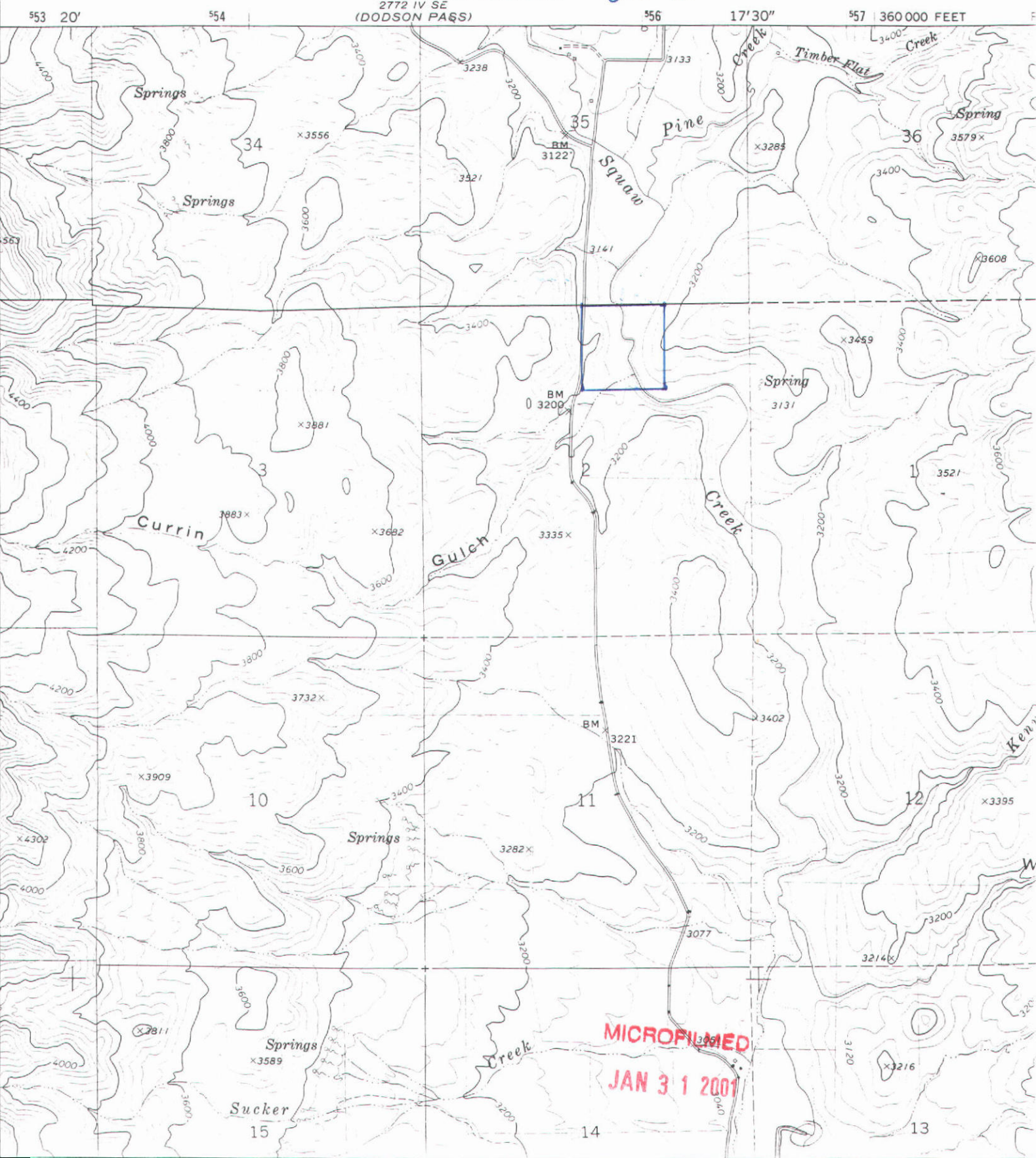
