

14 13
23 24

13 18
24 19

MICROFILMED

PDSPH

-9

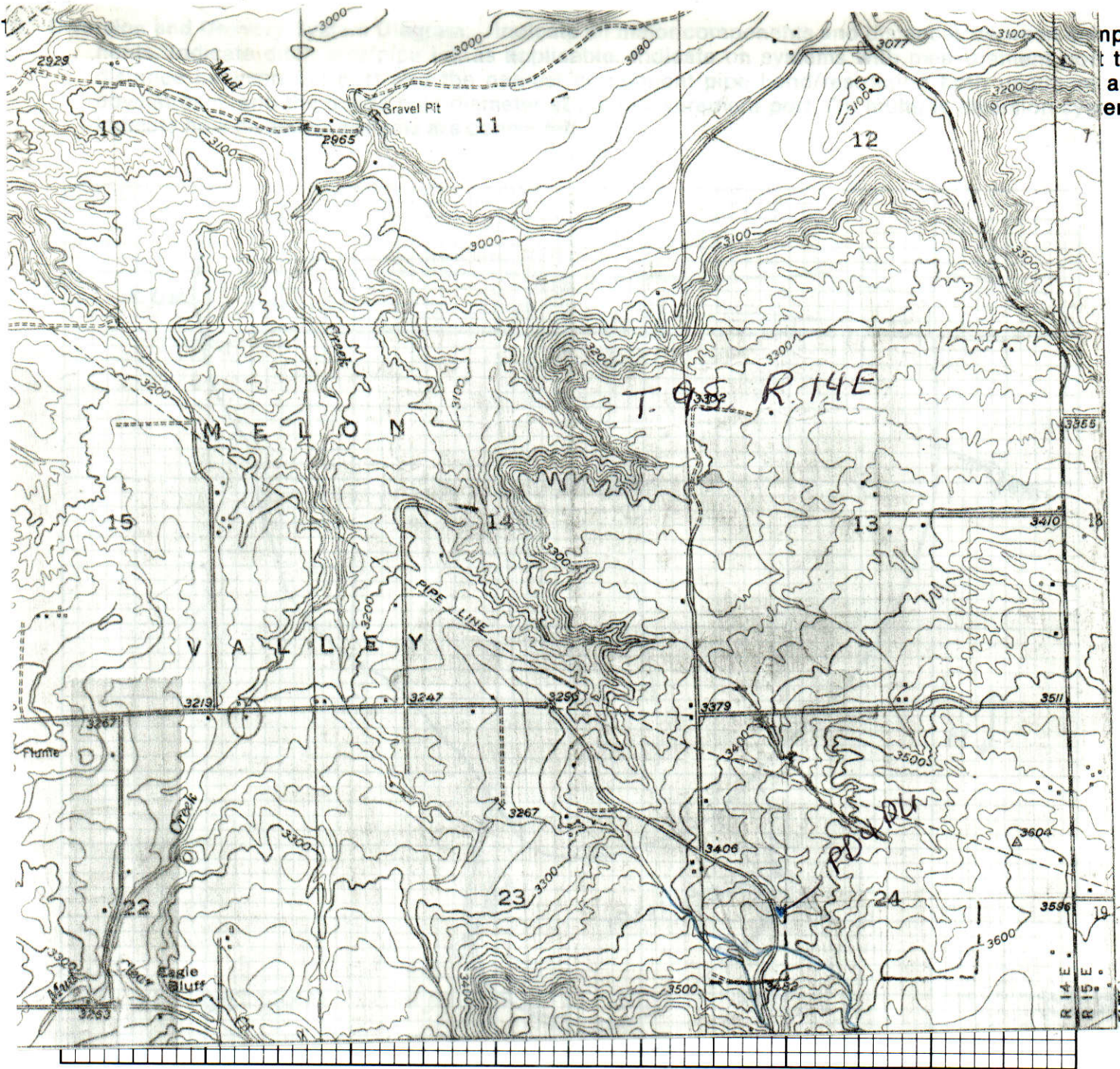
23 24
26 25

24 19
25 30

NOT TO SCALE



10. Other water rights on these lands NONE
11. Other water right diverted from same p.d. NONE



13. ☒ Photo of Diversion & System Attached

☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks Pond and seeps feeding pond dry up within 2 or 3 weeks after irrigation water is turned out of canals

