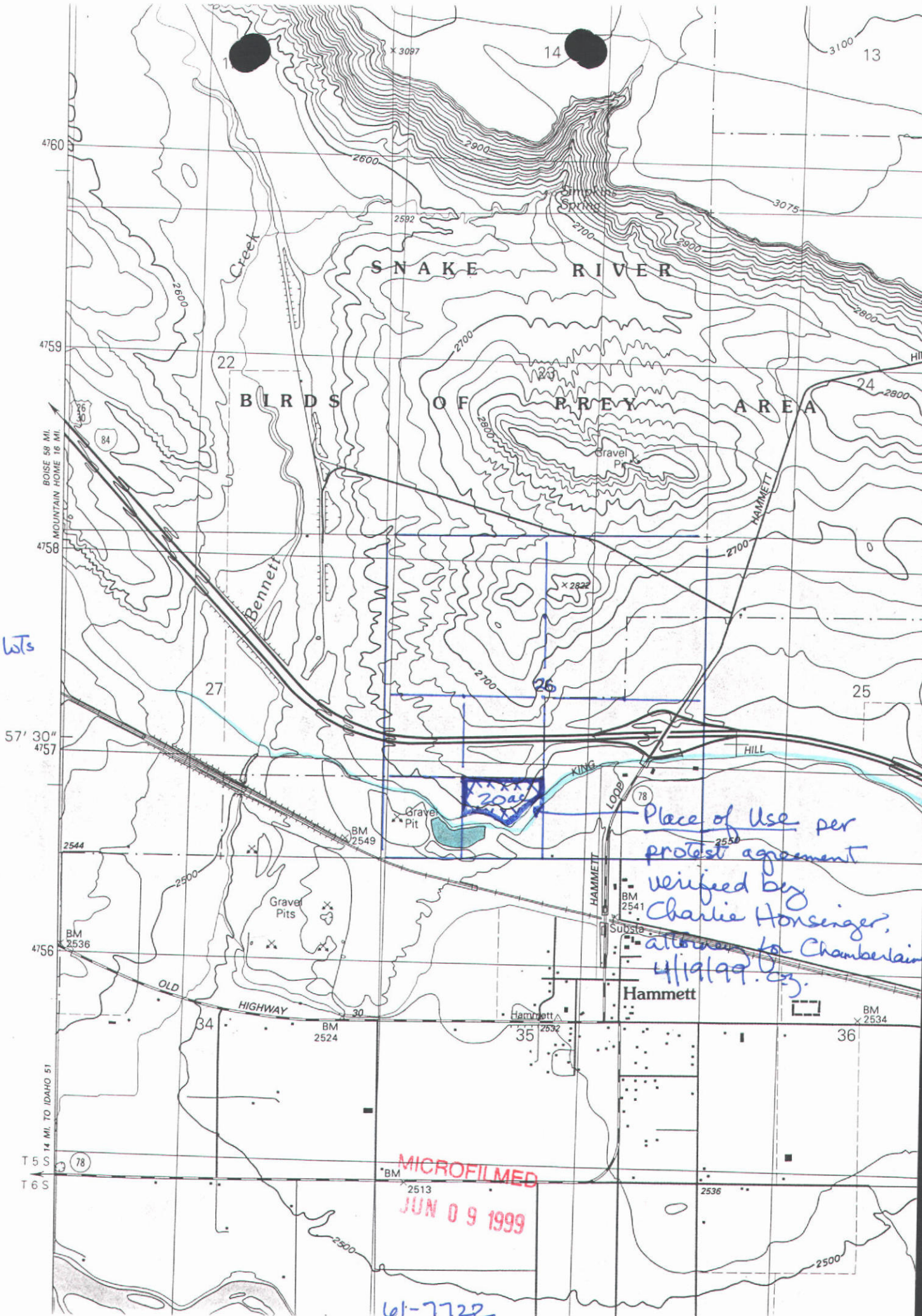
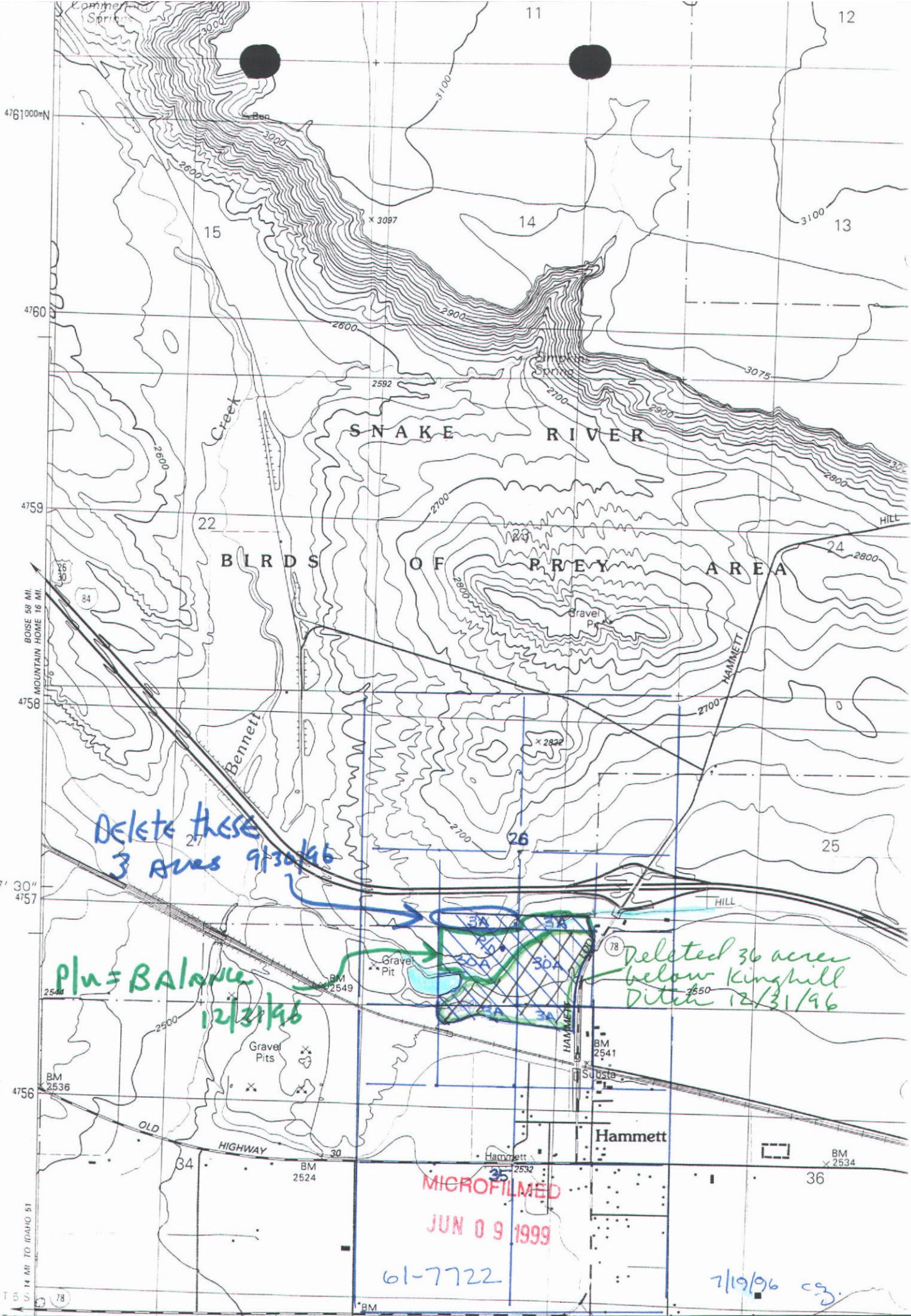


No govt LTs





Delete these
3 acres 9/30/96

Plu = Balance
12/31/96

Deleted 36 acres
below Kinghill
Ditch 12/31/96

MICROFILMED
JUN 09 1999

61-7722

7/19/96 c.g.

NOTICE OF APPLICATION
FOR WATER RIGHT

The Following application has been
filed to appropriate the public waters of
the State of Idaho:

61-07722 *vst*

CHAMBERLAIN, KEITH

HC 63, BOX 1B

HAMMETT, ID 83627

Source: GROUNDWATER.

Diversion Pt: SESW Sec. 26 T 05S R
08E in ELMORE County.

Use: IRRIGATION (1.440 CFS); To-
tal Diversion: (1.440 CFS).

Date Filed: 7/19/1996.

In: ELMORE County, T05S R08E
S26 NESW SESW NWSE SWSE; S35
NWNE NENW.

72.0 ACRES TOTAL.

The permit will be subject to all prior
water rights. Protests may be submit-
ted based on the criteria of Sec. 42-
203A, Idaho Code and/or the new pub-
lic interest criteria of Sec. 42-203C, Ida-
ho Code. Protests must be filed with
the Director, Dept. of Water Resources,
2735 Airport Way, Boise, Idaho 83705
on or before AUGUST 26, 1996.

KARL J. DREHER, Director
Published: 8/7/1996 & 8/14/1996.

RECEIVED

AUG 16 1996

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 7th day of
August, 1996, and the last publi-
cation having been made on the 14th day of
August, 1996; 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.

Coleen W. Swenson

Subscribed and sworn to me this 14th day of
August, 1996

Brenda M. Jacob
Notary Public

RECEIVED

AUG 19 1996

WATER RESOURCES
WESTERN REGION

MICROFILMED

JUN 09 1999

Residing in Mountain Home, Elmore County, Ida-
ho. My commission expires 11-16-98.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

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

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

Permit No. 61-07727
Name(s) of Permit Holder: Keith Chamberlain
Address: 9394 W Flock Rd City Hammett State ID Zip 83627
Telephone No. 208 366 7468 Date Proof is Due: MAY 1, 2004

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".)

I have upgraded the horse power of the pump
in the well from a 1 HP to a 2 1/2 HP
Put in the pipes for connecting to the field.

Costing \$ 1,500.00

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

Having been busy with other projects on the farm
in addition I was out of town a great deal driving truck.
I have property in Oregon that which requires some of my
time.

Permit holder(s) request an extension to May 1st, 2008.

Keith Chamberlain
(Signature)

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use is extended to
May 1, 2008.

Signed this 4th day of March, 2004.

