

Sec. 13.

Sec. 14.

Sec. 15.

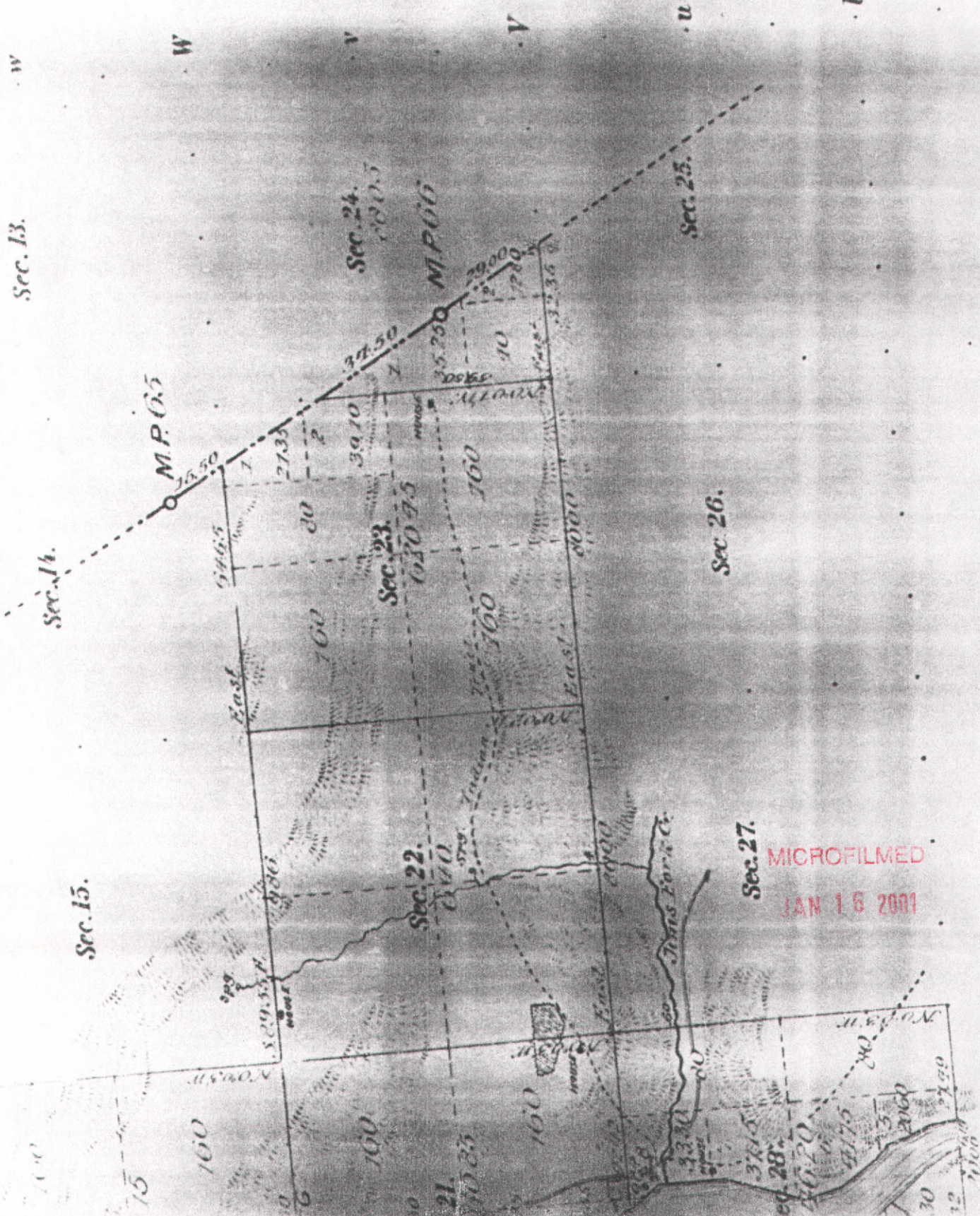
Sec. 24.

Sec. 23.

Sec. 22.

Sec. 27.

MICROFILMED
JAN 16 2001





142 estimated

7.5 MINUTE SERIES (TOPOGRAPHIC)

563

10'

565

400 000

R. 2 E. R. 3 E.

116°07'30"

46°30'

T. 36 N.

DAVID EBY
T36N R2E SEC. 24
NE 1/4 NE 1/4
OROFINO EAST QUAD. 1967

1 760 000
FEET

5149

5148

28'45"

5147

5146

17

27'30"

5145

5144

PINK = DRAINAGE
YELLOW = PROPERTY

POND

MICROFILMED

JAN 16 2001

TWN 36N
Rnge 2 E
Sec. 24

PERCE

ANDY

RESERVATION

Greek

BOUNDARY

MICROFILMED

SEP 16 2003

84-07305



Photo 1. Showing pond and location of intake .



Photo 2. Showing a portion of the dam.

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SEP 16 2003

84-07305



Photo 3. Showing outside of control box.

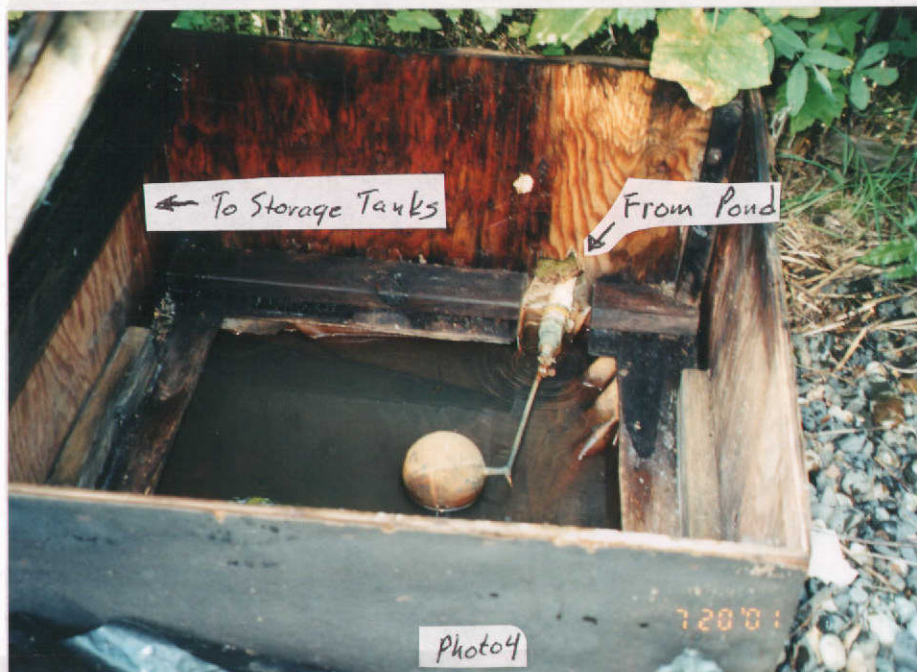


Photo 4. Showing float valve on the inside of control box.

