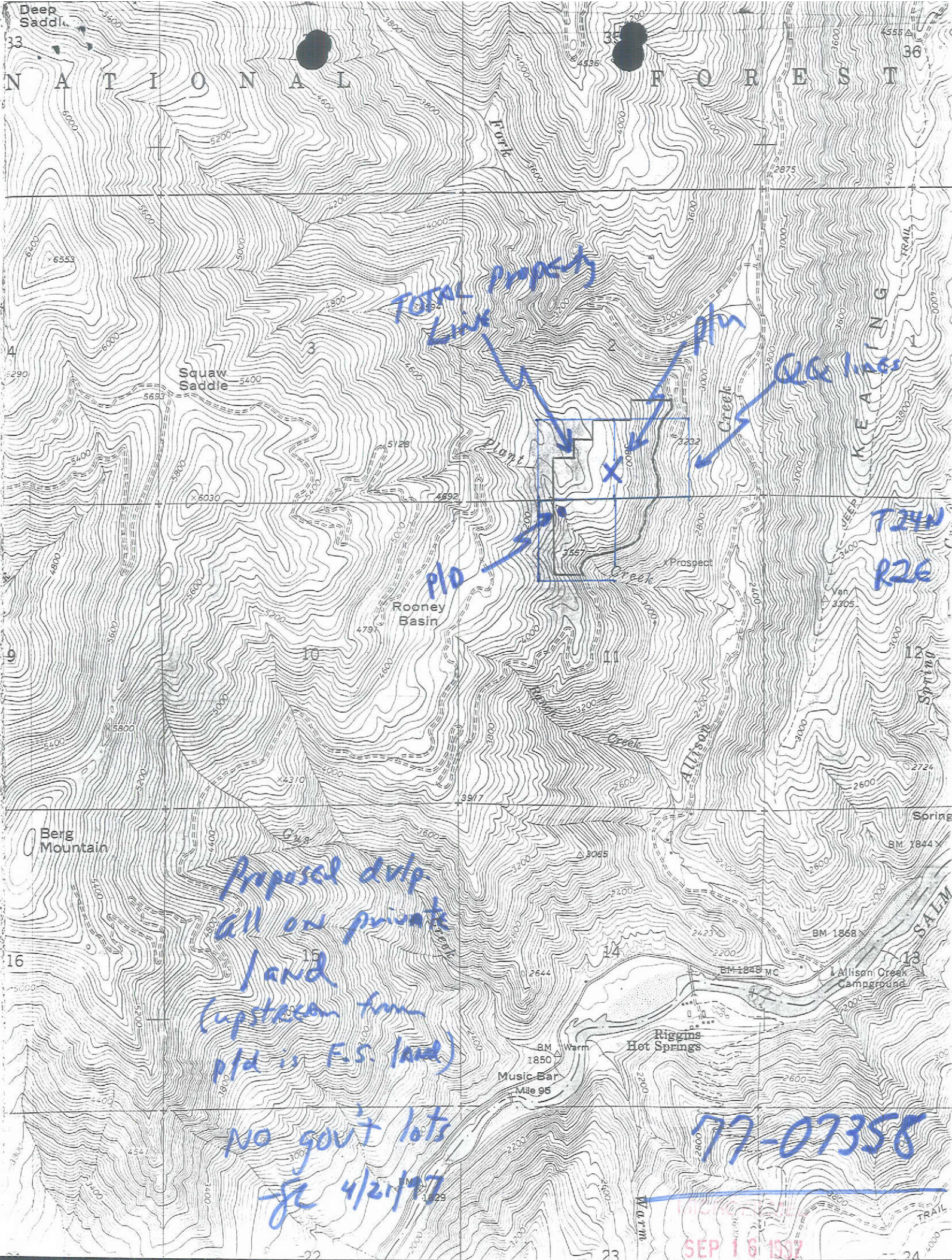




Deep Saddle

NATIONAL FOREST

Squaw Saddle

Rooney Basin

Berg Mountain

Allison Creek

Riggins Hot Springs

Music Bar

Allison Creek Campground

Spring

Q&A lines

T24W R2E

Proposal dulp. all on private land (upstream from p/d is F.S. land)

No gov't lots for 4/21/97

77-07358

SEP 16 1997

RECEIVED

AUG 21 1997

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

NOTICE OF APPLICATION FOR WATER RIGHT

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

77-07358

DONLEY, DOUG
HC 77 BOX 2770

GARDEN VALLEY, ID 83622

Source: PLANT CREEK

Tributary: ALLISON CREEK

Diversion Pt: NENW Sec 11 T 24N R 02E in
IDAHO County.

