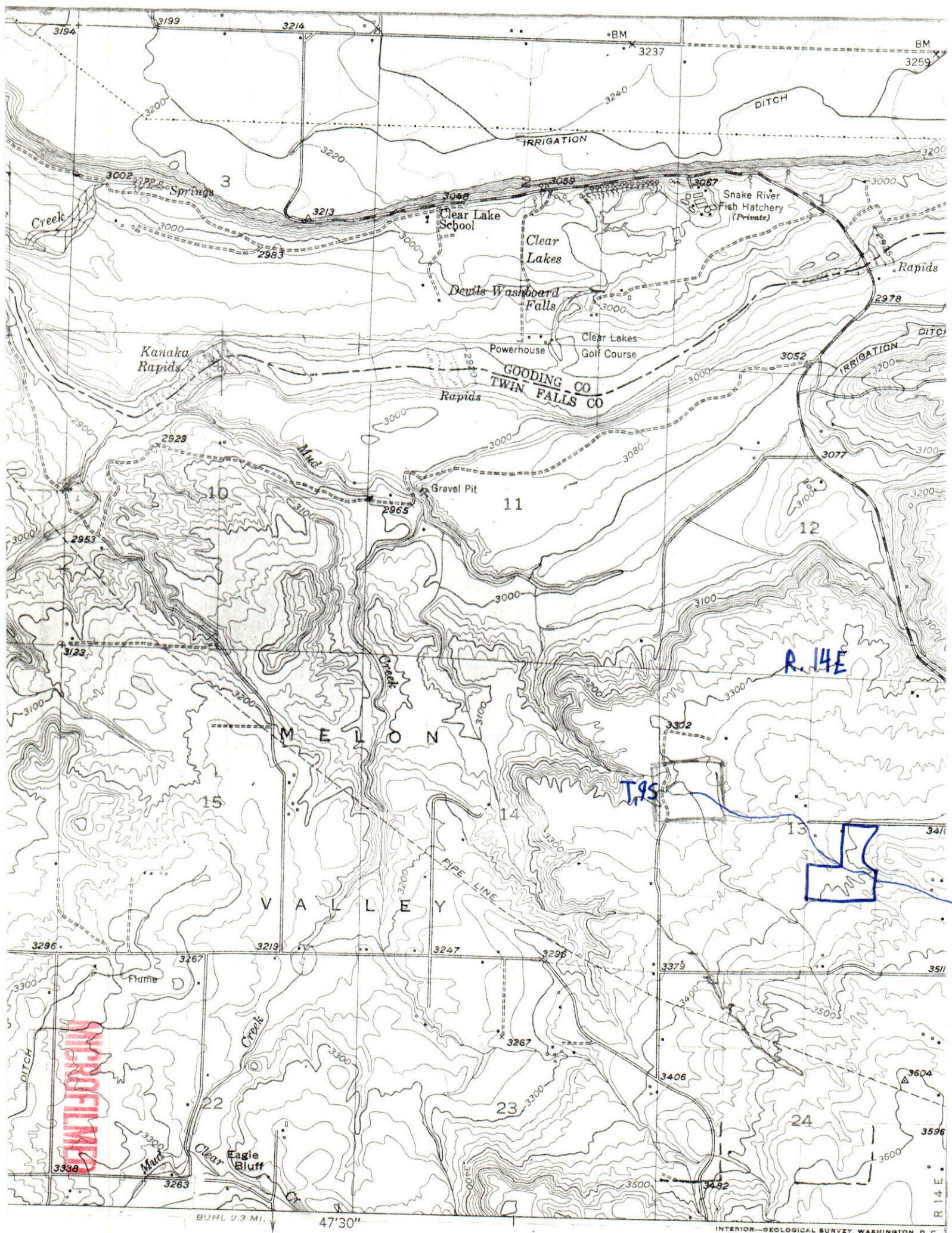




**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

47-7645
WONENBURG, WILLIAM
RT. 4, BUHL, ID 83318
Source: STREAM tributary
to J-3 COULEE
Date Filed: 05/07/1980
Amount: 0.40 CFS
Diversion Point: NWSE Sec
13 T 09S R 14E, TWIN
FALLS Co.
Use: IRRIGATION (0.40 CFS)
from 03/15 to 11/15
Place of Use: NWSE Sec 13
T 09S R 14E FOR 20 ACRES
Diversion Means: CHECK
DAM & DITCH

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 JUNE 9, 1980.

C. STEPHEN ALLRED
Director
PUBLISH: Thursday, May 29,
and June 5, 1980.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

ss.

RECEIVED

JUN 19 1980 No 9361

I, C. Jennings Department of Water Resources
being first duly sworn upon

oath, depose and say that I am Public 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 two
consecutive weeks, commencing with the issue dated
May 29, 1980, and ending with the issue dated
June 5, 1980.

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 competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 13th day of
June, 1980

Melba Rowlett-Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

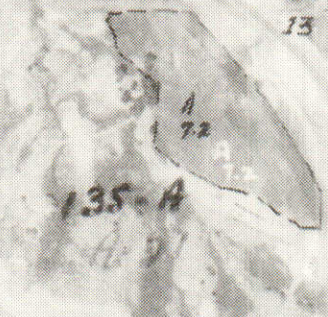
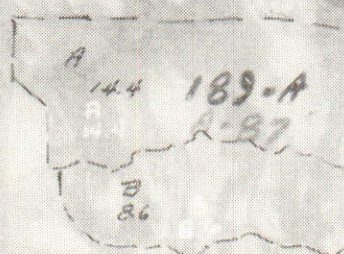
MICROFILMED

9

Twp. 9S. Rge 14E.

11 22
14 13

12 7
13 18



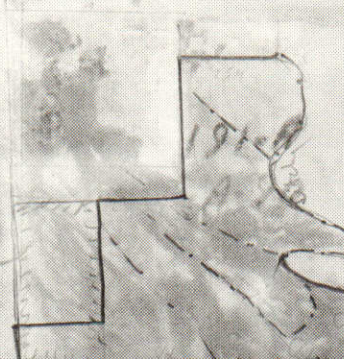
188-A
A-85

136-A
A-86

195-A
A-87

136-A

This 5 Acres has been sold but still uses water from the same diversions.



