

5135'x900' N

5134

5133

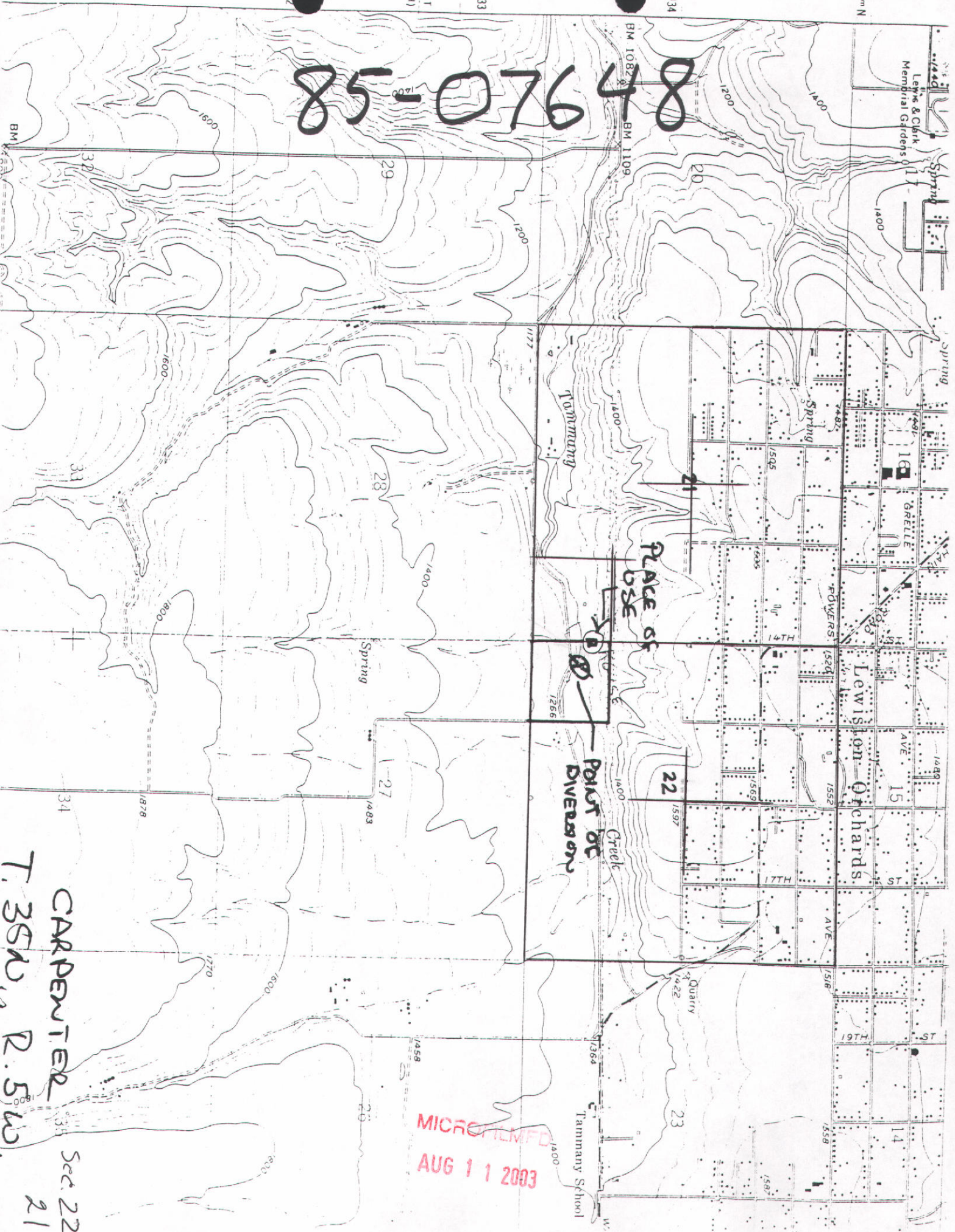
50 FEET
(WASH)

5132

5131

20'

85-07648



CARPENTER
T. 35W., R. 5W.
Sec. 22
21

85-07648



Photo 1. Showing pump placement in Tammany Creek.

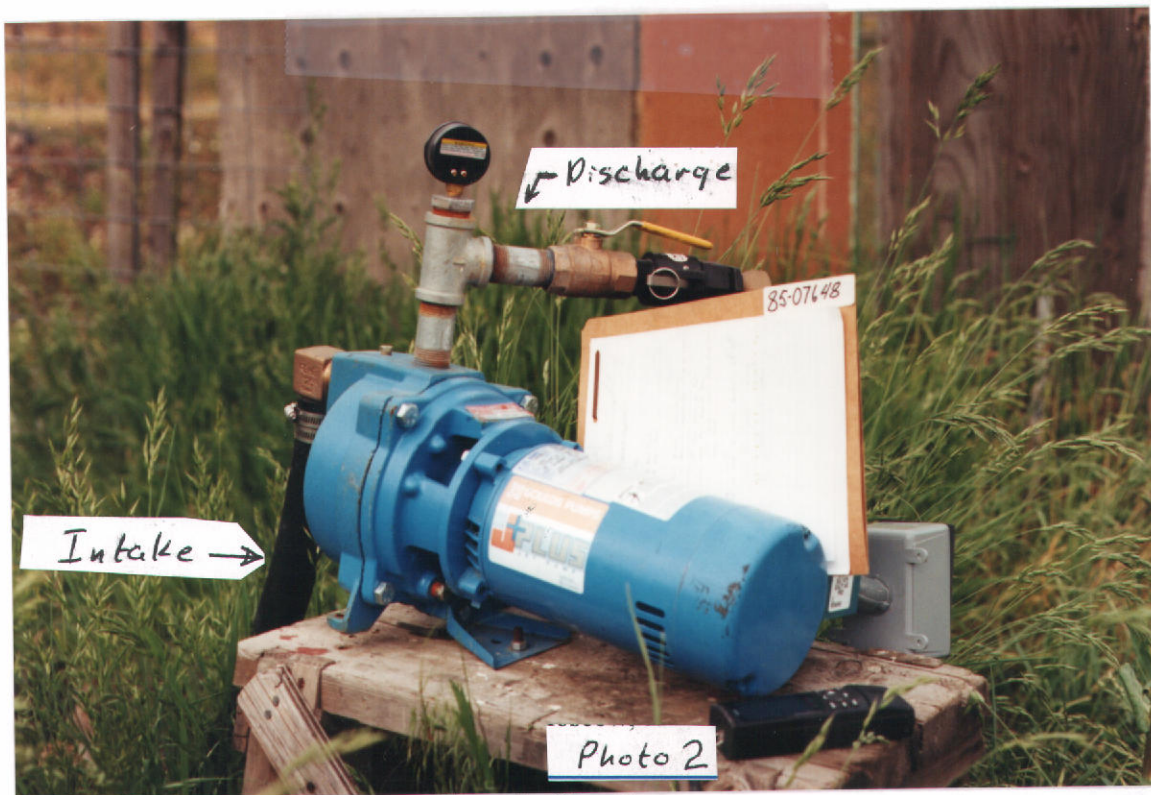


Photo 2. Showing pump.

