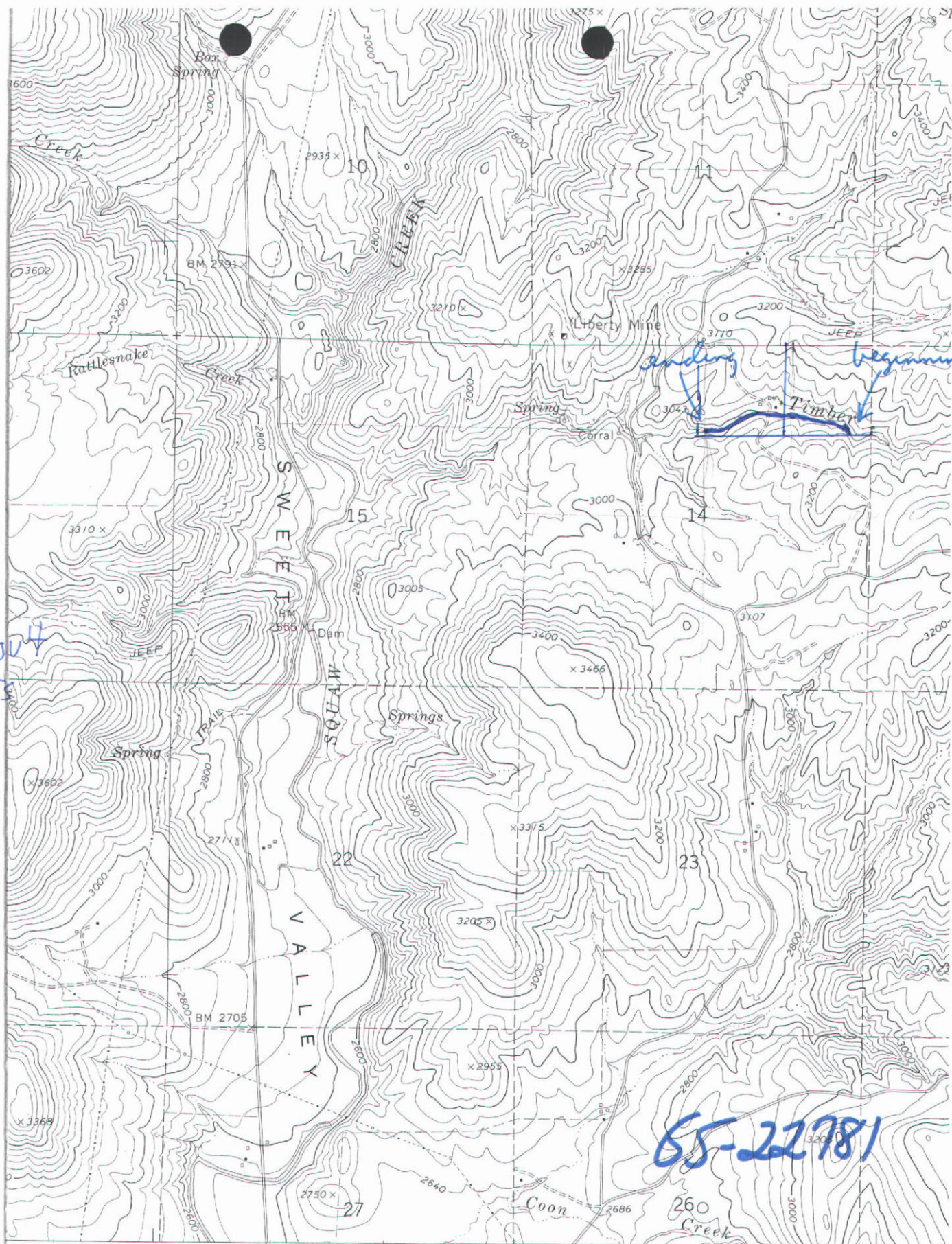
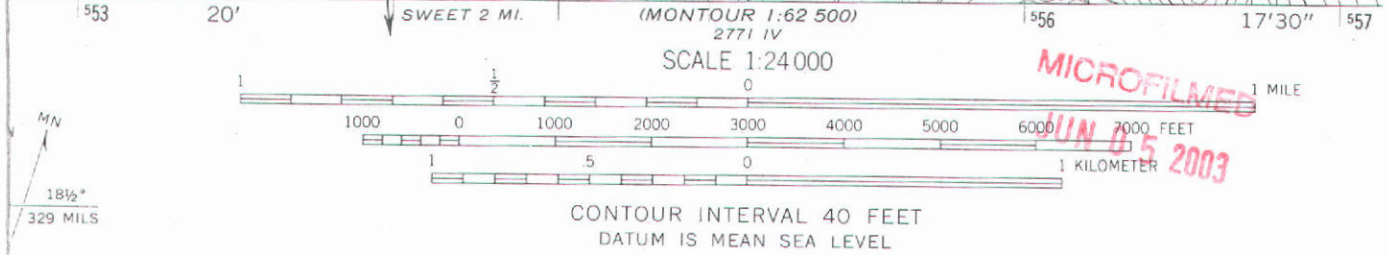