Use: DOMESTIC (0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 4/21/1997

In: IDAHO County

T24N R02E S02 SESW SWSE

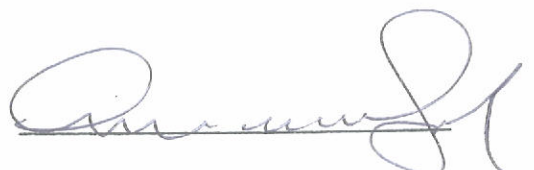
Permits will be subject to all prior water
rights. Protests may be submitted based on
the criteria of Sec. 42-203A, Idaho Code.
Any protest against the approval of this ap-
plication must be filed with the Director,
Dept. of Water Resources, Western Region,
2735 Airport Way, Boise, Idaho 83705 to-
gether with a protest fee of \$25.00 on or be-
fore MAY 27, 1997. The protestant must also
send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 5/7/1997 & 5/14/1997

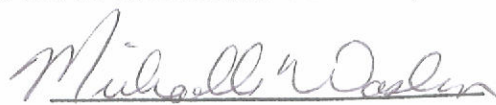
M7-14

Andrew J. Mc Nab, being
first duly sworn, says she is the Publisher
of the IDAHO COUNTY FREE PRESS, a weekly newspaper published
and issued weekly at Grangeville, Idaho county, State of Idaho, and is
of general circulation in said county and state, that the said notice, of
which the one hereto attached is a true copy, was published in said
paper for 2 weeks, being published 2
times, the first publication being on the 7 day of
May, 1997, and the last
publication on the 14 day of May, 1997;
and that the said notice was published in the newspaper proper and not
a supplement; that said newspaper has been continuously and uninter-
ruptedly published in said county during a period of seventy-eight
consecutive weeks prior to the publication of said notice or advertise-
ment.



STATE OF IDAHO }
COUNTY OF }

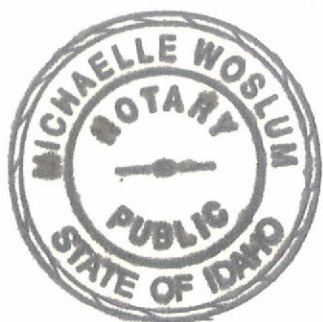
On this 15 day of August in the year of 1997
Before me, a Notary Public, personally appeared
Andrew J. Mc Nab, known or identified to me
to be the person whose name subscribed to the within instrument, and
being by me first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.



Notary Public for Idaho

Residing at Grangeville, ID

My commission expires: 01-16-2002



MICROFILMED
SEP 16 1997

11/99

For Office Use Only
\$25 filing fee 25.00
Receipt # W030880
Date 8/29/03 kg

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP - 2 2003

ASSIGNMENT OF PERMIT
To change the ownership of a permit

Department of Water Resources

I, Douglas Donley, hereby assign to Michael L. Borkovich =
of, 1022 San Remo Blvd. Traverse City, MI 49685
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 77-7358 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 22 day of Aug, 2003.

Douglas Donley
Permit Holder(s)

State of Idaho)

County of Valley)ss

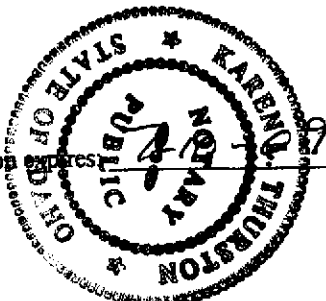
On this 22 day of Aug, 2003, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.

Karen L. Thurston
Notary Public residing at

Cascade, ID

SEAL

My commission expires _____



MICROFILMED

SEP 16 2003

FOR OFFICE USE ONLY
Amt. of Fee \$: 50⁰⁰
Receipt No. W030777
Receipt By: 82
Date Received: 7/28/03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

JUL 29 2003

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. 77-7358 Telephone No. 208-462-3236
 2. Name of Permit Holder(s): DOUG DONLEY
 3. Mailing Address: 13 BRITTANY LANE ~~GARDEN V~~
City GARDEN VALLEY State ID Zip 83622
 4. Source of Water: PLANT CREEK 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): _____
Irrigation (No. of acres): _____ 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: Same Telephone Number: _____
Address: _____
 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: Douglas Donley Date: 7/28/03
(include your title, if on behalf of company or organization)

MICROFILMED

SEP 16 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 20 2002

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. 77-7358
Name(s) of Permit Holder: Doug Donkey
Address: 13 Brittany Lane City Garden Valley State Id Zip 83622
Telephone No. 208-462-3236 Date Proof is Due: Sept 1, 2002

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".)

