

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

Ident. No. 13-7543

RECEIVED

AUG 09 1996

Department of Water Resources

1. Name of Applicant Hans and/or Ruth Mussler Phone (208) 427-6219  
Mailing address 13909 N. Cleveland Rd. Preston ID 83263
2. Source of water supply Spring which is a tributary of Sinks
3. Location of point of diversion is Township 123 Range 40E Sec. 25, in the NE 1/4,  
NE 1/4, SE 1/4, Govt. Lot \_\_\_\_\_, B.M., Franklin County;  
additional points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 0.02 cfs for Stockwater purposes from 1-1 to 12-31 (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)  
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 is (a) 0.02 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Describe type and size of devices used to divert water from the source 4" perforated pipe to 2" pipe to trough
  - b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet
  - c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet
  - d. Is ground water with a temperature of greater than 85°F being sought? \_\_\_\_\_
  - e. If well is already drilled, when? \_\_\_\_\_; Drilling firm \_\_\_\_\_  
Well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
  - a. Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
  - b. Stockwatering; list number and kind of livestock. 10 horses; 100 range cattle
  - c. Municipal; show name of municipality. \_\_\_\_\_
  - d. Domestic; show number of households. \_\_\_\_\_
  - e. Other; describe fully. \_\_\_\_\_

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| 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 | 40E | 25  |    |    |    |    |    |    |    |    |    |    |    |    | 5  |    |    |    |        |
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|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated \_\_\_\_\_

10. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

11. 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: \_\_\_\_\_

12. Remarks: \_\_\_\_\_

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Clara K. Russell  
Signature of Applicant (and title, if applicable)

Received by G.T. Date 6/28/96 Time 2:51 P.M. Preliminary check by \_\_\_\_\_  
Fee \$ 50.00 Receipted by G.T. # E022330 Date 6/28/96  
Publication prepared by RB Date 7-18-96 Published in Spokane Citizen  
Publication approved [Signature] Date 8-6-96



State of Idaho  
Department of Water Resources  
**Permit To Appropriate Water**  
NO. 13-07543

Proposed Priority: June 28, 1996

Maximum Diversion Rate:

0.02 CFS

This is to certify, that RUTH MUSSLER  
HANS MUSSLER  
13909 N CLEVELAND RD  
PRESTON ID 83263

has applied for a permit to appropriate water from:  
SPRING tributary of SINKS

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS                 |

LOCATION OF POINT(S) OF DIVERSION: NENESE, Sec. 25, Township 12S, Range 40E  
FRANKLIN County

PLACE OF USE: STOCKWATER

TWN RGE SEC

12S 40E 25

NESE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1997.
2. Subject to all prior water rights.
3. Stockwater use is for 10 horses and 100 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

16<sup>th</sup> day of August, 1996.

*Karl J. Dreher*  
for Karl J. Dreher, Director



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

**EASTERN REGION**

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

JULY 9, 1996

Legal Notices Department  
THE PRESTON CITIZEN  
P.O. BOX 472  
PRESTON, ID 83263

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 AUGUST 5, 1996.

Yours truly,

Rita Bodell  
Secretary

Encl.



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

**EASTERN REGION**

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

July 15, 1996

HANS AND/OR RUTH MUSSLER  
13909 N CLEVELAND RD  
PRESTON ID 83263

RE: Notice of Application for Permit 13-07543

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right application. This office is currently in the process of advertising the application in the Preston Citizen on July 18 & 26, 1996. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the 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 the 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 applications 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.

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

Sincerely,

*Harold W. Jones*  
Harold W. Jones  
Water Right Supervisor

HWJ/rb

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before AUGUST 5, 1996.

KARL J. DREHER, Director

Published: 7/18/1996 & 7/25/1996

13-07543

MUSSLER, RUTH  
MUSSLER, HANS  
13909 N CLEVELAND RD  
PRESTON, ID 83263

Source: SPRING

Tributary: SINKS

Diversion Pt: NENESE Sec 25 T 12S R 40E in FRANKLIN County.

|                  |   |            |
|------------------|---|------------|
| Use: STOCKWATER  | ( | 0.020 CFS) |
| Total Diversion: | ( | 0.020 CFS) |

Date Filed: 6/28/1996

|                     |      |
|---------------------|------|
| In: FRANKLIN County |      |
| T12S R40E S25       | NESE |

875



3996

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }  
County of Franklin } ss.

