revealed that the permit holder has not complied with the conditions of the permit by not diverting water from the identified source and applying it to the proposed beneficial use as required by the permit and Section 42-219, *Idaho Code*.
4. The Department should void the permit pursuant to Section 42-219, *Idaho Code*.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that issuance of a license is **REFUSED** and Permit No. 67-07964 is **VOIDED** under the provisions of Section 42-219, *Idaho Code*.

Dated this 5th day of April, 1999.



L. GLEN SAXTON
Chief, Water Allocations Bureau

MICROFILMED
JUN 25 1999

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	67-07964	Merritt, Vernon Jeanne	0.05
Full Assignment	67-07964	Gloor, David A Carson, Wendy	0.05

JAN 31 1996

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 043507
Receipt By: VS
Date Received: 9/30/98
RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SEP 30 1998

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 67-07964 Telephone No. 208-253-6955
2. Name(s) of Permit Holder(s): Wendy Carson / David Gloor
3. Mailing Address: PO box 431 Council ID 83612
4. Source of Water: Spring If **GROUNDWATER** (well), Date Drilled: mo. ____ / yr. ____
- a. Well Driller: N/A Drilling Permit Number: ____ - ____ - ____
- b. **OPTIONAL:**
Pump Horsepower: ____ Pressure (psi): ____ Dynamic pumping level (ft): ____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): ____ Stockwater (No. and type of stock): ____

Irrigation (No. of acres): 5 Other: (1.00 AFA X 5)

6. Total rate of diversion and/or volume for which proof is submitted: 0.050 cfs OR 2.5 acre feet X 5

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes ____ or No <u>✓</u>
	Has the measuring device been installed?	Yes ____ or No <u>✓</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes ____ or No <u>✓</u>
	Has the measurement port been installed?	Yes ____ or No <u>✓</u>

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: DAVID GLOOR Telephone Number: 208 253 6955

Address: PO BOX 431 COUNCIL ID 83612

10. The information given on this form 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. **MICROFILMED**

Signature of permit holder: [Signature]

(include your title, if on behalf of company or organization)

JUN 25 1998
Date: SEP 25 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

SEP 30 1996
Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 67-07964

Name(s) of Permit Holder: WENDY CARSON / DAVID A. GLOOR

Mailing Address: P.O. BOX 431 COUNCIL ID 83612

Date Proof is Due: OCT, 1 1996 Telephone No. 208-253-6955

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

A TRAIL HAS BEEN CUT THROUGH THE BUCKTHORN TO THE SPRING
PURCHASE & INSTALLATION OF 300 FT OF 1 1/2" WATER LINE, 400 FT OF 1"
WATER LINE. VARIOUS SPRINKLERS & FITTINGS. EXCAVATION OF THREE TWO
POND SITES & ONE STORAGE SITE AT SPRING Costing \$ 268.04
EXCAVATION DONE BY PREVIOUS OWNER

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:
WE JUST MOVED HERE AT THE FIRST OF THIS YEAR (1996) AND DID NOT KNOW THAT
ANY WORK WOULD BE REQUIRED OF US TO MAINTAIN THIS PERMIT. YOUR LETTER ON
JULY 31, 1996 WAS OUR FIRST CLUE THAT DEVELOPMENT WAS REQUIRED TO KEEP OUR
WATER RIGHTS. WE CAME FROM THE EAST WHERE WATER RIGHTS IS NOT AN ISSUE.
WE HAVE NOT YET SEEN IN WRITING THE PLAN FOR DEVELOPMENT THAT OUR PREVIOUS
OWNERS HAD FILED FOR. PLEASE SEND US A COPY OF THE PLAN THAT THEY FILED FOR
OUR GARDEN DESPERATELY NEEDS IRRIGATION AS WE LEARNED THIS SUMMER.

Permit holder(s) request an extension to OCTOBER 1, 19 98.

FEE: \$50.00

PLEASE GRANT US THE SAME AMOUNT OF TIME FROM THIS DAY FORWARD
AS ALLOWED ANYBODY ELSE. THANK-YOU. WE WOULD LIKE TO HAVE
A SEASON OR TWO TO EXPERIMENT
WITH OUR WATER SYSTEM TO SEE
IF IT IS ADEQUATE OR
WORKS RIGHT.

Wendy Carson
(Signature)*

*If other than permit holder, Power of Attorney must be supplied. IF IT IS ADEQUATE OR WORKS RIGHT.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to October 1, 1998.

Signed this 8th day of October, 19 96

L. Shw Saylor
Chief, Water Allocation Bureau

OCT 10 1996

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
 ASSIGNMENT OF PERMIT

RECEIVED

JAN 26 1996

I, Vernon Merritt + Jeanne Merritt, hereby assign to David A. Gloor +/or Wendy Carson
 of, 2433 Lappin Lane, Council, ID 83612
 (Full Address) (Phone)

All my right, title, and interest in and to Permit No. 67-07964 to
 appropriate the public waters of the State of Idaho.

Q (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 6th day of Dec, 1995.

Vernon Merritt Jeanne Merritt
 Permit Holder

State of Idaho)
 County of Adams) ss

On this 6th day of December, 1995, personally appeared before me the signer(s) of the
 above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Christy A. Busby
 Notary Public residing at
Frutvale, Idaho

My commission expires: 8/4/98



RECEIVED
 JAN 31 1996

RECEIVED

JAN 24 1996

WATER RESOURCES
 WESTERN REGION

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 67-07964

Proposed Priority: June 9, 1994

Maximum Diversion Rate:

0.05 CFS

This is to certify, that VERNON MERRITT
JEANNE MERRITT
PO BOX 296
COUNCIL ID 83612-0296

has applied for a permit to appropriate water from:

SPRING

tributary of SINKS

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.05 CFS	
IRRIGATION STORAGE	01/01 to 12/31		1.0 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		1.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.05 CFS	
	Totals	0.05 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SENESE , Sec. 25, Township 17N, Range 01W
ADAMS County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
17N	01W	25	NESE	5		5

Total number of acres irrigated: 5

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1996.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The issuance of this right in no way grants any right-of-way or easement across the land of another.
5. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

OCT 31 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 67-07964

CONDITIONS/REMARKS:

6. Use of water under this right is subject to an agreement between the protestant and the right holder.
7. The diversion system for this right shall be common to both right nos. 67-07964 and 67-07967.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this

5th day of October, 1994.

R. Keith Higginson
for R. Keith Higginson, Director

RECEIVED

OCT 31 1994

RECEIVED

SEP 08 1994

Ident. No. 67-07964

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: VERNON MERRIT 208-253-6022
Address: PO BOX 296
COUNCIL ID 83612
AND/OR
Name: JEANNE MERRIT 208-253-6022
Address: PO BOX 296
COUNCIL ID 83612

2. Source: SPRING Trib. to: SINKS
3. Location of Point of Diversion: SENESE Sec. 25, Township 17N, Range 01W
ADAMS County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/01	10/31	0.050		
IRRIGATION STORAGE	01/01	12/31			1.00
IRRIGATION FROM STORAGE	04/01	10/31			1.00
DIVERSION TO STORAGE	01/01	12/31	0.050		

5. Total quantity to be appropriated is:
0.050 CFS (and/or) ~~1.00~~ AF

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc.
EXISTING DITCH LINE OR PVC PIPE.
- b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
- c. Proposed well diameter is inches; proposed depth of well is
feet.
- d. Is groundwater with a temperature greater than 85F being sought? NO
- e. If well is already drilled, when?
Drilling Firm
Well was drilled for

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 3 year(s).

RECEIVED

OCT 21 1994

8. Place of Use: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
17N 01W 25	NESE 5			5

Total number of acres irrigated: 5

Place of Use: IRRIGATION FROM STORAGE, same as IRRIGATION use

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

11. Map of proposed point of diversion and place of use attached? []

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

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 30.00 Receipted by _____ #W017577 Date 6/ 9/1994

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

OCT 31 1994

Comments: Date: 6/28/1994 User-ID: HODGES

Subject:

ACRES IRRIGATED, STORAGE REQUIRED

ACC IRR = 4.59

Storage may not be required but applicants were unavailable prior to advertising. Surface area based on application map and notations on application assumed to be 1/2 acre, average depth assumed to be 2 feet for approximated storage of 1 acre foot.

OCT 31 1994

RECEIVED

JUN 09 1994

Form 202
10/92WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No.

67-7964

To appropriate the public waters of the State of Idaho

1. Name of applicant Vernon and/or Jeanne Merritt Phone (208) 253-6022
Post office address P.O. Box 296 Council ID 83612
2. Source of water supply groundwater (spring) which is a tributary of ATA Sinks
3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____
Sec. 25 Township 17N Range 1W B.M. Adams County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.5 for Irrigation purposes from Mar 15 to Dec 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1 for Storage for Irrigation purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.5 cubic feet per second and/or (b) 36.10 acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. _____
Existing Ditch line or 2" PVC Pipe
 - b. Height of storage dam 3-4 feet; active reservoir capacity 1.0 acre-feet; total
reservoir capacity (500 gallons) acre-feet; period of year when water will be diverted to storage:
Mar 15 to Dec 15 inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
3 years (minimum 1 year).

OCT 31 1994

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	1NE¼				1NW¼				1SW¼				1SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
17N	1W	25				4.59									4.59				4.59 acres
						D									D				

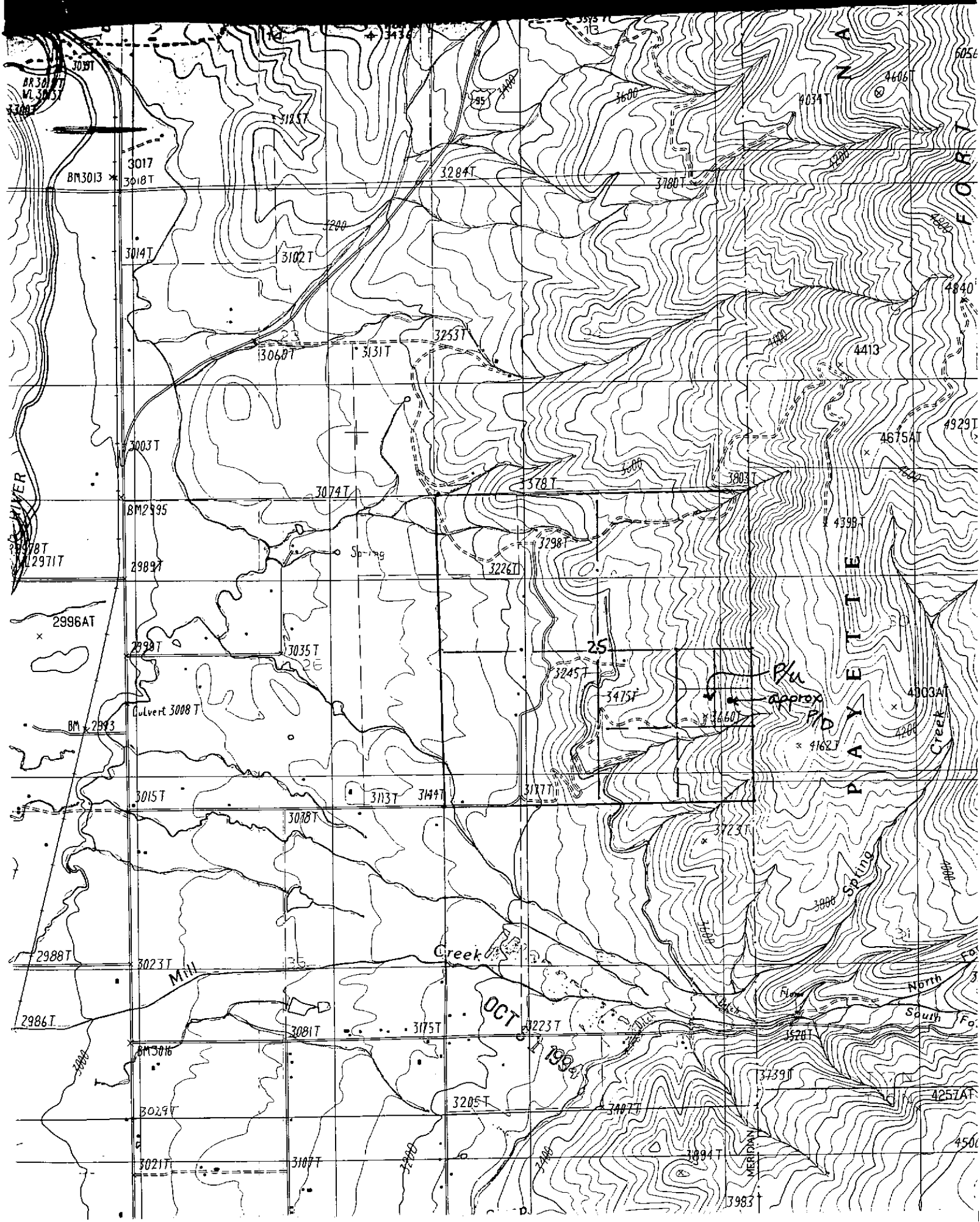
Total number of acres to be irrigated 4.59

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

- Who owns the property at the point of diversion? Vernon + Jeanne Merritt
- Who owns the land to be irrigated or place of use? Vernon + Jeanne Merritt
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. N/A

12. Remarks: _____

OCT 31 1994



38M/225
2/05/85

Mary M. Spaulding
22.65 ac.
#11601

NESE 32.702

N 79° 03' 47" E 208.711'
L 113.50' M 131.208' W 111'
Danny Mary
Spaulding
3/10/88
31.00 Acres
Tax # 106
P.O.B.

