

MEMORANDUM

TO: Application for Permit 37-20386 File

FROM: Corey Skinner *CS*

DATE: May 10, 2001

SUBJECT: Pre Permit Field Exam

On May 8th I visited the property involved with Application for Permit 37-20386 along with Delbert McMurdo Jr., the applicant. I verified that there appears to be an adequate water source to warrant a water right filing. The photo below shows the source of water for application 37-20386.



Photo of spring in the SWNENW $\frac{1}{4}$ of Section 26, Township 01 North, Range 15 East.

MICROFILMED

MAY 11 2001

5/8/2001

FIELD NOTES

37-20387

37-20386

26

37-20388

MICRO

OCT 11 1999

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20386

Priority: 04/27/2001

Maximum Diversion Rate: 0.04 CFS

This is to certify, that DELBERT MC MURDO JR
400 GLENDALE RD
BELLEVUE ID 83313

And/Or

BARBARA MC MURDO
400 GLENDALE RD
BELLEVUE ID 83313

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: SINKS

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26, Twp 01N, Rge 15E, B.M. CAMAS County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	15E	26					X												

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 1, 2006**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Stockwater use under this permit and Permit Nos. 37-20387, 37-20388, 37-20389 and 37-20390 combined is for a total of 150 range cattle.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 16th day of August, 2001.

MICROFILMED


for
KARL J DREHER, Director

APR 1 2001

Department of Water Resources

Page 1

Ident. No. 37-20386

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

RECEIVED

APR 27 2001

Department of Water Resources
Southern Region

1. Name: DELBERT MCMURDO JR.
400 GLENDALE RD
BELLEVUE ID 83313
(208)788-9569
AND/OR

BARBARA MCMURDO
400 GLENDALE RD
BELLEVUE ID 83313
(208)788-9569

2. Source: SPRING Tributary to: SINKS

3. Location of Point of Diversion:

#1 SPRING
CAMAS County

^{SW}
~~NW~~ 1/4NE1/4NW1/4

Sec. 26, Twp 01N, Rge ^{15E}~~16E~~, B.M. ^{JR}

4. Water will be used for the following purposes:

Purpose	From To	RATE OF DIVERSION	ANNUAL VOLUME
STOCKWATER	01/01 to 12/31	0.04 CFS	

5. Total quantity to be appropriated is: 0.04 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: SPRING BOX WITH PIPELINE TO CATTLE TROUGH

b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;

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

d. Is ground water with a temperature of greater than 85F being sought?

e. If well is already drilled, when? _____;
Drilling Firm _____;
Drilling Permit No. _____.

MICROFILMED

OCT 1 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 year(s).

8.

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
01N	18E	26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
							X												

15E
JR

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

We should accomplish this development within five years. We will file Proof of Beneficial Use when the development is finished

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

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

B. McMurdo
Applicant

Received by P. SKINNER Date 4/27/01 Time 3:30 Preliminary check by P. SKINNER
Publication prepared by MB Date 6/1/01 Published in Idaho Carrier
Publication approved MB Date 8/2/01

Receipt No. 5023876 \$100.00

Date: 4/27/01

Received by: P. SKINNER

MICROFILMED

WARRANTY DEED

FOR VALUE RECEIVED, and as consideration as part of an IRC § 1031 tax-deferred exchange,

Richard A. Ambrosi and Nancy A. Ambrosi, Trustees, or their successors under the Richard A. and Nancy A. Ambrosi Family Trust dated July 15, 1993

the grantors, do hereby grant, bargain, sell and convey unto

Delbert R. McMurdo, Jr. and Barbara McMurdo, husband and wife

the grantees, whose current address is **400 Glendale Road
Bellevue, ID 83313**

the following described premises, in Camas County, Idaho, to wit:

See attached Exhibit "A"

This transaction is a 1031 Exchange for the benefit of Richard A. Ambrosi and Nancy A. Ambrosi, Trustees, or their successors under the Richard A. and Nancy A. Ambrosi Family Trust dated July 15, 1993, as Relinquished property.