PD#1 = .57ft. .617 CFS
PD#2 = .34ft. .171 CFS

PD#3 Nowater at Time of Fixation

MICROFILMED

DEC 23 1988

NOT TO SCALE

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 47-07645

Priority: May 7, 1980 Amount: 0.40 CFS 80.0 AFA

This is to certify, that MIKE MC GUIRE
CAROLYN D MC GUIRE
ELDON PETERSEN
DIXIE PETERSEN
DUANE PETERSON
BARBARA JEAN PETERSON

1461 E. 4450 N.
BUHL, ID 83316

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated May 7, 1980, and has submitted proof to the Department of Water Resources on June 11, 1985, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 1.020 cfs of water from:

UNNAMED STREAM tributary to J THREE COULEE

source and that a water right has been established as follow:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	03/15 to 11/15	0.40 CFS	80.0 AFA

LOCATION OF POINT OF DIVERSION(S): NWSE , Sec. 13, Township 09S, Range 14E
TWIN FALLS County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	14E	13	NWSE	20		20

Total number of acres irrigated: 20

CONDITIONS/REMARKS:

1. The right to the use of 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.

MICROFILMED

DEC 25 1988

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

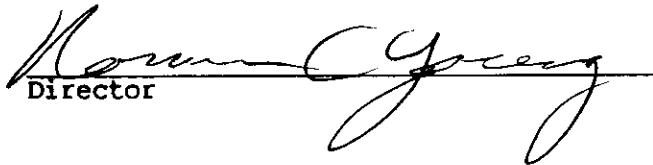
WATER RIGHT NO. 47-07645

CONDITIONS/REMARKS:

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 12TH
day of DECEMBER, 1988.

Acting for the

Director



MICROFILMED

DEC 24 1983

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	47-7645	Wonenberg, William	0.40
Full Assignment	47-7645	McGuire, Carolyn D. Mike Peterson, Duane Barbara Jean Petersen, Eldon Dixie	0.40

RECEIVED

SEP 29 1988

RECEIVED

JUL 28 1988

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

JUL 28 1988

Department of Water Resources
Southern Region Office

William Wonenberg

Carolyn D. &/or Mike McGuire &/or
Duane &/or Barbara Jean Peterson

I, Barbara Jean Petersen for William Wonenberg, hereby assign to &/or Eldon &/or Dixie Petersen
of c/o Barbara Jean Peterson, 1461 E. 4450 N., Buhl, ID 83316
-P.O.-Box-281, Rush Valley, UT-84069-
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 47-7645
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this _____ day of _____, 19 _____.

Barbara Jean Petersen
Permit Holder

Spouse of Permit Holder

State of Idaho)
County of TWIN FALLS) ss.

On this 28th day of July, 19 88, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Mary A. Baldwin
Notary Public residing at
Garland
MICROFILMED

My commission expires:
10/16/1992

SEP 29 1988

State of Idaho,
County of Twin Falls, ss.
I hereby certify the foregoing to be a full, true
and correct copy of the original on file in the
above entitled action.

RICHARD A. PENCE

By Kristen Lee
CLERK OF THE DISTRICT COURT
DEPUTY MAGISTRATE DIVISION

1 HEPWORTH, NUNGESTER, FELTON
2 & LEZAMIZ
3 P. O. Box 589
4 1020 Main
5 Buhl, Idaho 83316
6 Attorneys for Estate
7

8 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
9 STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY
10 MAGISTRATE DIVISION
11 * * * * *

12 IN THE MATTER OF THE ESTATE OF) Probate No. 3851
13 RUTH JANE WONENBERG,)
14 Deceased.) LETTERS TESTAMENTARY
15 * * * * *

16 Barbara Jean Petersen was duly appointed and qualified
17 as general personal representative of the above-named decedent
18 on the 17th day of June, 1987, by the Magistrate Acting As Regis-
19 trar, with all authority pertaining thereto.

20 Administration of the estate is unsupervised.

21 These letters are issued to evidence the appointment,
22 qualification and authority of said personal representative.

23 WITNESS my signature and the Seal of this Court, this
17th day of June, 1987.

S/ R. MICHAEL REDMAN
Magistrate

FILED

SEP 29 1988

LETTERS TESTAMENTARY - 1

874563

STATE OF IDAHO }
County of Twin Falls }

I hereby certify that this instrument

filed for record at the request of

HEPWORTH, NUNGESTER & FELTON

10:55 o'clock, PM, this JAN 23 1985

in my office and duly recorded in book

of page

RICHARD A. PENCE

Ex-Officio Recorder

Deputy

Fee \$ 18.00

Return to

HEPWORTH, NUNGESTER & FELTON

1 HEPWORTH, NUNGESTER & FELTON

1020 Main, Buhl, Idaho 83316

2 Tel. No. 208-543-4368

8 Attorneys for Estate

4
5
6
7
8 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
9 STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY
10 MAGISTRATE DIVISION

11 * * * * *

12 IN THE MATTER OF THE ESTATE OF) Probate No. 3204
13 WILLIAM WONENBERG,) AMENDED DECREE VESTING ESTATE IN
14 Deceased.) SURVIVING SPOUSE

15 * * * * *

16 Upon consideration of the Petition for Summary Admini-
17 stration of Estate in Which Surviving Spouse is Sole Beneficiary
18 filed by Ruth Jane Wonenberg on November 14, 1984, the Court finds
19 that:

- 20 1. The facts set forth in the petition are true.
21 2. The required notice has been given or waived.
22 3. The decedent, William Wonenberg, died on October 21,
23 1984, domiciled in Twin Falls County, Idaho.
24 4. Venue is proper.

