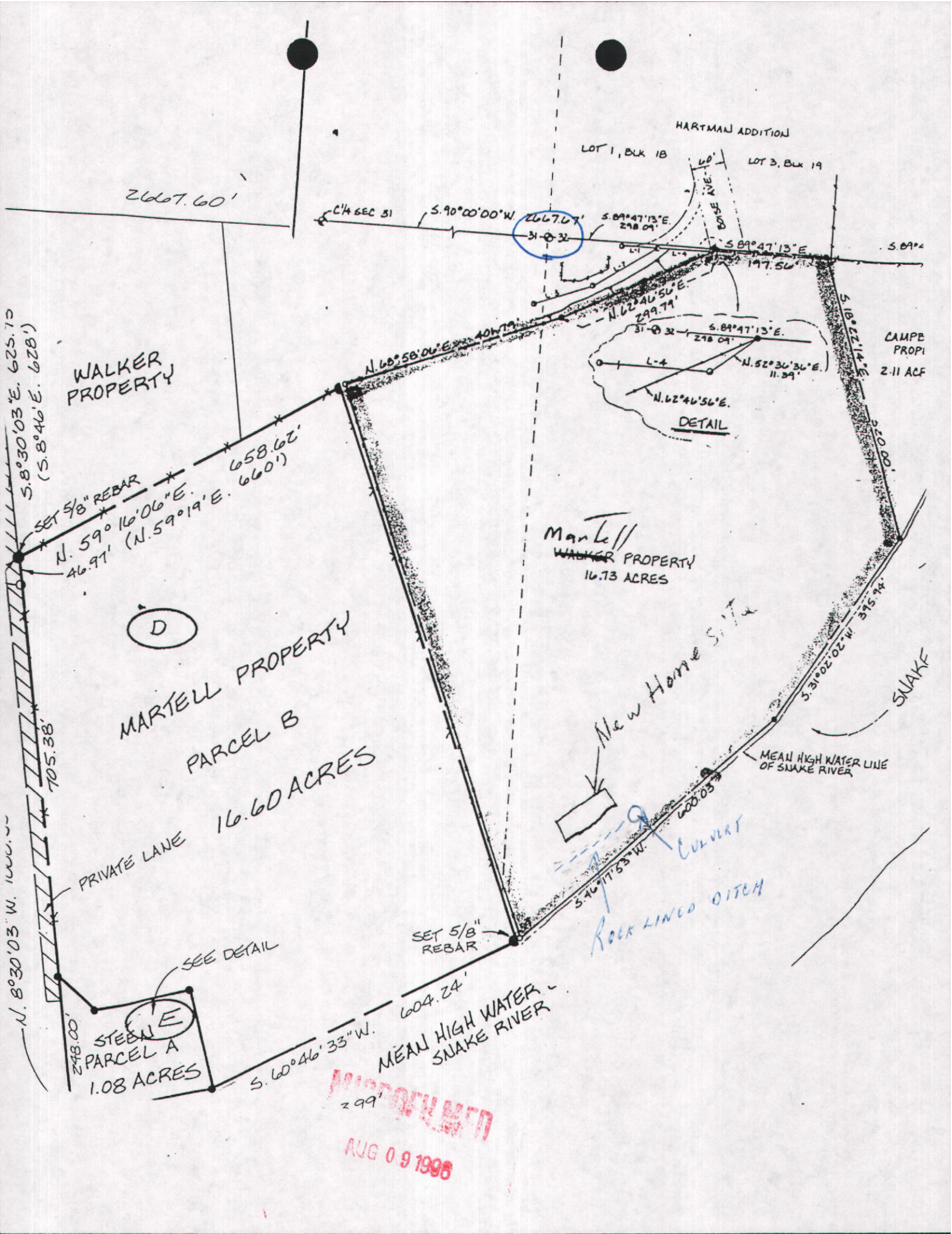
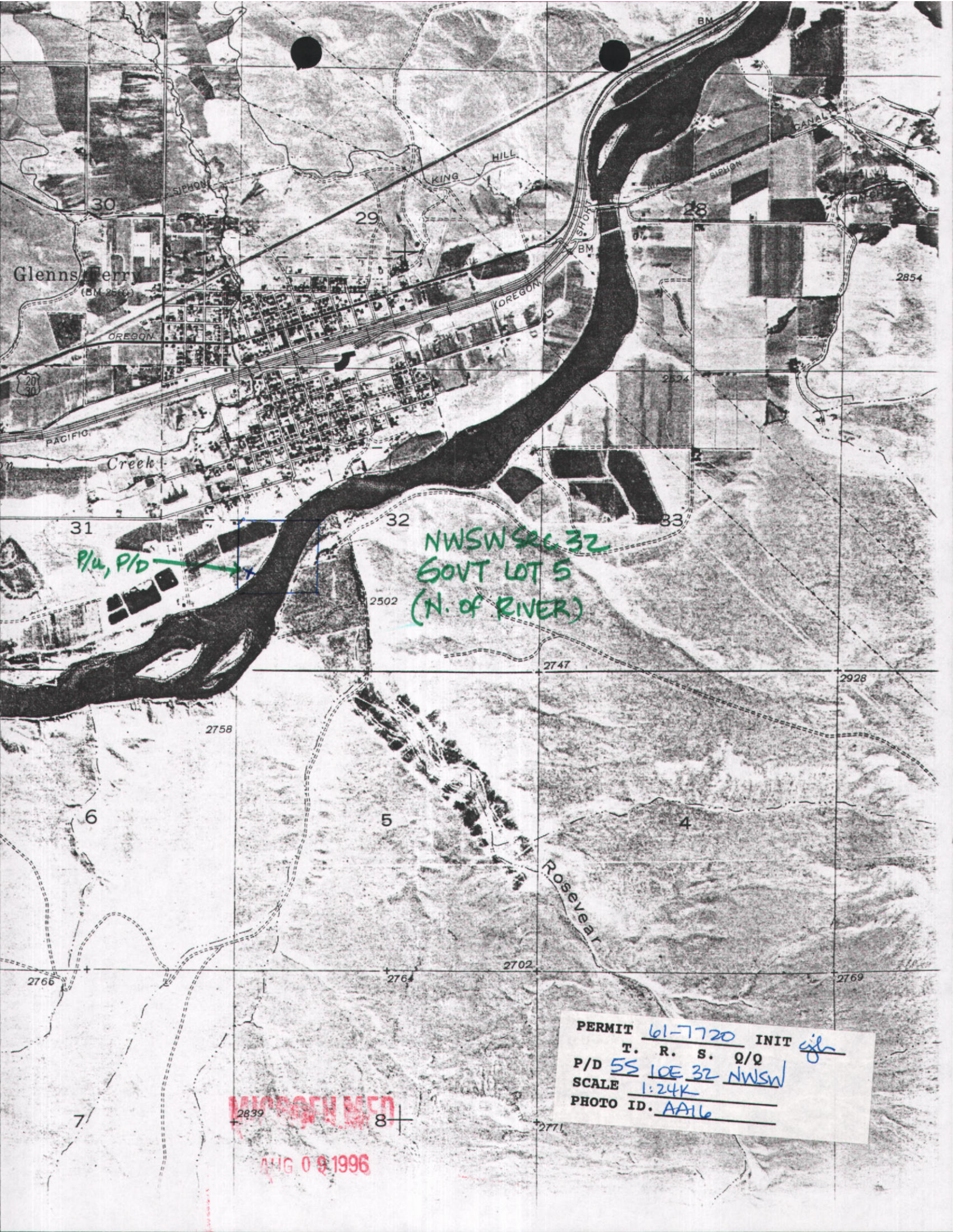






Glenns Ferry  
(BM 2500)

