

RECORD OF SURVEY

OF THE EAST 1/4 OF THE SOUTHWEST 1/4 OF THE
NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9,
TOWNSHIP 6 NORTH, RANGE 1 WEST, BOISE MERIDIAN
GEM COUNTY, IDAHO

Instrument # 232636

EMMETT, GEM, IDAHO

2003-10-27 01:43:00 No. of Pages: 1

Recorded for: TRI COUNTY SURVEYING

SUSAN K. HOWARD

Fee: \$5.00

Ex-Officio Recorder Deputy *Judy Egan*

Index to: RECORD OF SURVEY

BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST LINE
OF THE NORTHEAST 1/4 OF SECTION 9,
TOWNSHIP 6 NORTH, RANGE 1 WEST, BOISE MERIDIAN,
i.e. N 01°11'49" E.

LEGEND:
□ FOUND ALUMINUM CAP MONUMENT
● FOUND 5/8" IRON PIN
○ SET 1/2" IRON PIN W/PLASTIC CAP PLS 6552
○ SET 1/2" IRON PIN W/PLASTIC CAP PLS 6552 AT 45' OFFSET TO PROP. COR.
--- FENCE LINE
● WELL LOCATION

NOTE:

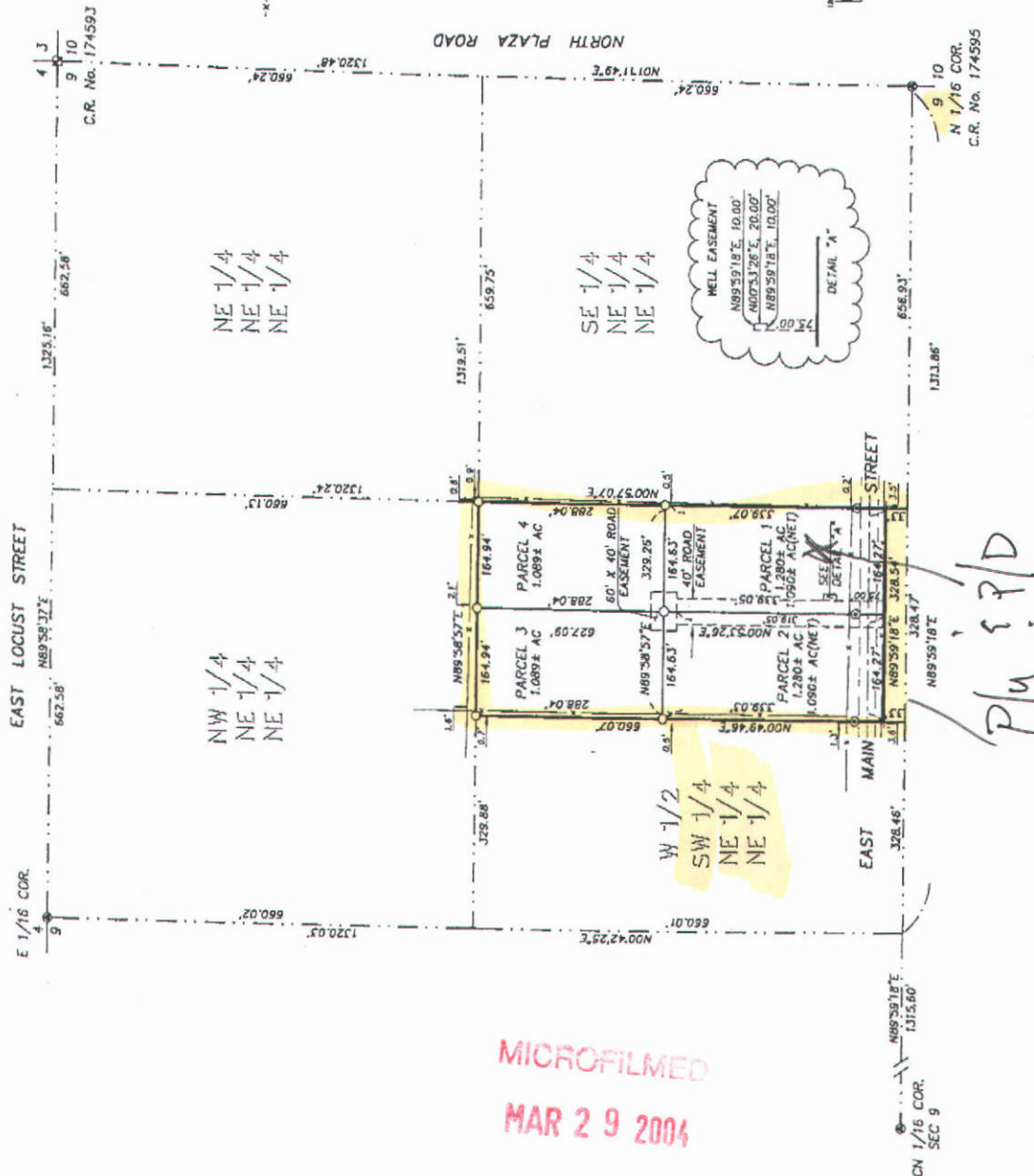
TRI COUNTY SURVEYING, INC. ASSUMES NO LIABILITY FOR PRESENT OR
FUTURE COMPLIANCE OR NONCOMPLIANCE WITH COUNTY PLANNING
AND ZONING ORDINANCE RESTRICTIONS AS THEY PERTAIN TO BUILDING
PERMITS AND THE ISSUANCE THEREOF.

