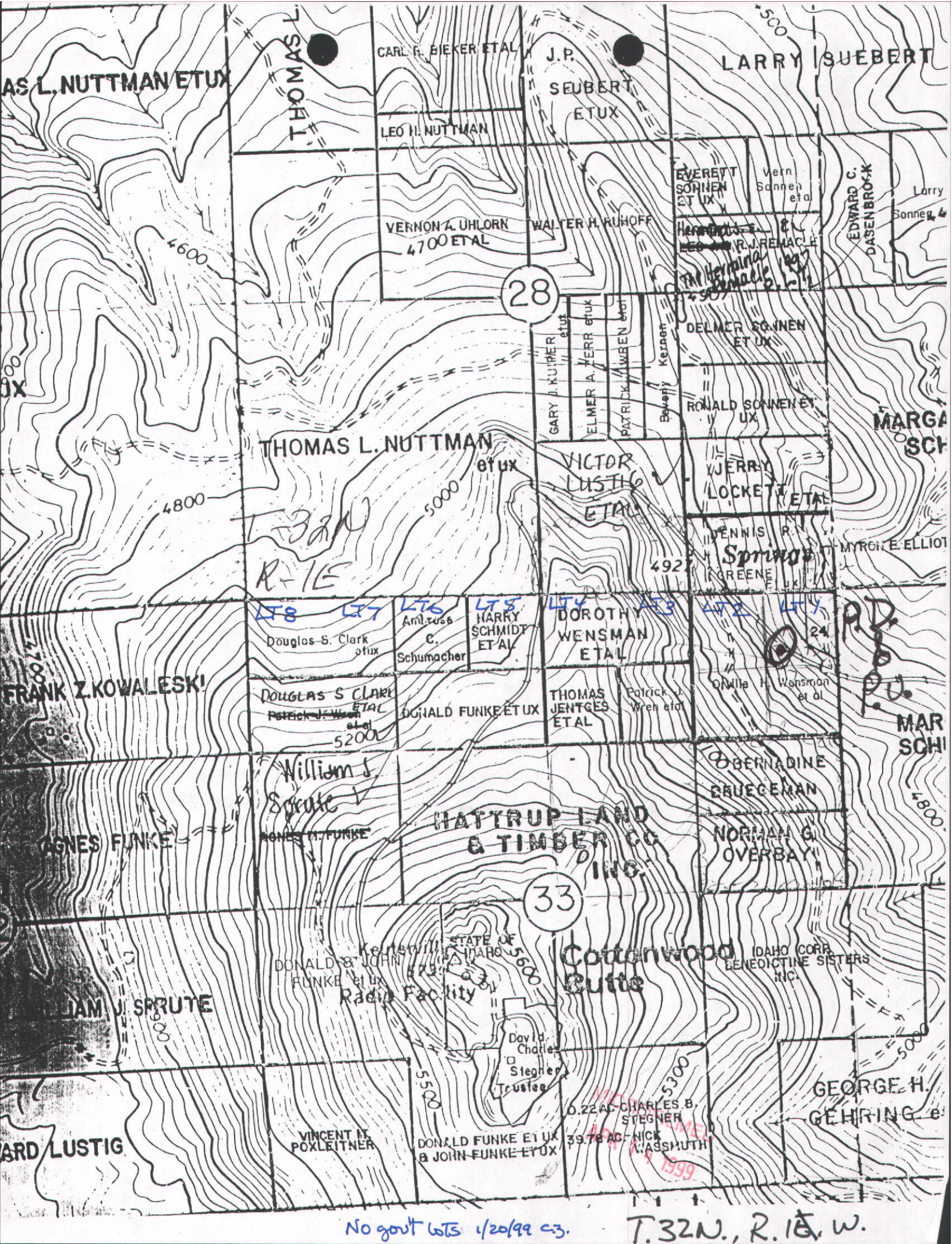




No govt WTS 1/20/99 c3.

T.32N., R.1E. W.

85-07650

Springs

POUT
SPRING

Keuterville
5730
Radio Facility
Cottonwood
Butte

Creek

Deep

Twn 32 N
Rnge 1 W
Sec 33

Keuterville Quad.

