

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 45-07728

Priority: August 29, 1995

Maximum Diversion Rate:
Maximum Diversion Volume:

0.02 CFS
0.2 AF

This is to certify, that LARRY METTS
PATRICIA METTS

PO BOX 491

ALBION ID 83311-0491

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 29, 1995; and has submitted Proof of Beneficial Use on February 25, 1998. An examination indicates that the works have a diversion capacity of 0.020 cfs of water from:

SPRING tributary to **SINKS**

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	0.2 AF

LOCATION OF POINT(S) OF DIVERSION: SWNENW , Sec. 12, Township 12S, Range 24E
CASSIA County

PLACE OF USE: STOCKWATER

TWN RGE SEC

12S 24E 12 NENW

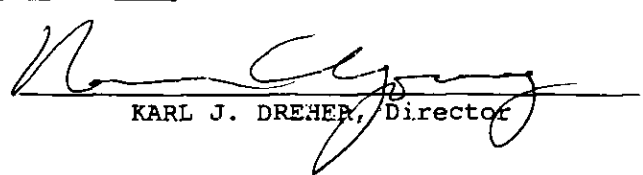
CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code, Witness the seal and signature of the Director, affixed at Boise, this 28TH day of AUGUST, 1998.

MICROFILMED

SEP 24 1998


KARL J. DREHER, Director

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 0041539
Receipt By: RL
Date Received: 2-25-98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 25 1998

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 45-07728 Telephone No. 208-673-6671

2. Name(s) of Permit Holder(s): Larry & Patricia Metts

3. Mailing Address: P.O. Box 491, Albion, ID 83311

4. Source of Water: spring, tributary of If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____
sinks

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): up to 10 head of
horses & range cattle

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.02 cfs OR _____ 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: Larry or Patricia Metts Telephone Number: 208-673-6671 please leave message

Address: 912 Park Road, Albion, ID (mail address is above)

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: Patricia Metts, Larry Metts Date: 2-23-98
(include your title, if on behalf of company or organization)

MICROFILMED

APR 16 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 26 1997

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. 45-07728

Name(s) of Permit Holder: Larry Metts & Patricia Metts

Mailing Address: P.O. Box 491, Albion, ID 83311

Date Proof is Due: March 1, 1997 Telephone No. 208-673-6671

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".)

We drove a sandpoint into 3 different locations without success. After seeking advice from the U.S. Department of Agriculture Soil Conservation Service on another method to develop the water right, we will try using a spring box. Costing \$ approx. \$250.00

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

As stated above, the sandpoints did not work. The winter weather has kept us from installing a spring box. As soon as the mud dries up we will install the box.

Permit holder(s) request an extension to October 1, 19 97.

FEE: \$50.00

Larry Metts
(Signature)*

Patricia Metts

*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 March 1, 1998.

MICROFILMED

Signed this 6th day of March, 19 97

J. Glen Saxton
Chief, Water Allocation Bureau

MAR 11 1997

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 45-07728

Proposed Priority: August 29, 1995

Maximum Diversion Rate:

0.02 CFS

This is to certify, that LARRY METTS

PATRICIA METTS

PO BOX 491

ALBION ID 83311-0491

has applied for a permit to appropriate water from:

SPRING

tributary of SINKS

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

STOCKWATER

01/01 to 12/31

0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNENW , Sec. 12, Township 12S, Range 24E
CASSIA County

PLACE OF USE: STOCKWATER

TWN RGE SEC

12S 24E 12

NENW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1997.
2. Subject to all prior water rights.
3. Stockwater use is for up to 10 head of horses and 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

11th day of March, 1996

Karl J. Dreher
Karl J. Dreher, Director

MAR 28 1996

RECEIVED
FEB 27 1996

RECEIVED

Department of Water Resources

Ident. No. 45-07728

AUG 29 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: PATRICIA METTS 208-673-6671
Address: PO BOX 491
ALBION ID 83311
AND/OR
Name: LARRY METTS 208-673-6671
Address: PO BOX 491
ALBION ID 83311
2. Source: ~~UNNAMED~~ SPRING Trib. to: SINKS
3. Location of Point of Diversion: SW NEW Sec. 12, Township 12S, Range 24E
CASSIA County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
STOCKWATER	01/01	12/31	0.020		
5. Total quantity to be appropriated is:
0.020 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
HORIZONTAL SANDPOINT TO SPRING BOX, PIPELINE TO STOCKTANK
 - b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 year(s).

28 1995

8. Place of Use: STOCKWATER

TWN RGE SEC
12S 24E 12 NENE

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: * Stock water use is for up to 10 head of livestock.

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.

