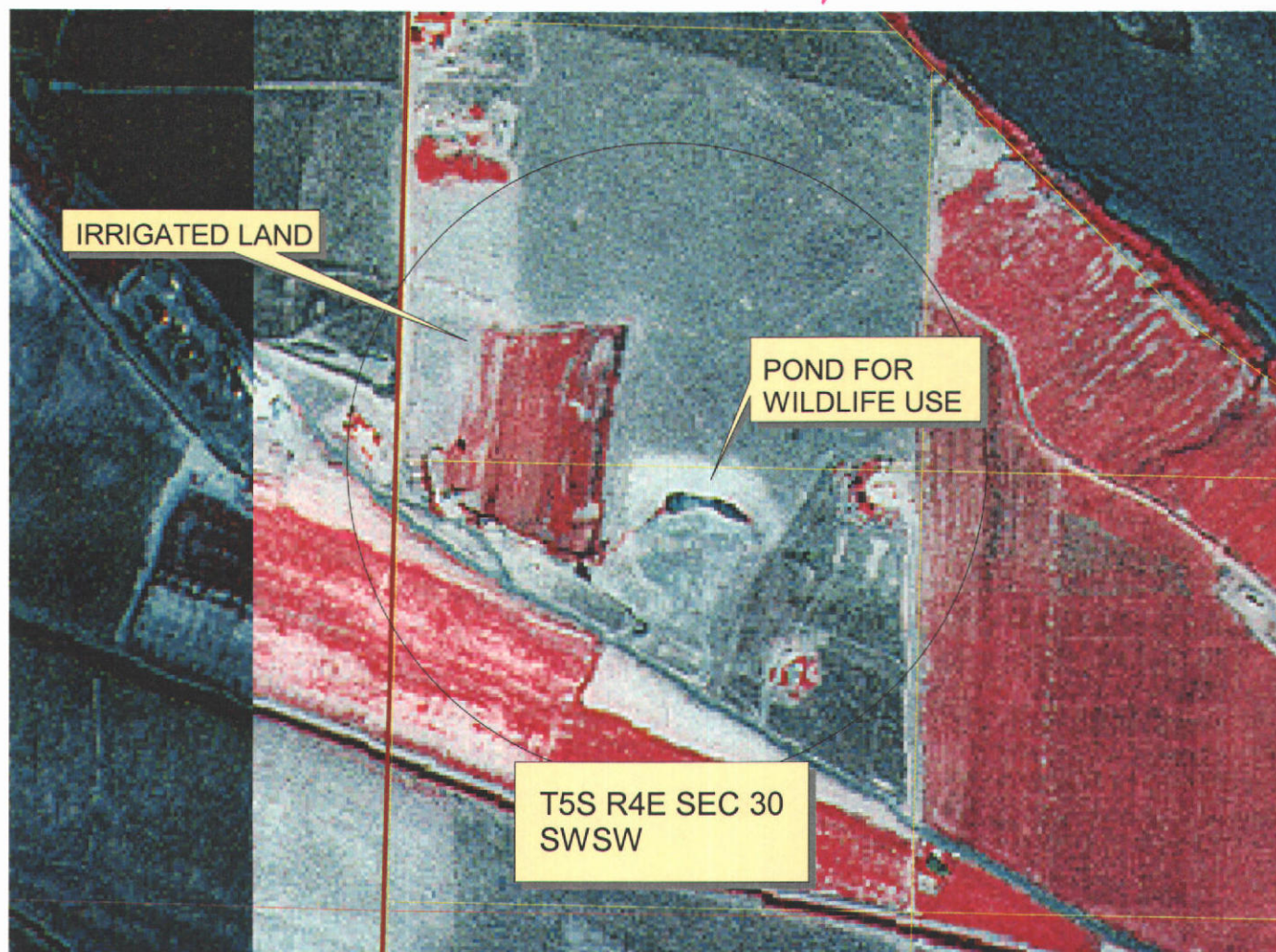
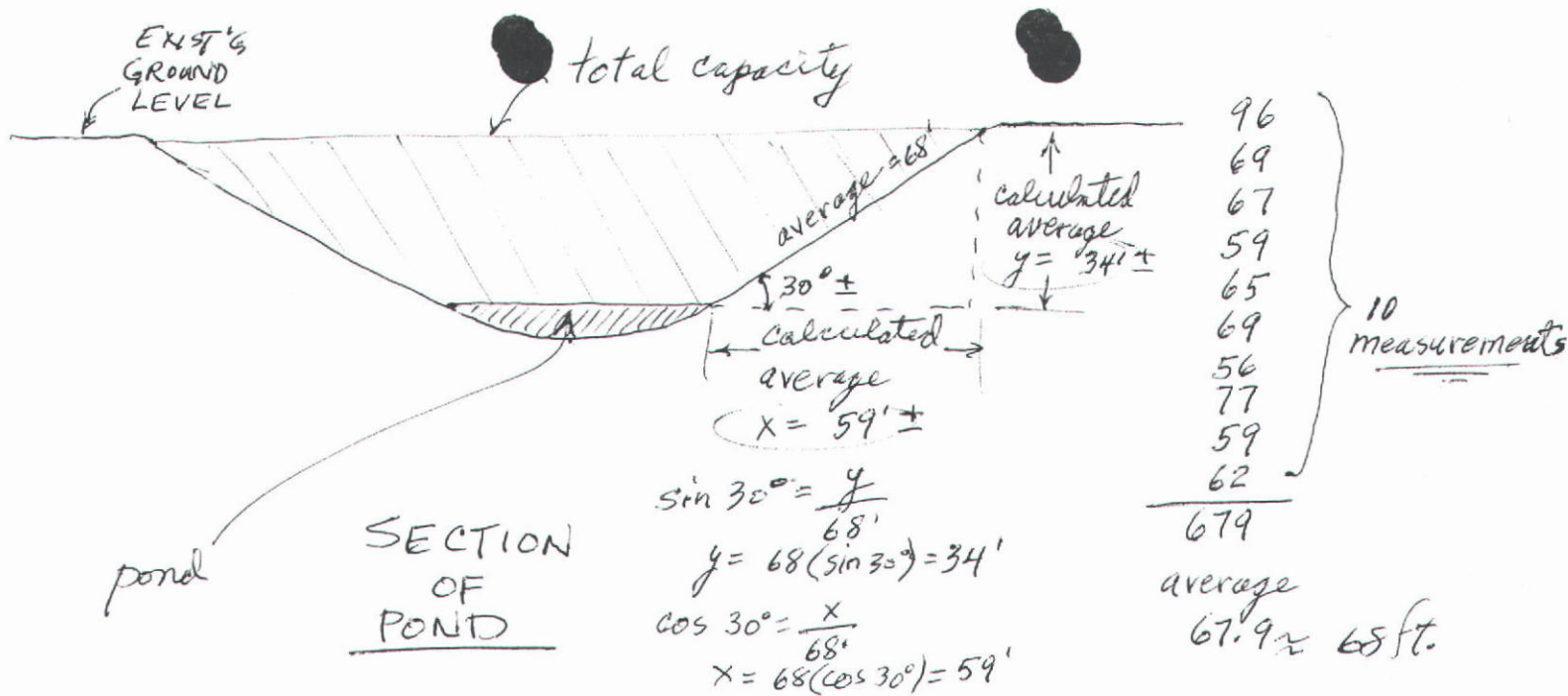


APPLICATION FOR
PERMIT 57-11590
Keppler



0.1 0 0.1 0.2 Miles





approx perimeter of pond

$$2 \times 260' + 2 \times 60' = 520' + 120' = 640'$$

approx. ~~perimeter~~ ^{area at top} of total capacity pond:

$$\begin{aligned} & (260' + 2 \times 59') (60' + 2 \times 59') = \\ & (260' * 118') (60' + 118') = \\ & (378') (178') = \underline{67,284 \text{ sf}} = \underline{1.54 \text{ Acres}} \end{aligned}$$

total
Approx. capacity of pond:

Approx actual capacity of pond:

$$\frac{60' \times 260' \times 4.2' \text{ deep}}{2} = \underline{32,760 \text{ ft}^3}$$

$$\frac{32,760 \text{ ft}^3}{43,560 \text{ ft}^3 / \text{Ac-Ft}} = .75 \text{ Ac-Ft Storage}$$

