

NOT To Scale

D-24

T6N R2W
Sec 18
P/D: NESE

TRITARTS

.5 ac
Lawn

1.5 ac
Lawn

MICROFILMED

OCT 12 2000

Well

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
Jan 19, 2000,
and ending with the issue of
Jan 26, 2000
Dixie L. Thome

Subscribed and sworn to me this
26th day of

January, 2000
Mary Ann Chaney
Notary Public
Residing at Emmett, Idaho

My Commission Expires 2-4-2005

RECEIVED
JAN 27 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:

65-13926

TRITTHART, DONALD L
TRITTHART, CONNIE M
TRITTHART TRUST
6400 W S SLOPE RD
EMMETT, ID 83617

Source: GROUNDWATER

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

Use:	IRRIGATION	(	0.060	CFS)
	STOCKWATER	(	0.020	CFS)
	DOMESTIC	(	0.100	CFS)
	Total Diversion:	(	0.180	CFS)

Date Filed: 12/16/1999

In: GEM County
T06N R02W S18 NESE NWSE

2.0 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 FEBRUARY 7, 2000. The protestant must also
send a copy of the protest to the applicant.

KARL J. DREHER
Director

Pub.: 1 - 19, 26, 2000

Legal Notice No. 3830
Published in the Messenger Index

MICROFILMED
OCT 12 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
65-13926 IN THE NAME OF) **REINSTATEMENT ORDER**
DONALD L. TRITTHART &/OR)
CONNIE M. TRITTHART)
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before March 1, 2001; and,

WHEREAS, the Department notified the permit holder on December 31, 2000 by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

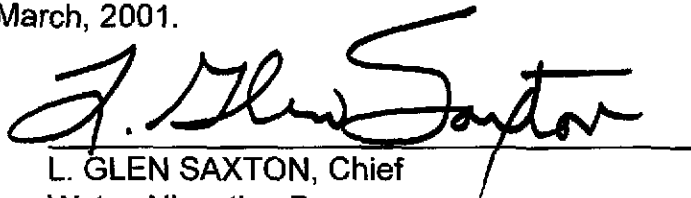
WHEREAS, the Department sent the permit holder a lapse notice on March 8, 2001, since the Department had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting acceptable proof of beneficial use on March 23, 2001;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 65-13926 is **REINSTATED** with an advance in priority to **January 5, 2000**.

DATED this 28th day of March, 2001.


L. GLEN SAXTON, Chief
Water Allocation Bureau

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MAR 29 2001

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAR 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. 65-13926 Telephone No. 208-365-1086

2 Name of Permit Holder(s): DONALD L & CONNIE M. TRUTHART

3 Mailing Address: 6400 W. 50. SLOPE ROAD

City EMMETT State ID Zip 83617

4 Source of Water: WELL If **GROUNDWATER** (well), Date Drilled: mo 3/31 / yr. 99

Well Driller: S.O.S. WELL DRILLING Drilling Permit Number

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

Domestic (No. of households). 4 Stockwater (No. and type of stock). 60

Irrigation (No. of acres). 2.0 Other:

6 Total rate of diversion and/or volume for which proof is submitted: 18 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: Connie M. Truthart Telephone Number: 208 365-1086

Address: 6400 W. 50. SLOPE RD, EMMETT, ID 83617

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature] Date: 3/23/01
(include your title, if on behalf of company or other organization)

RECORDED
MAR 23 2001

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13926

Priority: December 16, 1999

Maximum Diversion Rate:

0.18 CFS

This is to certify, that TRITTHART TRUST
DONALD L TRITTHART
CONNIE M TRITTHART
6400 W S SLOPE RD
EMMETT ID 83617

has applied for a permit to appropriate water from: GROUNDWATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	0.06 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.10 CFS
	Totals	0.18 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 18, Township 06N, Range 02W
GEM County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N 02W 18	NESE 1.5	NWSE 0.5		2.0

Total number of acres irrigated: 2.0

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **March 1, 2001**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The 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. 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.

