

87-07216

Twp 40N

Rng. 5W

Sec. 22

NWSE



87-07216



Photo 1. Showing Pond.



Photo 2. Showing Pond Outlet.

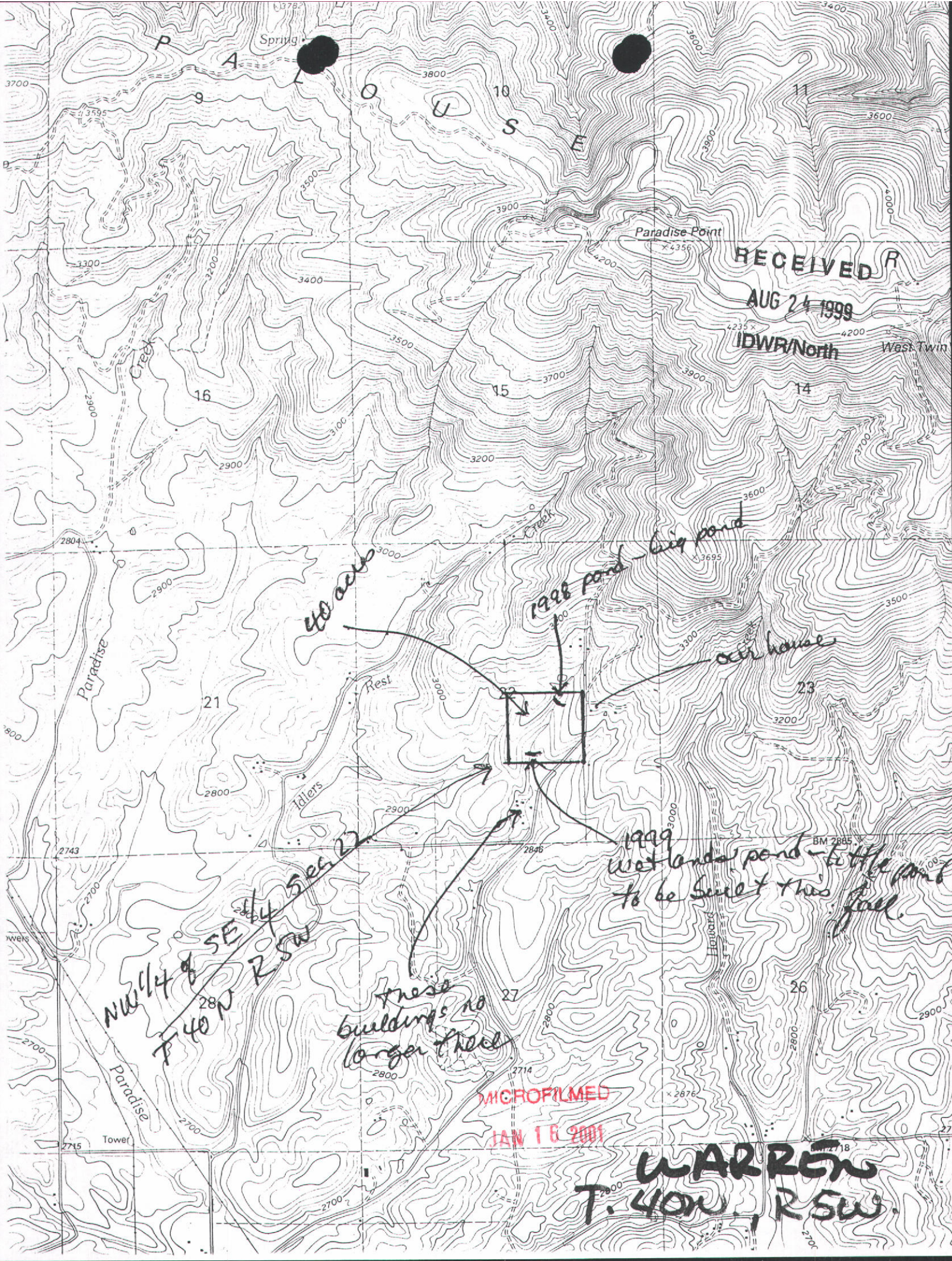
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SEP 22 2003

87-07216



Photo 3. Showing Emergency Spillway.

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SEP 22 2003



Spring

Paradise Point

RECEIVED R

AUG 24 1999

IDWR/North

West Twin

40 acre

1998 pond - big pond

air house

1999 wetlands pond - little pond to be swept this fall

these buildings no longer there

NW 1/4 & SE 1/4 Sec 22
T. 40N R. 5W

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JAN 16 2001

WARREN
T. 40N, R 5W

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 30 2000

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 87-07216 Telephone No. 208-882-7691

2. Name of Permit Holder(s): Jon Warren

3. Mailing Address: 3220 West Twin
City Moscow State Id Zip 83843

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): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: WILDLIFE STORAGE

6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 6.0 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: \$ 50⁰⁰ (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: Jon Warren Telephone Number: 208-882-7691

Address: 3220 West Twin Moscow, Id

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: Jon Warren MICROFILMED Date: 10-27-2000
(include your title, if on behalf of company or organization)

JAN 15 2001

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 87-07216

Priority: August 20, 1999

Maximum Storage Volume:

6.0 AF

This is to certify, that JON WARREN

3270 W TWIN RD

MOSCOW ID 83843

has applied for a permit to appropriate water from:

UNNAMED STREAM

tributary of PARADISE CREEK

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>
WILDLIFE STORAGE	01/01 to 12/31		6.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 22, Township 40N, Range 05W
LATAH County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

40N 05W 22

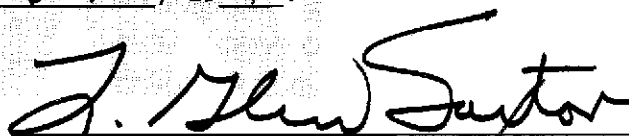
NWSE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before December 1, 2000.
2. Subject to all prior water rights.
3. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
4. Wildlife storage is a pond for wildlife habitat improvement.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

24th day of November, 1999.



