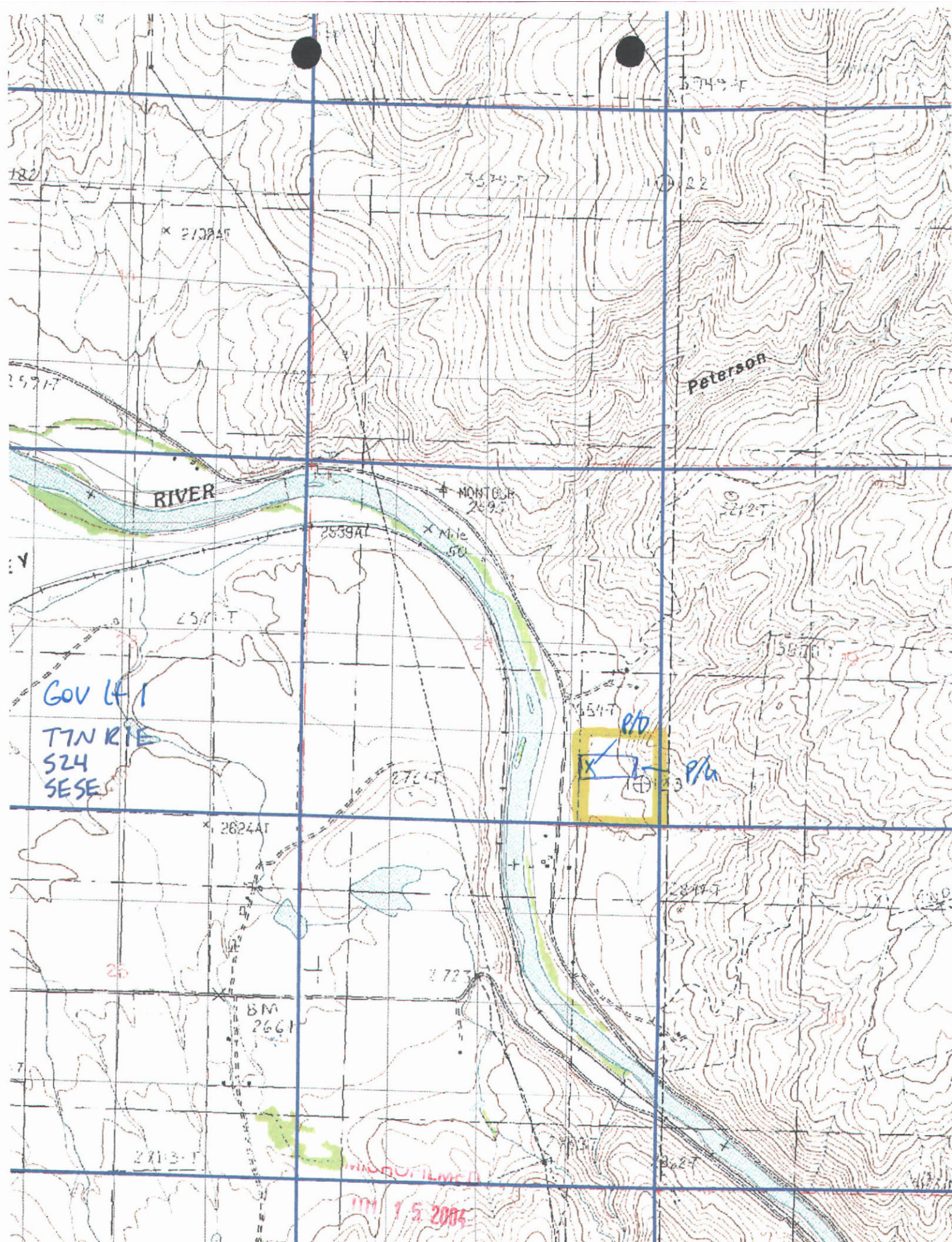
