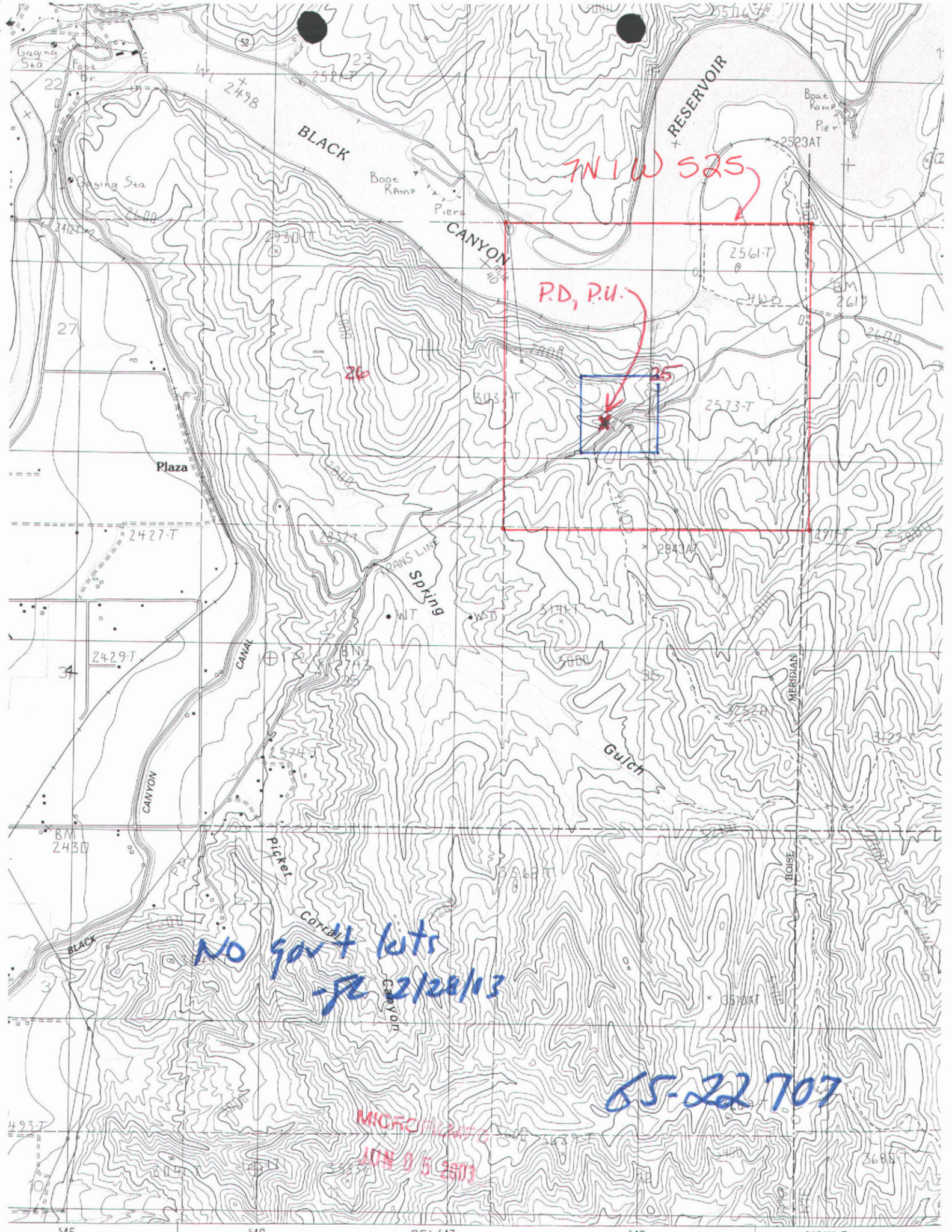




7N 1W 52S

P.D, P.U.