FILED

SEP 29 1988

25 AMENDED DECREE - 1

1 5. The decedent and Ruth Jane Wonenberg were duly
2 married at Twin Falls, Idaho, on August 8, 1932, and remained
3 married until the date of decedent's death.

4 6. The surviving spouse, Ruth Jane Wonenberg, is the
5 sole heir or devisee of the decedent.

6 7. The decedent died testate, leaving a will dated
7 April 9, 1979. The will was validly executed and is the last will
8 and testament of the decedent.

9 8. The schedule of property attached to this Decree is a
10 full and complete inventory of the property owned by the decedent
11 and properly characterizes the property as community or separate
12 property.

13 9. This Amended Decree Vesting Estate in Surviving
14 Spouse is filed to correct an omission on the schedule of property
15 of the decree filed December 5, 1984, and recorded December 14,
16 1984, as Instrument No. 872360.

17 THEREFORE, it is ordered, adjudged and decreed as follows:

18 1. Ruth Jane Wonenberg is the surviving spouse of the
19 decedent and is the sole heir or devisee of the decedent.

20 2. The property of the decedent described on the sched-
21 ule attached to this Decree, and any other property of the decedent
22 or the estate not now known or discovered, is hereby vested in and
23 distributed to RUTH JANE WONENBERG free and clear of all right,
title, claim or demand of any person or persons claiming or at-
tempting to claim under the estate of the decedent as heir, devi-
see, or otherwise, except as a proper creditor.

 3. The surviving spouse shall assume and be liable for
any and all indebtedness that might be a claim against the estate
of the decedent.

 4. There shall be no administration of the estate of the
decedent.

DATED: 1/21/85

RECORDED
SEP 29 1988

/s/ R. MICHAEL REDMAN
Magistrate

AMENDED DECREE - 2

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Subject to a 25 ft wide Road Right of Way along

AMENDED DECREE - 3

1 said West line of the above described tract of
land.

2 AND SUBJECT TO a right of Ingress and Egress over
3 and across a 50 ft wide Road Right of Way, the
centerline of said Right of Way being more
particularly described as follows:

4 Beginning at the NE Corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$;

5 Thence S 88°53'00" W along the North line of
said NW $\frac{1}{4}$ SE $\frac{1}{4}$ for 239.00 ft to the True Point of
Beginning;

6 Thence S 01°07' W, 25 ft East of and parallel
7 to the East line and East line extended Southerly
of a tract of land as recorded in Book 222 Page
2346 of the Records of the Clerk and Recorder of
8 Twin Falls County, Idaho, for 175.96 ft;

9 Thence S 45° W for 99.69 ft;

10 Thence S 01°01'24" E for 371.00 ft to the Point
of Termination.

11 and

12 Section 13, Township 9 South, Range 14, E., B.M.,
Twin Falls County, Idaho, The East 66' of the
NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, containing 1 acre m/l

13 \$150,000.00

14
15 Personal Property:

16 Farmers National Bank, Buhl, ID

17 Checking Account

\$ 1,650.12

18 Savings Account

3,132.29

19 Idaho First National Bank, Buhl, ID

Savings Account

5,590.43

20 First American Title Co., Twin Falls, ID

21 Escrow No. T-3512E1471 with

Alex Rau, Deed of Trust Note

22 Dated October 24, 1983

23 Balance

\$ 9,072.34

SEP 29 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant William Wonenberg Phone 543-4934

Post office address Route #4, Buhl, Idaho 83316

2. Source of water supply Unnamed Stream which is a tributary of J-3 Coulee

3. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13 Township 9S

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

4. Water will be used for the following purposes:

Amount 0.40cfs for irrigation purposes from Mar 15 to Nov 15 (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:

a. 0.40 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Check dam & ditch

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

Period of year when water will be diverted to storage _____ to _____ 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: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ 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: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	14E	13														20			20

Total number of acres to be irrigated 20

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

none

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

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

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

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

A full-page sheet of white graph paper featuring a uniform grid of thin black lines. The grid consists of 20 columns and 20 rows, creating a total of 400 small squares. The lines are evenly spaced and extend across the entire page, leaving no margins or additional markings.

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.

William W. Wrenn
(Applicant)

Proposed Priority 5/7/80
Received by JP Date 5-7-80 Time 4:10 pm
Preliminary check by VB Fee \$ 35.00
Received by JP Date 5-7-80 # 16425
Publication prepared by ek Date 5-15-80
Published in times news
Publication dates 5/29 + 6/5/80
Publication approved Jim Date 8/22/80
Protests filed by: turner falls canal co. Withdrawn 7-11-80

Copies of protests forwarded by _____
Hearing held by _____ Date: _____
Recommended for approval denial by LA RHA Jim