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s) and their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that it is the owner in fee simple of said premises; that said premises are free from all encumbrances

and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: March 5, 2001

Richard A. Ambrosi
Richard A. Ambrosi, Trustee

Nancy A. Ambrosi
Nancy A. Ambrosi, Trustee

State of: Idaho

County of: Blaine

On this 6 day of March, 2001, before me a Notary Public in and for said State, personally appeared Richard A. Ambrosi, trustee and Nancy A. Ambrosi, trustee known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Cassie Jones
Notary Public

Residing at: Thruway, Idaho

Comm. Expires: 7-7-2006



RECEIVED

APR 20 2001

Department of Water Resources
Sandwich, Idaho

MICROFILMED

APR 11 1991

EXHIBIT A
C000092

RECEIVED

APR 20 2001

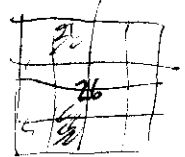
Department of Water Resources
Southern Region

Parcel 1:

RP01N15E262400

Township 1 North, Range 15, East of the Boise Meridian, Camas County, Idaho

Section 26: The West one-half of the West one-half; the Northeast Quarter of the Northwest Quarter; and the East one-half of the Southwest Quarter.



Parcel 2:

RP01N15E350104

Township 1 North, Range 15, East of the Boise Meridian, Camas County, Idaho

Section 35: The East one-half.

EXCEPTING THEREFROM the following described parcel of land:

BEGINNING at the Southeast corner of said Section 35;
Thence North 297.00 feet;
Thence in a Southwesterly direction in a straight line to a point on the South boundary line of said Section 35 which lies 297.00 feet West of the Southeast corner of said Section 35;
Thence East 297.00 feet to the PLACE OF BEGINNING.

nothing found on these legal

ALSO EXCEPTING THEREFROM the following described parcel of land:

Township 1 North, Range 15, East of the Boise Meridian, Camas County, Idaho

Section 35: A parcel of land, more particularly described as follows:

BEGINNING at a point on the South boundary of said Section 35 from which the Southeast corner of said Section 35 bears North 90°00'00" East 297.00 feet;
Thence from said Point of Beginning North 90°00'00" West along the South boundary of said Section 35 for 939.87 feet to a point which approximates the centerline intersection of Baseline Road and Elk Creek;

(Page 1 of 5)

MICROFILMED

APR 20 2001



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 17, 2001

DELBERT MC MURDO JR
BARBARA MC MURDO
400 GLENDALE RD
BELLEVUE ID 83313

RE: Permit No. 37-20386

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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.

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

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

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

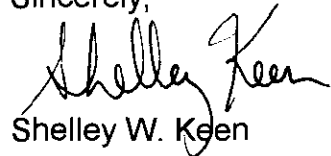
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

MICROFILMED

2001
ORIGINAL

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley Keen". The signature is fluid and cursive, with the first name "Shelley" and last name "Keen" clearly distinguishable.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

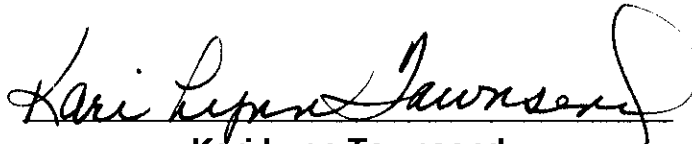
Enclosure(s)

CERTIFICATE OF MAILING

I hereby certify that on August 17, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 37-20386

**DELBERT MC MURDO JR
BARBARA MC MURDO
400 GLENDALE RD
BELLEVUE ID 83313**


**Kari Lynn Townsend
Secretary**

MICROFILMED
SEP 11 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

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.

