

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 79-07224

Priority: April 08, 2005

Maximum Diversion Rate: 0.04 CFS

This is to certify, that BARBARA BROWN
PO BOX 192
WHITE BIRD ID 83554

has applied for a permit to appropriate water from:

Source: WHITE BIRD CREEK

Tributary: SALMON 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>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

WHITE BIRD CREEK NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, Twp 28N, Rge 01E, B.M. IDAHO County

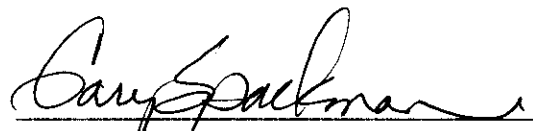
PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
28N 01E 14									X								

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 1, 2006**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.

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 October, 2005.


FOR KARL J DREHER, Director

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR PERMIT 79-7224 IN THE NAME) WITHDRAWAL OF APPLICATION
OF JIM &/OR BARBARA FISHER)
) PRELIMINARY VOID ORDER
)
_____)**

FINDINGS OF FACT

1. On January 27, 2005 a preliminary order was issued from the Idaho Department of Water Resources (IDWR) voiding Application for Permit #79-7224 under the name of Jim &/OR Barbara Fisher.

2. On February 7, 2005 Barbara Brown (formerly Barbara Fisher) submitted a petitioned to IDWR, requesting the application not be voided and continue to be held by IDWR.

CONCLUSIONS OF LAW

1. Pursuant to Idaho Code § 67-5243 (3) Any party may file a petition for reconsideration of the order to IDWR within 14 days of the service date of the order. IDWR will act on a petition for reconsideration within 21 days of its receipt.

2. Barbara Brown has submitted the requested documentation to IDWR within the parameters of IC 67-5243 (3). The Preliminary Void Order should be withdrawn.

3.

ORDER

IT IS HEREBY ORDERED the Preliminary Order Voiding Application for Permit #79-7224 in the name of Jim &/OR Barbara Fisher be **WITHDRAWN**. The application will continue to be held by IDWR

Dated this 11th day of April, 2005



John Westra
Manager, Western Regional Office

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)	PRELIMINARY ORDER
FOR PERMIT 79-7224 IN THE NAME)	VOIDING APPLICATION
OF JIM &/OR BARBARA FISHER)	
_____)	

FINDINGS OF FACT

1. On April 22, 1994, Jim &/or Barbara Fisher filed an application for permit with the Idaho Department of Water Resources (IDWR) seeking to divert .03 cfs for irrigation use from White Bird Creek, Idaho County. The application proposed diversion in the NE1/4 of SW1/4 of Section 14, T28N, R01E.

2. On May 11, 1994, IDWR informed the applicant by letter the application was being held by IDWR due to the Salmon River Moratorium Order.

3. On December 2, 2004, IDWR sent a letter to the applicant requesting the application status and the applicant's intentions. If the development was abandoned, the application should be withdrawn. A January 15, 2005 response deadline was set.

4. To-date, IDWR has received no response from the applicant.

CONCLUSIONS OF LAW

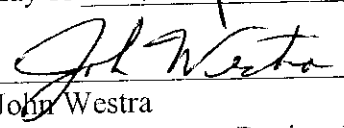
1. Idaho Code (IC)§ 42-204 and the Rules and Regulations of IDWR state that if an applicant does not submit requested information to IDWR within thirty (30) days of the date of request, IDWR may void the application.

2. The applicant has failed or refused to submit the requested information to IDWR within the 30 request period. IDWR should void the application pursuant to IC §42-204.

ORDER

IT IS HEREBY ORDERED that Application for Permit #79-7224 in the name of Jim &/or Barbara Fisher be **VOIDED**.

