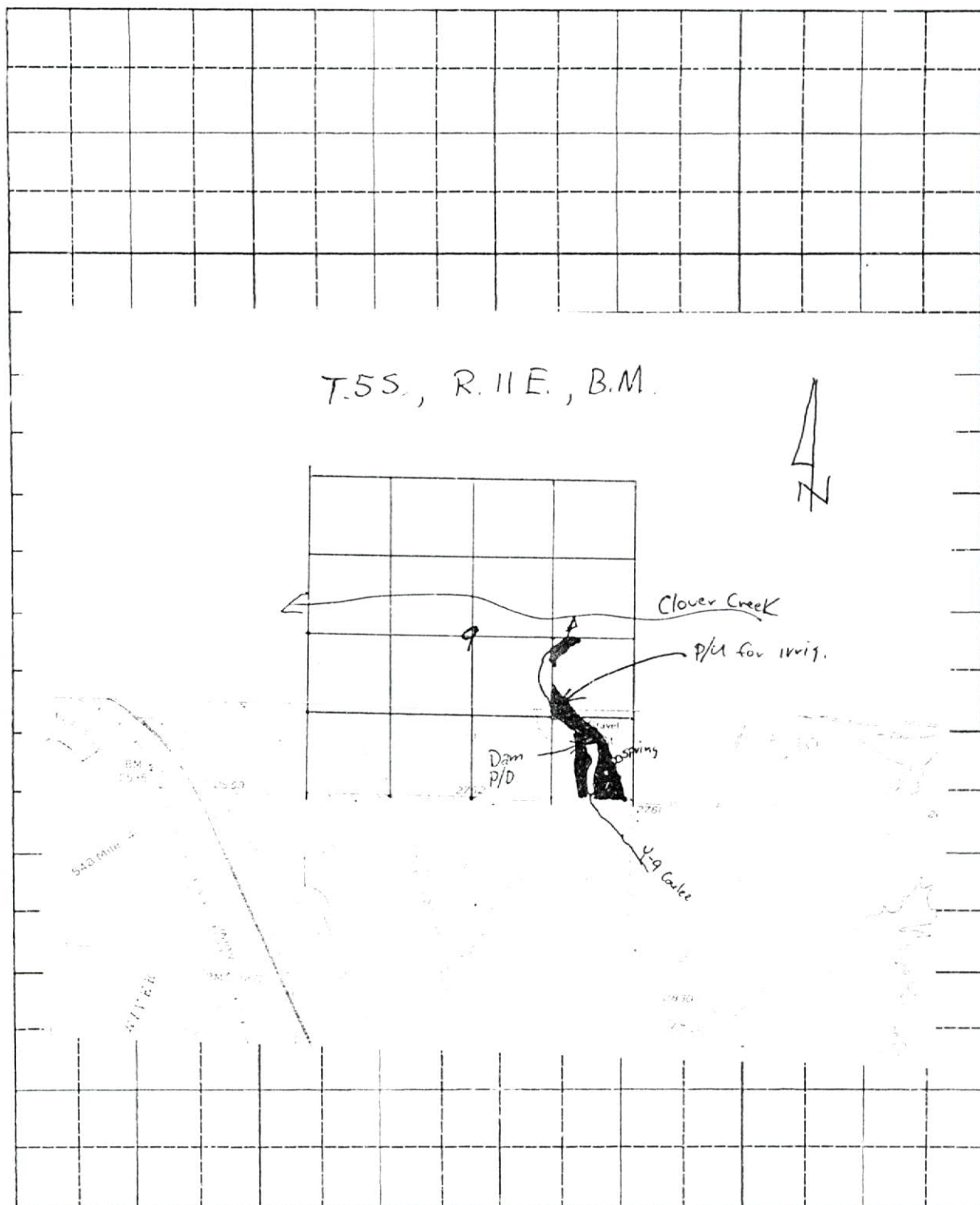


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Jay Wilde
(Applicant)

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF LAPSED) PERMIT NO. 37-08099 IN THE NAME) OF FRANKLIN JACK POWERS OR) ELIZABETH POWERS) 	)	AMENDED REINSTATEMENT ORDER
---	---	--

This matter came before the Idaho Department of Water Resources ("Department") as a request to reinstate a lapsed permit. On August 26, 2002, the Department issued a REINSTATEMENT ORDER for the permit showing the source of water as ground water. The source of water for the permit should be Unnamed Stream tributary to Clover Creek. Hence, the Department makes the following Findings of Fact, Conclusions of Law and Amended Reinstatement Order:

FINDINGS OF FACT

1. On April 3, 1990, the Department issued Permit No. 37-08099 to Cindi Wilde & Jay Wilde ("permit holders") authorizing the diversion of 0.42 cubic feet per second (cfs) of water from an Unnamed Stream tributary to Clover Creek to be diverted for irrigation, irrigation storage, irrigation from storage, stockwater and recreation storage uses within the SE1/4 SE1/4 of Section 9, Township 5 South, Range 11 East, Elmore County, B.M. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before May 1, 1992.
2. On March 26, 1992, the Department extended the proof due date to May 1, 1995.
3. On March 27, 1995, the permit holders assigned the permit to Franklin Jack Powers or Elizabeth Powers ("Powers").
4. On April 3, 1995, the Department extended the proof due date to May 1, 1996.
5. On February 28, 1996, the Department notified Powers that proof of beneficial use was due and instructed Powers of the steps to be taken to submit the proof or an extension of time request.
6. On May 9, 1996, the Department sent a lapse notice to Powers, since the Department had not received an acceptable proof or extension of time request.

7. On October 2, 1997, Powers submitted a Proof of Beneficial Use with the required license examination fee to the Department. Powers also submitted evidence to show that water has been applied to the authorized beneficial use during the development period and has shown sufficient cause why the beneficial use was not timely submitted.

CONCLUSIONS OF LAW

1. Section 42-218a.2, Idaho Code, provides as follows:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

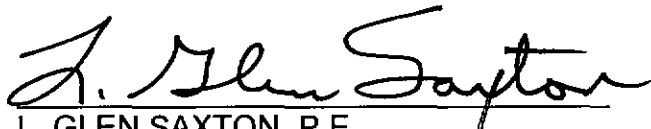
2. Powers has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting letter from the previous owner, Jay Wilde, and offering the Dam Safety file for the Barnhill Dam.

3. The Department should reinstate the permit with the priority advanced to the date that proof and the license examination fee were received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 37-08099 in the name of Franklin Jack Powers or Elizabeth Powers is **REINSTATED** with the priority advanced to **October 2, 1997** for the beneficial uses of water developed by May 1, 1996.