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JUN 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

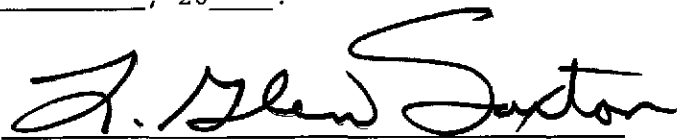
NO. 65-13926

CONDITIONS OF APPROVAL AND REMARKS

6. Domestic use is for 4 homes and does not include lawn, garden, landscape, or other types of irrigation.
7. Stockwater use is for 60 range cattle.

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

1st day of March, 2000.



Karl J. Dreher, Director

for

MICROFILMED

OCT 17 2000

RECEIVED
FEB 17 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

RECEIVED
DEC 16 1999
WATER RESOURCES
WESTERN REGION

- Department of Water Resources
1. Name of Applicant and/or DONALD L. TRITTHART
TRITTHART TRUST CONNIE M. TRITTHART Phone (208) 365-1086
- Post Office address 6400 WEST SOUTH SLOPE ROAD EMMETT, ID 83617
2. Source of water supply GROUND WATER which is a tributary of _____
3. Location of point of diversion is NE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot _____
Sec. 18 Township 6 Range 2w (3) B.M. GEM County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
* Amount .10 CFS for DOMESTIC purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 CFS for STOCKWATER purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .06 CFS for Irrig purposes from 3/1 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .18 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well pump
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
- c. Proposed well diameter is 6 INCHES inches; proposed depth of well is 180 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? 3/31/99; Drilling firm S.O.S. WELL DRILLING (See attached)
Well was drilled for (well owner) YES
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity if KW. _____
b. Stockwatering; list number and kind of livestock. 60 HEAD OF COWS
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. 4 HOUSES AND LOTS IRRIGATED LESS THAN 1/2 ACRE
e. Other; describe fully. MICROFILMED

OCT 12 2000

* Per IDWR standards + telecom wr applicant 1/7/00. y

9. Description of place of use: SAME AS POINT OF DIVERSION

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6	ZW 3	18													SD				
															1.5	.5			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? Donald L. Tritthart/Connie M. Tritthart

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.

Connie M. Tritthart (Applicant) MICROFILMED 2000

Received by ST Date 12/16/99 Time 10:08 Preliminary check by g
Fee \$ 3000 Receipted by ST # W025990 Date 2-19-00
Publication prepared by ST Date 2-19-00 Publication approved LM Date 2-9-00

* per telecon w/ applicant 1/5/00. g

REQUEST TO PROCESS

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

Name of Applicant DONALD L. AND/OR CONNIE M. TRITTHART
Mailing Address 6400 WEST SOUTH SLOPE ROAD
EMMETT, IDAHO 83617
Application No. _____
(if known)

 IN LOCAL PUBLIC INTEREST

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

 PROPOSE MITIGATION NOW

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

XX 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

D. L. Tritthart and/or Connie M. Tritthart

Date

12-14-99

Please return this form to:

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

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OCT 12 2000

NOT TO Scale

D

T6N R2W
Sec 18
P/D: NESE

TRITTHARTS

.5 ac
Lawn

1.5 ac
Lawn

(MICROFILMED)

NOV 12 2000



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

March 28, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DONALD L TRITTHART
CONNIE M TRITTHART
6400 W S SLOPE RD
EMMETT ID 83617

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 65-13926

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order reinstating the permit advancing the priority since proof was submitted after the proof due date.

Please 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.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. 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

Enclosure

c: IDWR - Region

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MAR 23 2001

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 65-13926 Reviewed by dg Date 3/28/01

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
No Proof timely received?
If not, complete calculation below.

TYPES OF USE

Irrigation
Stockwater, Domestic
Correct Uses? yes

SOURCE OF WATER

No Surface water source
yes Ground water source
yes Drilling permit required?
yes Copy in the file? Drilling Permit No. _____
Amount paid for permit _____ Correct?
Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
\$50 Amount Submitted
yes Correct?