MICROFILMED
AUG 11 2003

85-07648

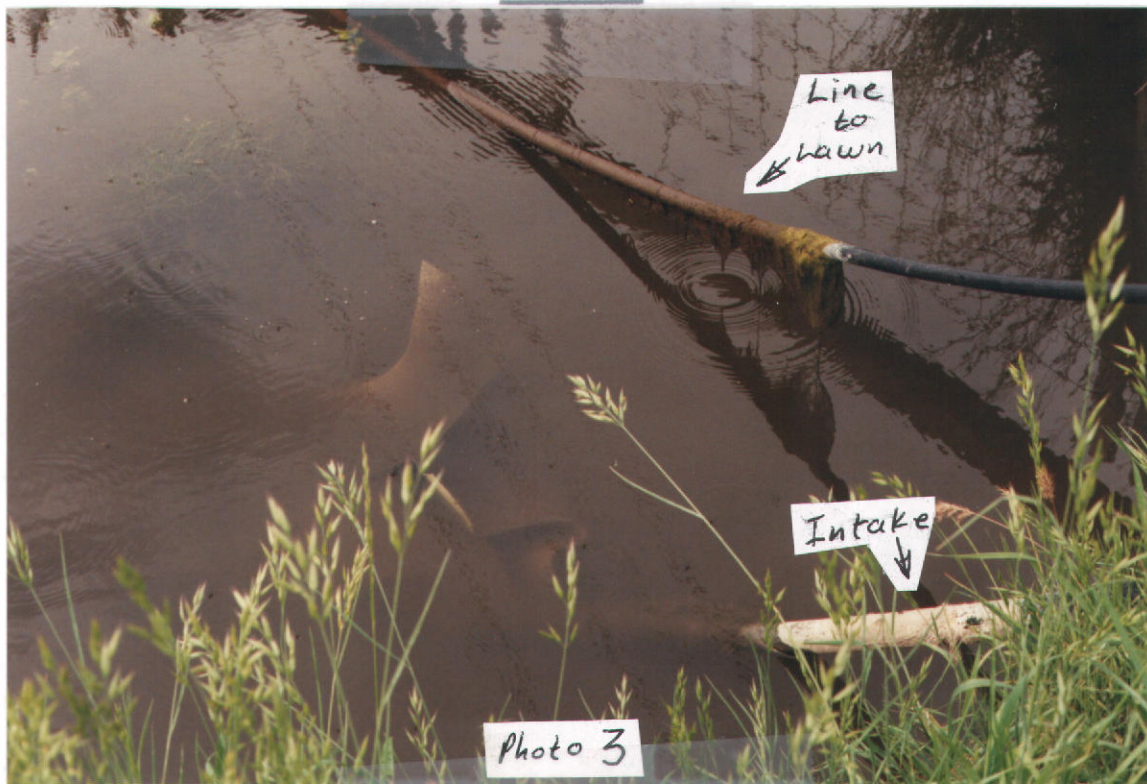


Photo 3. Showing pump intake.



Photo 4. Showing POU.

MICROFILMED
AUG 11 2003

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 85-07648

Priority: June 14, 1998

Maximum Diversion Rate: 0.01 CFS
Maximum Diversion Volume: 0.6 AF

It is hereby certified that DELIA CARPENTER
4041 CARPENTER LN
LEWISTON ID 83501

And

PAUL CARPENTER
1406 10TH ST

LEWISTON ID 83501

have complied with the terms and

conditions of the permit, issued pursuant to Application for Permit dated May 18, 1998; and have submitted Proof of Beneficial Use on January 25, 2001. An examination indicates that the works have a diversion capacity of 0.01 cfs of water from:

SOURCE

TAMMANY CREEK

Tributary: SNAKE RIVER

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	0.6 AF

LOCATION OF POINT OF DIVERSION:

TAMMANY CREEK SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22, Twp 35N, Rge 05W, B.M., NEZ PERCE County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N 05W 21																X	
35N 05W 22									X								

CONDITIONS OF APPROVAL

1. Domestic use is for exterior use for 1 home.

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 26TH day of FEBRUARY, 2003.

MICROFILMED

Acting for

KARL J. DREHER
Director

APR 5 2003

11/99

For Office Use Only
\$25 filing fee 25.00
Receipt # 052290
Date 2-14-01

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

FEB 14 2001

Department of Water Resources

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Delia Carpenter, hereby assign to Delia Carpenter & Paul Carpenter
of, 5275 B Tammany Creek Rd Lewiston ID 83501 208 743-1678
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 85-07648 to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

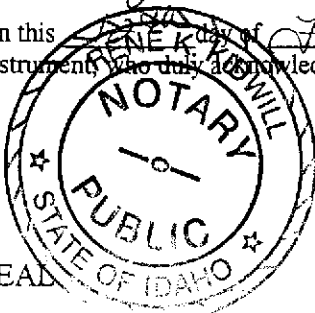
Made this 15th day of February, 2001.

Delia A Carpenter
Permit Holder(s)

State of Idaho)

County of Myer)ss

On this 15th day of February, 2001, personally appeared before me the signer(s) of the above
instrument who duly acknowledged to me that he (she) (they) executed the same.



Rene K. Kilduff
Notary Public residing at _____

SEAL

My commission expires: 4-1-2002

MICROFILMED

MAR 20 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 24 2001

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.

1. Permit No. 85-07648 Telephone No. 208-743-1678
2. Name of Permit Holder(s): John W. Carpenter - Delia A. Carpenter
3. Mailing Address: 5275-B Tammany Crk. Road
City Lewiston State Id. Zip 83501
4. Source of Water: Tammany Creek If **GROUNDWATER** (well), Date Drilled: mo. N/A / yr.
a. Well Driller: N/A Drilling Permit Number: N/A
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): 0
Irrigation (No. of acres): 0 Other: N/A
6. Total rate of diversion and/or volume for which proof is submitted: 0.02 cfs OR N/A 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 <u> </u>	or	No <u>✓</u>
	Has the measuring device been installed?	Yes <u> </u>	or	No <u>✓</u>
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Paul Carpenter Telephone Number: 208-746-0648 or (208) 743-1678
Address: 2901 Powers Ave. Lewiston, Id. 83501 or 5275-B Tammany Crk. Rd. Lewiston Id. 83501
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.

Signature of permit holder: Delia A. Carpenter Date: 1-23-01
(include your title, if on behalf of company or organization)

MICROFILMED

JAN 29 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECEIVED
FEB 28 2000
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. 85-07648

Name(s) of Permit Holder: John W. Carpenter and Delia A. Carpenter

Address: 5275 B Tammany Creek Road City Lewiston State ID Zip 83501

Telephone No. (208) 743-1678 Date Proof is Due: Feb. 1, 2000

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".)

None

Costing \$ _____

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

No prior work has been done because of serious illness in the family.
We are now ready to go forward with the irrigation project. We are
looking forward to use of the water this summer, and will be sending
you the proof of beneficial use statement as soon as project is ready.

Permit holder(s) request an extension to Feb. 1, 2001, 2001

John W. Carpenter
(Signature)*

Delia A. Carpenter
*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
REINSTATED with the priority advanced to June 14, 1998. IT IS FURTHER ORDERED that the
time within which to submit proof of beneficial use is extended to February 1, 2001.