Dated this 29th day of August, 2002.


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

MICROFILMED

NOV 18 2002

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF LAPSED)	
PERMIT NO. 37-08099 IN THE)	REINSTATEMENT ORDER
NAME OF FRANKLIN JACK)	
POWERS OR ELIZABETH POWERS)	
_____)	

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On April 3, 1990, the Department issued Permit No. 37-08099 to Cindi Wilde & Jay Wilde ("permit holders") authorizing the diversion of 0.42 cubic feet per second (cfs) of water from Groundwater to be diverted for irrigation, irrigation storage, irrigation from storage, stockwater and recreation storage uses within the SE1/4 SE1/4 of Section 9, Township 5 South, Range 11 East, Elmore County, B.M. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before May 1, 1992.
2. On March 26, 1992, the Department extended the proof due date to May 1, 1995.
3. On March 27, 1995, the permit holders assigned the permit to Franklin Jack Powers or Elizabeth Powers ("Powers").
4. On April 3, 1995, the Department extended the proof due date to May 1, 1996.
5. On February 28, 1996, the Department notified Powers that proof of beneficial use was due and instructed Powers of the steps to be taken to submit the proof or an extension of time request.
6. On May 9, 1996, the Department sent a lapse notice to Powers, since the Department had not received an acceptable proof or extension of time request.
7. On October 2, 1997, Powers submitted a Proof of Beneficial Use with the

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NOV 13 2002

required license examination fee to the Department. Powers also submitted evidence to show that water has been applied to the authorized beneficial use during the development period and has shown sufficient cause why the beneficial use was not timely submitted.

CONCLUSIONS OF LAW

1. Section 42-218a.2, Idaho Code, provides as follows:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

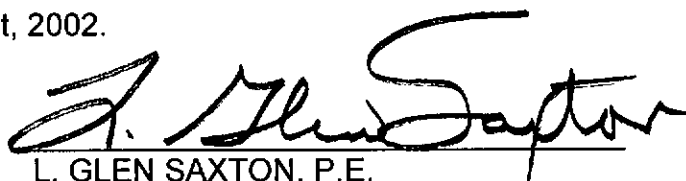
2. Powers has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting letter from the previous owner, Jay Wilde, and offering the Dam Safety file for the Barnhill Dam.

3. The Department should reinstate the permit with the priority advanced to the date that proof and the license examination fee were received.

ORDER

IT IS HEREBY ORDERED, that Permit No. 37-08099 in the name of Franklin Jack Powers or Elizabeth Powers is **REINSTATED** with the priority advanced to **October 2, 1997** for the beneficial uses of water developed by May 1, 1996.

Dated this 26th day of August, 2002.


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

RECEIVED

OCT 02 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AUG - 8 2002

Department of Water Resources
Southern Region

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.

Re: Barnhill Dam

1. Permit No. 37-08099 Telephone No. 366-2804 - 366-2802
2. Name(s) of Permit Holder(s): Franklin and Elizabeth Powers
3. Mailing Address: P.O. Box 1239 Glenns Ferry, Id. 83633
4. Source of Water: Spring water plus waste water from North side canal If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____
- a. Well Driller: _____ 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): Range cattle - horsesIrrigation (No. of acres): _____ Other: wildlife benefit Flood control and Sedimentation Control6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR Approx. 5 acre feet

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 _____

Has the measuring device been installed?

Yes _____ or No _____

Flow Measurement Port: Is a flow measurement port required?

Yes _____ or No _____

Has the measurement port been installed?

Yes _____ or No _____

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: John Walker, lessee Telephone Number: 366-2804Address: Rt. 1 Box 9 King Hill, Id. 83633

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NOV 18 2002

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.

Signature of permit holder: Elizabeth Powers Franklin Date: 10/23/97
(include your title, if on behalf of company or organization)

37-08099

NOTICE

This file has been REPRODUCED
from MICROFICHE [REDACTED]

For a possible Reinstatement

Paul J. Block
Person Recreating File

Sep. 03, 02
Date

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	37-08099	Jay Wilde Cindi Wilde	0.42
Full Assignment	37-08099	Franklin Jack & Elizabeth Powers	.042

RECEIVED

MAR 27 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

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

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. 37-08099 Now
Name(s) of Permit Holder: Jay Wilde (formerly) FRANKLIN JACK POWERS
Mailing Address: PO Box 1239, Glenns Ferry, Id. 83623
Date Proof Is Due: _____ Telephone No. (208) 366-2802

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".)

WORK has been started but is UNCOMPLETE
due to sale of property from Wilde
to POWERS and extreme drought in 1994.

Costing \$ 250 approx.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

See above ↑

Permit holder(s) request an extension to DEC. 31, 19 95.

FEE: \$50.00

(Signature)*

Franklin Jack Powers Elizabeth Powers
*If other than permit holder, Power of Attorney must be supplied.

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 May 1, 1996.

Signed this 3rd day of April, 19 95.

J. Glen Saylor
Chief, Water Allocation Bureau

RECEIVED
MAR 27 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

ASSIGNMENT OF PERMIT
To change the ownership of a permit

I, Jay Wilde, hereby assign to FRANKLIN JACK POWERS
(Permit Holder)
 of PO Box 1239, Glens Ferry, ID. 83623
(Full Address)

All my right, title, and interest in and to Permit No. 37-08099
 to appropriate the public waters of the State of Idaho.

OR (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 9 day of Mar, 19 95

Jay Wilde
 Permit Holder(s)

State of Idaho)
 County of Elmore) SS

On this 9th day of March, 199 5, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

Cheryl McCallister
 Notary Public

SEAL

Cheryl McCallister
 Signature

My commission expires: 8-24-2000

Form 11-91
RECEIVED

MAR 23 1992

For Office Use Only
\$15 Fee Received by WLB
Date 3-23-92
Receipt No. 002903

STATE OF IDAHO
Department of Water Resources DEPARTMENT OF WATER RESOURCES

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

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 in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 37-08099

Name(s) of Permit Holder: Jay Wilde - Cindi Wilde

Mailing Address: Rt 1 King Hill, Idaho

Date Proof Is Due Before May 1, 1992 Telephone No. 366-2904

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".)

Dams Reservoirs are in place

Costing \$ 13,000

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Actually work has been completed, but water is not being used on a continual basis. Am requesting extension until water is used continually as per phone conversation 19 Mar '92.

Permit holder(s) request an extension to 1 May, 19 92.

FEE: \$15.00

(Signature)* Jay Wilde

*If other than permit holder, Power of Attorney must be supplied.

