

26 25
35 36

MICROFILMED

FEB 28 1990

No

43

DEC 1 1989

Department of Water Resources

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Washington }

Sarah Boles

being duly sworn,

deposes and says:

That she is the Clerk of
THE WEISER SIGNAL, a weekly newspaper published at
Weiser, in the County of Washington and State of Idaho; that
said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was pub-

lished in said newspaper once a week for two consecu-
tive weeks in the regular and entire issue of said paper dur-
ing the period and time of publication, and was published in
the newspaper proper and not in a supplement; that said
paper has been established and regularly published for more
than seventy-eight consecutive weeks prior to the date of
first publication of said advertisement.

Such notice was published in the issue beginning with

November 2

1989, and endingwith the issue of November 9, 1989

Sarah Boles

Fees, \$ 209.12

MICROFILMED

FEB 28 1990

Subscribed and sworn to before me this 9day of November, 1989

Notary Public, Residing at Weiser, Idaho.

My Commission Expires 1-1, 1993

No. 43

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate
the public waters of the State of Idaho:67-07777 ST

RADCLIFFE, DAN
RADCLIFFE, KRYSTINA
1342 HOOVER RD.
WEISER, ID 83672
Source: GROUNDWATER
Diversion Pt: NESW Sec 25 T 12N R 05W
Use: IRRIGATION (.030 CFS)
DOMESTIC (.040 CFS)
Date Filed: 10/18/1989
In: T12N R05W S25 NESW
1.0 ACRES TOTAL

67-07781

GOMEZ, STEVE
GOMEZ, LINDA J.
1506 THOUSAND SPRINGS RD.
WEISER, ID 83672
Source: SPRING
Tributary: SINKS
Diversion Pt: SWNENW Sec 19 T 12N R 04W
Use: DOMESTIC (.020 CFS)
STOCKWATER (.020 CFS)
Date Filed: 10/02/1989
In: T12N R04W S19 NENW

67-07788

SEMERAD, CHARLES
SEMERAD, CATHY
1281 MANN CREEK RD.
WEISER, ID 83672
Source: SPRINGS
Tributary: MANN CREEK
Diversion Pt: SWNENW Sec 31 T 12N R 04W
NWSENW Sec 31 T 12N R 04W
Use: STOCKWATER (.020 CFS)
Date Filed: 10/11/1989
In: T12N R04W S31 NENW SENW

67-07795

ROBERTS FARM INC.
1449 LARSEN RD.
WEISER, ID 83672
Source: GROUNDWATER
Diversion Pt: NESE Sec 5 T 10N R 05W
Use: IRRIGATION (.800 CFS)
Date Filed: 10/10/1989
In: T10N R05W S05 NESE NWSE
40.0 ACRES TOTAL

67-07797

RANEY, R. H.
RANEY, BETTY
363 W. INDIANHEAD RD.
WEISER, ID 83672
Source: GROUNDWATER
Diversion Pt: NENESE Sec 30 T 11N R 05W
Use: IRRIGATION (.140 CFS)
STOCKWATER (.020 CFS)
Date Filed: 10/06/1989
In: T11N R05W S30 NESE
7.0 ACRES TOTAL

67-07801

SLYTER, ROY L.
SLYTER CHET L.
797 SLYTER LN.
WEISER, ID 83672
Source: MONROE CREEK
Tributary: WEISER RIVER
Diversion Pt: NWNENW Sec 28 T 11N R 05W
Use: IRRIGATION (.500 CFS)
Date Filed: 10/10/1989
In: T11N R05W S28 NWNE
25.0 ACRES TOTAL

69-07099

GUEST, AARON M.
BOX 877
CASCADE, ID 83611
Source: SPRING
Tributary: ROCK CREEK
Diversion Pt: NWNESE Sec 2 T 13N R 06W
Use: WILDLIFE STORAGE (15.00 AF)
FIRE PROTECTION STORAGE (15.00 AF)
DIVERSION TO STORAGE (.200 CFS)
Date Filed: 9/05/1989
In: T14N R06W S02 NESE

69-07100

NELSON, ROBERT G.
NELSON, MARY E.
1748 WOODBRIDGE LN.
BOISE, ID 83706
Source: UNNAMED STREAM
Tributary: SNAKE RIVER
Diversion Pt: SESENW Sec 32 T 13N R 07W
Use: DOMESTIC (.020 CFS)
Date Filed: 10/12/1989
In: T13N R07W S32 Lot 2 (SWNW)

The permit(s) will be subject to all prior water rights. Protests
must be filed with the Director, Dept. of Water Resources,
Western Region, 2735 Airport Way, Boise, Idaho 83705 on or
before NOVEMBER 20, 1989.

R. KEITH HIGGINSON, Director

Published 11/02/1989 & 11/09/1989

72-2S

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



Scale: 1" = NOT TO SCALE

☒ 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
	UNKNOWN				

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

D. FLOW MEASUREMENTS

1.