MICROFILMED
1961 1 1 2003

Keuterville

Grove

Sewage

85-07650

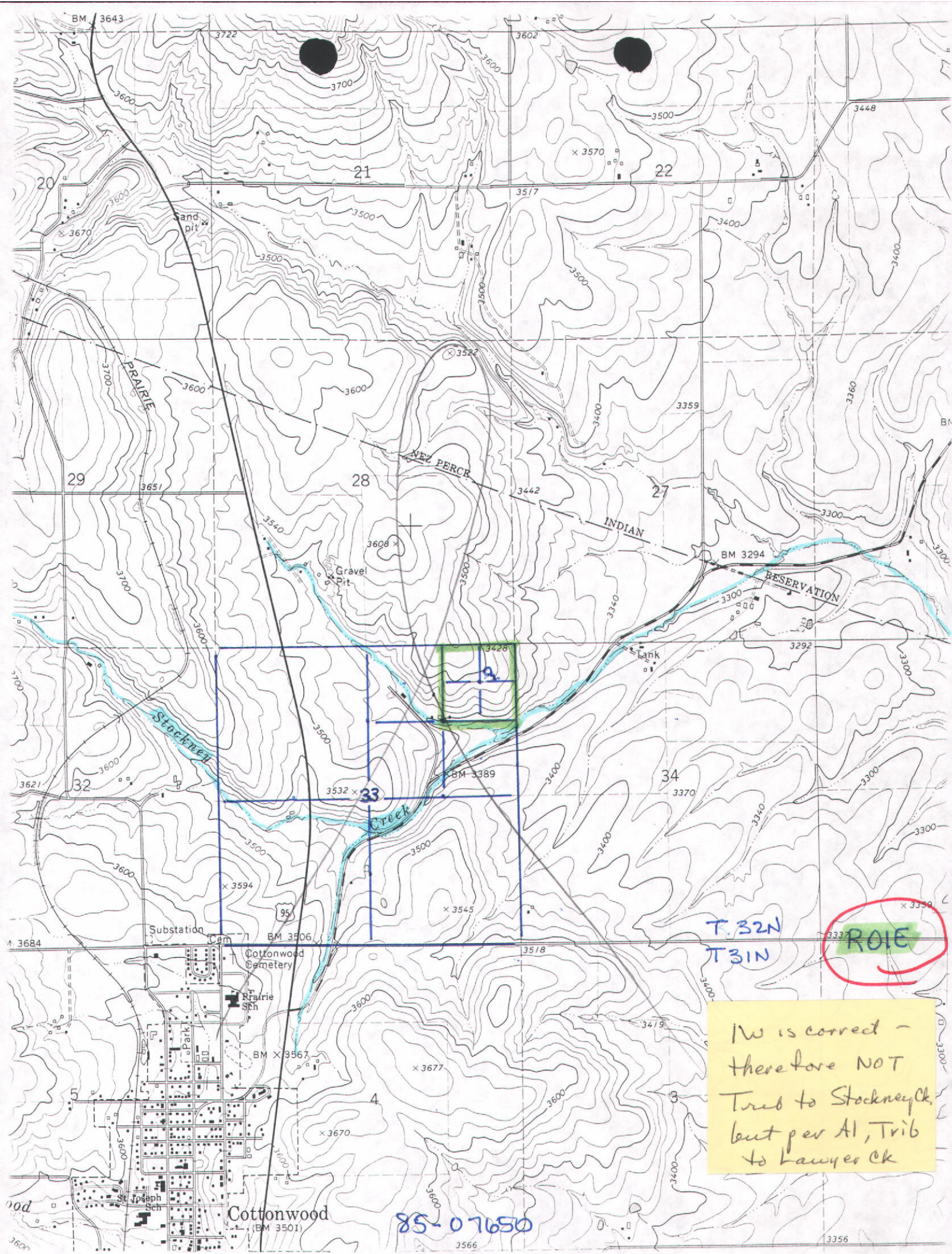


Photo 1. Showing collection tank in the middle of spring.



Photo 2. Showing storage tank.

MICROFILMED
AUG 11 2003



T.32N
T.31N
ROLE

1W is correct -
therefore NOT
Trib to StockneyCk,
but per AI, Trib
to Lawyer Ck

85-07650

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 85-07650

Priority: July 09, 1998

Maximum Diversion Rate: 0.01 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that RUSSELL MATSON
PO BOX 328
COTTONWOOD ID 83522-0328 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 09, 1998; and has
submitted Proof of Beneficial Use on January 26, 2001. An examination indicates that the works have a
diversion capacity of 0.01 cfs of water from:

SOURCE

SPRING

Tributary: LAWYER CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.01 CFS	1.2 AF

LOCATION OF POINT OF DIVERSION:

SPRING NE¼NE¼NE¼ Sec. 33, Twp 32N, Rge 01W, B.M., IDAHO County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE	NW	SW	SE	Totals
32N 01W 33	X				

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home.
2. The issuance of this right does not grant any right-of-way or easement across the land of another.
3. Right 85-10080 is also diverted through the point of diversion described above.

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 used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 24th day of FEBRUARY, 2003.

MICROFILMED
SEP 18 2003

Acting for 
KARL J. DREHER
Director

RECEIVED

JAN 26 2001

FOR OFFICE USE ONLY

Amt. of Fee \$: 50.00

Receipt No. 052050

Receipt By: J. Mason

Date Received: 1-26-01

RECEIVED

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

JAN - 4 2001

Department of Water Resources

PROOF OF BENEFICIAL USE

COPY

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.

1. Permit No. 85-07650 Telephone No. 208-962-3629

2. Name of Permit Holder(s): Russell Matson

3. Mailing Address: Po Box 328 Cottonwood ID 83522

City Cottonwood State Idaho Zip 83522

4. Source of Water: Spring If GROUNDWATER (well), Date Drilled: mo. _____ / yr. 1940

Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 1 Stockwater (No. and type of stock):

Irrigation (~~No. of acres~~) 1400 sq ft of ~~water~~ Other: Lawn in the making

6. Total rate of diversion and/or volume for which proof is submitted: 3 gpm .04 cfs OR 3 gallons per minute 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 X or No _____

Has the measuring device been installed?

Yes _____ or No X

8. Fee Enclosed: \$ NONE Groundwater total Rate Less than .04 cfs (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: Russell, Peggy, or Alex Matson Telephone Number: 208-962-3629

Address: Po Box 328 Cottonwood ID 83522

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

MICROFILMED

Signature of permit holder: Russell Matson (Land Holder) Date: 12-10-2000

(include your title, if on behalf of company or organization)

I did not have room on this page for explanation so I used ex form

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 85-07650

Proposed Priority: July 9, 1998

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **RUSSELL MATSON**

PO BOX 328

COTTONWOOD ID 83522-0328

has applied for a permit to appropriate water from:

SPRING

tributary of **LAWYER CREEK**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENENE , Sec. 33, Township 32N, Range 01W
IDAHO County

PLACE OF USE: DOMESTIC

TWN RGE SEC

B2N 01W 33

NENE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 2001.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Witness the signature of the Director, affixed at Boise, this

21st day of January, 1999.

