

- 1/2" x 24" REBAR SET
- 1/2" REBAR FOUND
- BRASS CAP

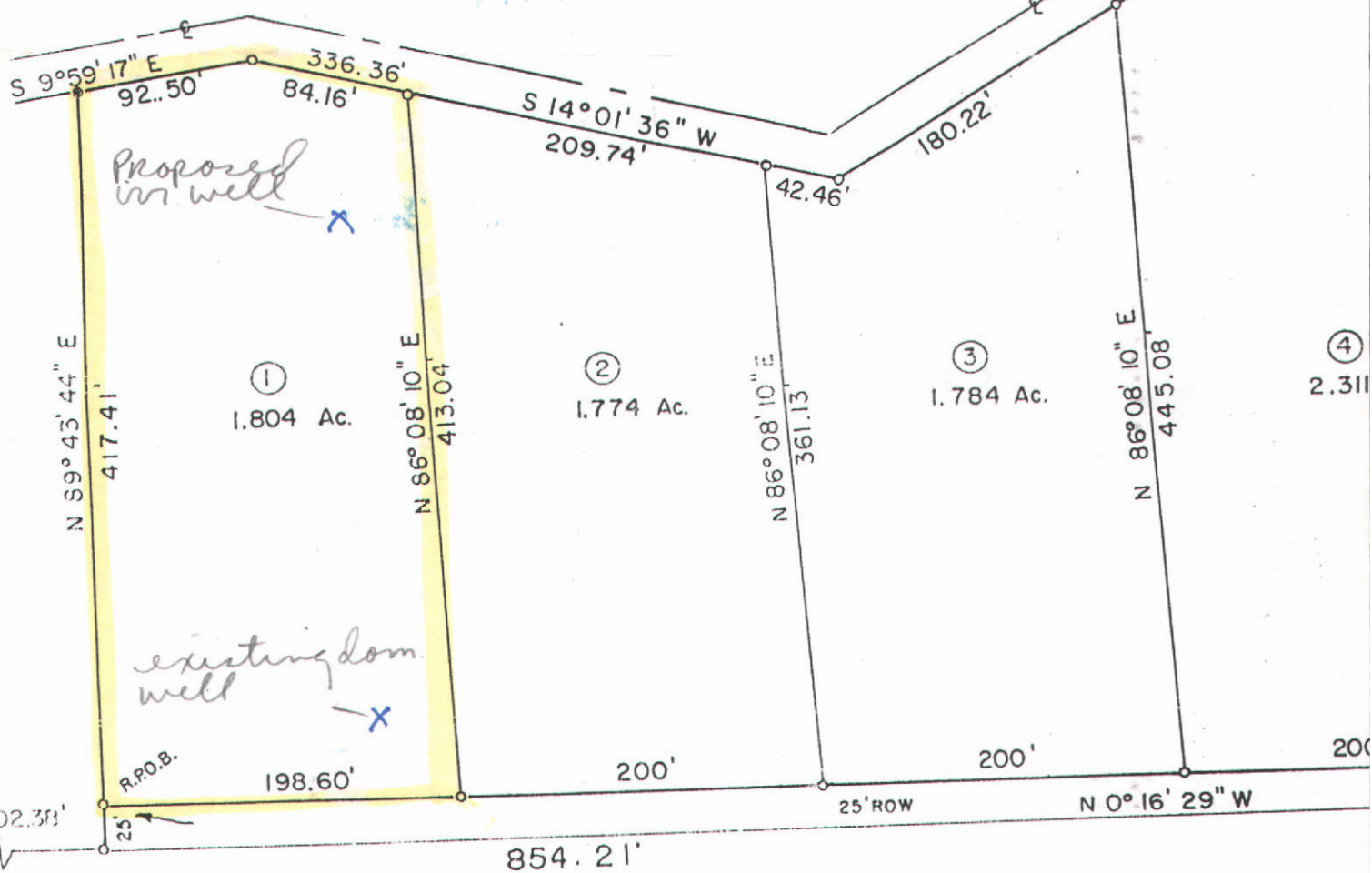
⑤ LOT NUMBER

I, Joe Bachman County Treasurer
in and for the County of Gwyhee, State of
Idaho, do hereby certify that any and all
current and/or delinquent county property
taxes for the property included in this sub-
division have been paid in full as of this
9 day of April, A.D., 1984.