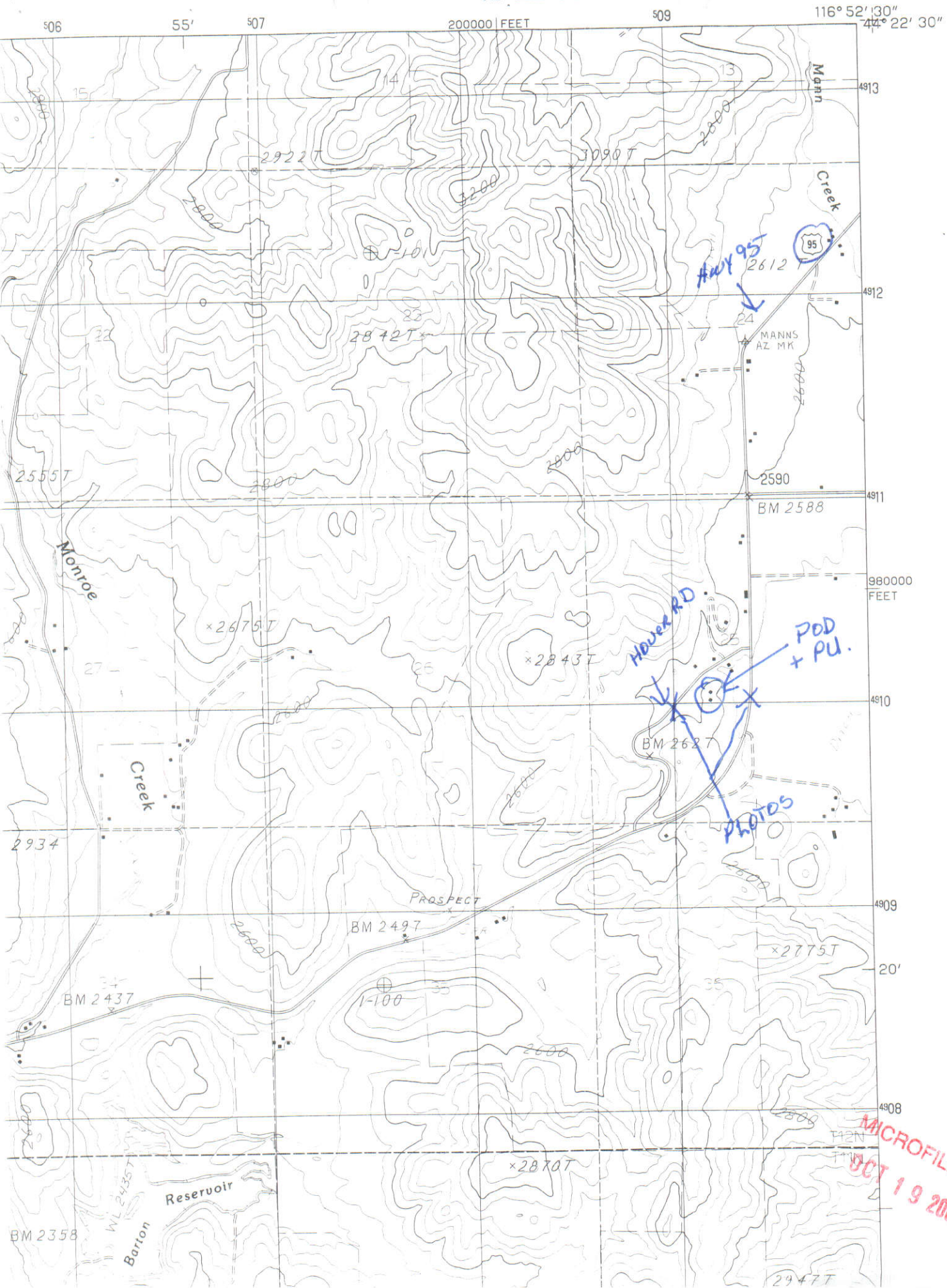
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

