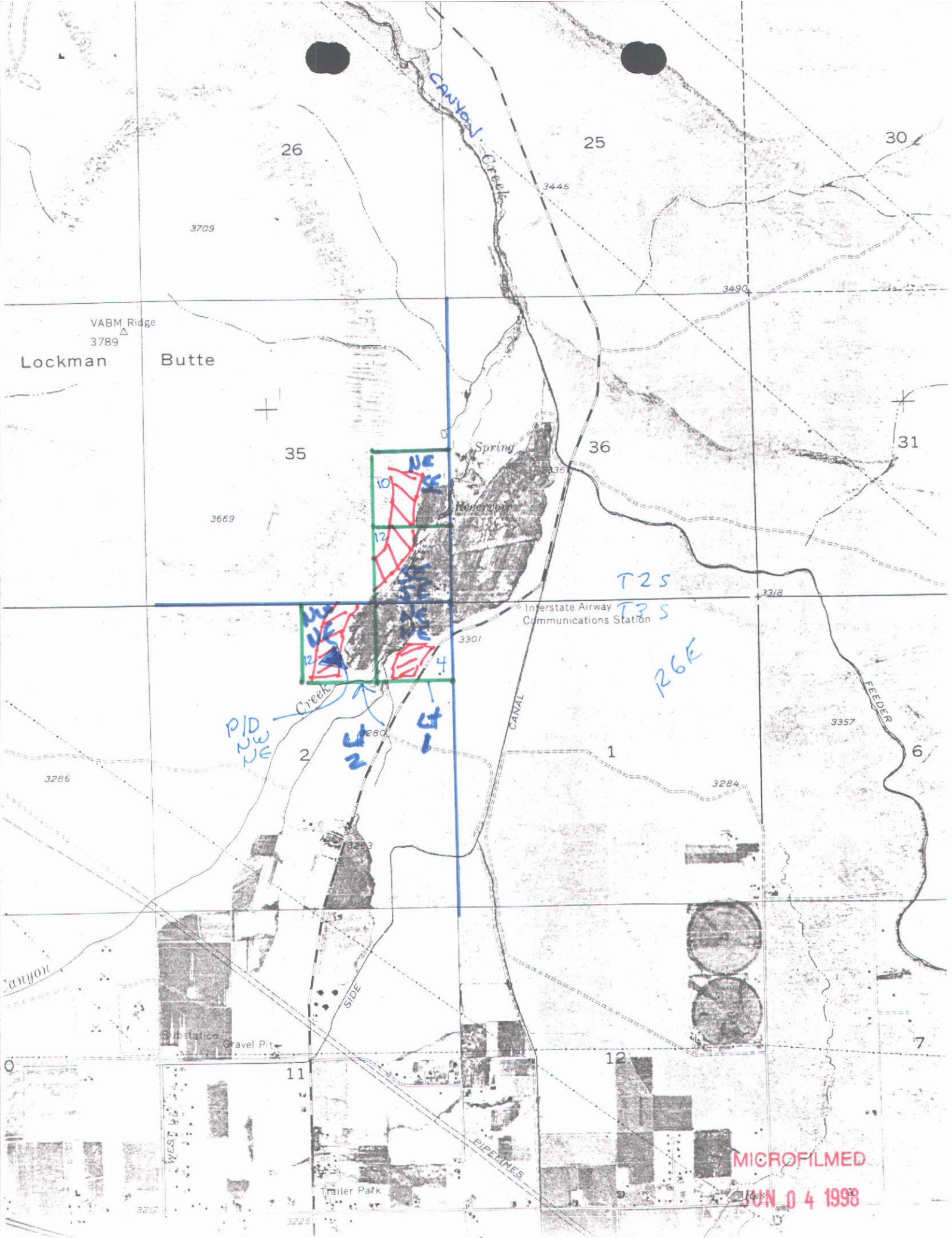
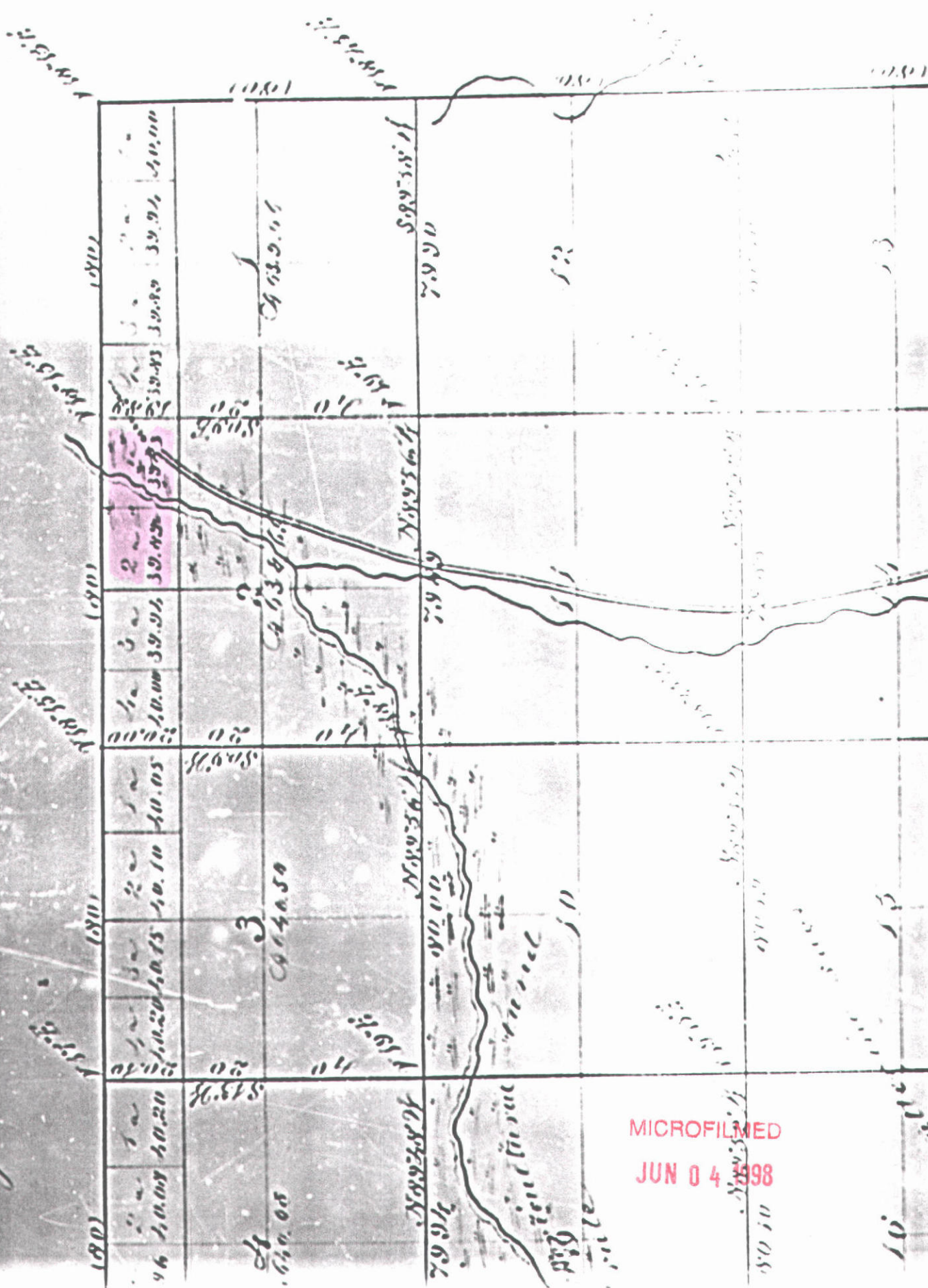