S 53° 13' 23" W 1091.530'
7201

50° 02' 38" E 933.690'
1307.39'
50° 02' 32" E 400'

Pond N 89° 59' 38" W 1,000'
McCriff, Vernon & Jeanne
84860 10-1-93
4.59 ac. #1600
1500
Spring
S 89° 59' 38" E 1,000' To the road
1288.23'

7600 - Tax # 762 (approx. 10.469 acres in NESE)
Ewing, James Dale
or Beverly Delores

42M 100
9-20-89

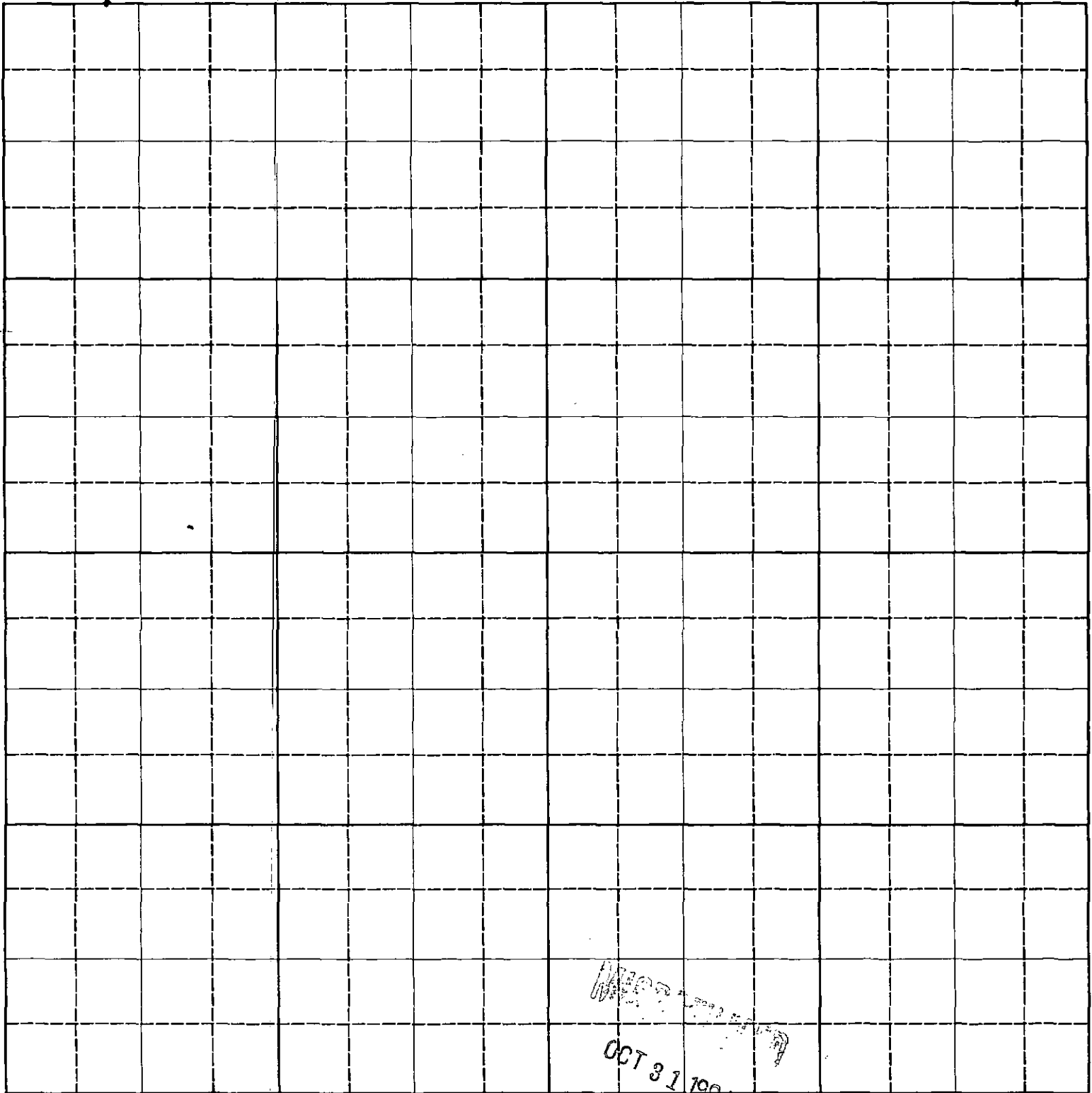
S 39° 59' 38" W 1612.10'
S 39° 59' 38" W 1317.953' Quick (1.331A in SESE)

EWING, JAMES Dale & Beverly Delores
42M 383
5/30/90

N 2° 03' 33" W
214.76'

NOTED
OCT 31 1994

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



OCT 31 1934

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.

Vernon Griest
(Applicant)
James Merrill

Received by OB Date 6/9/94 Time 11:10 A.M. Preliminary check by CJH
Fee \$ 30.⁰⁰ Receipted by OB # W017577 Date 6-9-94
Publication prepared by St Date 6-29-94 Published in Adams City Jdr
Publication approved St Date 7-25-94

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

RECEIVED
OCT 31 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 25, 2002

WENDY CARSON
DAVID A GLOOR
PO BOX 431
COUNCIL ID:83612

RE: License No. 67-7964 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

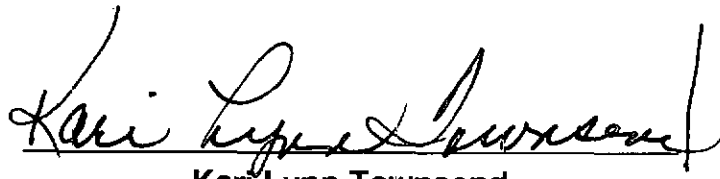
MICROFILMED
APR 26 2002

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 67-7964

WENDY CARSON
DAVID A GLOOR
PO BOX 431
COUNCIL ID 83612

A handwritten signature in cursive script, reading "Karl Lynn Townsend", written over a horizontal line.

Karl Lynn Townsend
Secretary

MICROFILMED...
AUG 26 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document 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 of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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 Director 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.

Permit No. 67-7694

Date: 4-22-02 Reviewer: Kay Walker

Name/Address

Source

Point of Diversion:

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use

	Change (P41/P49)	Add (P41/P44)	Feds (P43)
100% FICA	-	-	-
75% FICA	-	-	-
50% FICA	-	-	-
25% FICA	-	-	-
No FICA	-	-	-
Total	-	-	-

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): 67-196
File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate	<u>0.05</u>	cfs
Fee Limit	<u>0.20</u>	cfs
Measured	<u>0.01</u>	cfs
Theoretical		cfs

Recommended Total Diversion Rate 0.01

Water Uses

 Change (P46)

Season of Use per new Standards

3-15 11-15

Irrigation	0.01	cfs	2.0	af
Stockwater		cfs		af
Domestic		cfs		af
		cfs		af
		cfs		af
Total	0.01	cfs	2.0	af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)
supp. Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22' or R23
Fish (042)
Fire (077)
Water Quality (106/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination

Volume Determination
 $0.01 \text{ cfs} \times 1.9835 \times 244 \text{ days} = 4.9 \text{ af}$ (vs) $0.5 \text{ acres} \times \frac{4.0}{3.0} \text{ (FHR)} = 2.0 \text{ af}$ (con)

Remarks:

Additional Conditions _____ Watermaster Control
 _____ GW Measurement/Measuring Device
 _____ Other
 Trust R55 – remove 051)
 Non-trust (048)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes If yes, explain why below.
no

SRBA Claim?

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

S06

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-7967

WATER RIGHT NUMBER: 67-7967

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD E BOONE 1283 E TIME ZONE DR MERIDIAN, ID 83642
Current Owner	CYNTHIA L CROCKETT 1283 E TIME ZONE DR MERIDIAN, ID 83642
Original Owner	FAYE WEIS 4902 S POWERLINE RD NAMPA, ID 83686 (208)467-3820
Original Owner	JOHN WEIS 4902 S POWERLINE RD NAMPA, ID 83686 (208)467-3820

Priority Date: 07/12/1994

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.010 CFS	0.10 AF
	<u>Total Diversion:</u>	0.010 CFS	0.10 AF

Location of Point(s) of Diversion

SPRING	SE1/4NE1/4SE1/4	Sec. 25, Twp 17N, Rge 01W, B.M.
ADAMS County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N	01W	25													X				

Conditions of Approval:

- 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 67-7967

1. General Diversion of water under this right is limited to 100 gallons per day.
Domestic use is for 1 home.

Comments:

1. SLESTER 7/12/1994 MISC. INFORMATION

Comment: Property line is uncertain in area of spring but applicants think that source is located on their land. This spring is also the source or at least is nearby to spring in Appl. 67-07964 in the name of Merritt.

2. VAULT 9/27/1996 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

Dates and Other Information:

Licensed Date: 2/20/1999

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Formal Action Date:

State or Federal:

Owner Name/Connector:

Water District Number: 67

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 14 2001
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 67-7964

1. Owner: Wendy Carson Phone No. 253-6955

Current Address: 2433 Lappin Ln, Council ID 83612

2. Accompanied by: Wendy EXAM DATE: 7/23/01

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Spring tributary to Sinks

B. OVERLAP REVIEW

1. Other water rights with the same place of use:
2. Other water rights with the same point of diversion: 67-7967

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NE	SE	25	17N	1W	Adams	USGS Topo, Previous Exam

2. Place(s) of Use:

Indicate Method of Determination Same as above

TWP	RGE	SEC	NE				NW				SW				SE				Totals
17N	1W	25	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															.5				.5

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

SEE 10/10/98 EXAM

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

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

Y 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. See 10/10/98 field exam findings.

NARRATIVE/REMARKS/COMMENTS

Cindy Bird recommended this permit be cancelled based on her 10/10/1998 field exam findings. During the exam, she found only the yard being irrigated from the domestic well. A preliminary order to void the permit was issued. Applicants then submitted convincing evidence of development, which rescinded the preliminary order to void their permit. As a result, I re-examined the permit 7/23/2001. The diversion system was the same Cindy had found in 1998: 4" tile draining into a 500 gallon storage tank, 1/2" to 1" black pvc distribution lines that can be valved, 1 1/2" overflow pipe to storage pond. The system was installed and functional at the time of the exam. A domestic well was used to supplement the irrigation when and if spring's flow declined. No other rights are used.

At the time of the exam, Wendy Carson stated that since 1998, she had divorced David Gloor (co-applicant) and John Weis (the neighbor who filed a complaint against applicant in 1998), has sold and moved away. She said her new neighbors are great and easy to get along with in regards to the shared spring. The neighbor's right is 67-7967.

Have conditions of permit approval been met? X yes ___ no

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AUG 26 2002

F. FLOW CALCULATIONS

Measured Method:

Y Additional Computation Sheets Attached
(Cindy Bird's 1998 field report)

Cindy measured 3 gpm in 1998...allow .01 cfs.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: .11 acre was paced off in 1998. Applicant owns 5 acres. Lawn and garden area does not have distinct boundaries due to terrain and water availability. Allow .5 acre irrigation in association with the home.

