

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-14419

Priority: May 05, 2003

Maximum Diversion Rate: 5.00 CFS

This is to certify, that JON TRAIL AND MARY TRAIL LLC
1734 COX RD
WEISER ID 83672-5810

has applied for a permit to appropriate water from:

Source: UNNAMED DRAIN

Tributary: SNAKE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
RIPARIAN MAINTENANCE	01/01 to 12/31	5.00 CFS
WILDLIFE	01/01 to 12/31	5.00 CFS
WATER QUALITY IMPROVEMENT	01/01 to 12/31	5.00 CFS

LOCATION OF POINT OF DIVERSION:

UNNAMED DRAIN NW¼SE¼NW¼ Sec. 1, Twp 09N, Rge 05W, B.M., PAYETTE County

PLACE OF USE: RIPARIAN MAINTENANCE, WILDLIFE, WATER QUALITY IMPROVEMENT

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N 05W 1							X										

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2004**.
2. Subject to all prior water rights.
3. Riparian maintenance and water quality improvement uses are for restoration and maintenance of historical wetland.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 11th day of September, 2003.

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SEP 1 8 2003


KARL J DREHER, Director

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SEP 10 2003

FORM 202
1/96

Ident. No. 67-14419

agree to the following
application changes.

Department of Water Resources
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JUN 09 2003

To appropriate the public waters of the State of Idaho

WATER RESOURCES
WESTERN REGION

1. Name of Applicant Jon Trail and Mary Trail, LLC Phone (208) 642-3036
Post Office address 1734 Cox Rd. Weiser, ID 83672-5810
Canyon County Drainage District #2
2. Source of water supply * Drainage Channel which is a tributary of Snake River
3. Location of point of diversion is NW 1/4 of SE 1/4 of NW 1/4, Govt. Lot 3/4 ?
Sec. 1 Township 9N Range 5W B.M. Payette County; additional points of
diversion if any: see attached legal survey of area of use for more info.
4. Water will be used for the following purposes:
Amount 5 cfs for Wetland Restoration purposes from Jan. 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 5.0 for RIPARIAN MAINTENANCE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 5.0 for WILDLIFE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 5.0 for WATER QUALITY IMPROVEMENT purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 5 cfs and/or (b) 3620
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. concrete check structure & pipeline. (see attached drawings for details)
b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total
reservoir capacity Sediment Basin 20 acre-feet; period of year when water will be diverted to storage:
Jan. 1 to Dec 31 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 85°F being sought? No
e. If well is already drilled, when? N/A; Drilling firm N/A
Well was drilled for (well owner) N/A
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity if 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. Restoration and maintenance of historical Wetland.

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* UNNAMED DRAIN

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	SW	1							W										

Total number of acres to be irrigated 0

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? Jon Trail and Mary Trail, LLC

b. Who owns the land to be irrigated or place of use? Jon Trail and Mary Trail, LLC

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: Wetland Reserve Program permanent easement/restoration plan

12. Remarks: This is a cooperative effort involving USDA Natural Resources Conservation Service, Canyon County Drainage District #2, and Jon Trail and Mary Trail, LLC. Restoration, operation and maintenance of the easement will be specified in a contracted agreement among these parties and authorized by USDA NRCS.

13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

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

Jon Trail and Mary Trail
(Applicant) May 2, 2003

Received by KG Date 5/5/03 Time 12:05 Preliminary check by ly
Fee \$ 410.00 Receipted by KG # WA36431 Date 5/5/03
Publication prepared by KG Date 7-2-9-03 Published in INDEPENDENT ENTERPRISE
Publication approved KG Date 7-31-03

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RECEIVED

JUN 09 2003

WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant TRAIL
JON + MARY TRAIL LLC
Mailing Address 1734 COX RD
WEISER ID 83672-5810
Application No. 67-14419
(if known)

