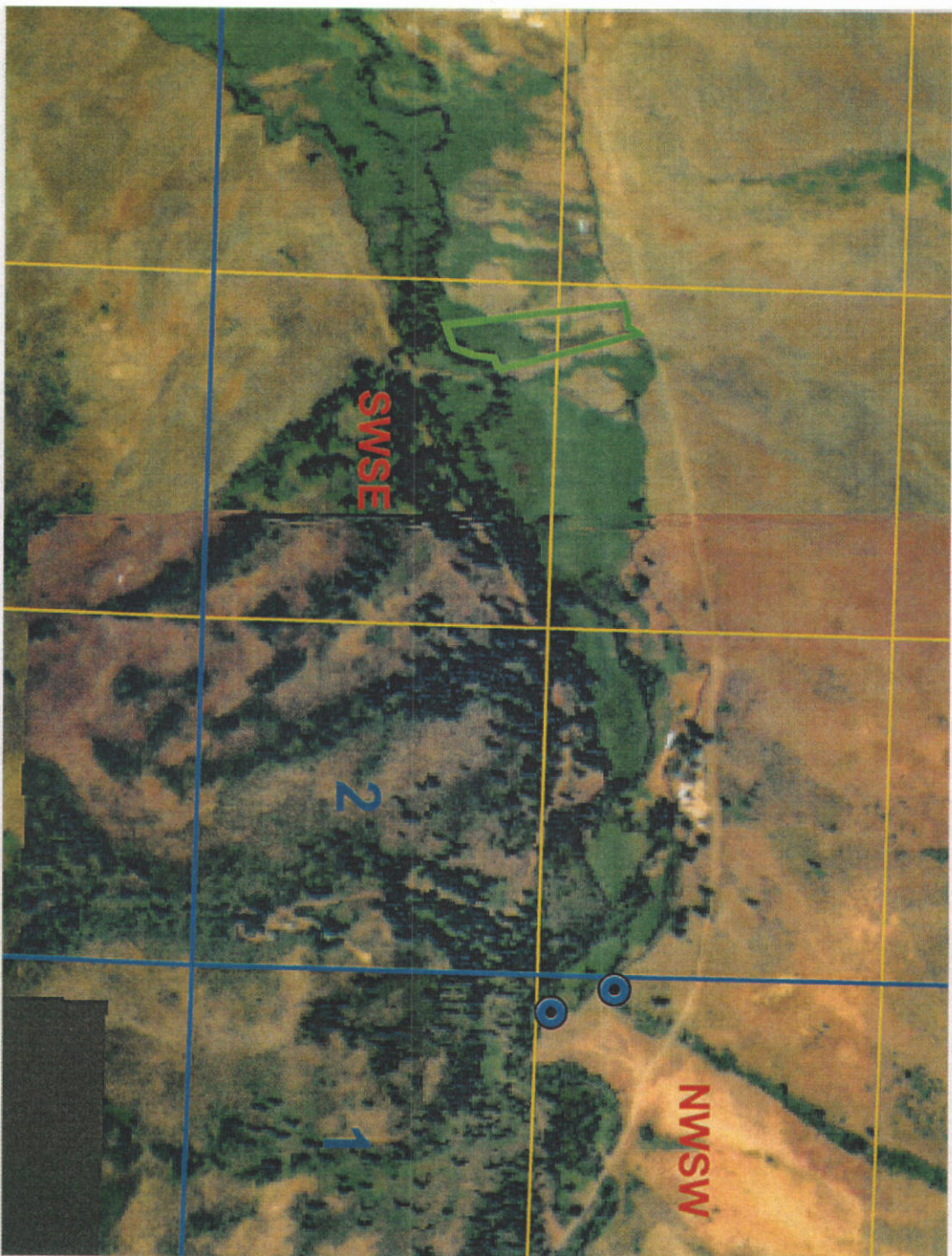


IDAHO DEPARTMENT OF WATER RESOURCES

T11N, R01E, S2



1987 NAPP PHOTO

● POINT OF DIVERSION

□ PLACE OF USE

□ 1/4 1/4 LINES

□ SECTION LINES

6 ACRES

6 SECTION NUMBERS

MICROFILMED
SEP 19 2001

CLAIM(S): 65-11257C

OWNER(S): MYERS & HOWELL

Prepared by Mel Schulte

DATE: JUNE 28, 2000

no bar lt

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

JUL 30 2003

Department of Water Resources

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

1 Permit No. 65-22374 Telephone No. 322-6911

2 Name of Permit Holder(s): Dale Myers Suzanne Howell

3 Mailing Address 2802 Alamo Road

City Boise State ID Zip 83704

4. Source of Water: 2nd Fork Squaw Creek
Kimball Gulch Creek If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____

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

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

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

6. Total rate of diversion and/or volume for which proof is submitted: 0.8 cfs OR _____ acre-feet

7 Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional Please check either yes or no Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X