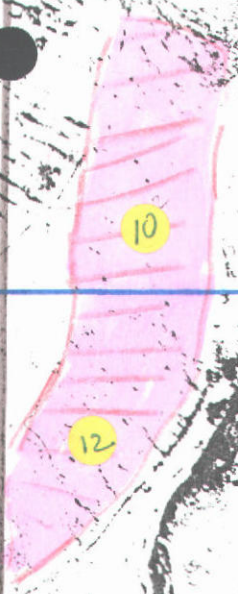
Range No 6 First Boise Meridian



MICROFILMED
JUN 04 1998

A NORTH

NE
SE



SE
SE



NW
NE

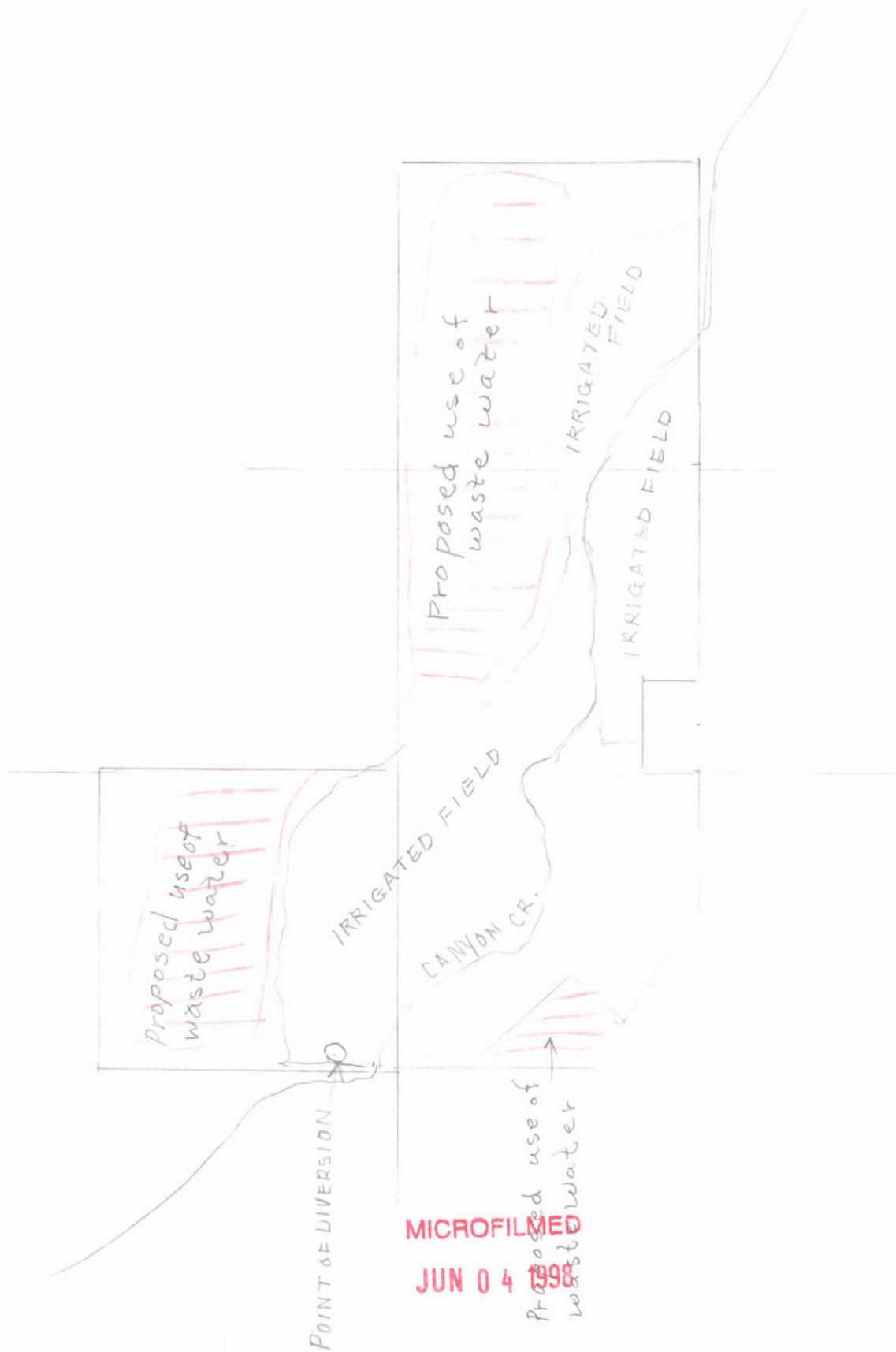
Govt
Lot
12



NE
NE

Govt
Lot
4

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JUN 04 1993

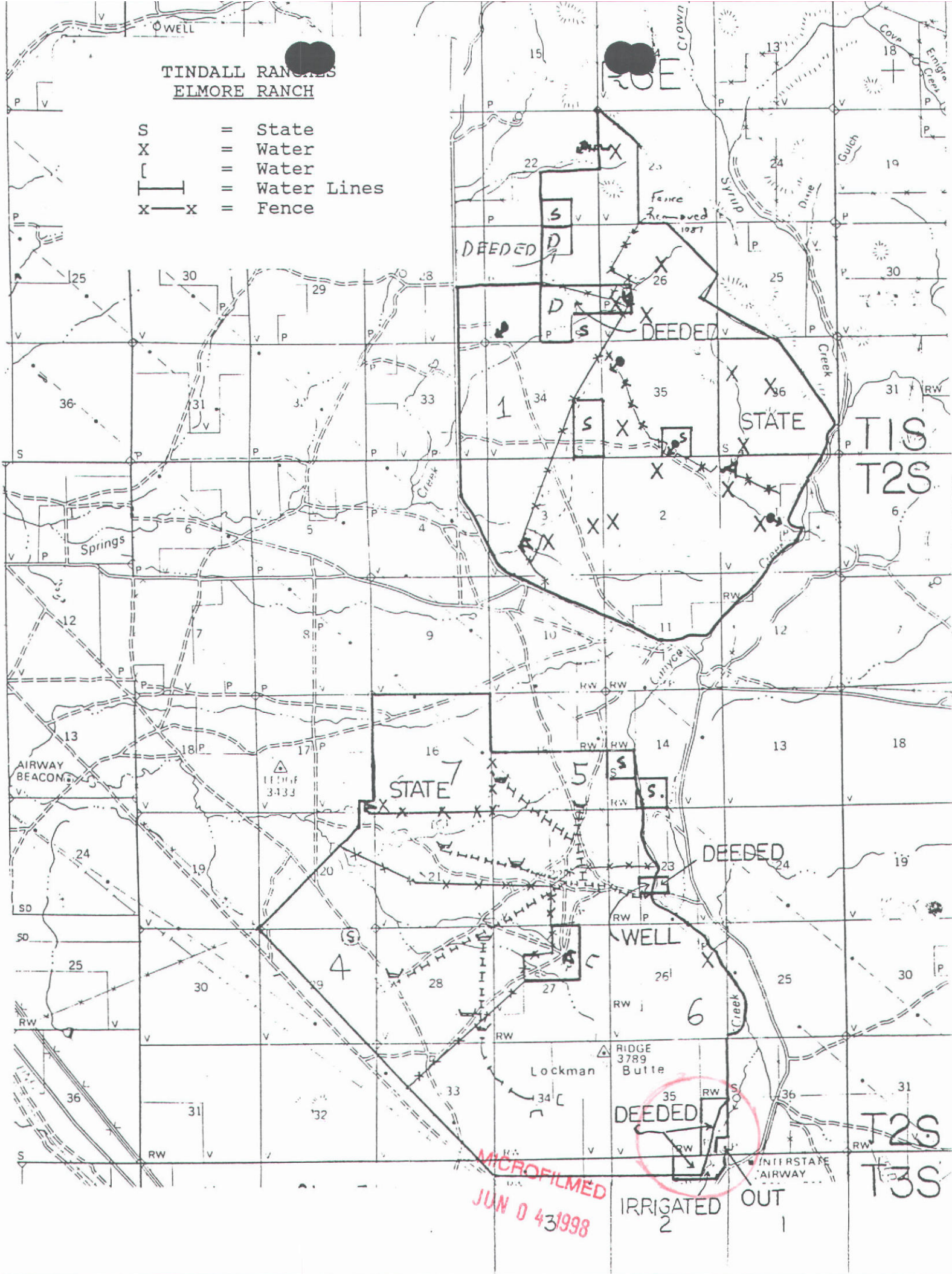


MICROFILMED

JUN 04 1998

TINDALL RANCHES
ELMORE RANCH

S = State
X = Water
[= Water
| = Water Lines
x—x = Fence



MICROFILMED
JUN 04 1998

IRRIGATED OUT
2 1

T2S
T3S

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME **RECEIVED**
APR 22 2003

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

Department of Water Resources

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

new address
Permit No. 61-7738
Name(s) of Permit Holder: Theresa & Rita Hoffman
Address: Rt 3 Box 648 City Mountain Home State ID Zip 83647
Telephone No. 208 587 6374 Date Proof is Due: 6/1/03

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".)

Power source brought to pump site. Sump, pipes, and
headgate in place. Cased pipe purchased and in place

Costing \$ 8,500

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

Inadequate water supply this year - 1 acre foot instead
of 3, will result in no minimal water. Due to
very old & inadequate service line, Idaho Power will require
2 5hp pumps with staggered "soft" start instead of a much
less expensive single 10hp pump with a hard "start". Not sure

Permit holder(s) request an extension to

June, 2006

Theresa Hoffman
(Signature)*
when dropping
wildland, ID
Power expects to
change out line
within 2 years.

*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, 2006.

Signed this 25th day of April, 2003

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

SCANNED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
INSTRUCTIONS FOR EXTENSION OF TIME REQUEST
TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. **Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.**

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may be granted one or more extensions of time even though no work has been accomplished:

- When there is a lack of a required consent or final approval from a federal government agency (**evidence of delay must be submitted with the request**), i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
- When litigation related to title of the water has prevented development of the permit (**evidence must be submitted with the request**).
- When the water project is of a large scale – storage of more than 10,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
- When the water right permit is held by the United States of America (**reason for request must be submitted**).

A non-refundable filing fee of **\$50.00** must accompany the Request for Extension of Time form.

NOTE that in no case should a *Proof of Beneficial Use* form and a *Request for Extension of Time* form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect.

SCA 11/11/11

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 61-7738) **ORDER GRANTING PETITION**
IN THE NAME OF THEODORE W.) **TO REMOVE MEASURING**
HOFFMAN AND RITA S. HOFFMAN) **DEVICE REQUIREMENT**
_____)

This matter having come before the Department of Water Resources (Department) as a petition to remove a requirement to install and maintain a measuring device and lockable controlling works, the Department makes the following Findings of Fact, Conclusions of Law, and Order

FINDINGS OF FACT

1. On June 1, 1998, the Department issued Permit 61-7738 (permit) to Chester J Tindall with a condition of approval requiring the installation of a measuring device and lockable controlling works as part of the diversion works.
2. On January 25, 2000, Chester J. Tindall assigned the permit to Theodore W Hoffman and Rita S. Hoffman (permit holders).