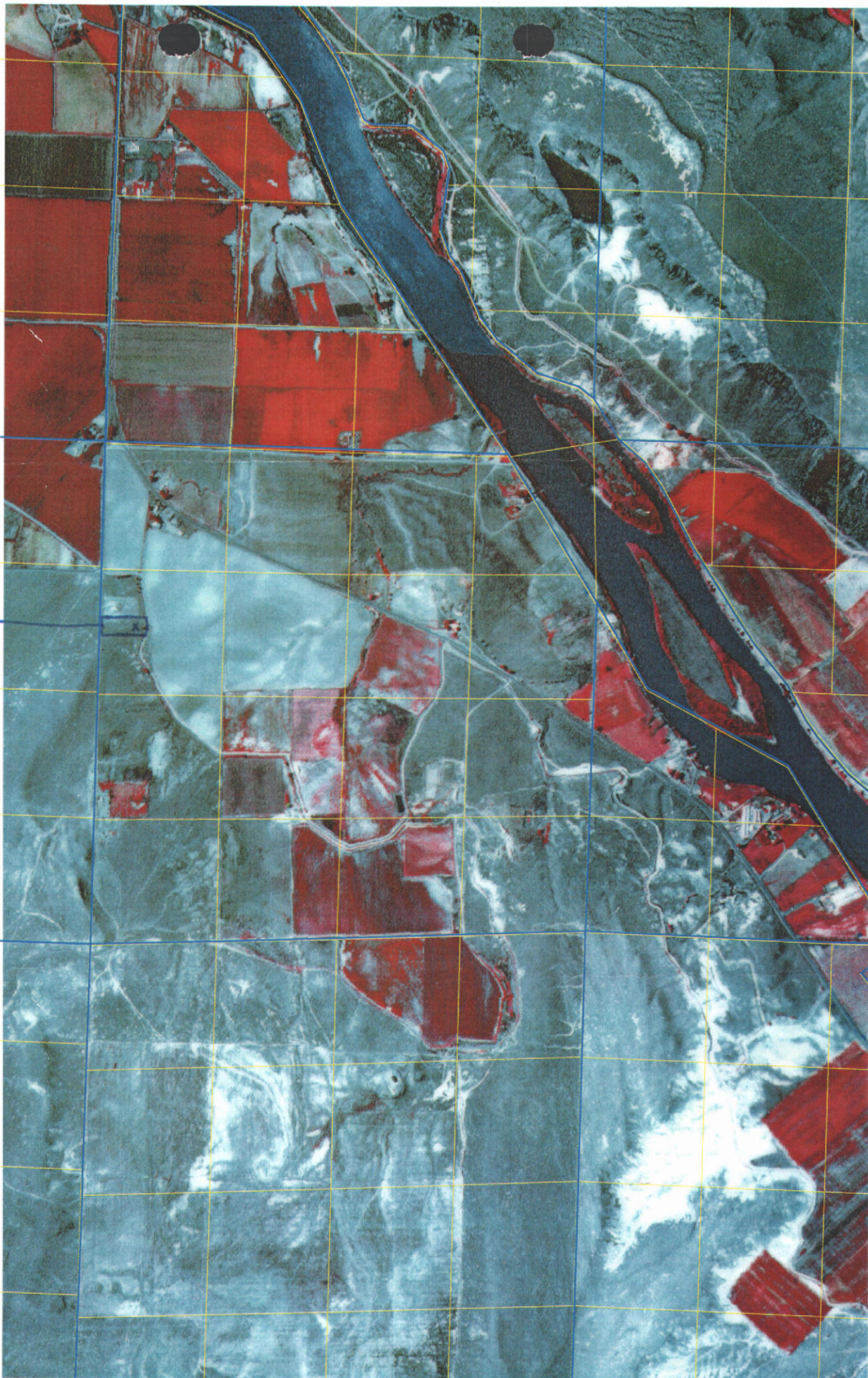
Joe Bachman
County Treasurer

T1N. R3W S7
SWNW
Cor 44

N 1/4 COR.
SEC. 7
1" PIPE



THE ROAD SHOWN HEREIN, CAMPBELL ROAD, IS P



TIN R3W
57 SWNW
600 Lt 4

P/U
P/D



57-11657

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by DAN Date 12-3-03 Application # 57-11657

REQUIRED INFORMATION

- ☒ Name (for corporation or partnership, names & addresses for director, officers, &/or other partners must be included)
- ☒ Address
- ☒ Source (see USGS quad for source names)
- ☒ P/D (10 acres for spring, lot & block descriptions for subdivisions, local name)
- ☒ County
- ☒ Quantity (flow & /or volume)
- ☒ Period of use
- ☒ Nature of use (list details in appl. Item 8 if non-irrigation)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ P/U
- ☒ Map (show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (if > 1 home restricted area $\geq$ 5 homes non-restricted area)
- ☒ Signature (if corporation, partnership, municipality, need title of signatory)
- ☒ Correct fee paid

Government Lots

yes P/D

yes P/U

ADDITIONAL INFORMATION

yes ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ P/D overlap (explain) NO SIGNIFICANT OVERLAP.
- ☒ P/U overlap (explain)
- ☒ Critical groundwater area (send letter)
- ☒ Ground water management area (send letter)
- ☒ Drilling concern area (send letter)
- ☒ 1992 moratorium (send letter)
- ☒ Surface water source, IDFG comment letter
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to Dam Safety staff (if any storage)
- ☒ Mitigation plan: "request to process form" in file:
- ☐ Immediate = closed areas, acceptable plan required & submitted
- ☒ Future = open areas, plan not required
- ☒ Send power requirement letter &/or 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 APPLICANT