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 Dale Myers Telephone Number 322-6911

Address 2802 Alamo Road Boise ID 83704

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. [Signature] Date: _____
(include your title, if on behalf of company or organization)

MICROFILMED
SEP 09 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME RECEIVED
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF JUL 26 2002
BENEFICIAL USE FOR A WATER RIGHT PERMIT
Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No 65-22374
Name(s) of Permit Holder: Dale E Myers Suzanne Howell
Address 2802 Alamo Rd City Boise State ID Zip 83704
Telephone No. 322-6911 336-1172 Date Proof is Due: 8/1/02

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

1 Headgate installed 1 ditch put in pipe bought 2nd headgate ready to go in

Costing \$ ~500**

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

After starting project found it needed to be redesigned

Desired sprinkler heads not available

Gated pipe not available until next year irrigation season

Permit holder(s) request an extension to 8/1/03, 20

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use
is extended to August 1, 2003.

Signed this 1st day of August, 2002

L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

SEP 03 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
INSTRUCTIONS FOR EXTENSION OF TIME REQUEST
TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. **Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.**

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may be granted one or more extensions of time even though no work has been accomplished:

- When there is a lack of a required consent or final approval from a federal government agency (**evidence of delay must be submitted with the request**), i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
- When litigation related to title of the water has prevented development of the permit (**evidence must be submitted with the request**).
- When the water project is of a large scale – storage of more than 10,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
- When the water right permit is held by the United States of America (**reason for request must be submitted**).

A non-refundable filing fee of **\$50.00** must accompany the Request for Extension of Time form.

***NOTE** that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect.*

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22374

Priority. 04/26/2001

Maximum Diversion Rate. 0.08 CFS

This is to certify, that DALE E MYERS
2802 ALAMO RD
BOISE ID 83704

And/Or

SUZANNE HOWELL
2802 ALAMO RD
BOISE ID 83704

has applied for a permit to appropriate water from:

Source: SECOND FORK SQUAW CREEK Tributary: SQUAW CREEK
KIMBALL GULCH CREEK SECOND FORK SQUAW CREEK

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	03/15 to 10/31	0.08 CFS

LOCATION OF POINT(S) OF DIVERSION:

KIMBALL GULCH CREEK	SW 1/4 NW 1/4 SW 1/4	Sec. 1, Twp 11N, Rge 01E, B. M.	GEM County
SECOND FORK SQUAW CREEK	SW 1/4 NW 1/4 SW 1/4	Sec. 1, Twp 11N, Rge 01E, 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	NE	NW	SW	SE	
11N 01E 2															20	20	40

Total Acres. 4

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before **August 1, 2002**.
- 2 Subject to all prior water rights
- 3 The issuance of this right does not grant any right-of-way or easement across the land of another.
- 4 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.
- 5 Use of water under this water right will be regulated by the watermaster of State Water District No. 65A
- 6 Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion

NOT RECORDED
SEP 19 2001

State of Idaho
Department of Water Resources
Permit to Appropriate Water

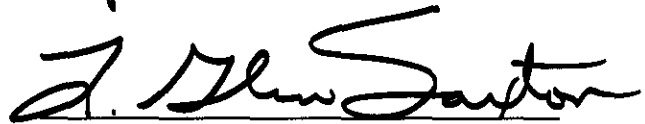
NO. 65-22374

CONDITIONS OF APPROVAL

- 7 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 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 16th day of August, 2001


for KARL J DREHER, Director

MICROFILMED
SEP 19 2001

RECEIVED

APR 26 2001

FORM 202
12/99Ident. No. 65-22374WATER RESOURCES
WESTERN REGION

RECEIVED

AUG 13 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 24 2001

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

1. Name of Applicant Dale E Myers and/or Suzanne Howell Phone 322-6911Mailing address 2802 Alamo Rd BOISE 837042. Source of water supply Kimball Gulch Creek which is a tributary of Second Fork Squaw Cr3. Location of point of diversion is Township 11N Range 1E Sec. 1 in the SW 1/4,
NW 1/4, SW 1/4, Govt Lot , B.M., Gem County;additional points of diversion if any T11N R1E S1 SWNW SW