15. 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

16. Examiner's/Consultant's Signature Larry J. Blau

Date 5/15/86

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

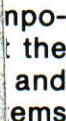
Date

MICROFILMED

CONSULTANT SEAL

JUL 06 1987

None



- 

14. Remarks Pond and seeps feeding pond dry up within 2 or 3 weeks
after irrigation water is turned out of canals

- ☒ None
- ☐ Other

☐ Add P.U. as _____
Levy S. Blau

MICROFILMED

CONSULTANT SEAL

JUL 06 1987

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 47-7906

Priority: May 26, 1983

Amount:

.6 AFA

This is to certify, that CHARLES W. WARE
JUNE C. WARE

RT. 3 BOX 195
BUHL, ID 83316

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated May 26, 1983, and has submitted proof to the Department of Water Resources on September 26, 1985, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a storage capacity of .60 af of water from;

UNNAMED STREAM

tributary to J-2 COULEE

and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Recreation storage	01/01 to 12/31		.6 afa

LOCATION OF POINT OF DIVERSION(S): NWSW , Sec. 24, Township 9S, Range 14E
Twin Falls County

PLACE OF USE: Recreation storage

TWN RGE SEC

9S 14E 24 NWSW

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Diversion is by means of a dam placed in a natural drainage which impounds water supplied by surface waste water & groundwater seeps during the irrigation season.

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 2nd day of JUNE, 1987.

MICROFILMED

JUL 06 1987

Director

Norman Young

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Charles W. &/or June C. Ware Phone 543-6778

Post office address Route #3, Buhl, ID 83316

2. Source of water supply Seepage which is a tributary of J-2 Coulee

3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24 Township 9S

Range 14E B.M. Twin Falls County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

*Storage for
Amount 1.0 AFA for Recreation purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated: *kw 1/4/1984

a. _____ cubic feet per second and/or b. 1.0 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Earth dam in natural draw

b. Height of storage dam 9 feet, active reservoir capacity _____ acre-feet; total reservoir capacity 1 acre-feet, materials used in storage dam: earth

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).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24 Township 9S

Range 14E 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 _____

(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: _____

Small pond for ducks & wildlife, fishing for recreational purposes.

RECORDED

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

MICROFILMED

WICKED FILMED

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.

Charles W. Ware
(Applicant)

Proposed Priority 5/26/83

Received by J Date 5-26-83 Time 2:23pm
Preliminary check by L.H. Fee \$ 30⁰⁰
Receipted by J Date 5-26-83 # 30208
Publication prepared by Mary Date 7/27/83
Published in Times News
Publication dates 8/4 & 8/11/83
Publication approved jc Date 7/29/83
Protests filed by: None

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

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. 47-7906, and said application is hereby APPROVED.

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 December 1, 19 88.
- 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: 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.
Water shall not be diverted under this permit until a written agreement with the irrigation district or canal company serving the area containing the point of diversion is filed with the Department of Water Resources providing for the coordination of the permit use with the irrigation district or canal company operation.

Witness my hand this 7th day of December, 1983.

J. Glen Saxton
Chief, Operations Bureau

14 13
23 24

13 18
24 19



NOT TO SCALE

NOTICE

Notice is hereby given that the following application for permit to appropriate the public waters of the State of Idaho:

47-7878
HUSOME, ROBERT &/or
BARBARA
3243 BETSY ROSS WAY,
BOISE, ID 83701
Source:
GROUNDWATER
Date Filed: 04/27/1983
Diversion Pt: SENW Sec
14 T 09S R 14E
Use: FISH PROP. (0.77
CFS)
HEATING (0.04 CFS)
In: SENW Sec 14 T 09S R
14E

47-7884
LENO, HARRY
RT. 3 BOX 495A, BUHL,
ID 83318
Source:
GROUNDWATER
Date Filed: 05/12/1983
Diversion Pt: LOT 06 Sec
33 T 08S R 14E
Use: HEATING (0.08
CFS)
RECREATION (0.02 CFS)
In: LOT 06 Sec 33 T 08S R
14E