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 May 1, 1995.

Signed this 26th day March, 19 92

J. Glen Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08099

Proposed Priority: May 18, 1983 Maximum Diversion Rate: 0.42 CFS
This is to certify, that CINDI WILDE
JAY WILDE
RT. 1
KING HILL, ID 83633
has applied for a permit to appropriate water from:

UNNAMED STREAM tributary of CLOVER CREEK

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 11/01	0.40 CFS	
IRRIGATION STORAGE	01/01 to 12/31		25.0 AF
IRRIGATION FROM STORAGE	04/01 to 11/01		25.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	
RECREATION STORAGE	01/01 to 12/31		25.0 AF
Totals		0.42 CFS	

LOCATION OF POINT(S) OF DIVERSION: SESE Sec. 9, Township 05S, Range 11E
ELMORE 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>
05S	11E	9	NESE	10	SESE	10
Total number of acres irrigated:						20

PLACE OF USE: IRRIGATION STORAGE, same as IRRIGATION use
PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use
PLACE OF USE: STOCKWATER, same as IRRIGATION use
PLACE OF USE: RECREATION 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 May 1, 1992.
2. Subject to all prior water rights.
3. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
4. Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
5. The storage of water under this permit is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

Permit To Appropriate Water

NO. 37-08099

CONDITIONS/REMARKS:

6. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
7. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
9. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
10. Stockwater use is for 25 head.

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

3rd day of April, 1990

R. Keith Higginson
R. Keith Higginson, Director

for

To appropriate the public waters of the State of Idaho

Post office address Route #1, King Hill, Idaho, 83633

3. Location of point of diversion is SE ¼ of SE ¼ of Section 9 Township 5S

Range 11E B.M. Elmore County, additional points of diversion if any:

Amount 0.024 for Stockwater purposes from Jan. 1 to Dec. 31 (both dates inclusive)

a. 0.42 cubic feet per second and/or b. 25.0 acre-feet per annum.

a. Description of ditches, flumes, pumps, headgates, etc. Existing earthen dam with proposed pump and gravity pipelines delivering to sprinklers and drip irrig systems.

b. Height of storage dam 28.5 feet, active reservoir capacity 25 est. acre-feet; total reservoir capacity 25 est. acre-feet, materials used in storage dam: existing earthen dam (Barnhill)

Period of year when water will be diverted to storage Jan. 1 to Dec. 31 inclusive.
(Month/Day) (Month/Day)

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year – maximum 5 years).

a. If water is not for irrigation:

(1) Give the place of use of water: SE ¼ of SE ¼ of Section 9 Township 5S

Range 11E B.M.

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

(3) List number of each kind of livestock to be watered 25 Range cattle

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

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

Storage for recreation which will include boating, swimming, fishing, ect.

८१५

[illegible]

Total number of acres to be irrigated	20
---------------------------------------	----

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

Lapsed Permit 37-7466

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

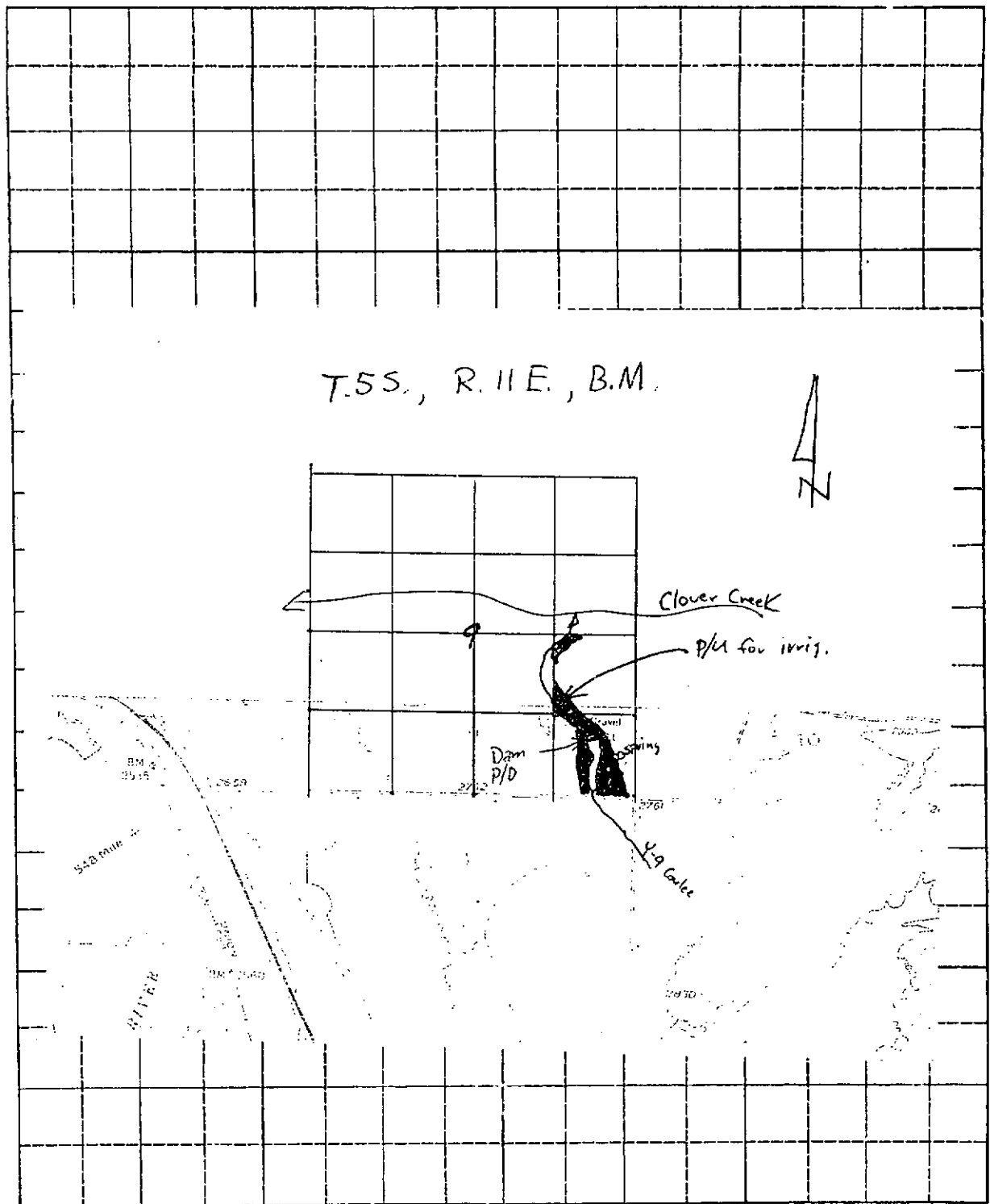
b. Who owns the land to be irrigated or place of use	Applicant
--	-----------

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

The dam was originally constructed under permit 37-7466 in 1976, however the permit was never proved up on and lapsed. The new owner of the dam, Mr. Wilde, wishes to record the existing use of the dam and reservoir and develop the use of irrigation for lands up and down the coulee which may be irrigated from the existing structure. The Y-9 Coulee as named by the North Side Canal is actually a natural stream in this area but at times large amounts of water are discharged from the canal system and also wastewater enters this coulee or wasteway.