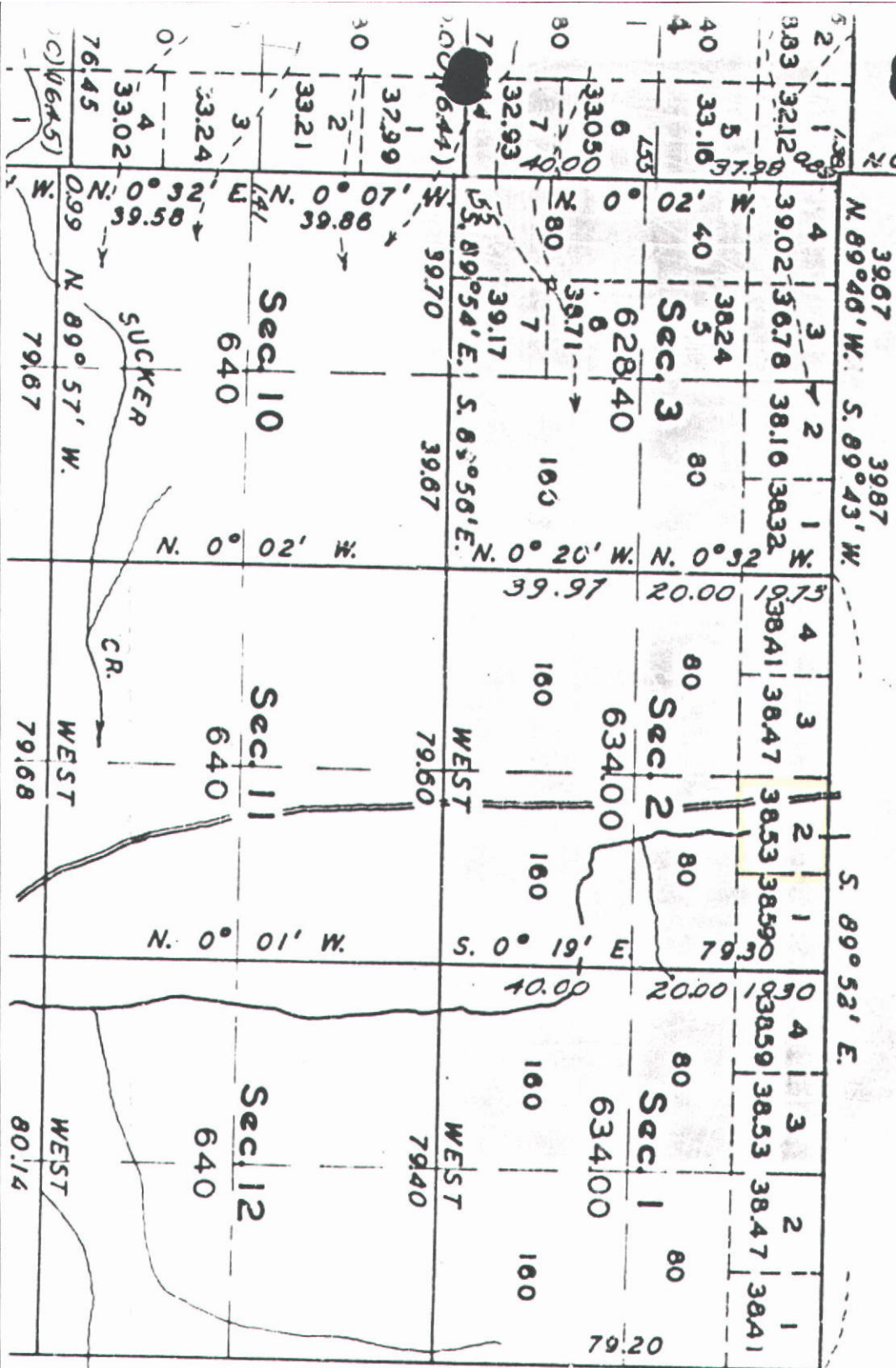