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84-07305



Photo 5. Showing filter box in relation to control box.



Photo 6. Showing configuration of control box, filter box, and storage tanks.

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84-07305



Photo 7. Showing the two storage tanks.



Photo 8. Showing House with most of the lawn.

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Photo 9. Showing garden area and horse watering trough.

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SEP 16 2003

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 84-07305

Priority: December 2, 1999

Maximum Diversion Rate: 0.01 CFS
Maximum Diversion Volume: 1.3 AF

It is hereby certified that DAVID O EBY
3243 UPPER FORDS CREEK RD
OROFINO ID 83544 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated December 02, 1999; and has
submitted Proof of Beneficial Use on November 1, 2000. An examination indicates that the works have
a diversion capacity of 0.01 cfs of water from:

SOURCE

UNNAMED STREAM

Tributary: SINKS

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>
STOCKWATER	01/01 to 12/31	0.01 CFS	0.1 AF
STOCKWATER STORAGE	01/01 to 12/31		0.6 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		0.6 AF
DOMESTIC	01/01 to 12/31	0.01 CFS	0.6 AF
DOMESTIC STORAGE	01/01 to 12/31		0.6 AF
DOMESTIC FROM STORAGE	01/01 to 12/31		0.6 AF

LOCATION OF POINT OF DIVERSION:

UNNAMED STREAM NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 24, Twp 36N, Rge 02E, B.M., CLEARWATER County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE			NW			SW			SE			
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
36N 02E 24	X												

PLACE OF USE: STOCKWATER STORAGE – Same as Stockwater

PLACE OF USE: STOCKWATER FROM STORAGE – Same as Stockwater

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE			NW			SW			SE			
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
36N 02E 24	X												

PLACE OF USE: DOMESTIC STORAGE – Same as Domestic

PLACE OF USE: DOMESTIC FROM STORAGE – Same as Domestic

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AUG 11 2003

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 84-07305

CONDITIONS OF APPROVAL

1. Domestic use is 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 24TH day of FEBRUARY, 2003.

Acting for 
KARL J. DREHER
Director

MICROFILMED
AUG 11 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

NOV 01 2000

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. 84-D7305 Telephone No. 208-476-7133

2. Name of Permit Holder(s): DAVID O. EBY

3. Mailing Address: 3243 UPPER FORDS CR. RD

City OROFINO State ID Zip 83544

4. Source of Water: SURFACE If GROUNDWATER (well), Date Drilled: mo. — / yr. —

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): 2 HORSES

Irrigation (No. of acres): N/A Other: —

6. Total rate of diversion and/or volume for which proof is submitted: .04 cfs OR — acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes — or No ✓

Has the measuring device been installed?

Yes — or No ✓

8. Fee Enclosed: \$ 50. (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: DAVID EBY Telephone Number: 208-476-5313 (W)
208-476-7133 (H)

Address: 3243 UPPER FORDS CR. RD, OROFINO, ID. 83544

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

Date: 10/30/00

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JAN 10 2001

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 84-07305

Priority: December 2, 1999

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **DAVID O EBY**

3243 UPPER FORDS CREEK RD

OROFINO ID 83544

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of **SINKS**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	
STOCKWATER STORAGE	01/01 to 12/31		1.4 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		1.4 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	
DOMESTIC STORAGE	01/01 to 12/31		1.2 AF
DOMESTIC FROM STORAGE	01/01 to 12/31		1.2 AF
	Totals	0.04 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 24, Township 36N, Range 02E
CLEARWATER County

PLACE OF USE: STOCKWATER

TWN RGE SEC

36N 02E 24

NENE

PLACE OF USE: STOCKWATER FROM STORAGE, same as STOCKWATER use

PLACE OF USE: DOMESTIC, same as STOCKWATER use

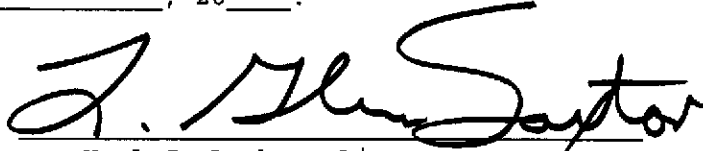
PLACE OF USE: DOMESTIC FROM STORAGE, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **November 1, 2001**.
2. Subject to all prior water rights.
3. Stockwater use is for 2 horses.
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

23rd day of October, 2000.


for Karl J. Dreher, Director

MICROFILMED

Ident. No.

84-07305
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

SEP 16 2000

To appropriate the public waters of the State of Idaho

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant DAVID D. EBY Phone 208-476-7133
Mailing address 3243 UPPER FORDS CR. RD. DREFOID ID 83544
2. Source of water supply UNNAMED STREAM which is a tributary of SLINKS
3. Location of point of diversion is Township 36 N Range 2 E Sec. 24 in the NE 1/4, NE 1/4, NE 1/4, Govt. Lot , S.M., CLEARWATER County;
additional points of diversion if any:
4. Water will be used for the following purposes:
Amount 1.4 for DOMESTIC STORAGE purposes from Y1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) DOM. & STOCKWATER
Amount 1.9 for FROM STORAGE purposes from Y1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) DOMESTIC
Amount 0.04 for DOMESTIC purposes from Y1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) STOCKWATER
Amount 0.02 for STOCKWATER purposes from Y1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) purposes from to (both dates inclusive)
(cfs or acre-feet per annum) 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) 1.9
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 POND - GRAVITY SYSTEM
b. Height of storage dam 9 feet; active reservoir capacity 1.7 acre-feet; total reservoir capacity 1.7 acre-feet
c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
d. Is ground water with a temperature of greater than 85°F being sought? N/A
e. If well is already drilled, when? N/A; Drilling firm N/A
Well was drilled for (well owner) N/A; Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is N/A 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. N/A
b. Stockwatering; list number and kind of livestock. 2 HORSES
c. Municipal; show name of municipality. N/A
d. Domestic; show number of households. 1
e. Other; describe fully. N/A

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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.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36N	2E	24	D																
		24	S																
			D/S (STORAGE / FROM STORAGE)																

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. N/A11. a. Who owns the property at the point of diversion? Eby'sb. Who owns the land to be irrigated or place of use? Eby'sc. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A12. Remarks: Water is collected into a pond from a 4 acre drainage on the property. The water is then piped through a filter system and used for household and stockwater purposes.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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



Signature of Applicant (and title, if applicable)

Received by db Date 12-2-00 Time 13:41 Preliminary check by AB
 Fee \$ 50- Received by db # 1201337A Date 12-2-00
 Publication prepared by db Date 5/10/00 Published in Chemical Trib 5/18#25/00
 Publication approved db Date 5/30/00

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JAN 16 2001

Sec. 13.

