

T15N P/D + P/U
R4E no Gov Lts
SEC 4 in NESE
NESE

810-4810



95

rec



75



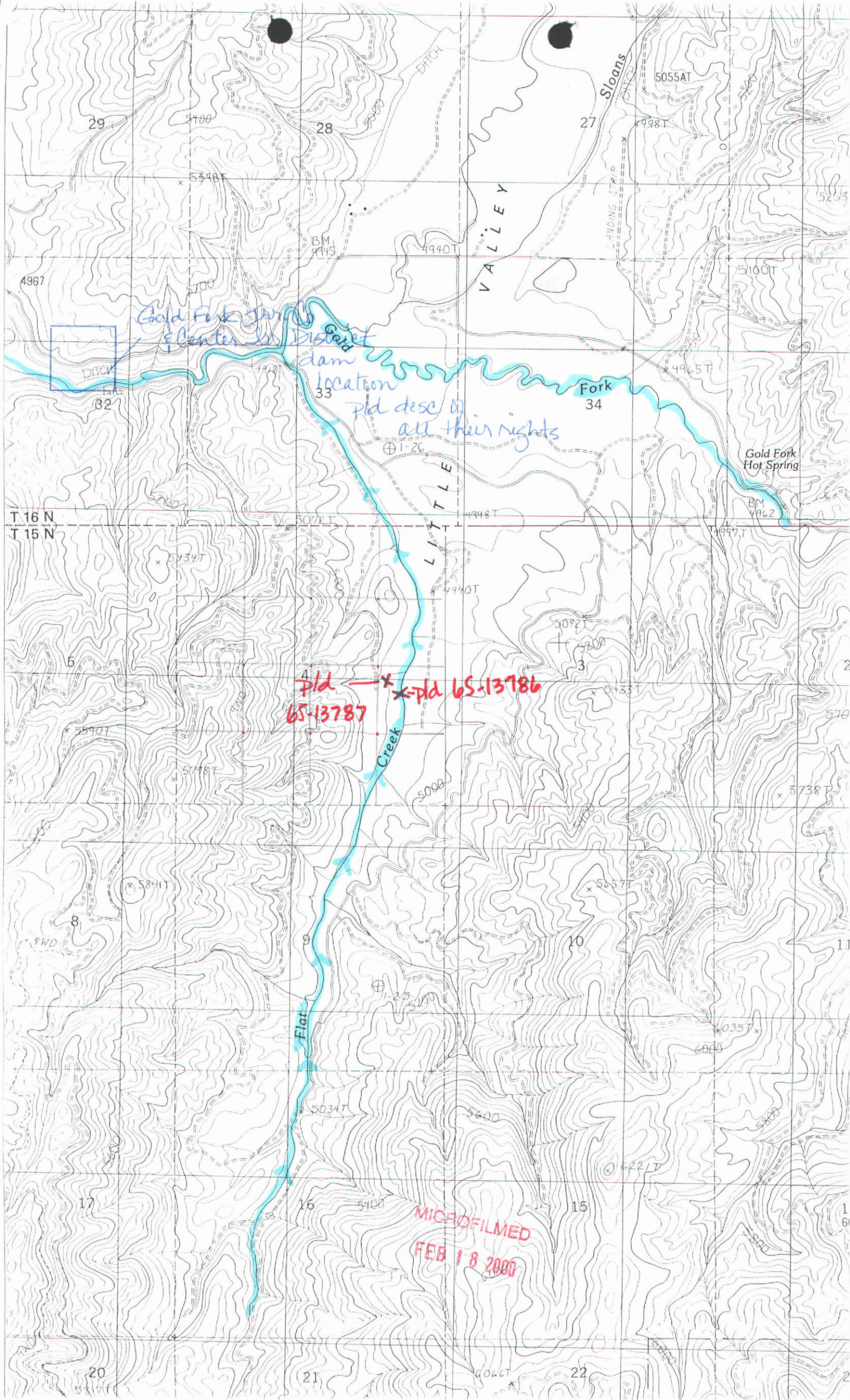
N ↑



Possible
Point?

MICROFILMED
FEB 18 2000

JUSTICE
POND



**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 1/8/00

No. 65-13786 Name: justice Corp. Officers N/A Ad ok ✓ Govt Lots _____

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

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

~~WMD~~

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag -
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 1 / 01 / 2002

MISC CONDITIONS/REMARKS:

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

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response _____

In/Above MSF - WB9

PLANNING SECTION REVIEW/RESPONSE _____

In-stream development - P52

WD - R04 (WD# 65)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

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

RIVER BASINS: (SW special considerations)

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

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2400 gpd - meets domestic definition
i.e. D/convenience store)

IRRIGATION SEASON _____ - _____ (Per updated map)

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

GOLD FORK IRRIGATING CO.

&

CENTER IRRIGATION DISTRICT

P.O. Box 458

Donnelly ID 83615

1-208-325-8851

12252 HWY 55

Donnelly, ID 82615

1-208-382-4597

RECEIVED

MAY 27 1998

WATER RESOURCES
WESTERN REGION

May 19, 1998

0023927 K6

Mr. Karl J. Dreher, Director
Department of Water Resources
Western Region
2733 Airport Way
Boise, Idaho 83705

Dear Mr. Dreher:

Enclosed is \$25.00 protest fee for the Gold Fork Irrigating Company and Center Irrigation District's protest of the request permit # 65-137, of Justice, Michael, P.O. Box 487, Meridian, ID 83600-487, to divert water from SPRINGS, Tributary FLAT CREEK Township 15 North, Range 04 East in Valley County, Idaho.

We believe that we have a prior water right as per Section 42-203 A Idaho Code.

Sincerely,


Glenn Loomis

Secretary - Treasurer
Gold Fork Irrigating Co.


Howard Gestrin

Chairman
Center Irrigation District

cc: Michael Justice
P.O. Box 487
Meridian, Idaho 83680-0487

65-137
JUSTICE, MICHAEL
PO BOX 487
MERIDIAN, ID 83600487

Source: SPRINGS
Tributary: FLAT CREEK
Diversion Pt: NWNESE Sec 4 T 15N
R 04E in VALLEY County.

Use: STOCKWATER STORAGE
(20.00 AF)
WILDLIFE STORAGE
(20.00 AF)
RECREATION STORAGE
(20.00 AF)
DIVERSION TO STORAGE
(0.200 CFS)
Total Diversion: 0.200 CFS)

Date Filed: 3/30/1998
In: VALLEY County
T15N R04E S04 NESE

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 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 on or before MAY 26, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
Publish 5/6 & 5/13

MICROFILMED

FEB 18 2000

5/21/98 KG
W023907

GOLD FORK IRRIGATING CO.

&

CENTER IRRIGATION DISTRICT

**P.O. Box 458
Donnelly ID 83615
1-208-325-8851**

**12252 HWY 55
Donnelly, ID 82615
1-208-382-4597**

RECEIVED

May 19, 1998

MAY 21 1998

WATER RESOURCES
WESTERN REGION

Mr. Karl J. Dreher, Director
Department of Water Resources
Western Region
2733 Airport Way
Boise, Idaho 83705

Dear Mr. Dreher:

Enclosed is \$25.00 protest fee for the Gold Fork Irrigating Company and Center Irrigation District's protest of the request permit #65-13786, of Justice, Michael, P.O. Box 487, Meridian, ID 83600-487, to divert water from Flat Creek; Tributary Gold Fork River in Section 4, Township 15 North, Range 04 East in Valley County, Idaho.

We believe that we have a prior water right as per Section 42-203 A Idaho Code.

Sincerely,


Glenn Loomis

Secretary - Treasurer
Gold Fork Irrigating Co.


Howard Gestrin

Chairman
Center Irrigation District

cc: Michael Justice
P.O. Box 487
Meridian, Idaho 83680-0487

65-13786
JUSTICE MICHAEL
PO BOX 487
MERIDIAN, ID 836800487

Source: FLAT CREEK
Tributary: GOLD FORK RIVER
Diversion Pt: NESE
Sec 4 T 15N R 04E in VALLEY County
Use: STOCKWATER STORAGE (20.00 AF)
WILDLIFE STORAGE (20.00 AF)
RECREATION STORAGE (20.00 AF)
FIRE PROTECTION (0.200 CFS)
DIVERSION TO STORAGE (0.200 CFS)

Date filed: 3/30/98
In: VALLEY COUNTY
T15N R04E S04 NESE
Applicant agrees to mitigate consumptive use in the future as needed.

MICROFILMED

FEB 18 2000

FOR OFFICE USE ONLY
 Amt. of Fee \$: 50.00
 Receipt No: CD58803
 Receipt By: J. Masi
 Date Received: 1/2/02
See Rec'd 12/31/01
RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEC 26 2001

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. 65-13786 Telephone No. (208) 888-9161
2. Name of Permit Holder(s): Michael Justice
3. Mailing Address: P.O. Box 487
Meridian State ID Zip 83680
Flat Creek (Trib.
4. Source of Water: of Gold Fork River) 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): cattle (various) (20AF)
Irrigation (No. of acres): _____ Other: wildlife storage (20AF); recreation storage (20AF)
Fire protection (.20cfs)
- 6 Total rate of diversion and/or volume for which proof is submitted: .20 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 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: Michael Justice Telephone Number: (208) 888-9161
Address P.O. Box 487, Meridian, ID 83680
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: 12/21/01
(include your title, if on behalf of company or organization)

MICROFILMED
FEB 04 2002

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13786

Priority: March 30, 1998

Maximum Diversion Rate:

0.20 CFS

This is to certify, that **MICHAEL JUSTICE**

PO BOX 487

MERIDIAN ID 83680-0487

has applied for a permit to appropriate water from:

FLAT CREEK

tributary of **GOLD FORK RIVER**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31		20.0 AF
WILDLIFE STORAGE	01/01 to 12/31		20.0 AF
RECREATION STORAGE	01/01 to 12/31		20.0 AF
FIRE PROTECTION	01/01 to 12/31	0.20 CFS	
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
	Totals	0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 4, Township 15N, Range 04E
VALLEY County

PLACE OF USE: STOCKWATER STORAGE

TWN RGE SEC

15N 04E 4

NESE

PLACE OF USE: FIRE PROTECTION, same as STOCKWATER STORAGE use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **January 1, 2002**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this right may be affected by an agreement between the protestant and the right holder.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
6. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.

MICROFILMED

FEB 18 2000

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 65-13786

CONDITIONS OF APPROVAL AND REMARKS

7. 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.
8. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
9. When water is not flowing over the dam in Gold Fork Creek, the water right holder shall cease diverting water for storage and shall provide access to the ditch rider of either Center Irrigation District or Gold Fork Irrigating Co. so that the ditch rider can monitor the right holder's non-diversion of water. The water right holder shall construct the water supply line to the storage pond with a valve and mechanism to accept a padlock or other locking device for use by the ditch rider to prevent delivery of water to the pond when water is not flowing over the dam in Gold Fork Creek.
10. Stockwater storage is for 100 range cattle.
11. Recreation storage is for a pond.