Karl J. Dreher
for Karl J. Dreher, Director

RECORDED

APR 14 1999

Ident. No. 85-07650
RECEIVED

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

SEP 16 1998

DEPARTMENT OF WATER RESOURCES

To appropriate the public waters of the State of Idaho

Department of Water Resources

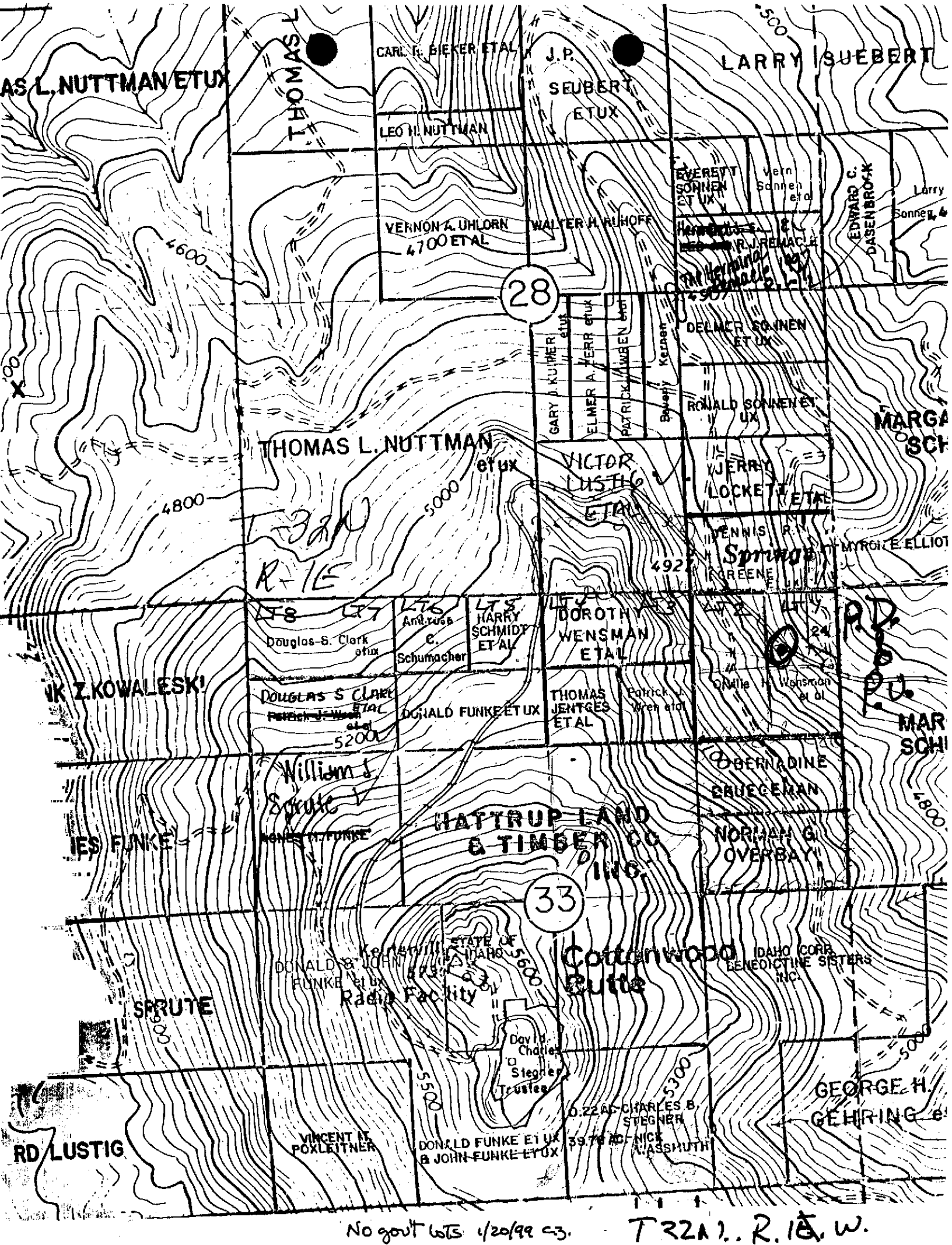
1. Name of Applicant RUSSELL MATSON Phone 916-2-3629
Mailing address BOX 328 COTTONWOOD, ID 83522 LAWRENCE CREEK
2. Source of water supply SPRING which is a tributary of CANNABES CREEK
3. Location of point of diversion is Township 38N Range 18W Sec. 33 in the NE 1/4, NE 1/4, NE 1/4, Govt. Lot IDAHO, B.M., IDAHO County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.04 for DOMESTIC 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)
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) 0.04 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 GRAVITY FLOW
PIPELINE
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 2 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. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. 1
e. Other; describe fully. _____

* per data entry standards, tributary is next named entity. 9/21/98. c.z.

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																				
34N	1W	33	D																			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	TOTALS			
			NE				NW				SW				SE				TOTALS			
			S E				S W				N W				N E				TOTALS			

Received by	Date	Time	Preliminary check by	Date	Fee \$	Publication prepared by	Date	Publication approved
<i>[Signature]</i>	7/9/98	8:15	<i>[Signature]</i>	7/9/98	0.00	<i>[Signature]</i>	7/9/98	7/9/98



AS L. NUTTMAN ETUX

THOMAS L

CARL R. BIEKER ETAL

J.P.

LARRY SUEBERT

SEUBERT ETUX

LEO H. NUTTMAN

VERNON A. UHLORN
4700 ETAL

WALTER H. RUHOFF

EVERETT
SONNEN
ET UX

Vern
Sonnen
etal

EDWARD C.
DASENBROCK

Larry
Sonnen
4

28

DELMER SONNEN
ET UX

RONALD SONNEN ET
UX

THOMAS L. NUTTMAN
et ux

VICTOR
LUSTIG
ETAL

JERRY
LOCKETT ETAL

MARGA
SCH

DENNIS R.
Greene
Springer

MYRON E. ELLIOT

Douglas S. Clark
et ux

Am. r. res.
C.
Schumacher

HARRY
SCHMIDT
ETAL

DOROTHY
WENSMAN
ETAL

W. Z. KOWALESKI

DOUGLAS S. CLARK
ETAL

DONALD FUNKE ET UX

THOMAS
JENTGES
ETAL

Patrick J.
Wren et al

ONILE H. Wensman
et al

MAR
SCH

William S.
Sprute

HATTRUP LAND
& TIMBER CO
INC.

BERNADINE
BRUEGEMAN

NORMAN G.
OVERBAY

33

DONALD S. JOHN
FUNKE ET UX

Radio Facility

Cottonwood
Cutting

IDAHO CORR.
BENEDICTINE SISTERS
INC.

SPRUTE

David P.
Charles
Stegner
Trustees

DONALD FUNKE ET UX
& JOHN FUNKE ET UX

0.22 AC CHARLES B.
STEGNER
39.76 AC NICK
KASSMUTH

GEORGE H.
GEHRING et

RD LUSTIG

VINCENT H.
FOXLEITNER

No govt WTS 4/20/99 c3.

T32N.. R. 1E. W.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 25, 2003

RUSSELL MATSON
PO BOX 328
COTTONWOOD ID 83522-0328

RE: License No. 85-7650 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
SEP 16 2003

CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

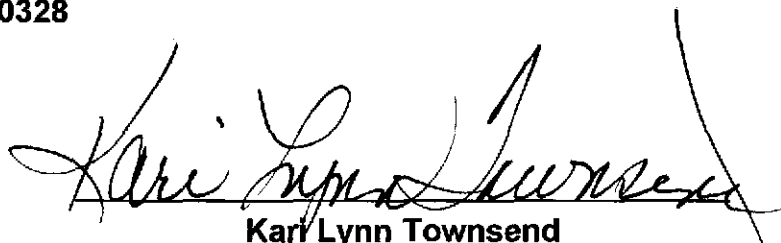
RE: WATER RIGHT NO.

85-7650

RUSSELL MATSON

PO BOX 328

COTTONWOOD ID 83522-0328



Kari Lynn Townsend
Secretary

MICROFILMED

SEP 16 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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

Basin	Sequence	Basis	Priority Date	Rate(cfs)	Volume(af)	Source	Water Use(s)	Owner(s)	Source Table
NO 85	13806	Reserved				SPRING	STOCKWATER, WILDLIFE	UNITED STATES OF AMERICA TRUSTEE (Current)	wrAdjudicationClaim
NO 85	14877	Reserved				SPRING	STOCKWATER, WILDLIFE	NEZ PERCE TRIBE ACTING THROUGH THE (Current)	wrAdjudicationClaim
NO 85	13806	Reserved				SPRING	FEDERAL RESERVED USE	UNITED STATES OF AMERICA TRUSTEE (Current)	wrAdjudicationRecommendation
NO 85	14877	Reserved				SPRING	FEDERAL RESERVED USE	NEZ PERCE TRIBE ACTING THROUGH THE (Current)	wrAdjudicationRecommendation
85	7650	License	8/21/1998	0.01	1.2	SPRING	DOMESTIC	MATSON, RUSSELL (Current)	wrWaterRight
85	10080	Decreed	5/1/1968	0.05		SPRING	STOCKWATER	WENSMAN, ORVAL (Current)	wrWaterRight
85	7650		8/21/1998	0.04		SPRING	DOMESTIC	MATSON, RUSSELL (Current)	wrWaterPermit

pld ol

W 2/20/03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 03 2003
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 85-07650

