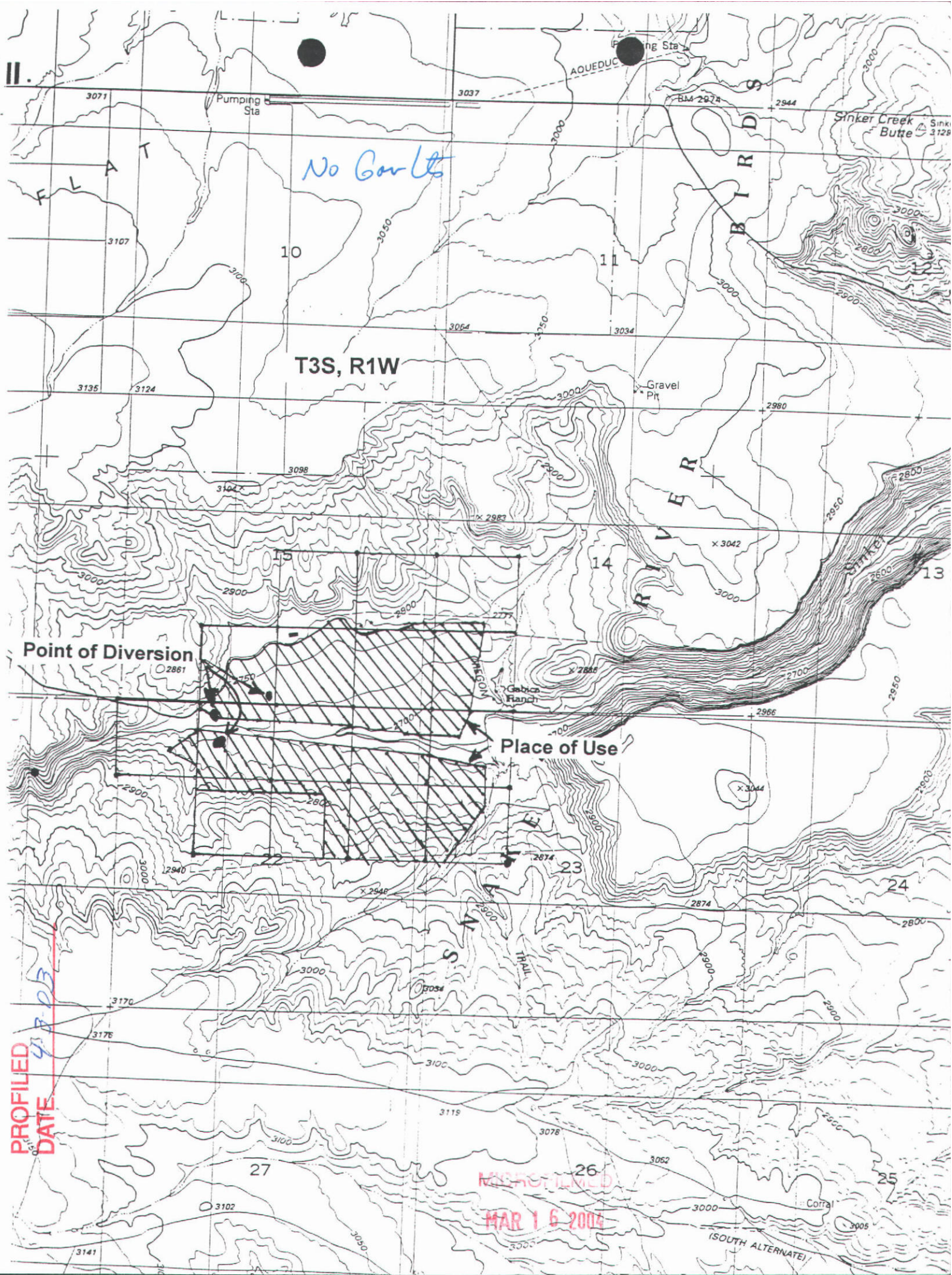


II.



PROFILED  
DATE 4/8/03

UNPROCESSED

MAR 16 2004

(SOUTH ALTERNATE)



57-11621  
11/26/02 Im

This is an aerial photograph of a mountainous landscape, likely a watershed or a study area. The terrain is rugged with numerous ridges and valleys. A grid of blue lines is overlaid on the image. Several areas are highlighted with different patterns and colors: a red stippled area in the top left, a blue stippled area in the top center, a yellow stippled area in the bottom right, and a red stippled area in the middle left. A yellow box with black text is located in the upper left quadrant. There are also several small white dots scattered across the image, particularly along the red stippled areas.