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

17th day of January, 2000.


for
Karl J. Dreher, Director

MICROFILMED

FEB 18 2000

RECEIVED

DEC 29 1999

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 65-13786

888-9161 WK

1. Name of Applicant MICHAEL JUSTICE Phone 322-6332 HM
 Post Office address PO BOX 487 MERIDIAN 83680-0487

2. Source of water supply FLAT CREEK which is a tributary of GOLD FORK

3. Location of point of diversion is 1/4 of NE 1/4 of SE 1/4, Govt. Lot _____
 Sec. 4 Township 15N Range 4E B.M. * Valley County; additional points of
 diversion if any: _____

4. Water will be used for the following purposes:

Amount 20 for STOCK STOR purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)

Amount 20 for WILDLIFE STOR purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)

Amount 20 for REC STOR purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)

Amount 20 for FIRE PROT 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) 2 and/or (b) 20
 cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. pump, pipe

b. Height of storage dam 6' feet; active reservoir capacity 20 acre-feet; total
 reservoir capacity 20 acre-feet; period of year when water will be diverted to storage:
1/1 to 12/31 inclusive.

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

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

e. If well is already drilled, when? _____; Drilling firm _____:

Well was drilled for (well owner) _____

7. Time required for completion of works and application of water to proposed beneficial use is 2 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. 100 beef

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. MICHAEL

e. Other; describe fully. FEB 18 2000

** No fire protection storage, as per applicant in tel. conv. on 1/14/1998. TTT

* County added as per USGS Quad. on 1/14/1998. TTT

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	
15N	4E	4													SS				
															WS				
															RS				
															ES				
															SR				
															B				

Total number of acres to be irrigated _____

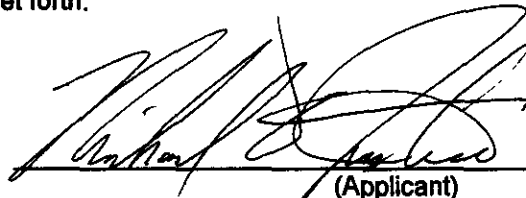
10. Describe any other water rights used for the same purposes as described above. SPRINGS

11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? "
- c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: _____

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

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.


(Applicant)

Received by g Date 3/30/98 Time 3 PM Preliminary check by DR
 Fee \$ 50 Receipted by g # W023631 Date 3/30/98
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

MOORE

APR 5 10 2000

Ident. No. 65-13786

Comments: Date: 4/20/1998 User-ID: MMINICUC

Subject: Concurrent application

Application for same uses (except fire protection) filed at the same time on springs trib. to Flat Creek. Springs and Creek will both be used to fill the pond, but only a live flow from Flat Creek will be used for fire protection.

Comments: Date: 4/20/1998 User-ID: MMINICUC

Subject: Addl info

As per tel. conv. with applicant on 04/17/1998, detailed drawing of pond and discharge structure will be submitted (by 04/21/1998)

Comments: Date: 4/20/1998 User-ID: MMINICUC

Subject: Contact No.

The applicant's work telephone number is 888-9161.

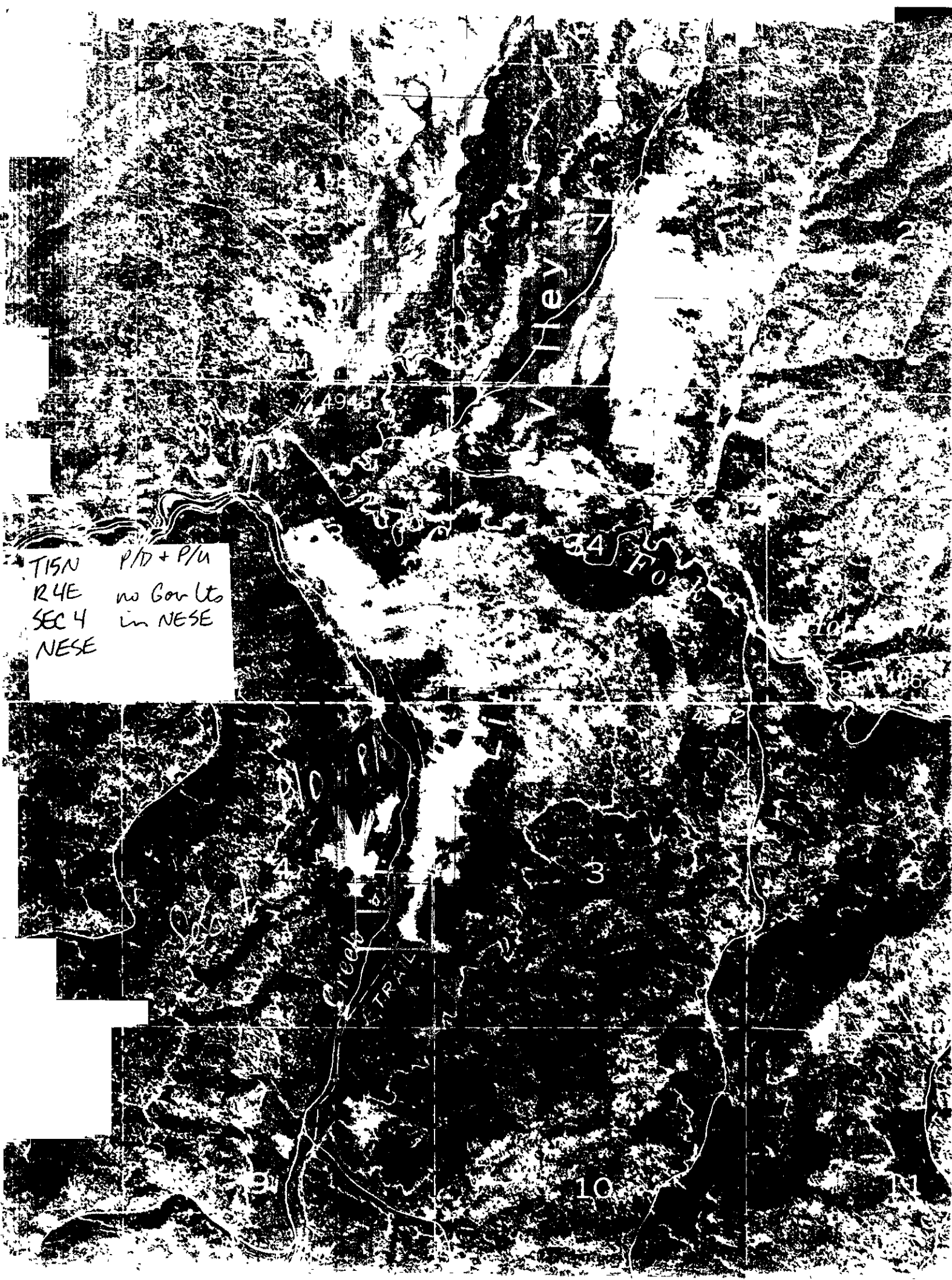
* 04/20/1998 TTTTINICUC

Stock water is for 100 beef cattle

MICHAEL J.

FEB 18 2000

* data base updated 04/20/1998, TTTT.



T15N P/D + P/U
R4E no Gov Lts
SEC 4 in NESE
NESE



136 E. IDAHO ST. • P.O. BOX 487 • MERIDIAN, ID 83680-0487
NATIONAL CUSTOMER SERVICE HOTLINE 800-243-2948

FAX COVER SHEET

Route To: Maria Minicucci
Company: Idaho Dept Water Resources

Fax Number: (208) 334-2348

From: Michael Justice
Date: 4-21-98 Time: 9:30 a.m.

Fax Number: (208) 888-9173

This is page one of 2 page(s)

Remarks: _____

Maria
Here is the rough drawing I have
in mind for my pond. If you have any
questions please give me a call. 208-888-9161
Thanks for your help.

A handwritten signature, likely of Michael Justice, written in dark ink.

2 ←

52

Possible Point?

SEP 18 2003

Maximum depth 15' in one spot

Narrow Gauge Railroad Bed - becomes bank + sporting clays road

Justice
POND

W. A. Creek



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

January 15, 2002

MICHAEL JUSTICE
PO BOX 487
MERIDIAN ID 83680

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13786

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.

Additionally, I noticed that you previously filed a Request for Extension of Time with the Department for water right 65-13787. I made a mistake on the cover letter for that request referencing water right 65-13786. I want to reassure you that water right 65-13787 was granted the extension.

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

MICROFILMED

Encl.
c: IDWR - Regional Office (w/encl.)

FEB 04 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No · 65-13786

Reviewed By· dgibson

Date: January 16, 2002

	<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 .		C058803	Well driller's report filed?		X
Additional Amount Due.			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	12/26/2001
Date proof due	- 01/01/2002
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 03/30/1998
New priority date	= 03/30/1998

Deficiencies of Actions Items

Acknowledge proof

October 31, 2001

MICHAEL JUSTICE
PO BOX 487
MERIDIAN, ID 836800487

PROOF DUE NOTICE

RE: PERMIT NO. 65-13786

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.

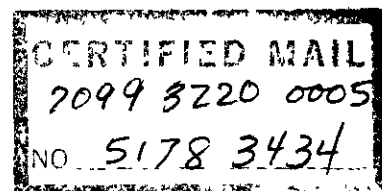
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED
FEB 04 2002





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

January 18, 2000

MICHAEL JUSTICE
PO BOX 487
MERIDIAN ID 83680-0487

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13786

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.

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

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

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

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

MICROFILMED
FEB 18 2000

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

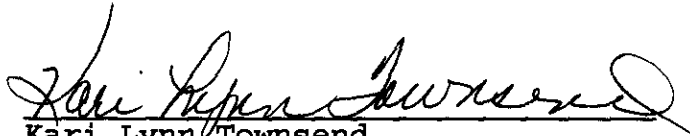
MICRO MED
FEB 18 2000

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of **January, 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. 65-13786

**MICHAEL JUSTICE
PO BOX 487
MERIDIAN ID 83680-0487**


Kari Lynn Townsend
Secretary

M.C. CHILMOTT
FEB 18 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.