T8N
R1E
Sec 14
NE

NO south
lots
-R
3/20/03



65-22781



AFFIDAVIT OF PUBLICATION

RECEIVED
APR 24 2003
WATER RESOURCES
WESTERN REGION

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:
April 16, 23, 2003

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

On this 23rd day of April 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.

Marlene 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:

65-22781

LEON E BERGGREN
PO BOX 126
SWEET ID 83670-0126
MARGARET L BERGGREN
PO BOX 126
SWEET ID 83670-0126

Point(s) of Diversion
GEM County
Tributary To SQUAW CREEK

NENE S14 T08N R01E
Source TIMBER CREEK
Beginning Stream Flow

Point(s) of Diversion
GEM County
Tributary To SQUAW CREEK

NWNE S14 T08N R01E
Source TIMBER CREEK
Ending Stream Flow

Use: STOCKWATER
Total Diversion: 01/01 To 12/31 0.02 CFS
0.02 CFS

Date Filed: 03/17/2003
Place Of Use: STOCKWATER
T08N R01E S14 NENE NWNE

Permits will be subject to all prior water rights. Protests may be submit-
ted 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 05/05/2003. The protestant must also send a copy of the protest to
the applicant.

KARL J DREHER, Director

Pub: 4-16, 23, 2003

Legal Notice No. 5035
Published in the Messenger Index

MICROFILMED
JUN 05 2003

FOR OFFICE USE ONLY
Amt. of Fee \$ 50.00
Receipt No 2072045
Receipt By: J. M. [unclear]
Date Received 12-19-03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED

DEC 19 2003

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 65-22781 Telephone No. 208-584-3662
2. Name of Permit Holder(s): Leon E. Berggren Margaret L. Berggren
3. Mailing Address: P.O. Box 126
City Sweet State ID Zip 83670
4. Source of Water: Timber Creek If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): 10 cattle and horses
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.02 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No _____
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Leon E. Berggren Telephone Number: 208-584-3662
Address P.O. Box 126, Sweet ID 83670
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Leon E. Berggren Margaret L. Berggren Date: 12/15/03
(include your title, if on behalf of company or organization)

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FEB 24 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22781

Priority: March 17, 2003

Maximum Diversion Rate: 0.02 CFS

This is to certify, that LEON E BERGGREN And/Or
MARGARET L BERGGREN
PO BOX 126
SWEET ID 83670-0126

has applied for a permit to appropriate water from:

Source: TIMBER CREEK

Tributary: SQUAW CREEK

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

BENEFICIAL USE

STOCKWATER

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

TIMBER CREEK NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, Twp 08N, Rge 01E, B M, GEM County (Beginning of Reach)

TIMBER CREEK NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 14, Twp 08N, Rge 01E, B.M., GEM County (Ending of Reach)

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	01E	14	X	X															

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2004**.
2. Subject to all prior water rights.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65-A.
4. This right authorizes the watering of livestock directly from the stream without a diversion
5. Stockwater use is for 10 range cattle and horses