Gary Spackman
GARY SPACKMAN

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 61-07722

Proposed Priority: July 19, 1996 Maximum Diversion Rate: 0.40 CFS

This is to certify, that KEITH CHAMBERLAIN
HC 63 BOX 1B
HAMMETT ID 83627

has applied for a permit to appropriate water from: GROUNDWATER

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	0.40 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 26, Township 05S, Range 08E
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>
05S	08E	26	SESW	20.0		20.0

Total number of acres irrigated: 20.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 2004.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. 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.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
7. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
8. 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 1999

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

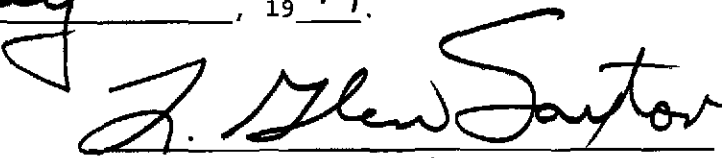
NO. 61-07722

CONDITIONS OF APPROVAL AND REMARKS

9. 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.
10. 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.
11. The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
12. 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.
13. The temperature of water diverted under this right shall not exceed 85 d. Fahrenheit.

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 May, 1999.


for Karl J. Dreher, Director

MICROFILMED

JUN 09 1999

Ident. No. 61-07722

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 01 1999

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name: KETH CHAMBERLAIN
Address: HC 63 BOX 1B
HAMMETT ID 83627

208-366-7468

2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: SESW Sec. 26, Township 05S, Range 08E
ELMORE County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/01	10/31	0.660	0.40 *	

5. Total quantity to be appropriated is:
~~0.660~~ CFS (and/or) AF
* 0.40

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
EXISTING WELL WITH PUMP.
- Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
- Proposed well diameter is 8 inches; proposed depth of well is 170
feet.
- Is groundwater with a temperature greater than 85F being sought? NO
- If well is already drilled, when?
Drilling Firm HIDDLESTON IN AUGUST 1991
Well was drilled for VICTOR BROWN

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).

8. Place of Use: IRRIGATION

MICROFILMED

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
* 05S	08E	26	SESW ~~30~~ 20	NWSE ~~05~~ 20	JUN 03 1999	~~30~~ 20
Total number of acres irrigated:						~~30~~ 20

* per protest agreement and verified by Charlie Honsinger this date. 4/19/99. 83.

- AMENDED VERSION 12/31/96 -

(REDUCED: NO AMENDMENT FEE or RE-ADVERTISING NEP
-5-

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

10. Remarks:

11. Map of proposed point of diversion and place of use attached? []

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.

See original

Applicant

for:

Received by CZ Date 9/19/96 Time 9:30 Preliminary check by CJH

Fee \$ * 285.00 Receipted by CJ #C036141 Date 7/19/1996

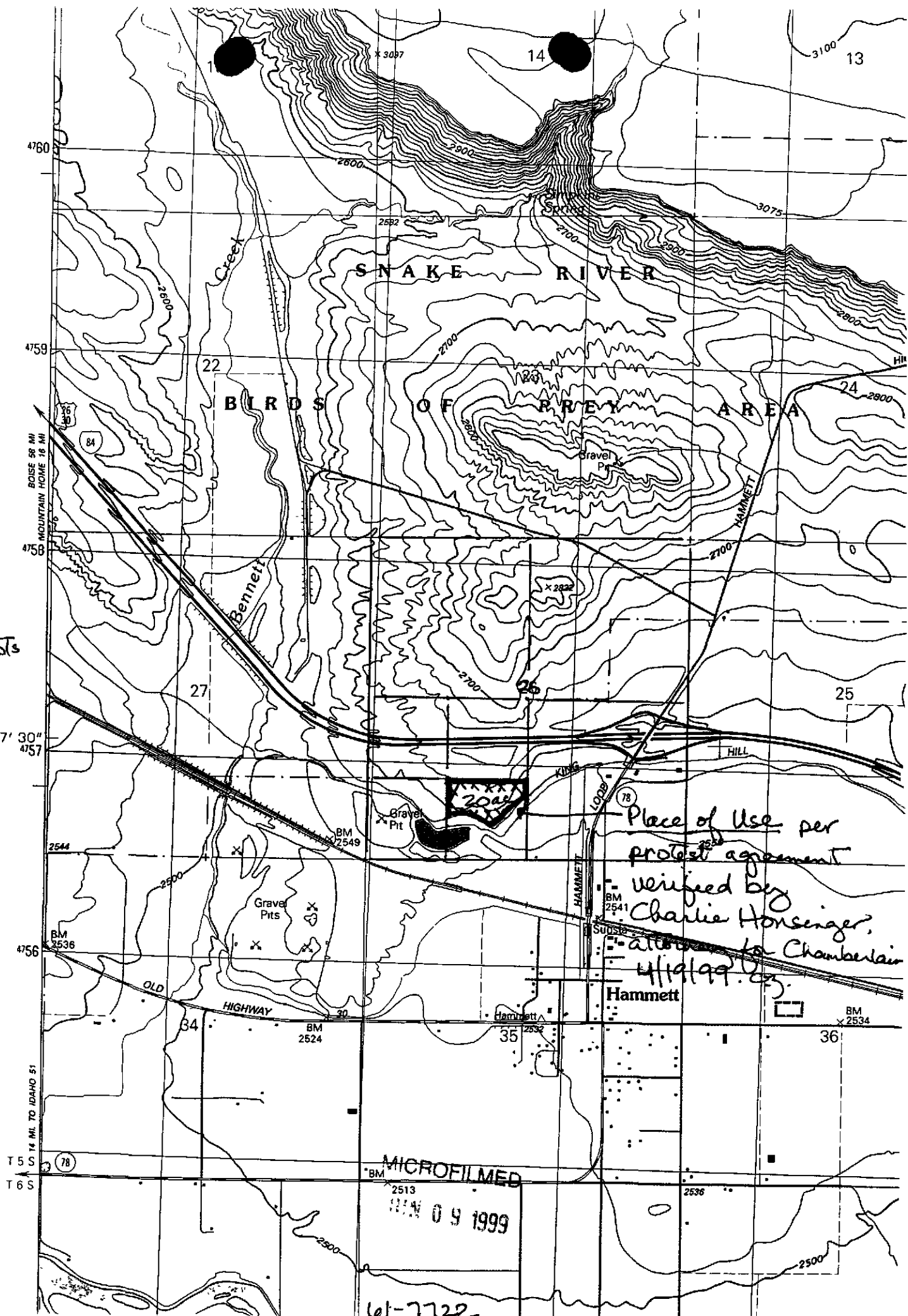
Publication prepared by ST Date 7-31-96 Published in mt Home News

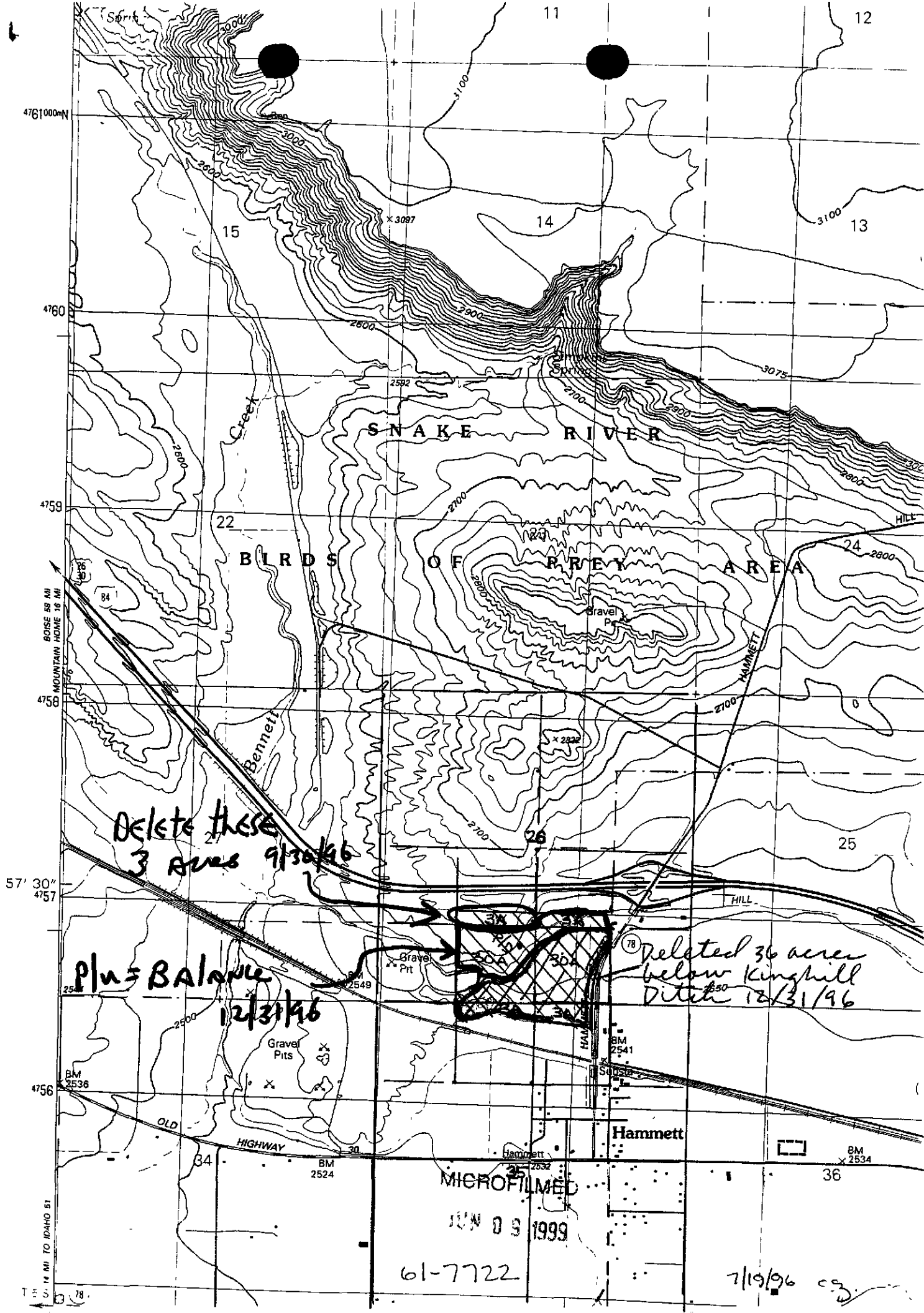
Publication approved 8-26-96 Date ST

* d.p. upgrah	\$165	✓ok
w.r. App.	120	✓ok
	<u>\$285</u>	

MICROFILMED

JUN 05 1999





Ident. No. 61-07722

Comments: Date: 7/19/1996 User-ID: CZIMMERM

Subject: OVERLAPPING RIGHTS

King Hill canal water is also used on the portions of this pou
below the canal.

