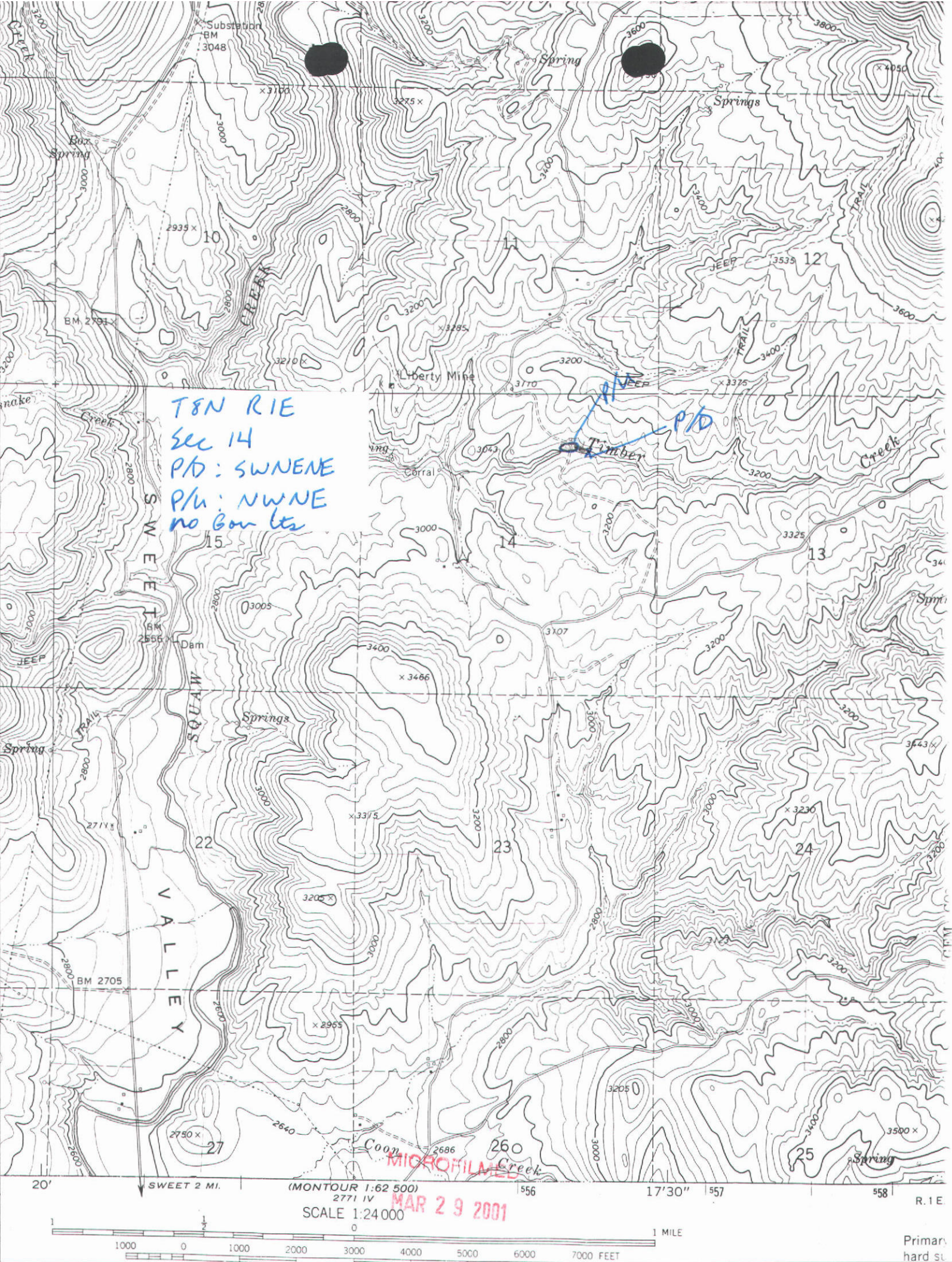




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RECEIVED

SEP 28 2000

WATER RESOURCES
WESTERN REGION

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
Sept 20, 2000,

and ending with the issue of
Sept 27, 2000
Dixie L. Thome

Subscribed and sworn to me this
27th day of
September, 2000

Marianne Carey
Notary Public
Residing at Emmett, Idaho

My Commission Expires 2-4-2005

CORRECTED NOTICE OF PRO-
POSED APPLICATION NO. 65-13959

Notice for LEON AND MARGARET
BERGGREN, of PO Box 126, Sweet, ID
83670-0126, was published August 2nd
and 9th listing the place of use as the
NWNW rather than NWNE, S14 T8N
R1E.

Any protest against the approval of
the corrected change must be filed with
the Department of Water Resources,
Western Region, 2735 Airport Way,
Boise ID 83705-5082, together with a
protest fee of \$25 for each application
on or before September 25, 2000. The
protestant must also send a copy of the
protest to the applicant.

Karl J. Dreher, Director
Pub.: 9 - 20, 27, 2000

Legal Notice No. 4046
Published in the Messenger Index

MICROFILMED

MAR 29 2001

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AUG 10 2000

WATER RESOURCES
WESTERN REGION

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-
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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

August 2, 2000,
and ending with the issue of

August 9, 2000

Subscribed and sworn to me this
9th day of

August, 2000

Margaret L. Thome

Notary Public

Residing at Emmett, Idaho

My Commission Expires 2-4-2005

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13959

BERGGREN, LEON E
BERGGREN, MARGARET L
PO BOX 126
SWEET, ID 836700126

Source: TIMBER CREEK

Tributary: SQUAW CREEK

Diversion Pt: SWNENE Sec 14 T 08N R 01E in GEM County.

Use: IRRIGATION	(	0.60 CFS)	
IRRIGATION STORAGE			(0.90 AF)
IRRIGATION FROM STORAGE			(0.90 AF)
DIVERSION TO STORAGE	(	0.60 CFS)	
Total Diversion:		0.60 CFS)	

Date Filed: 7/13/2000

In: GEM County
T08N R01E S14 NWNW

2.0 ACRES TOTAL

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

65-13960

JONES, TERRY A
5888 SANDY AVE
EMMETT, ID 83617

Source: GROUNDWATER

Diversion Pt: NWNW Sec 13 T 07N R 03W in GEM County.

Use: IRRIGATION	(	3.600 CFS)
Total Diversion:		3.600 CFS)

Date Filed: 6/29/2000

In: GEM County
T07N R03W S11 NESE SESE
S12 SWNW SENW NESW NWSW
SWSW SWSE

180.0 ACRES TOTAL

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

65-13961

JONES, TERRY A
5888 SANDY AVE
EMMETT, ID 83617

Source: GROUNDWATER

Diversion Pt: SWSW Sec 12 T 07N R 03W in GEM County
NWNW Sec 13 T 07N R 03W in GEM County.