☐ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

☐ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Jon Trail & Mary Trail

Date

June 6, 2003

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

MICROFILM

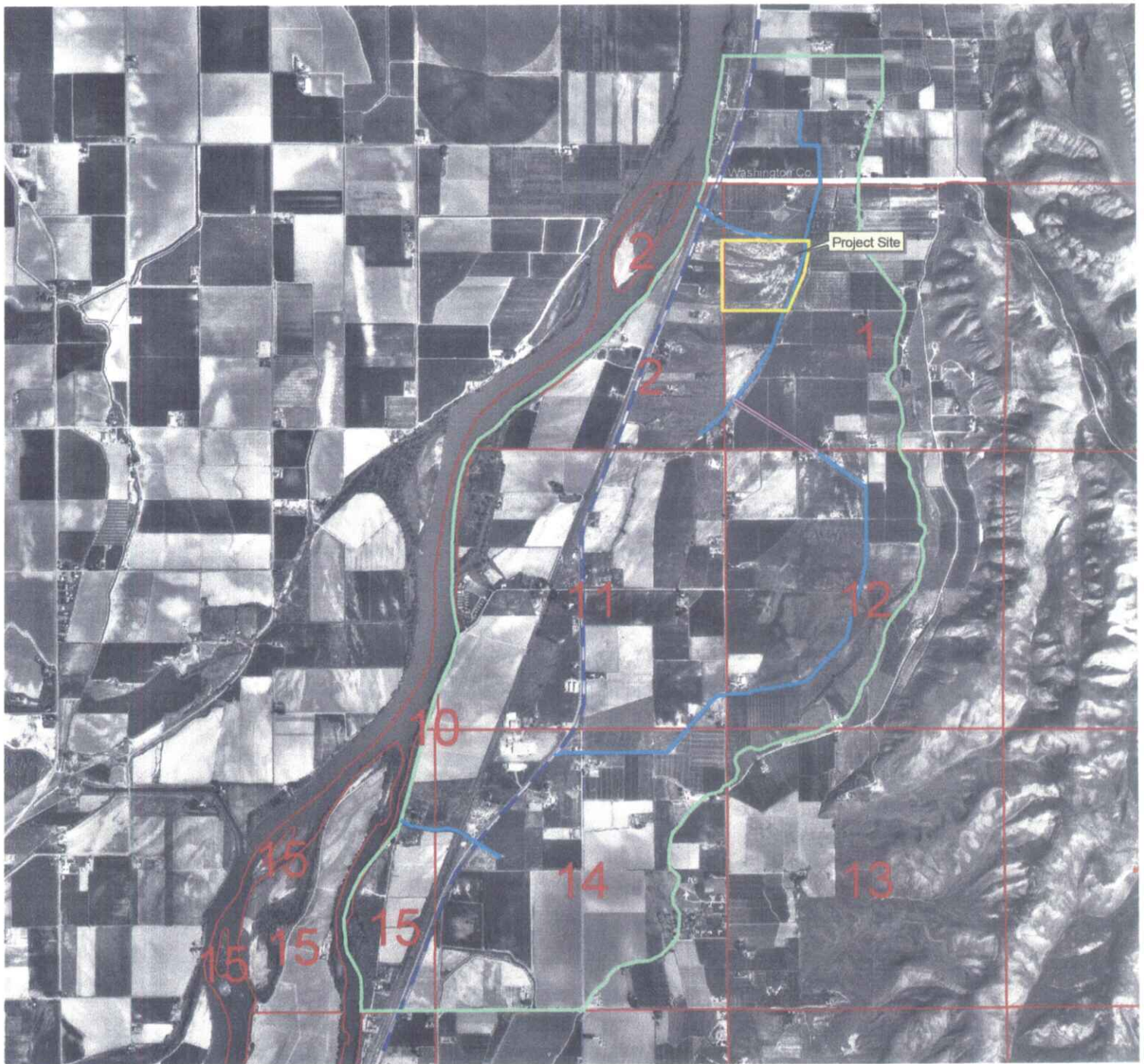
SEP 16 2003

Location Map

Date: 04/29/2003

Jon Trail & Mary Trail, LLC
Wetland Restoration Project

Canyon County Drainage District #2 Boundary



Legend

- Siphon
- Jewell Wetland
- Drainage Channel
- Boundary
- Highway 95
- County Line



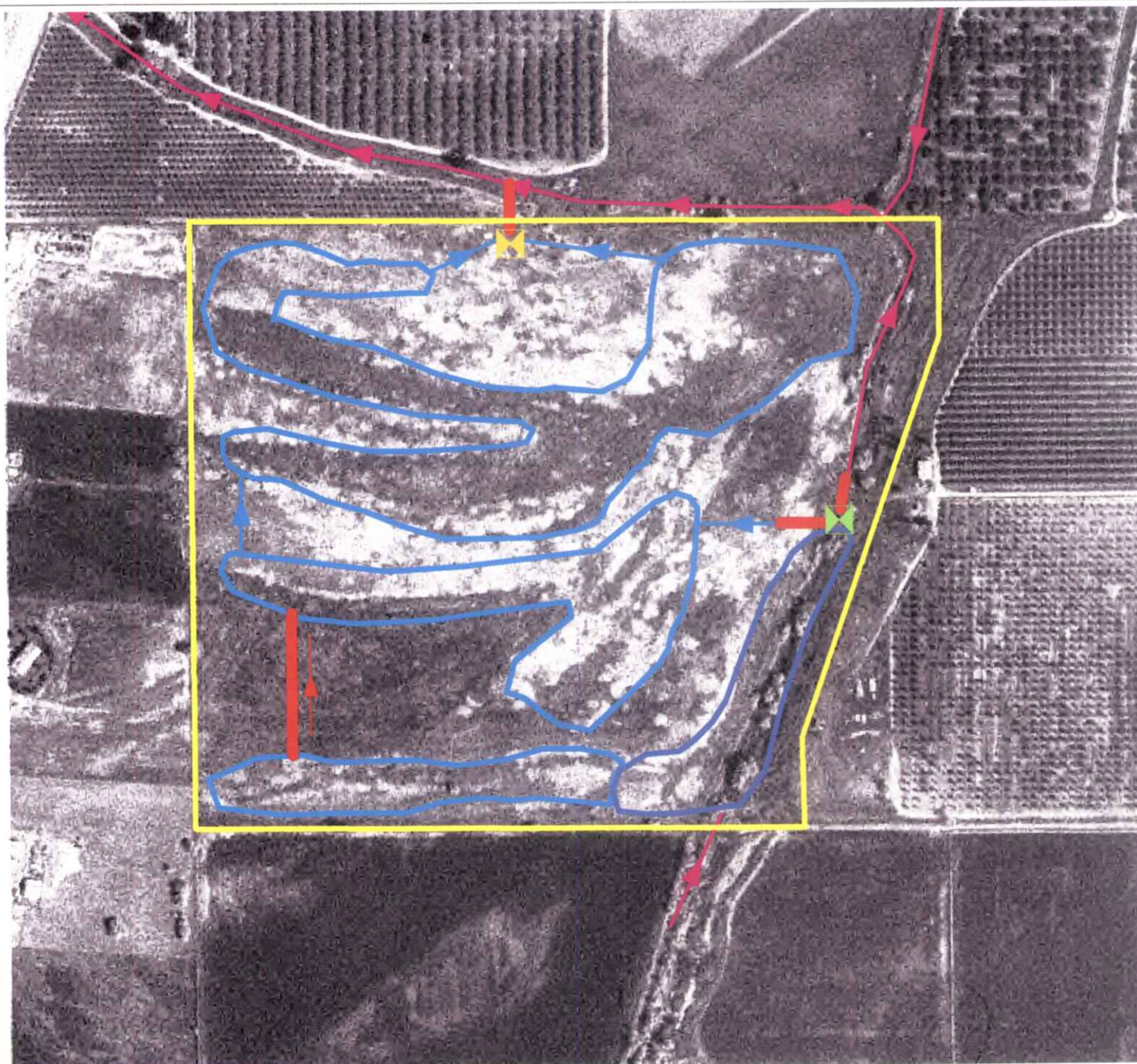
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T. 9N
R. 5W