MOBO LMD

FEB 18 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

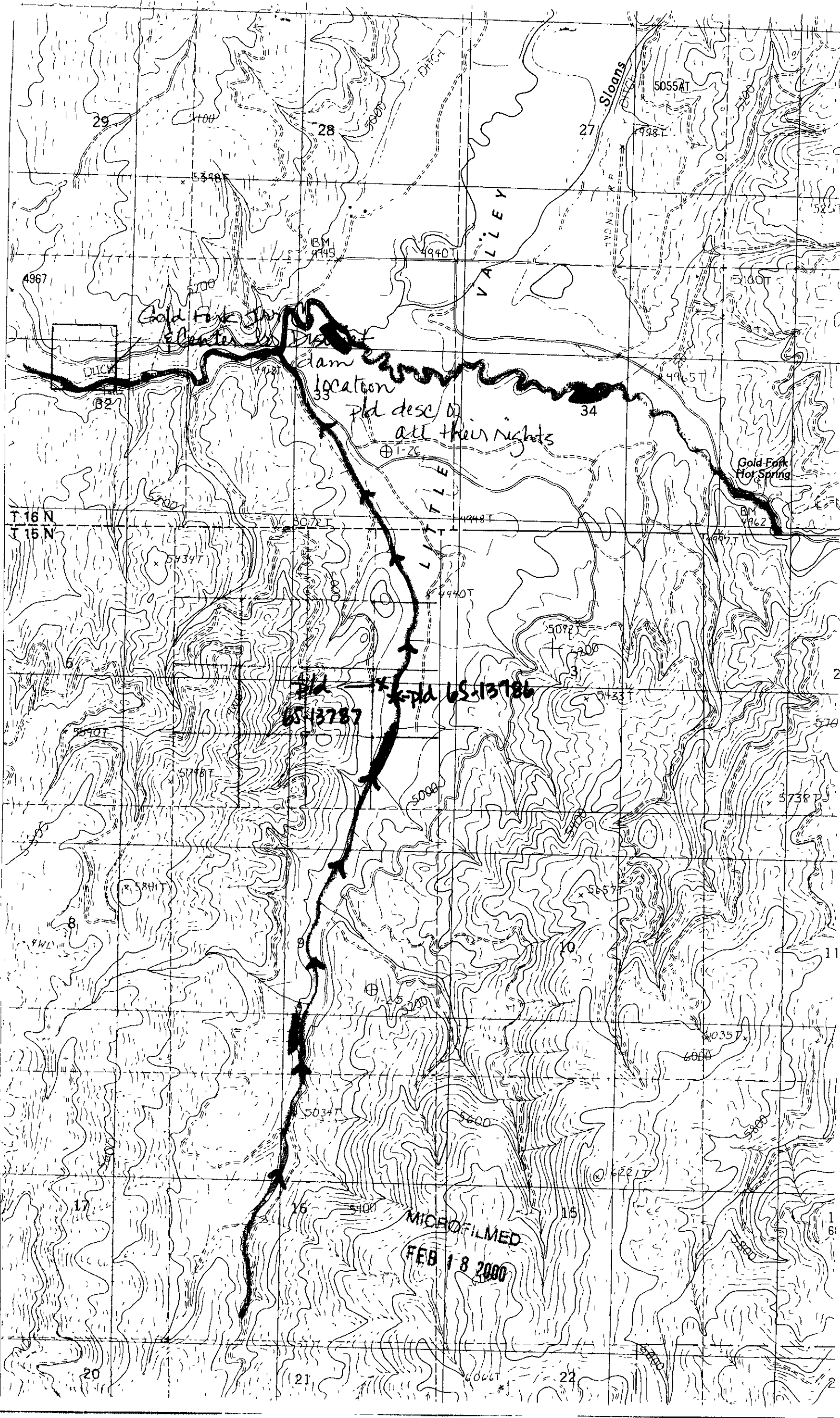
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

MICROFILMED

FEB 18 2000



Gold Fork River
Sloans Creek

dam location
pld desc of
all their rights

pld 6543787
pld 6543786

MICROFILMED
FEB 18 2000

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 1/8/00

No. 65-13786 Name: Justice Corp. Officers N/A Ad ok _____ Govt Lots _____

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

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 085
Irr w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag -
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons > 1.0 cfs)

USES:

STORAGE - 18A-001(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT - 077

BENEFICIAL USE DUE: 1/1/01 12007

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 264(P17)
Ownership - 004 -
Non-consumptive - 027
Water Quality - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response _____
In/Above MSF - WB9
PLANNING SECTION REVIEW/RESPONSE _____
In-stream development - P52
WD - R04 (WD# 6.5)
≤ 0.20 cfs/others - 01P or No MD
> 0.20 cfs - 01J(1.66)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

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

RIVER BASINS: (SW special considerations)

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

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2400 gpd - meets domestic definition
i.e. D/convenience store)

IRRIGATION SEASON _____ - _____ (Per updated map)

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

Z 273 761 130

US Postal Service

Receipt for Certified Mail

CHARLES W FAWCETT
ATTORNEY AT LAW
PO BOX 700
BOISE ID 83701

PS Form **3800**, April 1995

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)

1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*)

2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article

3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article

5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811

6 Save this receipt and present it if you make an inquiry

102596-97-B-0145

PS Form 3800, April 1995 (Reverse)

P 414 388 454

US Postal Service

Receipt for Certified Mail

**HOWARD GESTRIN
CENTER IRRIG DIST
12252 HIGHWAY 55
DONNELLY ID 83615**

Postage	\$ 4.40
Certified Fee	\$ 1.30
Special Delivery Fee	\$ 1.80
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)

1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge)

2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article

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4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article

5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811

6 Save this receipt and present it if you make an inquiry

Z 273 76J 127

US Postal Service
Receipt for Certified Mail

MICHAEL JUSTICE
PO BOX 487
MERIDIAN ID 83680-0487

PS Form **3800**, April 1995

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	8
Return Receipt Showing to Whom, Date, & Addressee's Address	2000
TOTAL Postage & Fees	\$ 2.98
Postmark or Date	

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)

1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*)

2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article

3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

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6 Save this receipt and present it if you make an inquiry

102595-97-B-0145

PS Form 3800, April 1995 (Reverse)

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- ☐ Complete items 1 and/or 2 for additional services
Complete items 3, 4a, and 4b
☐ Print your name and address on the reverse of this form so that we can return this card to you
☐ Attach this form to the front of the mailpiece, or on the back if space does not permit
☐ Write "Return Receipt Requested" on the mailpiece below the article number
☐ The Return Receipt will show to whom the article was delivered and the date delivered

65-13786
I also wish to receive the following services (for an extra fee)

- 1 ☐ Addressee's Address
2 ☐ Restricted Delivery

3 Article Addressed to

HOWARD GESTRIN
CENTER IRRIG DIST
12252 HIGHWAY 55
DONNELLY ID 83615

4a Article Number

P 414 388 454

4b Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7 Date of Delivery

9.11.99

5 Received By (Print Name)

Howard Gestrin FEB 1

6 Signature (Addressee or Agent)

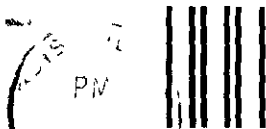
Howard Gestrin

8 Addressee's Address (Only if requested and fee is paid)

87000

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY
BOISE, IDAHO 83709

FEB 18 2003

RECEIVED

SEP 13 1999

WATER RESOURCES
WESTERN REGION

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- ☐ Complete items 1 and/or 2 for additional services
Complete items 3, 4a, and 4b
☐ Print your name and address on the reverse of this form so that we can return this card to you
☐ Attach this form to the front of the mailpiece, or on the back if space does not permit
☐ Write "Return Receipt Requested" on the mailpiece below the article number
☐ The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

- 1 ☐ Addressee's Address
2 ☐ Restricted Delivery

3 Article Addressed to

MICHAEL JUSTICE
PO BOX 487
MERIDIAN ID 83680-0487

4a Article Number

2 273 761 127

4b Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7 Date of Delivery

9-10-99

5 Received By (Print Name)

AMSKA
Signature (Addressee or Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Postage

PL1



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705

MICROFILMED

FEB 18 2000

RECEIVED

SEP 13 1999

WATER RESOURCES
WESTERN REGION

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- ☐ Complete items 1 and/or 2 for additional services
Complete items 3, 4a, and 4b
☐ Print your name and address on the reverse of this form so that we can return this card to you
☐ Attach this form to the front of the mailpiece, or on the back if space does not permit
☐ Write "Return Receipt Requested" on the mailpiece below the article number
☐ The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

- 1 ☐ Addressee's Address
2 ☐ Restricted Delivery

3. Article Addressed to

CHARLES W FAWCETT
ATTORNEY AT LAW
PO BOX 700
BOISE ID 83701

4a. Article Number

2 273 761 130

4b. Service Type

- ☐ Registered ☐ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

SEP 10 1999

5. Received By (Print Name)

6. Signature (Addressee or Agent)

Charles W Fawcett

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-99-B-0223

Domestic Return Receipt

Thank you for using Return Receipt Service.

65-13786

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED

SEP 13 1999

**WATER RESOURCES
WESTERN REGION**

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705

*MICROFILMED
FEB 18 2000*

06



3/98

RECEIVED

DEC 29 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

ADVERTISING

DELAY

N/A
4/21/98
-92DEPARTMENT OF WATER RESOURCES
INITIAL REVIEW BY: nnDATE: 4/14/1998APPLICATION: 65-13786REQUIRED 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: Added per USGS Quad
- ☐ 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:

NO	P/D
NO	P/U

☒ ADVERTISE REMARK(S)

(Reviewer identify which remarks)

Mitigation of
Cons. UseADDITIONAL INFORMATION

YES NO

☒ T FLAG CHANGED TO P FLAG

nn 04/23/1998

☒ T FLAG SET

nn 04/20/1998

- ☐ ☒ Overlapping place of use: (Describe source & relationship to present application on next page.) See next page
- ☐ ☒ Overlapping point of diversion.
- ☐ ☒ Critical groundwater area:
- ☐ ☒ Groundwater management area:
- ☐ ☒ 1992 moratorium:
- ☒ ☐ Bull trout impact area known absent
- ☒ ☐ 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:
- ☐ ☒ Send 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

done
04/21/1998
Copy in File

outflow of pond, dimensions of structure. Fine protection directly
from pond creek or put into pond first? Directly from creek
04/17/1998 by Tel: Detailed drawings to be submitted. nn
04/14/1998 by Tel.

Date Requested

Date Response Received

PROCESSING

APP. NO. 65-13786

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. # _____
☐ ☒ 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 5-26-98
☒ ☐ Protests received.
☒ ☐ Recommendations attached:
☒ ☐ Measuring device required:
☐ ☒ Measuring port required:
☐ ☒ Water delivered by water master? District # _____
☒ ☐ Special conditions of approval or cover letter: See memo dated 12/21/99

Non regulated source,
B65. NO H₂O MASTER
CONTACT.

☐ ☐ See below for additional information
Recommended Date or Priority 3/30/98
Recommended by: bars Date: 12/23/99

STATE OFFICE REVIEW _____

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

Simultaneous application for same pond from springs. Same applicant.

MEMORANDUM

To: File Nos. 65-13786 and 65-13787 in the Name of Michael Justice

From: Gary Spackman 

Re: Recommendations for Approval

Date: December 21, 1999

Application nos. 65-13786 and 65-13787 were protested by Center Irrigation District (Center) and Gold Fork Irrigating Company (Gold Fork). After conducting two prehearing conferences and after other negotiations with the parties, Center and Gold Fork withdrew their protests based on an agreement between the parties dated December 2, 1999. I recommend we approve the applications subject to the following conditions:

1. Center and Gold Fork own water rights diverted down stream from the points of diversion described in these water rights. A dam in Gold Fork Creek delivers water to the Center and Gold Fork ditches. When water is not flowing over the top of the dam, there is insufficient water to satisfy all water rights. Whenever water is not flowing over the dam: (a) the water right holder shall cease diverting water for storage; and (b) the water right holder shall provide access to the ditch rider of either Center or Gold Fork so that the ditch rider can monitor the water right holders non-diversion of water. Water right holders shall construct the water supply line to the storage pond with a valve and a mechanism to accept a padlock or other locking device. When water is not flowing over the dam, the ditch rider may install a lock on the supply line valve preventing delivery of water to the pond. When water is again flowing over the dam, the ditch rider shall remove the lock. The ditch rider will have the only key to the lock.
2. This water right shall be under the control of the watermaster for water district no. 65, Payette River.
3. (121).