**J. WALTER ROSS**

being duly sworn,

deposes and says:  
That he is the **CO-PUBLISHER** of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said

newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

7-17, 1996, and ending with the issue of 7-24, 1996

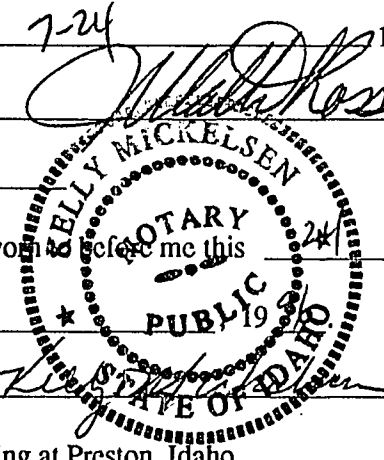
Fee \$ 34.57

Subscribed and sworn to before me this 24 day

of July, 1996

Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 14, 1997.



RECEIVED  
AUG 02 1996

Department of Water Resources  
Eastern Region

## NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

13-07543  
MUSSLER, RUTH  
MUSSLER, HANS  
13909 N CLEVELAND RD  
PRESTON, ID 83263  
Source: SPRING  
Tributary: SINKS  
Diversion Pt: NENESE Sec 25 T  
12S/R 40E in FRANKLIN County  
Use: STOCKWATER (0.020 CFS)  
Total Diversion: (0.020 CFS)  
Date Filed: 6/28/1996  
In: FRANKLIN County T12S R40E S25 NESE

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before AUGUST 5, 1996.

KARL J. DREHER, Director  
Legal No. 3996— Publish July 17, 24, 1996.



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

August 16, 1996

RUTH MUSSLER  
HANS MUSSLER  
13909 N CLEVELAND RD  
PRESTON ID 83263

**PERMIT APPROVAL NOTICE**

RE: PERMIT NO. 13-07543

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "Conditions of Approval and 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:ph

Enclosures

For Office Use Only  
\$50 Fee Received by 15  
Date 8/22/97  
Receipt No. 0-30050

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 22 1997

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

Department of Water Resources

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. 13-07543

Name(s) of Permit Holder: HANS AND RUTH MUSSLER

Mailing Address: 13909 N. CLEVELAND ROAD, PRESTON, ID 83263

Date Proof is Due: September 1, 1997 Telephone No. (208) 427-6219

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".)

Access road was built and brush cut. We have contracted  
with Earl Hamp Construction to develop the spring. He planned to  
have the work finished well before the deadline, but he couldn't because  
of emergency work and equipment failures. He has Costing \$             
assured us to complete the work as soon as possible.  
The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

see above

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

FEE: \$50.00

Clara L. Mueller  
(Signature)\*

Ruth F. Mueller

\*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 September 1, 1998.

Signed this 27<sup>th</sup> day of August, 19 97.

J. Blund Saylor  
Chief, Water Allocation Bureau

June 30, 1997

RUTH MUSSLER  
HANS MUSSLER  
13909 N CLEVELAND RD  
PRESTON ID 83263

PROOF DUE NOTICE

RE: PERMIT NO. 13-07543

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 September 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





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

August 28, 1997

Hans and Ruth Mussler  
13909 N Cleveland Rd  
Preston ID 83263

RE: Permit No. 13-07543

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use to **September 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 effective 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 this office or any regional 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.

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

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary, Water Allocation Bureau

C: IDWR - Regional Office

Enclosure

FOR OFFICE USE ONLY  
Amt. of Fee \$: 50.00  
Receipt No. CP40742  
Receipt By: KS  
Date Received: 11-26-97