3. On May 17, 2002, the Department received the permit holders' petition to remove the measuring device and lockable controlling works requirement.
4. On June 14, 2002, Department staff conferred with the watermaster of Water District No 61A, who said the measuring device and lockable controlling works are not necessary for current administration of the water use authorized by the permit
5. Installation of a measuring device and lockable controlling works for the permit are not necessary at this time but may be necessary in the future

CONCLUSIONS OF LAW

1. Beneficial Use Examination Rule 35.02.d. (IDAPA 37.03 02.35.02.d.) provides for the waiver of a measuring device requirement by the Department.
2. The Department should waive the measuring device and lockable controlling works requirement until such time as they are necessary for regulation of the water right.

MICROFILMED

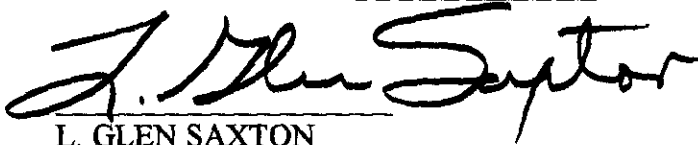
NOV 8 11 2002

ORDER

Approval condition no. 5, which requires the permanent installation of a measuring device and lockable controlling works as part of the diversion works for the permit, is **MODIFIED** as follows:

Upon specific notification by the Department, the right holder shall install a measuring device and lockable controlling works of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

Dated this 17th day of June, 2002.



L. GLEN SAXTON

Chief, Water Allocation Bureau

MICROFILMED

JUL 10 2002

11/99

For Office Use Only
\$25 filing fee 25.00
Receipt # 6048005
Date 2-4-2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

ASSIGNMENT OF PERMIT

To change the ownership of a permit

FEB 4 2000

DEPARTMENT OF WATER RESOURCES

I, Chet Tindall, hereby assign to Theodore W & Rita S Hoffman
of, P.O. Box 815 Mtn Home ID 83647 208.587.4374
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 61-07738 to
appropriate the public waters of the State of Idaho

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 25th day of January, 2000

Permit Holder(s)

Chester J. Tindall

State of Idaho)
County of Elmore)ss

On this 25 day of January, 2000, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.

Deborah Chandler
Notary Public residing at

SEAL

Mountain Home, Id

My commission expires June 11, 02

MICROFILMED

FEB 11 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 61-07738

Proposed Priority: September 15, 1997 Maximum Diversion Rate: 0.76 CFS

This is to certify, that **CHESTER J TINDALL**
550 N 8 E
MOUNTAIN HOME ID 83647

has applied for a permit to appropriate water from:
WASTE WATER tributary of **CANYON 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>
IRRIGATION	04/01 to 10/31	0.76 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 2(NWNE), Sec. 2, Township 03S, Range 06E
ELMORE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02S	06E	35	NESE 10.0	SESE 12.0		22.0
03S	06E	2	Lot 1(NENE) 4.0	Lot 2(NWNE) 12.0		16.0

Total number of acres irrigated: 38.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 2003.
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 water right will be regulated by the watermaster of State Water District No. 61A.
5. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED

JUN 04 1998

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

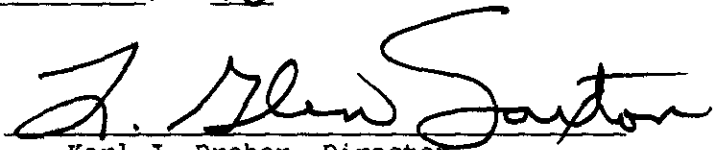
NO. 61-07738

CONDITIONS OF APPROVAL AND REMARKS

7. 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 needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary 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.
8. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
9. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
10. The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.

