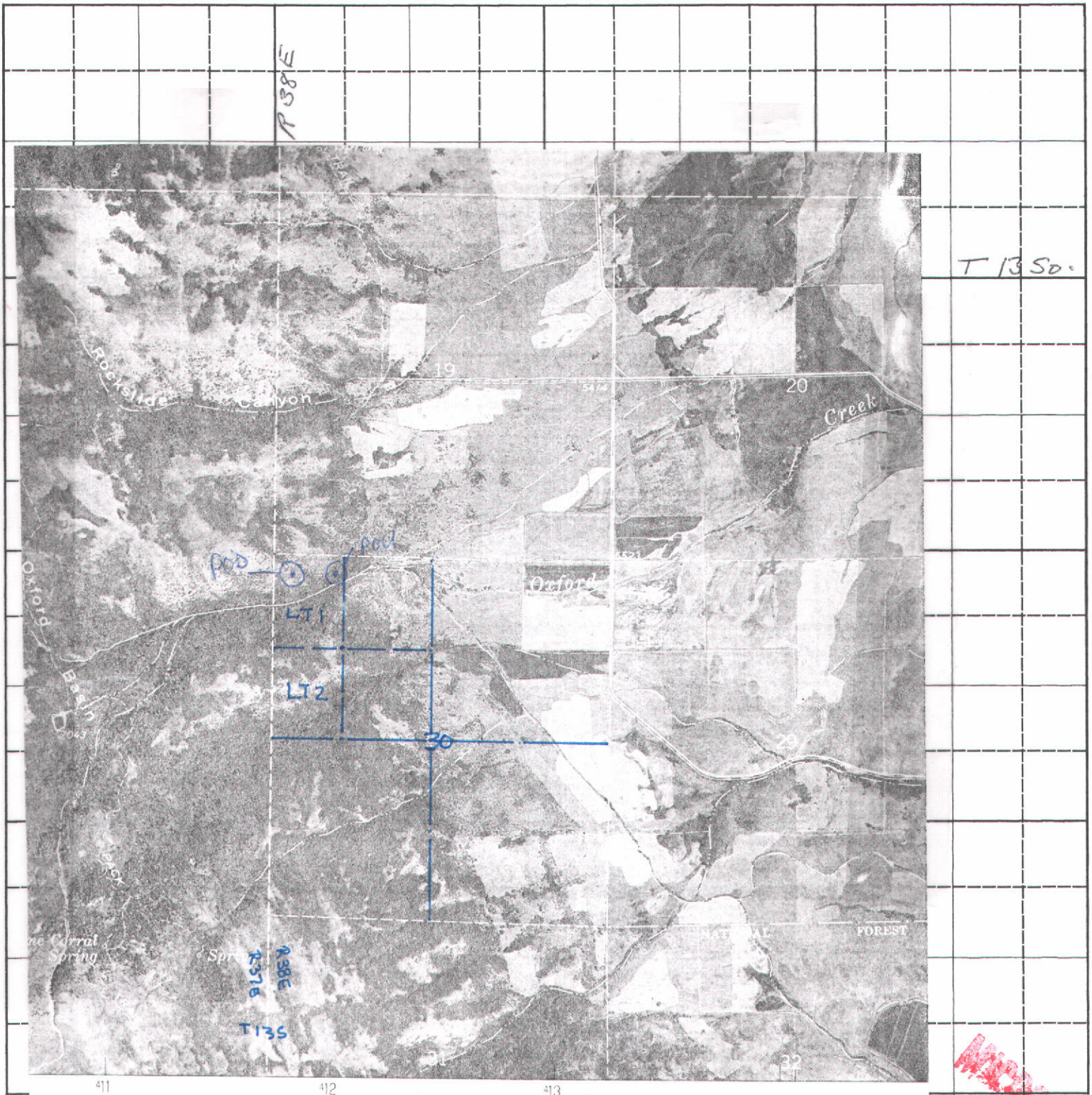


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



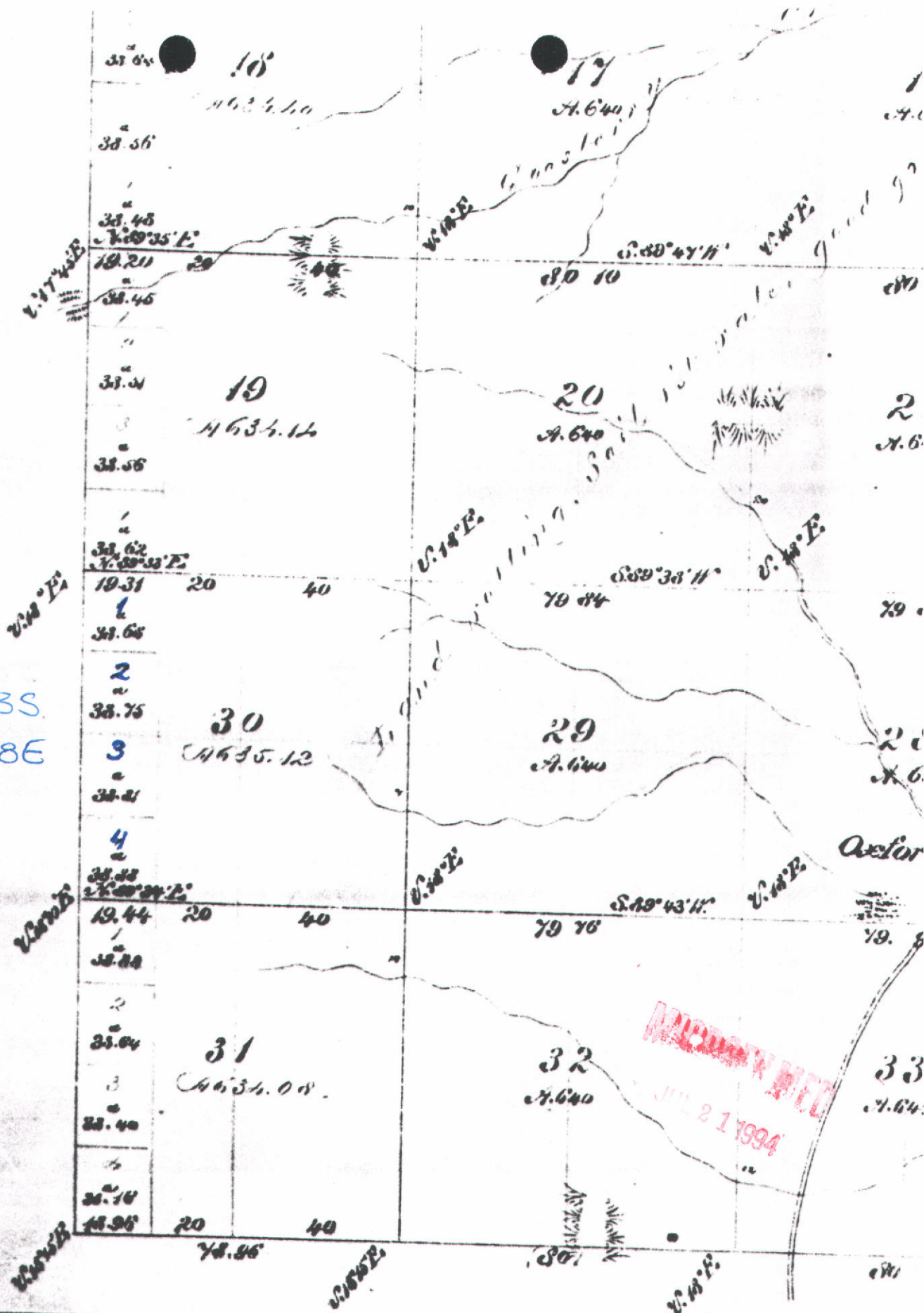
Sci

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.