Date Requested _____ Date Response Received _____

The Owyhee Avalanche

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

DEC 31 2003

I, Joe E. Aman, being first duly sworn, depose and say:

WATER RESOURCES
WESTERN REGION

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

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of **The Owyhee Avalanche**, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said **The Owyhee Avalanche** has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

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

said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

DECEMBER 17, 24, 2003

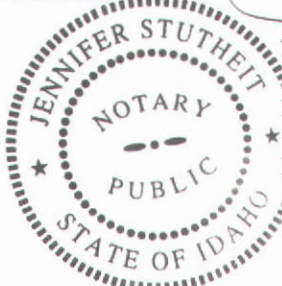
SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 24th day of December in the year of 2003 before me, a

Notary Public, personally appeared JOE E. AMAN

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



Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: January 3, 2009

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

57-11657 ✓

IVAN E CARSON

9358 WRIGHT RD

MELBA ID 83641

Point(s) of Diversion SWNW S7

T01N R03W OWYHEE County

Source GROUND WATER

Use: IRRIGATION 03/01 To
11/15 0.05 CFS

Total Diversion: 0.05 CFS

Date Filed: 09/04/2003

Place Of Use: IRRIGATION

T01N R03W S7

SWNW

Number of Acres 1.5

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

Permits will be subject to all
prior water rights. Protests

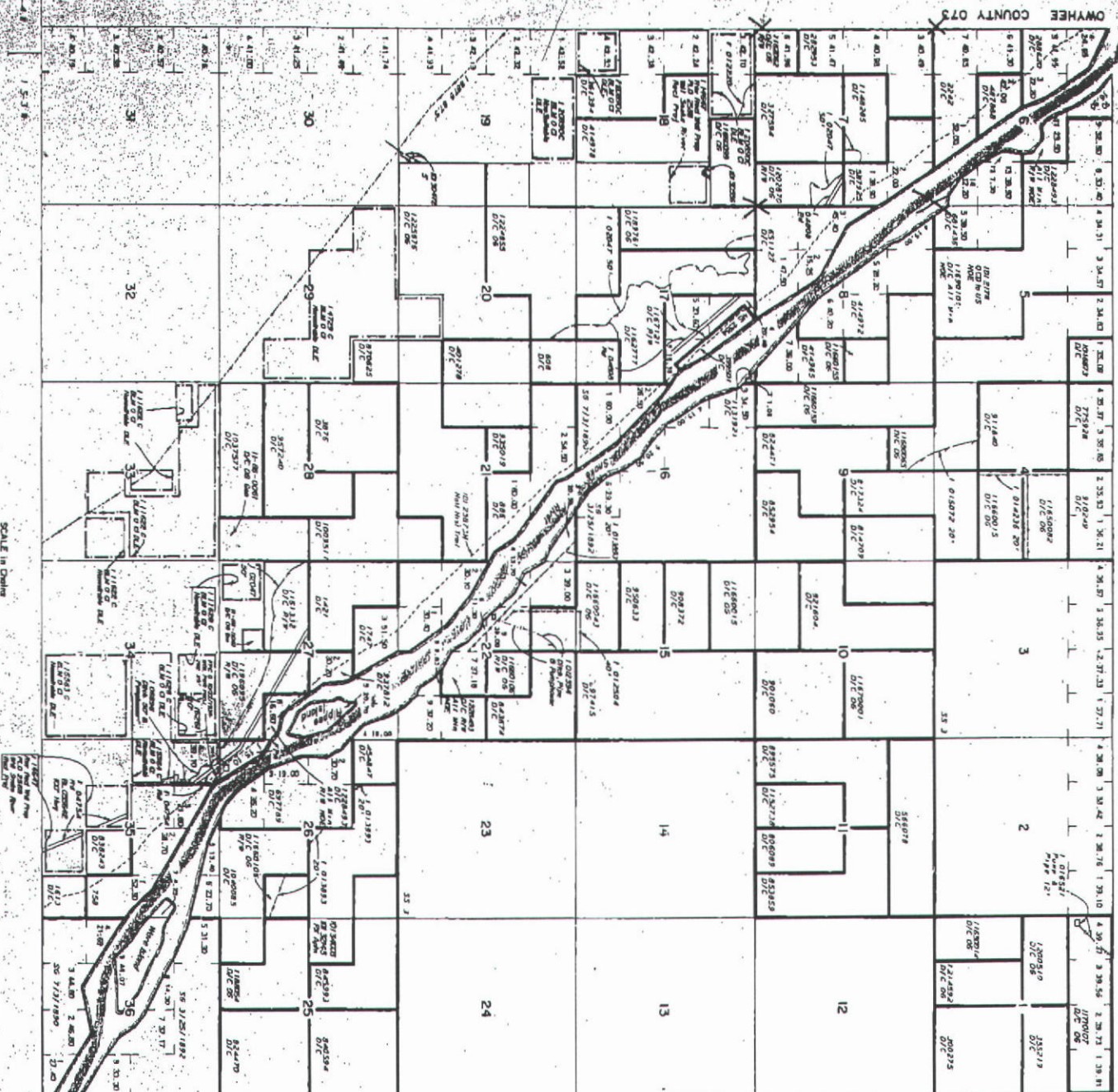
may be submitted based on the
criteria of Sec 42-203A, Idaho
Code. Any protest against the
approval of this application must
be filed with the Director, Dept.
of Water Resource, Western
Region, 2735 Airport Wy, Boise
ID 83705 together with a protest
fee of \$25.00 for each application
on or before 01/05/2004. The
protestant must also send a copy
of the protest to the applicant.

