

T07N R04W

Idaho Department of Water Resources

S20

WERNER
APPLICATION
Prepared by:
RON HOWERTON
4-9-01

 Place of use

 POD

 SECTION

 1/4 1/4

1.3 Acres
MICROFILMED
FEB 04 2002



1997 NAPP



0 0.1 0.2 0.3 Miles

NO Gov't Lots
Original Application map -82

T07N R04W

S20

Idaho Department of Water Resources

Werner Application
Prepared by:
RON HOWERTON
Modified 5-7-01

Place of use



MICROFILMED

FEB 04 2002

POD



SECTION



1/4 1/4



1.3 Acres



1997 NAPP



No Gov't. Lots

1.5 Miles

1.25

1

0.75

0.5

0.25

0

modified map to show entire section & confirm 1/4-1/4 location -82

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 12/6/01

No. 65-22525 Name: Werner Corp. Officers N/A 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. > 1.0 cfs)

USES:

~~STORAGE~~ - 18C-01H-01P-18B-NA W31
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

BENEFICIAL USE DUE: 12/01/2006

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 4.5

OTHER CONDITIONS/REMARKS

COMMENTS

See pau comparison attached to Steve Lester's regional review sheets - no overlaps

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	SWNW	SESW	NESW	NWSW	SWSW	SESW	NESW	SWSE	SESE	Total
Claim	65 12234	GUY D WERNER, JEANETTE WERNER,	GROUND WATER	07N04W20	X														0
Claim	65 12234	GUY D WERNER, JEANETTE WERNER,	GROUND WATER	07N04W20		2													2
Claim	65 12234	GUY D WERNER, JEANETTE WERNER,	GROUND WATER	07N04W20	X														0
Claim	65 18432	GUY D WERNER, JEANETTE WERNER,	GROUND WATER	07N04W20	X														0
Claim	65 18432	GUY D WERNER, JEANETTE WERNER,	GROUND WATER	07N04W20	X														0
Claim	65 4361	GUY D WERNER, JEANETTE WERNER,	GROUND WATER	07N04W20		3													3
Claim	65 4362	GREG M DAVIS, KATHY J DAVIS,	GROUND WATER	07N04W20	X														0
Claim	65 4362	GREG M DAVIS, KATHY J DAVIS,	GROUND WATER	07N04W20	X														0
Rec	65 12234	GUY D WERNER, JEANETTE WERNER,	GROUND WATER	07N04W20	X														0
Rec	65 12234	GUY D WERNER, JEANETTE WERNER,	GROUND WATER	07N04W20	X														0
Rec	65 12234	GUY D WERNER, JEANETTE WERNER,	GROUND WATER	07N04W20		2													2
Rec	65 4361	GUY D WERNER, JEANETTE WERNER,	GROUND WATER	07N04W20		3													3
Rec	65 4362	KATHY J DAVIS, GREG M DAVIS,	GROUND WATER	07N04W20	X														0
Right	65 12234	KATHY J DAVIS, GREG M DAVIS,	GROUND WATER	07N04W20	X														0
Right	65 18432	WILMA M NELSON, J DOYLE NELSON,	GROUND WATER	07N04W20		2													2
Right	65 18432	GUY D WERNER, JEANETTE WERNER,	GROUND WATER	07N04W20	X														0
Right	65 18432	GUY D WERNER, JEANETTE WERNER,	GROUND WATER	07N04W20	X														0
Right	65 4361	GUY WERNER,	GROUND WATER	07N04W20		3													3
Right	65 4362	J DOYLE NELSON,	GROUND WATER	07N04W20	X														0
Claim	65 2900		TUNNEL NO 2 DRAIN	07N04W20	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0

Applicants have 3 wells / 3 older rights, all separate systems/wells

1) 65-4361 4" 90' D/S 1961

2) 65-12234 6" ≥ 96' D/S 1979
2 Aves

3) 65-18432 6" c 80' D/S 1979

Now propose use of the 1979 wells to irrigate land
Not covered by 65-12234 or by other water.
Therefore, appears p/d overlap but no p/m overlap. Proposed use of
pre-1987 well makes drilling permit issue n/a. -JR

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FEB 04 2002

OVERLAP INFO-

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22525

Priority: 04/09/2001

Maximum Diversion Rate: 0.04 CFS

This is to certify, that GUY WERNER
3873 SW 4TH
NEW PLYMOUTH ID 83655

And/Or

JEANETTE WERNER
3873 SW 4TH
NEW PLYMOUTH ID 83655

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	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼NE¼ Sec. 20, Twp 07N, Rge 04W, B.M. PAYETTE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	04W	20				13													13

Total Acres: 1 3

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before December 1, 2006.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
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 0.04 cfs nor more than 5.9 afa at the field headgate for irrigation of the land described 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 7th day of December, 2001.