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

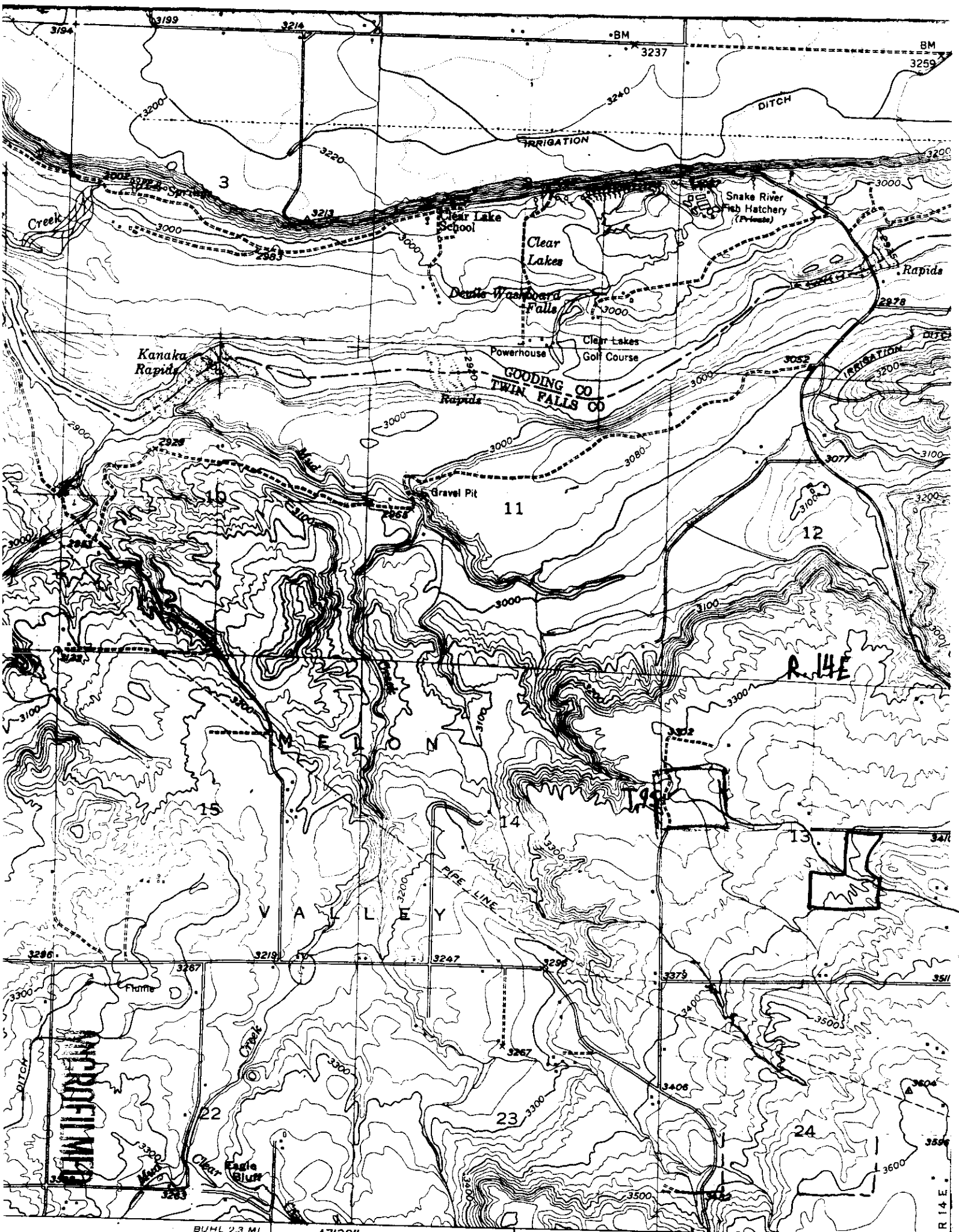
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7645, and said application is hereby approved.

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 August 1, 19 85.
- 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: _____

Witness my hand this 25th day of August, 19 80.

A. Glen Saxton



BUHL 2.3 MI.

47°30"

INTERIOR-GEOLOGICAL SURVEY, WASHINGTON, D. C.

BUHL (U. S. 30) 1.9 MI.

TWIN FALLS 19 MI.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

Nº 9361

I, E. Jennings being first duly sworn upon
oath, depose and say that I am owner 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 three
consecutive weeks, commencing with the issue dated
July 29, 19 80, and ending with the issue dated
June 5, 19 80

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 competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 13th day of

Melba Rowlett-Smith
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

MICROFILMED

MICROFILMED
DEC 20 1988

12/19/88
Link - #3

Per the Twin Falls
Co. Assessor's Office,
the address for
Mike & Carolyn McGuire
is: 308 E Steele
Lonia, ID 83427

ADDRESS UNKNOWN

RECEIVED
DEC 16 1988

Department of Water Resources

Mike & Carolyn McGuire, et al
1461 E. 4450 N.
Buhl, ID 83316

December 13, 1988

MIKE MC GUIRE
CAROLYN D MC GUIRE
ELDON PETERSEN
DIXIE PETERSEN
DUANE PETERSON
BARBARA JEAN PETERSON
1461 E. 4450 N.
BUHL, ID 83316