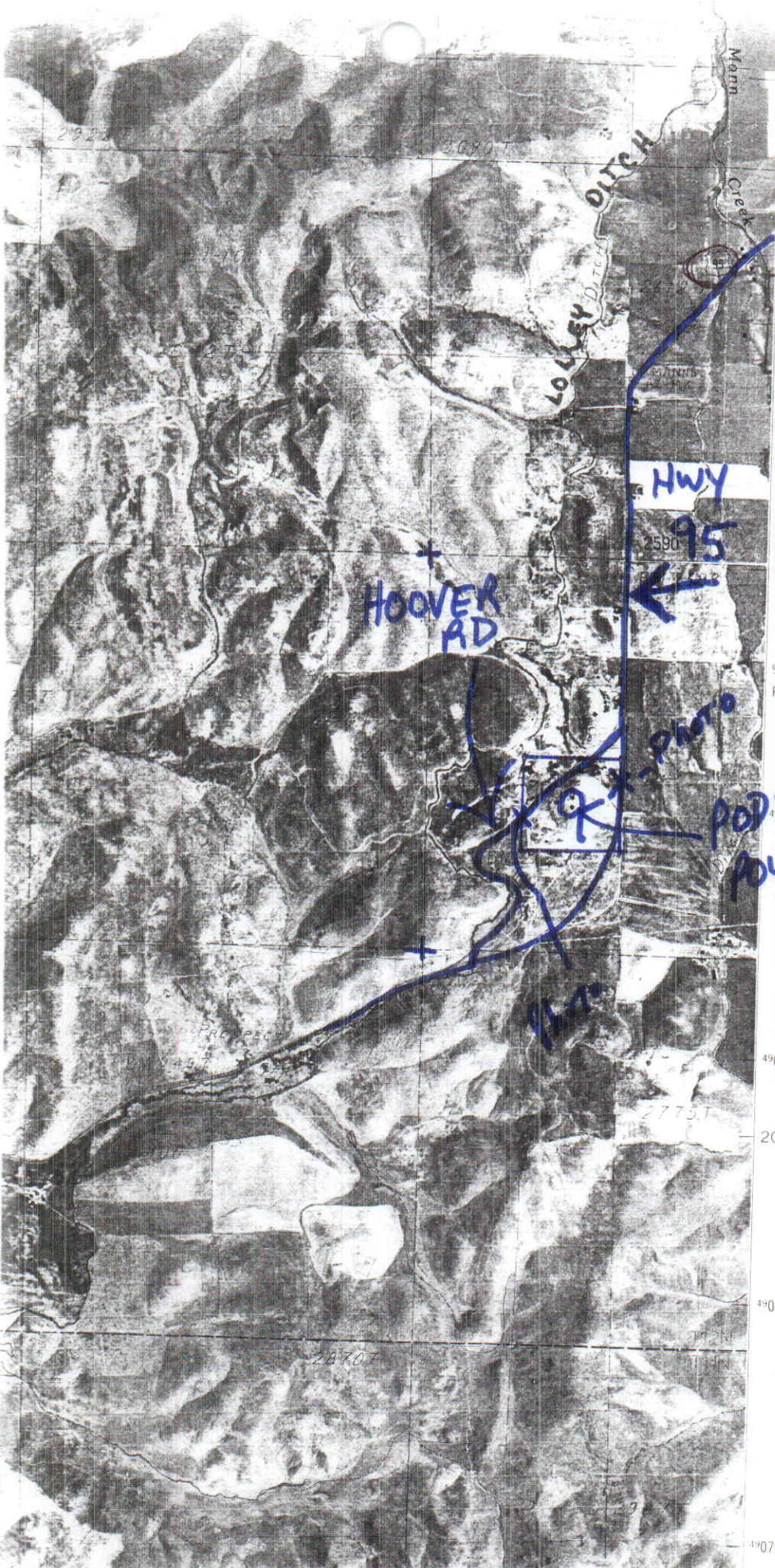
2. Measurements: Unable to access property. No measurement possible.

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OCT 10 2001

WEISER NORTH QUADRANGLE
IDAHO-WASHINGTON CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)





67-07777

T12N R05W
S.25 NESW

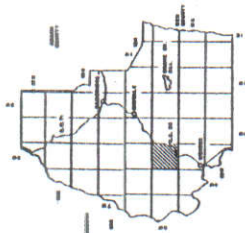
NO GOVY LOTS
10/28/1997 PD

T12N
T11N

MICROFILMED
OCT 19 2001

SALES ON GOVERNMENT BONDS AND OFFICIAL
SECURITIES ARE FILED AT THE OFFICE OF THE COUNTY
RECORDER AT WASHINGTON COUNTY, IDAHO. FOR
ADDITIONAL INFORMATION CALL - 602-237-7667
EXTENSION 1.

INTERNET: www.mall.com

[illegible][illegible]

92-0777

RADCLIFFE

lots 4880

Q26th

County D 17

525MS07N212

Radcliffe property

1997



12N 05W 25. 26. 35. 36

MICROFILMED
OCT 19 2001



PHOTOGRAPHER AND DATE OF PHOTOS M. Minicucci 11/13/1997

FILE NO. 67-0777 T12N R05W S.25 NESW



Place of use. Photo taken from point where property line intersects Hoover Road (west edge of NESW). Property line appears to be just east of the QQ line.



Place of use. Photo taken from Hwy 95 to the east of the property.

MICROFILMED
OCT 19 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 67-07777

Priority: October 18, 1989

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that DAN RADCLIFFE Or KRYSTINA RADCLIFFE
1342 HOOVER RD
WEISER ID 83672 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated October 18, 1989; and have
submitted Proof of Beneficial Use on March 11, 1991. An examination indicates that the works have a
diversion capacity of 0.02 cfs of water from:

SOURCE

GROUND WATER

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>
DOMESTIC	01/01 to 12/31	0.02 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25, Twp 12N, Rge 05W, B.M., WASHINGTON 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
12N	05W	25									X								

CONDITIONS OF APPROVAL

- Domestic use is for 1 home.

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 21st day of JUNE, 2001.

Acting for 
KARL J. DREHER
Director

MICROFILMED

OCT 19 2001

RECEIVED

JAN 18 1991

No. 9 received
Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

For Office Use Only
Amount \$ 50.00
Date 3/11/91
Receiving ID 19885
Received by J. Dwyer

MAR 11 1991

Department of Water Resources

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

- Permit No. 67-07777 Telephone No. 208-549-3392
- Name(s) of Permit Holder(s): KRYSTINIA RADCLIFFE OR DAN RADCLIFFE
- Post Office Address: 1342 HOOVER RD. WEISER IDAHO 83672
- Source of Water: GROUND WATER
 - If ground water, well driller's name: FRANK SHELLEY Date drilled: 1980
 - Pump horsepower: 2HP / 5HP Pressure (psi): 65 / 75 Dynamic pumping level (ft.): 100 / 280

5. Extent of Use:

Domestic ☒ (No. of households)Irrigation ☒ 1 ACRE (No. of acres)Stockwater ☒ (No. and type of stock)

