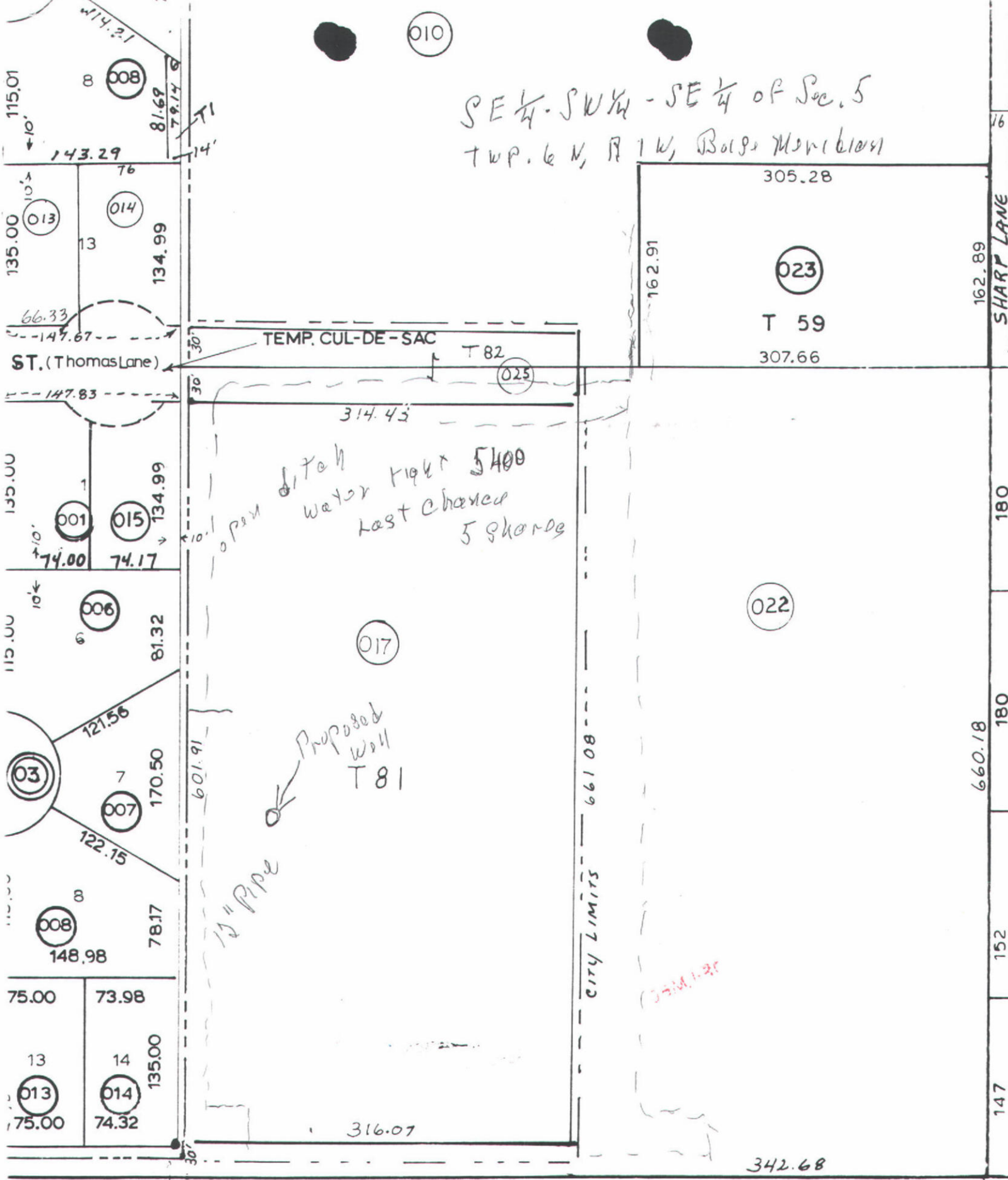


010

SE 1/4 - SW 1/4 - SE 1/4 of Sec. 5
Twp. 6 N, R 1 W, B. 18 N. 10 W.