INDIAN VALLEY 29 MI.
2772 IV SE
(DODSON PASS)



OSITE PLAT OF

1 EAST OF THE BOISE MERIDIAN IDAH



MICROFILMED

JAN 31 2001

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
 ss.
COUNTY OF GEM,

Dixie L. Thome, being first
duly sworn, on her oath deposes and
says that she is the clerk of the Mes-
senger Index, a legal weekly news-
paper published at Emmett, in Gem
County, Idaho; that said newspaper
is in general circulation in said
county and has been published unin-
terruptedly and continuously for
more than 78 weeks prior to the
first publication of the annexed
document; and that the document
notice, process, or advertisement
hereunto annexed was published in
the regular edition of Messenger
Index for Two

consecutive weekly issues thereof,
beginning with the issue of
Nov 1, 2000,
and ending with the issue of

Nov 8, 2000
Dixie L. Thome

Subscribed and sworn to me this

8th day of
November, 2000

Marianne Carey
Notary Public

Residing at Emmett, Idaho

My Commission Expires 2-4-2005

RECEIVED

NOV 09 2000

WATER RESOURCES
WESTERN REGION

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13968 ✓st

FENNELL, JAMES
FENNELL, PATRICIA
25800 2ND FORK RD
OLA, IDAHO 83657

Source: SQUAW CREEK

Tributary: PAYETTE RIVER

Diversion Pt: LOT 2 (NWNE) Sec 2 T 10N R 01E in GEM County.

Use: DOMESTIC { 0.030CFS)
Total Diversion: { 0.030CFS)

Date Filed: 7/18/2000

In: GEM County
T10N R01 S02 LOT 2 (NWNE)

65-13969

T J T INCORPORATED
P.O. Box 278
EMMETT, IDAHO 83617

Source: GROUND WATER

Diversion Pt: SESW Sec 18 T 06N R 02W in GEM County.
SWSE Sec 18 T 06N R 02W in GEM County.
NESE Sec 13 T 06N R 03W in Gem County.

Use: IRRIGATION { 4.820CFS)
Total Diversion: { 4.820CFS)

Date Filed: 7/12/2000

In: GEM County
T06N R02W S18 Lot 4 (SWSW) SESW SWSE
S19 NWNE
R03W S13 SENE NENW NWSE
NESE

241.0 ACRES TOTAL

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 Resources, Western
Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00
for each application on or before NOVEMBER 20, 2000. The protestant must also
send a copy of the protest to the applicant.

Pub: 11-1, 8, 2000

KARL J. DREHER, Director

Legal Notice No: 4100
Published in the Messenger Index

MICROFILMED

JAN 31 2001

RECEIVED
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JAN 23 2001
Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 65-13968 Telephone No. 208 584-3597

2. Name of Permit Holder(s): James and Patricia Fennell

3. Mailing Address: 25,800 2nd Fork Road

City Olga State Id Zip 83657

4. Source of Water: Squaw 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): 1 Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ 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 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: James Fennell Telephone Number: 208 584-3597

Address: 25,800 2nd Fl Rd Olga, Idaho 83657

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 James Fennell Date: 1-20-01
(include your title, if on behalf of company or organization)

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JAN 23 2001

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-13968

Priority 07/18/2000

Maximum Diversion Rate: 0.03 CFS

This is to certify, that JAMES FENNELL
PATRICIA FENNELL
25800 2ND FORK RD
OLA ID 83657

has applied for a permit to appropriate water from

SQUAW CREEK tributary to **PAYETTE RIVER**

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>
DOMESTIC	03/15 to 10/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

SQUAW CREEK L2 NW¼NE¼ Sec. 2, Twp 10N, Rge 01E, B M GEM County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	01E	2		X															
				L2															

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 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.
7. Domestic use is for lawn and garden irrigation not to exceed 1/2 acre