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



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.

Aug. White
(Applicant)

Received by ADM Date ^{5/18/83}~~4/8/82~~ Time 11:00 am
Preliminary check by T.G.B Fee \$ 45.00 2462
Receipted by _____ Date 5/18/83
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: none

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

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. Other: _____



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

November 14, 2002

ELIZABETH M POWERS
POWERS FAMILY TRUST
3154 S CRABAPPLE LANE
BOISE ID 83706

Re: In the matter of Permit No. 37-08099 in the name of Franklin Jack Powers
or Elizabeth Powers

Dear Mrs. Powers:

Thank you for the Change in Address you sent me, I appreciate you notifying me of Mr. Powers' death. I have added the Powers Family Trust to the department's records. Enclosed for your information and records are two letters with Reinstatement Orders regarding the above referenced water right permit. **Please read these letters, they will inform you of what has happened in the last few months, and what the next step the department will follow for processing of this permit. The department will contact you or John Walker when the field examination is ready to be scheduled.** There is no need to respond to the department regarding this matter at this time. Ultimately when the department is finished with processing this application and/or permit, you will be issued a "Water Right License."

Additionally, it is important to notify the department if you sell this property or the ownership changes, since this water right file will remain in the department's records.

If you have any questions, please contact me at (208) 327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encls.

C: IDWR Southern Region

RECORDED
NOV 18 2002

My apologies for
not having notified
you of my address
change. It was
unintentional and
I was unaware that
there was a time
limitation on this.
Thank you for your
tolerance on this
issue.

MICROFILMED

Eligible

F. Jack Powers deceased

APR 18 2002
as 409/10/02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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NOV 12 2002

Department of Water Resources

CHANGE IN ADDRESS

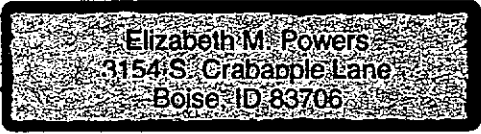
This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.

(Please print or type)

[] Water Right Number(s): 37-8099

[] Name(s): ELIZABETH M. POWERS
POWERS FAMILY TRUST

[] Old Mailing Address: P.O. Box 1239
GLENN'S FERRY, ID 83623

[] New Mailing Address: 

Telephone Number: (208) 336-1029

[] Signature(s) of Owner(s) Elizabeth M. Powers

(Include your title if on behalf of company or organization)

Date: 11/11/02

MICROFILMED
NOV 18 2002

MEMORANDUM

Date: October 29, 2002
To: Water Right File 37-8099
From: dgibson
Re: Update database info

This permit was reinstated on 8/29/2002. I am re-entering the database information for this permit.

MICROFILMED

NOV 1 2002



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

October 29, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOHN D WALKER
4775 E MONTGOMERY RD
KING HILL ID 83633

RE: Reinstated Permit No. 37-8099

Dear Mr. Walker:

Recently Proof of Beneficial Use was filed on the above-referenced water right, which ultimately was reinstated. However, all the documents I addressed to Mr. and Mrs. Powers regarding that reinstatement have been returned to the department. The address the department currently has for them is: P.O. 1239, Glens Ferry, Idaho. In order to complete the department's records of this water right, I need a current address for the Powers. Please forward the enclosed change of address form to the Powers, and ask that they complete the form and return it to me at the above address as soon as possible.

Please note that according to Idaho Code Section 42-248, which became effective July 1, 1996, requires water right owners to report any change of ownership, or change of mailing address to the department. Notice of the change must be provided to the department within 120 days of the change.

Thank you for your assistance in this matter. Please feel free to contact me if you have any questions regarding this matter, my phone number is (208)327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

NOV 18 2002

MICROFILMED

NOV 18 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
North Orchard Street, P.O. Box 83720
Idaho 83720-0098

Return Service Requested

RECEIVED

SEP - 4 2002

Department of Water Resources

- ☒ Forwarding Order Expired
- ☐ Insufficient Address
- ☐ Moved, Left No Address
- ☐ Unclaimed Refused
- ☐ Attempted, Not Known
- ☐ No Such Street
- ☐ No Such Number

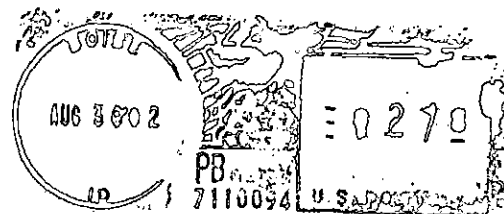
Route No.
Carr. Initial

FRANKLIN POWERS
ELIZABETH POWERS

PO BOX 1239

GLENN'S FERRY ID 83633

PRESORTED
FIRST CLASS



MICROFILMED
NOV 18 2002

83720-0098 83633





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

August 29, 2002

Franklin Powers
Elizabeth Powers
P.O. Box 1239
Glenns Ferry, ID 83633

John D. Walker
4775 E. Montgomery Rd.
King Hill, ID 83633

Re: Reinstated Permit No. 37-08099

Dear Mr. & Mrs. Powers, and Mr. Walker:

Enclosed is an Amended Reinstatement Order revising the previous order issued on August 26, 2002. The previous order referred to the source of water as Groundwater, which was not correct.

If you have any questions, please contact me at (208)327-7953.