Ave max depth

$$\frac{5.5' + 3' + 4'}{3} = 4.2 \text{ ft.}$$

MICROFILMED

MAY 16 2002

KEPPLER'S POND

MEASURED 17 MAY 2001

Dan & Linda Keppler

Measured
8 Aug. 01



1 Square = 10 ft.



MICROFILMED
MAY 16 2002

$$\text{VOLUME} = \frac{1}{3} (.36) (4.2) = .5 \text{ Acre-Ft.}$$

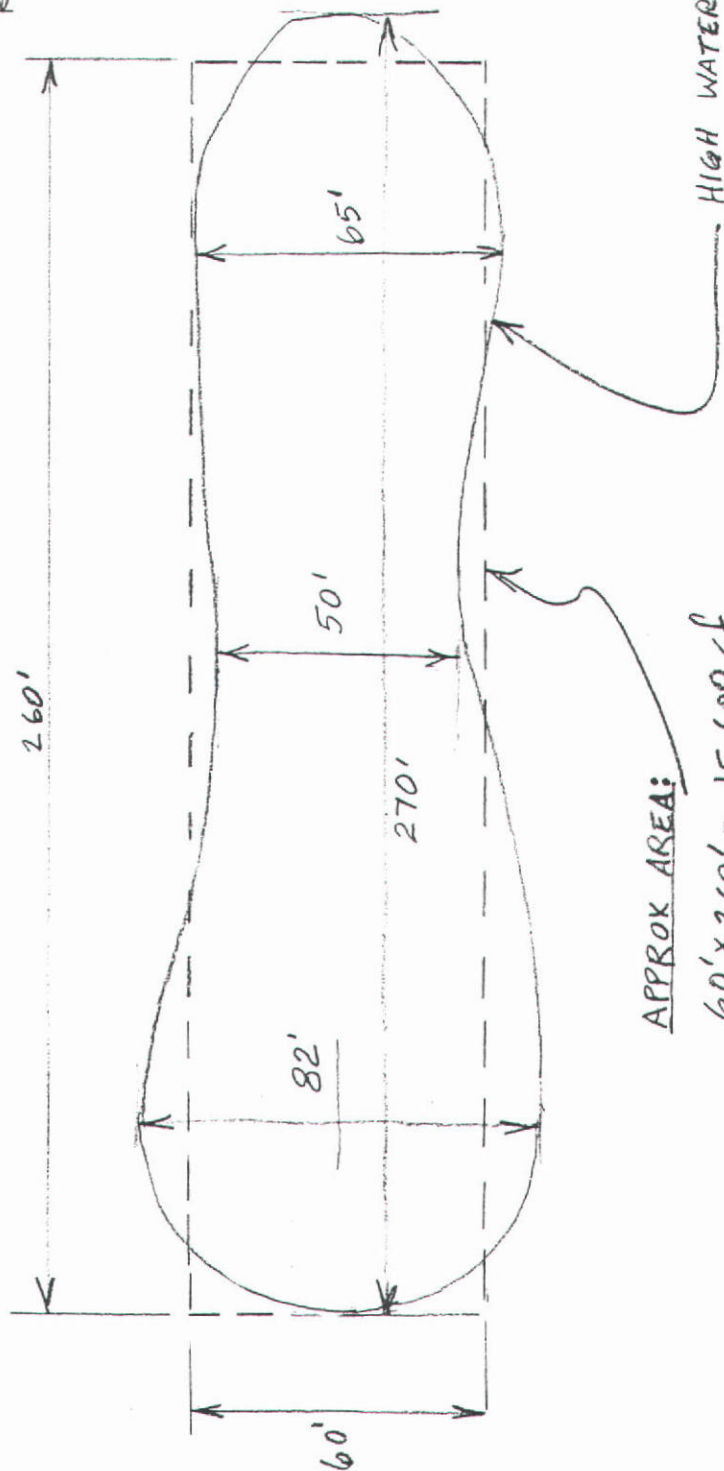
KEPPLER'S POND

MEASURED 17 MAY 2001

Dan & Linda Keppler



1 square = 10 ft.



APPROX AREA:

$$60' \times 260' = 15,600 \text{ sf.}$$

$$\frac{15,600 \text{ sf}}{43,560 \text{ sf/acre}} = .36 \text{ acres}$$

water area

MAX AVE. DEPTH IS 4.2 FT.

MICROFILMED
MAY 16 2002

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 1/18/02

No. 57-11590 Name: Kepples Corp. Officers N/A Ad ok ✓ Govt Lots

AREA OF CONCERN: No/Yes Moratorium MT GWMA TRUST/NON-TRUST
non-cons. use of pond surface area < .5 ac

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells ✓ - 046
Basin 34 - 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. > 1.0 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)-111 (instream 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

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
DOMESTIC
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)

BENEFICIAL USE DUE: 2 / 01 / 2003

MISC CONDITIONS/REMARKS:

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

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 9/14/01 priority advancement

COMMENTS WS pond to support wildlife habitat.

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 2001

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 19 & 26, 2001

SIGNED:

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 27th day of December in the year of 2001 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

MAY 16 2002

APPLICATION FOR PERMIT NO. 57-11590

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

57-11590
DANIEL WAYNE
KEPPLER
PO BOX 584
GRAND VIEW ID 83624
LINDA FRANCES
KEPPLER

PO BOX 584
GRAND VIEW ID 83624
Point(s) of Diversion L9
NWSWSW S30 T05S R04E
OWYHEE County

Source GROUND WATER
Use: WILDLIFE 01/01 To 12/31 0.32 CFS

Use: WILDLIFE STORAGE
01/01 To 12/31 1 AFA

Use: DIVERSION TO
STORAGE 01/01 To 12/31 0.32 CFS

Total Diversion: 0.32 CFS 1 AFA

Date Filed: 09/14/2001

Place of Use: WILDLIFE
STORAGE

T05S R04E S30 SWSW Lot 9

Place of Use: DIVERSION
TO STORAGE

T05S R04E S30 SWSW Lot 9

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
01/07/2002. The protestant
must also send a copy of the
protest to the applicant.

KARL J. DREHER, Director
12/19 & 26/01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

MAR 19 2002

Department of Water Resources

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. 57-11590 Telephone No. (208) 834-2083

2 Name of Permit Holder(s) DANIEL WAYNE KEPPLER & LINDA FRANCES KEPPLER

3 Mailing Address: P.O. BOX 584

City GRAND VIEW State ID. Zip 83624

4 Source of Water: ARTESIAN WELL If GROUNDWATER (well), Date Drilled. mo 3 / yr 1917

a Well Driller PROPERTY OWNER: WHITTED Drilling Permit Number N/A

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

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

Irrigation (No. of acres) _____ Other DIVERSION TO STORAGE, WILDLIFE, WILDLIFE STORAGE

6 Total rate of diversion and/or volume for which proof is submitted: 0.32 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)

NOTE: THE FLOW AUTHORIZED (0.32 CFS) IS THE TOTAL MAXIMUM FLOW OF THE ARTESIAN WELL.

Measuring Device: Is a measuring device required? Yes _____ or No (SEE NOTE)

Has the measuring device been installed? Yes _____ or No X

WE HAVE NO WAY TO INCREASE THE FLOW AND EXCEED THE RATE ALLOWED ON PERMIT.

8. Fee Enclosed \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name LINDA KEPPLER Telephone Number (208) 834-2083

Address P.O. BOX 584, GRANDVIEW, ID. 83624 (4 MI. EAST OF GRANDVIEW ON RIVER RD.)

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 Daniel Wayne Keppler
Linda Frances Keppler Date 12 MAR. 02
(include your title, if on behalf of company or organization)

MICROFILMED

MAY 16 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 57-11590

Priority 09/14/2001

Maximum Diversion Rate 0.32 CFS

This is to certify, that DANIEL WAYNE KEPPLER
PO BOX 584
GRAND VIEW ID 83624

And

LINDA FRANCES KEPPLER
PO BOX 584
GRAND VIEW ID 83624

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>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	0.32 CFS	
WILDLIFE	01/01 to 12/31	0.32 CFS	
WILDLIFE STORAGE	01/01 to 12/31		1.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L9 NW¼SW¼SW¼ Sec. 30, Twp 05S, Rge 04E, B M. OWYHEE County

PLACE OF USE: WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S 04E 30											X						
											L9						

PLACE OF USE: WILDLIFE STORAGE, same as Wildlife

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before **February 1, 2003**
- 2 Subject to all prior water rights
- 3 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code
- 4 After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department

MICROFILMED

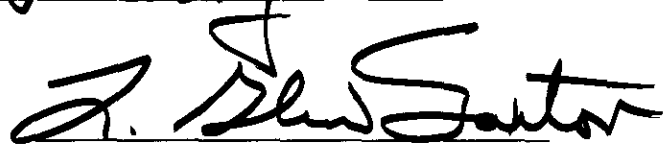
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 57-11590

CONDITIONS OF APPROVAL

- 5 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.
- 6 Wildlife storage is a pond for wildlife habitat

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 22nd day of January, 2002


for
KARL J DREHER, Director

MICROFILMED

MAY 11 2001

RECEIVED

SEP 17 2001

WATER RESOURCES
WESTERN REGION

JAN 18 2002

JUN 14 200

57-11590

Ident. No. ~~69883~~

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

AMENDED

AMENDED

To appropriate the public waters of the State of Idaho

FRANCES KEPPLER

1 Name of Applicant DANIEL WAYNE KEPPLER & LINDA A Phone (208) 834-2083

Mailing address P.O. Box 584 GRAND VIEW, ID. 83624

2. Source of water supply ARTESIAN WELL/GROUND WATER which is a tributary of _____

3 Location of point of diversion is Township 05S Range 04E Sec. 30, in the NWSWSW 1/4,
_____1/4, _____1/4, Govt. Lot 9, B.M., OWYHEE County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.32 CFS for DIVERSION TO STORAGE purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 53 AFA for WILDLIFE STORAGE purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1 AF for WILDLIFE STORAGE purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.32 CFS for WILDLIFE FLOW purposes from 1-1 to 12-31 (both dates inclusive) **NOTE:**
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) **THIS ACCOUNTS FOR SEEPAGE AND EVAPORATION LOSS**
(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) 0.32 CFS 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 ARTESIAN WELL
FLOWS INTO DITCHES WHICH FLOW TO THE POND

b Height of storage dam _____ feet; active reservoir capacity 0.36 ACRE SURFACE acre-feet; total
reservoir capacity _____ acre-feet AREA WITH AVE. MAX DEPTH 4.2 FT.

c **EXISTING** Proposed well diameter is 12 inches; proposed depth of well is 527 feet

d. Is ground water with a temperature of greater than 85°F being sought? NO, TEMP IS 82°F

e If well is already drilled, when? 1917; Drilling firm UNKNOWN;

Well was drilled for (well owner) WELL OWNER; Drilling Permit No. N/A

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

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

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 WATER FROM ARTESIAN WELL IS USED TO FILL THE POND DURING THE WINTER FOR WILDLIFE SUPPORT

MICROFILMED

MAY 16 2002

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	
05S	04E	330											5						POND .36 ACRES

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. WATER RIGHT NOS. (SRBA) 57-10902, 57-07523 (lapsed), 57-10886 AND 57-10827

11. a. Who owns the property at the point of diversion? THE KEPPLER'S (APPLICANT)

b. Who owns the land to be irrigated or place of use? THE KEPPLER'S (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: THE BENEFICIAL USE CLAIMED FOR THE POND IS WILDLIFE STORAGE (SEE ATTACHED AFFIDAVITS AND RECORD OF TELEPHONE CALL).

SEE ALSO ATTACHED SKETCH OF POND AND TEMPERATURE OF WATER AT BOTTOM OF WELL FROM HIDDLESTON WELL DRILLER. TOTAL MAX CAPACITY OF POND IS 19.6 AF IF FILLED TO TOP.

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.

