

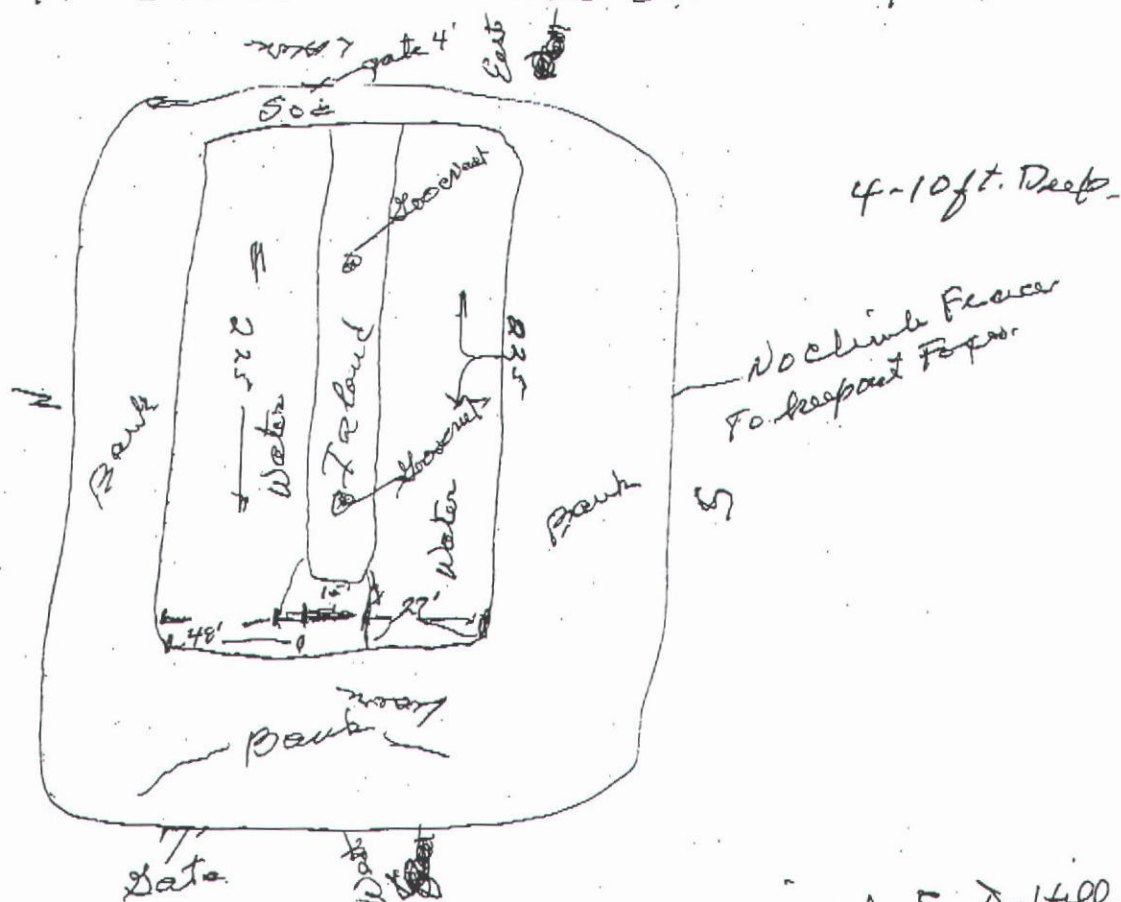
E. D. Hill
2119 Towne Cabin Rd
Emmett, ID 83617

To: Don Nelson Fax 334 2348

Water Resources

Per request:

Then Ponds measured as on drawing



Sincerely E. D. Hill

$$\begin{aligned} 48 \times 225 &= 11025 \\ 27 \times 225 &= 6075 \\ 15 \times 15 &= 225 \end{aligned}$$

$$17325 \times 7 \text{ FT. ave DEPTH} = 2.8 \text{ AF}$$

43560

MICROFILMED

OCT 02 2002

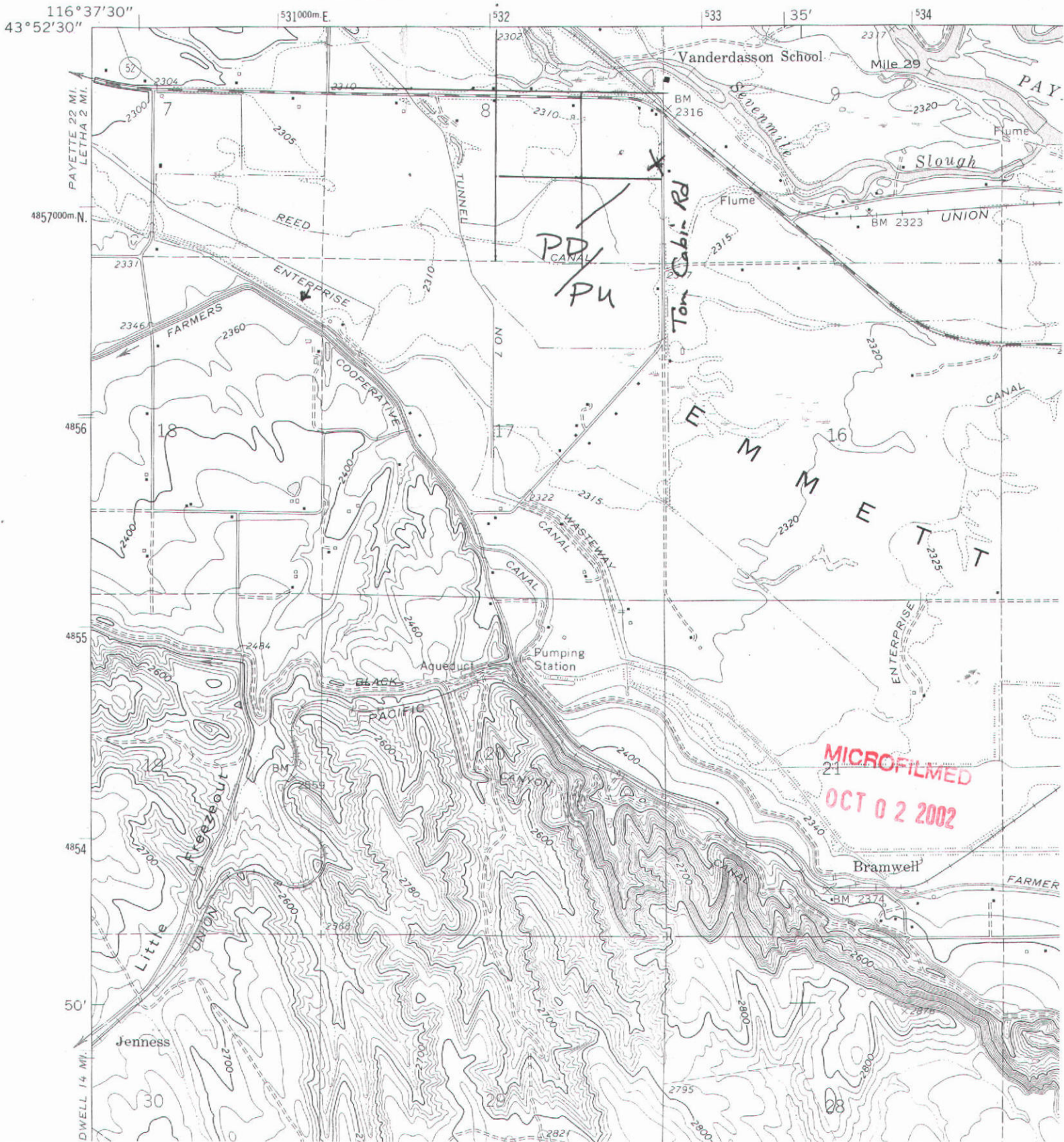
$$90 \text{ FT wide} \times 225 \text{ FT Long} \times 10 \text{ FT. Deep} = 4.6$$

43,560

Pond is Between 2.8 & 4.6 AF. in Volume. DAN 3-26-02.

2671 NW
(LETHA)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



RECEIVED

APR 11 2002

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Gem) SS.