Rory S. Mott
Applicant

Received by KKC Date 8-29-95 Time 2:00 PM Preliminary check by KKC

Fee \$ 50.00 Receipted by KKC # 5018430 Date 8-29-95

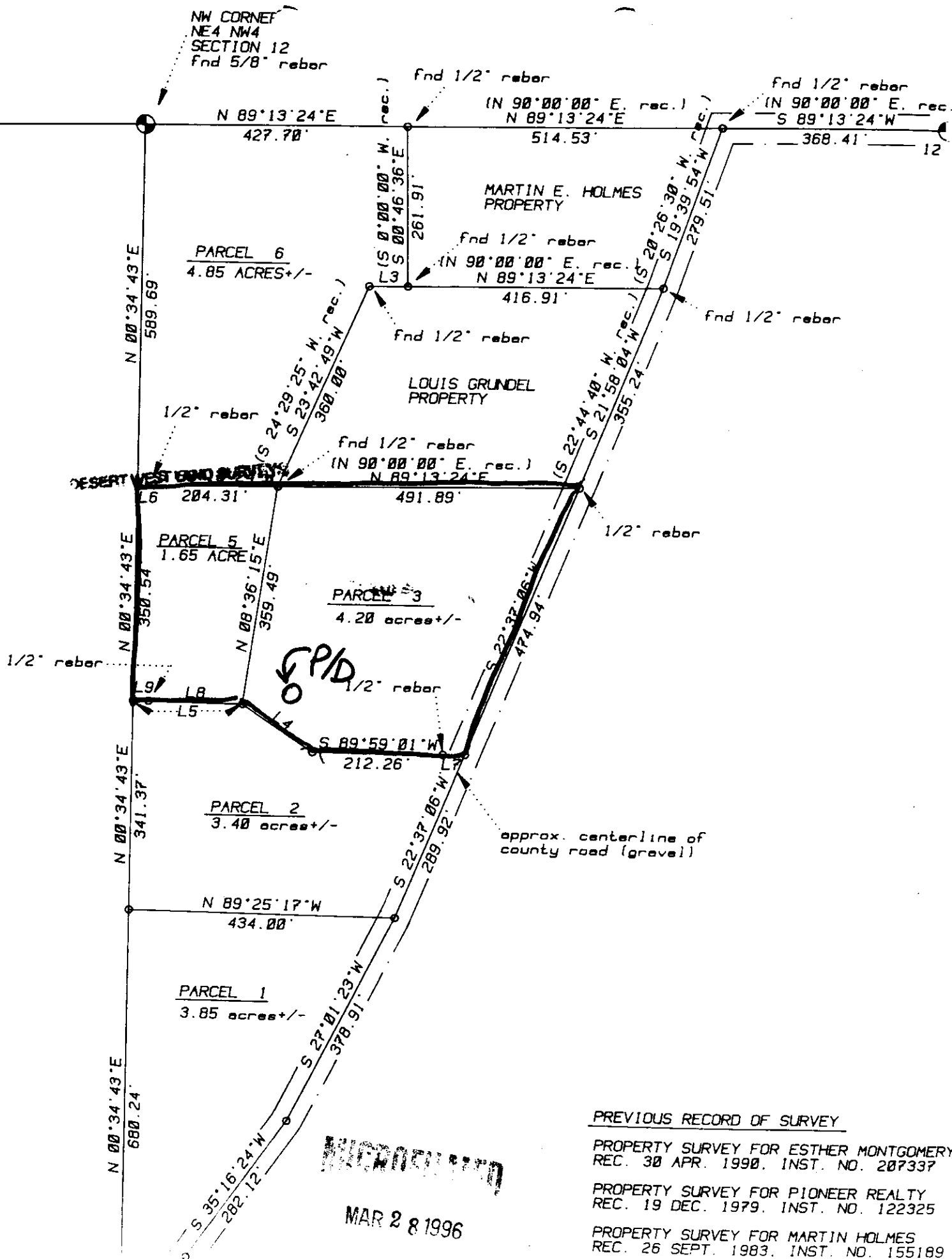
Publication prepared by MB Date 1/22/96 Published in S. Id. Press

Publication approved _____ Date _____

* per telecon with applicant 3/6/96 c.j.

RECORDED

MAR 28 1996



PREVIOUS RECORD OF SURVEY

PROPERTY SURVEY FOR ESTHER MONTGOMERY
REC. 30 APR. 1990. INST. NO. 207337

PROPERTY SURVEY FOR PIONEER REALTY
REC. 19 DEC. 1979. INST. NO. 122325

PROPERTY SURVEY FOR MARTIN HOLMES
REC. 26 SEPT. 1983. INST. NO. 155189

PROPERTY SURVEY FOR JENNY MONTGOMERY
45-07728

5045

1

PERMIT
COVER

45-07728 INIT KKC

T. R. S. Q/Q

P/D 125 24E 12 NENW enlarge

PHOTO ORTHO CC-30

DT. & ID. 1976 FLIGHT 156%

96

Creek

MAR 28 1996

45-07728



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

August 31, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LARRY METTS
PATRICIA METTS
PO BOX 491
ALBION ID 83311-0491

RE: WATER RIGHT NO. 45-07728

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief 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 twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the ~~preliminary~~ order on its own motion.

SEP 2 4 1998

ORAL ARGUMENT

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

FINAL ORDER

The Department 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 Department 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.

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SEP 24 1998

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED
SEP 24 1998

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of August, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 45-07728

LARRY METTS
PATRICIA METTS
PO BOX 491
ALBION ID 83311-0491


Kari Lynn Townsend
Secretary

MICROFILMED

SEP 24 1998

MEMORANDUM

TO: File 45-07728

FROM: Sharla

DATE: August 25, 1998

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit No. 45-07728 are as follows:

A. GENERAL INFORMATION

3. Source: spring tributary to sinks

There are two collection tubes collecting water from a single spring source; this doesn't constitute two sources or two diversion points.