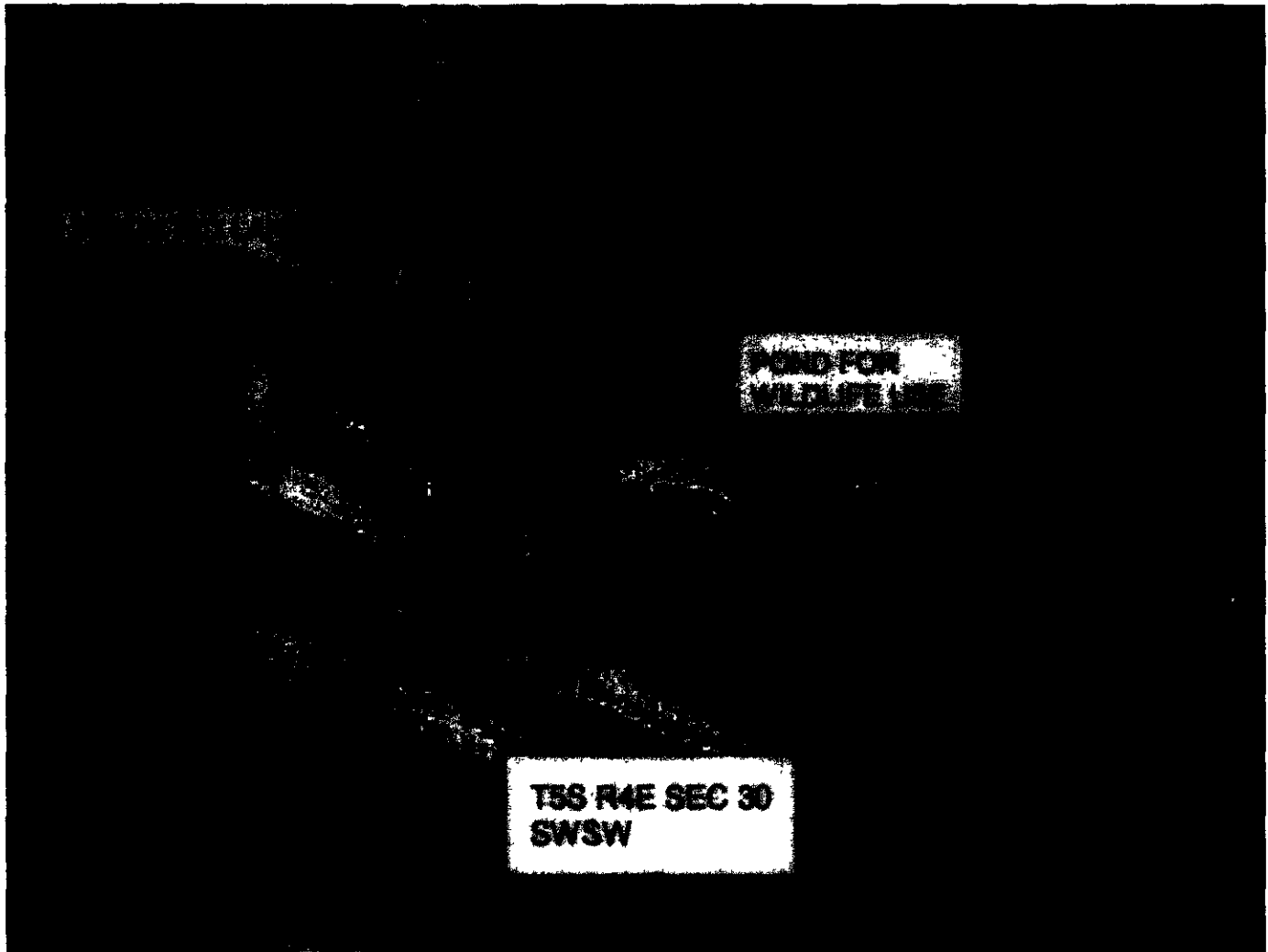
Daniel W. Keppler DK
Daniel W. Keppler DK
 Signature of Applicant (and title, if applicable)

MICROFILMED
 MAY 16 2002

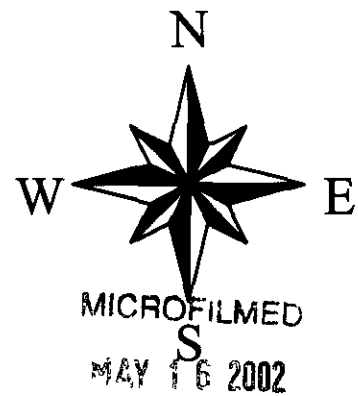
Received by CYNTHIA BRIDGE CLARK Date 8/24/01 Time 11:30AM * FEE PAID WITH ORIGINAL APP
 Fee \$ 250 Receipted by _____ # COSS0103 Preliminary check by ly
 Publication prepared by off Date 8-19-01 Published in _____ Date 7-23-01
 Publication approved _____ Date 1-11-01 OWYHEE AVALANCHE

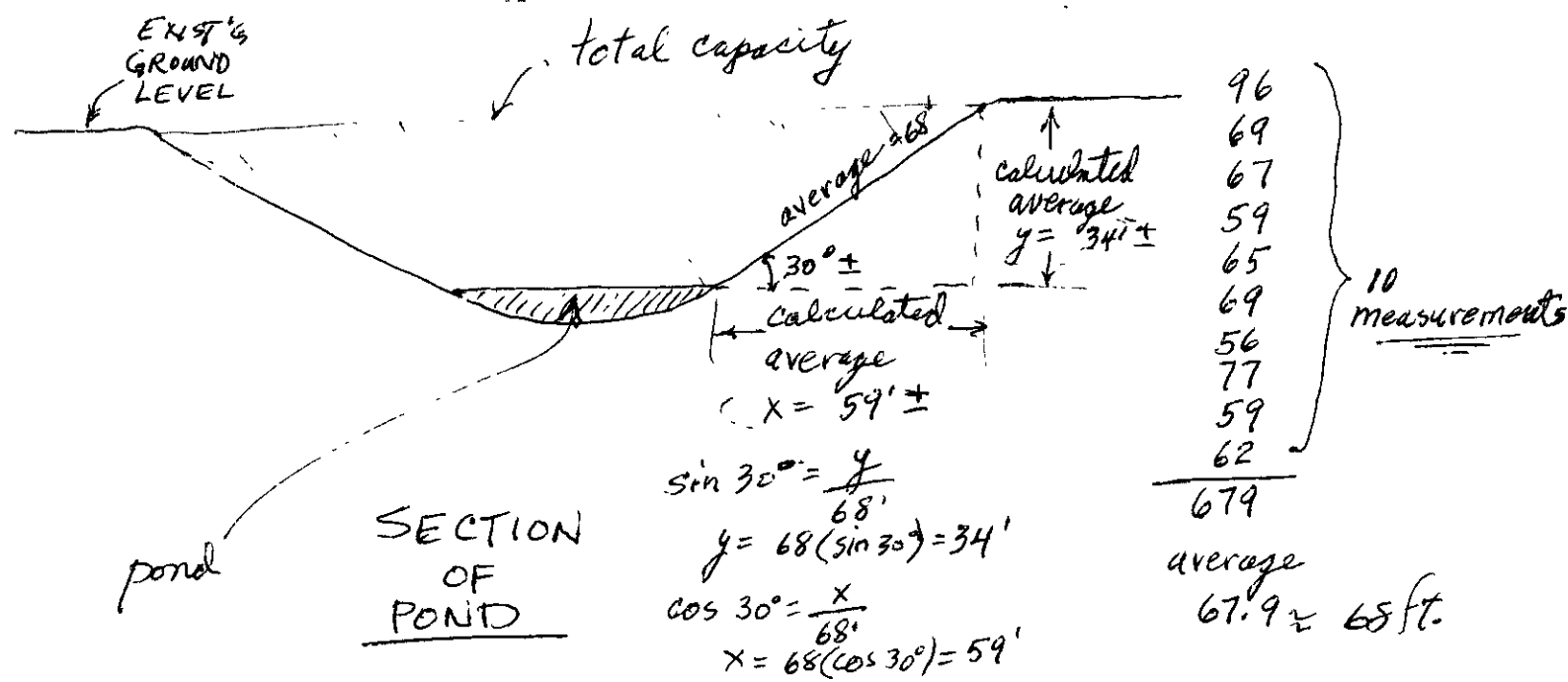
APPLICATION AMENDED ON 9/14/01
 PRIORITY DATE SHOULD BE BASED ON AMENDED DATE. CYNTHIA BRIDGE CLARK OR

**APPLICATION FOR
PERMIT 57-11590
Keppler**



0.1 0 0.1 0.2 Miles

A horizontal scale bar with four segments. The first segment is labeled '0.1', the second '0', the third '0.1', and the fourth '0.2 Miles'.



approx perimeter of pond

$$2 \times 260' + 2 \times 60' = 520' + 120' = 640'$$

approx. ~~area at top~~ of total capacity pond:

$$\begin{aligned}
 & (260' + 2 \times 59') (60' + 2 \times 59') = \\
 & (260' * 118') (60' + 118') = \\
 & (378') (178') = \underline{67,284 \text{ sf}} = \underline{1.54 \text{ Acres}}
 \end{aligned}$$

total
Approx. capacity of pond:

Approx actual capacity of pond:

$$\frac{60' \times 260' \times 4.2' \text{ deep}}{2} = \underline{32,760 \text{ ft}^3}$$

$$\frac{32,760 \text{ ft}^3}{43,560 \text{ ft}^3/\text{Ac-Ft}} = \underline{.75 \text{ Ac-Ft Storage}}$$

Ave max depth

$$\frac{5.5' + 3' + 4'}{3} = 4.2 \text{ ft.}$$

MICROFILMED

MAY 16 2002

16.0 STUDY/DESIGN PRESENTATION: Sketches, drawings, estimates, and design analysis shall not be combined with similar documents for any other study or design.

17.0 DRAWINGS:

17.1 Develop drawings in digital format utilizing a CADD system compatible with Mountain Home AFB CADD/GIS system. See Paragraph 7.8.5 for additional requirements.

17.2 Verification of Existing Site Conditions. The Government will furnish available "as-built" and/or construction drawings pertinent to the facilities involved. Such drawings, however, are not guaranteed to show presently existing condition at the site. The A-E, therefore, shall verify in the field all data shown on such drawings as necessary for accomplishment of his work and shall obtain all other data as required to ensure complete and proper presentation of the study requirements.