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = .5 \times 4 = 2$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .01 \times 246 \times 1.9835 = 4.9$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 2$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	3/15	11/15	.01	2
Totals:			.01	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

Lori Graves - Senior Agent

Field Examiner's Name

Lori Graves

Date

7/25/01

Reviewer

Date

SEAL

MICROFILMED
AUG 26 2002

67-7964
Permit No.Re-exam

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Staff Analysis Sheet
Beneficial Use Field Report

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

RECEIVED

SEP - 4 2001 K

Department of Water Resources

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copy of Proof of Beneficial Use
- ☒ Copies of any Amendments/Orders with Conditions of Approval
- ☒ Well Inspection Form (If Needed)
- ☒ Aerial Photo Required? ☐ yes ☐ no If yes: ☐ copy attached
- ☒ SRBA Claim Required (required if proof filed by 11-19-1987)
☐ Yes ☐ No If yes: ☐ claim filed? (check AJ5, AJQ1, AJQ4)
- ☒ Copy of U.S./G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of government plat
- ☒ Check of P/D index _____ (initial & date)
Overlap ☐ yes ☐ no If yes: ☐ copy of exam(s) attached?
Type of Overlap: ☐ Same source ☐ Other source
- ☒ Check of P/U index _____ (initial & date)
Overlap? ☐ yes ☐ no If yes: ☐ copy of water right(s) attached?
Type of Overlap: ☐ Same land, same source
☐ Same land, other source
☐ Other land &/or other uses
- ☐ *copies attached only if needed for analysis
- ☒ Irrigation from groundwater (all basins):
Surface water currently or previously used ☐ Yes ☐ No
If yes: identify water source, water right, and explain current or previous use.
- ☒ Scheduling Letter Sent? _____ (initial & date)
- ☒ Appointment Made and Telephone Conversation Memo Attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully Completed and Signed Field Report Form
- ☐ Photographs of Point of Diversion and Place of Use

C. Review and Processing:

Exam Completed by 7/25/01 (signature of examiner & date)
Exam Sent to State Office At 8-30-01 (initial & date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 12 1999

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 67-07964

1. Owner: David A. Gloor & Wendy Carson Phone No. 208-253-6955

Current Address: 2433 Lappin Lane Council, ID 83612

2. Accompanied by: David Gloor EXAM DATE: October 10, 1998

Address: Same Phone No. Same

Relationship to Permit Holder: permit holder

3. Source: Spring tributary to Sinks

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: 67-07967

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
		SE	NE	SE	25	17N	01W	Adams	USGS TOPO, Exam, GPS

2. Place(s) of Use:

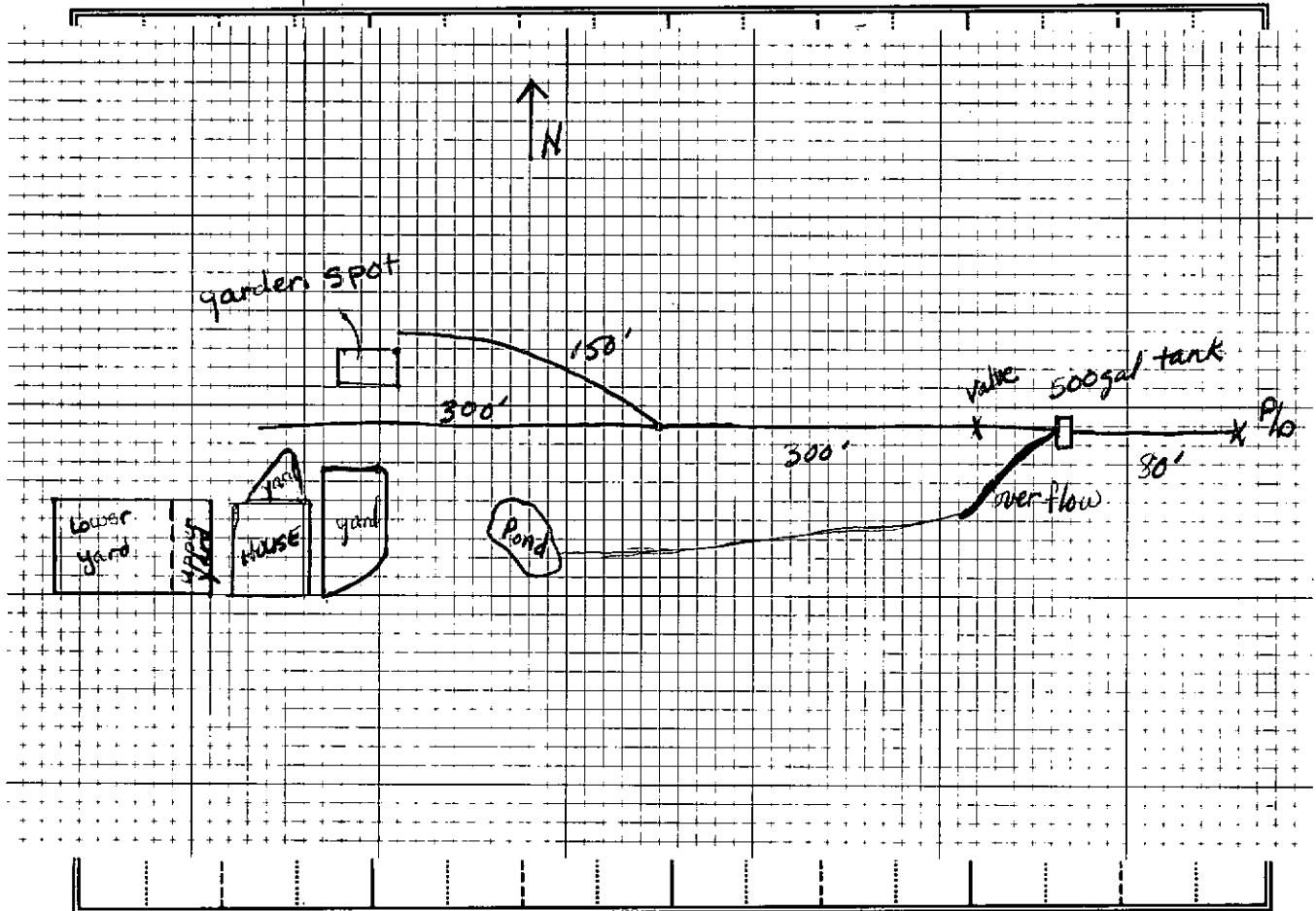
Indicate Method of Determination TOPO Exam, GPS

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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JAN 25 1999

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
Bucket + Stopwatch						

2. Measurements: 5 gal. bucket and stopwatch produced
3 gpm ; 101 seconds

WATER FLOW

JUN 25 1999

E. NARRATIVE/REMARKS/COMMENTS

Permit 67-07964
David Gloor
Wendy Carson

No government lots

Overlap review revealed that permits 67-07964 and 67-7967 list a spring in the same 10 acre tract. During the beneficial field examination evident seepage was occurring from the hillside between the two pieces of property. The two permits are likely in an area of common supply but were developed independently on the respective properties.

October 10, 1998, I met with David Gloor to conduct the beneficial field examination on the above listed permit. The source is a spring that is tributary to sinks. The area of proposed irrigation was paced off and totaled .11 acres.

Gravity feed system: At the point of diversion a 4 inch tile was installed on the Gloor/Carson property which drains to a 500 gallon tank. From the tank there is a shut off valve to the lines going to the yard and garden areas. There is also an 1 1/2" overflow pipe that flows into the storage pond. Photos show the black PVC pipe above ground and green 1/2 inch hose in the yard.

The permit holder explained that they water the yard area for fire protection from the domestic well. The attached green garden hoses coming from the house were evident around the residence. The diversion works was primarily in but was not complete. The sprinkler system from the spring source was not completed and being applied to beneficial use at the time of my examination. Therefore, I recommend denying this permit.

Have conditions of permit approval been met? yes / no

MICROFILMED
JUN 25 1999

Additional Computation Sheets Attached

$$5 \text{ gal} \times \frac{60 \text{ sec}}{1 \text{ min}} \times \frac{1}{10 \text{ sec}} = 2.97 \Rightarrow 3.0 \text{ gpm.}$$

$$3 \text{ gpm } (0.00223) = .00669 \text{ cfs}$$

Min. 0.01 cfs

1. Volume Calculations for Irrigation:

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

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.01) (214) (1.9835) = 4.24 \text{ afa}$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

Cancel permit.

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Totals:				

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

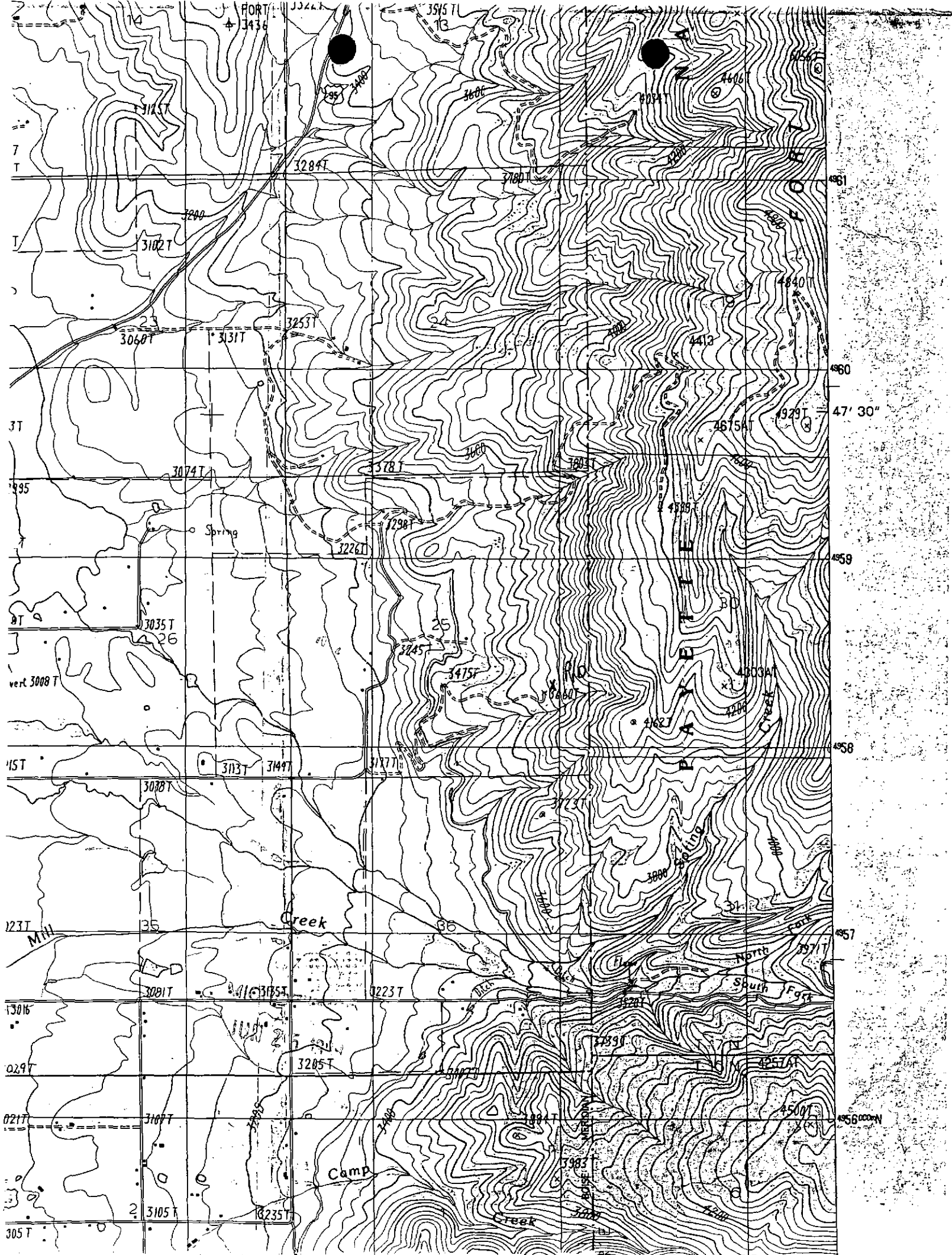
Field Examiner's Name Cindy E. Buid Date 12/29/98

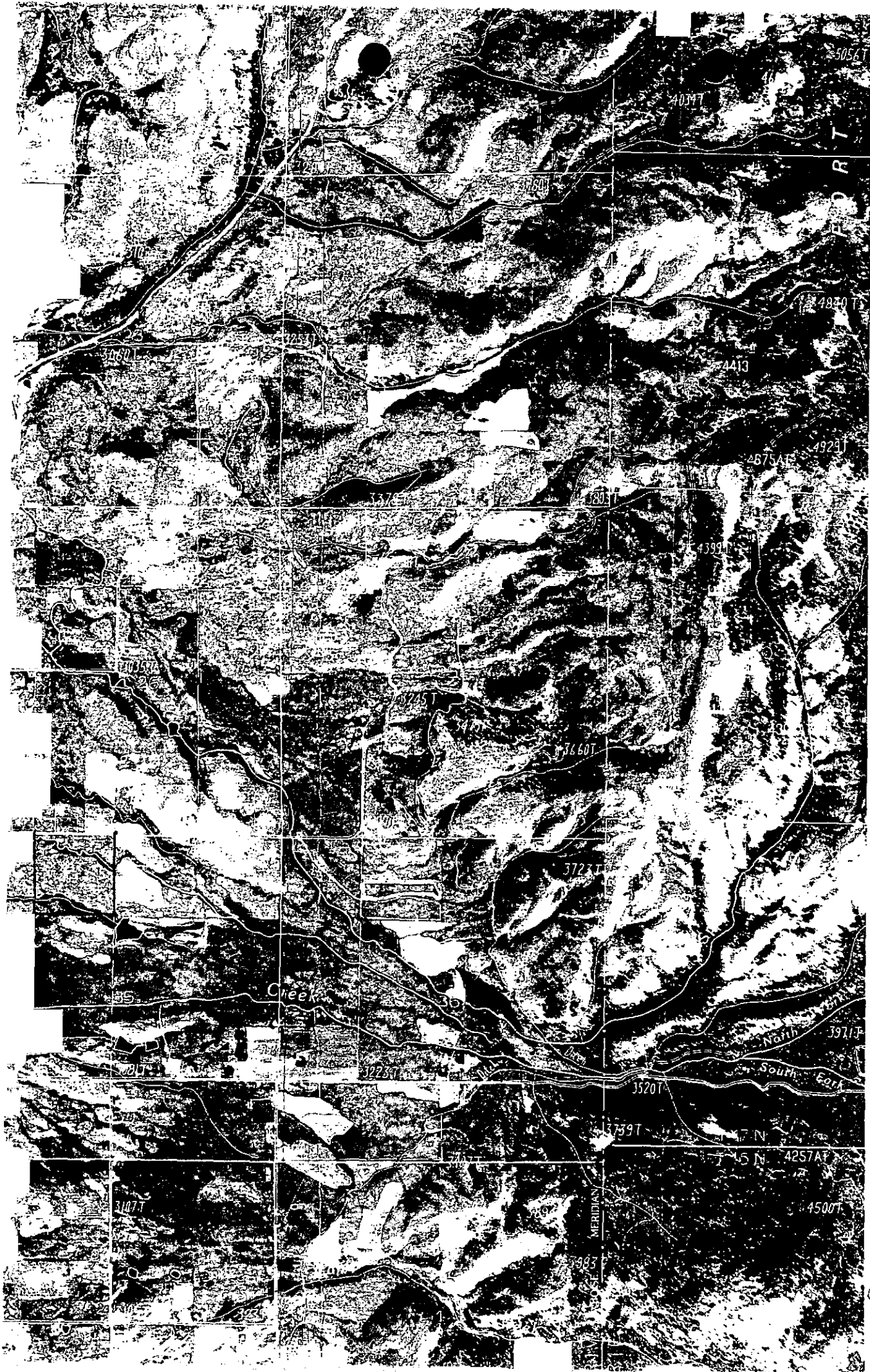
Reviewer _____ Date _____

SEAL

MICROFILMED

JUN 5 1999





4961

4960

47' 30"