1. Owner: Russell Matson

Phone No. (208) 962-3629

Current Address: P.O. Box 328
Cottonwood, ID 83522-0328

2. Accompanied by: Permit Holder

EXAM DATE : July 26, 2001

Address: See Above

Phone No. See Above

Relationship to Permit Holder: Permit Holder

3. Source: Spring

tributary to: Sinks

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: 85-10080, 85-14877, 85-13806

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
NA		NE	NE	NE	33	32N	01W	Idaho	USGS 7½ min. topographical map

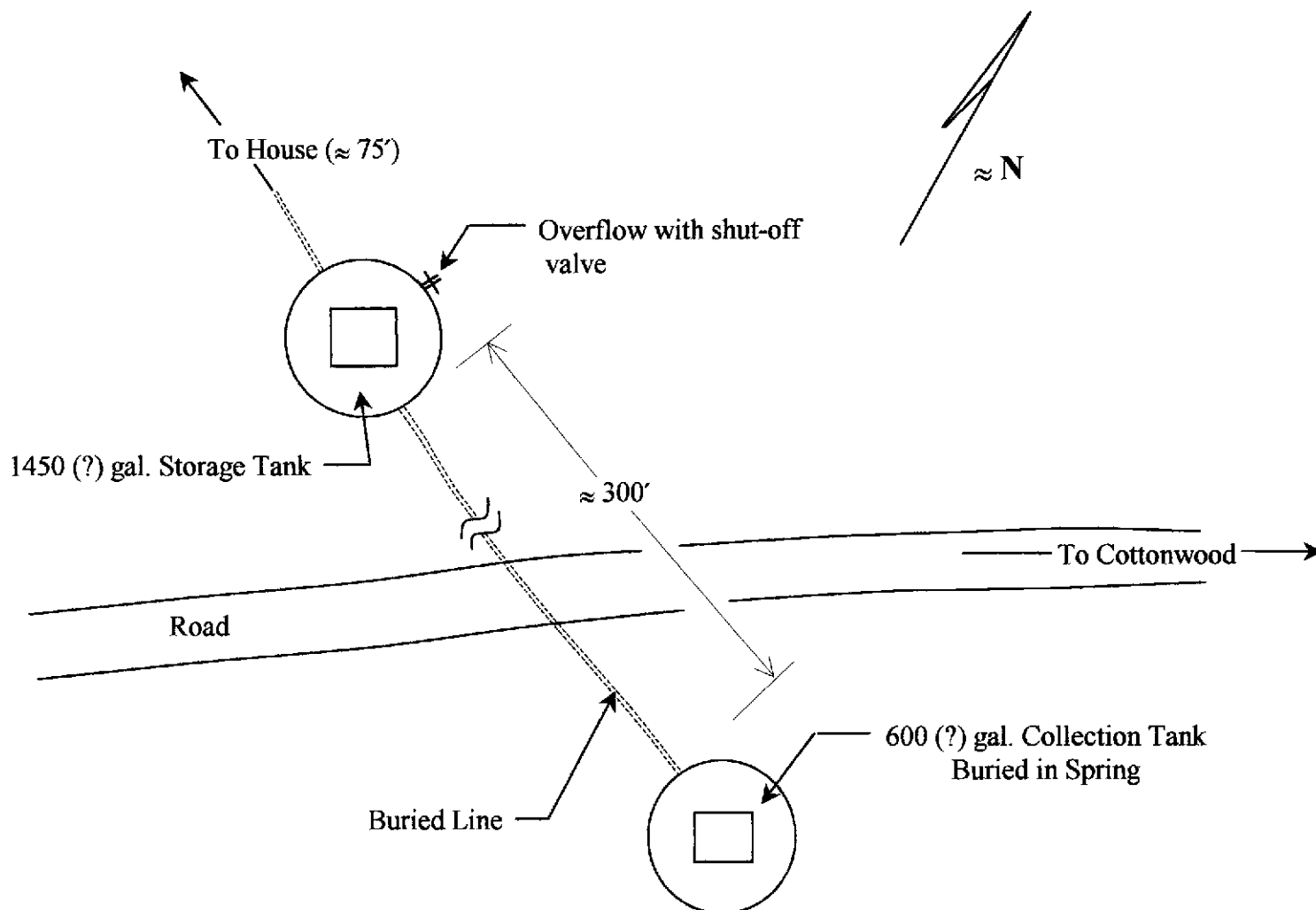
2. Place(s) of Use:

Indicate Method of Determination: USGS 7½ min. topographical map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
32N	01W	33	D																

MICROFILMED
AUG 11 2003

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



Note: Drawing is not to scale.

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

No Aerial Photo Attached (required for irrigation of 10+ acres)

Yes 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
NA	NA	NA	NA	NA	NA

*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
Unable to Measure						

MICROFILMED
AUG 11 2003

2. Measurements:

All water lines were buried and the outlet into the storage tank was unreachable. Also, the water level in the storage tank was several feet below the overflow, flow measurements could, therefore, not be made. However, the Mr. Matson, the permit holder, stated that a measurement of **5 gpm** was taken during construction of the system. This is the measurement I use in the calculations.

E. NARRATIVE/REMARKS/COMMENTS

The spring is located up hill and across the road from the house. There is a collection tank (*Photo 1*) buried in the spring. Mr. Matson was not sure of the size of this tank, but estimated it to be 600 gallons. To allow water in, the tank has perforated sides on the lower portion and a gravel bottom. The GPS location of the collection tank is N46° 4' 35.0" by W116° 27' 17.1" (GPS unit, Garmin, Model GP-12, serial #36061391).

Water from the collection tank gravity feeds into a storage tank (*Photo 2*), located about 300 feet down hill and toward the house, through a buried, one (1) inch black poly-line. Mr. Matson did not know the size of the storage tank, but estimated it at 1450 gallons. The GPS location of the storage tank is N46° 4' 38.2" by W116° 27' 17.4".

The house, about 75 feet away and down hill from the storage tank, is gravity fed from the storage tank through a one (1) inch black poly-line. The storage tank also has a small over-flow pipe with a shut-off valve. On the day of the exam (July 26, 2001), the water level was several feet below the overflow and a measurement could not be made at that point.

A search of the database for overlapping Points of Diversion (PODs) concerning this permit revealed Water Right No. **85-10080** which is owned by Orval Wensman. The beneficial use for that right is stockwater. According to Mr. Matson, Water Right No. **85-10080** is a POD overlap, but is no longer in use. Mr. Matson purchased the property from Orval Wensman, his uncle.