KARL J DREHER, Director

12/17,24/03

TOWNSHIP 1 NORTH RANGE 3 WEST OF THE BOISE MERIDIAN, IDAHO
BOISE DISTRICT SEC 2

CANYON COUNTY 027



MT. PLAT

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

INDEX TO SEGREGATED TRACTS

TRACT NO.	T	S	SEC.	STATION
1	1	1	1	1
2	1	1	1	1
3	1	1	1	1
4	1	1	1	1
5	1	1	1	1
6	1	1	1	1
7	1	1	1	1
8	1	1	1	1
9	1	1	1	1
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11	1	1	1	1
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13	1	1	1	1
14	1	1	1	1
15	1	1	1	1
16	1	1	1	1
17	1	1	1	1
18	1	1	1	1
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22	1	1	1	1
23	1	1	1	1
24	1	1	1	1
25	1	1	1	1
26	1	1	1	1
27	1	1	1	1
28	1	1	1	1
29	1	1	1	1
30	1	1	1	1
31	1	1	1	1
32	1	1	1	1
33	1	1	1	1
34	1	1	1	1

By 2415 1/23/1940 B&L Snake River N&B, all
lands in Snake River N&B changed to B&L
File N&B by FLD 3110 6/20/1943

For 2407 3/4 N&B N&B Trail
Historical information only, does not define
public records

FOR ORDERS EFFECTING DISPOSAL ON USE OF
UNDEVELOPED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CONVEY TO	CONVEY TO
APR 1 2002	APR 1 2002
USE PLATS:	USE PLATS:

1012
R033
R07
Smur3

This is a detailed cadastral map of land parcels in Owyhee County, Oregon. The map shows numerous rectangular lots, many of which are subdivided. Each lot is labeled with its area in acres (e.g., 1.42.52, 0.40.98), the owner's name (e.g., R.M. O'Connell, J.C. Jones), and the date of the survey or deed (e.g., D/C 06, D/C 05). A prominent feature is a large, irregularly shaped parcel running diagonally across the center, which appears to be a riverbed or a large tract under specific management, possibly related to the "New West Land Prop." mentioned in one of the labels. Other notable features include a "Ditch, Pipe & Pump House" in the bottom left corner and various smaller parcels with different ownership and survey dates. The map is oriented with North at the top.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 57-11657

Priority September 04, 2003

Maximum Diversion Rate 0.05 CFS

This is to certify, that IVAN E CARSON
9358 WRIGHT RD
MELBA ID 83641

has applied for a permit to appropriate water from

Source: GROUND WATER 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	03/01 to 11/15	0.05 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER L4 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) Sec 7, Twp 01N, Rge 03W, B M, OWYHEE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
01N 03W 7	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	1.5
		1.5			
		L4			
Total Acres.	1.5				

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before **February 01, 2006**.
- 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 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department
- 5 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above
- 6 Point of diversion and place of use are located within Lot 1, Jacobowski Subdivision
- 7 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed 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 24th day of February, 2004


KARL J DREHER, Director

FORM 202
12/89

RECEIVED

Ident No 57-11657

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Ivan E. Carson Phone 896-4332
Mailing address 9358 Wright Rd Melba, Id 83641

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

3. Location of point of diversion is Township 1N Range 3W Sec 7, in the _____
SW 1/4, NE 1/4, Govt Lot 4, B M, Owyhee County,
additional points of diversion if any _____

4. Water will be used for the following purposes

Amount .05 for irrigation purposes from 3-1 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) .05 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 pipe sprinklers

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

c. Proposed well diameter is 6 inches, proposed depth of well is 250 feet

d. Is ground water with a temperature of greater than 85°F being sought? NO

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 _____

3 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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	3W	7							1.5										1.5

Total number of acres to be irrigated 1.5

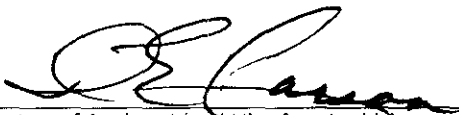
10 Describe any other water rights used for the same purposes as described above NONE

- 11 a Who owns the property at the point of diversion? IVAN E. CARSON
- b Who owns the land to be irrigated or place of use? IVAN E. CARSON
- 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 My domestic pump runs out of water ~~early~~ when watering my lawn. I've been turned down for water rights from Opaline district. I need irrigation water for a small pasture. (1.5 acres) Different well used for inside my home. Lot #1 of Jacobowski sub division.