Signed this 6th day of March, 2000

L. Glen Saxton
L. Glen Saxton, Chief
Water Allocation Bureau

MICROFILMED

MAR 21 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 85-07648

Proposed Priority: May 18, 1998

Maximum Diversion Rate:

0.02 CFS

This is to certify, that JOHN W CARPENTER
DELIA A CARPENTER
5275 B TAMMANY CREEK RD
LEWISTON ID 83501

has applied for a permit to appropriate water from:
TAMMANY CREEK tributary of SNAKE RIVER

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>
-----------------------	----------------------	--------------------------

DOMESTIC	01/01 to 12/31	0.02 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SWSW , Sec. 22, Township 35N, Range 05W
NEZ PERCE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

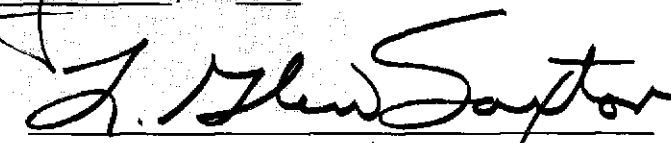
35N 05W	21	SESE
	22	SWSW

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, 2000.
2. Subject to all prior water rights.
3. This right authorizes a single place of use.
4. 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

12th day of February, 1999.


for Karl J. Dreher, Director

RECORDED

FILED

Tammany Creek

FORM 202

2/96

Ident. No. 85-07648

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JAN 13 1999

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant JOHN W. and or Delia A CARPENTER Phone 1-208-743-1678
Mailing address 5275 B Tammany Creek Road Lewiston IDAHO 83501
2. Source of water supply Tammany Creek which is a tributary of Snake River
3. Location of point of diversion is Township 35 N Range 5 W Sec. 22, in the NW 1/4, SW 1/4, SW 1/4, Govt. Lot _____, B.M., NE2 PERCE CO. County;
additional points of diversion if any: North of Tammany Creek Road

4. Water will be used for the following purposes:

Amount 20 AF for irrigation purposes from 3-15 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)

Juc Amount 0.04-0.02 for DOMESTIC purposes from 8-31-15 to 12-31-15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from Juc 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) _____ and/or (b) 20 AF 0.04 *Juc*
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 5 HP PUMP

b. Height of storage dam NA feet; active reservoir capacity _____ acre-feet; total
reservoir capacity NA acre-feet

c. Proposed well diameter is NA inches; proposed depth of well is NA feet

d. Is ground water with a temperature of greater than 85°F being sought? NA

e. If well is already drilled, when? NA; Drilling firm NA

Well was drilled for (well owner) NA; Drilling Permit No. NA

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. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. (1) One

e. Other; describe fully. _____

MICROFILMED

APR 14 1999

[illegible]

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2 x 11" 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.)

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

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: NA

12. Remarks:

~~THAMES~~ Total number of acres to be irrigated

TWP	RGE	SEC	360	515	22	21
N E						
N W						
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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.

513500m N

5134

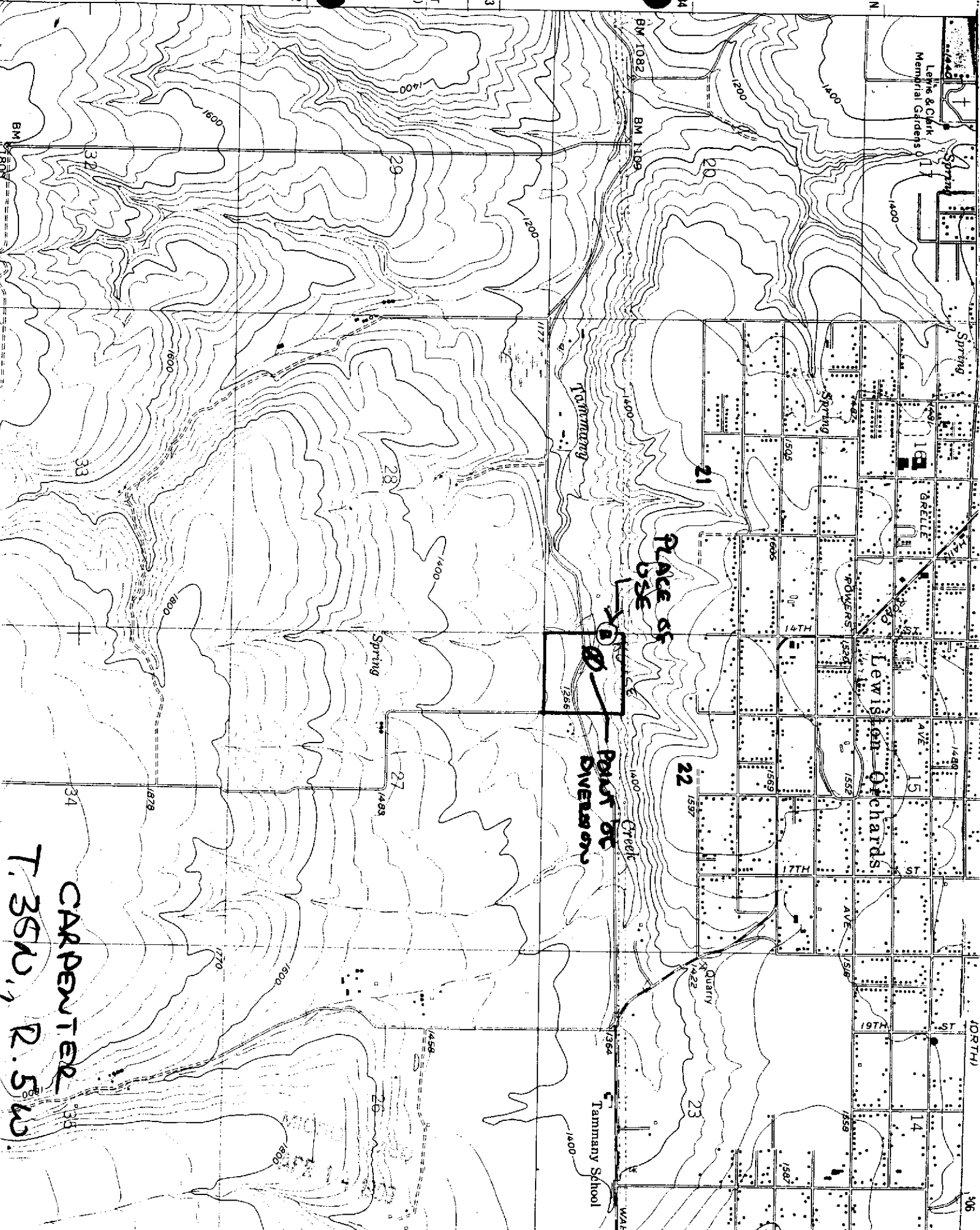
5133

30 FEET
(WASH)

5132

5131

20'



PLACE OF
USE

Point of
DIVERSION

CARPENTER
T. 35N, R. 5W

(NORTH)



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 26, 2003

DELIA CARPENTER
PAUL CARPENTER
1406 10TH ST
LEWISTON ID 83501

RE: License No. 85-7648 - 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
AUG 11 2003

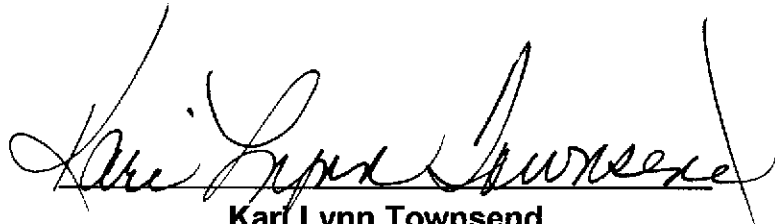
CERTIFICATE OF SERVICE

I hereby certify that on February 26, 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.

85-7648

**DELIA CARPENTER
PAUL CARPENTER
1406 10TH ST
LEWISTON ID 83501**

A handwritten signature in black ink, appearing to read 'Karl Lynn Townsend', is written over a horizontal line.

**Karl Lynn Townsend
Secretary**

MICROFILMED

AUG 11 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).

RECORDED
2007 4 1 2:00

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.