Gary Lamm
(Applicant)

JUL 21 1994

T13S
R38E



Tracts Designated	By whom surveyed	Date of Contract	Unit of Surveys			Mileage
			Miles	Chains	Links	
sketch Lines	John V B David	August 27 1872	11	20	100	



Photo of Spring
with exit at
bottom - looking
North West



End of 4"
PVC Pipe
with overflow
Spring is to the
left approx 500 ft
looking North.
Cabin to the right
at 50 ft.

Permit #
13-07515

MICROFILMED

JUN 08 1999



Pipe ~~are~~ arrangement outside of Cabin - Spring water enters from left and exits at Right continuous flow through system with entering pond ~~at~~ in bottom picture - looking North West

From Cabin.



From overflow
Photo of Rec.
Pond for fish
looking West.

Permit #
13-07515

MICROFILMED
JUN 08 1999

3/3



outlet of
pond - looking
South



looking South
outlet of pond
is channed back
to Oxford Creek

Permit # 13-07515

MICROFILMED
JUN 08 1999



MICROFILMED
JUN 08 1999

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 13-07515

Priority: April 7, 1994

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

30.2 AF

This is to certify, that GARY GARNER

PO BOX 66

CLIFTON ID 83228

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 7, 1994; and has submitted Proof of Beneficial Use on April 13, 1998. An examination indicates that the works have a diversion capacity of 0.060 cfs of water from:

SPRING

tributary to OXFORD CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
RECREATION	01/01 to 12/31	0.04 CFS	29.0 AF
	Totals	0.04 CFS	30.2 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1 (NENWNW), Sec. 30, Township 13S, Range 38E
FRANKLIN County

PLACE OF USE: DOMESTIC

TWN RGE SEC

13S 38E 30

NENW

PLACE OF USE:

RECREATION, same as DOMESTIC use

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 13R.
2. The right holder is required to maintain an outlet pipe from the pond to Oxford Creek.
3. Recreation use is for a fish pond.
4. 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 administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 3rd day of

JUNE, 1999.

MICROFILMED

JUN 08 1999

Acting for KARL J. DREHER, Director

RECEIVED

JUN - 1 1999

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 13-07515

Date of Priority: April 7, 1994

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 30.2 AF

Comes now
PO BOX 66
CLIFTON ID 83228

GARY GARNER

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 13-07515, and requests that the permit be changed as follows:

Source: SPRING

tributary to OXFORD CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
RECREATION	01/01 to 12/31	0.04 CFS	29.0 AF
	Totals	0.04 CFS	30.2 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1 (NENWNW), Sec. 30, Township 13S, Range 38E
FRANKLIN County

PLACE OF USE: DOMESTIC

TWN RGE SEC

13S 38E 30

NENW

PLACE OF USE:

RECREATION, same as DOMESTIC use

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Clifton, Id., this 29 day of May, 1999.

MICROFILMED

JUN 08 1999

(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07515

FOR DEPARTMENT USE ONLY

Preliminary check by SK Fee = 50- Receipted by LOW # C045589 Date 6/1/99

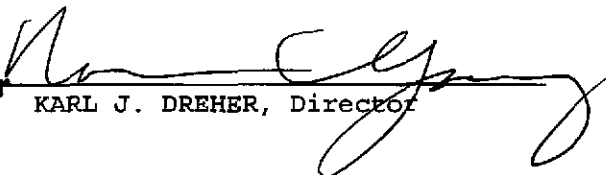
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 13-07515 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 13R.
2. The right holder is required to maintain an outlet pipe from the pond to Oxford Creek.
3. Recreation use is for a fish pond.
4. Domestic use is for 1 home.

Witness my hand this 3RD day of JUNE, 1999.

Acting for 
KARL J. DREHER, Director

MICROFILMED

JUN 08 1999

FOR OFFICE USE ONLY
Amt. of Fee \$: 100.00
Receipt No. 242242
Receipt By: LS
Date Received: 4/13/98
RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APR 13 1998

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 who has been appointed by the department.

1. Permit No. 13-07515 Telephone No. 208-7473341
2. Name(s) of Permit Holder(s): GARY GARNER
3. Mailing Address: 233 W. 100 S, Clifton, Id 83228
4. Source of Water: Spring If **GROUNDWATER** (well), Date Drilled: mo. / yr.
- a. Well Driller: Drilling Permit Number:
- b. **OPTIONAL:**
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):

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

Domestic (No. of households): 2.04 Stockwater (No. and type of stock): 1

Irrigation (No. of acres): Other: Fish Pond 1.0 Acre Feet

6. Total rate of diversion and/or volume for which proof is submitted: .04 cfs OR 1.0 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 <u> </u> or No <u>X</u>
Has the measuring device been installed?	Yes <u> </u> or No <u> </u>
Flow Measurement Port: Is a flow measurement port required?	Yes <u> </u> or No <u>X</u>
Has the measurement port been installed?	Yes <u> </u> or No <u> </u>

8. Fee Enclosed: \$ 100 (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: Gary Garner Telephone Number: 747-3341

Address: 233 W. 100 N. Clifton, Id. 83228

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

MICROFILMED

Signature of permit holder: Gary Garner JUN 11 1998 Date: April 8 98
(include your title, if on behalf of company or organization)

RECEIVED
APR 16 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

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

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

Permit No. 1307515

Name(s) of Permit Holder: GARY GARNER

Mailing Address: Box 66 CLIFTON, ID. 83228

Date Proof is Due: June 1, 97 Telephone No. 208-7473341

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".)

Pond will be completed but the residence
will not.

Costing \$ _____

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

Spent 1 1/2 years in Portugal as a Missionary

Permit holder(s) request an extension to 1 June, 19 98.

FEE: \$50.00

(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 June 1, 1998.

Signed this 3rd day of June, 1997.

J. Glen Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 13-07515

Proposed Priority: April 7, 1994

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **GARY GARNER**

PO BOX 66

CLIFTON ID 83228-0066

has applied for a permit to appropriate water from:

SPRING

tributary of **OXFORD 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>
DOMESTIC	01/01 to 12/31	0.04 CFS	
RECREATION	01/01 to 12/31		1.0 AF
	Totals	0.04 CFS	

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NWNWNW), Sec. 30, Township 13S, Range 38E
FRANKLIN County

PLACE OF USE: DOMESTIC

TWN RGE SEC

13S 38E 30 Lot 1(NWNW)

PLACE OF USE: RECREATION, same as DOMESTIC use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **June 1, 1997**.
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. Use of water under this right is subject to control by the watermaster of State Water District No. 13R.
5. The right holder is required to install and maintain an outlet pipe from the pond to Oxford Creek.
6. Recreation use is for a fish pond.
7. 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

20th day of June, 1994



JUL 21 1994

for

R. Keith Higginson, Director

RECEIVED
JUN 13 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 13-7515

Department of Water Resources To appropriate the public waters of the State of Idaho

1. Name of applicant GARY GARNER Phone 208-747-3341
Post office address Box 66, CLIFTON, ID. 83228
2. Source of water supply Spring which is a tributary of Oxford Cr.
3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot LT 1 *
Sec. 30 Township T13S Range R38E B.M. Franklin County; additional
points of diversion if any: None
4. Water will be used for the following purposes:
Amount 0.04 for Domestic purposes from 1-1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.0 af for Recreation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum) Pond
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 and/or (b) 1.0 af
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Pipe from spring to house
and pond + exit pipe to Oxford Creek.
 - b. Height of storage dam 8' feet; active reservoir capacity 1.0 acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - 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? NO
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
3 years (minimum 1 year).