Dated this 25th day of January, 2005



John Westra

Manager, Western Regional Office

RECEIVED

APR 29 1994

Ident. No. 79-7224

Form 202
10/92

RECEIVED WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 2 2005

DEPARTMENT OF
WATER RESOURCES

APPLICATION FOR PERMIT

APR 08 2005

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

1. Name of applicant ~~Fisher, Jim or~~ Barbara Brown Phone 839-2444

Post office address Box 150 White Bird Id. 83554

2. Source of water supply White Bird Creek which is a tributary of N/A

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot 14

Sec. 14 Township 28N Range 1E B.M. Idaho County; additional

points of diversion if any: Salmon 12

4. Water will be used for the following purposes: Domestic 4-4-05 1/1 BB 4-4-05 2/30 BB 4-4-05

Amount .04 for Domestic purposes from June 1 to Sept 1 (both dates inclusive)

Amount N/A for N/A purposes from N/A to N/A (both dates inclusive)

Amount N/A for N/A purposes from N/A to N/A (both dates inclusive)

Amount N/A for N/A purposes from N/A to N/A (both dates inclusive)

5. Total quantity to be appropriated is (a) .04 cubic feet per second and/or (b) 1 acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. A irrigation pump out of the creek to water our garden + lawn for domestic use only

b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet; period of year when water will be diverted to storage: N/A to N/A 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 the completion of the works and application of the water to be proposed beneficial use is

1 years (minimum 1 year). - a permit for as long as we live at our home.

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

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 1 (1)
- e. Other; describe fully. _____

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	
T.28N	R.1E	14									X								X
											X								

Total number of acres to be irrigated 1 acre

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

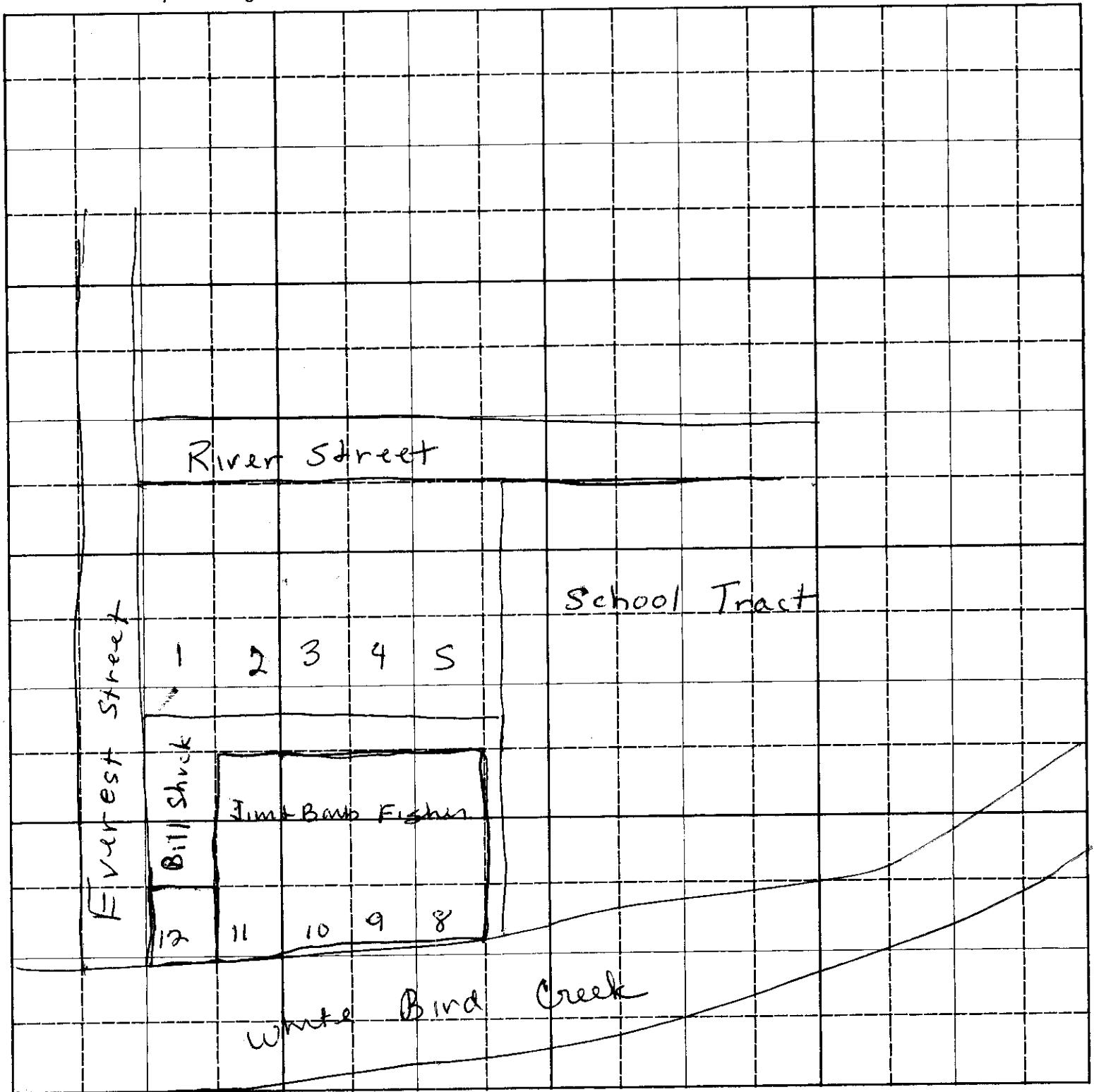
11. a. Who owns the property at the point of diversion? Jim and Barbara Fisher