DIXIE THOME
of Emmett, Gem County, Idaho, being first duly sworn,
deposes and says:

JS

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 3, 10, 2001

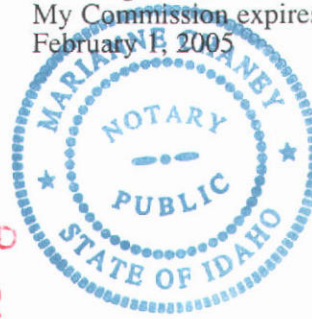
Dixie Thome

STATE OF IDAHO)
County of Gem)

On this 10th day of April in the year of 2002 before me a Notary Public, personally appeared. Dixie Thome 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 she executed the same.

Mareese Chaney

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



LEGAL NOTICE

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

65-22668

EVERETT D. HILL
2119 TOMS CABIN RD
EMMETT ID 83617

Point(s) of Diversion NESE S8 TO6N RO2W GEM County
Source Ground Water

Use:	WILDLIFE STORAGE	01/01 To 12/31	3AFA
Use:	DIVERSION TO STORAGE	01/01 To 12/31	0.06 CFS
	Total Diversion		0.06 CFS

Date Filed: 03/26/2002

Place Of Use: DIVERSION TO STORAGE

TO6N RO2W S8 NESE

Place of use: WILDLIFE STORAGE

TO6N RO2W S8 NESE

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 04/22/2002. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Pub: 4-3. 10, 2002

Legal Notice No. 4609
Published in the Messenger Index

MICROFILMED

OCT 02 2002

11/99

RECEIVED

MAY 31 2003

For Office Use Only
\$25 filing fee 70.25
Receipt # 067332
Date 5-30-03

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Everett R. Hill, hereby assign to Everett & Dianne Hill Living Trust
of, 2119 Terra Cabin Road Emmett ID 83617 365-3838
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 65-22468 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

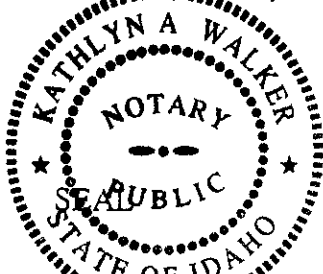
The following described portion of my right, title, and interest in and to for Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 30 May 03 day of May, 20 03

S. R. Hill
Permit Holder(s)

State of Idaho)
County of Idaho)ss

On this 30th day of May, 20 03, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



My Commission expires

2/15/2005

Kathryn A. Walker
Notary Public residing at
Boise, Idaho

MICROFILMED

SEP 09 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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. 6522668 Telephone No. 2083653838

2. Name of Permit Holder(s): E. D. Hill

3. Mailing Address: 208 2119 Toms Cabin Rd

City Emmett State Id Zip 83617

4. Source of Water: Ground water If GROUNDWATER (well), Date Drilled: mo. 3 21-03 yr. 03

Well Driller: George Porter Drilling Permit Number 875912-796232

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

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres) _____ Other: Wildlife Storage

6. Total rate of diversion and/or volume for which proof is submitted: 0.06 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. E. D. Hill Telephone Number: _____

Address. _____

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. Ernest D. Hill Date: 30 May 03
(include your title, if on behalf of company or organization)

MICROFILMED

SEP 04 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22668

Priority: 02/28/2002

Maximum Diversion Rate: 0.06 CFS

This is to certify, that EVERETT D HILL
2119 TOMS CABIN 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>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	0.06 CFS	
WILDLIFE STORAGE	01/01 to 12/31		3 0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, Twp 06N, Rge 02W, B.M. GEM County

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 02W 8													X				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before June 1, 2003.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Wildlife storage is for ducks and geese.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 17th day of June, 2002


for
KARL J DREHER, Director

MICROFILMED

OCT 02 2002

Ident. No. 65-22668

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
MAY 15 2002

To appropriate the public waters of the State of Idaho Department of Water Resources

1 Name of Applicant Ernest D. Hill Phone (208) 365 3838
Mailing address 2119 Toms Cabin Rd; Emmett, ID 83617
2 Source of water supply Ground Water which is a tributary of _____
3 Location of point of diversion is Township 6 N Range 2 W Sec. 8, in the _____ 1/4,
NE 1/4, SE 1/4, Govt. Lot _____, B.M., Gem County;
additional points of diversion if any: _____