Comments: Date: 7/29/1996 User-ID: CHODGES

Subject: EXISTING WELL

Well drilled under domestic exemption for Victor Brown pursuant
to 61-91-2-032. Well permit requires upgrade; fees collected
with application fees.

Comments: Date: 1/ 2/1997 User-ID: LGRAVES

Subject: AMENDMENTS

Applicant reduced acres from 79 to 69 on 9/30/96 to satisfy
BLM's protest and then a further reduction on 12/31/96 from
69 to 33 acres in an attempt to satisfy Bob Hall's protest.

2/6/1997 J.L. - D'base updated ✓

*Reduced Pou is Above the canal so surface water MA
any more.*

MICROFILMED
JUN 14 1999

RECEIVED

JUL 19 1996

WATER RESOURCES
WESTERN REGION

Ident. No. 61-07722

RECEIVED

JUL 19 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

Department of Water Resources

APPLICATION FOR PERMIT

9/30/96
12/31/96

To appropriate the public waters of the State of Idaho

1. Name: KEITH CHAMBERLAIN
Address: HC 63 BOX 1B
HAMMETT ID 83627

208-366-7468

2. Source: GROUNDWATER

Trib. to:

3. Location of Point of Diversion:

SESW Sec. 26, Township 05S, Range 08E
ELMORE County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/01	10/31	1.440		
			1.38		

5. Total quantity to be appropriated is:

1.440 CFS (and/or) AF
1.38 .66

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc.

EXISTING WELL WITH PUMP.

b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.

c. Proposed well diameter is 8 inches; proposed depth of well is 170 feet.

d. Is groundwater with a temperature greater than 85F being sought? NO

e. If well is already drilled, when?

Drilling Firm HIDDLESTON IN AUGUST 1991

Well was drilled for VICTOR BROWN

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 year(s).

8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
05S	08E	26	~~NESE 03~~	SESW 30	NWSE 03	~~63~~ 33
			~~SWSE 30~~			~~66~~
		35	~~NWNE 03~~	~~NESE 03~~		~~6~~

Total number of acres indicated: MICROFILMED

72
69

JUN 09 1999

33

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

10. Remarks:

11. Map of proposed point of diversion and place of use attached? [✓]

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.

Keith J. Johnson
Applicant

Received by CJ Date 7/19/96 Time 9:30am Preliminary check by CJL

Fee \$ ~~205.00~~ *\$120.00 Received by CJ #C036141 Date 7/19/1996

Publication prepared by At Date 7-31-96 Published in Mtn Home News

Publication approved 8-26-96 Date At

* drilling permit upgrade also received. 7/19/96 CJ.

Ident. No. 61-07722

Comments: Date: 7/19/1996 User-ID: CZIMMERM

Subject: OVERLAPPING RIGHTS

King Hill canal water is also used on the portions of this pou
below the canal.

MICROFILMED

JUN 09 1999

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Victor Brown

Address HCR 63, Box 1B, Hammett, ID 83627

Drilling Permit No. 61-91-Z-032

Water Right Permit No. _____

2. NATURE OF WORK

☒ New well
☐ Deepened
☐ Replacement

☐ Well diameter increase

☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

☒ Domestic
☐ Irrigation
☐ Test
☐ Municipal

☐ Industrial
☐ Stock
☐ Waste Disposal or Injection

☐ Other _____ (specify type)

4. METHOD DRILLED

☒ Rotary
☒ Air
☐ Hydraulic
☐ Reverse rotary

☐ Cable
☐ Dug
☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel
☐ Concrete
☐ Other _____

Thickness	Diameter	From	To
<u>.250</u> inches	<u>6</u> inches	<u>+ 2</u> feet	<u>98</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☒ Yes ☐ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 98 Material used in seal: ☐ Cement grout

☒ Bentonite ☐ Puddling clay ☐ _____

Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing

☒ Overbore to seal depth

Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld

☐ Cemented between strata

Describe access port _____

6. LOCATION OF WELL

Sketch map location must agree with written location.

Subdivision Name _____

Lot No. _____ Block No. _____

County Elmore

SW ☐ SE ☐ NE ☐ NW ☐

T. 26 S. 5 R. 8 W. ☒

7. WATER LEVEL

Static water level 63 feet below land surface.

Flowing? ☐ Yes ☒ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature _____ OF. Quality _____

Describe artesian or temperature zones below

8. WELL TEST DATA

☐ Pump ☐ Bailer ☒ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
<u>40</u>		<u>2</u>

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water Yes N
	From	To		
<u>8</u>	<u>0</u>	<u>3</u>	Top soil	
<u>"</u>	<u>3</u>	<u>10</u>	Sand and gravel	
<u>"</u>	<u>10</u>	<u>70</u>	Brown clay	
<u>"</u>	<u>70</u>	<u>72</u>	Blue clay	
<u>"</u>	<u>72</u>	<u>75</u>	Brown clay	
<u>8</u>	<u>75</u>	<u>84</u>	Blue clay	
<u>8-6</u>	<u>84</u>	<u>170</u>	Blue clay with sand seams	<u>X</u>
			Filled back to 150'	

10.

Work started 8/28/91 finished 8/29/91

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Hiddleston & Son, Inc Firm No. 35

Rt. 3, Box 610-D

Address Mtn Home, ID 83647 Date 8/30/91

Signed by (Firm Official) [Signature]

and

(Operator) [Signature]

RECEIVED

SEP 05 1991

Department of Water Resources

RECEIVED

SEP 10 1991

Department of Water Resources

Western Regional Office

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT



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

March 5, 2004

KEITH CHAMBERLAIN
9394 W FLOCK RD
HAMMETT ID 83627

RE: PERMIT NO. 61-7722

Dear Permit Holder:

I have enclosed a copy of the approved Request for Extension of Time ("request") you submitted to the department in connection with the above referenced permit, which extends the time to submit proof of beneficial use to **May 1, 2008**. Please note that the department granted this extension based on evidence of **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed, since the department may not be able to grant an additional extension request based on this category.

I have updated the department's database with your mailing address as it is reflected above. Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Additionally, these forms can be found on our website at: www.idwr.state.id.us

If you have any questions regarding this matter, contact me at (208) 327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.: 61-7722

Reviewed By: dgibson

Date: March 4, 2004

	<u>Yes</u>	<u>No</u>	
Request received timely?	X		Is delay by a government agency?
Appropriate fee	X		Is supporting documentation needed to support the file?
Additional Amount Due:			
Receipt No.:		C071615	Has the permit been involved in litigation?
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?
Has adequate work been completed to demonstrate due diligence?	X		

Priority Calculation

Extension request received	11/14/2003	New proof due date	05/01/2008
Date proof due	- 05/01/2004		
Lapse notice sent	-		
No. of days late	= 0		
Holiday allowance	+		
Priority date	+ 07/19/1996		
New priority date	= 07/19/1996		

Action Taken

Acknowledge request for extension of time, and extend the proof deadline to 5/1/2008 based on due diligence. Update address



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

November 18, 2003

KEITH CHAMBERLAIN
9394 W FLOCK RD
HAMMETT ID 83627

Re: Permit No. 61-7722

Dear Permit Holder:

The department received your Request for Extension of Time regarding the above-referenced permit on November 14, 2003. However, the department cannot process this request at this time, because it was submitted more than two months prior to the Proof of Beneficial Use deadline. Therefore, I will hold this request and process it when May 1, 2004 is closer.

Additionally, you asked that I review this request to see if it can be approved. I have reviewed this file and find that no other requests for extension have been filed on this permit. Based on the present information in the file, this request can be accepted by the department. After March 1, 2004, I will process this request, and return a completed form, showing the new proof deadline for this permit.

If you have any questions, please contact me at (208) 327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

cc: Eastern Regional Office



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

May 11, 1999

KEITH CHAMBERLAIN
HC 63 BOX 1B
HAMMETT ID 83627

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 61-07722

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.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under ~~MICROFILMED~~

JUN 09 1999

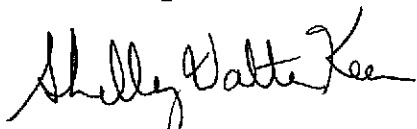
may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

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.

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.

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

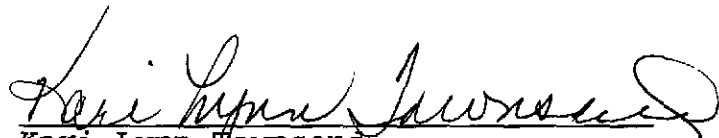
JUN 09 1999

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of May, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 61-07722

KEITH CHAMBERLAIN
HC 63 BOX 1B
HAMMETT ID 83627


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 09 1999

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

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JUN 09 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

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JUN 09 1999

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy*No.: 61-7722 Name: Chamberlain Date: 4/20/99 Ad OK? ☒ Gvmt Lts: ☒

AREA OF CONCERN: - No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 264-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

All wells (✓ W/DQ3) - 04-P23

In Basin 34?

Irr within WD

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

WMD

Supp irr use only *

Supp irr + uses

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

- 085

- P05 (new well location)

- North / East / West

- 067 or No MD (in-stream stock or power)

- No MD

- 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source) *

- 100-101

- 01M (report when notified)

- No MD

* King Hill water available only
South of Canal. This pool is north
of canal.

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

FISH & GAME CONTACTED

IN/ABOVE MSF (✓ MAP)

IN-STREAM DEVELOPMENT

WD (✓ MAP & LISTING)

> 0.20 cfs

≤ 0.20 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

- YES / No, WHEN _____ RESPONSE _____

- *WB9

- P62 (stream channel alteration)

- R04 (WD # _____)

- 01J-P08 (MD & LD)

- 01H-P01 (LD), 01P or No MD (in-stream stock)

- 067 or No MD (in-stream stock or power)

- No MD

- 01M or No MD (in-stream stock or power)

- No MD

RIVER BASINS: (*Surface water)

Snake R (01)

(02/03-irr)

Payette R (65)

Salmon R (70's)

Weiser R (67)

- *W22 -P04, NA

- 007 (w/ remark *WB9 if above Weiser), NA

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

- 029 (fish screens), NA

- 086, 087

USE:

STORAGE (✓ 3 compo.)