Karl J. Dreher, Director

for

MICROFILMED

JAN 16 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 87-07216

RECEIVED

NOV 22 1999

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of applicant JAN WARREN Phone 208-882-7691
Post office address 3270 W Twin Rd. Moscow, Id 83843
2. Source of water supply unnamed ~~stream~~ STREAM which is a tributary of Paradise Creek
3. Location of point of diversion is 1/4 of NW 1/4 of SE 1/4, Govt. Lot
Sec. 22 Township 40 N Range 5 W B.M. Latah County; additional
points of diversion if any:
4. Water will be used for the following purposes: Wildlife Habitat & Shallow Water
Amount 6.0 for WILDLIFE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) STORAGE FOR Development
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) cubic feet per second and/or (b) 7.5 ac. ft. 6.0 acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. ~~NOTE~~ Applying to store
7.5 ac. ft. total in 2 ponds for wildlife habitat improvement.
1998 Dam: 18 ft. 1998 Dam: 6 a.f.
b. Height of storage dam ~~1999 9.9 ft.~~ feet; active reservoir capacity ~~1999 2.15 ac. ft.~~ acre-feet; total
reservoir capacity 7.5 acre-feet; period of year when water will be diverted to storage:
year around to inclusive.
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 90°F being sought? N/A
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
~~Fall 1999~~ years (minimum 1 year).

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JAN 18 2001

8. Description of proposed uses (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. N/A
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of households. N/A
- e. Other; describe fully. Wildlife Habitat & Shallow water Development.

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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
40N	5W	22														W			(STORAGE)
~~40N~~	~~5W~~	~~22~~														~~A~~			

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. N/A

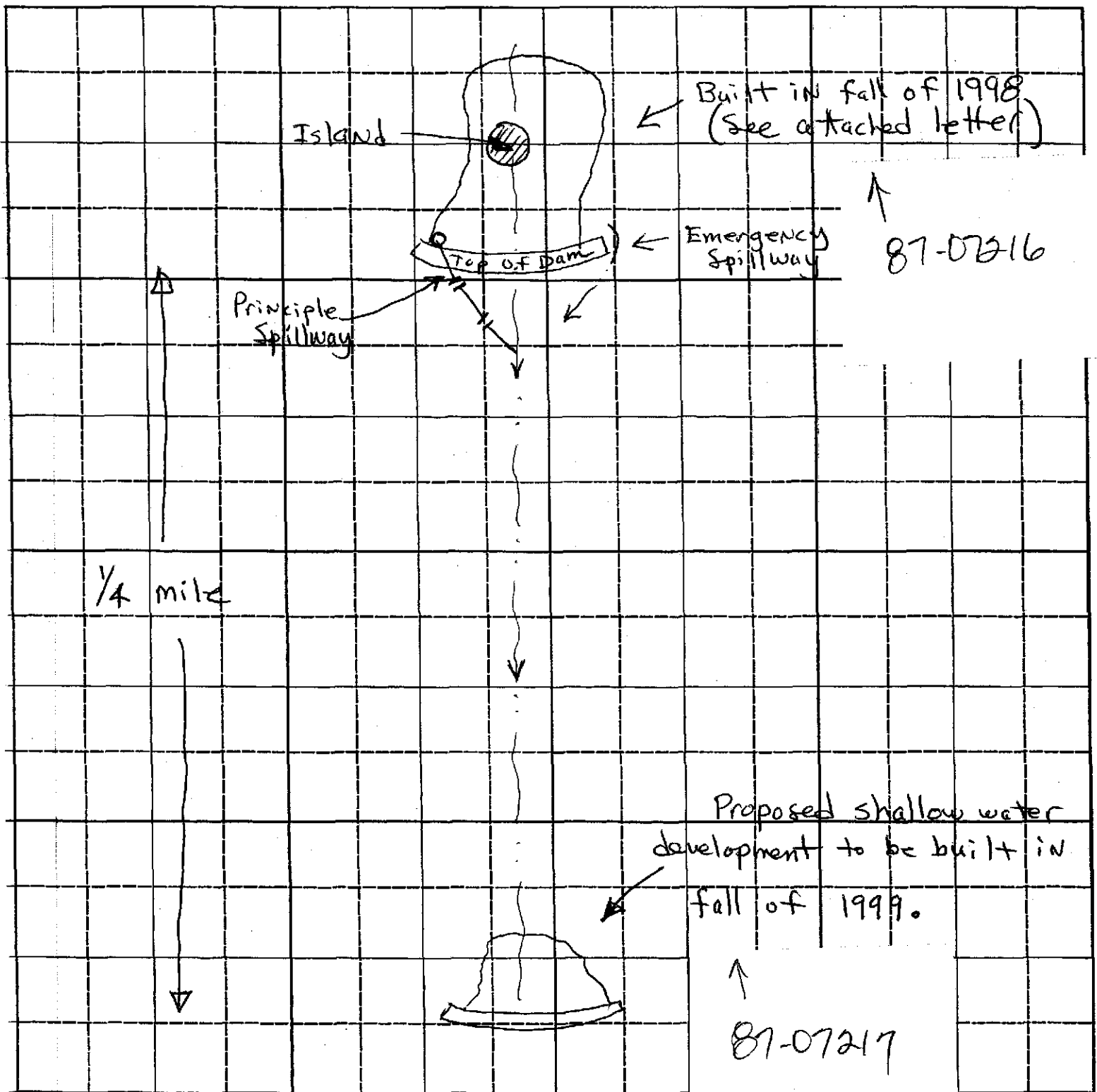
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? —
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. —

12. Remarks: NRCS designed both the 1998 and 1999 ponds, and made and will make periodical inspections during construction. Fish And Game and NRCS are partially funding both projects.