4000 0 4000 8000 Feet

**Legend**

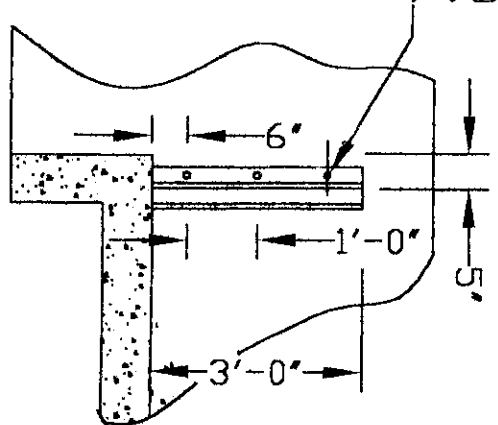
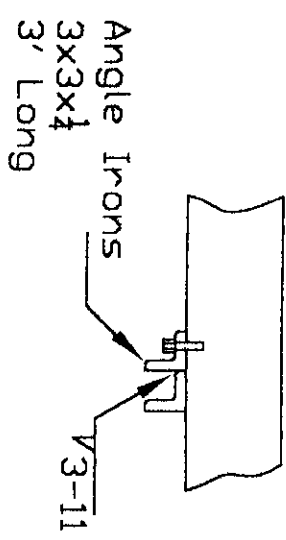
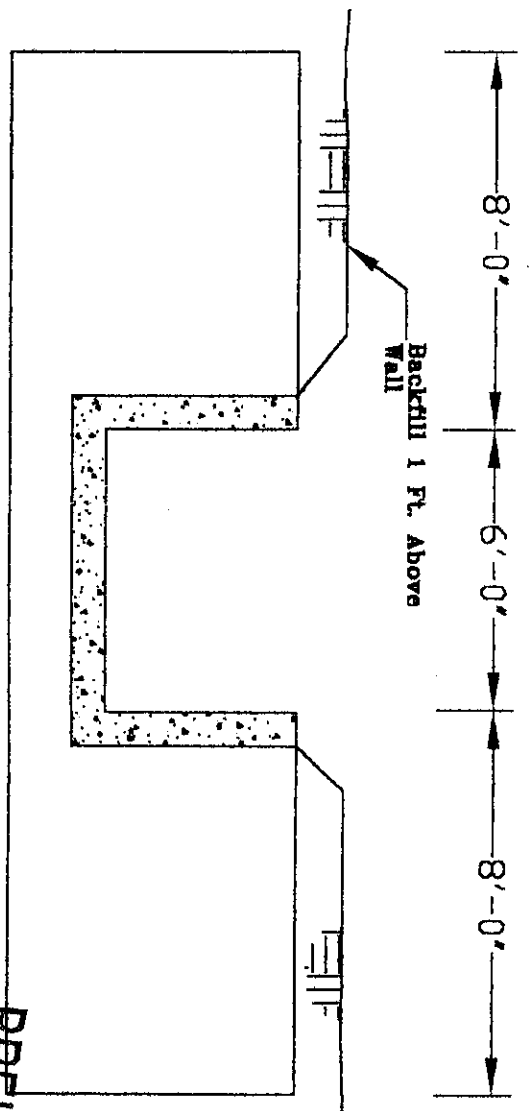
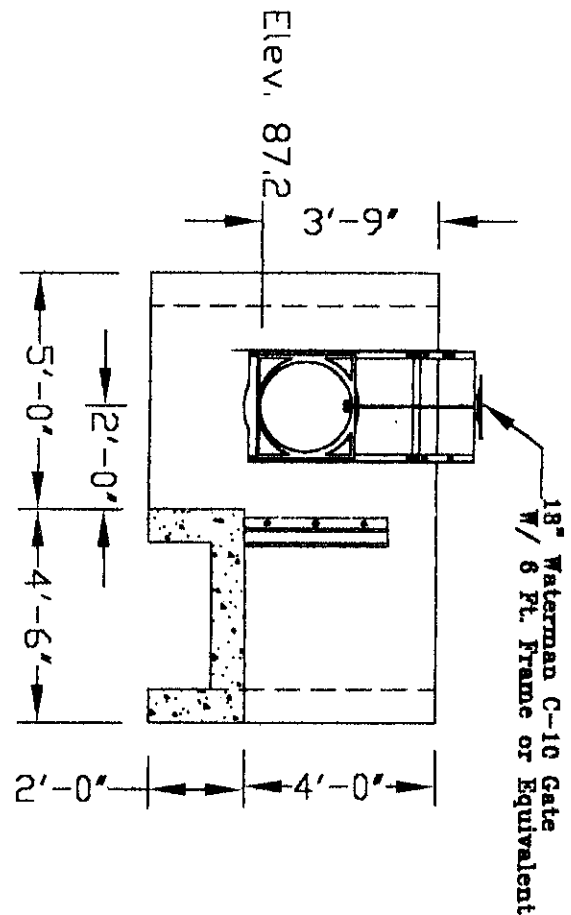
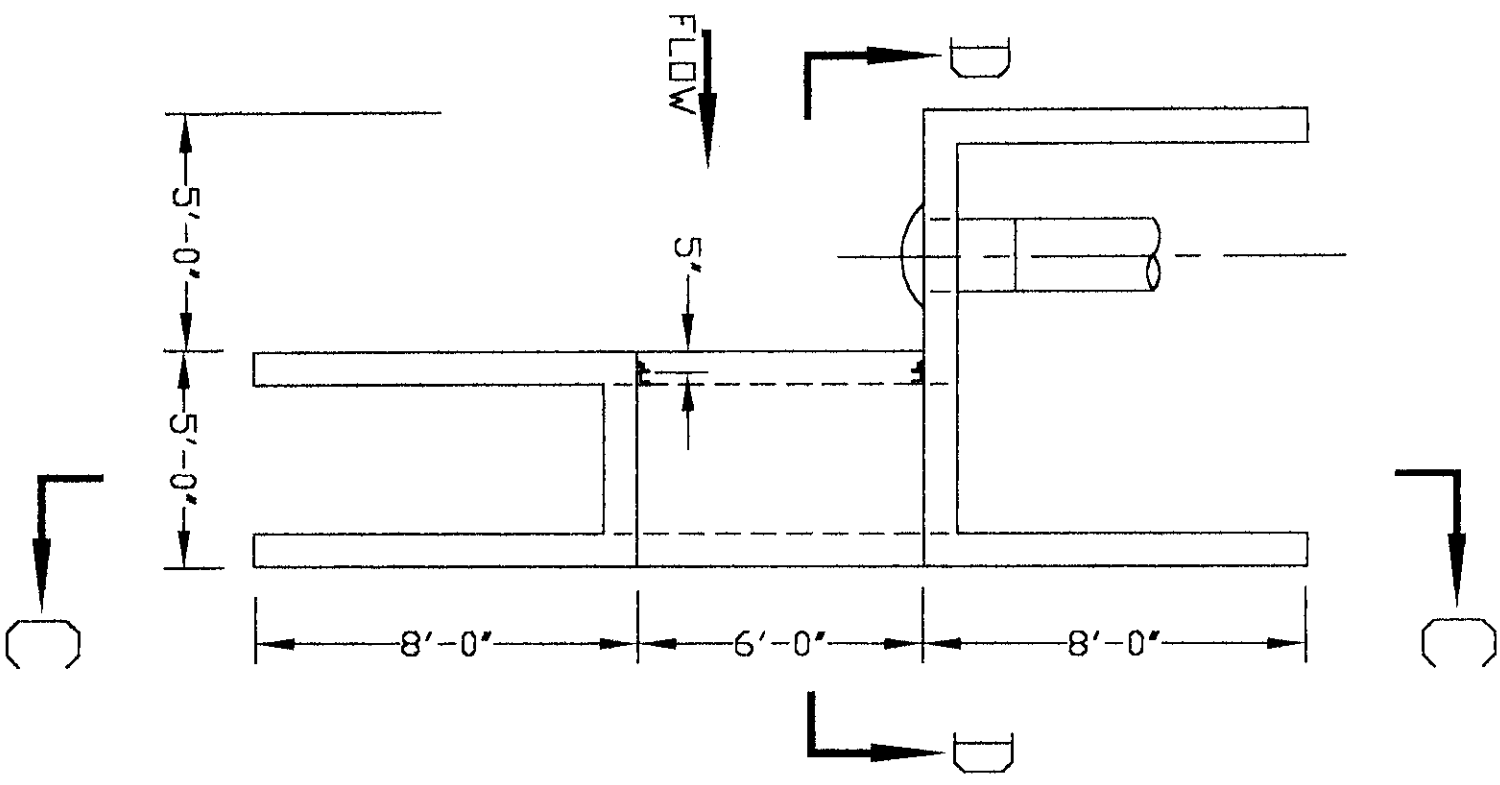
-  Place of Use
-  Inlet Structure
-  Outlet Structure
-  Pipeline
-  Pipeline Flow
-  Ditch
-  Main Drainage Channel
-  Sediment Basin
-  Restored Wetland