13 MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range (A photocopy of a USGS 7 1/2 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 of Applicant (and title, if applicable)

Received by LG Date 9/14/03 Time 2:06 Preliminary check by DAN
Fee \$ 100.00 Received by LG # W030894 Date 9/14/03
Publication prepared by AT Date 12-17-03 Published in OWYHEE AVALANCHE
Publication approved AT Date 1-13-04

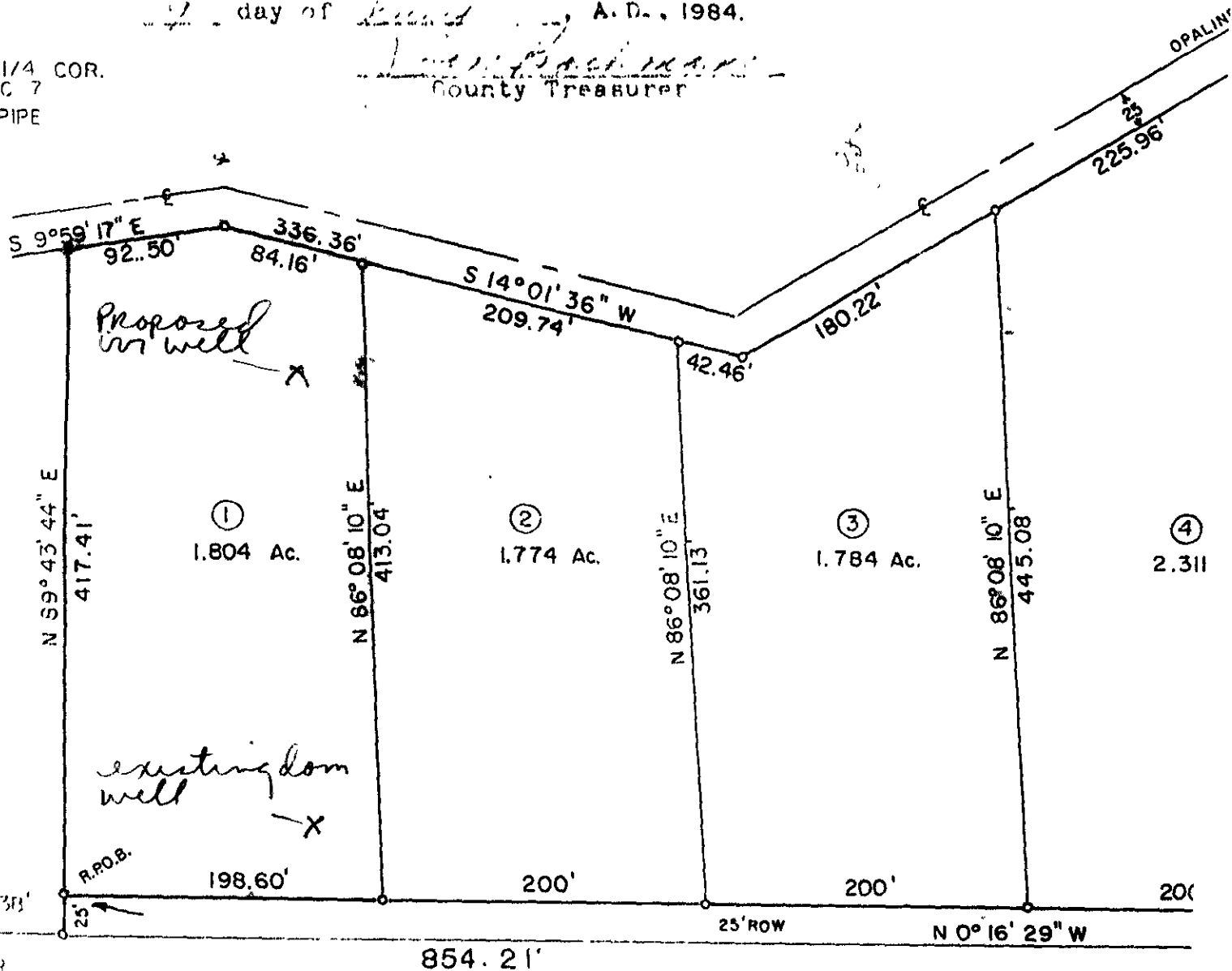
- 1/2" x 24" REBAR SET
- 1/2" REBAR FOUND
- BRASS CAP
- ⑤ LOT NUMBER

I, David J. [Signature] County Treasurer
 in and for the County of Gwyhee, State of
 Idaho, do hereby certify that any and all
 current and/or delinquent county property
 taxes for the property included in this sub-
 division have been paid in full as of this
12 day of March, A.D., 1984.