Use: STOCKWATER	(	0.630 CFS)
COMMERCIAL		0.270 CFS)
Total Diversion:		0.900 CFS)

Date Filed: 6/29/2000

In: GEM County
T07N R03W S11 NESE SESE
S12 SWNW SENW NESW NWSW
S13 SWSW SWSE NWNW

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 AUGUST 21, 2000. The protestant must also send
a copy of the protest to the applicant.

KARL J. DREHER, Director

Pub: 8 -2, 9, 2000

Legal Notice No: 4020
Published in the Messenger Index

MICROFILMED

MAR 29 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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CCT 29 2001

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 65-13959 Telephone No. 584-3662

2. Name of Permit Holder(s): Leon E. Berggren Margaret L. Berggren

3. Mailing Address: P.O. Box 126

City Sweet State ID Zip 83670

4. Source of Water: Timber 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): 1 + * Other: _____

6 Total rate of diversion and/or volume for which proof is submitted: .06 cfs OR .9 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 X or No _____

Has the measuring device been installed?

Yes X or No _____

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Leon E. Berggren Telephone Number: 584-3662

Address: 11900 Liberty Rd. (P.O. Box 126) Sweet ID 83670

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: Leon E. Berggren Margaret L. Berggren Date: 10/23/01
(include your title, if on behalf of company or organization)

MICROFILMED

* Due to the extreme drought conditions that existed throughout the 2001 we did not have sufficient water to irrigate the entire two acres described in the permit. We hereby request that the field examiner not inspect our project until the drought has broken

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-13959

Priority 06/23/2000

Maximum Diversion Rate: 0.06 CFS

This is to certify, that LEON E BERGGREN
MARGARET L BERGGREN
PO BOX 126
SWEET ID 836700126

has applied for a permit to appropriate water from:

TIMBER CREEK tributary to **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>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 10/31	0.06 CFS	
IRRIGATION STORAGE	01/01 to 12/31		0.9 AF
IRRIGATION FROM STORAGE	03/15 to 10/31		0.9 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.06 CFS	

LOCATION OF POINT(S) OF DIVERSION:

TIMBER CREEK SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 14, Twp 08N, Rge 01E, B.M. GEM County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N	01E	14			20														20

Total Acres 2

PLACE OF USE: IRRIGATION FROM STORAGE, same as Irrigation

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 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.
4. Use of water under this water right will be regulated by the watermaster of State Water District No 65A.
5. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

MICROFILMED

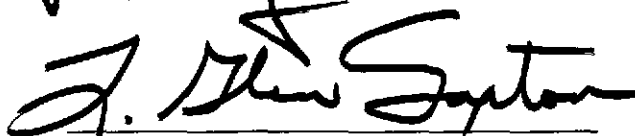
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-13959

CONDITIONS OF APPROVAL

6. If a downstream water right holder feels his prior water right is not being satisfied, he shall notify the watermaster of State Water District No. 65A, Squaw Creek, and the holder of this water right of the need for water measurement and regulation. Notice shall also be given to the Idaho Department of Water Resources.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

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



KARL J DREHER, Director

for

MICROFILMED
MAR 25 2004

RECEIVED

DEC 13 2000

FORM 202

1/96

Department of Water Resources

Ident. No. 65-13959

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUN 23 2000

APPLICATION FOR PERMIT

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

AMENDED

1. Name of Applicant Leon E and Margaret L. Berggren Phone (208) 584-3662
Post Office address P.O. Box 126, Sweet ID 83670-0126
2. Source of water supply Timber Creek which is a tributary of Squaw Creek
3. Location of point of diversion is SW 1/4 of NE 1/4 of NE 1/4, Govt. Lot
Sec. 14 Township 8N Range 1E B.M. Gem County; additional points of
diversion if any: _____

4. Water will be used for the following purposes:

Amount .06 cfs for Irrigation purposes from 3/1 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .90 a-ft for Irrigation Storage purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .90 a-ft for IRR for stor purposes from 3/1 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .06 cfs for Div to Stor purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .03 .06 and/or (b) .90
cubic feet per second acre feet per annum

6. Proposed diverting works: project completed by an earlier owner by 10/19/77

a. Description of ditches, flumes, pumps, headgates, etc. Rock diversion structure in stream diverts water into a 12" diameter by 20' long pipe through a headgate. Water flows through a ditch to the reservoir.

- b. Height of storage dam 15 ft. feet; active reservoir capacity .70 acre-feet; total
reservoir capacity .70 acre-feet; period of year when water will be diverted to storage:
Jan. 01 to Dec. 31 inclusive.

- c. Proposed well diameter is NA inches; proposed depth of well is NA feet.

- d. Is ground water with a temperature of greater than 85° F being sought? NA

- e. If well is already drilled, when? NA; Drilling firm _____;
Well was drilled for (well owner) _____

7. Time required for completion of works and application of water to proposed beneficial use is _____ years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9): completed by a previous owner

- 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. _____

MICROFILMED

MAR 25 2001

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUN 23 2008

APPLICATION FOR PERMIT

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

1. Name of Applicant Leon E and Margaret L. Berggren Phone (208) 584-3662
Post Office address P.O. Box 126, Sweet ID 83670-0126

2. Source of water supply Timber Creek which is a tributary of Squaw Creek

3. Location of point of diversion is SW 1/4 of NE 1/4 of NE 1/4, Govt. Lot
Sec. 14 Township 8N Range 1E B.M. Gem County; additional points of
diversion if any: _____

4. Water will be used for the following purposes:

Amount .03 cfs for Irrigation purposes from April 01 to Oct 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .90 a-f for Irrigation Storage purposes from Jan 01 to Dec 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)

5. Total quantity to be appropriated is (a) .03 ^{cubic feet per second} and/or (b) .90 ^{acre feet per annum}

6. Proposed diverting works: project completed by an earlier owner by 10/19/77

a. Description of ditches, flumes, pumps, headgates, etc. Rock diversion structure in stream diverts water into a 12" diameter by 20' long pipe through a headgate. Water flows through a ditch to the reservoir.

b. Height of storage dam 15 ft. feet; active reservoir capacity .70 acre-feet; total
reservoir capacity .70 acre-feet; period of year when water will be diverted to storage:
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c. Proposed well diameter is NA inches; proposed depth of well is NA feet.

d. Is ground water with a temperature of greater than 85°F being sought? NA

e. If well is already drilled, when? NA; Drilling firm _____:
Well was drilled for (well owner) _____

7. Time required for completion of works and application of water to proposed beneficial use is _____ years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9): completed by a previous owner

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. _____

MICROFILMED

JUN 23 2008

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	
8N	1E	14	2	2	2	2													2

Total number of acres to be irrigated 2

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? Leon E and Margaret L Berggren

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

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.