* per government plat map 6/14/94 czj.

JUL 21 1994

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. one home
- Other; describe fully. pond-fish prop.

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
136	38E	30					<u>151</u> <u>D/R</u>												

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? GARY GARNER

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

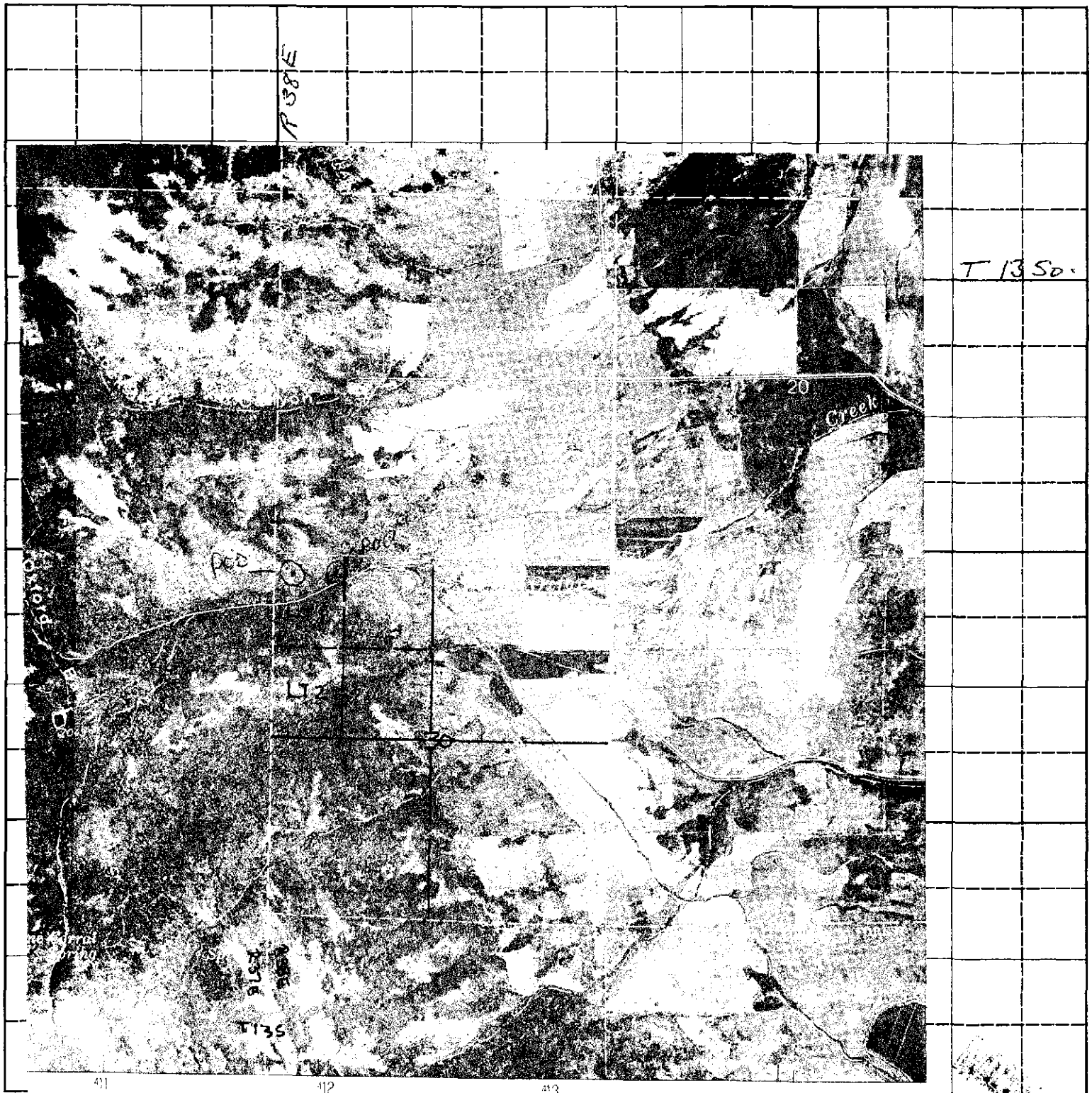
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

* per government plat map 6/14/94 cz.

JUL 21 1994

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



Sci

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.

Gary Gamm
(Applicant)

Received by DC Date 4/7/94 Time 2:10pm Preliminary check by DC
Fee \$ 30~~25~~ Receipted by DC # E019661 Date 4/7/94
Publication prepared by LB Date 5-5-12-94 Published in Preston Citizen
Publication approved LB Date 6-1-94

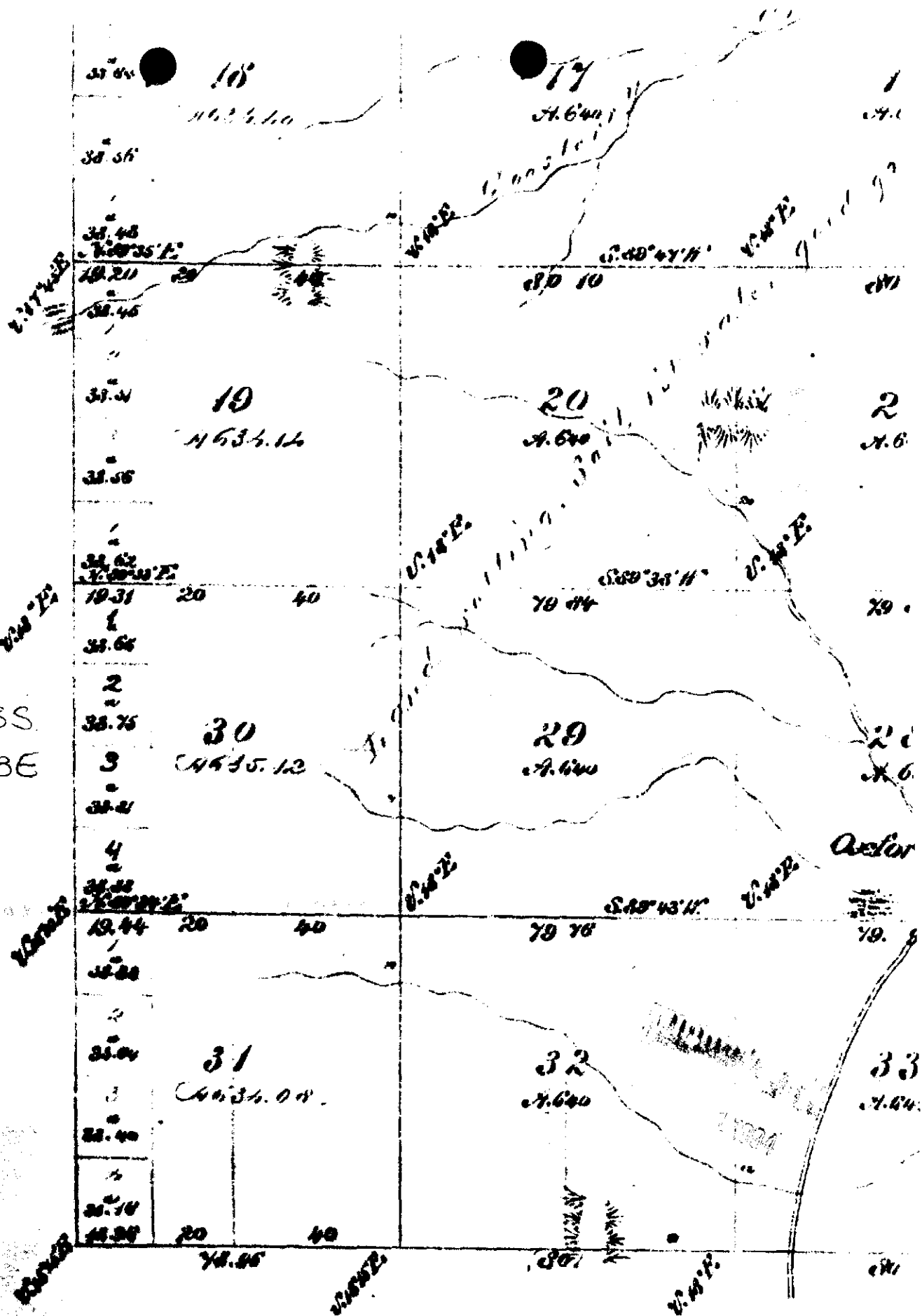
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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:

JUL 21 1994



No. of Survey	By whom surveyed.	Date of Contract	Unit. of Surveys			Miles
			Acres	Chains	Links	
1	John & David	August 27, 1870	11	00	00	



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

June 4, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY GARNER
PO BOX 66
CLIFTON ID 83228

RE: WATER RIGHT NO. 13-07515

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. 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 of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

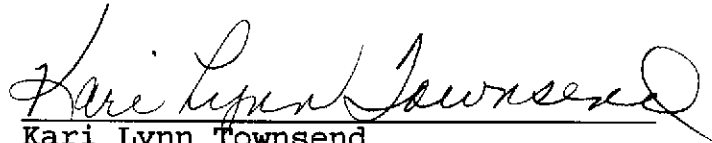
JUN 08 1999

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of June, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 13-07515

GARY GARNER
PO BOX 66
CLIFTON ID 83228


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 08 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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



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

May 21, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY GARNER
PO BOX 66
CLIFTON ID 83228

RE: WATER RIGHT NO. 13-07515

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that your place(s) of use is in a location other than what was described on your permit. Therefore, before a license can be issued, the permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the place(s) of use and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

JUN 08 1999

MEMORANDUM

TO: File 13-07515

FROM: Sharla

DATE: May 18, 1999

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit 13-07515 are as follows:

H. RECOMMENDATIONS

Recreation	1/1 – 12/31	0.04 cfs	29.0 afa
Domestic	1/1 – 12/31	0.04 cfs	1.2 afa
	TOTALS	0.04 cfs	29.0 afa

The "recreation" use is a flow-through pond taking water after being used for domestic purposes and returning overflow to Oxford Creek. When the application was filed, this use was listed as recreation with a storage amount. Typically, the data entry should have been changed to volume for "recreation storage". However, as it turns out, recreation use with a direct flow component is the appropriate term for this off-stream flow-through pond. Although the examiner measured 0.06 cfs, the rate for domestic use of one home is 0.04 cfs and the water flows to the pond after going through the domestic system, the recreation rate is the same as the domestic rate. The recreation volume is based on continuous diversion (flow-through).

Exam Date: July 2, 1998
Examiner: Lee Simmons

MICROFILMED

JUN 08 1999

LICENSE REVIEW CHECKLIST

PERMIT NO. 13-07515 DATE 5/18/99 REVIEWER: SHARLA

NAME Change/OK
 Address OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV OK NE NW NW - Lot 1 OK w/ no amendment
 Change (P39 /P47) Add (P45/P42) Feds - P40

W32 (multiple in 1/4)
 W36 (overlap)
 W59 (subd. desc)

Overlaps: Right(s):
 File reviewed Profile reports printed

PLACE OF USE chg Change (P41/P47) Add (P41/P42) Feds - P43
 W60 (subd. desc)
 W27 (ppu acre limit)

Overlaps: Right(s):
 File reviewed Profile reports printed

PD & PU amend (P37) Feds - P48

RATE OF DIV

Permitted Rate .04 cfs
 Fee limit 1.00 cfs ~~\$10000~~
 Measured .06 cfs
 Theoretical cfs

Recommended Total Div Rate .04 cfs

WATER USES	Change (P46)		
<u>Dom</u>	<u>.04</u> cfs	<u>1.2</u> af	Irrig - overlap (R58-R61, R62-R65, R66-R69)
<u>Rec</u>	<u>.04</u> cfs	<u>29.0</u> af	supp. gw (WB7/065/079)
			overlap spec. combined rts (W35)
			<1acre (W31)
			Domestic (W01/WB5/070/071/075)
TOTALS	<u>.04</u> cfs	<u>30.2</u> af	Power (W42 or W43/025/027/R22 or R23)
		<u>29.0</u>	Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate .04 cfs X 365 days X 1.98 = 29.0 af

REMARKS spec pipe cond. R/fishing pond.

ADD'L CONDITIONS R04 Watermaster Control WD# 13R
 GW Measurement/Measuring Device

Others Trust (052/R55 - remove 051)

Non-trust (048/049) rate
dom volume
rec storage vol.
 Adjust Memo 10 ac pd
 Amend letters P41, P38
P47

Advance Priority yes ✓ no SRBA Claim N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB 16 1999

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 13-07515

1. Owner: Gary Garner Phone No. ⁽²⁰⁸⁾ 747-3341

Current Address: PO Box 66 Clifton, Idaho, 83228-0066

2. Accompanied by: Gary Garner EXAM DATE: 7-02-98

Address: P.O. Box 66 Clifton, Idaho, 83228-0066 Phone No. ⁽²⁰⁸⁾ 747-3341

Relationship to Permit Holder: Owner

3. Source: Spring tributary to Oxford Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: _____

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
	<u>1</u>		<u>NW</u>	<u>NW</u>	<u>30</u>	<u>13 S</u>	<u>38 E</u>	<u>Franklin</u>	<u>USGS and NOAA/NOAA Maps</u>