T1N R3W S7
 SWNW
 Gov Lt 4

N 1/4 COR.
 SEC 7
 1" PIPE

[Signature]
 County Treasurer



THE ROAD SHOWN HEREIN, CAMPBELL ROAD, IS 1

Home date Feb. 1968
1-800-488-6151

TIN R3W
S7 SWNW
60w Lt 4

P/U
P/D

57-11657

REQUEST TO PROCESS

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

Name of Applicant

Ivan E. Carson

Mailing Address

9358 Wright Rd.

Melba, Id. 83641

Application No.
(if known)

☐ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

☐ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

I E Carson

Date

9-2-03

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
Attn: Dan Nelson
2735 Airport Way
Boise, ID 82705-5082



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 24, 2004

IVAN E CARSON
9358 WRIGHT RD
MELBA ID 83641

RE: Permit No. 57-11657

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources 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 the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date 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 water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or 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 forms and instructions.

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

Sincerely,


for Shelley W. Keen
Water Rights Supervisor

SWK.klt

Enclosure(s)

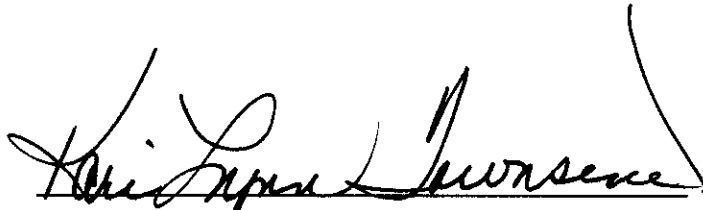
CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

57-11657

**IVAN E CARSON
9358 WRIGHT RD
MELBA ID 83641**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01 01302 and 37.01 01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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 Director 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

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by J. E. A. Date 12-3-03 Application # 57-107

REQUIRED INFORMATION

☒ Name (for corporation or partnership, names & addresses for director, officers, &/or other partners must be included)
☒ Address
☒ Source (see USGS quad for source names)
☒ P/D (10 acres for spring, lot & block descriptions for subdivisions, local name)
☒ County
☒ Quantity (flow & /or volume)
☒ Period of use
☒ Nature of use (list details in appl. Item 8 if non-irrigation)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ P/U
☒ Map (show T, R, S. QQ &/OR QQQ)
☒ Subdivision plat (if > 1 home restricted area ≥ 5 homes non-restricted area)
☒ Signature (if corporation, partnership, municipality, need title of signatory)
☒ Correct fee paid

Government Lots
yes P/D
yes P/U

ADDITIONAL INFORMATION

yes **ADVERTISE REMARKS (Yes or No)**

YES NO

☒ P/D overlap (explain) NO SIGNIFICANT OVERLAP
☒ P/U overlap (explain)
☒ Critical groundwater area (send letter)
☒ Ground water management area (send letter)
☒ Drilling concern area (send letter)
☒ 1992 moratorium (send letter)
☒ Surface water source, IDFG comment letter
☒ Protected river or minimum flow reach, notify water planning bureau
☒ E-mail to Dam Safety staff (if any storage)
☒ Mitigation plan. "request to process form" in file:
 ☐ Immediate = closed areas, acceptable plan required & submitted
 ☒ Future = open areas, plan not required
☒ Send power requirement letter &/or 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 APPLICANT

Date Requested _____ Date Response Received _____

PROCESSINGAPPLICATION # 57-11657

YES NO

☒ In form for advertising
☒ Statewide advertising (> 10 cfs &/or 1000 af)
☒ Fee amount, receipt number, & date recorded on application

COMMENT LETTERS

YES NO

☒ IDEQ
☒ District Health
☒ IDFG
☒ IDL

YES NO

☒ US BLM
☒ US Forest Service
☒ Water Dist #
☒ Water Planning Bureau
☒ Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ Affidavit of publication received
☒ Application published correctly? If not, record action taken

☒ Publication dates & paper recorded on application

☒ Final date for protest 1-5-04

☒ Protests received

☐ Recommendations attached

☐ Measuring device required

☐ Water delivered by water master? District #

☐ Special conditions of approval or cover letter

Std. Conditions

046

Future mitigation possible

Recommended Date of Priority 9/4/03

Recommendation ☒ Approve ☐ Deny by J. N. White Date 2/18/04

ADDITIONAL INFORMATION

☒ See attached proof report, note Legal Notice Remarks &/or Comments

☒ Shapefile completed (optional: attach with proof report)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 6, 2004

Ivan E. Carson
9358 Wright RD
Melba, ID 83641

RE: Application for Permit #57-11657
Protest Error

Dear Mr. Carson:

On February 4th you were notified the above application filed with the Department had been protested by Gordon and Rose King. A prehearing conference had been set for March 30, 2004 at the Owyhee County Courthouse.

This letter is to inform you **the protest was in error**. The protest received from the Kings was related to another application, but was mistakenly placed in your file. **Your application received no protests**, and will continue to be processed by the Department. The scheduled conference on March 30th has been cancelled.

I greatly apologize for the error, and any inconvenience this may have caused. Should you have any questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely

John Westra
Western Regional Manager

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
FOR PERMIT NO. 57-11657 IN THE)	NOTICE OF PREHEARING
NAME OF IVAN E. CARSON)	CONFERENCE
_____)	

On September 4, 2003 Ivan E. Carson filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Gordon &/or Rose King.