2" water line for 200' - 1" water line 200'

Base for water line.

Costing \$ 250⁰⁰

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

Private Road special use permit not
approved by Nez Perce Nat Forest UNTIL apr. 2000

Permit holder(s) request an extension to Dec. 31, 2003

(Signature)*

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

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

APPROVED and the time within which to submit proof of beneficial use
is extended to September 1, 2003.

Signed this 21st day of August, 2002

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

MICROFILMED

SEP 16 2003

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 77-07358

Proposed Priority: April 21, 1997

Maximum Diversion Rate:

0.04 CFS

This is to certify, that DOUG DONLEY

HC 77 BOX 2770

GARDEN VALLEY ID 83622

has applied for a permit to appropriate water from:

PLANT CREEK

tributary of ALLISON CREEK

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 11, Township 24N, Range 02E
IDAHO County

PLACE OF USE: DOMESTIC

TWN RGE SEC

24N 02E 2

SESW

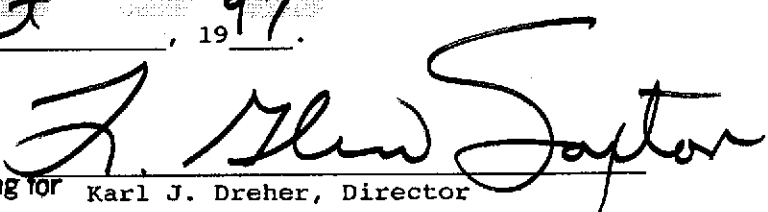
SWSE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 2002.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. 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

25th day of August, 1997.


Acting for Karl J. Dreher, Director

ENCLOSURE

SEP 16 1997

Ident. No. 77-07358STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

RECEIVED
AUG 22 1997

APPLICATION FOR PERMIT

AUG 11 1997

To appropriate the public waters of the State of Idaho

DEPARTMENT OF WATER RESOURCES

1. NAME OF APPLICANT Doug Donley Phone 462-3236
Mailing address HL 77 Box 2770 Garden Valley ID 83622
2. Source of water supply PLANT CREEK which is a tributary of Allison Creek
3. Location of point of diversion is Township 24N Range 2E Sec. 11 in the NE 1/4, NW 1/4, Govt. Lot -, B.M., IDAHO County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount .04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .04 and/or (b) _____
 cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source gravity system - pipe
5/4" ditch
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85° F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____
 Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 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. INDEPENDENCE
 - d. Domestic; show number of households. ONE HOME + yard SEE 10 1997
 - e. Other; describe fully. _____

* Relocating from G. Valley to
 New site - longer period needed
 to finish

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	
24N	2E	02												D				D	-

Total number of acres to be irrigated -

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? } Applicant

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

12. Remarks:

-COMMENTS- Limited use within Salmon River Management guidelines proposed. All development to be on private land (not on adjacent public forest land).

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.

Douglas Rowley
Signature of Applicant (and title, if applicable)

SEP 16 1997

Received by JL Date 4/21/97 Time 12:15 Preliminary check by UP
 Fee \$ 50.00 Receipted by JL # W022152 Date 4/21/97
 Publication prepared by ST Date 4-30-97 Published in Idaho Farm Press
 Publication approved ST (ST) Date 5-27-97 (8-21-97) 5-7-14-97

10

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83725
Boise, Idaho 83720-0098

Return Service Requested

RECEIVED

SEP 12 2003

Department of Water Resources

NO SUCH NUMBER
IN TRAVERSE CITY, MI



FIRST CLASS



WR 11-1358 - Phoned A. Donley - LM
Kari Lynn 9.12.03

Remailed To

PO Box 4148

Traverse City, MI 49685

Phone# 231-929-4927

Kari Lynn - 9.16.03

MICROFILMED

SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 3, 2003

MICHAEL L BORKOVICH
JENNIFER BORKOVICH
1022 SAN REMO BLVD
TRAVERSE CITY MI 49685

RE: Change of Ownership for Water Right 77-7358

Dear Water Right Holder(s):