IRR ≤ 5 acres

> 5 acres

STOCKWATER

MINING

FISH PROPAGATION

HEATING/COOLING

POWER

MUNICIPAL

In restricted area?

Irr, GW supp to SW?

DOMESTIC

Surface water

> 1 in rest area

FIRE PROTECTION

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

- R66/R67/R68/R69 (0.03 cfs/acre + 3 0/3 5/4 0/4 5 AF)

- R62/R63/R64/R65 (0.02 cfs/acre + 3 0/3 5/4 0/4 5 AF)

- R37 (BLM/USFS), NA

- 054(req) -081-P10

- 029(70's only) -007-042(req) -081 (WQ) -P10

- R07 (injection well)

- 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

- 022, 075, 004 (+memo?)

- 102

- *WB5 (Big Wood R or Boise R ↑ Star Bridge), 27A (Payette River), NA

- 071-070

- 077

LOCATION:

BOISE FRONT LOGEO

MITIGATION

42-248 AREA

SWAN FALLS FLAG (✓ Code)

Trust

Non-Trust (1)

- 058 (<85° GW temp only)

- 120- P84 (in 20/30/40/50/60/70/80 (87) basin)- 7- 051-052-053-P74 (Consumptive Uses), NA

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

- 068

STANDARD REMARKS:

- 01 Gary's memo #1 cond.

BENEFICIAL USE DUE:

- 5/1/2004

COMMENTS:

MEMORANDUM

DATE: April 20, 1999
TO: File No 61-07722
FROM: Cindy Zimmerman 
SUBJECT: Clarification of Place of Use

During the review of this application, I noted that the irrigated place of use was reduced to 20 acres to settle the protest. However, the protest agreement did not specify the location of the 20 acres.

On April 13, 1999, I called Gary Spackman at Western Region for clarification. Gary said he would find out from Charlie Honsinger, attorney for the applicant.

On April 19, 1999, Charlie called me to clarify that the 20-acre irrigated place of use will be within SESW, S26, T05S, R08E. The NWSE, S26 is removed from the place of use description.

I have adjusted the application to reflect these modifications.

MICROFILMED

JUN 03 1999

RECEIVED

APR 01 1999

Department of Water Resources

MEMO

To: File No. 61-07722 in the Name of Keith Chamberlain
From: Gary Spackman *Sp*
Subject: Conditions of Approval
Date: March 29, 1999

I scheduled a hearing for the above-titled matter. The parties stipulated to a settlement. Keith Chamberlain agreed to reduce the number of acres proposed for irrigation from 33 to 20 acres, and also agreed to reduce the amount of water to be diverted to 0.40 cfs. Based on the stipulation of the parties I propose that IDWR approve application no. 61-07722 with the following conditions of approval:

1 This water right only authorized diversion of cold water with a temperature less than 85° Fahrenheit.

(068) 2. This water right does not authorize the drilling of a new well.

3. (120)

MICROFILMED
JUN 09 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

APR 11 1999

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: ijh DATE: 7/21/96 APPLICATION: 01-7722

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)
Fee:
Yes ☐ No* In form to receipt:

Gov't. Lots:
30 P/D
30 P/U

ADDITIONAL INFORMATION

RECEIVED

APR 01 1999

Department of Water Resources

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
☐ ☒ Overlapping point of diversion.
☐ ☐ Field check required: Field check by: _____
☐ ☐ Field report attached:
☐ ☒ Critical groundwater area:
☐ ☒ Groundwater management area:
☐ ☒ 1992 moratorium:
☐ ☒ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
☐ ☒ Copy to Dam Safety staff: (for any storage)
☐ ☒ Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
☐ ☐ Send power requirement letter:
☐ ☐ Send fish farm requirement letter:
☐ ☐ Power residency affidavit:
☐ ☐ Power efficiency form:
☐ ☒ 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

ADDITIONAL INFORMATION ON REVERSE SIDE:

SEE AMENDED VERSION of 12/21/96 & 12/30-12/31 CORR. MEMO/NOTES.

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:

YES NO

☐ ☒ I.D. Health & Welfare☐ ☒ I.D. District Health☐ ☒ I.D. Fish & Game☐ ☒ I.D. Lands☐ ☒ Adjudication Bureau

YES NO

☐ ☒ U.S. BLM☐ ☒ U.S. Forest Service☐ ☒ Water Dist. # _____☐ ☒ Other _____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:☐ ☐ Protests received. Final date for protest 8-26-96☐ ☐ Protest dates, resolution of protest recorded on application:☒ ☐ Recommendations attached:☐ ☒ Measuring device required:☐ ☒ Measuring port required:☐ ☒ Water delivered by water master? District # _____☒ ☐ Special conditions of approval or cover letter: See memo dated 3/29/99See below for additional informationRecommended Date or Priority 9/19/96Recommended by: Bay Date: 3/29/99STATE OFFICE REVIEWSee below for additional information. By _____ Date _____ADDITIONAL INFORMATION:P/u overlap w/ King Hill I.D., also 61-7681 in NWSE S26permit for GW, lac, different ownerDid permit upgrade req'd for 61-91-Z-032.

MAY - 3 1999

Department of Water Resources

REQUEST TO PROCESS

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

Name of Applicant Keith Chamberlain

Mailing Address HCR 63, Box 1B
Hammett, Idaho 83627-9701

Application No(s).: 61-07722
(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 to flows in the Snake River during the 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 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

Keith J. Chamberlain

Date

April 23, 1999

Please return this form to:

Idaho Dept. of Water Resources
State Office
1301 N. Orchard Rd.
Boise ID 83706

MICROFILMED

JUN 09 1999

PROTEST INFORMATION SHEET

APPLICANT: Keith Chamberlain

WR #: 61-07722

DATE FILED: 07-19-98 PROTEST DATE: 8-26-96

PROTESTANT(S) NAME & ADDRESS:

Robert K. Hall
Rt 1 Box 103
Glenns Ferry ID 83623

Attorney - Name & Address

Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement Letters 9-9-96

Hearing Notice 10-1-98 12-

Hearing Date 12-2-98 2-17-99

Other: _____

MICROFILMED

JUN 09 1999

PERCE HALL
HALL, FRIEDLY & WARD
Attorneys for Robert K. Hall
340 East 2nd North Street
Mountain Home, Idaho 83647
Telephone: (208) 587-4412

RECEIVED
MAR 02 1999
RINGERT CLARK

RECEIVED
MAR 03 1999
WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF
THE STATE OF IDAHO

IN THE MATTER OF THE
APPLICATION FOR PERMIT OF
WATER RIGHT NO. 61-07722 IN
THE NAME OF KEITH CHAMBERLAIN

LICENSE NO.
STIPULATION FOR SETTLEMENT
OF PROTEST

The following is hereby stipulated and agreed to by and between Keith Chamberlain, applicant for permit number 61-07722, acting by and through his attorney Charles L. Honsinger of the firm of Ringert Clark, Chartered, and Robert K. Hall, who is the protestant, acting by and through his attorney Perce Hall of the firm of Hall, Friedly and Ward.

1. Keith Chamberlain has filed an application for permit to appropriate Water Right Number 61-07722 in which application he seeks a permit to pump .66cfs of groundwater to irrigate 33 acres of land located in Section 26, Township 5 South, Range 8 East, Boise Meridian. Robert K. Hall has filed a protest to this application.

2. The parties agree that Keith Chamberlain will amend his application to reduce the number of acres to be

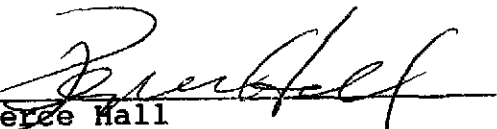
MICROFILMED
JUN 09 1999

irrigated from 33 to 20 and reduce the amount of water to be diverted from .66cfs to .40cfs.

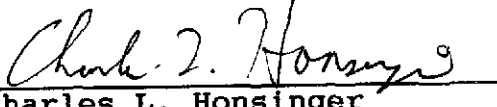
3. In consideration of such amendment Robert K. Hall withdraws his protest to the application.

DATED this 26th day of February, 1999.

HALL, FRIEDLY & WARD

By 
Perce Hall
Attorneys for Robert K. Hall
Protestant

RINGERT CLARK, CHARTERED

By 
Charles L. Honsinger
Attorneys for Keith Chamberlain
Applicant

DANIEL V. STEENSON
CHARLES L. HONSINGER
RINGERT CLARK CHARTERED
455 South Third Street
P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

RECEIVED
FEB 17 1999
WATER RESOURCES
WESTERN REGION

Attorneys for Applicant Keith Chamberlain

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF
THE STATE OF IDAHO

IN THE CHAMBERLAIN HEARING	)	NOTICE OF SERVICE FOR
	)	KEITH CHAMBERLAIN'S SUPPLEMENTAL
BEFORE THE IDAHO DEPARTMENT OF	)	ANSWERS TO HALL'S FIRST SET OF
WATER RESOURCES	)	INTERROGATORIES AND REQUESTS FOR
	)	PRODUCTION
	)	
	)	

TO: IDAHO DEPARTMENT OF WATER RESOURCES

YOU WILL PLEASE TAKE NOTICE that defendant, above-named, by and through his counsel of record, Charles L. Honsinger, of the firm Ringert Clark Chartered, served CHAMBERLAIN'S SUPPLEMENTAL ANSWERS AND RESPONSES TO HALL'S FIRST SET OF INTERROGATORIES, AND REQUESTS FOR PRODUCTION, along with a copy of this notice, by delivering the same to the following attorney of record by facsimile:

MICROFILMED

VIA FACSIMILE:

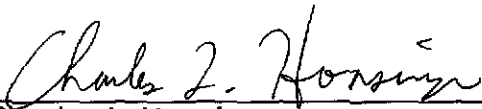
JUN 09 1999

Perce Hall
Hall, Friedly & Ward
340 East 2nd North
Mountain Home, Idaho 83647

NOTICE OF SERVICE FOR CHAMBERLAIN'S SUPPLEMENTAL ANSWERS AND RESPONSES
TO PLAINTIFF'S FIRST SET OF INTERROGATORIES, AND REQUESTS FOR PRODUCTION - 1

DATED this 12th day of February, 1999.