MICROFILMED
FEB 18 2000

RECEIVED

DEC 09 1999

WATER RESOURCES
WESTERN REGION

SKINNER FAWCETT
LAW OFFICES

RICHARD A. SKINNER
CHARLES W. FAWCETT
DENNIS GIBALA
ROBERT E. KYTE

515 SOUTH 6TH STREET
POST OFFICE BOX 700
BOISE, IDAHO 83701
TELEPHONE (208) 345-2663
TELECOPIER (208) 345-2668
E-MAIL cfawcett@skinnerfawcett.com

December 8, 1999

Gary Spackman
Dept of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RE: Application for Water Right No. 65-13786 and 65-13787 (Michael Justice)

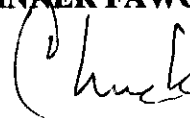
Dear Gary

Enclosed please find a fully executed original counterpart of the Agreement between Mike Justice, Center Irrigation Dist., and Gold Fork Irrigating Co. I am hopeful that by submission of this Agreement the Department will now be in a position to act upon Mike's applications.

Thank you for your cooperation. If there is anything further I can do, please do not hesitate to contact me

Very truly yours,

SKINNER FAWCETT



CHARLES W. FAWCETT

CWF/slm
enclosure
c: Mike Justice

MICROFILMED
FEB 18 2000

AGREEMENT

THIS AGREEMENT is entered into this 2ND day of DECEMBER, 1999, by and between MICHAEL JUSTICE (hereinafter "Justice"), and CENTER IRRIGATION DISTRICT (hereinafter "Center"), and GOLD FORK IRRIGATING COMPANY (hereinafter "Gold Fork").

WHEREAS, Justice filed with the Idaho Department of Water Resources (hereinafter "IDWR"), two (2) applications for permits to appropriate the public waters of the State of Idaho, namely Permit Nos. 65-13786 and 65-13787; and

WHEREAS, Center filed a protest to said applications and was joined in the protest by Gold Fork; and

WHEREAS, a Prehearing Conference was conducted by IDWR on October 5, 1998, during which the parties discussed their interests and concerns; and

WHEREAS, Center and Gold Fork have indicated a willingness to withdraw their protest to Justice's applications upon agreement with Justice to meet certain conditions, which conditions are acceptable to Justice; and

WHEREAS, the parties desire to memorialize the terms of their agreement;

NOW, THEREFORE, IT IS HEREBY AGREED BY JUSTICE, CENTER AND GOLD FORK AS FOLLOWS:

1. The foregoing recitals are hereby incorporated and made a part of this Agreement.
2. Justice acknowledges and agrees that Center and Gold Fork have a prior right to utilize water in Gold Fork Creek and its tributaries. Justice agrees that he will not knowingly infringe upon either Center's or Gold Fork's water rights.

3. Justice agrees that he will use only as much water as he actually needs to maintain the level in his proposed pond. Moreover, Justice agrees that at any time Center or Gold Fork need to use all of the water flowing in Flat Creek and other tributaries of Gold Fork Creek, he will stop his use of the water. (Typically, Center and Gold Fork are in need of all of the water for a period of 4-8 weeks, which period occurs in July and August each year.)

4. At such time each year as Center and/or Gold Fork need to use all of the water flowing in Flat Creek and other tributaries of Gold Fork Creek (when water is not flowing over the dam), the ditch rider shall install a lock on Justice's water line used for replenishment of the pond. The lock will remain in place until water again is flowing over the dam, at which time the lock will be removed. The ditch rider will have the only key to the lock.

5. Justice agrees to allow the ditch rider for either Center or Gold Fork access to his property so that the ditch rider can monitor Justice's compliance with the terms of this Agreement. Upon request, Justice will provide to the ditch rider the current access code or keys as needed to access the Justice property at any time when water is not flowing over the dam.

6. Justice, Center and Gold Fork all agree to keep one another apprised of how each may be contacted. Until further notice, each party may be reached as follows:

a. Justice
136 E. Idaho St.
P.O. Box 487
Meridian, ID 83680-0487
(208) 888-9161 or 890-4709
(208) 888-9173 (FAX)

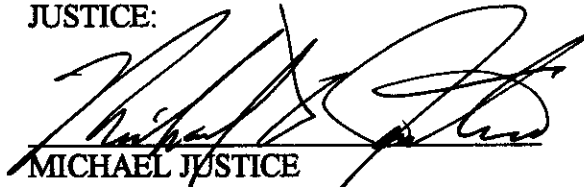
b. Center
12252 Hwy 55
Cascade, Idaho 83611
(208) 382-4597

- c. Gold Fork
P.O. Box 458
Donnelly, ID 83615
(208) 325-8851

7. In the event either party is in breach of this Agreement, the defaulting party agrees to reimburse the non-defaulting party for all reasonable attorney's fees incurred by the non-defaulting party in connection with any reasonably necessary action taken to remedy such breach. Either party may petition the IDWR for relief in the event of a violation of the Agreement. Violation of the Agreement by Justice may be grounds for revocation of Justice's permit. Violation of the Agreement by Center and/or Gold Fork may be addressed by the IDWR as it deems appropriate.

8. Center and Gold Fork agree that, based upon the terms of this Agreement, they hereby withdraw their protest to the Applications for Permit Nos. 65-13786 and 65-13787.

JUSTICE:


MICHAEL JUSTICE

CENTER:


HOWARD GESTRIN

GOLD FORK:


JOHN DALE (Chairman)

GLENN LOOMIS (Secretary)

CENTER IRRIGATION DISTRICT & GOLDFORK IRRIGATING CO.

Record of water flow for years 1990 - 1999

Between dates, all water is diverted through the canal for irrigating purposes.

July 12,1990	Low water flow	Oct. 1,1990
July 17,1991	Low water flow	Oct. 21,1991
July 15,1992	Low water flow	Oct. 08,1992
Aug. 06,1993	Low water flow	Sept. 13,1993
June 25,1994	Low water flow	Oct. 22,1994
Aug. 15,1995	Low water flow	Sept. 07,1995
Aug. 09,1996	Low water flow	Sept. 07,1996
Aug. 23,1997	Low water flow	Sept. 10,1997
Aug. 08,1998	Low water flow	Sept. 07,1998
Aug. 08,1999	Low water flow	Sept. 26,1999

M.C.R.D.

FEB 18 2000

CENTER IRRIGATION DISTRICT

12252 HWY 55
Cascade, ID 83611

August 03,1999

Skinner Fawcett
515 6th. Street
P.O. Box 700
Boise, ID 83701

Re: Michael Justice water right application.

Gentleman:

This is in response to your letter dated July 29,1999.

We object to the word reasonable being added to paragraph five, because we wish to reserve the right to see that water is not pumped at night during water shortage.

We insist the Ditch Rider have access to pump site at all times during the irrigating season to monitor pumping the water by the Justices.

We will not withdraw our protest unless we are assured that these conditions will be met.

CENTER IRRIGATION DISTRICT

HOWARD GESTRIN

MICRO

FEB 18 2000

ROSTER OF ATTENDANCE

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

Re: Application for Permit No. 65-13786 and 65-13787 in the Name of Michael Justice

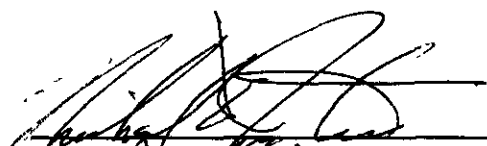
Place: McCall City Hall, American Legion Hall conference room, McCall, Idaho

Date: Wednesday, October 20, 1999

Conducted by: Gary Spackman

NAME

ADDRESS


Charles W. Furgett, P.O. Box 700, Boise, ID 83701
Vaughn E. Jackson 3811 Country Club Drive, Lewiston ID 83501
Ethel M. Hall 12091 Cascade, ID 83611
Howard Bestman 12344 Hwy 55 Donnelly, Idaho 83615
Hanna Lentini 12252 HWY 55, Cascade, 83611
Albert Bestman 12252 HWY 55 Cascade, ID 83611

MICR

FEB 18 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR PERMIT NOS. 65-13786 AND)
65-13787 IN THE NAME MICHAEL)
JUSTICE.)**

NOTICE OF HEARING

On March 30, 1998, Michael Justice filed with the Idaho Department of Water Resources (IDWR) application for permit nos. 65-13786 and 65-13787. The applications were protested by Center Irrigation District and Gold Fork Irrigation Co. The pre-hearing conference held by IDWR on Monday, October 5, 1998, did not resolve the matter of protest. Gold Fork Irrigation Co. subsequently withdrew its protest

IDWR has scheduled the matter for hearing on **Wednesday, October 20, 1999, at 9:00 a.m. at the McCall City Hall, American Legion Conference Room, 216 Park St., McCall, Idaho 83638**. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of Procedure of the Department. A copy of the rules may be obtained from the IDWR upon request. The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01.606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing 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.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 9th day of September, 1999.



GARY SPACKMAN

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of September, 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

CERTIFIED MAIL

**MICHAEL JUSTICE
PO BOX 487
MERIDIAN ID 83680-0487**

**HOWARD GESTRIN
CENTER IRRIG DIST
12252 HIGHWAY 55
DONNELLY ID 83615**

**CHARLES W FAWCETT
ATTORNEY AT LAW
PO BOX 700
BOISE ID 83701**

MICROFILMED
FEB 18 2000

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.

RECORDED
FEB 18 2000

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.

MICRO MED

FEB 18 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

September 1, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MCCALL CITY HALL
PO BOX 986
MCCALL ID 83638

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Department of Water Resources at the McCall City Hall, American Legion conference room on Wednesday, October 20, 1999, at 9:00 a.m. and to cancel the previous reservation on Wednesday, September 22, 1999.

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

MICROFILMED
FEB 18 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

August 26, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

HOWARD GESTRIN
CENTER IRRIGATION DIST
12252 HIGHWAY 55
DONNELLY ID 83615

CHARLES W FAWCETT
ATTORNEY AT LAW
PO BOX 700
BOISE ID 83701

Re: Application for Water Right Nos. 65-13786 and 65-13787 in the Name of Michael Justice

Gentlemen:

The purpose of this letter is to inform you that the conference scheduled for Thursday, August 19, 1999, is canceled. I anticipate conducting another proceeding on September 22, 1999, in McCall, Idaho.

A second purpose for this letter is to ask whether a second prehearing conference is appropriate at this juncture. The parties have communicated about settlement anticipating the August 19, 1999 prehearing conference, and I have been told that the parties are unable to resolve their differences. My inclination at this point is to schedule a hearing rather than a conference so that this matter can be resolved. Unless you can persuade me that another conference may result in a settlement, I will send out a notice of hearing within two weeks of the date of this letter. We can informally discuss settlement at the time for the hearing if the parties desire.

Respectfully,

Gary Spackman

GS:st

CC: Michael Justice

MICROFILMED
FEB 18 2000

SKINNER FAWCETT
LAW OFFICES

RICHARD A. SKINNER
CHARLES W. FAWCETT
DENNIS GIBALA
ROBERT E. KYTE

515 SOUTH 6TH STREET
POST OFFICE BOX 700
BOISE, IDAHO 83701
TELEPHONE (208) 345-2663
TELECOPIER (208) 345-2668
E-MAIL cfawcett@skinnerfawcett.com

July 29, 1999

Howard Gestrin
Center Irrigation District
12252 Hwy. 55
Cascade, ID 83611

RE: Michael Justice Water Rights Application

Dear Howard:

Thank you for your letter dated July 23, 1999.

With regard to your suggested change to paragraph 5, I have incorporated the wording you proposed although I have added the word "reasonable" to the time when the ditch rider will have access to the Justice property. I am sure that Center Irrigation District has no desire to disturb the Justice family in the middle of the night or at other "unreasonable" times.