IDWR has scheduled a prehearing conference for the protest to be held on **Tuesday, March 30, 2004 at 10:00 a.m. at the Owyhee County Courthouse, Highway 78, Murphy ID 83650.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules of Water Appropriation of the Department of Water Resources.

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

Dated this 3rd day of February 2004.



JOHN WESTRA
Western Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 5th day of February 2004, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:

A handwritten signature in cursive script, reading "Sue Kreger", is written over a horizontal line.

Sue Kreger
Administrative Assistant

IVAN CARSON
9358 WRIGHT RD
MELBA ID 83641

GORDON &/OR ROSE KING
PO BOX 36
MURPHY ID 83650



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 4, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

IVAN CARSON
9358 WRIGHT RD
MELBA ID 83641

Re: Application for Permit No. 57-11657

Dear Applicant:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to the above-referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (per Section 42-203A, Idaho Code):

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

Enclosed is a Notice of Prehearing Conference scheduled for Tuesday, March 30, 2004 at the Owyhee County Courthouse in Murphy, Idaho 83650. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

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

Sincerely,

JOHN WESTRA
Western Regional Manager

JW:sk

Enclosure: Copy of protest(s)
Notice of Prehearing Conference



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 4, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GORDON &/OR ROSE KING
PO BOX 36
MURPHY ID 83650

Re: Application for Permit No. 57-11657 in the Name of Ivan E. Carson

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (Section 42-203A, Idaho Code):

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

Enclosed is a Notice of Prehearing Conference scheduled for Tuesday, March 30, 2004 at the Owyhee County Courthouse in Murphy, Idaho 83650. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

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

Sincerely,

JOHN WESTRA
Western Regional Manager

JW:st

Encl: Copy of Application
Notice of Prehearing Conference



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

February 4, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

OWYHEE COUNTY COURTHOUSE
HIGHWAY 78
PO BOX 128
MURPHY ID 83650

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Department of Water Resources for Tuesday, March 30, 2004 at 10:00 am and also Wednesday, April 7, 2004 at 10:00 am.

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

Sincerely,

Sue Kreger
Administrative Assistant

The Owyhee Avalanche

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

DEC 31 2003

I, Joe E. Aman, being first duly sworn, depose and say.

WATER RESOURCES
WESTERN REGION

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

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of **The Owyhee Avalanche**, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said **The Owyhee Avalanche** has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

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

said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s).

DECEMBER 17, 24, 2003

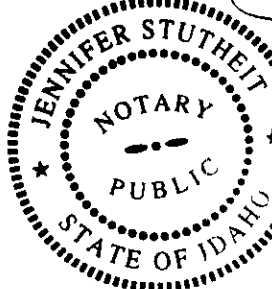
SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 24th day of December in the year of 2003 before me, a

Notary Public, personally appeared JOE E. AMAN

known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same



Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires January 3, 2009

~~These waters are appropriate~~
the public waters of the State
of Idaho:
57-11657 ✓

IVAN E CARSON
9358 WRIGHT RD
MELBA ID 83641
Point(s) of Diversion SWNW S7
T01N R03W OWYHEE County
Source GROUND WATER
Use: IRRIGATION 03/01 To
11/15 0.05 CFS
Total Diversion: 0.05 CFS
Date Filed: 09/04/2003
Place Of Use: IRRIGATION
T01N R03W S7
SWNW
Number of Acres 1.5
Remark: Applicant
agrees to mitigate consumptive
use in the future as needed.
~~Protest will be subject to all~~
~~other water rights. Protest~~
~~may be submitted based on the~~
~~contents of Sec. 42-203A, Idaho~~
Code. Any protest against the
approval of this application must
be filed with the Director, Dept.
of Water Resource, Western
Region, 2735 Airport Wy, Boise
ID 83705 together with a protest
fee of \$25.00 for each application
on or before 01/05/2004. The
protestant must also send a copy
of the protest to the applicant.
KARL J DREHER, Director
12/17,24/03

Happy Holidays!

FAX

December 11, 2003

To: Sue Taylor - IDWR - Western Regional Office - Fax # (208) 334-2348

From: Lin Buck - BLM - Idaho State Office - Fax # (208) 373-3839

Re: Application for Permit No. **57-11657**, for Ivan E. Carson

Hi Sue:

Our office reviewed the above water right application for permit from the IDWR New Water Rights filing report dated December 8, 2003 (copy attached).

Our MTP (copy attached) shows there may be a missing lot number.

POD: T01N R03W S07 SWNW

POU: T01N R03W S07 SWNW

BLM does not have a problem with this claim; we are providing this for your information.

Thank you.

