



STATE OF IDAHO
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.

1 Permit No 57-7640 Telephone No 208-834-2184

2 Name of Permit Holder(s) David L Putnam & Tom Nicholson

3 Mailing Address: 10328 Fairview Suite 235
City Boise State ID Zip 83650

4 Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled mo 3 / yr 99
Well Driller Shawn Johnson Drilling Permit Number _____

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

Domestic (No. of households) _____ Stockwater (No. and type of stock) _____

Irrigation (No. of acres) 30 Other _____

6 Total rate of diversion and/or volume for which proof is submitted .30 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 1

Has the measuring device been installed?

Yes _____ or No _____

8 Fee Enclosed. \$ 100.00 (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 David Putnam Telephone Number 208-834-2184

Address 10328 Fairview, Box 235, Boise, ID 83704

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

Signature of permit holder [Signature] Date 3-11-01
(include your title, if on behalf of company or organization) **MICROFILMED**

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

RECEIVED
MAR 15 2000

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be provided 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. 2-1-07640
Name(s) of Permit Holder Tim & David Peterson
Address 10376 Fairview, Box 235 City Boise State ID Zip 83704
Telephone No. 208-834 2184 Date Proof is Due May 1, 2000

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".)

Well has been completed
portion of trenching for pipe is in

Costing \$ 9000⁰⁰

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

Person not to site, applications
in at Idaho power

Permit holder(s) request an extension to May 1, 2001

David Peterson
(Signature)*

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

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

APPROVED and the time within which to submit proof of beneficial use is extended to
May 1, 2001.

Signed this 16th day of March, 2000

MICROFILMED

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

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 57-07640

Proposed Priority: March 18, 1997

Maximum Diversion Rate:

0.60 CFS

This is to certify, that **DAVID L PUTNAM**
TOM NICHOLSON
10378 FAIRVIEW
PO BOX 235
BOISE ID 83704

has applied for a permit to appropriate water from: **GROUNDWATER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	0.60 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 28, Township 04S, Range 01E
OWYHEE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S	01E	28	SWNW	30.0		30.0

Total number of acres irrigated: 30.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 2000**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

11-12-1997

11-13-1997

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

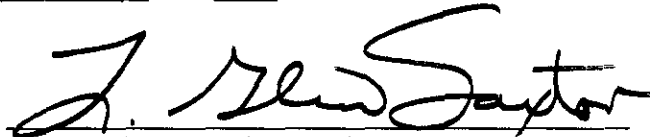
NO. 57-07640

CONDITIONS OF APPROVAL AND REMARKS

8. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
9. The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
10. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

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

27th day of April, 1998.


Karl J. Dreher, Director

for

APR 29 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

APR 21 1998

1. Name of Applicant I David L. Norman & Tom Nicholas Phone 834-2184
Mailing address 10378 Fairview, Box 235 Boise Idaho 83704

2. Source of water supply GROUNDWATER which is a tributary of _____

3. Location of point of diversion is Township 4S Range 1E Sec. 28, in the _____ 1/4,
SW 1/4, NW 1/4, Govt. Lot _____, B.M., _____ County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .60 for IRRIG purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .60 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source pump, sprinklers