b. Who owns the land to be irrigated or place of use? Jim + Barbara Fisher

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

12. Remarks: We would like to irrigate out of the creek
in the summer
application being held pending withdrawal
of drought moratorium.

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.

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.

BB 9405
Barbara A. Brown
(Applicant)

Received by Ph Date 4/22/94 Time 1:15 PM Preliminary check by Ly
Fee \$ 30.00 Receipted by Ph # N 7576 Date 4/22/94
Publication prepared by Sk Date 9-21-05 Published in Id City Free Press
Publication approved Sk Date 10-18-05

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:

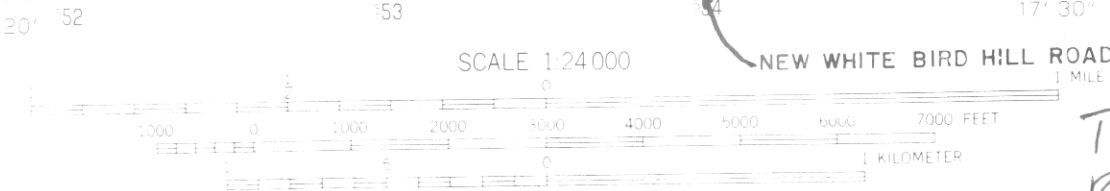
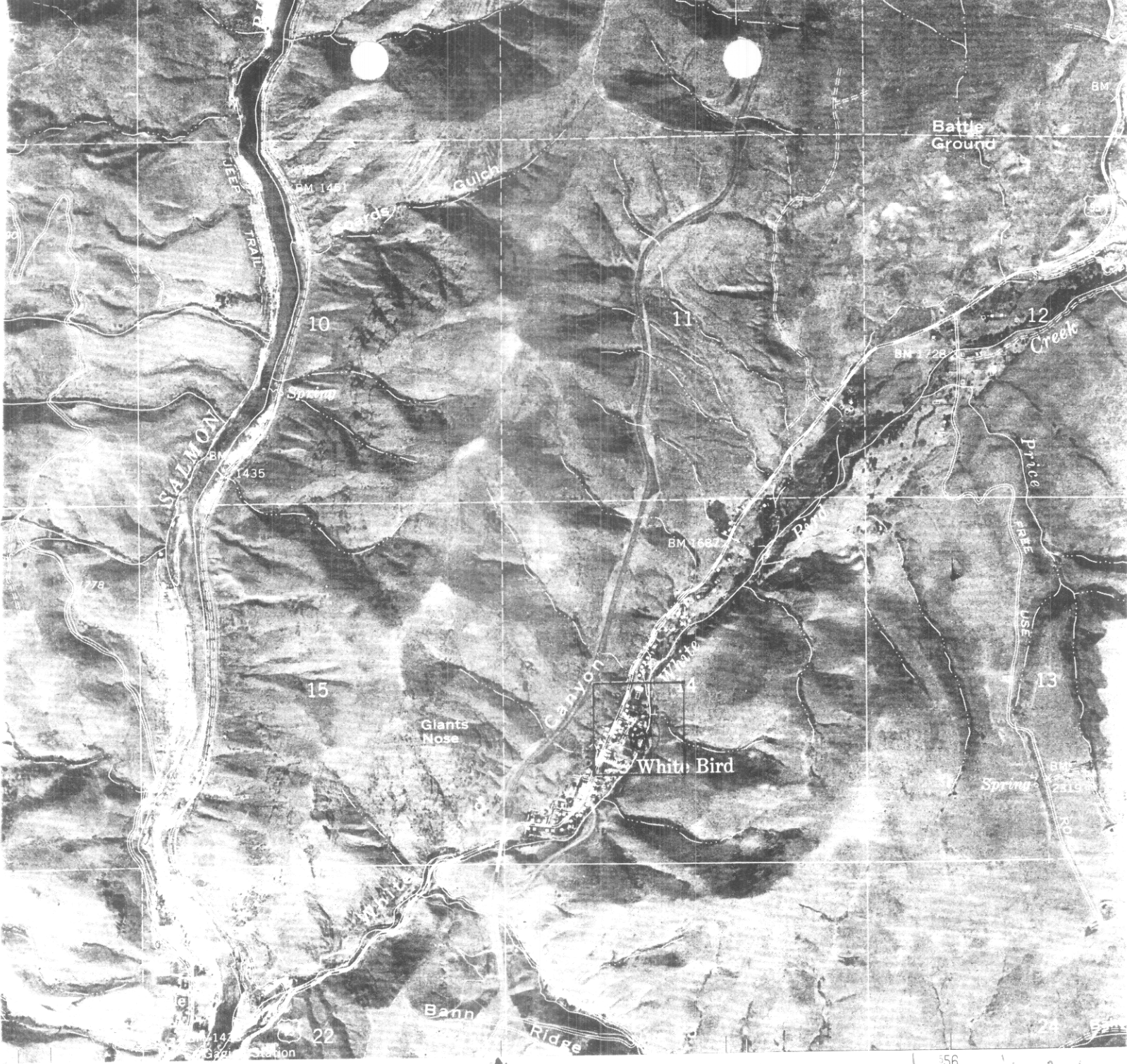
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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:



No gov't lots F
SC 9/7/05

T28N
R1E
Sec 14
NESW



OZALID PRINTS MAY BE PURCHASED FROM
IDAHO DEPARTMENT OF LANDS, STATEHOUSE, BOISE, IDAHO 83720

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 25, 2005

BARBARA BROWN
PO BOX 192
WHITE BIRD ID 83554

RE: Permit No. 79-7224

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.

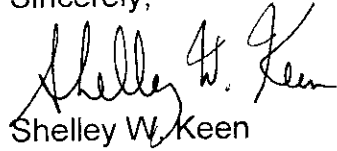
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 at least sixty days prior to the commencement of work in the stream.

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

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent part.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

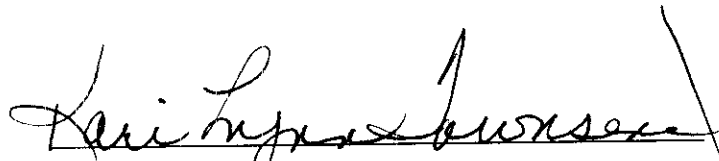
CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2005 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.