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 3rd day of January, 2001

Karl J. Dreher
for **KARL J DREHER, Director**
MICROFILMED

JAN 31 2001

RECEIVED

NOV 24 2000

FORM 202

Department of Water Resources

Ident. No. 65-13968

1/96

RECEIVED

JUL 18 2000

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- Name of Applicant James & Patricia Fennell Phone 208-584-3597
Post Office address 25,800 2nd Fork Road Olo, Idaho 83457
- Source of water supply Squaw Creek which is a tributary of Payette River
- Location of point of diversion is _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot 2
Sec. 2 Township 10 N Range 01 E B.M. Gem County; additional points of diversion if any: _____
- Water will be used for the following purposes:
Amount 0.03 cfs for irrigation & lawn purposes from June 1 to Sept. 1 (both dates inclusive)
(cfs or acre-feet per annum) domestic garden
Amount _____ for (1/2 acre) 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)
- Total quantity to be appropriated is (a) 0.03 and/or (b) _____
cubic feet per second acre feet per annum
- Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 2HP Pump from Squaw Creek
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 _____ inches; proposed depth of well is ~~_____~~ feet.
d. Is ground water with a temperature of greater than 85°F being sought? ~~Yes~~
e. If well is already drilled, when? ~~_____~~; Drilling firm ~~_____~~:
Well was drilled for (well owner) James & Patricia Fennell
- Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
- 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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JUN 3 1 2001

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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	01E	2																	1/2 acre D

Total number of acres to be irrigated 1/2 acre

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

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

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

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.

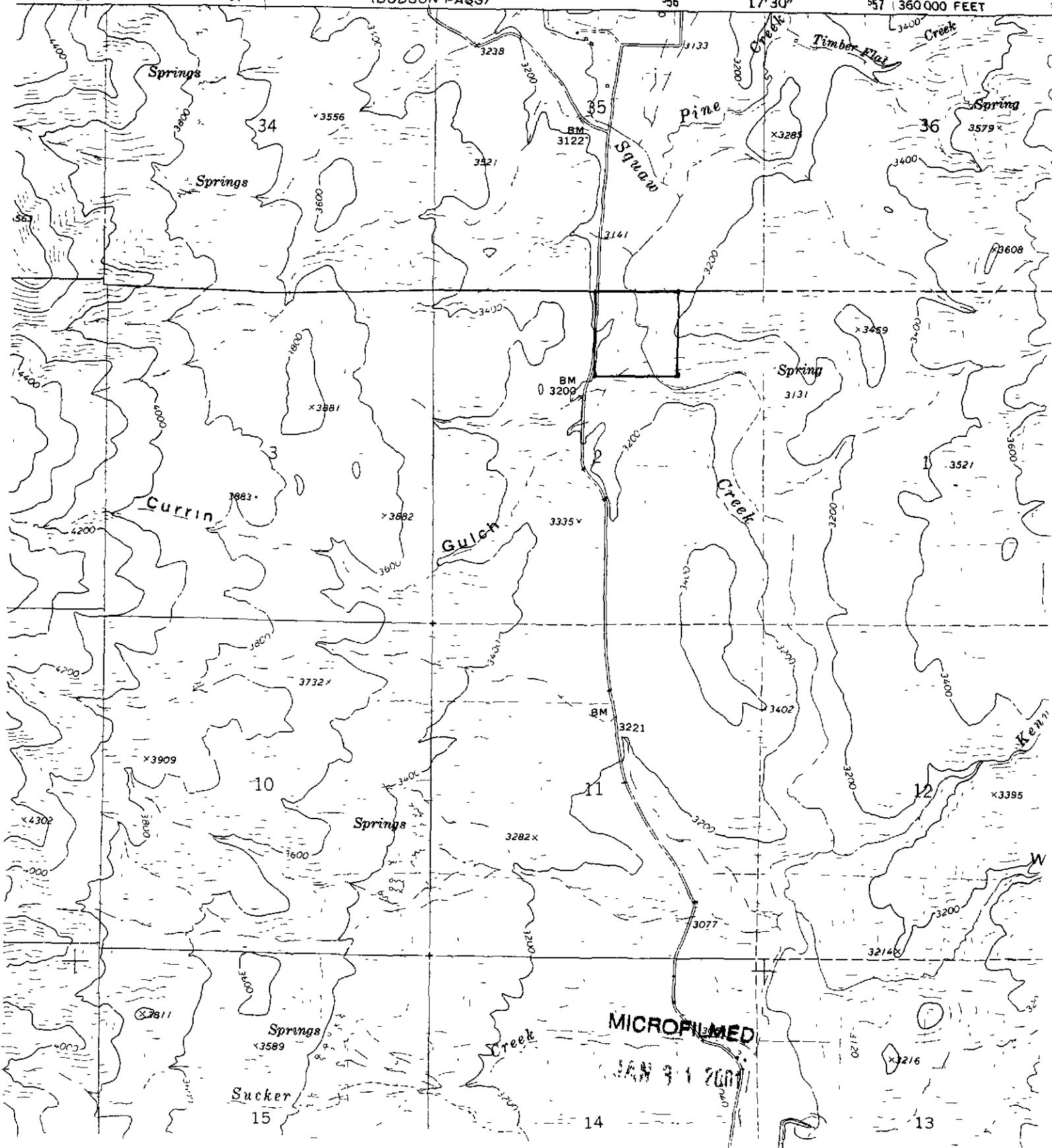
Potter Fennell
(Applicant)

