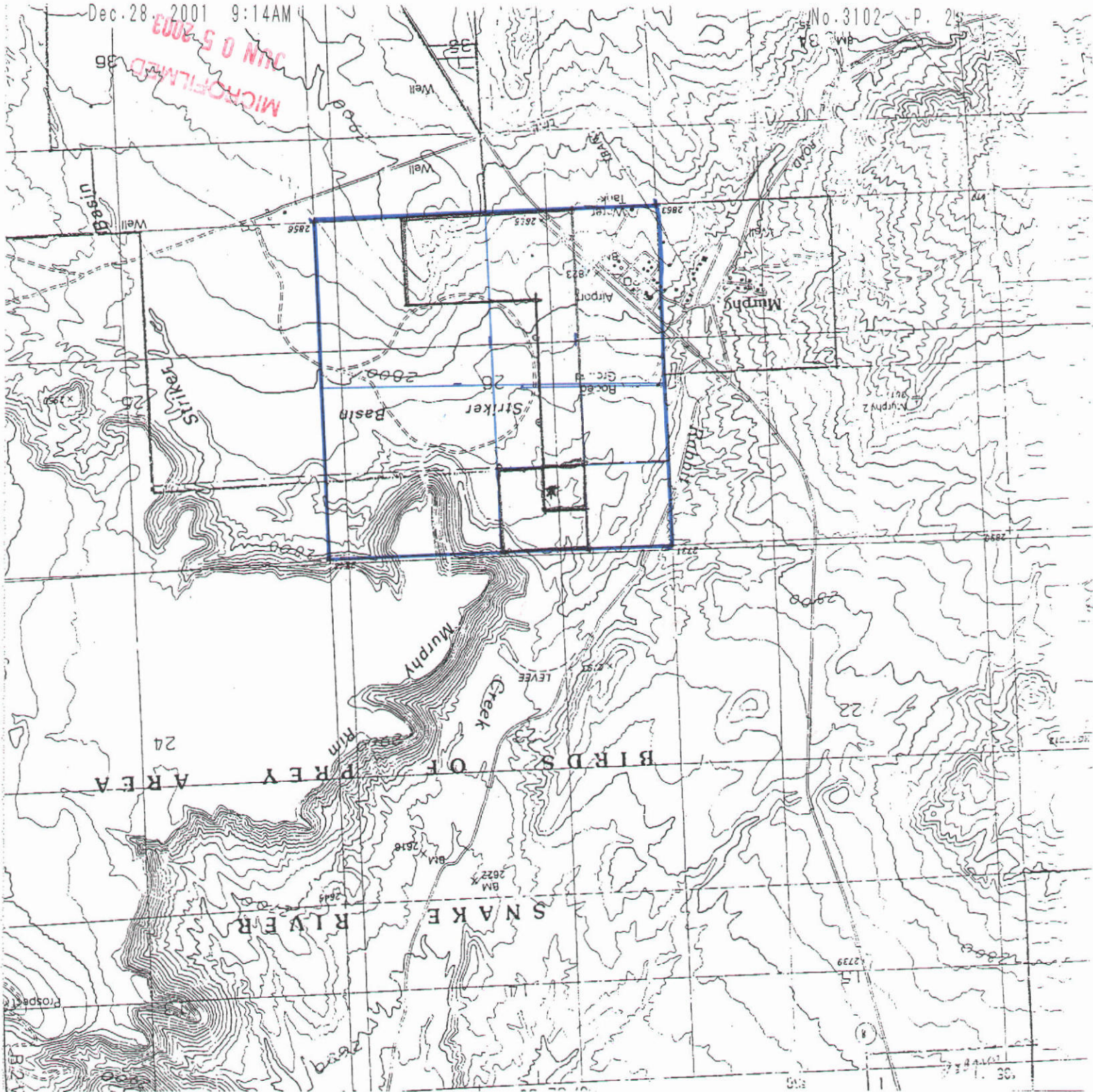


Dec. 28, 2001 9:14AM

MICROFILMED
JUN 05 2003

No. 3102 P 25



NO GOV'T LOTS
OAN 12-28-01

SW NE NW 26 25 2W

The Owyhee Avalanche

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

FEB 01 2002

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):