4959

4958

4957

T 17

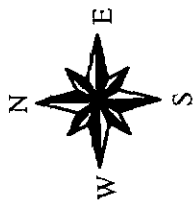
T 16

4956 1000m N

UNFILMED

UN 25 1999

GPS survey points
base corrected
CBird 10/10/1998



17N01W25

P/D. 67-07964

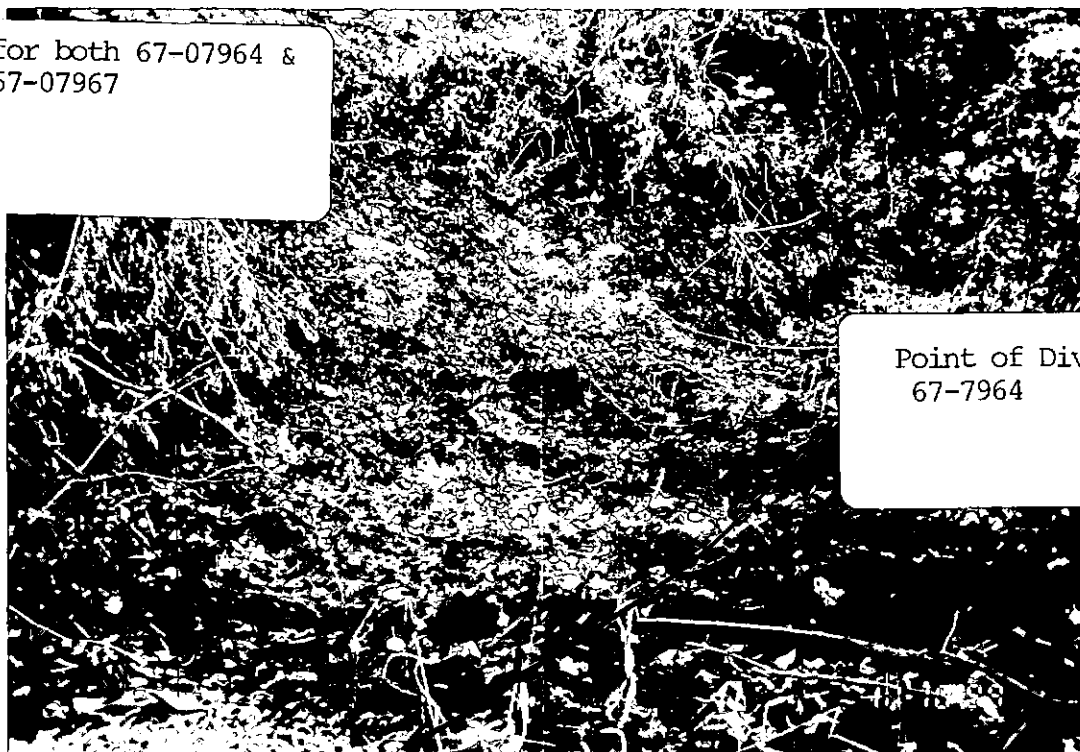
- 67-07964 Carson p/u-backyard
- 67-07964 Carson/Glore p/u-backyard
- 67-07967 Weis on spring box
- 67-07967 Weis p/u-25' W

Gloor, David
Carson, Wendy
10, October, 1998
Examiner: Cindy Bird
67-07964



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JUN 25 1999

Source for both 67-07964 &
67-07967



Point of Diversion
67-7964



500 gallon Storage Tank
67-07964

MEMORANDUM
JUN 25 1998

Carson, Wendy/ Gloor, David
10 October, 1998
Examiner: Cindy Bird
67-07964



Proposed garden spot



lower yard - looking south

PHOTO FILE

JUN 25 1999

Carson, Wendy/Gloor, David
10 October, 1998
Examiner: Cindy Bird
67-07964



Back yard - Looking W'ly



Back yard - Looking N'ly

MICROFILM

JUN 25 1998

Carson, Wendy/Gloor, David
10 October, 1998
Examiner: Cindy Bird
67-07964



Back yard- located on the north side of
the house, looking w'ly.



Irrigation storage pond

Carson, Wendy/Gloor, David
10 October, 1998
Examiner: Cindy Bird
67-07964



Upper yard - Looking North

Carson, Wendy/Gloor, David
10 October, 1998
Examiner: Cindy Bird
67-07964

RECEIVED
JUN 25 1999

Keen, Shelley

From: Keen, Shelley
Sent: Tuesday, April 20, 1999 10:11 AM
To: Lester, Steve
Subject: Re-examination for 67-07964

Steve,

After initially voiding the permit, Glen has granted a petition for reconsideration and agreed to a re-examination for permit 67-07964. Can you please see that the exam is conducted before this fall while the permit holders are actually irrigating. I removed the first exam made date from the database. Let me know if you need more details. Thanks.

Shelley Keen

MICROFILMED
JUN 25 1999



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

April 20, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID A GLOOR
WENDY CARSON
2433 LAPPIN LANE
COUNCIL ID 83612

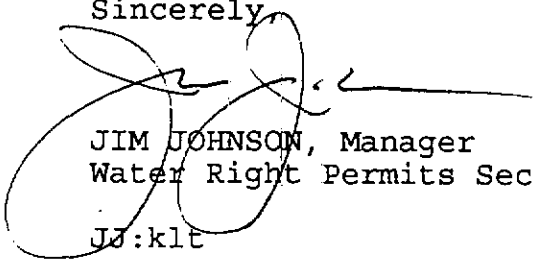
RE: Order Rescinding Preliminary Order for Permit 67-07964

Dear Mr. Gloor & Ms. Carson:

I have enclosed the Order Rescinding Preliminary Order for the above mentioned permit.

If you have any questions regarding this matter, you may call me at 208-327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED
JUN 25 1999

MEMORANDUM

To: File 67-07964

From: L. Glen Saxton 

RE: REVIEW OF FILE AND RECOMMENDATION FOR REEXAMINATION OF
BENEFICIAL USE UNDER THE PERMIT

Date: April 19, 1999

I discussed the preliminary order with Wendy Carson over the telephone on two occasions. She emphasized she had been given incorrect information from a department employee relative to whether she needed to have the system hooked up and operating at the time of the examination. She stated that the system could have been hooked up but that she was advised it was not needed and further that it was October when beneficial use perhaps could not be made of the water even if it were hooked up.

Due to her statements alleging error on the part of the department, the fact that the amount of use is similar to a domestic use where if stubbed off, the department will license it and since such a small amount of water is involved, it appears reasonable to have the system re-examined during 1999 and a license issued for the amount of water found to be beneficially used.

MICROFILMED
JUN 25 1999

MEMORANDUM

DATE: April 16, 1999
TO: File 67-07964
FROM: Karl Lynn Townsend
RE: Telephone Conversation

=====

I received a telephone call today from Wendy Carson expressing her concerns about the preliminary order voiding permit that she and her husband received.

She said that prior to the field exam she had talked to a woman at IDWR who told her that it was not necessary to have the sprinkler system in place prior to the field exam. She further stated that the permit is being voided due to the lack of the sprinkler installation.

Ms. Carson and her husband, David Gloor, do not want to lose the permit and she said she will call Glen Saxton on Monday, April 19, 1999 to discuss their options.

MICROFILMED

JUN 25 1999



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 14, 1999

DAVID A GLOOR
WENDY CARSON
2433 LAPPIN LANE
COUNCIL ID 83612

RE: Permit 67-07964

Dear Mr. Gloor & Ms. Carson:

I have reviewed your letter of March 15, 1999 very carefully looking for a way to give you credit for the work you have accomplished under permit 67-07964. Your letter very clearly shows documented evidence that materials needed to use water for irrigation were purchased prior to October 1, 1998. However, in order to issue a licensed water right, IDWR staff needs to determine the extent to which you used water for irrigation. At best, the irrigation of your front yard could possibly be recognized as irrigated, however, it was not irrigated at the time of the examination and it appears that is only a small part of the land you still plan to irrigate in 1999.

It appears that the best solution for you is to file for another water permit, complete your irrigation development, and have IDWR issue a licensed water right for the irrigation you have developed. I believe this is the best way to protect the investment you have already put into this project.

Following is information I am required to send you referring to permit 67-07964. If I can assist you in the filing of a new application please let me know. The good news is that you are located in a watershed area that is one of the few areas in southern Idaho still open for new appropriations.

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243 Idaho Code. It can and will become final orders without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer 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.

MICROFILMED

APR 25 1999

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 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 agency.

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 Director. The Director retains the right to review the preliminary order on his own motion.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director 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 Director 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 Director 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.

MICROFILMED

2

JUN 23 1989

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

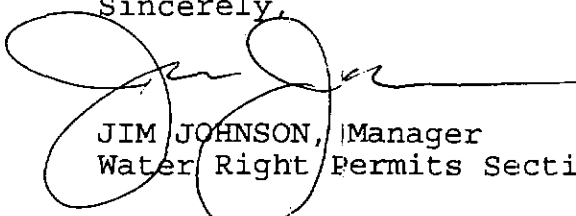
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

If there is intent to develop a water right it will be necessary to re-file an Application for Permit.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

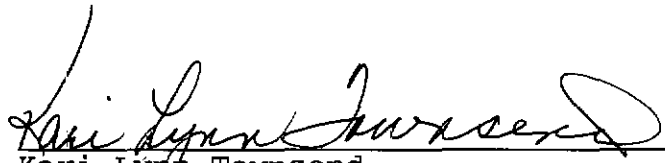
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of April, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

PERMIT 67-07964

**DAVID A GLOOR
WENDY CARSON
2433 LAPPIN LANE
COUNCIL ID 83612**



Kari Lynn Townsend
Secretary

RECEIVED

MAR 16 1999

Department of Water Resources

David Gloor
Wendy Carson
P.O. Box 431
Council, ID 83612
MARCH 15, 1998

Shelley Walter Keen
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

RE: Notice of Intent to Void Permit # 67-07964

Dear Sir;

On Feb. 24, 1999 I received a "Notice of Intent to Void Permit" from your office. Enclosed is a copy of that letter. I believe that a water right license should be issued to us because we have developed the spring on our property prior to October 1, 1998, to the best of our knowledge based on information given to us by your office.

The work done to develop the spring was completed on September 20, 1998 by York Excavation, Inc. Enclosed is a copy of that receipt. Also enclosed are receipts for pipes, sprinklers and fittings purchased prior to Oct. 1, 1998. (Homebase-\$61.44, C&M Lumber-\$100.89, \$37.31, \$254.79) Also purchased from Home Depot in Boise in 1996 were one 100 ft. roll of 1½" black pipe, three rolls of 1" black pipe, numerous sprinklers and pipe fitting for which I have no receipt but I clearly remember that it was close to or above \$500.00. I did not save the receipt at the time because it was not a business expense. I've spent over \$3000.00 dollars on developing this spring.

Prior to October 1, 1998, Wendy Carson called the Phone number listed on your letter head (208-327-7866) and asked what was necessary to meet the requirements to show beneficial use. She specifically asked if the sprinklers needed to be hooked up and in place because we didn't need to do any irrigation in the fall of the year and they would be in the way of any plowing and tractor work that we would need to have done. The lady at your office told Wendy that if the spring was developed and a pipe was run to the place of use that was sufficient. That was already done at the time of this phone call. Why did this lady give us this incorrect information?

I had some sprinklers in operation in the front yard prior to October 1, 1998 but I disconnected them to provide an easy place to measure the output of the spring, so that the person measuring the output would not have to crawl through a hawthorn thicket to measure the output at the pipe which was the overflow from the tank. Also I asked the lady who did the field examination if she would like to see the pipes and sprinklers that I had purchased and she said that it wouldn't be necessary. Why didn't she look at them to see that I had already bought them instead of asking me to provide receipts now to prove that I had them prior to Oct. 1, 1998?