4 Water will be used for the following purposes:
Amount 3 Acre Feet for Wildlife Storage purposes from 1-1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .06 for Pressure To Storage 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)

5 Total quantity to be appropriated is (a) 25 gpm / .06 cfs and/or (b) 3 Acre Feet
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 _____
Drilled well with Pipe line to Pouch
b Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity 3 acre-feet
c Proposed well diameter is 6 inches; proposed depth of well is 125 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 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. _____
c Municipal, show name of municipality _____
d Domestic, show number of households _____
e Other, describe fully Wild life storage for Duck + Geese
fish MICROFILMED

OCT 2 2002

9. Description of place of use:

- a If water is for irrigation, indicate acreage in each subdivision in the tabulation below
- b If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	2W	8													W				

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 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.

S. D. Hill Owner
Signature of Applicant (and title, if applicable)

MICROFILMED
APR 24 2002

Received by JFW Date 2/28/02 Time 2:00 PM Preliminary check by DAN
 Fee \$ 100.00 Received by Janis Fontaine # W028809 Date 2/28/02
 Publication prepared by JF Date 4-3-02 Published in MESSANGER INDEX
 Publication approved JF Date 4/24/02

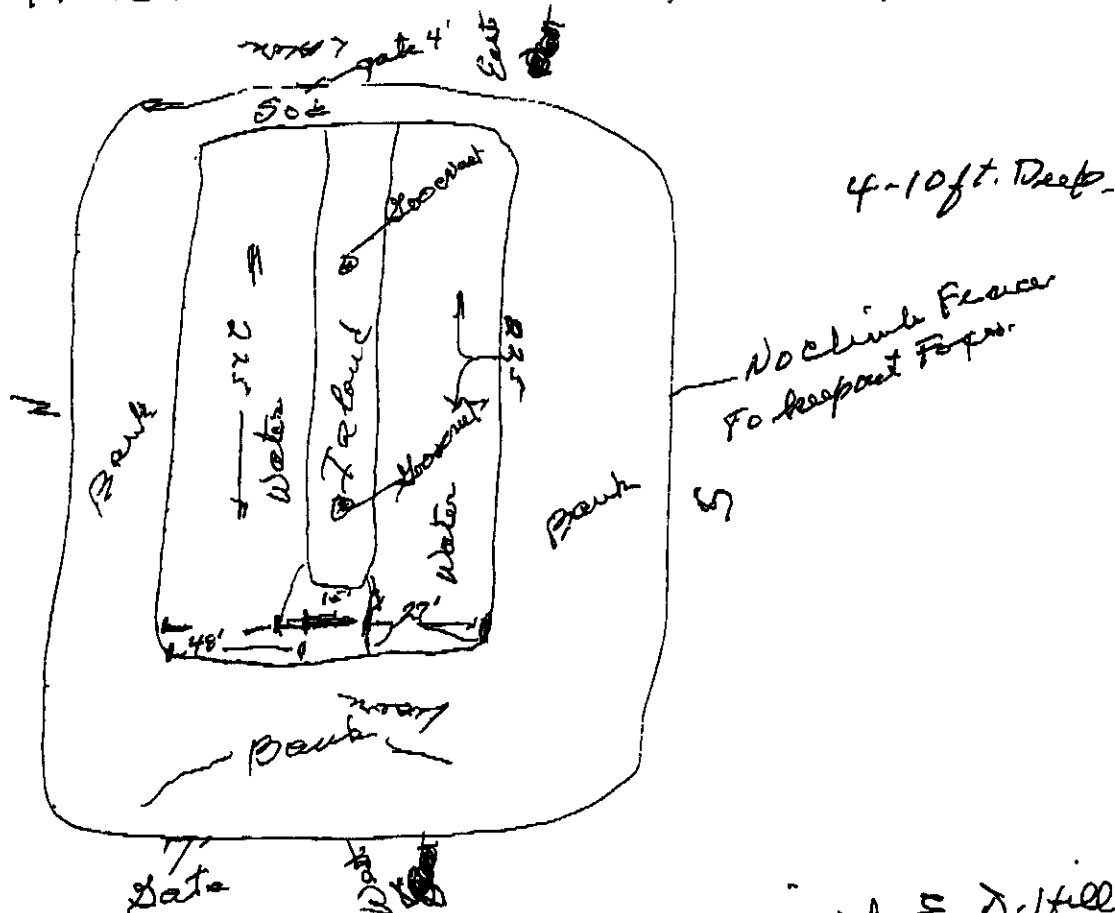
2. D. Hill
 2119 Towne Cabin Rd
 Emmett, ID 83617