The database search also revealed Water Right No. **85-14877** owned by the Nez Perce Tribe, and Water Right No. **85-13806** owned by the United States of America on behalf of the Nez Perce Tribe. Both rights indicate a possible overlap in regards to this permit. Like this permit, they both indicate a spring in the NE¼, NE ¼, NE¼, Sec. 33, Township 32N Range 01W as the POD. The beneficial use for Water Right No. **85-14877** is stockwater and wildlife. The beneficial use for Water Right No. **85-13806** is Federal Reserved Use. Neither of these rights identified a Place of Use (POU).

In summary, the rate of diversion should be **0.01 cfs** rather than the permitted 0.04 cfs in order to reflect the findings of this exam.

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

MICROFILMED
JUL 27 2002

F. FLOW CALCULATIONS

Measured Method: Flow measurement given by permit holder. See above (Section **D.2. Flow Measurements**).

Domestic: One (1) Home

$$\frac{5 \text{ gal / min}}{448.83 \text{ gpm / cfs}} \approx 0.011 \approx \mathbf{0.01 \text{ cfs}}$$

Limited by spring output

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: **NA**

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

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

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

2. Volume Calculations for Other Uses:

Domestic:

One (1) Home = **1.2 AFA**

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1/1	12/31	0.01	1.2
Totals:			0.01	1.2

2. Recommended Amendments

Change P.D. as reflected above

Add P.D. as reflected above

☒ None

Change P.U. as reflected above

Add P.U. as reflected above

Other

I. AUTHENTICATION

Field Examiner's Name: Jim Zimmerman

Date: July 26, 2001

Signature



MICROFILMED
AUG 1 1 2003

85-07650

Spring

POU?

SPRING

Keuterville
Radio Facility

Cottonwood
Butte

Creek

Deep

Twn 32 N
Rnge 1 W
Sec 33

Keuterville Quad.

Keuterville

Monument

Grove

85-07650

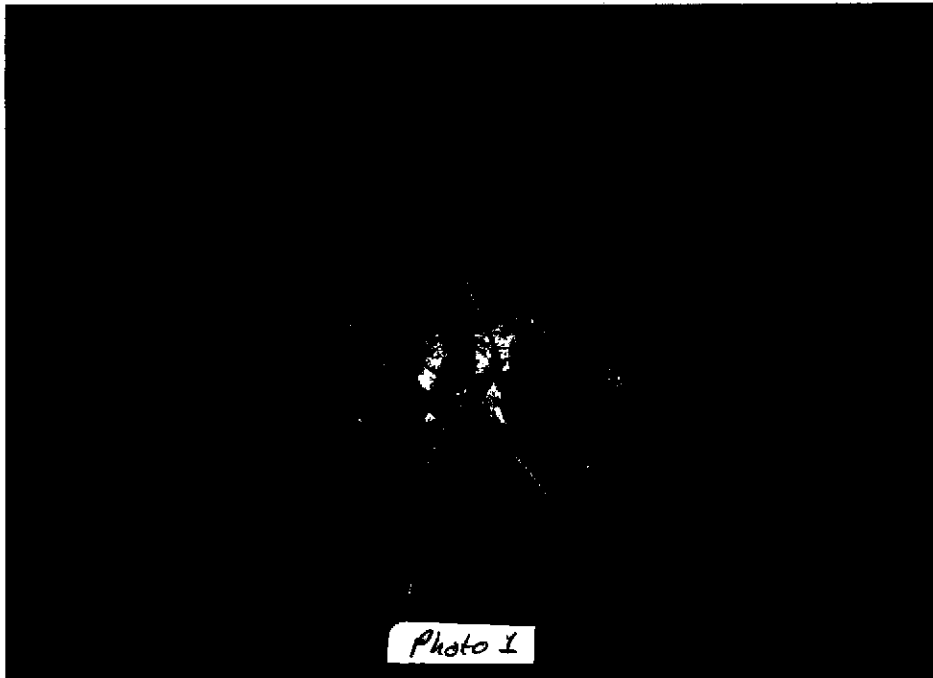


Photo 1. Showing collection tank in the middle of spring.

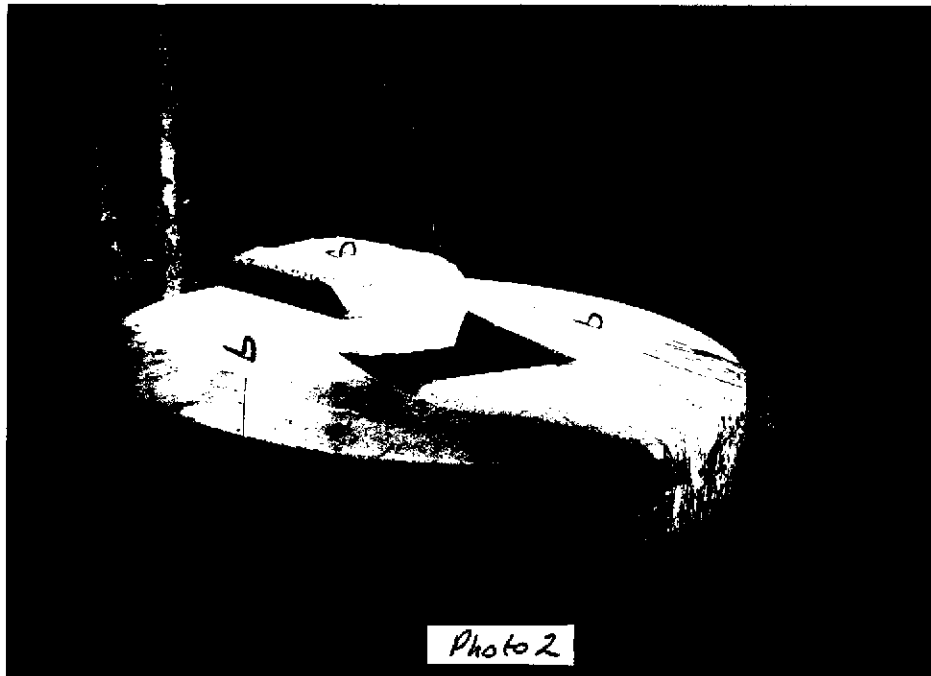


Photo 2. Showing storage tank.