City Limit

MICROFILMED

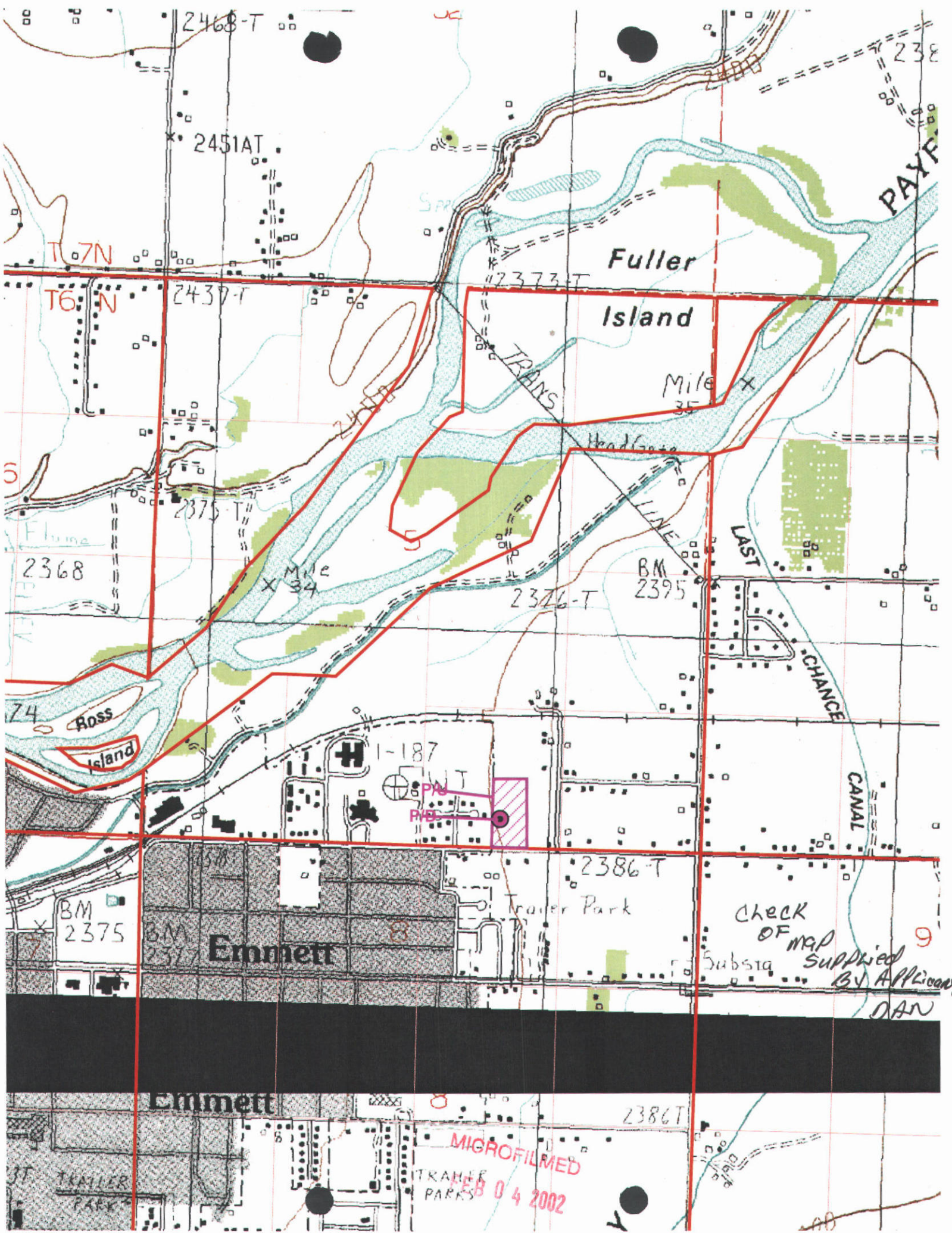
FEB 04 2002

NO GOV'T LOTS

IN SW SE S-5

DAN 11-19-01

Sharp Lane



2468-T

2451AT

T67N
T66N

2437-T

2373-T

Fuller
Island

Mile
35

Head Gate

2375-T

Mile
34

2376-T

BM
2395

LAST

CHANCE

CANAL

Ross
Island

1-187

PA
RHS

2386-T

Trailer Park

BM
2375

Emmett

CHECK
OF MAP
Subsist
Supplied
BY APPLICANT
DAN

Emmett

MICROFILMED
FEB 04 2002

2386T

TRAILER
PARK

TRAILER
PARKS

RECEIVED

DEC 12 2001

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:
Dec. 5, 12, 2001

Dixie Thome
STATE OF IDAHO)
County of Gem)