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JAN 16 2001

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile Not To Scale

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

JAN 16 2001

Jon Warren
(Applicant)

8-16-99

Received by db Date 8/18/99 Time 1130a Preliminary check by _____
Fee \$ \$50.00 Received by db # N013161 Date 8/18/99
Publication prepared by db Date 9/28/99 Published in Moscow Fullman Daily News
Publication approved db Date 10/26/99 10/7 + 14/99

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

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JAN 15 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JUN 13 2003

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 87-07216

1. Owner: Jon Warren

Phone No. (208) 882- 7691

Current Address: 3270 W. Twin Rd. Moscow, ID 83843

2. Accompanied by: Jon Warren

EXAM DATE: July 20, 2001

Address: See Above

Phone No. See Above

Relationship to Permit Holder: Permit Holder

3. Source: Unnamed Stream

tributary to: Paradise Creek

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
			NW	SE	22	40N	5W	Latah	7 1/2 min. topographical map

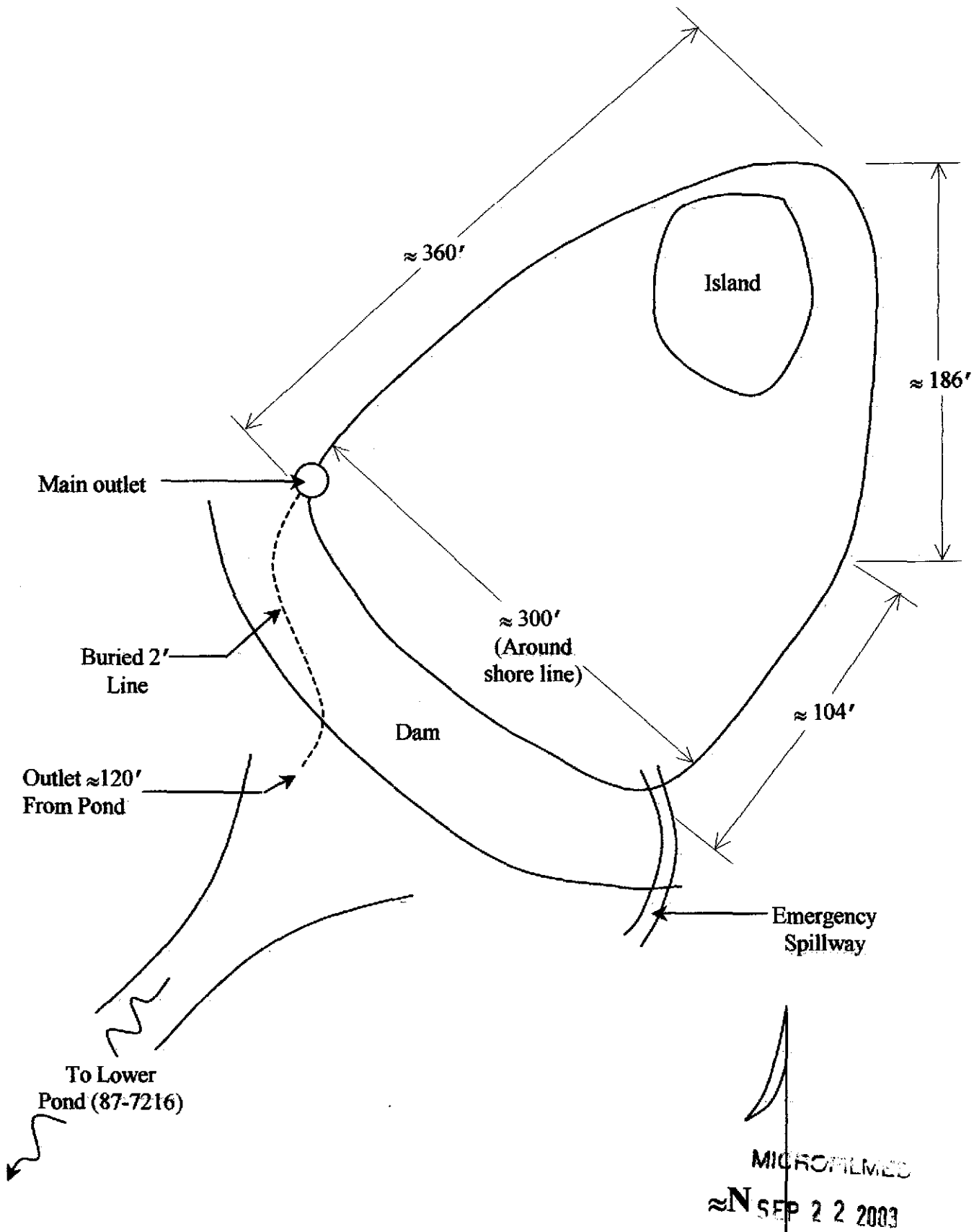
2. Place(s) of Use:

Indicate Method of Determination: 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	
40N	5W	22														W			

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SEP 22 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

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

No Aerial Photo Attached

Yes Photo of Diversion and System Attached (required for irrigation of 10+ acres)

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
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
NA						

2. Measurements:

There was no flow into or out of the pond on the day of the exam (July 20, 2001). Volume measurements are taken from *Construction Completion Report* dated 11/3/99 (File No. D87-7216).