2. Place(s) of Use:

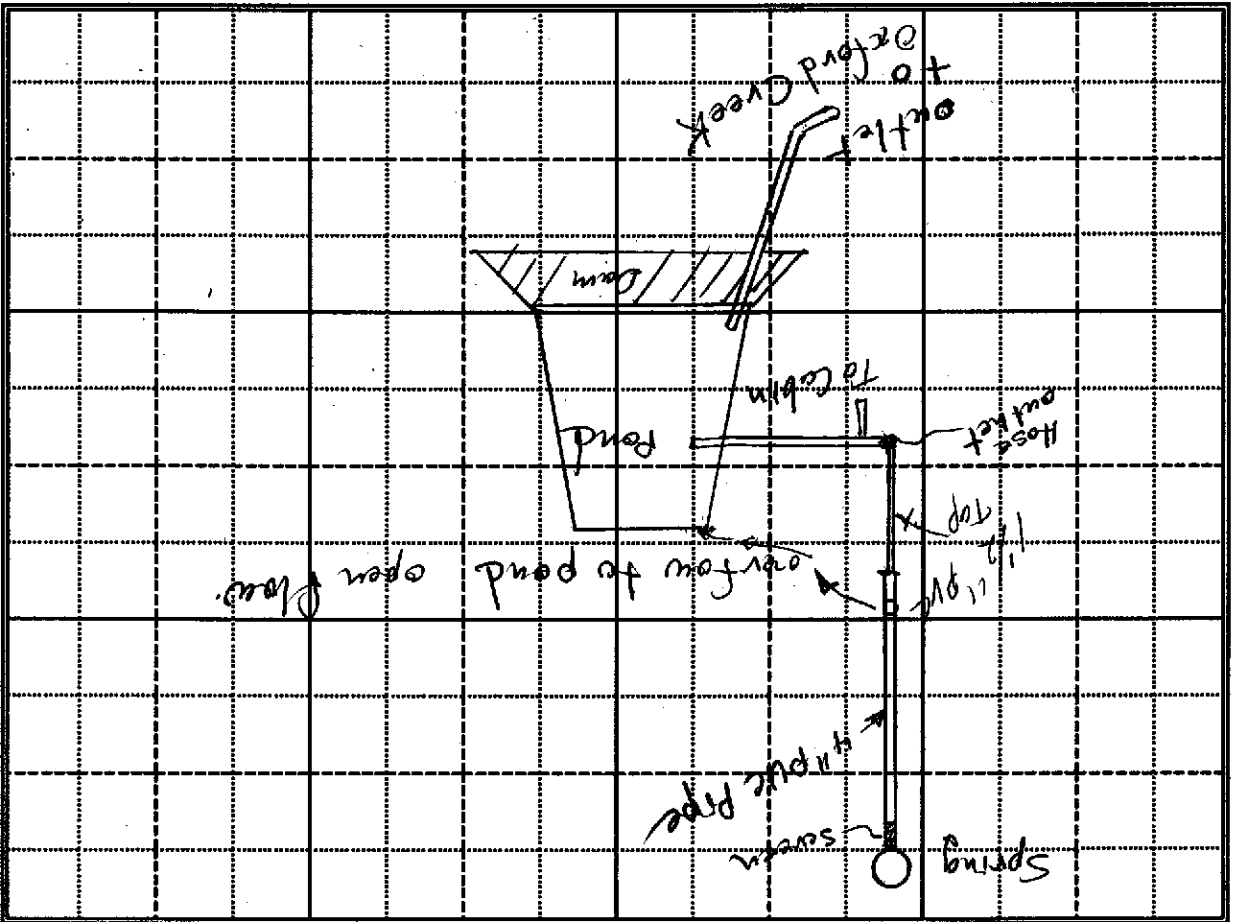
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>13S</u>	<u>38E</u>	<u>30</u>					<u>P/R</u>												<u>D/R</u>

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JUN 08 1999

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



Scale: 1" = _____
 Copy of USGS Quadrangle Attached Showing location(s) of _____
 point(s) of diversion and place(s) of use (required).
 Aerial Photo Attached of _____
 (required for irrigation of 10+ acres)
 Photo of Diversion and System Attached _____

Well or Diversion Identification No. *	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
None					

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: 4 gal in 9 sec. =

$$(4 \text{ gal}) \frac{60 \text{ sec}}{9 \text{ sec}} = (26.7 \text{ gal/min}) \frac{448.8 \text{ gal/min}}{1 \text{ cfs}} = 0.0594 \text{ cfs}$$

JUN 08 1999

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E. NARRATIVE/REMARKS/COMMENTS

Spring flows from pool into a screened 4" PVC pipe which delivers the water down the mountain. A 1 1/2" Tape at the end of the 4" Main line flows to the cabin - with the excess running into the recreation pond - The water not used in the cabin is returned to the pond the outlet of the pond returns the water to Oxford Creek. A hose outlet at the cabin waters a small (< 1 acre) lawn.

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

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JUN 08 1999

F. FLOW CALCULATIONS

Measured Method:

Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

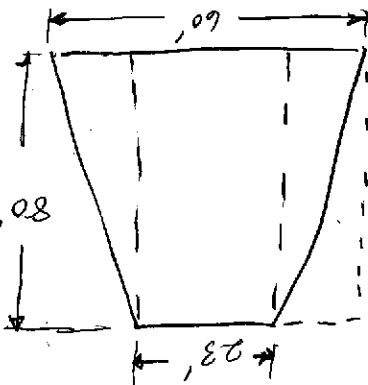
$$V_{ir} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

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

$$V = \text{Smaller of } V_{ir} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

$$\begin{aligned} \text{Area} &= (23' \times 80') + \left\{ \frac{60' - 23'}{2} \right\} \times 80' = \text{Surface Area} = \\ &= 3320' + 1480.5' = 3320' \\ \text{Volume} &= 3320' \times 8' \text{ depth} = \frac{26560' + 3}{43560' + 3} = 0.61 \text{ AF} \end{aligned}$$



H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

Domestic

Recreation Storage

Period of Use

To 12/31

From 1/01

12-31

Rate of Diversion

Q (cfs)

0.02

Annual Volume

V (afa)

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

Lee Simmons

Date

9/30/98

Reviewer

[Signature]