On this 12th day of Dec. in the year of 2001 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.

M. Christine Carey
Notary Public for Idaho
Residing at Emmett
My Commission expires
February 1, 2005
STATE OF IDAHO

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
65-22636

UNITED METHODIST CHURCH OF EMMETT
1550 LOCUST ST
EMMETT ID 83617

Point(s) of Diversion Source	SESWSE S5 GROUND WATER	T06N R01W	GEM County
Use: IRRIGATION	03/01 To 11/15	0.12 CFS	
Total Diversion:	0.12 CFS		
Date Filed:	11/20/2001		
Place Of Use:	IRRIGATION		
Number of Acres	T06N R01W S5 SWSE 4		

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/24/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER,
Director
Pub.: 12 - 5, 12, 2001
Legal Notice No. 4489
Published in the Messenger Index

MICROFILMED

FEB 04 2002

FOR OFFICE USE ONLY
Amt of Fee \$ 50.00
Receipt No. 063465
Receipt By [Signature]
Date Received 7-22-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 22 2002

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. 65-22636 Telephone No 365-3242
2. Name of Permit Holder(s): United Methodist Church of Emmett
3. Mailing Address: 1550 E Locust St.
City Emmett State ID Zip 83617
4. Source of Water: well If **GROUNDWATER** (well), Date Drilled: mo. June yr. 2002
Well Driller Down Right Drilling Drilling Permit Number: 871541-777428
5. Use(s) (as authorized by the water right permit):

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

Irrigation (No. of acres): 4 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted 0.03 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 L

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 Barbara Larsen Telephone Number 398-8491

Address 1949 W South Slope Rd. Emmett or Don Curberto - 365-2852
2323 N Playa

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: Barbara Larsen, Trustee of Landscape Date 7-17-02
(include your title, if on behalf of company or organization)

MICHAEL

AUG 26 2002

Amended

State of Idaho
Department of Water Resources

Amended

Permit to Appropriate Water

NO. 65-22636

Priority 11/20/2001

Maximum Diversion Rate 0.12 CFS

This is to certify, that UNITED METHODIST CHURCH OF EMMETT
1550 LOCUST ST
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:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	03/01 to 11/15	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5, Twp 6N, Rge 1W, B.M. GEM County**PLACE OF USE:** IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE						
06N	01W	5																	40	40

Total Acres: 4

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before February 01, 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. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 22nd day of February, 2002

MICROFILMED

AUG 26 2002

Karl J. Dreher
for KARL J DREHER, Director

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22636

Priority. 11/20/2001

Maximum Diversion Rate: 0.12 CFS

This is to certify, that UNITED METHODIST CHURCH OF EMMETT
1550 LOCUST ST
EMMETT ID 83617

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE 1/4 SW 1/4 SE 1/4 Sec. 5, Twp 6N, Rge 1W, B M. GEM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N 01W 5																40	40

Total Acres: 4

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before February 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. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
5. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

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 January, 2002.


for KARL J DREHER, Director

MICROFILMED

2002 04 04

RECEIVED

JAN 18 2002

9-17-01

FORM 202
12/99

SEP 17 2001

WATER RESOURCES
WESTERN REGION

Department of Water Resources

Ident No

65-22636
69439

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant United Methodist Church of Emmett Phone 398-8491Mailing address 1500 Locust Street, Emmett, ID 836172. Source of water supply ground water which is a tributary of _____3. Location of point of diversion is Township 1 North Range 1 West Sec. 5, in the SE $\frac{1}{4}$,
SE $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot _____, B.M., Gem County;

additional points of diversion if any. _____

4. Water will be used for the following purposes:

Amount 0.12 cfs for landscaping purposes from March 1 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)5. Total quantity to be appropriated is (a) 0.12 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 well - 6" cylinderb. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet, total
reservoir capacity _____ acre-feetc. Proposed well diameter is 6 inches; proposed depth of well is 40 feetd. Is ground water with a temperature of greater than 85°F being sought? noe. If well is already drilled, when? no, 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. _____