4. Water will be used for the following purposes:

Amount 0.08 for Irrigation purposes from 3/15 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)5. Total quantity to be appropriated is (a) 0.08 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 Headgate to ditchb. Height of storage dam feet, active reservoir capacity acre-feet; total
reservoir capacity acre-feetc. Proposed well diameter is inches; proposed depth of well is feetd. Is ground water with a temperature of greater than 85°F being sought? e. If well is already drilled, when? , Drilling firm ;Well was drilled for (well owner) ; Drilling Permit No. 7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9)

a. Hydropower; show total feet of head and proposed capacity in kW b. Stockwatering; list number and kind of livestock. c. Municipal; show name of municipality. d. Domestic; show number of households e. Other, describe fully MICROFILMED
SEP 19 2001

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	
11N	1E	2														2		2	4

Total number of acres to be irrigated 4

10. Describe any other water rights used for the same purposes as described above. 65-11257C

11. a. Who owns the property at the point of diversion? Mrs. Gerald Carlock

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. Delivered thru ditch co owned by water users

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.

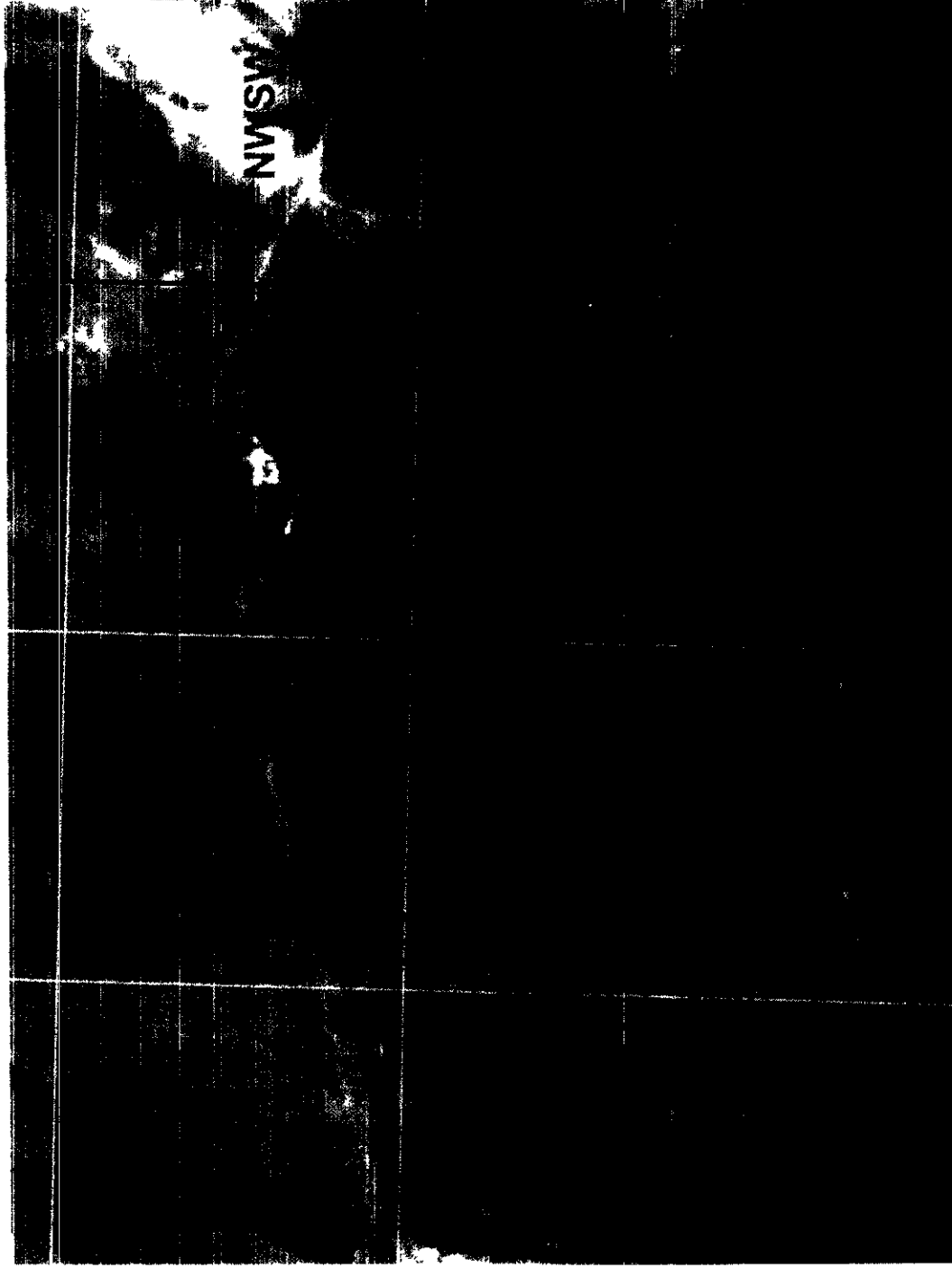
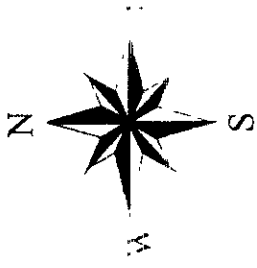
Jale E. Myer
 Signature of Applicant (and title, if applicable)