# The Owyhee Avalanche

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

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
 ) ss  
COUNTY OF OWYHEE )

RECEIVED

JAN 22 2003

WATER RESOURCES  
WESTERN REGION

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

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 4, 11, 2002

SIGNED:

STATE OF IDAHO )  
COUNTY OF OWYHEE )

On this 20<sup>th</sup> day of January in the year of 2002 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.



Jennifer Stutheit  
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 1/3/2009

MAR 16 2004

### Application for Permit No. 57-11620

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

57-11621

DEBORAH S EDWARDS  
PO BOX 91  
MURPHY ID 83650  
JOHN D EDWARDS  
PO BOX 91  
MURPHY ID 83650

Point(s) of Diversion SESW S15  
T03S R01W OWYHEE County  
Source GROUND WATER

Point(s) of Diversion NENW S22  
T03S R01W OWYHEE County  
Source GROUND WATER

Point(s) of Diversion NENW S22  
T03S R01W OWYHEE County  
Source GROUND WATER

Use: IRRIGATION 03/01 To 11/  
15 2.26 CFS

Use: STOCKWATER 01/01 To  
12/31 0.05 CFS

Total Diversion: 2.26 CFS

Date Filed: 10/22/2002

Place Of Use: IRRIGATION

T03S R01W S14 NWSW  
SWSW

T03S R01W S15 SESW NESE  
NWSE SWSE SESE

T03S R01W S22 NENE NWNE  
SWNE SENE NENW NWNW  
SENV

T03S R01W S23 NWNW  
SWNW

Number of Acres 304

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  
12/23/2002. The protestant must  
also send a copy of the protest to the  
applicant.

KARL J DREHER, Director

12/4, 11/02

PROFILED  
DATE 4-3-03

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

NO. 57-11621

Priority: October 22, 2002

Maximum Diversion Rate: 2.26 CFS

This is to certify, that JOHN D EDWARDS And/Or  
DEBORAH S EDWARDS  
PO BOX 91  
MURPHY ID 83650

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       | 2.26 CFS                 |
| STOCKWATER            | 01/01 to 12/31       | 0.05 CFS                 |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 15, Twp 03S, Rge 01W, B.M., OWYHEE County  
GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 22, Twp 03S, Rge 01W, B.M., OWYHEE County  
GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 22, Twp 03S, Rge 01W, B.M., OWYHEE County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |      |      |      | NW   |     |      |     | SW |     |      |      | SE  |     |      |      | Totals |
|-------------|------|------|------|------|------|-----|------|-----|----|-----|------|------|-----|-----|------|------|--------|
|             | NE   | NW   | SW   | SE   | NE   | NW  | SW   | SE  | NE | NW  | SW   | SE   | NE  | NW  | SW   | SE   |        |
| 03S 01W 14  |      |      |      |      |      |     |      |     |    | 3.0 | 22.0 |      |     |     |      |      | 25.0   |
| 03S 01W 15  |      |      |      |      |      |     |      |     |    |     |      | 22.0 | 1.0 | 2.0 | 37.0 | 39.0 | 101.0  |
| 03S 01W 22  | 24.0 | 27.0 | 20.0 | 40.0 | 31.0 | 4.0 |      | 5.0 |    |     |      |      |     |     |      |      | 151.0  |
| 03S 01W 23  |      |      |      |      |      | 7.0 | 20.0 |     |    |     |      |      |     |     |      |      | 27.0   |
| Total Acres |      |      |      |      |      |     |      |     |    |     |      |      |     |     |      |      | 304.0  |

**PLACE OF USE:** STOCKWATER – Same as Irrigation

**CONDITIONS OF APPROVAL**

- 1 Proof of application of water to beneficial use shall be submitted on or before **February 01, 2008**.
- 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 permit does not authorize the deepening or enlargement of any existing well

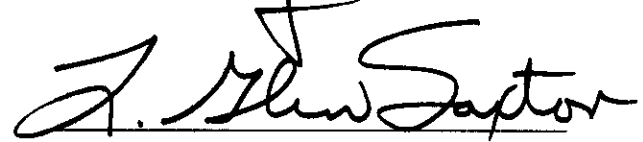
MAILED 15 2004  
**PROFILED**  
**DATE** 4-3-03