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 15 1997

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. 1307543 Telephone No. 427-6219
2. Name(s) of Permit Holder(s): Hans and Ruth Mussler
3. Mailing Address: 13909 N. Cleveland Road, Preston, ID 83263
4. Source of Water: Spring If GROUNDWATER (well), Date Drilled: mo. \_\_\_\_ / yr. \_\_\_\_
  - a. Well Driller: \_\_\_\_\_ Drilling Permit Number: \_\_\_\_ - \_\_\_\_ - \_\_\_\_
  - b. OPTIONAL:  
Pump Horsepower: \_\_\_\_\_ Pressure (psi): \_\_\_\_\_ Dynamic pumping level (ft): \_\_\_\_\_
5. Use(s) (as authorized by the water right permit):  
Domestic (No. of households): \_\_\_\_\_ Stockwater (No. and type of stock): 10 HORSES  
100 Range Cattle  
Irrigation (No. of acres): \_\_\_\_\_ Other: \_\_\_\_\_
6. Total rate of diversion and/or volume for which proof is submitted: 0.0045 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 <u>X</u> |
| Has the measuring device been installed?                    | Yes ____ or No ____     |
| Flow Measurement Port: Is a flow measurement port required? | Yes ____ or No <u>X</u> |
| Has the measurement port been installed?                    | Yes ____ or No ____     |
8. Fee Enclosed: \$ \_\_\_\_\_ (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: Hans K. Mussler Telephone Number: 427-6219  
Address: 13909 N. Cleveland Road, Preston, ID 83263
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

Hans K. Mussler Ruth Mussler Date: Sept. 22, 97  
(Include your title, if on behalf of company or organization)



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

November 20, 1997

Hans and Ruth Mussler  
13909 N Cleveland Rd  
Preston ID 83263

**RE: Permit No. 13-07543**

Dear Permit Holder:

I have returned a copy of the Proof of Beneficial Use statement you submitted in connection with the above referenced water right permit. The proof as filed is not acceptable since was not accompanied by the \$50.00 license examination fee. Permits which divert 0.04 cfs or less from a ground water source are exempt from the filing fee, however, you are diverting water from a surface water source (spring) and are not exempt from the fee.

Please return the copy of the proof form along with the \$50.00 license examination fee within 60 days of receipt of this letter. Please address your correspondence to my attention.

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

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - E. Region



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

February 5, 1998

Hans and Ruth Mussler  
13909 N Cleveland Rd  
Preston ID 83263

**PROOF ACKNOWLEDGMENT LETTER**

RE: PERMIT NO. 13-07543

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.

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

If you have questions concerning the field examination, please contact the department's EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 13-07543

Priority: June 28, 1996

Maximum Diversion Rate:  
Maximum Diversion Volume:

0.01 CFS  
1.3 AF

This is to certify, that RUTH MUSSLER  
HANS MUSSLER

13909 N CLEVELAND RD  
PRESTON ID 83263

has complied with the terms and conditions  
of the permit, issued pursuant to Application for Permit dated June 28, 1996; and  
has submitted Proof of Beneficial Use on November 26, 1997. An examination indicates  
that the works have a diversion capacity of 0.010 cfs of water from:

SPRING tributary to SINKS

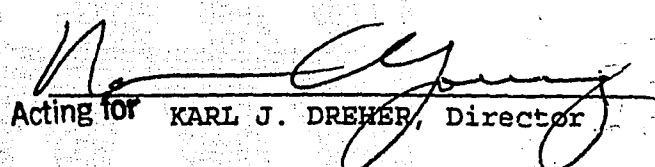
source, and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| STOCKWATER            | 01/01 to 12/31       | 0.01 CFS                 | 1.3 AF               |

LOCATION OF POINT(S) OF DIVERSION: NENESE , Sec. 25, Township 12S, Range 40E  
FRANKLIN County

PLACE OF USE: STOCKWATER  
TWN RGE SEC  
12S 40E 25 NESE

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.  
The water right confirmed by this license is subject to all prior water rights  
and shall be administered in accordance with Idaho law and applicable rules of  
the Department of Water Resources. Signed and sealed this 17<sup>th</sup> day of  
MARCH, 1999.

  
Acting for KARL J. DREHER, Director

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

FEB 16 1999

Department of Water Resources

Permit No. 13-07543

1. Owner: Ruth Mussler + Hans Mussler Phone No. \_\_\_\_\_  
Current Address: 13909 N. Cleveland Rd Preston ID 83263

2. Accompanied by: \_\_\_\_\_ EXAM DATE: 10/05/1998  
Address: \_\_\_\_\_ Phone No. \_\_\_\_\_  
Relationship to Permit Holder: \_\_\_\_\_