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

1st day of June, 1998.


for Karl J. Dreher, Director

MICROFILMED

JUN 04 1998

To appropriate the public waters of the State of Idaho

MAY 22 1998

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant CHESTER J. TINDALL Phone (208) 587-3798
Mailing address 550 No. 8 E. MTN. HOME, IDA 83647 CANYON CREEK *
2. Source of water supply WASTE WATER which is a tributary of MTN HOME IRR. DIST.
3. Location of point of diversion is Township T3S Range 6E Sec. 2 in the NW 1/4, NE 1/4, 1/4, Govt. Lot land 2, B.M., ELMORE County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .76 for irrigation on pasture purposes from 4/1 to 10/1 (both dates inclusive) ^{10/31}
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 56075 INCHES .76 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source ① 5HP pump ② 25HP pump
4" to 8" mainline then into sprinkler pipe.
b. Height of storage dam NONE feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is NONE 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? NONE; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____
- MICROFILMED
JUN 04 1998

* per USGS map 5/29/98.

⑤ Connected to work standard season of use for area. TRN 04/18/1997

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	
3S	6E	2	4 ¹ / ₂	12 ¹ / ₂															16
2S	6E	35													10			12	22
																			38

Total number of acres to be irrigated 38.0

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? CHESTER J TINDALL

b. Who owns the land to be irrigated or place of use? CHESTER J TINDALL

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: By using the waste water off the flooded meadows I want to establish a perennial grass to replace the cheat grass there now. The land is too rocky to farm other than pasture.

WASTE WATER BELONGS TO APPLICANT

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

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

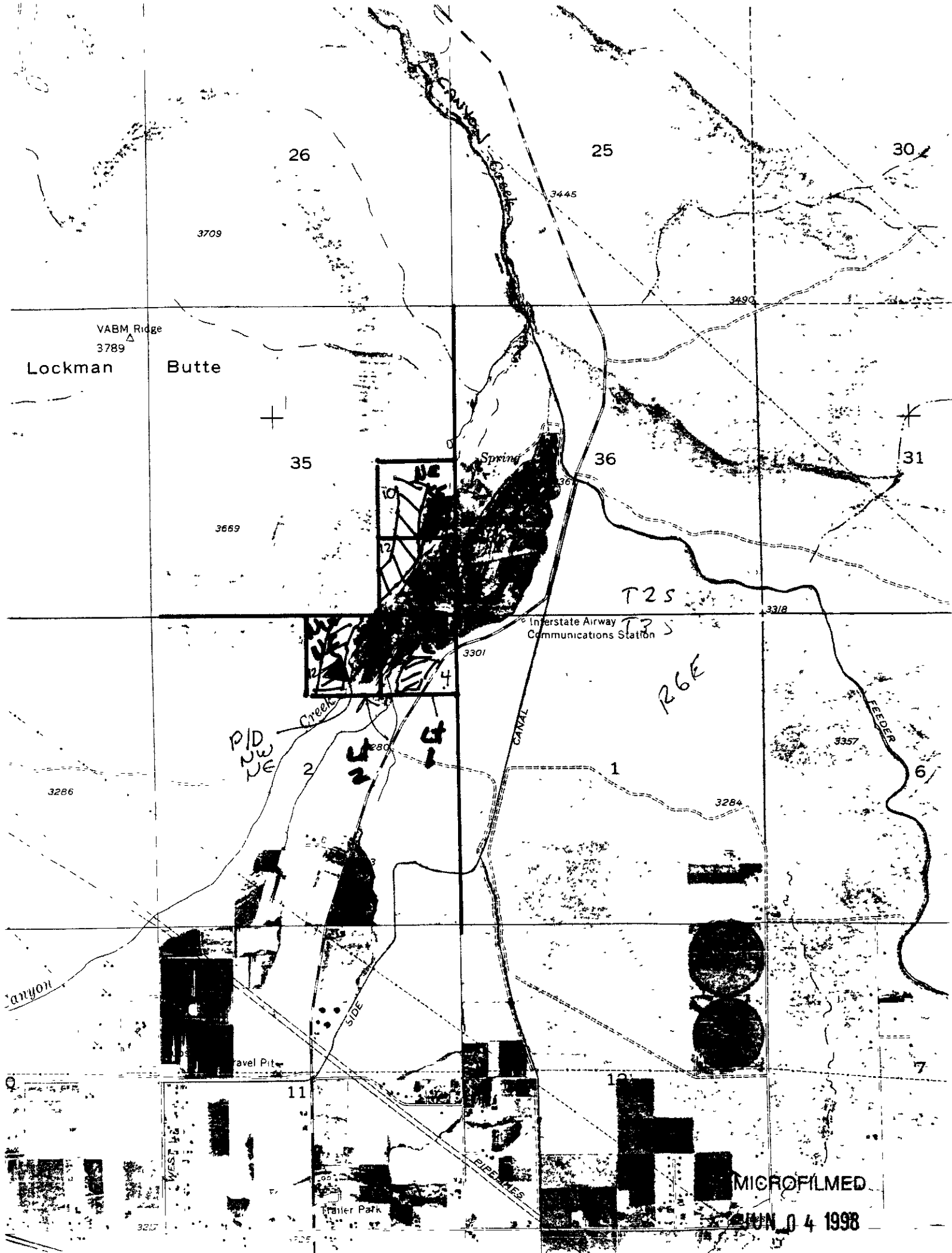
MICROFILMED

JUN 04 1998

Chester J Tindall - owner
Signature of Applicant (and title, if applicable)

Received by RSh Date Sept 15, 1997 Time 10:18:06 Preliminary check by TCT
Fee \$ 100.00 Received by RSh # W023060 Date Sept 15, 1997
Publication prepared by AT Date 3-25-98 Published in W.H. News 4-14-98
Publication approved AT Date 5-6-98