Exam Date: June 4, 1998
Examiner: Georgia Satterlee

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SEP 24 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 45-07728 DATE 8/25/98 REVIEWER: SHARLA

NAME OK Change/OK
 Address OK
 SOURCE OK 2 coll. tubes @ 1 spring - no amendment
 Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV OK Change (P39 /P47) Add (P45/P42) Feds - P40

W32 (multiple in 1/4/4)
 W36 (overlap)
 W59 (subd. desc)

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

PLACE OF USE OK Change (P41/P47) Add (P41/P42) Feds - P43

W60 (subd. desc)
 W27 (ppu acre limit)

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

PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate .02 cfs
 Fee limit .20 cfs \$50⁰⁰
 Measured .01 cfs
 Theoretical _____ cfs
 Recommended Total Div Rate .02 cfs

WATER USES	Change (P46)		
<u>Stock</u>	<u>.02</u> cfs	<u>.1</u> af	Irrig - overlap (R58-R61, R62-R65, R66-R69)
_____	_____ cfs	_____ af	supp. gw (WB7/065/079)
_____	_____ cfs	_____ af	overlap spec. combined rts (W35)
_____	_____ cfs	_____ af	<1acre (W31)
_____	_____ cfs	_____ af	Domestic (W01/WB5/070/071/075)
TOTALS	<u>.02</u> cfs	<u>.2</u> af	Power (W42 or W43/025/027/R22 or R23)
			Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate .02 cfs X 365 days X 1.98 = 14.5 af

REMARKS _____

ADD'L CONDITIONS _____ Watermaster Control WD# _____
 _____ GW Measurement/Measuring Device
 _____ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority yes no SRBA Claim NA Adjust Memo Source
 Amend letters _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUL 08 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 45-07728

1. Owner: Larry & Patricia Metts Phone No. 673-6671

Current Address: PO BOX 491, ALBION, ID. 83311

2. Accompanied by: Patricia Metts EXAM DATE: 04 JUNE 1998

Address: Same as above Phone No. _____

Relationship to Permit Holder: Wife

3. Source: Springs tributary to Sinks

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 45-07729 (application)
2. Other water rights with the same point of diversion: " " " "

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	NE	NW	12	12S	24E	CASSIA	FIELD EXAM, 7.5' QUAD

2. Place(s) of Use:

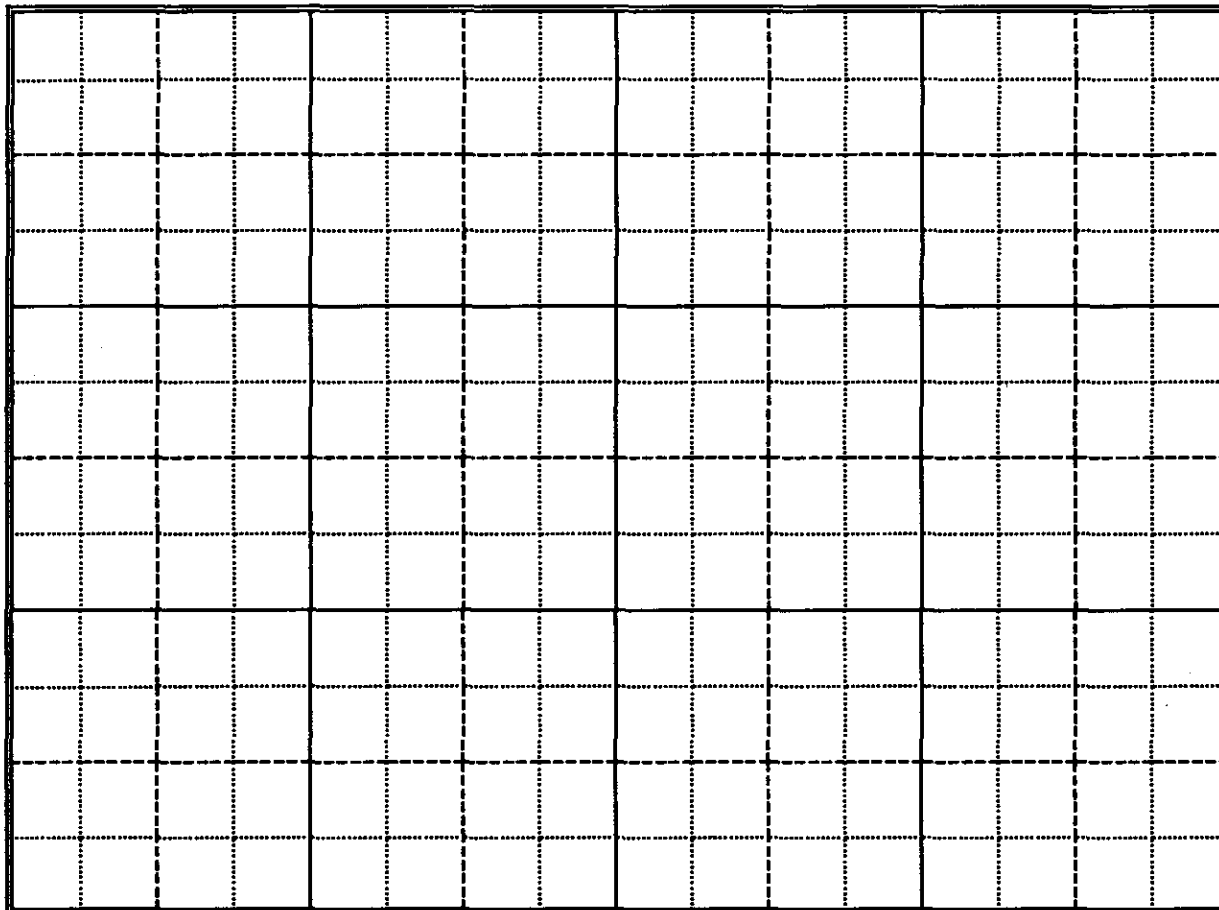
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	24E	12					S												