RE: PERMIT NO. 47-07645

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

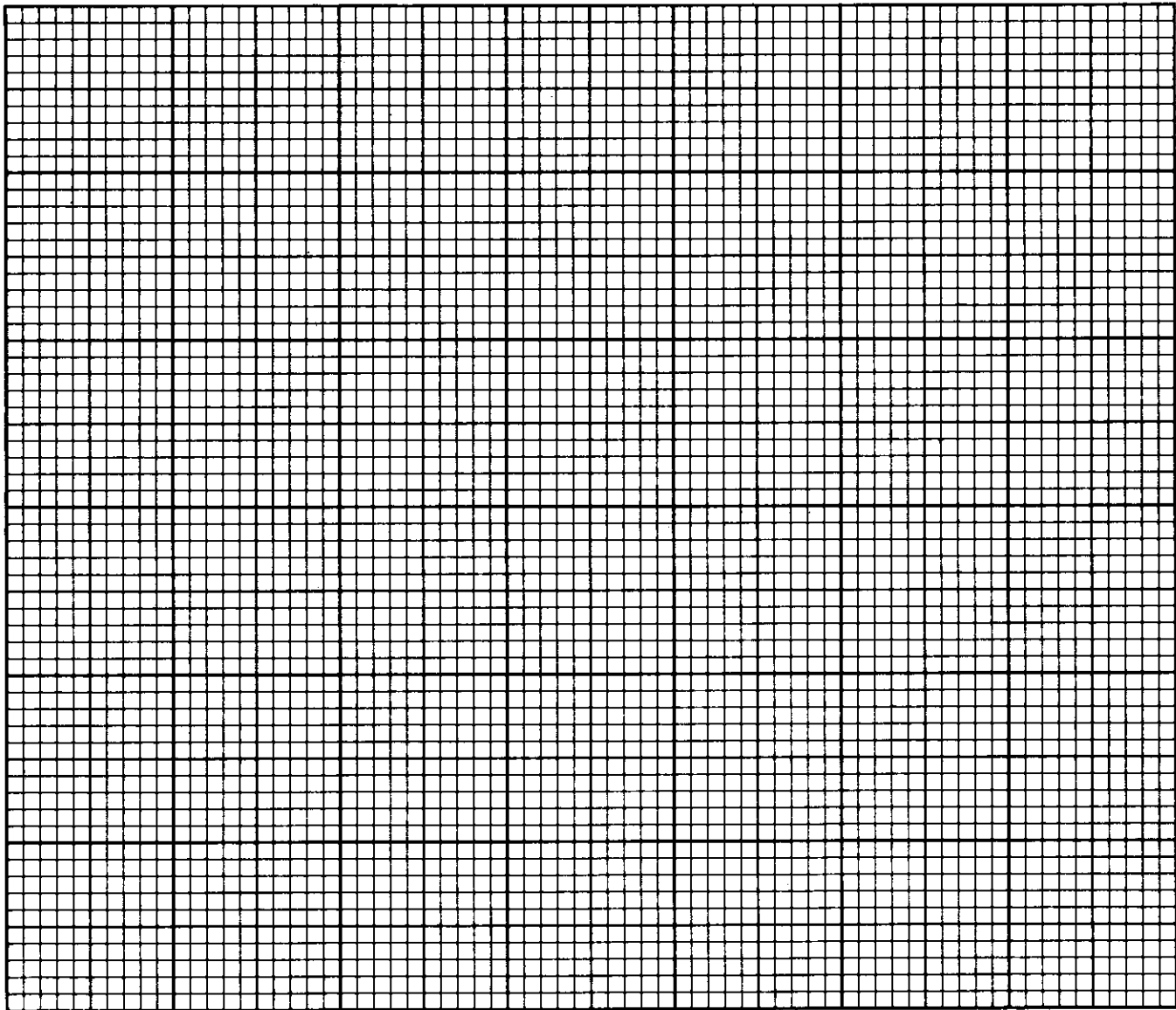
Enclosure

MICROFILMED

DEC 23 1988

[illegible]

10. Other water rights on these lands 47-4289
11. Other water right diverted from same p.d. 47-4289
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



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

14. Remarks It was difficult to determine what water and what land was covered under 47-4289 Therefore All water being diverted and all land being irrigated was included on exam. Original applicant is deceased. Six acres that had been sold has been taken back.

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 H. Blau Date 8-21-85
- Consultant's License Number _____
- IDWR Director's Authorization to Conduct Beneficial Use Examination _____

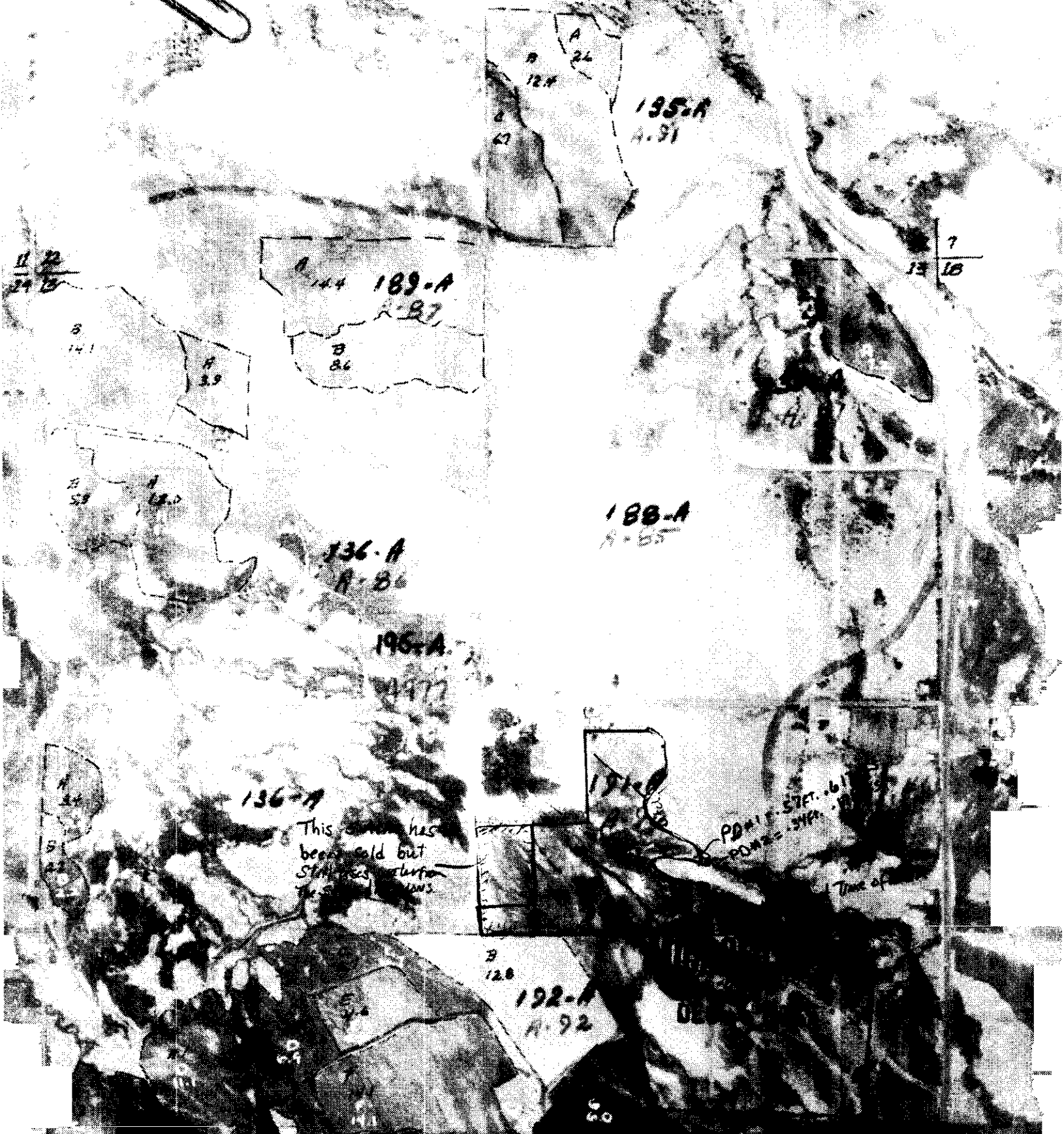
Date

11/20/1988

CONSULTANT SEAL

2

Twp. 9S. Rge 14E.