Received by KL Date 4/26/01 Time 2:36 Preliminary check by KL 6
 Fee \$ 100.00 Receipted by KL # W02764 6
 Publication prepared by KL Date 5-16-01 Published in 5-16-01 6
 Publication approved KL Date 6-11-01 6

MICROFILMED
 SEP 13 2001

IDAHO DEPARTMENT OF WATER RESOURCES

T11N, R01E, S2



POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

0 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-112576

OWNER(S): MYERS & HOWELL

Prepared by Mel Schulte

DATE: JUNE 28, 2000

0 0.25 0.5 0.75 Miles



no Gov lts



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

August 18, 2003

DALE MYERS
SUZANNE HOWELL
2802 ALAMO ROAD
BOISE ID 83704

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-22374

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.)

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SEP 03 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No : 65-22374

Reviewed By. dgibson

Date: August 15, 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..		W027648, C070240	Well driller's report filed?		
Additional Amount Due			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		07/30/2003
Date proof due	-	08/01/2003
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	04/26/2001
New priority date	=	04/26/2001

Deficiencies of Actions Items

Acknowledge proof

May 31, 2003

DALE E MYERS
SUZANNE HOWELL
2802 ALAMO RD
BOISE, ID 83704

PROOF DUE NOTICE

RE: PERMIT NO. 65-22374

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 August 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.

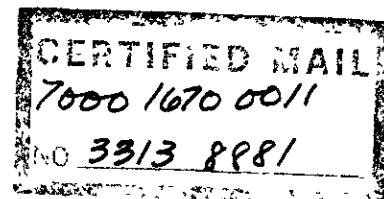
Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

SEP 8 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

August 2, 2002

DALE E MYERS
SUZANNE HOWELL
2802 ALAMO RD
BOISE ID 83704

RE: PERMIT NO. 65-22374

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use of water to **August 1, 2003**.

Please note that the department granted this extension based on **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed since the department **may not** be able to grant additional extensions based on due diligence.

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. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please feel free to contact the department if you have questions.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure
c. IDWR - Regional Office

MICROFILMED

AUG 6 2003

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No 65-22374

Reviewed By dgibson

Date: July 29, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Request received timely?	X		Is delay by a government agency?		X
Appropriate fee	X		Is supporting documentation needed to support the file?		
Additional Amount Due					
Receipt No		W027648, <i>0063584</i>	Has the permit been involved in litigation?		X
Name and signature same as permit?	X		Is supporting documentation needed to support the file?		
Is address same as permit?	X		Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		X
Has adequate work been completed to demonstrate due diligence?	X				

Priority Calculation

Extension request received	07/26/2002	New proof due date	08/01/2003
Date proof due	- 08/01/2002		
Lapse notice sent	-		
No of days late	= 0		
Holiday allowance	+		
Priority date	+ 04/26/2001		
New priority date	= 04/26/2001		

Action Taken

Acknowledge request and extend proof deadline to 8/1/2003

May 31, 2002

DALE E MYERS
SUZANNE HOWELL
2802 ALAMO RD
BOISE, ID 83704

PROOF DUE NOTICE

RE: PERMIT NO. 65-22374

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 August 01, 2002. (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.