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 8/14/01

No. 37-20386 Name: McMurdo Corp. Officers N/A Ad ok ☒ Govt Lots

AREA OF CONCERN: No/Yes Moratorium GWMA TRUST/NON-TRUST

GROUNDWATER: (√Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

~~WMD~~

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121

Trust - 051 (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

SURFACE WATER: (√Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

WD - R04 (WD#)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WD

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area - 022,075
Irr., GW supp to SW - 102
Future needs - 007,109
FISH PROP - 029 (70's only)-007-042-106

DOMESTIC

Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
>1 in restricted area - 070-071-075 (no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
i.e. D/convenience store)

BENEFICIAL USE DUE: 8/01/2006

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range w/4 other
Pre-1987 development - 068-074 (allow 120 days for proof due) apps
Single p/d intended - 076

IRRIGATION SEASON - (Per updated map)

IRR VOLUME/ACRE

OTHER CONDITIONS/REMARKS WIS (14")

COMMENTS Springs that sink are not under WM control.
No meas dev. warranted.

RECEIVED

AUG 14 2001

DEPARTMENT OF WATER RESOURCES

Date Sent Comments Received

SEND COPIES TO:

☐ Idaho Dept of Health & Welfare	_____	_____
☐ USDI BLM	_____	_____
☒ Idaho Dept of Fish & Game	_____	_____
☐ USFS	_____	_____
☐ Idaho Dept of Lands	_____	_____
☒ Water Dist. No. <u>37</u>	_____	_____
☐ Adjudication Bureau Unit	_____	_____
_____	_____	_____
_____	_____	_____

PROCESSING ☒ Yes ☐ No In form for Advertising?
☐ Yes ☒ No Statewide Advertising?
☒ Yes ☐ No Fee amount, receipt date & No. recorded?

☐ Yes ☐ No Has all requested additional information been received?
 If not, describe action taken: _____

FINAL REGIONAL PROCESSING REVIEW

☐ Yes ☐ No Affidavit of publication received?
☒ Yes ☐ No Application published correctly? If not, record action taken.

☐ Yes ☐ No Publication dates and paper recorded?

Final date for protest: _____

☐ Yes ☒ No Protests received?

☐ Yes ☐ No Protested?

Describe Resolution: _____

☐ Yes ☒ No Measuring device required?

☐ Yes ☐ No Access port required?

☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist? 37

☐ Yes ☐ No Special conditions codes:

☒ Yes ☐ No Is Evaluation Memo Attached?

If yes; date of Memo 8/9/01

Date of priority recommended: 8/27/01

COMMENTS:

RECOMMEND ☐ Approval ☐ Denial

By _____ Date _____

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY A. SKINNER DATE 9/30/01

REQUIRED INFORMATION (Ck if OK)

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.
- ☒ Address
- ☒ Source (see USGS quad for names of water sources)
- ☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
- ☒ County
- ☒ Quantity (flow &/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 signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt?

++++PROPOSED PRIORITY DATE 9/27 ²⁰⁰¹

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back. NONE
- ☒ Overlapping point of diversion. NONE
- ☒ Yes ☐ No Is Source Surface Water?
If Yes Send Copy to F&G.
If Yes Field check/memo required.
Field check/memo by A. SKINNER
- ☒ Yes ☐ No Field report attached?
- ☒ Yes ☐ No Critical Ground water area?
- ☒ Yes ☐ No Groundwater management area? SURFACE WATER
- ☒ Yes ☐ No Measurement District or Groundwater District?
What District? _____
- ☒ Yes ☐ No Send Dam safety information?
- ☒ Yes ☐ No Send power requirement letter?
- ☒ Yes ☐ No Send fish farm requirement letter?
- ☒ Yes ☐ No Power residency affidavit attached?
- ☒ Yes ☐ No Power efficiency form?
- ☒ Yes ☐ No Within trustwater boundary?(If yes, attach trustwater supplementary analysis sheet.
- ☒ Yes ☐ No Diversion greater than 5 cfs or 500 acre ft? (If yes, attach large diversion supplementary analysis sheet.
- ☒ Yes ☐ No Is Application made to record Pre Nov 1987 Development?
If Yes then request clear evidence of when use started.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____

RECEIVED

AUG 14 2001

Department of Water Resources

MEMO

FROM: Allen Merritt



DATE: August 9, 2001

TO: Permits No: 37-20386 through 37-20390

In the Name of: **Delbert McMurdo Jr**

SUBJECT: Review and Recommendation

These applications are for development of a springs and diversions from Elk Creek all in Camas County. The sources have historically provided water for wildlife and probably cattle. These applications move the watering spots away from the sources as some sort of a preservation effort. Corey Skinner has visited all the sites and prepared memos with photos included in the files.