Leon E. Berggren Margaret L. Berggren
(Applicant)

Received by KL Date 6/23/00 Time 1:50 Preliminary check by LG
Fee \$ 5000 Received by KL # W026651 Date 6/23/00
Publication prepared by KL Date 8-2-9-00 Published in MESSANGER INDEX
Publication approved KL Date 10-3-00

MAR 29 2001

SD-0111
ADD COMMENT

Idaho Department of Water Resources
Comment Addition

Date: 07/13/00
Time: 10:17:46

Water Right Number: 65-13959

FIRST PAGE

Comment Date: 7/13/2000 User ID: LGRAVES

Subject: MORE INFO _____

Per Applicant: Dam and reservoir have been installed since _____
10/19/1977 by previous owner. _____

Per IDWR: Priority advanced to day amendments were made by _____
applicant. _____

(Enter=Add)

(GOLD4=Prev) (GOLD5=Next)

MICROFILMED
MAR 29 2001

The Grantor(s) herein has approved the following: *LB*
WARRANTY DEED

Title File No: FA-111

NO. 211501
PAGES 1 OF 5

FOR VALUE RECEIVED

DONALD B. MACLEAN-KENNEDY, a single man
DMK

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto LEON E. BERGGREN and MARGARET L. BERGGREN, husband and wife:

GRANTEE(s), whose current address is: 11900 Liberty Road Sweet, Idaho 83670
the following described real property in Gema County, State of Idaho,
more particularly described as follows, to wit:

See attached Exhibit "A"

Instrument # 211501

EMMETT GEN. IDAHO

2000-05-15

04:25:00 No. of Pages: 5

Recorded for: FIRST AMERICAN TITLE CO

SUSAN K. HOWARD

Page 15.00

Ex-Office Recorder Deputy *Judy [Signature]*
Serial 101 2000

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s), and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments. (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated May 10, 2000

Donald B. MacLean-Kennedy
Donald B. MacLean-Kennedy

STATE OF Idaho, County of Ada, ss.

On this day of May in the year of 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared Donald B. MacLean-Kennedy

known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

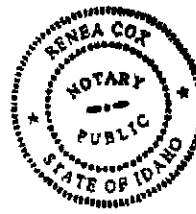
Signature: *Renee Cox*

Name: Renee Cox

Residing at:

My commission expires:

RESIDING IN BOISE, IDAHO
MY COM. EXPI. 02-10-2004



Transnation Title & Escrow, Inc.

MICROFILMED
MAR 29 2001

INSTRUMENT NO.	
PAGES	3

FA-8144
Your No. MACLEAN-KENNEDY/BERGGREN

LEGAL DESCRIPTION

PARCEL 1

A parcel of land being a portion of the Northeast quarter of Section 14, Township 8 North, Range 1 East, Boise Meridian, Gem County, Idaho and being more particularly described as follows:

Beginning at an aluminum cap marking the Northwest corner of said Northeast quarter of Section 14; thence along the Westerly boundary of said Northeast quarter of Section 14 South 00°39'40" East, 1195.52 feet to a point marking the REAL POINT OF BEGINNING; thence North 22°12'04" East, 205.69 feet to an iron pin; thence North 68°13'29" East, 528.93 feet to an iron pin; thence North 73°24'30" East, 69.59 feet to an iron pin; thence South 84°50'25" East, 116.03 feet to an iron pin; thence North 77°18'30" East, 42.74 feet to an iron pin; thence South 70°10'57" East, 91.57 feet to an iron pin; thence South 75°35'59" East, 90.53 feet to an iron pin; thence South 73°14'22" West, 260.61 feet to an iron pin; thence South 75°58'44" West, 135.44 feet to an iron pin; thence South 21°15'44" West, 627.57 feet to an iron pin; thence North 86°52'24" West, 230.38 feet to an iron pin; thence North 59°21'47" West, 50.65 feet to an iron pin; thence North 46°29'27" West, 112.88 feet to a point on said Easterly boundary of the Northeast quarter, the Southwest corner of the Southeast quarter of Section 14 bears South 00°39'40" East, 3835.29 feet to an aluminum cap; thence along the Westerly boundary of said Northeast quarter of Section 14, North 00°39'40" West 225.08 feet to the point of beginning.

TOGETHER WITH a permanent ingress, egress easement being a portion of the Northeast quarter of Section 14, Township 8 North, Range 1 East, Boise Meridian, Gem County, Idaho and being 40.70 feet wide and lying Northerly of and adjacent to the Northeast corner of the above described parcel of land and being more particularly described as follows:

Beginning at an aluminum cap marking the Northwest corner of said Northeast quarter of Section 14; thence along the Westerly boundary of said Northeast quarter of Section 14, South 00°39'40" East, 1195.52 feet to a point; thence North 22°12'04" East, 205.69 feet to an iron pin; thence North 68°13'29" East, 528.93 feet to an iron pin; thence North 73°24'30" East, 69.59 feet to an iron pin; thence South 84°50'25" East, 116.03 feet to an iron pin; thence North 77°18'30" East, 42.74 feet to an iron pin marking the REAL POINT OF BEGINNING; thence

LEGAL CONTINUED NEXT PAGE

MICROFILMED
MAR 29 2001



FA-3144

Your No. MACLEAN-KENNEDY/BERGGREN

LEGAL CONTINUED

North 77°18'33" East, 74.42 feet to a point; thence
South 70°10'57" East, 26.97 feet to a point; thence
South 75°25'59" East, 88.69 feet to a point; thence
South 14°34'01" West, 40.00 feet to a point; thence
North 75°25'59" West, 90.50 feet to an iron pin; thence
North 70°10'57" West, 91.57 feet to the point of beginning.

ALSO TOGETHER with a 40.00 foot wide ingress and egress easement situated in a portion of the Northeast quarter of Section 14, Township 8 North, Range 1 East, Boise Meridian, Gem County, Idaho, lying 20.00 feet either side of the following described centerline:

Commencing at the North quarter corner of Section 14, Township 8 North, Range 1 East, Boise Meridian, Gem County, Idaho; thence
South 00°39'40" East, 20.00 feet along the West line of said Northeast quarter to the TRUE POINT OF BEGINNING; thence
South 83°35'03" East, 171.00 feet; thence
North 85°19'14" East, 278.27 feet; thence
South 25°39'04" East, 147.12 feet; thence
South 02°32'58" West, 129.98 feet; thence
South 11°35'50" East, 122.26 feet; thence
South 19°56'29" East, 204.34 feet; thence
South 56°17'13" East, 136.82 feet; thence
South 48°21'05" East, 173.23 feet to the point of terminus of this easement.

AND ALSO TOGETHER WITH a 40.00 foot wide ingress and egress easement situated in a portion of the Northwest quarter of Section 14, Township 8 North, Range 1 East, Boise Meridian, Gem County, Idaho, lying 20.00 feet either side of the following described centerline:

Commencing at the North quarter corner of Section 14, Township 8 North, Range 1 East, Boise Meridian, Gem County, Idaho; thence
South 00°39'40" East, 20.00 feet along the West line of said Northeast quarter to the TRUE POINT OF BEGINNING; thence
South 89°31'09" West, 215.00 feet to the point of terminus of this easement in Liberty Road.