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

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

d. Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____

Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

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

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	1E	28							30										30

Total number of acres to be irrigated 30

10. Describe any other water rights used for the same purposes as described above. _____

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

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

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

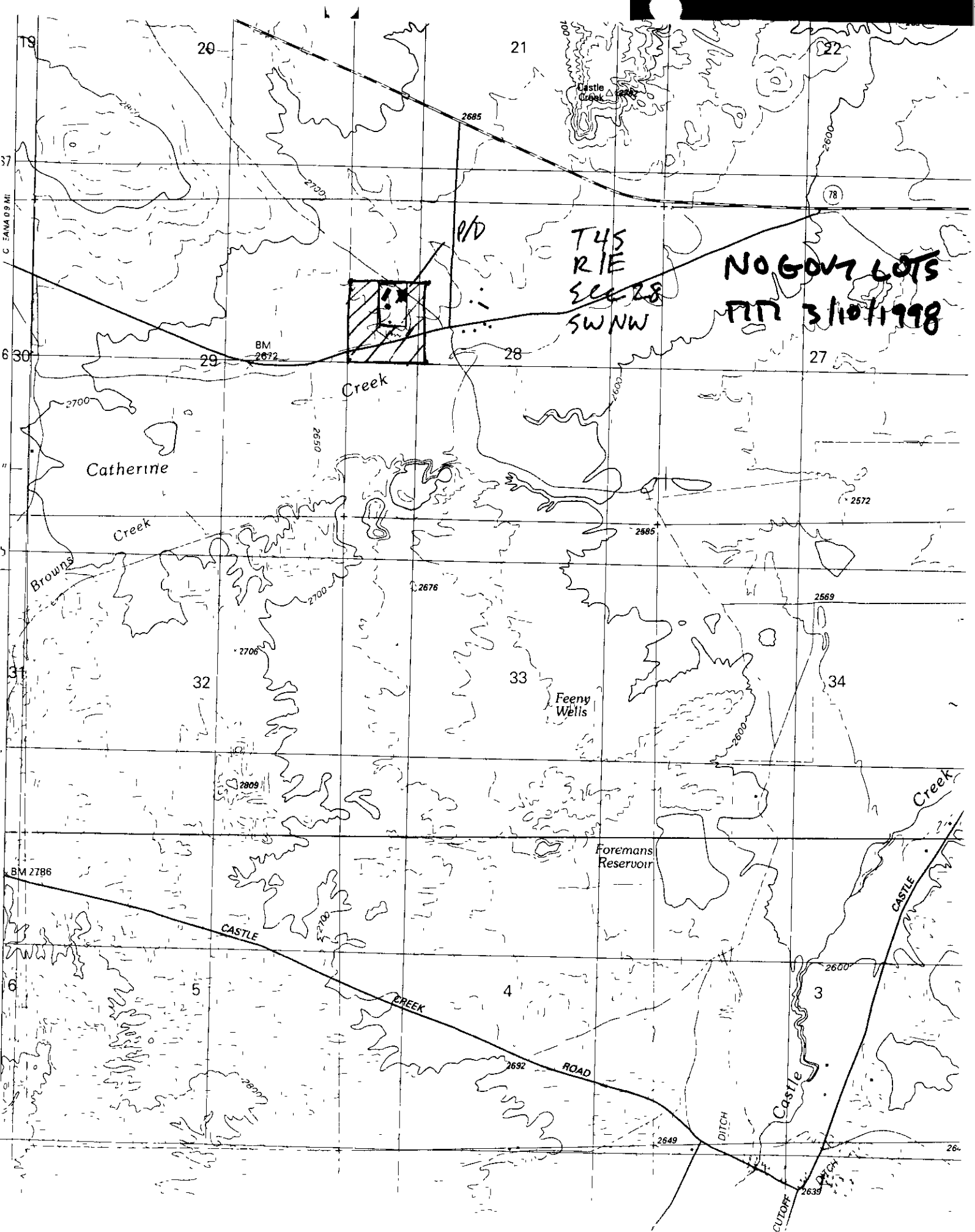
12. Remarks: Right ST-7633 filed by a potential buyer who has no longer has interest. Department collecting withdrawal of earlier filing. See file memo.