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Sec. 14.

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Sec. 15.

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Sec. 27.

MICROFILMED

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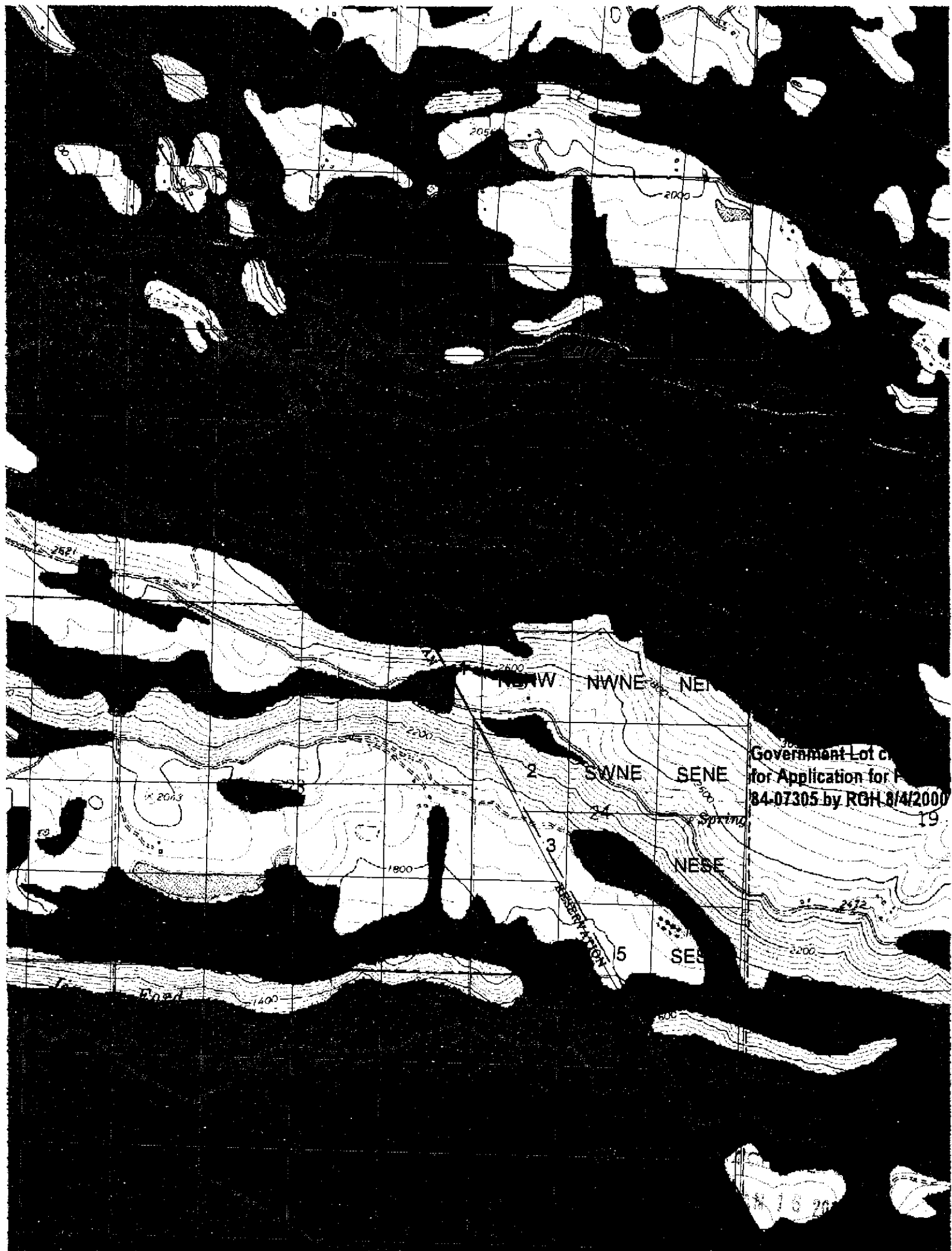
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1422thmated

7.5 MINUTE SERIES (TOPOGRAPHIC)

63

10'

65

400 000

R. 2 E. R. 3 E.

116°07'30"

46°30'

T. 36 N.

DAVID EBY
T36N R2E SEC. 24
NE 1/4 NE 1/4
OROFINO EAST QUAD. 1967

1 760 000
FEET

5149

5148

28 45

5147

5146

17
27'30"

5145

5144

PINK: DRAINAGE
YELLOW: PROPERTY

POLAD

MICRO



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

DAVID O EBY
3243 UPPER FORDS CREEK RD
OROFINO ID 83544

RE: License No. 84-7305 - 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)

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AUG 11 2003

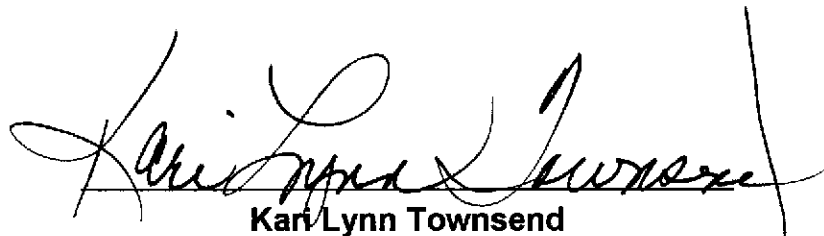
CERTIFICATE OF SERVICE

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.

84-7305

**DAVID O EBY
3243 UPPER FORDS CREEK RD
OROFINO ID 83544**



**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).

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.

Comment Report

84-7305

1. kwalker 2/20/2003 Recommended Volume

Comment: Recommend we allow a volume of 1.3 af for this proposed license. They should be allowed 0.6 af for domestic, 0.1 af for stockwater and 0.6 af for the storage parameters.

2. DBALL 5/4/2000 Examiner's notes.

Comment: Pond, gravity system. Time required 1 year.