18.0 SCHEDULE OF SERVICES: Architect-Engineer services, covering investigations, analyses, recommendations and designs shall be performed in accordance with the Statement of Work and individual delivery orders:

19.0 SUBMITTALS: The A-E shall provide the submittals in accordance with the Statement of Work and individual delivery orders.

KEPPLER'S POND

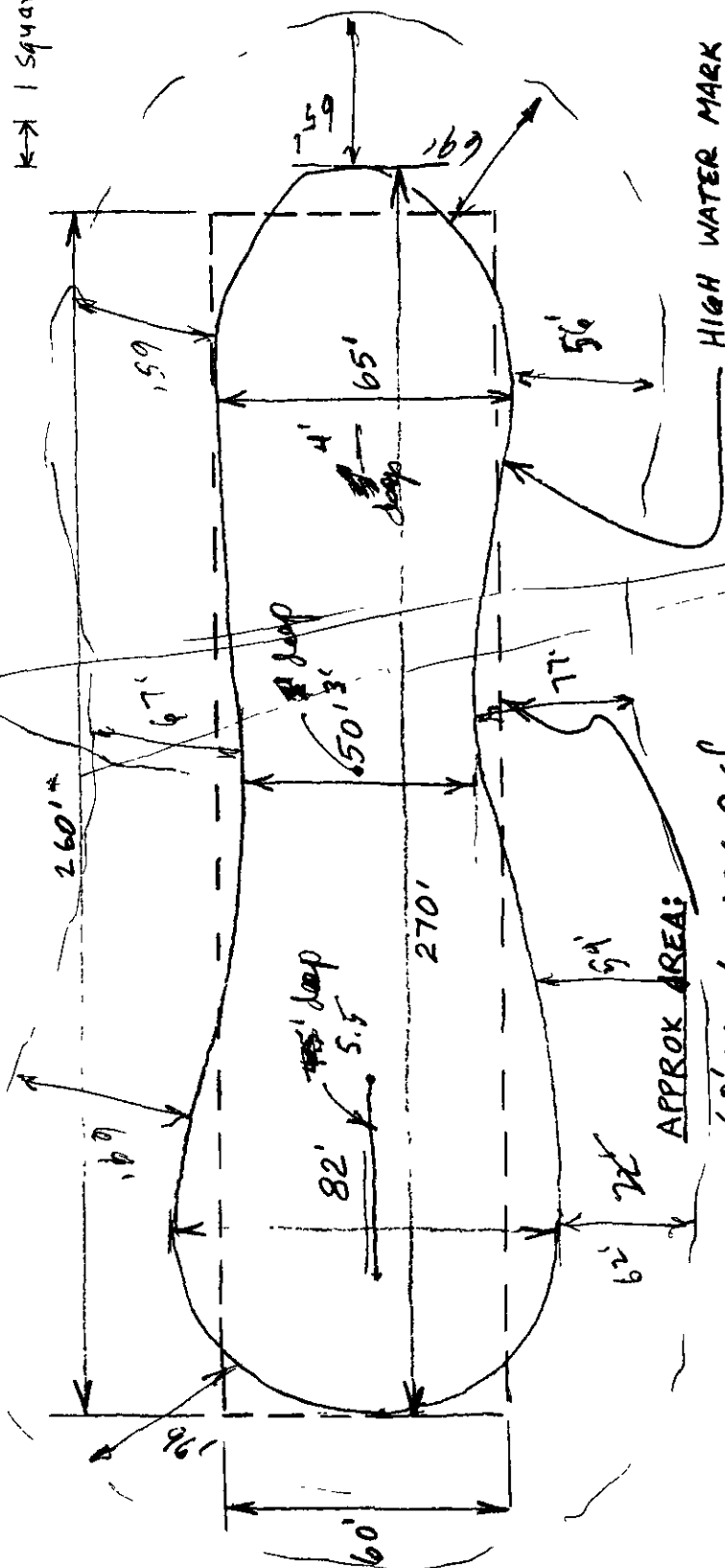
MEASURED 17 MAY 2001

Dan & Linda Keppler

Measured
8 Aug. 01

1 square = 10 ft.

NORTH



APPROX AREA:

$$60' \times 260' = 15,600 \text{ sf}$$

$$\frac{15,600 \text{ sf}}{43,560 \text{ sf/acre}} = .36 \text{ acres}$$

water area

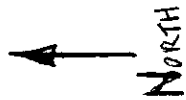
$$\text{VOLUME} = \frac{1}{3} (.36) (4.2) = .5 \text{ Acre - Ft.}$$

MICROFILMED
MAY 16 2002

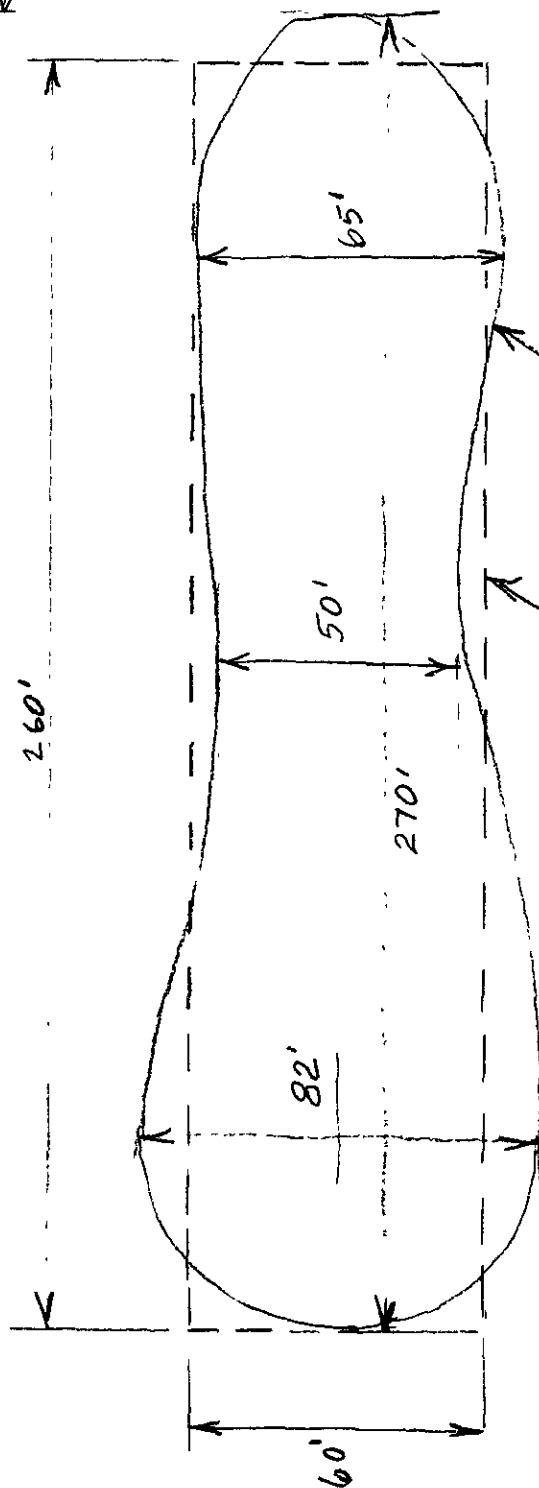
KEPPLER'S POND

MEASURED 17 MAY 2001

Dan & Linda Keppler



1 square = 10 ft.



APPROX AREA:

$$60' \times 260' = 15,600 \text{ sf.}$$

$$\frac{15,600 \text{ sf}}{43,560 \text{ sf/acre}} = .36 \text{ acres}$$

water area

MAX AVE. DEPTH IS 4.2 FT.

MICROFILMED

MAY 16 2002

RECEIVED

JUL 23 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

ORIGINAL

Department of Water Resources

To appropriate the public waters of the State of Idaho

- 1 Name of Applicant DANIEL WAYNE KEPPLER & LINDA FRANCES KEPPLER Phone _____
Mailing address P.O. Box 584 GRAND VIEW, ID. 83624
- 2 Source of water supply ARTESIAN WELL / GROUND WATER which is a tributary of _____
- 3 Location of point of diversion is Township 05S Range 04E Sec. 30, in the NW3WSW LOT 4 1/4,
1/4, 1/4, Govt. Lot 9, B.M., OWYHEE County,
additional points of diversion if any: _____
- 4 Water will be used for the following purposes:
- | |
|--|
| Amount <u>0.32 CFS</u> for <u>WILD LIFE</u> purposes from <u>11-16</u> to <u>2-28</u> (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) 0.32 CFS 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 ARTESIAN WELL
FLOWS INTO DITCHES WHICH FLOW TO THE POND
- b Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
- c. ~~Proposed~~ EXISTING well diameter is 12 inches; proposed depth of well is 1000 feet
- d. Is ground water with a temperature of greater than 85°F being sought? No, TEMP IS 76°-78°F
- e If well is already drilled, when? 1917; Drilling firm UNKNOWN;
Well was drilled for (well owner) WELL OWNER; Drilling Permit No N/A
- 7 Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
(COMPLETED)
- 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 WATER FROM ARTESIAN WELL IS USED TO FILL THE
POND DURING THE WINTER FOR WILDLIFE SUPPORT

MICROFILMED

MAY 16 2002

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	
05S	04E	530											W						POND 1/2 ACRE

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. WATER RIGHT NOS. (SRBA) 57-10902, 57-07523 (lapsed), 57-10886 AND 57-10827

11. a. Who owns the property at the point of diversion? THE KEPPLER'S (APPLICANT)

b. Who owns the land to be irrigated or place of use? THE KEPPLER'S (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. THE BENEFICIAL USE CLAIMED FOR THE POND IS "WILDLIFE"
(SEE ATTACHED AFFIDAVITS AND RECORD OF TELEPHONE CALL).

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.

Daniel W. Keppler

Signature of Applicant (and title, if applicable)

Daniel W. Keppler

Received by [Signature] Date 7/23/01 Time 2:57 Preliminary check by _____
 Fee \$ 250.00 Received by [Signature] # 055023 Date 7-23-01
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

MICROFILMED

MAY 16 2002



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

April 10, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DANIEL WAYNE KEPPLER
LINDA FRANCES KEPPLER
PO BOX 584
GRANDVIEW ID 83624

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 57-11590

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.