20  
30

PACIFIC

Creek

31

P/u, P/D

2502

2758

6

2766

7

2839

AUG 08 1996

29

KING HILL

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CANAL

SIPHON

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2702

2702

2702

2702

Rosevear

PERMIT 61-7720 INIT *efh*  
T. R. S. Q/Q  
P/D 5S 10E 32 NWSW  
SCALE 1:24K  
PHOTO ID. AA16

MASSACHUSETTS  
AUG 09 1986

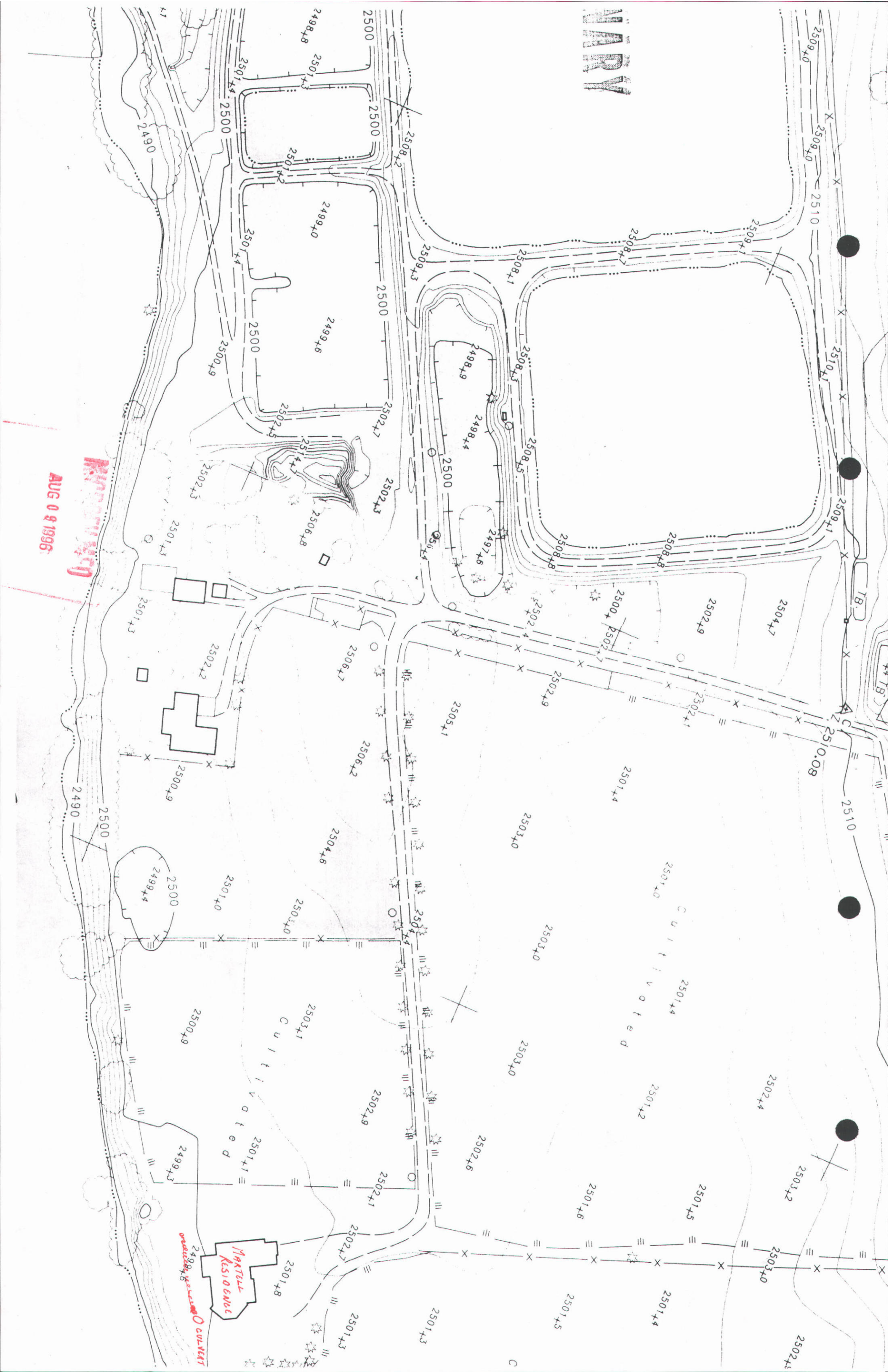
MAP

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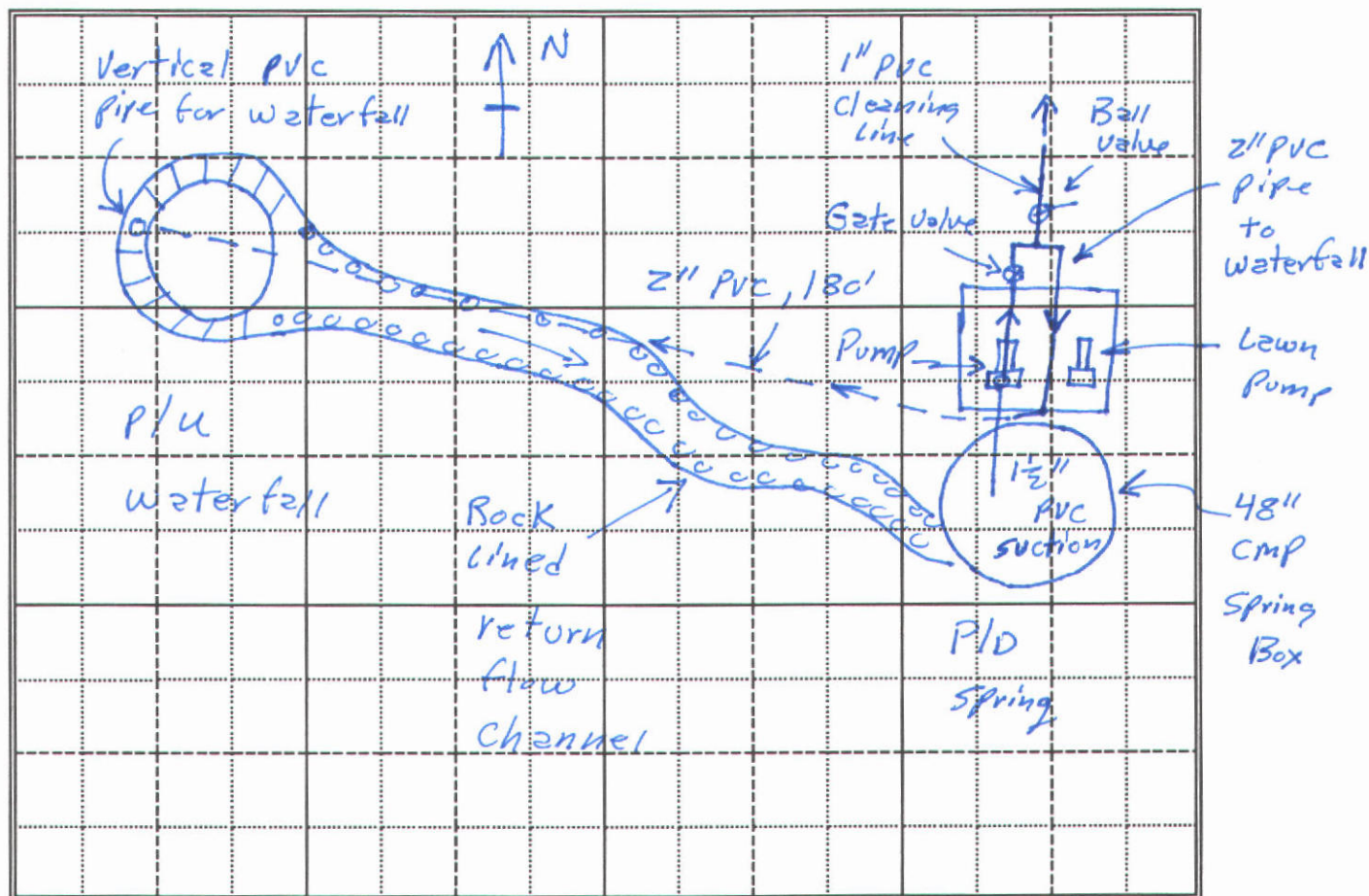
REVISION 1

MARTEL  
Residence

2499+8  
O CURENT



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



Scale: 1" = No Scale

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       | G.E.       | 1½ | Model            | Diamond   | LSP15, 70 GPM                     |
|                                       |            |    | 5KCR49           |           | Jet Pump                          |
|                                       |            |    | 5N2032X          |           |                                   |

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

#### D. FLOW MEASUREMENTS

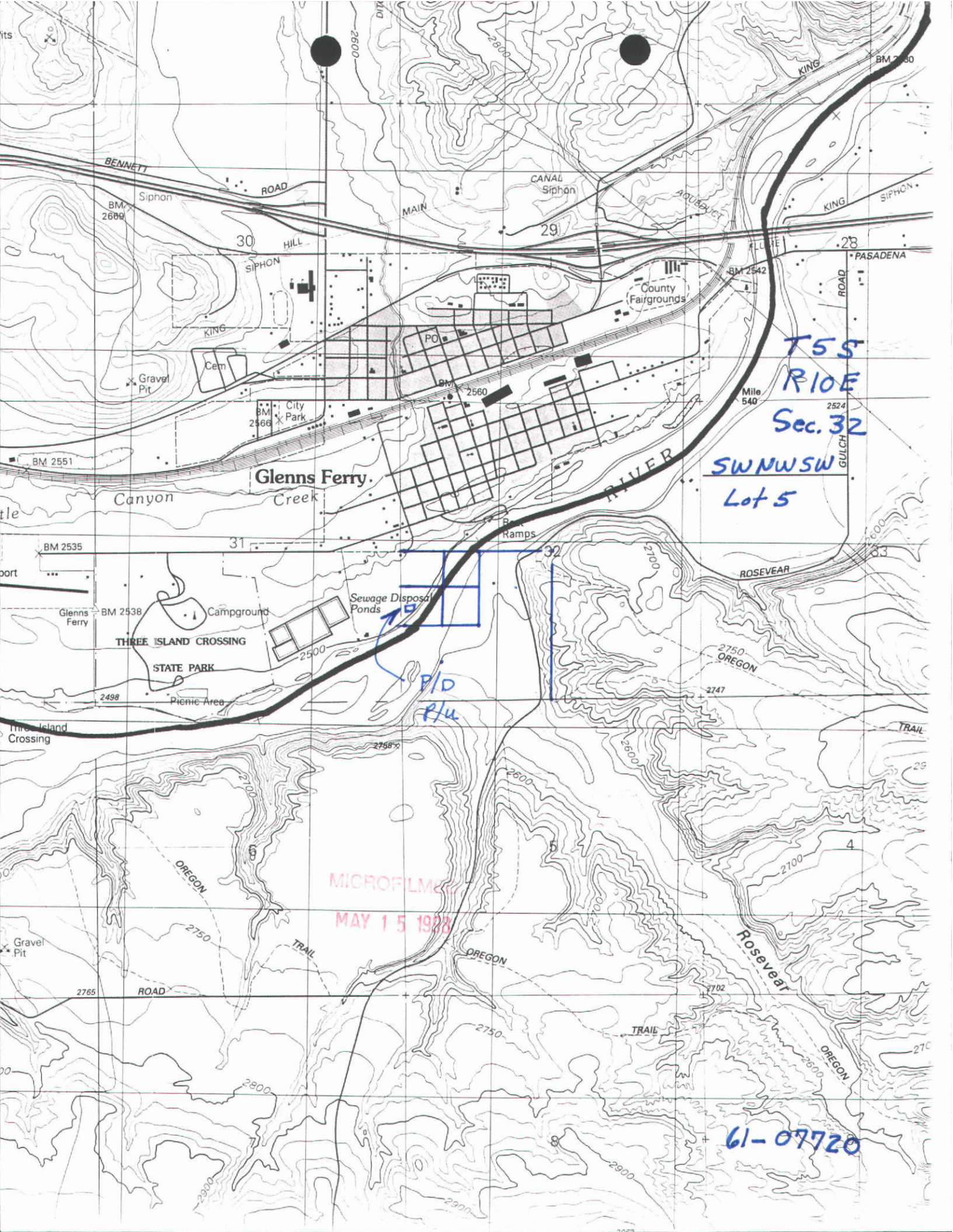
1.

