

Parcel A is original homestead and already has a water right

OF A PORTION OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 2 WEST, BOISE MERIDIAN GEM COUNTY, IDAHO



1/4 CORNER
36 31 C.R. No. 191392
36 31 C.R. No. 186205

RANGE 2 WEST
TOWNSHIP 7 NORTH
RANGE 1 WEST
UA AVE
TOWNSHIP 6 NORTH

BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 7 NORTH, RANGE 2 WEST, BOISE MERIDIAN, I.e. N 89°35'33" W.

TIN R2W S36.
NWSE
NO 60V 145

MICROFILMED
FEB 24 2008

LEGEND:

- ① FOUND BRASS CAP MONUMENT
- ② FOUND 5/8" IRON PIN
- ③ FOUND 1/2" IRON PIN
- ④ FOUND RAILROAD SPIKE
- ⑤ SET 5/8" IRON PIN W/PLASTIC CAP PLS 6552
- ⑥ SET 1/2" IRON PIN W/PLASTIC CAP PLS 6552
- ⑦ SET BY NAIL
- FENCE LINE

NOTE:

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

SURVEY FOR:

JAN FRISBEE
1475 W. CENTRAL RD.
EMMETT, ID 83617
PHONE: (208) 365-3651



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

RECEIVED

DEC 24 2003

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:
 December 17, 24, 2003

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

On this 24th day of December in the year of 2003 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.

Margaret Clark
 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:

65-22841

JAMES D FRISBEE
 1475 W CENTRAL RD
 EMMETT ID 83617

Point(s) of Diversion NWSE S36 T07N R02W
 GEM County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.06 CFS
 Use: DOMESTIC 01/01 To 12/31 0.1 CFS
 Total Diversion: 0.16 CFS

Date Filed: 11/17/2003
 Place Of Use: IRRIGATION
 T07N R02W S36 NWSE
 Number of Acres: 2
 Place Of Use: DOMESTIC
 T07N R02W S36 NWSE

Remark: Applicant agrees to mitigate consumptive use in the future as needed. Domestic use is for 4 homes in Meadowlark Place Subdivision.

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 01/05/2004. The protestant must also send a copy of the protest to the applicant.

Pub: 12-17, 24, 2003

KARL J DREHER, Director

Legal Notice No. 5305
 Published in the Messenger Index

MICROFILMED

FEB 24 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22841

Priority November 17, 2003

Maximum Diversion Rate: 0.16 CFS

This is to certify, that JAMES D FRISBEE
1475 W CENTRAL RD
EMMETT ID 83617

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	0.06 CFS
DOMESTIC	01/01 to 12/31	0.10 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 36, Twp 07N, Rge 02W, 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 02W 36																	2.0
Total Acres																	2

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	
07N 02W 36																	X

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 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. Domestic use is for 4 homes and does not include lawn, garden, landscape, or other types of irrigation.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home

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SEP 24 2004

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 65-22841

- 7 Point of diversion is located within Parcel P, Parcel 2, Meadowlark Place Subdivision
- 8 Place of use is located within Parcels N, M, O and P, Parcel 2, Meadowlark Place Subdivision.
- 9 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 9.0 af at the field headgate for the lands above
- 10 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
11. 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 for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required
- 12 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 21st day of January, 2004


Acting for KARL J DREHER, Director

MICROFILMED

FEB 24 2004

207 agree to the following
application changes
12/9/03 Date

Ident. No. 65-22841

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JAN 14 2004

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant James D Frishee Phone 208-365-3851
Mailing address 1475 W. Central Rd. Emmett Idaho 83617

2. Source of water supply ground water which is a tributary of _____

3. Location of point of diversion is Township 07N Range 02W Sec. 36, In the 4 1/4,
1/4 SE 1/4, Govt. Lot _____, B M., 6EM County;
additional points of diversion if any. _____

4. Water will be used for the following purposes:

Amount .10 for domestic purposes from Jan 10 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .06 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)

5. Total quantity to be appropriated is (a) .16 and/or (b) 4.8
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 10" well, pump,
pipeline

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is 10" inches; proposed depth of well is 140' 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 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 homes
e. Other; describe fully _____

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FEB 24 2004

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	2W	36																D	
																		2	2

Total number of acres to be irrigated 2

10. Describe any other water rights used for the same purposes as described above. Emmett Irrigation Dist.

11. a. Who owns the property at the point of diversion? James D Frisbee
b. Who owns the land to be irrigated or place of use? James D Frisbee
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: George Post is drilling well.
Domestic use is for four house holds
P/A AKA lots N-Q, PARCEL 2, MEADOWLARK PLACE SUB.
P/D PROPOSED IN lot P.

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.