No gov't lots
- JL 2/28/13

65-22707

MICROFILMED
JUN 9 5 2003

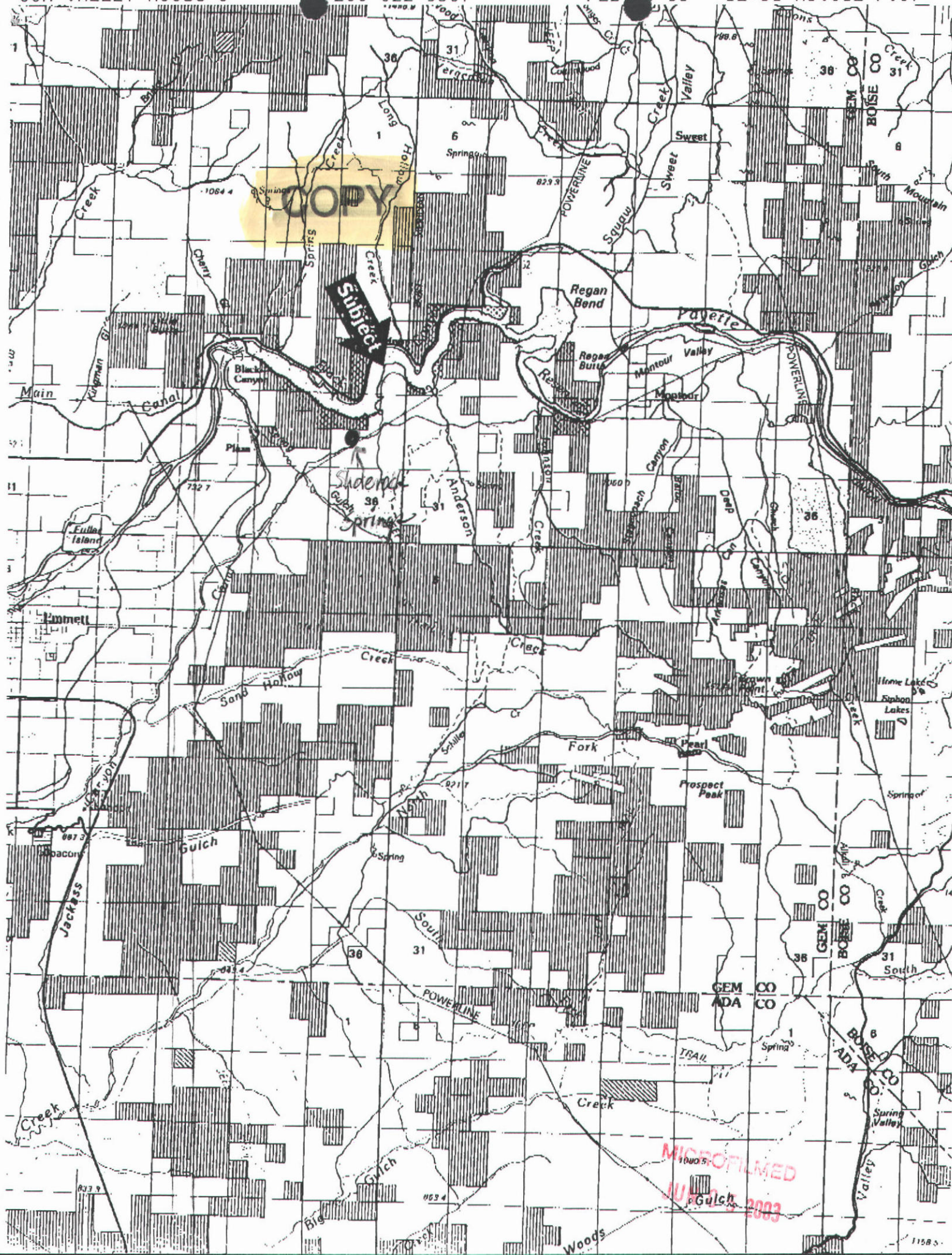
545

546

25' 547

548

549000mE



AFFIDAVIT OF PUBLICATION

RECEIVED

MAR 26 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:
March 19, 26, 2003

Anthony M. Clark

STATE OF IDAHO)
County of Gem)

On this 26th day of March 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.

