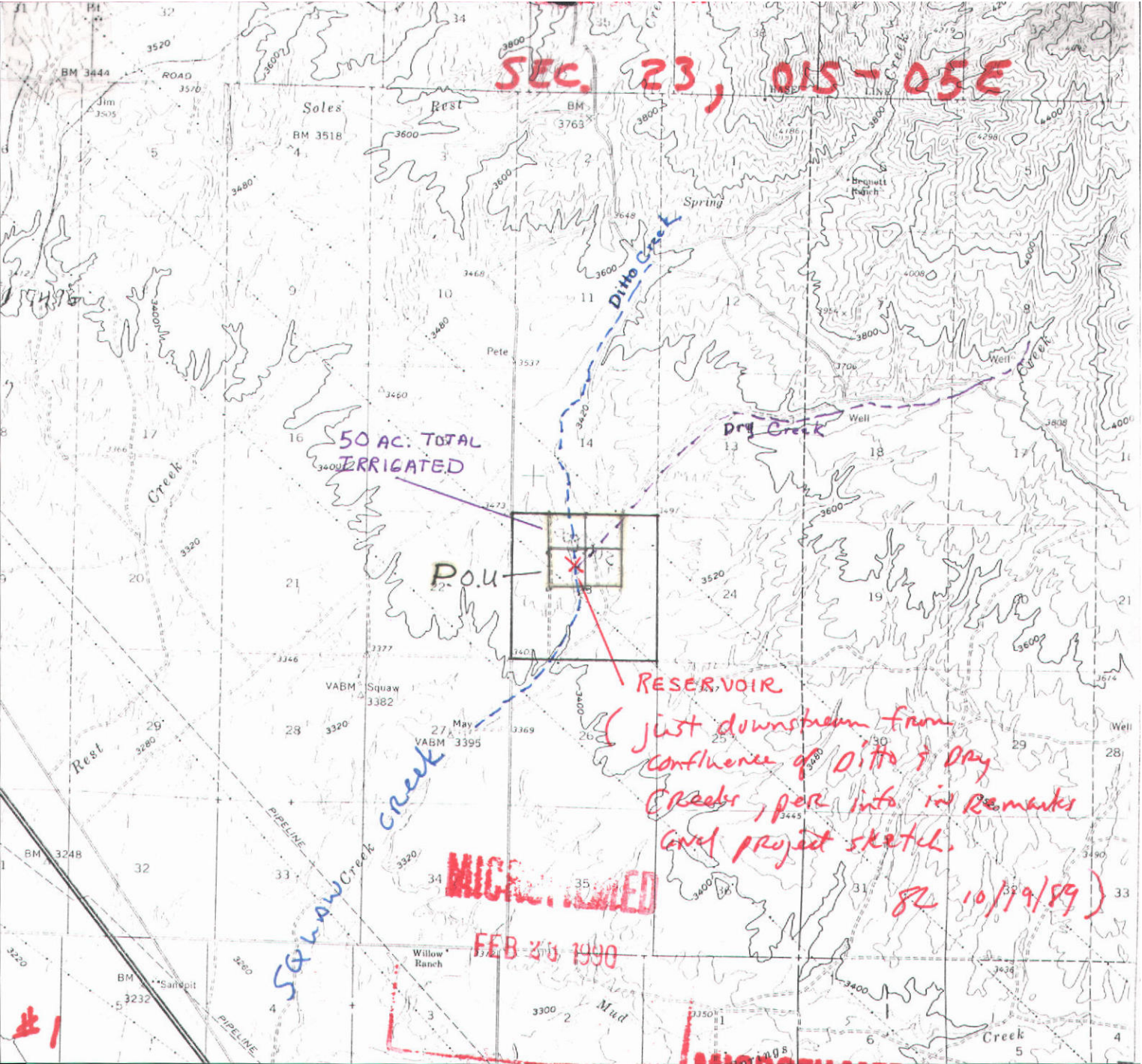


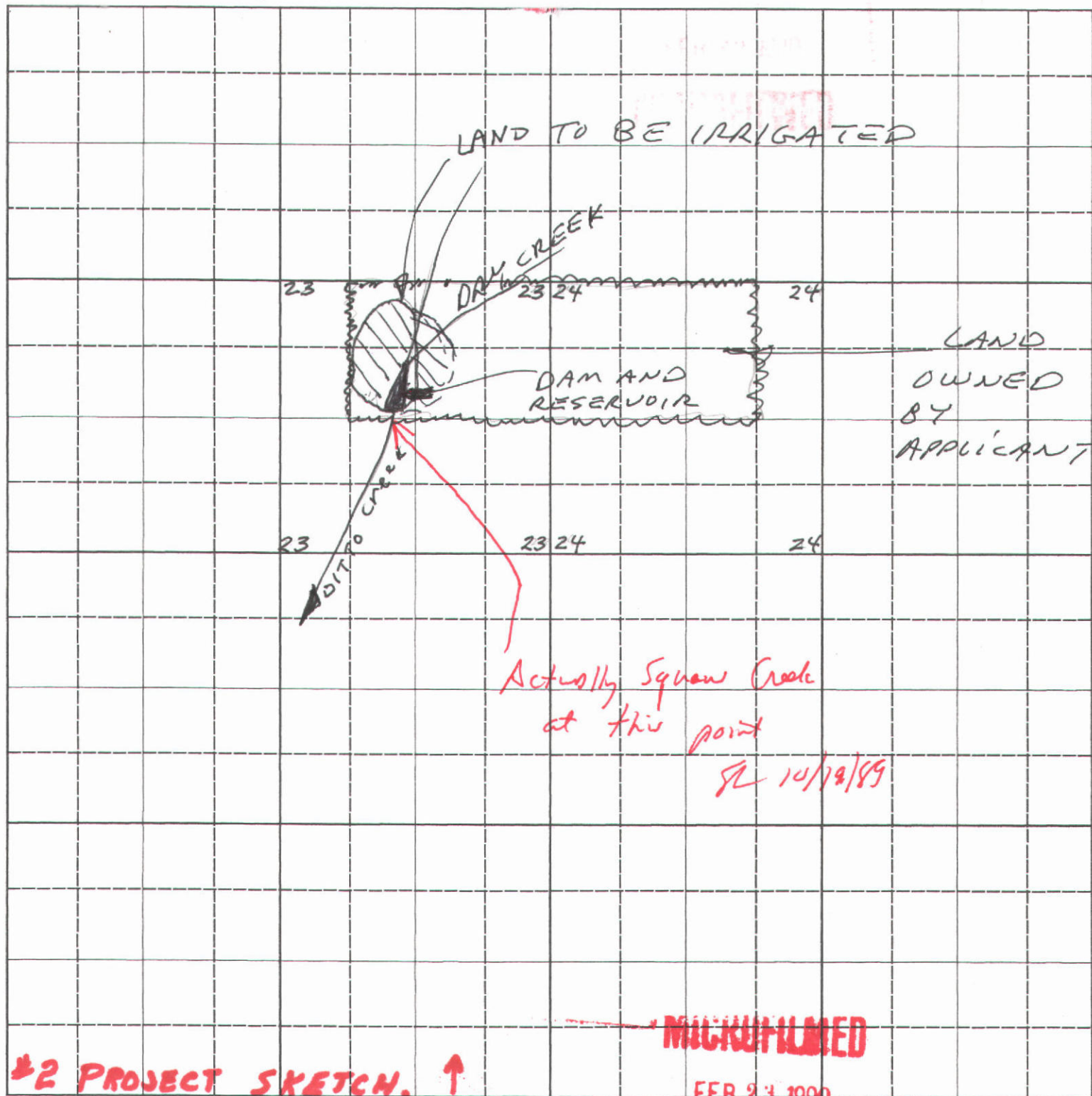
SEC. 23, 01S-05E



(just downstream from
confluence of Ditto & Day
Creeks, per info in Remarks
and project sketch.

82 10/19/89

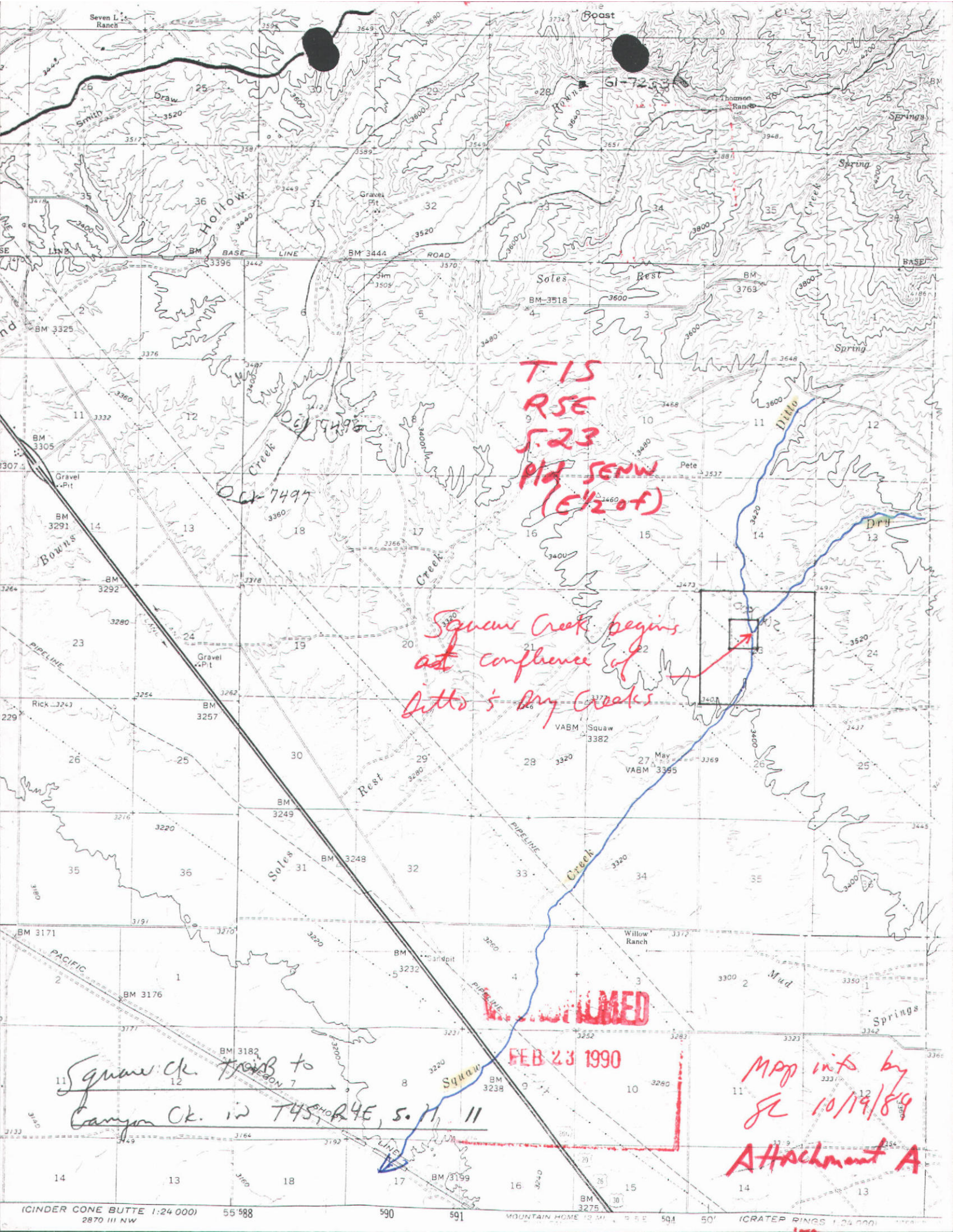
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Wayne Russell
(Applicant)



T15
R5E
S.23
P1d SE1/4
(E1/2 of)

Squaw Creek begins
at confluence of
Ditto's Dry Creeks

W. WILMED
FEB 23 1990

Squaw Cr. flows to
Canyon Cr. in T45, R4E, S. 11

Map info by
JL 10/19/89
Attachment A

**NOTICE OF APPLICATIONS
FOR WATER RIGHTS**

The Following applications have been
filed to appropriate the public waters of
the State of Idaho:

61-07600 ✓

RUSSELL, WAYNE
211 E. 42ND
GARDEN CITY, ID 83714
Source: SQUAW CREEK (Locally
known as Ditto Creek); Tributary: CA-
NYON CREEK

*Diversion Pt: NESENW Sec 23 T 01S
R 05E; SESENW Sec 23 T 01S R 05E
Use: IRRIGATION (1.000 CFS); IR-