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FEB 04 2002

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	
6N	1W	5																	4

Total number of acres to be irrigated 4

10. Describe any other water rights used for the same purposes as described above. East Chance Ditch, - 5400 - 5 shares

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

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

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 1/2 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.

John C. McConnell, Trustee
Signature of Applicant (and title, if applicable)

Received by JF Date 9-17-01 Time 1:30 Preliminary check by DAN
Fee \$ 100.00 Receipted by JF # W028297 Date 9-17-01
Publication prepared by JF Date 9-17-01 Published in THE RECORD
Publication approved LM Date 1-7-02

MESSANGER INDEX

MICROFILMED
SEP 14 2002

If you have any questions please call
me at 398-8471. We would
appreciate any help in getting this
processed quickly.

RECEIVED

SEP 17 2001

WATER RESOURCES
WESTERN REGION

MICROFILMED

SEP 16 2002

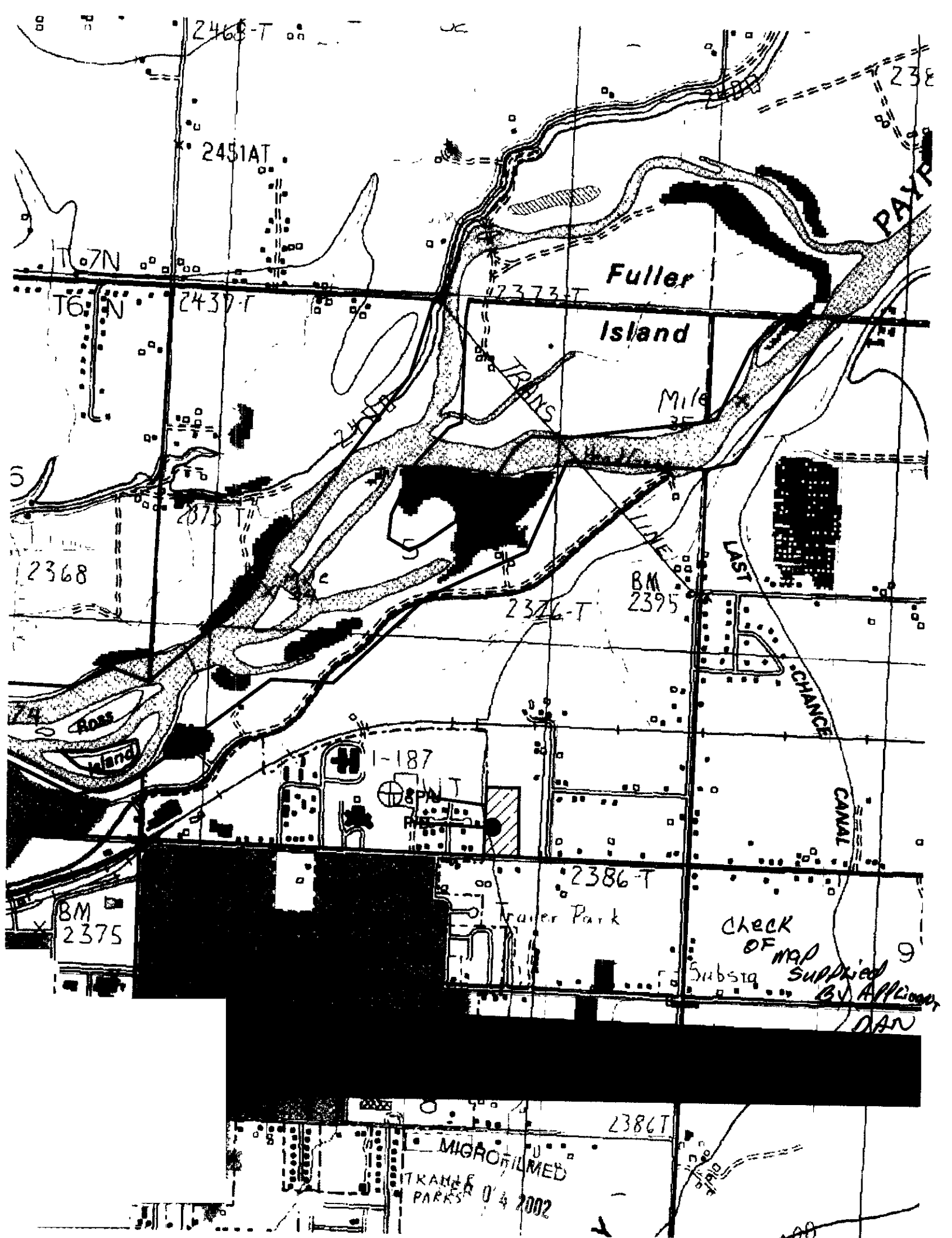
Barbara A Larsen
Chair - Landscaping Com.
United Methodist Church