James D Frisbee
James D Frisbee
Signature of Applicant (and title, if applicable)

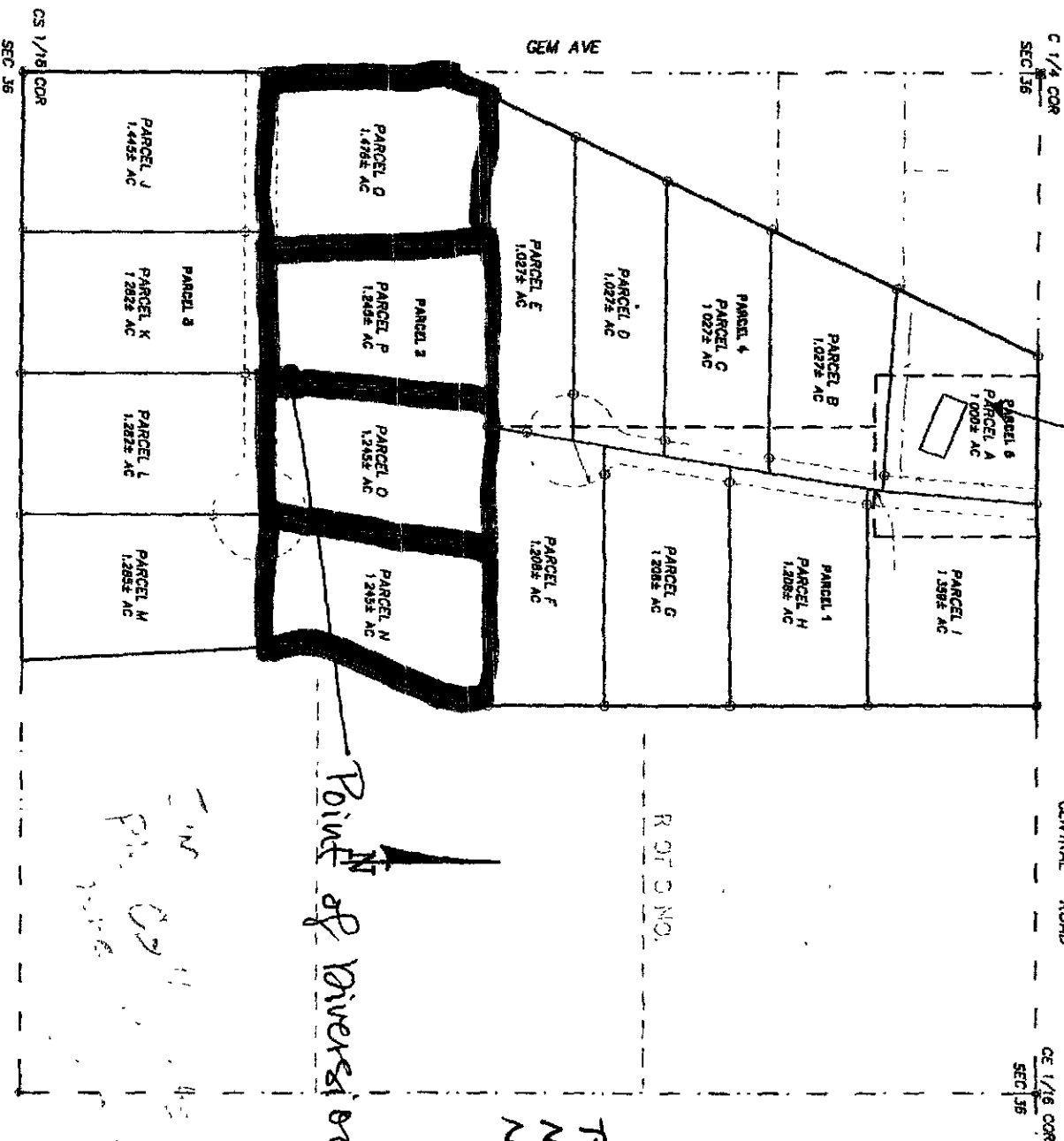
Received by KLB Date 11/17/03 Time 1:49 pm Preliminary check by 6
Fee \$ 100.00 for each permit Received by KLB # W031108 Date 11/17/03
Publication prepared by dt Date 12-28-03 Published in MESSANGER INDEX
Publication approved AK Date 1-8-04

MICROFILMED

FEB 24 2004

*Parcel A is original
homestead and already has a water right*

OF A PORTION OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF
SECTION 36, TOWNSHIP 7 NORTH, RANGE 2 WEST, BOISE MERIDIAN
GEM COUNTY, IDAHO



1/4 CORNER
36 31 C.R. No. 191392

RANGE 2 WEST
TOWNSHIP 7 NORTH
36 31
1 6
C.R. No. 196206
TOWNSHIP 6 NORTH

BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NOR
LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF
SECTION 36, TOWNSHIP 7 NORTH, RANGE 2 WEST, BOISE
MERIDIAN, i.e. N 89°35'33" W

7N R2W S36
NWSE
NO 60V 14S

MICROFILM
FEB 24 2008

- LEGEND:**
- FOUND BRASS CAP MONUMENT
 - FOUND 5/8" IRON PIN
 - FOUND 1/2" IRON PIN
 - FOUND REBAR/ROD SPIKE
 - SET 5/8" IRON PIN W/PLASTIC CAP PLS 6552
 - SET 1/2" IRON PIN W/PLASTIC CAP PLS 6552
 - SET PY NAIL
 - FENCE LINE

NOTE:
THE 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:

JIM FRISBEE
1475 N. CENTRAL RD.
EMMETT, ID 83617
PHONE: (208) 365-3631

TR COUNTY SURVEYING, INC.