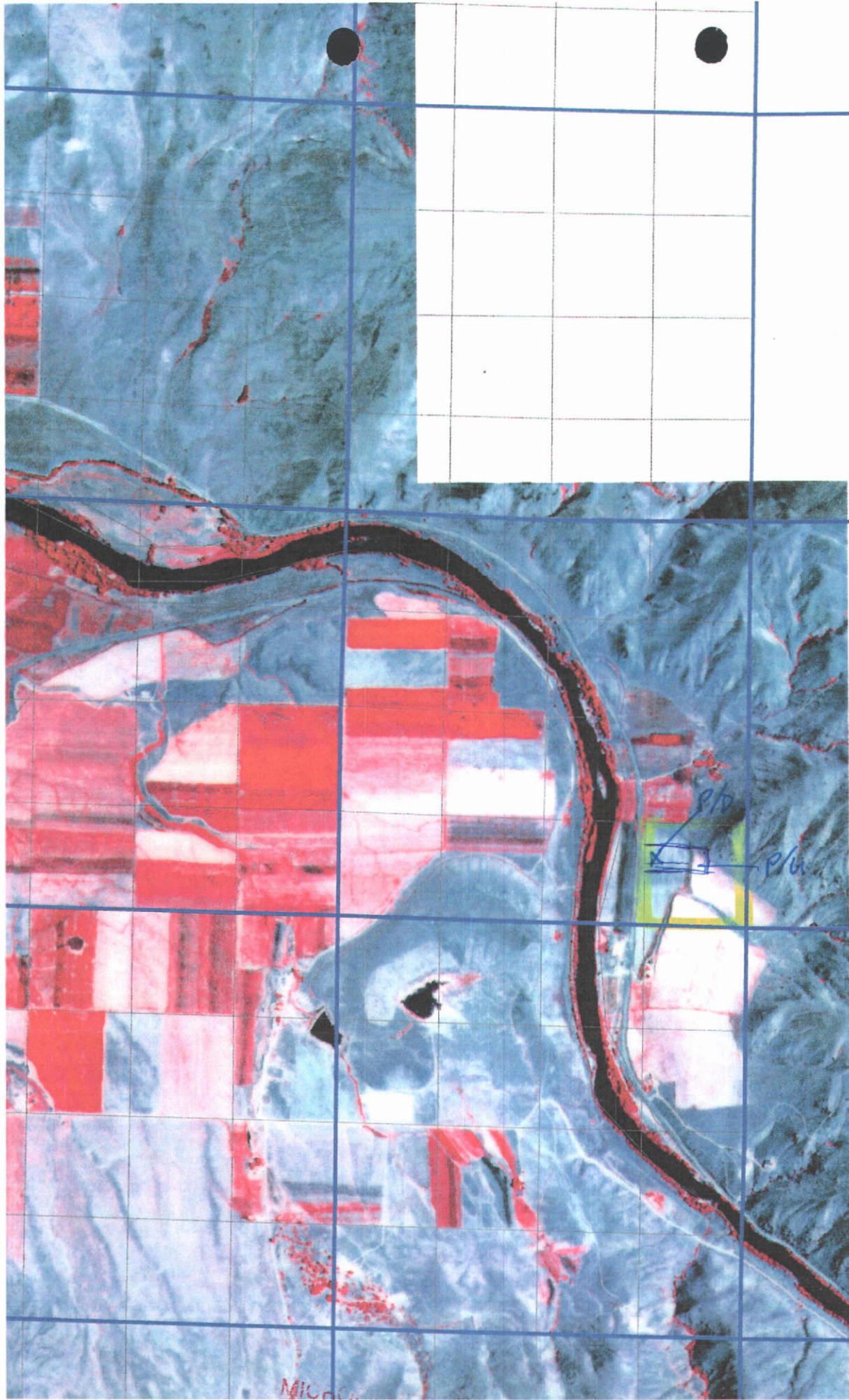