3. CZIMMERM 10/22/2000 PERMIT PARAGRAPH CODES

Comment: P16, P84

4. DELLIS 11/2/2000 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

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SEP 16 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. 84-07305

1. Owner: David O. Eby

Phone No. Home: (208) 476-7133
Work: (208) 476-5313

Current Address: 3243 Upper Fords Creek Rd
Orofino, ID 83544

2. Accompanied by: Permit Holder

EXAM DATE: July 20, 2001

Address: See Above

Phone No. See Above

Relationship to Permit Holder: Permit Holder

3. Source: Unnamed Stream

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: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
NA			NE	NE	24	36N	02E	Clearwater	USGS 7 1/2 Min. Topographical Map

2. Place(s) of Use:

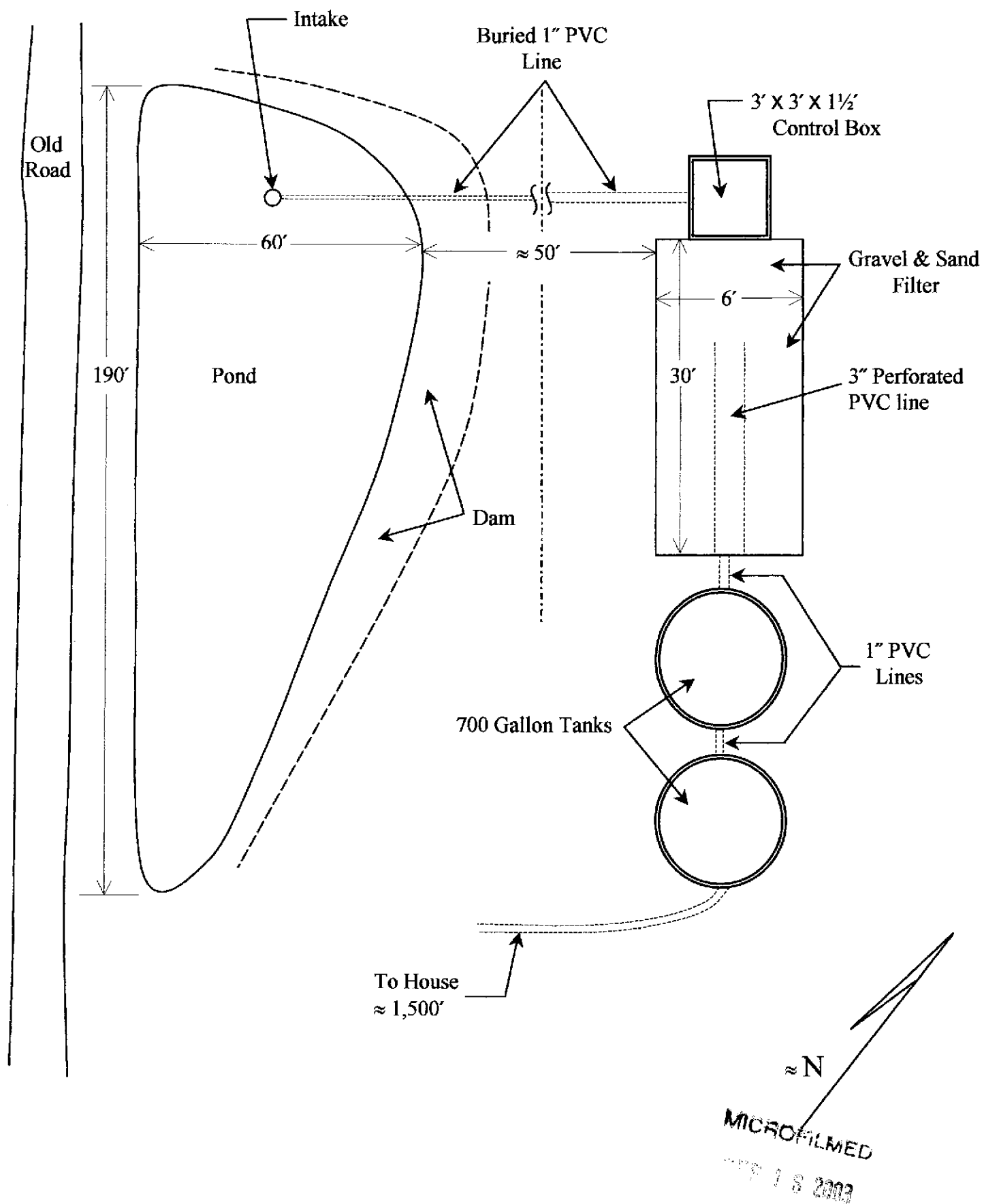
Indicate Method of Determination: USGS 7 1/2 Min. Topographical Map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36N	02E	24	*																

* Stock water, Stockwater Storage, Stockwater From Storage, Domestic, Domestic Storage, Domestic From Storage

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SEP 16 2003

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



Scale: 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 Photos 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
5 Gallon Bucket					5 gal	June 2000
Stopwatch	Wrist	Timex	Ironman			

2. Measurements:

Measurements were taken at the float valve in the control box (See *Photo 4*) by filling a five (5) gallon bucket three (3) times. The stopwatch was started and stopped with each consecutive fill without resetting to zero.

Volume

3 X 5 = 15 gallons

Time

5 min. 35 sec.

E. NARRATIVE/REMARKS/COMMENTS

The pond (*Photo 1*) is located down hill and about 1,500 feet N X NE from the house or N46° 27' 20.9" by W116° 08' 44.6" (GPS unit, Garmin, Model GP-12, serial #36061391). It is triangular in shape and measures about 190' X 60' X 12' deep. The water level was about three (3) feet down from the high water mark on the day of the exam (July 20, 2001). Mr. Eby, the permit holder, stated that the pond had been there for about fifty (50) years and was enlarged in 1982. The source of the pond water is spring run off.

Because of the brush covering much of the face of the dam and the surrounding area, it was difficult to determine the height of the dam. However, I estimated it to be between ten (10) and fifteen (15) feet high from the toe to crest at it's highest point. *Photo 2* is looking northwest and shows the southeast portion of the dam.

A large barrel filled with gravel, serving as a filter and an intake, is located at the deep point of the pond and is marked by a two (2) inch steel pipe extending above the surface of the water (*Photo 1*). The barrel is connected to a one (1) inch PVC pipe that extends through the dam to a flow control box (*Photos 3 & 4*) that is located about fifty (50) feet from the pond and an estimated twenty (20) to thirty (30) feet in elevation below the surface elevation of the pond. The control box is gravity fed and consists of a small sump (3' X 3' X 1.5' deep) with a float valve connected to the pipe that exits the pond (*Photo 4*). Flow measurements were taken at the float valve.