Marcianne Clary



MICROFILMED
JUN 05 2003

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

65-22707

CAROL LYNN MAC GREGOR
1109 WARM SPRINGS AVE
BOISE ID 83712

Point(s) of Diversion SWNESW S25 T07N R01W
GEM County Source SPRING
Tributary To SINKS

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

Date Filed: 07/23/2002
Place Of Use: STOCKWATER
T07N R01W S25 NESW

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 Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 03/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub: 3-19, 26, 2003

Legal Notice No. 5005
Published in the Messenger Index

FOR OFFICE USE ONLY
Amt of Fee \$ 50.00
Receipt No C073021
Receipt By MU
Date Received 3/9/04

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 09 2004

PROOF OF BENEFICIAL USE

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 66-22707 Telephone No (208) 386-4494

2 Name of Permit Holder(s) CAROL LYNN MACGREGOR

3 Mailing Address 1109 WARM SPRINGS AV

City BOISE State ID Zip 83712

4 Source of Water natural spring If GROUNDWATER (well), Date Drilled mo _____ / yr _____

Well Driller 0 Drilling Permit Number _____

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

Domestic (No. of households) _____ Stockwater (No and type of stock) 150 range cattle
30 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 ☒

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)

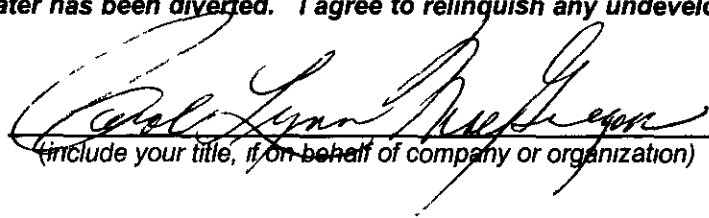
9 Person to contact to accompany the Department representative during field examination of the water system

Name Terry Scanlan, P.E. Telephone Number 208-383-4140

Address 600 E. River Park Lane, Boise, ID 83706

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



(include your title, if on behalf of company or organization)

Date March 14,

2004

MICROFILM

MAR 22 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22707

Priority: July 23, 2002

Maximum Diversion Rate: 0.02 CFS

This is to certify, that CAROL LYNN MAC GREGOR
1109 WARM SPRINGS AVE
BOISE ID 83712

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: SINKS

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>
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT OF DIVERSION:

SPRING SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25, Twp 07N, Rge 01W, B.M., GEM County

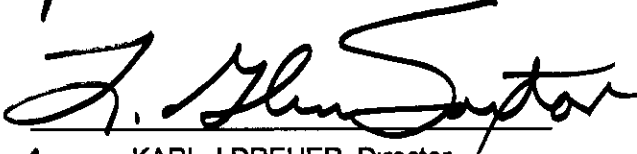
PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 01W 25									X								

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before May 01, 2004.
2. Subject to all prior water rights.
3. Stockwater use is for 150 range cattle and 30 horses.
4. 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.
5. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
6. Source known locally as Shaleroak Spring.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 25th day of April, 2003


KARL J DREHER, Director

for
MICROFILMED

JUN 05 2003

FORM 202
12/99

RECEIVED

FEB 07 2003

WATER RESOURCES
WESTERN REGION

****AMENDED****

Ident. No. 65-22707

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

APR - 7 2003

Department of Water Resources

1. Name of Applicant Carol Lynn MacGregor Phone 208-386-9494

Mailing address 1109 Warm Springs Avenue, Boise, ID 83712

2. Source of water supply spring which is a tributary of sinks

3. Location of point of diversion is Township 7N Range 1W Sec. 25, in the SW $\frac{1}{4}$,
NE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot _____, B.M., Gem County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.02 cfs for stockwater 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) 0.02 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 buried pipe from
spring to 500-gallon stock tank

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

c. Proposed well diameter is NA inches; proposed depth of well is NA feet

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

e. If well is already drilled, when? NA; 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. 150 range cattle, 30 horses

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

MICROFILMED

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	
7N	1W	25									S								

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. none

11. a. Who owns the property at the point of diversion? applicant

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

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

12. Remarks: _____

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.)