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SEP 24 1998

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



Scale: 1" = _____

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

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
BUCKET/STOPWATCH						

2. Measurements: Average rate 3gpm = 0.01 cfs

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SEP 24 1998

E. NARRATIVE/REMARKS/COMMENTS

E. NARRATIVE/REMARKS/COMMENTS

FROM: Georgia Satterlee
DATE: 10 June 1998
RE: 45-07728

On 04 June 1998 at 1530 hrs., I met with Patty Metts to conduct a field examination on the stockwater permit. The water source is springs that sink.

The spring water is collected in two 6-8" diameter pvc pipes and piped down to watering trough.

The rate was measured by bucket and stopwatch. Mrs. Metts says the flow fluctuates. The average rate measured on this day is 3 gallons per minute = 0.01 cubic feet per second. Because of the flow fluctuation, I am going to give the applicant the benefit of doubt and recommend the permitted rate.

The spring water is used for stock water for horses. At the time of the examination, there were 6-9 horses. The number of stock can be 2-3 head, plus or minus.

See back of Beneficial Use Field Report for recommendations.

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

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SEP 24 1998

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

Bucket/Stopwatch measured 3gpm = 0.01 cfs
Due to fluctuations in flow, I'll recommend permitted rate.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

EXAM FEE LIMIT 0.20
PERMIT RATE 0.02
RECOMMEND 0.02

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
STOCK WATER	1/1	12/31	0.02	0.2
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			0.02	0.2

2. Recommended Amendments

____ Change P.D. as reflected above ____ Add P.D. as reflected above ☒ None
____ Change P.U. as reflected above ____ Add P.U. as reflected above ____ Other

I. AUTHENTICATION

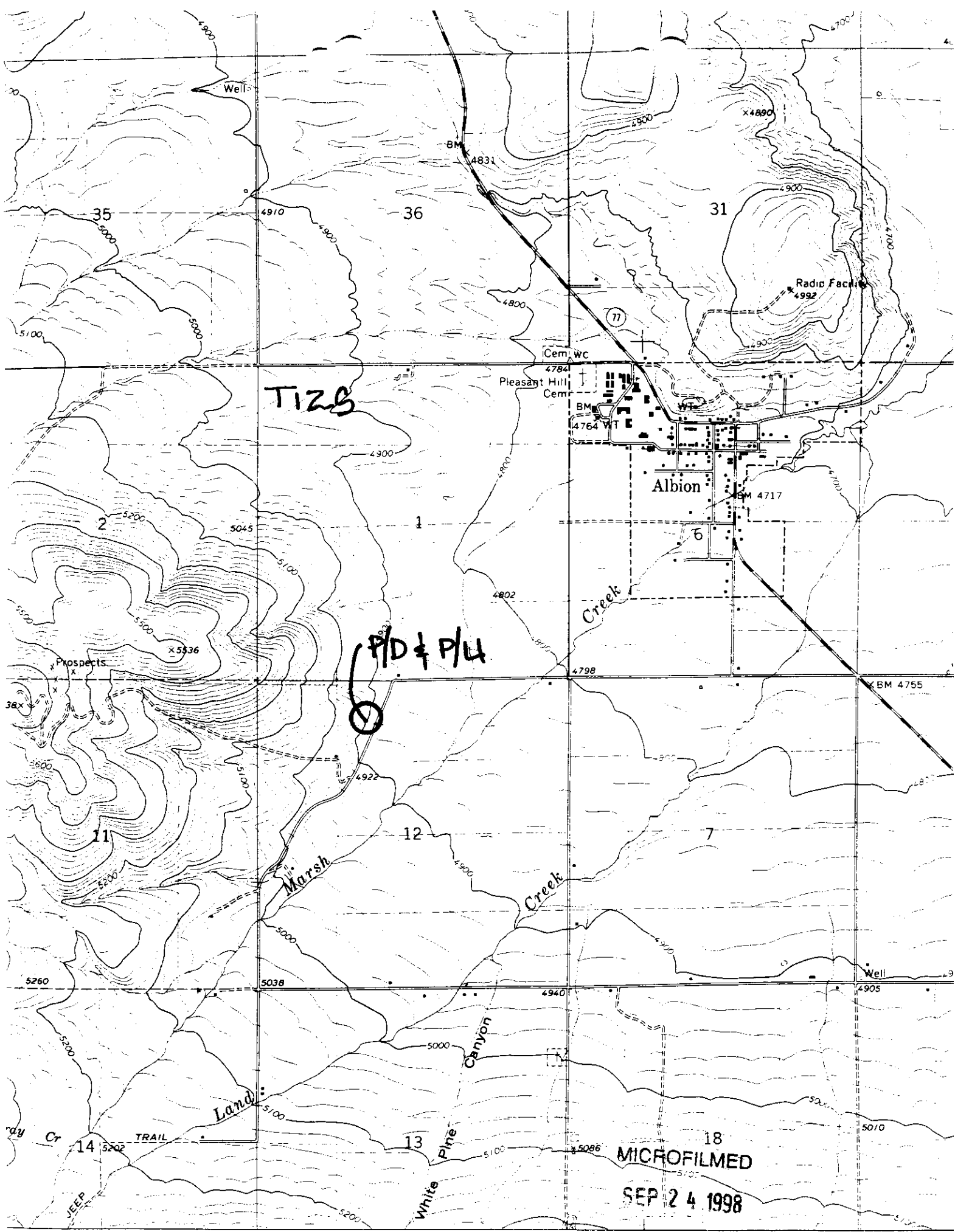
Field Examiner's Name Georgia Satterlee Date 10 June 98