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

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

MICROFILMED

MAY 16 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No 57-11590

Reviewed By dgibson

Date: April 10, 2002

	<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		C055063, C060779	Well driller's report filed?		X
Additional Amount Due			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	03/19/2002
Date proof due	- 02/01/2003
Lapse notice sent	-
No of days late	= 0
Holiday allowance	+
Priority date	+ 09/14/2001
New priority date	= 09/14/2001

Deficiencies of Actions Items

Acknowledge proof



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

January 22, 2002

DANIEL WAYNE KEPPLER
LINDA FRANCES KEPPLER
PO BOX 584
GRAND VIEW ID 83624

RE: Permit No. 57-11590

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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.

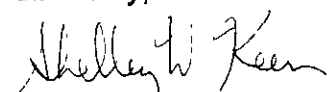
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

MICROFILMED

MAY 15 2002

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

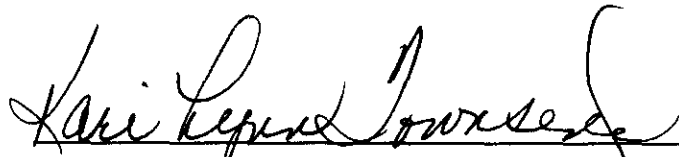
MAY 16 2002

CERTIFICATE OF MAILING

I hereby certify that on January 22, 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. 57-11590

**DANIEL WAYNE KEPPLER
LINDA FRANCES KEPPLER
PO BOX 584
GRAND VIEW ID 83624**


**Kari Lynn Townsend
Secretary**

MICROFILMED

MAY 16 2002

**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.

MICROFILMED

MAY 16 2002

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 1/18/02

No. 57-11590 Name: Kepler Corp. Officers N/A Ad ok / Govt Lots

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

non-cons. use & pond surface area < 5 ac

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 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

~~Boise Front LoGeo~~ - 058 (<85 GW)

Mitigation - ~~791~~

Trust - ~~058~~ (consumptive uses)

Non-Trust - 048 (consumptive uses or non-cons > 10 cfs)

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:

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)-111 (instream 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

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
DOMESTIC
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)

NEEFICIAL USE DUE: 2, 01, 2003

MISC CONDITIONS/REMARKS:

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

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

7/14/01 priority advancement

COMMENTS

Wetland to support wildlife habitat

January 2001

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEETINITIAL REVIEW BY: Ly DATE: 11/29/01 APPLICATION: 57-11590REQUIRED 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: 49

RECEIVED 11/29/01 P/D 11/29/01 P/U 11/29/01

JAN 18 2002

Department of Water Resources

☒ 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: see comments
- ☒ ☐ 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

request to processDate Requested 11/29/01 Date Response Received 11/30/01

PROCESSING

APP. NO. 57-11590

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 1-7-02
☐ ☐ Protests received.
☐ ☐ Recommendations attached:
☐ ☐ Measuring device required:
☐ ☐ Water delivered by water master? District # _____
☐ ☐ Special conditions of approval or cover letter: _____

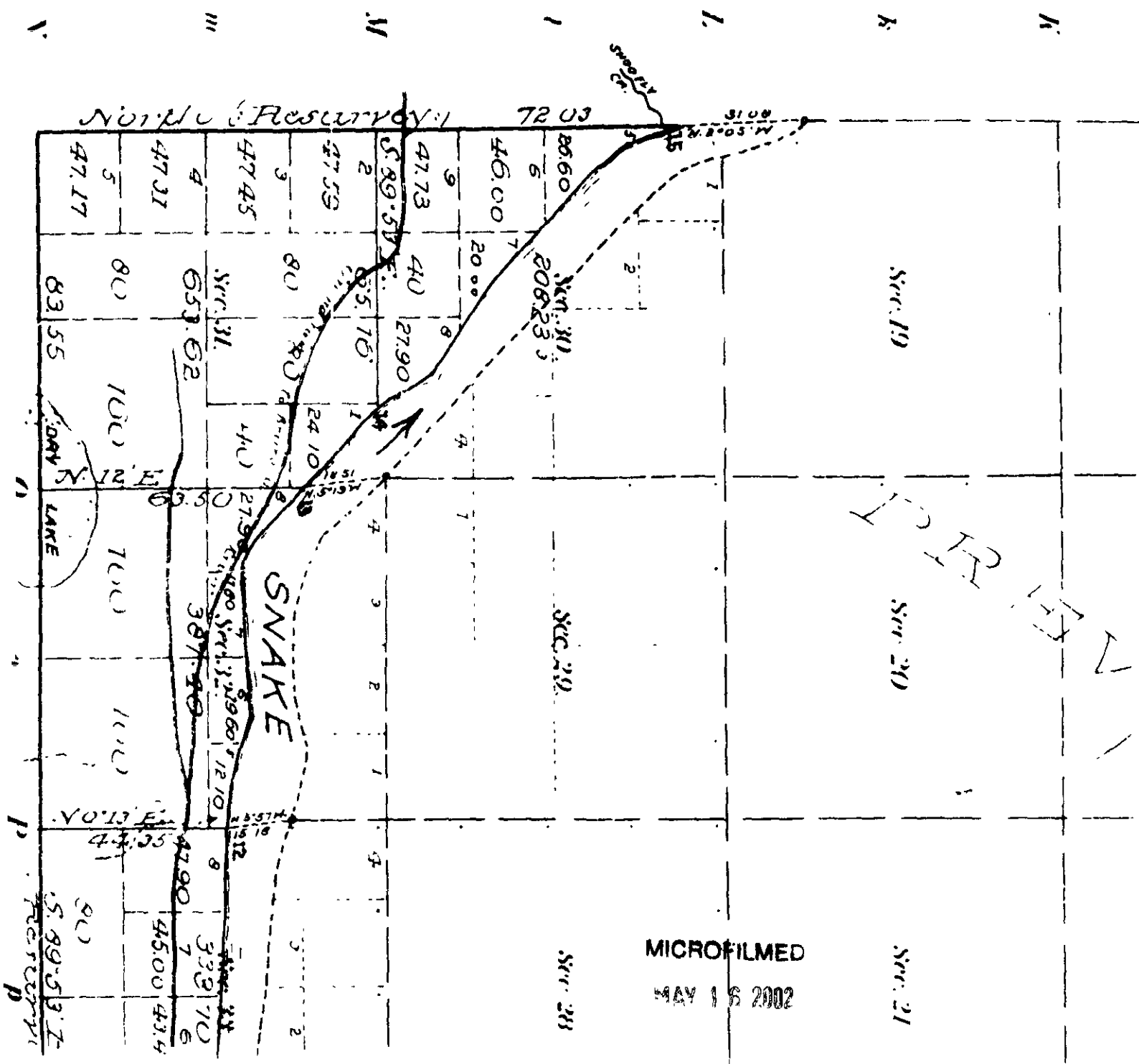
See below for additional information

Recommended Date or Priority _____

Recommended by: _____ Date: _____

ADDITIONAL INFORMATION:

overlaps are for same p/d, other
use (irrigation)



REQUEST TO PROCESS

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

Name of Applicant

DANIEL WAYNE + LINDA FRANCIS KEEPLER

Mailing Address

PO BOX 584GRAND VIEW ID 83624Application No.
(if known)57-11590

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

Daniel W. Keppler & Linda F. Keppler

Date

November 30, 2001

Please return this form to:

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

MICROFILMED

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 2001

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 uninterrupted 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)

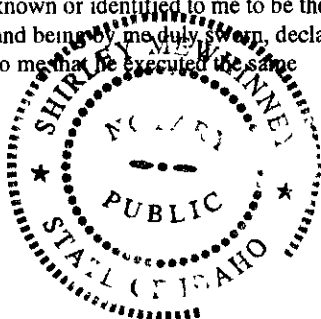
December 19 & 26, 2001

SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 27th day of December in the year of 2001 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 M. Newberry
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires 10/10/06

MICROFILMED

MAY 16 2002

APPLICATION FOR

NO. 57-11590

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

57-11590

DANIEL

WAYNE

KEPPLER

PO BOX 584

GRAND VIEW ID 83624

LINDA

FRANCES

KEPPLER

PO BOX 584

GRAND VIEW ID 83624

Point(s) of Diversion L9

NWSWSW S30 T05S R04E

OWYHEE County

Source GROUND WATER

Use: WILDLIFE 01/01 To 12/

31 0.32 CFS

Use: WILDLIFE STORAGE

01/01 To 12/31 1 AFA

Use: DIVERSION TO

STORAGE 01/01 To 12/31 0.32

CFS

Total Diversion: 0.32 CFS 1

AFA

Date Filed: 09/14/2001

Place of Use: WILDLIFE

STORAGE

T05S R04E S30 SWSW Lot

9

Place of Use: DIVERSION

TO STORAGE

T05S R04E S30 SWSW Lot 9

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 01/07/2002. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
12/19 & 26/01

IN THE MATTER OF
NOTICE OF CLAIM TO
WATER RIGHT NOS.
57-10902 (ARTESIAN WELL)
AND 57-07523 (POND)
State of Idaho
County of Owyhee

AFFIDAVIT

Jackie Lucas being first duly sworn, deposes and says:

From 1969 to present, I owned the house and the property which is adjacent to the property now owned by Dan and Linda Keppler. Prior to the Kepplers moving to this property I knew the Carrol family and the Mealer family who lived on this property.

I can confirm that the artesian well water was used by both the Carrols and the Mealers for irrigation during the irrigation season and for the benefit of wildlife/waterfowl during the non-irrigation (winter) season.

Jackie B. Lucas
(Signature)

Subscribed and sworn to before me this

day 25 of June, 2001

David S. Hirsch
(Notary Public)

Residing at 3000 Home, Id

My Commission Expires 5-18-06

SEAL



MICROFILMED
MAY 15 2002

IN THE MATTER OF
NOTICE OF CLAIM TO
WATER RIGHT NOS.
57-10902 (ARTESIAN WELL)
AND 57-07523 (POND)
State of Idaho
County of Owyhee

AFFIDAVIT

Betty Mealer being first duly sworn, deposes and says:

From 1970 to 1991, I owned the house and the property which is now owned by Dan and Linda Keppler. The Kepplers purchased the home and property from me in 1991.