F&G commented with suggested recommendations of approval. See letter dated 6/18/2001.

It was unclear as to the total intent for the total number of cows to be watered so I contacted Mr. McMurdo today. He indicated that in total 150 head are to be rotated around to the various water sites so combined total use is 150 head of range cattle. I discussed with Mr. McMurdo the F&G recommendations and he indicated he was acceptable to those conditions.

The applications were processed without protest. The applications are within the Big Wood Water District 37.

Recommendation

I recommend that the application be approved subject to the following conditions:

- These permits should be developed with conditions as outlined in the F&G 6/18/2001 letter:
 - Diversion pumps be screened with ¼ inch mesh or smaller.
 - Troughs be built with wildlife escape ramps.
 - Recommended that wetlands be fenced using wildlife friendly fencing as outline by F&G.
- Diversions should have float control valves or other devices to limit wasting of water.
- Under Control of Watermaster District 37.
- Individually each permit allows watering of 150 head of range cattle at each site and when permits combined they allow watering of 150 head of range cattle total.

MICROFILMED

AUG 14 2001

Baldwin, Mary

From: Baldwin, Mary
Sent: Friday, July 20, 2001 4:45 PM
To: Camas Courier (E-mail)
Cc: Baldwin, Mary
Subject: Affidavit of Publication

Dear Eddy:

Five applications for permit No. 37-20386 through 37-20390 inclusive filed in the name of Delbert McMurdo were published in June but we have not received the Affidavit of Publication. Would you please send them at your earliest convenience?
Thanks!

MICROFILMED

SEP 11 2001



IDAHO FISH & GAME

MAGIC VALLEY REGION
868 East Main Street
P.O. Box 428
Jerome, Idaho 83338-0428

Dirk Kempthorne / Governor
Rod Sando / Director

June 18, 2001

RECEIVED

JUN 20 2001

Department of Water Resource
Southern Region

Mary Baldwin
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Re: Application for Transfer Nos. 37-20386 through 37-20390 (McMurdo)

Dear Mary,

We have reviewed the above referenced applications for water rights and we have spoken with Barb McMurdo, one of the applicants about their proposal to divert water in the Camas Creek drainage. Application nos. 37-20386 through 37-20388 are for diverting water from three different springs to livestock watering troughs away from the spring sources. Based on the photos and information provided by the IDWR and Barbara McMurdo, none of these springs are likely to support fish but do provide habitat and water for amphibians, shorebirds, waterfowl and big game wildlife. Elk Creek, on the other hand, is within a watershed known to support trout and other coldwater aquatic species. Application nos. 37-20389 and 37-20390 are for pumping water from Elk Creek into livestock troughs. Based on this information we make the following recommendations as conditions for approval for the benefit of wildlife:

- The spring areas and associated wetlands proposed for water developments should be protected from livestock by using wildlife friendly fencing. This should consist of a post and pole fence design with a maximum top rail height of 42 inches and a minimum bottom rail height of 17 inches. If wire fencing is used then we recommend a maximum top wire height of 40 inches and a bottom barbless wire height of 18 inches, using a maximum of three wires. These designs will accommodate deer, elk and antelope and reduce the likelihood of entanglement.
- For the two Elk Creek water rights we recommend that the intake for the irrigation pumps be covered with a ¼ inch mesh screen. This should reduce mortality of aquatic species near the intakes.
- All of the livestock watering troughs should be designed with wildlife escape ramps. Troughs without these ramps frequently entrap and drown birds and small mammals.

Thank you for the opportunity to comment on these applications. Please contact Chuck Warren, our Environmental Staff Biologist at this office if you have any questions about our recommendations.