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 4th day of June, 2003


for
KARL J DREHER, Director

MICROFILMED

JUN 05 2003

Ident. No. 65-22781

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JUN - 2 2003

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Leon E. and/or Margaret L. Berggren Phone 208-524-3662
Mailing address P.O. Box 126, Sweet ID 83620
2. Source of water supply Timber Creek which is a tributary of Squaw Creek
3. Location of point of diversion is Township 8N Range 1E Sec. 14, in the NE $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot (beginning), B.M., GEM County;
additional points of diversion if any: 8N 1E S14 NWNE (ending)
4. Water will be used for the following purposes:
Amount .02 for stock water purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .02 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 _____
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ 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 1 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. 5-10 cattle and horses
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

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JUN 05 2003

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	
8N	1E	14	X	X															

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 65-1626
(Ground Water)

11. a. Who owns the property at the point of diversion? Leon E. and Margaret L. Berggren

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: _____

12. Remarks: This is an in-stream water right

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 7.5 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.

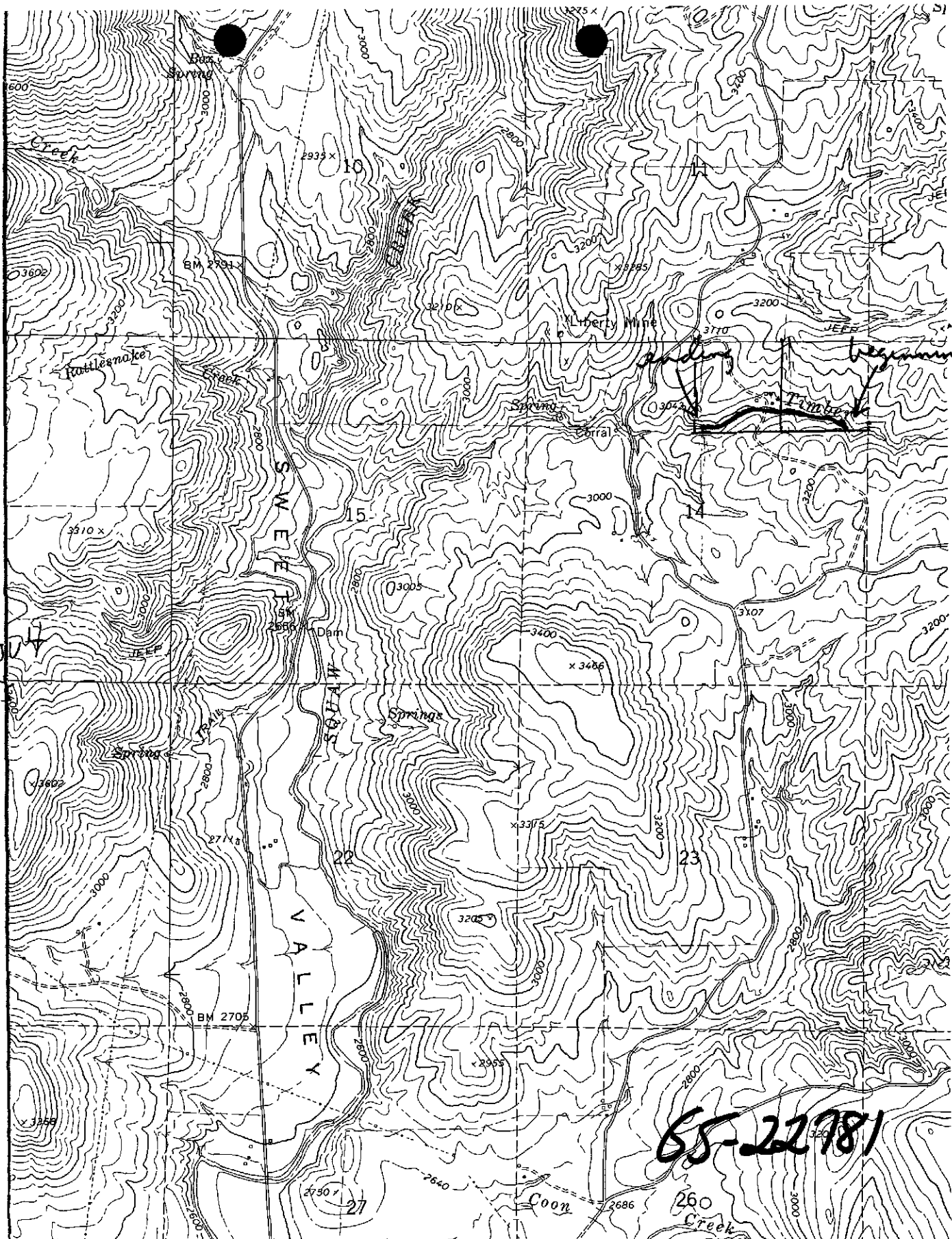
Leon E. Berggren
Signature of Applicant (and title, if applicable)