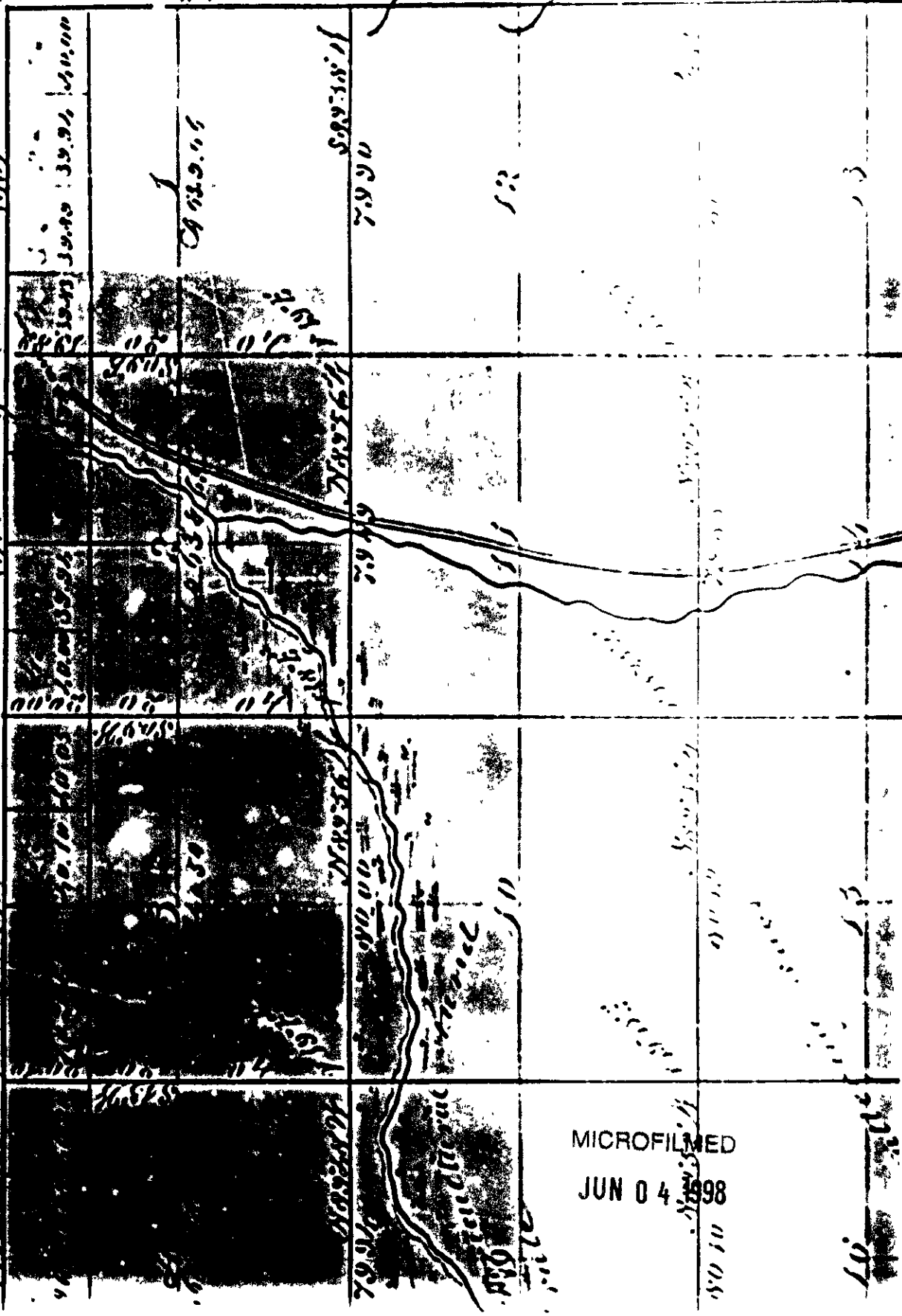
* added to db 3/24/98. lg



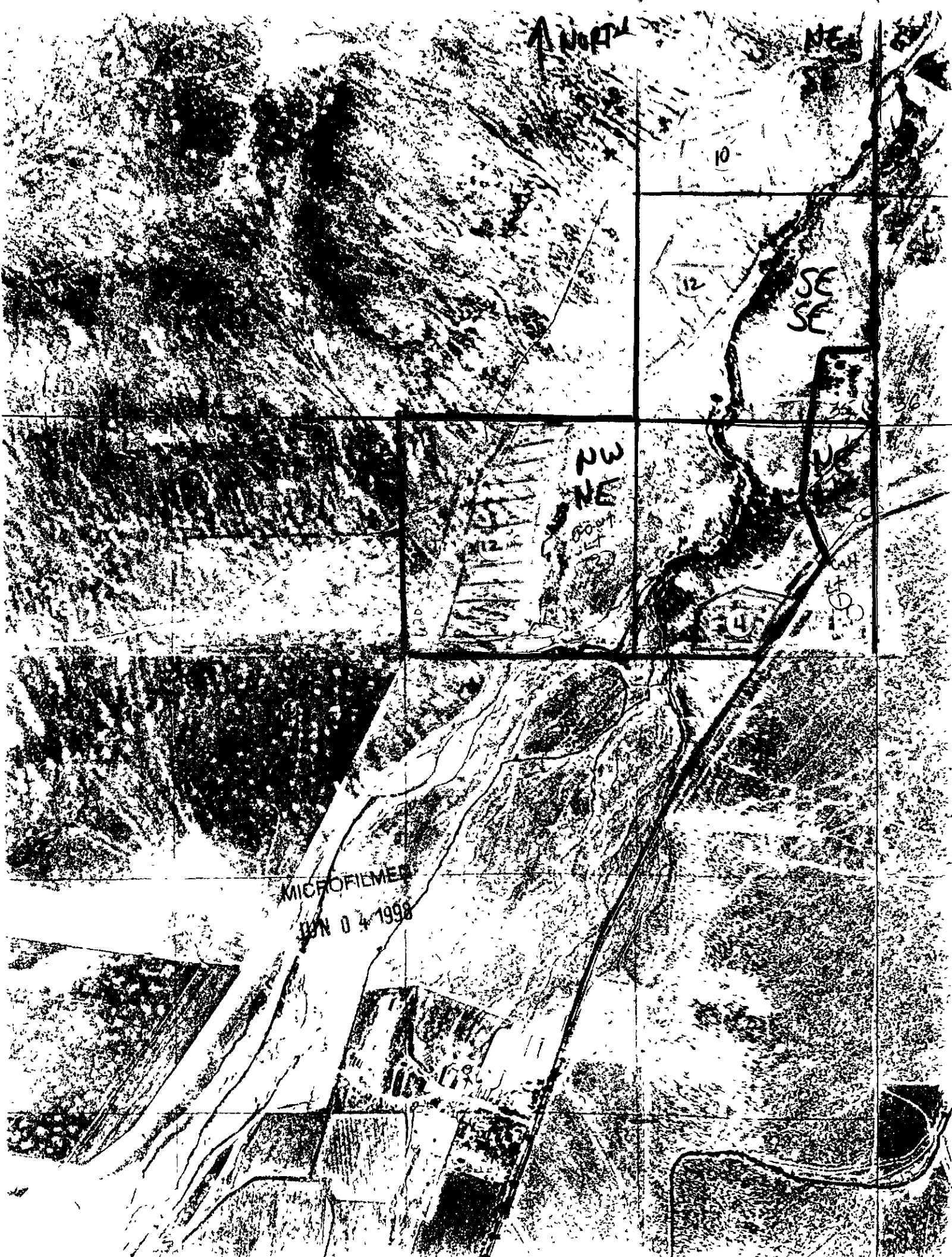
MICROFILMED

JUN 04 1998

Map of Forest Reserve



MICROFILMED
JUN 04 1998



Proposed use of
waste water

IRRIGATED FIELD

CANYON CR.