Received by Kh Date 7/18/00 Time 10:49 Preliminary check by g
 Fee \$ 106.00 Receipted by Kh # W026736 Date 7/18/00
 Publication prepared by Kh Date 11-1-8-00 Published MESSENGER INDEX
 Publication approved Kh Date 11-13-00

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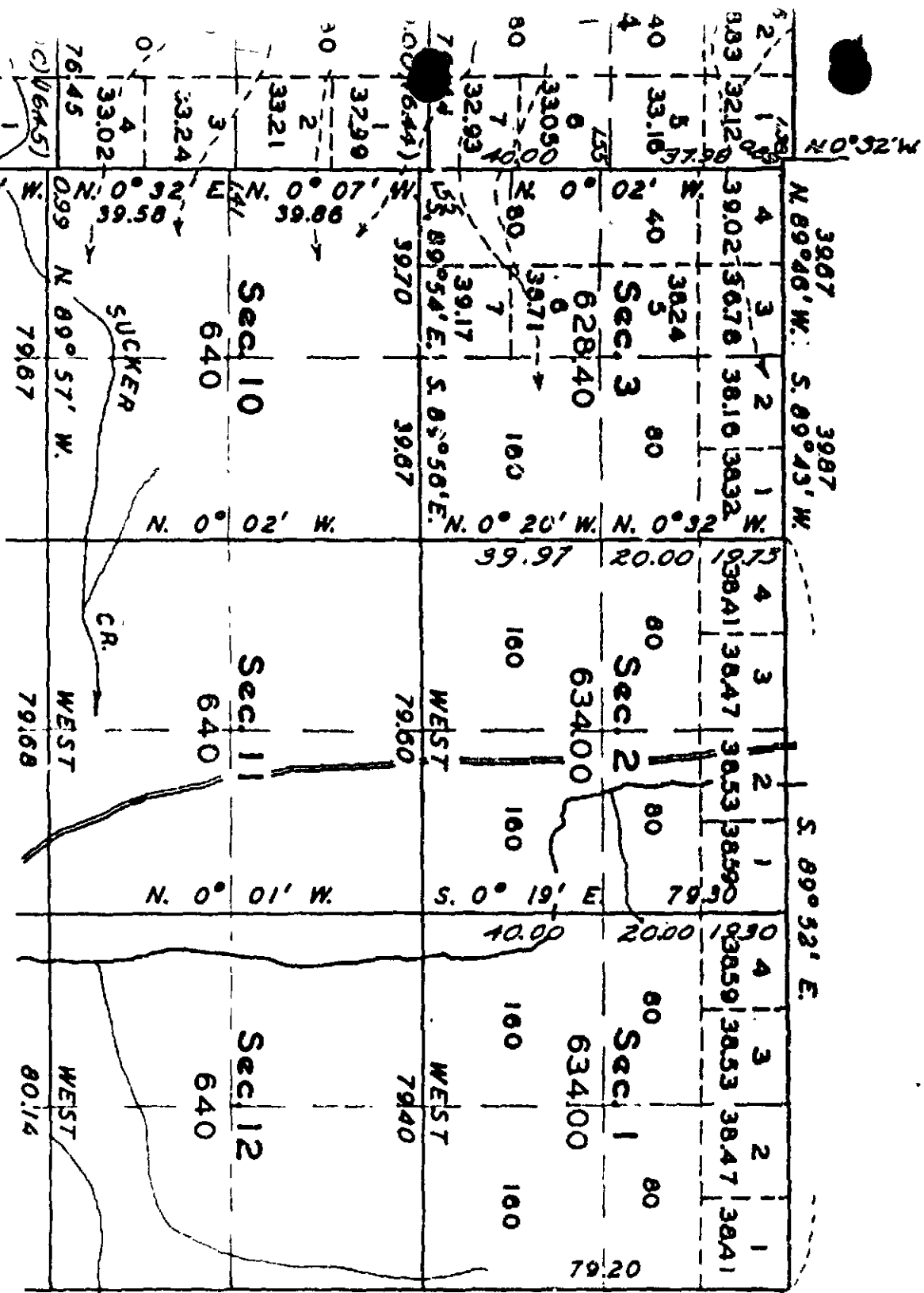
JAN 3 1 1981