To: Don Nelson Fax 334 2348

Water Resources

Per request:

Then Ponds measured as on drawing



Sincerely E.D. Hill

$$\begin{aligned} 48 \times 225 &= 11025 \\ 27 \times 225 &= 6075 \\ 15 \times 15 &= 225 \end{aligned}$$

$$17325 \times 7 \text{ FT ave DEPTH} = 2.8 \text{ AF}$$

$$43560$$

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OCT 10 2002

WITH ISLAND.

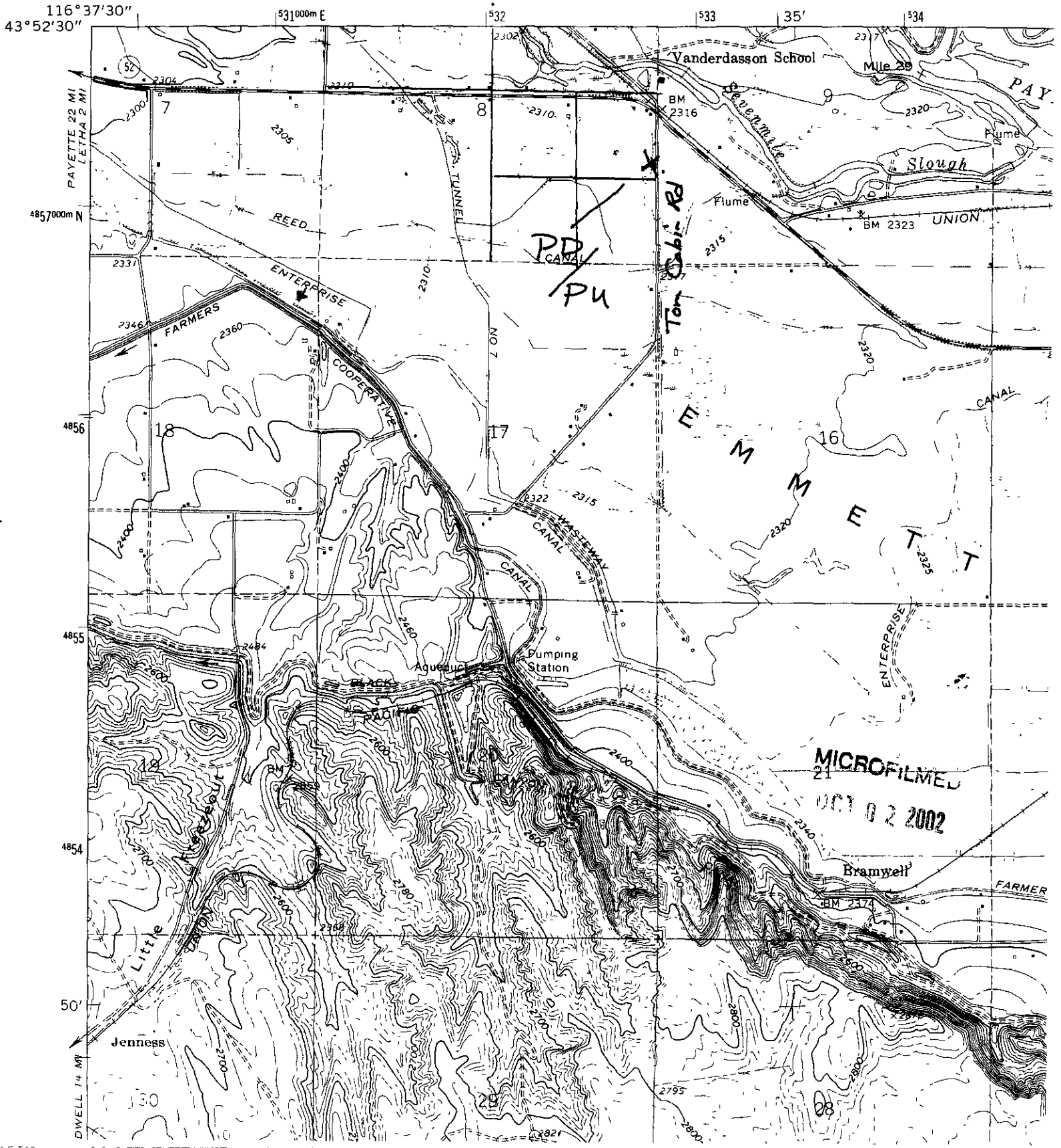
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$$43,560$$