MICROFILMED

JUN 25 1999

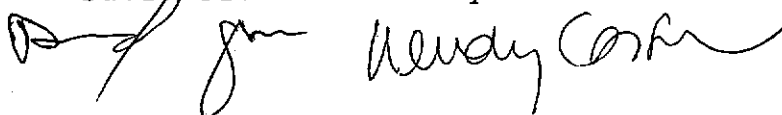
It was extremely frustrating and disheartening to receive your letter telling me that I would not be able to use water from a spring on my own property which otherwise would run down and make a bog out of my back yard. Especially since I had spent over \$3000.00 and lots of time to direct this water to a usefull purpose. And I certainly don't think this permit should voided because I relied on information given to us by Your employees. What do you expect me to do? Dig up the tank and drain pipe (which I had to borrow money to install) and throw it in the trash along with the several hundred dollars worth of pipe, sprinklers and fittings? Let this spring (which is on my own property) make a swampy mess of my back yard?

Right after receiving your letter as I was driving to McCall, I noticed that the truck in front of me was from the Idaho Department of Water Resources. So I stopped in New Meadows and talked with Dan Tomich and explained my situation and problem to him and he assured me that he could do a field exam in the spring. He also assured me that you were a reasonable man and that we could find a solution to this problem that was fair. He advised me to write and explain the situation as best I could and send copies of the receipts that I did have. This I have done in this letter and would of done sooner but I was out of town until this past week.

Right now everything is buried under three feet of snow so please check in advance to assure that the snow has melted prior to any futher field exams. When the lady made the last field exam she called the day before and wanted to come by and look at it on Saturday. I had to cancel a trip to Washington in order to meet with her and it was quite an inconvenience to change my plans but I knew it was important to obtain a water permit. Please confirm any future exams to be a convenient with my schedule.

We are looking forward to your response and can only hope that you will reverse your previous decision to void our water use permit.

Sincerely,
David Gloor & Wendy Carson



page 2 of 2 pages

ENCLOSURES:

6 RECEIPTS (5 PAGES)
COPIES OF LETTER FROM IDWR (3 PAGES)
LETTER FROM DAN TOMLICH TO IDWR

MICROFILMED
JUN 25 1999



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 www.idwr.state.id.us/idwr/idwrhome.htm

February 19, 1999

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DAVID GLOOR
WENDY CARSON
2433 LAPPIN LANE
COUNCIL ID 83612

Notice of Intent to Void Permit

RE: Water Appropriation Permit 67-07964

Dear Permit Holders:

In 1994 IDWR issued permit 67-07964 authorizing Vernon and Jeanne Merritt to develop a right to divert 0.05 cfs from a spring to irrigate five acres in Section 25, Township 17 North, Range 1 West. Under the terms of the permit, the development was to have been completed by October 1, 1996. On December 6, 1995, the Merritts assigned the permit to you. In October of 1996 IDWR extended your time to establish a beneficial use of water as authorized by the permit to October 1, 1998. On September 30, 1998, IDWR received your Proof of Beneficial Use statement indicating you had completed your development and put the water to beneficial use. However, on October 10, 1998, an IDWR field examiner inspected your development and reported that she could find no evidence that water from the spring has actually been used for irrigation at the proposed place of use. Therefore, she could not verify that a beneficial use of water has been developed in accordance with your permit.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. If you have not developed an actual beneficial use of water within the development period authorized by your permit, however, no water right has been established, and no license can be issued. Once the development period authorized by your permit expires, your permit cannot be retained to cover future development of the resource.

If you believe a water right license should be issued to you, please supply information to demonstrate that you established a beneficial use of water by October 1, 1998, in accordance with permit 67-07964.

If I do not receive the requested information from you within thirty days, I will take action to void your permit under the provision of Section 42-219(6) of the Idaho Code.

If you agree that no beneficial use of water occurred under permit 67-07964, you can shorten the voiding process by completing the enclosed relinquishment form and returning it to IDWR.

MICROFILMED
JUN 25 1999

Shelley - We should postpone voiding this permit
as David has developed the water source
in good faith, and thought he was
complying with our instructions.



Department of Water Resources

2735 Airport Way, Boise, Idaho 83705

FAX 334-2348

Don Tomich

2-24-99

Don Tomich
FIELD EXAMINER
WESTERN REGION
(208) 334-2190

RE: 67-07964

Shelley:

David Gloor stopped me in New
Meadows about this permit. He said that
~~the previous owner~~ ^{he} had developed the springs
& pipeline to the PLU, and have the
sprinklers & pipe at the PLU, but it
wasn't hooked up at the time because
it was October and he had talked
to someone on the phone at one of
our offices, and was said it would
be OK to do the exam.

David said he didn't need to be
investigating in October, and thought
it was OK to do the exam without
the sprinklers/pipeline
operating.

JUN 25 1999

I can do the exam again this spring.
He has purchased all the pipe, sprinklers, etc
for the system at the PLU, prior to
Oct. 98. Don Tomich



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 10, 1998

Wendy Carson
David Gloor
PO Box 431
Council ID 83612

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 67-07964

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **WESTERN** Regional Office of the department in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

JUN 25 1999

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

0043527

Date:

Time:

9/30/1998

09:05:15

Received

From:

GLOOR, DAVID

Type of Payment

Program Acct

Amount

PROOF OF BENEFICIAL USE	67-07964	56104	229 21 1155	50.00
-------------------------	----------	-------	-------------	-------

Total

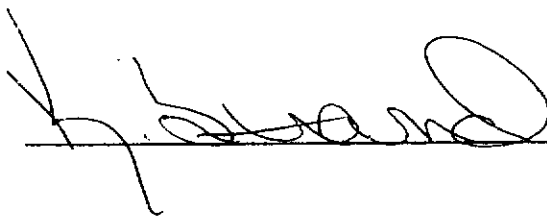
\$

50.00

CHECK

0205

Region: STATE

Signature: 

MICROFILMED
MAY 25 1999

YORK EXCAVATION, INC.

Galen H. York, C.E.O.

P.O. Box 158 • Council, Idaho 83612

Road Maintenance, Landscaping, Excavation,

Hauling, Septic Systems, Snow Plowing

- Licensed & Insured -

Galen York
(208) 253-4284

Mark York
(208) 253-6091

Alan York
(208) 253-6419

Date 8-20-78

DAVE GLOBE

[illegible]

MICROFILMED
JUN 25 1999

C&M LUMBER
301 NORA
BOX 327
NEW MEADOWS, ID 83654
208/347-2194

Tkt# 10688 Cus#9 Dt08/09/96
Usr D1 Slp 004 Rg# 1 Dr# 1 Time 13:34

Item Number	Description	Price	Qty	Unit	Ext
*MISC	SOAKER HOSE	12.95	2	EA	25.90
321404	843/1 COMPASS & SCRIBER	2.29	1	EA	2.29
*MISC	DA17EPBN	29.95	1	EA	29.95
*MISC	DA25EPBN	37.95	1	EA	37.95
Sub-total					96.09
Tax					4.80
Total sale					100.89
Cash					100.89

Customer information:
CASH

HAPPY BIRTHDAY MARK RIVERS

HOMEBASE

8363 W. FRANKLIN ROAD
BOISE, ID 83709 (208) 323-1330

132 1 006 7340
SALE 0050 09/25/96 09:56 AM

77985333003	IMPULSE SPKR	4 @ 1/4.79	19.16
77985308001	IMPLUSE SPKL	2 @ 1/11.99	23.98
46878370296	FE TEE	3 @ 1/.99	2.97
46878370234	TEE	4 @ 1/.76	3.04
46878370999	#20 CLAMP	24 @ 1/.39	9.36
SUBTOTAL			58.51
5.00% SALES TAX			2.93
TOTAL			61.44
CASH			72.44
CHANGE			11.00

THANK YOU FOR SHOPPING HOMEBASE

MICROFILMED
JUN 25 1999

C&M Lumber Company, Inc.

P.O. Box 327
New Meadows, Idaho 83654
(208) 347-2194
(208) 347-2783

INVOICE

INVOICE DATE	INVOICE NO.	PAGE
-----------------	----------------	------

09/18/98

88796

S
O
L
D
T
O

GLOOR DAVID
BOX 431
2432 LAFFIN LANE
COUNCIL. ID 83612

S
H
I
P
T
O

ORDER NO.	ORDER DATE	CUSTOMER NO.	SALES- PERSON	PURCHASE ORDER NUMBER	SHIP DATE	SHIP VIA TERMS
88796	09/18/98	619	001		ASAP	NET 5TH

QUANTITY		ITEM NUMBER	ITEM DESCRIPTION	UNIT PRICE	PER UNIT	AMOUNT
ORDERED	SHIPPED					
1	1	438556	107-707 VALVE BALL 1 1/2"	30.59 EA		30.59
2	2	424614	350415 1 1/2 ADPT MLE IN	.69 EA		1.38
4	4	428059	6828 CLAMP SS 15/16-21/4	.89 EA		3.56

BEHR STAINS IN STOCK

Reg: 1 Drw: 1 Use: DJ 8:53
AR X 37.31

TERMS: Net Cash. All accounts due and payable 5th of month following purchase. 1.75% per month **FINANCE CHARGE** (21% per annum). Minimum charge of \$1.00 will be added from 10th of month following purchase on overdue accounts. If necessary to refer this account to an attorney for collection, buyer agrees to pay attorney fees and all costs of suit. C&M Lumber Company, Inc.

Sale amount	35.53
Sales tax	1.78
Total	37.31
Payment rcvd.	.00
Balance due	37.31

MICROFILMED

JUN 25 1999

C&M Lumber Company, Inc.

P.O. Box 327
New Meadows, Idaho 83854
(208) 347-2194
(208) 347-2783

INVOICE

INVOICE DATE	INVOICE NO.	PAGE
-----------------	----------------	------

09/19/98

89013 1

S
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GLOOR DAVID
BOX 431
2433 LAPPIN LANE
COUNCIL. ID 83612

S
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ORDER NO.	ORDER DATE	CUSTOMER NO.	SALES PERSON	PURCHASE ORDER NUMBER	SHIP DATE	SHIP VIA TERMS
89013	09/19/98	519	007		ASAP	NET 5TH

QUANTITY		ITEM NUMBER	ITEM DESCRIPTION	UNIT PRICE	PER UNIT	AMOUNT
ORDERED	SHIPPED					
10	10	*MISC	RAINBIRD SPRINKLER	12.50 EA		125.00
2	2	402818	107-605 VALVE BALL 1 PVC	8.19 EA		16.38
1	1	424598	350410 1 ADFT MLE IN	.49 EA		.49
2	2	411156	351485 1X1X1/2 T INSERT	1.59 EA		3.18
3	3	434043	8700133559 1/2CPLG.GALV	1.49 EA		4.47
3	3	421378	1/2X6 NIPPLE 7GLV	1.19 EA		3.57
10	10	428031	6916 CLAMP.SS 3/4-11/2	.89 EA		8.90
3	3	424428	18115 1 100FT HD160	28.89 CL		86.67

BEHR STAINS IN STOCK
Reg: 1 Drw: 1 Upr:D1 12:56
AR X 254.79

TERMS: Net Cash. All accounts due and payable 5th of month following purchase. 1.75% per month FINANCE CHARGE (21% per annum). Minimum charge of \$1.00 will be added from 10th of month following purchase on overdue accounts. If necessary to refer this account to an attorney for collection, buyer agrees to pay attorney fees and all costs of suit. C&M Lumber Company, Inc.

Sale amount	242.66
Sales tax	12.13
Total	254.79
Payment rcvd.	.00
Balance due	254.79

MICROFILMED
JUN 25 1993

Citibank AAdvantage

Account Number A registered trademark of American Airlines, Inc.

4128 0027 3545 6043

PAYMENT DUE DATE 11/16/96

Statement/Closing Date Total Credit Line
10/24/96 \$3900

Cash Advance Limit
\$310

New Balance
\$1768.10

800-950-5114

BOX 60
THE LAKES, NV
89163-6000

Available Credit Line
\$2131

Available Cash Limit
\$310

To report billing errors, write
to this address; calling will
not preserve your rights

Statement Date	Post Date	Reference Number	Activity Since Last Statement	Amount
9/26	10/15	13350020	PAYMENT THANK YOU	-888.56
10/07	9/26	Y2YG3N36	C AND M TRUSTWORTHY	148.74
10/15	10/07	M3YG3N36	C AND M TRUSTWORTHY	448.07
10/21	10/15	R*1P*Q00	ALBERT CONSTANTINE	62.20
10/22	10/21	30K*N362	BLACK & DECKER #114	418.19
10/22	10/22	CB1M8F90	HOME DEPOT 1801	690.90

*** AADVANTAGE MILES UPDATE ***
Miles Accumulated This Billing Period: 1,768
Miles Reported To American Airlines: 1,768

Our records show home phone 704-697-9737 and
business phone 704-697-9737. Please update above
coupon if incorrect.

*** EARN 500 BONUS MILES WITH AADVANTAGE DINING ***
Earn 13 miles for each pre-tip dollar spent at
participating restaurants - 4 miles if you use your
Citibank AAdvantage card. New members earn 500 bonus
miles with 1st use. Call 1-800-267-2606 9AM-9PM ET.