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

NO. 57-11621

- 6 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.
- 7 After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
- 8 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
- 9 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
- 10 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 cfs per acre at the field headgate for irrigation of the lands above.
- 11 Rights 57-1B, 57-2236, 57-2295 and 57-11621 when combined shall not exceed a total diversion rate of 5.14 cfs, and the irrigation of 304 acres.
- 12 This right is limited to the irrigation of 113 acres within the place of use described above in a single irrigation season.
- 13 Stockwater use is for 200 cattle & horses.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 13<sup>th</sup> day of February, 2003

  
for KARL J DREHER, Director

WITNESSED  
MAR 11 2003

PROFILED  
DATE 4-3-03

RECEIVED

JAN 30 2003

FORM 202

2/96

Ident. No. 57-11621Department of Water Resources  
STATE OF IDAHODEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

RECEIVED

OCT 21 2002

WATER RESOURCE,  
WESTERN REGION

1. Name of Applicant John D. Edwards and <sup>1/2</sup> Deborah S. Edwards Phone 208-834-2080  
Mailing address P.O. Box 91, Murphy, ID 83650
2. Source of water supply ground water which is a tributary of NA
3. Location of point of diversion is Township 3S Range 1W Sec. 15, in the 1/4,  
SE 1/4, SW 1/4, Govt. Lot           , B.M., Owyhee County;  
additional points of diversion if any: NENW Sec 22, T3S, R1W (two wells)
4. Water will be used for the following purposes:
 

|                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------|
| Amount <u>2.26</u> for <u>irrigation</u> purposes from <u>3/1</u> to <u>11/15</u> (both dates inclusive)                   |
| (cfs or acre-feet per annum)                                                                                               |
| Amount <u>0.05</u> for <u>stockwater</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)                   |
| (cfs or acre-feet per annum)                                                                                               |
| Amount <u>          </u> for <u>          </u> purposes from <u>          </u> to <u>          </u> (both dates inclusive) |
| (cfs or acre-feet per annum)                                                                                               |
| Amount <u>          </u> for <u>          </u> purposes from <u>          </u> to <u>          </u> (both dates inclusive) |
| (cfs or acre-feet per annum)                                                                                               |
| Amount <u>          </u> for <u>          </u> purposes from <u>          </u> to <u>          </u> (both dates inclusive) |
| (cfs or acre-feet per annum)                                                                                               |
| Amount <u>          </u> for <u>          </u> purposes from <u>          </u> to <u>          </u> (both dates inclusive) |
| (cfs or acre-feet per annum)                                                                                               |
5. Total quantity to be appropriated is (a) 2.26 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 two wells with turbine pumps, booster pump for sprinklers. A third well may be drilled if necessary.
  - b. Height of storage dam            feet; active reservoir capacity            acre-feet; total reservoir capacity            acre-feet (water-bearing zone 100 to 400 ft)
  - c. Proposed well diameter is 16 inches; proposed depth of well is 400 feet
  - d. Is ground water with a temperature of greater than 85°F being sought?
  - e. If well is already drilled, when? 1960±; Drilling firm Orval Harden;  
1959±; Well was drilled for (well owner) W.E. Baker; Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is 5 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. 200 head cattle and horses
  - c. Municipal; show name of municipality.
  - d. Domestic; show number of households.
  - e. Other; describe fully.

PROFILED

DATE 4-30-03

MAY 15 2003

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 | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTALS |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 3S  | 1W  | 14  |    |    |    |    |    |    |    |    |    | 3  | 22 |    |    |    |    |    | 25     |
|     |     | 15  |    |    |    |    |    |    |    |    |    |    |    | 22 | 1  | 2  | 37 | 39 | 101    |
|     |     | 22  | 24 | 27 | 20 | 40 | 31 | 4  |    | 5  |    |    |    |    |    |    |    |    | 151    |
|     |     | 23  |    |    |    |    |    | 7  | 20 |    |    |    |    |    |    |    |    |    | 27     |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

place of use stockwater same as irrigation Total number of acres to be irrigated 113 \*  
\*within 304-acre permissible place of use