MEASURING DEVICE

No Required?
No Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received 3/23/01 82
Date proof due 3/1/01 - 60
No. of days late = 22
Priority Date 12/16/99 + 350
New Priority Date 1/5/00 372

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof. Reinstate with
priority advanced to Jan. 5, 2000.

DATA ENTRY

New Address N/A Proof Made 3/23/01

March 8, 2001

DONALD L TRITTHART
TRITTHART TRUST
CONNIE M TRITTHART
6400 W S SLOPE RD
EMMETT, ID 83617

LAPSE NOTICE

RE: PERMIT NO. 65-13926

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 December 31, 2000. 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

MICROFILMED
MAR 23 2001

CERTIFICATION OF MAILING
I hereby certify that this letter was
sent by first class mail on 3/8/01
day of March at Emmett, Idaho and,
postage prepaid addressed to the
individual(s) named above.

dg

December 31, 2000

DONALD L TRITTHART
TRITTHART TRUST
CONNIE M TRITTHART
6400 W S SLOPE RD
EMMETT, ID 83617

PROOF DUE NOTICE

RE: PERMIT NO. 65-13926

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 March 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

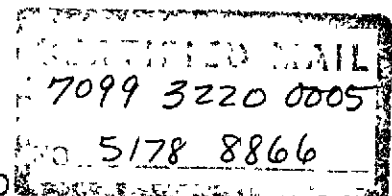
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



MICROFILMED

MAR 29 2001



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 2, 2000

DONALD L TRITTHART
CONNIE M TRITTHART
TRITTHART TRUST
6400 W S SLOPE RD
EMMETT ID 83617

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13926

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

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

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

MICROFILMED

APR 17 2000

homepage on the Internet to obtain the proper reporting form.

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

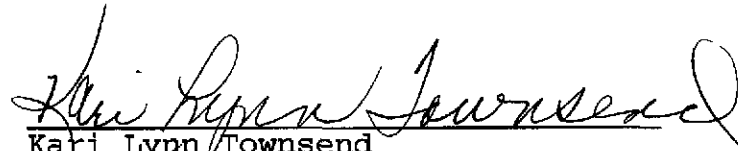
MICROFILMED
OCT 12 2000

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of **March, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 65-13926

TRITTHART TRUST
DONALD L TRITTHART
CONNIE M TRITTHART
6400 W S SLOPE RD
EMMETT ID 83617


Kari Lynn Townsend
Secretary

MICROFILMED

OCT 12 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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OCT 12 2000

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

Reviewed by Sharla Curtis on 2-2-00

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

DRILLING PERMIT

LOCATION:**USES:**

RIVER BASINS: (SW special considerations)

USE6:

BENEFICIAL USE DUE: 2 / 01 / 2001

MISC CONDITIONS/REMARKS:

Protested	-020-W19
Development Period	
≤ 1 yr	(P16)
> 1 yr	-26A(P17)
Ownership	-004
Non-consumptive	-027
Water Quality	-081-R07

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

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

OTHER CONDITIONS/REMARKS

COMMENTS is lecon w/ applicant 7/29/00 - no surface water shares appurtenant
to these "yards" -

RECEIVED

FEB 17 2000

Department of Water Resources

FILE PRESENTATION

This application was processed prior to the January 12, 2000 memo "Changes to Water Right Applications." The old technique of making application changes was used.

To avoid additional processing delay, the file is forwarded as "one in the pipeline" with respect to that memo. The regional office anticipates that this will be acceptable for this limited group of applications.

MICROFILMED

OCT 12 2000

FEB 17 2000

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: 6 DATE: 1/7/00 APPLICATION: 65-13926

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

- 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

plm distribution of acres per attached
CFSA photo

Date Requested 1/7/00 Date Response Received 1/7/00

PROCESSING

APP. NO.