7
16

This parcel has been sold but still has a lien on it

Point E. 57 ft. 6 in.
Point F. 51 ft. 6 in.
Time of day

NOT TO SCALE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED

DEC 5 1988

47-7645

Permit No.

Department of Water Resources

1. Measurement Calculations

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

- b) Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 80$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 194$$

$$V_{I.R.} = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 80$$

- 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:

MICROFILMED

DEC 23 1988

RECOMMENDED AMOUNTS

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
	47-7645					

4. Permit Holder: _____

Address: _____

5. Source: _____ tributary to _____

[illegible]

Irrigation	Mar. 15	Nov. 15	1.02	80 AF/ANN.
------------	---------	---------	------	------------

Allowable Maximums: 0.40 cfs 80 AF/ANN

7. Point(s) of Diversion:

No.	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County
1		SE	NW	SE	13	9S	14E	Twin Falls
2		"	"	"	"	"	"	"
3		"	"	"	"	"	"	"
4		"	"	"	"	"	"	"
5		"	"	"	"	"	"	"

8. 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	13														20			20
Total Acres																		20	

9. Recommended Conditions/Remarks: _____

MICROFILMED

DEC 23 1988

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 Jerry D. Blum

Checked in Regional Office by D. F. [Signature]

Approved in State Office by Robert H. Wang

Date 8-27-85

Date 10-25-85

Date 11/16/88



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 23, 1988

RE: Water Right No. 47-7645

Duane &/or Barbara Jean Peterson, et al
1461 E. 4450 N.
Buhl, ID 83316

Dear Mr. and Mrs. Peterson:

We acknowledge receipt of the correspondence transferring ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

Please be advised that since this water right is still in the permit stage, further requirements may be required of the permit holder to finalize the water right into a license. The Department will subsequently notify you of these requirements.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

SEP 29 1988

Permit No. 47-7645

ASSIGNMENT REVIEW CHECK LIST

1. Signature of Permit Holder? - *representative of estate of spouse,*
 2. Notary? ☒ *the living spouse as vesting estate in surviving estate (ok)*
 3. a. Full Assignment? ☒
 - b. ~~Partial Assignment?~~
 4. "No assignment" condition on permit? *N/A*
 5. Commencement of Works received?
 - a. Commencement of works requested? ☒
 - b. Show Cause Order drafted & sent? ☒
 - c. Cancellation necessary? ☒
 6. Affidavit of residency required? ☒
 7. Extension granted due to litigation?
(If yes, commencement of works is not required.) ☒
-
1. Type permit summary sheet. ☒
 2. Coding sheet. ☒
 3. Acknowledgement letter type. ☒
 4. Copy to region. ☒

Date 8-22-88

Employee S. Curtis

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

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

AUGUST 2, 1985

RUTH WONENBERG
RT. 4
BUHL

ID 83316

RE: Permit No. 47-7645

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 734-3578 or in person at our office at 1041 Blue Lakes Blvd. N. Twin Falls, Idaho.

Sincerely,
s/Mary A. Newby
Secretary

MICROFILMED

SEP 29 1986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 47-7645
Name(s) of Permit Holder(s): William Wone
Post Office Address: Route 4 Buhl ID 83316
Tel. No. 943-4934

☒ I hereby certify that construction of diversion works for the above referenced permit began on 5/7/1980 I understand that I must
(date)
continue to develop the water system with due diligence to maintain 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*:

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

2/14/83
Date

William Wone
Signature of Permit Holder

PLACE
STAMP
HERE

RECEIVED

FEB 14 1983

DEPARTMENT OF WATER RESOURCES
SOUTHWEST DISTRICT OFFICE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

MAILED
SEP 29 1988

RECEIVED

JUN 14 1985

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

JUN 11 1985

Department of Water Resources
Boise District Office

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. 47-7645

Name(s) of Permit Holder: William
Roger Wonenberg (deceased) ✓

Route #4, Buhl, ID 83316

Post Office Address: _____

Telephone No. 543-4934

Source of Water: Unnamed Stream trib. to J-3 Coulee

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation 15 (acres)

Other/Remarks 13 of the original 20 acres have been sold; some of this

land is irrigated by other diversion systems

Indicate the date water was first diverted and beneficially used under this permit: 1930's

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:

Mrs. William Wonenberg
(Name)

Same
(Address) (Telephone Number)

MICROFILMED

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

June 5, 1985
Date

Ruth Wonenberg
Signature of Permit Holder (and Title, if appropriate) SPOUSE - see attached

7-15-85
Jim

STATE OF IDAHO } ss.
County of Twin Falls }

I hereby certify that this instrument

filed for record at the request of

HEPWORTH, NUNGESTER & FELTON

10:55 o'clock, this JAN 23 1985

in my office and duly recorded in book

of page

RICHARD A. PENCE

Ex Officio Recorder

Deputy

For \$ 18.00

Return to

HEPWORTH, NUNGESTER & FELTON

HEPWORTH, NUNGESTER & FELTON
1020 Main, Buhl, Idaho 83316
Tel. No. 208-543-4368
Attorneys for Estate

RECEIVED

JUN 11 1985

Department of Water Resources
Southern District Office

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY
MAGISTRATE DIVISION

* * * * *

IN THE MATTER OF THE ESTATE OF) Probate No. 3204
)
WILLIAM WONENBERG,) AMENDED DECREE VESTING ESTATE IN
) SURVIVING SPOUSE
Deceased.)