PARCEL II:

A Parcel of land being a portion of the Northeast quarter of Section 14, Township 8 North, Range 1 East, Boise Meridian, Gem County, Idaho and being more particularly described as follows:

LEGAL CONTINUED NEXT PAGE

MICROFILMED

MAR 29 2001



PA-6144

Your No. MACLEAN-KENNEDY/BERGGREN

LEGAL CONTINUED

Beginning at an aluminum cap marking the Northwest corner of said Northeast quarter of Section 14, thence along the Westerly boundary of said Northeast quarter of Section 14

South 00°39'40" East, 1195.52 feet to a point; thence

North 22°12'04" East, 205.69 feet to an iron pin; thence

North 68°13'29" East, 528.03 feet to an iron pin; thence

North 73°24'30" East, 69.59 feet to an iron pin; thence

South 64°30'25" East, 118.03 feet to an iron pin; thence

North 77°18'30" East, 42.74 feet to an iron pin marking the REAL POINT OF BEGINNING; thence

North 77°18'30" East, 375.42 feet to an iron pin; thence

South 73°02'14" East, 683.21 feet to a point; thence

South 11°55'38" East, 241.89 feet to a point; thence

South 13°08'11" West, 265.33 feet to a point; thence

North 75°14'07" West, 518.97 feet to a point; thence

North 40°12'08" West, 125.45 feet to a point; thence

South 64°05'15" West, 57.59 feet to a point; thence

North 83°31'45" West, 516.61 feet to a point; thence

South 35°38'11" West, 215.62 feet to a point; thence

South 57°13'48" West, 403.99 feet to an iron pin; thence

North 86°52'24" West, 66.60 feet to an iron pin; thence

North 21°15'44" East, 527.57 feet to an iron pin; thence

North 75°58'44" East, 135.44 feet to an iron pin; thence

North 73°14'22" East, 260.31 feet to an iron pin; thence

North 75°25'59" West, 90.53 feet to an iron pin; thence

North 70°10'57" West, 51.37 feet to the POINT OF BEGINNING.

TOGETHER with a 40.00 foot wide ingress and egress easement situated in a portion of the Northeast quarter of Section 14, Township 3 North, Range 1 East, Boise Meridian, Gem County, Idaho, lying 20.00 feet either side of the following described centerline

Commencing at the North quarter corner of Section 14, Township 3 North, Range 1 East, Boise Meridian, Gem County, Idaho; thence

South 00°39'40" East, 20.00 feet along the West line of said Northeast quarter to the TRUE POINT OF BEGINNING; thence

South 83°35'03" East, 171.00 feet; thence

North 85°19'14" East, 278.27 feet; thence

South 25°30'04" East, 147.12 feet; thence

South 02°32'58" West, 129.08 feet; thence

South 11°35'50" East, 122.26 feet; thence

South 19°56'29" East, 204.34 feet; thence

South 56°17'13" East, 134.84 feet; thence

South 48°21'05" East, 173.25 feet to the point of terminus of this easement.

LEGAL CONTINUED NEXT PAGE

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MAR 29 2001



FA-8144

YOUR NO. MACLEAN-KENNEDY/BERGGREN

LEGAL CONTINUED

AND ALSO TOGETHER WITH a 40.00 foot wide ingress and egress easement situated in a portion of the Northwest quarter of Section 14, Township 8 North, Range 1 East, Boise Meridian, Gem County, Idaho, lying 20.00 feet either side of the following described centerline:

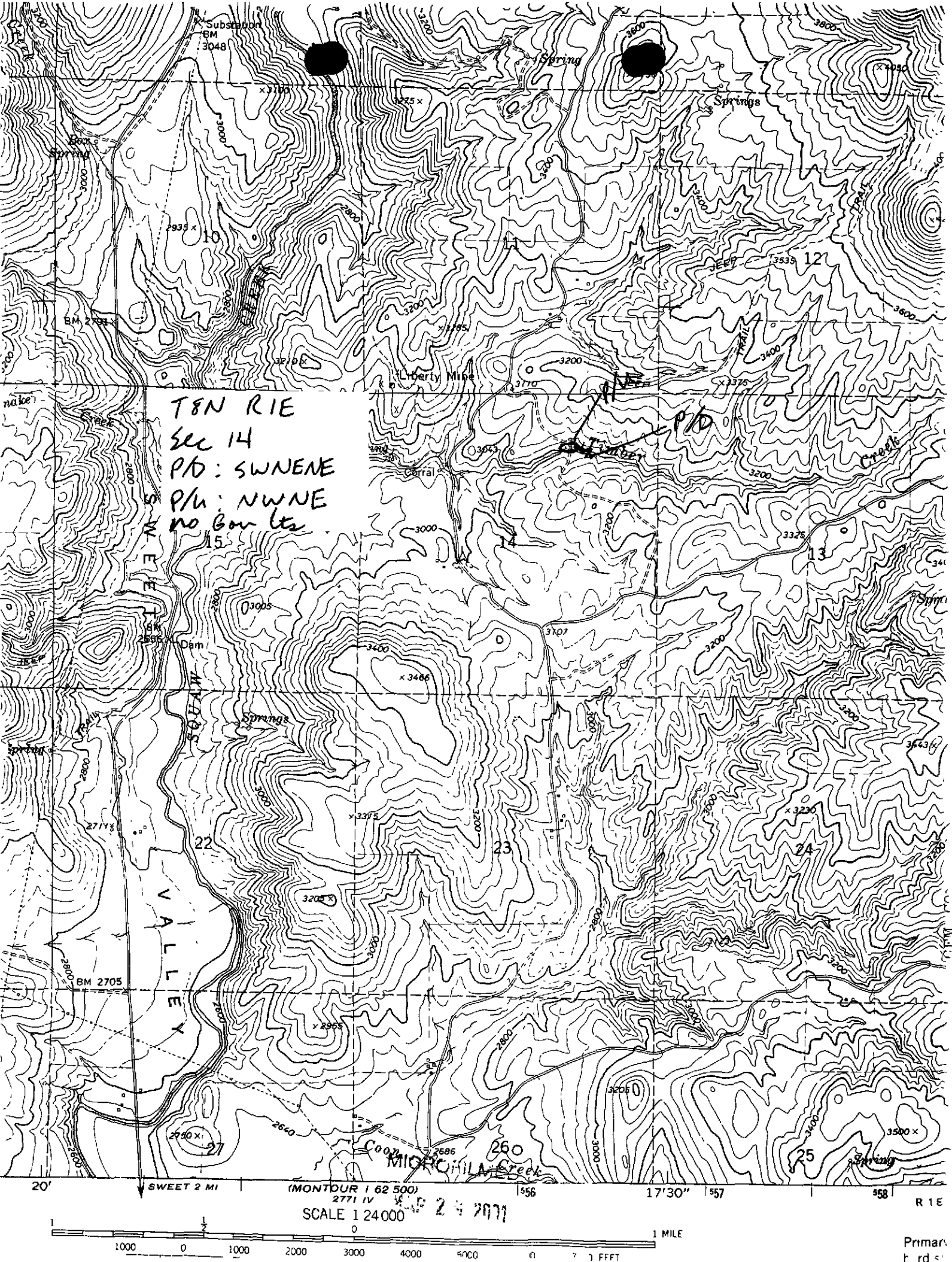
Commencing at the North quarter corner of Section 14, Township 8 North, Range 1 East, Boise Meridian, Gem County, Idaho; thence South 00°39'40" East, 20.00 feet along the West line of said Northeast quarter to the TRUE POINT OF BEGINNING; thence South 89°31'09" West, 215.00 feet to the point of terminus of this easement in Liberty Road.