The control box drains into a covered 30' X 6' filter box filled with sand and gravel (*Photo 5*). A three (3) inch perforated PVC pipe collects water from the filter and gravity drains in to two (2) buried 700 gallon storage tanks (*Photos 6 & 7*) that are arranged successively and

RECORDED
JUL 26 2003

are connected to each other by a buried one (1) inch PVC pipe. A one horse-power (1 HP) submersible pump, that pumps water about 1,500 feet up to the house and stock-tank, is located in the second storage tank. The estimated vertical lift from the storage tank to the house is about 140 feet with the GPS altitude of the pond being 2869ft. $\pm$ 16ft. and the GPS altitude of the house being 2979ft. $\pm$ 17ft.

The two (2) horses are fenced off from the pond and are watered in a stock tank next to the house and an old bath tube located next to a small garden plot on the far side of the house from the pond.

Photo 8 shows the house and *Photo 9* shows the garden area with the bath tube. The total lawn and garden area does not exceed one-half ($\frac{1}{2}$) acre.

In summary, the recommended changes to this permit that reflect the findings of this exam are as follows:

1. The rate of diversion to stockwater should be **0.01 cfs** rather than 0.02 cfs (See section F).
2. The rate of diversion to domestic should be **0.01 cfs** rather than 0.04 cfs because of the limited output at the pond (See section F).

Have conditions of permit approval been met? **X** Yes no

F. FLOW CALCULATIONS

Domestic:

$$\frac{\left(\frac{(3)(15 \text{ gal}) (60 \text{ sec})}{(335 \text{ sec}) (\text{min})} \right)}{448.83 \text{ gpm} / \text{cfs}} \approx 0.00599 \text{ cfs} \approx \mathbf{0.01 \text{ cfs}}$$

Stockwater:

2 Horses = **0.01 cfs**

(From *Table 7* and *Exhibit 15: Field Examiners Handbook*)

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

Stockwater Storage, Domestic Storage:

Triangular Pond Measuring 190' X 60' X 12' deep:

$$\frac{12 \left(\frac{(190)(60)}{2} \right)}{43,560} \times 0.4 \approx 0.628 \text{ AF} \approx \mathbf{0.6 \text{ AF}}$$

MICROFILMED
SEP 1 6 2003

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Stockwater	1/1	12/31	0.01	0.1
Stockwater Storage	1/1	12/31		0.6
Stockwater From Storage	1/1	12/31	0.01	0.6
Domestic	1/1	12/31	0.01	0.6
Domestic Storage	1/1	12/31		0.6
Domestic From Storage	1/1	12/31	0.01	0.6
Totals:			0.01	0.6