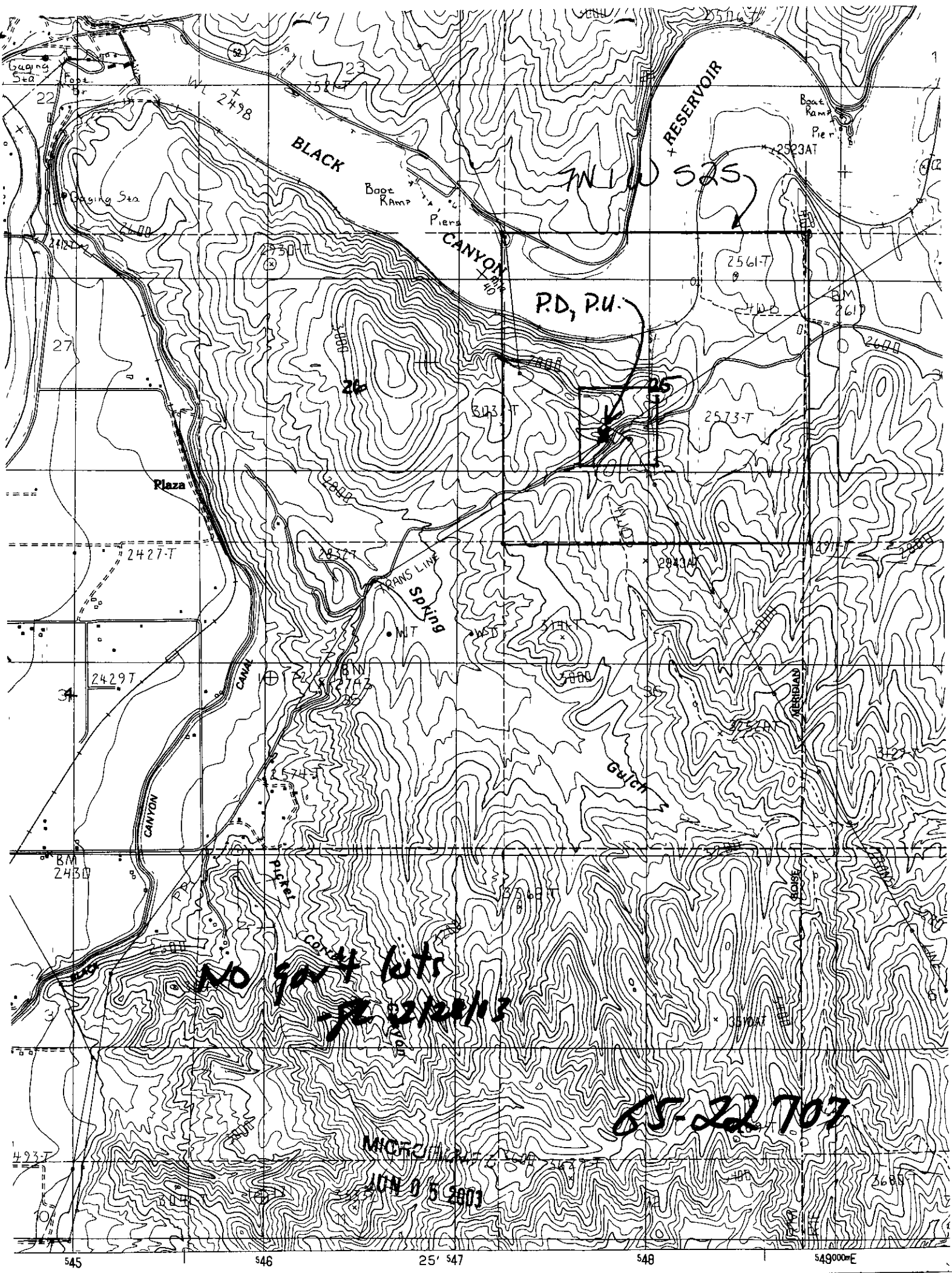
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

[Signature]
Signature of Applicant (and title, if applicable)

Received by R. Far Low Date 2/7/03 Time _____ Preliminary check by KM, Thow SL
 Fee \$ 100 Received by R. Far Low # W029491 Date 7/23/02
 Publication prepared by dt Date 5-17-03 Published in Idaho
 Publication approved dt Date 4-2-03

* Original Appl. Received & paid for 7/23/02.
 Amended Appl. " (no fee needed) 2/7/03.