MICROFILMED
9/16/11/2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

January 30, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RUSSELL MATSON
PO BOX 328
COTTONWOOD ID 83522-0328

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 85-07650

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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

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 **Northern** Regional Office of the department in Coeur d'Alene at (208) 769-1450.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

MAR 28 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 85-7650

Reviewed By: dgibson

Date: January 30, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C052050	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		01/26/2001
Date proof due	-	02/01/2001
No. of days late	=	0
Holiday allowance	+	
Priority date	+	07/09/1998
New priority date	=	07/09/1998

Deficiencies of Actions Items

Acknowledge proof.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 9, 2001

RUSSELL MATSON
PO BOX 328
COTTONWOOD ID 83522

RE: PERMIT NO. 85-07650

Dear Permit Holder:

Enclosed is a copy of the Proof of Beneficial Use statement you submitted in connection with the above referenced water right permit. Before the department can accept your proof, it must be accompanied by the appropriate license examination fee. Additionally, the proof you submitted is a surface water right, which is not except from the licensing fee requirement. Please return the enclosed copy of the proof form along with the \$50.00 license examination fee to my attention before your February 1, 2001 deadline.

If you have any questions regarding this matter, please contact me.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure
c: IDWR- Region

MICROFILMED

MAR 29 2001

RECEIVED

JAN - 4 2001

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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.

1. Permit No. 85-07650 Telephone No. 208-962-3629

2. Name of Permit Holder(s): Russell Matson

3. Mailing Address: Po Box 328 Cottonwood Id 83522

City Cottonwood State Idaho Zip 83522

4. Source of Water: Spring If GROUNDWATER (well), Date Drilled: mo. _____ / yr. 1940

Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 1 Stockwater (No. and type of stock): _____

Irrigation (~~No. of acres~~) 1400 sq ft of Other: Lawn in the making

6. Total rate of diversion and/or volume for which proof is submitted: 3 gpm or .04 cfs OR 3 gallons per minute 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 X or No _____

Has the measuring device been installed? Yes _____ or No X

8. Fee Enclosed: \$ None Groundwater total Rate Less than .04 cfs (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: Russell, Peggy, or Alex Matson Telephone Number: 208-962-3629

Address: Po Box 328 Cottonwood Id 83522

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

MICROFILMED

Signature of permit holder: Russell Matson (Land Holder) MAR 29 2001 Date: 12-10-2000
(include your title, if on behalf of company or organization)

I did not have room on this page for explanation so I used EX Form

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

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

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 85-07650

Name(s) of Permit Holder: Russell Matson

Address: P.O. Box 328 City Cottonwood State Id Zip 83522

Telephone No. 208-962-3629 Date Proof is Due: Feb 1 2001

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".)

The work was done 1 day after the Permit was recieved!
There was no development work required! It was simply a matter
of digging a ditch Approximately 300 ft long and laying pipe in it to
our house. The system has been in for approximately 50 years on this piece
of property that has been in our family for 70 years or more. Costing \$ 250.00

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

I do not understand what you are asking of me. We have been
drinking, bathing, washing clothes, watering lawn for over 1 year.
We live here and are using the water if that answers your question.
Where do I find a Certified Water Right Examiner?

Permit holder(s) request an extension to _____, 20____.

Russell Matson
(Signature)*

208-962-3629

*If other than permit holder, Power of Attorney must be supplied.

Please let me know if I can help.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

Signed this _____ day of _____, 20____.

MICROFILMED

MAR 29 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
INSTRUCTIONS FOR EXTENSION OF TIME REQUEST
TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. **Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.**

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may be granted one or more extensions of time even though no work has been accomplished:

- When there is a lack of a required consent or final approval from a federal government agency (**evidence of delay must be submitted with the request**), i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
- When litigation related to title of the water has prevented development of the permit (**evidence must be submitted with the request**).
- When the water project is of a large scale – storage of more than 10,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
- When the water right permit is held by the United States of America (**reason for request must be submitted**).

A non-refundable filing fee of \$50.00 must accompany the Request for Extension of Time form.

***NOTE** that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect.*

November 30, 2000

RUSSELL MATSON
PO BOX 328
COTTONWOOD ID 835220328

PROOF DUE NOTICE

RE: PERMIT NO. 85-07650

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 February 1, 2001. (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.

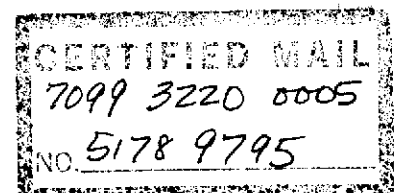
SINCERELY,

DEBORAH GIBSON
Administrative Assistant

Enclosures

MICROFILMED

DEC 29 2001





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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 22, 1999

RUSSELL MATSON
PO BOX 328
COTTONWOOD ID 83522-0328

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 85-07650

Dear Permit Holder:

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

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

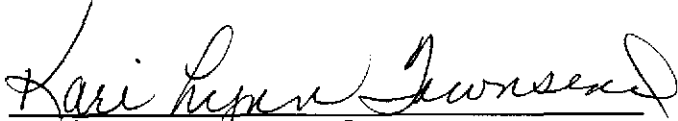
APR 14 1999

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of January, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 85-07650

RUSSELL MATSON
PO BOX 328
COTTONWOOD ID 83522-0328



Kari Lynn Townsend
Secretary

RECORDED
APR 14 1999

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.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy LouNo.: 85-07650 Name: Nelson Date: 1/20/99 Ad OK? ✓ Gvmt Lts: AREA OF CONCERN: (dom) - No/Yes: S/C Mor / GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT:

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)
- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

- WMD Supplemental use - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED: - YES / NO; WHEN: ? RESPONSE: None

IN/ABOVE MIN. STR. FLOW (✓ MAP) - *WB9

- WD (✓ MAP & LISTING) - R04 (WD #)
- > 0.10 cfs - 01J-P08 (MD & LD)
- ≤ 0.10 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)

- WMD (✓ MAP) - 067 or No MD (in-stream stock or power)
- > 0.24 cfs/5 acres - No MD
- ≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

~~In stream dev.~~ stream channel alteration

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22 -P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R (65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087

USE:

- Storage (✓ 3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA
- Irr ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- Stockwater - R37 (BLM/USFS); NA
- Mining - 054(req) -081-P10
- Fish Propagation - 029(70's only)-007-042(req)-081 (WQ)-P10
- Heating/Cooling - R07 (injection well)
- Power - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
- Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070
- Fire Protection - 077

LOCATION:

- Boise Front LoGeo - 058 (<85° GW temp only)
- Mitigation - 120
- 42-248 area - P84 (in 20/30/40/50/60/70/80 (87) basin)

SWAN FALLS FLAG (See Code Chart)

- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU) Agreement

OTHER CONDITIONS:

STANDARD REMARKS:

- W01/1

BENEFICIAL USE DUE:

- 2 1/1 2001

COMMENTS:

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

SEP 16 1998

WRA
WRI
AC

APPLICATION # 85-07650

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT:

MATSON

BY:

AS

DATE:

7/9/98

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County
4. (X) Quantity
 - (X) Nature of Proposed Use
 - (X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (X) Place of use or acres irrigated
10. (X) Other water Rights
11. (X) Ownership
12. (X) Map
 - (X) Signature
 - (X) Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION

(Yes) (No)

- Y Field check: by _____
- Y Field report attached
- Y Analysis Supp. attached (>5cfs/500af)
- Y Water delivered by water master?
- Water District # _____

PROCESSING

(Yes) (No)

PRIORITY DATE: 7/9/98

X (Include Moratorium Remark)

X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: IDAHO County

LETTERS SENT REQUESTING:

() Dam Information () Fish Information

() Power Information () Other: N/A

INFORMATION RECEIVED:

() Dam Information () Fish Information

() Power Information () Other: N/A

GROUNDWATER SECTION

WD Permit No.'s:	Type:	Fees	Receipt No.	Upgrade Needed?
_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	Dom. Non-Dom. _____	Paid \$ _____	_____	Y () N ()

- Y Groundwater management area
- Y Critical ground water area
- Y Well Drilling Permit required
- Y Well Drilling Application and Fees received
- Y Well Drilling Application approved?

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

Notice of pending void order issued. Final order response date: _____

Further information required from applicant

9/8/98 Affidavit of publication received

9/8/98 Application published correctly. If not, record action taken: _____

11/2/98 Publication dates and paper recorded on application 11/2/98 Sr. Agent initial AS

Protests received, Final protest date: 11/2/98

Y Measuring device required

Y Measuring port required

Y Special conditions:

Y Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by:

AS

Date:

9/10/98

Memorandum to File

Date: December 28, 1998

From: Beardslee

File: 85 - 07650

RE: Fish and Game review of surface water Application for Permit

The Idaho State Fish and Game Department was given the opportunity to review this filing, in addition to our notification of new water right filings list.

Northern Region was given no negative response to the approval of this filing.

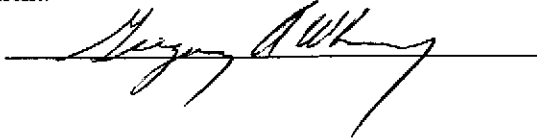
WPC/MSH/MLP

AFB 1A 10M

Affidavit of Publication

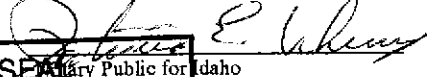
STATE OF IDAHO, }
County of Lewis, } ss.

I, GREGORY A. WHERRY, being first duly sworn, depose and say that I am Editor of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issue weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the hereto attached is a true copy, was published in said newspaper for 2 weeks, being published 2 times, the first publication being on the 15th day of October 19 98, and the last publication on the 22nd day of October, 19 98; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.



STATE OF IDAHO, }
County of Idaho, }

On this 29th day of October in the year of 1998 before me, a Notary Public, personally appeared Gregory A. Wherry, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true and acknowledged to me that he executed the same.


OFFICIAL SEAL
Notary Public for Idaho
Residing at Cottonwood
PATRICIA E. WHERRY
My commission expires: 12-2000
NOTARY PUBLIC STATE OF IDAHO

Notice

NOTICE OF CORRECTION
NOTICE IS HEREBY
GIVEN THAT APPLICATION
FOR PERMIT NO. 85-07650 in
the name of RUSSELL MAT-
SON, Box 328, Cottonwood, ID
83522, was incorrectly advert-
ised on August 6 and 13, 1998.

The POINT OF DIVERSION
and the PLACE OF USE were
incorrectly advertised as being
in T32N R01E SEC 33,
whereas correctly they are loca-
ted in T32N R01W SEC 33.

Additionally, the POINT OF
DIVERSION was listed as a
Spring, Tributary to UN-
NAMED STREAM, whereas
correctly it should read Spring,
Tributary to Lawyer Creek.

(For additional information
concerning the property loca-
tion, call the Northern
Regional Office at 769-1450.)

Any protests against the
approval of the above-refer-
enced correction must be filed
with the applicant and with the
Director, Dept. of Water
Resources, 1910 Northwest
Blvd., Suite 210, Coeur d'Alene,
Id. 83814, together with a pro-
test fee of \$25.00 on or before
NOVEMBER 2, 1998.

KARL J. DREHER, Dir.

Published in the Cottonwood
Chronicle on October 15 and
22, 1998.

RECEIVED

NOV 02 1998

IDWR/North

MICROFILMED

APR 1 1999

October 7, 1998

Cottonwood Chronicle
Legal Notices Department
PO Box 157
Cottonwood ID 83522

Re: 85-07650 - Notice of Correction on Water Right application for Russell Matson

Gentlemen:

Enclosed you will find a legal Notice of Correction 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.

Please send the Affidavit of Publication, and the bill, to this office before November 2, 1998.

Thank you.

Sincerely,

Dianne Ball
Senior Secretary

Enclosure

[Handwritten signature]
dp
11/2/98
RB
12/28/98

MICROFILMED
APR 14 1999

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATION FOR PERMIT NO. 85-07650 in the name of RUSSELL MATSON, Box 328, Cottonwood, ID 83522, was incorrectly advertised on August 6 and 13, 1998.

The POINT OF DIVERSION and the PLACE OF USE were incorrectly advertised as being in T32N R01E SEC 33, whereas correctly they are located in T32N R01W SEC 33.

Additionally, the POINT OF DIVERSION was listed as a Spring, Tributary to UNNAMED STREAM, whereas correctly it should read Spring, Tributary to LAWYER CREEK.

(For additional information concerning the property location, call the Northern Regional Office at 769-1450.)

Any protests against the approval of the above-referenced correction must be filed with the applicant and with the Director, Dept. of Water Resources, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Id. 83814, together with a protest fee of \$25.00 on or before NOVEMBER 2, 1998.

KARL J. DREHER, Dir.

Published in the COTTONWOOD CHRONICLE on October 15 and 22, 1998.