RINGERT CLARK CHARTERED



Charles L. Honsinger
Attorney for Keith Chamberlain

MICROFILMED

JUN 09 1999

NOTICE OF SERVICE FOR CHAMBERLAIN'S SUPPLEMENTAL ANSWERS AND RESPONSES
TO PLAINTIFF'S FIRST SET OF INTERROGATORIES, AND REQUESTS FOR PRODUCTION - 2

DANIEL V. STEENSON
CHARLES L. HONSINGER
RINGERT CLARK CHARTERED
455 South Third Street
P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

RECEIVED
FEB 11 1999
WATER RESOURCES
WESTERN REGION

Attorneys for Applicant Keith Chamberlain

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF
THE STATE OF IDAHO

IN THE CHAMBERLAIN HEARING	)	NOTICE OF RESPONSE TO
BEFORE THE IDAHO DEPARTMENT OF	)	HALL'S FIRST SET OF INTERROGATORIES,
WATER RESOURCES	)	REQUEST FOR PRODUCTION AND
	)	REQUEST FOR ADMISSION
	)	
	)	

NOTICE IS HEREBY GIVEN that upon the 10th day of February, 1999, Keith Chamberlain responded to Hall's First Set of Interrogatories, Request for Production and Request for Admissions by mailing said response together with copies of the documents produced, to Perce Hall, Hall, Friedly & Ward, 340 East 2nd North Street, Mountain Home, Idaho 83647, by United States First Class Mail with postage prepaid.

Dated this 10th day of February, 1999.

RINGERT CLARK CHARTERED

BY Charles L. Honsinger
Charles L. Honsinger
Attorney for Keith Chamberlain

PERCE HALL
HALL, FRIEDLY & WARD
Attorneys for Intervenor
340 East 2nd North Street
Mountain Home, Idaho 83647
Telephone: (208) 587-4412

RECEIVED

JAN 25 1999

WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF
THE STATE OF IDAHO

IN THE CHAMBERLAIN HEARING
BEFORE THE IDAHO DEPARTMENT OF
WATER RESOURCES

NOTICE OF RESPONSE TO
CHAMBERLAIN'S FIRST SET OF
INTERROGATORIES, REQUEST
FOR PRODUCTION AND REQUEST
FOR ADMISSIONS

NOTICE IS HEREBY GIVEN that upon the 22nd day of
January, 1999, Robert K. Hall responded to Chamberlain's
First Set of Interrogatories, Request for Production and
Request for Admissions by mailing said response together
with copies of the documents produced, to Charles L.
Honsinger, Ringert Clark Chartered, 455 South Third, P.O.
Box 2773, Boise, Idaho 83701-2773, by United States First
Class Mail with postage prepaid.

Dated this 22nd day of January, 1999.

HALL, FRIEDLY & WARD

By

Perce Hall

Attorneys for Robert K. Hall

MICROFILMED

JUN 09 1999

PERCE HALL
HALL, FRIEDLY & WARD
Attorneys for Intervenor
340 East 2nd North Street
Mountain Home, Idaho 83647
Telephone: (208) 587-4412

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JAN 25 1999
WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF
THE STATE OF IDAHO

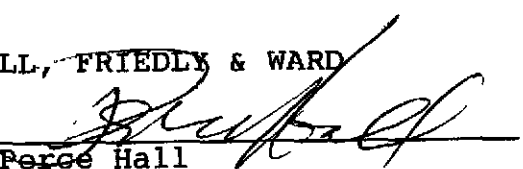
IN THE CHAMBERLAIN HEARING
BEFORE THE IDAHO DEPARTMENT OF
WATER RESOURCES

NOTICE OF SERVICE OF ROBERT
K. HALL'S FIRST SET OF
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS
ON KEITH CHAMBERLAIN

NOTICE IS HEREBY GIVEN that upon the 22nd day of
January, 1999, A copy of Robert K. Hall's First Set of
Interrogatories and Request for Production of Documents was
served upon Charles L. Honsinger, Attorney for Chamberlain,
by U.S. First Class Mail directed and addressed to Charles
L. Honsinger, Ringert Clark Chartered, 455 South Third, P.O.
Box 2773, Boise, Idaho 83701-2773.

Dated this 25th day of January, 1999.

HALL, FRIEDLY & WARD

By 
Perce Hall
Attorneys for Robert K. Hall

MICROFILMED
JUN 09 1999

RECEIVED

DEC 24 1998

Department of Water Resources

DANIEL V. STEENSON
CHARLES L. HONSINGER
RINGERT CLARK CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile (208) 342-4657

Attorneys for Applicant Keith Chamberlain

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	NOTICE OF SERVICE OF
PERMIT OF WATER RIGHT NO. 61-07722	)	CHAMBERLAIN'S FIRST SET OF
IN THE NAME OF KEITH CHAMBERLAIN	)	INTERROGATORIES, REQUESTS FOR
	)	PRODUCTION AND REQUESTS FOR
	)	ADMISSION OF ROBERT K. HALL

TO: THE IDAHO DEPARTMENT OF WATER RESOURCES

YOU WILL PLEASE TAKE NOTICE that on December 26, 1998, Keith Chamberlain, through the undersigned counsel, served Chamberlain's First Set of Interrogatories, Requests for Production, and Requests for Admission of Robert K. Hall by facsimile or by mail to the following:

Robert K. Hall
Route 1, Box 103
Glenns Ferry, ID 83623

Perce Hall
340 E 2nd
Mountain Home, ID 83647

MICROFILMED

JUN 09 1999

NOTICE OF SERVICE OF CHAMBERLAIN'S FIRST SET OF INTERROGATORIES, REQUESTS FOR PRODUCTION, AND REQUESTS FOR ADMISSION OF ROBERT K. HALL - Page 1

Dated this 23rd day of December, 1998



Charles L. Honsinger
Ringert Clark Chartered
Attorney for Clear Lakes Trout Co

GIVENS PURSLEY LLP

RECEIVED

DEC 24 1998

Department of Water Resources

LAW OFFICES

277 North 5th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE 208 388-1200
FACSIMILE 208 388-1201

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Fereday
L. W. Grant III
Richard W. Jankowski
Karl T. Klein
David R. Lombardi

Kimberly D. Maloney
Kenneth R. McClure
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Ramona S. Neal
Aaron H. Nemec
W. Hugh O'Riordan

Kenneth L. Pursley
Gregory J. Vietz
Conley Ward
Steven R. Weeks
Stephanie C. Westermeier

Raymond D. Givens
James A. McClure
OF COUNSEL

December 23, 1998

VIA FEDEX

Ms. Diana R. Delaney
Chief Deputy Clerk
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, ID 83303-2707

Matter: In Re: SRBA Case No. 39576
Our File: 3915-34

Dear Diana:

Enclosed for filing please find Cranney Bros.' Second Motion to Compel Discovery and to Amend Scheduling Order and Second Affidavit of Michael C. Creamer, along with 9 additional copies for each subcase listed on Exhibit A of the documents. I have also enclosed a copy of each document to be conformed and returned to our office in the self-addressed, stamped envelope.

If you have any questions regarding the enclosed, please contact me immediately. Thank you for your assistance.

Sincerely,


Michael C. Creamer

MCC:dr

Enclosures

S:\Clients\3915\34\Corr\Letter to Clerk Enclosing Affidavit & Motion to Compel.wpd

cc: Parties on Certificate of Service (via U.S. Mail, w/encl.)
Mike Cranney (via U.S. Mail, w/encl.)

MICROFILMED
JUN 09 1999

RECEIVED

DEC 23 1998

Department of Water Resources

DANIEL V. STEENSON
CHARLES L. HONSINGER
RINGERT CLARK CHARTERED
455 S. Third, P. O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Applicant Keith Chamberlain

BEFORE THE DEPARTMENT OF WATER RESOURCES OF
THE STATE OF IDAHO

*
*
IN THE MATTER OF APPLICATION FOR)
PERMIT OF WATER RIGHT NO. 61-07722)
IN THE NAME OF KEITH CHAMBERLAIN)

*

NOTICE OF APPEARANCE

COMES NOW D. V. Steenson and Charles L. Honsinger of the firm of Ringert Clark,
Chartered, and hereby make their appearance as counsel of record for the above-named applicant
in the above entitled matter.

The Idaho Department of Water Resources is hereby requested to make any of the
necessary notations in its records to reflect such appearance.

Dated this 22nd day of December, 1998.

RINGERT CLARK, CHARTERED

By Charles L. Honsinger

Charles L. Honsinger

MICROFILMED

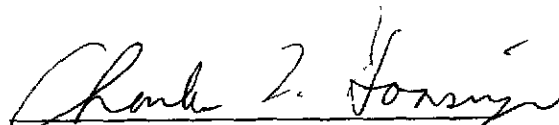
JUN 10 1999

CERTIFICATE OF MAILING

I hereby certify that service of the within and foregoing Notice of Appearance was made this 22nd day of December, 1998, by mailing a copy thereof, postage prepaid, to each of the parties listed below.

Robert K. Hall
Route 1, Box 103
Glenns Ferry, ID 83623

Perce Hall
340 E. 2nd
Mountain Home, ID 83647


Charles L. Honsinger

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT OF WATER RIGHT NO.)
61-07722 IN THE NAME OF KEITH)
CHAMBERLAIN.)

NOTICE OF HEARING

On July 19, 1996, Keith Chamberlain filed with the Idaho Department of Water Resources (IDWR) application for permit no. 61-07722. The application was protested by the Robert K. Hall. The pre-hearing conference held by IDWR on Wednesday, September 2, 1998, did not resolve the matter of protest and the hearing scheduled for December 2, 1998, was canceled.

The Department has scheduled the matter for hearing on Wednesday, February 17, 1999 at the Glenns Ferry City Hall, 204 E. 2nd, Glenns Ferry, Idaho 83623, beginning at 9:00 a.m. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of the Department. A copy of the rules may be obtained from the IDWR upon request. The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01.606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

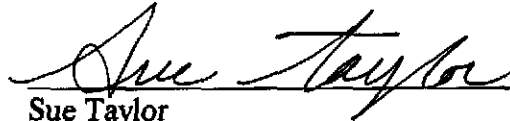
All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 18th day of December 1998.