MICROFILMED
 JUN 05 2003



NO 9044 lots
- 12/20/13

P.D, P.U.

65-22707

MICHIGAN
JUN 05 2003

original Appl.
Returned psc
1/14/03 /ster.

Amended Appl.
Filed instead of
returning original

-R 2/28/03

RECEIVED

JUL 23 2002

WATER RESOURCES
WESTERN REGION

COPY

FORM 202
12/99Ident. No. 65-22707STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Carol Lynn MacGregor Phone 586-9494
Mailing address 1109 Warm Springs Ave, Boise, Idaho 837122. Source of water supply Spring which is a tributary of 03. Location of point of diversion is Township 7 No Range 1 W Sec. 25 in the W 1/2
of the NE 1/4, NW 1/2, SE 1/4 & the SW 1/4 of the 66m County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount _____ for livestock watering 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)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .02 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source _____

500 gallon tankb. 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? no

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 _____ 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. up to 150 mixed Herefords 15-30 horses (occasional)

c. Municipal; show name of municipality. _____ in large field;

d. Domestic; show number of households. _____ other cattle

e. Other; describe fully. _____

Adjacent to Shalerock Rd (w side, steep part)

Attached is a sectional map showing
the location of "Shalerock Springs".

Thanks.

Lynn MacGregor

3. Description of place of use:

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

Total number of acres to be irrigated 0

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

- Who owns the property at the point of diversion? I do
- Who owns the land to be irrigated or place of use? I do
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

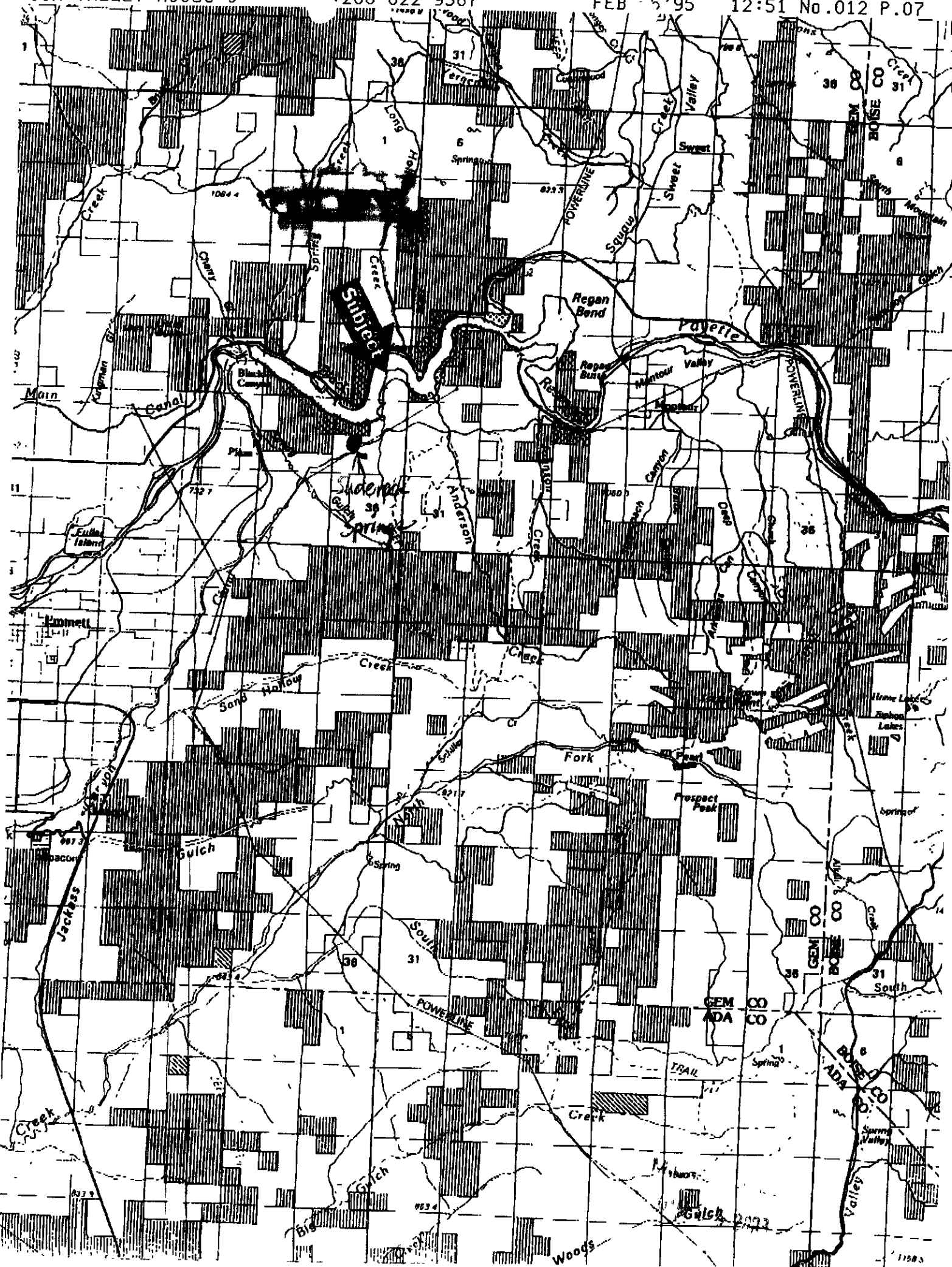
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