MICROFILMED
APR 14 1999

MEMORANDUM

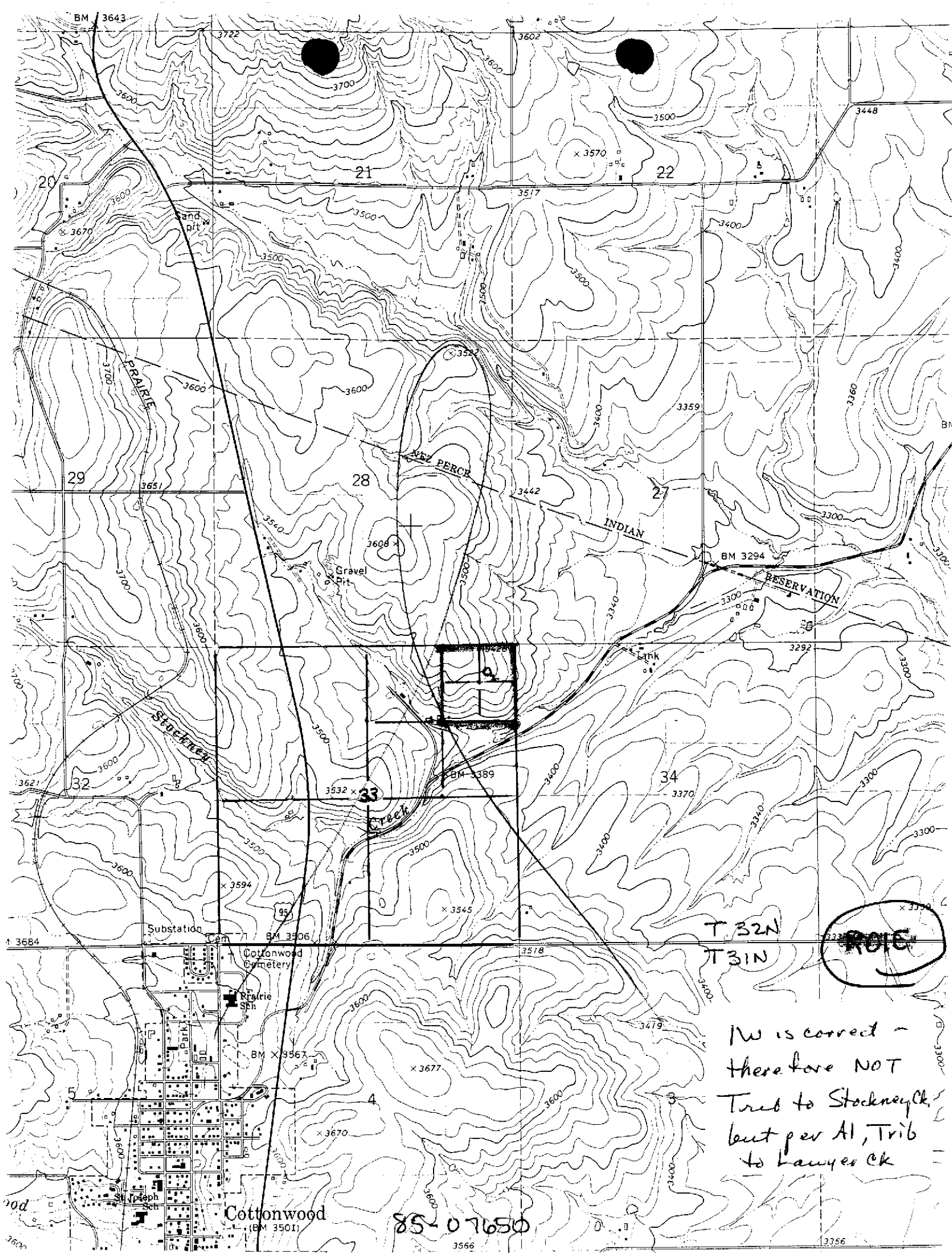
DATE: September 22, 1998
TO: Bob Haynes, Northern Region
THRU: Shelley Keen (SWK)
FROM: Cindy Zimmerman C3.
SUBJECT: Review of Application for Permit No. 85-07650

During the review of this application, I noted the tributary was identified as unnamed stream. Per data entry standards, the tributary is the next named water way. The application map did not clearly identify the next named water way. I pulled the topographic map for the legal identified on the application, T32N, R01E, S33, NENENE. The topographic map for the legal does not match the application map. Upon further investigation, I found the application map matches the topographic map for T32N, R01W, S33. Evidently, either the map is incorrect or the legal description is incorrect.

I am returning this application to you for verification of my findings and any action you deem appropriate.

Thanks, .

Cindy



NW is correct -
therefore NOT
Trub to Stockneyck
but per AI, Trib
to Lawyerck

ROIE

85-07650

From: DWR50::ABEARDSL 21-SEP-1998 15:19:49.82
To: DWR03::CZIMMERM
CC:
Subj: Got your vmail

Cindy,

It sounds like we screwed up on the legal.....Send it back for re-ad, please.

I've been trying to call Mr. Hooper about his fish propagation pond, too.

Thanks,

Al

Memorandum

Date: September 14, 1998

To: Application for Permit Number 85-07650

From: Beardslee

~~~~~  
The Norther Regional Office has contacted the Clearwater Region of Fish and Game regarding the approval of this Water Right Application for Permit.

After discussing the location, source and uses of water, Greg Survheen stated that he did not see a problem with approving this filing.

MICROFILMED

SEP 14 1999

# Affidavit of Publication

STATE OF IDAHO, }  
County of Lewis, } ss.

I, GREGORY A. WHERRY, being first duly sworn, depose and say that I am Editor of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issue weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the hereto attached is a true copy, was published in said newspaper for 2 weeks, being published 2 times, the first publication being on the 6th day of August 19 98, and the last publication on the 13th day of august, 19 98; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

STATE OF IDAHO, }  
County of Idaho, }

On this 2nd day of September in the year of 1998 before me, a Notary Public, personally appeared Gregory A Wherry, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true and acknowledged to me that he executed the same.

OFFICIAL SEAL

PATRICIA E. WHERRY

NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho

Residing at

Cottonwood

My commission expires:

12-2000

## NOTICE OF APPLICATION FOR WATER RIGHT

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

85-07650

MATSON, RUSSELL

PO BOX 328

COTTONWOOD, ID 83522

Source: SPRING

Tributary: UNNAMED  
STREAM

Diversion Pt: NENENE Sec  
33 T 32N R 01E in IDAHO  
County.

Use: DOMESTIC ( 0.040  
CFS)

Total Diversion ( 0.040 CFS)

Date Filed: 7/9/1998

In: IDAHO County

T32N R01E S33 NENE

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83914, together with a protest fee of \$25.00 on or before AUGUST 24, 1998.

KARL J. DREHER, Director  
Published in the Cottonwood  
Chronicle Aug. 6 & 13, 1998

RECEIVED

SEP 08 1998

NORTHERN REGION  
IDWR

MICROFILMED

SEP 14 1998

July 29, 1998

Russell Matson  
PO Box 328  
Cottonwood ID 83522

Re: Water Appropriation Application No. 85-07650

Dear Mr. Matson::

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE  
Senior Water Resources Agent

AB:db

WATER RESOURCES

APP 1 \* 100

85-07650

MATSON, RUSSELL  
PO BOX 328  
COTTONWOOD, ID 83522

Source: SPRING

Tributary: UNNAMED STREAM

Diversion Pt: NENENE Sec 33 T 32N R 01E in IDAHO County.

Use: DOMESTIC ( 0.040 CFS)  
Total Diversion: ( 0.040 CFS)

Date Filed: 7/ 9/1998

In: IDAHO County  
T32N R01E S33 NENE

ENCLOSURE

APR 14 1998