Proposed use of
waste water

IRRIGATED
FIELD

POINT OF DIVERSION

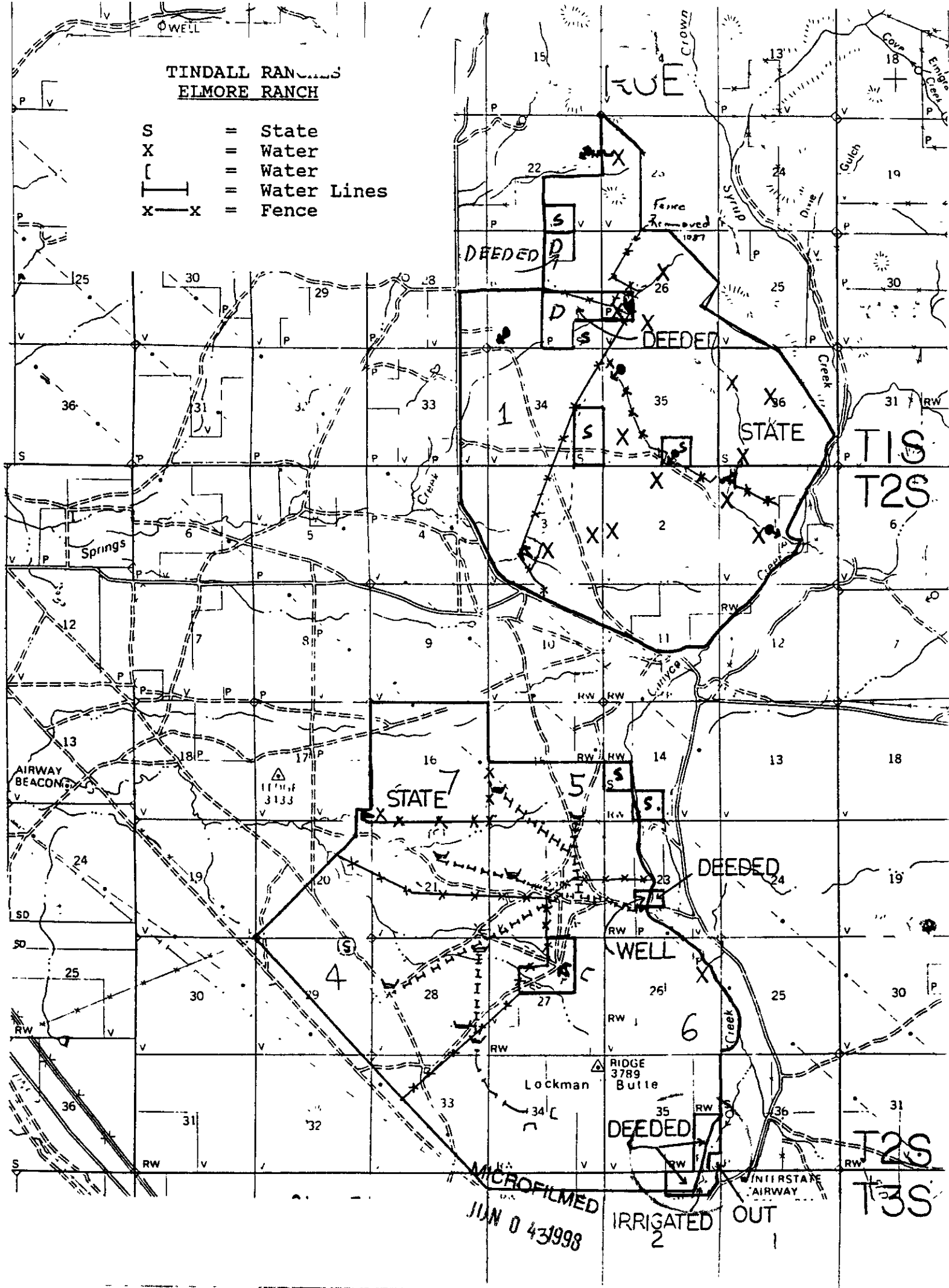
MICROFILMED

JUN 04 1998

Proposed use of
waste water

**TINDALL RANCHES
ELMORE RANCH**

S = State
X = Water
[= Water
| = Water Lines
x-x = Fence



MICROFILMED
JUN 0 431998

IRRIGATED 2
OUT 1

T2S
T3S

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No 61-7738

Reviewed By. dgibson

Date April 25, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Request received timely?	X		Is delay by a government agency?		X
Appropriate fee	X		Is supporting documentation needed to support the file?		
Additional Amount Due					
Receipt No.	C068696		Has the permit been involved in litigation?		X
Name and signature same as permit?	X		Is supporting documentation needed to support the file?		
Is address same as permit?		X	Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		X
Has adequate work been completed to demonstrate due diligence?	X				

Priority Calculation

Extension request received	04/22/2003	New proof due date	06/01/2006
Date proof due	- 06/01/2003		
Lapse notice sent	-		
No. of days late	= 0		
Holiday allowance	+		
Priority date	+ 09/15/1997		
New priority date	= 09/15/1997		

Action Taken

Acknowledge request and extend proof deadline to 6/1/2006. Change mailing address for permit holder.

March 31, 2003

THEODORE W HOFFMAN
RITA S HOFFMAN
RT 1 BOX 815
MOUNTAIN HOME, ID 83647

PROOF DUE NOTICE

RE: PERMIT NO. 61-7738

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 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

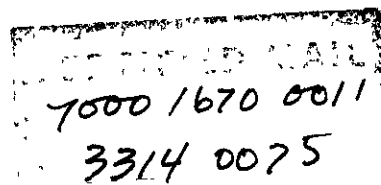
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



SCANNED

HP



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

June 18, 2002

THEODORE W HOFFMAN
RITA S HOFFMAN
RT 1 BOX 815
MOUNTAIN HOME ID 83647

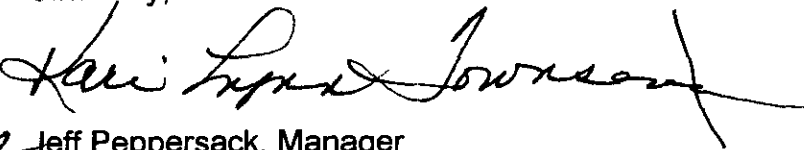
RE: Order in the Matter of Permit 61-7738

Dear Water Right Holder(s):

Enclosed please find Order Granting Petition to Remove Measuring Device
Requirement issued by the department in reference to the above listed information.

If you have any questions regarding this matter, please call me at 327-7940.

Sincerely,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

cc: Clayton Colthorp, Watermaster
140 S 3rd E
Mountain Home, ID 83647

MICROFILMED

JUN 18 2002

MEMORANDUM

DATE: June 14, 2002

TO: Water Right File 61-7738

FROM: Shelley W. Keen ^{SWK}

RE: Conversation with Watermaster

Today I spoke with Clayton Colthorp, watermaster of WD 61A, regarding the request by Ted Hoffman that IDWR waive the measuring device requirement for Permit 61-7738. Mr Colthorp told me there are no downstream water users who could be injured by unregulated diversion of the wastewater by Mr Hoffman. According to Mr. Colthorp, any return flow from Hoffman's place into Canyon Creek sinks into the creek bed about a quarter of a mile below Hoffman's place

MICROFILMED
JUL 10 2002

RECEIVED

MAY 24 2002

Department of Water Resources

Idaho Department of Water Resources
Western Region
2375 Airport Way
Boise ID 83705

RECEIVED

MAY 17 2002

WATER RESOURCES
WESTERN REGION

Ted Hoffman, DVM
Rt 3 Box 648
Mountain Home ID 83647

5/13/02

Dear Sir:

My mailing address has changed from Rt 1 Box 815 Mountain Home to the above address.

Regarding my permit # 61-07738, I seek an exemption from Condition of Approval #5, the installation of a measuring device.

Since I am only utilizing wastewater, that I am pumping out of my own wastewater ditches, this requirement does not seem necessary. I consulted with Clayton Colthorp who is supervising this construction for the watermaster of District 61A, and he agreed and recommended I contact your office with this request.

Thank you,



Ted Hoffman, DVM

MICROFILMED

MAY 17 2002



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

February 7, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

THEODORE W HOFFMAN
RITA S HOFFMAN
RT 1 BOX 815
MOUNTAIN HOME ID 83647

RE: Assignment of Permit 61-07738

Dear Mr. & Mrs. Hoffman:

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

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeff Peppersack".

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED
FEB 17 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 13, 2000

THEODORE W HOFFMAN
RITA S HOFFMAN
RT 1 BOX 815
MOUNTAIN HOME ID 83647

RE: Change of Ownership for Permit 61-07738

Dear Mr. & Mrs. Hoffman:

The Notice of Change of Water Right Ownership form that you sent regarding the above listed permit has been forwarded to me for handling.

As our office protocol requires an Assignment of Permit form for the changing of permit ownership, I am returning your paperwork package.

Also enclosed is an Assignment of Permit form which should be filled out and returned to our office with the required \$25.00 filing fee.

We will be happy to finalize the ownership change upon receipt of the completed assignment form and filing fee.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

A handwritten signature in cursive script that reads 'Kari Lynn Townsend'.

Kari Lynn Townsend
Secretary

KLT:k

Enclosures

MICROFILMED
FEB 17 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 1, 1998

CHESTER J TINDALL
550 N 8 E
MOUNTAIN HOME ID 83647

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 61-07738

Dear Permit Holder:

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

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

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

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

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

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.