With regard to your request to add a new paragraph 7 dealing with payment of legal costs, I believe your suggestion is a good one. I have included a paragraph which states that if either party violates the Agreement, the non-defaulting party will be entitled to collect its attorney's fees from the defaulting party. Such a reciprocal provision appears to be the most reasonable way to deal with the issue of legal fees.

On the assumption that the changes I have incorporated at your request are acceptable, please sign the three (3) copies of the Agreement, and then forward them to Glenn Loomis so that they can be signed on behalf of Gold Fork Irrigating Company. I will send a copy of this letter to Glenn Loomis to alert him to expect the revised versions of the Agreement, and I request that he sign all three (3) copies of the Agreement without delay so that a signed counterpart of the Agreement can be submitted to the Idaho Department of Water Resources well in advance of the scheduled Prehearing Conference now set for August 19, 1999. I will enclose a stamped, pre-addressed envelope for your use in forwarding the signed Agreements to Glenn, and I will also enclose another stamped, pre-addressed envelope for Glenn's use in returning the signed Agreements to me. When you forward the Agreements to Glenn, please enclose the envelope he will use to return the signed Agreements to me.

Thank you for your cooperation. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

SKINNER FAWCETT

CHARLES W. FAWCETT

CWF/slm

cc: Gary Spackman ✓
Mike Justice
Glenn Loomis

RECEIVED

JUL 30 1999

WATER RESOURCES
WESTERN REGION

MICROFILMED

FEB 18 2000

AGREEMENT

THIS AGREEMENT is entered into this ____ day of _____, 1999, by and between MICHAEL JUSTICE (hereinafter "Justice"), and CENTER IRRIGATION DISTRICT (hereinafter "Center"), and GOLD FORK IRRIGATING COMPANY (hereinafter "Gold Fork").

WHEREAS, Justice filed with the Idaho Department of Water Resources (hereinafter "IDWR"), two (2) applications for permits to appropriate the public waters of the State of Idaho, namely Permit Nos. 65-13786 and 65-13787; and

WHEREAS, Center filed a protest to said applications and was joined in the protest by Gold Fork; and

WHEREAS, a Prehearing Conference was conducted by IDWR on October 5, 1998, during which the parties discussed their interests and concerns; and

WHEREAS, Center and Gold Fork have indicated a willingness to withdraw their protest to Justice's applications upon agreement with Justice to meet certain conditions, which conditions are acceptable to Justice; and

WHEREAS, the parties desire to memorialize the terms of their agreement;

NOW, THEREFORE, IT IS HEREBY AGREED BY JUSTICE, CENTER AND GOLD FORK AS FOLLOWS:

1. The foregoing recitals are hereby incorporated and made a part of this Agreement.
2. Justice acknowledges and agrees that Center and Gold Fork have a prior right to utilize water in Gold Fork Creek and its tributaries. Justice agrees that he will not knowingly infringe upon either Center's or Gold Fork's water rights.

3. Justice agrees that he will use only as much water as he actually needs to maintain the level in his proposed pond. Moreover, Justice agrees that at any time Center or Gold Fork need to use all of the water flowing in Flat Creek and other tributaries of Gold Fork Creek, he will stop his use of the water. (Typically, Center and Gold Fork are in need of all of the water for a period of 4-8 weeks, which period occurs in July and August each year.)

4. If the ditch rider for Center and/or Gold Fork desires, he may notify Justice each year when Justice should stop using the water. Upon receiving such notice, Justice agrees to stop his use. Justice requests that each year which it becomes no longer necessary for Center and Gold Fork to use all of the water, he be notified so that he may then replenish the water in his pond.

5. Justice agrees to allow the ditch rider for either Center or Gold Fork access to his property so that the ditch rider can monitor Justice's compliance with the terms of this Agreement. Upon request, Justice will provide to the ditch rider the current access code or keys as needed to access the Justice property at any reasonable time during the irrigation season.

6. Justice, Center and Gold Fork all agree to keep one another apprised of how each may be contacted. Until further notice, each party may be reached as follows:

a. Justice
136 E. Idaho St.
P.O. Box 487
Meridian, ID 83680-0487
(208) 888-9161 or 890-4709
(208) 888-9173 (FAX)

b. Center
12252 Hwy 55
Donnelly, ID 83616
(208) 382-4597

c. Gold Fork
P.O. Box 458
Donnelly, ID 83615
(208) 325-8851

MICRO MILL

FEB 18 2000

7. In the event either party is in breach of this Agreement, the defaulting party agrees to reimburse the non-defaulting party for all reasonable attorney's fees incurred by the non-defaulting party in connection with any reasonably necessary action taken to remedy such breach.

8. Center and Gold Fork agree that, based upon the terms of this Agreement, they hereby withdraw their protest to the Applications for Permit Nos. 65-13786 and 65-13787

JUSTICE:

MICHAEL JUSTICE

CENTER:

HOWARD GESTRIN

GOLD FORK:

JOHN DALE (Chairman)

GLENN LOOMIS (Secretary)

MIC 10 1 8 2000
FEB 18 2000

65-13786

SKINNER FAWCETT
LAW OFFICES

RICHARD A. SKINNER
CHARLES W. FAWCETT
DENNIS GIBALA
ROBERT E. KYTE

515 SOUTH 6TH STREET
POST OFFICE BOX 700
BOISE, IDAHO 83701
TELEPHONE (208) 345-2663
TELECOPIER (208) 345-2668
E-MAIL cfawcett@skinnerfawcett.com

July 16, 1999

RECEIVED

JUL 19 1999

**WATER RESOURCES
WESTERN REGION**

Howard Gestrin
Center Irrigation District
12252 Hwy 55
Donnelly, ID 83615

RE: Mike Justice Water Right Application

Dear Howard:

As you know, the Gold Fork Irrigating Co. has signed the Agreement I prepared last year. I have had Mike Justice sign three (3) counterparts of the Agreement, and those are enclosed.

Rather than spend further time attending hearings and conferences, I would sincerely appreciate it if you or another authorized representative of the Irrigation District would execute all three (3) Agreements. Thereafter, please retain one (1) of the Agreements for your records and return the other two (2) Agreements to me in the enclosed, stamped pre-addressed envelope. As soon as I receive the Agreements I will notify Gary Spackman of the Idaho Department of Water Resources that the Pre-hearing Conference now scheduled for August 19, 1999, can be cancelled. It would be appreciated if you could return two (2) of the enclosed Agreements by July 26, 1999.

Thank you for your cooperation.

Very truly yours,

SKINNER FAWCETT

CHARLES W. FAWCETT

CWF/slm
enclosure

cc. Gary Spackman- IDWR
Mike Justice ✓

MAILED

FEB 18 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-13786 IN THE)
NAME OF MICHAEL JUSTICE)
_____)

**NOTICE OF PREHEARING
CONFERENCE**

On March 30, 1999, Michael Justice 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 Center Irrigation District and Gold Fork Irrigation Co.

IDWR has scheduled a conference for the protest to be held on **Thursday, August 19, 1999, at 1:30 p.m. at the McCall City Hall, American Legion conference room, 216 Park St., McCall, Idaho 83638.** 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 1st day of July, 1999.

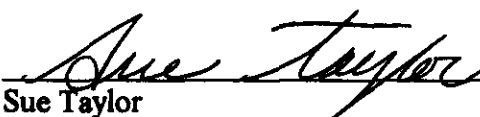


Gary Spackman

MICROFILMED
FEB 18 2000

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of July, 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

MICHAEL JUSTICE
PO BOX 487
MERIDIAN ID 83680-0487

HOWARD GESTRIN
CENTER IRRIG DIST
12252 HIGHWAY 55
DONNELLY ID 83615

CHARLES W FAWCETT
ATTORNEY AT LAW
PO BOX 700
BOISE ID 83701

NOTICE OF PREHEARING CONFERENCE 2

RECORDED
FEB 18 2000

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.

MICROFILM
FEB 18 2000

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.

RECEIVED
FEB 18 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

June 30, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

**GOLD FORK IRRIGATING COMPANY
JOHN DALE/GLENN LOOMIS
PO BOX 458
DONNELLY ID 83615**

Re: Application for Permit Nos. 65-13786 and 65-13787 in the Name of Michael Justice, Inc.

Dear Protestants:

This letter is to acknowledge the withdrawal of protest of the above-referenced application for permit of water right.

There are still protests remaining on this application, therefore the application will be held in our protest drawer until the protests can be resolved.

If you have any questions please call this office.

Sincerely,



Gary Spackman

GS:st

CC: Applicant
Howard Gestrin, Center Irrig. Dist.
Charles W. Fawcett, Attorney at Law

MICRO
FEB 18 2000

RECEIVED

JUN 21 1999

WATER RESOURCES
WESTERN REGION

GOLD FORK IRRIGATING COMPANY
LIMITED

June 17, 1999

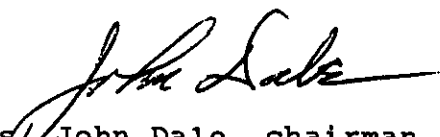
Skinner Fawcett
516 South 6th Street
Boise, Idaho 83701

PROTEST: MIKE JUSTICE APPLICATION

Attn: Chuck Fawcett

The Board of Directors of Gold Fork Irrigating Company at a meeting December 15, 1998 approved the "Agreement of release" of our protest of the application to the IDAHO DEPARTMENT OF WATER RESOURCES PERMIT NUMBERS 65-13786 and 65-13787.

We have delayed our response waiting for the "three copies" for our signatures.


/s/ John Dale, chairman


Glenn Loomis, Sec.

Enclosure

cc: Idaho Department of Water Resources

MICROFILMED

FEB 18 2000

RECEIVED

JUN 21 1999

WATER RESOURCES
WESTERN REGION

AGREEMENT

THIS AGREEMENT is entered into this 15 day of DECEMBER 1998, by and between MICHAEL JUSTICE (hereinafter "Justice"), and CENTER IRRIGATION DISTRICT (hereinafter "Center"), and GOLD FORK IRRIGATING COMPANY (hereinafter "Gold Fork").

WHEREAS, Justice filed with the Idaho Department of Water Resources (hereinafter "IDWR") two (2) applications for permits to appropriate the public waters of the State of Idaho, namely Permit Nos. 65-13786 and 65-13787; and

WHEREAS, Center filed a protest to said applications and was joined in the protest by Gold Fork; and

WHEREAS, a Prehearing Conference was conducted by IDWR on October 5, 1998, during which the parties discussed their interests and concerns; and

WHEREAS, Center and Gold Fork have indicated a willingness to withdraw their protest to Justice's applications upon agreement with Justice to meet certain conditions, which conditions are acceptable to Justice; and

WHEREAS, the parties desire to memorialize the terms of their agreement;

NOW, THEREFORE, IT IS HEREBY AGREED BY JUSTICE, CENTER AND GOLD FORK AS FOLLOWS:

1. The foregoing recitals are hereby incorporated and made a part of this Agreement.

MICROFILMED

FEB 18 2000

2. Justice acknowledges and agrees that Center and Gold Fork have a prior right to utilize water in Gold Fork Creek and its tributaries. Justice agrees that he will not knowingly infringe upon either Center's or Gold Fork's water rights.