RECEIVED
JUN 19 2001

Keeping Idaho's Wildlife Heritage

37-20386

Sincerely,

A handwritten signature in black ink, appearing to read "David Parrish". The signature is fluid and cursive, with the first name "David" and last name "Parrish" clearly distinguishable.

David Parrish,
Magic Valley Regional Supervisor

Cc: Robertson (NRP-IDFG)
Greg Wooten (IDFG)
Delbert and Barbara McMurdo
400 Glendale Rd.
Bellevue, Idaho 83313

MICROFILMED

APR 11 1988

State of Idaho
Department of Water Resources
Transfer of Water Right(s)

RECEIVED
JUN 13 2001
Department of Water Resources
Southern Region

RECOMMENDATION OF WATERMASTER

Application No: 37-20386-87 Water Right No(s):

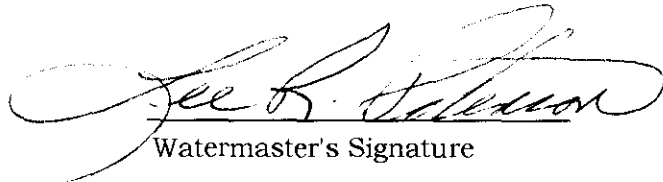
Applicant's Name: 88-89-90-

Watermaster's Recommendation: Delbert McMurdo Jr.

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows.
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional Comment:

Dated this 11th day of June, 2001.

Water District No. 37


Watermaster's Signature

MICROFILMED

APR 1 1998



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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 4, 2001

DELBERT McMURDO JR. &/or
BARBARA McMURDO
400 GLENDALE RD
BELLEVUE ID 83313

Re: Application for Permit Nos. 37-20386 through 37-20390 (inclusive)

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right applications. The applications have been assigned the above referenced identification numbers. Please refer to these numbers in all further correspondence.

This office has scheduled advertising the applications in the Camas Courier for 6/6 & 6/13/01. A period of ten days following the second publication will be allowed for the submittal of protests. (June 25, 2001)

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. If a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant

Enclosures

MICROFILMED

JUN 14 2001



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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 4, 2001

ATTN CHARLES WARREN
ID DEPT FISH & GAME
PO BOX 428
JEROME ID 83338

Application for Permit Nos. 37-20386 through 37-20390 (McMurdo)

Dear Mr. Warren:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. Copies of the applications are enclosed for your reference.

This office can complete the processing of an unprotested application as soon as the protest period is past; therefore, your prompt response to this request is appreciated.

If your agency desires to file a formal protest against the approval of this application, your written protest along with a \$25.00 filing fee must be received in this office by June 25, 2001.

Please contact this office if you have any questions regarding an application.

Sincerely,

Mary A. Baldwin
Administrative Assistant

Enclosures

MICROFILMED

JUN 11 2001



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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 4, 2001

LEE PETERSON WATERMASTER
WATER DISTRICT #37
PO BOX T
SHOSHONE ID 83352

Application for Permit Nos. 37-20386 through 37-20390 (McMurdo)

Dear Mr. Peterson:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. Copies of the applications are enclosed for your reference.

This office can complete the processing of an unprotested application as soon as the protest period is past; therefore, your prompt response to this request is appreciated.

If your agency desires to file a formal protest against the approval of this application, your written protest along with a \$25.00 filing fee must be received in this office by June 25, 2001.

Please contact this office if you have any questions regarding an application.

Sincerely,

Mary A. Baldwin
Administrative Assistant

Enclosures

MICROFILMED

JUN 11 2001

Baldwin, Mary

From: Baldwin, Mary
Sent: Monday, June 04, 2001 3:26 PM
To: Blau, Terry
Cc: Baldwin, Mary
Subject: McMurdo apps

Apps. for permit in Camas County:



mb-sca.doc

MEMORANDUM

DATE: June 4, 2001
TO: Terry Blau –Stream Channel Program
FROM: Mary A. Baldwin, Southern Region
SUBJECT: Application for Permit Nos. 37-20386 through 37-20390

FYI, five applications for permit have been filed on surface water by Delbert &/or Barbara McMurdo in Camas County as referenced above.