2. Recommended Amendments

Change P.D. as reflected above
Change P.U. as reflected above

Add P.D. as reflected above
Add P.U. as reflected above

☒ None
☐ Other

I. AUTHENTICATION

Field Examiner's Name: Jim Zimmerman

Date: August 11, 2001

Signature

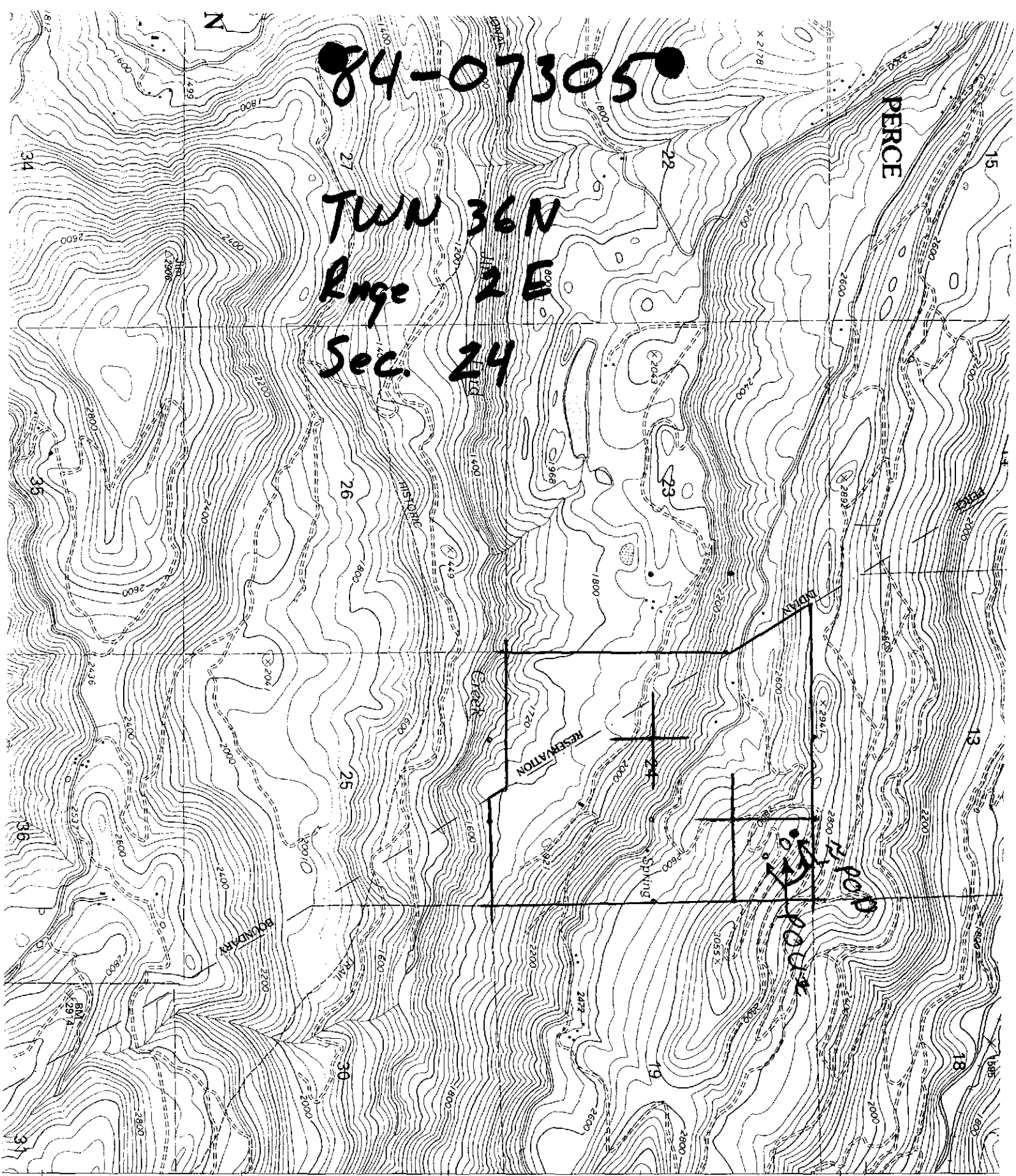


RECEIVED
AUG 16 2001

84-07305

TWN 36N
Rnge 2 E
Sec. 24

PERCE



MIDCOTLAND
1997 10 2000

84-07305

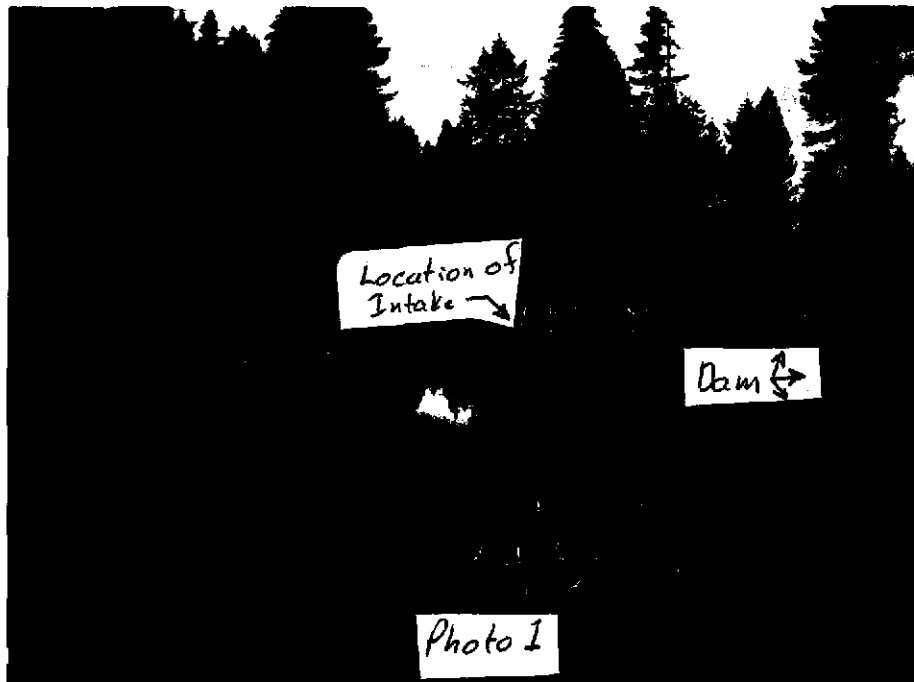


Photo 1. Showing pond and location of intake .



Photo 2. Showing a portion of the dam.

SEP 1 8 2000

84-07305

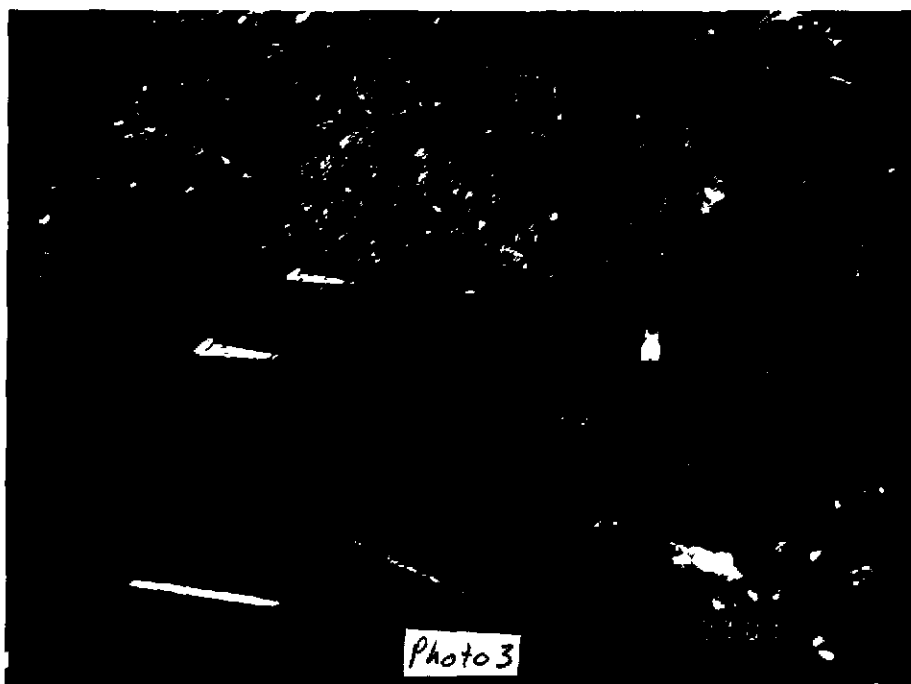


Photo 3. Showing outside of control box.

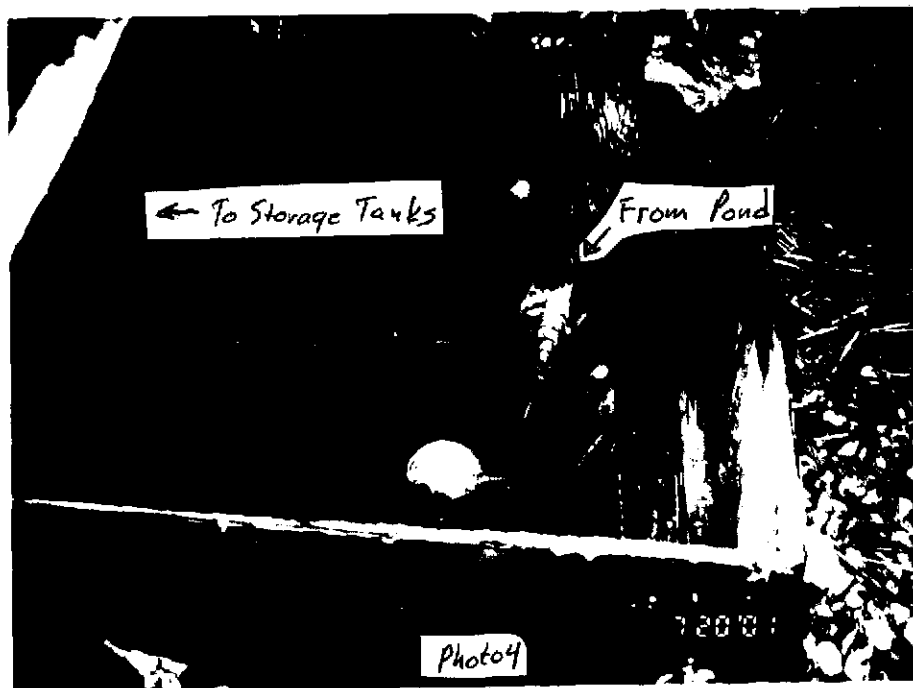


Photo 4. Showing float valve on the inside of control box.