E. NARRATIVE/REMARKS/COMMENTS

The Point of Diversion (POD) is listed as an unnamed stream. That unnamed stream is seasonal and is supplied by spring run-off. A dam constructed across part of the draw serves as the lower boundary of the pond (*Photo 1*). The specifications of that dam are found in the *Construction Completion Inspection Report*; a copy of which is included with this report (see also File No. D87-7216). The pond volume data used in this report is from the inspection report.

The outlet for the pond is an overflow located on the west side of the pond (*Photo 2*). The overflow intake is a vertical, buried, twenty-four inch (24") line that is capped with a conical debris screen. The overflow line continues underground to a point where it empties back into the streambed approximately one hundred twenty feet (120') below the pond. The place of exit is lined with rock.

An emergency overflow is located on the east side of the dam and consists of a slight depression between the dam and pond bank (*Photo 3*). This depression is lined with grass.

This water right (87-07216) was inspected at the same time as water right 87-07217. That water right (also owned by Jon Warren) is also for Wildlife Storage and consists of a pond located about one-quarter (1/4) mile down stream from this pond.

Have conditions of permit approval been met?

X Yes no

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SEP 22 2003

F. FLOW CALCULATIONS

Measured Method:

The stream is seasonal and is supplied by spring run-off. There was no flow into or out of the pond on the day of the exam (July 20, 2001).

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:

Wildlife Storage:

6 AFA

From *Construction Completion Inspection Report* (File No. D87-7216).

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Wildlife Storage	1/1	12/31		6.0
	Totals:			6.0