GARY SPACKMAN

I hereby certify that on the 21st day of December, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

CERTIFIED MAIL

KEITH CHAMBERLAIN
HC 63 BOX 1B
HAMMETT ID 83627

ROBERT K HALL
RT 1 BOX 103
GLENN'S FERRY ID 83623

NON-CERTIFIED MAIL

PERC HALL
340 E 2ND
MOUNTAIN HOME ID 83647

CHARLES HONSINGER
RINGERT CLARK
PO BOX 2773
BOISE ID 83701-2773

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

MICROFILMED
JUN 09 1999

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

MICROFILMED
JUN 09 1999



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

December 18, 1998

GLENN'S FERRY CITY HALL
204 E 2ND
GLENN'S FERRY ID 83623

Re: Prehearing Conference

This letter is to confirm the conference room reservation made by the Department of Water Resources for the 17th day of February, 1999, at 9:00 a.m.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

A handwritten signature in cursive script that reads 'Sue Taylor'.

Sue Taylor
Senior Secretary

MICROFILMED
JUN 09 1999

P 590 141 752

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

KEITH CHAMBERLAIN

HC 63 BOX 1B

HAMMETT ID 8362

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 252

Postmark or Date

PS Form 3800, April 1995

JUN 09 1999
MICROFILMED

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge)

2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.

3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6 Save this receipt and present it if you make an inquiry.

P 590 141 751

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

ROBERT K HALL

RT 1 BOX 103

GLENN'S FERRY ID 83623

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

JUN 9 1995
MICROFILMED

stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

If you want this receipt postmarked, stick the gummed stub to the right of the return address, leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article

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5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811

6. Save this receipt and present it if you make an inquiry.

P 590 141 772

US Postal Service

Receipt for Certified Mail

**KEITH CHAMBERLAIN
HC 63 BOX 1B
HAMMETT ID 83627**

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

MICROFILMED
JUN 09 1999

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811
6. Save this receipt and present it if you make an inquiry.

P 590 141 773

US Postal Service

Receipt for Certified Mail

ROBERT K HALL

RT 1 BOX 103

GLENN'S FERRY ID 83623

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

SEP 09 1999
MICROFILMED

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge).

2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article

3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED adjacent to the number**

4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY on the front of the article**

5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.

6. Save this receipt and present it if you make an inquiry

SENDER:

- Complete items 1 and/or 2 for additional services
- Complete items 3, 4a, and 4b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

01-7, 22
I also wish to receive the following services (for an extra fee).

- 1 ☐ Addressee's Address
2 ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to

KEITH CHAMBERLAIN
HC 63 BOX 1B
HAMMETT ID 83627

MICROFILMED

4a. Article Number

P 590 141 772

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

12/2/98

5. Received By (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Addressee or Agent)

X *[Signature]*

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No G-10

• Print your name, address, and ZIP Code in this box •

MICROFILMED

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

RECEIVED

OCT 05 1998

WATER RES.
WESTERN REGION

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

61-1822

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee

3. Article Addressed to:

ROBERT K HALL
RT 1 BOX 103
GLENN'S FERRY ID 83623

4a. Article Number

P 590 141 773

4b. Service Type

- ☐ Registered ☒ Certified
- ☒ Express Mail ☐ Insured
- ☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

10/2/94

5. Received By: (Print Name)**8. Addressee's Address (Only if requested and fee is paid)****6. Signature: (Addressee or Agent)**

X *Mary Hall*

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED

OCT 05 1998

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83705

WATER RESOURCES
WESTERN REGION

MACROFILMED

SENDER:

- Complete items 1 and/or 2 for additional services
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3 Article Addressed to.

KEITH CHAMBERLAIN
HC 63 BOX 1B
HAMMETT ID 83627

MICROFILMED

4a. Article Number

P 590 141 752

4b. Service Type

- ☐ Registered ☒ Certified
☒ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7 Date of Delivery

12-22-98

5 Received By: (Print Name)

KEITH CHAMBERLAIN

6. Signature (Addressee or Agent)

X [Signature]

8 Addressee's Address (Only if requested and fee is paid)

141 752

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

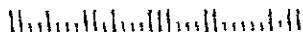
DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

MICROFILMED
JUN 15 1998

RECEIVED

DEC 23 1998

WATER RESOURCES
WESTERN REGION



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit
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- The Return Receipt will show to whom the article was delivered and the date delivered

61 7722

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee

3 Article Addressed to:

ROBERT K HALL
RT 1 BOX 103

GLENN'S FERRY ID 83623

MICROFILMED

4a. Article Number

9 590 141 751

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☒ Return Receipt for Merchandise ☐ COD

7 Date of Delivery

12/22/98

5 Received By: (Print Name)**8. Addressee's Address (Only if requested and fee is paid)****6. Signature (Addressee or Agent)**

X

Mary Hall

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RECEIVED

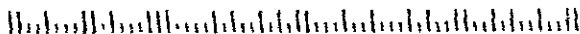
Print your name, address, and ZIP Code in this box •

DEC 23 1998

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

MICROFILMED
DEC 23 1998



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

**IN THE MATTER OF APPLICATION)
FOR PERMIT OF WATER RIGHT NO.)
61-07722 IN THE NAME OF KEITH)
CHAMBERLAIN.)**

NOTICE OF HEARING

On July 19, 1996, Keith Chamberlain filed with the Idaho Department of Water Resources (IDWR) application for permit no. 61-07722. The application was protested by the Robert K. Hall. The pre-hearing conference held by IDWR on Wednesday, September 2, 1998, did not resolve the matter of protest.

The Department has scheduled the matter for hearing on Wednesday, December 2, 1998 at the Glenns Ferry City Hall, 204 E. 2nd, Glenns Ferry, Idaho 83623, beginning at 9:00 a.m. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of the Department. A copy of the rules may be obtained from the IDWR upon request. The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01.606 requires that you provide a copy of exhibits to each party and to the presiding officer.

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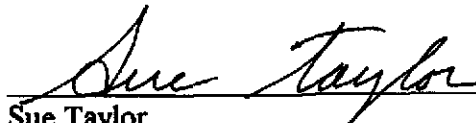
All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 30th day of September 1998.



GARY SPACKMAN

I hereby certify that on the 15th day of October 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

CERTIFIED MAIL

KEITH CHAMBERLAIN
HC 63 BOX 1B
HAMMETT ID 83627 ✓

ROBERT K HALL
RT 1 BOX 103
GLENN'S FERRY ID 83623

✓ called to cancel
11-30-98

NON-CERTIFIED MAIL

PERC HALL
340 E 2ND
MOUNTAIN HOME ID 83647 ✓

called to cancel
11-30-98

cancelled room
11-30-98

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
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MICROFILMED

JUN 09 1999

CONFERENCE

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MICROFILMED

JUN 09 1999

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Application for Permit No. 61-07722 in the Name of Keith Chamberlain

Place: Glens Ferry City Hall

Date: Wednesday, September 2, 1998

Conducted by: Gary Spackman

NAME

ADDRESS

Keith J. Chamberlain HCR 63 Box 15
Hammett Id.
Joe Hall 340 E N Main St
Glens Ferry Id 83627
Robert Hall RT1 Box 103 Glens Ferry Id 83627
Joel B King HC 63 Box 21 HAMMETT, ID 83627
Earl P. Wickendory Box 74 HAMMETT, IDAHO 83627
Julianne S. King HCR 63 - Box 21 Hammett, ID 83627
Dean Prescott HC3 Box 21 Hammett Id. 83627
Richard + Ella Humpherys HCR 63 Box 15B Hammett Id. 83627
Cory + Juanita Gelland Box 93 Hammett Idaho, 83627
Dolores + Jerry Hood Box 223 Hammett Idaho 83627

MICROFILMED

JUN 03 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 61-07722 IN THE)
NAME OF KEITH CHAMBERLAIN.)

**NOTICE OF PREHEARING
CONFERENCE**

On July 19, 1996, Keith Chamberlain filed with the Department of Water Resources (department) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Robert K. Hall.

The department has scheduled a conference for the protest to be held on Wednesday, September 2, 1998, at 1:30 p.m. at the Glenns Ferry City Hall, 204 E. 2nd, Glenns Ferry, Idaho 83623. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

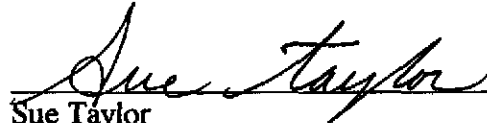
The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 31st day of July, 1998.



Gary Spackman

I hereby certify that on the 31st day of July, 1998 I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

KEITH CHAMBERLAIN
HC 63 BOX 1B
HAMMETT ID 83627

ROBERT K HALL
RT 1 BOX 103
GLENN'S FERRY ID 83623

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Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) *Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?*
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) *Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?*
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

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JUN 09 1999

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

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JUN 09 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

June 18, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KEITH CHAMBERLAIN
HC 63 BOX 1B
HAMMETT ID 83627

Re: Protested Application for Water Right No. 61-07722

Dear Mr. Chamberlain:

I spoke to you in March of 1997 about application no. 61-07722 in which you sought to divert 0.660 cfs from groundwater for irrigation on 33 acres located near the town of Hammett, Idaho. At the time, the Idaho Department of Water Resources (IDWR) had suspended the processing of new applications for appropriations of water. The temporary suspension has been lifted, and IDWR is now processing applications for permit.

If I do not hear from you in the next two weeks, I will schedule a conference with the protestants to discuss resolution of the protest and a possible hearing.

Sincerely,

Gary Spackman

GS:st

CC: Robert K. Hall

MICROFILMED

JUN 09 1999

RECEIVED

FEB 27 1997

WATER RESOURCES
WESTERN REGION

EDWARD T. POTACEK
P.O. Box 537 Roseman Rd
Glenview, Ferry, IDAHO 83623

FEBRUARY 24, 1997

Dept. of Water Resources
Deputy Regional Manager
SL STEVE LESTER
2735 Airport Way
Bosco, IDAHO 83705-5082

DEAR STEVE:

I AM WRITING IN REFERENCE TO MY ARTESIAN
WELL LOCATED ON MY RANCH ON ROSEMAN ROAD
ACROSS FROM GLENVIEW FERRY ON THE SNAKE RIVER.