TOGETHER WITH AND SUBJECT TO a permanent ingress, egress easement being a portion of the Northeast quarter of Section 14, Township 8 North, Range 1 East, Boise Meridian, Gem County, Idaho and being 40.00 feet wide and lying Northerly of and adjacent to the Northeast corner of the above described parcel of land and being more particularly described as follows.

Beginning at an aluminum cap marking the Northwest corner of said Northeast quarter of Section 14; thence along the Westerly boundary of said Northeast quarter of Section 14, South 00°39'40" East, 1195.52 feet to a point; thence North 22°12'04" East, 205.69 feet to an iron pin; thence North 68°13'29" East, 528.95 feet to an iron pin; thence North 73°24'30" East, 69.89 feet to an iron pin; thence South 84°50'25" East, 116.03 feet to an iron pin; thence North 77°18'30" East, 42.74 feet to an iron pin marking the REAL POINT OF BEGINNING; thence North 77°18'30" East, 74.42 feet to a point; thence South 70°10'57" East, 26.97 feet to a point; thence South 75°25'59" East, 38.69 feet to a point; thence South 14°14'01" West, 43.00 feet to a point; thence North 75°25'59" West, 90.53 feet to an iron pin; thence North 70°10'57" West, 91.57 feet to the point of beginning

MICROFILM

MAR 29 2001



Primary



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

October 31, 2001

LEON E BERGGREN
MARGARET L BERGGREN
PO BOX 126
SWEET ID 83670-0126

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13959

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. I have sent a copy of your Proof to IDWR's Western Region, who will be preparing your field exam, to inform them of your request for delay until the drought conditions in your area have subsided.

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 at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

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NOV 26 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No. 65-13959

Reviewed By: dgibson

Date October 31, 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.:		W026651, C057395	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?	X	
Name and address same as permit?	X		Measuring device installed?	X	
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		10/29/2001
Date proof due	-	01/01/2002
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	06/23/2000
New priority date	=	06/23/2000

Deficiencies of Actions Items

Acknowledge proof Bring attention to note on the Proof re drought conditions

01
RECEIVED

CCT 29 2001

P O Box 126 Dept. of Water Resources
Sweet ID 83670

October 23, 2001

Ms. Debra Gibson
State of Idaho
Department of Water Resources
1301 North Orchard St
P. O. Box 83720
Boise ID 83720-0098

RE Permit 65-13959

Dear Ms. Gibson,

As per the telephone conversation with you on October 16, 2001 we are submitting the PROOF OF BENEFICIAL USE for our project even though the drought prevented us from diverting sufficient water to irrigate the entire acreage allowed by our permit. Also as per your suggestion we are requesting that the field examiner wait to inspect our project until after the drought has broken.

We very much appreciate your help.

Thank You

Leon E. Berggren

Leon E. Berggren

Margaret L. Berggren

Margaret L. Berggren

Enclosures.

Proof of Beneficial Use
Inspection Fee \$50

MICROFILMED

OCT 23 2001

October 31, 2001

LEON E BERGGREN
MARGARET L BERGGREN
PO BOX 126
SWEET, ID 836700126

PROOF DUE NOTICE

RE: PERMIT NO. 65-13959

Dear Permit Holder:

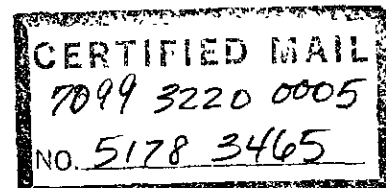
One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied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



MICROFILMED
NOV 26 2001

P O Box 126
Sweet ID 83670

October 12, 2001

RECEIVED

OCT 16 2001

Department of Water Resources

Ms Shelley W Keen
Water Rights Supervisor
State of Idaho
Department of Water Resources
1301 North Orchard St
P O Box 83720
Boise ID 83720-0098

RE: Permit No 65-13959

Dear Ms Keen

We hereby request a six month extension of time to fully apply the water described in Permit No 65-13959 to beneficial use. As per your direction we had the State Water District No 65A Water Master (Mr Eric Herr) approve our measuring device and lockable controlling works prior to the time we diverted any water. **Our project is complete; however, due to the extreme drought conditions that existed throughout the area, Timber Creek did not have sufficient flow to allow us to divert water after the first week of June.** Consequently, we could not irrigate the entire two acres described in the permit. We would very much appreciate you extending the deadline for beneficial use until July 1, 2002.

If you have any questions we can be reached at 584 - 3662

Thank You

Leon E. Berggren

Leon E. Berggren

Margaret L. Berggren

Margaret L. Berggren

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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

LEON E BERGGREN
MARGARET L BERGGREN
PO BOX 126
SWEET ID 83670-0126

RE: Permit No. 65-13959

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.

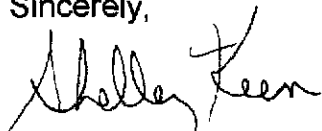
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least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

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MAR 29 2001

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

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

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:klr

Enclosure(s)

MICROFILMED

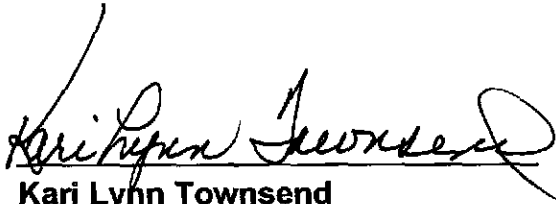
MAR 29 2001

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. 65-13959

**LEON E BERGGREN
MARGARET L BERGGREN
PO BOX 126
SWEET ID 836700126**


**Kari Lynn Townsend
Secretary**

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MAR 29 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).

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MAR 29 2004

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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MAR 23 2001

Reviewed by Sharla Curtis on 12/19/00

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

COMMENTS

ICAND DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

DEC 13 2000

Department of Water Resources

INITIAL REVIEW BY: lg DATE: 6/30/00 APPLICATION: 65-13959

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Gov't. Lots:
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

☒ ADVERTISE REMARK(S)
(Reviewer identify which remarks)

done T FLAG CHANGED TO P FLAG

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ Overlapping point of diversion.
- ☒ Critical groundwater area:
- ☒ Groundwater management area:
- ☒ 1992 moratorium:
- ☒ Surface water source, IDFG letter needed.
- ☒ Protected river or minimum flow reach, notify water planning bureau.
- ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ E-mail to Dam Safety staff: (for any storage) JFW 6/30/00
- ☒ 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

amended appl.