RIGATION STORAGE (49.00 AF); IR-
RIGATION FROM STORAGE (49.00
AF); STOCKWATER STORAGE (49.00
AF); AESTHETIC STORAGE (49.00
AF)

Date Filed: 9/25/1989
In: T01S R05E S23 NWNE SWNE
NENW SENW
50.0 ACRES TOTAL
63-11013

DELANEY, JOHN T.
DELANEY, LINDA E.
HC 87 BOX 480
FEATHERVILLE, ID 83647
Source: GROUNDWATER
Diversion Pt: SESESE Sec 10 T 03N R
10E

Use: IRRIGATION (.060 CFS); DO-
MESTIC (.040 CFS)
Date Filed: 9/27/1989
In: T03N R10E S10 SESE
3.0 ACRES TOTAL
63-11049

U.S. DEPT. OF AGR.
FOREST SERVICE
FEDERAL BLDG.
324 25TH ST.
OGDEN, UT 84401
Source: SPRING; Tributary: TRAIL
CREEK
Diversion Pt: NENENW Sec 9 T 01N
R 07E

Use: DOMESTIC (.025 CFS)
Date Filed: 8/18/1989
In: T01N R07E S09 SENE
The permits will be subject to all prior
water rights. Protests must be filed with
the Director, Dept. of Water Resources,
Western Region, 2735 Airport Way, Boise,
Idaho 83705 on or before NOVEMBER
20, 1989.