47-7884
OSBORNE, E.C.
3901 CHERYL ST., SALT LAKE CITY, UT 84119
Source:
GROUNDWATER
Date Filed: 05/25/1983
Diversion Pt: NWNE Sec
21 T 09S R 14E
Use: HEATING (0.50
CFS)
In: NWNE Sec 21 T 09S R
14E

47-7908
WARE, CHARLES W.
&/or JUNE C.
RT. 3, BUHL, ID 83316
Source: SEEPAGE trib.
to J-2 COULEE
Date Filed: 05/26/1983
Diversion Pt: NWSW Sec
24 T 08S R 14E
Use: RECREATION
In: NWSW Sec 24 T 08S R
14E

47-7911
U.S. DEPT. OF AGRI.
FOREST SERVICE, FED-
ERAL BLDG., 324 25th
St., OGDEN, UT 84401
Source:
GROUNDWATER
Priority Date: 06/01/1983
Diversion Pt: SWSW Sec
30 T 14S R 18E
Use: DOMESTIC
In: SWSW Sec 30 T 14S R
18E

47-7914
U.S. DEPT. OF AGRI.
FOREST SERVICE, FED-
ERAL BLDG., 324 25th
St., OGDEN, UT 84401
Source:
GROUNDWATER
Date Filed: 06/01/1983
Diversion Pt: NENE Sec
07 T 14S R 18E
Use: DOMESTIC (0.02
CFS)
In: NENE Sec 07 T 14S R
18E

47-7915
U.S. DEPT. OF AGRI.
FOREST SERVICE, FED-
ERAL BLDG., 324 25th
St., OGDEN, UT 84401
Source: BEAR GULCH
SPRING trib. to SINKS
Date Filed: 06/01/1983
Diversion Pt: NENE Sec
07 T 14S R 18E
Use: DOMESTIC (0.02
CFS)
In: NENE Sec 07 T 14S R
18E

If issued, the permit(s)
will be subject to all prior
water rights. Protests
against the granting of
any permit must be filed
with the Director of the
Idaho Department of
Water Resources, 1041
Blue Lakes Blvd. North,
Twin Falls, Idaho 83301
and received on or
before AUGUST 22, 1983.

A. KENNETH DUNN
Director

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

12980

I, Mary K. Kline being first duly sworn upon
oath, depose and say that I am Time Clerk of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for the
consecutive publications, commencing with the issue dated
August 1, 1983, and ending with the issue dated
August 11, 1983.

And I do further certify that said newspaper is a consolidation, effective February 16,
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin
Falls News, published theretofore daily except Monday, both of which newspapers prior to
consolidation had been published under said names in said city and county continuously and
uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday,
until July 31, 1978, at which time said newspaper began daily publication under said name
in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
has been designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; a
that at the head of the editorial column of said combined newspapers, and in each issue ther-
of, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 11th day of

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 27-7700 JUN 29 1988
Name(s) of Permit Holder(s): Charles W. W. W. W. W.
Post Office Address: 27-3 Box 193
Tel. No. 208 243-6228

☒ I hereby certify that construction of diversion works for the above referenced permit began on 7/30/84 (date). I understand that I must

continue to develop the water system with due diligence to maintain a valid permit. We are working to establish a valid permit.

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control:

We were named in the lawsuit. We told by Mr. Tiffney 175 G.R. for us to proceed.

*Note: A financing difficulty is not an acceptable reason.