**United Methodist Church of Emmett
1500 E. Locust Street
365-3242**

Officers

Trustee Chair & Historian	William McConnell	365-2734
Financial Secretary	Frances McCall	365-4164
Lay Leader & Membership Secretary	Orah Nau	365-5294
Lay Member to Annual Conference	Doris Hill	365-3251
Treasurer	Jean Apps	365-7189
Assistant Treasurer	Wilma Long	365-7143
Landscape Chair	Barbara Larsen	398-8491
Sunday Morning Offering Counters	Morris Huffman Sheryl Siebler	365-7187 365-6928
Pastor	Dr. D. Scott Allen	365-3384

MICROFILMED
FEB 04 2002



MEMO TO THE FILE

RE: Permit No. 65-22636

BY: Debbie Gibson 

FROM: BARBARA LARSON
UNITED METHODIST CHURCH OF EMMETT
1550 LOCUST ST, EMMETT ID 83617

DATE: July 29, 2002

Barbara Larson called me today to clarify and respond to my letter to her dated July 24, 2002, regarding the information she submitted to the department on the proof of beneficial use form for this permit. She said she didn't understand what information we needed on the form. She said they are watering 4 acres using sprinklers, and presently are using .03 cfs. They plan to use the full .12 cfs as money becomes available to buy the equipment.

c: Western region

MICROFILMED

AUG 26 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

July 24, 2002

UNITED METHODIST CHURCH OF EMMETT
1550 LOCUST ST
EMMETT ID 83617

Re: Permit No. 65-22636

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use (proof) 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.

During my review of your proof and your permit I found that the permit was issued for development of .12 cfs maximum diversion rate. However, the proof you filed stated that you have developed .03 cfs. If you were unable to complete the development for the full amount of diversion that is acceptable. However, if you have a ground water right with less than or equal to .04 cfs the license examination fee is waived. I acknowledge that the department received a license examination fee from you of \$50.00. Please contact me to clarify this matter, or you may wait until the field examiner can conduct the field examination to clarify this matter.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right 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 at (208) 334-2190 or me at (208) 327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enc!
503 Western Region

MICROFILMED
JUL 26 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No 65-22636

Reviewed By. dgibson

Date July 22, 2002

	<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.		871541-777428
Appropriate fee submitted?	<i>(Don't know?)</i>		Drilling permit upgrade needed?		
Receipt No		W028297, C063465	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	07/22/2002
Date proof due	- 02/01/2003
Lapse notice sent	-
No of days late	= 0
Holiday allowance	+
Priority date	+ 11/20/2001
New priority date	= 11/20/2001

Deficiencies of Actions Items

Acknowledge proof. Customer filed proof showing .03 cfs for diversion rate, vs .12 cfs on permit But customer paid for the 12 cfs rate. *for the license exam - (?)*



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 22, 2002

UNITED METHODIST CHURCH OF EMMETT
1550 LOCUST ST
EMMETT ID 83617

RE: Permit No. 65-22636

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 **revised** 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.