TINN RIE
SZ4 SESE
GOV LT 1

MICROFILMED

11 15 2004

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Gem) SS.

ANTHONY M. CLARK
of Emmett, Gem County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
 2. That I am the Principal Clerk of the Messenger Index, a weekly newspaper published in the City of Emmett in the County of Gem, State of Idaho; that the said newspaper is in general circulation in the said County of Gem, and in the vicinity of Emmett, and has been uninterruptedly published in said County during a period of fifty-two consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.
 3. That the notice, of which the annexed is a printed copy, was published in the newspaper two times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
 4. That said notice was published the following:
June 16, 23, 2004
- Anthony M. Clark*
- STATE OF IDAHO)
County of Gem)
- On this 23rd day of June in the year of 2004 before me a Notary Public, personally appeared. Anthony M. Clark known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he executed the same.

M. J. Dreher

Notary Public for Idaho
Residing at Emmett
My Commission expires
February 1, 2005

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

65-22885

EUGENE M SHEPHERD
PO BOX 398
HORSESHOE BEND ID 83629
JONI D SHEPHERD
PO BOX 398
HORSESHOE BEND ID 83629

Point(s) of Diversion L1 (SESE) S24 T07N R01E
GEM County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.12 CFS
Total Diversion: 0.12 CFS

Date Filed: 05/19/2004
Place Of Use: IRRIGATION
T07N R01E S24 SESE Lot 1
Number of Acres 6

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 07/06/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub: 6-16, 23, 2004

Legal Notice No. 5519
Published in the Messenger Index

RECEIVED

JUN 23 2004

WATER RESOURCES
WESTERN REGION

MAINTAINED

JUN 23 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22885

Priority: May 19, 2004

Maximum Diversion Rate 0.12 CFS

This is to certify, that EUGENE M SHEPHERD And/Or JONI D SHEPHERD
PO BOX 398
HORSESHOE BEND ID 83629

have applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	0.12 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER L1 (SE $\frac{1}{4}$ SE $\frac{1}{4}$) Sec. 24, Twp 07N, Rge 01E, B M , GEM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
07N 01E 24																	60 L1	60
Total Acres.	6																	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2007**.
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 the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. The well constructed under this permit, as a point of diversion, shall be cased with unperforated casing and sealed to the first confining layer to prevent interaction with local surface water.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 27.0 af at the field headgate for the lands above
7. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above

MICHAEL J. JENSEN

MAY 19 2004

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 65-22885

8. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 16th day of July, 2004.


for KARL J. DREHER, Director

MICROFILMED
JUL 15 2004

RECEIVED

JUL 14 2004

FORM 202
12/99

RECEIVED

MAY 06 2004

DEPARTMENT OF
WATER RESOURCESIdent No. 65-22885STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RESOURCES
WESTERN REGION**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

1 Name of Applicant Eugene M & Joni D Shepherd Phone (208) 584-9038
Mailing address P.O. Box 398 Horseshoe Bend ID 836292. Source of water supply Payette River ground water which is a tributary of Snake River3 Location of point of diversion is Township 07N Range 01E Sec. 24, in the SE $\frac{1}{4}$,
SE $\frac{1}{4}$, Govt. Lot 1, B.M., Gem County County;

additional points of diversion if any _____

4 Water will be used for the following purposes:

Amount .12 for irrigation purposes from 3/1 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)5 Total quantity to be appropriated is (a) 0.120 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 8 inch well, pump
sprinklers confining layer @ 40 ft.b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feetc Proposed well diameter is 8 inches; proposed depth of well is 40-50 feet

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

e If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)

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

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

b. Stockwatering; list number and kind of livestock _____

c. Municipal; show name of municipality _____

d. Domestic, show number of households. _____

e. Other; describe fully. _____

3 Description of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	1E	24																6	6

Total number of acres to be irrigated 570 6

10. Describe any other water rights used for the same purposes as described above. pump in Payette River - Snake River T-7N R-1E S-24 65-2590C & 65-11272C

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. Existing diversion is shared by 7 lots & is a joint use effort. Unfortunately the pump is not being maintained & irrigation is near impossible @ this time.

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)