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SEP 16 2003

84-07305



Photo 5. Showing filter box in relation to control box.



Photo 6. Showing configuration of control box, filter box, and storage tanks.

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SEP 1 8 2002

84-07305



Photo 7. Showing the two storage tanks.



Photo 8. Showing House with most of the lawn.

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SEP 14 2000

84-07305

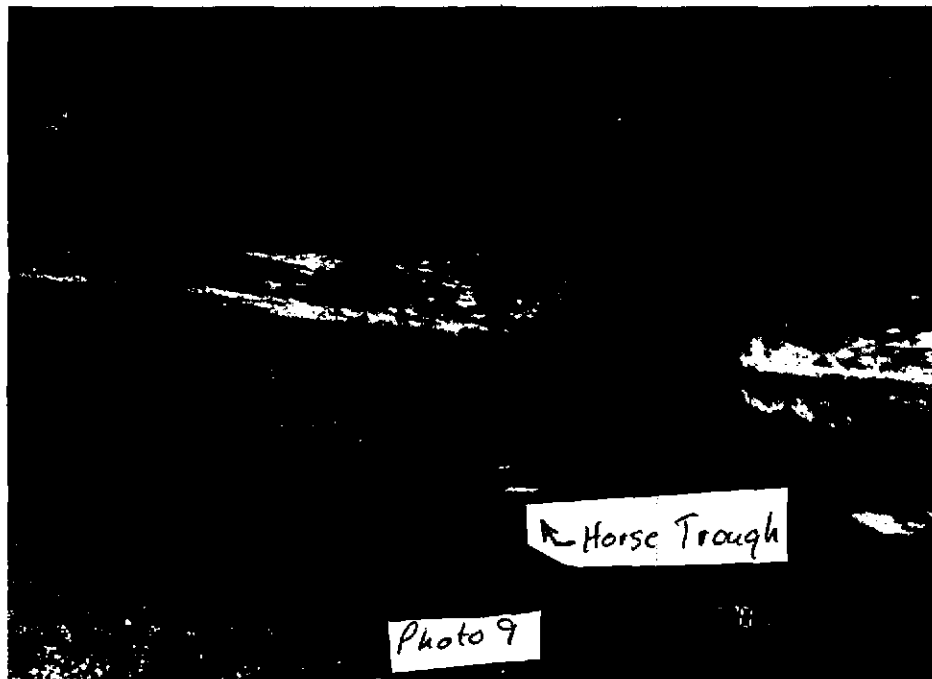


Photo 9. Showing garden area and horse watering trough.

MICROFILMED

SEP 16 2003



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

November 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID O EBY
3243 UPPER FORDS CREEK RD
OROFINO ID 83544

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 84-07305

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water, 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
JAN 18 2001

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 84-07305 Reviewed by D. Gibson Date 11/13/00

GENERAL CONSIDERATIONS

Yes Name same as permit?

Yes Address same as permit?

Yes Proof timely received?

If not, complete calculation below.

TYPES OF USE

Domestic & Stockwater

Correct Uses?

Yes

SOURCE OF WATER

Yes Surface water source

No Ground water source

/ Drilling permit required?

/ Copy in the file? Drilling Permit No. /

/ Amount paid for permit

/ Well log in the file?

/ Correct?

LICENSE EXAMINATION FEE

Yes Required?

\$50 Amount Submitted

Yes Correct?

MEASURING DEVICE

No Required?

No Installed?

/ Waiver requested?

PRIORITY CALCULATION

Date proof received

11/1/00

Date proof due

11/1/01

No. of days late

Priority Date

New Priority Date

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof.

DATA ENTRY

New Address

Proof Made

11/1/00

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 0050975

Date:
Time: 11/ 1/2000
14:32:40

Received
From: EBY, DAVID O.

Type of Payment	Program Acct	Amount
BENEFICIAL USE # 84-07305	56104 229 21 1155	50.00
CHECK 9077		
	Total	\$ 50.00

Region: STATE

Signature: _____

MICROFILMED
JAN 18 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

October 24, 2000

DAVID O EBY
3243 UPPER FORDS CREEK RD
OROFINO ID 83544

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 84-07305

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.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

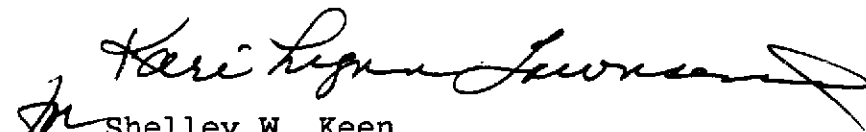
Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least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

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

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

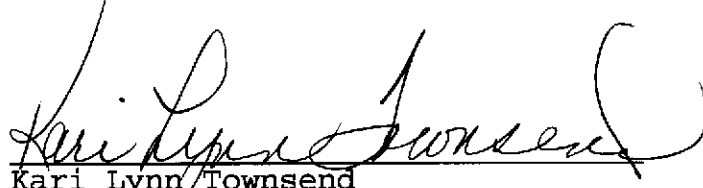
MICROFILMED
JAN 18 2001

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of October, 2000, 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. 84-07305

DAVID O EBY
3243 UPPER FORDS CREEK RD
OROFINO ID 83544


Kari Lynn Townsend
Secretary

RECORDED
JAN 16 2001

**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).

MICROFILMED
JAN 16 2001

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.