R. KEITH HIGGINSON, Director
Published 11/01/1989 & 11/08/1989.

RECEIVED
NOV 28 1989

Department of Water Resources
Western Regional Office

Affidavit of Publication

County of Elmore)
) ss.
STATE OF IDAHO)

I, Mike Thornberry 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 the proof of
publication thereof, was published in said newspaper for

2 consecutive weeks, the first publication having
been made on the 1 day of November,

19 89, and the last publication having been made on
the 8 day of November 19 89;

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 uninterrupt-
edly published in said Elmore County during a period of
78 consecutive weeks prior to the first publication of the
attached notice.

Mike Thornberry
STATE OF IDAHO)
COUNTY OF ELMORE)

On this 27th day of Nov in the year of 1989.

before me, a Notary Public, personally appeared

Mike Thornberry known or identified
to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn,
declared that the statements therein are true, and ac-
knowledgeed to me that he executed the same.

Allen W. Swan
Notary Public for Idaho

Residing at Mtn. Home, ID

My commission expires: 2-5-91

RECEIVED

FEB 23 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE FLOW)
MEASUREMENT DEVICE CONDITION OF) **ORDER**
OF APPROVAL FOR PERMIT NO. 61-07600)
IN THE NAME OF WAYNE RUSSELL)
_____)

WHEREAS, the Department of Water Resources (department) has issued the above captioned water right permit with a condition of approval requiring the permit holder to install a permanent measuring device to facilitate the measurement and determination of the rate of diversion by the department; and

WHEREAS, the department has determined that the rate of diversion for certain surface water uses can be estimated by the department without the use of a measuring device; and,

IT IS THEREFORE, HEREBY ORDERED that the condition of approval requiring the installation of a measuring device for the above captioned permit be **WAIVED**. The department retains jurisdiction to require the condition be reinstated in the future upon a finding of need by the department.

Dated this 12th day of December, 1996.



L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED
DEC 28 1996

RECEIVED

STATE OF IDAHO
DEC 12 1996 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. 21-07600 Telephone No. (208) 796-2114
2. Name(s) of Permit Holder(s): Wayne Russell
3. Mailing Address: 560 Ditta Creek Rd, Mountain Home ID 83647
4. Source of Water: Ditta Creek If **GROUNDWATER** (well), Date Drilled: mo. / yr.
 - a. Well Driller: Drilling Permit Number: - - -
 - b. **OPTIONAL:**
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): Stockwater (No. and type of stock): 35 head
Irrigation (No. of acres): 50 Other:
6. Total rate of diversion and/or volume for which proof is submitted: 1.0 cfs OR 49 acre feet Storage
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 ☐
	Has the measuring device been installed?	Yes ☐	or	No ☒
Flow Measurement Port:	Is a flow measurement port required?	Yes ☐	or	No ☐
	Has the measurement port been installed?	Yes ☐	or	No ☐
8. Fee Enclosed: \$ 100⁰⁰ (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: Permit Holder Telephone Number: 796-2114
Address: See 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: X Wayne Russell Date: 12-12-96
(include your title, if on behalf of company or organization)

RECEIVED

JAN 27 1995

Department of Water Resources

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. 61-07600

Name(s) of Permit Holder: Wayne Russell

Mailing Address: 560 Ditto Cr Rd, Mtn Home 83647

Date Proof is Due: 2-1-95 Telephone No. _____

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".)

Have completed the dam embankment to about
9 1/2'. The dam is ready to store water, but
the drought has made water unavailable
to store. Costing \$ _____

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

Water has not been available to store
due to drought conditions.

Permit holder(s) request an extension to Feb. 1, 19 97.

FEE: \$50.00

X Wayne Russell
(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 February 1, 1997.

Signed this 2nd day of February, 19 95.

[Signature]
Chief, Water Allocation Bureau

RECEIVED
JAN 21 1992

For Office Use Only
\$15 Fee Received by UB
Date 1-21-92
Receipt No. CD22995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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 in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 61-07600
Name(s) of Permit Holder: WAYNE RUSSELL
Mailing Address: BOX 16093 BOISE IDAHO 83715
Date Proof is Due 2/1/92 Telephone No. 796-2114

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".)
Have completed the dam embankment to
about 9 1/2 feet. Facility is ready to
store water but due to drought no
water is available for storage Costing \$3000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:
No water available for storage during the
permit

Permit holder(s) request an extension to February 2, 1995

FEE: \$15.00
Wayne Russell
(Signature)*

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

MICROFILMED

JAN 23 1992

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
February 1, 1995.

Signed this 23rd day January, 19 92

[Signature]
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 61-07600

Proposed Priority: September 25, 1989 Maximum Diversion Rate: 1.00 CFS

This is to certify, that **WAYNE RUSSELL**
211 E. 42ND
GARDEN CITY, ID 83714
has applied for a permit to appropriate water from:

SQUAW CREEK tributary of **CANYON CREEK**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	1.00 CFS	
IRRIGATION STORAGE	01/01 to 12/31		49.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		49.0 AF
STOCKWATER STORAGE	01/01 to 12/31		49.0 AF
AESTHETIC STORAGE	01/01 to 12/31		49.0 AF
Totals		1.00 CFS	

LOCATION OF POINT(S) OF DIVERSION: SESENW Sec. 23, Township 01S, Range 05E
NESENW Sec. 23, Township 01S, Range 05E
ELMORE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S 05E 23	NWNE 10 SENEW 20	SWNE 10	NENW 10	50

PLACE OF USE: STOCKWATER STORAGE

TWN RGE SEC

01S 05E 23 SENW

PLACE OF USE: AESTHETIC STORAGE

TWN RGE SEC

01S 05E 23 SENW

PLACE OF USE: IRRIGATION STORAGE, same as IRRIGATION use

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1992.**

RECEIVED

FEB 23 1991

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

NO. 61-07600

CONDITIONS/REMARKS:

2. Subject to all prior water rights.
3. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
4. Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
5. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
6. Water shall be diverted under this right only during periods when flows in the Snake River at Swan Falls Dam exceed 8400 cfs.
7. Source known locally as Ditto Creek.