553 20' 554 2772 IV SE (DODSON PASS) 556 17'30" 557 360000 FEET



OSITE PLAT OF

2 1 EAST OF THE BOISE MERIDIAN IDAH



MICROFILMED

January 8, 2002

JAMES FENNELL
PATRICIA FENNELL
25800 2ND FORK RD
OLA, ID 83657

*Sent in
check.
dg*

LAPSE NOTICE

RE: PERMIT NO. 65-13968

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated October 31, 2001. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

Sincerely,

L. Glen Saxton, Chief
Water Allocation Bureau

Enclosures

OFFICE OF THE ATTORNEY GENERAL
1/8/02
The following is a true and correct copy of the
document as it appears in the original, as
per the record of the Idaho State
Individuals named above.
dg

October 31, 2001

JAMES FENNELL
PATRICIA FENNELL
25800 2ND FORK RD
OLA, ID 83657

*Sent in
Oct 31, 2001
df*

PROOF DUE NOTICE

RE: PERMIT NO. 65-13968

Dear Permit Holder:

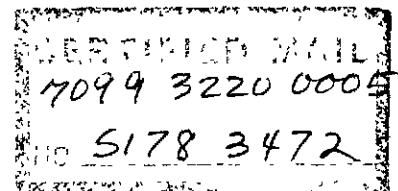
One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied 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





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

January 25, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JAMES FENNELL
PATRICIA FENNELL
25800 2ND FORK RD
OLA ID 83657

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13968

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.
c: IDWR - Regional Office

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JAN 26 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No · 65-13968

Reviewed By. dgibson

Date. January 24, 2001

	<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		C051989	Well driller's report filed?		X
Additional Amount Due			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	01/23/2001
Date proof due	- 01/01/2002
No of days late	= 0
Holiday allowance	+
Priority date	+ 07/18/2000
New priority date	= 07/18/2000

Deficiencies of Actions Items

Acknowledge proof

Idaho Department of Water Resources Receipt

Receipt ID C051989

Payment Amount	\$50.00	Date Received	1/23/01 11:44:38 AM	Region	State	Status
Payment Type	Check	Check Number	5769			

Payer FENNELL JAMES D

Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	BENEFICIAL USE	0229	21	56104	1155


Signature Line (Dept. Representative)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

January 5, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES FENNELL
PATRICIA FENNELL
25800 2ND FORK RD
OLA ID 83657

RE Permit No. 65-13968

Permit Approval Notice

Dear Permit Holder:

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

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

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

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

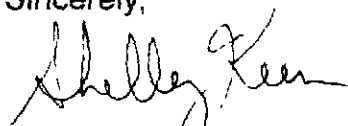
MICROFILMED

JAN 9 1 1901

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, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SWK klt