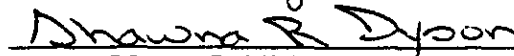
When I and my family first moved on to the property now owned by the Kepplers, I continued to use the well water for the same beneficial uses as the previous owners before me (the Carrols). During the irrigation season the water was mainly used for irrigating the pasture. During the non-irrigation season (winter) I purposely used the water to attract and benefit wildlife, as did the previous owners. In order to attract wildlife the artesian well water was diverted on the land by running the water through a ditch at the top of the property and damming up the ditch to cause sheet flow of water across the land as well as ponding of the water on the land. This resulted in habitat which attracted waterfowl in the winter. In approximately 1976 I worked out an arrangement with the Owyhee County Road Department to construct a pond for waterfowl. The County Road Department agreed to construct the pond in exchange for the gravel they were able to obtain from the excavation. This gravel was used for road pavement needed to repave River Rd. Once the pond was constructed I diverted the full flow of water to the pond and thus maintained and improved the winter habitat for waterfowl. The full flow of the artesian well was required to maintain the half acre pond during the winter.

During the time that I owned the property the artesian well flowed the full flow of the well year round. The flow of the well was never valved down and to my knowledge the owners of the property and well before me did not valve back the flow of the well.


(Signature)

Subscribed and sworn to before me this

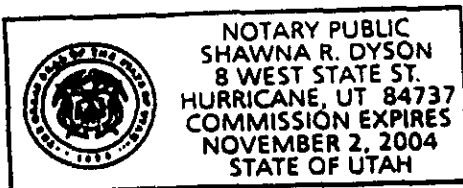
day 25 of June, 2001


(Notary Public)

Residing at Hurricane, Utah

My Commission Expires Nov 2, 2004

SEAL



MICROFILMED

MAY 16 2002

MEMO FOR RECORD-PHONE CONVERSATION WITH AL PENNINGTON
DATE JUNE 23, 2001

Al Pennington worked for Owyhee County Road Department starting in 1974. He was involved in the project which re-paved River Rd which ran past Betty Mealer's house (currently the Keppler's home). As part of the paving project, Betty Mealer allowed the county to dig a large hole on the property to obtain the gravel used in the road paving project. Betty Mealer allowed the county to dig this hole so she could use this hole as a pond for winter wildlife.

Al Pennington stated that the River Rd paving project was accomplished approximately a couple years after he started working for the county Road Department. **This would mean the pond was dug approximately 1976.**

LINDA F KEPPLER

Linda F Keppler

MICROFILMED
MAY 16 2002

IN THE MATTER OF
NOTICE OF CLAIM TO
WATER RIGHT NOS
57-10902 (ARTESIAN WELL)
AND 57-07523 (POND)
State of Idaho
County of Owyhee

AFFIDAVIT

Albert Izaguirre (208) 939-0552, being duly sworn, deposes and says:

I lived in Grand View and was acquainted with the Carrols during the period approximately 1960 to 1970. At that time the Carrols owned and lived on the homesite now owned by Dan and Linda Keppler. During that time the Carrols used the full flow of the artesian well year round. During the irrigation season they irrigated pasture and watered livestock and during the non-irrigation season (winter) they continued to use the artesian well for wildlife. The main wildlife they kept with the artesian well water was guppies. The full flow of the well in the ditches around the house would maintain the right temperature in the winter to allow the guppies to survive. They also used the artesian well water to benefit geese and ducks on the property.

Albert L Izaguirre 7-16-01
(Signature)

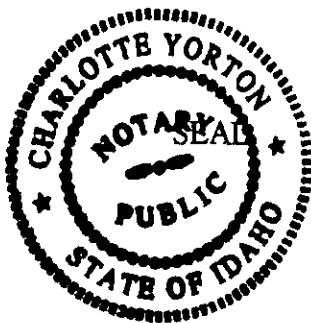
Subscribed and sworn to before me this

day 16th of July, 2001

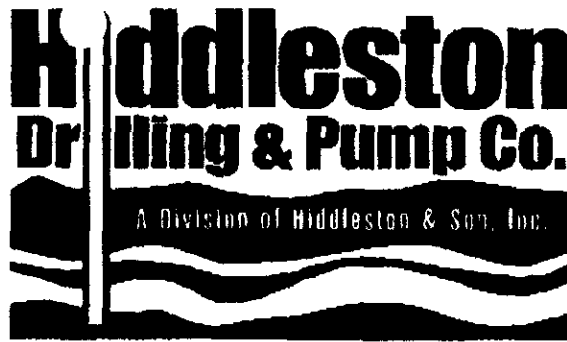
Charlotte Yorton
(Notary Public)

Residing at Boise, Idaho

My Commission Expires 12/14/2001



MICROFILMED



www.hiddlestondrilling.com

☒ 1530 West 39th North
Mtn. Home, ID 83647
Ph: (208) 587-9055
Fax: (208) 587-9516

☐ 2769 South Cole Rd
Boise, ID 83709
Ph: (208) 362-2900
Fax: (208) 362-9723

Date: 8-28

Fax Cover Sheet

To: Cynthia Bridgeblane

Company: Water Resources Dept.

Fax# 327-7866

Phone# 327-7898

From: Jina

No. of Pages 2
(cover sheet included)

Comments:

Well Temperature Results
for Linda Keppeler

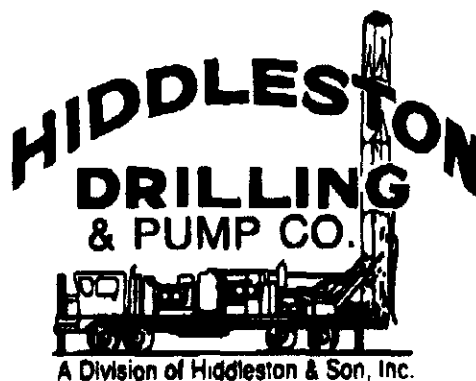
"When Quality Matters"

MICROFILMED

2002

Mountain Home Office
Rt. 3 Box 610-D
Mountain Home, Idaho 83647
(208) 587-9055

Boise Office
2780 S. Cole Road
Boise, Idaho 83709
(208) 362-2800



Well Temperature

8/28/01

Hiddleston Drilling & Pump Co. performed a temperature test on a well for Linda Keppler on River Rd. in Grandview, Idaho on 8-23-01. We lowered a Maximum Registering Memory Thermometer to bottom hole depth of 527'. Temperature was taken 3 times and read 82 degrees.

Thank You,

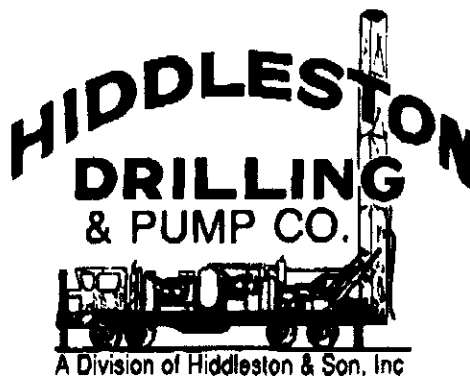
Tina Carney

Tina Carney
Hiddleston Drilling & Pump Co.

MICROFILMED

SEP 11 1981

Mountain Home Office
Rt 3 Box 610-D
Mountain Home, Idaho 83647
(208) 587-9055



Boise Office
2769 S. Cole Road
Boise, Idaho 83709
(208) 382-2900

Well Temperature

8/23/01

Bottom hole temperature for Linda Keppler on River road, Granview, Idaho was 82 degrees.

Thank You,

A handwritten signature in cursive script that reads 'Tina Carney'.

Tina Carney
Hiddleston Drilling & Pump Co

MICROFILMED



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

September 7, 2001

DANIEL WAYNE KEPPLER
LINDA FRANCES KEPPLER
PO BOX 584
GRANDVIEW, ID 83624

RE Application for Permit No 57-11590

Dear Mr and Mrs Keppler

On August 30, 2001, Linda Keppler and I discussed the purpose of use specified on your amended application for permit no 57-11590, and whether you would like to make further changes to the described uses. I understand that the purpose of this application is to allow water from the well to flow at its present rate into the pond primarily during the non-irrigation season. You have stated that there is no outflow from the pond, but that with a continuous inflow of 0.32 cubic feet per second (cfs) from the well, the maximum volume of the pond is one acre-foot (af). Therefore, there are significant losses due to evaporation and/or seepage.

Your application describes the purpose of use as Diversion to Storage of 0.32 cfs and Wildlife Storage of one acre-foot. Based on your description of the situation, the storage capacity of the pond is maintained at one acre-foot, but the actual annual volume of water flowing into the pond will be much greater. Water Appropriation rule 35.03b specifies that the annual volume shown on an application shall not exceed the storage capacity of the structure unless the application describes a plan for refilling the reservoir. This includes water intended to replace water lost through evaporation and/or seepage.

Therefore, to describe the actual amount of water you wish to appropriate through this permit, you may want to modify the use to provide for the annual volume. This can be done in a couple of ways:

1. Rather than specifying the capacity of the pond (af) under the amount for Wildlife Storage, estimate the acre-feet per year, or the annual volume, to be appropriated for storage. (One cubic foot per second flowing 24 hours = 1.9835 acre feet. Consider the use over 365 days per year flowing at a rate of 0.32 cfs for 231.7 af. Also consider subtracting the annual volume of 31.5 af devoted to irrigation in water right no 57-10902.) The annual volume should also be included in the total quantity in part (b) of question number five.
2. An additional use for live flow through the pond could be added instead of estimating

MICROFILMED

the annual volume This could be called Wildlife Flow for 0.32 cfs. The total rate of flow specified in part (a) of question number five would still be 0.32 cfs

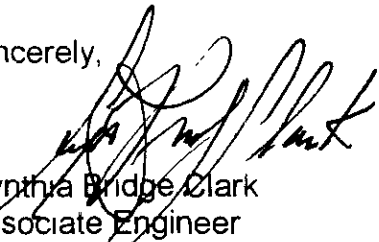
When considering these options, it should be noted that additional volume could result in an increase in the application for permit processing fee The water right application fee schedule is included in the enclosed application for permit instructions. Any additional fees should be mailed along with the amended application

If you choose to amend the application, you may do so by endorsement by the applicant(s) on the original amended application for permit form here at the IDWR state office. The endorsement must be initialed and dated by the applicant(s) You may also file a new application for permit form to replace the original, in which case the new form should be labeled as the amended application As requested by Linda Keppler, a copy of the original amended application, and a new application for permit with instructions for filing are enclosed

Please note that according to Rule 35.04 of the water appropriation rules, the priority of the application for permit will be advanced to the day the amended application is received by the Department. Documents not exceeding ten (10) pages in length may be filed by facsimile transmission (FAX), however the original must be mailed by United States mail or physically delivered to the agency the next working day.