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

18th day of January, 1990


R. Keith Higginson, Director


FEB 23 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Wayne Russell Phone 375-9401
Post office address 211 East 42nd - Garden City, Id. 83714
2. Source of water supply Squaw Creek which is a tributary of Canyon Creek
3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot —
Sec. 23 Township 15 Range 5E B.M. Elmore County; additional
points of diversion if any: NESE NW, S. 23, T15, R5E
4. Water will be used for the following purposes:
Amount 1.00 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs ~~or acre-feet per annum~~)
Amount 49 for Irrig Storage purposes from 1/1 to 12/31 (both dates inclusive)
(~~cfs~~ acre-feet per annum)
Amount 49 for Irrig. from Storage purposes from 3/15 to 11/15 (both dates inclusive)
(~~cfs~~ acre-feet per annum)
Amount 49 for Stockwater Storage purposes from 1/1 to 12/31 (both dates inclusive)
(~~cfs~~ acre-feet per annum)
49 a.f. Aesthetic Storage 1/1 12/31
5. Total quantity to be appropriated is (a) 1.00 cubic feet per second and/or (b) 49.0 acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Dam and reservoir on
Squaw Creek, pump and sprinkler system
b. Height of storage dam 9 1/2 feet; active reservoir capacity 49 acre-feet; total
reservoir capacity 49 acre-feet; period of year when water will be diverted to storage:
1/1 to 12/31 inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 years (minimum 1 year).

MICROFILMED

FEB 23 1990

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

- a. Hydropower, show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. 100 head of cattle
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. aesthetic - landscaping, possible fish stocking for personal use

9. Description of place of use:

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

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1S	5E	23		10	10		10			20									50
										S/I									

Total number of acres to be irrigated 50

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

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

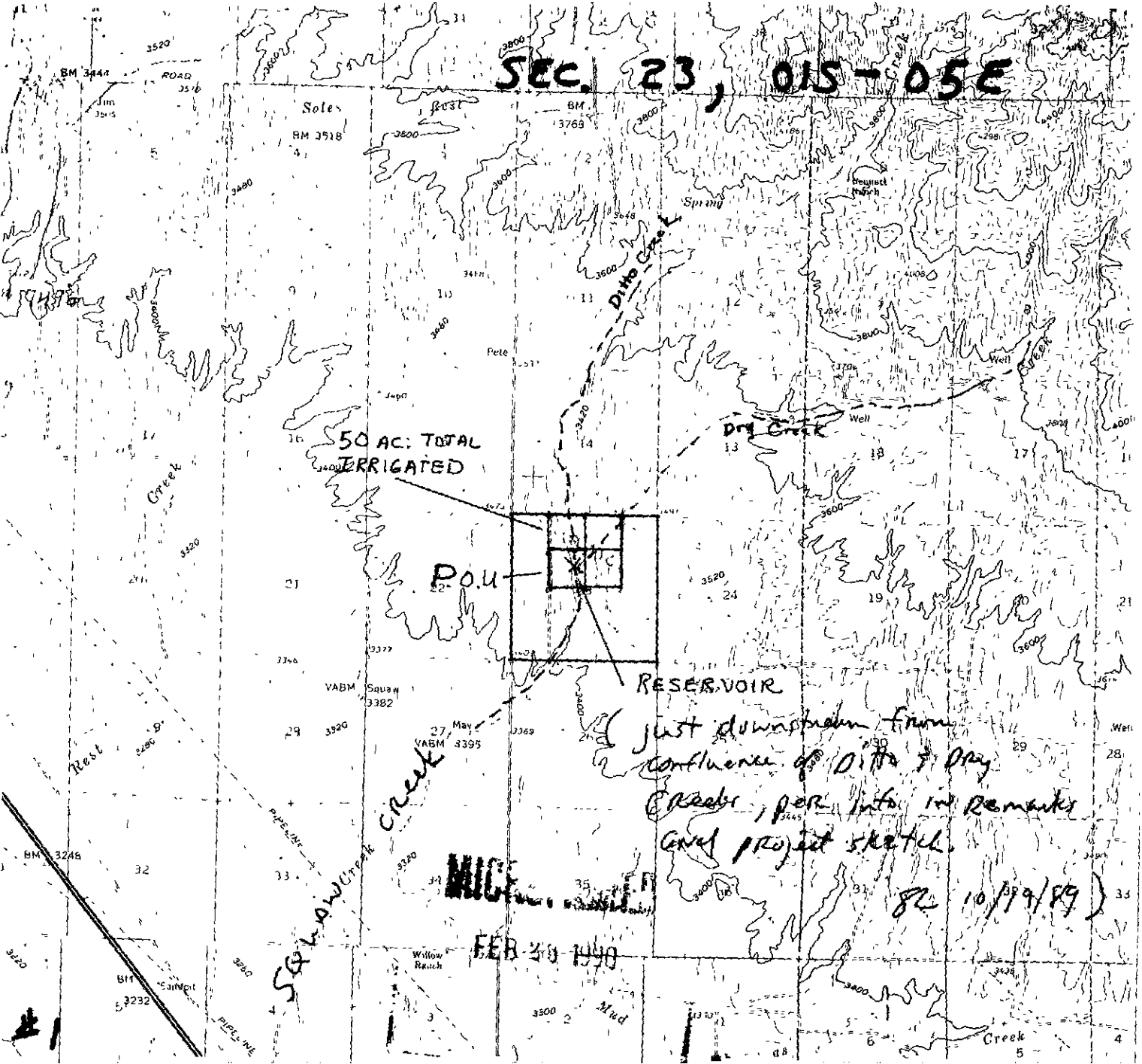
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Source also known locally as Little Creek.

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FEB 23 1990

SEC. 23, 01S-05E



50 AC. TOTAL
IRRIGATED

POU

RESERVOIR

just downstream from
confluence of Ditch & Dry
Creeks, per info in Remarks
and project sketch.