MOSTLY
PIPE,
SPRINKLERS
FITTINGS
APPROX. \$500.00
OF PURCHASE

Account Summary								Amount Due	
	Previous Balance	(+) Purchases & Advances	(-) Payments	(-) Credits	(+) FINANCE CHARGE	(+) Late Charges	(-) New Balance	Purchases Minimum Due	36.00
Purchases	888.56	1768.10	888.56				1768.10	Advances Minimum Due	
Advances								Amount Over Credit Line	
Total	888.56	1768.10	888.56				1768.10	Fees	
								Past Due	
								Minimum Amount Due	36.00

Rate Summary		Purchases	Advances
Number of days this Billing Period	30		
Balance Subject to Finance Charge			
Periodic Rate (Purchases-Monthly, Advances-Daily)		1.47080%	.04836%
Nominal Annual Percentage Rate		17.650%	17.650%
ANNUAL PERCENTAGE RATE		17.650%	17.650%

SEND PAYMENTS TO: CITIBANK AADVANTAGE P.O. BOX 6001 THE LAKES, NV 88901-6001

33095

Make check or money order payable in U.S. dollars on a U.S. bank to Citibank. Include account number on check or money order. No cash please.

RECEIVED
JUN 25 1999

CONVERSATION MEMORANDUM

DATE 3/5/99

FILE 67-07964
RECEIVED

NAME OF PARTY

MAR 08 1999

EMPLOYEE R

Department of Water Resources

RE: Notice of Intent to Void (2/19/99 letter from S.O.)

Have discussed this situation in past few days with SK (S.O.) & DT (Region) - see 2/19 letter & 3/1 memo in file.

DT was approached by owner while DT was doing other W.R. work in AREA. DT passed on the owner's story to S.O. Agent's efforts in assisting the owner are commendable & understandable. However, all of us SK-DT-me) agree that statute is clear: failure to b.m. water in timely way is grounds to void.

It is conceivable, although highly unlikely, that owner can make a valid case to obtain more time to protect this right. Best alternative may be to seek a new right.

SK indicated that he will wait a few weeks before following up on this matter. If regional staff is contacted, S.O. staff will be notified in effort to keep lines of communication clear & simple.

Region staff: contact Shelley Keen if right owner calls etc & this right. S.O. will handle owner's responses etc.

MICROFILMED

JUN 25 1999

dry → S.O. file

RECEIVED

MAR 03 1999

MEMORANDUM

Department of Water Resources

To: Shelley Walter Keen
Water Rights Supervisor

From: Dan Tomich
Seasonal Water Rights Examiner

Subj: 67-07964, David Gloor's complaint to possible action
to void permit.

David Gloor stopped me in New Meadows on February 24, 1999 to discuss your letter of February 19, 1999, concerning possible action to void this permit.

David said that he had developed the spring, pipeline, and ponds prior to filing the Proof of Beneficial Use. He had also purchased the pipe and sprinklers for his irrigation system, but had not installed or used the system at the time of filing Proof.

Apparently, Cindy Bird, or someone, called him and set up the field exam for October 10, 1998. He said he then called back later and told the examiner that his irrigation system wasn't completed since it was October and he didn't need to be irrigating. He said the examiner said that it would be OK to do the exam, and he thought that the system didn't need to be complete.

I'm not sure if this is the correct version of these events, but I believe David is trying to follow our instructions. Since he is new to the State, I think he is not aware of the meaning of filing Proof, etc.

I would recommend that you postpone voiding this permit, and I could do a re-examination sometime early this season.

Attached is a copy of your letter of February 19, 1999, and a copy of a note I left with David Gloor at our meeting in New Meadows. He plans to furnish additional information on his water development before March 19, 1999.

Dan Tomich
MICROFILMED
Dan Tomich
JUN 25 1999
March 17, 1999



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 www.idwr.state.id.us/idwr/idwrhome.htm

February 19, 1999

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RECEIVED

MAR 03 1999

Department of Water Resources

DAVID GLOOR
WENDY CARSON
2433 LAPPIN LANE
COUNCIL ID 83612

Notice of Intent to Void Permit

RE: Water Appropriation Permit 67-07964

Dear Permit Holders:

In 1994 IDWR issued permit 67-07964 authorizing Vernon and Jeanne Merritt to develop a right to divert 0.05 cfs from a spring to irrigate five acres in Section 25, Township 17 North, Range 1 West. Under the terms of the permit, the development was to have been completed by October 1, 1996. On December 6, 1995, the Merritts assigned the permit to you. In October of 1996 IDWR extended your time to establish a beneficial use of water as authorized by the permit to October 1, 1998. On September 30, 1998, IDWR received your Proof of Beneficial Use statement indicating you had completed your development and put the water to beneficial use. However, on October 10, 1998, an IDWR field examiner inspected your development and reported that she could find no evidence that water from the spring has actually been used for irrigation at the proposed place of use. Therefore, she could not verify that a beneficial use of water has been developed in accordance with your permit.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. If you have not developed an actual beneficial use of water within the development period authorized by your permit, however, no water right has been established, and no license can be issued. Once the development period authorized by your permit expires, your permit cannot be retained to cover future development of the resource.

If you believe a water right license should be issued to you, please supply information to demonstrate that you established a beneficial use of water by October 1, 1998, in accordance with permit 67-07964.

If I do not receive the requested information from you within thirty days, I will take action to void your permit under the provision of Section 42-219(6) of the Idaho Code.

If you agree that no beneficial use of water occurred under permit 67-07964, you can shorten the voiding process by completing the enclosed relinquishment form and returning it to IDWR.

MICROFILMED

JUN 25 1999

Shelley - we should postpone voiding this permit
as David has developed the water source
in good faith, and thought he was
complying with our instructions.

FAX 334-2348


Idaho
Department of Water Resources
2735 Airport Way, Boise, Idaho 83705

Dan Tomich

2-24-99

Dan Tomich
FIELD EXAMINER
WESTERN REGION
(208) 334-2190

RE: 67-07964

Shelley:

David Gloor stopped me in New
meadows about this permit. He said that
~~the previous~~ ^{he} owner had developed the springs
& pipeline to the PLU, and have the
sprinklers & pipe at the PLU, but it
wasn't hooked up at the time because
it was October and he had talked
to someone on the phone at one of
our offices, and we said it would
be OK to do the exam.

David said he didn't need to be
investing in October, and thought
it was OK to do the exam without
the sprinklers/pipe laid out and
operating.

He can do the exam again this spring.
He has purchased all the pipe, sprinklers, et
for the system at the PLU, prior to
Oct. 98. Dan To.

MICROFILMED
JUN 25 1999

To Files
This note was
left w/ David
Gloor to attach to
his reply to Shelley's
letter of 2-19-99.
Dan Tomich
3-1-99



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 www.idwr.state.id.us/idwr/idwrhome.htm

February 19, 1999

DIRK KEMPTHORNE

Governor

KARL J. DREHER

Director

DAVID GLOOR
WENDY CARSON
2433 LAPPIN LANE
COUNCIL ID 83612

Notice of Intent to Void Permit

RE: Water Appropriation Permit 67-07964

Dear Permit Holders:

In 1994 IDWR issued permit 67-07964 authorizing Vernon and Jeanne Merritt to develop a right to divert 0.05 cfs from a spring to irrigate five acres in Section 25, Township 17 North, Range 1 West. Under the terms of the permit, the development was to have been completed by October 1, 1996. On December 6, 1995, the Merritts assigned the permit to you. In October of 1996 IDWR extended your time to establish a beneficial use of water as authorized by the permit to October 1, 1998. On September 30, 1998, IDWR received your Proof of Beneficial Use statement indicating you had completed your development and put the water to beneficial use. However, on October 10, 1998, an IDWR field examiner inspected your development and reported that she could find no evidence that water from the spring has actually been used for irrigation at the proposed place of use. Therefore, she could not verify that a beneficial use of water has been developed in accordance with your permit.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. If you have not developed an actual beneficial use of water within the development period authorized by your permit, however, no water right has been established, and no license can be issued. Once the development period authorized by your permit expires, your permit cannot be retained to cover future development of the resource.

If you believe a water right license should be issued to you, please supply information to demonstrate that you established a beneficial use of water by October 1, 1998, in accordance with permit 67-07964.

If I do not receive the requested information from you within thirty days, I will take action to void your permit under the provision of Section 42-219(6) of the Idaho Code.

If you agree that no beneficial use of water occurred under permit 67-07964, you can shorten the voiding process by completing the enclosed relinquishment form and returning it to IDWR.

MICROFILMED
JUN 25 1999

Gloor and Carson
February 19, 1999
Page 2

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

Respectfully,

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

Shelley Walter Keen
Water Rights Supervisor

Enclosure

MICROFILMED
JUN 25 1999



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

PHILIP E. BATT
GOVERNOR

November 10, 1998

KARL J. DREHER
DIRECTOR

Wendy Carson
David Gloor
PO Box 431
Council ID 83612

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 67-07964

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the WESTERN Regional Office of the department in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
JUN 25 1999

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 07-07964 Reviewed by [Signature] Date 11-10-98

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Irr.

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit _____ Correct?

☐ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50- Amount Submitted
yes Correct?

MEASURING DEVICE

NO Required?
☐ Installed?
☐ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	X	_____	
Date proof due	_____		_____	
No. of days late	_____		=	_____
Priority Date	_____		+	_____
New Priority Date	_____			_____

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address [Signature] Proof Made 9-30-98

RECEIVED

SEP 30 1998

Department of Water Resources

DAVID GLOOR
P.O. Box 451

COUNCIL ID

83812

SEPT 25, 1998

TO WHOM IT MAY CONCERN:

I HOPE THIS FORM IS FILLED OUT
CORRECTLY, AS I'VE ANSWERED EVERYTHING
TO THE BEST OF MY KNOWLEDGE.

PLEASE SEND ME THE FORMS NECESSARY
TO FILE A FORMAL COMPLAINT AGAINST OUR
NEIGHBOR, JOHN WEIS, HE HAS WATER RIGHTS
TO DIVERT 100 GALS A DAY FROM OUR
SPRING & HE TOLD THE MAN WHO DID THE
BACKHOLE WORK THAT HE IS GET BETWEEN
900 TO 1000 GALS A DAY FROM OUR SPRING.
WE HAVE RIGHTS TO 5000 GALS A DAY, I
BELIEVE AND WE ARE GETTING LESS THAN
WHAT ~~OUR~~ JOHN WEIS IS GETTING BECAUSE
HE IS DIVERTING IT BEFORE WE GET IT.
PLEASE LET ME KNOW THE CORRECT STEP TO
TAKE TO SEE THAT WE ARE GETTING WHAT
WE ARE ALLOWED. ~~THANK YOU~~

THANK-YOU



DAVID GLOOR

MICROFILMED

JUN 25 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

September 25, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

67-07964

JOHN WEIS
4902 S POWERLINE RD
NAMPA ID 83686

RE: COMPLAINT REGARDING RIGHT NO. 67-07964

Dear Mr. Weis:

This office received your fax letter dated September 15, 1998 regarding the above referenced water right permit now in the names of David Gloor and Wendy Carson. They bought the property described by this right from the original right holder (Merritt). The new owners received an extension of time (see enclosed) on October 8, 1996 in order to complete development of their right by October 1, 1998. It therefore appears that the new owners have a right to complete their development by October 1 but not to continue any development work after October 1 of this year. It is most unlikely that an additional extension of time for right no. 67-07964 would be granted.

Also enclosed are copies of your two rights for two springs(nos. 67-07967 and 67-07968). Note that right nos. 67-07964 and 67-07967 describe the same spring. The former right is senior to the latter right (check "priority date"). A senior right is entitled to the use of water before a junior right if insufficient water exists to supply both rights from a common diversion. Also note that your junior right is limited to 100 gallons per day. Both rights from the same spring are subject to an agreement between you and the former owners. The new owners are subject to any agreement conditioned in the water rights. Enforcement of the private agreement is most likely a civil matter not within this department's purview. Similarly, trespass or other related issues remain as civil matters not within this department's jurisdiction.

This office is not able to fulfill your request except to summarize the current water right scenario. However, a field examiner from this office will soon contact both parties to arrange an on-site inspection of the two rights for the disputed spring plus your right for a separate spring. All development for your two rights was completed according to the proofs of beneficial use that you filed in 1996. Again, development by Gloor and Carson for right no. 67-07964 must be completed by October 1, 1998. Please note that the

MICROFILMED

JUN 25 1999

15 Sept 98

To: Western Idaho Region Water Board
2735 Airport Way
Boise, ID
Fax 334-2348 **Attn: Lester**

F A X L E T T E R – please confirm receipt of this FAX by phone to 208.253-0056

From: John Weis
4902 S. Powerline Rd
Nampa, ID 83686
Nampa Phone 467-3820 Council Phone 253-0258 Council FAX: 253-0056

Dear Sir:

This letter is to notify you that I protest any new water rights agreement with David Glore/Wendy Carson made without any consideration to us. I hereby request that you prevent any further development on the site of the spring until all the facts are available to your department and this matter can be resolved. Time is of the essence, as the gravel, tank and excavator are ready to commence the Glore/Carson work.

It was my understanding that the only use of the original Glore/Carson water rights was for irrigation purposes: Mine is for domestic use.

I believe I have made reasonable efforts to resolve our differences, including an offer to pay the entire \$3500.00 estimate from David Craig of Midvale, for a complete system to supply both households. After Glore/Carson declined my offer, I proceeded to develop the spring on my side of the property line. David Glore was present when David Craig commenced work; and at that time I repeated the previous offer. His response was to instruct me not to trespass on his land.