Please feel free to contact me at (208) 327-7898 if you have any questions.

Sincerely,



Cynthia Bridge Clark
Associate Engineer
Water Allocation Bureau

Enclosure(s)

MICROFILMED

APR 16 1999

MEMORANDUM

To: File 57-11590

From: Cynthia Bridge Clark

Date: September 14, 2001

Re: Application Submittal Summary

This memo is an effort to summarize the issues discussed during the submittal of the Keppler's application for permit no 57-11590. The Kepplers have been interacting with the SRBA staff regarding other water rights. They submitted this application at the state office after a meeting with Dave Tuthill and other IDWR staff on July 23, 2001 (see Tuthill letter dated July 26, 2001). Since some of the issues related to the Keppler's water rights had been discussed during the meeting, an effort was made to follow up on the initial concerns related to this application prior to sending it to the regional office.

The Kepplers own an uncontrolled artesian well used for irrigation part of the year (they stated that a flow measurement of 0.32 cfs was recorded by IDWR employees). During the non-irrigation season it flows into a pond which they claim supports wildlife habitat. They do not, however, have a water right to address flow during this part of the year, but do not want to put a controlling device on the well to shut it down due to costs and concerns for the integrity of the well. They contend that allowing the water to flow into the pond in the winter is a beneficial use for surrounding wildlife.

Initially the Kepplers tried to pursue reinstatement of lapsed permit no 57-7523 for 0.02 cfs. After discussions with staff, the Kepplers decided instead to file a new application for permit that would cover the entire 0.32 cfs during the non-irrigation season, give them the same priority date, and would potentially be easier to process. They submitted affidavits with the application to support their claim that the pond supports wildlife habitat.

A letter sent to the Kepplers, dated July 30, 2001, outlined some of the initial concerns with the application including the purpose of use, season of use, and ground water temperature. The most immediate issue was the water temperature in the well since Idaho Statutes require a geothermal resource be put to beneficial use first (groundwater with a bottom hole water temperature greater than 85 degrees Fahrenheit). If it had been determined that the well water was a geothermal resource, the permit could not have been processed as it was submitted.

Though the Kepplers said that the temperature of the water coming out of the well had been measured at 76-78 degrees by IDWR staff, they were asked to provide a measurement of the bottom hole temperature (see letter dated July 30, 2001, and Telephone conversation memorandum of August 23, 2001). I did research the possibility

MICROFILMED

that a temperature gradient could be calculated (see e-mail from Kevin Rafferty, August 1, 2001), however the Kepplers proceeded to hire Hiddleston Drilling and Pump Company to obtain a temperature reading (see fax from Tina Carney of Hiddleston Drilling sent August 28, 2001) The drilling company measured the depth of the well to be 527 feet with a bottom hole water temperature of 82 degrees Fahrenheit

As far as the season of use, the Kepplers say they do not allow water to flow into the pond during the irrigation season (covered by water right 57-10902) Since they have no way of controlling flow from the well, extending the period of use would allow them to let the pond fill in the event that irrigation was not taking place The Kepplers changed the season of use on an amended application for permit submitted August 24, 2001

With regards to the purpose of use, the applicants listed Wildlife on their initial application However, based on the size of the pond, it appeared that the applicants should add storage and diversion to storage The Kepplers changed the use description on the August 24, 2001 amended application for permit. They specified Diversion to storage for 0.32 cfs and Wildlife Storage for one acre-foot. The applicants contend that even with a continuous inflow of 0.32 cfs, the pond volume is maintained at one acre-foot due to losses from seepage and evaporation

Jeff Peppersack and Shelley Keen later suggested that since the intention of the applicant was to allow water to flow continuously from the well at 0.32 cfs rather than a one-time fill of the pond, it would be beneficial to describe this additional water or the actual annual volume of inflow It was concluded that this could be done in one of two ways the Kepplers could list the annual storage volume (after the irrigation season) rather than the capacity of the pond, or they could add a live flow use such as Wildlife Flow for 0.32 cfs It was likely that a change in volume would have changed their fee requirements The Kepplers were informed of these options by telephone on August 31, 2001 Linda Keppler later requested that a copy of the amended application be sent to them for modifications (See letter dated September 7, 2001)

The Kepplers visited the state office on September 14, 2001 to amend their application again by adding a use for Wildlife flow at 0.32 cfs The total flow rate remained 0.32 cfs Their priority date should therefore be advanced to September 14, 2001

MICROFILMED

MEMORANDUM

To: File 57-11590

From: Cynthia Bridge Clark

Date: August 23, 2001

Re: Telephone Conversations and notes

Mrs Keppler phoned August 1 and 2, 2001 with several questions about the information required to complete their permit

- 1 We discussed how they could conduct the measurement of the well
 - Information Contacts John Carlson with well drilling (327-7936)
John Crockett with Resource Protection (327-7962)
Kent Johnson with City of Boise Geothermal Section (364-7426)
- 2 She asked who was required to submit proof of the bottom hole temperature of their well
 - We discussed the fact that well drillers are required to report to the department when they hit geothermal water New appropriations are required to supply proof if there is a question about the water temperature in the well
- 3 She asked whether 76 to 78 degrees enough to even provide a useful heat source?
 - Heat pumps for small residential and commercial can utilize geothermal water from 50 to 90 degrees F I will provide information published by the department regarding geothermal energy in Idaho, geothermal heat pumps, and financing information
 - Linda Keppler later mentioned that they currently use a heat pump to heat their entire home
- 4 We discussed the definitions of storage and recharge as a purpose of use

Notes:

In researching how the Kepplers could measure the temperature in their well, Ken Neely suggested that the temperature gradient in the well might not be large enough to reach 85 degrees He provided links to the Geo Heat Center (<http://geoheat.oit.edu/>) to utilize the technical support line (see e-mail response from Kevin Rafferty), and Geothermal Resources Council (<http://www.geothermal.org/>)

I spoke with Linda Keppler on August 21, 2001 after they returned from vacation, and informed her of the possibility that we could calculate the well temperature On August 23, 2001, she informed me that they went ahead and arranged for Hiddleston Drilling and Pump Co take a bottom hole temperature reading on August 23, 2001 They plan to come into the office to correct the permit application and submit documentation of the temperature reading.

MICROFILMED

Clark, Cynthia (Bridge)

From: Kevin Rafferty [raffertk@oit.edu]
Sent: Wednesday, August 01, 2001 4:49 PM
To: Clark, Cynthia (Bridge)
Subject: Re: temperature estimate

Hello Cynthia:

We don't have any data here that would be close enough to that location to draw any conclusions but you might check with Roy Mink or others at the Idaho Water Resources Research Institute. They would have better data than we do on your state.

Anything is possible but I would say that the chances are strong that the bottom hole temperature of this well is less than 85F. A well is much like a buried pipeline carrying warm water. As such calculating the heat loss is fairly straight forward if one can make some simplifying assumptions. In this case I am assuming that the well had been flowing for some period of time (a day or more) prior to the exit water temperature (76 - 78F) reading being taken. This would allow the assumption that the well bore has come to thermal equilibrium with the surrounding subsurface environment. A second assumption is that the heat is lost from the well bore primarily by conduction - no major (constituting a majority of the well depth), cold, fast flowing aquifers are intersected by the well bore and no major inflows of cold water are occurring.

Even if a temperature of 85 is assumed in the production zone for this well and a 1000 ft depth is used along with the approx 0.32 cfs flow, I would not expect more than about a 2 F drop to occur in the well bore provided the above assumptions are met. This is based on a 6" diameter. If larger, the loss would be greater but still unlikely to result in enough heat loss to conclude a downhole temperature of 85 F or more.

As for verification or actual measurement - a couple of strategies could be attempted. If the shutin pressure is fairly low, a short extension to the casing could be installed such that enough static head could be developed in the casing extension to cause the flow to cease at which point a temperature probe could be lowered. Or if a cold water source is available, it might be possible to "kill" the artesian flow long enough to send a probe down the well. It may also be possible to weight a temperature probe enough to get it down the bore against the flow - depending upon the well diameter.

"Bridge, Cynthia" wrote:

> Good Afternoon,
>
> I am hoping you can give me some technical assistance regarding an artesian
> geothermal well drilled in 1917 in Idaho (T05S, R04E, Section 30, NWSWSW).
> Temperature and flow readings were taken of the water exiting the well a
> couple of years ago. The water was apparently 76-78 degrees Fahrenheit with
> a flow of 0.32 cfs. The owners estimate the well to be 500-1000 feet deep.
> We are trying to determine whether it is possible that the bottom hole
> temperature of the well could be greater than 85 degrees Fahrenheit. The
> owners are required to document the bottom hole temperature for a permit to
> establish a water right. It is a difficult task since it is an uncontrolled
> artesian well.
>
> Given the location, do you think you can determine an estimated temperature
> gradient in the well? We would like to know if it is even likely that the
> temperature could be greater than 85 degrees. Or, do you have any advice on
> how the bottom hole temperature can be measured?
>

> Thank you for your assistance. Please let me know if you need any other
> information.