510 So. Washington Ave
P.O. Box 874
Emmett, Idaho 83617-0874
Phone: (208) 365-7470



REQUEST TO PROCESS

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

Name of Applicant

JAMES D FRISBEE

Mailing Address

1475 W CENTRAL RD

EMMETT ID 83617

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

James D Frisbee

Date

12/5/03

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way

Boise, ID 83705-5082
MICROFILMED

FEB 24 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

January 21, 2004

JAMES D FRISBEE
1475 W CENTRAL RD
EMMETT ID 83617

RE: Permit No. 65-22841

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

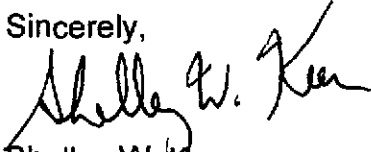
MICROFILMED

FEB 2 2 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,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
FEB 24 2004

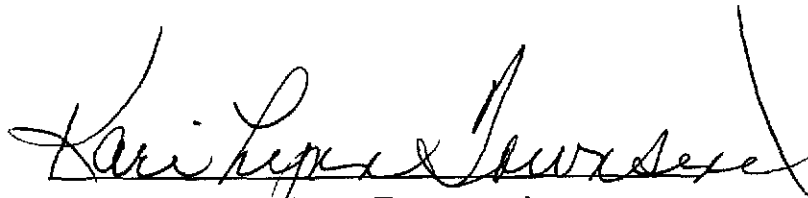
CERTIFICATE OF SERVICE

I hereby certify that on January 21, 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.

65-22841

JAMES D FRISBEE
1475 W CENTRAL RD
EMMETT ID 83617



Kari Lynn Townsend
Secretary

MAILED
JAN 24 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).

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

RECEIVED

JAN 14 2004

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

Initial review by g Date 12/1/03 Application # 65-22841

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
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

Y ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ ☒ P/D overlap (explain)
- ☒ ☒ P/U overlap (explain)
- ☒ ☒ 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

appl clarification, sub name, signature
+ initials

Date Requested 12/1/03 Date Response Received 12/5/03

PROCESSING

APPLICATION # 65-32841

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 1-5-04
☐ ☒ Protests received
☐ ☒ Recommendations attached
☐ ☒ Measuring device required
☐ ☒ Water delivered by water master? District #
☐ ☒ Special conditions of approval or cover letter

standards -

Recommended Date of Priority 11/17/03

Recommendation ☒ Approve ☐ Deny by Lo Guarn Date 1/12/04

ADDITIONAL INFORMATION

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

☒ Shapefile completed (optional: attach with proof report)

RECEIVED

DEC 24 2003

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:
December 17, 24, 2003

Anthony M. Clark

STATE OF IDAHO)
County of Gem)

On this 24th day of December in the year of 2003 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

Marcus

NOTARY PUBLIC
STATE OF IDAHO
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:

65-22841

JAMES D FRISBEE
1475 W CENTRAL RD
EMMETT ID 83617

Point(s) of Diversion NWSE S36 T07N R02W
GEM County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.06 CFS
Use: DOMESTIC 01/01 To 12/31 0.1 CFS
Total Diversion: 0.16 CFS

Date Filed: 11/17/2003
Place Of Use: IRRIGATION
T07N R02W S36 NWSE
Number of Acres: 2
Place Of Use: DOMESTIC
T07N R02W S36 NWSE

Remark: Applicant agrees to mitigate consumptive use in the future as needed. Domestic use is for 4 homes in Meadowlark Place Subdivision

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 01/05/2004. The protestant must also send a copy of the protest to the applicant.

Pub: 12-17, 24, 2003

KARL J DREHER, Director

Legal Notice No. 5305
Published in the Messenger Index

MICROFILMED

FEB 24 2004

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

December 10, 2003

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

RE: Application for Permit No. 65-22839, 65-22840, 65-22841, and 65-22842

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 01/05/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

MICROFILMED
FEB 24 2004

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

65-22839

JAMES D FRISBEE
1475 W CENTRAL RD
EMMETT ID 83617

Point(s) of Diversion NWSE

S36 T07N R02W GEM County

Source GROUND WATER

Use: IRRIGATION

03/01 To 11/15 0.06 CFS

Use: DOMESTIC

01/01 To 12/31 0.1 CFS

Total Diversion:

0.16 CFS

Date Filed: 11/17/2003

Place Of Use: IRRIGATION

T07N R02W S36

NWSE

Number of Acres 2

Place Of Use: DOMESTIC

T07N R02W S36

NWSE

Remark: Applicant agrees to mitigate consumptive use in the future as needed.
Domestic use is for 4 homes in Meadowlark Place Subdivision

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KARL J DREHER, Director

Published in the Messenger Index on December 17 and 24, 2003.

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FEB 24 2004