3. Justice agrees that he will use only as much water as he actually needs to maintain the level in his proposed pond. Moreover, Justice agrees that at any time Center or Gold Fork need to use all of the water flowing in Flat Creek and other tributaries of Gold Fork Creek, he will stop his use of the water. (Typically, Center and Gold Fork are in need of all of the water for a period of 4-8 weeks, which period occurs in July and August each year.)

4. If the watermaster for Center and/or Gold Fork desires, he may notify Justice each year when Justice should stop using the water. Upon receiving such notice, Justice agrees to stop his use. Justice requests that each year when it becomes no longer necessary for Center and Gold Fork to use all of the water, he be notified so that he may then replenish the water in his pond.

5. Justice agrees to allow the watermaster for either Center or Gold Fork access to his property so that the watermaster can monitor Justice's compliance with the terms of this Agreement. Upon request, Justice will disclose to the watermaster the current access code to the coded gate on the road accessing Justice's property.

6. Justice, Center and Gold Fork all agree to keep one another apprised of how each may be contacted. Until further notice, each party may be reached as follows:

a. Justice:
136 E. Idaho Street, P.O. Box 487
Meridian, Idaho 83680-0487
(208) 888-9161 or 890-4709
(208) 888-9173 (FAX)

b. Center:
12252 Hwy. 55
Donnelly, Idaho 83616
(208) 382-4597

c. Gold Fork:
P.O. Box 458
Donnelly, Idaho 83615
(208) 325-8851

7. Center and Gold Fork agree that, based upon the terms of this Agreement, they hereby withdraw their protest to the Applications for Permit Nos. 65-13786 and 65-13787.

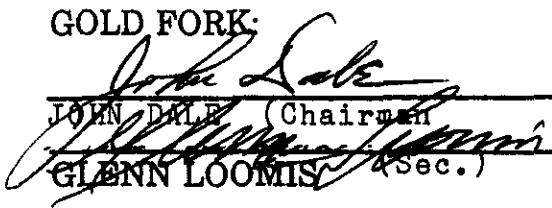
JUSTICE:

MICHAEL JUSTICE

CENTER:

HOWARD GESTRIN

GOLD FORK:



JOHN DALE (Chairman)

GLENN LOOMIS (Sec.)

A.C.R. 18 2000

SKINNER FAWCETT

LAW OFFICES

RICHARD A. SKINNER
CHARLES W. FAWCETT
DENNIS GIBALA
ROBERT E. KYTE

515 SOUTH 6TH STREET
POST OFFICE BOX 700
BOISE, IDAHO 83701
TELEPHONE (208) 345-2663
TELECOPIER (208) 345-2668
E-MAIL cfawcett@skinnerfawcett.com

June 30, 1999

RECEIVED
JUL 01 1999
WATER RESOURCES
WESTERN REGION

Michael D. Justice
Commercial Newspaper Service
P.O. Box 487
Meridian, ID 83680-0487

RE: Water Rights Issue

Dear Mike:

Believe it or not, I recently received one (1) signed copy of the Agreement I had prepared last year, this signed by the Gold Fork Irrigating Company Ltd.

Enclosed is a copy of the transmittal letter I received together with three (3) counterparts of the Agreement. Please sign all three (3) copies of the Agreement, and I shall forward those to Howard Gestrin of Center Irrigation District. Hopefully he will promptly sign the Agreements and return them to me.

Please let me know if you have any questions.

Very truly yours,

SKINNER FAWCETT

CHARLES W. FAWCETT

CWF/slm
enclosure
c: Gary Spackman

MICROFILMED

FEB 18 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

June 22, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MCCALL CITY HALL
PO BOX 986
MCCALL ID 83638

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Department of Water Resources at the McCall City Hall, American Legion conference room on Thursday, August 19, 1999, from 9:00 a.m. until 5:00 p.m. and on Wednesday, August 25, 1999, from 9:00 a.m. until 5:00 p.m.

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

Sincerely,

Sue Taylor
Senior Secretary

MICRO
FEB 18 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

June 7, 1999

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

To: Interested Parties in Water Right Application No. 65-13817 in the Name of Kenneth Purdom

Re: Prehearing Conference Dates

Dear Interested Parties:

The parties in the above-referenced matter could not find a common date in June to hold a prehearing conference. Therefore, we have enclosed calendars for July and August, 1999. Please mark the dates you would be available to hold a prehearing conference and return the calendars to this office by June 15, 1999.

If you have any questions, please call this office.

Sincerely,

Gary Spackman

GS:st

Encl.

CC:

KENNETH R PURDOM
6354 PAINTER AVE
WHITTIER CA 90601

JAMES R RISCH
407 W JEFFERSON
BOISE ID 83702

CITY OF MCCALL
PO BOX 986
MCCALL ID 83638

J-DITCH PIPELINE ASSOC
C/O JOSEPHINE BEEMAN
PO BOX 1427
BOISE ID 83701-1427

HAROLD NOKES
LAKE IRRIG DIST
1270 ELO RD
MCCALL ID 83638

CITY OF MCCALL
C/O SUSAN BUXTON
999 W MAIN ST
BOISE ID 83702

MICROFILMED

FEB 18 2000

1999

July

1999

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

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FEB 18 2000

1999

August

1999

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

MICRO-MED
FEB 18 2000

SKINNER FAWCETT
LAW OFFICES

RICHARD A. SKINNER
CHARLES W. FAWCETT
DENNIS GIBALA
ROBERT E. KYTE

515 SOUTH 6TH STREET
POST OFFICE BOX 700
BOISE, IDAHO 83701
TELEPHONE (208) 345-2663
TELECOPIER (208) 345-2668
E-MAIL skinnerfawcett.com

May 19, 1999

RECEIVED

MAY 20 1999

**WATER RESOURCES
WESTERN REGION**

Howard Gestrin
Center Irrigation Dist
12252 Highway 55
Donnelly, ID 83615

Glenn Loomis
Gold Fork Irrigating Co.
P.O. Box 458
Donnelly, ID 83615

RE: Mike Justice Applications

Dear Howard and Glenn:

On November 17, 1998, I sent each of you a proposed form of Agreement with respect to my client's water rights applications. On January 12, 1999, I spoke with Albert Gestrin. He advised me that Howard was in Mexico. He told me that Howard desired that I make certain changes to the Agreement, and he indicated that when Howard returned from Mexico in the Spring, Howard would contact me. As of this date I have heard from neither Howard nor Glenn.

As you know, if this matter cannot be resolved informally, the Department of Water Resources will be scheduling another conference. I would appreciate hearing from either of you as to any concerns you have regarding the Agreement I drafted.

Thank you for your cooperation.

Very truly yours,

SKINNER FAWCETT

CHARLES W. FAWCETT

CWF/slm

c: Gary Spackman, Dept. of Water Resources ✓
Mike Justice

MICROFILMED

FEB 18 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

March 2, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

HOWARD GESTRIN
CENTER IRRIGATION DIST
12252 HIGHWAY 55
DONNELLY ID 83615

GLENN LOOMIS
GOLD FORK IRRIGATING CO
PO BOX 458
DONNELLY ID 83615

CHARLES W FAWCETT
ATTORNEY AT LAW
PO BOX 700
BOISE ID 83701

Re: Application for Water Right Nos. 65-13786 and 65-13787 in the Name of Michael Justice

Gentlemen:

After writing my letter dated January 21, 1999, Albert Gestrin visited with me and represented that the draft stipulation was being circulated, but because of absences during the winter, the document had not been corrected and signed. As a result, I will delay setting a prehearing conference until May, 1999. If I have not heard from the parties by the middle of May, 1999, I will schedule another prehearing conference to attempt to resolve this matter.

Sincerely,

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

Gary Spackman

GS:st

Michael Justice, PO Box 487, Meridian, Idaho 83680-0487

MICROFILMED

FEB 18 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 21, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

HOWARD GESTRIN
CENTER IRRIGATION DIST
12252 HIGHWAY 55
DONNELLY ID 83615

GLENN LOOMIS
GOLD FORK IRRIGATING CO
PO BOX 458
DONNELLY ID 83615

CHARLES W FAWCETT
ATTORNEY AT LAW
PO BOX 700
BOISE ID 83701

Re: Application for Water Right Nos. 65-13786 and 65-13787 in the Name of Michael Justice

Gentlemen:

The Idaho Department of Water Resources (IDWR) conducted a prehearing conference for the above applications on October 5, 1998, in McCall, Idaho. The applicant explained what was intended by the applications, and the protestants expressed their concerns. The parties tentatively agreed to settle the protests, and Mr. Fawcett agreed to draft an agreement that would result in the withdrawal of the protests filed by Center Irrigation District and Gold Fork Irrigating Co. I received a draft agreement on November 18, 1998. I received a telephone call from Mr. Fawcett shortly thereafter inquiring whether IDWR had received an executed copy of the agreement. I've heard nothing since his phone call.

The purpose of this letter is to inquire about the status of negotiations. If an agreement is not signed within thirty (30) days of the date of this letter, I will schedule the matter for hearing.

Sincerely,

Gary Spackman

GS:st

CC: Michael Justice, PO Box 487, Meridian, Idaho 83680-0487

MC-70 1A...

FEB 18 2000

SKINNER FAWCETT

LAW OFFICES

November 17, 1998

RICHARD A. SKINNER
CHARLES W. FAWCETT
DENNIS GIBALA
ROBERT E. KYTE

RECEIVED

NOV 18 1998

WATER RESOURCES
WESTERN REGION

515 SOUTH 6TH STREET
POST OFFICE BOX 700
BOISE, IDAHO 83701
TELEPHONE (208) 345-2663
TELECOPIER (208) 345-2668

Howard Gestrin
Center Irrigation District
12252 Highway 55
Donnelly, Idaho 83616

Glenn Loomis
Gold Fork Irrigating Company
Post Office Box 458
Donnelly, Idaho 83615

RE: Mike Justice Applications

Dear Howard and Glenn:

Enclosed please find a copy of the Agreement I have drafted to memorialize the agreement reached during the pre-hearing conference held by the Department of Water Resources on October 5, 1998. With this letter I shall send Howard three (3) original counterparts of the Agreement. If the Agreement wording meets with your approval, I would appreciate it if Howard would sign all three (3) copies and forward those on to Glenn for signature. I shall enclose a stamped, pre-addressed envelope for Howard's use in forwarding the copies on to Glenn. In addition, I shall enclose a stamped, pre-addressed envelope so that once Glenn signs all three (3) copies of the Agreement, he can return them to me and I will obtain Mike Justice's signature on them. Once all parties have signed, I will return signed copies to each of you.

If you have any questions, please do not hesitate to contact me.

Thank you for your cooperation.

Very truly yours,

SKINNER FAWCETT

CHARLES W. FAWCETT

CWF/smj
Enclosures

c: Mike Justice
Gary Spackman

MICROFILMED
FEB 18 2000

AGREEMENT

THIS AGREEMENT is entered into this ____ day of _____, 1998, by and between MICHAEL JUSTICE (hereinafter "Justice"), and CENTER IRRIGATION DISTRICT (hereinafter "Center"), and GOLD FORK IRRIGATING COMPANY (hereinafter "Gold Fork").