Request to process

Date Requested 7/6/00 Date Response Received 7/13/00

PROCESSING

APP. NO. 65-13959

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: Paper over looked ad
☒ ☐ Final date for protest 8-21-00 9-25-00 10-10-00
☒ ☐ Protests received.
☒ ☐ Recommendations attached:
☐ ☒ Measuring device required:
☒ ☐ Water delivered by water master? District # 65A
☐ ☐ Special conditions of approval or cover letter: See memo dated 12/7/2000

See below for additional information

Recommended Date or Priority 7/13/00

Recommended by: Gay Date: 12/11/2000

ADDITIONAL INFORMATION:

overlaps - 65-01625 GW different use
- 01626 GW " "

RECEIVED

DEC 13 2000

Department of Water Resources

MEMORANDUM

To: File No. 65-13959 in the Name of Leon &/or Margaret Berggren

From: Gary Spackman *Gary*

Re: Recommended Conditions of Approval

Date: December 7, 2000

I held a prehearing conference on November 29, 2000. The parties agreed to resolve the contested case and signed an agreement and withdrawal of protest. I recommend the following conditions of approval, some of which were included in the agreement:

1. This water right is subject to all prior water rights.
2. If a downstream water right holder feels his prior water right is not being satisfied, he shall notify the watermaster of water district no. 65A, Squaw Creek, and the holder of this water right, of the need for water measurement and regulation. Notice shall also be given to the Idaho Department of Water Resources (IDWR). Upon receiving notice the holder of this water right shall install and/or construct measuring devices and controlling works that will satisfy the watermaster and IDWR.
3. This water right is subject to regulation by the watermaster of water district 65A, Squaw Creek.
4. (121).

MICROFILMED

MAR 29 2001

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Conducted by: Gary Spackman

NAME

ADDRESS

Maxine Pratt 304 E. 3rd St Emmett
 Belinda L. Pratt-Hersh 10500 Liberty Rd Sweet ID 83670
 Leon + Margaret Berggren 11900 Liberty Rd Sweet ID 83670

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MAR 25 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF
APPLICATION FOR WATER
RIGHT NO. 65-13959 IN
THE NAME OF LEON &/OR
MARGARET L BERGGREN

AGREEMENT AND
WITHDRAWAL OF PROTEST

A prehearing conference was conducted at the Gem County Courthouse on November 29, 2000. The applicants, Leon E. & Margaret L. Berggren, and the protestants, Marion Pratt & Belinda Hersh, attended. The parties agreed to resolve the contested case and the protestants agreed to withdraw their protest conditionally upon placement of conditions on any water right issued by the Idaho Dept. of Water Resources.

The parties agree that the following conditions shall be a part of any future water right:

1. This water right is subject to all prior water rights.

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MAR 20 2001

Page 2

2. If downstream water right holders feel their prior water rights are not being satisfied, the holder of the prior water right shall notify the watermaster of ~~Water~~ District no 65A, Squaw Creek and the holder of this water right, of the need for measurement and regulation. Notice shall also be given to the Dept. of Water Resources. Upon receiving notice, the holder of this water right shall install and/or construct measuring devices and controlling works that will satisfy the watermaster and the Department of Water Resources.

Dated this 29th day of November, 2000.

Lion E. Buggren

Margaret L. Buggren

Dated this 29th day of November, 2000.

Belinda L. Pratt-Hersh

MICROFILMED

Marianne Pratt

MAR 29 2001

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-13959 IN THE)
NAME OF LEON E. &/OR MARGARET)
L. BERGGREN.)
_____)**

**NOTICE OF PREHEARING
CONFERENCE**

On June 23, 2000, Leon E. &/or Margaret L. Berggren filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Marion Pratt &/or Belinda Hersh.

IDWR has scheduled a conference for the protest to be held on **Wednesday, November 29, 2000, at 1:30 p.m. at the Gem County Courthouse, 415 E. Main, Emmett ID 83617.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the IDWR within (10) days prior to the conference.

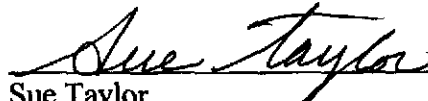
Dated this 2nd day of November 2000.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of November 2000, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

Leon E. &/or Margaret Berggren
PO Box 126
Sweet ID 83670-0126

Marion Pratt &/or Belinda Hersh
10500 Liberty Rd.
Sweet ID 83670

NOTICE OF PREHEARING CONFERENCE 2

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MAR 20 2001

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide *evidence for the department to evaluate these criteria.*

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

MICRO

MAR 29 2001

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter.

At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

MICROFILMED
MAR 23 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

November 1, 2000

GEM COUNTY COURTHOUSE
415 E MAIN
EMMETT ID 83617

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Department of Water Resources for Wednesday, November 29, 2000, at 10:00 a.m.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

A handwritten signature in cursive script that reads 'Sue'.

Sue Taylor
Senior Secretary

MICHAEL

MAR 23 2001

SEP 27 2000

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No: 65-13959Applicant's Name: Leon & Margaret Benggren

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: _____

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

- d) Additional Comment : _____

Dated this 24 day of September, 2000.Water District No: 65AE. Benggren
Watermaster's Signature

Use reverse side of page if you need more space.

MICROC

MAR 29 2001

Lester, Steve *SL*

From: SCOTT GRUNDER [sgrunder@IDFG.STATE.ID.US]
Sent: Thursday, September 21, 2000 11:12 AM
To: slester@idwr.state.id.us
Cc: CECE MANN; TERRY VERNHOLM
Subject: Multiple Applications for Water Rights

Dear Mr. Lester:

The Idaho Department of Fish and Game has reviewed the below referenced applications for permit and applications for transfer and we offer the following comments for your consideration.

65-13959--Berggren: We do not anticipate significant adverse effects to fish or wildlife habitats as a result of this application.

65-13965--Butler: We do not anticipate significant adverse effects to fish or wildlife habitats as a result of this application. The intake hose must be screened to prevent entrainment of juvenile fish.

78-07399--Belkova: We do not anticipate significant adverse effects to fish or wildlife habitats as a result of this application.

Application for Transfer No. 5790 (Bumgarner): Since these are existing rights, we do not anticipate any further harm to fish or wildlife habitats.

Application for Amendment of Permit 51-07367 (BLM): As long as this stockwater reservoir improves livestock distribution and lessens riparian impacts, we support its construction.

Thank you for the opportunity to comment. Call me if you have any questions.

Scott A. Grunder
Environmental Staff Biologist
Idaho Department of Fish and Game, Southwest Region Office
3101 South Powerline Road
Nampa, Idaho 83686
Phone (208)-465-8465
FAX (208)-465-8467
email address: sgrunder@idfg.state.id.us

IDFG COMMENTS Rec'd 9/21/00

MICRO...