10. Describe any other water rights used for the same purposes as described above. 57-1B (Sinker Creek)  
57-2236 & 57-2295 (ground water)

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:

Diversion rate not to exceed 5.14 cfs in combination with Sinker Creek rights (57-1B and new application for permit) and groundwater rights (57-2236 and 57-2295). This permit will provide irrigation on 60 new acres (along with a new application for permit from Sinker Creek for the same 60 acres) and will be supplemental to Sinker Creek right 57-1B on 53 acres. The 53 acres of supplemental irrigation were developed under 57-2295 but were not licensed. Permissible place of use will be shared with water rights 57-1B, 57-2236, 57-2295, and a new appropriation from Sinker Creek (see companion applications for permit and application for transfer). 57-11622

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.

PROFILED

DATE 4-3-03

*Deborah Edwards*

Signature of Applicant (and title, if applicable)

Received by *KL* Date 10/21/02 Time 2:30 Preliminary check by *Ly*  
Fee \$ 530.00 Receipted by *KL* # 10629822 Date 10/22/02  
Publication prepared by *st* Date 12-4-11-02 Published in *OWYHEE AVALANCHE*  
Publication approved *st* Date 1-23-03

MAP 15 2004

II.

No Gar Lts

T3S, R1W

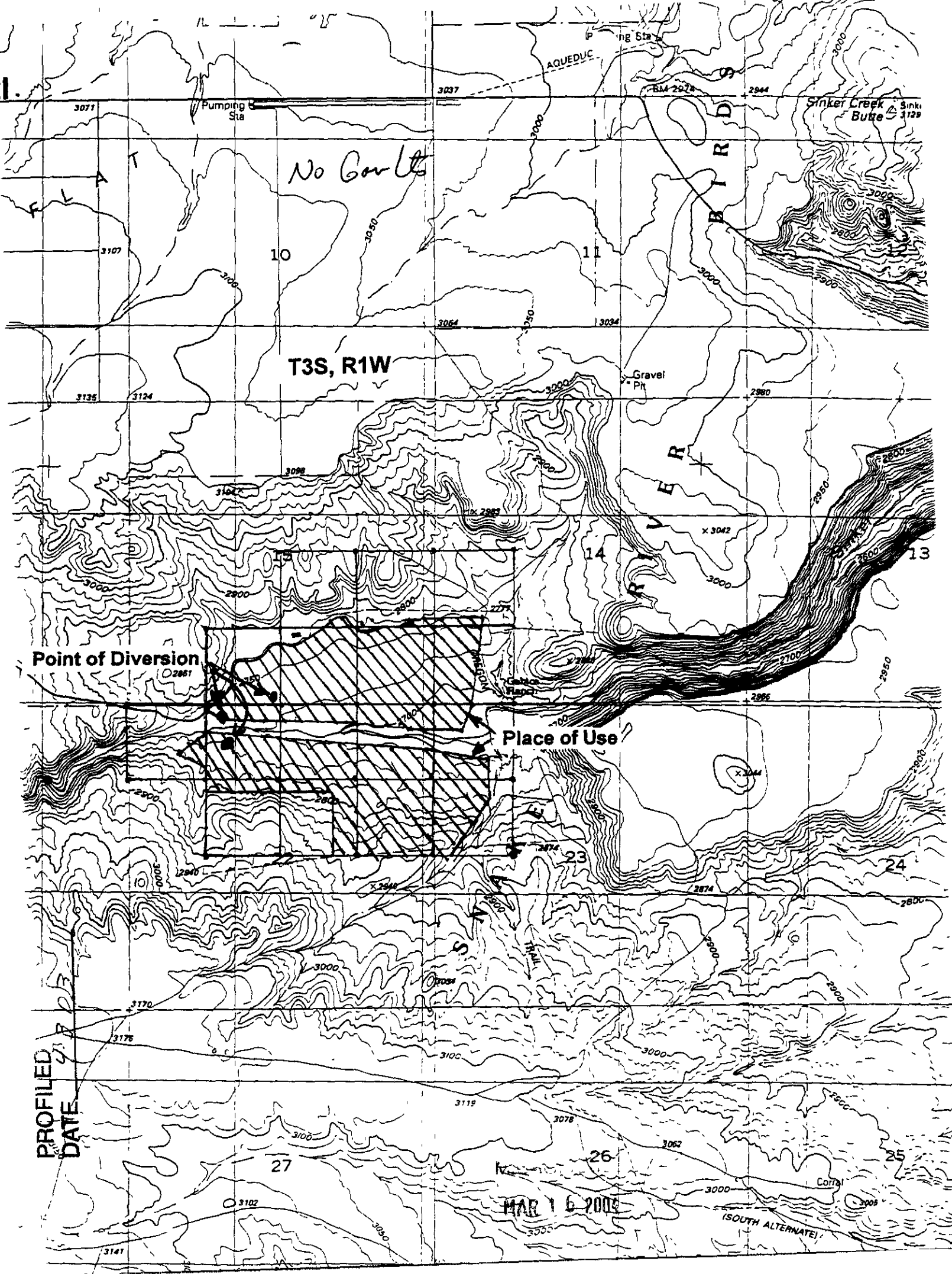
Point of Diversion

Place of Use

PROFILED  
DATE 9/8/11

MAR 16 2004

(SOUTH ALTERNATE)



# REQUEST TO PROCESS

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

Name of Applicant John D. Edwards and Deborah S. Edwards  
Mailing Address P.O. Box 91  
Murphy, ID 83650  
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.

  X   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

Deborah S. Edwards

Date

10/3/02

Please return this form to:

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

MICRO. Jm.

MAR 16 2003

PROFILED  
DATE 4.3.03



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 14, 2003

JOHN D EDWARDS  
DEBORAH S EDWARDS  
PO BOX 91  
MURPHY ID 83650

RE: Permit No. 57-11621

### 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.

MICRO

MAR 16 2004

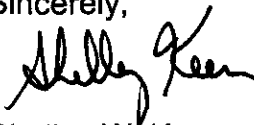
PROFILED  
DATE 4-3-03

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,



Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

MICROFILMED

MAR 15 2004

PROFILED  
DATE 4-3-03

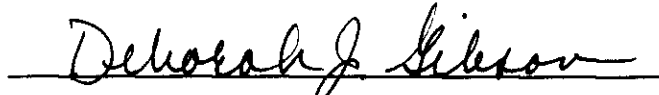