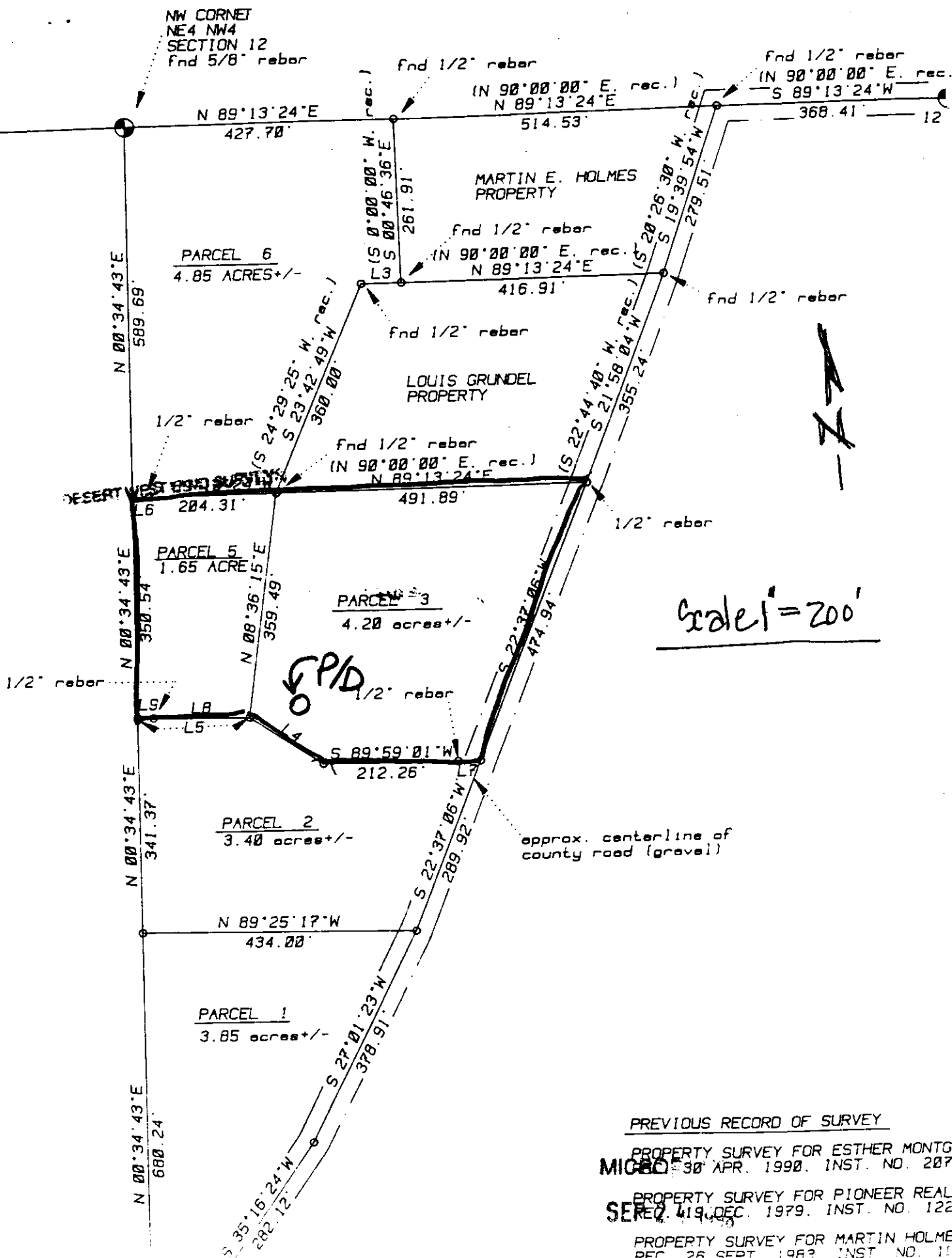
Reviewer _____ Date _____

SEAL

MICROFILMED