3/18/85 Date

Charles W. W. W. Signature of Permit Holder

Call. 1 200
RT 3 Box 145
Boise, Idaho 83316



MICROFILMED

JUN 29 1988

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

June 2, 1987

CHARLES W. & JUNE C. WARE
RT. 3 BOX 195
BUHL, ID 83316

RE: Permit No. 47-7906

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECORDED

JUL 06 1987

May 7, 1987

CHARLES W. & JUNE C. WARE
RT. 3 BOX 195
BUHL, ID 83316

RE: Permit No. 47-7906

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECORDED

JUL 06 1987

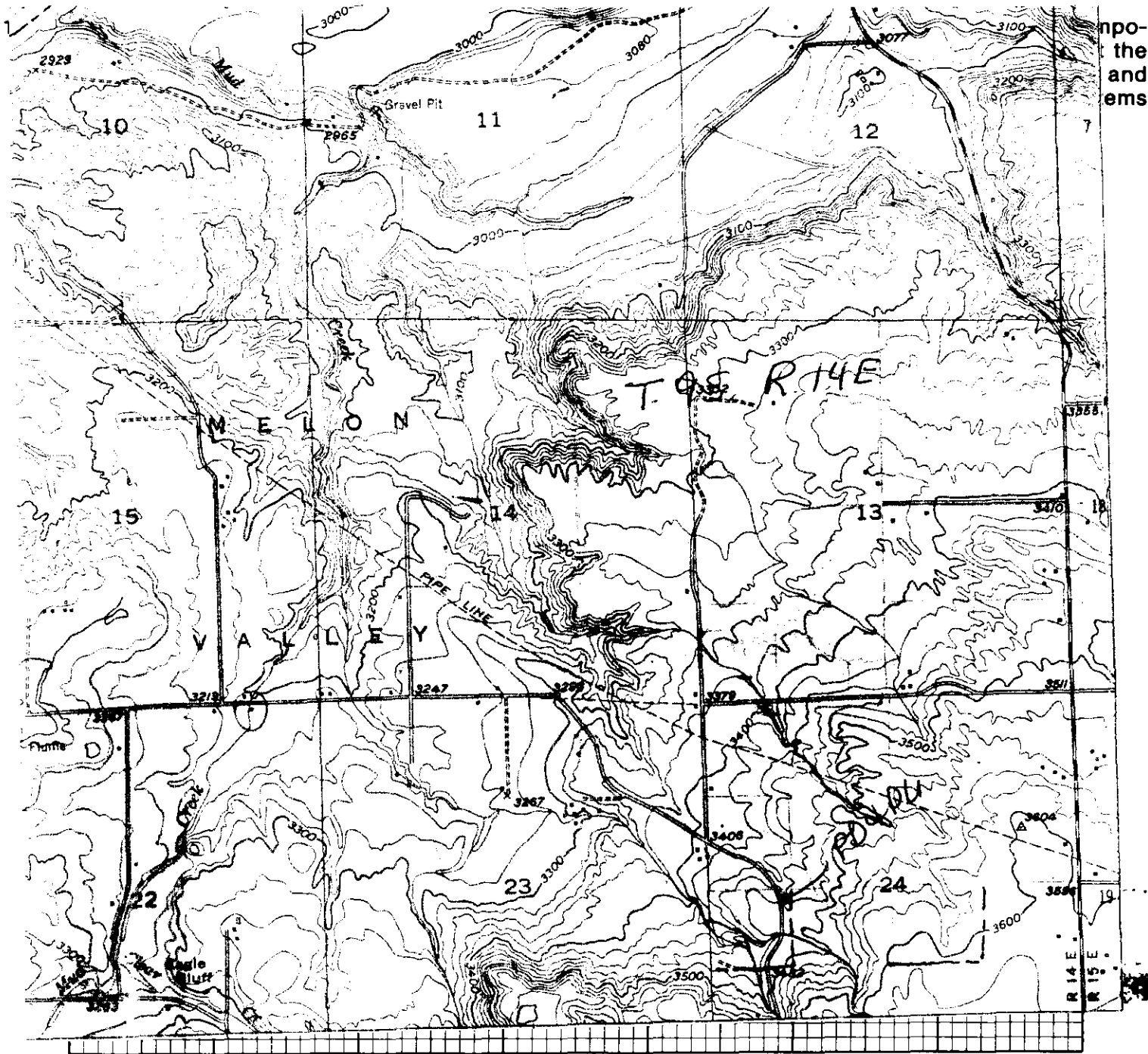
9.