T. 9N
R. 5W
Sec. 1

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SEP 16 2003





**PRELIMINARY
NOT FOR CONSTRUCTION**

- NOTE**
1. All Walls and Floor Shall be 8'.
 2. All Rebar Shall be #5@12" c-c Spacing Both ways and Positioned in the Center of the Section.

STA. 7+10
CHECK STRUCTURE

JEWEL - WETLAND		DATE 1/01		Approved By _____
PAYETTE SWCD		DATE 1/01		Title _____
PAYETTE COUNTY, IDAHO		Designed RJB		Title _____
USDA-NATURAL RESOURCES CONSERVATION SERVICE		Drawn RJB		Title _____
		Traced _____		
		Checked _____		

CAD FILE NO. _____
DRAWING NO. _____
SHEET 5 OF 2



UNLIMITED BOUNDARIES, INC. DBA
Bergey Land Surveying

**DESCRIPTION FOR
JON & MARY TRAIL
FOR WETLAND RESERVE EASEMENT
A PORTION OF THE NW¼,
SECTION 1, T.9N., R.5W., B.M.,
PAYETTE COUNTY, IDAHO**

The following describes a parcel of real property situate in the Northwest Quarter (NW¼), Section 1, T.9N., R.5W., B.M., Payette County, Idaho being more particularly described as follows:

Beginning at the West One Quarter Corner of said Section 1, T.9N., R.5W.,

Thence, along the southerly line of the NW¼ of said Section 1,

S89°49'23"E, 1257.03 feet,

Thence, departing the said southerly line, N02°43'21"E, 213.12 feet,

Thence, N26°46'25"E, 258.05 feet,

Thence, N23°18'47"E, 184.14 feet,

Thence, N20°44'21"E, 84.49 feet, to a point hereafter referred to as

"Point A,"

Thence, continuing N20°44'21"E, 113.71 feet,

Thence, N19°07'12"E, 332.08 feet,

Thence, N26°00'50"E, 201.96 feet, to a point on the southerly line of

Govt. Lot 3,

Thence, along said southerly line of Govt. Lots 3 and 4 of said Section 1,

N89°48'11"W, 1727.61 feet, to the Southwest corner of said Govt.

Lot 4,

Thence, along the westerly line of the NW¼ of said Section 1, S00°10'06"E,

1295.05 feet, to the Point of Beginning.

The above described parcel of real property contains 43.54 acres, more or less, and is subject to all easements and reservations.