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

2. Measurements: None - System was turned off

MICROFILMED

MAY 15 1998



BENNETT

Siphon

ROAD

MAIN

CANAL Siphon

AQUEDUCT

KING

BM 2590

KING

SIPHON

30

HILL

29

FLUTE

.28

PASADENA

ROAD

County Fairgrounds

BM 2542

KING

Cem

Gravel Pit

BM 2566

City Park

PO

BM 2560

Glenns Ferry

Canyon

Creek

RIVER

T5S  
R10E  
Sec. 32  
SWNW SW  
Lot 5

ROSEVEAR

2750 OREGON

2747

TRAIL

Sewage Disposal Ponds

P/O  
P/u

THREE ISLAND CROSSING

STATE PARK

Picnic Area

Glenns Ferry

Three Island Crossing

MICROFILMED  
MAY 15 1988

61-07720



1 of 2

P/D

Spring  
Box  
and Pump.

Black  
Pump is  
waterfall  
pump for  
this permit.

Red Pump  
is lawn  
irrigation  
pump.

View looking  
East.



P/D

Spring box  
and pump  
in back-  
ground.

Rock lined  
return flow  
channel  
in fore-  
ground.

View  
looking  
East



MICROFILMED

MAY 15 1998

61-07720



P/u  
Waterfall  
Structure  
in fore-  
ground,  
and rock  
lined  
return  
channel.

View  
Looking  
East.



P/u  
Waterfall  
structure.

View  
Looking  
West.

MAY 15 1998

61-07720

## 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, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publi-

cation having been made on 19<sup>th</sup> day of

June, 1996, and the last publi-

cation having been made on the 26<sup>th</sup> day of

June, 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 uninterruptedly 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 27 day of

June, 1996

Brenda McGowan  
Notary Public

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

### NOTICE OF APPLICATION FOR WATER RIGHT

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

61-07720 ✓st

MARTELL, JAMES R.

P.O. BOX 540

GLENNS FERRY, ID 83623

Source: SPRING; Tributary: SNAKE RIVER.

Diversion Pt: LOT 5 (SWNWSW) Sec. 32 T 05S R 10E in ELMORE County.

Use: AESTHETIC (0.111 CFS); Total Diversion: (0.111 CFS).

Date Filed: 5/31/1996.

In: ELMORE County, T05S R10E

S32 NWSW.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before JULY 8, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 6/19/1996 & 6/26/1996.

RECEIVED  
JUL 05 1996  
WATER RESOURCES  
WESTERN REGION

RECEIVED  
JUL 11 1996

AUG 09 1996

State of Idaho  
Department of Water Resources  
**Water Right License**  
WATER RIGHT NO. 61-07720

Priority: May 31, 1996

Maximum Diversion Rate:

0.11 CFS

Maximum Diversion Volume:

40.0 AF

This is to certify, that JAMES R MARTELL  
PO BOX 969

GLENN'S FERRY ID 83623-0969 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 31, 1996; and has submitted Proof of Beneficial Use on April 16, 1997. An examination indicates that the works have a diversion capacity of 0.250 cfs of water from:

SPRING

tributary to SNAKE RIVER

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| AESTHETIC             | 04/01 to 10/01       | 0.11 CFS                 | 40.0 AF              |

LOCATION OF POINT(S) OF DIVERSION: Lot 5(SWNWSW), Sec. 32, Township 05S, Range 10E  
ELMORE County

PLACE OF USE: AESTHETIC

TWN RGE SEC

05S 10E 32 Lot 5(NWSW)

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Aesthetic use is for a waterfall.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 9<sup>th</sup> day of April, 1998.

Acting for

KARL J. DREHER, Director

RECEIVED

APR 16 1997

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

Department of Water Resources

## PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 61-07720 Telephone No. 208) 366-2614

2. Name(s) of Permit Holder(s): James R. Martell

3. Mailing Address: P.O. Box 969, Glenns Ferry, Id. 83623

4. Source of Water: Spring If GROUNDWATER (well), Date Drilled: mo. / yr.

a. Well Driller: \_\_\_\_\_ Drilling Permit Number: - - - - -

b. **OPTIONAL:**  
 Pump Horsepower: 2      Pressure (psi): 40      Dynamic pumping level (ft): 20

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

Domestic (No. of households): \_\_\_\_\_ Stockwater (No. and type of stock): \_\_\_\_\_

Irrigation (No. of acres): \_\_\_\_\_ Other: Aesthetic/waterfall \_\_\_\_\_

6. Total rate of diversion and/or volume for which proof is submitted: .20 cfs OR acre feet

**7. Measuring Device Requirement:** (refer to the approval conditions on your permit and respond accordingly)

**(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)**

**Measuring Device:** Is a measuring device required? Yes        or No XX  
Has the measuring device been installed? Yes        or No       

**Flow Measurement Port:** Is a flow measurement port required? Yes \_\_\_\_\_ or No XX  
Has the measurement port been installed? Yes \_\_\_\_\_ or No \_\_\_\_\_

8. Fee Enclosed: \$50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

**9. Person to contact to accompany the Department representative during field examination of the water system.**

**Name:** James R. Martell **Telephone Number:** 209) 366-2614

**Address:** Same as above

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

Signature of permit holder: James R. Madell Date: 4/14/97

(Include your title, if on behalf of company or organization)

NOT RECORDED

JUN 10 1997

Amt. of Fee \$: 50.00  
Receipt No. CA 38731  
Receipt By: RLT  
Date Received: 4-25-97

State of Idaho  
Department of Water Resources  
**Permit To Appropriate Water**  
NO. 61-07720

Proposed Priority: May 31, 1996

Maximum Diversion Rate:

0.11 CFS

This is to certify, that **JAMES R MARTELL**  
PO BOX 540

GLENN'S FERRY ID 83623-0540

has applied for a permit to appropriate water from:

SPRING

tributary of SNAKE RIVER

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

AESTHETIC

04/01 to 10/01

0.11 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 5(SWNWSW), Sec. 32, Township 05S, Range 10E  
ELMORE County

PLACE OF USE: AESTHETIC

TWN RGE SEC

05S 10E 32

NWSW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1997.
2. Subject to all prior water rights.
3. Aesthetic use is for a waterfall.

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

5<sup>th</sup> day of August, 1996

*Karl J. Dreher*  
Karl J. Dreher, Director  
for

AUG 09 1996

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JUL 19 1996

Ident. No. 61-07720

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: JAMES R MARTELL 208-366-2746  
Address: PO BOX 540  
GLENN'S FERRY ID 83623
2. Source: SPRING Trib. to: SNAKE RIVER
3. Location of Point of Diversion: Lot 5 (SWNWSW), Sec. 32, Township 05S, Range 10E  
ELMORE County
4. Water will be used for the following purposes:

| Purpose   | From  | To    | CFS  | (or) | AF |
|-----------|-------|-------|------|------|----|
| AESTHETIC | 04/01 | 10/01 | 0.11 | X    |    |
5. Total quantity to be appropriated is:  
X 0.11 CFS (and/or) AF
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc.  
CULVERT AND PIPELINE.
  - \* b. Height of storage dam 8 feet; active reservoir capacity 128.00  
acre-feet; total reservoir capacity 128.00 acre-feet; period of  
year when water will be diverted to storage: 4/01 to 10/01 inclusive.
  - c. Proposed well diameter is inches; proposed depth of well is  
feet.
  - d. Is groundwater with a temperature greater than 85F being sought? NO
  - e. If well is already drilled, when?  
Drilling Firm  
Well was drilled for
7. Time required for the completion of the works and application of  
the water to the proposed beneficial use is 1 year(s).