Received by lg Date 3/12/03 Time 9:30 Preliminary check by SL
Fee \$ 100 Received by lg # W030212 Date 3/11/03
Publication prepared by SL Date 4/26/03 Published in _____
Publication approved SL Date 5-5-03 MESSENGER INDEX

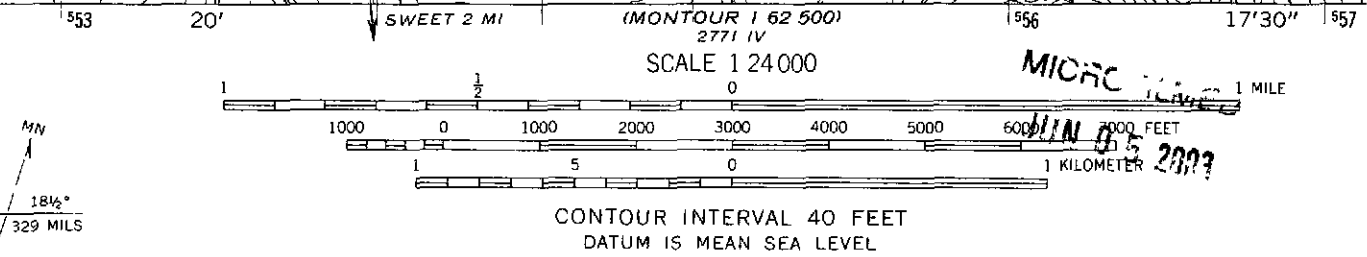
MICROFILMED
1993 JUL 27

T8N
R1E
Sec 14
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No 5004
101
-SL
3/20/03



65-22781





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 2, 2004

LEON E BERGGREN
MARGARET L BERGGREN
PO BOX 126
SWEET ID 83670-0126

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO 65-22781

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.state.id.us.

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

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

MICROFILMED

FEB 24 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 65-22781

Reviewed By: dgibson

Date: January 30, 2004

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No..		W030212, C072045	Well driller's report filed?		
Additional Amount Due.			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	12/19/2003
Date proof due	- 06/01/2004
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 03/17/2003
New priority date	= 03/17/2003

Deficiencies of Actions Items

Acknowledge proof



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 5, 2003

LEON E BERGGREN
MARGARET L BERGGREN
PO BOX 126
SWEET ID 83670-0126

RE: Permit No. 65-22781

Permit Approval Notice

Dear Permit Holder:

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

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

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

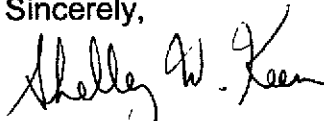
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least sixty days prior to the commencement of work in the stream.

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JUN 05 2003

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 being the most prominent.

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

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JUN 05 2003

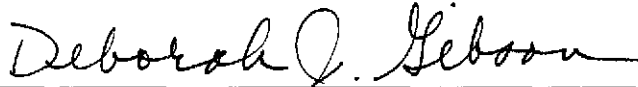
CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2003 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.

65-22781

**LEON E BERGGREN
MARGARET L BERGGREN
PO BOX 126
SWEET ID 83670-0126**

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

**Deborah J. Gibson
Administrative Assistant**

MICRONIS

JUN 05 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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 Water Resource 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

MICROFILMED
JUN 9 5 2003

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.