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FEB 04 2002

Karl J Dreher
for KARL J DREHER, Director

Ident. No. 65-22525

RECEIVED

NOV 29 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

APR 09 2001

WATER RESOURCES
WESTERN REGION

Department of Water Resources

1. Name of Applicant Guy & OR JEANETTE WERNER Phone 278-3042
Post Office address 3877 SW 4TH NEW PLYMOUTH ID 83655
2. Source of water supply GROUND WATER which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of NW 1/4 of NE 1/4, Govt. Lot _____
Sec. 20 Township 7N Range 4W B.M. PAYETTE County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .039 for IRRIG purposes from 03-01 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.039 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. SPRINKLER SYSTEM & FLOOD IRRIG.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is 6 inches; proposed depth of well is ± 89' feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? 1979; Drilling firm _____;
Well was drilled for (well owner) Guy WERNER
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity if 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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APR 04 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	
7N	4W	20		1.3															1.3

Total number of acres to be irrigated 1.3

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 enable the applicant to make this filing: _____

12. Remarks: _____

13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

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.

Jeannette W. Warner
(Applicant)

Received by Rch Date 4-9-00 Time 4:29 PM Preliminary check by FL
 Fee \$ 100.00 Received by Rch # W027539 Date 4-9-01
 Publication prepared by dt Date 6-6-01 Published in MESSANGER INDEX
 Publication approved dt Date 7-6-01