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: August 12, 2001

Signature

Jim Zimmerman MICROFILMED
SEP 22 2003

Permit No.: 87-7216

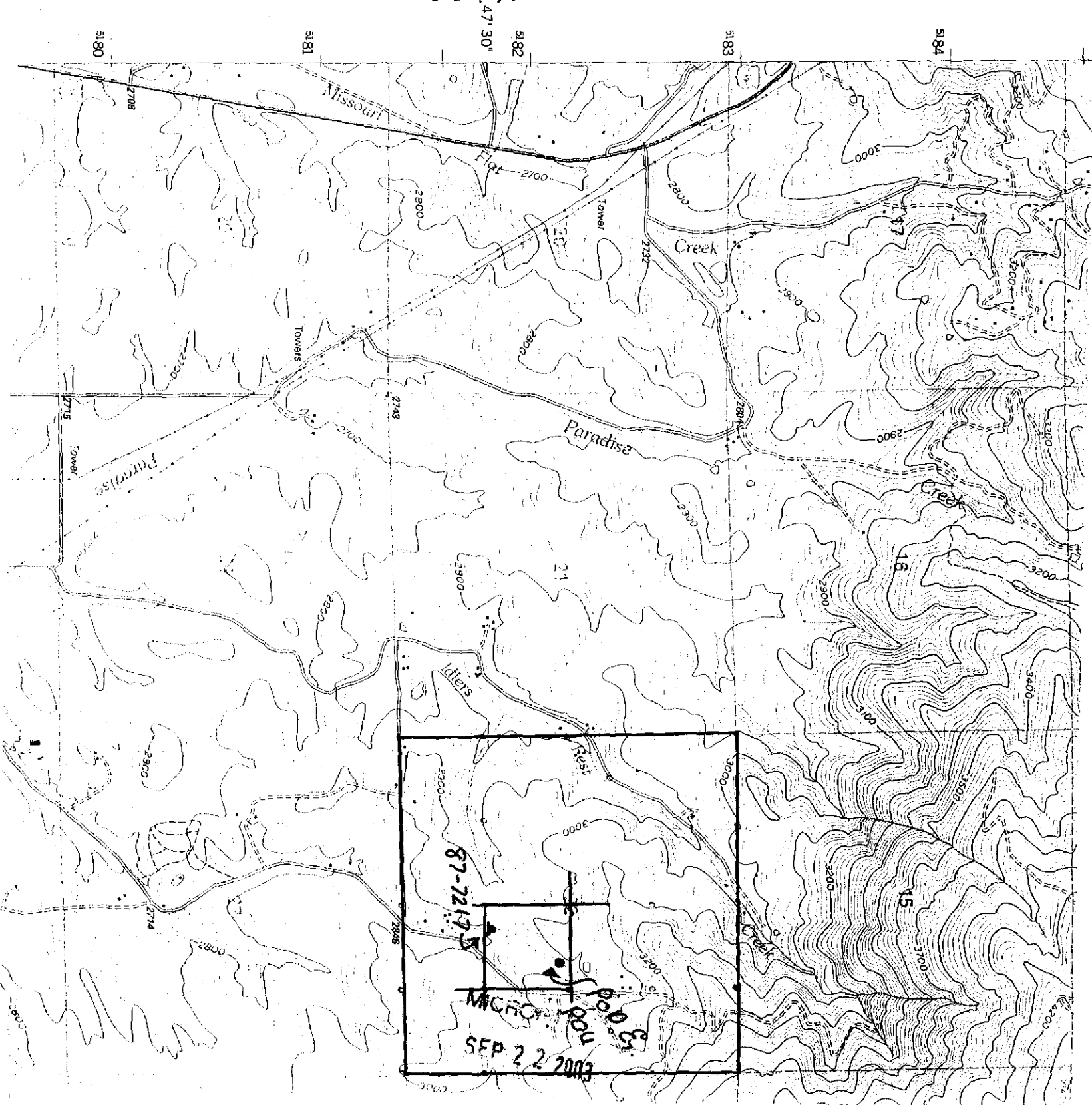
87-07216

Twp 46N

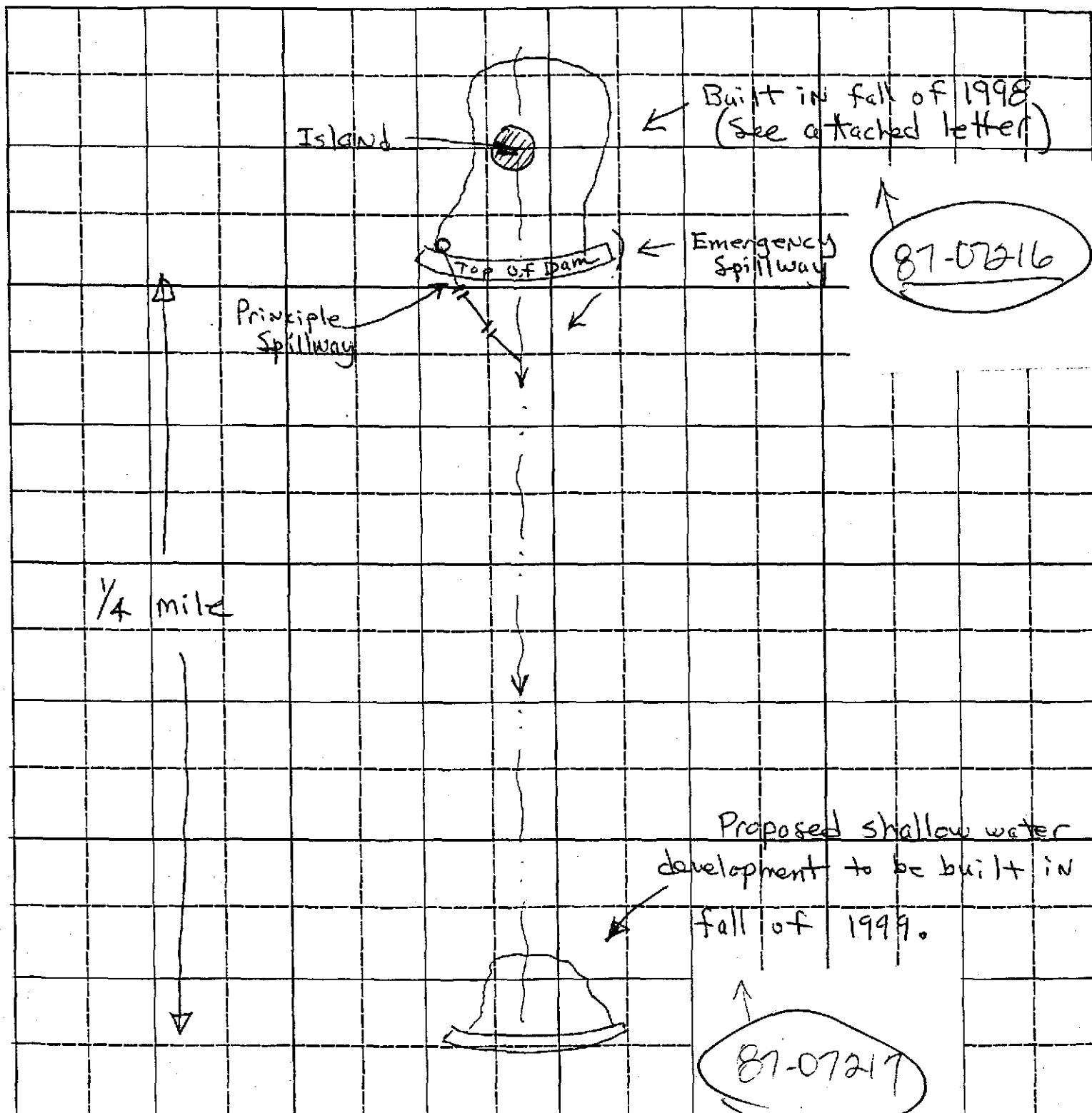
Rng. 5W

NWSE

Sec. 22



13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile. Not To Scale

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

SEP 22 2003

Jon Warren 8-16-99
(Applicant)

87-07216



Photo 1. Showing Pond.



Photo 2. Showing Pond Outlet.

87-07216



Photo 3. Showing Emergency Spillway.

MOBILE

SEP 2 1 1987

State of Idaho
Department of Water Resources

CONSTRUCTION COMPLETION INSPECTION REPORT

Use this form for all small dams, including dams to be placed on the 5-year listing, when the final inspection of the dam is conducted, after construction is completed. Complete the form accurately, based on field measurements.

DAM NAME Warren No. 2 FILE NO D87-2216
OWNER Jon Warren ☐ NEW OWNER PHOTOS: Yes
(208)882-7691
ADDRESS AND PHONE NO. 3270 W. Twin Road, Moscow, ID 83843
(fill out address and phone no. only if info has changed or if new owner)
DAM LOCATION NW 1/4, SE 1/4, SEC 22, TWSHP 40 N., RANGE 5 W
RESERVOIR AREA (est.) 1.25 ACRES. RESV CAPACITY (est.) 6 AC-FT
STRUCTURAL HEIGHT OF DAM 20 FT. HYDRAULIC HEIGHT 18 FT
CREST LENGTH OF DAM 250 FT. CREST WIDTH OF DAM 12+ FT
DOWNSTRM SLOPE 4:1 UPSTRM SLOPE 3:1 FREEBOARD 2 FT
OUTLET SIZE AND TYPE None
SERVICE SPILLWAY TYPE 24" HDPE
EMERGENCY SPILLWAY TYPE Grass lined side channel
SPILLWAY DEPTH: SERVICE SPILLWAY 2.5 FT EMERGENCY SPILLWAY 2 FT
SPILLWAY BASEWIDTH 10 FT. SIDESLOPES: LT 2:1 RT 2:1
☒ DAM DESIGNED BY SCS ☐ ASBUILT PLANS ARE AVAILABLE

REMARKS OR ADDITIONAL INFORMATION

See the SCS letter with the application

INSPECTOR

David Deed

DATE

11/3/99



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

October 31, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JON WARREN
3270 W TWIN RD
MOSCOW ID 83843

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NOS. 87-07216 and 87-07217

Dear Permit Holder:

The department acknowledges receipt of the proofs of beneficial use forms submitted for the above referenced permits. 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.