MAR 20 2001

RECEIVED

SEP 28 2000

WATER RESOURCES
WESTERN REGION

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

Sept 20, 2000,

and ending with the issue of

Sept 27, 2000

Dixie L. Thome

Subscribed and sworn to me this

27th day of

September, 2000

Marianne Chase

Notary Public

Residing at Emmett, Idaho

My Commission Expires 2-4-2005

CORRECTED NOTICE OF PRO-
TEST APPLICATION

Notice for L. E. ...
BERGOMEN, of PO Box 100, ...
83670-0100 was published in ...
and 9th issues of the ...
MWNW rather than MWNW ...
RTE.

Any protest against the approval of
the corrected change must be filed with
the Department of Water Resources,
Western Region, 2100 ...
Boise ID 83720-0001, together with a
protest fee of \$25 for each application
on or before September 25, 2000. The
protestant must also send a copy of the
protest to the applicant.

Pub. 9-20-27, 2000

Legal Notice No. 404
Published in the ...

MICROFILMED

MAR 23 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

September 19, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MARION PRATT &/OR
BELINDA HERSH
10500 LIBERTY RD
SWEET ID 83670

Re: Application for Permit No. 65-13959 in the Name of Leon &/or Margaret Berggren

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the applications and to attempt to resolve the protests. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

This office will shortly schedule a conference if the matter is not resolved informally. At the conference, the department will review possibilities for resolution of the protests. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If this office can be of further assistance, please contact us.

Sincerely,


Gary Spackman

GS:st

Encl. Copy of Application

MICROFILMED

MAR 29 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

September 19, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LEON &/OR MARGARET BERGGREN
PO BOX 126
SWEET ID 83670-0126

Re: Application for Permit No. 65-13959

Dear Applicant:

Enclosed is a protest filed against the issuance of a permit pursuant to the above-referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

The department suggests you contact the protestant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

This office will shortly schedule a conference if the matter is not resolved informally. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

Please contact this office if you have questions regarding this procedure

Sincerely,


Gary Spackman

GS:st

Enclosure: Copy of protest(s)

MICROFILMED

SEP 24 1999

11/99

APP. FOR PERMIT NO.

65-13959
(BERGGREN)

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AUG 18 2000

NOTICE OF PROTEST

WATER RESOURCES
WESTERN REGION

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information

1. Matter being protested USE OF TIMBER CREEK OVER GRANDFATHER RIGHTS
2. Name of protestant MARIAN PRATT & BELINDA HERSH
3. Protestant's Representative for service (If different than protestant)
4. Service mailing address 10500 LIBERTY RD., SWEET, ID 83620
5. Service telephone no. 365-7351
6. Basis of protest (including statement of facts and law upon which the protest is based)

PRIOR WATER RIGHT NO. 65-02135 - 1ST IN TIME IS
1ST IN RIGHT. PLUS INSTREAM STOCKWATER BELOW APP. FOR
PERMIT PLACE OF USE & PT. OF DIVERSION. PAYETTE DECREE DID NOT
REQUIRE FILINGS ON INSTREAM STOCK, HOWEVER, STOCK HAVE WATERED
BELOW THIS POINT FOREVER. (additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? DISCUSSION OF WATER USE TO PROTECT
DOWNSTREAM STOCKWATERING USE.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 18th day of August, 20 00.

Belinda Hersh & Marian Pratt
Protestant

Protestant's Representative

MICROFILMED

MAR 29 2001

NOTE:

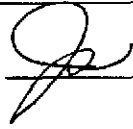
A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37 01 01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant
-

FOR DEPARTMENT USE ONLY

Received by  Date 8-18-00 Time 2:22 PM

\$25.00 fee Receipted by  # 6036820 Date 8-18-00

MICROFILMED

MAR 29 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

September 14, 2000

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

Re: Application for Water Right No. 65-13959 in the Name of Leon and/or Margaret Berggren.

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
MAR 29 2001
MICROFILMED
MAR 29 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

September 14, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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

Re: Application for Permit No. 65-13959 in the Name of Leon and/or Margaret Berggren,
Application for Permit No. 65-13965 in the Name of Larry Butler,
Application for Permit No. 78-07399 in the Name of Dash Belkova

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 October 10, 2000.

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.

MICROFILMED

MAR 23 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

August 30, 2000

MESSENGER-INDEX
PO BOX 577
EMMETT ID 83617

Re: Ad for Application for Permit No. 65-13959

Dear Legal Dept.:

Enclosed is a corrected copy of a legal notice for the above-referenced application for permit. The place of use was advertised in error.

Please publish the enclosed correction on September 6 and 13, 2000.

An affidavit of the corrected publication should be submitted to the department by September 25, 2000.

Sincerely,

Sue Taylor
Senior Secretary

Enclosures

MICROFILMED

MAR 23 2001

**CORRECTED NOTICE OF
PROPOSED APPLICATION NO. 65-13959**

Notice for **LEON AND MARGARET BERGGREN**, of PO Box 126, Sweet ID 83670-0126, was published August 2nd and 9th listing the place of use as the NWNW rather than the NWNE, S14 T8N R1E.

Any protest against the approval of the corrected change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705-5082, together with a protest fee of \$25 for each application on or before September 25, 2000. The protestant must also send a copy of the protest to the applicant.

10-10

Karl J. Dreher, Director

Published in the Messenger Index on September ^{20 27}~~6~~ and ~~13~~, 2000.

*Paper run -
looked corrected ad.*

MICROFILMED

MAR 25 2001

RECEIVED

AUG 10 2000

WATER RESOURCES
WESTERN REGION

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
Aug 2, 2000,
and ending with the issue of
Aug 2, 2000

Dixie L. Thome
Subscribed and sworn to me this

9th day of
August, 2000

Margaret L. Thome
Notary Public
Residing at Emmett, Idaho

My Commission Expires 2-4-2005

NOTICE OF APPLICATION FOR WATER RIGHT

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

BERGGREN, LEON E
BERGGREN, MARGARET L
PO BOX 126
SWEET, ID 836700126

Source: TIMBER CREEK

Tributary: SQUAW CREEK

Diversion Pt: SWNE NE Sec 14 T 08N R 01E in GEM County.

Use: IRRIGATION	(	0.60 CFS)	
IRRIGATION STORAGE			(0.90 AF)
IRRIGATION FROM STORAGE			(0.90 AF)
DIVERSION TO STORAGE	(	0.60 CFS)	
Total Diversion:		0.60 CFS)	

Date Filed: 7/13/2000

In: GEM County
T08N R01E S14

2.0 ACRES TOTAL

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

65-13960

JONES, TERRY A
5888 SANDY AVE
EMMETT, ID 83617

Source: GROUNDWATER

Diversion Pt: NWNW Sec 13 T 07N R. 03W in GEM County.