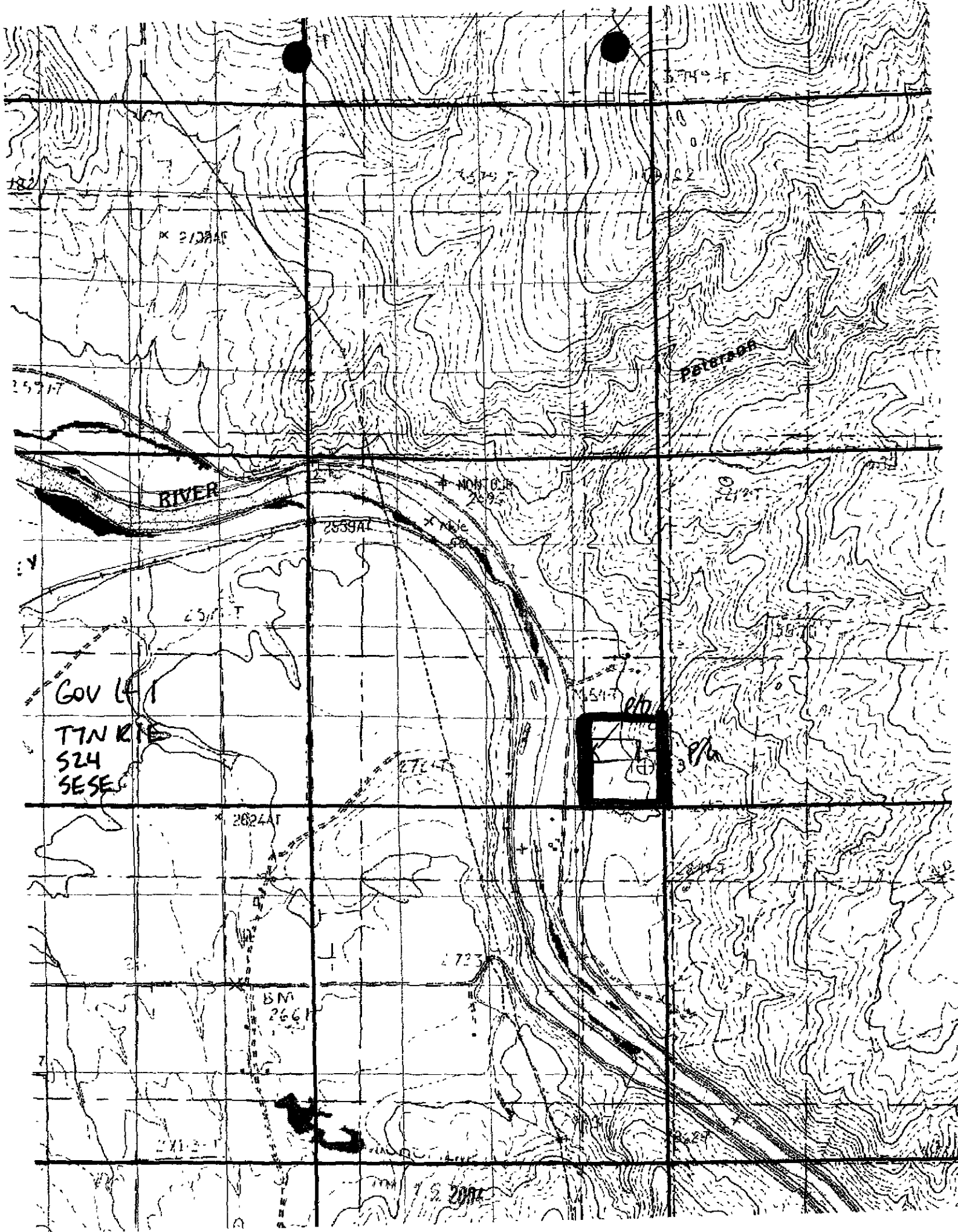
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth

Joni D Shepherd
Signature of Applicant (and title if applicable)

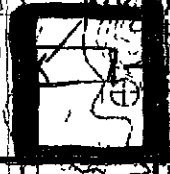
Received by KL Date 5/16/04 Time 12:17 Preliminary check by KL Date 5/19/04
Fee \$ 100 Receipted by KL # W03173
Publication prepared by KL Date 6/10/04 Published in MESSANGER INDEX
Publication approved KL Date 7-2-04

Regarding
surface water
rights from
Payette River.

*RECORDED
JUL 5 2004



GOV L4
T7N R1E
S24
SESE



BM
2661

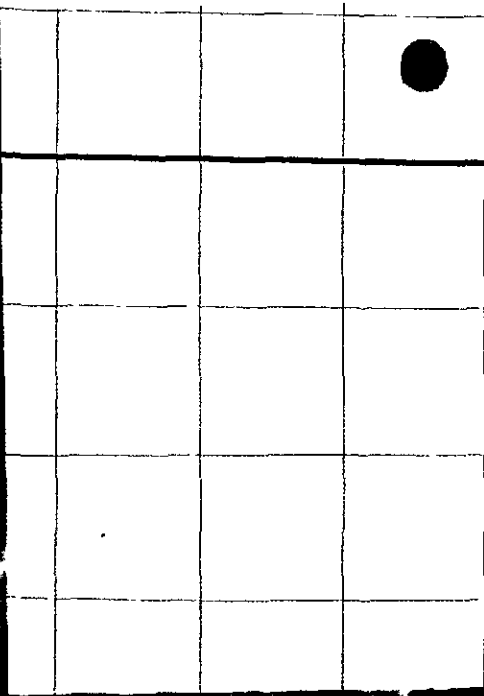
2539AT

2624AT

723

Peterson

RIVER



TIN RIE
S24 SESE
GOV Lt 1

RECEIVED

MAY 06 2004

WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS

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

Name of Applicant

Eugene & Joni Shepherd

Mailing Address

P.O. Box 398

Horseshoe Bend, ID 83629

Application No.
(if known)