KUT 9/18
30d.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Cindy Zimmerman on _____

No. 84-7305 Name: EBU Corp. Officers _____ Ad ok ☒ Govt Lots ☒

AREA OF CONCERN: ☒ No ☐ Yes _____ Moratorium _____ GWMA ☒ TRUST/NON-TRUST

GROUNDWATER: (√Flow Chart)

DRILLING PERMIT

All wells - 046(P23)

Irr. w/in WD - P05

WMD - North/East/West

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 067

WMD

Supp irr (irr = only use) - 065-104

Supp irr (+ other uses) - 100-105

≤ 0.24 cfs/5 acres - No MD

> 0.24 cfs/5 acres - 01M

✓ SURFACE WATER: (√Flow Chart)

✓ F&G contacted ☒ Yes ☐ No Response None

• In/Above MSF - WB9

PLANNING REVIEW/RESPONSE _____

• In-stream development - P52

• WD - R04 (WD# _____)

≤ 0.20 cfs/others - 01H(P01), 01P or No MD

> 0.20 cfs - 01J(P08)

• SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres ☒ No MD

> 0.24 cfs/5 acres - 01M or ☒ No MD

• RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A

(02,03) - 007 (w/ remark WB9 if above Weiser)

Payette R (65) - 047(P04) (Payette Lake)

Salmon R (70's) - 029 (fish screens)

Weiser R (67) - 086-087

✓ LOCATION:

• Boise Front LoGeo - 058 (<85 GW)

• Mitigation - 121

✓ 42-248 Area ☒ P84 (20s-70s, 81-86)

• Swan Falls Flag

Trust - 051(P74) (consumptive uses)

Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

✓ USES:

✓ STORAGE - 18A-01H(P01), 01P-18B(P09) ☒ NA

• IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)

> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)

✓ STOCKWATER ☒ R37 BLM/USFS

MINING - 054-081(P10)

FISH PROP - 029(70's only)-007-042-081(P10)

HEAT/COOL - R07(injection well)

FIRE PROT. - 077

✓ USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)

MUNICIPAL

Restricted area - 022,075

Irr., GW supp to SW - 102

✓ DOMESTIC

• Surface water - WB5 (Big Wood or Boise above Star Bridge)

27A (Payette R) ☒ NA

- 070-071-075 (no parks/common areas, etc)

- WB5

- W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

BENEFICIAL USE DUE: 11 / 01 / 01

✓ MISC CONDITIONS/REMARKS:

Protested - 020-W19

✓ Development Period

✓ ≤ 1 yr ☒ P16

> 1 yr - 26A(P17)

Ownership - 004

• Non-consumptive - 027

• Water Quality - 081-R07

• Multiple pd's per ¼¼ - W32

• Subd lot desc (pd) - W59

• Subd lot desc (pu) - W60

✓ Use definitions - W02 example ☒ S/50 range

Pre-1987 development - 068-074 (allow 120 days for proof due)

Single p/d intended - 076

IRRIGATION SEASON _____ (Per updated map)

OTHER CONDITIONS/REMARKS

COMMENTS S/24 D/Hm.
data entered 10/22/00

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION APPLICATION ANALYSIS SHEET

RECEIVED

WR1
BCA
WRA

APPLICATION # 84-07305

SEP 6 2000

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: EBY

BY: B

DATE: 12/2/99

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes) (No)

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

PROCESSING

(Yes) (No)

PRIORITY DATE: 12/2/99

☒ (Include Moratorium Remark)

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

ADVERTISE IN: CLEARWATER 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 ()

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

Remarks: NO GOVT. LOTS - AB

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
- ☒ Protests received, Final protest date: 6/5/10 Sr. Agent initial _____
- ☒ Measuring device required
- ☒ Measuring port required
- ☒ Special conditions:
- ☒ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: RMA

Date: 8/4/2000

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Clearwater)

LA RAE CALL

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of the THE CLEARWATER TRIBUNE; that said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho, during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of:

NOTICE OF APPLICATION FOR WATER RIGHT

DAVID O. EBY

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for a full period of two consecutive issues, commencing on the 18th day of May 2000 and ending on the 25th day of May 2000.

La Rae Call
STATE OF IDAHO)
)
COUNTY OF CLEARWATER)

On this 26th day of May in the year of 2000, before me, a Notary Public, personally appeared

La Rae Call
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public for Idaho
Resident at Orofino, Idaho
My commission expires: _____

NOTICE OF APPLICATION FOR WATER RIGHT

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

84-07305 *sk*

EBY, DAVID O

3243 UPPER FORDS CREEK RD
OROFINO, ID 83544

Source: UNNAMED STREAM

Tributary: SINKS

Diversion Pt: NENE Sec 24 T 36N R
02E in CLEARWATER County

Use:

STOCKWATER (0.020 CFS)

STOCKWATER STORAGE (1.40 AF)

STOCKWATER FROM STORAGE

(1.40 AF)

DOMESTIC (0.040 CFS)

DOMESTIC STORAGE (1.40 AF)

DOMESTIC FROM STORAGE (1.40 AF)

Total Diversion: (0.040 CFS)

Date Filed: 12/2/1999

In: CLEARWATER County

T36N R02E S24 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 83814, together with a protest fee of \$25.00 on or before JUNE 5, 2000.

KARL J. DREHER, Director

5-18,25c

MICROFILMED

JAN 16 2001

RECEIVED
MAY 30 2000
IDWR/North

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, May 10, 2000 9:36 AM
To: 'Chip Corsi'; 'Gregg Servheen'
Subject: perweek1.txt

Greetings, gentlemen,

Near the end of the attachment that follows, you will find some water rights for which we need your comments:

Gregg, we need comments from you on 84-07305 - Eby - last date for protest is 6/5/00
85-07669 - Larson - last date for protest is also 6/5/00 on this one.

Chip, I only have one for you on this list 95-09047 - Erlandson - last date for protest here is also 6/5/00.

Your comments either way on these water rights prior to the 6/5/00 date, will be greatly appreciated.

Thank you very much. Dianne - IDWR North



perweek1.txt.htm

*No response
from Gregg Servheen*

MICROFILMED

JAN 16 2001

May 10, 2000

David O Eby
3243 Upper Fords Creek Rd
Orofino ID 83544

Re: Water Appropriation Application No. 84-07305

Dear Eby::

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 N013370.

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

MICROFILMED

JAN 16 2000

84-07305

EBY, DAVID O
3243 UPPER FORDS CREEK RD
OROFINO, ID 83544

Source: UNNAMED STREAM

Tributary: SINKS

Diversion Pt: NENE Sec 24 T 36N R 02E in CLEARWATER County.

Use: STOCKWATER	(	0.020 CFS)		
STOCKWATER STORAGE			(	1.40 AF)
STOCKWATER FROM STORAGE			(	1.40 AF)
DOMESTIC	(	0.040 CFS)		
DOMESTIC STORAGE			(	1.40 AF)
DOMESTIC FROM STORAGE			(	1.40 AF)
Total Diversion:	(	0.040 CFS)		

Date Filed: 12/ 2/1999

In: CLEARWATER County
T36N R02E S24 NENE

MICROFILMED

JAN 15 2001