Use: IRRIGATION	(	3.600 CFS)
Total Diversion:		3.600 CFS)

Date Filed: 6/29/2000

In: GEM County
T07N R03W S11 NESE SESE
S12 SWNW SENW
SWSW SWSE NESW NWSW

180.0 ACRES TOTAL

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

65-13961

JONES, TERRY A
5888 SANDY AVE
EMMETT, ID 83617

Source: GROUNDWATER

Diversion Pt: SWSW Sec 12 T 07N R 03W in GEM County
NWNW Sec 13 T 07N R 03W in GEM County.

Use: STOCKWATER	(	0.630 CFS)
COMMERCIAL		0.270 CFS)
Total Diversion:		0.900 CFS)

Date Filed: 6/29/2000

In: GEM County
T07N R03W S11 NESE SESE
S12 SWNW SENW
S13 SWSW SWSE NESW

MICROFILMED

MAR 29 2001

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. 42-208A, 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 AUGUST 21, 2000. The protestant must also send a copy of the protest to the applicant.

Pub: 8-2, 9, 2000

KARL J. DREHER, Director

Legal Notice No: 4020

Published in the Messenger Index

Taylor, Sue

From: Lester, Steve
Sent: Thursday, August 03, 2000 3:39 PM
To: Taylor, Sue
Subject: FW: 65-13959/Berggren

Sue:

Please file copy of this in the application file.

Thanks.

-- Steve

-----Original Message-----

From: SCOTT GRUNDER [mailto:sgrunder@IDFG.STATE.ID.US]
Sent: Thursday, August 03, 2000 3:34 PM
To: slester@idwr.state.id.us
Cc: CECE MANN; TERRY VERNHOLM
Subject: 65-13959/Berggren

Dear Mr. Lester:

The Idaho Department of Fish and Game has reviewed the above referenced application for permit for a surface water right and we do not anticipate significant adverse effects to fish or wildlife habitats as a result of granting the water right. Thank you for the opportunity to comment

Scott A. Grunder
Environmental Staff Biologist
Idaho Department of Fish and Game, Southwest Region Office
3101 South Powerline Road
Nampa, Idaho 83686
Phone (208)-465-8465
FAX (208)-465-8467
email address: sgrunder@idfg.state.id.us

MICROFILMED
MAR 29 2001

AUG 16 2000

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No: 65-13959Applicant's Name: Leon E & Margaret L. Berggren

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: _____

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

- d) Additional Comment : _____

Dated this 6 day of August, 2000.Water District No: 65AEric J. New
Watermaster's Signature

Use reverse side of page if you need more space.

MICROFILMED
MAR 23 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

June 15, 2000

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

Re: Application for Permit No. 65-13959 in the Name of Leon &/or Margaret Berggren

Dear Sir:

Enclosed is a copy of the above-referenced application for permit that the proposed use is from surface water. Please review the application 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 August 21, 2000.

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

Sincerely,

Gary Spackman

GS:st

Encl.

MICROFILMED

MAR 29 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

July 26, 2000

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

Re: Application for Permit No. 65-13959 in the Name of Leon &/or Margaret Berggren

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 and return any comments you might have 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:st

Encl: Copy of Application
Recommendation of Watermaster Form

MICROFILMED

MAR 23 2001

REQUEST TO PROCESS

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

Name of Applicant

LEON + MARGARET BERGGREN

Mailing Address

PO BOX 126

SWEET ID 83670-0126

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.

 / 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

Leon E. Berggren

Date

7/13/00

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-1052 LMEJ

MAR 23 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

July 6, 2000

Leon and Margaret Berggren
PO Box 126
Sweet ID 83670-0126

Re: Application For Permit

Dear Applicants:

Idaho Dept. of Water Resources (IDWR) received your application 6/23/2000. I have tried to notify you by telephone to set up an appointment without any luck. Changes need to be made to the application to correspond with Department standards. The property and diversion must also be located on an ortho-photo quad map that we have available at this office. Please contact me at 208-334-2190 within 14 days from the date of this letter to schedule an appointment.

Your priority date will be the date the necessary changes are made. If I do not hear from you in 14 days, IDWR will remove your application from its records.

Sincerely,

Lori Graves
Sr. Allocations Agent

MICROFILMED

MAR 23 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

JULY 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 AUGUST 21, 2000.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MCRU - -

MAR 23 2001

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILM

APR 23 1971

65-13959

BERGGREN, LEON E
BERGGREN, MARGARET L
PO BOX 126
SWEET, ID 836700126

Source: TIMBER CREEK

Tributary: SQUAW CREEK

Diversion Pt: SWNE Sec 14 T 08N R 01E in GEM County.

Use: IRRIGATION	(	0.060 CFS)	
IRRIGATION STORAGE			(0.90 AF)
IRRIGATION FROM STORAGE			(0.90 AF)
DIVERSION TO STORAGE	(	0.060 CFS)	
Total Diversion:	(	0.060 CFS)	

Date Filed: 7/13/2000

In: GEM County
T08N R01E S14 NWNE

2.0 ACRES TOTAL

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

MICRO 2

APR 24 2001

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 AUGUST 21, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 8/ 2/2000 & 8/ 9/2000

MICRO - 111

AUG 19 2000

Thanks for the note about this legal ad, Marianne. Idaho Code lists specific dates that legal ads can be published so I have changed the dates of publication and protest deadline.

Thanks

Sue

MAILED - 11

MAY 28 2009

CORRECTED NOTICE OF PROPOSED APPLICATION NO. 65-13959

Notice for **LEON AND MARGARET BERGGREN**, of PO Box 126, Sweet, ID 83670-0126, was published August 2nd and 9th listing the place of use as the NWNW rather than NWNE, S14 T8N R1E.

Any protest against the approval of the corrected change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705-5082, together with a protest fee of \$25 for each application on or before ~~September 25, 2000~~ ^{20, 27}. The protestant must also send a copy of the protest to the applicant.

Pub.: 9-13, 20, 2000

Karl J. Dreher, Director

Legal Notice No. 4046
Published in the Messenger Index

October 10,
10:10

Because of the holidays this
will not pub until 9/13 + 9/20
Our deadline was last Thursday
@ noon. Please prob

KS

marc

SEP 1 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

August 30, 2000

MESSANGER-INDEX
PO BOX 577
EMMETT ID 83617

Re: Ad for Application for Permit No. 65-13959

Dear Legal Dept.:

Enclosed is a corrected copy of a legal notice for the above-referenced application for permit. The place of use was advertised in error.

Please publish the enclosed correction on September 6 and 13, 2000.

An affidavit of the corrected publication should be submitted to the department by September 25, 2000.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue'.

Sue Taylor
Senior Secretary

Enclosures

MAILED 14
SEP 7 2000

**CORRECTED NOTICE OF
PROPOSED APPLICATION NO. 65-13959**

Notice for **LEON AND MARGARET BERGGREN**, of PO Box 126, Sweet ID 83670-0126, was published August 2nd and 9th listing the place of use as the NWNW rather than the NWNE, S14 T8N R1E.

Any protest against the approval of the corrected change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705-5082, together with a protest fee of \$25 for each application on or before September 25, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Messenger Index on September 6 and 13, 2000.

SEP 23 2000