Other _____

6. Total rate and/or volume for which proof is submitted .076 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

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

OR

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

8. Fee Enclosed: \$ _____ (See License Examination Fee Schedule)

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

DAN RADCLIFFE
Name208-549-3392
Telephone No.1342 HOOVER RD. WEISER IDAHO 83672
Address

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

1-17-91
DateDan Radcliffe
Signature (and title if on behalf of a company or organization)AUG 06 1991

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 67-07777

Proposed Priority: October 18, 1989 Maximum Diversion Rate: 0.07 CFS

This is to certify, that **KRYSTINA RADCLIFFE**
DAN RADCLIFFE
1342 HOOVER RD.
WEISER, ID 83672

has applied for a permit to appropriate water from: **GROUNDWATER**
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>
IRRIGATION	03/15 to 11/15	0.03 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.07 CFS

LOCATION OF POINT(S) OF DIVERSION: NESW Sec. 25, Township 12N, Range 05W
WASHINGTON 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>
12N	05W	25	NESW	1		1

Total number of acres irrigated: 1

PLACE OF USE: DOMESTIC, 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 **February 1, 1991**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
5. Domestic use is for 1 home.

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

17th day of January, 1990.

RECORDED

FEB 20 1990

[Signature]
R. Keith Higginson, Director

Ident. No. 67-07777

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: DAN RADCLIFFE 208-549-3392
Address: 1342 HOOVER RD.
WEISER, ID 83672

OR

Name: KRYSTINA RADCLIFFE 208-549-3392
Address: 1342 HOOVER RD.
WEISER, ID 83672

2. Source: GROUNDWATER

Trib. to:

3. Location of Point of Diversion: NESW Sec. 25, Township 12N, Range 05W
WASHINGTON County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.030		
DOMESTIC	01/01	12/31	0.040		

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

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
384' 8" WELL W/3 HP JET PUMP W/PIPELINE FOR SPRINKLER IRRIG.
- 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.
- Proposed well diameter is 8 inches; proposed depth of well is 384
feet.
- Is groundwater with a temperature greater than 90F being sought? NO

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 years.

8. Description of proposed uses:
IRRIGATION OF 1 ACRE AND DOMESTIC USE FOR 1 HOME.

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FEB 28 1990

Ident. No. 67-07777
Page 2

9. Place of Use: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
12N 05W 25	NESW 1			1
Total number of acres irrigated:				1

Place of Use: DOMESTIC, same as IRRIGATION use

10. Describe any other water rights used for the same purposes.
NO.'S A67-00546B & A67-00577A.

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

APPLICANTS

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

APPLICANTS

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

* 12. Remarks:

WELL HAS BEEN IN USE SINCE 1980.

13. 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.

Kyrtina Rockcliffe
Applicant

Received by Ms. Date 10/18/89 Time 1:20pm Preliminary check by SP

Fee \$ 30.00 Received by JH # W0006382 Date 10-18-89

Publication prepared by 10-25-89 Date 10-25-89 Published in Weiser Signal
11/2 & 11/9/89

Publication approved st Date 12-18-89

* Remark not in data base 10-19-89 SS

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FEB 28 1990

26 25
35 36

MICROFILMED

FEB 28 1990

DEC 1 1989

Department of Water Resources

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Washington }

Sarah Boles

, being duly sworn,

deposes and says:

That he is the *Clerk* of THE WEISER SIGNAL, a weekly newspaper published at Weiser, in the County of Washington and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Weiser; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not in a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with *November 2*, 19*89*, and ending with the issue of *November 9*, 19*89*.

Fees, \$ *209.12*

RECORDED

FEB 28 1990

Subscribed and sworn to before me this *9* day of *November*, 19*89*.

[Signature]
Notary Public, Residing at Weiser, Idaho.

My Commission Expires *1-1*, 19*93*.

NOTICE OF APPLICATION FOR WATER RIGHT

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

67-07777 *[Signature]*
RADCLIFFE, DAN
RADCLIFFE, KRYSTINA
1342 HOOVER RD.
WEISER, ID 83672
Source: GROUNDWATER
Diversion Pt: NESW Sec 25 T 12N R 05W
Use: IRRIGATION (.030 CFS)
DOMESTIC (.040 CFS)
Date Filed: 10/18/1989
In: T12N R05W S25 NESW
1.0 ACRES TOTAL

67-07781
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GOMEZ, LINDA J.
1506 THOUSAND SPRINGS RD.
WEISER, ID 83672
Source: SPRING
Tributary: SINKS
Diversion Pt: SWNENW Sec 19 T 12N R 04W
Use: DOMESTIC (.020 CFS)
STOCKWATER (.020 CFS)
Date Filed: 10/02/1989
In: T12N R04W S19 NENW

67-07788
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SEMERAD, CATHY
1281 MANN CREEK RD.
WEISER, ID 83672
Source: SPRINGS
Tributary: MANN CREEK
Diversion Pt: SWNENW Sec 31 T 12N R 04W
NWSENW Sec 31 T 12N R 04W
Use: STOCKWATER (.020 CFS)
Date Filed: 10/11/1989
In: T12N R04W S31 NENW SENW