# **CERTIFICATE OF SERVICE**

I hereby certify that on February 14, 2003 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.**

**57-11621**

**DEBORAH S EDWARDS  
JOHN D EDWARDS  
PO BOX 91  
MURPHY ID 83650**



**Deborah J. Gibson  
Administrative Assistant**

FILED  
APR 16 2004

**PROFILED  
DATE 4-3-03**

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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 Water Resource 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.

## MEMORANDUM

**Date:** February 11, 2003  
**To:** Water Right File 57-11621  
**From:** dgibson  
**Re:** Permit Review

---

This permit is supplemental water for for 53 acres for decreed surface water right no. 57-1B. Two other ground water rights are appurtenant to the same place of use, and are overlapped by this right and a related companion right no. 57-11622. This permit is for two existing wells which predate 1987 development, with a proposed new well. Additionally, this right is for irrigation of 60 newly developed acres.

Microfilm  
MAR 16 2004

PROFILED  
DATE 4-3-03

(Edwards SW)

Form No 202a  
August 2002

IDAHO DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

JAN 30 2003

Department of Water Resources

Initial review by lg Date 11/20/02 Application # 57-11621

**REQUIRED INFORMATION**

- ☒ Name (If applicant is a corporation or partnership, the 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 ≥ 5 homes in non-restricted area)
- ☒ Signature (If applicant is corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Government Lots  
☒ P/D  
☒ P/U

**ADDITIONAL INFORMATION**

Y ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ Overlapping place of use (Describe source and relationship to present application on next page)
- ☒ Overlapping point of diversion
- ☒ Critical groundwater area
- ☒ Ground water management area
- ☒ 1992 moratorium
- ☒ Surface water source, IDFG letter needed
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ 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 &/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 THE APPLICANT

Date Requested \_\_\_\_\_ Date Response Received \_\_\_\_\_

**PROCESSING**

APPLICATION # 57-

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. Environmental Quality  
☐ ☒ I.D. District Health  
☐ ☒ I.D. Fish & Game  
☐ ☒ I.D. Lands

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 and paper recorded on application