Pond is Between 2.8 & 4.6 AF. in volume. DAN 3-26-02.

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

2671 NW
(LETHA)



9 May 02

To Don Nelson & John Weatra
Water Resources.

334 2190

Re Wells on the East $\frac{1}{4}$ corner 8, T.6 N., R.2 W; B.M;
NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 6 North, Range 2 West
Blaine County, Id.

There are 2 wells on this property. A65-00132

① One located between the ~~the~~ House 5033
~~the~~ ^{on} Highway 52 and the Manufact. Home - 5029
Highway west 52. This well furnishes water
for both homes.

② One located by the Clinic on the same
property as the clinic. Permit No 65-13172

Sincerely,

E. D. Hill

334 2348

MICROFILMED
MAY 2, 2002



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 16, 2003

EVERETT & BONNIE HILL LIVING TRUST
2119 TOMS CABIN RD
EMMETT ID 83617

RE: Change of Ownership for Water Right Permit 65-22668

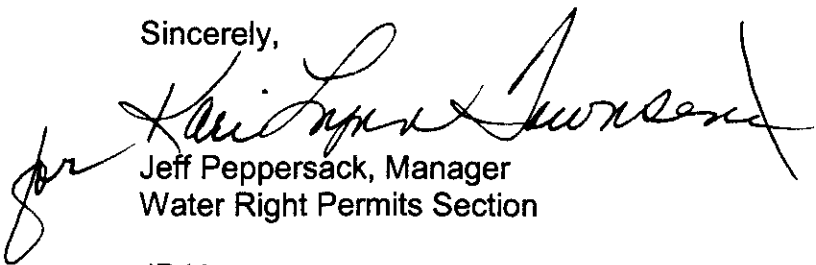
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,



Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

SEP 09 2003



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 17, 2003

EVERETT D HILL
2119 TOMS CABIN RD
EMMETT ID 83617

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-22668

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.

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

SEP 09 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.. 65-22668

Reviewed By. dgibson

Date June 16, 2003

	<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.		W028809, W030523	Well driller's report filed?		X
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	05/30/2003
Date proof due	- 06/01/2003
Lapse notice sent	-
No of days late	= 0
Holiday allowance	+
Priority date	+ 02/28/2002
New priority date	= 02/28/2002

Deficiencies of Actions Items

Acknowledge proof. Forward Assignment of Permit to Karilyn for processing.

March 31, 2003

EVERETT D HILL
2119 TOMS CABIN RD
EMMETT, ID 83617

PROOF DUE NOTICE

RE: PERMIT NO. 65-22668

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 June 01, 2003. (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.

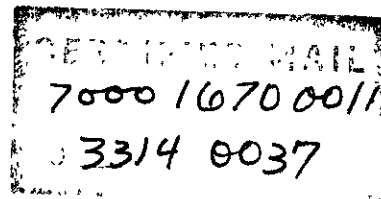
Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

SEP 9 2003





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 18, 2002

EVERETT D HILL
2119 TOMS CABIN RD
EMMETT ID 83617

RE: Permit No. 65-22668

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.

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.