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FEB 04 2002

Idaho Department of Water Resources

T07N R04W

S20

WERNER
APPLICATION
Prepared by:
RON HOWERTON
4-9-01

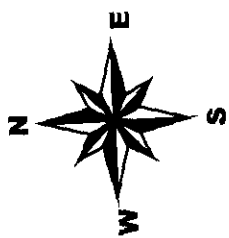
Place of use

POD

SECTION

1/4 1/4

13 Acres



1997 NAPP

NO Gov't. Lots

0.3 Miles

0.2

0.1

Original Application map -82

Idaho Department of Water Resources

T07N R04W
S20

Werner Application
Prepared by:
RON HOWERTON
Modified 5-7-01

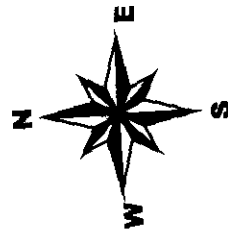
Place of use

POD

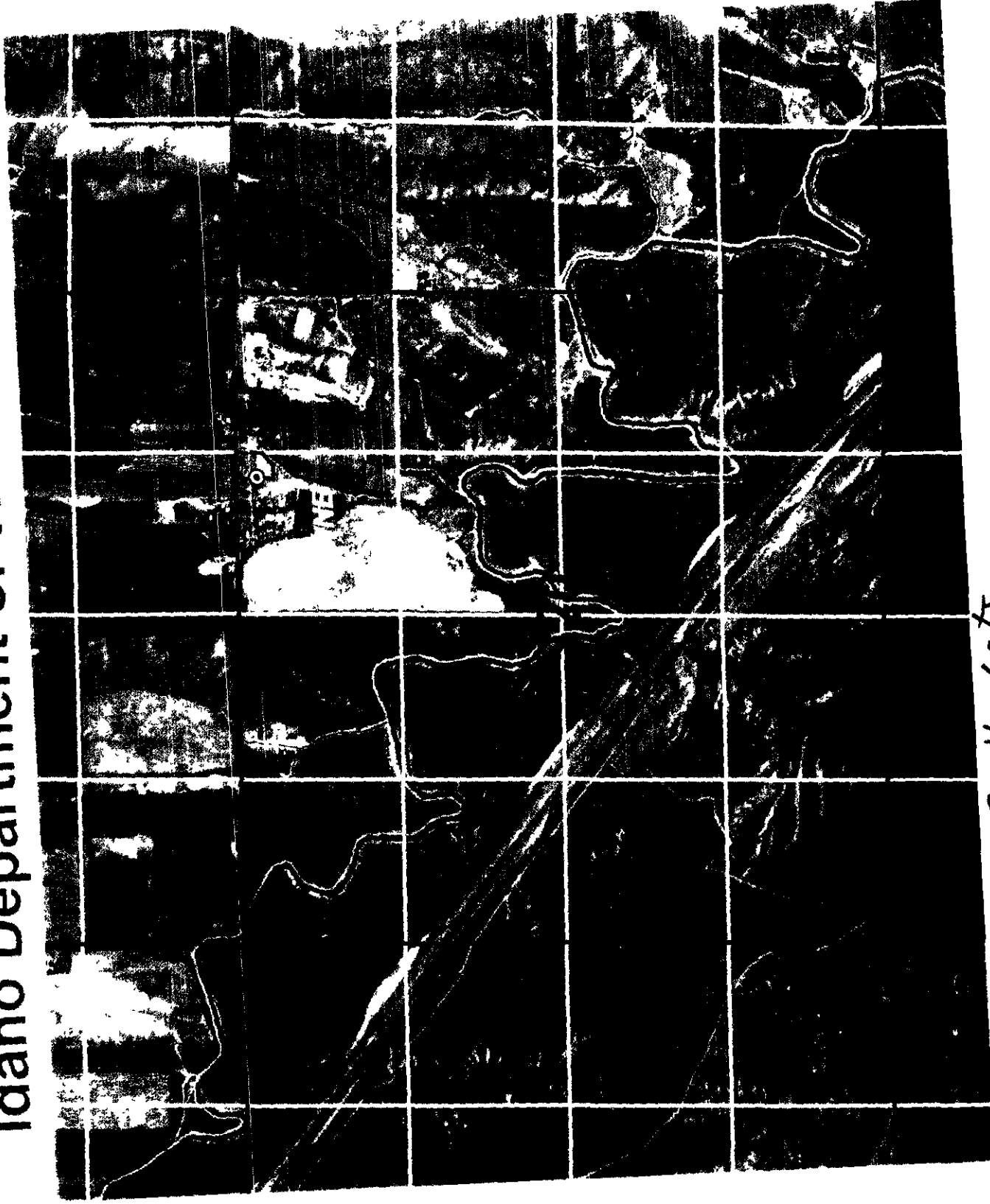
SECTION

1/4 1/4

13 Acres



1997 NAPP



1.5 Miles

1.25

1

0.75

0.5

0.25

0

No Gov't. Lots

1/4-1/4 location

-82

modified map to show entire section & confirm 1/4-1/4 location



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

December 10, 2001

GUY WERNER
JEANETTE WERNER
3873 SW 4TH
NEW PLYMOUTH ID 83655

RE: Permit No. 65-22525

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

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

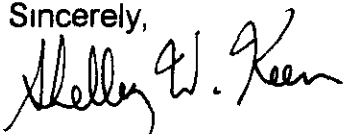
MICROFILMED

FEB 04 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,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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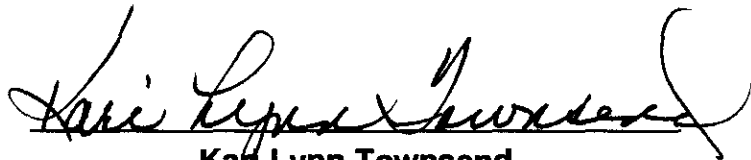
FEB 04 2002

CERTIFICATE OF MAILING

I hereby certify that on December 10, 2001 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. 65-22525

**GUY WERNER
JEANETTE WERNER
3873 SW 4TH
NEW PLYMOUTH ID 83655**


**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.

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**

Reviewed by Sharla Curtis on 12/6/01

No. 65-22525 Name: Werner Corp. Officers N/A Ad ok ☒ Govt Lots

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

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Trust - 051 (consumptive uses)
Non-Trust - 048 (consumptive uses or non-cons > 1 0 cfs)

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DAIRY - 082-WD8
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or 17M (not FERC regulated)
025-027-R22-08A

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i.e D/convenience store)

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

IRR VOLUME/ACRE 4.5

OTHER CONDITIONS/REMARKS

COMMENTS See pou comparison attached to Steve Lester's
regional review sheets - no overlaps

January 2001

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEETINITIAL REVIEW BY: FE DATE: 5/29/01 APPLICATION: 65-22525**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)
☒ 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:

NOV 29 2001

☒ P/D
☐ P/U

IDAHO DEPARTMENT OF WATER RESOURCES

ADDITIONAL INFORMATION**ADVERTISE REMARK(S)**

(Reviewer identify which remarks)

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

- received 5/25/01

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO. 4-22525

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 6-25-01
☐ ☒ Protests received.
☐ ☐ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Water delivered by water master? District # _____
☐ ☒ Special conditions of approval or cover letter: standard conditions. Future mitigation. NO NEW well drilling authorized (use existing well).

See below for additional information

Recommended Date or Priority

4-9-01

Recommended by: Appraiser - JZDate: 11/28/01ADDITIONAL INFORMATION:

USE a 1979 well for new irrigation. Plu does
not have surface water for irrigation. See attached
overlap summary if need more details.

App. ID _____
Water Right No. 65-22525

**State of Idaho
Department of Water Resources
Initial Checklist**

Name of Applicant: JEANETTE &/or GUY WERNER-

Type of Application: Permit

Initial Review by: slester

Date of Review: 05/29/2001

Have the following items been completed as required on the document?