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

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

[Signature]
Signature of Applicant (and title, if applicable)

Received by lg Date 3/18/97 Time 1:30 Preliminary check by W022044
 Fee \$ 100 Receipted by lg # W022044 Date 3/18/97
 Publication prepared by ST Date 3/11/98 Published in Quinto Aralanche 3/18-25/98
 Publication approved ST Date 3/27/98





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

March 22, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DAVID L PUTNAM
TOM NICHOLSON
10378 FAIRVIEW STE 235
BOISE ID 83704

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 57-07640

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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c IDWR - Regional Office

MICROFILMED

APR 11 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No 57-7640

Reviewed By dgibson

Date March 22, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No		C052683	Well driller's report filed?		
Additional Amount Due			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received 03/13/2001

Date proof due - 05/01/2001

Lapse notice sent -

No of days late = 0

Holiday allowance +

Priority date + 03/18/1997

New priority date = ~~05/06/1997~~ 3/18/97 *Priority unchanged!*

Deficiencies of Actions Items

Acknowledge proof

February 28, 2001

DAVID L PUTNAM
TOM NICHOLSON
10378 FAIRVIEW
BOISE, ID 83704

PROOF DUE NOTICE

RE: PERMIT NO 57-7640

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 May 01, 2001 (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

8 1 2 5 2001

7099 3220 0005
5178 9467



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

March 16, 2000

KARL J. DREHER
DIRECTOR

DAVID L PUTNAM
TOM NICHOLSON
10378 FAIRVIEW
BOISE ID 83704

RE: Permit No. 57-07640

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit, which extends the time within which to submit proof of beneficial use to **May 1, 2001**. Please note that the department granted the extension based on due diligence. It is important that you work diligently towards completion of this project since the department **will not** be able to grant additional extension requests based on due diligence

Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional 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.

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

Sincerely,

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Enclosure
cc. IDWR - Regional Office

MICROFILMED

ANALYSIS SHEET FOR EXTENSION C. TIME

Permit No. 57-07640 Reviewed by dde Date 3/15/00

BASIC INFORMATION

Yes Date stamp received
Yes Extension received timely
Yes Fee received and receipted
Yes Name and signature same as permit
Yes Address Change

BASIS FOR EXTENSION REQUEST

Yes Has adequate work been completed to demonstrate due diligence?
No Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____
No Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____
No Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Approve extension & move proof due date to 5/1/2001.

PRIORITY CALCULATION

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

DATA ENTRY

New Address Delete Box # from address, zip code doesn't match it.
Change Proof Due Date 5-1-2001
Change Priority Date No

3/14 dde

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 224843

Date: 11-11-99
Time: 12:53:33

Received
From: PUTNAM DAVE NICOLSON TOM

Type of Payment	Program A cct	Amount
ATTENTION OF TIME REQUEST	56103	219 11 1155
CHECK	WID	
		Total

Region: STATE

Signature: _____

aps Koel

MICROFILMED
JUN 19 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706-2237

CERTIFIED

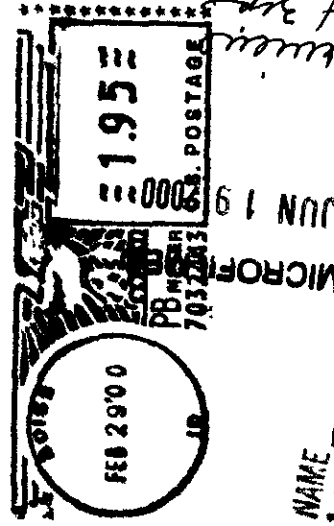
Z 269 224 743

MAIL

RETURNED TO SENDER
REASON: NO SUCH OFFICE IN STATE
NO SUCH STREET ADDRESS
NO SUCH OFFICE IN STATE
NO SUCH OFFICE IN STATE

Not At Borah Bx's

?



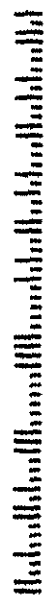
NAME
1st Notice MAR - 1 2000
2nd Notice
Return

RECEIVED

MAR 2 2000

Department of Water Resources

83701-0235



Return 3/3 to J. Borah
Address # 83704 Jp
Cable

February 28, 2000

TOM NICHOLSON
DAVID L PUTNAM
10378 FAIRVIEW
PO BOX 235
BOISE ID 83704

PROOF DUE NOTICE

RE: PERMIT NO. 57-07640

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 May 1, 2000.