79-7224

**BARBARA BROWN
PO BOX 192
WHITE BIRD ID 83554**



**Kari Lynn Townsend
Secretary**

**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.

REC' VED

SEP 30 2005

WATER RESOURCES
WESTERN REGION

✓

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

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

79-7224
BARBARA BROWN
PO BOX 192
WHITE BIRD ID 83554
Point(s) of Diversion NESW S14
T28N R01E IDAHO County Source
WHITE BIRD CREEK Tributary To
SALMON RIVER
Use: DOMESTIC 01/01 To 12/31
0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 04/08/2005
Place Of Use: DOMESTIC T28N R01E
S14 NESW
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 Direc-
tor, 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
10/11/2005. The protestant must also
send a copy of the protest to the appli-
cant.

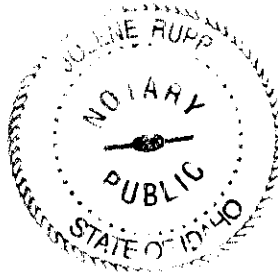
KARL J DREHER, Director
Published in the Idaho County Free
Press on September 21 and 28, 2005.
S21-28

Andrew J. McNab, being first duly sworn, says he is the
Publisher of the IDAHO COUNTY FREE PRESS, a weekly news-
paper published and issued weekly at Grangeville, Idaho County,
State of Idaho, and is of general circulation in said county and
state, that the said legal notice, of which the one hereto attached
is a true copy, was published in said paper for two weeks, being
published two times, the first publication being on the 21st
day of September, 2005; and the last publication on the 28th
day of September, 2005; and that the said legal notice was pub-
lished in the newspaper proper and not a supplement; that said
newspaper has been continuously and uninterruptedly published
in said county during a period of seventy-eight consecutive weeks
prior to the publication of said legal notice of advertisement.

Andrew J. McNab

STATE OF IDAHO)
COUNTY OF IDAHO)

On this 28th day of September in the year of 2005, before me a
Notary Public personally appeared Andrew J. McNab, 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.



John Rupp
Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 7-24-07

Kreger (Taylor), Sue

To: eleitzin@idfg.state.id.us
Subject: comment letters

IDAHO DEPARTMENT OF WATER RESOURCES

**WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

September 15, 2005

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

Attached is a copy(s) of one or more applications that may be of interest to your agency. 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 your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by October 11, 2005.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,



79-14134.pdf



79-7224.pdf

CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2005 I mailed a true and correct copy, certified, postage prepaid, of the foregoing **WITHDRAWAL of APPLICATION VOID ORDER** to the person(s) listed below:

Aue Kreyer

RE: Application for Permit #79-7224

Barbara Brown
Box 192
White Bird, ID 83554

RECEIVED

FEB 10 2005

WATER RESOURCES
WESTERN REGION

February 7, 2005

State of Idaho
Department of Water
1301 North Orchard St.
Boise, ID.

RE: Preliminary Order in the Matter of Application for Permit #79-7224

Dear, Mr. John Westra,

After receiving a preliminary order letter that was sent by your office on 01/25/05, the letter was sent "return service requested", and I did not receive it till a week later. This was the first letter that I had received about the water application status and the application, according to your letter you had sent letters on 12/2/04. I talked to our new Post Master in White Bird, and she said that the letter was put in PO Box 150, and the owner of that box did not return it to be re-delivered. Also was due to the fact that my name had changed, and PO box number from 150 to 192 since last IDWR correspondence in May of 1994, though I still live in the same home. I called the Boise Office and talked to you on 1/31/05 in regards to the letter, and the fact that I had not received the information to respond. You said to write a letter, explaining the address, name change problem.