January 16, & 23, 2002

SIGNED:

STATE OF IDAHO)
COUNTY OF OWYHEE)

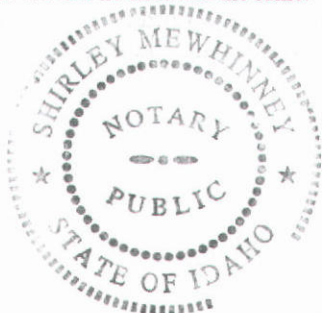
On this 30th day of January in the year of 2002 before me, a

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.

Shirley Mewhenney
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 10/10/06



MICROFILMED

JUN 05 2003

APPLICATION FOR PERMIT

57-11608
TED SHERBURN
PO BOX 41
MURPHY ID 83650
CHARLOTTE SHERBURN
PO BOX 41
MURPHY ID 83650
Point(s) of Diversion NENW
S26 T02S R02W OWYHEE
County
Source GROUND WATER
Use: STOCKWATER
01/01 To 12/31 0.02 CFS
Use: DOMESTIC
01/01 To 12/31 0.04 CFS
Total Diversion: 0.06 CFS
Date Filed 12/28/2002
Place of Use: STOCKWATER
T02S R02W S26 NENW
Place of Use: DOMESTIC
T02S R02W S26 NENW

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 02/04/2002. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
1/16 & 23/02

5013437
P. M. M.
1-21-04

RECEIVED

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. 57-11608 Telephone No 208-250 4029

2 Name of Permit Holder(s) Ted Sherburn

3 Mailing Address PO Box 41

City Murphy State ID Zip 83650

4 Source of Water. well If **GROUNDWATER** (well), Date Drilled mo. 3 / yr

Well Driller. Down Right Drilling Drilling Permit Number

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

Domestic (No of households) 1 Stockwater (No. and type of stock) 20 head horse and cattle

Irrigation (No of acres) None Other:

6 Total rate of diversion and/or volume for which proof is submitted. 106 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 X

Has the measuring device been installed?

Yes or No

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

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

Name Ted Sherburn Telephone Number 208-250-4029

Address Charlotte Sherburn work Number 208 495-2421

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 Ted Sherburn Date 1-21-04
(include your title, if on behalf of company or organization)

MICROFILMED

MAR 16 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 57-11608

Priority 12/28/2001

Maximum Diversion Rate 0.06 CFS

This is to certify, that TED SHERBURN
PO BOX 41
MURPHY ID 83650

And/Or

CHARLOTTE SHERBURN
PO BOX 41
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>
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 26, Twp 02S, Rge 02W, B M. OWYHEE County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	02W	26					X												

PLACE OF USE: DOMESTIC, same as Stockwater

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before February 1, 2004
- 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
- 5 Stockwater use is for 30 range cattle
- 6 Domestic use is for 1 home

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 19th day of February, 2002

MURPHY
ID 83650


for KARL J DREHER, Director

Permit No. 57-11608

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
FEB 11 2003

To appropriate the public waters of the State of Idaho

1 Name of Applicant TED & CHARLOTTE SHERBURN /OR Phone 208-495-2937
Mailing address P.O. BOX 41, MURPHY, IDAHO 83650

2. Source of water supply GROUND WATER which is a tributary of N/A

3. Location of point of diversion is Township 2S Range 2W Sec. 26, in the NE $\frac{1}{4}$,
NW $\frac{1}{4}$, Govt. Lot _____, B.M., OWYHEE County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:
Amount .02 cfs for Stockwater purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .04 cfs for Domestic purposes from Jan 1 to Dec 31 (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) .06 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 drilled well with
pressure system
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 300 feet
d. Is ground water with a temperature of greater than 85°F being sought? no
e. If well is already drilled, when? 7/0; 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. 30 head of cattle
c. Municipal; show name of municipality. _____
d Domestic; show number of households. One
e Other; describe fully. _____

MITCHELL
JUN 05 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	
2S	2W	26					D/S												

Total number of acres to be irrigated _____

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

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

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

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

12. Remarks: _____

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.