Irrigation - give acres served by system at time of exam.
Indicate Method of Determination _____

Place(s) of Use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	14E	24											R						

10. Other water rights on these lands
11. Other water right diverted from same p.d.



13. ☒ Photo of Diversion & System Attached
- ☐ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks Pond and seeps feeding pond dry up within 2 or 3 weeks
after irrigation water is turned out of canals

15. 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

16. Examiner's/Consultant's Signature Leann D. Blau Date 5/15/86

Consultant's License Number _____

IDWR Director's Authorization to Conduct

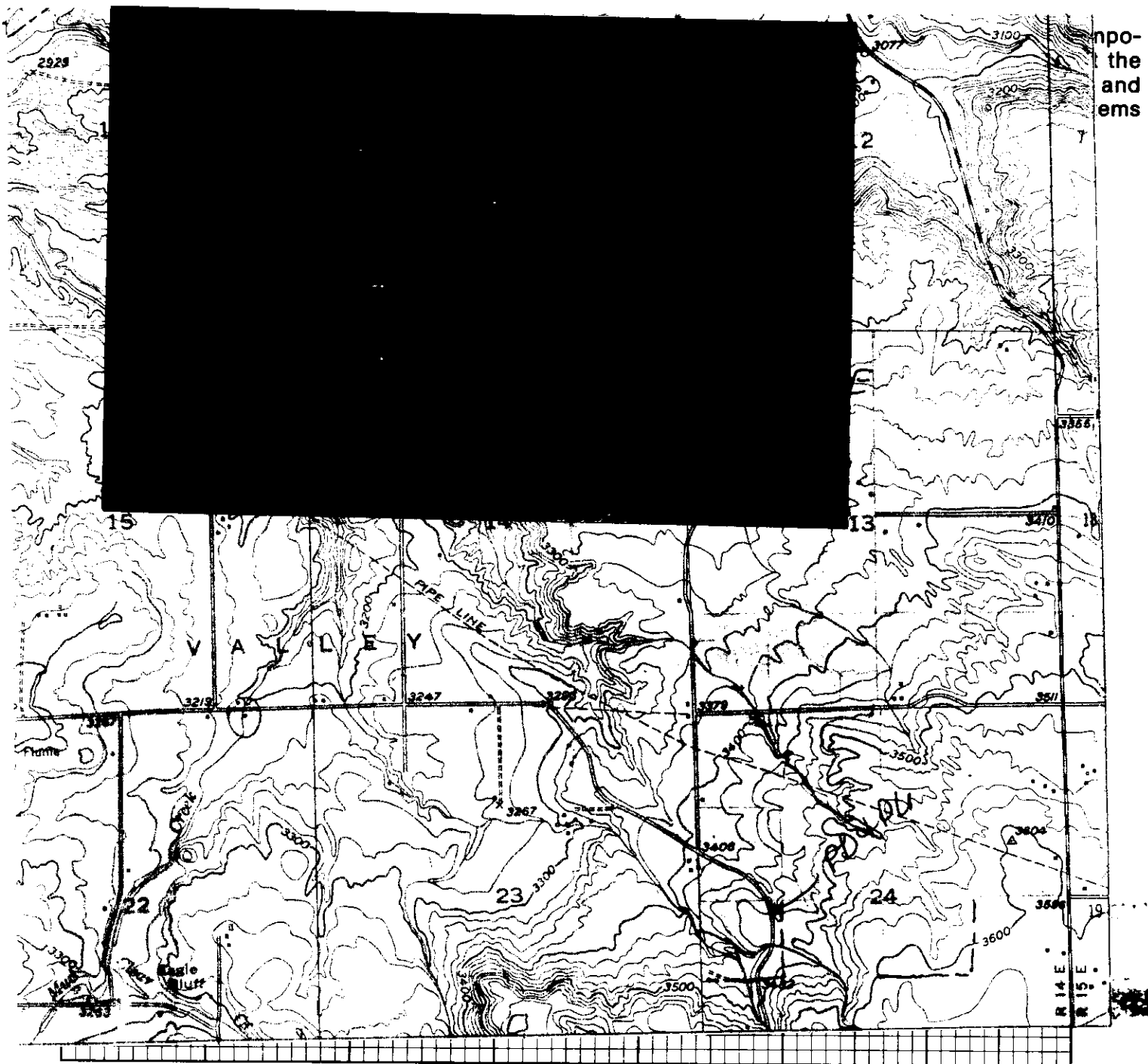
Beneficial Use Examination _____

Date

CONSULTANT SEAL

10. Other water rights on these lands 1/2 acre

11. Other water right diverted from same p.d. None



13. ☒ **Photo of Diversion & System Attached**

☐ **Aerial Photo of Place of Use Attached
or Map of Irrigated Acreage Attached**

14. Remarks Pond and Seeps feeding pond dry up within 2 or 3 weeks
after irrigation water is turned out of canals

15. 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

16. Examiner's/Consultant's Signature Larry D. Blau Date 5/15/86

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

CONSULTANT SEAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED

JUN 30 1986

47-7906
Permit No.