I hope to have the application for permit for irrigation open and eventually accepted. Thank you for your understanding in this matter and hope to hear from you in this matter

Sincerely,



Barbara Brown
PO Box 192
White Bird ID, 83554

CONVERSATION MEMORANDUM

Telephone

DATE 2/1/05FILE 79-7224NAME OF PARTY Barbara Brown.EMPLOYEE J. Westra - WestonRE: Preliminary Void Order

Mrs. Brown called to say she would like to continue keeping the application on hold, active. I told her she needed to send in writing the petition for the Department to reconsider. 14 day deadline.

- Mrs Brown was Barbara Fisher on the application



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

January 25, 2005

Jim &/or Barbara Fisher
PO Box 150
White Bird ID 83554

RE: Preliminary Order in the Matter of Application for Permit #79-7224

Dear Applicant:

The accompanying order 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 within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Westra', is written over a light blue horizontal line.

John Westra, Manager
Western Regional Office

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on Jan 27, 2005 I mailed a true and correct copy, certified, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

Sue Kreyer

RE: Application for Permit #79-7224

**Jim &/or Barbara Fisher
PO BOX 150
White Bird ID 83554**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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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

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REQUEST FOR HEARING

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

ORAL ARGUMENT

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FINAL ORDER

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- 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

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 2, 2004

Jim &/or Barbara Fisher
PO Box 150
White Bird ID 83554

RE: Application for Permit #79-7224— Irrigation
Filed: April 1994

Dear Applicant:

The Department is in the process of reviewing and updating applications that have been held without action for an extended period, application copy attached. The last written communication regarding your application was in 1992.

In 1993, the Department limited approval of new water rights in the Salmon River drainage by issuing an Amended Moratorium Order. The order prohibited approval of most new water applications proposing diversion of surface water in the Salmon drainage. Applications that propose domestic/nonconsumptive use and that will have no effect on migration of anadromous fish are allowed consideration. During 1999, a more restrictive Moratorium Order was also issued by the Department Director in the Wilderness Wild & Scenic Rivers areas within the Salmon River basin. The order prohibits new consumptive uses, and appropriations that effect other water rights including reserved Federal rights. At present, both orders remain in effect.

If you still plan to develop the project as identified, and wish the application continued to be held, please advise this office of your intentions, **OR** sign and return the enclosed application withdrawal if the project is going to be abandon. Please respond **by January 15, 2005**. If no response is received, the Department will consider voiding the application pursuant to Idaho Code §42-204.

Should you have any questions please contact me at the Western Regional Office, 334-2190.

Sincerely,

A handwritten signature in dark ink, appearing to read 'John Westra', is written over a horizontal line.

John Westra
Western Regional Manager.

Enclosure.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 11, 1994

Jim and Barbara Fisher
Box 150
White Bird ID 83554

RE: Application for Permit

Dear Applicants:

Your application for permit to appropriate irrigation water from White Bird Creek was received 4/22/1994.

Due to continued drought and the need to protect existing water rights and water supplies, the Director of this agency declared a moratorium on 5/15/92 concerning water right applications proposing new consumptive uses of public water. The moratorium has been lifted in some areas of the state, but remains in place for surface water tributary to the Salmon River. We will not be able to process your application at this time. Delays related to department decisions do not affect the date of priority or seniority of your application.

This office will continue to hold your application pending future developments in the water supply situation and will inform you of any changes. If you have any questions, please feel free to contact me at 334-2190.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Lori A. Graves', is written over the typed name.

Lori A. Graves
Sr. Water Resource Agent

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

September 15, 2005

Legal Notice Department
IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE ID 83530

RE: Application for Permit No. 79-7224 + 79-14134

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 10/11/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

79-7224

BARBARA BROWN
PO BOX 192
WHITE BIRD ID 83554

Point(s) of Diversion NESW S14 T28N R01E IDAHO County Source WHITE BIRD CREEK
Tributary To SALMON RIVER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 04/08/2005

Place Of Use: DOMESTIC

T28N R01E S14 NESW

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 10/11/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho County Free Press on September 21 and 28, 2005.