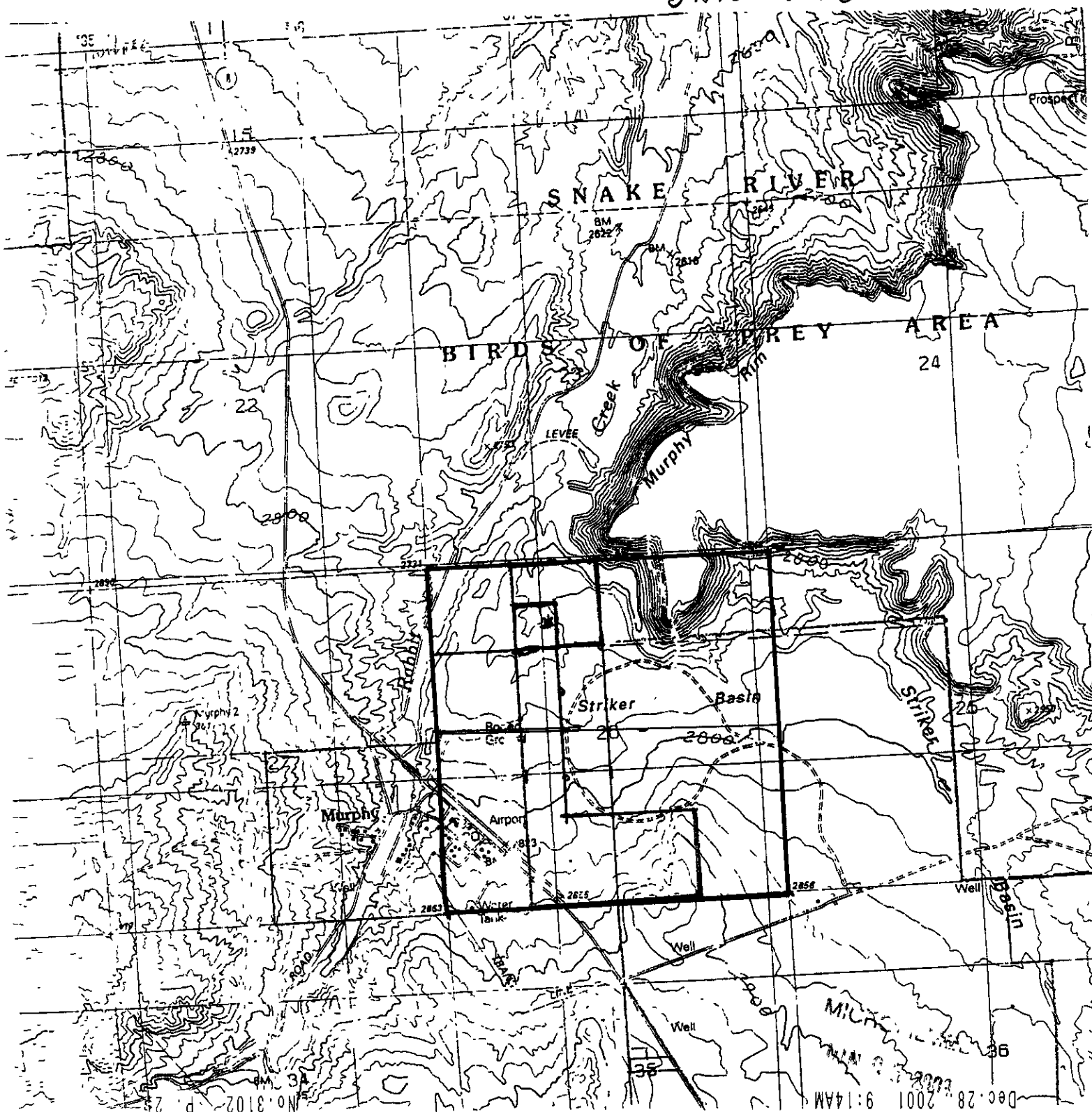
Charlotte Sherburn

Signature of Applicant (and title, if applicable)