SURVEY FOR:

MIKE MOSER
1803 LAWNDALE
MERIDIAN, ID 83642
PHONE: (208) 886-4781

TRI COUNTY SURVEYING, INC.

PROFESSIONAL LAND SURVEYORS
510 So. Washington Ave.
P.O. Box 974
Emmett, Idaho 83617-0974
Phone: (208) 365-7470



MICROFILMED
MAR 29 2004

65-22858

RECEIVED
FEB 12 2004
WATER RESOURCES
WESTERN REGION

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:
February 4, 11, 2004

Anthony M. Clark
STATE OF IDAHO)
County of Gem)

On this 11th day of February 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.

Marianne Chaney
MARIANNE CHANEY
NOTARY
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:

MICHAEL E MOSER
1803 LAWDALE
MERIDIAN ID 83642

65-22858

Point(s) of Diversion
GEM County NENE S9 T06N R01W
Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.14 CFS
Use: DOMESTIC 01/01 To 12/31 0.1 CFS
Total Diversion: 0.2 CFS

Date Filed: 01/27/2004
Place Of Use: IRRIGATION
T06N R01W S9 NENE
Number of Acres 4.8
Place Of Use: DOMESTIC
T06N R01W S9 NENE

Remark: Domestic use is for 4 homes. 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 02/23/2004. The protestant must also send a copy of the protest to the applicant.

Pub: 2-4, 11, 2004

KARL J DREHER, Director

Legal Notice No. 5355
Published in the Messenger Index

MICROFILMED
MAR 29 2004

Phone #

888-4781

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22858

Priority: January 27, 2004

Maximum Diversion Rate: 0.20 CFS

This is to certify, that **MICHAEL E MOSER**
1803 LAWNDAL
MERIDIAN ID 83642

has applied for a permit to appropriate water from

Source: GROUND WATER

and a permit is APPROVED for development of water as follows

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	0.14 CFS
DOMESTIC	01/01 to 12/31	0.10 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9, Twp 06N, Rge 01W, 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	
06N 01W 9	4.8																4.8
Total Acres.	4.8																

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 01W 9	X																

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before **March 01, 2009**.
- 2 Subject to all prior water rights.
- 3 Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- 4 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- 5 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.

MICHAEL MOSER
MAR 29 2004

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 65-22858

- 6 Domestic use is for 4 homes and does not include lawn, garden, landscape, or other types of irrigation.
- 7 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor exceed a combined annual maximum diversion volume of 21.6 af at the field headgate for the lands above.
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 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.
- 11 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 3rd day of March, 2004


KARL J DREHER, Director

MICROFILMED
MAR 29 2004

RECEIVED

FEB 27 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 23 2003

Department of Water Resources

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

WATER RESOURCES
WESTERN REGION

1. Name of Applicant MICHAEL E. MOSER Phone 888-877-187
 Mailing address 1803 LAWNDALE MERIDIAN ID 83642
2. Source of water supply ground water which is a tributary of _____
3. Location of point of diversion is Township 6 N Range 1 W Sec. 9, in the _____ $\frac{1}{4}$,
NE $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot _____, B.M., GEM County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.16, 10 for DOMESTIC purposes from JAN 1, 2003 to DEC 31, 2004 (both dates inclusive)
 (cfs or acre-feet per annum)