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

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,

for
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED
SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 18, 2003

DOUG DONLEY
13 BRITTANY LANE
GARDEN VALLEY ID 83622

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-22686

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 these water rights 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, please contact the **Western** Regional Office of the department in Boise (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED

SEP 16 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 77-7358

Reviewed By: dgibson

Date: August 15, 2003

	<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.:		W030777	Well driller's report filed?		
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?		X	Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		07/28/2003
Date proof due	-	09/01/2003
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	04/21/1997
New priority date	=	04/21/1997

Deficiencies of Actions Items

Acknowledge proof.

June 30, 2003

DOUG DONLEY
13 BRITTANY LN
GARDEN VALLEY, ID 83622

PROOF DUE NOTICE

RE: PERMIT NO. 77-7358

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed 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.

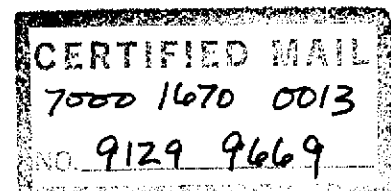
Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

SEP 1 8 2003





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 21, 2002

DOUG DONLEY
13 BRITTANY LANE
GARDEN VALLEY ID 83622

RE: PERMIT NO. 77-7358

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit that extends the time within which to submit proof of beneficial use to **September 1, 2003**. Please note that the department granted the extension based on due diligence. Therefore, it is important that you work diligently towards completion of the project since the department may not be able to grant future extension requests based on due diligence.

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

Please contact the department, if you have any questions regarding this matter.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

SEP 16 2003



United States
Department of
Agriculture

Forest
Service

Nez Perce National Forest

Route 2, Box 475
Grangeville, ID 83530
(208) 983-1950
TTY: (208)983-2280

File Code: 2720

Date: November 17, 1999

Douglas and Janice Donley
HC 77, Box 2770
Garden Valley, ID 83622

Dear Douglas and Janice,

Enclosed please find a Private Road Special Use Permit to maintain a road to access your private property located in NW1/4 Sec. 11, T. 24 N., R. 2 E., and SW1/4 Sec. 2, T. 24 N., R. 2 E., Boise Meridian. A Maintenance Agreement is also enclosed.

Please sign the permit where indicated and return them to this office. An approved copy will be sent to you.

There is an annual fee for this use. Initially, the payment is \$67.88. You will receive a bill soon after December 1 each year with a payment due date of January 1 with payment instructions. In lieu of that you can opt to make a lump sum payment for the life of the permit. If you wish to make the lump sum payment please call Jennifer Stephenson at the phone number above so she can process your bill correctly. Call Jennifer with any questions about your billing.

If you have any questions, please contact Jack Carlson, District Ranger at (208) 839-2211 or Daryl Mullinix at the phone number above.

Sincerely,

Bruce E. Bernhardt
BRUCE E. BERNHARDT
Forest Supervisor

Enclosures

Att. Alan

*would you please look this
over before we sign*

MICROFILMED

SEP 16 2003

Done



Caring for the Land and Serving People

Printed on Recycled Paper



ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.: 77-7358

Reviewed By: dgibson

Date: August 20, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Request received timely?	X		Is delay by a government agency?	X	
Appropriate fee	X		Is supporting documentation needed to support the file?		X
Additional Amount Due:					
Receipt No.:	C064087		Has the permit been involved in litigation?		X
Name and signature same as permit?	X		Is supporting documentation needed to support the file?		
Is address same as permit?		X	Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		X
Has adequate work been completed to demonstrate due diligence?	X				

Priority Calculation

Extension request received	08/20/2002	New proof due date	09/01/2003
Date proof due	- 09/01/2002		
Lapse notice sent	-		
No. of days late	= 0		
Holiday allowance	+		
Priority date	+ 04/21/1997		
New priority date	= 04/21/1997		

Action Taken

Update address. Acknowledge request and extend proof deadline to September 1, 2003.

June 30, 2002

DOUG DONLEY
HC 77 BOX 2770
GARDEN VALLEY, ID 83622

PROOF DUE NOTICE

RE: PERMIT NO. 77-7358

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed 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.