67-07795
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1449 LARSEN RD.
WEISER, ID 83672
Source: GROUNDWATER
Diversion Pt: NESE Sec 5 T 10N R 05W
Use: IRRIGATION (.800 CFS)
Date Filed: 10/10/1989
In: T10N R05W S05 NESE NWSE
40.0 ACRES TOTAL

67-07797
RANEY, R. H.
RANEY, BETTY
363 W. INDIANHEAD RD.
WEISER, ID 83672
Source: GROUNDWATER
Diversion Pt: NENESE Sec 30 T 11N R 05W
Use: IRRIGATION (.140 CFS)
STOCKWATER (.020 CFS)
Date Filed: 10/06/1989
In: T11N R05W S30 NESE
7.0 ACRES TOTAL

67-07801
SLYTER, ROY L.
SLYTER CHET L.
797 SLYTER LN.
WEISER, ID 83672
Source: MONROE CREEK
Tributary: WEISER RIVER
Diversion Pt: NWNENW Sec 28 T 11N R 05W
Use: IRRIGATION (.500 CFS)
Date Filed: 10/10/1989
In: T11N R05W S28 NWNE
25.0 ACRES TOTAL

69-07099
GUEST, AARON M.
BOX 877
CASCADE, ID 83611
Source: SPRING
Tributary: ROCK CREEK
Diversion Pt: NWNESE Sec 2 T 13N R 06W
Use: WILDLIFE STORAGE (15.00 AF)
FIRE PROTECTION STORAGE (15.00 AF)
DIVERSION TO STORAGE (.200 CFS)
Date Filed: 9/05/1989
In: T14N R06W S02 NESE

69-07100
NELSON, ROBERT G.
NELSON, MARY E.
1748 WOODBRIDGE LN.
BOISE, ID 83706
Source: UNNAMED STREAM
Tributary: SNAKE RIVER
Diversion Pt: SESENW Sec 32 T 13N R 07W
Use: DOMESTIC (.020 CFS)
Date Filed: 10/12/1989
In: T13N R07W S32 Lot 2 (SWNW)

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before NOVEMBER 20, 1989.

R. KEITH HIGGINSON, Director
Published 11/02/1989 & 11/09/1989



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

June 22, 2001

DAN RADCLIFFE
KRYSTINA RADCLIFFE
1342 HOOVER RD
WEISER ID 83672

RE: License No. 67-7777 - 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:kit

Enclosure(s)

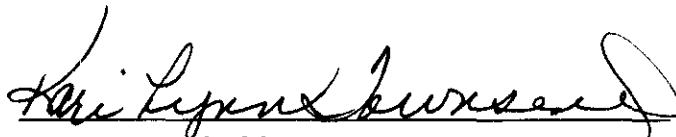
MICROFILMED
OCT 19 2001

CERTIFICATE OF MAILING

I hereby certify that on June 22, 2001 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. 67-7777

**DAN RADCLIFFE
KRYSTINA RADCLIFFE
1342 HOOVER RD
WEISER ID 83672**


**Kari Lynn Townsend
Secretary**

MICROFILMED
OCT 19 2001

**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).

MICROFILMED
OCT 15 2004

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.

MICROFILMED

APR 19 2004

LICENSE REVIEW CHECKLIST

Permit No 67-7777 Date: 6-19-01 Reviewer: Kay Walker

Change/OK

Name/Address ok

Source ok
Point of Diversion: ok

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 ok

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

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

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

Rate of Diversion:

Permitted rate 0.07 cfs
Fee Limit 0.20 cfs
Measured _____ cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 0.02

Water Uses ok

Change (P46)

Season of Use per new Standards

Irrigation _____ cfs _____ af
Stockwater _____ cfs _____ af
Domestic 0.02 cfs 1.2 af
_____ cfs _____ af
_____ cfs _____ af
Total 0.02 cfs 1.2 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 (081/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

*Examiner saw no
irrig but said if there
was irrig to cover
under domestic - allow
1.2 AFA

Volume Determination

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: W01

Additional Conditions _____ Watermaster Control
_____ GW Measurement/Measuring Device
_____ Other
Trust R55 - remove 051)
Non-trust (048/049)

GW-Dist? _____
Water Msmt. Dist? _____
Onit GWMA? _____
GWMA? _____
Government Lots? _____

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

SRBA Claim? not req'd

Adjust memo _____

Amend Letters _____ P87, S06

Second Amendment Notice _____ S06

topo u53

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

AUG 16 2000

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 67-07777

1. Owner: Radcliffe, Dan and KRISTINA Phone No. NONE

Current Address: 1342 Hoover Road Weiser 83672

2. Accompanied by: Nobody EXAM DATE: 11/13/1997

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NE	SW	25	12N	05W	Washington	USGS OA