Amount 14 for irrigation purposes from March 1st to Nov 15th (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) 0.16, 20 new Jan 27, 2004 and/or (b) 4.8 new Jan 27, 2004
 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,pipeline,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 ? feetd. 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
- 5
- years (minimum 1 year)

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

- a. Hydropower, show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock _____
- c. Municipal; show name of municipality. _____
- d. Domestic, show number of households. 4 Households
- e. Other; describe fully. _____

MICHAEL MOSER

MAR 29 2004

5. 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	
6N	1W	9	4.8																
mea																			
Jan 27, 2004																			

Total number of acres to be irrigated _____

6. Describe any other water rights used for the same purposes as described above.

65-5461 - Canal Water
m & m
Jan 27, 2004

1. a. Who owns the property at the point of diversion?

Michael E & Janice L Moser

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

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

2. Remarks:

Domestic use four households

3. 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 7.5 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

Michael E Moser

Signature of Applicant (and title, if applicable)

Received by KLB Date 12/23/03 Time 1:40 Preliminary check by DAN
 Fee \$ \$100.00 Received by KG # W031210 Date 2-4-11-04 Published in MESSANGER INDEX
 Publication prepared by sk Date 2-4-11-04 Date 2-23-04
 Publication approved sk

MICROFILMED
MAR 29 2004

Instrument # 232636

EMMETT, GEM, IDAHO

2003-10-27 01:43:00 No. of Pages: 1

Recorded for: TRI COUNTY SURVEYING

SUSAN K. HOWARD Fee \$5.00

Ex-Officio Recorder Deputy *[Signature]*

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GEM COUNTY, IDAHO

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i.e. N 01°11'48" E.

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- ⊙ SET 1/2" IRON PIN W/PLASTIC CAP PLS 6552 AT 45° OFFSET TO PROP COR
- FENCE LINE
- WELL LOCATION

NOTE:

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AND ZONING ORDINANCES, RESTRICTIONS AS THEY PERTAIN TO HOLDING
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SURVEY FOR:

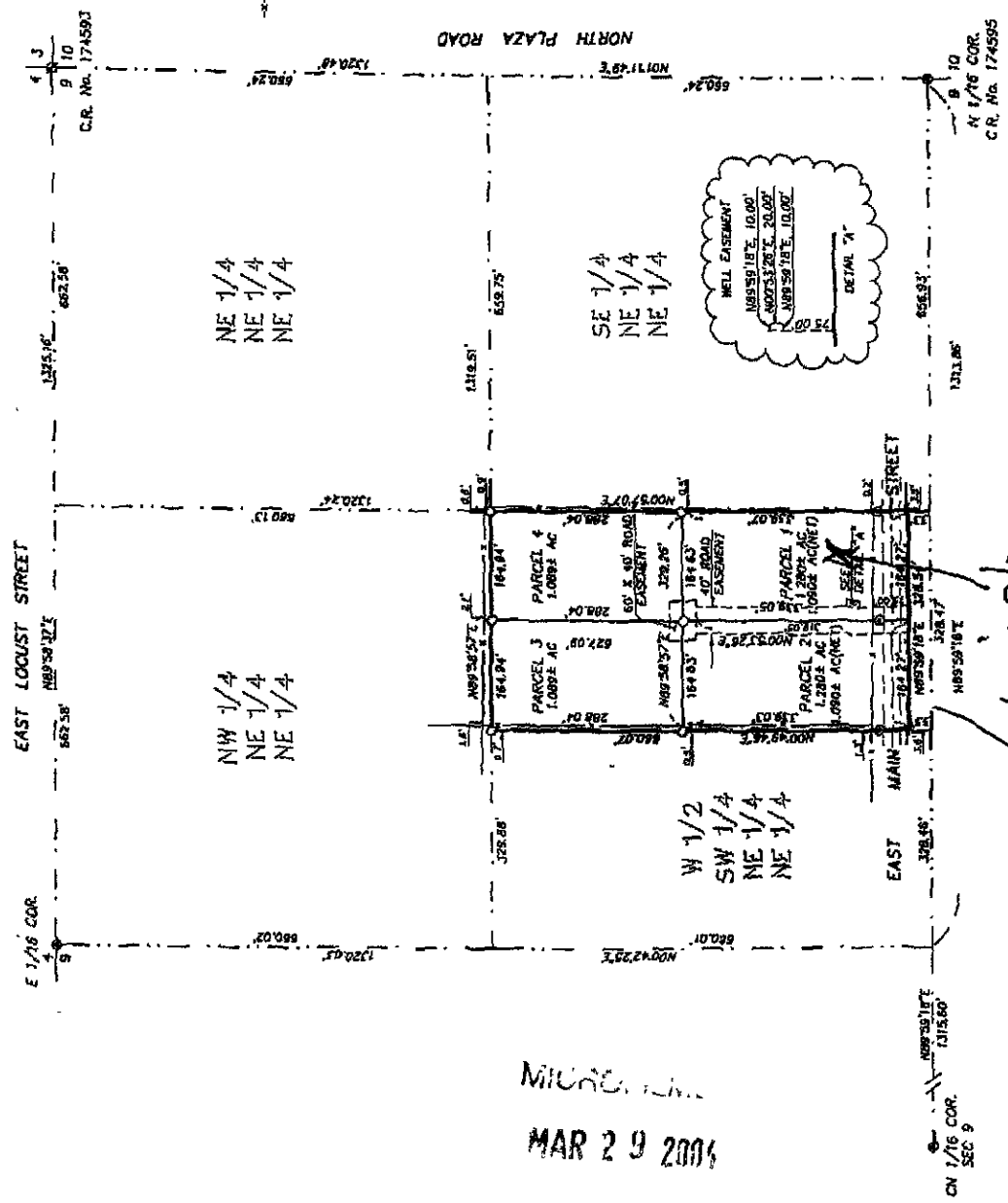
MIKE MOSER
1923 LAMDALE
MERIDIAN, ID 83642
PHONE: (208) 868-1781

TRI COUNTY SURVEYING, INC.

PROFESSIONAL LAND SURVEYORS
310 S. Washington Ave.
P.O. Box 374
Emmett, Idaho 83617-0374
Phone: (208) 365-7470



OCTOBER 2003
INDEX No. 614-09-1-1-J JOB No. 23-100



MICROFILM
MAR 29 2006

65-22858

REQUEST TO PROCESS

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

Name of Applicant

Michael E. Moore

Mailing Address

1803 Lawndale

Meridian Idaho

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

Michael E. Moore

Date

Jan 27, 2004

Michael E. Moore

MAR 29 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

March 3, 2004

MICHAEL E MOSER
1803 LAWNDAL
MERIDIAN ID 83642

RE: Permit No. 65-22858

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.

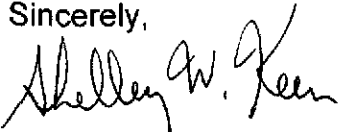
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened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

MICHAEL MOSER
MAR 23 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:klt

Enclosure(s)

MICROFILM

MAR 29 2004

MICROFILM

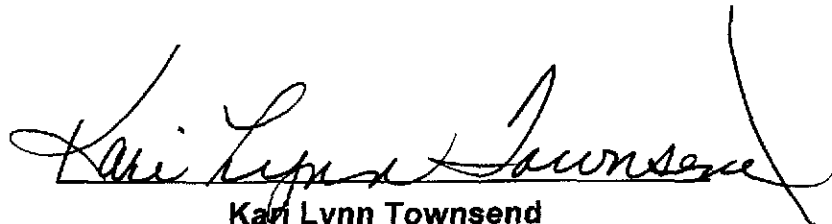
CERTIFICATE OF SERVICE

I hereby certify that on March 3, 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.