MICROSOFT

WORD

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
)
County of Camas)

RECEIVED
AUG 02 2001
Department of Water Resources
Southern Region

Edward Reagan, being first duly sworn, deposes and says that he/she is the designated agent for the publisher of The Camas Courier, a newspaper published every week in Fairfield, County of Camas, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145, that the annexed advertisement, a copy of which is hereto attached, was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 6th day of June, 2001, and the date of the last publication was on the 13th day of June, 2001.

Edward Reagan

On this 27th day of July, in the year of 2001, before me,
a Notary Public, personally appeared EDWARD REAGAN,
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 acknowledged to me that he executed the same.

[Signature]
Notary Public for Idaho
Residing in Fairfield.
My commission expires: 12/31/01

THE CAMAS COURIER
Post Office Box 339
Fairfield, Idaho

RECEIVED
JUL 30 2001

Department of Water Resources
Southern Region

Cost of Publication

Number of lines in notice 90
Number of insertions 2
Cost for advertisement First insertion \$ 31.50
Second insertion(s) \$ 27.00
Total cost \$ 58.50

RECEIVED
AUG 02 2001

Department of Water Resources
Southern Region

OK MB
8/2/01



Flea Beetle Paratroopers Spread, As Air War on Leafy Spurge Escalates

ARCO, Idaho- Years ago, its pretty yellow flower won leafy spurge an invitation to home gardens. But the now-noxious weed needed no invitation to trespass recklessly across 5 million-plus acres and 35 states, painting anything but a pretty picture on Western rangelands.

Deep-rooted, seed flinging and highly adaptable, leafy spurge is so competitive that it can kill sagebrush, and it's so bitter and irritating that it discourages grazing by wildlife, cattle and horses on- or even near- it. Fortunately, several plain-Jane species of flea beetles know how to get ugly with leafy spurge, and now Western weed-fighters have added helicopter bombardiers to the spurge-spoiling team.

This June, U.S. Forest Service helicopter crews will again drop cartons of "bug bombs" on hard-to-reach acreages of infested rangelands in Butte and southern Custer counties. Chad Cheyney, University of Idaho Extension educator in Butte County and project coordinator, says they plan to release a million blackdot flea beetles-four times more than last year.

The lively bombs-to-be are currently maturing in natural "insectaries" of leafy spurge. Team members will sweep them into nets by the cupfuls and package them in half-pint, hole-riddled, unwaxed cardboard food containers. Weighed down by heavy washers, the containers will be dropped from helicopters during three or four mornings in mid- to late-June and their locations will be marked with global positioning system technology. The Idaho State Department of Agriculture is cost-sharing the expenses, and agencies and volunteers associated with the Lost River Coordinated Weed Management Area are sharing the work.

Cheyney estimates that last year's bug bombs cost just \$7.50 an acre to control leafy spurge. That compares with \$150 to

continued on page 2....

Legal Advertisements Legal Advertisements

NOTICE OF APPLICATIONS

Five applications were filed on 04/27/2001 to appropriate the public waters of the State of Idaho by DELBERT McMURDO JR. &/or BARBARA McMURDO, 400 GLENDALE RD; BELLEVUE ID 83313 for year round stockwater use within Camas County as follows:

37-20386

Point(s) of Diversion: SWNENW S26 T01N R15E
Source: SPRING Tributary To SINKS
Use: STOCKWATER (0.04 CFS)
Place Of Use: T01N R15E S26 NENW

37-20387

Point(s) of Diversion: SWNNW S26 T01N R15E
Source: SPRING Tributary To SINKS
Use: STOCKWATER (0.04 CFS)
Place Of Use: T01N R15E S26 NWNW

37-20388

Point(s) of Diversion: NENWSW S26 T01N R15E
Source: SPRING Tributary To SINKS
Use: STOCKWATER (0.04 CFS)
Place Of Use: T01N R15E S26 NWSW

37-20389

Point(s) of Diversion: NWSE S35 T01N R15E
Source: ELK CREEK Tributary To CAMAS CREEK
Use: STOCKWATER (0.06 CFS)
Place Of Use: T01N R15E S35 NWSE

37-20390

Point(s) of Diversion: SWSE S35 T01N R15E
Source: ELK CREEK Tributary To CAMAS CREEK
Use: STOCKWATER (0.06 CFS)
Place Of Use: T01N R15E S35 SWSE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of an application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St. Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before June 25, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

published in The Camas Courier on June 6 & 13, 2001.