* * * * *

Upon consideration of the Petition for Summary Administration of Estate in Which Surviving Spouse is Sole Beneficiary filed by Ruth Jane Wonenberg on November 14, 1984, the Court finds that:

1. The facts set forth in the petition are true.
2. The required notice has been given or waived.
3. The decedent, William Wonenberg, died on October 21, 1984, domiciled in Twin Falls County, Idaho.
4. Venue is proper.

AMENDED DECREE - 1

MICROFILMED

1
2 5. The decedent and Ruth Jane Wonenberg were duly
3 married at Twin Falls, Idaho, on August 8, 1932, and remained
4 married until the date of decedent's death.

5 6. The surviving spouse, Ruth Jane Wonenberg, is the
6 sole heir or devisee of the decedent.

7 7. The decedent died testate, leaving a will dated
8 April 9, 1979. The will was validly executed and is the last will
9 and testament of the decedent.

10 8. The schedule of property attached to this Decree is a
11 full and complete inventory of the property owned by the decedent
12 and properly characterizes the property as community or separate
13 property.

14 9. This Amended Decree Vesting Estate in Surviving
15 Spouse is filed to correct an omission on the schedule of property
16 of the decree filed December 5, 1984, and recorded December 14,
17 1984, as Instrument No. 872360.

18 THEREFORE, it is ordered, adjudged and decreed as follows:

19 1. Ruth Jane Wonenberg is the surviving spouse of the
20 decedent and is the sole heir or devisee of the decedent.

21 2. The property of the decedent described on the sched-
22 ule attached to this Decree, and any other property of the decedent
23 or the estate not now known or discovered, is hereby vested in and
distributed to RUTH JANE WONENBERG free and clear of all right,
title, claim or demand of any person or persons claiming or at-
tempting to claim under the estate of the decedent as heir, devi-
see, or otherwise, except as a proper creditor.

3. The surviving spouse shall assume and be liable for
any and all indebtedness that might be a claim against the estate
of the decedent.

4. There shall be no administration of the estate of the
decedent.

DATED: 1/21/85

/s/ R. MICHAEL REDMAN
Magistrate

1 said West line of the above described tract of
land.
2 AND SUBJECT TO a right of Ingress and Egress over
and across a 50 ft wide Road Right of Way, the
3 centerline of said Right of Way being more
particularly described as follows:
4 Beginning at the NE Corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence S 88°53'00" W along the North line of
5 said NW $\frac{1}{4}$ SE $\frac{1}{4}$ for 239.00 ft to the True Point of
Beginning;
6 Thence S 01°07' W, 25 ft East of and parallel
to the East line and East line extended Southerly
7 of a tract of land as recorded in Book 222 Page
2346 of the Records of the Clerk and Recorder of
8 Twin Falls County, Idaho, for 175.96 ft;
Thence S 45° W for 99.69 ft;
9 Thence S 01°01'24" E for 371.00 ft to the Point
of Termination.

10 and

11 Section 13, Township 9 South, Range 14, E., B.M.,
12 Twin Falls County, Idaho, The East 66' of the
NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, containing 1 acre m/l

13 \$150,000.00

14
15 Personal Property:

16 Farmers National Bank, Buhl, ID

17 Checking Account

\$ 1,650.12

Savings Account

3,132.29

18
19 Idaho First National Bank, Buhl, ID

Savings Account

5,590.43

20 First American Title Co., Twin Falls, ID

21 Escrow No. T-3512E1471 with

Alex Rau, Deed of Trust Note

22 Dated October 24, 1983

23 Balance

\$ 9,072.34

1 Automobiles:

2 1969 Intl Truck ID #
3 426600C038,115 \$ 1,000.00
4 1972 Mercury Marquis 4 DR
5 ID #2263N-616,766 \$ 800.00
6 1980 Pontiac 4DR ID #
7 22685A6141194 1,000.00
8 1972 Chevrolet 1/2 T P.U.
9 ID # CCE1422-160,379 1,000.00
10 1952 Intl. L162 Truck
11 ID # 56,333 250.00
12 1975 Dodge ELD MH TK ID #
13 F3YCF5VO26431-508137 5,000.00
14 1978 Datsun P.U. ID #
15 HL620355112 1,500.00
16 1974 Homemade Trailer
17 ID # TRA-13,183 100.00
18 1978 Honda 90 Cycle 50.00

11 Farm Equipment:

12 Case Model 580 CK Backhoe \$ 2,000.00
13 John Deere Tractor 2,500.00
14 Small Farm Tractor 500.00
15 Two (2) Welders 500.00
16 Compressor 400.00
17 Misc. Tools 500.00
18 Misc. Machinery & Equipment 500.00

16 Livestock:

17 17 Cows 5,950.00
18 4 Calves 1,000.00

18 Stock:

19 100 Shares Northwest Agrichemical
20 Corporation (Forfeited charter
21 11-30-63) -0-

20 Household Furnishings & Fixtures \$ 2,000.00

21 Balance due on obligation from McGuires
22 Principal \$ 9,117.35
23 Interest 13% from 9-15-83 1,306.58

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Total Value \$206,419.10

Decedent's One-Half Interest \$103,209.55

7 OFFICES
PWORTH
NGESTER
and
ELTON

AMENDED DECREE - 6

State of Idaho,
County of Twin Falls, ss.
I hereby certify the foregoing to be a full, true
and correct copy of the original on file in the
above entitled action.

RICHARD A. PENCE
CLERK OF THE DISTRICT COURT

By

Jerry Woolley
DEPUTY MAGISTRATE DIVISION

MICROFILMED

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138026

WONENBURG, WILLIAM
RT. 4
BUHL, ID 83316

PROOF DUE NOTICE

MAY 31, 1985

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 47-7645 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE AUGUST 01, 1985. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A FORM WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE FORM OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

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S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

WONENBURG, WILLIAM
RT. 4
BUHL, ID 83316

SEPTEMBER 24, 1980

RE: PERMIT NO. 47-7645

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.