I have conformed with all requests of your department, paid all fees, and spent over \$3000.00 to obtain domestic water on my property. I paid the \$200.00 fee for final inspection prior to expiration of my permits, although to date, I have received no copy of the final inspection reports. Glore/Carson were notified by both my wife, myself, and the Merritts, the prior owners of the current Glore/Carson property, that they only had until September '96 to file for proving.

To recap, I am requesting that:

1. my spring be inspected & reported prior to the commencement of the Glore/Carson project;
2. spring flow capacity verified and documented in order to protect my water reserves;
3. clarification of each parties rights to the water from the development of the one spring which serves both properties.

Thank you for your prompt assistance in this pressing situation. Please fax me copies of Glore/Carson's new application and a copy of the final inspection of our work in 1994, when we paid our final inspection fees, as well as a fax copy of any current decision and/or action by your office.

Sincerely, John Weis

MICROFILMED
JUN 25 1993

-Complaint-

F A X

2431 Lapin Lane
P.O. Box 179
Council, ID 83612

To: 12083342348

Company:

Fax number: 12083342348

Business phone:

From: Mark and Joyce Guttenberger

Fax number: +1 (208) 253-0056

Business phone:

Home phone: (208)253-0056

Date & Time: 9/15/98 14:09:27

Pages: 2

Re:

MICROFILMED
JUN 25 1999

July 31, 1998

WENDY CARSON
DAVID A GLOOR
2433 LAPPIN LN
COUNCIL ID 183612

PROOF DUE NOTICE

RE: PERMIT NO. 67-07964

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1998. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

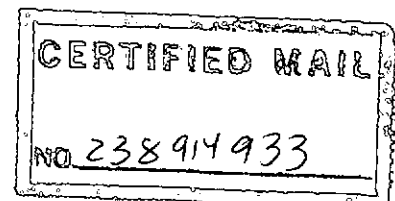
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





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

October 9, 1996

Wendy Carson
David Gloor
P.O. Box 431
Council, ID 83612

RE: Permit No. 67-07964

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit. The time within which to submit proof of beneficial use is extended to **October 1, 1998**. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of the development during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

Please contact me at (208)327-7953 if you have any questions regarding this matter

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

RECEIVED

OCT 10 1996

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 67-07964 Reviewed by CTY Date 10-8-96

BASIC INFORMATION

9-30-96 Date stamp received
YES Extension received timely
YES Fee received and receipted
YES Name and signature same as permit
NO YES Address Change

BASIS FOR EXTENSION REQUEST

YES Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____

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

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN *Recommend extend to October 1, 1998, on basis of due diligence.*

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address P.O. Box 431
Change Proof Due Date 10-1-98
Change Priority Date X

July 31, 1996

WENDY CARSON
DAVID A GLOOR
2433 LAPPIN LN
COUNCIL ID 83612

PROOF DUE NOTICE

RE: PERMIT NO. 67-07964

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1996.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

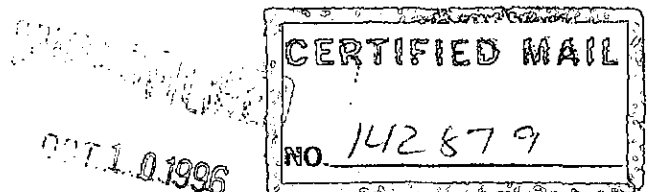
If you have not fully completed your project, and you or a previous owner of this permit have not received a price extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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.

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SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





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

January 30, 1996

DAVID A GLOOR
WENDY CARSON
2433 LAPPIN LANE
COUNCIL ID 83612

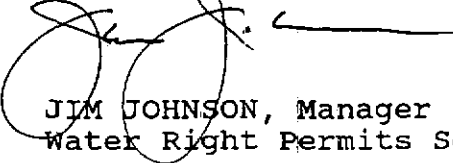
RE: Permit No. 67-07964

Dear Permit Holder(s):

We acknowledge receipt of the correspondence transferring 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

RECEIVED
JAN 31 1996

JAN 31 1996

COPY

For Value Received VERNON MERRITT and JEANNE MERRITT, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto
DAVID A. GLOOR and WENDY CARSON, husband and wife

the grantees, whose current address is, *P.O. Box 431, Council, ID 83612*

the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT, "A" MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantees
their heirs and assigns forever. And the said Grantors do hereby covenant to and with
the said Grantees, that they are the owners in fee simple of said premises;
that they are free from all incumbrances excepting for all easements of record, rights of
way, matters visible, and all matters of record and title.

and that they will warranty and defend the same from all lawful claims whatsoever.

Date: December 1, 1995

Vernon Merritt
VERNON MERRITT

Jeanne Merritt
JEANNE MERRITT

STATE OF Idaho)
COUNTY OF Adams) ss

STATE OF IDAHO, COUNTY OF ADAMS
I hereby certify that this instrument was filed for record
at the request of Timberline Title & Escrow

On this 6th day of Dec, in the year of 1995, before me
a Notary Public, personally appeared
VERNON MERRITT & JEANNE MERRITT
known or identified to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me
that they executed the same

at 15 minutes past 1 o'clock P.M.
this 12th day of Dec, 1995, in my
office, and duly recorded in Book
of Deeds at page

Christy A. Bury
Notary Public
Residing at Franklin, Idaho
Commission expires: 8/4/96

MICHAEL FISK
Ex-Officio Recorder
By: *Larry Linkal*
Deputy

Fees \$9.00.
Mail to: Timberline Title & Escrow

#95-540



[Handwritten initials]

31 1996

RECEIVED

JAN 24 1996

WATER RESOURCES
WESTERN REGION

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 25: A tract of land in the NE1/4SE1/4 described as follows:

Commencing at the East 1/4 corner of Section 25;

Thence South 00 degrees 02'38" East 953.69 feet;

Thence North 89 degrees 59'38" West 288.799 feet to the ~~REAL~~ POINT OF BEGINNING;

Thence North 00 degrees 02'38" West 200 feet;

Thence North 89 degrees 59'38" West 1000 feet;

Thence South 00 degrees 08'52" East 200 feet;

Thence South 89 degrees 59'38" East 1000 feet to the POINT OF BEGINNING.

SUBJECT TO an easement along the existing roadway for ingress and egress.

Together with a right of way for the purpose of ingress and egress extending 20 feet on each side of the following described center line:

COMMENCING at the East 1/4 corner of Section 25, Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho, thence South 50 degrees 26'09" West 1023.115 feet to the TRUE POINT OF BEGINNING;

thence South 22 degrees 21'39" West 457.71 feet;

thence South 02 degrees 43'29" East 148.61 feet;

thence South 75 degrees 44'55" West 602.10 feet;

thence North 63 degrees 13'33" West 385.56 feet;

thence South 70 degrees 47'38" West 312.98 feet;

thence North 54 degrees 57'46" West 426.33 feet;

thence South 29 degrees 04'51" West 702.64 feet;

thence South 41 degrees 12'56" West 236.93 feet;

thence South 03 degrees 36'03" East 343.08 feet;

thence South 09 degrees 51'51" East 346.23 feet;

thence North 40 degrees 00'10" West 653.24 feet;

thence South 10 degrees 40'10" East 526.65 feet;

thence south 83 degrees 15'08" West 800.77 feet to the County Road.

ALSO TOGETHER WITH an easement for driveway purposes described as follows:

COMMENCING at the East 1/4 corner of Section 25, Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho,

thence South 50 degrees 26'09" West 1023.115 feet; thence South 22 degrees 21'39" West 457.71 feet to the TRUE POINT OF BEGINNING;

thence South 89 degrees 59'38" East 170 feet;

thence North 22 degrees 21'39" East to a point on the South boundary of the herein described land;

thence North 89 degrees 59'38" West 170 feet more or less along the South boundary of the herein described land to a point on the East boundary line of the above described right of way road;

thence south 22 degrees 21'39" West along the East boundary of said right of way road to the POINT OF BEGINNING.

JAN 21 1936

SUBJECT TO THE FOLLOWING:

POWER LINE EASEMENT granted to IDAHO POWER COMPANY recorded January 9, 1984 as Instr. No. 67401.

POWER LINE EASEMENT granted to IDAHO POWER COMPANY recorded January 9, 1984 as Instr. No. 67408.

POWER LINE EASEMENT granted to IDAHO POWER COMPANY recorded January 9, 1984 as Instr. No. 67412.

EASEMENT as set forth in documents recorded March 1, 1978, February 27, 1981, and January 25, 1983 as Instr. Nos. 57184, 61987 and 69785 respectively.

EASEMENT FOR INGRESS AND EGRESS reserved in Warranty Deed granted to JIM EWING and BEVERLY D. EWING, recorded January 4, 1988 as Instr. No. 75194.

JOINT USE AND MAINTENANCE AGREEMENT-ROADS between VERNON MERRITT and JEANNE MERRITT, husband and wife, DAN SPAULDING and MARY SPAULDING, husband and wife, and M. G. DAY and CINDY DAY, husband and wife, recorded October 1, 1993 as Instr. No. 84861.

DEED OF TRUST dated September 29, 1993 to secure an indebtedness in the principal sum of \$50,000.00, and any other sums or obligations secured thereby

Recorded: October 1, 1993 as Instr. No. 84862

Grantor: VERNON MERRITT and JEANNE MERRITT,
husband and wife

Trustee: TIMBERLINE TITLE & ESCROW, INC.,
an Idaho corporation

Beneficiary: JIM EWING and BEVERLY D. EWING,
husband and wife

ANY PRESENT OR DEFERRED TAX LIEN on the herein described property arising under or by virtue of the Forest Products Yield Tax as provided by Idaho Code 63-1701 or 63-1706, as amended.

JAN 31 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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 5, 1994

VERNON MERRITT
JEANNE MERRITT
PO BOX 296
COUNCIL ID 836120296

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 67-07964

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', written over a horizontal line.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

RECEIVED
OCT 31 1994

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 67-7964 Name: Merrit Date: 9/28/94 Correct Fee? ✓

AREA OF CONCERN? - No/Yes _____ Mor _____ GWMA Trust/Non-trust

SYSTEM COMPLETED:

No - ~~26A~~ P17

Complete in 1 year - P16

Yes

Proof not submitted - P16

Proof submitted - NA

GROUNDWATER:

+ 0.2 cfs <FLO-CH> - T17 (new), 01K (existing), No MD

- 0.2 cfs - No MD <FLOW CHART>

Drilling Permit:

Included w/permit - Permit No. _____, P99

Existing well - NA (pre 7/1/87)

No WD permit? - 046-46A(Irr)-46B-P23 (post 7/1/87)

SURFACE WATER: not in WD - T17 (+.2 w/pump), No MD <FLOW CHART>

LOCATION:

Water District(~~dem~~) - WD No. 67

*Surface water - 005 (req) 01J-P08 <FLOW CHART>
(doesn't sink) or 01H-P01 <FLOW CHART>; No MD

Groundwater - P05 (new irrigation well)

In stream channel - 030 (stream channel alteration)

Irr Dist/Canal Co. - 023 (Twin Falls area)

Drainage Districts - 024

Flood Control Dist. - 063

Boise Front (63) - 058 (-85° GW temp only)

Swan Falls Flag - B <SEE CONDITION CODE CHART>

Trust - 051-052-053-P74 (Consumptive Uses), NA

Non Trust <1> - 048-049 (Consumptive Uses), NA

RIVER BASINS (*Surface water):

Boise R(63) - 05A (if WD), 11E (non-domestic use), NA

Payette R(65) - 064(consump. use), 047-P04(Payette Lake), NA

Snake R(01/02/03) - 11A-P04 (01), 061-P07 (02/03 No WD Cond.), NA

USE:

Fish Propagation - 07A-042 (req) & 010/06A/09E(WQ)-P10
044 (N 1000 Spr)

Irrigation - 03A/057; 803(if GW use SW 1st)(+5A PU comp), NA

Power - 08A-17K-025-027(req); 01F(MD)-P19; 09E(WQ)-P10;
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09

Mining - 054 (req) & 06A/010/09E-P10

Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

Domestic (surface) - 021(Boise R ↑ L Peak), 064(Payette R), NA

OWNERSHIP:

Non land owner

PROTESTED:

OTHER CONDITIONS:

REMARKS:

- 004 (PD/PU) spring located on property line between Merrit
* 020(Prehearing agreement)/W19(See Order) & Weis.