Enclosure(s)

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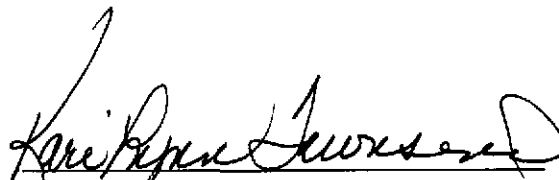
JAN 31 2001

CERTIFICATE OF MAILING

I hereby certify that on the January 05, 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. 65-13968

**JAMES FENNELL
PATRICIA
25800 2ND FORK RD
OLA ID 83657**



**Kari Lynn Townsend
Secretary**

MICROFILMED

JAN 31 2003

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

JAN 31 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 01.01303 (Rules of Procedure 302 and 303).

MICROFILMED

JAN 31 2001

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 12/6/00

No. 65-13968 Name: Fennel 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(P23)
Basin 34 - 084 (if necessary)
Irr w/in WD - P05
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
42-248 Area - P84
Swan Falls Flag
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-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/USFS)
MINING - 054-106(P10)
FISH PROP - 029(70'S only)-007-042-106 (P10)
HEAT/COOL - R07(injection well)
FIRE PROT - 077

BENEFICIAL USE DUE: 12/01/2000

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
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 _____
In-stream development - P52
WD - R04 (WD# 65A)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

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

RIVER BASINS: (SW special considerations)

SNAKE R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake) N/A
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-106 (P10)
MUNICIPAL
Restricted area - 022,075
Irr, GW supp to SW - 102
DOMESTIC No. 1 lawn/garden irr 1/2 ac.
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

IRRIGATION SEASON _____ - _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS Watermaster's Cond. (see WMA recom) system

COMMENTS in existence since 1978 - R04 is sufficient

Form No. 202a.
9/99IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEETINITIAL REVIEW BY: Ly DATE: 10/23/00 APPLICATION: 65-13968REQUIRED 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

NOV 24 2000

Department of Water Resources

Gov't. Lots:

☒ P/D
☒ P/UADDITIONAL INFORMATIONN ADVERTISE REMARK(S)
(Reviewer identify which remarks)None T FLAG CHANGED TO P FLAG

YES NO

- N/A ☐ 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

Ownership? - see per telecom wrJames KennellDate Requested 10/23/00

Date Response Received

10/23/00

PROCESSING

APP. NO. 6-

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. # 65A
☐ ☒ 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 11-26-00

☐ ☒ Protests received.

☐ ☒ Recommendations attached:

☒ ☐ Measuring device required:

☒ ☐ Water delivered by water master? District # 65A - see attached remarks

☐ ☒ Special conditions of approval or cover letter: standards

See below for additional information

Recommended Date or Priority 7/18/2000

Recommended by: Cori Bruner Date: 11/21/00

ADDITIONAL INFORMATION:

SD-0111
ADD COMMENT

Idaho Department of Water Resources
Comment Addition

Date: 10/23/00
Time: 15:42:12

Water Right Number: 65-13968

FIRST PAGE

Comment Date: 10/23/2000 User ID: LGRAVES

Subject: MORE INFO

Per Applicant: Applicant owns p/d and p/u. Diversion system has existed since 1978 for irrigating a small number of trees around the home and supplementing ground water for irrigation of a standard domestic garden (per 10/23/00 telecon).
Per IDWR: Gov Lt 2 is the NWNE S2. Season of use was changed to dept standards.

(Enter=Add)

(GOLD4=Prev) (GOLD5=Next)

NOV 20 2000

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No:

65-13968

Applicant's Name:

James or Patricia Fennell

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: Diversion of water out of Squaw Creek
would have to cease with the release of water from Sagehen
reservoir. All storage in Sagehen is already
attributed to existing acreage. As such, there is
no storage available for application.
Release typically begins mid to late July but
has begun as early as June in a dry year.