2. Place(s) of Use:

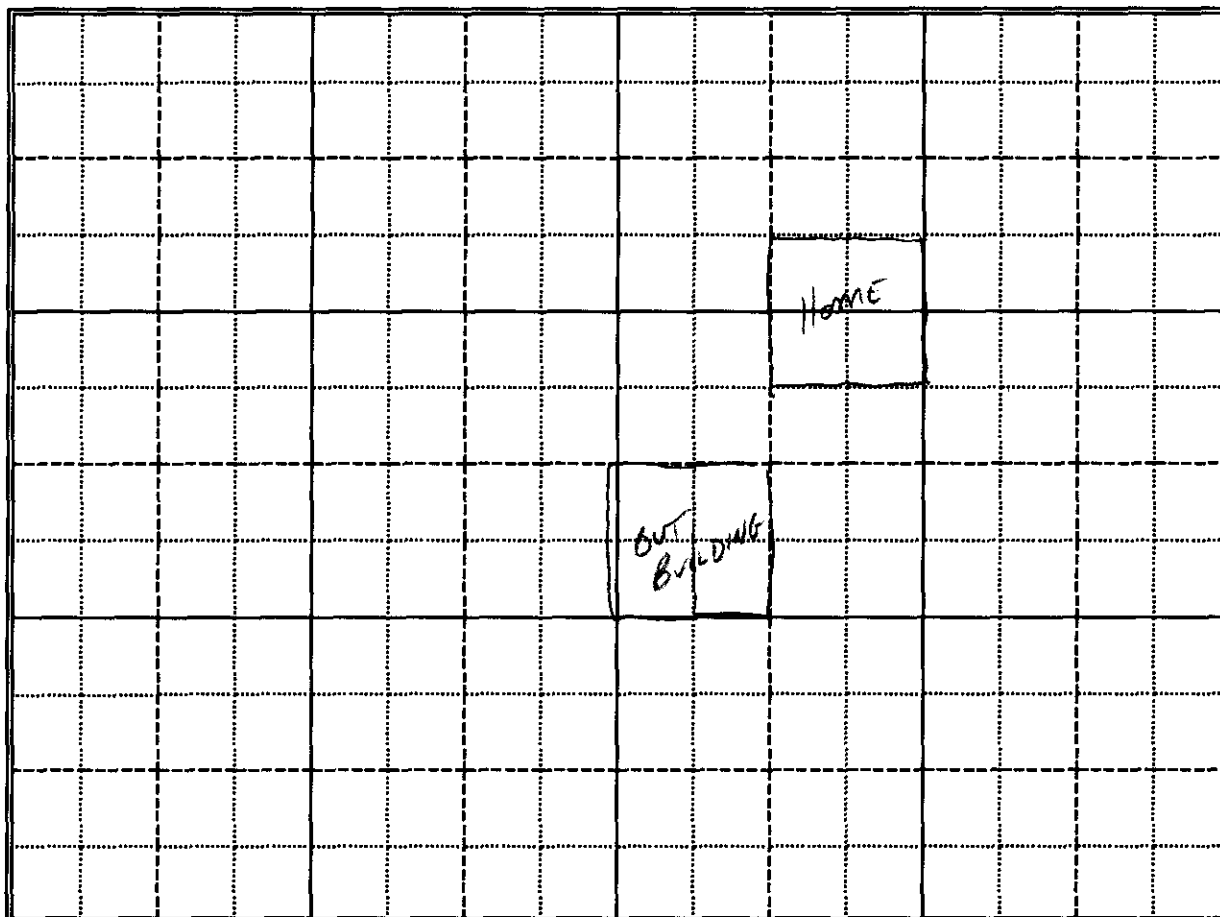
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	05W	25									D								D

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2000 10 20

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



Scale: 1" = NOT TO SCALE

☒ 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
	UNKNOWN				

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: Unable to access property. No measurement possible.

E. NARRATIVE/REMARKS/COMMENTS

Applicants did not respond to any of four letters sent by IDWR requesting exam appointment. Letter dated 11/07/1997 indicated date and time to meet at the property. Applicants were not at property at the noted time - gate was locked.

The house + outbuilding are located at the top of a small hill. The property was viewed from as many angles as possible and no evidence of irrigation was found. A small flat area at the top of the hill (between buildings) may be irrigated. This area may be as large as 1/10 of an acre. No other irrigation was evident.

Photos were taken from Hoover Road (from southwest of building C property line and from Hwy 95 (NORTH + EAST of buildings)). The entire hill on which the house sits appeared dry.

If there is any irrigation it certainly fits under the domestic exemption (92-111(a)).

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

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OCT 19 2001

F. FLOW CALCULATIONS

Measured Method:

No. TRANSDUCER MADE

_____ Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>DOMESTIC</u>	<u>01-01</u>	<u>12-31</u>	<u>.02</u>	
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>.02</u>	

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 W. J. Henderson Date 01/08/1998

Reviewer _____ Date _____

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OCT 13 2001



4913

67-07777

4912

T12N R05W
S.25 NESW

NO GOVT LOTS
10/28/1997 TTD

4911

980 006
FEET

4910

4909

20'

4908

T12N
T11N

MICROFILMED
901 1 3 2001

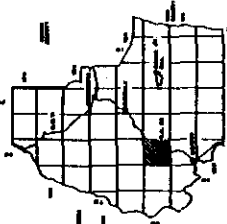
4907

WASHINGTON COUNTY
IDAHO

THIS IS A PRELIMINARY PLAT AND THE
PLATTEE ASSUMES ALL RESPONSIBILITY FOR
THE ACCURACY OF THE INFORMATION
HEREON. IT IS NOT TO BE USED FOR
LEGAL PURPOSES.