Sincerely,

Deborah J. Gibson
Water Allocation Bureau
Administrative Assistant

Encl.

cc: Corey Skinner
Southern Region

MICROFILMED

NOV 18 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1551 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

RECEIVED

AUG 30 2002

Department of Water Resources

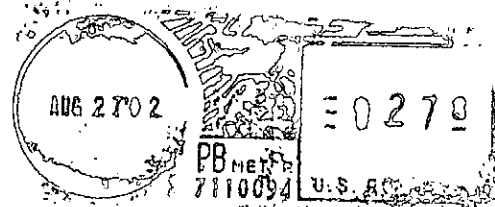
-  RETURN TO SENDER
- ☒ Return Service Requested
 - ☐ Insufficient Address
 - ☐ Moved, Left No Address
 - ☐ Unclaimed Refused
 - ☐ Attempted, Not Known
 - ☐ No Such Street
 - ☐ No Such Number

Route No. _____

City, State, Zip _____

Country _____

REGISTERED
FIRST CLASS



MICROFILMED
AUG 18 2002



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

August 26, 2002

KARL J. DREHER
Director

FRANKLIN POWERS
ELIZABETH POWERS
PO BOX 1239
GLENN'S FERRY ID 83633

JOHN D WALKER
4775 E MONTGOMERY RD
KING HILL ID 83633

RE: Lapsed Permit No. 37-8099

Dear Permit Holder:

This letter is in response to the Proof of Beneficial Use (proof) you filed with the department on October 2, 1997, regarding the referenced Lapsed Permit. Corey Skinner from the Southern Region brought this matter to my attention on August 13, 2002, and I am following up on your request for reinstatement. Pursuant to Section 42-218a, Idaho Code, the permit can be reinstated only if you submit information to support your development and beneficial use of the water appropriated under this right. I have reviewed the documents you provided Corey Skinner on October 2, 1997. I understand your documentation regarding the development of this water right is limited, so I have accessed the Dam Safety file of the department and have found the necessary evidence I needed for reinstatement.

Additionally, I understand you are only proving beneficial use for stockwater storage, flood or sedimentation control, and for wildlife use in the amount of 5 acre feet total volume.

Enclosed is an order reinstating the permit since proof and the license examination fee were submitted more than 60 days after the lapse notice was issued. Please note that the priority date has been advanced to **October 2, 1997**, as provided in Section 42-218a(2), Idaho Code, which was the date you filed your proof of beneficial use with the department. The reinstatement order does not authorize enlargement of the dam or additional development of water uses.

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 the field examination, please contact the **Southern** Regional Office of the department in Twin Falls at (208) 736-3033.

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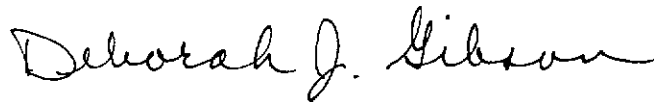
NOV 18 2002

Franklin and Elizabeth Powers
John D. Walker
August 26, 2002
Page 2

Additionally, please 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 any questions regarding this matter, please contact me at (208) 327-7953.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson".

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

cc: IDWR – Region
Corey Skinner
Dam Safety

MICROFILMED

NOV 18 2002

10/20/97

I HAVE TALKED WITH JOHN WALKER ON THE PHONE A COUPLE OF TIMES ABOUT THE POSSIBILITY OF GETTING WATER RIGHT PERMIT 37-08099

REINSTATED. HE PROVIDED THE ATTACHED LETTERS FOR REASONS/ EXPLANATIONS. THE DAM HAS BEEN IN EXISTENCE FOR QUITE SOME TIME. PHOTOS AND RECENT CORRESPONDENCE ARE IN THE DEPARTMENT'S DAM SAFETY FILE (D37-08099). IN A RECENT PHONE CONVERSATION, MR. WALKER SAID HE TRIED LOOKING FOR OLD PHOTOS SHOWING THE DAM (PROOF OF DEVELOPMENT UNDER THE CAPPED WATER RIGHT PERMIT) BUT WAS UNABLE TO FIND ANY. AMPLE EVIDENCE SHOULD EXIST IN THE DAM SAFETY FILE.

Cory Skinner

MICROFILMED

NOV 18 2002

RECEIVED

OCT 02 1997

Department of I.R.D.
Southern Region

WALKER LIVESTOCK

John D. and Lucinda Walker

Box 1, Box C
King Hill, ID 83603

Telephone (208)366-2804

September 25, 1997

State of Idaho
Department of Water Resources
Attn: Corey Skinner
1341 Fillmore St., Suite 200
Twin Falls, ID 83301 3380

RE: Barnhill Dam, permit #D37 08000, Franklin J. and Elizabeth Powers

Dear Mr. Skinner:

I am enclosing a letter from Jay Wilde, the former property owner. He describes a little of the history of the Barnhill Dam. He had originally applied for this water permit and never proved up on it. I think this was due to economics.

We would like to pursue the permit. If it's not too late for irrigation benefits, would still like to apply for stockwater. It is also of great benefit for wildlife.

At the time of purchase we never pursued the water permit for irrigation because we irrigate from the Northside Canal system and if something happened to the Northside Canal that would stop the flow of water coming into the Barnhill Dam there would not be enough water to irrigate for any length of time.

Regarding the allegation that we are storing and diverting water behind the Barnhill Dam, it is completely untrue. When Franklin Powers purchased the property from Jay Wilde, Mr. Wilde had the gate in the dam wide open. We have never closed it and furthermore, we are not pumping or otherwise diverting water in any manner what so ever.

Major benefits of the Barnhill Dam include: the collection of sediment and flood control. If the gate were to be closed down a little it would stop most of the silt and sediment coming from the overflow water of the Northside Canal. It would also benefit water flow because it would maintain a constant level of the reservoir. As it is now, some days the reservoir has water in it and some days it is completely empty.

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NOV 18 2002

Even though we could irrigate five to ten acres the expense of setting up to show beneficial use was prohibitive. Therefore, we did the same as Mr. White had done, let the water flow by. However, at this time we could put a portable pump and some mainline and two hand lines to show beneficial use. When this was first presented to us we did not have that capability.

If further information is required please contact me, John D. Walker, located at (209)366-2604. If any further mailings are sent to Franklin J. Powers I request a copy be sent to me.

Thank you for your attention.

Sincerely,

A handwritten signature in dark ink, appearing to read "John D. Walker". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John D. Walker

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NOV 18 2002

Jay Wilde
P.O. Box 351
Glenns Ferry, ID 83623

September 1, 1997

RECEIVED

OCT 02 1997

Department of Water and
Southern Region

Idaho Dept. of Water Resources
Twin Falls, ID

To Whom It May Concern:

I am writing this letter concerning the Barnhill Dam which is located on property I formerly owned and sold to Mr. Jack Powers in 1995.

As I understand it, the dam was constructed by Don Barnhill sometime around 1976. The water right that went with the dam was a non-consumptive use for aesthetic purposes and fish propagation.

The dam impounds overflow or waste water at the end of North Side Canal company's Y-9 lateral. There are also some small springs that are caught. At times, there is considerable overflow of waste water out of the canal lateral. I can only estimate, but probably 4 - 5 CFS occasionally comes into the dam. 1 - 2 CFS is constantly coming in. The springs contribute approximately another 1/2 CFS.