Received by dt Date 12-26-01 Time 10:20 A Preliminary check by OPN
 Fee \$ 100.00 Received by Janis Fontaine # W028589 Date 12/26/01
 Publication prepared by dt Date 2-16-02 Published in _____
 Publication approved dt Date 2-8-02 OWYHEE AVALANCHE

SW NE NW 26 25 2W

NO GOV'T LOTS
OAN 12-28-01





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 11, 2004

TED SHERBURN
PO BOX 41
MURPHY ID 83650

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 57-11608

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 these water rights 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, or at the department's website at: www.idwr.state.id.us.

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

NOT RECORDED
MAR 15 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 57-11608

Reviewed By: dgibson

Date: February 10, 2004

	<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.		W028589, C072437	Well driller's report filed?		X
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		01/27/2004
Date proof due	-	02/01/2004
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	12/28/2001
New priority date	=	12/28/2001

Deficiencies of Actions Items

Acknowledge proof.

November 30, 2003

TED SHERBURN
CHARLOTTE SHERBURN
PO BOX 41
MURPHY, ID 83650

PROOF DUE NOTICE

RE: PERMIT NO. 57-11608

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 01, 2004. (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.

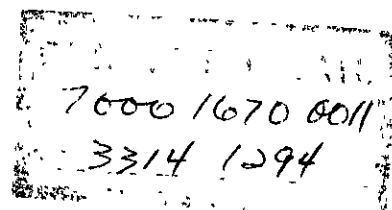
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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, Administrative Assistant
Water Allocation Bureau

Enclosures



MICROFILMED
MAR 4 6 2004



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 19, 2002

TED SHERBURN
CHARLOTTE SHERBURN
PO BOX 41
MURPHY ID 83650

RE: Permit No. 57-11608

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.

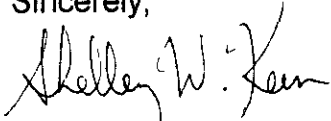
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened 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.

MICROFILMED
FEB 21 2002

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

SWK:klt

Enclosure(s)

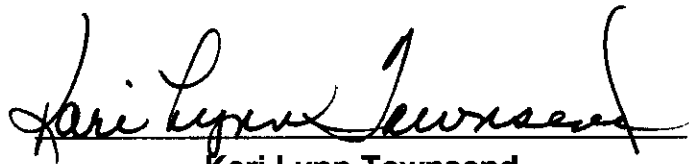
MICHAEL
JUN 05 2002

CERTIFICATE OF MAILING

I hereby certify that on February 19, 2002 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. 57-11608

**TED SHERBURN
CHARLOTTE SHERBURN
PO BOX 41
MURPHY ID 83650**


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 11 5 2003

**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).

MICROFILMED

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.

MICROFILMED

JUN 05 2003

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS
Reviewed by Sharla Curtis on 2/13/02

No. 57-11608 Name: Shubert Corp. Officers N/A Ad ok _____ Govt Lots _____

AREA OF CONCERN: ~~No/Yes~~ _____ Moratorium _____ ~~GWMA~~ ~~TRUST/NON-TRUST~~

GROUNDWATER: (✓/Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 74 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
✓ 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
≥ 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
Trust - 051 (consumptive uses)
Non-Trust - 048 (consumptive uses or non-cons > 10 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-11 (stream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

BENEFICIAL USE DUE: 2101-2004

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓/Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WD

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area - 022,075
Irr, GW supp to SW - 102
Future needs - 007,109
FISH PROP - 029 (70's only)-007-042-106

FISH PROP

DOMESTIC (W0111)

Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas)
Irr separate or none allowed - WB5
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