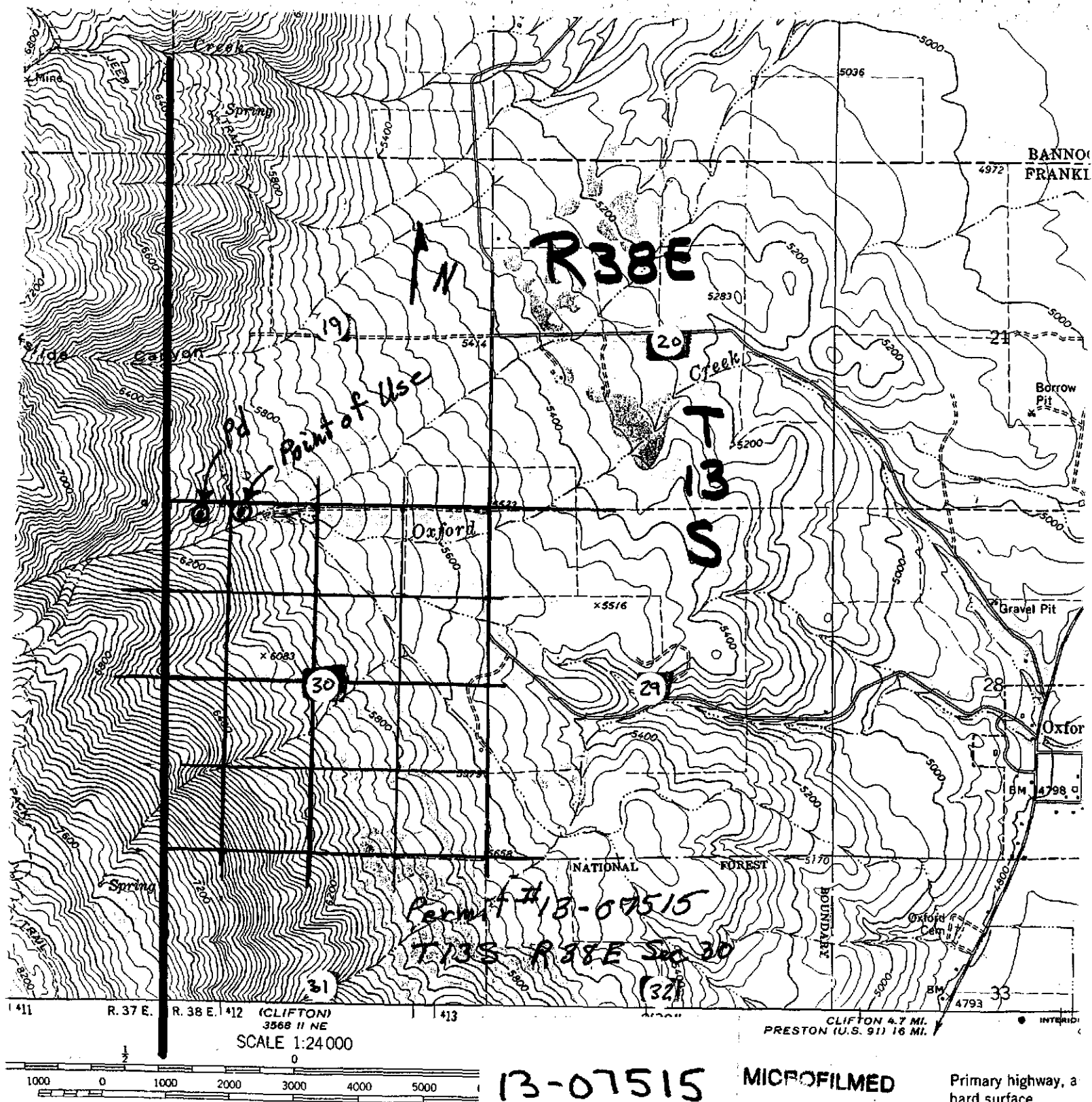
Date

2-2-1999

SEAL

MICROFILMED

JUN 08 1999



13-07515

MICROFILMED

JUN 08 1999

Primary highway, a
hard surface

1/3

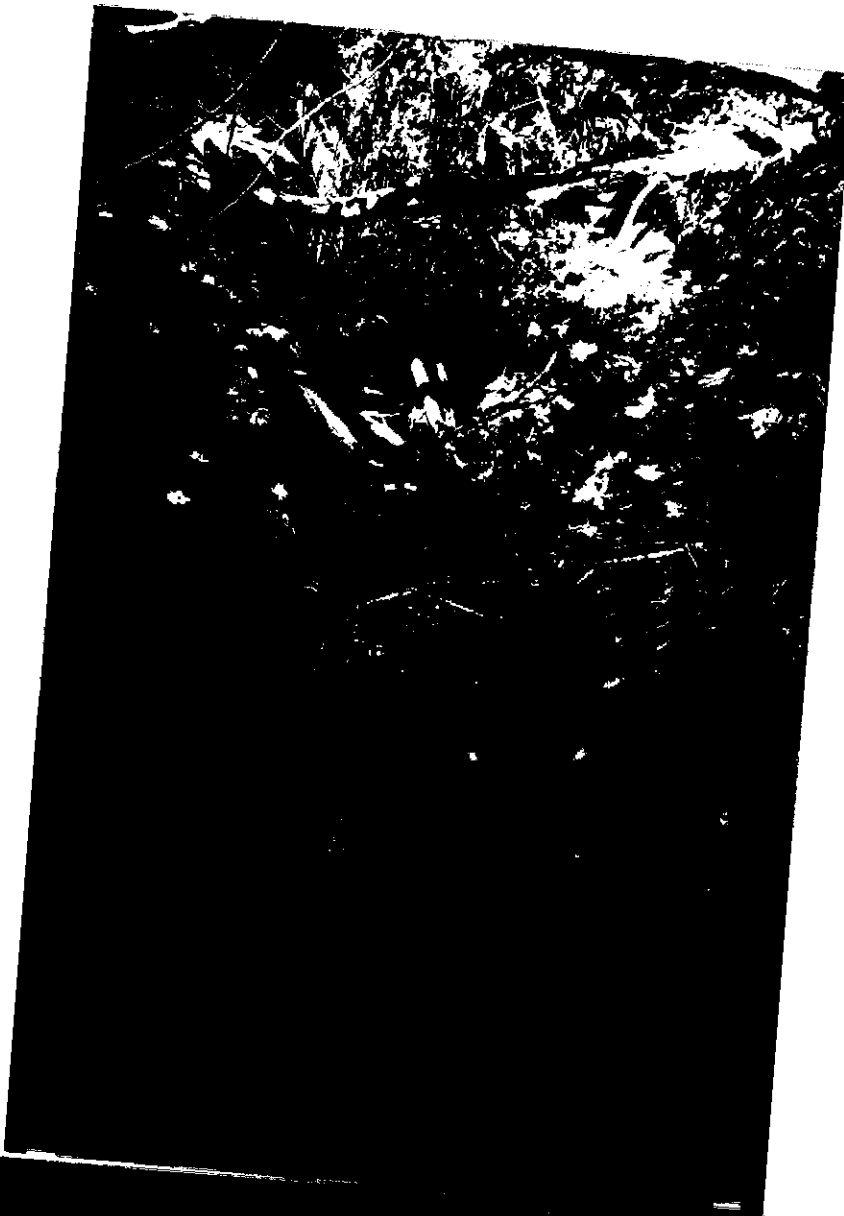
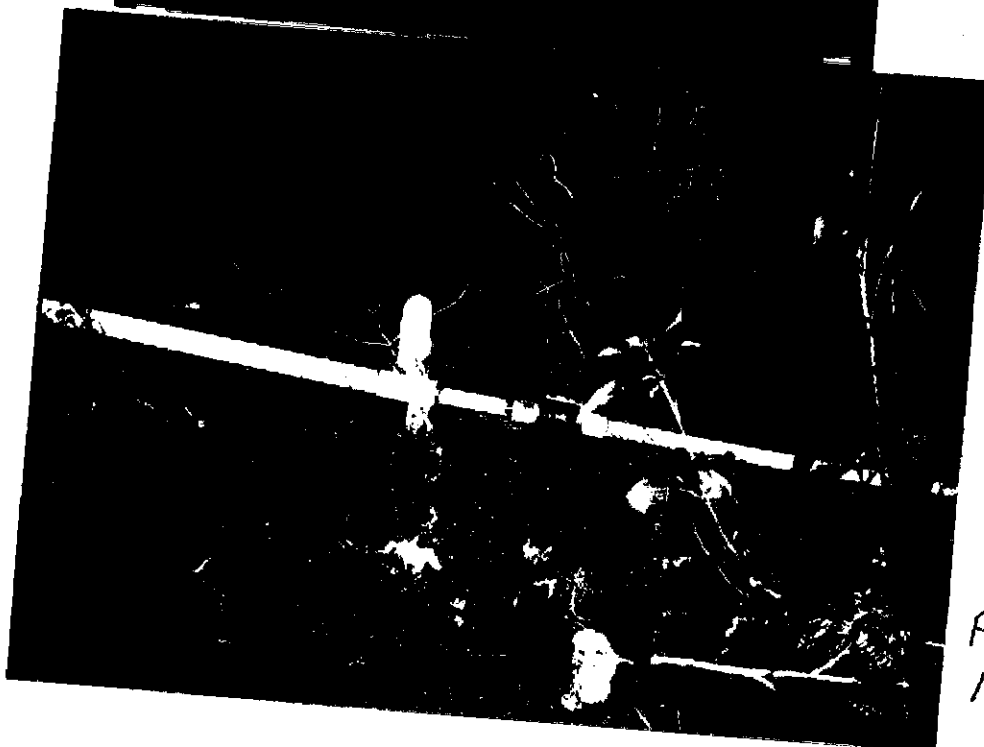
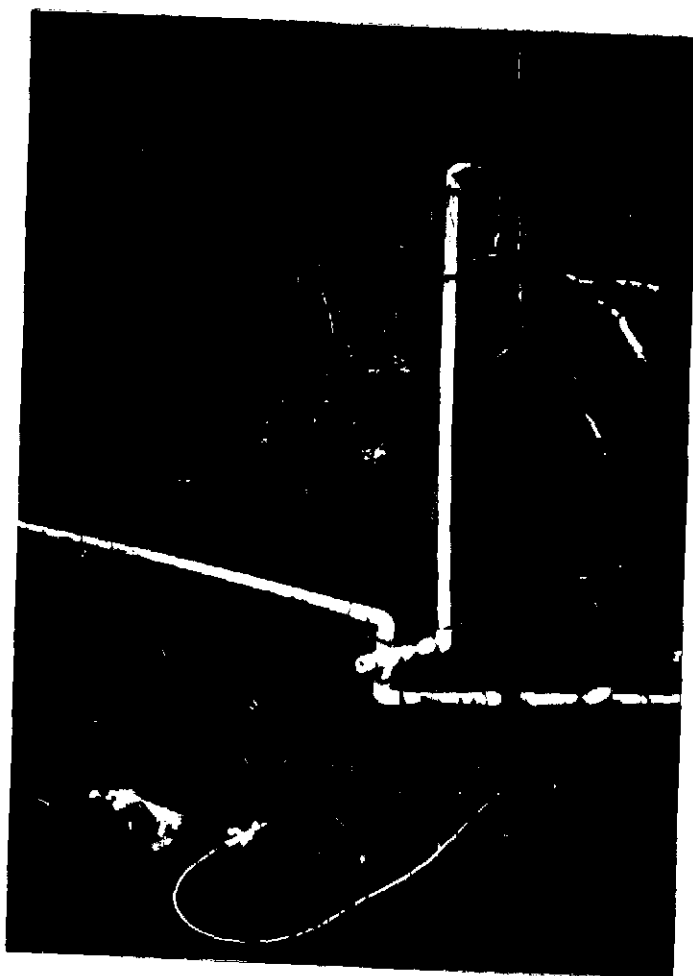