MICROFILMED

1993 2 6 2002

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,

for Kari Ryan Townsend
Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
JUN 25 2002

CERTIFICATE OF MAILING

I hereby certify that on February 22, 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. 65-22636

**UNITED METHODIST CHURCH OF EMMETT
1550 LOCUST ST
EMMETT ID 83617**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
AUG 26 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).

MICROFILMED
AUG 26 2002

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.

MEMORANDUM

DATE: February 21, 2002

TO: Water Right File 65-22636

FROM: Shelley W. Keen *SWK*

RE: Use of Surface Water

Today I spoke on the phone with Barbara Larsen about her request that IDWR waive condition 4 on Permit 65-22636, which is held by United Methodist Church of Emmett. Condition 4 requires the use of surface water when it is available. Ms. Larsen explained to me that the church property is on the end of the ditch. Water diversions from the ditch are unregulated. Therefore, the church receives water on a very unreliable schedule, if at all. It is the church membership's desire to install an automated sprinkler system using ground water because there is nobody at the church to check surface water availability and operate the irrigation system most days. Because of the unreliable availability of the surface water, it is not amenable to distribution via an automated sprinkler system. The church has been told that an automated system could be designed to use surface water, but the necessary floats and valves would be costly and potentially unreliable, which could result in their motor burning up.

MICROFILMED
1996 2 6 2002



DR. D. SCOTT ALLEN
Pastor

The United Methodist Church

EMMETT - SWEET
P. O. BOX 676
EMMETT, IDAHO 83617
Telephone (208) 365-3242

RECEIVED

FEB 14 2002

Department of Water Resources

February 13th, 2002

Permit Section Manager
Department of Water Resources
State of Idaho
1301 N. Orchard St.
PO Box 83720
Boise, ID 83720-0098

To Whom It May Concern:

I am writing to request a reconsideration of Condition of Approval #4 that was stipulated on our Permit to Appropriate Water #65-22636, issued to the United Methodist Church of Emmett, Idaho on January 25th, 2002.

Condition of Approval #4 states "The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right, and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder." It is my understanding that: 1) this requires us to first use the water we receive from our shares in the Last Chance Ditch Company, and 2) we are not allowed to use the ground water rights issued to us on the basis of our permit if this surface water is available.

We are requesting that this stipulation be waived for the following reasons. We are a small congregation who have just finished building a new facility on this property. Because of high construction costs and the depressed economy in Emmett, the funds that were available to us were quite limited. We utilized all of the resources we had towards finishing

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construction of the building, and even then were not able to complete as much of our structure as we had hoped we would. We do have a permit of occupancy, and have been holding services in the building for the past four months.

When we submitted our application for ground water rights we did not understand that this condition would be attached to our permit. We did not budget for this expense, which a well/irrigation company has now estimated will increase our costs by an additional \$2,400. Not only do we not have the resources to pay for this additional expense, but any attempt to acquire additional funding will likely mean that we would miss the opportunity to plant grass during the spring growing season, even if additional resources could be acquired.

In addition to the financial factors, it is our judgement that allowing us to use our ground water rights independently of the surface water availability is better conservation of water. By utilizing automatic timers during optimum hours of the day, we believe our usage will be less than if we try to primarily use canal water. Because we are all volunteers and none of us are at the church daily, monitoring efficient use of canal water will be quite difficult.

We did not consistently utilize the canal water from the time we purchased the property around 1984 until we began construction in the spring of 2001. Being the last user on the ditch, we have found that our water supply is unpredictable at best. For most of last summer we did not receive adequate water for irrigation. We want to avoid the expenditure of funds on a system that ultimately is likely not to provide us with a dependable source of water.

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AUG 26 2002

Thus, we are pleading a hardship case and asking that
Condition of Approval #4 be waived.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Larsen".

Barbara Larsen
Trustee
Chair of Landscape Committee

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MAY 26 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

January 25, 2002

UNITED METHODIST CHURCH OF EMMETT
1550 LOCUST ST
EMMETT ID 83617

RE: Permit No. 65-22636

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.