Have a nice day!!



of Pages: 4 (includes coversheet)

cc: Bob Mallis - BLM/Boise FO - Fax # (208) 384-3326

IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS

DATE: 12/8/03

Application for Permit No. 57-11657

Name IVAN E CARSON

Diverson Pt SWNW Sec 7 T 01N R 03W OWYHEE County Source GROUND WATER

Use: IRRIGATION 0301 To 11/15 0 05 CFS

Total Diverson: 0.05 CFS

Date Filed: 09/04/2003

Place Of Use: IRRIGATION

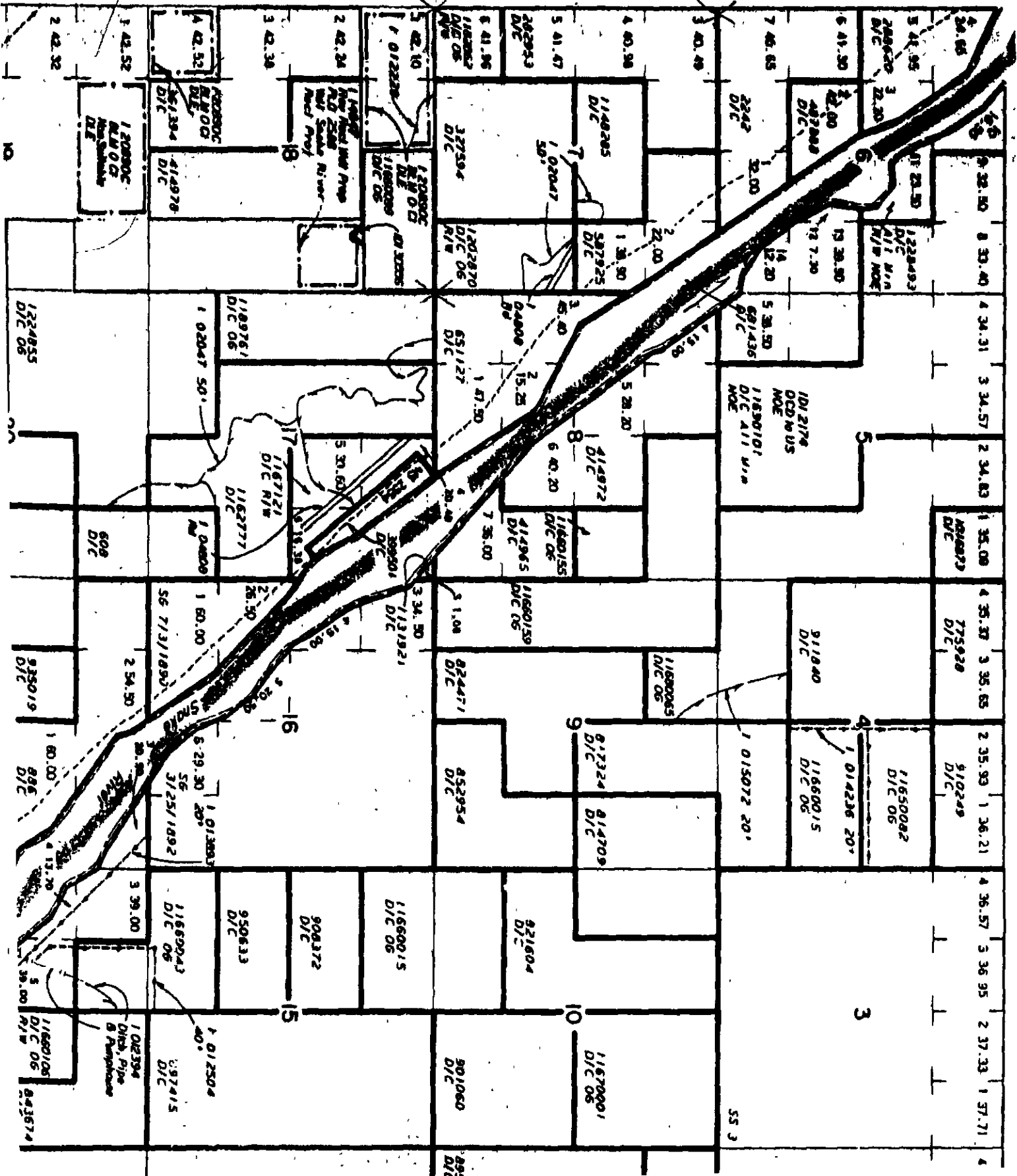
T01N R03W S7 SWNW

Number of Acres 1.5

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

TOJIN
R03W
307
S10W

OWYHEE COUNTY 073



**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

December 11, 2003

Legal Notice Department
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE ID 83628

RE Application for Permit No. 57-11656 and 57-11657

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 01/05/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

57-11657

IVAN E CARSON
9358 WRIGHT RD
MELBA ID 83641

Point(s) of Diversion SWNW S7 T01N R03W OWYHEE County Source GROUND WATER

Use IRRIGATION 03/01 To 11/15 0.05 CFS

Total Diversion 0.05 CFS

Date Filed: 09/04/2003

Place Of Use: IRRIGATION

T01N R03W S7 SWNW

Number of Acres 1.5

Remark: Applicant agrees 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 Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/05/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Owyhee Avalanche on December 17 and 24, 2003