(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,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures

MICROFILMED

JUN 19 2000

CERTIFIED MAIL

NO 2 269 224 743



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 27, 1998

TOM NICHOLSON
DAVID L PUTNAM
10378 FAIRVIEW
PO BOX 235
BOISE ID 83704

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 57-07640

Dear Permit Holder:

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

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

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

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

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

RECEIVED

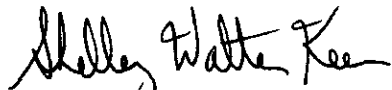
JUN 09 1998

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

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

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

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

1998

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of April, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 57-07640

DAVID L PUTNAM
TOM NICHOLSON
10378 FAIRVIEW
PO BOX 235
BOISE ID 83704


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 09 1998

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
JUN 09 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lou*

No.: 57-7640 Name: Putnam/Nicholson Date: 4/24/98 Ad OK? ☒ / Gvmt Lts: ☒

AREA OF CONCERN:**PROTESTED:****SYSTEM COMPLETED:**

> 1 year
≤ 1 year/no proof

GROUNDWATER: (✓ FLO-CH)**WMD (✓ MAP)**

> 0.24 cfs/5 acres
≤ 0.24 cfs/5 acres

WMD Supplemental use

> 0.24 cfs/5 acres
≤ 0.24 cfs/5 acres

DRILLING PERMIT:**As built (✓ WDQ3)**

Included w/permit
irr. in WD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):**IN/ABOVE MIN. STR. FLOW (✓ MAP)****WD (✓ MAP & LISTING)**

> 0.10 cfs
≤ 0.10 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres
≤ 0.24 cfs/5 acres

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres
≤ 0.24 cfs/5 acres

RIVER BASINS: (*Surface water):

Snake R (01)

(02/03-irr)

Payette R(85)

Salmon R (70's)

USE:

Domestic surface

>1 in rest. area

Fire Protection

Fish Propagation

Heating/Cooling

Irr ≤ 5 acres

> 5 acres

Mining

Municipal

Power

Stockwater

Storage (✓ 3 compo.)

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev.

Irr Dist/Canal Co

SWIM FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

OWNERSHIP:**OTHER CONDITIONS:****STANDARD REMARKS:****UNLAWFUL USE DUE:****COMMENTS:**

- No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust
- 020 (Protest Agreement) or *W19 (Order)

- P17
- P16

- 067 or No MD (in-stream stock or power)
- No MD
- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- 01M (report when notified)
- No MD

- P23
- Permit No. _____ P99
- P05 (new well location)

- *WB9
- R04 (WD # _____)
- 01J-P08 (MD & LD)
- 01H-P01 (LD) or No MD (in-stream stock)

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

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

- *W22 -P04, NA
- 007 (w/ remark *WB9 if above Weiser), NA
- *W22 (regulated uses), 047-P04 (Payette Lake), NA
- 029 (fish screens), NA

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- 071-070
- 077
- 029-007-042(req)-081 (WQ)-P10
- R07 (injection well)
- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- R62/R63/R64 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- 054(req) -081-P10
- 022, 075, 004 (+memo?), NA (not in restricted area)
- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use),
17G (FERC) or 17M (FERG); 18B-P09; >25 cfs-P18
- R37 (BLM/USFS); NA
- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

- P84 (in 20/30/40/50/60/70/80 (87) basin)
- 058 (<85° GW temp only)
- P52 (stream channel alteration)
- 023 (Twin Falls area)

- 9
- 051-062-053-074 (Consumptive Uses), NA
- 048-049 (Consumptive Uses), NA
- 004 (PD/PU)

- FLO- 2/1/ 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

APR 21 1998

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: TTT DATE: 3/10/1998 APPLICATION: 57-07640

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

Gov't. Lots:

NO P/D

NO P/U

YES ~~ADDITIONAL REMARKS~~ 2209200N
(Reviewer identify which remarks)

ADDITIONAL INFORMATION

YES T FLAG CHANGED TO P FLAG
TTT 3/10/1998

YES NO

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

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO. 57-07640

YES NO

☒

In form for advertising:

☒

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

☒

Fee amount, receipt number and date recorded on application:

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

YES NO

☒

I.D. Health & Welfare

☒

I.D. District Health

☒

I.D. Fish & Game

☒

I.D. Lands

YES NO

☒

U.S. BLM

☒

U.S. Forest Service

☒

Water Dist. #

☒

Other

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒

Affidavit of publication received:

☒

Application published correctly: If not, record action taken.

☒

Publication dates and paper recorded on application:

☒

Final date for protest

4-6-98

☒

Protests received.

☒

Recommendations attached:

☒

Measuring device required:

☒

Measuring port required:

☒

Water delivered by water master? District #

☒

Special conditions of approval or cover letter:

046, (Mitigation condition)

See below for additional information

Recommended Date or Priority 3/18/97

Recommended by: BayS

Date: 4/20/98

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

App. 57-07633 (another potential buyer) has been withdrawn.

5710319, 57-10734 : DIS . 57-02235 is GW IRRIGATION BUT

appears to be for the property on the south side of the road.

The Owyhee Avalanche

BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

CITY OF IDAHO)
COUNTY OF OWYHEE) ss

RECEIVED

MAR 26 1998

WATER RESOURCES
WESTERN REGION

Aman, being first duly sworn, depose and say

that I am a citizen of the United States of America, and at all times hereinafter
ed was and now over the age of twenty-one years, not a party to nor interested
proceedings hereinafter mentioned

that during the time of the publication of the notice hereinafter mentioned, I was
I am the publisher of The Owyhee Avalanche, a newspaper of general circula-
ted and published weekly, on Wednesday of each and every week, in the City of
le, County of Owyhee and State of Idaho

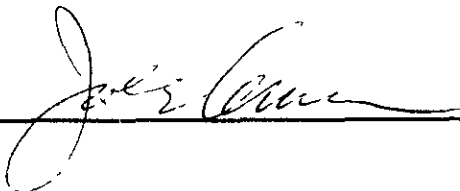
that the said The Owyhee Avalanche has been printed and published continu-
ed uninterruptedly in said County during a period of more than seventy-eight
prior to the first publication of the attached notice

that said notice of which a printed copy, taken from said newspaper, is hereto
was published in the regular issue thereof, and not a supplement thereto, in

newspaper, in Two (2)

(ative) calendar weekly issue(s) of said newspaper, in the following date(s)

18 & 25, 1998



deposed and sworn to me this 25th day of March A.D., 19 98



Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires April 22, 2002

NOTICE OF APPLICATION FOR WATER RIGHT

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

57-07641

HARRIS, JAMES H
HARRIS, CHRIS A
RT 1 BOX 471
MARSING, ID 836399553
Source: GROUNDWATER
Diverslon Pt: NWSESW Sec 10
T 02N R 04W in OWYHEE
County.
Use: IRRIGATION (0.100 CFS)
DOMESTIC (0.040 CFS)
Total Diverslon: (0.140 CFS)
Date Filed: 3/21/1997
In: OWYHEE County
T02N R04W S10 SESW
5.0 ACRES TOTAL

Applicants agree to mitigate
consumptive use in the future
as needed.