TOGETHER WITH:

Walt Neitz, PLS
1431 S. Main Street
Payette, Idaho 83661
208-642-3479
Fax 208-642-3501

Page 1 of 2

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SEP 16 2003

Doug Bergey, PLS
4232 Adams Street
Boise, Idaho 83714
208-672-8407
Fax 208-672-8567



UNLIMITED BOUNDARIES, INC. DBA

Bergey Land Surveying

An easement for ingress/egress purposes being situate in Section 1, T.9N., R.5W., B.M., Payette County, Idaho, said easement being twenty (20) feet in width, ten (10) feet on each side of the centerline when measured at right angles, said centerline being more particularly described as follows:

Beginning at a point on the westerly edge of Hill Road, from which the Northeast Corner of said Section 1 bears N38°16'49"E, 2732.28 feet,

Thence, S50°47'27"W, 27.40 feet,

Thence, S06°36'11"W, 237.32, feet,

Thence, N89°48'44"W, 881.80 feet, to a point from which the Center One

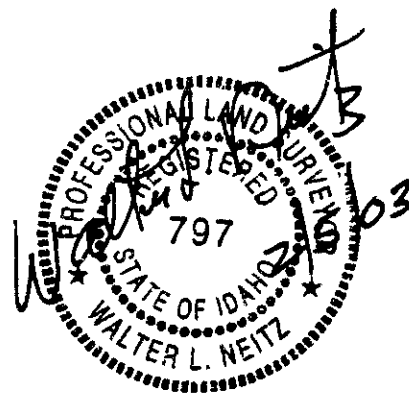
Quarter Corner of said Section 1 bears N53°14'31"W, 18.00 feet,

Thence, N00°29'36"E, 724.85 feet,

Thence, S89°51'34"W, 1099.39 feet,

Thence, S78°14'35"W, 77.04 feet, to the, herein before mentioned, "Point

A" being the Point of Termination.



Walt Neitz, PLS
1431 S. Main Street
Payette, Idaho 83661
208-642-3479
Fax 208-642-3501

Page 2 of 2 MICRONIZED

SEP 16 2003

Doug Bergey, PLS
4232 Adams Street
Boise, Idaho 83714
208-672-8407
Fax 208-672-8567

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 12, 2003

JON TRAIL AND MARY TRAIL LLC
1734 COX RD
WEISER ID 83672-5810

RE: Permit No. 67-14419

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources 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 the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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

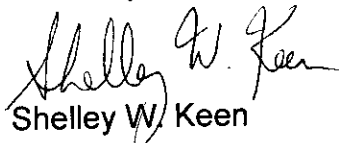
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

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SEP 18 2003

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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SEP 16 2003

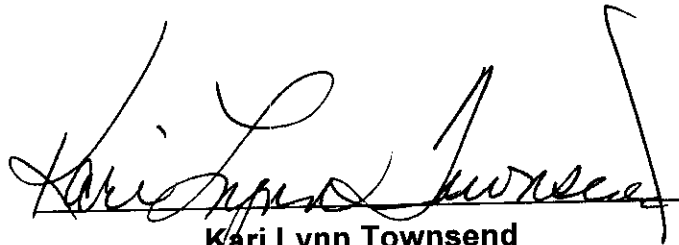
CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

67-14419

JON TRAIL AND MARY TRAIL LLC
1734 COX RD
WEISER ID 83672-5810



Kari Lynn Townsend
Secretary

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SEP 16 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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



Idaho Secretary of State Viewing Business Entity

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[[Get a certificate of existence for JON TRAIL & MARY TRAIL, LLC](#)]

JON TRAIL & MARY TRAIL, LLC

1734 COX RD
WEISER, ID 83672

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING 27 Dec 2002

State of Origin: IDAHO

Date of Origination/Authorization: 27 Dec 2002

Current Registered Agent: JON G TRAIL
1734 COX RD
WEISER, ID 83672

File Number: W22014

Date of Last Annual Report: N/A

Amendments:

Amendment 0 filed 27 Dec 2002 ARTICLES OF ORGANIZATION

[View Document Online](#)
[Download \(TIFF format\)](#)

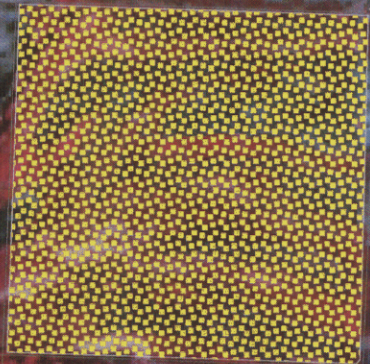
[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@idsos.state.id.us

MICROFILMED
SEP 16 2003

MICROFILMED
SEP 16 2003



MEMORANDUM

DATE: 8/14/03

FROM: Lori Graves

g

TO: Gary Spackman

RE: 67-14419

The primary purpose for application 67-14419 is to improve water quality of drainage water before entering the Snake River through the restoration and maintenance of a historical wetland. The owners of the land filed the application on behalf of Drainage District No. 2. Notice was sent to Bosco Bosler only because this application is located in Basin 67. **The drain water is not associated with the Weiser River drainage.** Bosco opposed the application because he felt that the amount of water listed was excessive for the uses described.

The application lists 3620 afa along with 5 cfs. Only the 5 cfs can be permitted. The volume listed is N/A since water storage is not being proposed. Bosco's comments should not be considered appurtenant to this proposal.

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SEP 16 2003

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application Number: 67-14419

Applicant's Name: Jon Trail & Mary Trail, LLC

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☒ I oppose approval of this application for the following reasons:

I'm not sure why this application was sent to me, as it is not in my district, that I can see! Furthermore, it seems a little excessive to give a water right for "Riparian" use of 5cfs, or 3620 acre feet per annum. That is a little over a third of the size of Lost Valley Reservoir, which supplies water for farmers and ranchers for almost 100 miles! It just seems to be too much for what it will be used for!