8. Place of Use: AESTHETIC

TWN RGE SEC  
05S 10E 32

NWSW

AUG 09 1996

\* N/A - See original e these #'s entered here - no storage involved  
-R 7/16/96

\* rounded to nearest 1/100th per dept standards 7/22/96 cz.

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.

\_\_\_\_\_  
Applicant

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_

Fee \$ 50.00 Receipted by \_\_\_\_\_ #W020950 Date 5/31/1996

Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_ Published in \_\_\_\_\_

Publication approved \_\_\_\_\_ Date \_\_\_\_\_

AUG 09 1996

Ident. No. 61-07720

Comments: Date: 6/11/1996 User-ID: CHODGES

Subject: APPLICATION INFO

Aesthetic use is for an ornamental waterfall. Spring to be captured in buried culvert and pumped.

AUG 09 1996

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Form 202  
10/92

MAY 31 1996

WATER RESOURCES  
WESTERN REGION

STATE OF IDAHO

Ident No \_\_\_\_\_

DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- 1 Name of applicant James R. Martell Phone (208)366-2746  
Post office address PO Box 540, Glens Ferry, ID 83623
- 2 Source of water supply underground spring \* which is a tributary of Snake River \*
- 3 Location of point of diversion is SW  $\frac{1}{4}$  of ~~SW~~ NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , Govt Lot 5  
Sec. 32 Township 5S Range 10E B M. Elmore County, additional  
points of diversion if any. Changed per map interpretation ghw
- 4 Water will be used for the following purposes.  
Amount \*.1114 for (aesthetic) \* purposes from April 1 to October 1 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
- 5 Total quantity to be appropriated is (a) \*.1114 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a Description of ditches, flumes, pumps, headgates, etc Divert spring water into 8'x4'x4' culvert,  
by seepage, and recirculate to waterfall and back to culvert. Use perforated pipe  
6' deep to culvert - placed 20' from high water mark.
- b Height of storage dam 8'x4'x4' culvert feet; active reservoir capacity 128 cubic feet acre-feet; total  
reservoir capacity 128 cubic feet acre-feet; period of year when water will be diverted to storage  
April 1 to October 1 inclusive
- c. Proposed well diameter is N/A inches, proposed depth of well is N/A feet.
- d Is ground water with a temperature of greater than 85°F being sought? no
- e. If well is already drilled, when? N/A; Drilling firm \_\_\_\_\_;  
Well was drilled for (well owner) \_\_\_\_\_
7. Time required for the completion of the works and application of the water to be proposed beneficial use is  
two weeks years (minimum 1 year) \* per telecon w/ Mrs. Martell 6/11/96 ghw  
\* rounded to nearest 1/100th per department standards 7/22/96 cz.

AUG 09 1996

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

- Hydropower, show total feet of head and proposed capacity in KW \_\_\_\_\_
- Stockwatering, list number and kind of livestock. \_\_\_\_\_
- Municipal, show name of municipality. \_\_\_\_\_
- Domestic, show number of households. \_\_\_\_\_
- Other; describe fully. Ornamental water fall with a ditch for recirculation

9. Description of place of use

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below
- If water is used for other purposes, place a symbol of the use (example *D* for Domestic) in the corresponding place of use below See instructions for standard symbols

*per map interpretation cgl*

| TWP | RANGE | SEC | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |     | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 5S  | 10E   | 32  |     |     |     |     |     |     |     |     |     | J   | +   |     |     |     |     |     | J      |
|     |       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated \_\_\_\_\_

10. Describe any other water rights used for the same purposes as described above N/A

11. a Who owns the property at the point of diversion? James R. & Carmela M. Martell

b. Who owns the land to be irrigated or place of use? James R. & Carmela M. Martell

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

12. Remarks: \_\_\_\_\_

AUG 09 1996

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

See attached map and legal description

AUG 09 1936

Scale 2 inches equal 1 mile

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

James M. Teller  
(Applicant)

Received by VR Date 5-31-96 Time 10:30 am Preliminary check by cjl  
Fee \$ 50- Received by VR # W020950 Date 5-31-96  
Publication prepared by ST Date 6-12-96 Published in Mtn Home News  
Publication approved ST Date 7-15-96

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### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. \_\_\_\_\_, and said application is hereby \_\_\_\_\_

1 Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS

b Proof of construction of works and application of water to beneficial use shall be submitted on or before \_\_\_\_\_, 19 \_\_\_\_\_

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

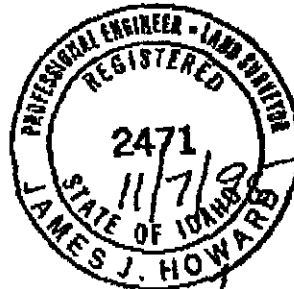
e Other:

AUG 09 1996

PROPERTY DESCRIPTION OF  
1.00 ACRE PARCEL FOR  
JIM MARTELL

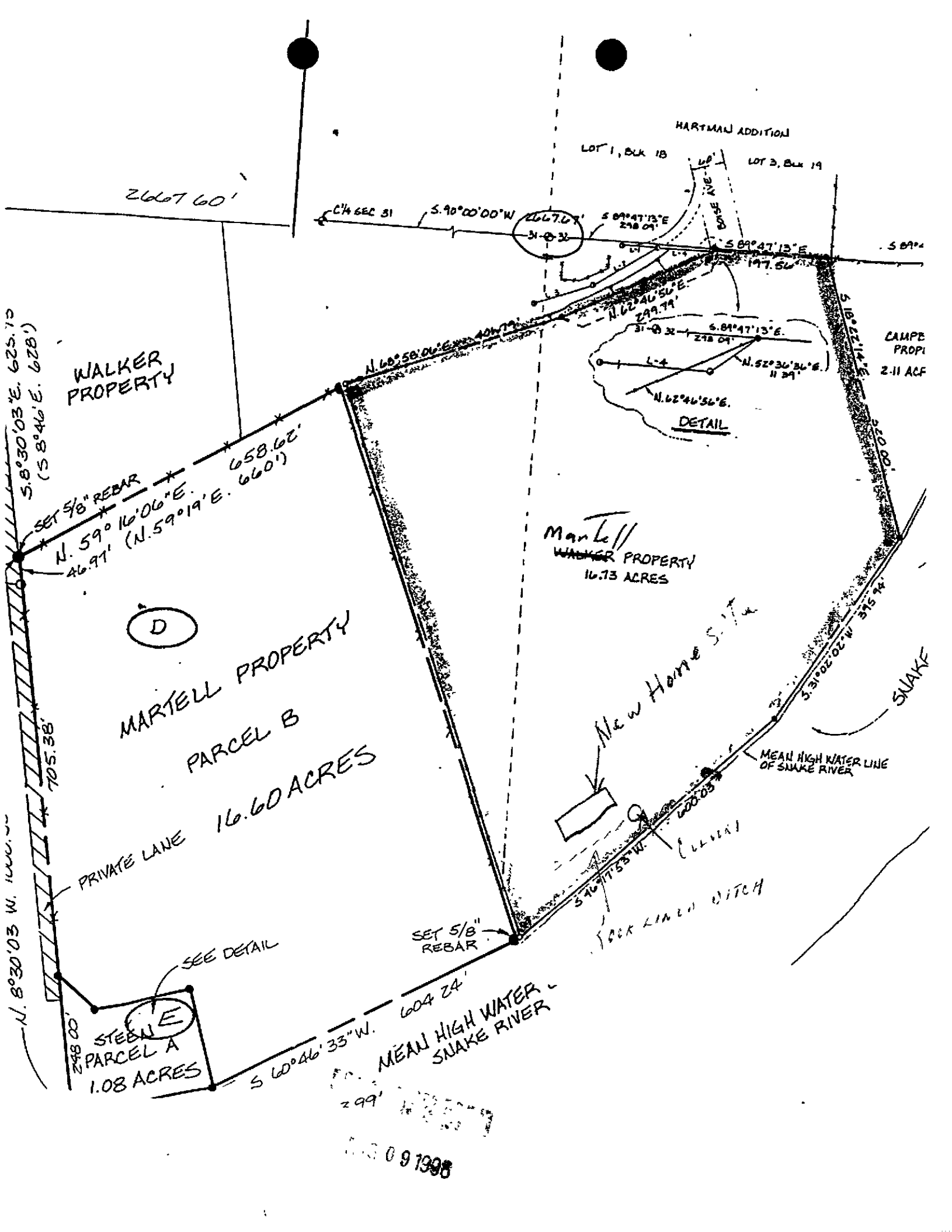
A parcel of land being a portion of the SE 1/4 of Section 31 and a portion of the SW 1/4 of Section 32, T.5S., R.10E., B.M., Elmore County, Idaho, said parcel being more particularly described as follows:

Commencing at the Brass Cap marking the Center 1/4 Corner of Section 31, T.5S., R.10E., B.M., Elmore County, Idaho; thence, N.90°00'00"E. 2667.67 feet to the Brass Cap marking the 1/4 Corner common to Sections 31 and 32; thence, S.50°33'43"W. 444.69 feet to an iron pin; thence, S.20°41'32"E. 1033.36 feet to an iron pin marking the Southeast corner of Parcel B, as filed for record in the office of the Elmore County Recorder, Mountain Home, Idaho, under Instrument No. 257265, said point being the REAL POINT OF BEGINNING;  
thence, N.20°41'32"W. 218.00 feet;  
thence, N.46°17'53"E. 218.00 feet;  
thence, S.20°41'32"E. 218.00 feet;  
thence, S.46°17'53"W. 218.00 feet to the REAL POINT OF BEGINNING, said parcel containing 1.00 acres.