Department of Water Resources

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

Pond Vol Approx $100' \times 80' \times 3' = 24,000 \text{ ft}^3 \div 43,560 \frac{\text{ft}^3}{\text{AF}} = 0.6 \text{ AF}$

- b) Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

- c) Volume Calculations for Other Uses:

2. Overlap Review

- a) Other water rights with same place of use: _____

b) Other water rights with same point of diversion: _____

c) Analysis:

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JUL 06 1987

RECOMMENDED AMOUNTS

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity

4. Permit Holder: _____

Address: _____

5. Source: _____ tributary to _____

6. Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
Recreation	Mar 15	Nov 30		0.6

Allowable Maximums: _____ 0.6

7. Point(s) of Diversion:

[illegible]

8. Place(s) of Use

[illegible]

9. Recommended Conditions/Remarks: _____

10. 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 _____

11. Examiner's Signature Henry S. Blau

Checked in Regional Office by Y. J. [Signature] AVS

Approved in State Office by Kon Howerton

MICROFILMED

JUL 06 1981

Date 5/15/86

Date 6-9-86

Date 6 Nov 86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3573

NOVEMBER 19, 1987

CHARLES & JUNE C. WARE
RT. 3 BOX 195
BUHL ID 83316

RE: Permit No. 47-7986

Dear Permit Holder,

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 734-3573 or in person at our office at 1041 Blue Lakes Blvd. N. Twin Falls, Idaho.

Sincerely,
s/Mary A. Newby
Secretary

MICROFILMED

JUL 06 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
SEP 26 1985
Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 47-7906

Name(s) of Permit Holder: Charles W. & June C. Ware

Post Office Address: RT 3 Box 195 Buhl, Ida. 83316

Telephone No. 208-543-6778

Source of Water: Spring - Seepage

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

Other/Remarks We originally filed for recreation

Pond-Duck & fish, etc. We now have hams. They will
use it for drinking water as soon as we get fence
Indicate the date water was first diverted and beneficially used under this permit: April, '85

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

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

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

June Ware

(Name)

RT 3 Box 195 Buhl Ida 83316 208-543-6778

(Address)

(Telephone Number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

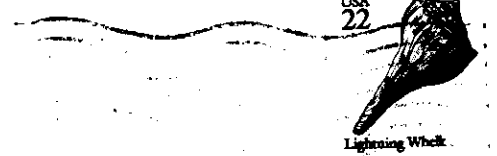
9/18/85
Date

June C. Ware
Signature of Permit Holder (and Title, if appropriate)

MICROFILMED



C.W. Ware
RT 3 Box 195
Buhl, Idaho 83316



Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT.

(2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

December 14, 1984

Charles W. and June C. Ware
Route 3
Buhl, ID 83316

Re: Permit No. 47-7906

Dear Mr. and Mrs. Ware:

We are in receipt of your letter dated December 7, 1984, in which you provided information relative to commencement of construction of diverting works for the above-referenced permit.

The situation that you have described does appear to provide sufficient reason for not having commenced construction of the pond to date. One primary reason that you mentioned is the fact that you have been joined to the lawsuit in the case of Idaho Power Company vs. Idaho Department of Water Resources, et. al. We consider this reason alone to be sufficient reason for not commencing construction.

The upcoming session of the Idaho Legislature may provide a solution to the aforementioned lawsuit. I would suggest that you follow your local newspaper to be apprised of any changes in that action. Meanwhile, the position of this Department with respect to essentially non-consumptive water rights such as yours is that they can be developed in spite of the current moratorium for additional consumptive uses in the Swan Falls impact area.