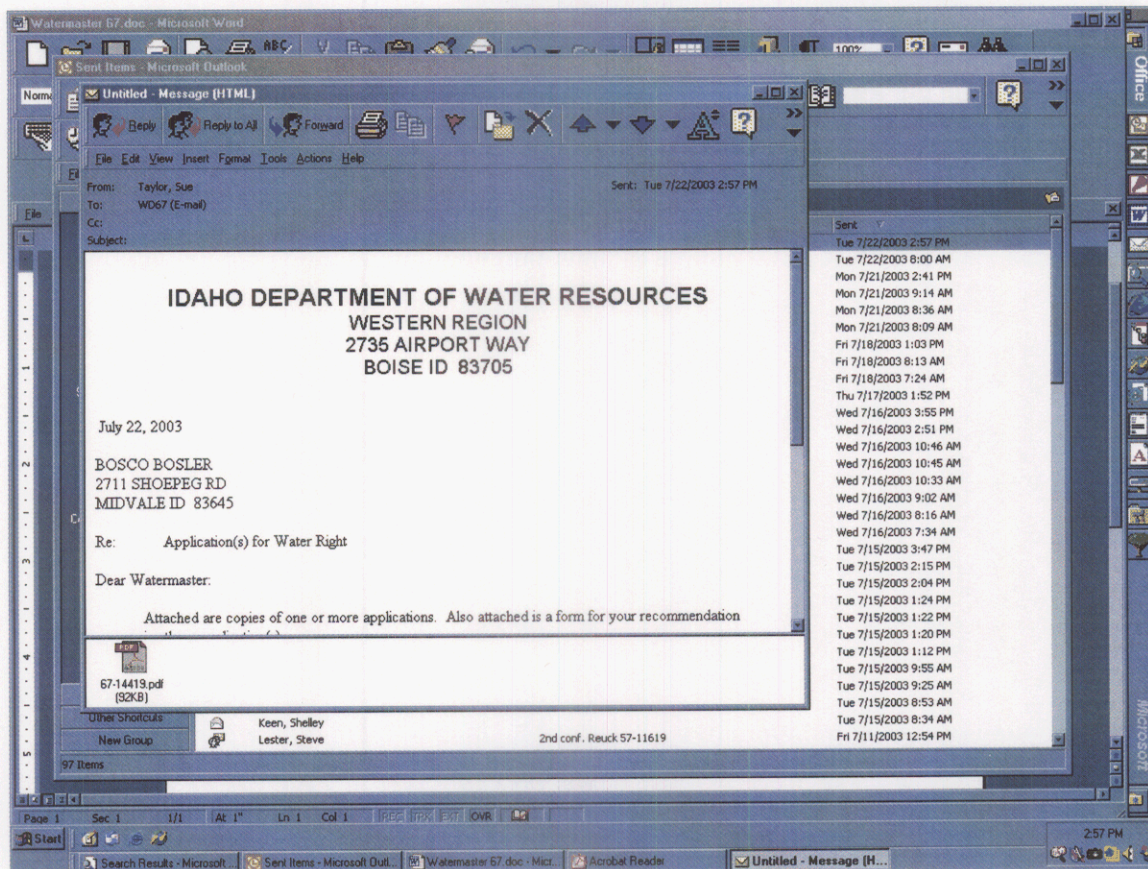
Additional Comments:

Dated this 22 day of July, 2003

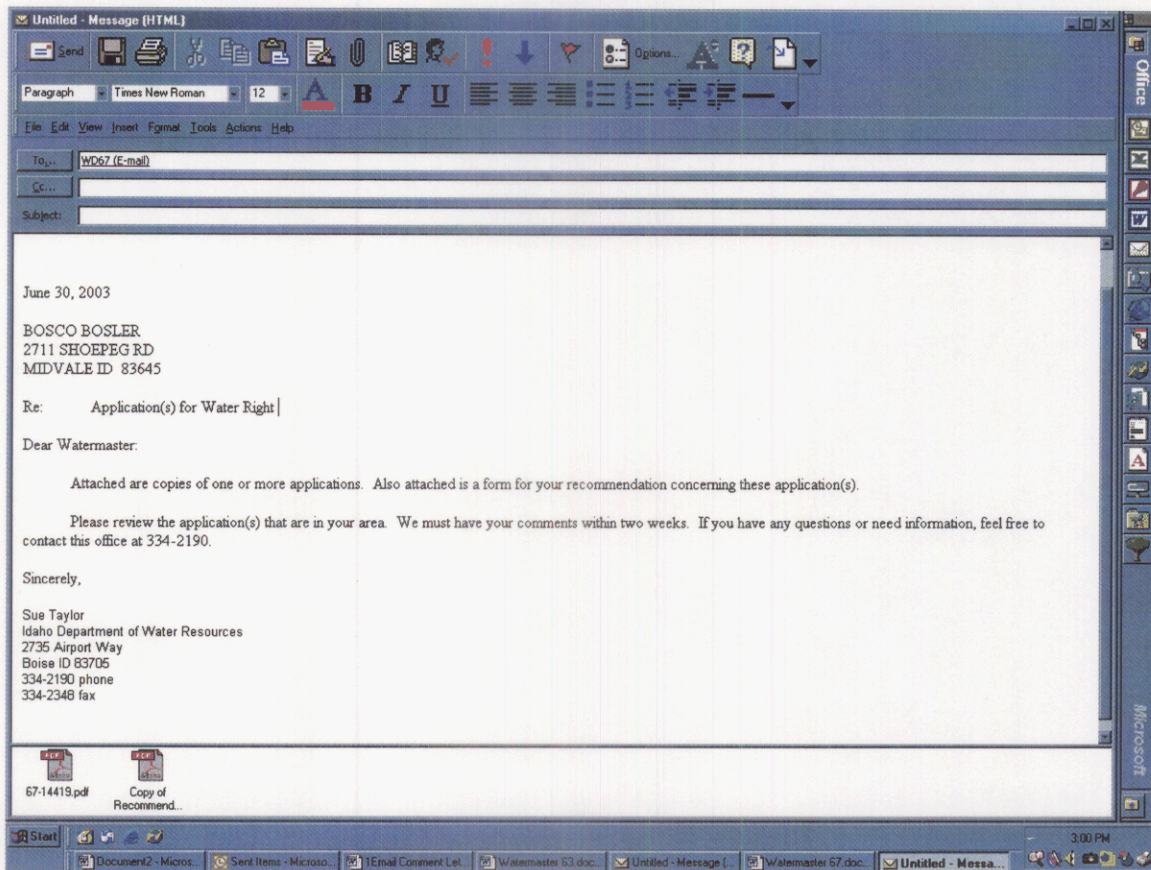
Water District Number 67 Watermaster's Signature Bosco Bosler