SEP 24 1998



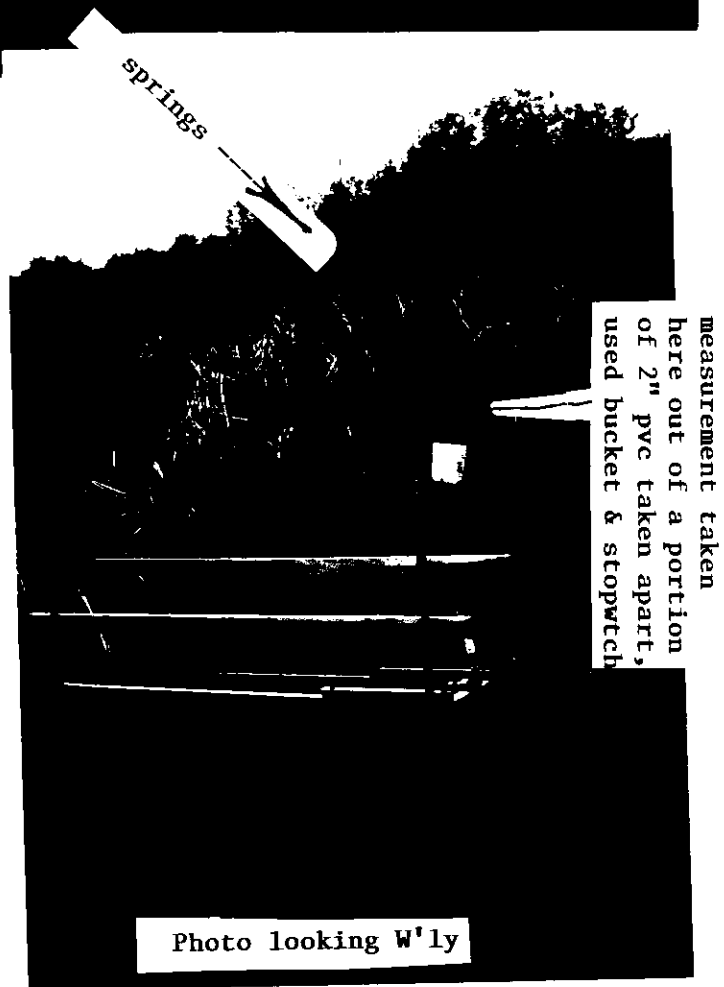
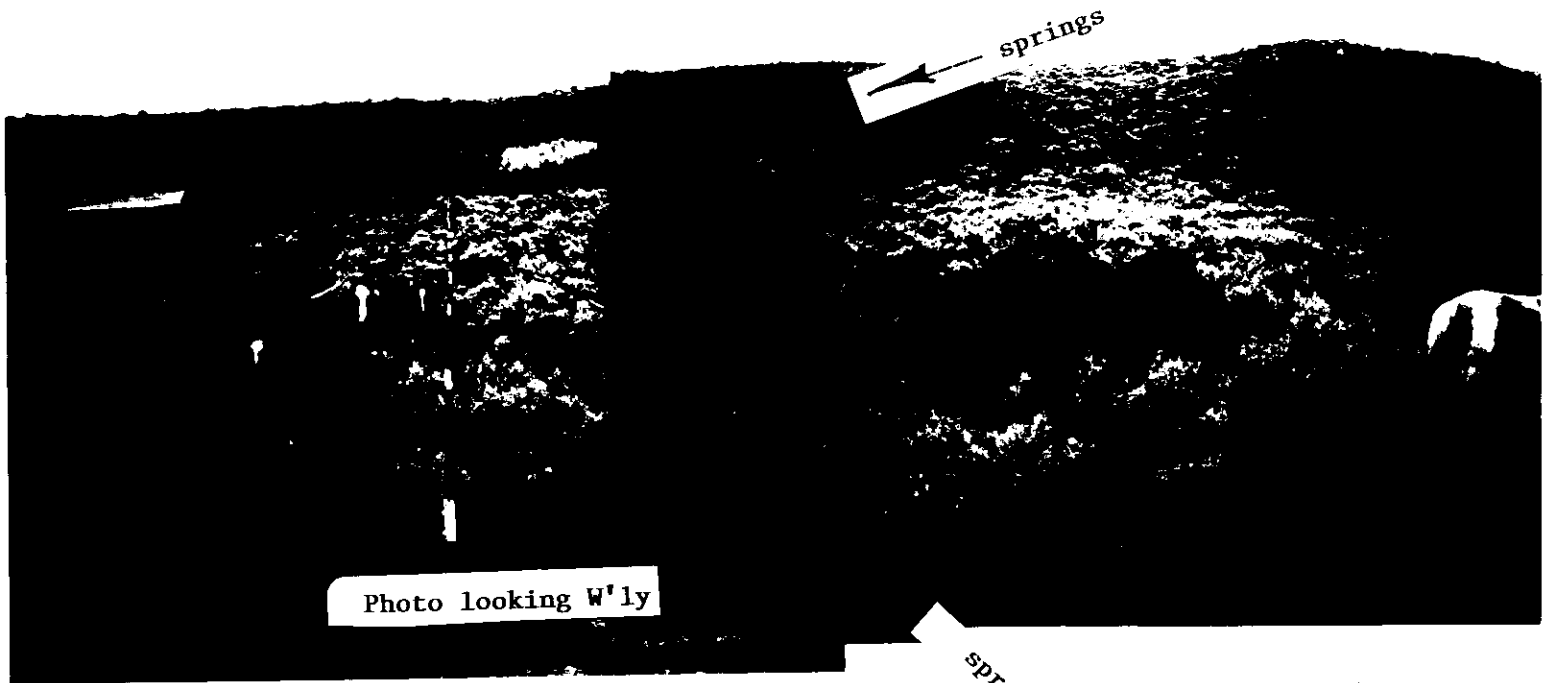