82 10/19/89

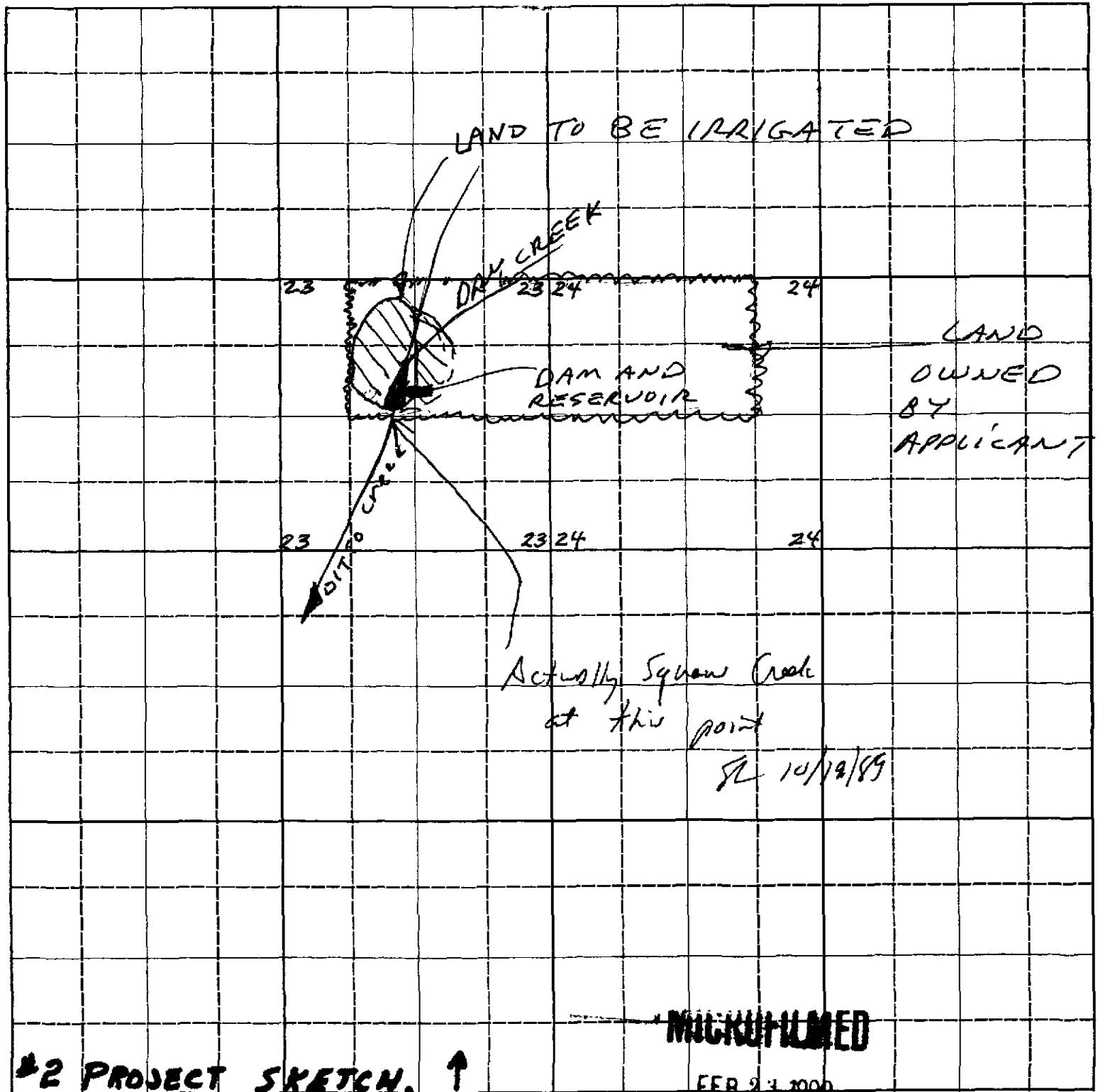
NICE

FEB 20 1990

Willow
Ranch

Creek

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



Scale 2 inches equal 1 mile

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

Jaime Russell
(Applicant)

Received by JW Date Sept. 25, 1989 Time 8:30 AM Preliminary check by RL

Fee \$ 45.00 Receipted by JW # W006031 Date Sept 25, 1989

Publication prepared by GG Date 10-25-89 Published in Mountain Home News

Publication approved ST Date 11-28-89
11/1 & 11/8/89

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 ____.

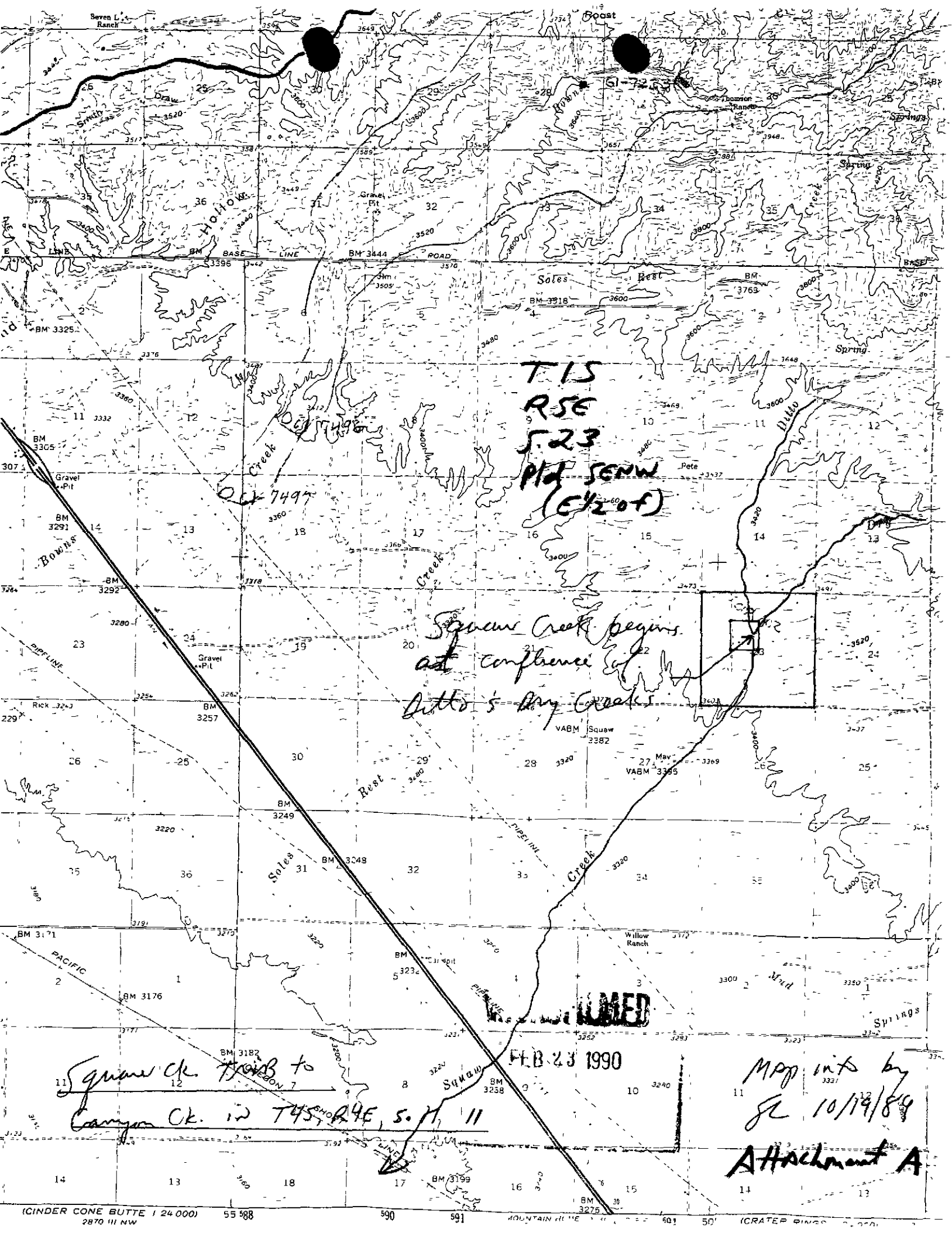
c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