WE HAVE ENCLOSED A FORM 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 R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

MICROFILMED

NELSON, ROSHOLT, ROBERTSON, WALKER, TOLMAN & TUCKER

ATTORNEYS AT LAW

THE IDAHO FIRST NATIONAL BANK BUILDING
P.O. BOX 1908
TWIN FALLS, IDAHO 83301
TELEPHONE (208) 734-0700

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
THOMAS G. WALKER, JR.
STEVEN K. TOLMAN
JAMES C. TUCKER

SUN VALLEY-KETCHUM OFFICE
P. O. BOX 2399
SUN VALLEY, IDAHO 83353
TELEPHONE (208) 726-4491

July 10, 1980

RECEIVED

JUL 11 1980

Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Department of Water Resources
Southern District Office

Re: Application for Permit No. 47-7645 - Wonenburg

Gentlemen:

The Twin Falls Canal Company Board of Directors have asked me to communicate to you that they officially withdraw their protest to Application for Permit No. 47-7645.

Please place a copy of this letter in your file for the above-referenced permit.

Sincerely,

John A. Rosholt

JOHN A. ROSHOLT
Attorney for Twin Falls
Canal Company

JAR:bg

cc: William Wonenburg
Warren Travis

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

June 19, 1980

William Wonenburg
Route 4
Buhl, Idaho 83316

Re: Application for Permit No. 47-7645

Dear Mr. Wonenburg:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 47-7645. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Sincerely,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

June 19, 1980

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

Mr. John Rosholt
Attorney at Law
P.O. Box 1906
Twin Falls, Idaho 83301

Re: Application for Permit No. 47-7645

Dear Mr. Rosholt:

Your protest against the approval of the above-referenced application submitted in behalf of Twin Falls Canal Company has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

- 1) Will the proposed use reduce the quantity of water under existing water rights?
- 2) Is the proposed water supply insufficient for the purpose intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Sincerely,

LOREN O. HOLMES
Southern Region Supervisor

LOH:marya

MICROFILMED

1 John A. Rosholt
2 NELSON, ROSHOLT, ROBERTSON,
3 WALKER, TOLMAN & TUCKER
4 P. O. Box 1906
5 Twin Falls, Idaho 83301
6 Telephone: 734-0700

RECEIVED
JUN 5 1980
Department of Water Resources
Southern District Office

11 BEFORE THE DEPARTMENT OF WATER RESOURCES

12 OF THE STATE OF IDAHO

13 * * * * *

14 IN THE MATTER OF APPLICATION)
15 FOR PERMIT NO. 47-7645) PROTEST OF TWIN FALLS CANAL
16 WILLIAM WONENBURG.) COMPANY TO APPLICATION FOR
WATER PERMIT

17 * * * * *

18 COMES NOW The Twin Falls Canal Company, by and
19 through their attorneys, Nelson, Rosholt, Robertson, Walker,
20 Tolman & Tucker, and respectfully allege:

21 1. That protestant Twin Falls Canal Company is a
22 nonprofit, public irrigation corporation, which owns and
23 operates a complex system of canals and ditches so as to
24 deliver water to member shareholders who farm 202,000 acres
25 in Twin Falls County, Idaho, and to whom the Canal Company
26 has the legal duty of delivering the irrigation water repre-
27 sented by such shares.

28 2. That this application proposes to divert water
29 from a portion of the Company's system which is under the
30 regulation, control and ownership of the Twin Falls Canal
31 Company and is operated and maintained by said company to
32 satisfy their legal obligation to their shareholders to

64 MICROFILMED

1 deliver water to their member shareholders below the point
2 where the water is sought to be diverted by said applicant.

3 3. The applicant has no permission or right of way,
4 and cannot acquire one from the Company to construct the
5 contemplated diversion works.

6 4. That the water sought to be appropriated is
7 private water not subject to appropriation.

8 5. That the use of said water as requested would
9 cause losses and continuing regulation problems for the Com-
10 pany in carrying out their duty of delivering irrigation and
11 stock water.

12 7. That the Twin Falls Canal Company's duty in
13 delivering irrigation and stock water to their member stock-
14 holders is in the local public interest and that this appli-
15 cation, if granted, would erode the Company's ability to
16 perform their mission in violation of local public interest.

17 NOW, THEREFORE, The Twin Falls Canal Company hereby
18 protests the above-numbered application for the following
19 reasons, to-wit:

20 (1) That the proposed use will reduce the quantity
21 of water available to the Company under prior existing water
22 rights.

23 (2) That the applicant has no permission to divert
24 from the rights of way of the Company and no permission to
25 enlarge or alter appurtenant drainage easements.

26 (3) That the intended supply of water is not sub-
27 ject to appropriation.

28 (4) That granting of said permit is not in the
29 local public interest and if granted would conflict with the
30 local public interest.

31 WHEREFORE, the Twin Falls Canal Company by and
32 through their attorneys, Nelson, Rosholt, Robertson, Walker,

1 Tolman & Tucker, respectfully request that the above-numbered
2 application be denied by the Department of Water Resources
3 and that no permit be issued thereto.

4 DATED this 4 day of June, 1980.

5 NELSON, ROSHOLT, ROBERTSON,
6 WALKER, TOLMAN & TUCKER

7 By: John A. Rosholt
8 John A. Rosholt
9 Attorneys for Protestant
10 Twin Falls Canal Company
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NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

42-2645-

WONENBURG, WILLIAM

RT. 4, BUHL, ID 83316

Source: STREAM tributary to J-3 COULEE

Date Filed: 05/07/1980

Amount: 0.40 CFS

Diversion Point: NWSE Sec 13 T 09S R 14E, TWIN FALLS Co.

Use: IRRIGATION (0.40 CFS) from 03/15 to 11/15

Place of Use: NWSE Sec 13 T 09S R 14E FOR 20 ACRES

Diversion Means: CHECK DAM & DITCH

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

C. STEPHEN ALLRED

Director

Published ~~5/22~~ & 5/29/80. + June 5, 1980

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

MAY 16, 1980

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.

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 JUNE 9, 1980.

Yours truly,

Mary A. Hill
Secretary

Encl.

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