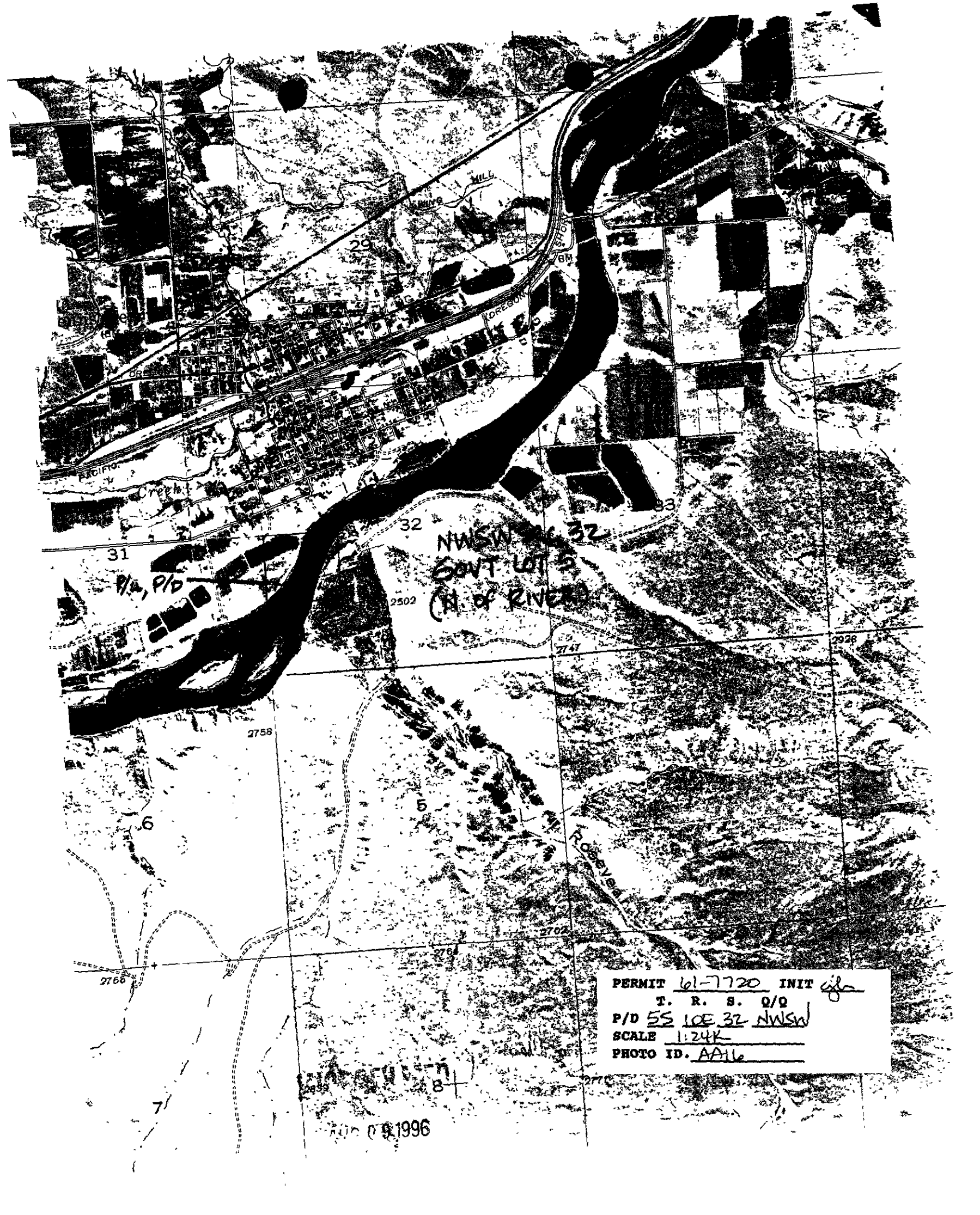


*JJ Howard*

2083440574



091398

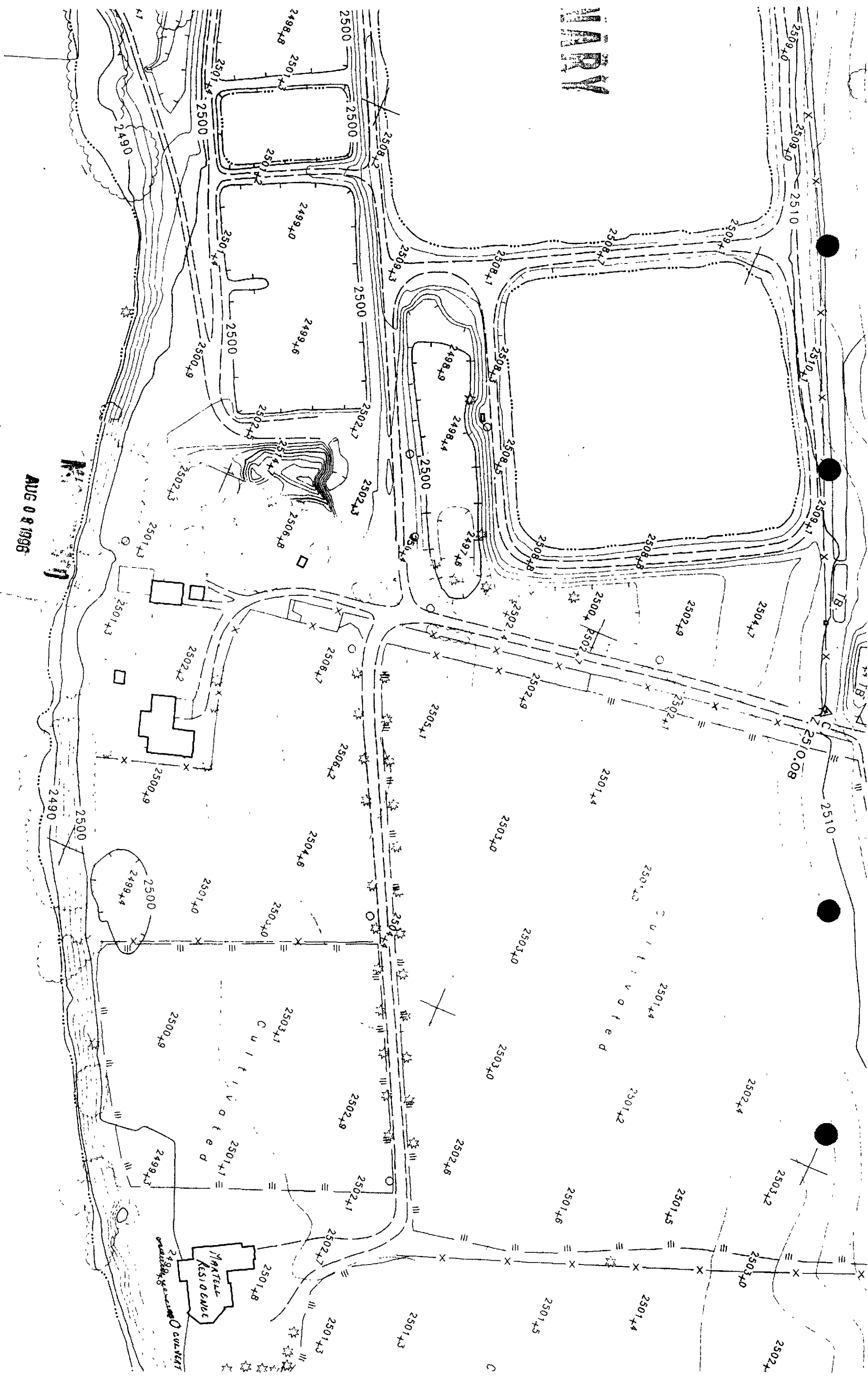


PERMIT 61-7720 INIT efn  
T. R. S. Q/Q  
P/D ES 10E 32 NWSW  
SCALE 1:24K  
PHOTO ID. AA16

APR 09 1996



AUG 9 1996





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

April 9, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

JAMES R MARTELL  
PO BOX 969  
GLENN'S FERRY ID 83623-0969

RE: WATER RIGHT NO. 61-07720

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within 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 this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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.

1000 2000  
APR 15 1998

### ORAL ARGUMENT

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

### CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the 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

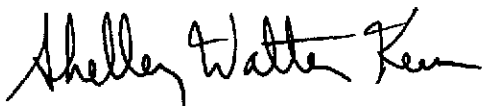
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

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

Sincerely,

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

Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of April, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 61-07720

JAMES R MARTELL  
PO BOX 969  
GLENN'S FERRY ID 83623-0969

  
Kari Lynn Townsend  
Secretary

APR 15 1998

## B/U FIELD EXAM REVIEW

by Cindy Lou

Permit #: 61-07720 Name: Martell Date: 4/8/98 ✓ Lots ✓

NAME Chng Same ✓ Or Address Change?