MICROFILMED

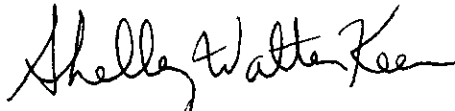
JUN 04 1998

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

For your information, I have enclosed a printout of the information on permit 61-07731, which was recently issued to the Mountain Home Groundwater Advisory Board. Permit 61-07731 authorizes the diversion of up to 200 cfs from Canyon Creek for groundwater recharge purposes. The priority date on permit 61-07731 is senior to yours. Therefore, if the groundwater recharge project is completed, your water use may be regulated to satisfy the senior priority right.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

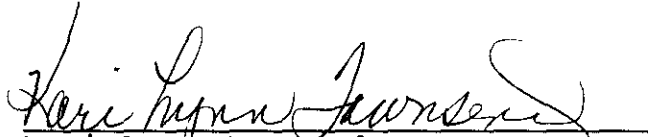
JUN 04 1998

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of June, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 61-07738

CHESTER J TINDALL
550 N 8 E
MOUNTAIN HOME ID 83647


Kari Lynn Townsend
Secretary

MICROFILMED

JUN 04 1998

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.

MICROFILMED

JUN 04 1998

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.

WR0749NP
No. 61-07738

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/29/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHESTER J TINDALL 550 N 8 E MOUNTAIN HOME ID 83647 (208) 587-3798	09/15/1997	IRRIGATION	04/01 10/31	0.760 CFS	
TOTAL DIVERSION:					0.760 CFS	

Water Source: WASTE WATER

Tributary to: CANYON CREEK

Stage: PERMIT

Point(s) of Diversion: T03S R06E S02 Lot 02(NWNE)

ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE											
NENE		NWNE		SENE		NENE		NWNW		SWNW		SENE		NENE		NWSE		SWSE		SESE			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
02S	06E	35	:														10				12		22.0
03S	06E	2	:	01-04	02-12	:																	16.0
TOTAL ACRES																						38.0	

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
61-07738

Other Water Rights Listing Overlapping Place(s) of use:
61-00252A 61-00256 61-07738

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 Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- R04** - Use of water under this water right will be regulated by the watermaster of State Water District No. 61A.
- 01J** - Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
- R64** - This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
- 120** - 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 needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary 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.
- 051** - Any license issued by IDWR pursuant to the right or portion

Conditions of Approval:

- thereof for the use of trust water is subject to a term review
- of 20 years after the date of this approval to determine
- availability of water for the use and to re-evaluate the public
- interest at the end of the term.
- 052** - Diversion and use of water under this right is subject to an
- annual use fee if rules are subsequently promulgated which
- provide for the submittal of the fee.
- 053** - The Director retains jurisdiction over this right and may
- change, add, or remove any requirement as determined to be
- appropriate.

Dates: App. Received: 09/15/1997 Priority Date: 09/15/1997
Proof Due Date: **06/01/2003** Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: **61A** Field Exam Fee:

Audit: 05/29/98 CZIMMERM

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

[illegible]

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 104

[illegible]

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lou*

No.: 61-7738 Name: Tindall Date: 5/29/98 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN: - No/Yes _____ Mor / MD Hm GWMA / Trust / Non-trust
PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- WMD Supplemental use - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

DRILLING PERMIT:

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)

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

- IN/ABOVE MIN STR. FLOW (✓ MAP) - *WB9
- WD (✓ MAP & LISTING) - R04 (WD # 61A)
- > 0.10 cfs - 01H-P08 (MD & LD)
- ≤ 0.10 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP) - 067 or No MD (in-stream stock or power)
- > 0.24 cfs/5 acres - No MD
- ≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water)

- Snake R (01) - *W22 -P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA

USE:

- Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge), 27A (Payette River), NA
- >1 in rest area - 071-070
- Fire Protection - 077
- Fish Propagation - 029-007-042(req)-081 (WQ)-P10
- Heating/Cooling - R07 (injection well)
- Irr ≤ 5 acres - R66/R67/R68/R69 (0 03 cfs/acre + 3 0/3 5/4 0/4 5 AF)
- > 5 acres - R62/R63/R64/R65 (0 02 cfs/acre + 3 0/3 5/4 0/4 5 AF)
- Mining - 054(req)-081-P10
- Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
- Power - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons use), 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- Stockwater - R37 (BLM/USFS), NA
- Storage (✓3 compo) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

- 42-248 area - P84 (in 20/30/40/50/60/70/80 (87) basin)
- Boise Front LoGeo - 058 (<85° GW temp only)
- In-stream dev - P52 (stream channel alteration)
- Mitigation - 120

SWAN FALLS FLAG (See Code Chart)

- Trust - 7
- Non-Trust (1) - 051-052-053 P74 (Consumptive Uses), NA
- 048-049 (Consumptive Uses), NA
- 004 (PD/PU) _____

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- 6/1/ 2003
- Clarify Source as Canyon Cr.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

MAY 22 1998

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: ly DATE: 3/24/98 APPLICATION: 61-07738

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Gov't. Lots:
☒ P/D
☒ P/U

highlighted only
☒ **ADVERTISE REMARK(S)**

(Reviewer identify which remarks)

ADDITIONAL INFORMATION

☒ T FLAG CHANGED TO P FLAG

YES NO

- | | | |
|-------------------------------------|-------------------------------------|---|
| ☒ | ☐ | Overlapping place of use: (Describe source & relationship to present application on next page.) |
| ☐ | ☒ | Overlapping point of diversion. |
| ☐ | ☒ | Critical groundwater area: |
| ☐ | ☒ | Groundwater management area: |
| ☐ | ☒ | 1992 moratorium: |
| ☐ | ☒ | Bull trout impact area |
| ☐ | ☒ | E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining). |
| ☐ | ☒ | E-mail to Dam Safety staff: (for any storage) |
| ☒ | ☐ | Mitigation plan: Check any that apply. |
| | | ☐ immediate = acceptable plan required and submitted. |
| | | ☒ future = open areas, acceptance of condition of approval is in file. |
| ☐ | ☒ | Send power requirement letter: |
| ☐ | ☒ | Send fish farm requirement letter: |
| ☐ | ☒ | Power residency affidavit: |
| ☐ | ☒ | Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.) |
| ☐ | ☒ | *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT |

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO. 61-07738

YES NO

☒ ☒ In form for advertising:

☒ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)

☒ ☒ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☒ ☒ I.D. Health & Welfare

☒ ☒ I.D. District Health

☒ ☒ I.D. Fish & Game

☒ ☒ I.D. Lands

YES NO

☒ ☒ U.S. BLM

☒ ☒ U.S. Forest Service

☒ ☒ Water Dist. #

☒ ☒ Other Mtn Home Irrig District

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☒ Affidavit of publication received:

☒ ☒ Application published correctly: If not, record action taken.

☒ ☒ Publication dates and paper recorded on application:

☒ ☒ Final date for protest 4-20-98

☒ ☒ Protests received.

☒ ☒ Recommendations attached:

☒ ☒ Measuring device required:

☒ ☒ Measuring port required:

☒ ☒ Water delivered by water master? District #

☒ ☒ Special conditions of approval or cover letter: 065, 120

See below for additional information

Recommended Date or Priority 9/15/97

Recommended by: Davis Date: 5/9/98

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

61-00252A - same owner (SRBA), Canyon CR

61-00256 - Mtn. Home Irrig Dist, same acres Canyon CR

10417

RECEIVED

MAY 06 1998

WATER RESOURCES
WESTERN REGION

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

61-07712

ARELLANO, COREY K; ARELLANO, RYAN E; ARELLANO, ROSS S.
ARELLANO, REBECCA VICTORIA MAY; ARELLANO, KIMBERLY DANIELLE;
ARELLANO, JUANITA R; ARELLANO, RICHARD MATTHEW; ARELLANO,
JENNIFER DIANE; ARELLANO, MATTHEW MCKENZIE, SHERMAN, JEREMY
RUSSELL
P.O. BOX 93
HAMMETT, ID 83627
Source: BENNETT CREEK
Source: GROUNDWATER
Diversion Pt:

Tributary: SNAKE RIVER
Tributary:

NWNW Sec 15 T 05S R 08E in ELMORE County.
SWNW Sec 15 T 05S R 08E in ELMORE County.
NESW Sec 15 T 05S R 08E in ELMORE County.
SESW Sec 15 T 05S R 08E in ELMORE County.