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SEP 16 2003



MICROFILMED
SEP 16 2003



resent
7-22-03
st

MICROFILMED

SEP 16 2003

Affidavit of Publication

Copy of Notice
(First Copy)

STATE OF IDAHO,
COUNTY OF PAYE

PUBLIC NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
67-14419

JON TRAIL AND MARY TRAIL LLC
1734 COX RD.
WEISER, ID 83672-5810

Point(s) of Diversion NWSENW S1 T09N R05W PAYETTE County Source UNNAMED DRAIN
Tributary To SNAKE RIVER

Use: WILDLIFE
Use: WATER QUALITY IMPROVEMENT
USE: RIPARIAN MAINTENANCE
Total Diversion:

01/01 To 12/31 5 CFS
01/01 TO 12/31 5 CFS
01/01 to 12/31 5 CFS
5 CFS

duly sworn, depos
That he is the

THE INDEPENDENT
at Payette, in the C
paper has been a
aforesaid, and in t
a copy of which
newspaper once a
the regular and en
time of publication
and not a supplem
regularly publish
weeks prior to the

Date Filed: 05/05/2003
Place Of Use: RIPARIAN MAINTENANCE
T09N R05W S1 SWNW

Place Of Use: WILDLIFE
T09N R05W S1 SWNW

Place of Use: WATER QUALITY IMPROVEMENT
T09N R05W S1 SWNW

Remark: Applicant agrees to mitigate consumptive use in the future as needed.
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 7/21/2003. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

STATE OF IDAHO
COUNTY OF

On this 10th day, No. 817

July 2, 9

a Notary Public, personally appeared Darlene Allison
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me first duly
sworn, declared that the statements therein are true, and
acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at Boise, Idaho

My commission expires: 12-1-04

RECEIVED

JUL 11 2003

WATER RESOURCES
WESTERN REGION

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines 34 x 4 Col.

Number of Insertions two (2)

34 Lines @ 2.38 ... \$ 80.92

34 Lines @ 2.04 ... \$ 69.36

TOTAL COST
WILL BE \$ 150.28

MICROFILM

No

817

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

ss.

Application for Permits
TITLE OF PUBLICATION

Dept. of Water Resources
SPONSOR OF PLAINTIFF
PLAINTIFF OR LEGAL AGENT

J. Darlene Allison, being

duly sworn, deposes and says:

That *3* he is the *clerk* of

THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at Payette, in the County of Payette and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two (2)* consecutive weeks in the regular and entire issue of said paper during the period and 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 *July 2*, 200 *3*, and ending with the issue of *July 9*, 200 *3*.

STATE OF IDAHO
COUNTY OF

On this *10th* day of *July* in the year of *2003*, before me, a Notary Public, personally appeared *Darlene Allison*, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Maureen J. Hinckley
Notary Public for Idaho

Residing at *12-1-04*
My commission expires: *12-1-04*

Copy of Notice

(First Copy)

that are naturally present in the water supply. Coliform bacteria, which are potentially-harmful, bacteria may be present. Coliform bacteria are not allowed and this was a warning of potential problem.

water containing arsenic in excess of the MCL over a long period of time or problems with their circulatory system, and cancer.

months who drink water containing nitrate in excess of 10 ppm and, if untreated, may die. Symptoms include irritability, drowsiness, and they may experience problems with their health.

standard for arsenic because of special concerns that a naturally occurring mineral known to cause cancer.

10 ppm is a health risk for infants of less than six months of age. Drinking water can cause blue baby syndrome. Nitrate in drinking water because of rainfall or agricultural activity. It is advised to seek advice from your health care provider.

There have been no violations. We're proud that your drinking water meets State requirements. We have learned through our monitoring that no nitrates have been detected. The EPA has determined

water, may reasonably be expected to contain at least 10 ppm of nitrate. The presence of contaminants does not necessarily indicate a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline at 1-800-426-8011.

calling the Environmental Protection Agency's Safe Drinking Water Hotline at 1-800-426-8011.

To understand the possible health effects described above, you would have to drink 2 liters of water every day for 10 years in a million chance of having the described health effects.

notify physicians and health care providers in the area of the water supply. The level of nitrates in the water supply.

RECEIVED

JUL 11 2003

WATER RESOURCES
WESTERN REGION

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines *34* x *4 col.*

Number of Insertions *two (2)*

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DATE: 7/11/2003

Nº

817



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 30, 2003

LOWER PAYETTE DITCH CO.
102 N MAIN
PAYETTE ID 83661

Re: Water Right Application(s)

Dear Interested Party:

Enclosed is a copy of application(s) that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by July 21, 2003.