65-22858

MICHAEL E MOSER
1803 LAWDALE
MERIDIAN ID 83642



Karl Lynn Townsend
Secretary

MILWAUKEE
MAR 22 2004

**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
APR 29 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.

MICROFILMED
MAR 29 2004

Michael Moser

dommest
LETTERS

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by DAW Date 1-26-03 Application # LE-29858

RECEIVED

FEB 17 2003

REQUIRED INFORMATION

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

Government Lots
NO P/D
NO P/U

ADDITIONAL INFORMATION

yes ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ ☐ P/D overlap (explain) NO SIGNIFICANT P/D OVERLAP
☒ ☐ P/U overlap (explain) CANAL WATER OVERLAPS 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 _____ Date Response Received _____

PROCESSING

APPLICATION # 65-22858

YES NO

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

COMMENT LETTERS

YES NO

☐ ☒ IDEQ
☒ ☐ District Health
☐ ☒ IDFG
☐ ☒ IDL

YES NO

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

FINAL REGIONAL PROCESSING REVIEW

YES NO

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

☒ ☐ Publication dates & paper recorded on application
☐ ☐ Final date for protest 2-23-04
☐ ☒ Protests received
☐ ☒ Recommendations attached
☐ ☒ Measuring device required
☐ ☒ Water delivered by water master? District #
☒ ☐ Special conditions of approval or cover letter

STANDARD CONDITIONS -> DOMESTIC USE
IN-HOUSE ONLY -> 2046 -> IRRIGATION SUPPLEMENTAL
TO EMMETT IRRIGATION DISTRICT - MUST MEET
STATE AND LOCAL ~~PROTECTIVE~~ WATER QUALITY STANDARDS.
Recommended Date of Priority JANUARY 27, 2004

Recommendation ☒ Approve ☐ Deny by Daniel A. Nelson Date 2-25-04

ADDITIONAL INFORMATION

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

☒ Shapefile completed (optional: attach with proof report)

RECEIVED

DEC 23 2003

WATER RESOURCES
WESTERN REGION

Drilling Permit No. 880772-809845
Drilling Permit I.D. Tag No. D0030897
Water Right Permit No. 65-22858
Injection Permit No. _____

State of Idaho
Department of Water Resources

SCANNED

JAN 05 2004

COPY

APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

1. Owner (please print): Michael E Moser Michael Moser
2. Mailing Address: 1803 Lawndale
City: Meridian State: Id Zip Code: 83642 Telephone (208) 888-4781
3. Proposed Well Location: Twp. 6N, Rge. 1W, Sec. 9, 1/4 NE 1/4 NE 1/4;
Gov't Lot No. _____ County Gem Lat. _____: _____: _____ Long. _____: _____: _____
Street Address of Well Site 2742 E Main, Emmett City Emmett
Give at least name of road + Distance to Road or Landmark
Lot, block and subdivision _____

4. Proposed Use of Well: Pending approval OF Water Rt Apl.
☒ DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: ☐ Irrigation ☐ Municipal ☐ Industrial
☐ Livestock ☐ Test ☐ Other _____
Type _____ Number Hd. _____ (Describe)

☐ INJECTION

☐ MONITORING: A well bore schematic and map is required for each blanket permit. No. of proposed wells: _____

5. Well Construction Information:

A. ☐ New well ☐ Modify ☒ Replace
B. Proposed Casing Diameter 8 in Proposed Maximum Depth 100
C. Anticipated bottom hole temperature:
☒ 85 F or less (Cold Water Well) ☐ 85 F to 212 F (Low Temp. Geo. Well) ☐ 212 F. or more (Geothermal Well)

6. Construction Start Date: 1/2/03

7. Anticipated Well Driller: K J F Drilling well Driller's Lic. No. 417
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's Signature: Michael E Moser Date 12/23/03

Address (if different than owner): _____

City: _____ State: _____ Zip Code: _____ Telephone: _____

Title: _____

(Owner, Firm Representative, Other)

MICRO, INC. D

MAR 20 2004

10/12/2000 (ldt)

Drilling Permit No. 880772-809845
Drilling Permit I.D. Tag No. 00030897
Water Right No. _____ (if applicable)

RECEIVED

DEC 23 2003

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources

REQUEST FOR ISSUANCE OF DOMESTIC DRILLING PERMIT
WITH CASING SIZE EXCEEDING SIX (6) INCHES

1. Owner's Name Michael E Moser michael moser
2. Owner's Mailing Address 1803 Laundale - Meridian, Id - 83642
3. The owner requests the issuance of Drilling Permit for domestic (exempt) purposes as defined in Idaho Code Section 42-111, which authorizes construction of a well with casing size exceeding six (6) inches in diameter. The Idaho Code states, in part:

"the phrase 'domestic purposes' or 'domestic uses' means:

- a. *The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or*
- b. *Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day.*

For purposes of these sections, domestic purposes or domestic uses shall not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use meets the diversion rate and volume limitations set forth in subsection B. of this section."