WHEREAS, Justice filed with the Idaho Department of Water Resources (hereinafter "IDWR") two (2) applications for permits to appropriate the public waters of the State of Idaho, namely Permit Nos. 65-13786 and 65-13787; and

WHEREAS, Center filed a protest to said applications and was joined in the protest by Gold Fork; and

WHEREAS, a Prehearing Conference was conducted by IDWR on October 5, 1998, during which the parties discussed their interests and concerns; and

WHEREAS, Center and Gold Fork have indicated a willingness to withdraw their protest to Justice's applications upon agreement with Justice to meet certain conditions, which conditions are acceptable to Justice; and

WHEREAS, the parties desire to memorialize the terms of their agreement;

NOW, THEREFORE, IT IS HEREBY AGREED BY JUSTICE, CENTER AND GOLD FORK AS FOLLOWS:

1. The foregoing recitals are hereby incorporated and made a part of this Agreement.

2. Justice acknowledges and agrees that Center and Gold Fork have a prior right to utilize water in Gold Fork Creek and its tributaries. Justice agrees that he will not knowingly infringe upon either Center's or Gold Fork's water rights.

3. Justice agrees that he will use only as much water as he actually needs to maintain the level in his proposed pond. Moreover, Justice agrees that at any time Center or Gold Fork need to use all of the water flowing in Flat Creek and other tributaries of Gold Fork Creek, he will stop his use of the water. (Typically, Center and Gold Fork are in need of all of the water for a period of 4-8 weeks, which period occurs in July and August each year.)

4. If the watermaster for Center and/or Gold Fork desires, he may notify Justice each year when Justice should stop using the water. Upon receiving such notice, Justice agrees to stop his use. Justice requests that each year when it becomes no longer necessary for Center and Gold Fork to use all of the water, he be notified so that he may then replenish the water in his pond.

5. Justice agrees to allow the watermaster for either Center or Gold Fork access to his property so that the watermaster can monitor Justice's compliance with the terms of this Agreement. Upon request, Justice will disclose to the watermaster the current access code to the coded gate on the road accessing Justice's property.

6. Justice, Center and Gold Fork all agree to keep one another apprised of how each may be contacted. Until further notice, each party may be reached as follows:

a. Justice:
136 E. Idaho Street, P.O. Box 487
Meridian, Idaho 83680-0487
(208) 888-9161 or 890-4709
(208) 888-9173 (FAX)

b. Center:
12252 Hwy. 55
Donnelly, Idaho 83616
(208) 382-4597

c. Gold Fork:
P.O. Box 458
Donnelly, Idaho 83615
(208) 325-8851

7. Center and Gold Fork agree that, based upon the terms of this Agreement, they hereby withdraw their protest to the Applications for Permit Nos. 65-13786 and 65-13787.

JUSTICE:

MICHAEL JUSTICE

CENTER:

HOWARD GESTRIN

GOLD FORK:

GLENN LOOMIS

MACRO-IMAG
FEB 18 2000

ROSTER OF ATTENDANCE

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

Re: Applications for Permit Nos. 65-13786 and 65-13787 in the Name of Michael Justice

Place: McCall City Hall, American Legion Hall, McCall, Idaho

Date: Monday, October 5, 1998

Conducted by: Gary Spackman

NAME

ADDRESS

~~William G. Gorman~~	~~240 Layton Dr. Meridian~~
~~Thomas G. Gorman~~	~~12345 Hwy 55 Donnelly, ID~~
Albert Gorman	12352 Hwy 55 Donnelly, Id
Ethel M. Wall	12091 Hwy 55 Cascade Id
Orville Roberts	12792 Old State Rd Donnelly, id 83615
Michael Justice	PO Box 487 Meridian, ID 83680
CHARLES W FAWCETT	P.O. Box 700 Boise, ID 83701
Gerald Winkle	Po Box 714 Cascade 83611
Ruberta Winkle	" " " " "
Norma Gorman	12252 Hwy 55 Donnelly ID. 83615

MICROFILMED

FEB 18 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-13786 AND)
65-13787 IN THE MICHAEL JUSTICE)
_____)

**AMENDED NOTICE OF
CONFERENCE**

Pursuant to a request by the applicant, the conference for the above-referenced matter will be conducted on **Monday, October 5, 1998 at 10:00 a.m.**, at McCall City Hall, American Legion Hall, 216 Park St., McCall, Idaho 83638. 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 Practice 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 department within (10) days prior to the conference.

Dated this 21st day of August, 1998.



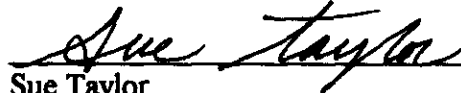
Gary Spackman

MICROFILMED

FEB 18 2000

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of August, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

MICHAEL JUSTICE
PO BOX 487
MERIDIAN ID 83680-0487

GLENN LOOMIS
GOLD FORK IRRIGATION DIST
PO BOX 459
DONNELLY ID 83615

HOWARD GESTRIN
CENTER IRRIGATION DIST
12252 HWY 55
DONNELLY ID 83615

MICROFILMED
FEB 18 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 65-13786 AND)
65-13787 IN THE NAME OF MICHAEL)
JUSTICE)
_____)

**NOTICE OF PREHEARING
CONFERENCE**

On March 30, 1998, Michael Justice filed with the Department of Water Resources (department) two applications for permit to appropriate the public waters of the State of Idaho. The application was protested by Howard Gestrin of Center Irrigation District.

The department has scheduled a conference for the protest to be held on Tuesday, September 8, 1998, at 10:00 a.m. at McCall City Hall, American Legion Hall, 216 Park St., McCall, Idaho 83638. 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 Practice 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 department within (10) days prior to the conference.

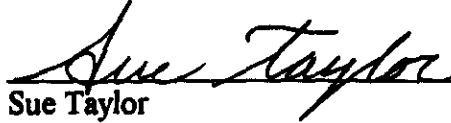
Dated this 3rd day of August, 1998.



Gary Speckman

MICROFILMED
FEB 18 2000

I hereby certify that on the 3rd day of August, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

MICHAEL JUSTICE
PO BOX 487
MERIDIAN ID 83680

HOWARD GESTRIN
CENTER IRRIG DIST
12252 HWY 55
DONNELLY ID 83616

GLENN LOOMIS
GOLD FORK IRRIG CO
PO BOX 458
DONNELLY ID 83615

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.

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
FEB 18 2000

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

65-13777

PRATT, KENNETH L
PRATT, LANETTE V
1808 NE 134TH AVE
VANCOUVER, WA 98684

Source: UNNAMED STREAM
Tributary: LITTLE SQUAW CREEK
NORTH
Diversion Pt:
NWNE Sec 35 T 11N R 02E in
VALLEY County.

Use: IRRIGATION STORAGE
(50.00 AF)
IRRIGATION FROM STORAGE
(50.00 AF)
WILDLIFE STORAGE
(50.00 AF)
IRRIGATION (1,000 CFS)
Total Diversion (1,000 CFS)
(50.00 AF)

Date Filed: 3/5/1998
In: VALLEY County
TION R02E S01 NWNW SWNW
T11N R02E SWNE
50.0 ACRES TOTAL

65-13786
JUSTICE MICHAEL
PO BOX 487
MERIDIAN, ID 836800487

Source: FLAT CREEK
Tributary: GOLD FORK RIVER
Diversion Pt: NESE
Sec 4 T 15N R 04E in VALLEY
County
Use: STOCKWATER STORAGE
(20.00 AF)
WILDLIFE STORAGE
(20.00 AF)
RECREATION STORAGE
(20.00 AF)
FIRE PROTECTION
(0.200 CFS)
DIVERSION TO STORAGE
(0.200 CFS)

Date filed: 3/30/98
In: VALLEY COUNTY
T15N R04E S04 NESE
Applicant agrees to mitigate con-
sumptive use in the future as needed.

65-137
JUSTICE, MICHAEL
PO BOX 487
MERIDIAN, ID 83600487

Source: SPRINGS
Tributary: FLAT CREEK
Diversion Pt: NWNE Sec 4 T 15N
R 04E in VALLEY County.

Use: STOCKWATER STORAGE
(20.00 AF)
WILDLIFE STORAGE
(20.00 AF)
RECREATION STORAGE
(20.00 AF)
DIVERSION TO STORAGE
(0.200 CFS)
Total Diversion: 0.200 CFS

Date Filed: 3/30/1998
In: VALLEY County
T15N R04E S04 NESE

Applicant agrees to mitigate con-
sumptive 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,
ho Code. Any protest against the
roval of this application must be
rned with the approval of this applica-
tion 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 on or before MAY 26, 1998.
The protestant must also send a copy of
the protest to the applicant.
KARL J. DREHER, Director
Publish 5/6 & 5/13

tion

he Publisher
ascade, in

ing a general circulation therein and of legal

Indy 1st application, a copy of
published in said newspaper once a week for
in the regular and entire issue of every number
time of publication, and was published in the
a supplement; and that publication of such
19 98, and ended

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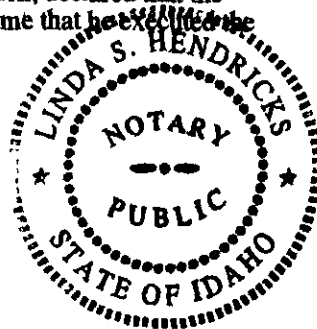
JUN 09 1998

WATER RESOURCES
WESTERN REGION

Stewart
y of June, 19 98

HO)
:SS.
ALLEY)

June, 19 98, before me, a
tate, personally appeared Michael C. Stew art,
e the person whose name is subscribed to the
y me first duly sworn, declared that the
acknowledged to me that he ~~will~~ be



MICROFILMED
SEP 18 2000

RECEIVED

JUN 23 1998

GOLD FORK IRRIGATING CO.

&

CENTER IRRIGATION DISTRICT

P.O. Box 458

Donnelly ID 83615

1-208-325-8851

12252 HWY 55

Donnelly, ID 82615

1-208-382-4597

June 20, 1998

Mr. Karl J. Dreher, Director
Department of Water Resources
Western Region
2733 Airport Way
Boise, Idaho 83705

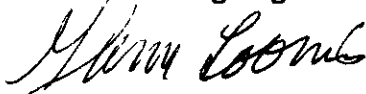
Dear Mr. Dreher:

Enclosed is \$25.00 protest fee for the Gold Fork Irrigating Company and Center Irrigation District's protest of the request permit # 65-13787, of Justice, Michael, P.O. Box 487, Meridian, ID 83600-487, to divert water from SPRINGS, Tributary FLAT CREEK Township 15 North, Range 04 East in Valley County, Idaho.

We believe that we have a prior water right as per Section 42-203 A Idaho Code.

Sincerely,

Glenn Loomis
Secretary - Treasurer
Gold Fork Irrigating Co.



cc: Michael Justice
P.O. Box 487
Meridian, Idaho 83680-0487

Howard Gestrin
Chairman
Center Irrigation District



MICROFILMED

FEB 18 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

June 11, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GLENN LOOMIS
GOLD FORK IRRIGATION DIST
PO BOX 459
DONNELLY ID 83615

HOWARD GESTRIN
CENTER IRRIGATION DIST
12252 HWY 55
DONNELLY ID 83615

Re: Application for Permit Nos. 65-13786 and 65-13786 in the Name of Michael Justice

Dear Protestants.

On May 21, 1998, we received your letter protesting application for permit no. 65-13786 and the \$25.00 protest fee. Because only one \$25 fee was received we recognized Gold Fork Irrigation as the protestant.

We received another letter attempting to protest application no 65-13787 with a \$25 protest fee.