When I initially purchased the property in 1982, the reservoir had a good population of bass and catfish. Water fowl also was abundant.

Two or three years later, the dam was inspected by IDWR personnel and it was determined that the dam was leaking and I was ordered to drain the reservoir and leave the gate open until the dam was repaired. After all the water was released from the reservoir the seepage on the slopes below the dam continued. Even after 8 - 10 years, seepage was still apparent. It is my opinion that this seepage is not the dam leaking, but actually ground water surfacing. The dam was constructed in an area where the strata is mainly granular and it only makes sense that water can filtrate through this material.

It was not economically feasible for me to do the repairs that IDWR felt were necessary, so I left the gate open and did not store any water.

Sometime later, a survey of the reservoir was done and it was determined that it's capacity was not sufficient to come under IDWR jurisdiction.

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NOV 18 2002

I applied for a water right to irrigate out of the reservoir and my interest in this application was transferred to Mr. Powers when he purchased the property.

In 1994 I was approached by North Side Canal Company about using the reservoir as a sediment collecting pond. The location made it perfect as it was at the end of the lateral and before the overflow entered Clover Creek. They have removed sediment deposits from the reservoir since.

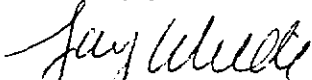
Mr. John Walker, who is leasing the property from his father-in-law Mr. Powers, indicated that he is still interested in establishing a water right to irrigate out of this facility.

It would appear to me that the dam could be beneficial for irrigation purposes and also to stop sediment from entering Clover Creek. Another plus would be the creation of fish and water fowl habitat.

I hope is explains some of the issues pertaining to the Barnhill Dam.

If you have any questions, please feel free to contact me.

Sincerely yours,


Jay Wilde

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NOV 18 2002

MEMORANDUM

TO: Barnhill Dam & Water Right 37-08099 Files

FROM: Corey Skinner ¹⁵

DATE: August 29, 1997

SUBJECT: Conversation with John Walker

This day John Walker called regarding my 08/11/97 letter that I sent to Franklin and Elizabeth Powers regarding Barnhill Dam and the lapsing of water right permit 37-08099. I had retrieved previous messages from Mr. Walker from my voice mail on 08/19/97 and 08/25/97.

Mr. Walker said that Mr. and Mrs. Powers are retired and do a lot of traveling and that he leases the Powers' property. He said that he does not often hear about items regarding the property until it is too late. He explained to me that due to Barnhill Dam's relative small storage capacity and the fact that the water level varies a lot (the reservoir is fed by North Side Canal wastewater), it was not practical to use the reservoir as an irrigation source.

Because it was not used for irrigation, he and the Powers had decided not to file proof of beneficial use for water right permit 37-08099 because it was not "beneficially used". Mr. Walker did indicate that they would like to keep the dam, because it serves as a sediment retention facility for the North Side Canal Company waste water before entering Clover Creek and then the Snake River. He mentioned that the North Side Canal Company removes sediment from the reservoir in the spring. In addition, the reservoir serves as a source for stockwater (I remember seeing horses near the reservoir and livestock trails on and near the embankment during my June visit). He also said that some wildlife use the reservoir and it could be viewed as aesthetic (I observed some quail during my June visit). I explained to Mr. Walker that these "uses" could be viewed as beneficial by the department.

He inquired about the necessary steps (fees and information) required to get the water right permit reinstated, and what they would have to do to file proof of beneficial use. He talked as if he would begin working on compiling the necessary information to try and get the water right permit reinstated, and that he would try and keep me advised on his progress. The dam has been in existence for many years so information should be available (documentation concerning the dam is in the IDWR dam safety files).

We also briefly discussed the dam, its operation, and some maintenance items. Mr. Walker said that they leave the outlet completely open all the time (note discharge in 06/34/97 inspection photos) and that he removes debris from the intake(s) at least twice a year.

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NOV 18 2002

37-08099



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 11, 1997

Franklin and Elizabeth Powers
P.O. Box 1239
Glenns Ferry, ID 83623

RE: Barnhill Dam

D37-8099

Dear Mr. and Ms. Powers:

In accordance with Title 42, Chapter 17, of Idaho Code, the Department recently inspected Barnhill Dam, which is located in the SESE $\frac{1}{4}$ of Section 9, Township 5 South, Range 11 East, B.M., in Elmore County. According to the Elmore County Assessor's Office and Department records, you are now the owners of this particular dam.

Because of the dam's small size and because the downstream area is classified as low risk, the dam is only re-examined approximately every five years to ascertain whether the downstream risk has changed, or the size of the project has increased. The recent site examination revealed that the downstream area is still low risk, and it appears the size of the dam has not changed. Therefore, the dam is still excluded from the Department's regulation in accordance with the provisions in Section 42-1711, Safety of Dams Statutes, Idaho Code.

To forego costly repairs, we encourage you to eliminate woody vegetation growth on the embankment (spray/cut and burn or remove brush and trees), eliminate any rodents and fill in their burrows, repair any eroded areas on the dam, and monitor the seepage at the toe of the dam. In addition, debris blocking the intake to the outlet and the gloryhole spillway should be removed and either burned, or disposed of away from the dam.

Examination of Department records indicates that you do not currently have a water right allowing you to divert and store water behind your dam. You obtained water right permit 37-08099 from Jay Wilde by an assignment that was received by the Department in March of 1995. One of the conditions of approval of this water permit was that proof of the extent of beneficial use must be submitted to the Department on or before May 1, 1996. This submittal would have been a statement (on the appropriate form) describing the extent of development,

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NOV 18 2002

37-08099

August 11, 1997
PAGE 2

(accompanied by the appropriate fee or a completed field examination report prepared by a certified water right examiner) notifying the Department that the project was completed. A February 28, 1996 letter (copy enclosed) notified you that this beneficial use submittal was due. By not submitting this information, under the provisions of Section 42-218A, Idaho Code, your water right permit lapsed. You were notified of your water right permit lapsing in a May 9, 1996 letter (copy enclosed) from the Department.

Since water right permit 37-08099 has lapsed, and you have no other water right allowing you to divert and store water behind your dam, you are storing water in violation of Idaho law. **Please note that the illegal diversion and use of water is discussed in Sections 42-351 and 42-352, Idaho Code, and is subject to civil penalties of up to \$100.00 per day.**

Pursuant to Section 42-218a, Idaho Code, your lapsed permit can be reinstated (with an advanced priority date) only if you submit the enclosed Proof of Beneficial Use statement, the appropriate license examination fee, and the following:

- *Two pieces of evidence to show that beneficial use of the water did commence, and to show the extent of the use of water during the authorized development period from the time the permit was issued until the proof due date (April 3, 1990 to May 1, 1996) and,

- *Reasonable cause why the proof of beneficial use was filed late.