Photo of Spring
with exit at
bottom - looking
North West



End of 4"
PVC Pipe
with overflow
Spring is to the
left approx 500 ft
looking North.
Cabin to the right
at 50 ft.

Permit #
13-07515
MICROFILMED
JUN 08 1999



Pipe ~~arr~~ arrangement outside
of Cabin - Spring water enters
from left and exits at Right
Continuous flow through system
with entering pond ~~at~~ in
bottom picture - looking
North West

From Cabin



From over flow
Photo of Rec.
Pond for fish
looking West.

Permit #
13-07515

MICROFILMED
JUN 08 1999

3/3



Outlet of
Pond - Looking
South



Looking South
outlet of pond
is channeled back
to Oxford Creek

Permit # 13-07515

MICROFILMED
JUN 08 1999



MICROFILMED

JUN 6 8 1966

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 13-07515 Reviewed by [Signature] Date 6-8-98

GENERAL CONSIDERATIONS

TYPES OF USE

YES Name same as permit?

NO Address same as permit?

YES Proof timely received?

If not, complete calculation below.

Correct Uses? YES

SOURCE OF WATER

✓ Surface water source

 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

MEASURING DEVICE

YES Required?

100 - Amount Submitted

NO Correct?

NO Required?

 Installed?

 Waiver requested?

PRIORITY CALCULATION

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

DEFICIENCIES OR ACTION ITEMS

Refund \$50.00 overpaid
Proof acceptable

DATA ENTRY

New Address 233 W 100 S

Proof Made 4-13-98

CLIFTON 83228



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

June 8, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY GARNER
233 W 100 S
CLIFTON ID 83228

PROOF ACKNOWLEDGMENT LETTER

RE: Permit No. 13-07515

Dear Permit Holder:

The Department is in receipt of the proof of beneficial use statement and the \$100.00 license examination fee filed in connection with the above referenced water right permit.

The license examination fee for a rate of diversion of 0.04 cfs is \$50.00. Therefore, I have initiated the process to refund the additional \$50.00 exam fee submitted. The refund should arrive in seven (7) to ten (10) business days under separate cover.

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.

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. If you have any questions concerning the field examination, contact the department's **EASTERN** Regional Office in Idaho Falls, at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Region
Mary McCulley - Fiscal

MICROFILMED

JUN 11 1998

March 31, 1998

GARY GARNER
PO BOX 66
CLIFTON ID 832280066

PROOF DUE NOTICE

RE: PERMIT NO. 13-07515

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 June 1, 1998.

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

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

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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

JUN 11 1998

CERTIFIED MAIL

NO 5920042447

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 13-07515 Reviewed by [Signature] Date 5-8-97

BASIC INFORMATION

4-16-97 Date stamp received
yes Extension received timely
no Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN - Return for \$50.00 filing fee - \$129- Fee Received - Recommend extend to June 1, 1998, on basis of due diligence

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address X
Change Proof Due Date 6-1-98
Change Priority Date X



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 3, 1997

Gary Garner
P.O. Box 66
Clifton, ID 83228

RE: Permit No. 13-07515

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit. The time within which to submit proof of beneficial use is extended to **June 1, 1998**. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of the development during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

Please contact me at (208)327-7953 if you have any questions regarding this matter

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

MICROFILMED
JUN 09 1997

RECEIVED

MAY 29 1997

Department of Water Resources

May 26, 97

Julie Yarbrough

Enclosed is the \$50 extension fee for
Spring permit No. 13-07515.

Thanks,

Gary Garner

208-7473341

MICROFILMED

JUN 09 1997

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No: E022414

Date: 7/25/1996
Time:

Received From: GARNER, GARY OR NOLA S.

Type of Payment

Program Acct

Amount

Refunded

EXTENSION OF TIME 13-07515	63103	229 21 1155	50.00
EXTENSION OF TIME 13-07526	63103	229 21 1155	50.00

CHECK

1057

Total

\$ 100.00

Region: EASTERN

Signature: _____

MICROFILMED
JUN 09 1997

Apr. 9, 97

RECEIVED

APR 16 1997

Department of Water Resources

Dear Sirs;

I would like to apply for an extension on a spring development permit # 13-07515. I paid the \$50 for the extension last fall in the Tocco Falls office.

Thank you;

Gary Garner

Box 66

Clifton, Ind. 83228

Ph. 208-7473341

MICROFILMED

JUN 09 1997

March 31, 1997

GARY GARNER
PO BOX 66
CLIFTON ID 832280066

PROOF DUE NOTICE

RE: PERMIT NO. 13-07515

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 June 1, 1997.