57-07659

WHITE EAGLE RANCH
HC 79 BOX 2260
OREANA, ID 83650
Source: GROUNDWATER
Diverslon Pt: SENE Sec 24 T
05S R 01E in OWYHEE
County.
Use: IRRIGATION (3.600 CFS)
Total Diverslon: (3.600 CFS)
Date Filed: 2/19/1998
In: OWYHEE County
T05S R01E S12 SWSE SESE
S13 NENE NWNE
S24 NENE
180.0 ACRES TOTAL

57-07630

BLACK SANDS RESORT
C/O BILL JONES & JODY
OLSEN
PO BOX 264
GRAND VIEW, ID 836240264
Source: UNNAMED STREAM
Tributary: SNAKE RIVER
Diverslon Pt: LOT 2 (NWNE)
Sec 3 T06S R04E in OWYHEE
County.
Use: IRRIGATION (0.140 CFS)
Total Diverslon: (0.140 CFS)
Date Filed: 8/26/1996
In: OWYHEE County
T06S R04E S03 Lot 2 (NWNE)
4.8 ACRES TOTAL

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

57-07640

NICHOLSON, TOM
PUTNAM, DAVID L
PO BOX 235
BOISE, ID 83704
Source: GROUNDWATER
Diverslon Pt: SWNW Sec 28 T
04S R 01E in OWYHEE
County.
Use: IRRIGATION (0.600 CFS)
Total Diverslon: (0.600 CFS)
Date Filed: 3/18/1997
In: OWYHEE County
T04S R01E S28 SWNW
30.0 ACRES TOTAL

Applicants agree to mitigate
consumptive use in the future
as needed.

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 APRIL
6, 1998. The protestant must
also send a copy of the protest
to the applicant.

KARL J. DREHER, Direc-
tor

3/18&25/98

3-18-97

RECEIVED

FEB 20 1998

WATER RESOURCES
WESTERN REGION

RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

Name of Applicant

David Peterson

Mailing Address

10378 Fairview, Box 235
Boise, ID 83704

Application No.

57-87640

Mitigation

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

Signature

David L. Peterson

Date

2-13-98

Please return this form to:

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

MICROFILMED

JUN 09 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 4, 1998

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

Dear Applicant:

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

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

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

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

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

Sincerely,

Western Region Allocation Staff

Enclosures: Profile Report, Response Form and Withdrawal Form

MICROFILMED
JUN 09 1998

WITHDRAWAL

TO WHOM IT MAY CONCERN:

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

Signed at _____
(location)

this _____ day of _____, 199__.

Signature of Applicant

Printed Name of Applicant

MICROFILM

JUN 09 1998

RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

Name of Applicant _____

Mailing Address _____

Application No. _____

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

Signature _____

Date _____

Please return this form to:

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

RECEIVED

JUN 09 1998

CONVERSATION MEMORANDUM

DATE 3-24-97

FILE 57-76339 new filings
(DAVIDSON) (PUTNAM)

NAME OF PARTY Dave Putnam

EMPLOYEE Cindy Hodges

RE: Overlapping Filings.

In Oct 96 Nora Davidson filed an application on the same property as shown in the more recent Putnam/Nicholson filing. According to Mr. Putnam, Ms. Davidson had an option to purchase that failed. Putnam & Nicholson have since purchased the property.

In January Ms. Davidson called regarding the filing and was considering withdrawal but did not follow through (see file correspondence).

I asked Mr. Putnam if an assignment was practical. He indicated that because of the insignificant gain in priority he didn't think that necessary and that we should give Ms. Davidson a ~~2~~ second chance to withdraw so she could have her filing fees returned.

The Putnam/Nicholson ap should remain on record.

Should Ms. Davidson not withdraw by the time these may be processed, we might consider intent to void..

57-07640

NICHOLSON, TOM
PUTNAM, DAVID L
PO BOX 235
BOISE, ID 83704

Source: GROUNDWATER

Diversion Pt: SWNW Sec 28 T 04S R 01E in OWYHEE County.

Use: IRRIGATION (0.600 CFS)
Total Diversion: (0.600 CFS)

Date Filed: 3/18/1997

In: OWYHEE County
T04S R01E S28 SWNW

30.0 ACRES TOTAL

Applicants agree to mitigate consumptive use in the future as needed.

MICROFILMED

JUN 09 1998