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 concerning the field examination, please contact the **Northern** Regional Office of the department in Coeur d'Alene at (208) 769-1450.

Sincerely,

Deborah Gibson
Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

JAN 15 2001

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 87-07216 Reviewed by D. Gibson Date 10/31/00

GENERAL CONSIDERATIONS

Yes Name same as permit?
Yes Address same as permit?
Yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Wildlife Storage

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

10/30/00

Date proof due

12/1/00

No. of days late

/ = /

Priority Date

/ + /

New Priority Date

/

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof

DATA ENTRY

New Address /

Proof Made 10/30/00

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

0050946

Date:

Time: 10/30/2000

14:49:41

Received

From: WARREN JON OR KATHLEEN

Type of Payment

Program A cct

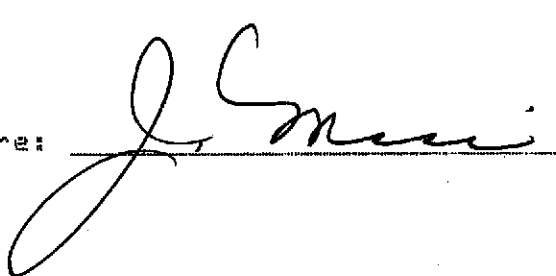
Amount

PROOF OF BENEFICIAL USE # 87-07216	56104	229 21 1155	50.00
PROOF OF BENEFICIAL USE # 87-07217	56104	229 21 1155	50.00

Total \$ 100.00

CHECK 2193

Region: STATE

Signature: 

MICROFILMED

JAN 16 2001

10-27-2000

Dear Mrs. Gibson,

Here's the proofs on the
upper + lower ponds # 87-07217
+ 87-07216 and check for 100°
for the 50° fee on each pond.

Lower pond generated now. Just
come in from harrowing in the
erosion control grass seed.

(Dope I've filled these out
right. If not, please call me
at 208 882-7691.

Thanks for your help.

Sincerely

Jon Warren

RECEIVED

OCT 30 2000

Department of Water Resources

MICROFILMED

JAN 16 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 KEMP THORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

September 30, 2000

JON WARREN
3270 W TWIN RD
MOSCOW ID 83843

OCT 5 - 2000

Department of Water Resources

PROOF DUE NOTICE

RE: PERMIT NO. 87-07217 + 87-07216

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 December 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.

10-2-2000

SINCERELY,

Deborah Gibson

DEBORAH GIBSON
Administrative Assistant

Dear Mr. Gibson,

Thanks for the reminder.

Upper pond is done; lower pond under construction. Waiting

Enclosures

more rain so clay will compact better

Don't think I'll need an extension & will be filling out both Proofs when lower pond is finished.

MICROFILMED

Thank you! Jon Warren

SEP 15 2000

September 30, 2000

JON WARREN
3270 W TWIN RD
MOSCOW ID 83843

PROOF DUE NOTICE

RE: PERMIT NO. 87-07216

Dear Permit Holder:

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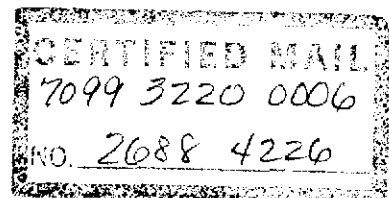
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SINCERELY,

DEBORAH GIBSON
Administrative Assistant

Enclosures

MICROFILMED
JAN 15 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

November 26, 1999

JON WARREN
3270 W TWIN RD
MOSCOW ID 83843

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 87-07216

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.

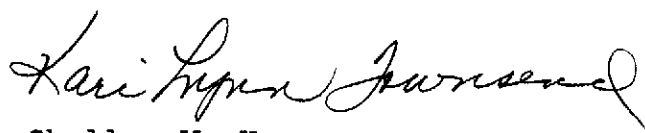
The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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.

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

Sincerely,


for Shelley W. Keen
Water Rights Supervisor

SK:klt

MICROFILMED

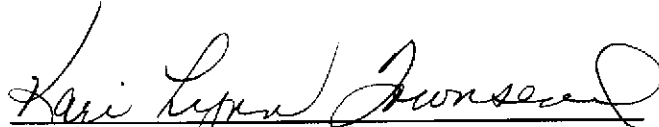
JAN 18 2001

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of **November, 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. 87-07216

JON WARREN
3270 W TWIN RD
MOSCOW ID 83843


Kari Lynn Townsend
Secretary

MICROFILMED

JAN 16 2001

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.

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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.

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APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 11/23/99

No. 87-07246 Name: Warren Corp. Officers N/A Ad ok ☒ Govt Lots

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

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
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) - 065-079
Supp irr (+ other uses) - 100-101
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

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-18E(P09) NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCK WATER - 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

BENEFICIAL USE DUE: 12/01/2000

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
Development Period
≤ 1 yr - P16
→ 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response None objection
In/Above MSF - WB9
PLANNING SECTION 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

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)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2400 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼ - 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 pd intended - 076

OTHER CONDITIONS/REMARKS

WS/ponds for wildlife habitat improvement.