Cara Lynn MacGregor
 Signature of Applicant (and title, if applicable)

Received by KL Date 7/23/02 Time 11:28 Preliminary check by _____
 Fee \$ 100.00 Receipted by KL # W02-491 Date 7/23/02
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

MISSING LINE
 3111 10 10000





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 11, 2004

CAROL LYNN MAC GREGOR
1109 WARM SPRINGS AVE
BOISE ID 83712

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-22707

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 about the field examination, please contact the **Western Regional Office** of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

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

MICROFILMED

MAR 22 2004

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No . 65-22707

Reviewed By: dgibson

Date: March 10, 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.:		W029491, C073021	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	03/09/2004
Date proof due	- 05/01/2004
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 07/23/2002
New priority date	= 07/23/2002

Deficiencies of Actions Items

Acknowledge proof.

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

MAR 09 2004

Department of Water Resources

March 6, 2004

Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Subject: Proof of Beneficial Use – Permit 65-22707

Gentlemen:

On behalf of Carol Lynn MacGregor, please find the enclosed Proof of Beneficial Use for water right permit 65-22707. A \$50 check for the filing fee is enclosed.

Please contact me with any questions.

Sincerely,



Terry M. Scanlan, P.E.

Cc. Dr. Carol Lynn MacGregor

MICROFILMED

MAR 22 2004

February 29, 2004

CAROL LYNN MAC GREGOR
1109 WARM SPRINGS AVE
BOISE, ID 83712

PROOF DUE NOTICE

RE: PERMIT NO. 65-22707

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 01, 2004. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

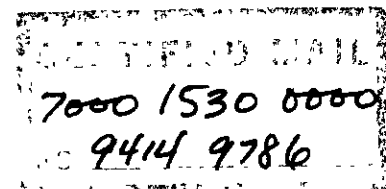
Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

MAR 22 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

April 29, 2003

CAROL LYNN MAC GREGOR
1109 WARM SPRINGS AVE
BOISE ID 83712

RE: Permit No. 65-22707

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.

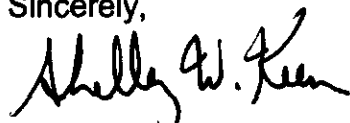
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least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

MICROFILMED
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)

MICROFILMED

JUN 05 2003

CERTIFICATE OF SERVICE

I hereby certify that on April 29, 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.