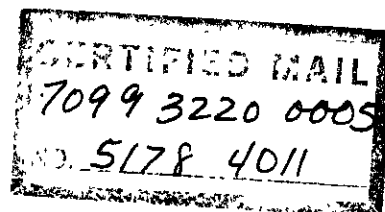
Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

MAY 13 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

August 16, 2001

DALE E MYERS
SUZANNE HOWELL
2802 ALAMO RD
BOISE ID 83704

RE Permit No. 65-22374

Permit Approval Notice

Dear Permit Holder

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

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

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

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

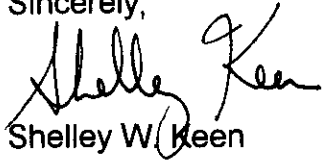
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

MICROFILMED

SEP 19 2001

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley Keen". The signature is fluid and cursive, with the first name "Shelley" and last name "Keen" clearly distinguishable.

Shelley W. Keen

Water Rights Supervisor

SWK.klt

Enclosure(s)

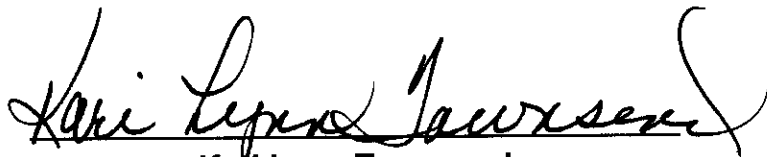
MICROFILMED
SEP 19 2001

CERTIFICATE OF MAILING

I hereby certify that on August 16, 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. 65-22374

**DALE E MYERS
SUZANNE HOWELL
2802 ALAMO RD
BOISE ID 83704**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

SEP 19 2001

**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 37.01.01305 (Rules of Procedure 302 and 303).

MICROFILMED
SEP 19 2001

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.

MICROFILMED
SEP 19 2001

DEPARTMENT OF WATER RESOURCES

Ad ok ☒ sources not shown differently
Govt Lots
Steve doesn't want
~~TRUST/NON-TRUST~~
to re-advertise

TRUST/NON-TRUST

MUNICIPAL	
Restricted area	- 022.075
Irr , GW supp to SW	- 102
Future needs	- 007,109
FISH PROB	- 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 ie 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

IRR VOLUME/ACRE 3.0

COMMENTS Marys June 15" conditions not used in Payette River basin,
only in Weiser R. drainage

IC J DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

*Comment
letters pg 2*

INITIAL REVIEW BY: g DATE: 5/2/01 APPLICATION: 65-22374

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) **RECEIVED** Gov't. Lots: / P/D / P/U
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water: **JUL 24 2001**
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ) Department of Water Resources
- ☒ 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

y **ADVERTISE REMARKS**
(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~~ IDEFG 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. 22374

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. # 65, 65A
☐ ☒ Water Planning Bureau
☒ ☐ Other see attached

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

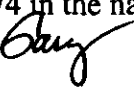
☒ ☐ Publication dates and paper recorded on application:
☒ ☐ Final date for protest 6-4-01
☐ ☒ Protests received.
☒ ☐ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Water delivered by water master? District # 65A
☒ ☐ Special conditions of approval or cover letter: See memo dated 7/18/01

See below for additional information

Recommended Date or Priority 4/26/2001Recommended by: Garry S Date: 7/18/2001ADDITIONAL INFORMATION:

overlap - A65-11257C in from the same
source, separate acres see attached
profile report

MEMORANDUM

To: File no. 65-22374 in the name of Dale E. Meyers and Suzanne Howell
From: Gary Spackman 
Date: July 18, 2001

Re: Recommended Conditions of Approval

On June 1, 2001, the watermaster for Squaw Creek wrote a letter of concern to us about application no. 65-22374. Based on his letter, I recommend application for water right no. 65-22374 be approved with the following conditions:

1. The water right holder shall not divert water under this water right after June 15 unless the water right holder receives written permission from the watermaster to continue diverting water.
2. Diversion of water after June 15 without written permission of the watermaster is cause for the department to cancel or void this water right.
3. Subject to the control of the watermaster of water district 65A, Squaw Creek.
4. (121)

MICROFILMED

RECEIVED
JUN 04 2001
WATER RESOURCES
WESTERN REGION

June 01, 2001

Dear Mr. Spackman,

With regards to the application for Water Right No. 65-22374, I have a couple of concerns. Foremost is the proposed time of use, 3/15-10/31. The source of water for the application is Squaw Creek which begins to draw on storage out of Sage Hen reservoir usually in mid to late July. On a year such as this when the runoff is quite low, storage may be released in June. In that there is no storage available to allocate to new acres, the water right, if granted, must state that the owner of that right agrees to discontinue use when storage is released and will not resume use until the reservoir is shut off for the season.