PREVIOUS RECORD OF SURVEY

PROPERTY SURVEY FOR ESTHER MONTG
MICRO 30 APR. 1990. INST. NO. 207

PROPERTY SURVEY FOR PIONEER REAL
SER 419 DEC. 1979. INST. NO. 122

PROPERTY SURVEY FOR MARTIN HOLME
REC. 26 SEPT. 1963. INST. NO. 11



Metts, Larry & Patricia
 04 June 1998 1530 hrs
 Examiner: G.Satterlee

45-07728

5045

PERMIT
45-07728 INIT KKC
T. R. S. Q/Q
P/D 125 24E 12 NENW enlarge
PHOTO ORTHO CC-30
DT. & ID. 1976 ELIGHT 156%

X5538

98

68 D

4972

C. Tek

13
MICROFILMED

SEP 24 1998

15086

18

45-07728

MEMORANDUM

TO: Larry Metts Application for Permit (45-07729) File

FROM: Corey Skinner

DATE: January 19, 1996

SUBJECT: Field Check

On December 15, 1995, I visited the property involved with the application for permit 45-07729. It was observed that a small unnamed spring seeps from the ground on the property owned by Larry Metts.

The photograph below shows the unnamed spring (approximate location circled) and the fenceline (indicated by arrows) that separates parcels 3 & 5 (the place of use on this application) and parcel 2. The photograph was taken from the county road on the east end of the property looking west to northwest (parcel 2 is located to the left of the fenceline in the photograph).



It should also be noted that Larry Metts also filed an additional application for permit (45-07728) for the same unnamed spring to supply stockwater on his property (0.02 cfs). However, this application (45-07728) is not subject to the Snake River Basin Moratorium.

MICROFILMED

SEP 24 1998

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

DATE	CUSTOMER
August 29, 1995 2:00pm	LARRY METTS

SUBJECT: APPLICATION FOR PERMITS 45-07728 AND 45-07729
phone call (X) walk-in (.)

He elected to file an application for permit for a spring development for stockwater that I indicated that the department would likely process at this time. He also elected to file an irrigation application that is currently subject to the moratorium.

MICROFILMED

SEP 24 1998

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

DATE	CUSTOMER
July 17, 1995 10:05am	PATTY METTS WORK # 523-1171

SUBJECT: NEIGHBOR TRESPASSING ON PROPERTY TO DEVELOP SPRING
phone call (X) walk-in (.)

She called again concerning Mike Toner attempting to develop a spring on her property. She stated that she bought the property from George Mountgomery. The property legal desc is TNS 12S; RNg 24E; SEC 12; S $\frac{1}{2}$ NW $\frac{1}{4}$ B.M.. An AJQ4 search gave;
A45-10912 private springs 1.60cfs p/u= 12s24eS12 nwne40 nenw20
senw40

A45-00294D	Lake Cleveland	1.06cfs	p/u= same	
A45-07090	Groundwater	1.41cfs	p/u= same	
A45-10913	Groundwater	0.04cfs	p/u= domestic	
A45-00312A	Marsh Creek	1.50cfs	p/u=	<u>nwn35</u> <u>nenw20</u>
senw40				

I did a WRQ4 AND WRQ5 search on the same 160 acre legal and did not find any other rights for Mike Toner or any new applications for permit for spring water under any other name.

I told her that based upon the information available, Mike's actions on her property relating to road construction appeared to be a civil matter. I also stated that if he is attempting to develop the spring as a source for a water right that she could notify the department and that the department would investigate.

MICROFILMED

SEP 24 1998

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

DATE	CUSTOMER
July 10, 1995 10:05am	PATTY METTS
	PO BOX 491
	ALBION ID 83311

SUBJECT: FORMS REQUEST
phone call (X) walk-in (.)

They recently purchased some property outside of Albion and had questions concerning water rights. They have an undeveloped spring on their property. I explained the use requirements for adjudication claims and then discussed applications for permits and the moratorium. She indicated that her neighbor was trying to build a road through a swampy area. She wanted to know what she could do. I suggested that she talk to her neighbors first and then possibly the Corps of Engineers concerning the road going through a wetland. She requested change of ownership forms and an application for permit form.

MICROFILMED

SEP 24 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 19, 1998

Larry and Patricia Metts
PO Box 491
Albion ID 83311

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 45-07728

Dear Permit Holder:

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

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

If you have questions concerning the field examination, please contact the department's **SOUTHERN** Regional Office in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

APR 16 1998

December 31, 1997

LARRY METTS
PATRICIA METTS
PO BOX 491
ALBION ID 833110491

PROOF DUE NOTICE

RE: PERMIT NO. 45-07728

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 March 1, 1998. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

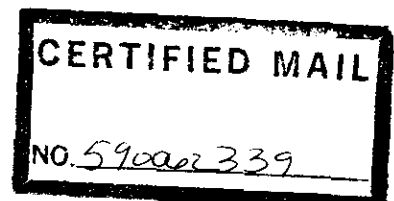
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
APR 16 1998





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

March 6, 1997

Larry & Patricia Metts
P.O. Box 491
Albion, ID 83311

RE: Permit No. 45-07728

Dear Permit Holder:

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

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

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

MICROFILMED
MAR 11 1997

December 31, 1996

LARRY METTS
PATRICIA METTS
PO BOX 491
ALBION ID 833110491

PROOF DUE NOTICE

RE: PERMIT NO. 45-07728

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 March 1, 1997.