- * ① Subject to agreement ② Common div system

BENEFICIAL USE DUE:

COMMENTS:

- 10-1-1996

Protested by Weis 7/12/94

Hearing 8/30/94

~~W/D~~

W/D Protest (Conditional) 30 AUG 94

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: Cyk DATE: 6/28/94 APPLICATION: 167-7964

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map:
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee:
Yes ☐ No ☐ In form to receipt:

Gov't. Lots:

P/D

P/U

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SEP 08 1994

ADDITIONAL INFORMATION

Department of Water Resources

YES	NO	
☒	☐	Overlapping place of use: (Describe source & relationship to present application on the back.)
☒	☐	Overlapping point of diversion:
☐	☐	Field check required: Field check by: _____
☐	☐	Field report attached:
☐	☐	Critical groundwater area:
☐	☐	Groundwater management area:
☐	☐	1992 moratorium
☐	☐	Copy to SCA staff (perennial stream, non-pump diversion):
☐	☐	Send dam safety information:
☐	☐	Send power requirement letter:
☐	☐	Send fish farm requirement letter:
☐	☐	Power residency affidavit:
☐	☐	Power efficiency form:
☐	☐	Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
☐	☐	Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
☐	☐	<u>*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT</u>

DATE REQUESTED: _____

Additional information on reverse side:

PROCESSING

APPLICATION NO. _____

YES NO

☒ ☐
☐ ☒
☒ ☐

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. # _____

Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☒ ☐

Publication dates and paper recorded on application:

Protests received. Final date for protest 7-25-94

Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve, Dr

Measuring device required:

Measuring port required:

Water delivered by water master? District # _____

Special conditions of approval or cover letter: _____

2 conditions below, plus 26A (Allow 2 yrs), and 04X See below for additional informationRecommended Date or Priority 6/9/1994Recommended by: Dr Date 9/6/1994

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

No overlaps.For 67-07964

1. Use of water under this permit is subject to the terms and conditions of an Agreement between the Merritt's and the Weis's.

2. The diversion system for this water right shall be common to both 67-07964 and 67-07967.



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

September 1, 1994

VERNON &/OR JEANNE MERRITT
PO BOX 296
COUNCIL ID 83612

JOHN &/OR FAYE WEIS
4902 S POWERLINE RD
NAMPA ID 83686

Re: Applications for Permit Nos. 67-7964 in the Name of Vernon
&/or Jeanne Merritt and 67-7967 in the Name of John &/or
Faye Weis

Dear Protestants:

This letter is to acknowledge your withdrawal of protests
against the above-referenced applications for water right.

The Department now will continue to process the applications,
subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. R. Tuthill, Jr.'.

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

DRT:st

RECEIVED
OCT 31 1994

IN THE MATTER OF)
PROTESTED APPLICATIONS FOR PERMIT)
NOS. 67-07964 IN THE NAME OF) WITHDRAWAL
VERNON &/or JEANNIE MERRIT, and) OF
67-07967 IN THE NAME OF) PROTESTS
JOHN &/or FAE WEIS)
~~~~~

WE, THE UNDERSIGNED, HEREBY WITHDRAW OUR  
PROTESTS TO THE ABOVE-REFERENCED APPLICATIONS FOR  
PERMIT NOS 67-07964 and 67-07967, SUBJECT TO THE  
FOLLOWING CONDITIONS OF APPROVAL:

FOR 67-07964

1. Use of water under this permit is subject to the terms and conditions of an Agreement between the Merrit's and the Weis's.
2. The diversion system for this water right shall be common to both 67-07964 and 67-07967.

RECEIVED  
OCT 31 1994

Page 2

Withdrawal of Protests

For 67-07967

1. Use of water under this permit is subject to the terms and conditions of an Agreement between the Merritt's and the Weis's.
2. The diversion system for this water right shall be common to both 67-07964 and 67-07967.
3. Diversion under this water right is limited to 100 gallons per day.

Signed this <sup>30</sup>~~30th~~ day of Aug., 1994.

John Weis  
John Weis

Vernon Merritt  
Vernon Merritt

Faye Weis  
Faye Weis

Jeanne Merritt  
Jeanne Merritt

OCT 31 1994

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES  
2735 Airport Way, Boise, ID 83705

Re: Applicant: Vernon &/or Jeanne Merritt

WR # 67-7964

Place: Adams County Courthouse, 101 Michigan, Council, Idaho

Date: August 30, 1994

Conducted by: David R. Tuthill, Jr., P.E.

NAME

ADDRESS

|                |                                    |
|----------------|------------------------------------|
| Vernon Merritt | Box 296 Council Idaho 83612        |
| Jeanne Merritt | Box 296 Council Idaho 83612        |
| John Weis      | 4902 S. Powerline Rd. 83686        |
| Lyle Weis      | 4902 S. Powerline Rd. Denver 83686 |

MEET 8/31/94

OCT 31 1994

P 311 570 776



**Receipt for  
Certified Mail**

No Insurance Coverage Provided

JOHN &/OR FAYE WEIS

4902 S POWERLINE RD

NAMPA ID 83686

|                                                                  |             |         |
|------------------------------------------------------------------|-------------|---------|
| Postage                                                          | OCT 28 1991 | \$ 2.29 |
| Certified Fee                                                    |             |         |
| Special Delivery Fee                                             |             |         |
| Restricted Delivery Fee                                          |             |         |
| Return Receipt Showing<br>to Whom & Date Delivered               |             |         |
| Return Receipt Showing to Whom,<br>Date, and Addressee's Address |             |         |
| TOTAL Postage<br>& Fees                                          |             | \$ 2.29 |

Postmark or Date

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address (leaving the receipt attached) and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

☆ U.S. GPO: 1991-302-916

PS Form 3800, June 1991 (Reverse)

P 311 570 775



**Receipt for  
Certified Mail**

™ No Insurance Coverage Provided

VERNON &/OR JEANNE MERRITT  
PO BOX 296  
COUNCIL ID 83612

|                                                                 |         |
|-----------------------------------------------------------------|---------|
| Postage                                                         | \$      |
| Certified Fee                                                   |         |
| Special Delivery Fee                                            |         |
| Restricted Delivery Fee                                         |         |
| Return Receipt Showing<br>to Whom & Date Delivered              |         |
| Return Receipt Showing to Whom<br>Date, and Addressee's Address |         |
| TOTAL Postage<br>& Fees                                         | \$ 2.29 |
| Postmark or Date                                                |         |

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

☆ U.S. GPO: 1991-302-916

UNITED STATES POSTAL SERVICE



Official Business

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AUG 22 1994

WATER RESOURCES  
WESTERN REGION

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



AUG 21 1994

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES  
2735 AIRPORT WAY  
BOISE, IDAHO 83705



Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

**3. Article Addressed to:**

VERNON &/OR JEANNE MERRITT  
PO BOX 296  
COUNCIL ID 83612

OCT 31 1994

5. Signature (Addressee)

6. Signature (Agent)

**4a. Article Number**

P 311 570 775

**4b. Service Type**

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

**7. Date of Delivery**

8-19-94

**8. Addressee's Address (Only if requested and fee is paid)**

67-7964  
I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address  
2. ☐ Restricted Delivery

Consult postmaster for fee.

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



Official Business

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



RECEIVED  
AUG 22 1994  
WATER RESOURCES  
WESTERN REGION

OCT 31 1994

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES  
2735 AIRPORT WAY  
BOISE, IDAHO 83705



Is your RETURN Address completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

**3. Article Addressed to:**

JOHN &/OR FAYE WEIS  
4902 S POWERLINE RD  
NAMPA ID 83686

OCT 31 1994

**5. Signature (Addressee)**

*John Weis*

**6. Signature (Agent)**

*[Signature]*

67 7964

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

**4a. Article Number**

P 311 570 776

**4b. Service Type**

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

**7. Date of Delivery**

OCT 31 1994

**8. Addressee's Address (Only if requested and fee is paid)**

Thank you for using Return Receipt Service.

OCT 31 1994

I hereby certify that on the 17<sup>th</sup> day of August, 1994, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor  
Sue Taylor  
Secretary

Certified Mail

VERNON &/OR JEANNE MERRITT  
PO BOX 296  
COUNCIL ID 83612

JOHN &/OR FAYE WEIS  
4902 S POWERLINE RD  
NAMPA ID 83686

RECEIVED  
OCT 31 1994

## **CONFERENCE AND HEARING PROCEDURE**

### **APPLICATION FOR PERMIT**

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

### **BURDEN OF PROOF**

The Applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

### **PROCEDURE**

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

### **CONFERENCE**

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize

themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

#### **HEARING**

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

#### **EXHIBITS**

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

#### **AMERICANS WITH DISABILITIES ACT**

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

CONVERSATION MEMORANDUM

DATE 8/5/94

NAME OF PARTY Vernon Merritt

FILE 67-7964 (Merritt)

EMPLOYEE Cindy Hodges

67-7967 (Weis)

RE: Protests - Conference Requested.

2 filings - one Spring

Merritt's application was protested by Weis - Weis then filed on same Spring and Merritts are preparing to protest in return. Spring is on or near property line. Both parties have been in contact w/ IDNR & with each other; most recently, Weis sent a letter to Merritt which indicated that he was not willing to withdraw protest at this time. Mr. Merritt would like a conference scheduled, preferably in Council.

The Weis application is still being advertised, with protest date = 8/22/94. Suggest conference scheduled for both protests after that date.

OCT 31 1994



State of Idaho  
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

July 18, 1994

CECIL D. ANDRUS  
GOVERNOR

VERNON &/OR JEANNE MERRITT  
PO BOX 296  
COUNCIL ID 83612

R. KEITH HIGGINSON  
DIRECTOR

Re: Application for Permit No. 67-7964

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

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

Enclosure: Copy of protest(s)

OCT 31 1994



State of Idaho  
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

July 18, 1994

CECIL D. ANDRUS  
GOVERNOR

JOHN &/OR FAYE WEIS  
4902 S POWERLINE RD  
NAMPA ID 83686

R. KEITH HIGGINSON  
DIRECTOR

Re: Application for Permit No. 67-7964 in the Name of Vernon  
&/or Jeanne Merritt

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. R. Tuthill, Jr.', written over the typed name.

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

DRT/st

RECEIVED  
OCT 31 1994

# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

### NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all necessary information.

1. Matter being protested 67-07964
2. Name of protestant John & Faye Weis
3. Protestant's representative for service (If different than protestant) At this time, contact  
if required later - Ed Schiller, Attorney-at-Law protestants directly  
per office visit 7/12/94
4. Service mailing address 4902 S. Powerline Rd, Nampa, IDA 83686
5. Service telephone no. 908-467-3820
6. Basis of protest (including statement of facts and law upon which the protest is based) \_\_\_\_\_  
Property line unknown; fence goes thru spring area  
No apparent source of spring to identify amount of run off from  
one property to the other.  
Possible grandfather rights (currently being investigated)  
(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? Establishing correct property line since there is only  
20 to 30 ft maximum of spring on a piece of property that may or may not  
belong to the Merriots since the only gauge we have is a few old, very  
possibly inaccurate fence posts.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 12 day of July, 19 94

John Weis  
PROTESTANT

Faye Weis  
OCT 31 1994

PROTESTANT'S REPRESENTATIVE

OCT 31 1994

**NOTE:**

- a) Not more than two (2) representatives for service of documents may be designated on a protest. If this protest is signed by more than one person without identifying the representative(s) for service of documents, the hearing officer may select the person(s) upon whom documents will be served.
- b) A protestant is required to timely file a protest with the department together with a \$25.00 protest fee in order for the protest to be considered by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

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**INSTRUCTIONS**

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. \_\_\_\_\_ in the name of \_\_\_\_\_" or "Application for Transfer No. \_\_\_\_\_ in the name of \_\_\_\_\_."
2. Show the name of the protestant.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

---

**FOR DEPARTMENT USE ONLY**

Received by SR Date 7/12/94 Time 4:30 pm  
\$25.00 fee Receipted by SR # W017742 Date 7/12/94

RECEIVED

OCT 31 1994

# 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 Application for Water Right "

67-07964 Vernon & Jeanne Merritt

as per clipping

hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two ( 2 ) consecutive weeks, the first publication of the

same being made in the issue dated June 7, 1994

and the last in the issue dated June 14, 1994 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 " Notice " as aforesaid.

Subscribed and sworn to before me this 14th

day of June, 19 94

Notary Public for Idaho.  
Residing at Council, Idaho

## NOTICE OF APPLICATION FOR WATER RIGHT

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

67-07964

MERRIT, VERNON  
MERRIT, JEANNE  
PO BOX 296  
COUNCIL, ID 83612

Source: SPRING

Tributary: SINKS  
Diversion: Pt. SENESE Sec 25  
T17N R01W in ADAMS  
County.

Use:  
IRRIGATION ( .050 CFS)

IRRIGATION

STORAGE

IRRIGATION

FROM STORAGE

DIVERSION

TO STORAGE ( .050 CFS)

Total Diversion: ( .050 CFS)

Date Filed: 6/9/1994

In: ADAMS County

T17N R01W S25 NESE  
5.0 ACRES TOTAL

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$45.00 on or before JULY 25, 1994. The protestant must also send a copy of the protest to the applicant.

R. KEITH HIGGINSON,  
Director

Published: 7/7/1994-G  
7/14/1994

OCT 31 1994

67-07964

MERRIT, VERNON  
MERRIT, JEANNE  
PO BOX 296  
COUNCIL, ID 83612

Source: SPRING

Tributary: SINKS

Diversion Pt:                SENESE    Sec 25 T 17N R 01W in ADAMS County.

|                         |             |            |
|-------------------------|-------------|------------|
| Use: IRRIGATION         | ( .050 CFS) |            |
| IRRIGATION STORAGE      |             | ( 1.00 AF) |
| IRRIGATION FROM STORAGE |             | ( 1.00 AF) |
| DIVERSION TO STORAGE    | ( .050 CFS) |            |
| Total Diversion:        | ( .050 CFS) | ( 1.00 AF) |

Date Filed: 6/ 9/1994

In: ADAMS County  
T17N R01W S25                NESE

5.0 ACRES TOTAL

OCT 31 1994