☐ ☐ Final date for protest 12-23-02

☐ ☒ Protests received

☐ ☐ Recommendations attached

☐ ☒ Measuring device required

☐ ☒ Water delivered by water master? District # \_\_\_\_\_

☒ ☐ Special conditions of approval or cover letter

121,046

Recommended Date of Priority 10/22/02

Recommendation ☒ Approve ☐ Deny by Bay S Date 1/28/03

**ADDITIONAL INFORMATION**

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

☐ See attached shapefile

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 57-11621

WATER RIGHT NUMBER: 57-11621

Owner Type                      Name and Address  
 Current Owner                      DEBORAH S EDWARDS  
                                          PO BOX 91  
                                          MURPHY, ID 83650  
                                          (208)834-2080

Current Owner                      JOHN D EDWARDS  
                                          PO BOX 91  
                                          MURPHY, ID 83650  
                                          (208)834-2080

Priority Date: 10/22/2002

Basis:

Status:              Active

Source                                              Tributary  
 GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/01 to 11/15          | 2.260 CFS             |                      |
| STOCKWATER            | 01/01 to 12/31          | 0.050 CFS             |                      |
|                       | <u>Total Diversion:</u> | 2.260 CFS             |                      |

Location of Point(s) of Diversion

|               |            |                                 |
|---------------|------------|---------------------------------|
| GROUND WATER  | SE1/4SW1/4 | Sec. 15, Twp 03S, Rge 01W, B.M. |
| OWYHEE County |            |                                 |
| GROUND WATER  | NE1/4NW1/4 | Sec. 22, Twp 03S, Rge 01W, B.M. |
| OWYHEE County |            |                                 |
| GROUND WATER  | NE1/4NW1/4 | Sec. 22, Twp 03S, Rge 01W, B.M. |
| OWYHEE County |            |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |     |     |    | SW  |      |    |      | SE  |     |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|-----|-----|----|-----|------|----|------|-----|-----|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW  | SW  | SE | NE  | NW   | SW | SE   | NE  | NW  | SW   | SE   |        |
| 03S | 01W | 14  |      |      |      |      |      |     |     |    | 3.0 | 22.0 |    |      |     |     |      |      | 25.0   |
| 03S | 01W | 15  |      |      |      |      |      |     |     |    |     |      |    | 22.0 | 1.0 | 2.0 | 37.0 | 39.0 | 101.0  |
| 03S | 01W | 22  | 24.0 | 27.0 | 20.0 | 40.0 | 31.0 | 4.0 | 5.0 |    |     |      |    |      |     |     |      |      | 151.0  |

MICROFILMED

MAR 15 2004

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 57-11621

|            |  |  |          |  |  |      |
|------------|--|--|----------|--|--|------|
| 03S 01W 23 |  |  | 7.0 20.0 |  |  | 27.0 |
|------------|--|--|----------|--|--|------|

Total Acres: 304

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:Comments:

1. Imattson 11/26/2002 Legal Notice Remarks

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

2. Imattson 11/26/2002 Comment/Analysis

Comment. P/U overlaps with 57-2236, 57-2295, 57-1B and an accompanying Sinker Creek application. P/D overlaps with 57-2236 and 57-2295. Applicant proposes 113 acres irrigation, not included on ground water rights 57-2236 and 57-2235, within a 304 PPU. Two existing wells and possibly one new well are proposed. Both ground water and Sinker Creek water are used within the PPU. This right, in combination with the other rights, will not exceed 5.14 cfs.

MICHAEL J. HENNING

MAR 15 2004

57-11621  
11/26/02 lm



PPCFILED

43-03

MICROFILMED  
MAY 16 2004

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 57-11621

Dates and Other Information:

Application Received Date: 10/22/2002

Application Denied Date:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date:

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector: AND/OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks: Diversion rate not to exceed 5.14 cfs in combination with sinker Creek rights (57-1B, and new application for permit) and groundwater rights (57-2236 and 57-2295). This permit will provide irrigation on 60 new acres (along with a new application for permit from Sinker Creek for the same 60 acres) and will be supplemental to Sinker Creek right 57-1B on 53 acres. The 53 acres of supplemental irrigation were developed under 57-2295 but were not licensed. Permissible place of use will be shared with water rights 57-1B, 57-2236, 57-2295 and a new appropriation from Sinker Creek (see companion applications for permit and application for transfer.)