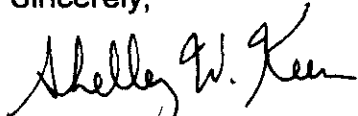
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

MICROFILMED

OCT 02 2002

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

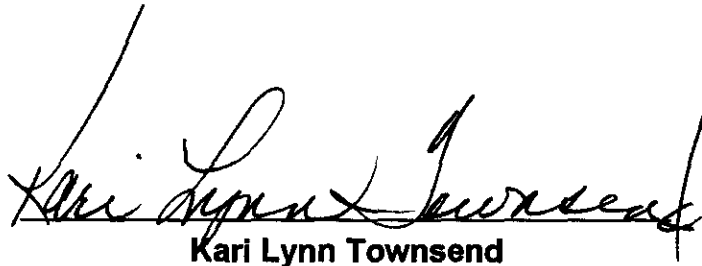
OCT 02 2002

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2002 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. 65-22668

**EVERETT D HILL
2119 TOMS CABIN RD
EMMETT ID 83617**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
OCT 02 2002**

**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.

Reviewed by Sharla Curtis on 6/7/02

No. DS-22660 Name: Ellie Corp. Officers NA Ad ok Y Govt Lots

AREA OF CONCERN: No/Yes _____ Moratorium _____ ~~GWMA~~ ~~TRUST/NON-TRUST~~

GROUNDWATER: ($\sqrt{\text{Flow Chart}}$)

DRILLING PERMIT

All wells	- 046
Basin 34	- 084 (if necessary)
WMD	- North/East/West
≤ 0.24 cfs/5 acres	- No MD
→ 0.24 cfs/5 acres	- 067
WMD	
Supp irr (irr = only use)	- 065-104
Supp irr (+ other uses)	- 100-105
≤ 0.24 cfs/5 acres	- No MD
> 0.24 cfs/5 acres	- 01M

LOCATION:

Boise Front LoGeo	- 058 (<85 GW)	Paye
Mitigation	- 121	Salm
		Weiss
Trust	- 051(consumptive uses)	
Non-Trust	- 048 (consumptive uses or non-cons. > 1 0 cfs)	

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR < 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCK WATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

SURFACE WATER: ($\sqrt{\text{Flow Chart}}$)

F&G contacted - Yes/No Response
In/Above MSF - WB#
PLANNING REVIEW/RESPONSE
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, ~~IN~~ACTIVE WD or WD

≤ 0.24 cfs/5 acres	- No MD
>0.24 cfs/5 acres	- 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area	- 022,075
Irr., GW supp to SW	- 102
Future needs	- 007,109
FISH PROP	- 029 (70's only)-007-122-106
DOMESTIC	
Surface water	- WB5 (Big Wood/Boise above Star Bridge)
	- 27A (Payette R)
>1 in restricted area	- 070-071-075(no parks/common areas)
Irr separate or none allowed	- WB5
GW w/irrigation from SW evident	- 065-104
Moratorium approvable	- W03 (2500 gpd - meets domestic def
	ie D/convenience store)

BENEFICIAL USE DUE: 6, 01, 2003

MISC CONDITIONS/REMARKS:

Protested	- 020-W19
Development Period	
> 1 yr	- 26A
Ownership	- 004
Non-consumptive	- 027
Water Quality	- 106-R07

Multiple pd's per ¼¼ - W32
 Subd lot desc (pd) - W59
 Subd lot desc (pu) - W60
 Use definitions - W02 example - *wild ducks, geese*
 Pre-1987 development - 068-074 (allow 120 days for proof due)
 Single p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map) **IRR VOLUME/ACRE** _____

OTHER CONDITIONS/REMARKS

COMMENTS disregard Jan's cond about non-interconnected wells

January 2001

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEETINITIAL REVIEW BY: DAN DATE: 3-5-02 APPLICATION: 65-221068REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, 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. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

RECEIVED

Gov't. Lots:

MAY 15 2002

ND P/D
ND P/U

Department of Water Resources

ADVERTISE REMARK(S)

(Reviewer identify which remarks)

ADDITIONAL INFORMATION

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ Overlapping point of diversion.
- ☒ Critical groundwater area:
- ☒ Groundwater management area:
- ☒ 1992 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

Requested Information concerning overlapping
Rights and Their Relationship to the application

Date Requested 3-13-2002 Date Response Received 5-9-2002

PROCESSING

APP. NO.