☐ IN LOCAL PUBLIC INTEREST

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

☐ PROPOSE MITIGATION NOW

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

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature

Joni A Shepherd

Date

4/22/04

Please return this form to:

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

WATER RESOURCES

MAY 15 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

July 19, 2004

EUGENE M SHEPHERD
JONI D SHEPHERD
PO BOX 398
HORSESHOE BEND ID 83629

RE: Permit No. 65-22885

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.

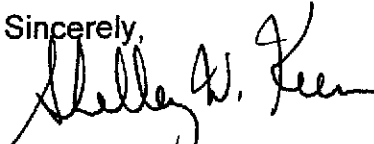
MICROFILMED

JUL 15 2004

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:klf

Enclosure(s)

MINUTEMAN

2004

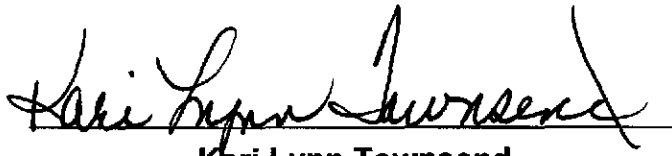
CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

65-22885

**EUGENE M SHEPHERD
JONI D SHEPHERD
PO BOX 398
HORSESHOE BEND ID 83629**

A handwritten signature in black ink, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
5 2004

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.

Comment Report

65-22885

1. scurtis 5/25/2004 Legal Notice Remarks

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

2. lgraves 5/26/2004 Comment/Analysis

Comment: Applicants also have irrigation rights 65-2590C and 65-11272C from the Payette River. They stated that they will use the surface water when available. They also stated that they would case with un-perforated casing and seal to the first confining layer to prevent interaction with the Payette River so that their well would not be subject to watermaster control.

3. kwalker 7/15/2004 Permit Review

Comment: Recommend approval as a supplemental right to Payette River rights.

MICROFILMED
JUL 15 2004

JUL 14 2004

DEPARTMENT OF
WATER RESOURCES

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by g Date 5/19/04 Application # 65-22885

REQUIRED INFORMATION

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

ADDITIONAL INFORMATION

ADVERTISE REMARKS

☒ YES ☐ NO

YES NO

- ☒ ☒ P/D overlap (explain)
- ☒ ☒ P/U overlap (explain) surface water rights, same P/U
- ☒ ☒ Critical groundwater area (send letter)
- ☒ ☒ Ground water management area (send letter)
- ☒ ☒ Drilling concern area (send letter)
- ☒ ☒ 1992 moratorium (send letter)
- ☒ ☒ Surface water source, IDFG comment letter
- ☒ ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ ☒ E-mail to Dam Safety staff (if any storage)
- ☒ ☒ Mitigation plan: "request to process form" in file:
- ☒ ☒ Immediate = closed areas, acceptable plan required & submitted
- ☒ ☒ Future = open areas, plan not required
- ☒ ☒ Send power requirement letter &/or fish farm requirement letter
- ☒ ☒ Power residency affidavit
- ☒ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (if YES, attach large diversion supplementary analysis sheet)

☒ REQUEST ADDITIONAL INFORMATION FROM APPLICANT

Date Requested 5/19/04 Date Response Received 5/19/04

PROCESSINGAPPLICATION # 65-22885

YES NO

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

COMMENT LETTERS

YES NO

☐ ☒ IDEQ
☐ ☒ IDFG
☐ ☒ IDL
☐ ☒ IDWR Water Planning
Bureau

YES NO

☐ ☒ US BLM
☐ ☒ US Forest Service
☐ ☒ Water Dist # _____
☐ ☒ Other - list here or attach information

FINAL REGIONAL PROCESSING REVIEW

YES NO

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

☒ ☐ Publication dates & paper recorded on application

☐ ☒ Final date for protest 7-6-04

☐ ☒ Protests received

☐ ☒ Recommendations attached

☒ ☒ Measuring device required

☒ ☒ Water delivered by water master? District # N/A - BW

☒ ☐ Special conditions of approval or cover letter

* standards + "The well shall be cased with un-
perforated casing and sealed to the first confining layer
to prevent interaction with local surface water."