SOURCE ✓ Clarify source \_\_\_\_\_  
\_\_\_\_\_ Prelim. Order to Void - Source change.

P/D ✓ Amendment Needed? Addn'l 1/4? \_\_\_\_\_ Legal \_\_\_\_\_ P39  
\_\_\_\_\_ Same 1/4? W32 P36  
 Overlap(s) none

P/U ✓ Amendment Needed? \_\_\_\_\_ P41  
 Overlap(s) none  
 (Gov't use special ¶s) \_\_\_\_\_ \*P/D & P/U Amend? P37

RATE ✓ Permit/proof fee limits 0.11 / 0.20  
✓ Measured Quantity = \_\_\_\_\_ cfs Theoretical Quantity = 0.25 cfs  
Flow rate limited by permit = 0.11 cfs  
 (HP)  $\frac{8.8 \times 0.70 \times 1.5}{10 + (2.31 \times 10)} = 0.28$  cfs  $\approx 0.25$  by examiner OK.  
✓ Recommended capacity 0.25 cfs  
✓ Recommended rate 0.11 cfs

VOLUME ✓ Season: ( 1 ) 4/1 - 10/1 = 180 days  
 Calculations:  
 $0.11 \text{ cfs} \times 180 \text{ d} \times 1.9835 = 39.3 \text{ AF} \approx 40.0 \text{ AF OK}$

✓ Flow limit: \_\_\_\_\_ cfs x \_\_\_\_\_ days/yr. x 1.9835 = \_\_\_\_\_ AF  
Recommended volume 40.0 AF

USES ✓ Same Nature of Use? \_\_\_\_\_ P46  
\_\_\_\_\_ Amendment Needed? \_\_\_\_\_

REMARKS ✓ Multiple p/d's in same 1/4? Use W32 \_\_\_\_\_  
✓ ① Aes / waterfall

CONDITIONS \_\_\_\_\_ Measuring Device (R43) or Lockable Controlling Works (R02)  
\_\_\_\_\_ Watermaster Control (R04) - WD # \_\_\_\_\_  
\_\_\_\_\_ Irrigation rate/annual volume overlap  
\_\_\_\_\_ GW irrigation replaces surface water (050)  
\_\_\_\_\_ GW irrigation supplements surface water (065)  
\_\_\_\_\_ Water Quality  
\_\_\_\_\_ Other \_\_\_\_\_

PRIORITY App Rcd 5/31/96 Due 8/1/97 Rcd 4/16/97  
 Receipt# 6038731 Fee OK? (Yes) No \$50  
 Order to Reinstate Needed? Yes No Done? \_\_\_\_\_ Advanced to: \_\_\_\_\_  
 Priority 5/31/96 Examined 6/4/97

COMMENTS: license as permitted

| USE              | CFS          | VOLUME       |
|------------------|--------------|--------------|
| <u>Aesthetic</u> | <u>0.11</u>  | <u>40.0</u>  |
| <u>_____</u>     | <u>_____</u> | <u>_____</u> |
| <u>_____</u>     | <u>_____</u> | <u>_____</u> |
| TOTAL            | <u>0.11</u>  | <u>40.0</u>  |

SRBA Overlap none  
 Adjustment Memo \_\_\_\_\_  
 LICENSE  
 #1 AMEND: \_\_\_\_\_ /P38  
 #2 AMEND: (R)P42/(C)P47

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

RECEIVED

JAN 09 1998

Department of Water Resources

**A. GENERAL INFORMATION**

Permit No. 61-07720

1. Owner: James R. Martell Phone No. (208) 366-2614

Current Address: P.O. Box 969, Glenns Ferry, ID 83623 (work)

2. Accompanied by: James Martell EXAM DATE: 6-4-97

Address: (Same) Phone No. (208) 366-2614

Relationship to Permit Holder: (Same)

3. Source: Spring tributary to Snake River

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: None

**C. DIVERSION AND DELIVERY SYSTEM**

**1. Point(s) of Diversion:**

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Method of Determination/Remarks |
|-----------|-----------|-----|-----|-----|------|------|-----|--------|---------------------------------|
|           | 5         | SW  | NW  | SW  | 32   | 5S   | 10E | Elmore | Site Visit, Map                 |
|           |           |     |     |     |      |      |     |        |                                 |
|           |           |     |     |     |      |      |     |        |                                 |
|           |           |     |     |     |      |      |     |        |                                 |

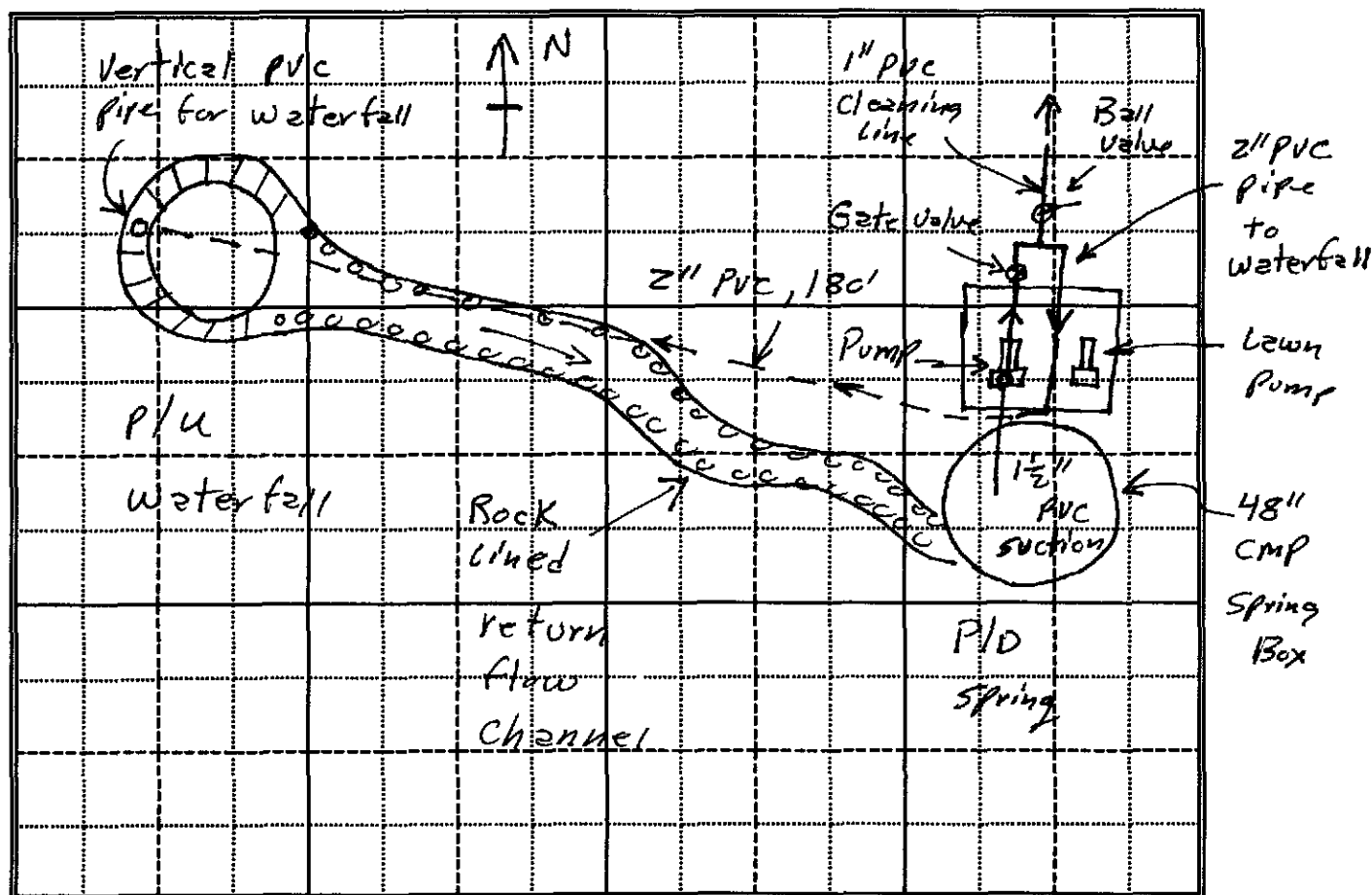
**2. Place(s) of Use:**

Indicate Method of Determination Site Visit, Map

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 5S  | 10E | 32  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

MAY 15 1998

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



Scale: 1" = No Scale

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for Irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp    | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|-------|------------------|-----------|-----------------------------------|
|                                       | G. E.      | 1 1/2 | Model            | Diamond   | LSP15, 70 GPM                     |
|                                       |            |       | 5KCR49           |           | Jet Pump                          |
|                                       |            |       | SN 2032X         |           |                                   |

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

#### D. FLOW MEASUREMENTS

1.

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

2. Measurements: None - System was turned off

E. NARRATIVE/REMARKS/COMMENTS

1. This water system consists of a spring development with a 48" cmg spring box, a pump at the spring, a 2" PVC-180' pipe to a rock waterfall structure, and a rock lined channel which returns the water back to the spring box.
2. The waterfall system is located on the North bank of the Snake River, and on the South side of the house.
3. The water is collected in the spring box from seepage, and returned to the spring box. The water is used for ~~a~~ Aesthetic purposes.
4. There is another pump located at the spring box that is used to irrigate the lawn. There is no record of a water right for the lawn irrigation system.