The legal notice printed for application no 65-13787 did not completely list the water right number and your protest did not list it either. The notice was defective and must be republished. Republication will establish a new deadline for filing a protest and your protest will be considered as timely filed.

Sincerely,

Gary Spackman

GS:st

CC: Michael Justice

MICROFILMED
FEB 18 2000

GOLD FORK IRRIGATING CO.

&

CENTER IRRIGATION DISTRICT

P.O. Box 458

12252 HWY 55

RECEIVED

Donnelly ID 83615

Donnelly, ID 82615

MAY 27 1998

1-208-325-8851

1-208-382-4597

**WATER RESOURCES
WESTERN REGION**

May 19, 1998

0023927 K4

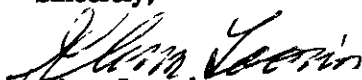
Mr. Karl J. Dreher, Director
Department of Water Resources
Western Region
2733 Airport Way
Boise, Idaho 83705

Dear Mr. Dreher:

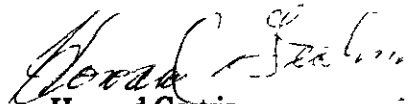
Enclosed is \$25.00 protest fee for the Gold Fork Irrigating Company and Center Irrigation District's protest of the request permit # 65-137, of Justice, Michael, P.O. Box 487, Meridian, ID 83600-487, to divert water from SPRINGS, Tributary FLAT CREEK Township 15 North, Range 04 East in Valley County, Idaho.

We believe that we have a prior water right as per Section 42-203 A Idaho Code.

Sincerely,


Glenn Loomis

Secretary - Treasurer
Gold Fork Irrigating Co.

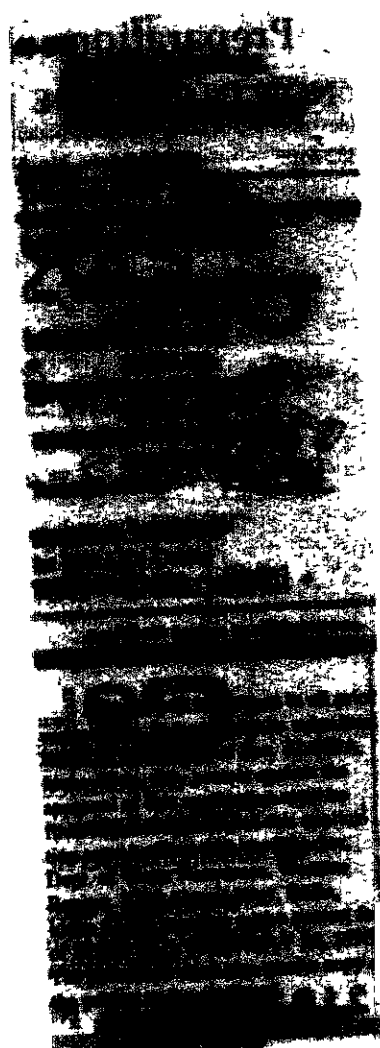

Howard Gestrin

Chairman
Center Irrigation District

cc: Michael Justice
P.O. Box 487
Meridian, Idaho 83680-0487

MAILED

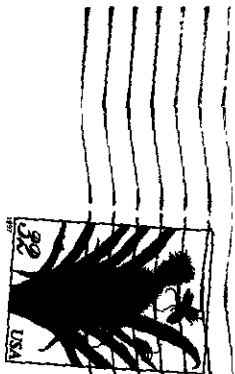
MAY 18 2000



Gold Fork Irrigating Co.
P.O. Box 458, Donnelly, ID 83615
Center Irrigation District
12252 HWY 55 Donnelly, ID 83615



Mr. Karl J. Dreher, Director
Dept. of Water Resources
Western Region
2733 Airport Way
Boise, ID [REDACTED]



MICROFILMED
FEB 18 2000

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: **W023927**

Date: **5/27/1998**
Time: **10:52:24**

Received
From: **CENTER IRRIGATION DISTRICT**

Type of Payment	Program Acct	Amount
PROTEST - 65-137	62103 229 21 1155	25.00
CHECK 1893		
	Total	\$ 25.00

Region: **WESTERN**

Signature: _____

Kathy Galt

MICRO
FEB 18 2000

5/21/98-KG
W0023907

GOLD FORK IRRIGATING CO.

&

CENTER IRRIGATION DISTRICT

P.O. Box 458

12252 HWY 55

Donnelly ID 83615

Donnelly, ID 82615

1-208-325-8851

1-208-382-4597

May 19, 1998

RECEIVED

MAY 21 1998

WATER RESOURCES
WESTERN REGION

Mr. Karl J. Dreher, Director
Department of Water Resources
Western Region
2733 Airport Way
Boise, Idaho 83705

Dear Mr. Dreher:

Enclosed is \$25.00 protest fee for the Gold Fork Irrigating Company and Center Irrigation District's protest of the request permit #65-13786, of Justice, Michael, P.O. Box 487, Meridian, ID 83600-487, to divert water from Flat Creek; Tributary Gold Fork River in Section 4, Township 15 North, Range 04 East in Valley County, Idaho.

We believe that we have a prior water right as per Section 42-203 A Idaho Code.

Sincerely,


Glenn Loomis

Secretary - Treasurer
Gold Fork Irrigating Co.

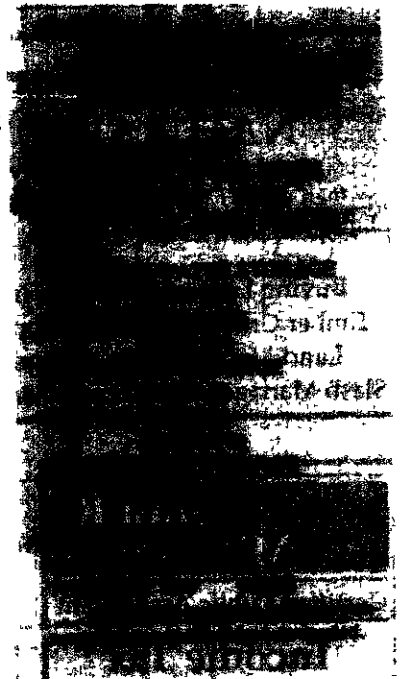

Howard Gestrin

Chairman
Center Irrigation District

cc: Michael Justice
P.O. Box 487
Meridian, Idaho 83680-0487

MICROFILMED

FEB 18 2000





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

May 26, 1998

KARL J. DREHER
DIRECTOR

MICHAEL JUSTICE
PO BOX 487
MERIDIAN ID 83647

Re: Application for Permit No. 65-13786

Dear Applicant:

Enclosed is a protest filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant and attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest have been resolved, the matter will be scheduled for a conference. The following are the criteria the Department must consider (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?

Please contact this office if you have questions regarding this procedure.

Sincerely,


Gary Speckman

GS:st

Enclosure: Copy of protest(s)

MICROFILMED

FEB 18 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 26, 1998

GLENN LOOMIS
GOLD FORK IRRIG CO
PO BOX 459
DONNELLEY ID 83615

HOWARD GESTRIN
CENTER IRRIGATION DIST
12252 HWY 55
DONNELLY ID 83615

Re: Application for Permit No. 65-13786 in the Name of Michael Justice

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. Since there was only one \$25.00 protest fee paid we will file the protest under the name of Gold Fork Irrigation Dist. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. The following are the criteria the Department must consider in either approving or denying an application or 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?

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

Sincerely,


Gary Spackman

INDEXED

FEB 18 2000

GS:st

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

W023907

Date:

Time:

5/21/1998

10:41:54

Received

From:

CENTER IRRIGATION DISTRICT

Type of Payment

Program Account

Amount

PROTEST - 65-13786

62103

229 21 1155

25.00

Total

\$

25.00

CHECK

1892

Region: WESTERN

Signature: *Heidi Gal*

MICROFILMED

SEP 18 2000

RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

Name of Applicant MICHAEL JUSTICE

Mailing Address PO BOX 487

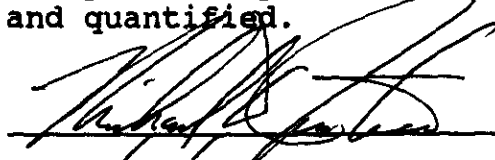
MERIDIAN ID 83680-0487

Application No. _____

Mitigation

Yes, I agree to accept a condition of approval on my application that will require mitigation related to fishery resources based upon a finding by the Director, Idaho Dept. of Water Resources. I understand that mitigation is not needed now but may be needed in the future. I also understand that the Director will not invoke this condition until I have an opportunity to participate in the process by which mitigation is identified and quantified.

Signature



Date

3/30/98

Please return this form to:

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

REC 37 3.1.1

FEB 18 2000

65-13786

From: DWR80::MMINICUC 21-APR-1998 10:27:47.67
To: JWESTRA, GGIBSON
CC: MMINICUC
Subj: Two storage applications

There are two applications, both submitted by Michael Justice, for a pond in the Gold Fork River drainage. One application is from springs and one from Flat Creek for the same pond. The application numbers are 65-13786 and 65-13787. Please put comments or copies of any correspondence with the applicant in the file.

The files are located in Sue's In-basket on the east side of her office and are labeled "Advertising Delay".

mm

*SCA Any return flow to stream?
if yes needs outfall structure*

MOORE

FEB 18 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 13, 1998

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

Re: Applications for Permit Nos. 65-13784 in the Name of Richard Layton, 65-13786 in the Name of Michael Justice, 65-13787 in the Name of Michael Justice, 63-12315 in the Name of James T. Wilson and 65-13785 in the Name of Selma Ann &/or Donald Eberle

Dear Sir:

Enclosed are copies of the above-referenced applications for permit which may be of interest to your agency. 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 May 26, 1998.

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

Sincerely,


Gary Spackman

GS:st

Encl

MAILED

FEB 18 2000

From: DWR80::MMINICUC 21-APR-1998 10:27:47.87
To: JWESTRA, GGIBSON
CC: MMINICUC
Subj: Two storage applications

There are two applications, both submitted by Michael Justice, for a pond in the Gold Fork River drainage. One application is from springs and one from Flat Creek for the same pond. The application numbers are 65-13786 and 65-13787. Please put comments or copies of any correspondence with the applicant in the file. The files are located in Sue's In-basket on the east side of her office and are labeled "Advertising Delay".
mm

REC-18 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

APRIL 29, 1998

Legal Notices Department
Long Valley Advocate
PO Box 1079
Cascade, ID 83611

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 MAY 26, 1998.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

APR 18 2003

NOTICE OF APPLICATION FOR WATER RIGHT

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

MAC

SEP 18 2000

65-13786

JUSTICE, MICHAEL
PO BOX 487
MERIDIAN, ID 836800487

Source: FLAT CREEK

Tributary: GOLD FORK RIVER

Diversion Pt: NESE Sec 4 T 15N R 04E in VALLEY County.

Use: STOCKWATER STORAGE	(	20.00 AF)
WILDLIFE STORAGE	(	20.00 AF)
RECREATION STORAGE	(	20.00 AF)
FIRE PROTECTION	(	0.200 CFS)
DIVERSION TO STORAGE	(	0.200 CFS)
Total Diversion:	(	0.200 CFS)

Date Filed: 3/30/1998

In: VALLEY County
T15N R04E S04 NESE

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

FEB 18 2000

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 on or before MAY 26, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 5/ 6/1998 & 5/13/1998