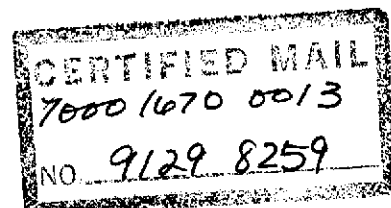
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

Sincerely,

Deborah J. Gibson, Admin. Asst.
Water Allocation Bureau

Enclosures

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 25, 1997

DOUG DONLEY
HC 77 BOX 2770
GARDEN VALLEY ID 83622

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 77-07358

Dear Permit Holder:

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

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

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

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

Also, 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 to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

SEP 16 1997

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

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

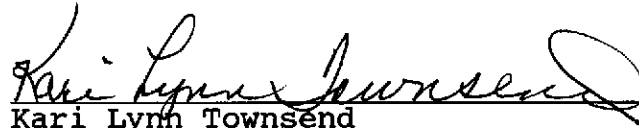
RECORDED
SEP 16 1987

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of August, 1997, 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. 77-07358

DOUG DONLEY
HC 77 BOX 2770
GARDEN VALLEY ID 83622


Kari Lynn Townsend
Secretary

RECORDED

SEP 18 1997

07/97

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by Cindy Lou

No.: 77-1358 Name: Donley Date: 8/25/97 Ad OK? ☒ / Gvmt Lts: ☒

AREA OF CONCERN: dom. exempt No/Yes: S/C Mor / _____ GWMA / Trust / Non-trust
PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

1 year/no proof
>1 year

- P16
- 26A-P17

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

>0.24 cfs/5 acres
≤ 0.24 cfs/5 acres

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

WMD >0.24 cfs

- 01M (report when notified)

>5 a.

- 01M; 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

≤ 0.24 cfs/5 acres

- No MD

DRILLING PERMIT:

Existing well

- NA (pre 7/1/87; ✓ WDQ3)

Included w/permit

- Permit No. _____ - _____ - _____ - _____ P99

No drilling permit?

- 046-46B-P23 (post 7/1/87)

irr. in WD

- P05 (new well location)

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

IN MIN. STR. FLOW (✓ MAP)

- (modify remark *WB9) appl 79-7229 pending

WD (✓ MAP & LISTING)

- R04 (WD # _____)-01J-P08 (MD)

Pumped >0.20 cfs

- 01H-P01 (LD & MD) or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- _____ 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

RIVER BASINS: (*Surface water):

Snake R (01)

- 11A-P04, NA

(02/03-irr)

- 007-P07 (w/ remark *WB9 if above Weiser), NA

Boise R (63)

- 05A (if WD), 11E (not 42-111 use), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

>1 in rest. area

- 070-071- P53

Fish Propagation

- 07A-042 (req)-09E (WQ)-P10; 044 (N of 1000 Springs)

Irr ≤ 5 acres

- 057 (0.03 cfs/acre)

> 5 acres

- 03A (0.02 cfs/acre)

Mining

- 054 (req) & 09E-P10

Muni (in restricted areas)

- 022, 075, 004 (+memo?)

Power

- 17K-08A-025-01F(P19)-028-09E(P10); 027 (if no other cons. use);

Storage (✓ 3 compo.)

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

- 080; 18A (in- & out-flow MD within district), 18B-P09 (>10' dam),

LOCATION:

42-248 area

- P84 (in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Irr Dist/Canal Co.

- 023 (Twin Falls area)

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:

- 1001/1

BENEFICIAL USE DUE:

- 9/1/ 2002

COMMENTS:

5/96

RECEIVED

AUG 22 1997

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

AUG 01 1997

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: 6 DATE: 4/28/97 APPLICATION: 77-07358

DEPARTMENT OF WATER RESOURCES

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Fee:
- ☒ Yes ☐ No* In form to receipt:

Gov't. Lots:

☒ P/D☒ P/UADDITIONAL INFORMATION

YES NO

- ☒ N/A ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ Overlapping point of diversion.
- ☒ Field check required: Field check by: _____
- ☒ Field report attached:
- ☒ Critical groundwater area:
- ☒ Groundwater management area:
- ☒ 1992 moratorium: exempt
- ☒ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ Copy to Dam Safety staff: (for any storage)
- ☒ Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
- ☒ Send power requirement letter:
- ☒ Send fish farm requirement letter:
- ☒ Power residency affidavit:
- ☒ Power efficiency form:
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED

ADDITIONAL INFORMATION ON REVERSE SIDE:

PROCESSING

APP. NO. 77-07358

YES NO

☒ ☒ In form for advertising:☒ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)☒ ☒ Fee amount, receipt number and date recorded on application:SEND COPIES TO:

YES NO

☒ ☒ I.D. Health & Welfare
☒ ☒ I.D. District Health
☒ ☒ I.D. Fish & Game
☒ ☒ I.D. Lands
☒ ☒ Adjudication Bureau

YES NO

☒ ☒ U.S. BLM
☒ ☒ U.S. Forest Service
☒ ☒ Water Dist. # _____
☒ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☒ Affidavit of publication received:
☒ ☒ Application published correctly: If not, record action taken.

☒ ☒ Publication dates and paper recorded on application:

☒ ☒ Protests received. Final date for protest 5-27-97

☒ ☒ Protest dates, resolution of protest recorded on application:

☒ ☒ Recommendations attached:

☒ ☒ Measuring device required:

☒ ☒ Measuring port required:

☒ ☒ Water delivered by water master? District # _____

☒ ☒ Special conditions of approval or cover letter: _____

See below for additional information

Recommended Date or Priority 4/21/97

Recommended by: Gary S Date: 7/26/97

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

RECEIVED

AUG 21 1997

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

NOTICE OF APPLICATION FOR WATER RIGHT

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

77-07658

DONLEY, DOUG
HC 77 BOX 2770

GARDEN VALLEY, ID 83622

Source: PLANT CREEK

Tributary: ALLISON CREEK

Diversion Pt: NENW Sec 11 T 24N R 02E in
IDAHO County,

Use: DOMESTIC (0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 4/21/1997

In: IDAHO County

T24N R02E S02 SESW SWSE

Permits will be subject to all prior water
rights. Protests may be submitted based on
the criteria of Sec. 42-203A, Idaho Code.
Any protest against the approval of this ap-
plication must be filed with the Director,
Dept. of Water Resources, Western Region,
2735 Airport Way, Boise, Idaho 83705 to-
gether with a protest fee of \$25.00 on or be-
fore MAY 27, 1997. The protestant must also
send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 5/7/1997 & 5/14/1997

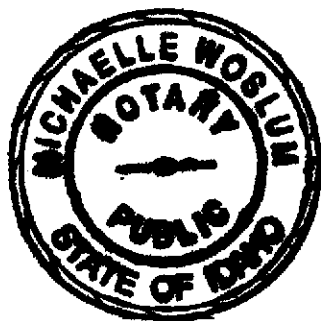
387-14

Andrew J. Mc Nab, being
first duly sworn, says she is the Publisher
of the IDAHO COUNTY FREE PRESS, a weekly newspaper published
and issued weekly at Grangeville, Idaho county, State of Idaho, and is
of general circulation in said county and state, that the said notice, of
which the one hereto attached is a true copy, was published in said
paper for 2 weeks, being published 2
times, the first publication being on the 7 day of
May, 1997, and the last
publication on the 14 day of May, 1997;
and that the said notice was published in the newspaper proper and not
a supplement; that said newspaper has been continuously and uninter-
ruptedly published in said county during a period of seventy-eight
consecutive weeks prior to the publication of said notice or advertise-
ment.

STATE OF IDAHO }

COUNTY OF }

On this 15 day of August in the year of 1997
Before me, a Notary Public, personally appeared _____
Andrew J. Mc Nab, known or identified to me
to be the person whose name subscribed to the within instrument, and
being by me first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.



Michelle Woblum
Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 01-16-2002

MICROFILMED
SEP 16 1997

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before MAY 27, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 5/ 7/1997 & 5/14/1997

RECEIVED
SEP 16 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

APRIL 30, 1997

Legal Notices Department
Idaho County Free Press
P.O. Box 267
Grangeville, ID 83530

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 27, 1997.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Sue'.

SUE TAYLOR
Secretary/Office Coordinator

Encl.

SEP 16 1997

77-07358

DONLEY, DOUG
HC 77 BOX 2770
GARDEN VALLEY, ID 83622

Source: PLANT CREEK

Tributary: ALLISON CREEK

Diversion Pt: NENW Sec 11 T 24N R 02E in IDAHO County.

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

Date Filed: 4/21/1997

In: IDAHO County
T24N R02E S02 SESW SWSE

FILED

SEP 18 1997