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

MAY 15 1998

**Additional Computation Sheets Attached**

None; Theoretical Cal.;

$$Q = \frac{(8.8)(1\frac{1}{2} \text{ HP})(7.7)}{TDPH}$$
$$TDM = H + H_f + H_e + H_v$$

$1\frac{1}{2}$  HP

 $H = 10'$ 
$$H_1 = \text{vel.}$$
 $H_f = \text{friction}$ 

Head

$$\text{ion: } H_e = \frac{m_{isc}}{29} = \frac{V_e}{29}$$

Assume  $g$

TPH

Actual /  $\phi$

0.11 cfs

17.

0.54 cF<sub>c</sub>

0.30 cfs

40'

0.23 cfc

0.25 cfs

347

0.26 cfs

## G. VOLUME CALCULATIONS

### 1. Volume Calculations for Irrigation:

$\phi_{max.} \approx 0.25 \text{ cfs} > 0.11 \text{ cfs}$

$$V_{I\&B} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$
$$V_{DB} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \text{Allow}$$

$V = \text{Smaller of } V_{L,R} \text{ and } V_{D,R} =$  \_\_\_\_\_ 0.11 cfs

## 2. Volume Calculations for Other Uses:

Aesthetics: Non-~~Eat~~ Consumptive use.

$$AFA = (0.11 \text{ cfs}) \left( 180 \frac{\text{Days}}{\text{Ann.}} \right) \left( 1.9835 \frac{\text{AF}}{\text{Day-cfs}} \right) = 39.3$$

$$= \underline{40.0 \text{ AFA}}$$

## H. RECOMMENDATIONS

## 1. Recommended Amounts

| Beneficial Use | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------|---------------|-------|------------------------------|--------------------------|
|                | From          | To    |                              |                          |
| Aesthetics     | 07/01         | 10/01 | 0.11                         | 40.0                     |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
| <b>Totals:</b> |               |       | 0.11                         | 40.0                     |

## 2. Recommended Amendments

Change P.D. as reflected above

**Add P.D. as reflected above**

☒ None

Change P.U. as reflected above

**Add P.U. as reflected above**

Other

Note: This is non-consumptive use of water, so may not show AFA.