SECTION 25, T12N, R20S, W5E, S25

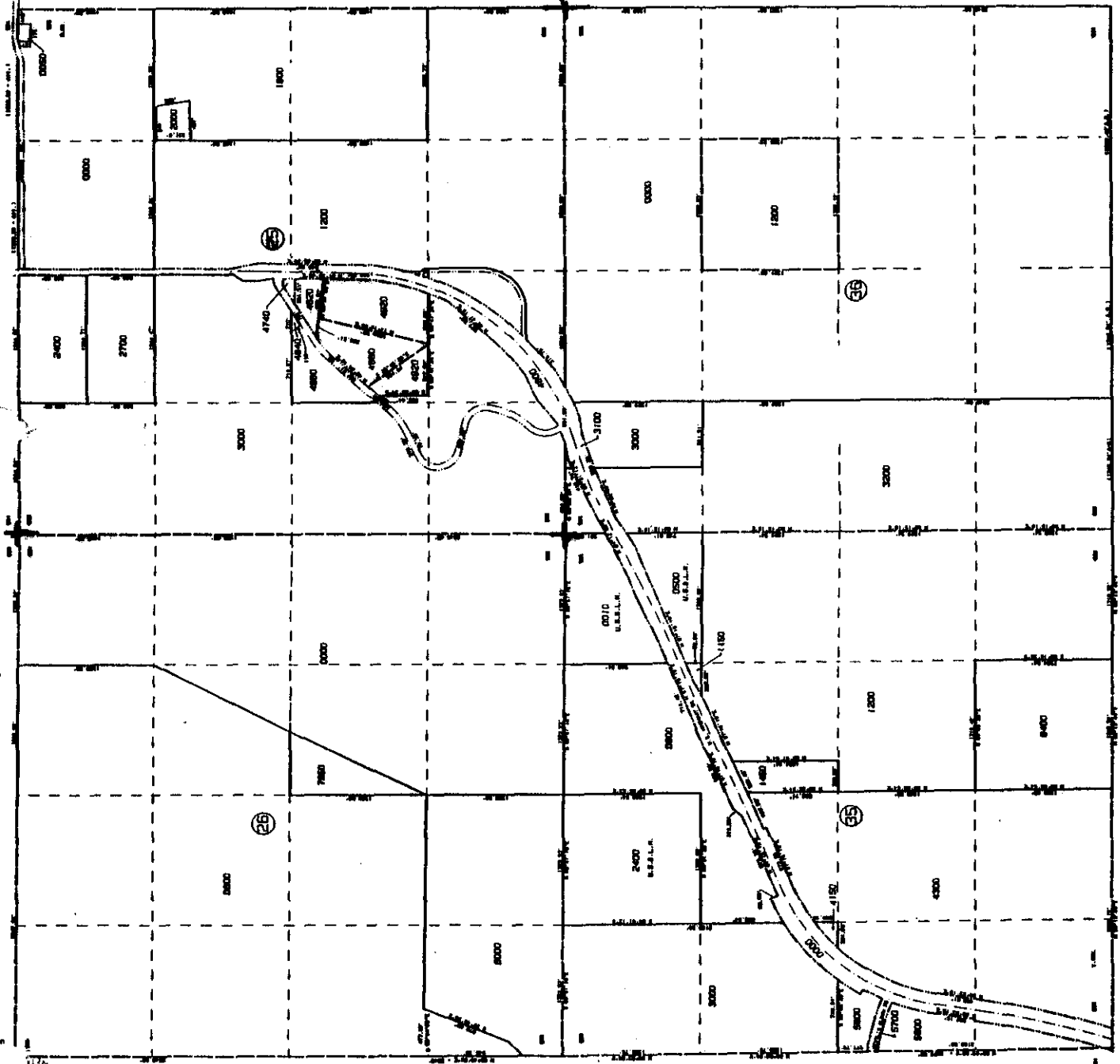
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1	2	3	4	5	6	7	8	9	10	11	12
1	2	3	4	5	6	7	8	9	10	11	12