3. Source: Springs tributary to Sinks

1. Other water rights with the same place of use: \_\_\_\_\_

2. Other water rights with the same point of diversion: \_\_\_\_\_

**1. Point(s) of Diversion:**

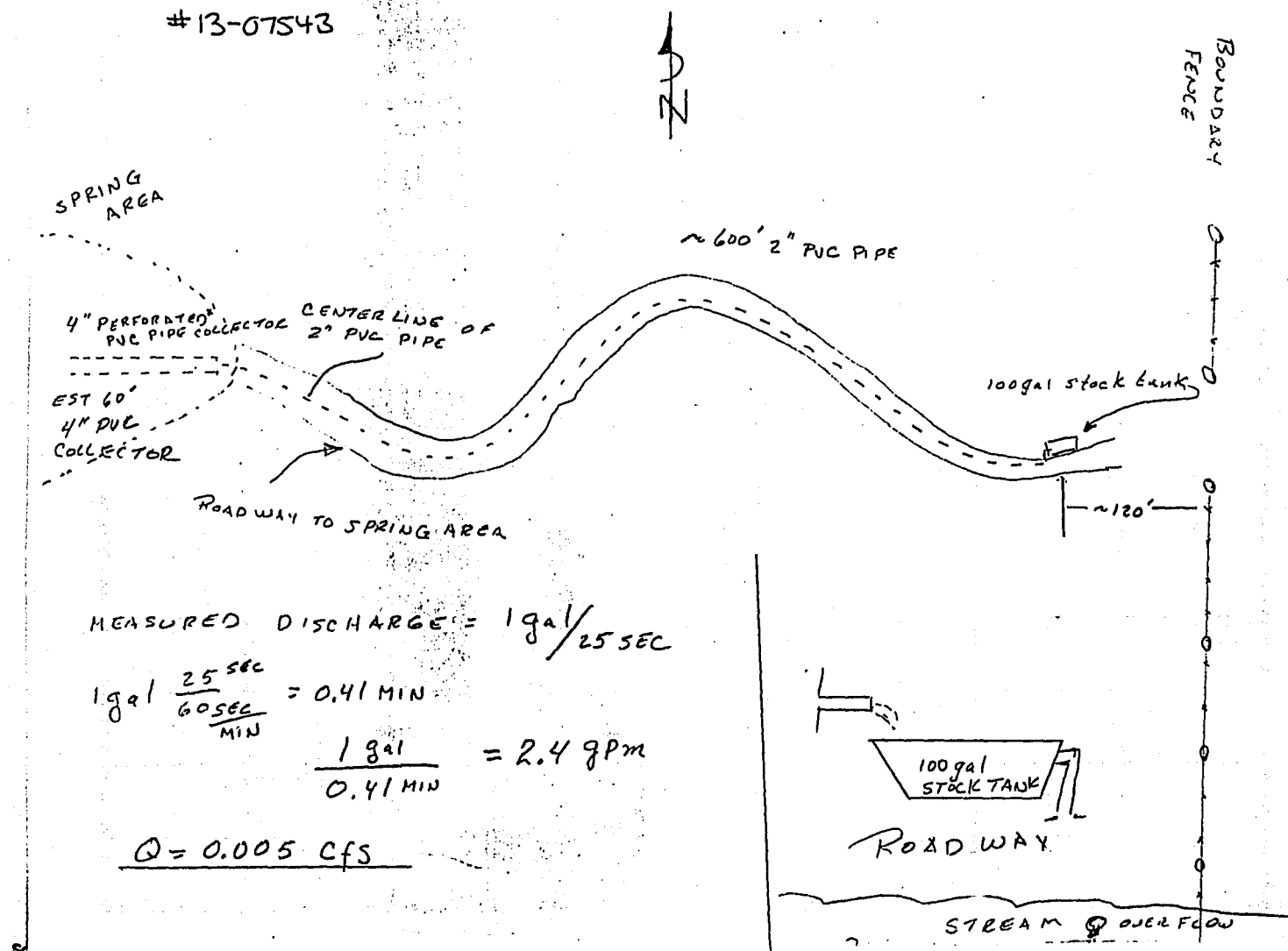
[illegible]

**Indicate Method of Determination**

[illegible]

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well

#13-07543



☒ 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 |
|-----------------------|------|------|-----------|------------|------|-------------|
| Buckets stopwatch     |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. Measurements:

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E. NARRATIVE/REMARKS/COMMENTS