NOTICE OF PUBLIC HEARING

Pursuant to the Idaho Code 67-6509 NOTICE IS HEREBY GIVEN that the City of Fairfield's Planning and Zoning Commission will hold a Public Hearing on Friday, June 8, at 7:00 p.m. The meeting will be held in the City of Fairfield's City Hall. The purpose of this meeting is to hear Steve Miller's preliminary plat application and request for annexation and zoning on the "Mill" property.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CAMAS

IN THE MATTER OF THE ESTATE OF:) Case No. SP-01-04
GERTRUDE L. BALLARD) NOTICE TO CREDITORS
Decedents.)

NOTICE IS HEREBY GIVEN that the undersigned has been appointed Personal Representative of the above named estate. All persons having claims against the Decedent are required to present their claims within four (4) months after the date of the first publication of this notice or said claims will be forever barred. Claims must either be presented to NANCY BALLARD Personal Representative of the Estate, or at the law offices of HOBDEY & HOBDEY, PO Box 176, Gooding, Idaho 83330 or filed with the Court.

DATED THIS 8th day of May 2001.

Nancy Ballard

Legal Advertisements Legal Advertisements

LEGAL NOTICE OF PUBLIC HEARING

Pursuant to Idaho Code 67-6509, NOTICE IS HEREBY GIVEN that the Camas County Planning and Zoning Commission will hold a public hearing in the High School Study Hall, on Tuesday the 12th day of June 2001, at approximately 7:30 PM

The purpose of this hearing is to hear Erle Byram's preliminary plat application and variance (road width), for the H. C. Byram Estate Subdivision. This parcel of land is located in Sections 27 and 34 of Township 4 North, Range 13 East, Boise Meridian. Said parcel is a portion of the Portland Mining claims #3 and #4. (A more detailed description is on file in the Planning and Zoning Administrator's office). This proposed subdivision contains nine lots equaling approximately 180 acres. The property is adjacent to the west bank of the Boise River and accessed by Skunk Creek Road to the south.

published on May 23, 30, & June 6, 2001

LEGAL NOTICE OF PUBLIC HEARING

Pursuant to Idaho Code 67-6509, NOTICE IS HEREBY GIVEN that the Camas County Planning and Zoning Commission will hold a public hearing in the High School Study Hall, on Tuesday the 12th day of June 2001, at approximately 7:45 p.m.

The purpose of this hearing is to hear a possible amendment to the Camas County Zoning Ordinance, specifically to add a "Hillside and Foothill Areas Development" Article. This Article pertains "to any driveway, roadway and/or building or portion thereof having a slope of fifteen percent (15%) or more, or occurring on hilltops, ridgelines or knolls, and not subject to the subdivision ordinance. This Article excludes all farming and ranching activities." The full text of this proposed Article may be obtained at the P&Z Administrator's office.

published on May 23, 30, & June 6, 2001

LEGAL NOTICE OF PUBLIC HEARING

Pursuant to Idaho Code 67-6509, NOTICE IS HEREBY GIVEN that the Camas County Board of Commissioners will hold a public hearing in the Camas County Court House Annex on Monday the 11th day of June 2001 at approximately 9:30 a.m. The purpose of this hearing is to hear a request by Wolf Springs Ranch to rezone approximately 40 acres 13 miles east of Fairfield 1.5 miles north, from Agricultural to Agricultural Transition Zone. The property is described as follows:

Township 1 South, Range 16 East of the Boise Meridian, Camas County, Section 3: NESE

published on May 23, 30, & June 6, 2001

LEGAL NOTICE OF PUBLIC HEARING

Pursuant to Idaho Code 67-6509, NOTICE IS HEREBY GIVEN that the Camas County Board of Commissioners will hold a public hearing in the Camas County Court House Annex (Commissioner's Room) on Monday the 11th day of June, 2001 at approximately 9:45 a.m. The purpose of this hearing is to hear a request by Windmill Bluff Ranch, L.L.C. to rezone approximately 270 acres south of Fairfield from Agricultural to Agricultural transition Zone. The property is described as follows:

Township 1 South, Range 14 East of the Boise Meridian Camas County
Section 31: S1/2NE1/4, N1/2SE1/4;
Section 32: S1/2NW1/4, N1/2SW1/4.

published on May 23, 30, & June 6, 2001

LEGAL NOTICE OF PUBLIC HEARING

Pursuant to Idaho Code 67-6509, NOTICE IS HEREBY GIVEN that the Camas County Board of Commissioners will hold a public hearing in the Camas County Court House Annex (Commissioner's Room) on Monday the 11th day of June, 2001, at approximately 10:00 a.m. The purpose of this hearing is to make amendment to the Camas County Zoning Ordinance, and change a section of ground to AT Zone from A Zone. The area under discussion is Section 35 of T1 South, Range 17 East, Boise Meridian.

published on May 23, 30, & June 6, 2001

45 lines X 2 columns = 90 lines

1st In
90 X .35 = 31.50

2nd In
90 X .30 = 27.00

MICROFILMED

OK MB
8/2/01

NOTICE OF APPLICATIONS

Five applications were filed on 04/27/2001 to appropriate the public waters of the State of Idaho by DELBERT McMURDO JR. &/or BARBARA McMURDO, 400 GLENDALE RD, BELLEVUE ID 83313 for year round stockwater use within Camas County as follows:

37-20386

Point(s) of Diversion: SWNENW S26 T01N R15E
Source SPRING Tributary To SINKS
Use: STOCKWATER (0.04 CFS)
Place Of Use: T01N R15E S26 NENW

37-20387

Point(s) of Diversion: SWNWNW S26 T01N R15E
Source SPRING Tributary To SINKS
Use: STOCKWATER (0.04 CFS)
Place Of Use: T01N R15E S26 NWNW

37-20388

Point(s) of Diversion: NENWSW S26 T01N R15E
Source SPRING Tributary To SINKS
Use: STOCKWATER (0.04 CFS)
Place Of Use: T01N R15E S26 NWSW

37-20389

Point(s) of Diversion: NWSE S35 T01N R15E
Source ELK CREEK Tributary To CAMAS CREEK
Use: STOCKWATER (0.06 CFS)
Place Of Use: T01N R15E S35 NWSE

37-20390

Point(s) of Diversion: SWSE S35 T01N R15E
Source: ELK CREEK Tributary To CAMAS CREEK
Use: STOCKWATER (0.06 CFS)
Place Of Use: T01N R15E S35 SWSE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of an application must be filed with the Director, Dept. of Water Resource, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before June 25, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Camas Courier on 6/6 & 6/13/01.

MICROFILMED

(202)



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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 1, 2001

EDWARD REAGAN EDITOR
CAMAS COURIER
PO BOX 339
FAIRFIELD ID 83327

Dear Mr. Reagan:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before June 25, 2001. Your cooperation is appreciated.

Sincerely

Mary A. Baldwin
Administrative Assistant

RECEIVED

JUN 1 2001

MEMORANDUM

TO: Application for Permit 37-20386 File

FROM: Corey Skinner *CS*

DATE: May 10, 2001

SUBJECT: Pre Permit Field Exam

On May 8th I visited the property involved with Application for Permit 37-20386 along with Delbert McMurdo Jr., the applicant. I verified that there appears to be an adequate water source to warrant a water right filing. The photo below shows the source of water for application 37-20386.



Photo of spring in the SWNENW ¼ of Section 26, Township 01 North, Range 15 East.

AND ACKNOWLEDGED

CS