67-07777
RADCLIFFE
LOTS 4880
4920

County plat
T12N R20S W5E S25
Radcliffe
property
1997



12N 05W 25. 26. 35. 36

MICROFILMED
OCT 13 2001

Ladette, Krystina + Dan

1342 Heoren

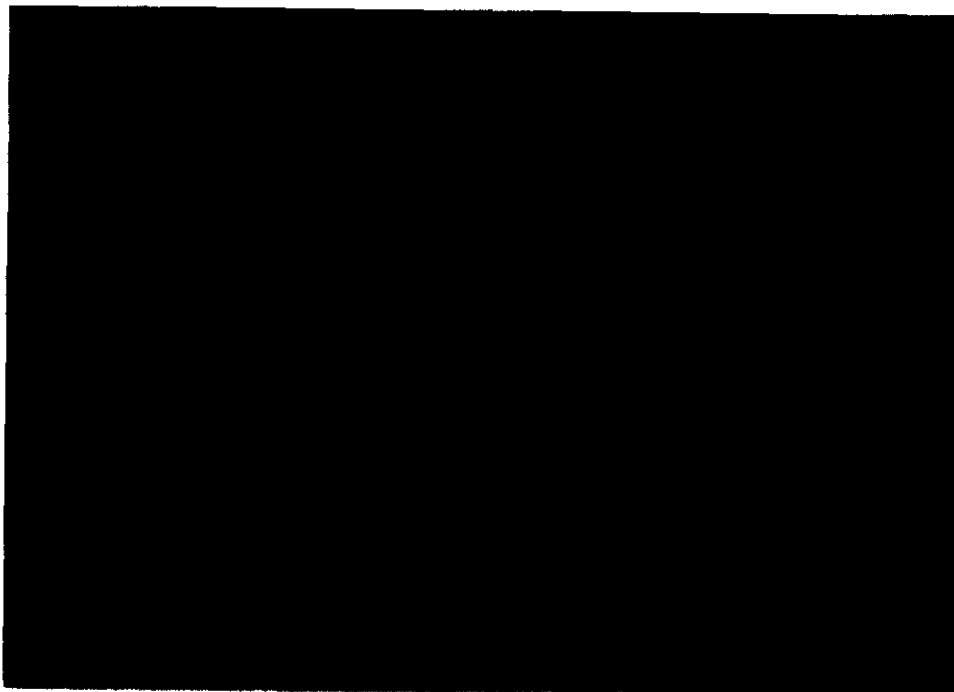
Weiser

712N R05W S.25 WESW



PHOTOGRAPHER AND DATE OF PHOTOS M. Minicucci 11/13/1997

FILE NO. 67-0777 T12N R05W S.25 NESW



Place of use. Photo
taken from point
where property line
intersects Hoover
Road (west edge
of NESW). Property
line appears to be
just east of the
QQ line.



Place of use. Photo
taken from Hwy 95
to the east of the
property.

Microfilm

OCT 13 2001

April 16, 1991

KRYSTINA RADCLIFFE
DAN RADCLIFFE
1342 HOOVER RD.
WEISER, ID 83672

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 67-07777

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.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

FILED
AUG 06 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 67-7777

Date 4-16-91

GENERAL CONSIDERATIONS

- ☒ Name same as permit?
☒ Address same as permit? If no, indicate below.
☒ Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

- ☐ Surface water source
☒ Ground water source
☒ Drill permit req'd?
☒ Copy in file? Drill permit no. _____
☒ Amt paid for drilling permit? _____ Correct?
☒ Well log in file?

LICENSE EXAMINATION FEE

- ☒ Required?
50.00 Amount submitted?
☒ Correct amount?

MEASURING DEVICE

- NO Measuring device or access port required?
☒ Installed?
☒ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

PRIORITY CALCULATION

Date proof received	<u>NA</u>	_____
Date proof due	_____	- _____
No. of days late	_____	= _____
Priority date	_____	+ _____
NEW PRIORITY DATE	_____	= _____

February 25, 1991

KRYSTINIA OR DAN RADCLIFFE
1342 HOOVER RD
WEISER ID 82672

Dear Permit Holders:

Re: Permit No. 67-7777

Returned is the proof of beneficial use form submitted on January 18, 1991. The diversion rate of 0.07 cfs requires the submittal of a license exam fee of \$50. Enclosed is an instruction sheet/fee schedule for reference.

Please return the form and fee soon as an acceptable submittal was due on February 1, 1991.

If you have any questions, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

MICROFILMED

AUG 06 1991

138848

November 30, 1990

KRYSTINA RADCLIFFE
DAN RADCLIFFE
1342 HOOVER RD.
WEISER, ID 83672

PROOF DUE NOTICE

RE: PERMIT NO. 67-07777

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1991. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

AUG 06 1991

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
January 18, 1990

KRYSTINA RADCLIFFE
DAN RADCLIFFE
1342 HOOVER RD.
WEISER, ID 83672

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P67-07777

Dear Permit Holder:

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

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

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

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

Microfilm

FEB 28 1990

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICHAEL

FEB 28 1990

Form No. 202a.
3/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: GP DATE: 10-19-89 APPLICATION: 67-07777

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:
N/A P/D
N/A P/U

ADDITIONAL INFORMATION

- 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:
☒ Diversion within interim protected river area
☒ 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: (If yes, attach Large Diversion supplementary analysis sheet.)
☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: _____
☒ Additional information on reverse side:

RECEIVED
DEC 20 1989
Department of Water Resources

PROCESSING

APPLICATION NO. 67-07777

YES ☒ NO ☐

In form for advertising:

Statewide advertising:

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 November 20, 1989

Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve, One

Measuring device required:

Measuring port required:

Water delivered by water master? District # 67-705

Special conditions of approval or cover letter: _____

See below for additional information

Recommended Date or Priority 10/18/1989

Recommended by: DW

Date 12/21/89

STATE OFFICE REVIEW

P05, P23

Pile

4657

See below for additional information. By KW

Date 1-3-90

ADDITIONAL INFORMATION

WR A67-00546B & A67-00577A are for the same legal land description, IRR, but from a different source (Surface Water).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region
2735 AIRPORT WAY

Boise, Idaho 83705
(208) 334-2190

OCTOBER 25, 1989

The Weiser Signal
P.O. Box 709
Weiser, ID 83672

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before NOVEMBER 20, 1989.

Yours truly,

GAIL GARRETT
Secretary

Encl.

INDEXED
FEB 28 1990

67-07777

RADCLIFFE, DAN
RADCLIFFE, KRYSTINA
1342 HOOVER RD.
WEISER, ID 83672

Source: GROUNDWATER

Diversion Pt: NESW Sec 25 T 12N R 05W

Use: IRRIGATION (.030 CFS)
 DOMESTIC (.040 CFS)

Date Filed: 10/18/1989

In: T12N R05W S25 NESW

1.0 ACRES TOTAL

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FEB 28 1990