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

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

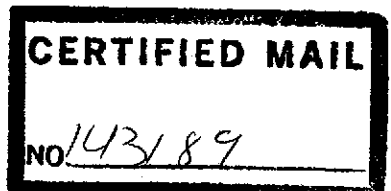
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
JUN 09 1997





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 14, 1996

Gary Garner
P.O. Box 66
Clifton, ID 83228-0066

RE: Permit No. 13-07515

Dear Permit Holder:

I am returning the Request for Extension of Time you submitted to the Eastern Regional Office on July 24, 1996. Proof of beneficial use for this permit is not due until July 1, 1997. The department can not consider an extension request which is submitted earlier than sixty (60) days prior to the proof due date.

I have initiated the process to refund the \$50.00 filing fee submitted with the extension. You should receive the refund in seven (7) to ten (10) days under separate cover. Additionally, I have enclosed a blank extension request form and instructions if you should need them in the future.

Please contact me at (208)327-7900 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script, reading 'Julie L. Yarbrough'.

JULIE L. YARBROUGH
Senior Secretary

Enclosures

cc: Fiscal, E. Region

MICROFILMED

JUN 09 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 20, 1994

GARY GARNER
PO BOX 66
CLIFTON ID 832280066

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07515

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

MAILED JUN 21 1994

JUL 21 1994

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

06/14/94 10:03:10
Page 1

Water Right Number - P13-07515

Prefix Translation: PERMIT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

GARNER

GARY

1 - PO BOX 66

2 -

3 -

City- CLIFTON

State- ID Zip- 832280066

Phone - 208-747-3341

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
04/07/1994 15 EASTERN P - PERMIT

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRING OXFORD CREEK

Tw	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
13S	38E	30	NW NW NW	1		(41) FRANKLIN				

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
43 - DOMESTIC		01/01	12/31	0.040	
46 - RECREATION		01/01	12/31		1.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.040

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13S	38E	30	NW NW	1		43 DOMESTIC		(41) FRANKLIN

+ - - Diversion Means - PIPE FROM SPRING TO HOUSE AND POND

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +
The right holder is required to install and maintain an outlet
pipe from the pond to Oxford Creek.
Recreation use is for a fish pond.
Domestic use is for 1 home.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +
26A - 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

Water right number - P13-07515

Prefix Translation: PERMIT

+ - - - - Conditions of Approval - - - - - +

(Condition continued from previous page)

- Director of the Department of Water Resources that delays were
- due to circumstances over which permit holder had no control.
- 005 - Use of water under this right is subject to control by the
- watermaster of State Water District No. 13R.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - - - -Comments- - - - - +

No Comments Found

+ - - Audit Fields - 06/14/94 CZIMMERM

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 06/01/1997	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls - B
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date- 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number - E019661	Water District - 13R
Licensed Date - 00/00/0000	Appl Received - 04/07/1994	Transfer/Amended -
Decree Date - 00/00/0000	Name Connector -	POU Ownership Flag- Y
Presumption Flag -		

Form No. 202a
4/87

Dist. for staffing 13-7515
Submitted for advertising 4-19-94

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HCT DATE 4-19-94 APPLICATION NO. 13-7515

Gary Garner
REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ 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
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
☐ Overlapping point of diversion
☐ Yes ☐ No Field check required
☐ Yes ☐ No Field check by _____
☐ Yes ☐ No Field report attached
☐ Yes ☐ No Critical groundwater area
☐ Yes ☐ No Groundwater management area
☐ Yes ☐ No Send dam safety information
☐ Yes ☐ No Send power requirement letter
☐ Yes ☐ No Send fish farm requirement letter
☐ Yes ☐ No Power residency affidavit
☐ Yes ☐ No Power efficiency form
☐ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☐ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Where is overflow from pond back to creek?

Date Requested _____

RECEIVED
JUN 13 1994

Department of Water Resources

PROCESSING ☐ Yes ☐ No In form for advertising
☐ Yes ☐ No Statewide advertising
☐ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
NONE ☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 5-23-94
☒ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☒ Yes ☐ No Recommendations, attached
☒ Yes ☐ No Measuring device required
☒ Yes ☐ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. _____
☒ Yes ☐ No Special conditions of approval or cover letter below. _____

See below for additional information
Date of priority recommended 4-7-94
By HWT Date 6-9-94

STATE OFFICE REVIEW

See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

1/ Condition that an exit pipeline from the pond to Oxford creek is
required.

LOCAL PUBLIC INTEREST

Comments received from

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other _____

Project impacts/implications report

COMMENTS

[illegible]

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

J. WALTER ROSS

being duly sworn,

deposes and says:

CO-PUBLISHER

That he is the _____ of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said

newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

5-4, 1994, and ending

with the issue of 5-11, 1994

J. Walter Ross

Fee \$ 47.12

Subscribed and sworn to before me this 11 day

of May, 1994.
Emily M. Carlson

Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 14, 1995.

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07516 ✓

GARNER, GARY
P.O. BOX 66
CLIFTON, ID 83228
Source: SPRING

Tributary: OXFORD CREEK
Diversion Pt: NWNWNW Sec 30 T
13S R38E in FRANKLIN County.

Use: DOMESTIC (.040 CFS)

RECREATION (1.00 AF)

Total Diversion: (.040 CFS)

Date Filed: 4/7/1994

In: FRANKLIN County T13SR38E
S30 NWNW

13-07516

GARNER, GARY
P.O. BOX 66
CLIFTON, ID 83228
Source: SPRING

Tributary: SINKS

Diversion Pt: NESESW Sec 27 T
14S R 38E in FRANKLIN County.

Use: STOCKWATER (.020 CFS)

Total Diversion: (.020 CFS)

Date Filed: 4/7/1994

In: FRANKLIN County T14SR38E
S27 SESW

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N. Skyline, Idaho Falls, Idaho 83402 on or before MAY 23, 1994.

R. KEITH HIGGINSON, Director
Legal No. 3765 — Publish May 4, 11, 1994.

JUL 2 1 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
900 N Skyline

Idaho Falls, Idaho 83402
(208) 525-7161

MAY 2, 1994

THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 83263

Gentlemen:

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 23, 1994.

Yours truly,


Rita Bodell
Secretary

Encl.

RECEIVED
JUL 21 1994

NOTICE OF APPLICATION FOR WATER RIGHT

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

[REDACTED]

JUL 21 1964

13-07515

GARNER, GARY
PO BOX 66
CLIFTON, ID 83228

Source: SPRING

Tributary: OXFORD CREEK

Diversion Pt: NWNWNW Sec 30 T 13S R 38E in FRANKLIN County.

Use: DOMESTIC (.040 CFS)

RECREATION

(1.00 AF)

Total Diversion: (.040 CFS)

Date Filed: 4/ 7/1994

In: FRANKLIN County
T13S R38E S30

NWNW

RECEIVED

JUL 21 1994

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before MAY 23, 1994.

R. KEITH HIGGINSON, Director

Published: 5/ 5/1994 & 5/12/1994

RECEIVED
MAY 23 1994

JUL 21 1994

04-May-1994

GARY GARNER
PO BOX 66
CLIFTON ID 83228

RE: Application No. 13-07515 & 13-07516

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the PRESTON CITIZEN on May 5 & 12, 1994. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

Harold W. Jones
Harold W. Jones *rb*
Water Right Supervisor

HWJ:rb

RECEIVED

MAY 11 1994