65-22707

**CAROL LYNN MAC GREGOR
1109 WARM SPRINGS AVE
BOISE ID 83712**


**Deborah J. Gibson
Administrative Assistant**

**MICROFILMED
JUN 15 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.

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.

APR - 7 2003

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources
Department of Water Resources

Initial review by * Lisa Mattson Date 2/24/03 Application # 65-22707

2/28/03

REQUIRED 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
- ☒ 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 ≥ 5 homes in non-restricted area)
- ☒ Signature (If applicant is corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

Government Lots None
N P/D
P/U

ADDITIONAL INFORMATION

NO ADVERTISE REMARKS (Yes or No)

YES NO

- ☐ ☒ Overlapping place of use (Describe source and relationship to present application on next page)
- ☐ ☒ Overlapping point of diversion
- ☐ ☒ Critical groundwater area
- ☐ ☒ Ground water management area
- ☐ ☒ 1982 moratorium
- ☒ ☐ Surface water source, IDFG letter needed
- ☐ ☒ Protected river or minimum flow reach, notify water planning bureau
- ☐ ☒ E-mail to SCA staff (perennial stream, non-pump diversion &/or any mining)
- ☐ ☒ E-mail to Dam Safety staff (for any storage)
- ☐ ☒ Mitigation plan Check any that apply
 - ☐ Immediate = acceptable plan required and submitted
 - ☐ Future = open areas, acceptance of condition of approval is in file
- ☐ ☒ Send power requirement letter &/or fish farm requirement letter
- ☐ ☒ Power residency affidavit
- ☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (If YES, attach Large Diversion supplementary analysis sheet)
- ☐ ☒ REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____ Date Response Received _____

* initial Review e dm as an experiment; completed by FL.

PROCESSINGAPPLICATION # 65-2270 7

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

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 and paper recorded on application
☒ Final date for protest 3-24-03
☒ Protests received
☒ Recommendations attached
☒ Measuring device required
☒ Water delivered by water master? District #
☒ Special conditions of approval or cover letter

Standard conditions, 180 mixed stock, include condition with
local source name for clarification purposes. Remains subject to
(No reply from IDFG - OK). WATERMASTER control in case
REALLY is tributary source.

* Recommended Date of Priority 7/23/02Recommendation ☒ Approve ☐ Deny by FL Lett Date 4/3/03**ADDITIONAL INFORMATION**☒ See attached proof report, note any Legal Notice Remarks &/or Comments☒ See attached shapefile

* Original application returned for correction. App'l not returned
"amended" application. Priority date remains 7/23/02. See letter to
applicant dated 1/14/03. Lm ✓ OK, FL, no amendment fee needed.

AFFIDAVIT OF PUBLICATION

RECEIVED

MAR 26 2003

STATE OF IDAHO)
County of Gem) SS

WATER RESOURCES
WESTERN REGION

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

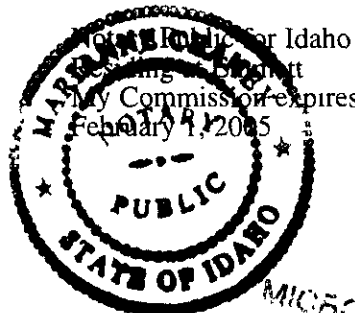
4 That said notice was published the following
March 19, 26, 2003

Anthony M. Clark

STATE OF IDAHO)
County of Gem)

On this 26th day of March 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



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

CAROL LYNN MAC GREGOR
1100 MAPLE SPRINGS AVE
BOISE, ID 83718

Point(s) of Diversion: SWNE SW Source SPRING S85 T07N R01W

Use: IRRIGATION 5/01 To 12/31 0.02 CFS

Date: 3/19/03
Place: City of Emmett
To: S85 T07N R01W

Permit to appropriate public water rights. Protests may be submitted based on the provisions of Idaho Code.

Any protest against the approval of this application must be filed with the Director, Department of Water Resources, Western Region, 2750 Airport Way, Boise ID 83705, on or before the date of publication of this notice for each application on or before 60 days after the date of publication of this notice and a copy of the protest to the applicant.