>
> Cynthia Bridge Clark
> Associate Engineer
> Idaho Department of Water Resources

--

* Kevin Rafferty, Assoc. Dir. Phone: (541) 885-1750 *
* Geo-Heat Center Fax: (541) 885-1754 *
* 3201 Campus Dr. Webpage: *
* Klamath Falls, Or. 97601 <http://www.oit.edu/~geoheat> *

.. 2002

MICROFILMED

MAY 10 2002



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

July 30, 2001

DANIEL WAYNE KEPPLER
LINDA FRANCES KEPPLER
PO BOX 584
GRANDVIEW, ID 83624

RE Application for Permit No 57-11590

Dear Mr and Mrs Keppler

I am writing in regards to the application for permit you filed with the Department of Water Resources on July 23, 2001. Preliminary review of the application indicates that additional information is required before it can be processed. You may wish to amend your application to include the information described below:

- 1 Question # 4 (amount and purpose) On the application for permit, you specified the purpose of use is for "wildlife," for an amount of 0.32 cfs. On July 24, 2001, I telephoned to clarify the volume of the pond indicated on this application. Linda Keppler estimated the depth of water in the pond reaches a maximum of 5 feet, while the actual depth of the excavated cavity is much greater. Given the size of the pond, the use appears to require the permit to include "storage." If so, two uses would be described on the application: "Wildlife Storage" with a rate specified in acre-feet per year, and "Diversion to Storage" with a defined rate of flow in cubic feet per second.
2. Question #4 (season of use). During your visit on July 24, 2001, you specified that water fills the pond only when irrigation is not taking place. The season of use indicated on the application is November 16 to February 28. If water is diverted into the pond for storage or stored in the pond at any time outside this period, the season of use should be modified to accommodate the entire period in which water is beneficially used for the purposes listed.
- 3 Question #6b You provided a diagram with your application for permit identifying the surface area dimensions of the pond (0.36 acres). Please specify the active reservoir capacity (af) and the total reservoir capacity (af) as indicated in question 6b.
- 4 Question #6d This question addresses whether an applicant is attempting to appropriate water that is a low temperature geothermal resource. Idaho Statute 42-230 defines a low temperature geothermal resource as "all groundwater having a temperature of greater than eighty-five (85) degrees Fahrenheit and less than two hundred twelve (122) degrees Fahrenheit in the bottom of a well." Section 42-233 specifies that this resource can be

MICROFILMED

appropriated provided that it is utilized "primarily for heat value and secondarily for the value as water "

You indicated on your application for permit that the temperature of the water coming from the well is 76 to 78 degrees. Since the well already exists, and it is possible that the bottom-hole temperature could exceed 85 degrees Fahrenheit, the use listed on your permit may not be a beneficial use if the source of water can be classified as a geothermal resource. Unless the proposed use can be exempted under the criteria listed in section 42-233, a geothermal resource cannot be used primarily for reasons other than heat value. You will therefore need to provide proof of a bottom hole temperature measurement to establish that the water is not a low temperature geothermal resource. Proof should be submitted by an individual qualified to take an accurate temperature reading. Please note that the department will not be able to process the application without verification of the bottom hole water temperature

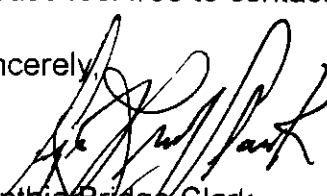
The Department will hold any action on your application pending receipt of the necessary information. The information must be submitted within 30 days of the date of this letter. Failure to submit the required information within the time period allowed may be cause for the Department to void the application. The Department may grant an extension of time to submit the information upon written request and a showing of good cause.

If you choose to amend the application, you may do so by endorsement by the applicant(s) on the original application for permit form here at the IDWR state office. The endorsement must be initialed and dated by the applicant(s). You may also file a new application for permit form to replace the original, in which case the new form should be labeled as the amended application. I have enclosed a copy of the original application, and a new application for permit with instructions for filing.

Please note that according to Rule 35.04 of the water appropriation rules, the priority of the application for permit will be advanced to the day the amended application is received by the Department. Documents not exceeding ten (10) pages in length may be filed by facsimile transmission (FAX), however the original must be mailed by United States mail or physically delivered to the agency the next working day.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,


Cynthia Bridge Clark
Associate Engineer
Water Allocation Bureau

Enclosure(s)

cc Steve Lester, Western Regional Office
Roxanne Brown, State Office

MAY 16 2002

MICROFILMED

MAY 16 2002



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

July 26, 2001

Dan and Linda Keppler
 PO BOX 584
 Grandview, ID 83624

RE Resolution of Objections to Water Right No. 57-10902

Dear Mr and Mrs Keppler.

The purpose of this letter is to summarize the results of our meeting Monday in the above-referenced matter

First, thank you for visiting our offices to discuss this matter By having you both, plus Shelley Keen, Roxanne Brown, Candice McHugh and myself in attendance, I believe that we were able to fully discuss the issues related to the water uses that you wish to be recognized as water rights The recommendations that IDWR staff made to you at the meeting are summarized as follows:

1 We do not see that a change in our recommendation for water right no 57-10902 is warranted This recommendation appears to cover the uses that date back to the 1917 priority date of the water right. The only non-irrigation season use that is recommended for this water right is stockwater for 0 02 cfs.

2 Your concern about identifying additional non-irrigation season uses should be addressed in connection with other water rights. During the meeting we identified three ways whereby you might consider initiating filings to increase the non-irrigation season water right to more than 0 02 cfs for stockwater. As you recall, we were careful to note that we were not endorsing and approving any of these filings -- on one hand they represent opportunities for recording these non-irrigation season uses On the other hand, each of these three methods requires a review process that could result in the final approval of either no additional water right, or a portion of the water right that you are requesting. The three filing opportunities are as follows.

a Request to reinstate lapsed permit no 57-7523 Shelley Keen provided you with additional information on how to initiate this process.

b File an additional application for permit for non-irrigation season uses, under the theory that the application can be processed in a moratorium area to the extent that the uses were initiated prior to the establishment of a moratorium. One issue that surfaced after the meeting is the requirement in Section 42-233, Idaho Code, that use of low temperature geothermal water must be primarily for the heat value We did not pursue this issue too far with the prior permit

MICROFILMED

MAY 16 2002

Dan and Linda Keppler
July 26, 2001
Page 2 of 2

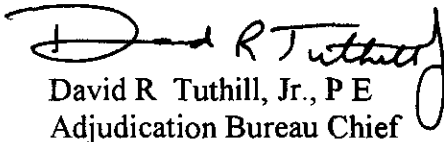
because our staff determined that the impact would be de minimis for 0.02 cfs. Now that the rate of flow requested is not de minimis, the temperature of the water must be measured and this requirement must be reviewed.

c. File a claim to additional non-irrigation season uses based on the initiation of these uses in the early 1960's, prior to the March 25, 1963 date of mandatory applications for permit for new appropriations of ground water.

In order to assist you with these filings, IDWR staff contacted the SRBA Court to request a continuance of the Status Conference that had been set for July 25, 2001. Special Master Cushman verbally approved the extension and indicated that a written order would follow. In addition, Roxanne Brown and Cynthia Bridge assisted you with filing the appropriate documents for an application for a new permit with IDWR. While the filing of these documents is at the discretion of the water user and is the responsibility of the water user, we are certainly willing to assist you with the process.

If your understanding of our meeting Monday is different from this letter in any way, please let me know. Also, if we can assist you in any way, please advise either our staff or myself. I feel that our meeting was a good step toward resolution of this matter, and we are committed to taking the additional steps toward full determination of your water rights.

Sincerely,



David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

Cc: Roxanne Brown, Shelley Keen, Candice McHugh

MICROFILMED

MAY 16 2002

Bridge, Cynthia

From: Keen, Shelley
Sent: Tuesday, July 24, 2001 9 22 AM
To: Tuthill, Dave
Cc: Bridge, Cynthia
Subject: RE Keppler

Dave,

One item we need to address is the requirement in 42-233 that use of low temperature geothermal water must be primarily for the heat value. We did not pursue the issue too far with the prior permit because Mark and Rob felt it would be too much effort for 0.02 cfs. Now that they're asking for 0.32 cfs, it will be hard not to invoke the requirement. The requirement is waived for permits, licenses, decreed rights, and claims having a priority before July 1, 1987. I'm not sure we can say that a use in violation of the mandatory permit requirement is exempt just because it commenced before 1987. It would be best if they could show that the water is not low temperature geothermal or that it is primarily used for heat. I think Cynthia plans to pursue this matter, but it could be good to warn them in item 2.b of your letter.

Thanks for the chance to comment.

Shelley

-----Original Message-----

From: Tuthill, Dave
Sent: Tuesday, July 24, 2001 8:54 AM
To: Brown, Roxanne; McHugh, Candice; Keen, Shelley
Subject: Keppler

Here is a first cut at a letter for the Kepplers. Any suggested changes?

Thanks, Dave

<< File Keppler July 24, 2001 doc >>

MICROFILMED
MAY 16 2002



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

July 23, 2001

DAN AND LINDA KEPPLER
PO BOX 584
GRANDVIEW ID 83624

RE: Reinstatement of Permit 57-7523

Hand Delivered

Dear Mr. and Mrs. Keppler:

As we discussed today, Permit 57-7523 has lapsed and is of no further force or effect. It can be reinstated only if you submit the following items to the Department of Water Resources.

- The enclosed Proof of Beneficial Use form and the appropriate license examination fee
- Two pieces of evidence to show that you actually diverted water and applied it to a beneficial use during the authorized permit development period. The development period for permit 57-7523 ended on February 1, 1997.
- A statement of "reasonable cause" why your Proof of Beneficial Use statement was not submitted on time

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

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

Enclosures

MICROFILMED

MAY 15 2002

December 12, 2001

Legal Notice Department

Owyhee Avalanche

PO Box 97

Homedale ID 83628

RE: Application for Permit Nos. 57-11590 and 57-11596

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find two 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 notices 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 01/07/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED

MAY 16 2002

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

57-11590

DANIEL WAYNE KEPPLER
PO BOX 584
GRAND VIEW ID 83624
LINDA FRANCES KEPPLER
PO BOX 584
GRAND VIEW ID 83624

Point(s) of Diversion L9 NWSWSW S30 T05S R04E OWYHEE County Source GROUND WATER

Use: WILDLIFE	01/01 To 12/31	0.32 CFS	
Use: WILDLIFE STORAGE	01/01 To 12/31		1 AFA
Use: DIVERSION TO STORAGE	01/01 To 12/31	0.32 CFS	
Total Diversion:		0.32 CFS	1 AFA

Date Filed. 09/14/2001

Place Of Use WILDLIFE STORAGE

T05S R04E S30 SWSW Lot 9

Place Of Use: DIVERSION TO STORAGE

T05S R04E S30 SWSW Lot 9

Place Of Use: WILDLIFE

T05S R04E S30 SWSW Lot 9

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 01/07/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Owyhee Avalanche on December 19 and 26, 2001.

MICROFILMED

MAY 16 2002