MICROFILMED
AUG 11 2003

Comment Report

85-7648

1. kwalker 2/24/2003 License Review
Comment: Reviewed exam for licensing.
2. DBALL 5/29/1998 Diversion Description
Comment: 5 HP pump in creek.
3. VAULT 2/2/2000 Lapse Notice Sent
Comment: Lapse Notice Sent

MICROFILMED

AUG 11 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB 3 - 2003
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 85-07648

1. Owner: John W. Carpenter
Delia A. Carpenter

Phone No. (208) 743-1678

Current Address: 4041 Carpenter Ln
Lewiston, ID 83501

2. Accompanied by: Paul Carpenter

EXAM DATE : June 7, 2002

Address: 1406 10th St.
Lewiston, ID 83501

Phone No. (208) 746-0648

Relationship to Permit Holder: Son

3. Source: Tammany Creek

tributary to: Snake River

B. OVERLAP REVIEW

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

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			SW	SW	22	35N	05W	Nez Perce	USGS 7½ min. topographical map

2. Place(s) of Use:

Indicate Method of Determination: USGS 7½ min. topographical map

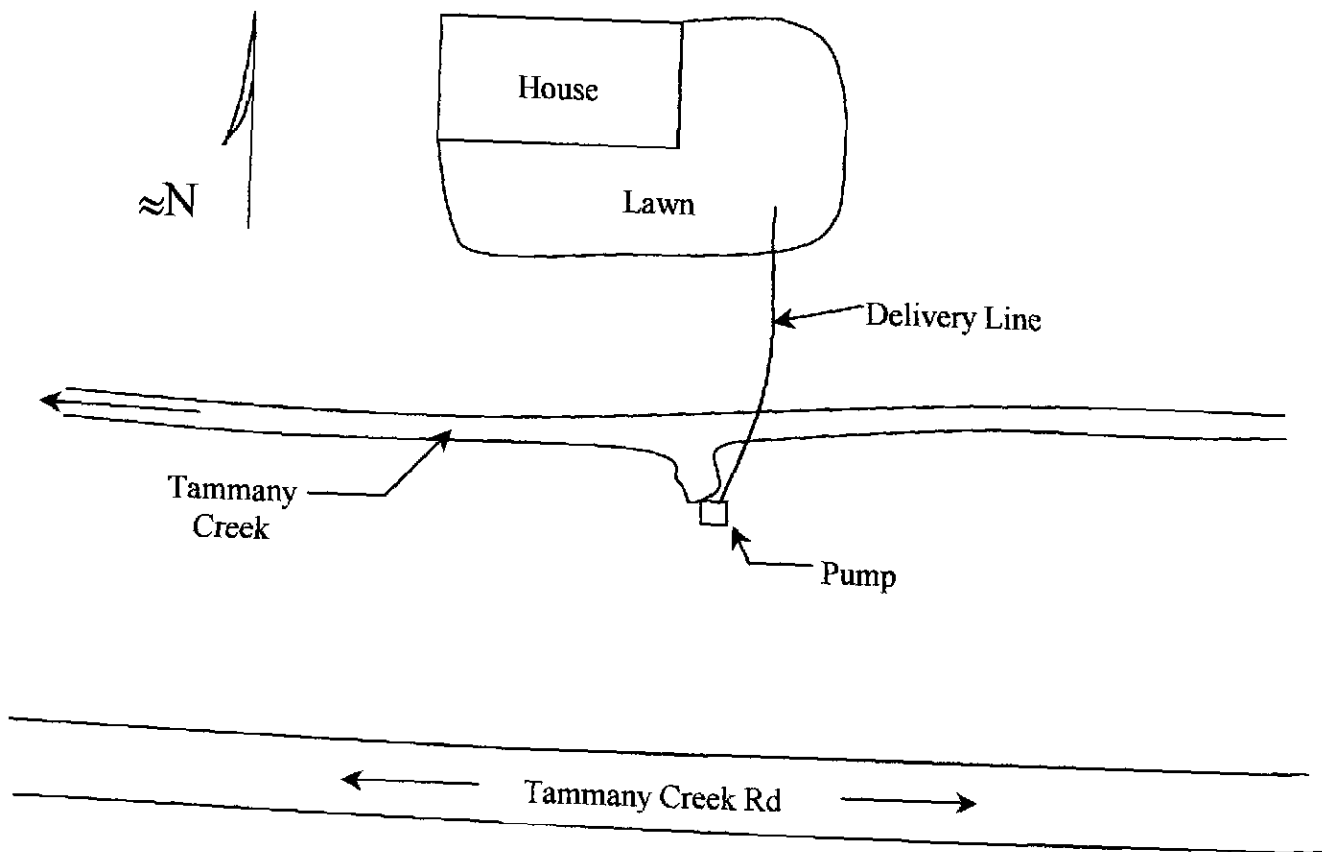
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	05W	21																D*	
35	05W	22											D*						

* House and Lawn are on the section line.

MICROFILMED

AUG 1 1 2003

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



Scale: 1" = Not to Scale.

X 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)

X 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	A.O. Smith	1	8I00	Gould	K0041048

*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
5 Gal. Bucket					5 Gal	2002
Stopwatch	Wrist	Timex	Michaelson			

AUG 11 2002

2. Measurements:

Measurements were taken by filling a 5 gallon bucket three (3) times, starting and stopping the stopwatch with each fill.

15 gal/ 202 sec.

E. NARRATIVE/REMARKS/COMMENTS

An excavation measuring about ten (10) feet in diameter (*Photo 1*) was made for the pump intake in the bank of Tammany Creek. The pump is located on the edge of this excavation. The GPS location of the pump is N 46° 21' 26.1" by W 116° 57' 35.3" (Garmin, Model GP-12, serial #36061391). Mr. Paul Carpenter stated that the intake line was equipped with a screen and check valve.

The pump discharge line is a one (1) inch black poly pipe that reduces to a garden hose. The garden hose supplies a single portable sprinkler that is used to water the lawn (*Photo 4*). Domestic use is only for lawn irrigation. The lawn measures less than one-half (1/2) acre.

The location of the lawn appears to cross a section line as noted above (C. **Diversion and Delivery System**, #2. *Place of Use*).

Have conditions of permit approval been met?

☒ Yes no

F. FLOW CALCULATIONS

Measured Method:

$$\frac{15 \text{ gal}}{202 \text{ sec}} \times \frac{60 \text{ sec}}{\text{min}} \times \frac{\text{cfs}}{448.83 \text{ gpm}} \approx 0.00993 \text{ cfs} \approx 0.01 \text{ cfs}$$

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 (exterior) = **0.6 afa**

MICROFILMED
AUG 7 1 2003

RECEIVED

FEB 24 2003

Department of Water Resources

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic (exterior)	1/1	12/31	0.01	0.6
Totals:			0.01	0.6

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: June 11, 2002

Signature



Permit No.: 85-07648

MICRO, Inc.
AUG 11 2003

5135900m N

Levee & Cuth
Memorial Gardens

Spring

Spring

GALLE

Lewis & Clark
Orchards

15

ST

19TH

ST

14

1400

1400

1505

1635

1553

1553

1558

1558

1558

1200

1200

1505

1635

1553

1553

1558

1558

1558

1200

1200

1505

1635

1553

1553

1558

1558

1558

BM 1082 BM 1109

1400

1400

1266

1400

1400

1400

1400

Point of
Divergency

Tammany School

Tammany

Point of
Divergency

Point of
Divergency

Tammany School

1177

1400

1266

1400

1400

1400

1400

30 FEET
(WASH)

5133

5134

5132

5131

207

85-07648

PLACE OF
USE

22

17TH

AVE

1587

1587

1587

29

1200

1200

1400

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Spring

1483

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CARPENTER
T. 35W, R. 5W.
Sec. 22
21