ILLINOIS DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
FEB 13 2002

Department of Water Resources

INITIAL REVIEW BY: DAN DATE: 12-27-01 APPLICATION: 57-11608

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

NO ADVERTISE REMARK(S)

(Reviewer identify which remarks)

ADDITIONAL INFORMATION

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:
- ☒ 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

APP. NO. 5-11608

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. # _____
☐ ☒ 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 2-4-02
☐ ☒ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Water delivered by water master? District # _____
☒ ☐ Special conditions of approval or cover letter: STANDARD CONDITIONS
PLUS WELL DRILLING STANDARDS

See below for additional information

Recommended Date or Priority 12-28-2001Recommended by: Daniel A. Nelson Date: 2-8-2002

ADDITIONAL INFORMATION:

SEE COMMENTS

Ted Sherburn
P.O. Box 41
Murphy, Idaho 83650

RECEIVED
FEB 08 2002
WATER RESOURCES
WESTERN REGION

Idaho Dept of Water Resources
2735 Airport Way
Boise, Idaho 83705

February 7, 2002

Dear Sirs:

I recently applied for a permit to drill a well for domestic use. I was notified there were no protests. If possible could you expedite the permit for this well. We are putting a manufactured home, and it will be here in Murphy in about 2 weeks.

If you have any questions I can be reached at 495-2421 during working hours and at 495-2937 after 4:30.

Thank you very much.

Sincerely Yours:

Ted Sherburn

Ted Sherburn

MICROFILMED
FEB 08 2002

The Owyhee Avalanche

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

AFFIDAVIT OF PUBLICATION

RECEIVED

FEB 01 2002

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
COUNTY OF OWYHEE) SS

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):

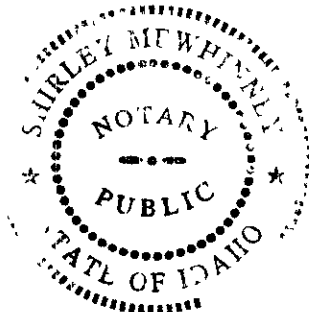
January 16, & 23, 2002

SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 30th 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.



Shirley Mewhenney
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 10/10/06

MICHAEL

1/16 & 23/02

APPLICATION FOR PERMIT

57-11608
TED SHERBURN
PO BOX 41
MURPHY ID 83650
CHARLOTTE SHERBURN
PO BOX 41
MURPHY ID 83650
Point(s) of Diversion NENW
S26 T02S R02W OWYHEE
County

Source GROUND WATER
Use: STOCKWATER
01/01 To 12/31 0.02 CFS
Use: DOMESTIC
01/01 To 12/31 0.04 CFS
Total Diversion: 0.06 CFS
Date Filed 12/28/2002
Place of Use: STOCKWATER
T02S R02W S26 NENW
Place of Use: DOMESTIC
T02S R02W S26 NENW

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 02/04/
2002. The protestant must
also send a copy of the protest
to the applicant.

KARL J. BREHER, Director
1/16 & 23/02



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

January 09, 2002

Legal Notice Department

Owyhee Avalanche

PO Box 97

Homedale ID 83628

RE Application for Permit Nos. 57-11597, 57-11606, 57-11607, 57-11608

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find legal notices 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 02/04/2002. Your cooperation is appreciated.

Sincerely,

Steve Lester, Water Rights Supervisor

for Sue Taylor

57-11608

TED SHERBURN
PO BOX 41
MURPHY ID 83650
CHARLOTTE SHERBURN
PO BOX 41
MURPHY ID 83650

Point(s) of Diversion NENW S26 T02S R02W OWYHEE County Source GROUND WATER

Use. STOCKWATER 01/01 To 12/31 0.02 CFS

Use. DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion. 0.06 CFS

Date Filed: 12/28/2002

Place Of Use: STOCKWATER

T02S R02W S26 NENW

Place Of Use: DOMESTIC

T02S R02W S26 NENW

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 02/04/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on January 16 and 23, 2002

MICRO

JAN 16 2002