JUN - 2 2003

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

Initial review by SL Date 3/20/03 Application # 65-22781REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, the names and addresses for the director, officers, and other partners must be included)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County
- ☒ Quantity (Flow and/or Volume)
- ☒ Period of use
- ☒ Nature of proposed use (Include description of use)
- ☒ Description of diverting works *SEE Appl. Remarks*
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map (Show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (for > 1 home in restricted area $\geq$ 5 homes in non-restricted area)
- ☒ Signature (if applicant is corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

Government Lots

P/D

P/U

ADDITIONAL INFORMATIONNO ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ Overlapping place of use (Describe source and relationship to present application on next page) *65-1626 well p/s use*
- ☒ Overlapping point of diversion *65-13959 same creek, off stream storage for irrigation*
- ☒ Critical groundwater area
- ☒ Ground water management area
- ☒ 1992 moratorium
- ☒ Surface water source, IDFG letter needed
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to Dam Safety staff (for any storage)
- ☒ Mitigation plan Check any that apply
- ☒ Immediate = acceptable plan required and submitted
- ☒ Future = open areas, acceptance of condition of approval is in file *NONCONS. use*
- ☒ Send power requirement letter &/or fish farm requirement letter
- ☒ Power residency affidavit
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (If YES, attach Large Diversion supplementary analysis sheet)
- ☒ REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____ Date Response Received _____

PROCESSING

APPLICATION #

65-22781

YES NO

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

SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USED

YES NO

- ☒ ☒ I.D. Environmental Quality
☒ ☒ I.D. District Health
☒ ☒ I.D. Fish & Game
☒ ☒ I.D. Lands

No Reply

YES NO

- ☒ ☒ US BLM
☒ ☒ US Forest Service
☒ ☒ Water Dist # 65A
☒ ☒ Water Planning Bureau
☒ ☒ Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

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

Watermaster did not send comment form
 but does not object to the Appl. per
 5/12/03 conv. memo

- ☒ ☒ Publication dates and paper recorded on application

Final date for protest 5-5-03

- ☒ ☒ Protests received

- ☒ ☒ Recommendations attached

- ☒ ☒ Measuring device required

- ☒ ☒ Water delivered by water master? District # NONREGULATED part of water district
 at this time

- ☒ ☒ Special conditions of approval or cover letter

Allow .02 cfs for 5/10 mixed stock in-stream use. Remains subject to watermaster
 control but no measuring device requirements at this time. Nonconsumptive use so
 "request to form" N/A here. OK to approve without watermaster response form in file.*

Recommended Date of Priority 3-17-2003

Recommendation ☒ Approve ☐ Deny by

J. Lester

Date 5/27/03

ADDITIONAL INFORMATION

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

- ☒ See attached shapefile

-shape done but not printed for file

Overlap does not present problems for approval of this
 in-stream stock proposal.

* About a dozen new permits have been processed recently for tributary water in
 WD #65A. Watermaster has not had concerns about any of these minor new uses.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22781

WATER RIGHT NUMBER: 65-22781

Owner Type Name and Address
 Current Owner LEON E BERGGREN
 PO BOX 126
 SWEET, ID 83670-0126
 (208) 584-3662

Current Owner MARGARET L BERGGREN
 PO BOX 126
 SWEET, ID 83670-0126
 (208) 584-3662

Priority Date: 03/17/2003

Basis:

Status: Active

Source Tributary
 TIMBER CREEK SQUAW CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion</u>	0.020 CFS	

Location of Point(s) of Diversion

TIMBER CREEK	NE1/4NE1/4	Sec. 14, Twp 08N, Rge 01E, B M
GEM County	(Beginning of Reach)	
TIMBER CREEK	NW1/4NE1/4	Sec. 14, Twp 08N, Rge 01E, B M.
GEM County	(Ending of Reach)	

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	01E	14	X	X															

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 65-22781

Comments:

1 slester 3/24/2003 Comment/Analysis
Comment **instream use for 10 mixed stock.**

Dates and Other Information:

Application Received Date: 3/17/2003
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: 65A
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Application Type: New Appropriation
Applicant Remarks: This is an instream water right.
Other Water Rights 65-1626 (ground water)
Time to Complete Works 1
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

RECEIVED

JUN - 7 2003

State of Idaho
Department of Water Resources

Department of Water Resources

RECEIVED

MAY 14 2003

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application Number: 65-22781

Applicant's Name: Leon E. or Margaret L. Berggren

Watermaster's Recommendation:

a) ☒ I do not oppose approval of this application.

b) ☐ I do not oppose approval of this application if it is conditioned as follows:

c) ☐ I oppose approval of this application for the following reasons:

d) Additional Comments:

Dated this 12 day of May, 2003

Water District Number: 65A Watermaster's Signature: E. E. Her

Use back side of this page if you need more space

CONVERSATION MEMORANDUM

DATE 5/12/03
FILE 65-22781

NAME OF PARTY Eric Hara, Watermaster 365-8583
EMPLOYEE JL

RE: Comments

I called Watermaster to see if he had any concerns about this application. He received dept. comment letter.

He said he looked into it & did not find any problems with downstream diversions on this creek. He does not have any concerns about the new filing. He said he plans to mail reply form ASAP.

MICROFILMED

MAY 05 2003

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO)
) SS.
County of Gem)

APR 24 2003

WATER RESOURCES
WESTERN REGION

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

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

65-22781

LEON E BERGGREN
PO BOX 126
SWEET ID 83670-0126
MARGARET L BERGGREN
PO BOX 126
SWEET ID 83670-0126

Point(s) of Diversion
GEM County
Tributary To SQUAW CREEK

NENE S14 T08N R01E
Source TIMBER CREEK
Beginning Stream Flow

Point(s) of Diversion
GEM County
Tributary To SQUAW CREEK

NWNE S14 T08N R01E
Source TIMBER CREEK
Ending Stream Flow

Use: STOCKWATER
Total Diversion: 01/01 To 12/31 0 02 CFS
Date Filed: 03/17/2003 0 02 CFS
Place Of Use: STOCKWATER
T08N R01E S14 NENE NWNE

Permits will be subject to all prior water rights. Protests may be submit-
ted 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 05/05/2003. The protestant must also send a copy of the protest to
the applicant.

KARL J DREHER, Director

Pub 4-16, 23, 2003

Legal Notice No 5035
Published in the Messenger Index

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.
April 16, 23, 2003

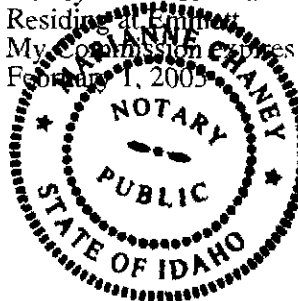
Anthony M. Clark

STATE OF IDAHO)
County of Gem)

On this 23rd day of April 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.

Marlene Clark

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





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

April 18, 2003

ERIC HERR
8917 BUTTE RD
SWEET ID 83670

Re: Application(s) for Water Right

Dear Watermaster:

Enclosed are copies of one or more applications. Also enclosed is a form for your recommendation concerning these application(s).

Please review the application(s). We must have your comments within two weeks. If you have any questions or need information, feel free to contact this office at 334-2190.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue', is written over a horizontal line.

Sue Taylor
Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705
334-2190 phone
334-2348 fax

April 09, 2003

Legal Notice Department

Messenger-Index

PO BOX 577

EMMETT ID 83617

RE: Application for Permit No. 65-22781

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 05/05/2003. Your cooperation is appreciated

Sincerely

Sue Taylor
Senior Secretary

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Tributary To				SQUAW CREEK	Beginning Stream Flow	

Point(s) of Diversion	NWNE	S14	T08N R01E	GEM County	Source	TIMBER CREEK
Tributary To				SQUAW CREEK	Ending Stream Flow	

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

Date Filed: 03/17/2003

Place Of Use: STOCKWATER

T08N R01E S14 NENE NWNE

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KARL J DREHER, Director

Published in the Messenger Index on April 16 and 23, 2003.