The request is made to drill a 8 inch diameter well for the following reason(s):

- ☐ A larger diameter is required because of expected limited productivity of formations anticipated to be encountered, or difficulties in drilling that have been experienced.
- ☐ The pumping equipment available requires a larger well diameter and will be valved to prevent excessive diversion.
- ☒ Other We have applied for water rights
for 4 homes, only using for 1 home now.

4. Who owns the property at the point of diversion? Michael E Moser
5. Who owns the land to be irrigated or place of use? _____
6. If a person other than the applicant owns the property, describe the arrangement enabling the applicant to make this filing in behalf of the well owner: _____
7. Anticipated Well Driller: Arnie Well Drilling Driller's License No. _____
8. I acknowledge that use of this well for any other purpose than domestic use as defined under Idaho Code Section 42-111 requires approval by the Idaho Department of Water Resources and that failure to comply is a violation of Sections 42-351 and 43-352, Idaho Code.

Well Owner or Authorized Agent

Michael E Moser

Signature

Title

MR

12 / 23 / 03

Date

RECEIVED

FEB 12 2004

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Gem)

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.

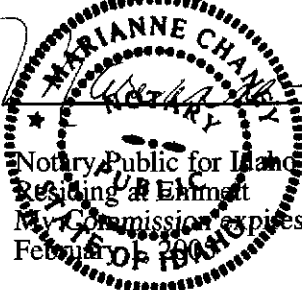
3. That the notice, of which the annexed is a printed copy, was published in the newspaper two times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4 That said notice was published the following:
February 4, 11, 2004

Anthony M. Clark

STATE OF IDAHO)
County of Gem)

On this 11th day of February 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.



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

MICHAEL E MOSER
1803 LAWDALE
MERIDIAN ID 83642

65-22858

Point(s) of Diversion
GEM County

NENE
Source GROUND WATER

S9 T06N R01W

Use IRRIGATION
Use. DOMESTIC

03/01 To 11/15
01/01 To 12/31

0 14 CFS
0 1 CFS
0 2 CFS

Total Diversion
Date Filed 01/27/2004

Place Of Use. IRRIGATION
T06N R01W S9 NENE
Number of Acres 4.8
Place Of Use: DOMESTIC
T06N R01W S9 NENE

Remark: Domestic use is for 4 homes. 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 02/23/2004. The protestant must also send a copy of the protest to the applicant.

Pub: 2-4, 11, 2004

KARL J DREHER, Director

Legal Notice No. 5355
Published in the Messenger Index

RECEIVED
FEB 12 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 29, 2004

ENVIRONMENTAL HEALTH
SOUTHWEST DISTRICT HEALTH
920 MAIN
CALDWELL ID 83605

Re: Water Right Application

Enclosed is a copy of an application(s) that may be of interest to you. Please review the application(s) submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by February 23, 2004.

If you have any questions regarding the application, please contact this office.

Sincerely,

Sue Kreger
Administrative Assistant

Encl. Copy of Application

MICRO. J.

MAR 2 9 2004

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

January 28, 2004

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

RE: Application for Permit No. 65-22858

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 02/23/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

MICHAEL J. ...
JAN 29 2004

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

65-22858

MICHAEL E MOSER
1803 LAWDALE
MERIDIAN ID 83642

Point(s) of Diversion NENE S9 T06N R01W GEM County Source GROUND WATER

Use. IRRIGATION 03/01 To 11/15 0.14 CFS

Use: DOMESTIC 01/01 To 12/31 0.1 CFS

Total Diversion 0.2 CFS

Date Filed: 01/27/2004

Place Of Use IRRIGATION

T06N R01W S9 NENE

Number of Acres 4.8

Place Of Use. DOMESTIC

T06N R01W S9 NENE

Remark: Domestic use is for 4 homes
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 02/23/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Messenger Index on February 4 and 11, 2004

MICHAEL

1/27/04