12390

YES NO

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

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

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. #
☐ ☒ Water Planning Bureau
☐ ☒ Other

FINAL REGIONAL PROCESSING REVIEW:

YES NO

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

☒ ☐ Publication dates and paper recorded on application:
☐ ☐ Final date for protest 2-7-00
☐ ☒ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Water delivered by water master? District #
☐ ☒ Special conditions of approval or cover letter: standards

☒ See below for additional information

Recommended Date or Priority 12/16/99

Recommended by: Lon Ganner

Date: 2/10/00

ADDITIONAL INFORMATION:

RECEIVED

JAN 27 2000

WATER RESOURCES
WESTERN REGION

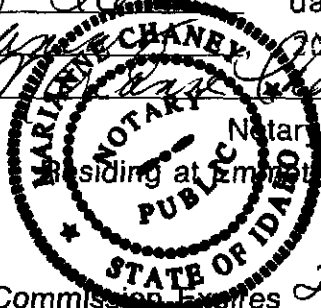
AFFIDAVIT OF PUBLICATION

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
Jan 19, 2000,
and ending with the issue of
Jan 26, 2000
Dixie L. Thome

Subscribed and sworn to me this
24th day of
January, 2000



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:

65-13926

TRITTHART, DONALD L
TRITTHART, CONNIE M
TRITTHART TRUST
6400 W S SLOPE RD
EMMETT, ID 83617

Source: GROUNDWATER

Diversion Pt: NESE Sec 16 T 06N R 02W in GEM County

Use:	IRRIGATION	{	0.060	CFS
	STOCKWATER	{	0.020	CFS
	DOMESTIC	{	0.100	CFS
	Total Diversion:	{	0.180	CFS

Date Filed: 12/16/1999

In: GEM County
T06N R02W S16 NESE NWSE

2.0 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 FEBRUARY 7, 2000. The protestant must also
send a copy of the protest to the applicant.

Pub.: 1-19, 26, 2000

Legal Notice No. 8830

Published in the Messenger Index

MICROFILMED

JAN 27 2000

SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 01/07/00
Time: 14:25:26

Water Right Number: 65-13926

Comment Date: 1/ 7/2000 User ID: LGRAVES

Subject: MISC_____

Per Applicant: Stockwater use for 60 cows, domestic use for four
homes, irrigation use for four lawns._____

Per IDWR: Drilling permit upgrade requested 1/7/2000._____

(Enter=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

MICROFILMED

OCT 12 2000

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13926

TRITTHART, DONALD L
TRITTHART, CONNIE M
TRITTHART TRUST
6400 W S SLOPE RD
EMMETT, ID 83617

Source:GROUNDWATER

Diversion Pt: NESE Sec 18 T 06N R 02W In GEM County.

Use:	IRRIGATION	(	0.060	CFS)
	STOCKWATER	(	0.020	CFS)
	DOMESTIC	(	0.100	CFS)
	Total Diversion:	(	0.180	CFS)

Date Filed: 12/16/1999

In: GEM County
T06N R02W S18 NESE NWSE

2.0 ACRES TOTAL

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KARL J. DREHER
Director

Pub.: 1 - 19, 26, 2000

Legal Notice No. 3820
Published in the Messenger Index

See -
Please proof
Call w/proof
Mann
MICROFILMED

OCT 12 2000



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

JANUARY 12, 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 FEBRUARY 7, 2000.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

RECEIVED BY 1-12-00

12 2000

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

1977 1 / 2900

65-13926

TRITTHART, DONALD L
TRITTHART, CONNIE M
TRITTHART TRUST
6400 W S SLOPE RD
EMMETT, ID 83617

Source: GROUNDWATER

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

Use: IRRIGATION	(	0.060 CFS)
STOCKWATER	(	0.020 CFS)
DOMESTIC	(	0.100 CFS)
Total Diversion:	(	0.180 CFS)

Date Filed: 12/16/1999

In: GEM County
T06N R02W S18 NESE NWSE

2.0 ACRES TOTAL

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

MICROFILMED

NOV 12 2000

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KARL J. DREHER, Director

Published: 1/19/2000 & 1/26/2000

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OCT 12 2000