MICRO
AUG 11 2003

85-07648

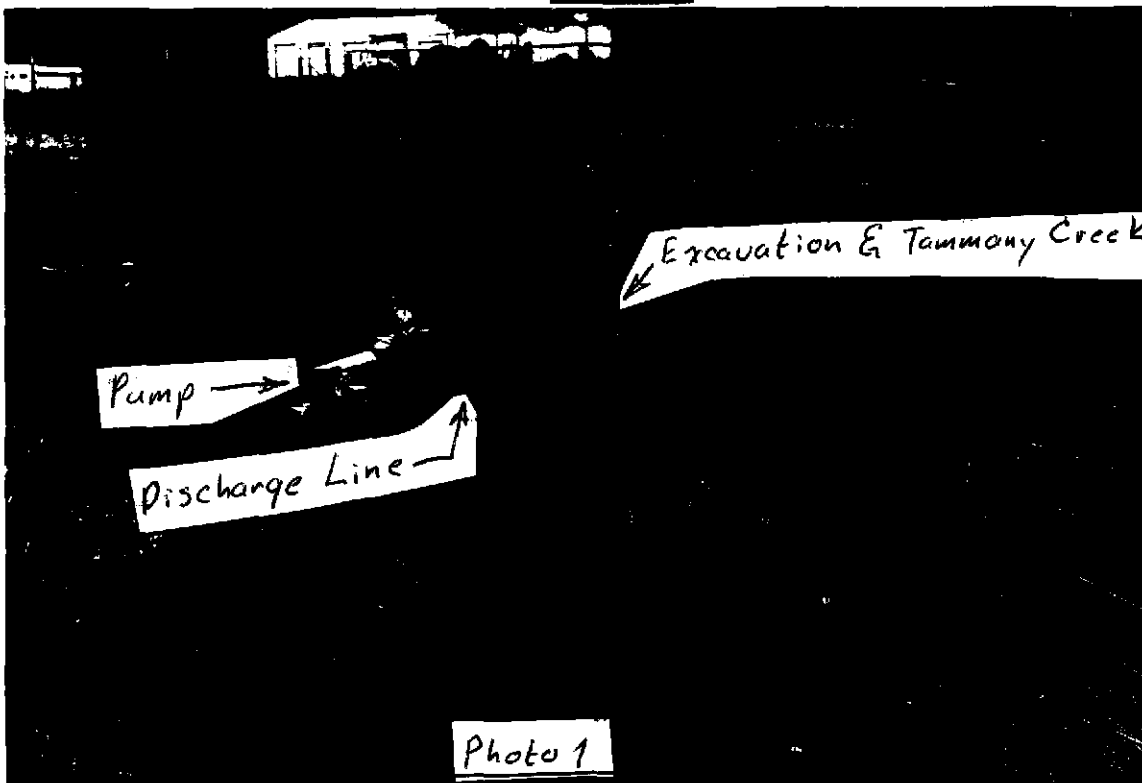


Photo 1. Showing pump placement in Tammany Creek.

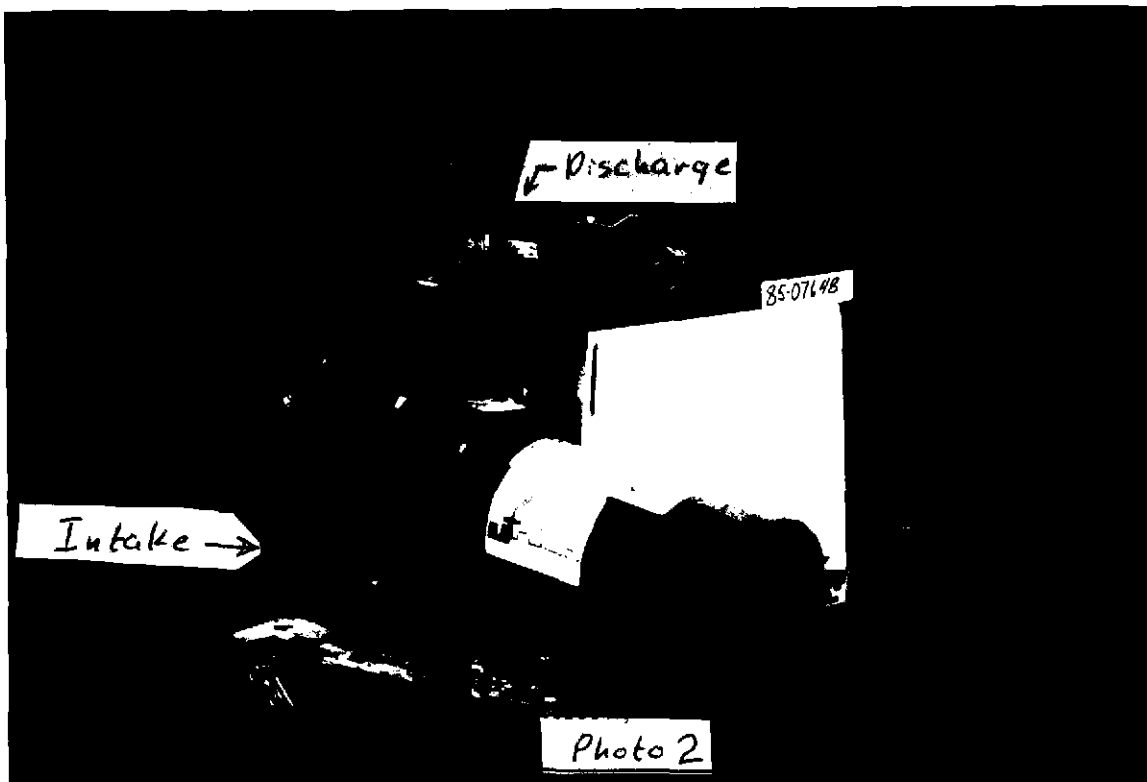


Photo 2. Showing pump.