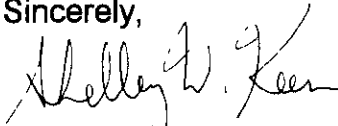
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened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

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

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

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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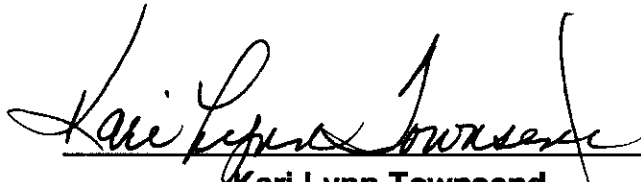
FEB 04 2002

CERTIFICATE OF MAILING

I hereby certify that on January 25, 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. 65-22636

**UNITED METHODIST CHURCH OF EMMETT
1550 LOCUST ST
EMMETT ID 83617**



**Kari Lynn Townsend
Secretary**

**MICROFILMED
FEB 04 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.

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**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**

Reviewed by Sharla Curtis on 1/23/02

No. 65-22636 Name: UUC of Emmett Corp. Officers _____ Ad ok _____ Govt Lots _____

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

GROUNDWATER: (✓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)
Mitigation - 121

Trust - 051 (consumptive uses)
Non-Trust - 048 (consumptive uses or non-cons > 10 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)
STOCKWATER - 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

BENEFICIAL USE DUE: 2/1/01 2003

MISC CONDITIONS/REMARKS:

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

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE 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)-007-042-106
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
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON 3/1 - 11/15 (Per updated map)

IRR VOLUME/ACRE 45

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

January 2001

UTAHO DEPARTMENT OF WATER RESOURCES APPROPRIATION APPLICATION ANALYSIS SHEET

 INITIAL REVIEW BY: DAN DATE: 11-19-01 APPLICATION: 65-22630

REQUIRED 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) 1000 GPM Gov't. Lots:
☒ Period of use: NO P/D
☒ Nature of proposed use: (Include description of use) JAN 18 2002 NO P/U
☒ Description of diverting works:
☒ Time required for beneficial use of water:
☒ Place of use or acres irrigated: ADJACENT TO DITCH
☒ 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

ADDITIONAL INFORMATION

YES ADVERTISE REMARK(S)

(Reviewer identify which remarks)

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on next page.) THE ONLY SIGNIFICANT OVERLAP IS LAST CHANES
☒ Overlapping point of diversion. DITCH COMPANY RIGHTS THIS APPLICATION
☒ Critical groundwater area: WILL SUPPLEMENT.
☒ 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

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO. 15-22636

YES NO

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

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

 X I.D. Health & Welfare
 X I.D. District Health
 X I.D. Fish & Game
 X I.D. Lands

YES NO

 X U.S. BLM
 X U.S. Forest Service
 X Water Dist. #
 X Water Planning Bureau
 X 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 12-24-01

 X Protests received.

 X Recommendations attached:

 X Measuring device required:

 X Water delivered by water master? District #

X Special conditions of approval or cover letter: Standard Conditions
Well Drilling Standards (046)
Supplemental use.

 See below for additional information

Recommended Date or Priority 11-20-2001

Recommended by: Daniel A. Nelson Date: 1-15-02

ADDITIONAL INFORMATION:

See comments in Application

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
65-22636

UNITED METHODIST CHURCH OF EMMETT
1550 LOCUST ST
EMMETT ID 83617

Point(s) of Diversion	SESWSE	S5	T06N	R01W
GEM County, Source	GROUND WATER			

Use: IRRIGATION	03/01 To 11/15	0.12 CFS
Total Diversion	0.12 CFS	
Date Filed:	11/20/2001	
Place Of Use.	IRRIGATION	
	T06N R01W S5 SWSE	
Number of Acres	4	

Remark: Applicant agrees to mitigate consumptive use in the future as needed

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/24/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER,
Director

Pub.: 12 - 5, 12, 2001

Legal Notice No. 4489

Published in the Messenger Index

HAMMOND, an unmarried person, as grantor, to FIF COMPANY OF IDAHO, INC., an Idaho Corporation, as the benefit and security of U.S. Bancorp Mortgage Company, recorded July 19, 1993, as Instrument No. 176 MORTGAGE ELECTRONIC REGISTRATION SYSTEM, by assignment recorded September 18, 2001 213175, Mortgage Records of Gem County, Idaho.