COMMENTS

IDA DEPARTMENT OF WATER RESOURCES
APPROXIMATION APPLICATION ANALYSIS SHEET

RECEIVED

NOV 22 1999

WR1
BCA
WRA

APPLICATION # 81-07216

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: WARREN

BY: AS

DATE: 8/20/99

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)

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

PROCESSING

(Yes) (No)

PRIORITY DATE: 8/20/99

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

ADVERTISE IN: LATANA 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:	TAG #	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:

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

Notice of pending void order issued. Final order response date: 1/1/

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 AS

Protests received, Final protest date: 10/25/99

Measuring device required

Measuring port required

Special conditions:

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

Approval Recommended by: AS

Date: 11/19/99

Memorandum

RECEIVED

Date: November 19, 1999

NOV 22 1999

To: File 87-07216

Department of Water Resources

From: Al Beardslee

RE: Surface water approval from Idaho Fish and Game Dept.

~~~~~

Mr. Greg Survheen, of Idaho Department of Fish and Game, Lewiston office, was contacted prior to regional approval of this filing. After reviewing the Application for Permit with Mr. Survheen, he had no problem with it's approval.

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JAN 16 2001

## Affidavit of Publication

STATE OF IDAHO

County of Latah

ss

Barbara Young

Legal Clerk

being first duly sworn, on oath deposes  
and says:

That she is the printer of Moscow-  
Pullman Daily News, a newspaper of  
general circulation, printed and pub-  
lished daily except Sunday at Moscow,  
Latah County, Idaho, in compliance  
with Sections 60-106, 60-107, and 60-  
108 of the Idaho code and the amend-  
ments thereto; that the notice of which  
the annexed is a full, true and correct  
printed copy was published in the reg-  
ular and entire issues of said newspa-  
per and not in a supplement thereto,  
upon the following dates:

Oct 7, 14, 1999

the same being the date designated for  
the publication of said notice.

Barbara Young

On this 21 day of October  
in the year of 1999, before a Notary

Public, personally appeared

Barbara Young

known or identified to me to be the person  
whose name subscribed to the within instru-  
ment, and being by me first duly sworn,  
declared that the statements therein are true,  
and acknowledged to me that he executed  
the same.

Colleen Robbins

Notary Public for Idaho

Residing at Moscow, Idaho

My Commission expires 12/4/2004

## NOTICE OF APPLICATION FOR WATER RIGHT

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

87-07216

WARREN, JON, 3270 W TWIN  
RD, MOSCOW, ID 83843

Source: UNNAMED STREAM,  
Tributary: PARADISE CREEK

Diversion Pt: NWSE Sec 22 T  
40N R 05W in LATAH County.

Use: WILDLIFE STORAGE ( 6.00 AF)

Total Diversion: ( 6.00 AF) *ok*

Date Filed: 8/20/1999

In: LATAH County, T40N R05W  
S22 NWSE

87-07217

WARREN, JON, 3270 W TWIN  
RD, MOSCOW, ID 83843

Source: UNNAMED STREAM,  
Tributary: PARADISE CREEK

Diversion Pt: NWSE Sec 22 T  
40N R 05W in LATAH County.

Use: WILDLIFE STORAGE ( 1.50 AF)

Total Diversion: ( 1.50 AF)

Date Filed: 8/20/1999

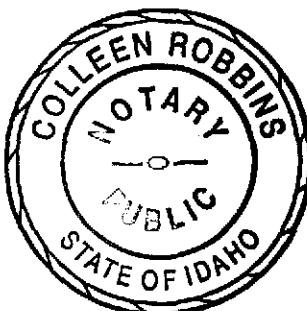
In: LATAH County, T40N R05W  
S22 NWSE

For additional information con-  
cerning 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  
OCTOBER 25, 1999.

KARL J. DREHER, Director  
October 7, 14, 1999

RECEIVED  
OCT 25 1999  
IDWR/North



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JAN 16 2001