Information such as affidavits, receipts, photographs, etc. may be of use as evidence that could verify beneficial use.

Please respond to our office within **30 days** of the date of this letter as to the status of your project. If you do not respond, a Notice of Violation and Cease and Desist Order may be issued subjecting you to the civil penalties mentioned above.

If you have any questions, or if I can be of any assistance, feel free to contact me at your convenience.

Sincerely,



Corey Skinner, EIT
Dam Safety Section

Enclosures

cc: IDWR State Office

MICROFILMED

NOV 18 2002

NOTICE

This file has been REPRODUCED
from MICROFICHE [REDACTED]

For a possible Reinstatement.

Douglas M. Brock
Person Recreating File

Sep. 03, 02
Date

I certify that file No. 37-08099

has been reviewed and is ready to be
MICROFILMED and DESTROYED.

The attached proof report is the water right as it appeared in the
database prior to final status entry and deletion from the database.

pkh

Reviewer

9/12/96

Date

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

09/12/96 11:17:29
Page 1

Water Right Number - 37-08099

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

POWERS

ELIZABETH

1 - PO BOX 1239

2 -

3 -

City- GLENNS FERRY

State- ID Zip- 83623

Phone - 208-366-2802

POWERS

FRANKLIN JACK

1 - PO BOX 1239

2 -

3 -

City- GLENNS FERRY.

State- ID Zip- 83623

Phone - 208-366-2802

*** O - ORIGINAL OWNER ***

WILDE

CINDI

1 -

2 -

3 -

City-

State- Zip-

Phone - 208-000-0000

WILDE

JAY

1 -

2 -

3 -

City-

State- Zip-

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/18/1993 17 SOUTHERN P - PERMIT

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
UNNAMED STREAM CLOVER CREEK

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
05S 11E 9 SE SE (39) ELMORE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.400
02 - IRRIGATION STORAGE 01/01 12/31 25.00
03 - IRRIGATION FROM STORAGE 04/01 11/01 25.00
04 - STOCKWATER 01/01 12/31 0.020
47 - RECREATION STORAGE 01/01 12/31 25.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.420

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
05S 11E 9 NE SE 10.0 01 IRRIGATION (39) ELMORE

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

09/12/96 11:17:29
Page 2

Water right number - 37-08099

Prefix Translation: WATER RIGHT

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
OSS	11E	9	SE SE		10.0	01	IRRIGATION	(39) ELMORE

Total Acres: 20.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - -
Stockwater use is for 25 head.

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - -

- 026 - Permit holder shall commence the excavation or construction of
- diverting works within one year of the date this permit is issued
- and shall proceed diligently until the project is complete.
- 18A - Permanent measuring devices must be installed in such a manner
- that the amount of water entering the reservoir and the amount of
- water released from the reservoir can be measured.
- 18B - The storage of water under this right is contingent upon the
- certification of the dam and authorization of storage per the dam
- safety provisions of the Idaho Code.
- 051 - Any license issued by IDWR pursuant to the right or portion
- thereof for the use of trust water is subject to a term review
- of 20 years after the date of this approval to determine
- availability of water for the use and to re-evaluate the public
- interest at the end of the term.
- 052 - Diversion and use of water under this right is subject to an
- annual use fee if rules are subsequently promulgated which
- provide for the submittal of the fee.
- 053 - The Director retains jurisdiction over this right and may
- change, add, or remove any requirement as determined to be
- appropriate.
- 03A - 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.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +

00/00/0000

+ - - - - - Comments - - - - -

Date: 03/23/1992 User Id: VAULT Subject: Extension of Time Received
Extension of Time Received
Date: 03/27/1995 User Id: VAULT Subject: Extension of Time Received
Extension of Time Received

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

Water right number - 37-08099

Prefix Translation: WATER RIGHT

Date: 05/09/1996 User Id: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

+ - - Audit Fields - 09/22/87 05/28/88 CONVERT 12/13/89 CURTIS 03/27/90 CURTIS 03/29/90 CURTIS
03/23/92 COMMENTS 03/26/92 GUSTAFSO 03/27/95 COMMENTS 05/10/95 JYARBROU 05/09/96 COMMENTS

♦ - Water Rights Dates and Flaps Area

Proof Due Date	- 05/01/1996	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 04/03/1990	Protested Date	- 00/00/0000	Swan Falls	- 7
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	- C032362	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Name Connector	-	PDU Ownership Flag	- Y
Presumption Flag	-				

May 9, 1996

ELIZABETH POWERS
FRANKLIN JACK POWERS
PO BOX 1239
GLENNS FERRY ID 83623

LAPSE NOTICE

RE: PERMIT NO. 37-08099

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated February 28, 1996. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 5-9-96
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

h j

February 28, 1996

ELIZABETH POWERS
FRANKLIN JACK POWERS
PO BOX 1239
GLENN'S FERRY ID 83623

PROOF DUE NOTICE

RE: PERMIT NO. 37-08099

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 May 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.

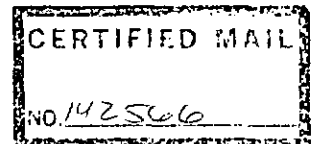
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

May 10, 1995

Franklin Jack Powers
Elizabeth Powers
P.O. Box 1239
Glenns, Ferry, ID 83623

RE: Permit No. 37-08099

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to May 1, 1996. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

Additionally, the department acknowledges the Assignment of Permit assigning the above referenced permit to you. Our data base has been modified to reflect the change in ownership.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 3, 1995

Franklin and Elizabeth Powers
P.O. Box 1239
Glenns Ferry, ID 83623

RE: Water Right Permit No. 37-08099

Dear Mr. and Mrs. Powers:

I am in receipt of the Request for Extension of Time and the Assignment of Permit forms you submitted to this office on March 27, 1995. Before the department can act on the Assignment of Permit form it must be accompanied by a \$25.00 filing fee. Apparently you had an older form which did not show the need of the filing fee.

Please send the \$25.00 fee within thirty (30) days of receipt of this letter.

If you have any questions or concerns, please do not hesitate to contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

ER-DEPARTMENT MEMO--1

FROM

Glen

TO

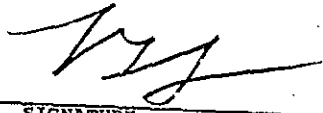
File 37-08099

DATE

3-8-95

SUBJECT

- Mr. Wilde was in the office today & took an assigned form. The new owner of his property may file the form.