MICROFILMED

AUG 11 2003

85-07648

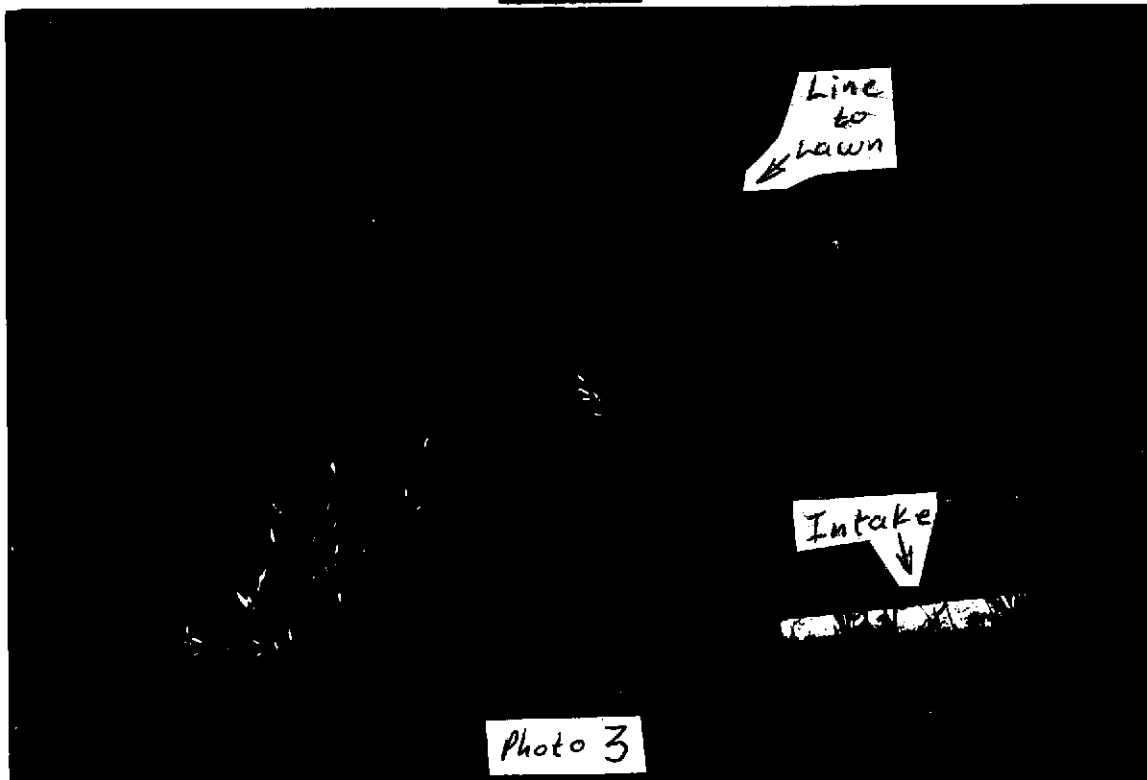


Photo 3. Showing pump intake.



Photo 4. Showing POU.

MICROFILMED
AUG 11 1983



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

February 15, 2001

DELIA CARPENTER
PAUL CARPENTER
5275 B TAMMANY CREEK RD
LEWISTON ID 83501

RE: Assignment of Permit for Water Right 85-7648

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records. Also enclosed is a receipt for the \$25.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

MAR 29 2001



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 25, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOHN W CARPENTER
DELIA A CARPENTER
5275 B TAMMANY CREEK RD
LEWISTON ID 83501

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 85-07648

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 25 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 85-7648

Reviewed By: dgibson

Date: January 25, 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.:		C052009	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		01/25/2001
Date proof due	-	02/01/2001
No. of days late	=	0
Holiday allowance	+	
Priority date	+	06/14/1998
New priority date	=	06/14/1998

Deficiencies of Actions Items

Acknowledge proof.

January 23, 2001

My husband John W. Carpenter passed away from Cancer on January 2, 2001.

The future correspondence will be done by myself Delia A. Carpenter and , or my son Paul Carpenter. Thank you very much.

Delia A Carpenter

RECEIVED

JAN 24 2001

Department of Water Resources

MICROFILMED

MAR 29 2001

Idaho Department of Water Resources Receipt

Receipt ID C052009

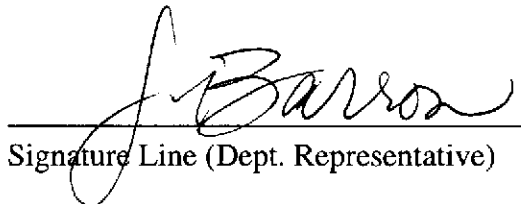
Payment Amount	\$50.00	Date Received	1/24/01 11:15:58 AM	Region	State	Status
Payment Type	Check	Check Number	4122			

Payer CARPENTER JOHN

Comment #85-07648

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	BENEFICIAL USE	0229	21	56104	1155


Signature Line (Dept. Representative)

MICROFILMED

MAR 23 2001

November 30, 2000

JOHN W CARPENTER
DELIA A CARPENTER
5275 B TAMMANY CREEK RD
LEWISTON ID 83501

PROOF DUE NOTICE

RE: PERMIT NO. 85-07648

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.

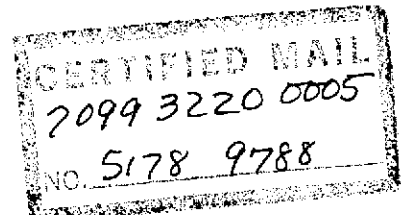
SINCERELY,

DEBORAH GIBSON
Administrative Assistant

Enclosures

MICROFILMED

MAR 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

March 6, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN W. CARPENTER
DELIA A CARPENTER
5275 B TAMMANY CREEK ROAD
LEWISTON ID 83501

RE: PERMIT NO. 85-07648

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 of water to **February 1, 2001**. Please note that the department granted the extension due to circumstances beyond your control which kept you from developing the permit. It is important that you work diligently toward the completion of this project during the construction period allowed since the department may not be able to grant additional extension requests.

Be advised that since the extension request was received after the proof due date, it was necessary for the department to reinstate the permit and advance the date of priority to June 14, 1998.

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. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

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

Sincerely,

Deborah Drew-Ellis
Administrative Assistant I
Water Allocation Bureau

Enclosures

c: IDWR - Regional Office

MICROFILMED
MAY 24 2000

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 85-07648 Reviewed by VSA Date 3-1

BASIC INFORMATION

yes Date stamp received
NO Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
NO Address Change

BASIS FOR EXTENSION REQUEST

NO Has adequate work been completed to demonstrate due diligence?
NO Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____
NO Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____
NO Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

① Reinstate permit & ② advance priority.

PRIORITY CALCULATION

Date extension received	<u>2-28-00</u>	=	<u>59</u>
Proof due date	<u>2-01-00</u>	=	<u>32</u>
Number of days late		=	<u>27</u>
Priority date	<u>5-18-98</u>	=	<u>138</u>
New Priority Date	<u>6-14-98</u>	=	<u>165</u>

DATA ENTRY

New Address ~~~~~
Change Proof Due Date 2-01-01
Change Priority Date 6-14-98

3/6/00
ade

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

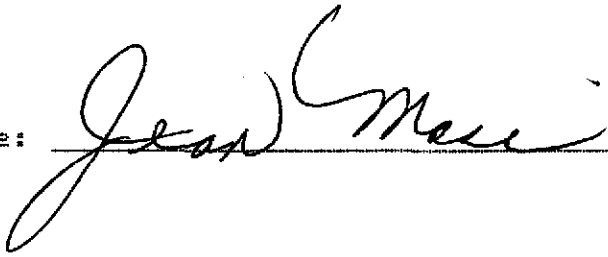
Receipt No: 0048223

Date: 2/28/2000
Time: 15:46:27

Received
From: CARPENTER JOHN W

	Type of Payment		Program A cct	Amount
EXTENSIONS	#85-07648	56103	229 21 1155	50.00
CHECK	2032			
			Total \$	50.00

Region: STATE

Signature: 

MICROFILMED

MAY 24 2000

February 2, 2000

JOHN W CARPENTER
DELIA A CARPENTER
5275 B TAMMANY CREEK RD
LEWISTON ID 83501

LAPSE NOTICE

RE: PERMIT NO. 85-07648

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated November 30, 1999. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

MICROFILMED
MAY 24 2000

RECEIVED
FEB 2 2000
2/2/00
adde

November 30, 1999

JOHN W CARPENTER
DELIA A CARPENTER
5275 B TAMMANY CREEK RD
LEWISTON ID 83501

PROOF DUE NOTICE

RE: PERMIT NO. 85-07648

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, 2000. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

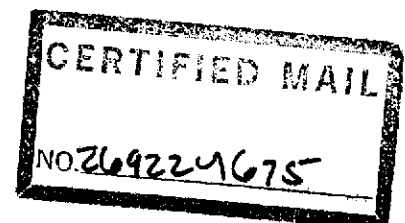
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
MAY 24 2000





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 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 12, 1999

JOHN W CARPENTER
DELIA A CARPENTER
5275 B TAMMANY CREEK RD
LEWISTON ID 83501

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 85-07648

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.