I HAVE BEEN EXPERIENCING PROBLEMS WITH
MY WARM WATER WELL. I HAVE LOST MY
STOCK WATER FOR MY LIVESTOCK AND NO LONGER
HAVE ANY PRESSURE AT ALL COMING FROM MY
WELL. IT IS APPARENT THAT THINGS ARE CONTINUALLY
GETTING WORSE AND I FEEL MY ONLY RECOURSE
MAY HAVE TO BE A LEGAL ONE. MY WELL HAS
A PROXY DATE OF 1947 WHICH WILL BE PROTECTED

MICROFILMED

JUN 09 1993

VERY TRULY YOURS,

(EDWARD T. POTACEK) 

MEMO

TO: File No. 61-07722
FROM: Gary Spackman *Gary*
RE: Conversation with Keith Chamberlain
DATE: March 11, 1997

On March 7, 1997, Keith Chamberlain visited the office and inquired about the status of application for permit no. 61-07722. I verbally told him about the procedures we would follow once we began processing applications again. Mr. Chamberlain stated that he was in no particular hurry. He is a long-haul truck driver and probably will be driving truck until at least the end of 1997. I told him we would notify him if we began processing applications.

MICROFILMED

JUN 09 1999

Robert K. Hall
Rt 1 Box 103
Glenns Ferry, Idaho 83623
208-366-2528 FAX 208-366-7461

RECEIVED
FEB 28 1997
WATER RESOURCES
WESTERN REGION

February 26, 1997

Dept. of Water Resources
Gary Spackman
Western Region Manager
2735 Airport Way
Boise, Idaho 83705

Mr. Spackman,

In reference to application for permit no. 61-07722, Keith Chamberlain

I do not withdraw my protest to this permit application.

1. This well would be licensed for approximately 427,680 gallons of water per day. This is more than 4 times the estimated domestic use in the Hammett valley at this time.

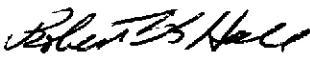
2. No state or federal agency I contacted will state that the Hammett aquifer is a large one.

3. ?

4. ?

5. I believe this use of potable water will conflict with the local public interest.

6. I believe this proposed use to be contrary to conservation of water resources within the state of Idaho.



Robert K. Hall

cc: Keith Chamberlain, R.M. Humphreys, D. Flock, C. Davis,

MICROFILMED

JUN 09 1999

MEMORANDUM

TO: GARY SPACKMAN

FROM: STEVE LESTER *SL*

DATE: FEBRUARY 10, 1997

RE: GROUND WATER APPLICATIONS IN GLENNS FERRY AREA

This memo summarizes the situation in the Glenns Ferry - Hammett area regarding several water right applications for permit proposing ground water for several uses. All of the applications are protested although only one protest conference for one application has been held to date.

Cold and hot (low temperature geothermal) water is involved. All of the points of diversion are on the north side of the Snake River. Two of the four filings include irrigation while the others involve municipal and industrial (latter two uses assume some degree of consumptive use?).

APPLICATION 61-07653 (AMENDED) - COLD SPRINGS PROJECT

Bill Ringert's application proposes up to four cold water wells, approximately 300' deep, for irrigation, commercial, domestic and fire protection uses. The irrigated land is associated with Carey Act Project No. 61-CA-03. The BLM has indicated that the public land will not be released for private development. The amended version was advertised as directed by the S.O. per applicant's November 1, 1996 letter.

This application should remain in the processing delay related to irrigation in "open areas". Also, it appears that approval is highly unlikely given the BLM response to the Carey Act issues.

APPLICATION 61-07715 - CITY OF GLENNS FERRY

The city applied for a 1500' cold water well for increased municipal use, including lawn irrigation according to the mayor's statements in the March 13, 1996 protest conference hosted by Dave Tuthill. Numerous protestants attended. The city was authorized to drill a test well and contracted with J-U-B Engineers to conduct a pump test while monitoring surrounding wells.

I requested a status report from the city via a November 5, 1996 letter but have not received a reply. Based on a few telephone conversations plus the city's action of filing a new municipal application for permit for Snake River water¹,

¹No. 02-07471 - application held at region pending direction from S.O. regarding direct diversion from the river since at least some consumptive use will occur for this municipal use. See attached copy of my 1/24/97 memo to GLS.

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JUN 04 1999

it might be inferred that the city does not intend to pursue application no. 61-07715.

Once S.O. direction is provided for the city's surface water application, IDWR should allow the city 30 days to clarify its intent for 61-07715.

APPLICATION 61-07722 - KEITH CHAMBERLAIN

Mr. Chamberlain applied for irrigation of 33 acres (reduced from original 72 acres to address protestants' concerns) from an existing 170' cold water well. The BLM withdrew its protest upon the deletion of three acres listed on public land. It remains to be seen if the remaining protestant (Robert Hall) will withdraw his protest based upon a second reduction of the acreage.

The remaining land proposed for irrigation is above the ditch and is therefore not served by King Hill water. The application should remain on hold pending the "irrigation in open areas" delay.

APPLICATION 61-07724 - MAGIC WEST

This filing is perhaps the most problematic of the bunch due to a variety of issues. Magic West holds license 61-07189 for .67 cfs and 12.9 afa from August 15 through July 1, excluding about six weeks each summer. The source is a hot water well thought to be about 1230' deep. Some of the protestants have complained that expanded industrial use at the food processing plant has injured older domestic and/or stock wells which also use the low temperature geothermal aquifer apparently found on both sides of the Snake River in the local area.

The application was filed to codify the expanded use plus provide "make-up volume" that the applicant believes was overlooked in licensing of its older right. As the examiner of that right in 1987, I recall considerable effort in soliciting flow and volume data from the company, resulting in the current license.

I sent a letter to Magic West on July 2, 1996 requesting that the company show how it is meeting the measuring device requirement re-instated upon licensing after being removed in 1978. I also asked for any records held by the company to detail the flow and volume data to better understand the annual use made of this well in recent years. The only response received has been a couple of telephone calls from Magic West staff that progress is being made in installing a measuring device.

That response seemed adequate when received since I thought the department would make significant progress in resolving some of the inter-related issues found in all of the applications under discussion. However, other information that has been anticipated has not been forthcoming (e.g., status report from city).

Recently, the region received a fax complaint (see attached) by Mr. Hall, a protestant common to all four applications, that Magic West, with its partner Co-Generation, has been using the plant's hot well to produce power. The region has already notified the parties, verbally and in writing, that the well cannot be used for an additional use such as power production until a valid water right is secured for this purpose. No application or other approval has been issued by

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JUN 08 1999

IDWR for use of the Magic West well beyond the limits of license 61-07189.

IDWR should respond to the protestant's allegation and should follow-up to previous department correspondence by requiring Magic West to document its recent and current use of the existing hot well.

OTHER INFORMATION

Also see my memo dated December 23, 1996 (copy in 61-07715 and 61-07724) for more summary information. Perhaps the department can play a limited role if some type of ground water study occurs as a result of any of these protests or related matters. Any approvals for new uses of ground water in the area in question should be considered within a "big picture" viewpoint, it appears.

RECOMMENDED ACTION FOR IDWR REGARDING THE FOUR APPLICATIONS

1. 61-07653 - continue holding the application without additional processing due to new irrigation issues. Eventually, the application might be withdrawn or voided based on the BLM stance re Carey Act land.

2. 61-07715 - upon receiving S.O. guidance re processing no. 02-07471, send a letter allowing 30 days for the applicant to clarify its intention regarding ground water development.

3. 61-07722 - continue holding as in 61-07653.

4. 61-07724 - send a letter requiring written response within 30 days - or begin N.O.V. process? - to document the following:

a) installation of measuring device for 61-07189;

b) submittal of any flow and volume records (or best estimates if records not available) for last five years of use for 61-07189;

c) clearly state the extent of use, if any, for power production at the food plant as alleged by the written complaint received by IDWR; and

d) applicant's response to protestants' concerns about allowing use of the hot well beyond the limits of 61-07189.

Based on a timely written response, a protest conference could be scheduled to more fully air these issues. This application might be able to move forward since irrigation use is n/a (although some consumptive use might occur - problem in "irrigation delay" thinking?).

5. Question - to what extent can or should IDWR respond to protestants requests to conduct a ground water study in the area in question? If IDWR does proceed on that path, what roles would S.O. and Regional staff play?

MICROFILMED
JUN 09 1993

MEMORANDUM

TO: GLEN SAXTON

FROM: STEVE LESTER *SL*

DATE: JANUARY 24, 1997

02-07471

RE: SNAKE RIVER APPLICATION FOR PERMIT

Attached is a re-submittal of an earlier memo that did not reach you according to a telephone conversation that I had with Shelley a few days ago. An additional thought occurs to me as this is forwarded.

Can river water between Swan Falls and Milner be appropriated for a non-irrigation use in excess of 2 af/day (recalling the "DCMI up to 2 af/day" limit in the trust water category) notwithstanding Norm's July 30, 1996 memo? I am a little unclear on the ability to establish new consumptive uses other than irrigation from the river between Swan Falls (terminal control point for trust water) and King Hill Gaging Station (terminal control point for Amended Moratorium Order, Eastern Snake River Plain Area).

Advertising of this application remains on hold pending your advice. If advertising does proceed, do you see a need for any clarifying remark in the ad?

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JAN 0 5 1999

*for 2/10/97 ground water
App's. memo*

MEMORANDUM

TO: GARY SPACKMAN

FROM: STEVE LESTER *SL*

DATE: FEBRUARY 10, 1997

RE: GROUND WATER APPLICATIONS IN GLENN'S FERRY AREA

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MICROFILMED

JUN 09 1999

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MICROFILMED

100 0 9 1999

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JUN 09 1999

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-02-07471

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JUN 09 1999

*cc for 2/10/97 ground water
App's. memo*

WR5809NP
No. 61-07189

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/10/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MAGIC WEST INC.	07/10/1974	INDUSTRIAL	08/15 07/01	0.670 CFS	12.90 AFA
TOTAL DIVERSION:					0.670 CFS	12.90 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 0.670 CFS

Point(s) of Diversion: T05S R10E S29 SWSE ELMORE County

Place of use Legal Description for: INDUSTRIAL

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	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	Lt Ac	Lt Ac	Lt Ac
---	---	---	:	---	---	---	---	:	---	---	---	:	---	---	---
05S	10E	29	:					:				:	I		:

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion and Source:
61-07724

Other Water Rights Listing Overlapping Place(s) of use:
A02-00214 A02-00215 A02-00216 A02-00217

Conditions of Approval:

- R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.