15-22608

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. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. 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 _____

☐ ☒ Protests received.

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☐ ☒ Water delivered by water master? District # _____

☒ ☒ Special conditions of approval or cover letter: STANDARD CONDITIONS

PLUS WELL DAILING CONDITIONS.

THIS RIGHT CAN NOT BE DIVERTED FROM THE WELLS LISTED ON WATER RIGHTS 105-132, 65-13172, or 65-18444

See below for additional information WITHOUT A valid TRANSFER.

Recommended Date or Priority Feb. 28, 2002

Recommended by: Daniel A. Nelson Date: 5-10-2002

ADDITIONAL INFORMATION:

See Remarks in Data Base

TO Don Neeson ; John Westra
WATER RESOURCES

FROM ED Hill

2 Pages including
Cover Copy

MICROFILMED

MAY 9 2 2002

RECEIVED

APR 11 2002

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

) SS.

County of Gem)

DIXIE THOME

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 3, 10, 2001

Dixie Thome

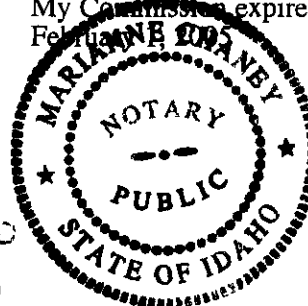
STATE OF IDAHO)

County of Gem)

On this 10th day of April in the year of 2002 before me a Notary Public, personally appeared. Dixie Thome 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 she executed the same.

Marianne Chaney

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



MICROFILMED

OCT 02 2002

TO DON NELSON
WATER RESOURCES

FROM ED HILL

2 Pages including
Cover Copy

MICROFILMED

OCT 02 2002

TO: Dan Nelson Fax 334 2348
Water Resources
Per request

E.D. Hill -
Request for Permit for Well.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 13, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

EVERRETT D HILL
2119 TOMS CABIN ROAD
EMMETT ID 83617

**RE: APPLICATION FOR PERMIT TO APPROPRIATE
GROUNDWATER FOR PONDS**

Dear Mr. Hill:

We received your application to divert groundwater for wildlife storage on 2/28/2002. On 3/5/2002 I telephoned and requested that you submit additional information for the permit. This letter is a formal request for the information needed to process your application. Processing will be delayed until we receive the following information:

- cont*
- 1.) Dimensions of the ponds (Width, Length, and Depth).
 - 2.) Short description of location and use for the wells associated with water rights 65-132, 65-1075, 65-13172, and 65-18444; how these wells are related to this application; and if any of the wells are connected to the system described in this application.

In order to process all of the applications in our office as efficiently as possible, I am required by Idaho Code § 42-204 to ask that this information be returned to my office within 30 days. Our office will be required to void the application for permit if this information is not returned. **Therefore, if the above information is not received by 4/15/2002 your applications for permit will be voided.** You will be able to re-file this application, but it will have a later priority date.

You may mail or fax this information to the above address or fax number. If you have any questions or concerns please contact me.

Respectfully,

Daniel A. Nelson
Sr. Water Right Agent

MICROFILMED

MAR 22 2002



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 27, 2002

Legal Notice Department

Messenger-Index

PO Box 577

Emmett ID 83617

RE: Application for Permit No. 65-22668

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 04/22/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED

11 02 2002

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

65-22668

EVERETT D HILL
2119 TOMS CABIN RD
EMMETT ID 83617

Point(s) of Diversion NESE S8 T06N R02W GEM County Source GROUND WATER

Use. WILDLIFE STORAGE 01/01 To 12/31 3 AFA

Use. DIVERSION TO STORAGE 01/01 To 12/31 0.06 CFS

Total Diversion. 0.06 CFS

Date Filed: 03/26/2002

Place Of Use: DIVERSION TO STORAGE

T06N R02W S8 NESE

Place Of Use: WILDLIFE STORAGE

T06N R02W S8 NESE

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 04/22/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on in the Messenger Index on April 3 and 7, 2002.

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APR 10 2002