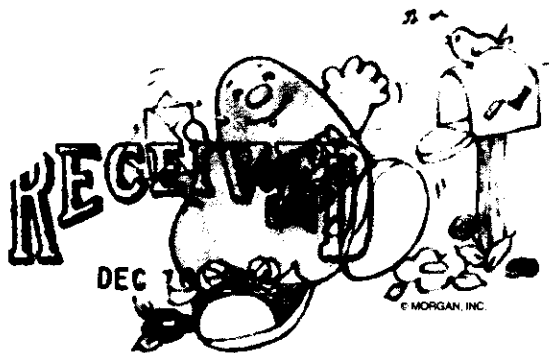
The requirement for commencement of construction of diverting works within one year from the date the permit is approved is included in Sec. 42-204, Idaho Code. This section of the code does not further describe what action should be taken if work is not commenced. Therefore, our advice is for you to document reasons for not commencing work, which you have done, and to begin to commence construction as soon as possible. If you have questions about your water right or wish to discuss any item in this letter, please feel free to contact this office.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT/lrs

MICROFILMED



12/7/84

47-7906

Dear Mr. Tuthill;

Department of Water Resources

We received our Permit in Dec. of '83.

As you will recall, the winter of '83-'84 was bad. We were snowed in a lot & it was late Spring before ground could be worked.

We had someone who was to do the work for us. We postponed it, because we received a big summons.

We are not rich people. We couldn't afford Lawyers and a Pond at the same time. We told Idaho Power our situation and they told us we might be exempt from the law suit.

Well, the whole thing has been a big mess! We still aren't sure if it's over. We've never received a release from the law suit.

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Since the time we applied for the Permit, we have
(over)

Purchased some sheep. We
presently carry water to them in
the winter. We need the pond more
than ever, for them.

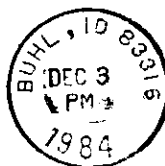
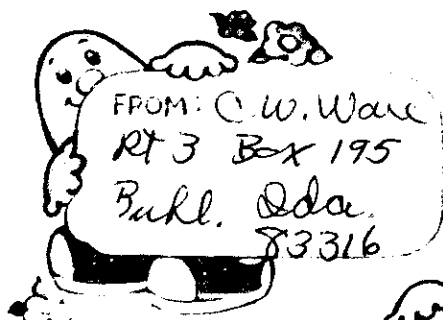
The money we had set aside for
the pond is gone. The aftershock we
got in late Aug. '84 helped open up
ground water into our basement. Our
basement is half of our living space,
fully carpeted, etc. (Insurance didn't cover it!)

We had to have a backhoe to come
in. They dug around three sides of our house
below basement floor level & laid drain pipe.
The water is now being rerouted to a spring
on the other side of our driveway.

We pray you will give us more time to
build our pond. We have taken at least
6 loads (pickup) of trash from the gully the
pond is to be located in, to the dump. We
have at least that much more to clean out
before work can begin. (We purchased this
property Mar. 17, '83)

Thanks for your time.

Sincerely,
June Ware



Christmas USA 20c



Postage Lipp, National Gallery

Attention: To: Idaho Dept. of Water Resources
David TuThill Jr. Statehouse
Boise, Ida.

83720

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

WARE, CHARLES W. & JUNE C.
RT. 3
BUHL, ID 83316

DECEMBER 20, 1983

RE: PERMIT NO. 47-7906

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

THE 1982 IDAHO LEGISLATURE ADDED A 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 INSTRUCTIONS ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID P. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

42-2306.

WARE, CHARLES W. &/or JUNE C.

RT. 3, BUHL, ID 83316

Source: SEEPAGE trib. to J-2 COULÉE

Date Filed: 05/26/1983

Division Pt: NMSM Sec 24 T 09S R 14E

Use: RECREATION (1.0 AF)

In: NMSM Sec 24 T 09S R 14E

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before AUGUST ~~15~~ 1983.

27

A. KENNETH DUNN

Director

Published ~~7/22 & 8/4/1983.~~

8/4 & 8/11/83

47-7008
WARE, CHARLES W.
&/or JUNE C.
RT. 3, BUHL, ID 83316
Source: SEEPAGE trib.
to J-2 COULEE
Date Filed: 05/26/1983
Diversion Pt: NWSW Sec
24 T 09S R 14E
Use: RECREATION
In: NWSW Sec 24 T 09S R
14E

Julie
O.K.
7/21/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

JULY 21, 1983

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a sales proof to this office for review before the first publication date. 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 AUGUST 5, 1983.

22,
Yours truly,

Mary A. Newby
Secretary

Encl.

RECEIVED
JUL 27 1983