87-07216

WARREN, JON  
3270 W TWIN RD  
MOSCOW, ID 83843

Source: UNNAMED STREAM

Tributary: PARADISE CREEK

Diversion Pt: NWSE Sec 22 T 40N R 05W in LATAH County.

|                       |   |          |
|-----------------------|---|----------|
| Use: WILDLIFE STORAGE | ( | 6.00 AF) |
| Total Diversion:      | ( | 6.00 AF) |

Date Filed: 8/20/1999

|                  |      |
|------------------|------|
| In: LATAH County |      |
| T40N R05W S22    | NWSE |

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JAN 15 2001

September 29, 1999

Jon Warren  
3270 W Twin Rd.  
Moscow ID 83843

Re: Water Appropriation Application No. 85-07216 and 85-07217

Dear Mr. Warren:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Applications for Permits 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 numbers in all future matters concerning this water right application. Enclosed for your file is Receipt Number N013161 and N013168.

Your appropriation applications are 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.

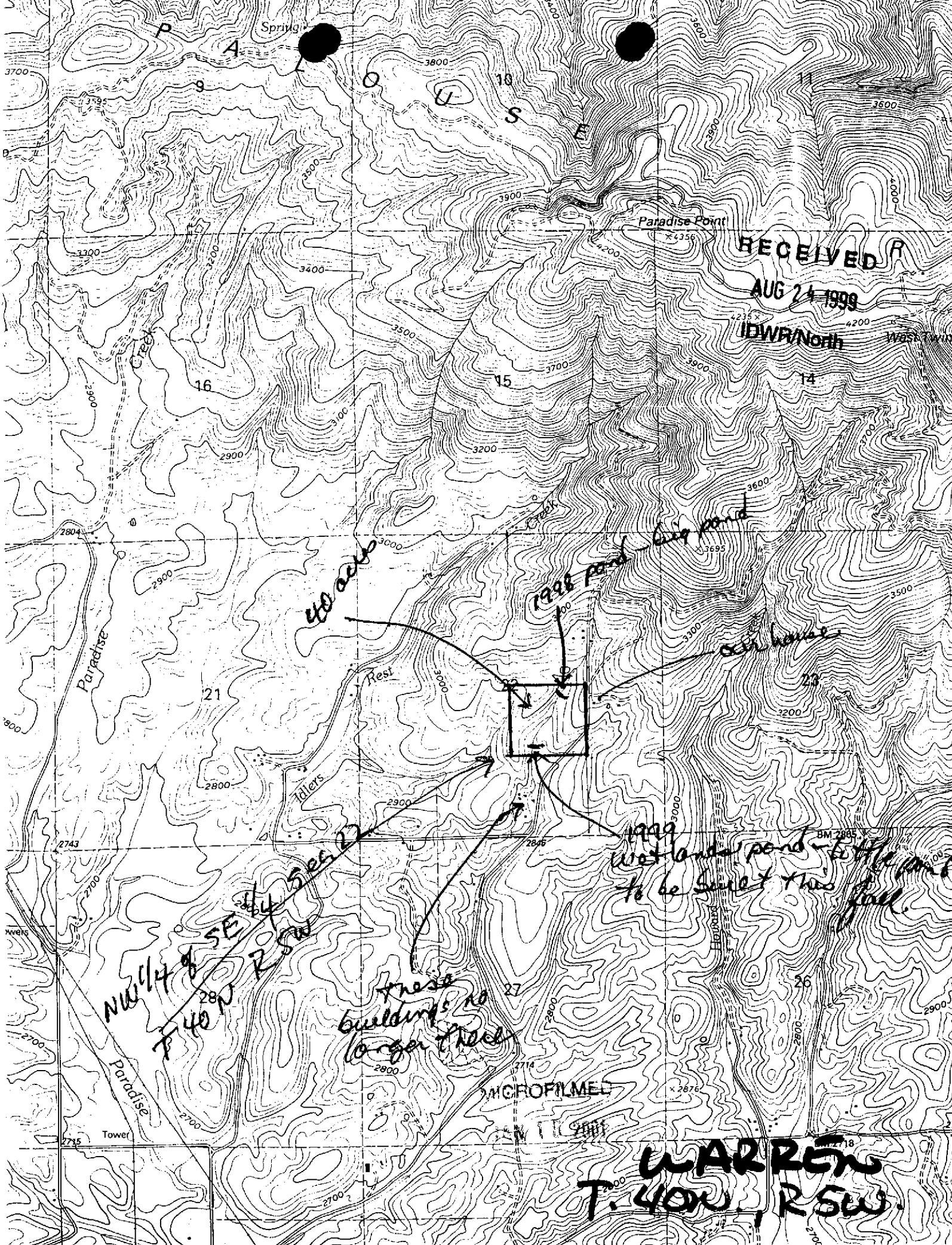
Sincerely,

ALLEN BEARDSLEE  
Senior Water Resources Agent

AB:db

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JAN 15 2001



RECEIVED R  
AUG 24 1999  
IDWR/North

400 acres

1998 pond

oak house

1999 wetlands pond - little pond  
to be built this fall.

NW 1/4 & SE 1/4 Sec 22  
T. 40N R. 5W

these  
buildings no  
longer there

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WARREN  
T. 40N, R 5W.

Aug 17, 1999

RECEIVED

AUG 18 1999

IDWR/North

Dept of Water Resources,

Enclosed is an application to appropriate water and an application for a small dam permit and an explanatory letter from Mr. Durham of the NRCS here in Moscow.

Mike was kind enough to fill the forms out for me from his plans & inspections of the dam & from his plans for this year's small wetlands pond.

I apologize for the lateness of the small dam application.

Sincerely,

Jon Warren

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JAN 16 2001

P.S. My check for \$80.00 is also enclosed. \$50 for the dam application & \$30 for the water permit. I got these figures from Mike. If I owe you more, please let me know.

Thank you, Jon

**NATURAL RESOURCES CONSERVATION SERVICE**

220 East Fifth Street - Room 212-A - Moscow, Idaho 83843  
Phone (208) 882-0507

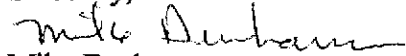
TO: State Of Idaho Department Of Water Resources  
FROM: Mike Durham, NRCS  
RE: Jon Warren Small Dam Permit  
DATE: August, 16 1999

In the fall of 1998 we (NRCS) gave technical assistance to Jon for a small dam that he built for wildlife habitat improvement. We neglected to tell Jon that he needed to apply for a storage permit and a small dam permit. Jon plans on building a Shallow Water Development this year just downstream of the dam that he built last fall. Attached is a "permit to appropriate public waters of the State Of Idaho" for this year's Shallow Water Development and the pond that he built last year, and a "Small Dam Permit" for the pond that he built last fall.

NRCS designed the dam that was built last year. We made numerous inspections during construction, which included key-way inspection and compaction on the fill and around the principle spillway. The quality of construction was excellent and either meets or exceeds all of NRCS's and IDWR criteria.

Please feel free to contact me if you have any questions at 882-0507.

Sincerely,



Mike Durham

Civil Engineer, NRCS, Moscow FO

P.S. This was one of the finest constructed  
dams that I have worked on. MDurham

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JAN 16 1999