SIGNATURE

February 28, 1995

CINDI WILDE
JAY WILDE
RT. 1
KING HILL ID 83633

RE: PERMIT NO. 37-08099 PROOF DUE NOTICE

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 May 1, 1995. (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.

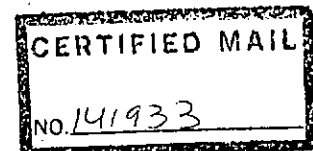
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 26, 1992

Jay and Cindi Wilde
Route 1
King Hill, ID 83633

Re: Permit No. 37-08099

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to May 1, 1995. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

Mr. Wilde, the department is unable to grant you and "extension to avoid forfeiture" since you do not have a license to a water right. You still possess a permit. We have granted a three year extension on your permit, however, I encourage you to file proof of beneficial use as soon as possible. If you are not using the water because of the drought, you will not be penalized by the department. However, as we discussed on the phone, you cannot obtain a permit to appropriate water and then not use the water. If you do not use the water, it should be relinquished back to the state for future appropriations.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

February 28, 1992

CINDI WILDE
JAY WILDE
RT. 1
KING HILL ID 83633

PROOF DUE NOTICE

RE: PERMIT NO. 37-08099

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 May 1, 1992. (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.

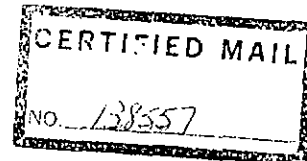
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

Karen L. Gustafson
Secretary/Records Manager

Enclosures



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
April 3, 1990

CINDI WILDE
JAY WILDE
RT. 1
KING HILL, ID 83633

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P37-08099

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.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of

Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman". The signature is written in dark ink and is positioned above the typed name.

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

FEBRUARY 14, 1990

Mountain Home News
Drawer O
Mountain Home, ID 83647

Dear Legal Dept.:

Enclosed you will find legal notices 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 MARCH 12, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

37-08099-

WILDE, JAY ✓
WILDE, CINDI ✓
RT. 1 ✓
KING HILL, ID 83633 ✓

Source: UNNAMED STREAM ✓ Tributary: CLOVER CREEK ✓
Diversion Pt: SESE ✓ Sec 9 T 05S R 11E ✓
Use: IRRIGATION (.400 CFS) ✓
 IRRIGATION STORAGE (25.00 AF) ✓
 IRRIGATION FROM STORAGE (25.00 AF) ✓
 STOCKWATER (.020 CFS) ✓
 RECREATION STORAGE (25.00 AF) ✓
 Total Diversion: (.420 CFS) ✓

Date Filed: 5/18/1983 ✓

In: T05S R11E S09 ✓ NESE ✓ SESE ✓
 20.0 ACRES TOTAL ✓

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before MARCH 12, 1990. ✓

Published 2/21/1990 & 2/28/1990

R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Application No. 37-8099

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes _____ No X

b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

LEASE w/option to purchase. / Current = Liz Gluck

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes _____ No X

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain restrictions and/or conditions. You may be asked to verify uses established prior to October, 1984.)

3. Please state the number of acres you have irrigated under this application since October 1, 1984. NONE

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. 20

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

NA

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant

Jay Wille

Date 12/5/89

page 2

IDAHO DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 23, 1989

RE: APPLICATION FOR PERMIT NO. 37-8099

DEAR APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development if any, that has already occurred under your application.

Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, the department asks that you complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments and/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water.

Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the department to void the application.

Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information should be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Agent

Enclosures

TL:sc

cc: Region

NOTICE OF APPLICATIONS
FOR TRUST WATER RIGHTS

37-08072

OLSON, CHARLES J.

RT. 1 BOX 777E

MOUNTAIN HOME, ID 83647

Source: SPRING CREEK; Tributary:
CAMAS CREEK

Diversion Pt: SWNW Sec 8 T 02S R
11E

Use: IRRIGATION STORAGE
(120.00 AF); IRRIGATION FROM
STORAGE (120.00 AF); Total Diversion:
(120.00 AF)

Date Filed: 3/23/1983

In: T02S R11E S06 NESE; S08
NENE NWNE SWNE

55.0 ACRES TOTAL

37-08098

WILDE, JAY

WILDE, CINDI

RT. 1

KING HILL, ID 83633

Source: UNNAMED STREAM; Tribu-
tary: CLOVER CREEK

Diversion Pt: SESE Sec 9 T 05S R
11E

Use: IRRIGATION (400 CFS); IRRI-
GATION STORAGE (25.00 AF); IRRI-
GATION FROM STORAGE (25.00 AF);
STOCKWATER (020 CFS); RECREA-
TION STORAGE (25.00 AF); Total Di-
version: (420 CFS)

Date Filed: 5/18/1983

In: T05S R11E S09 NESE SESE

20.0 ACRES TOTAL

The permits will be subject to all
prior water rights. Protests may be sub-
mitted based on the criteria of Sec. 42-
203A, Idaho Code and/or the new public
interest criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with the Di-
rector, Dept. of Water Resources, State-
house Mail, Boise, Idaho 83720 on or be-
fore MARCH 12, 1990.

R. Keith Higginson, Director

Published 2/21/1990 & 2/28/1990.

RECEIVED
MAR 6 1990

Department of Water Resources

Affidavit of Publication

County of Elmore)

) ss.

STATE OF IDAHO)

I, Mike Thornberry do
solemnly swear that I am the foreman, or publisher of the
MOUNTAIN HOME NEWS

a weekly newspaper of general circulation published
once a week at MOUNTAIN HOME, IDAHO, that the
notice attached hereto and which is a part of the proof of
publication thereof, was published in said newspaper for

2 consecutive weeks, the first publication having
been made on the 21 day of February

1990, and the last publication having been made on
the 28 day of February, 1990;
every Wednesday issue of the paper during the period
and time of publication and that the notice was published
in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN
HOME NEWS has been continuously and uninterrupt-
edly published in said Elmore County during a period of
78 consecutive weeks prior to the first publication of the
attached notice.

Mike Thornberry
STATE OF IDAHO)
COUNTY OF ELMORE)

On this 28 day of Feb in the year of 1990

before me, a Notary Public, personally appeared

Mike Thornberry known or identified
to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn,
declared that the statements therein are true, and ac-
knowledged to me that he executed the same.

Robert W. Jew
Notary Public for Idaho

Residing at Mtn. Home, ID

My commission expires: 2-5-91