Dates: App. Received: 07/10/1974 Priority Date: 07/10/1974
Proof Due Date: 08/01/1979 Proof Made Date: 06/13/1979
Exam Made Date: 08/04/1987 Exam Sent to S.O.:
Licensed Date: 10/27/1990

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 09/22/87 05/01/88 CONVERT 01/24/90 REVU 05/02/90 CURTIS
10/12/90 CURTIS 10/29/96 CHODGES

MICROFILMED

JUN 03 1999

Robert K. Hall
Rt 1 Box 103
Glenns Ferry, Idaho 83623
208-366-2528

30 Dec. , 1996

Dept. of Water Resources
Western Region Manager
David Tuthill
2735 Airport Way
Boise, Idaho 83705

Dear Sir,

The Co-Generation Plant is operating at the Magic West Plant at Glenns Ferry. According to Jack Anderson, M.J., plant manager they have shut down their boilers and are receiving steam from the Co-Gen. plant. This conversation was today.

I do not believe they have a water right for the power plant that has been advertised. If they ere illegally using our ground water I request you enforce the law and stop this illegal water use immediately.

You have previously notified them a licence was necessary for power plant use.
Thank You

Robert K. Hall

Robert K. Hall

cc: vandeuer, heath, potucek, solosabel, kevan, magic west,
eichholz, mackey

MICROFILMED

JUN 09 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

February 7, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ROBERT K HALL
RT 1 BOX 103
GLENNS FERRY ID 83623

SIGNE SATHER-BLAIR
BLM BRUNEAU AREA MANAGER
3948 DEVELOPMENT AVE
BOISE ID 83705-5389

RE: APPLICATION FOR PERMIT NO. 61-07722, KEITH CHAMBERLAIN

Dear Protestants:

This letter serves two purposes. First, this office acknowledges the BLM protest withdrawal received October 3, 1996 due to the reduction of the above-referenced application. That reduction deleted ten acres identified as public land. *

Second, this letter notifies the remaining protestant, Mr. Hall, that the application was further reduced to 33 acres as shown on the amended copy dated December 31, 1996. The applicant indicated that he would contact Mr. Hall to see if the remaining protest can be resolved.

The protestant is welcome to submit any comments, including a withdrawal of protest by using the enclosed form, regarding the current version of the application. A written response is requested from the protestant within 30 days.

Please feel free to contact me if you have any questions about application no. 61-07722.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

c: Keith Chamberlain, Applicant

* correction - deleted 3 acres (72 to 69), not 10 - SL

MICROFILMED

JUN 03 1999

12/31/96

amended (reduced) by 36 acres
below Kinghill Ditch to
address Robert Hall's
"harmful" diversion
concerns.

No fee or re-adv required
Sent copy of modified app
front pg + withdrawal form wr
applicant who was going to give

to protestant. Applicant
plans to upgrade existing
well with a 7 HP pump.
Small reservoir (plastic
stock tank) may or may not
be installed — storage use
N/A either

MICROFILMED

by 12/31/96

JUN 09 1999

CON. ERSATION MEMORANDUM

DATE 12/30/96
FILE 61-07722NAME OF PARTY Keith Chamberlain
EMPLOYEE Steve LesterRE: WANTS TO AMEND (REDUCE) APPLICATION
TO RESPOND TO REMAINING PROTEST (BOB HALL):
1) Mentioned existing well(s) (1 or 2?), some dairy
use (30-40 hd?) has occurred.~~AGREE~~2) Reduce acres & flow - just want to cover
land above ditch H2O?3) NO intent to drill new well(s)?4) install "plastic reservoir", pump from well to *
that, then to limited acres?5) APPEARS want reduction to Amend - will
fee & re-adv. be needed? apparently not.....→ Office Appt. to Amend Tues @ 1pm 12/31→ Appl. to be considered in light of local issues
raised re g.w. supply protested appls. for
City of Greens Ferry (61-) & Magic West (61-).* "reservoir" capacity? storage use or just
diversion detail?

MICROFILMED

JUN 09 1999



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Lower Snake River District
Boise Field Office
3948 Development Avenue
Boise, Idaho 83705-5389

In Reply Refer To:

2000

RECEIVED
OCT 03 1996
WATER RESOURCES
WESTERN REGION

OCT 2 1996

Steve Lester
Deputy Regional Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Protest to Application for Water Right No. 61-07722 in the name of Keith Chamberlain

Dear Mr. Lester:

Mr. Chamberlain, applicant for the above referenced water right, has contacted Bob Mallis of this office and agreed to amend his application to remove the following Place of Use:

T. 5 S., R. 8 E., Sec. 26, NE $\frac{1}{4}$ SW $\frac{1}{4}$

This is to notify you that we hereby cancel our protest to Application for Water Right No. 61-07722, contingent upon removal of the described Place of Use.

If you have any questions regarding this, please contact Bob Mallis at 384-3348.

Sincerely,

Therese M. Cortella

for Signe Sather-Blair
Bruneau Area Manager

MICROFILMED

JUN 09 1999



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

September 9, 1996

KEITH CHAMBERLAIN
HC 63 BOX 1B
HAMMETT ID 83627

Re: Application for Permit No. 61-7722

Dear Applicant:

Enclosed are copies of protests filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestants and attempt to resolve the protests.

If this office has not been advised within twenty (20) days that the protests has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

Steve Lester
Deputy Regional Manager

Enclosure: Copy of protest(s)

SL/st

MICROFILMED

JUN 09 1999



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

September 9, 1996

ROBERT K HALL
RT 1 BOX 103
GLENN'S FERRY ID 83623

Re: Application for Permit No. 61-7722 in the Name of Keith Chamberlain

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

Steve Lester
Deputy Regional Manager

SL/st

MICROFILMED

JUN 09 1999



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

September 9, 1996

SIGNE SATHER-BLAIR
BLM BOISE FIELD OFFICE
3948 DEVELOPMENT AVENUE
BOISE ID 83705-5389

Re: Application for Permit No. 61-7722 in the Name of Keith Chamberlain

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. It has been assumed that BLM will remit the \$25.00 protest fee immediately. Meanwhile, the Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

Steve Lester
Deputy Regional Manager

SL/st

MICROFILMED

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED

AUG 26 1996

WATER RESOURCES
NORTHERN REGION

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-208B, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Keith Chamberlain 61-07722
2. Name of protestant Robert K. Hall
3. Protestant's representative for service (If different than protestant)

4. Service mailing address RT 1, Box 103 Clearus Ferry Id 83623
5. Service telephone no. 208-366-2528
6. Basis of protest (including statement of facts and law upon which the protest is based)
Will ~~damage~~ harm wells on my property & will put at risk the valley's domestic water & health.
Much of the land in this application is now served by King Hill Irrigate Dist. Critical groundwater should not be used for this local dist.
(additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? Limit use to protect domestic groundwater

I hereby acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 21 day of Aug, 19 96.

Robert K. Hall
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
JUN 09 1999

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by DB Date 8-26-96 Time 12:00 pm
\$25.00 fee Receipted by DB # W021401 Date 8/26/96

MICROFILMED
JUN 09 1999



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Lower Snake River District

Boise Field Office

3948 Development Avenue

Boise, Idaho 83705-5389

RECEIVED

AUG 23 1996

WATER RESOURCES
WESTERN REGION

In Reply Refer To

2000

AUG 21 1996


David R. Tuthill, Jr.
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

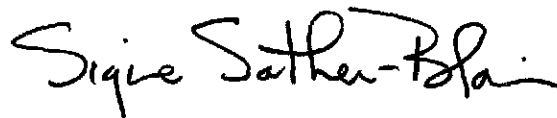
Re: Protest to Application for Water Right No. 61-07722 in the name of Keith Chamberlain

Dear Mr. Tuthill:

The referenced water right application identifies six places of use. We have identified one of the places of use, T. 5 S., R. 8. E., Sec. 26, NE $\frac{1}{4}$ SW $\frac{1}{4}$, as public land. The application states the use as irrigation. The applicant is not authorized to irrigate the public land included as a place of use. We are protesting the referenced application because it includes the described public land as a place of use.

If you have any questions regarding this protest, please contact Bob Mallis at 384-3348.

Sincerely,



Signe Sather-Blair
Bruneau Area Manager

MICROFILMED

JUN 09 1999

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: W021401

Date: 8/26/1996
Time: 12:30:12

Received
From: HALL ROBERT K/HALL FARMS

Type of Payment	Program A cct	Amount
NOTICE OF PROTEST: 61-07722	62103 229 21 1155	25.00
CHECK 2228		
	Total	\$ 25.00

Region: WESTERN

Signature: DBuffington

MICROFILMED
JUN 09 1999

**NOTICE OF APPLICATION
FOR WATER RIGHT**

When an application has been
submitted to the public waters of
the State of Idaho.

APPROVED: *st*
C. J. HARRIS, JR., DEPUTY
COMMISSIONER, ID 83627

Source: GROUNDWATER
Section 14: N2SW Sec. 26 T 05S R
10E in ELMORE County

Area: IRRIGATION (1,440 AFS); To-
tal Diversion (1,440 AFS)

Date Filed: 7/19/1996

IN ELMORE County, T05S R06E
S26 N2SW, S26W N2SE SWSE; S35
N2W N2SE

72.0 ACRES TOTAL

The applicant will be subject to all prior
water rights. Protests may be submit-
ted, based on the criteria of Sec. 42-
203A, Idaho Code and/or the new pub-
lic interest criteria of Sec. 42-203C, Ida-
ho Code. Protests must be filed with
the Director, Dept. of Water Resources,
2700 Anderson Way, Boise, Idaho 83706
on or before the date of publication.

KARL J. BREWER, Director
Published: 7/19/96, 8/14/96

RECEIVED
AUG 16 1996

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 7th day of

August, 1996, and the last publi-

cation having been made on the 14th day of

August, 1996; 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 uninterr-
ruptedly published in said Elmore County during a
period of 78 consecutive weeks prior to the first
publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 14th day of
August, 1996

Brenda M. Jacob
Notary Public

RECEIVED

AUG 19 1996

WATER RESOURCES
WESTERN REGION

MICROFILMED

JUN 09 1999

Residing in Mountain Home, Elmore County, Ida-
ho. My commission expires 11-16-98.

Source: GROUNDWATER

```

Use: IRRIGATION      (      1.440 CFS)
      Total Diversion: (      1.440 CFS)

```

In: ELMORE County				
T05S R08E S26	NESW	SESW	NWSE	SWSE
S35	NWNE	NENW		

72.0 ACRES TOTAL

RECEIVED
JUN 09 1999