Other Water Rights: 57-1B (Sinker Creek) 57-2263, 57-2295 (ground water)

Time to Complete Works: 5

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

Michael Hill  
MAR 26 2004

PROFILED  
DATE 4-3-03

# The Owyhee Avalanche

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

## AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO )  
 ) SS  
COUNTY OF OWYHEE )

JAN 22 2003

WATER RESOURCES  
WESTERN REGION

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

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):

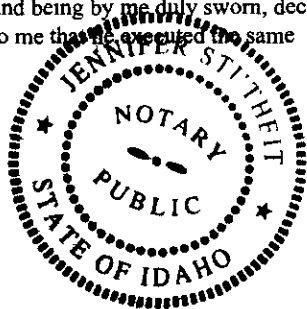
DECEMBER 4, 11, 2002

SIGNED:

STATE OF IDAHO )  
COUNTY OF OWYHEE )

On this 20<sup>th</sup> day of January 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



Jennifer Stithell  
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires 1/3/2009

MAR 16 2004

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

57-11021

DEBORAH S EDWARDS  
PO BOX 91  
MURPHY ID 83648  
JOHN S EDWARDS  
PO BOX 91  
MURPHY ID 83648

TO: DEBORAH S EDWARDS  
PO BOX 91  
MURPHY ID 83648  
FROM: DEBORAH S EDWARDS  
PO BOX 91  
MURPHY ID 83648  
SUBJECT: DEBORAH S EDWARDS  
PO BOX 91  
MURPHY ID 83648  
UNITS: 1001 To 111  
15 2 2003

UNITS: 1001 To 111  
15 2 2003

TO: DEBORAH S EDWARDS  
PO BOX 91  
MURPHY ID 83648  
FROM: DEBORAH S EDWARDS  
PO BOX 91  
MURPHY ID 83648  
SUBJECT: DEBORAH S EDWARDS  
PO BOX 91  
MURPHY ID 83648  
UNITS: 1001 To 111  
15 2 2003

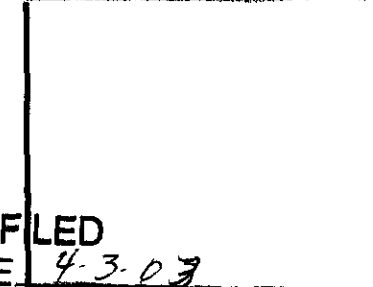
Number of Acres: 104  
Remarks: Applicant agrees to  
mitigate consequences use in the  
future as needed.

Permittee is subject to all prior  
water rights. Permits may be  
submitted based on the criteria of  
Sec 42-203A, Idaho Code.

Any permit must be approved  
of this application must be filed  
with the Director, Dept. of Water  
Resources, Western Region, 2733  
Airport Wy., Boise ID 83703  
together with a non-refund fee of \$25.00  
for each application on or before  
12/23/2002. The permittee must  
also submit a copy of this permit to the  
applicant.

KARL J. HENDERSON, Director

12/4, 11/02



November 27, 2002

**Legal Notice Department**

Owyhee Avalanche

PO Box 97

Homedale ID 83628

RE: Application for Permit No. 57-11620

**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 12/23/2002. Your cooperation is appreciated.

Sincerely



Sue Taylor  
Senior Secretary

MAILED  
MAR 5 2004

PROFILED  
DATE 4-3-03

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

57-11621

DEBORAH S EDWARDS  
PO BOX 91  
MURPHY ID 83650  
JOHN D EDWARDS  
PO BOX 91  
MURPHY ID 83650

Point(s) of Diversion SESW S15 T03S R01W OWYHEE County Source GROUND WATER

Point(s) of Diversion NENW S22 T03S R01W OWYHEE County Source GROUND WATER

Point(s) of Diversion NENW S22 T03S R01W OWYHEE County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 2.26 CFS

Use: STOCKWATER 01/01 To 12/31 0.05 CFS

Total Diversion 2.26 CFS

Date Filed: 10/22/2002

Place Of Use: IRRIGATION

T03S R01W S14 NWSW SWSW

T03S R01W S15 SESW NESE NWSE SWSE SESE

T03S R01W S22 NENE NWNE SWNE SENE NENW NWNW SENW

T03S R01W S23 NWNW SWNW

Number of Acres 304

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 12/23/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published Published in the Owyhee Avalanche on December 4 and 11, 2002.

MARCH 15 2003

PROFILED  
DATE 4-3-03