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FEB 23 1990



Original front pg.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

1 Name of applicant Wayne Russell Phone 375-9401

Post office address 211 East 42nd, Garden City, Idaho 83714

2. Source of water supply Squaw Creek ~~Ditto Creek~~ which is a tributary of Canyon Creek ~~Snake River~~ *

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt Lot -

Sec. 23 Township 1S Range 5E B M Elmore County, additional

points of diversion if any. NE SE NW, Sec. 23, T1S, R5E

4 Water will be used for the following purposes.

Amount 1.00 for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum) diversion from storage

Amount 1.00 for for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum) storage for irrigation, stockwater

Amount 49 for & aesthetic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum) XXXX

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5 Total quantity to be appropriated is (a) 1.00 and/or (b) 49 AF/A
cubic feet per second acre feet per annum

6. Proposed diverting works.

a. Description of ditches, flumes, pumps, headgates, etc Dam and reservoir across

Ditto Creek, pump and sprinkler system

b. Height of storage dam 9 1/2 feet; active reservoir capacity 49 acre-feet, total

reservoir capacity 49 acre-feet, period of year when water will be diverted to storage.

4/1 to 12/31 inclusive

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

d. Is ground water with a temperature of greater than 90°F being sought? _____

7 Time required for the completion of the works and application of the water to the proposed beneficial use is

2 years (minimum 1 year).

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FEB 23 1990

* per topographic map - 82 10/14/89.
(see attachment A)

Original front pg. revised as noted 82

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. 100 head of cattle
- Municipal, show name of municipality. _____
- Domestic, show number of households. _____
- Other, describe fully aesthetic purposes; reservoir will be associated with landscaping of residence, will be stocked with fish if the reservoir holds water year round.

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.

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	5E	23		10	10	10													50
01S	05E	23																	

Total number of acres to be irrigated 50

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

11. a Who owns the property at the point of diversion? 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 _____

12. Remarks: Dry Creek enters Ditto Creek just upstream from reservoir site proposed in this application. The streams only flow for a few weeks during most years.

Source known locally as Ditto Creek. FEB 23 1930

NOTICE OF APPLICATIONS
FOR WATER RIGHTS

The following applications have been
filed to appropriate the public waters of
the State of Idaho:

61-07600

RUSSELL WAYNE
211 E. 42ND
GARDEN CITY, ID 83714
Source: SQUAW CREEK (Locally
known as Ditto Creek); Tributary: CA-
NYON CREEK

*Diversion Pt: NESENW Sec 23 T 01S
R 05E: SESENW Sec 23 T 01S R 05E

Use: IRRIGATION (1,000 CFS); IR-
RIGATION STORAGE (49.00 AF); IR-
RIGATION FROM STORAGE (49.00
AF); STOCKWATER STORAGE (49.00
AF); AESTHETIC STORAGE (49.00
AF)

Date Filed: 9/25/1989
In: T01S, R05E S23 NWNE SWNE
NENWSENW
50.0 ACRES TOTAL
63-11013

DELANEY, JOHN T.
DELANEY, LINDA E.
HC 87 BOX 480
FEATHERVILLE, ID 83647

Source: GROUNDWATER
Diversion Pt: SESESE Sec 10 T 03N R

10E
Use: IRRIGATION (.060 CFS); DO-
MESTIC (.040 CFS)
Date Filed: 9/27/1989
In: T03N R10E S10 SESE
3.0 ACRES TOTAL
63-11049

U.S. DEPT. OF AGRI.
FOREST SERVICE
FEDERAL BLDG.
324 25TH ST.
OGDEN, UT 84401
Source: SPRING; Tributary: TRAIL
CREEK

Diversion Pt. NENENW Sec 9 T 01N
R 07E

Use: DOMESTIC (.025 CFS)

Date Filed: 8/18/1989

In: T01N R07E S08 SESE

The permits are subject to all prior
water rights. Permits must be filed with
the Director, Dept. of Water Resources,
Western Region, 2735 Airport Way, Boise,
Idaho 83705 on or before NOVEMBER
20, 1989

R KEITH HIGGINSON, Director
Published 11/01/1989 & 11/08/1989.

RECEIVED

NOV 28 1989

Department of Water Resources
Western Regional Office

Affidavit of Publication

County of Elmore)
) ss.
STATE OF IDAHO)

I, Mike Thornberry 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 the proof of
publication thereof, was published in said newspaper for

2 consecutive weeks, the first publication having
been made on the 1 day of November,

1989, and the last publication having been made on

the 8 day of November 1989;

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 uninterrupt-
edly published in said Elmore County during a period of
78 consecutive weeks prior to the first publication of the
attached notice.

Mike Thornberry
STATE OF IDAHO)
COUNTY OF ELMORE)

On this 2th day of Nov in the year of 1989.

before me, a Notary Public, personally appeared

Mike Thornberry known or identified
to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn,
declared that the statements therein are true, and ac-
knowledgeed to me that he executed the same.

Allen W. Swan
Notary Public for Idaho

Residing at Mtn. Home, ID

My commission expires: 2-5-91

RECEIVED

FEB 23 1990



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

June 10, 2004

WAYNE RUSSELL
560 DITTO CREEK RD
MOUNTAIN HOME ID 83647

RE: Water right number(s): 61 7600

Dear Water Right Holder(s):

The purpose of this letter is to notify you in advance that present drought conditions in Eastern Idaho may result in the flow of the Snake River falling below the minimum stream flow of 3,900 cubic feet per second ("cfs") established by the Swan Falls Agreement at the Murphy gage on the Snake River. Your water right bears a later priority date than July 1, 1985, the priority date for the minimum stream flow. As a result, if the flow falls below 3,900 cfs, the department will send you another letter advising you to cease diversion of water.

This notice is being provided so that you have advance warning to make arrangements to minimize impacts to growing crops or other loss that could occur if your water diversion is curtailed. Such arrangements may include temporary transfers as provided under Section 42-222A, Idaho Code, for areas declared a drought emergency. Declaration of a drought emergency can be initiated by petition of the Board of County Commissioners to the director of this department subject to approval by the Governor.

There are many variables that affect stream flows in the Snake River. Normally, the flows in the Snake River at Murphy gauge are lowest during June and July.