The other concern I have has to do with the water right no. 65-11257C referred to in item 10 on the application. Does this right have storage out of Sage Hen reservoir? If it does, then it needs to be established how much acreage is under that right and its location with respect to that which is being applied for in 65-22374. If there is legitimate storage water being delivered to some amount of ground by 65-11257C, and it uses the same system for delivery of that water as any proposed new acreage might prior to release of storage, the watermaster must be able to distinguish between them so as to verify that storage water is being correctly delivered.

Sincerely,



MICROFILMED
SEP 19 2001

State of Idaho
Department of Water Resources**RECOMMENDATION OF WATERMASTER****RECEIVED****JUN 15 2001****WATER RESOURCES
WESTERN REGION**Application No: 65-22374Applicant's Name: Dale E. Myers and/or Suzanne Howell

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as

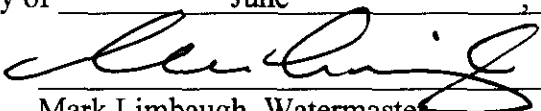
follows: Under control of Watermaster for Water DistrictNo. 65.

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

d) Additional Comment: _____

Dated this 13th day of June, 2001

Water District No. 65


Mark Limbaugh, Watermaster

Use reverse side of page if you need more space

MICROFILMED**SEP 10 2001**

Legal Notices

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

Legal Notices

74

Legal Notices

DA' E E MYLRS
SUZANNE HOWELL
2802 ALAMO RD
BOISE ID 83704

Point(s) of DiversionSWNWSWS1T11NR01EGEMCountySource KIMBALL GULCH CREEK,
SECOND FORK SQUAW CREEK

Point(s) of DiversionSWNWSWS1T11NROIEGEMCountySource KIMBALL GULCH CREEK,
SECOND FORK SQUAW CREEK

Use IRRIGATION03/15 To 10/310 08 CFS
Total Diversion0 08 CFS

Date Filed 04/26/2001
Place Of Use IRRIGATION

T11N R01E S2 NWSE SESE

Number of Acres 4

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

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
65-22376

REX LANHAM
2630 HWY 21
BOISE ID 83716

Point(s) of DiversionL7 SWSW S6T06N R01WGEM CountySource PAYETTE RIVER
Point(s) of DiversionSWSES1T06N R02WGEM CountySource PAYETTE RIVER

Use IRRIGATION03/15 To 11/150 15 CFS
Total Diversion0 15 CFS

Date Filed 04/11/2001
Place Of Use IRRIGATION

T06N R02W S2 SESE

Number of Acres 5

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

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
65-22377

REX LANHAM
2630 HWY 21
BOISE ID 83716

Point(s) of DiversionL3 SENW S11T06N R02WGEM CountySource UNNAMED STREAM

Use IRRIGATION03/01 To 11/150 7 CFS
Total Diversion0 7 CFS

Date Filed 04/11/2001
Place Of Use IRRIGATION

T06N R02W S11 NENW SENW Lot 3

Number of Acres 35

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

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
65-22381

GUINN FAMILY TRUST
4909 W IDAHO BLVD
EMMETT ID 83617

Point(s) of DiversionL3 NENW S4T06N R02WGEM CountySource WASTEWATER
Point(s) of DiversionL5 NWSW S4T06N R02WGEM CountySource WASTEWATER
Point(s) of DiversionL5 NWSW S4T06N R02WGEM CountySource WASTEWATER

Use IRRIGATION03/01 To 11/150 68 CFS
Use STOCKWATER01/01 To 12/310 07 CFS
Total Diversion0 68 CFS

Date Filed 04/10/2001
Place Of Use IRRIGATION

T06N R02W S4 NENW NWNW SWNW SENW NESW NWSW

Number of Acres 130 5

Place Of Use STOCKWATER
T06N R02W S4 NENW NWNW SWNW SENW NESW NWSW

Remark Applicant agrees to mitigate consumptive use in the future as needed This application is for 34 acres with-
in the above described 130 5 acre permissible place of use