THE ABOVE GRANTORS ARE NAMED TO COMPLY 1506 (4)(A), IDAHO CODE. NO REPRESENTATION ARE, OR ARE NOT, PRESENTLY RESPONSIBLE FOR

The default for which this sale is to be made is the failure under Deed of Trust Note, the monthly payments for Impounds of \$570.62 due per month for the month of September, 2001 and all subsequent payments until the statement, with a monthly late charge accruing at \$2 charges are due in the amount of \$43.38, with an adjustable rate, the current rate is 8.25 % per annum accrue from May 1, 2001. The principal balance owing obligation secured by said Deed of Trust is \$55,516.71 est. costs and advances. All delinquent amounts are accruing late charges and interest, unpaid and accrue trustee's fees, attorney's fees, and any amounts and security associated with this foreclosure and that the borrower cause the trust property to be sold to satisfy said debt.

Date: November 15, 2001

FIRST AMERICAN TITLE COMPANY
Monir

Pub: 11-28, 12-5, 12, 19, 2001

Published in

Susan
Please
Print
Call w/Charges
365-6066
TKS
Maureen

OK
AT

11-30-01

MICROFILMED

11-30-01

RECEIVED

DEC 12 2001

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:

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.

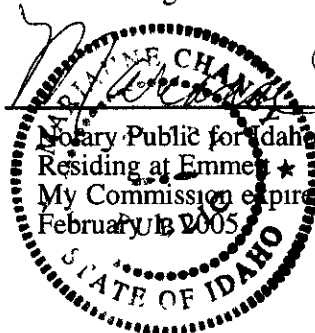
3. That the notice, of which the annexed is a printed copy, was published in the newspaper two times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following:
Dec. 5, 12, 2001

Dixie Thome

STATE OF IDAHO)
County of Gem)

On this 12th day of Dec. in the year of 2001 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.



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

UNITED METHODIST CHURCH OF EMMETT
1550 LOCUST ST
EMMETT ID 83617

Point(s) of Diversion SESWSE E5 T06N R01W GEM County
Source GROUND WATER
Use IRRIGATION 03/01 To 11/15 0.12 CFS
Total Diversion: 0.12 CFS
Date Filed: 11/20/2001
Place Of Use: IRRIGATION
T06N R01W S5 SWSE
Number of Acres 4

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 43-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/13/2001. The protest must also send a copy of the protest to the applicant.

KARL J DREHER,
Director

Pub.: 12- 5, 12, 2001
Legal Notice No. 4489

Published in the Messenger Index

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DEC 04 2002

November 28, 2001

Legal Notice Department

Messenger-Index

PO Box 577

Emmett ID 83617

RE: Application for Permit No. 65-22636

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 12/24/2001. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MISSOURI

FEB 04 2002

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

65-22636

UNITED METHODIST CHURCH OF EMMETT
1550 LOCUST ST
EMMETT ID 83617

Point(s) of Diversion SESWSE S5 T06N R01W GEM County Source GROUND WATER

Use IRRIGATION 03/01 To 11/15 0 12 CFS

Total Diversion 0 12 CFS

Date Filed 11/20/2001

Place Of Use: IRRIGATION

T06N R01W S5 SWSE

Number of Acres 4

Remark Applicant agrees to mitigate consumptive use in the future as needed

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/24/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Messenger Index on December 5 and 12, 2001

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FEB 04 2002

RECEIVED

SEP 17 2001

WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS

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

Name of Applicant

United Methodist Church of Emmett

Mailing Address

1500 Locust St

Emmett, ID 83617

Application No.
(if known)

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Wm C McConnell

Date

Chairman, Trustees 9-14-01

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

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SEP 17 2002