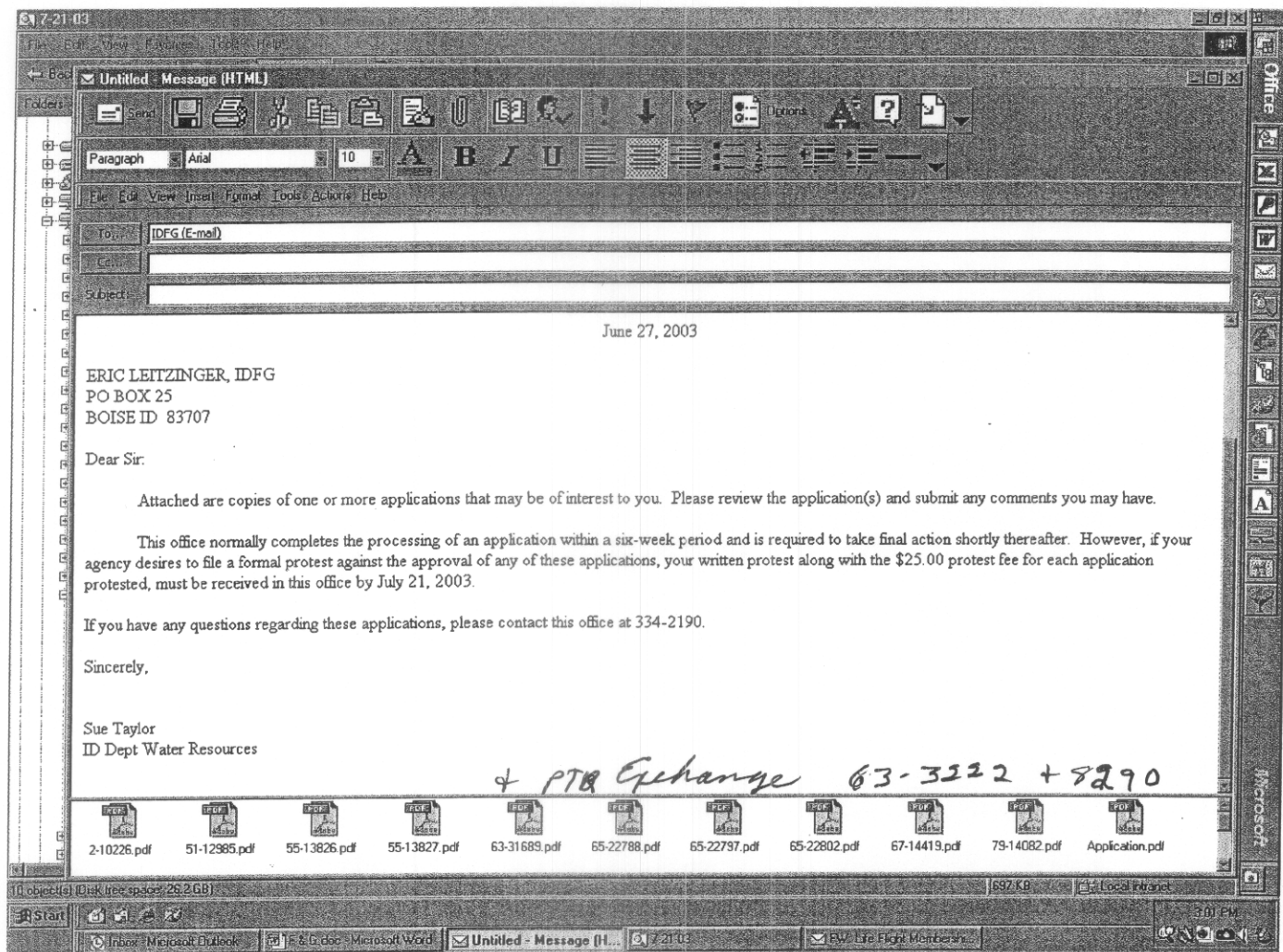
If you have any questions regarding the application(s), please contact this office.

Sincerely,
Sue Taylor
Senior Secretary

Encl. Copy of Application(s)

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SEP 16 2003



MICROFILMED

SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 25, 2003

Legal Notice Department
INDEPENDENT ENTERPRISE
124 S MAIN
PAYETTE ID 83661

RE: Application for Permit No. 67-14419 and 65-22802

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 07/21/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED

SEP 16 2003

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

67-14419

JON TRAIL AND MARY TRAIL LLC
1734 COX RD
WEISER ID 83672-5810

Point(s) of Diversion NWSEW S1 T09N R05W PAYETTE County Source UNNAMED DRAIN
Tributary To SNAKE RIVER

Use: WILDLIFE 01/01 To 12/31 5 CFS

Use: WATER QUALITY 01/01 To 12/31 5 CFS
IMPROVEMENT

Use: RIPARIAN MAINTENANCE 01/01 To 12/31 5 CFS

Total Diversion: 5 CFS

Date Filed: 05/05/2003

Place Of Use: RIPARIAN MAINTENANCE

T09N R05W S1 SWNW

Place Of Use: WILDLIFE

T09N R05W S1 SWNW

Place Of Use: WATER QUALITY IMPROVEMENT

T09N R05W S1 SWNW

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 07/21/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Independent Enterprise on July 2 and 9, 2003.

MICHAEL

SEP 16 2003

Graves, Lori

From: William Ford [wjf@fmtc.com]
Sent: Friday, June 06, 2003 7:52 AM
To: lgraves@idwr.state.id.us
Subject: Jewel Wetland



Water Resources
Jewel.doc

Greetings Lori Graves,

Attached find a statement from the Canyon County Drainage District No.2 regarding the water right application for the Jewel Wetland.

The district has the responsibility to remove the excess water from the community and deliver it to the river in a somewhat acceptable condition. In doing so it should not matter if we send it through a cleanup system of ponds. Since we have joined up with the Trail Family (site property owners) and placed the project in the USDA's Wetland Reserve Program, a water right is required.

This is good, in that there will always be a guarantee of water to support the elements of the water clean up system.

Thank you for your part in this process. If we can be of any other assistance please let us know.

William Ford Canyon County Drainage District No.2 (payette,
washington counties)

MICRONICS

SEP 16 2003

June 6, 2003

To : Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

From : Canyon County Drainage District No. 2
851 North 5th Street
Payette, Idaho 83661

Subject: Statement to accompany application of water rights for Jewel Wetland

In an attempt to clean up our drain system water before it enters the Snake River, we have partnered up with the Trail Family to re-establish a former wetland on their property. In that process they have placed their property into the Wetland Reserve Program (WRP). To ensure that the wetland remains a functional water clean up system and habitat site a permanent water right is required.

The water source for this water right request originates at basically three sources. First the drain taps underground sources as it collects water from natural springs. Second is the natural collection of precipitation with in the drainage basin. Third is the increase in the underground sources and tail water introduced by the irrigation system.

Submitted by Commissioners, David Durham, Jo Anne Smith, William Ford

Signed William Ford

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SEP 16 2003