(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.

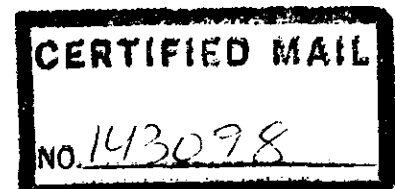
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
MAR 11 1997





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

March 11, 1996

LARRY METTS
PATRICIA METTS
PO BOX 491
ALBION ID 83311-0491

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 45-07728

Dear Permit Holder:

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

Enclosed is 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 licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

RECORDED

MAR 28 1996

**SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION**

RECEIVED

FEB 21 1996

County of Cassia)
) ss
STATE OF IDAHO)

Department of Water Resources
Southern Region

Kary D. Miller, being first duly sworn, deposes and says that she is the General Manager of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for two consecutive week(s), commencing with the issue dated February 19 96, and ending with the issue dated February 12 19 96.

Kary D Miller

STATE OF IDAHO)
COUNTY OF)
MINIDOKA)

On this 14th day of February in the year of 1996 before me, a Notary Public, personally appeared Kary D. Miller, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Jamiah Dunn
Notary Public for Idaho

Residing at: Rupert, Idaho

My commission expires: 6-28-2000

Cost of Publication 28.08
Notary Fee .50
Total Cost 28.58

OK
MB
2/21/96

RECEIVED

MAR 28 1996

96-046

**NOTICE OF APPLICATION FOR
WATER PERMIT**

The following application has been filed
to appropriate the public waters of the
State of Idaho:

45-07728

LARRY & PATRICIA METTS

PO BOX 491

ALBION ID 8331

Source: Unnamed Spring trib to Sink
Diversion Pt: SW1/4NE1/4NW1/4, S12,
T12S, R24E; Cassia County.

Use: Stockwater (0.02 cfs) 1/1-12/31

Date Filed: 8/29/95

In: NE1/4NW1/4, S12, T12S, R24E.

The permit will be subject to all prior
water rights. Any protest must be filed
with the Director, Dept. of Water
Resources, Southern Region, 222
Shoshone Street East, Twin Falls, ID
83301 together with a protest fee of
\$25.00 on or before February 22, 1996.
The protestant must also send a copy of
the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on
February 5 and 12, 1996.

**NOTICE OF APPLICATION FOR
WATER PERMIT**

The following application has been filed
to appropriate the public waters of the
State of Idaho:

45-07728

LARRY & PATRICIA METTS

PO BOX 491

ALBION ID 8331

Source: Unnamed Spring trib to Sinks
Diversion Pt: SW1/4NE1/4NW1/4, S12,
T12S, R24E; Cassia County.

Use: Stockwater (0.02 cfs) 1/1-12/31

Date Filed: 8/29/95

In: NE1/4NW1/4, S12, T12S, R24E.

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Shoshone Street East, Twin Falls, ID
83301 together with a protest fee of
\$25.00 on or before February 22, 1996.

The protestant must also send a copy of
the protest to the applicant.

Karl J. Dreher, Director

Published in South Idaho Press on 2/5
& 2/12/96.

MICROFILMED

MAR 28 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

January 23, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

SOUTH IDAHO PRESS
PO BOX 190
BURLEY ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

MAR 28 1996

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

45-07728

LARRY & PATRICIA METTS
PO BOX 491
ALBION ID 8331

Source: Unnamed Spring tributary to Sinks

Diversion Pt: SW1/4NE1/4NW1/4, S12, T12S, R24E; Cassia County.

Use: Stockwater (0.02 cfs) 1/1-12/31

Date Filed: 8/29/95

In: NE1/4NW1/4, S12, T12S, R24E.

The permit will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before February 22, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in South Idaho Press on 2/5 & 2/12/96.

MAR 28 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

January 22, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

LARRY & PATRICIA METTS
PO BOX 491
ALBION ID 8331

Re: Application for Permit No. 45-07728 & 45-07729

Dear Applicant(s):

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

This office has scheduled advertising Application for Permit No. 45-07728 in the South Idaho Press for 2/5 & 2/12/96. A period of ten days following the second publication will be allowed for the submittal of protests. 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. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Application for Permit No. 45-07729 is subject to a moratorium on processing new applications which has been imposed due to drought conditions. The application will be held in this office without further processing until the Moratorium is lifted. At this time we are unable to give a date for further review of this application.

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

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

MAR 28 1996

MEMORANDUM

TO: Larry Metts Application for Permit (45-07728) File

FROM: Corey Skinner

DATE: January 19, 1996

SUBJECT: Field Check

On December 15, 1995, I visited the property involved with the application for permit 45-07728. It was observed that a small unnamed spring seeps from the ground on the property owned by Larry Metts.

The photograph below shows the unnamed spring (approximate location circled) and the fenceline (indicated by arrows) that separates parcels 3 & 5 (the place of use on this application) and parcel 2. The photograph was taken from the county road on the east end of the property looking west to northwest (parcel 2 is located to the left of the fenceline in the photograph).



It should also be noted that Larry Metts filed an additional application for permit (45-07729) for the same unnamed spring to supply irrigation water for his property (.09 cfs for three acres). However, this application is being held due to the Snake River Basin Moratorium.

MAR 28 1996