## I. AUTHENTICATION

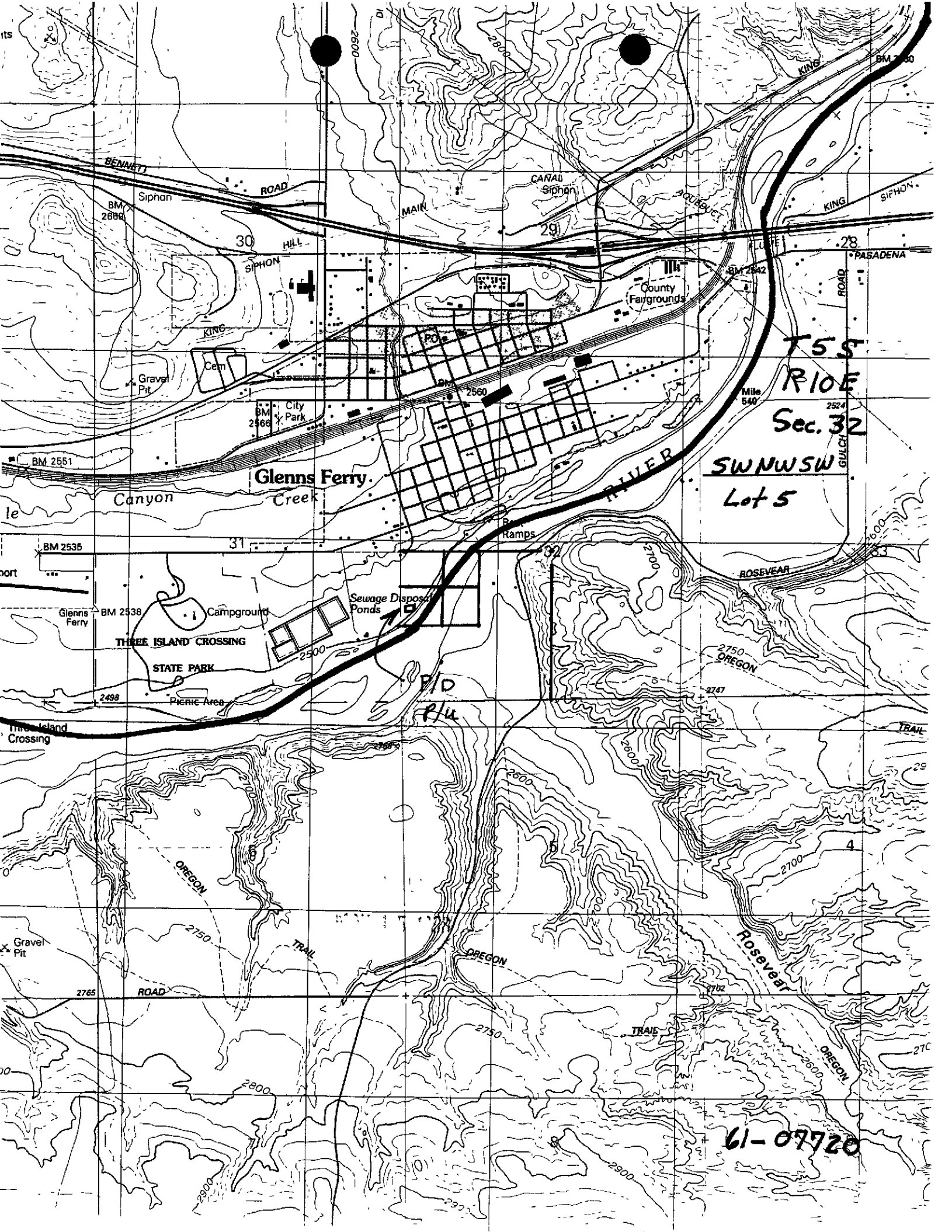
Field Examiner's Name

Date 1-8-98

Reviewer

Date \_\_\_\_\_

SEAL



T5S  
R10E  
Sec. 32  
SWNW SW  
Lot 5

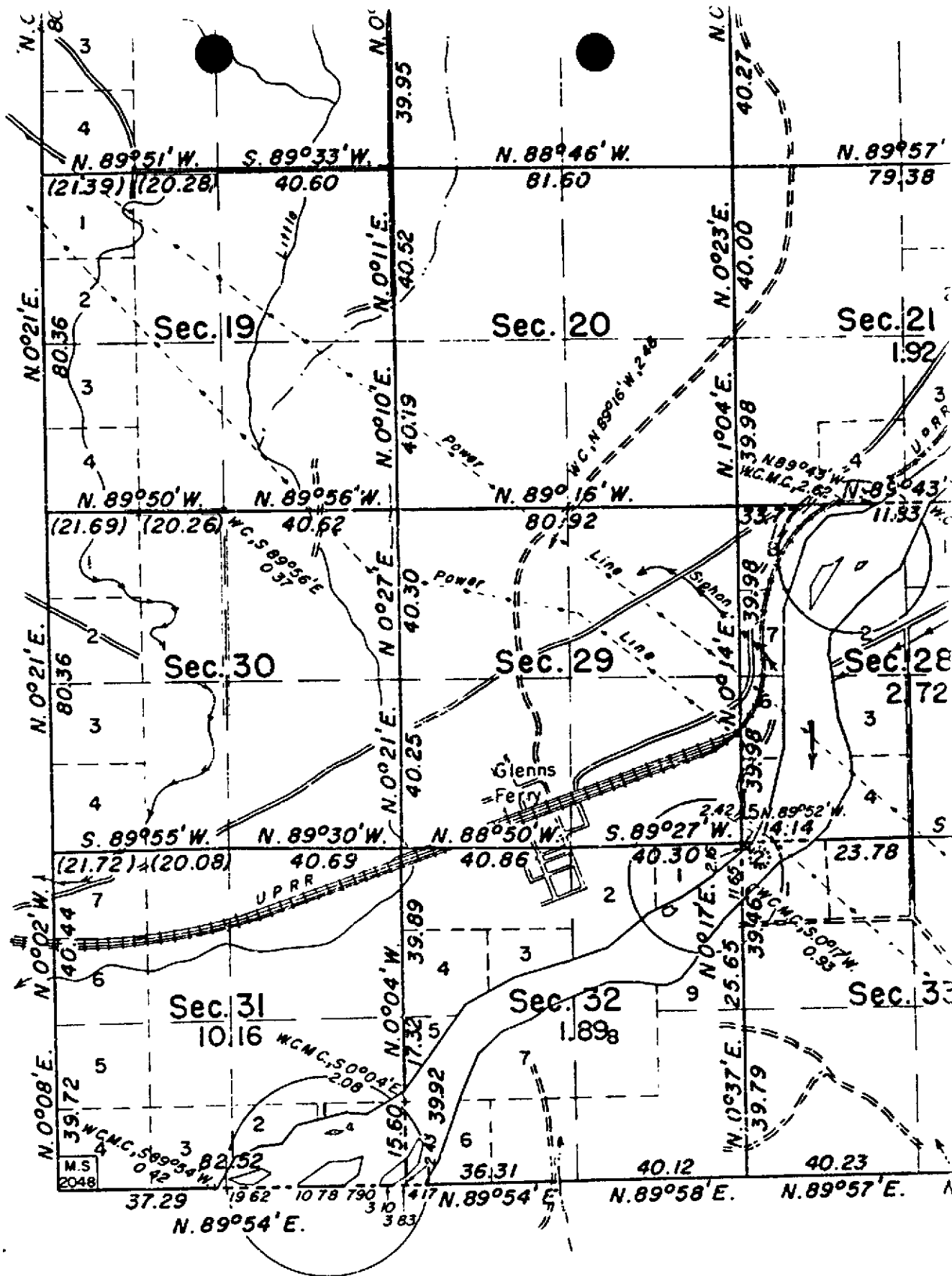
P/D  
P/H

61-07720



ic Declination  
30'E

T5S  
R10E  
Sec. 32  
Lot 5



61-07720

10 5 0  
100000

Arec  
Ar

1903

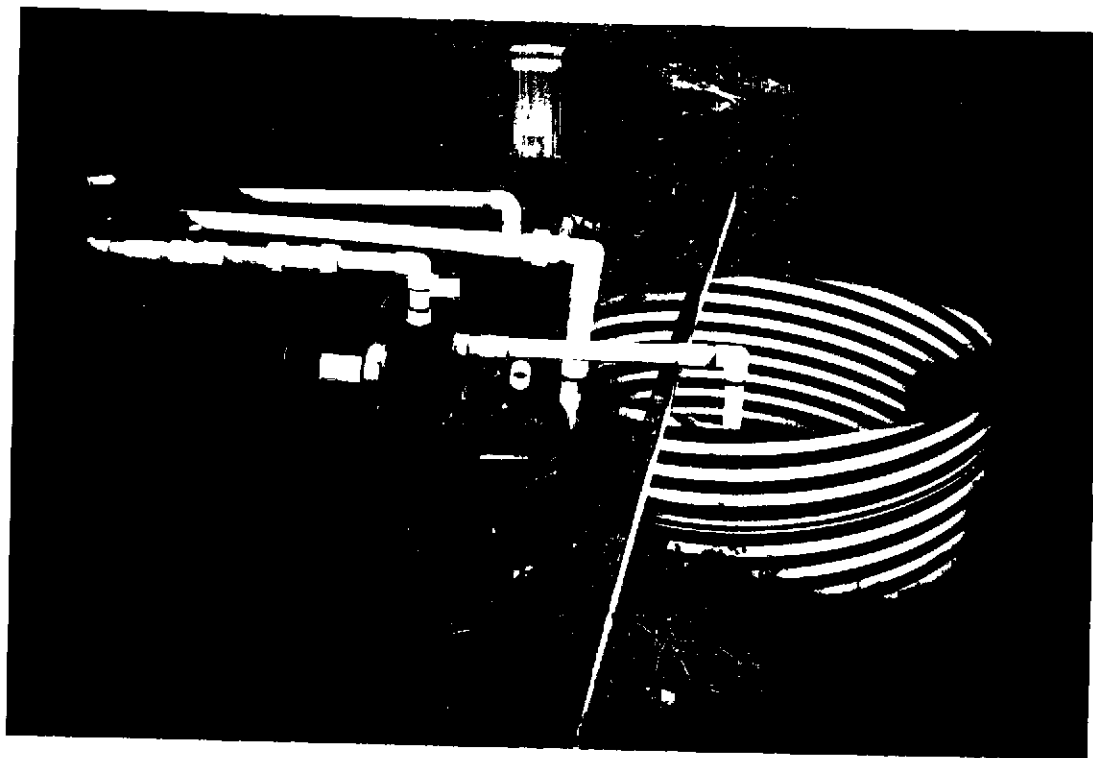
P/D

Spring  
Box  
and Pump.

Black  
Pump is  
waterfall  
pump for  
this permit.

Red Pump  
is lawn  
irrigation  
pump.

View looking  
East.



P/D

Spring box  
and pump  
in back-  
ground.

Rock lined  
return flow  
channel  
in fore-  
ground.

View  
looking  
East



2 of 2



P/u  
Waterfall  
structure  
in fore-  
ground,  
and rock  
lined  
return  
channel.

View  
Looking  
East.



P/u  
Waterfall  
structure.

View  
Looking  
West.

61-07720



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR  
May 22, 1997

JAMES R MARTELL  
PO BOX 969  
GLENN'S FERRY ID 83623

**PROOF ACKNOWLEDGMENT LETTER**

**RE: PERMIT NO. 61-07720**

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

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

If you have questions concerning the field examination, contact the **WESTERN** Regional Office in Boise, at (208)334-2190.

Sincerely,

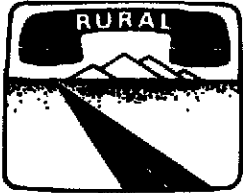
A handwritten signature in cursive script, reading 'Julie L. Yarbrough'.

JULIE L. YARBROUGH  
Senior Secretary

C: IDWR - Region

RECEIVED

MAY 22 1997



# RURAL TELEPHONE COMPANY

704 WEST MADISON AVENUE  
P.O. BOX 969 • GLENNS FERRY, IDAHO 83623  
(208) 366-2614 FAX (208) 366-2615

RECEIVED

APR 25 1997

Department of Water Resources

April 23, 1997

Julie L. Yarbrough  
Senior Secretary  
State of Idaho  
Department of Water Resources  
1301 North Orchard Street  
Statehouse Mail  
Boise, ID 83720-9000

Re: Permit No. 61-07720

Dear Ms. Yarbrough:

Enclosed please find my check for \$50.00 for the license  
examination fee regarding the above-named permit.

Thank you.

Sincerely,

*James R. Martell*  
James R. Martell *smr*

smr  
encl.

MICROFILMED

JUN 10 1997



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

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

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

April 22, 1997

James R. Martell  
P.O. Box 969  
Glenns Ferry, ID 83623

**RE: Permit No. 61-07720**

Dear Permit Holder:

I have returned a copy of the Proof of Beneficial Use statement submitted in connection with the above referenced water right permit. You state on the proof form that you are diverting 0.20 cfs from a surface water source for aesthetic purposes. Before the department can process the proof, it must be accompanied by the appropriate license examination fee. The license exam fee for a rate of diversion of 0.20 cfs is \$50.00. You attached a note explaining that you paid the fee when you got the permit, however, the license examination fee is a separate from the permit fee.

Please return the copy of the proof form along with the \$50.00 license examination fee within **60 days** of receipt of this letter. **Please address your correspondence to my attention.**

If you have any questions regarding this matter, please contact me at (208)327-7900.

Sincerely,

A handwritten signature in black ink that reads "Julie L. Yarbrough".

**JULIE L. YARBROUGH**  
Senior Secretary

Enclosure

MAY 12 1997

MAY 19 1997



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

August 6, 1996

JAMES R MARTELL  
PO BOX 540  
GLENNS FERRY ID 83623-0540

**PERMIT APPROVAL NOTICE**

RE: PERMIT NO. 61-07720

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "Conditions of Approval and Remarks" listing on the permit.

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

Sincerely,

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

Shelley W. Keen  
Water Rights Supervisor

SK:ph

Enclosures

RECEIVED

AUG 09 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, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

2 consecutive weeks, the first publication having been made on 19<sup>th</sup> day of June, 1996, and the last publication having been made on the 26<sup>th</sup> day of June, 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 uninterruptedly 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 27 day of

June, 1996

Brenda McGawby  
Notary Public

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

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

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

**APPLICANT: JAMES R. HENRY, JR.**  
Address: 83623  
Diversion Pt: LOT 5 (SW1/4SW)  
Sec. 32 T. 05S R. 10E in **ELMORE** County.  
Use: **AGRICULTURE** (0.11 CPS); Total Diversion: (0.11 CPS)  
Date Filed: 5/31/1996  
In: **ELMORE** County, T05S R10E

**PERMITS:**  
Permits will be subject to all public water rights. Protests may be submitted based on the criteria of Sec. 43-2004, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2798 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before **JULY 2, 1996**. The protestant must also send a copy of the protest to the applicant.

**KARL J. DREHER, Director**  
Published: 5/19/1996 & 6/26/1996

RECEIVED  
JUL 05 1996  
WATER RESOURCES  
WESTERN REGION

AUG 09 1996

61-07720

MARTELL, JAMES R  
PO BOX 540  
GLENN'S FERRY, ID 83623

Source: SPRING

Tributary: SNAKE RIVER

Diversion Pt: LOT 5 (SWNWSW) Sec 32 T 05S R 10E in ELMORE County.

|                  |   |            |
|------------------|---|------------|
| Use: AESTHETIC   | ( | 0.111 CFS) |
| Total Diversion: | ( | 0.111 CFS) |

Date Filed: 5/31/1996

|                   |      |
|-------------------|------|
| In: ELMORE County |      |
| T05S R10E S32     | NWSW |

AUG 09 1996