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

- d) Additional Comment: I would ~~not~~ approve this
application only if applicant agrees to
stop diverting water once release from sagehen
begins

Dated this 17th day of November, 2000.

Water District No:

65H

Emm Fenn
 Watermaster's Signature

Use reverse side of page if you need more space.

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JAN 31 2001

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NOV 09 2000

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
SS.
COUNTY OF GEM,

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13968

FENNELL, JAMES
FENNELL, PATRICIA
25800 2ND FORK RD
OLA, IDAHO 83657

Source SQUAW CREEK

Tributary: PAYETTE RIVER

Diversion Pt: LOT 2 (NWNE) Sec 2 T 10N R 01E in GEM County.

Use DOMESTIC { 0.030CFS
Total Diversion: { 0.030CFS

Date Filed: 7/18/2000

In: GEM County
T10N R01 S02 LOT 2 (NWNE)

65-13969

T J T INCORPORATED
P.O. Box 278
EMMETT, IDAHO 83617

Source: GROUND WATER

Diversion Pt: SESW Sec 18 T 06N R 02W in GEM County.
SWSE Sec 18 T 06N R 02W in GEM County.
NESE Sec 13 T 06N R 03W in GEM County.

Use IRRIGATION { 4.820CFS
Total Diversion: { 4.820CFS

Date Filed: 7/12/2000

In: GEM County
T06N R02W S18 Lot 4 (SWSW) SESW SWSE
S19 NWNE
R03W S13 SENE NESE NWSE

241.0 ACRES TOTAL

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before NOVEMBER 20, 2000. The protestant must also send a copy of the protest to the applicant.

Pub: 11-1, 8, 2000

KARL J. DREHER, Director

Legal Notice No: 4100
Published in the Messenger Index

Dixie L. Thome, being first
duly sworn, on her oath deposes and
says that she is the clerk of the Mes-
senger Index, a legal weekly news-
paper published at Emmett, in Gem
County, Idaho; that said newspaper
is in general circulation in said
county and has been published unin-
terruptedly and continuously for
more than 78 weeks prior to the
first publication of the annexed
document; and that the document
notice, process, or advertisement
hereunto annexed was published in
the regular edition of Messenger
Index for Two

consecutive weekly issues thereof,
beginning with the issue of
Nov 1, 2000,
and ending with the issue of
Nov 8, 2000
Dixie L. Thome

Subscribed and sworn to me this
8th day of
November, 2000
Maryanne Flannery

Notary Public
Residing at Emmett, Idaho

My Commission Expires 2-4-2005

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JAN 31 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

October 31, 2000

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

Re: Application for Water Right No. 65-13968 in the Name of James and/or Patricia Fennell

Dear Watermaster:

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,

A handwritten signature in black ink that reads 'Gary Spackman'.

Gary Spackman

GS:lm

Encl: Copy of Application
Recommendation of Watermaster Form

MICROFILMED

JAN 31 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

OCTOBER 26, 2000

Legal Notices Department
Messenger-Index
P.O. Box 577
Emmett, ID 83617

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 20, 2000.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICROFILMED

OCT 31 1999

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

JAN 3 - 2007

65-13968

FENNELL, JAMES
FENNELL, PATRICIA
25800 2ND FORK RD
OLA, ID 83657

Source: SQUAW CREEK

Tributary: PAYETTE RIVER

Diversion Pt: LOT 2 (NWNE) Sec 2 T 10N R 01E in GEM County.

Use: DOMESTIC	(	0.030 CFS)
Total Diversion:	(	0.030 CFS)

Date Filed: 7/18/2000

In: GEM County
T10N R01E S02 Lot 2 (NWNE)

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JAN 3 1 1981

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 Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before NOVEMBER 20, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 11/ 1/2000 & 11/ 8/2000

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JAN 31 2001

REQUEST TO PROCESS

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

Name of Applicant

James & Patricia Fennell

Mailing Address

25,800 2nd Fork Road

Olga, Idaho 83657

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

James Fennell Patricia Fennell

Date

7-14-2000

Please return this form to:

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

MICROFILMED

JUL 27 2000