Use: IRRIGATION STORAGE (190.00 AF)
IRRIGATION FROM STORAGE (190.00 AF)
DIVERSION TO STORAGE (4.800 CFS)
IRRIGATION (4.800 CFS)
COMMERCIAL STORAGE (190.00 AF)
RECREATION STORAGE (190.00 AF)
STOCKWATER STORAGE (190.00 AF)
WILDLIFE STORAGE (190.00 AF)
Total Diversion: (4.800 CFS)

Date Filed: 7/25/1997
In: ELMORE County
T05S R08E S15 NWNW SWNW NESW NWSW
SWSW SESW

240.0 ACRES TOTAL

Application agrees to mitigate consumptive use in the future as needed.

61-07728

ARELLANO, JUANITA; ARELLANO, COREY; ARELLANO, ROSS S; ARELLANO,
RICHARD; ARELLANO, KIMBERLY DANIELLE; ARELLANO, RYAN E; AREL-
LANO, REBECCA VICTORIA MAY
BOX 93
HAMMETT, ID 83627

Source: GROUNDWATER
Diversion Pt:

SWNE Sec 22 T 05S R 08E in ELMORE County.
(1.600 CFS)
(0.050 CFS)
(0.080 CFS)
(1.730 CFS)

Use: IRRIGATION
STOCKWATER
DOMESTIC
Total Diversion:

Date Filed: 12/5/1996
In: ELMORE County

T05S R08E S15

NWNW

SWNW

80.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed for exist-
ing artesian well on public land:

61-07738

TINDALL, CHESTER J
550 N 8 E

MOUNTAIN HOME, ID 83647

Source: WASTE WATER Tributary: MOUNTAIN HOME IRRIGATION D
Diversion Pt: LOT 2 (NWNW) SEC 2 T 03S R 06E in ELMORE County.
Use: IRRIGATION (0.760 CFS)

Total Diversion:

(0.760 CFS)

Date Filed: 9/15/1997

In: ELMORE County

T02S R06E S35

NESE

SESE

T03S R06E S02

Lot 1 (NENE)

Lot 2 (NWNW)

38.0 ACRES TOTAL

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

The permits will be subject to all prior water rights. Protests may be submitted
based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest cri-
teria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of
Water Resources, 2735 Airport Way, Boise, Idaho 83705 on or before APRIL 20,
1998.

First publication April 1, 1998.
Last publication April 8, 1998.

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Coleen W Swenson, do solemnly swear that I
am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, pub-
lished once a week at MOUNTAIN HOME, IDAHO,
that the notice attached hereto and which is a part
of publication thereof; was published in said news-
paper for

2 consecutive weeks, the first publi-

cation having been made on 1st day of

April, 1998, and the last publi-

cation having been made on the 8th day of

April, 1998, every Wednesday

issue of the paper during the period and time of
publication and that the notice was published in the
newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN
HOME NEWS has been continuously and uninter-
ruptedly published in said Elmore County during a
period of 78 consecutive weeks prior to the first
publication of the attached notice

Subscribed and sworn to me this 8th day of

April, 1998

Cynthia A. Swenson
Notary Public

KARL J. DREHER, Director

JUN 04 1998

Residing in Mountain Home, Elmore County, Idaho. My
commission expires 09-09-2002.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 27, 1998

MOUNTAIN HOME IRRIGATION DIST
140 S 3RD E
MOUNTAIN HOME ID 83647

Re: Application for Water Right Permit No. 61-07738 in the Name of the Chester Tindall

Dear Interested Party:

Enclosed is a copy of the above-referenced application for water right which may be of interest to you.

Please review the application and return any comments you might have within two weeks. If you have questions or need information, feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

Encl.

MICROFILMED

JUN 04 1998

61-07738

TINDALL, CHESTER J
550 N 8 E
MOUNTAIN HOME, ID 83647

Source: WASTE WATER

Tributary: MOUNTAIN HOME IRRIGATION D

Diversion Pt: LOT 2 (NWNE) Sec 2 T 03S R 06E in ELMORE County.

Use: IRRIGATION (0.760 CFS)
Total Diversion: (0.760 CFS)

Date Filed: 9/15/1997

In: ELMORE County
T02S R06E S35 NESE SESE
T03S R06E S02 Lot 1(NENE) Lot 2(NWNE)

38.0 ACRES TOTAL

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

MICROFILMED

JUN 04 1998

9-15-97

RECEIVED

FEB 09 1998

WATER RESOURCES
WESTERN REGION

RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

Name of Applicant CHESTER J. TINDALL

Mailing Address 550 No. 8th E

MTN. HOME, IDA 83647

Application No. 61-07738

Mitigation

Yes, I agree to accept a condition of approval on my application that will require mitigation related to fishery resources based upon a finding by the Director, Idaho Dept. of Water Resources. I understand that mitigation is not needed now but may be needed in the future. I also understand that the Director will not invoke this condition until I have an opportunity to participate in the process by which mitigation is identified and quantified.

Signature

Chester J. Tindall

Date

2/6/1998

Please return this form to:

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

JUN 04 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 4, 1998

DISTRIBUTION: Applicants whose water right applications were held without action pending fishery resources issues.

Dear Applicant:

You filed an application for permit to develop a water right that includes consumptive use (see attached profile report). This office was not been able to process such applications in your area until some water supply issues related to fishery resources were resolved.

A method to address these issues now exists. Applications that include consumptive use can be processed if applicants are willing to accept a condition of approval that can require mitigation at a later date if the need for mitigation is clearly documented. Mitigation can include steps such as purchasing storage water to offset adverse impacts to fishery resources that new water developments might cause.

Enclosed is a response form to be completed and returned if you want your application to be processed. To the extent possible given other factors, applications will be processed in the order in which they were filed.

Also enclosed is a withdrawal form. If you no longer have an interest in obtaining the water right outlined in your filing, please complete and return this form. You will receive a refund for the filing fee associated with the application.

Delays in processing due to department considerations such as those discussed in this letter do not affect the priority date of your application. Please contact this office at 334-2190 if you have any questions about your application.

Sincerely,

Western Region Allocation Staff

Enclosures: Profile Report, Response Form and Withdrawal Form

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JUN 04 1998
~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~
MICROFILMED

WITHDRAWAL

TO WHOM IT MAY CONCERN:

I hereby withdraw Application For Permit
to Appropriate the Public Water of the State
of Idaho No. _____.

Signed at _____
(location)

this _____ day of _____, 199__.

Signature of Applicant

Printed Name of Applicant

JUN 04 1998

RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR APPLICATION TO BE PROCESSED

Name of Applicant

Mailing Address

Application No.

Mitigation

Yes, I agree to accept a condition of approval on my application that will require mitigation related to fishery resources based upon a finding by the Director, Idaho Dept. of Water Resources. I understand that mitigation is not needed now but may be needed in the future. I also understand that the Director will not invoke this condition until I have an opportunity to participate in the process by which mitigation is identified and quantified.

Signature

Date

Please return this form to:

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

MICROFILMED

JUN 04 1998