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
65-22382

GUINN FAMILY TRUST
4909 W IDAHO BLVD
EMMETT ID 83617

Point(s) of DiversionL5 NWSW S4T06N R02WGEM CountySource WASTEWATER

Use STOCKWATER01/01 To 12/310 07 CFS
Total Diversion0 07 CFS

Date Filed 04/10/2001
Place Of Use STOCKWATER

T06N R02W S4 NWSW Lot 5

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
65-22383

JOSEPH &/OR CHRISTINE BRYSON
PO BOX 5
SWEET ID 83670

Point(s) of DiversionNWSWS26T08N R01 EGEM CountySource GROUND WATER

Use IRRIGATION03/01 To 11/150 2 CFS
Use DOMESTIC01/01 To 12/310 04 CFS
Total Diversion0 2 CFS

Date Filed 04/17/2001
Place Of Use IRRIGATION

T08N ROIE S26 NESW NWSW

Number of Acres 10

Place Of Use DOMESTIC
T08N R01E S26 NWSW

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

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
65-22384

DAVID &/or MICHELLE BUTLER
1008 E MAIN
EMMETT ID 83617

Point(s) of DiversionL6 NESW S11T06N R02WGEM CountySource WASTE WATER

Use IRRIGATION03/15 To 11/150 09 CFS
Total Diversion0 09 CFS

Date Filed 05/07/2001

Place Of Use IRRIGATION
T06N R02W S11 NESW

Number of Acres 3

AFFIDAVIT OF PUBLICATION

RECEIVED

MAY 24 2001

STATE OF IDAHO)

County of Gem)

) SS.

WATER RESOURCES
WESTERN REGION

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:
May 16, 23, 2001

Dixie L. Thome

STATE OF IDAHO)

County of Gem)

On this 23rd day of May 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, declare that the statements therein are true, and acknowledge to me that she executed the same.

M. J. [Signature]
NOTARY PUBLIC
Notary Public for Idaho
Residing in Emmett
My Commission expires
February 1, 2005

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MAY 13 2001



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 10, 2001

MARK LIMBAUGH
102 N MAIN
PAYETTE ID 83661

Re: Application for Water Right No. 65-22371 in the Name of Scott &/or Connie Harris.
Application for Water Right No. 65-22374 in the Name of Dale Myers &/or Suzanne Howell.
Application for Water Right No. 65-22376 in the Name of Rex Lanham.
Application for Water Right No. 65-22377 in the Name of Rex Lanham.
Application for Water Right No. 65-22375 in the Name of Clarence &/or Lorna Link.
Application for Water Right No. 65-22378 in the Name of Clarence &/or Lorna Link.
Application for Water Right No. 65-22379 in the Name of Clarence &/or Lorna Link.
Application for Water Right No. 65-22380 in the Name of Clarence &/or Lorna Link.
Application for Water Right No. 65-22381 in the Name of Guinn Family Trust.
Application for Water Right No. 65-22382 in the Name of Guinn Family Trust.
Application for Water Right No. 65-22384 in the Name of David &/or Michelle Butler.

Dear Mr. Limbaugh:

Enclosed are copies of the above-referenced applications for permit. Also enclosed are forms for your recommendation concerning these applications.

Please review the applications. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads 'Gary Spackman'.

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

SEP 13 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

May 10, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Water Right No. 65-22371 in the Name of Scott &/or Connie Harris.
Application for Water Right No. 65-22374 in the Name of Dale Myers &/or Suzanne Howell.
Application for Water Right No. 65-22376 in the Name of Rex Lanham.
Application for Water Right No. 65-22377 in the Name of Rex Lanham.
Application for Water Right No. 65-22375 in the Name of Clarence &/or Lorna Link.
Application for Water Right No. 65-22378 in the Name of Clarence &/or Lorna Link.
Application for Water Right No. 65-22379 in the Name of Clarence &/or Lorna Link.
Application for Water Right No. 65-22380 in the Name of Clarence &/or Lorna Link.
Application for Water Right No. 65-22381 in the Name of Guinn Family Trust.
Application for Water Right No. 65-22382 in the Name of Guinn Family Trust.
Application for Water Right No. 65-22384 in the Name of David &/or Michelle Butler.

Dear Sir:

Enclosed are copies of the above-referenced applications that the proposed use is from surface water. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by June 4, 2001.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm
Encl.

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SEP 19 2001



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 14, 2001

ERIC HERR
WATER DISTRICT 65A
8917 BUTTE RD
SWEET ID 83670

Re: Application for Water Right No. 65-22374 in the Name of Dale Myers and/or Suzanne Howell

Dear Mr. Herr:

Enclosed is a copy of the above-referenced application for permit. Also enclosed is a form for your recommendation concerning this application.