KARL J. GRENER, Director

Pub: 3-19, 26, 2003

Legal Notice No. 5005
Published in the Messenger Index



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

March 25, 2003

ERIC LEITZINDER
ID DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

Re: Application for Permit Nos. 65-22707, 65-22771 and 65-22772

Dear Eric:

Our normal email comment letter process to you is temporarily interrupted due to staff reductions. This letter and attached copies of applications are sent in lieu of email. We hope to resume email comment letters soon.

The attached applications propose to use surface water. Please review the applications and submit any comments, questions or protests as noted below.

This office normally completes application processing within a six-week period and is required to take final action shortly thereafter. If your agency desires to file a formal protest against approval of any of these applications, your written protest along with a \$25 protest fee for each application protested must be received by April 7, 2003.

If you have any questions or comments regarding *Application No. 65-22707 in the name of Carol Lynn MacGregor*, please contact me.

If you have any questions or comments regarding *Application Nos. 65-22771 and 65-22772 in the name of Pharos Foundation*, please contact Dan Nelson, who also works at this office.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure: Applications for Permit

MICROFILMED

APR 1 2003

THE ID DEPT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

March 11, 2003

Legal Notice Department
Messenger-Index
PO BOX 577
EMMETT ID 83617

RE: Application for Permit No. 65-22707

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 03/24/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED

JUN 05 2003

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

65-22707

CAROL LYNN MAC GREGOR
1109 WARM SPRINGS AVE
BOISE ID 83712

Point(s) of Diversion SWNESW S25 T07N R01W GEM County Source SPRING
Tributary To SINKS

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

Total Diversion: 0.02 CFS

Date Filed: 07/23/2002

Place Of Use: STOCKWATER

T07N R01W S25 NESW

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 03/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Messenger Index on March 5 and 13, 2003.

MICROFILMED
JUN 05 2003

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

65-22707

CAROL LYNN MAC GREGOR
1109 WARM SPRINGS AVE
BOISE ID 83712

Point(s) of Diversion SWNESW S25 T07N R01W
GEM County Source SPRING
Tributary To SINKS

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

Date Filed: 07/23/2002
Place Of Use: STOCKWATER
T07N R01W S25 NESW

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 Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 03/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub: 3-19, 26, 2003

Legal Notice No. 5005
Published in the Messenger Index

3-13-03

huc)

For your review.

TXS) Tony

✓ st

MICROFILMED

JUN 05 2003

TOTAL 2 01



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 14, 2003

CAROL LYNN MAC GREGOR
1109 WARM SPRINGS AVE
BOISE ID 83712

RECEIVED

FEB 07 2003

WATER RESOURCES
WESTERN REGION

Re: Application for Permit No. 65-22707

Dear Ms MacGregor:

On July 23, 2002, you submitted to the Department of Water Resources (IDWR) an Application for Permit to appropriate the public waters of the State of Idaho. The application is incomplete as submitted. In order to process the application, we need the following:

- Identify the point of diversion in no. 3 with the correct legal description to the 10 acre parcel.
- Identify the place of use in the table in no. 9 with the correct legal description.
- Mark point of diversion (to ten acre parcel) and place of use on enclosed topographic map.
- Complete the missing information in no. 4 for water use (amount and dates).
- Provide more information about the diversion system (how the water will get to the tank).

I have enclosed the original application for you to make the necessary changes. If you make the changes on this application, you must initial and date the top to show that it was you who made the changes. I have also enclosed a blank Application for Permit should you choose to fill out a new application. In this case, you will need to put "Amended" at the top of the new application form. If you prefer, you can call me at 334-2190 and set up an appointment and I will be happy to help you complete your application.

Please submit the above requested information within thirty (30) days of the date of this letter. If the information is not timely submitted, the application will be removed from the records of this agency. Thank you for your attention to these matters.

Sincerely,

Lisa Mattson

Lisa Mattson
Water Resources Agent
Enclosures

MICROFILMED

FEB 05 2003

Lisa: I had Terry Scanlan do that application (3rd time around (i)) so I hope it's OK for you now. Thanks Lisa