EXAMINER'S RECOMMENDATIONS <sup>for</sup>

POINT OF DIVERSION — NENE<sup>+</sup> SE<sup>+</sup> SEC 25 T12S RGE 40E

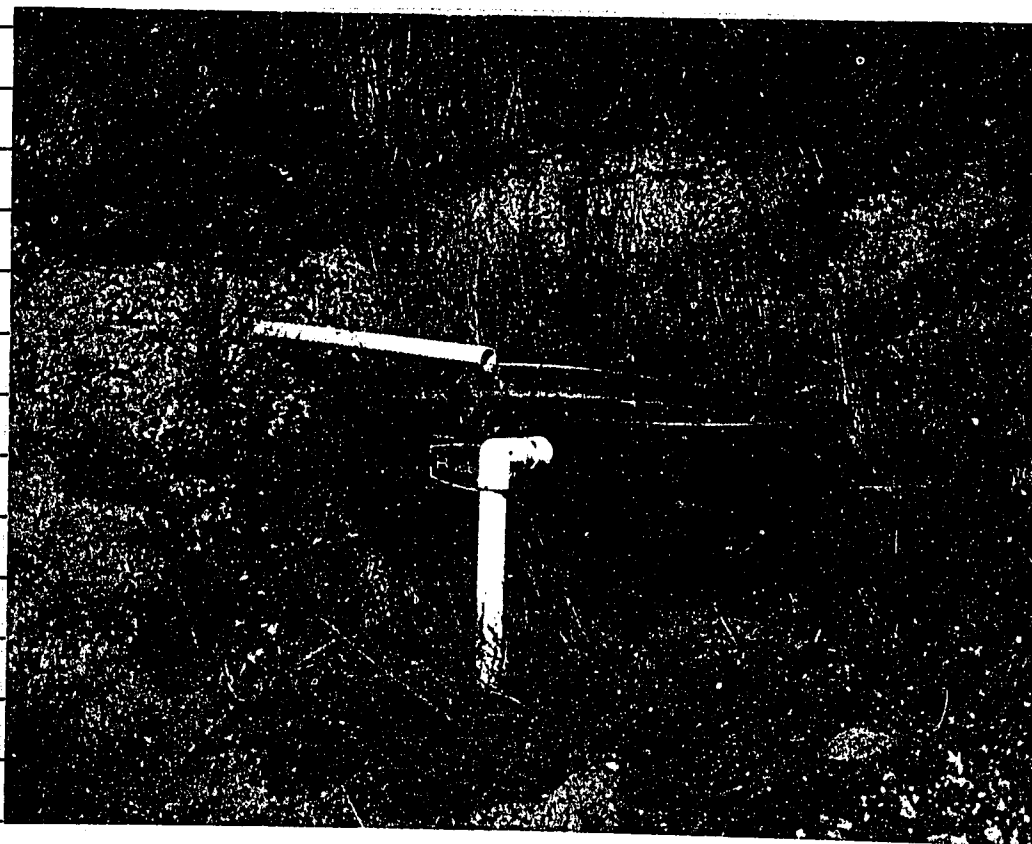
PLACE OF USE — NE<sup>+</sup> NE<sup>+</sup> SE<sup>+</sup> SEC 25 T12S RGE 40E

QUANTITY — 0.01 CFS (MEASURED Q = 0.005 CFS)

PRIORITY — JUNE 28, 1996

BENEFICIAL USE — 100 head range cattle

EXAMINED BY R.D. CARLSON — 10/5/1998 *R Carlson*



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

**F. FLOW CALCULATIONS**

\_\_\_\_ Additional Computation Sheets Attached

Measured Method:

**G. VOLUME CALCULATIONS**

## 1. Volume Calculations for Irrigation:

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

## 2. Volume Calculations for Other Uses:

100 range cattle — 1.3 afa by chart

**H. RECOMMENDATIONS**

## 1. Recommended Amounts

| Beneficial Use | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------|---------------|-------|------------------------------|--------------------------|
|                | From          | To    |                              |                          |
| Stockwater     | 1-01          | 12-31 | 0.01 cfs                     | 1.3                      |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
| Totals:        |               |       | 0.01 cfs                     | 1.3 afa                  |