Please review the application. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application
Recommendation of Watermaster Form

MICROFILMED

SEP 19 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

May 10, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DENNIS & JOY WEAVER
HC 78 BOX 3755
OLA ID 83657

Re: Application for Water Right No. 65-22374 in the Name of Dale Myers &/or Suzanne Howell.

Dear Sir and/or Madam:

Enclosed are copies of the above-referenced applications for permit which may be of interest to you. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by June 4, 2001.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads 'Gary Spackman'.

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

SEP 13 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

May 10, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

NESBITT RANCH & CATTLE CO
10500 NESBITT LANE
OLA ID 83657

Re: Application for Water Right No. 65-22374 in the Name of Dale Myers &/or Suzanne Howell.

Dear Sir and/or Madam:

Enclosed are copies of the above-referenced applications for permit which may be of interest to you. Please review the applications and submit any comments you may have.

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If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

SEP 19 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 10, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JAY & JUDY STONE
30250 BOULDER RD
PARMA ID 83660

Re: Application for Water Right No. 65-22374 in the Name of Dale Myers &/or Suzanne Howell.

Dear Sir and/or Madam:

Enclosed are copies of the above-referenced applications for permit which may be of interest to you. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by June 4, 2001.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

SEP 19 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

May 10, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JERRY MARX
10825 NESBITT LANE
OLA ID 83657

Re: Application for Water Right No. 65-22374 in the Name of Dale Myers &/or Suzanne Howell.

Dear Sir and/or Madam:

Enclosed are copies of the above-referenced applications for permit which may be of interest to you. Please review the applications and submit any comments you may have.

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If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads 'Gary Spackman'.

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

SEP 19 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

May 10, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DALE NESBITT
1712 MARIN AVE
BERKELEY CA 94707

Re: Application for Water Right No. 65-22374 in the Name of Dale Myers &/or Suzanne Howell.

Dear Sir and/or Madam:

Enclosed are copies of the above-referenced applications for permit which may be of interest to you. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by June 4, 2001.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

SEP 19 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 10, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GERALD CARLOCK
2254 PLUM ST
EMMETT ID 83617

Re: Application for Water Right No. 65-22374 in the Name of Dale Myers &/or Suzanne Howell.

Dear Sir and/or Madam:

Enclosed are copies of the above-referenced applications for permit which may be of interest to you. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by June 4, 2001.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

SEP 19 2001

COMMENT LETTERS: P/D overlaps

Dennis + Fay Weavers X
HC 78 Box 3755
OLA ID 83657

Nesbitt Ranch + Cattle Co X
10500 Nesbitt Ln
Ola Id 83657

Fay + Andy Stone X
30250 Boulder Rd
Parma Id 83660

Ferry Marx X
10825 Nesbitt Ln
Ola Id 83657

Dale Nesbitt X
1712 Marin Ave
Berkeley Ca 94707

Gerald Carlock X
2254 Plum St
Emmett Id 83617

MICROFILMED
SEP 19 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 10, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department
Messenger-Index
PO Box 577
Emmett ID 83617

RE: Application for Permit Nos. 65-22374, 65-22376, 65-22377, 65-22381, 65-22382,
65-22383 and 65-22384

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find seven legal notices 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 06/04/2001. Your cooperation is appreciated.

Sincerely

Sue Taylor

Senior Secretary

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SEP 13 2001

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

65-22374

DALE E MYERS
SUZANNE HOWELL
2802 ALAMO RD
BOISE ID 83704

Point(s) of Diversion SWNWSW S1 T11N R01E GEM County

Source KIMBALL GULCH CREEK,
SECOND FORK SQUAW CREEK

Point(s) of Diversion SWNWSW S1 T11N R01E GEM County

Source KIMBALL GULCH CREEK,
SECOND FORK SQUAW CREEK

Use: IRRIGATION 03/15 To 10/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 04/26/2001

Place Of Use: IRRIGATION

T11N R01E S2 NWSE SESE

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 06/04/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Messenger Index on May 16 and 23, 2001.

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REQUEST TO PROCESS

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

Name of Applicant

Dale Myers and/or Suzanne Howell

Mailing Address

2802 Alamo Rd.

Boise ID 83704

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

Dale E. Myers

Date

4/12/01

Please return this form to:

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

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