Recommended Date of Priority 5/19/04

Recommendation ☒ Approve ☐ Deny by Loi Gannon Date 7/12/04

ADDITIONAL INFORMATION

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

☒ Shapefile completed (optional: attach with proof report)

* Applicants stated that they would seal well to first
confining layer so that they would not be subject
to watermaster control. - see appl remarks

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22885

WATER RIGHT NUMBER: 65-22885

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EUGENE M SHEPHERD PO BOX 398 HORSESHOE BEND, ID 83629 (208)584-9038

Current Owner	JONI D SHEPHERD PO BOX 398 HORSESHOE BEND, ID 83629 (208)584-9038
---------------	--

Priority Date: 05/19/2004

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.120 CFS	
	<u>Total Diversion:</u>	0.120 CFS	

Location of Point(s) of Diversion

GROUND WATER	L1 (SE1/4SE1/4)	Sec 24, Twp 07N, Rge 01E, B.M.
GEM County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
07N	01E	24																	6.0 L 1	60

Total Acres: 6

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22885

Comments:

1 scurtis 5/25/2004 Legal Notice Remarks

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

2 Igraves 5/26/2004 Comment/Analysis

Comment: Applicants also have irrigation rights 65-2590C and 65-11272C from the Payette River. They stated that they will use the surface water when available. They also stated that they would case with un-perforated casing and seal to the first confining layer to prevent interaction with the Payette River so that their well would not be subject to watermaster control.

Dates and Other Information:

Application Received Date: 5/19/2004

Application Denied Date:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date:

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector: AND/OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks: Existing diversion is shared by 7 lots and is a joint use effort. Unfortunately, the pump is not being maintained and irrigation is near impossible at this time.

Other Water Rights:

Time to Complete Works: 3

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

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

EUGENE M SNEPHERD
PO BOX 388
HORSESHOE BEND ID 83629
JONI D SNEPHERD
PO BOX 388
HORSESHOE BEND ID 83629

Point(s) of Diversion L1 (SESE) S24 T07N R01E
GEM County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.12 CFS
Total Diversion: 0.12 CFS

Date Filed: 06/16/2004
Place Of Use: IRRIGATION
T07N R01E S24 SESE Lot 1
Number of Acres: 8

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 07/06/2004. The protestant must also send a copy of the protest to the applicant.

Pub: 6-16-04, 8804-

KARL J DREHER, Director

Legal Notice No. 5519

Published in the Messenger Index

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Gem) SS.

ANTHONY M. CLARK
of Emmett, Gem County, Idaho, being first duly sworn,
deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Messenger Index, a weekly newspaper published in the City of Emmett in the County of Gem, State of Idaho; that the said newspaper is in general circulation in the said County of Gem, and in the vicinity of Emmett, and has been uninterruptedly published in said County during a period of fifty-two consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in the newspaper two times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following:
June 16, 23, 2004

STATE OF IDAHO)
County of Gem)

On this 23rd day of June in the year of 2004 before me a Notary Public, personally appeared. Anthony M. Clark known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he executed the same.

Notary Public for Idaho
Residing at Emmett
My Commission expires
February 1, 2005

RECEIVED

JUN 23 2004

WATER RESOURCES
WESTERN REGION

JUN 23 2004

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

June 09, 2004

Legal Notice Department
MESSENGER-INDEX
PO BOX 577
EMMETT ID 83617

RE: Application for Permit No. 65-22885

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 07/06/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

MICROFILMED

199 1 5 2004

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

65-22885

EUGENE M SHEPHERD

JONI D SHEPHERD

PO BOX 398

HORSESHOE BEND ID 83629

Point(s) of Diversion L1 (SESE) S24 T07N R01E GEM County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed. 05/19/2004

Place Of Use: IRRIGATION

T07N R01E S24 SESE Lot 1

Number of Acres 6

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 07/06/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Messenger Index on June 16 and 23, 2004.

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JUL 15 2004