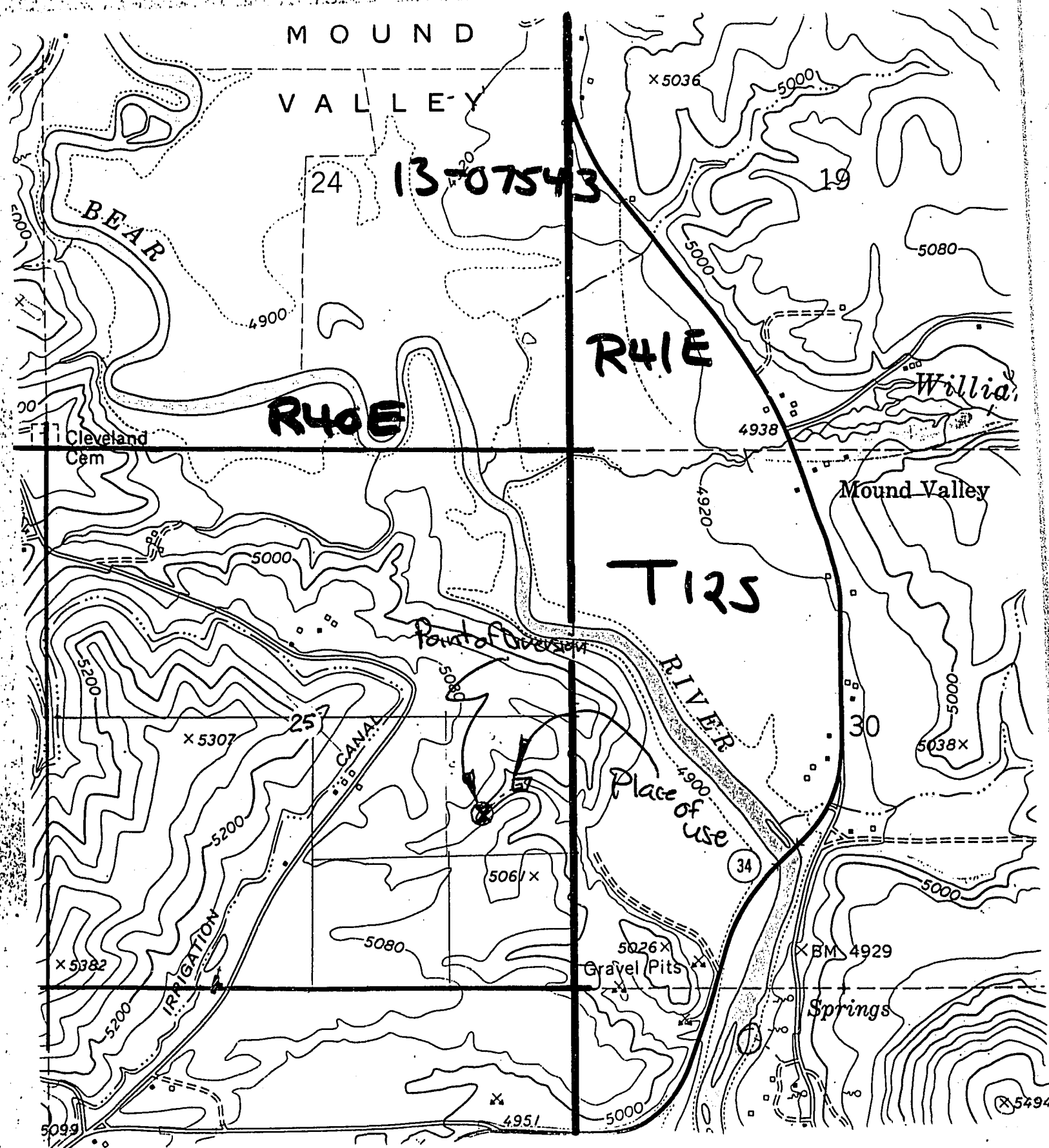
## 2. Recommended Amendments

\_\_\_\_ 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 Ronald D. Carlson Date 10-22-98Reviewer H. Wyjems Date 10-22-98

SEAL

***FOR CLARITY  
OF ANY  
PHOTOGRAPHS  
MICROFILMED,  
SEE FILE.***



## Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order 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 the 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 a 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, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a 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.

### ORAL ARGUMENT

If the Department grants a petition to review a 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 a 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.

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.



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

March 26, 1999

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

RUTH MUSSLER  
HANS MUSSLER  
13909 N CLEVELAND RD  
PRESTON ID 83263

RE: WATER RIGHT NO. 13-07543

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 described in the enclosed information sheet.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of March, 1999, 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. 13-07543

RUTH MUSSLER  
HANS MUSSLER  
13909 N CLEVELAND RD  
PRESTON ID 83263

  
Kari Lynn Townsend  
Secretary