Information about your water right can be found on the department's website at the following address: <http://www.idwr.state.id.us/apps/ExtSearch/SearchWRAJ.asp>. Real time flow data for the Murphy gage can also be found at the following address: <http://www.idahopower.com/riversrec/waterlevels/streamflow/showgraph.cfm>

Thank you for your cooperation in this matter. If you have questions, please feel free to contact the department.

Sincerely,

Gary Spackman
Water Allocations Bureau Chief

State of Idaho
Department of Water Resources
PO BOX 83720
BOISE ID 83720-0098

PRSRT STD
U.S. POSTAGE
PAID
PERMIT NO.
BOISE, ID

WAYNE RUSSELL
560 DITTO CREEK RD
MOUNTAIN HOME ID 83647

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 61-07000 Reviewed by [Signature] Date 12-12-96

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source
Ground water source
Drilling permit required?
Copy in the file? ✓ Drilling Permit No. _____
Amount paid for permit _____ Correct?
Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
100- Amount Submitted
yes Correct?
yes Required?
no Installed?
yes Waiver requested?

PRIORITY CALCULATION

Date proof received _____
Date proof due _____
No. of days late _____
Priority Date _____
New Priority Date _____

✓
Waiver requirement

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X Proof Made 12-12-96



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

December 12, 1996

WAYNE RUSSELL
560 DITTO CREEK RD
MOUNTAIN HOME ID 83747

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 61-07600

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.

Additionally, enclosed is an Order **waiving** the measuring device condition from your permit. Please be advised that the department retains the jurisdiction to require the measuring device condition be reinstated upon a finding of need..

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Region

MICROFILMED
DEC 20 1996

December 12, 1996

RECEIVED

DEC 12 1996

Department of Water Resources

Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

RE: PERMIT NO. 61-07600

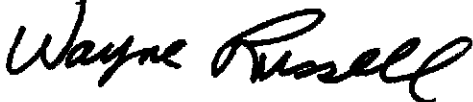
Gentlemen:

I request the department to waive Condition of Approval No. 4. of my permit which requires me to install a measuring device at the inflow to my reservoir and at the outlet from the reservoir.

The reason for this request is that water has only been available to fill my reservoir once in three (3) years and that when water is available it is for a very short period of time usually from the middle of February to the middle of March. In addition, when the water is available it is during high runoff when there are no competing demands for the water.

Sincerely,

Wayne Russell

A handwritten signature in cursive script that reads "Wayne Russell".

MICROFILMED

DEC 20 1996

November 30, 1996

WAYNE RUSSELL
560 DITTO CREEK RD
MOUNTAIN HOME ID 83647

PROOF DUE NOTICE

RE: PERMIT NO. 61-07600

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1997. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

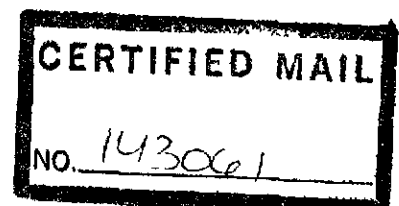
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

DEC 7 1996



ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 61-07600 Reviewed by [Signature] Date 2-2-95

BASIC INFORMATION

1-27-95 Date stamp received
YLS Extension received timely
YLS Fee received and receipted
YLS Name and signature same as permit
YLS Address Change

BASIS FOR EXTENSION REQUEST

YLS Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN *Should extend to February 1, 1997, since drought has delayed development of permit.*

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address 560 Otto Creek Rd. - mtn. Home 83647
Change Proof Due Date 2-1-97
Change Priority Date X



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

R. KEITH HIGGINSON
DIRECTOR

February 3, 1995

Wayne Russell
560 Ditto Creek Rd.
Mountain Home, ID 83647

RE: Permit No. 61-07600

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to **February 1, 1997**. Please note that the department has granted this extension since development of the permit has been delayed for reasons beyond your control. 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 additional extension requests.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough".

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

RECEIVED

FEB 16 1995



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 20, 1994

Wayne Russell
560 Ditto Creek Rd.
Mountain Home, ID 83647

RE: Permit No. 61-07600

Dear Permit Holder:

Enclosed are the forms needed to file proof of beneficial use on the above referenced water right. The forms were originally sent by certified mail on November 30, 1994, to the name and address listed on the water right permit, but they were returned undelivered by the postal service.

Please read the original enclosed letter, complete the necessary forms and return them to this office on or before the proof due date of February 1, 1995.

If you have any questions or I can be of any assistance, please do not hesitate to contact me at (208)327-7953.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough".

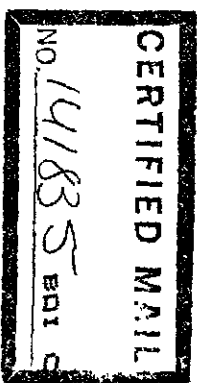
JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED

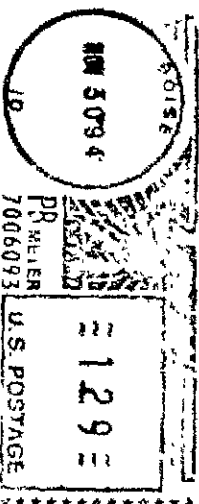
FEB 1 6 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
North Orchard Street
Boise, Idaho 83706-2237



NOT REURABLE
ADDRESS -
UNABLE TO FORWARD

RECEIVED
DEC 05 1994
Department of Water Resources



560 Dito & Rd
Mtn Home Id

4-3

12-2

83647
FEB 16 1995
12/20

W

November 30, 1994

WAYNE RUSSELL
BOX 16093
BOISE ID 83715

PROOF DUE NOTICE

RE: PERMIT NO. 61-07600

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1995. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

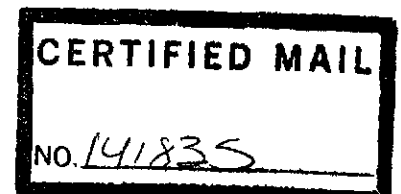
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

RECEIVED
FEB 16 1995





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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 23, 1992

Wayne Russell
Box 16093
Boise, ID 83715

Re: Permit No. 61-07600

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to February 1, 1995.

Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

RECORDED

JAN 23 1992

ANALYSIS SHEET
FOR
EXTENSION OF TIME

Permit No. 61-07600 Reviewed by Klg Date 1/23/92

BASIC INFORMATION

1/21/92 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? Requested?
Is delay by a government agency?
Is supporting documentation needed to complete the file? Requested?
Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

*extension approved Based on
due diligence until 2/1/95*

PRIORITY CALCULATION

Date extension received	<u>WA</u>	=	
Proof due date		=	
Number of days late		=	
Priority date		=	
New Priority Date		=	

DATA ENTRY

New Address Box 16093 Boise, ID 83715 1/23/92 Klg
Change Proof Due Date 1/23/92 Klg
Change Priority Date _____

INTER-DEPARTMENT MEMO

TO: File # 61-7600

SUBJECT: Returned mail

FROM: JS

DATE: 12-13-91

Elmore County lists current
address as the above
(211 E. 4th S. Garden City, Idaho)

Resent reg. mail

12-16-91

RECEIVED

JAN 23 1992

() For your information

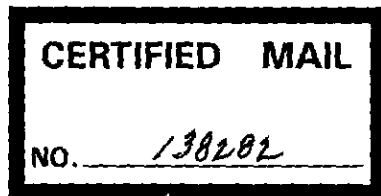
() Response required

JS
signature

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
North Orchard Street
Boise, Idaho 83706-2237

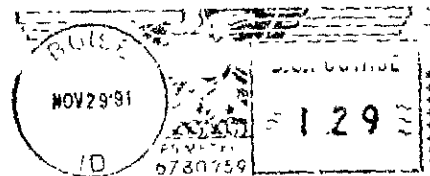


ADDRESSEE UNKNOWN



Pls.

*61-7600
Dec 2*



RECEIVED

DEC 04 1991

Department of Water Resources

JAN 09 1992



138282
November 30, 1991

WAYNE RUSSELL
211 E. 42ND
GARDEN CITY ID 83714

PROOF DUE NOTICE

RE: PERMIT NO. 61-07600

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

RECEIVED
JAN 23 1992

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: Permit NO. 61-7600/Trust Water Processing

DATE: 10-1-91

The above application is a trust water filing which was approved out of sequence in 1990. Review of the application indicates that the proposed project represents a new development and irrigation of previously undeveloped land. The acreage under the application therefore has been counted as trust acreage.

Future licensing of the permit should include trust water conditions.

JAN 23 1992

HAWAII DEPARTMENT OF WATER RESOURCES

MEMO-REPLY

Date 1/14/91

To GARY SPACKMAN, F.Y. [REDACTED]

From NCY

☐ Take Appropriate Action

☐ Draft A Reply

☐ Action Required By _____

☐ See Me

☐ Call Me

☐ Return To Me

☐ For Your Information

☐ For Your Approval

☐ For Your Comments

☐ As You Requested

☐ Copy (____ Copies)

☐ File

Comments RE: 61-07600

WAYNE RUSSEL, PERMITHOLDER,
VISITED THIS OFFICE AND
ADVISED ME THAT HE HAD COMMENCED
WORK ON THE DIVERSION APPROVED
IN THIS PERMIT. WORK STARTED
IN LATE NOVEMBER, 1990.

Reply

MICROFILMED

JAN 23 1992

Signed _____ Date _____

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
January 19, 1990

WAYNE RUSSELL
211 E. 42ND
GARDEN CITY, ID 83714

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P61-07600

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed 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 license.

Sincerely,

[Handwritten signature]

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

FEB 23 1990

PD 15 SE 5.23

NE SE NW
SE SE NW

pu

NW NE
NE NW

SW NE
SE NW

Form No. 202a.
3/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: SL DATE: 10/19/89 APPLICATION: 61-07600

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:
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee:
Yes ☐ No* In form to receipt:

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

ADDITIONAL INFORMATION

YES	NO	
☐	☒	Overlapping place of use: (Describe source & relationship to present application on the back.)
☐	☒	Overlapping point of diversion:
☐	☐	Field check required: Field check by: _____
☐	☐	Field report attached:
☐	☒	Critical groundwater area:
☐	☒	Groundwater management area:
☐	☒	Diversion within interim protected river area
☐	☒	Send dam safety information: <u>0.0m < 10' & storage < 50 ac.</u>
☐	☒	Send power requirement letter:
☐	☒	Send fish farm requirement letter:
☐	☒	Power residency affidavit:
☐	☒	Power efficiency form:
☒	☐	Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.) <u>BUT SEE CONV. MEMO 10/19/89 & SPECIAL CONDITIONS FOR DRT</u>
☐	☒	Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.)
☐	☒	*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: _____

☒ Additional information on reverse side:

RECEIVED
NOV 30 1989

Department of Water Resources

APPLICATION NO. 61-07600

Statewide advertising:

Fee amount, receipt number and date recorded on application:

YES NO



I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

7

U.S. Forest Svc.

Water Dist. #

Other

~~YES~~ NO

✓✓✓

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Protests received. Final date for protest *November 20, 1989*

Protest dates, resolution of protest recorded on application:

Recommendations attached: *Approved. One*

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter:

264

olic

~~See below for additional information~~

Recommended Date or Priority

9/25/1989 ✓

Recommended by:

[Signature]

Date 11/28/89

P09, P17

36

★★(below)

BA

See below for additional information. By

kw

Date 12-27-89

Water shall be diverted under this right only during periods when flows in the Snake River at Swan Falls Dam exceed 8400 cfs.

Note: For information regarding the concept of approval contingent on ample flows at Swan Falls, see Norm Young.

OK 11/28/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region
2735 AIRPORT WAY

Boise, Idaho 83705
(208) 334-2190

OCTOBER 25, 1989

Mountain Home News
Drawer O
Mountain Home, ID 83647

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 20, 1989.

Yours truly,

GAIL GARRETT
Secretary

Encl.

RECEIVED

FEB 23 1990

RUSSELL, WAYNE
211 E. 42ND
GARDEN CITY, ID 83714

Source: SQUAW CREEK (Locally known as Ditto Tributary: CANYON CREEK Creek)

Diversion Pt: **NESENW** **Sec 23 T 01S R 05E**
 SESENW **Sec 23 T 01S R 05E**

```

Use:  IRRIGATION          ( 1.000 CFS)
      IRRIGATION STORAGE   ( 49.00 AF)
      IRRIGATION FROM STORAGE ( 49.00 AF)
      STOCKWATER STORAGE   ( 49.00 AF)
      AESTHETIC STORAGE    ( 49.00 AF)

```

Date Filed: 9/25/1989

In: T01S R05E S23 NWNE SWNE NENW SENW

50.0 ACRES TOTAL

REPRODUCED

FEB 23 1990

CONVERSATION MEMORANDUM

DATE 10/19/89

FILE

App for Permit by Wayne Russell

NAME OF PARTY

Wayne Russell (Per conv w/ Norm Young)

EMPLOYEE

Dan Turnill

RE:

Processing of App

Mr. Russell indicated that he desires our office to proceed

with processing the app even though it is located in the

Swan Falls trust area, subject to the following condition:

- Water shall be diverted under this water right only during periods when flows in the Snake River at Swan Falls Dam are in excess of 8400 cfs.

DNR

MICROFILMED

FEB 23 1990