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.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

APR 14 1999

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

NOT RECORDED

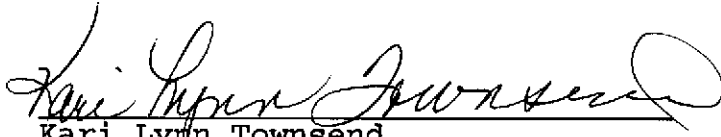
APR 14 1979

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of **February, 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. 85-07648

JOHN W CARPENTER
DELIA A CARPENTER
5275 B TAMMANY CREEK RD
LEWISTON ID 83501


Kari Lynn Townsend
Secretary

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.

NOTED

APR 1 4 1997

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.

RECEIVED

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy Lou
 No.: 85-7648 Name: Carpenter Date: 1/20/99 Ad OK? ☒ ☒ Gvmt Lts: ☒
AREA OF CONCERN: q2 - 111- Nor/Yes: SC 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: 1/20/99 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)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 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.

P52 (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)

OTHER CONDITIONS:

STANDARD REMARKS:

- 020/1

BENEFICIAL USE DUE:

- 2/1/2000

COMMENTS:

Zimmerman, Cindy

From: Zimmerman, Cindy
Sent: Friday, January 29, 1999 8:25 AM
To: 'gservhee@idfg.state.id.us'
Subject: RE: 85-07648

Gregg,

Sorry about the missing information on 85-07648. The application, in the name of John &/or Delia Carpenter. The application proposes putting a pump in Tammany Creek (trib to Snake R). The point of diversion will be at SWSW, S22, T35N, R05W. They plan on pumping 0.02 cfs for domestic use for 1 home from 3/15 to 11/15. The place of use is described as located on or near the line between SESE, S21 & SWSW, S22, T35N, R05W.

The application is silent as to whether domestic use is for exterior use only, interior use only, or both exterior and interior use.

Please let me know what you recommend. If you need more information, or more time beyond Feb. 5th, please let me know.

Thanks,

Cindy Zimmerman
Water Resource Agent
Idaho Dept. of Water Resources
State Office
1301 N Orchard St
Boise ID 83706
(208) 327-7944

RECEIVED

APR 14 1999

Zimmerman, Cindy

From: gservee@idfg.state.id.us
Sent: Thursday, January 28, 1999 12:49 PM
To: czimmerm@idwr.state.id.us
Subject: 85-07643



BEYOND.RTF

Cindy,

Thanks for the notices on 85-07643 and 85-07648. I received the particulars on the former but the latter permit letter did not have any maps or copy of an application with it. Can you send that to me?

On 07643, the proposal sounds ok.

Let me know about 07648. If you want, maybe just a description via email?

Thanks
Gregg Servheen
Natural Resource Biologist
Idaho Dept. of Fish and Game
1540 Warner Ave
Lewiston, ID 83501

208-799-5010
208-799-5012 (FAX)
gservee@idfg.state.id.us
Gregg Servheen
Environmental Coordinator
Idaho Department of Fish and Game
1540 Warner Ave
Lewiston, ID 83501
208-799-5010
FAX 208-799-5012

MAIL ROOM
APR 14 1999



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 www.idwr.state.id.us/idwr/idwrhome.htm

January 20, 1999

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Gregg Servheen
Idaho Dept. of Fish & Game
Clearwater Region
1540 Warner Ave
Lewiston ID 83507-5699

RE: Application for Permit No. 85-07648

Dear Mr. Servheen,

The Department of Water Resources (IDWR) is preparing to issue a water appropriation permit for the above application. Before proceeding, IDWR would appreciate receiving your comments, if any, on the proposed diversion and use of surface water. I have enclosed copies of the application for your review. Please respond with your comments by February 5, 1999. If I have not heard from you by then, I will assume you have no comment and will proceed with issuing the permit.

If you have any questions, you may contact me directly at (208) 327-7944 or by electronic mail at czimmerm@idwr.state.id.us.

Respectfully,

Cindy Zimmerman
Water Resource Agent

Enclosure

MICROFILMED
APR 14 1999

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
JAN 13 1999
W-1
WRA
BC

APPLICATION # 85-7648

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: CARPENTER

BY: TS

DATE: 5/18/98

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)

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

PROCESSING

(Yes) (No)

PRIORITY DATE: 5/18/98

X (Include Moratorium Remark)

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

LT/Bluntch

ADVERTISE IN: NEL PERCE 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?

<u>+</u>	Dom.	Non-Dom.	Paid \$		Y () N ()
<u>+</u>	Dom.	Non-Dom.	Paid \$		Y () N ()
<u>+</u>	Dom.	Non-Dom.	Paid \$		Y () N ()

Groundwater management area

Critical ground water area

Well Drilling Permit required

Well Drilling Application and Fees received

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

Affidavit of publication received

Application published correctly. If not, record action taken: _____

Publication dates and paper recorded on application | Sr. Agent initial _____

Protests received, Final protest date: 7/6/98

Measuring device required

Measuring port required

Special conditions:

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

Approval Recommended by: TS

Date: 1/6/99

In the Matter of Application)
No. 85 07648 in the Name of) Withdrawl
John W ;/or Delia A Carpenter)

We hereby withdraw our objection to the issuance
of the above referenced application based on
the reduction of the amount sought and
assurances that the Carpenter's will cease using
water if our rights are not filled.

Karl Van Buren Farm Co
by - Donald Van Buren, Pres

MICROFILMED

APR 14 1999

File: 85-07648 - Carpenter

Date: December 31, 1998

Time: 11:30 a.m.

Place: Federal Building (GSA Building)
220 E 5th, Second Floor Conference Room
Moscow ID

NAME

NAME

John Carpenter

Paul Carpenter

Barbara Van Buren

Don Van Buren

5275 B Tammany Ck Rd. Lewiston
2901 Powers Ave. Lewiston Id.
3000 Tammany Ck Rd. Lewiston Id.
3000 Tammany Ck. Rd. Lewiston, Ids.

APR 14 1959

Application No. 85-07648

SPECIAL NOTE: _____

PROTEST INFORMATION SHEET

Protestant(s)

	NAME	ADDRESS	PROTEST DATE
1	<u>Donald Van Buren</u>	<u>3000 Tammany Creek Rd, Lewiston 83501</u>	<u>7/3/98</u>
2	_____	_____	_____
3	_____	_____	_____
4	_____	_____	_____
5	_____	_____	_____
6	_____	_____	_____
7	_____	_____	_____
8	_____	_____	_____
9	_____	_____	_____
10	_____	_____	_____

ATTORNEY

ADDRESS

DATE FILED: 5/18/98

PROTEST DUE DATE: 7/6/98

ISSUES: Insufficient water to serve current needs / water rights 85-00019,
85-07084 and 85-00017

Applicant

ATTORNEY

ADDRESS

	DATE
Protest Date Entered on Computer	<u>7/6/98</u>
Acknowledgment Letters Sent	<u>7/6/98</u>
Hearing Date	<u>12/31/98</u>

(Other Dates)

Other Information: _____

Protest information submitted to computer (following hearing): _____

APR 14 1999

CONFERENCE/HEARING SCHEDULE

Northern Region

Location: Federal Building (GSA Building)
220 E 5th, Second Floor Conference Room
Moscow ID

Date: December 31, 1998

9:30 A.M. - 85-07643 - Chapman

11:30 A.M. - 85-07648 - Carpenter

RECEIVED

APR 14 1999

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

DONALD VAN BUREN
3000 TAMMANY CREEK ROAD
LEWISTON ID 83501

4a. Article Number

P 070 016 334

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

12-8-98

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X *Barbara Van Buren*

UNITED STATES POSTAL SERVICE

SPD WA 992 DCR3 28

First-Class Mail
Postage & Fees Paid
USPS 12-05-98
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED

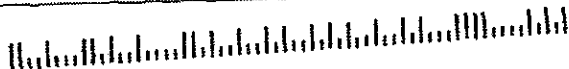
DEC 09 1998

IDWR/North

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD. - SUITE 210
COEUR D'ALENE IDAHO 83814

APR 14 1999

CS



SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3, 4a and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JOHN W &/OR DELIA A CARPENTER
5275 B TAMMANY CREEK ROAD
LEWISTON ID 83501

4a. Article Number

P 070 016 333

4b. Service Type

- | | |
|--|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☒ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

APR 14 1994

5. Received By: (Print Name)**8. Addressee's Address (Only if requested and fee is paid)****6. Signature: (Addressee or Agent)**

X

John Carpenter

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED

DEC 09 1998

IDWR/North

DEPARTMENT OF WATER RESOURCES
1910 NORTHWEST BLVD. - SUITE 210
COEUR D'ALENE, IDAHO 83814

MICROFILMED

APR 14 1999



BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 85-07648) NOTICE OF CONFERENCE
IN THE NAME OF JOHN W. AND/OR DELIA A CARPENTER) AND/OR HEARING
_____)

On May 18, 1998, John W. and/or Delia A Carpenter filed with the Department of Water Resources (department) Application for Permit No. 85-07648. The application was protested by Donald Van Buren.

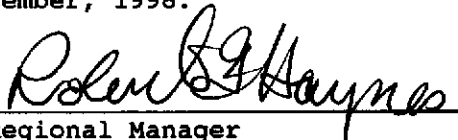
The department has scheduled the matter for conference &/or hearing on December 31, 1998 at 11:30 a.m. at the Federal Building (GSA Building), 220 E 5th, Second Floor Conference Room, Moscow, ID. The conference &/or hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the conference &/or hearing will be Robert G. Haynes, Northern Regional Manager.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The conference &/or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference &/or hearing, please advise the department within ten (10) days prior to the conference &/or hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 7th day of December, 1998.


Regional Manager

I hereby certify that on the 7th day of December, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicants(s) and protestant(s) listed below:


Senior Secretary

Certified Mail

John W &/or Delia A Carpenter
Donald Van Buren

Card received 12/9/98
Card received 12/9/98

MAILED

DEC 14 1998

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation injure other water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as the affairs of the people in the area directly affected by the proposed use?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, and 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

NOTICE OF HEARING

APR 14 1988

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the director.

Parties may by written stipulation waive the right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (120) days prior to the hearing.

10/10/92

10/14/92

July 6, 1998

John W and/or Delia A Carpenter
5275 B Tammany Creek Road
Lewiston ID 83501

Re: Application to Appropriate Public Waters No. 85-07648

Dear Mr. and/or Mrs. Carpenter:

Enclosed is a copy of a protest filed against the approval of the above referenced application for permit to appropriate the public waters of the State of Idaho. The Department suggests you contact the protestants directly in an effort to determine the nature of the protest and attempt to resolve the protest.

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

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

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager
RGH:db

Enclosure

APR 14 1999

July 6, 1998

Donald Van Buren
Karl Van Buren Farm Co.
3000 Tammany Creek Road
Lewiston ID 83501

Re: Application to Appropriate Public Waters No. 85-07648

Dear Mr. Van Buren::

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

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

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

You will be notified at a later date of the time and place of the conference and/or hearing. If we can be of any assistance, please contact us.

Sincerely,

ROBERT G. HAYNES, P.E.
Regional Manager

RGH/db

100-100000
APR 14 1999

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested APPLICATION FOR PERMIT #85-07648
2. Name of protestant ~~JOHN W. CARPENTER~~ DONALD VAN BUREN
3. Protestant's representative for service (If different than protestant)
N/A
4. Service mailing address 3000 TAMMANY CREEK RD Lewiston
83501
5. Service telephone no. 208-743-4630
6. Basis of protest (including statement of facts and law upon which the protest is based)
NOT ENOUGH WATER IN TAMMANY CREEK TO SERVE
CURRENT NEEDS / WATER RIGHTS #s 85-00019, 85-07084
85-00017

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? WITHDRAWAL OF FILING.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 3rd day of JULY, 19 98.

Karl Van Buren Farm Co. by - Donald Van Buren
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED

APR 14 1999

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____".
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by AB Date 3/3/98 Time 10130
\$25.00 fee Received by AB # 1012200 Date 7/3/98

MICROFILMED
APR 14 1999

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date 06/25/98INVOICE NO. 176708Account No. 964750Description 176708NOTICEOFAPPLICATTimes 2Lines 35

Tab. Lines _____

\$ 48.13

RECEIVED

JUN 29 1998

NORTHERN REGION
IDWR

SOLD TO: ID DEPT. OF WATER RESOURCES
1910 NORTHWEST BLVD. STE 210
COEUR D'AL ID 83814

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

NOTICE OF APPLICATION
FOR WATER RIGHT

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

85-07648 *oh*
CARPENTER, JOHN W
CARPENTER, DELIA A
5275 B TAMMANY CREEK ROAD
LEWISTON, ID 83501
Source: TAMMANY CREEK
Tributary: SNAKE RIVER
Diversion Pt: LNWSWSW Sec 22 T
35N R 05W in NEZ
PERCE County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 5/18/1998
In: NEZ PERCE County
T35N R05W S21 SESE
S22 SWSW

For additional information concern-
ing the property location, call the North-
ern 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
83814, together with a protest fee of
\$25.00 on or before JULY 6, 1998.

KARL J. DREHER, Director
Published: 6/18/1998 & 6/25/1998

Karen Lewis, being duly sworn, deposes and says, I am
the Legal Clerk of the Tribune Publishing Company, a corporation
organized and existing under and by virtue of the laws of the
State of Idaho, publishers of the LEWISTON MORNING TRIBUNE,
a newspaper of general circulation published at Lewiston, Nez Perce County,
Idaho; That the said Lewiston Morning Tribune is an established newspaper
and has been published regularly and issued regularly at least once a day
for more than 21 consecutive years next immediately preceding the first
publication of this notice, and has been so published uninterrupted for
said period; that the 176708NOTICEOFA attached hereto and which is made
a part of this affidavit was published in the said Lewiston Morning Tribune,
2 time(s). Publication being on 06/18, or once a WEEK
for 2 consecutive WEEK, the first publication thereof being on
the 06/18/98, and the last publication thereof being on
the 06/25/98, and said 176708NOTICEOFA was so published in the
regular and entire issue of said newspaper and was not in a supplement
thereof and was so published in every issue and number of the said
paper, during the period and times of publication as set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 25thday of June 1998

Sherral M. Lentz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires June 4, 03

85-07648

CARPENTER, JOHN W
CARPENTER, DELIA A
5275 B TAMMANY CREEK ROAD
LEWISTON, ID 83501

Source: TAMMANY CREEK

Tributary: SNAKE RIVER

Diversion Pt: NWSWSW Sec 22 T 35N R 05W in NEZ PERCE County.

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

Date Filed: 5/18/1998

In: NEZ PERCE County
T35N R05W S21 SESE
S22 SWSW

RECORDED

APR 14 1999

June 10, 1998

John W and/or Delia A Carpenter
5275 B Tammany Creek Road
Lewiston ID 83501

Re: Water Appropriation Application No. 85-07648

Dear Mr. and Mrs. Carpenter:

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. Enclosed for your file is Receipt Number N012057.

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

100-100000
JUN 14 1998