Yes No

- | | |
|---|---|
| X | Name and Address |
| X | Source and Tributary (USGS) |
| X | Point of Diversion (10-acre tract for springs) |
| X | County |
| X | Quantity (cfs and/or afa) |
| X | Period of Use |
| X | Nature of Use |
| X | Description of diverting works |
| X | Place of use or acres irrigated |
| X | Map (include subdivision plat for multiple domestic use) |
| X | Signature (notarization, title of signatory, and/or corp. officers, if necessary) |
| X | Has the correct fee been received? |
| X | Landowner agreement |
| X | Ownership of point of diversion |
| X | Ownership of place of use |
| X | Time required for beneficial use of water |

Check/Build Comments:

Additional Comments: Request to Process form received 5/25/01 with "future mitigation" checked.

CAN print initial checklist (is application acceptable for processing?) from Enterprise system

-JL

[illegible]

Applicants have 3 wells / 3 older rights, all separate systems/wells

17 65-4381 4" 90' 0/s 1961

65-12234
6" > 96' 0/5
1979

2 Acres

3) 65-18432 6" e 80' D/S 1979

Now propose use ^{over} of the 1579 wells to reagents based
Not covered by 65-12234 or by ditch water.
Therefore, appears p/l overlap but no p/h overlap. Proposed use of
pre-1987 well makes drilling permit issue N/A. -JK

4

-OVERLAP INFO-

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APPLICATION FOR WATER RIGHT

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

65-22525

GUY &/OR JEANETTE WERNER
3873 SW 4TH
NEW PLYMOUTH, ID 83655

Point(s) of Diversion NWNE S20 T07N R04W PAYETTE County Source GROND WATER

Use: IRRIGAT ON

03/01 To 11/15 0.04 CFS

Total Diversion.

0 04CFS

Date Filed: 04/09/2001

Place Of Use: IRRIGATION

T07N R04W S20 NWNE

Number of Acres 1 3

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 Way, Boise, ID 83705 together with a protest fee of \$25 00 for each application on or before 6/25/01. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

No 684

June 6, 13

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

SS

Copy of Notice
(First Copy)

Application for Water Right (Werner)
TITLE OF PUBLICATION

SPONSOR OF PLAINTIFF

Idaho Dept. of Water Resources
PLAINTIFF OR LEGAL AGENT

I, Viola M Hawkins, being
duly sworn, deposes and says:

That She is the principal clerk of

THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at Payette, in the County of Payette and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with June 6, 2001, and ending with the issue of June 13, 2001.

STATE OF IDAHO
COUNTY OF

On this 14th day of June in the year of 2001, before me, a Notary Public, personally appeared Viola Hawkins 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 acknowledged to me that he executed the same.

NOTARY PUBLIC
Marjorie J. Rhinhardt
Notary Public for Idaho
Residing at Trinidad
My commission expires: 12-1-04

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines 26 lines x 4 columns

Number of Insertions (2) Two

26 Lines @ 2.38 . . . \$ 61.88

26 Lines @ 2.04 . . . \$ 53.04

TOTAL COST
WILL BE \$ 126.24

RECEIVED

JUL 02 2001

WATER RESOURCES
WESTERN REGION

MICROFILMED

FEB 04 2002

Nº 684

REQUEST TO PROCESS

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

Name of Applicant

Guy or Jeanette Warner

Mailing Address

3873 S.W. 4th
New Plymouth, Id. 83655

Application No.
(if known)

RECEIVED

MAY 25 2001

WATER RESOURCES
WESTERN REGION

 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

Jeanette Warner

Date

5/23/01

Please return this form to:

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

MICROFILMED

FEB 04 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

May 8, 2001

GUY &/OR JEANETTE WERNER
3873 SW 4TH
NEW PLYMOUTH ID 83655

Re: Application for Permit

Dear Applicants:

Recently you filed an application for permit to irrigate 1.3 acres from a 1979 well. One additional item needs to be completed before this office can process your application. Please review and complete the enclosed "request to process" form which is explained in the attached generic letter.

Most people select the last option, "possible future mitigation", which does not require you to do anything at this time other than submit the completed form.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester".

Steve Lester
Water Rights Supervisor

Enclosure

MICROFILMED

APR 6 4 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

May 30, 2001

Legal Notice Department
Independent Enterprise
PO Box 520
Payette ID 83661

RE: Application for Permit No. 65-22456 and 65-22525

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 06/25/2001. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED
JUN 14 2002

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

65-22525

GUY &/OR JEANETTE WERNER
3873 SW 4TH
NEW PLYMOUTH ID 83655

Point(s) of Diversion NWNE S20 T07N R04W PAYETTE County Source GROUND WATER

Use. IRRIGATION 03/01 To 11/15 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 04/09/2001

Place Of Use: IRRIGATION

T07N R04W S20 NWNE

Number of Acres 1.3

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 06/25/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on Independent Enterprise on June 6 and 13, 2001.

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SEP 14 2002