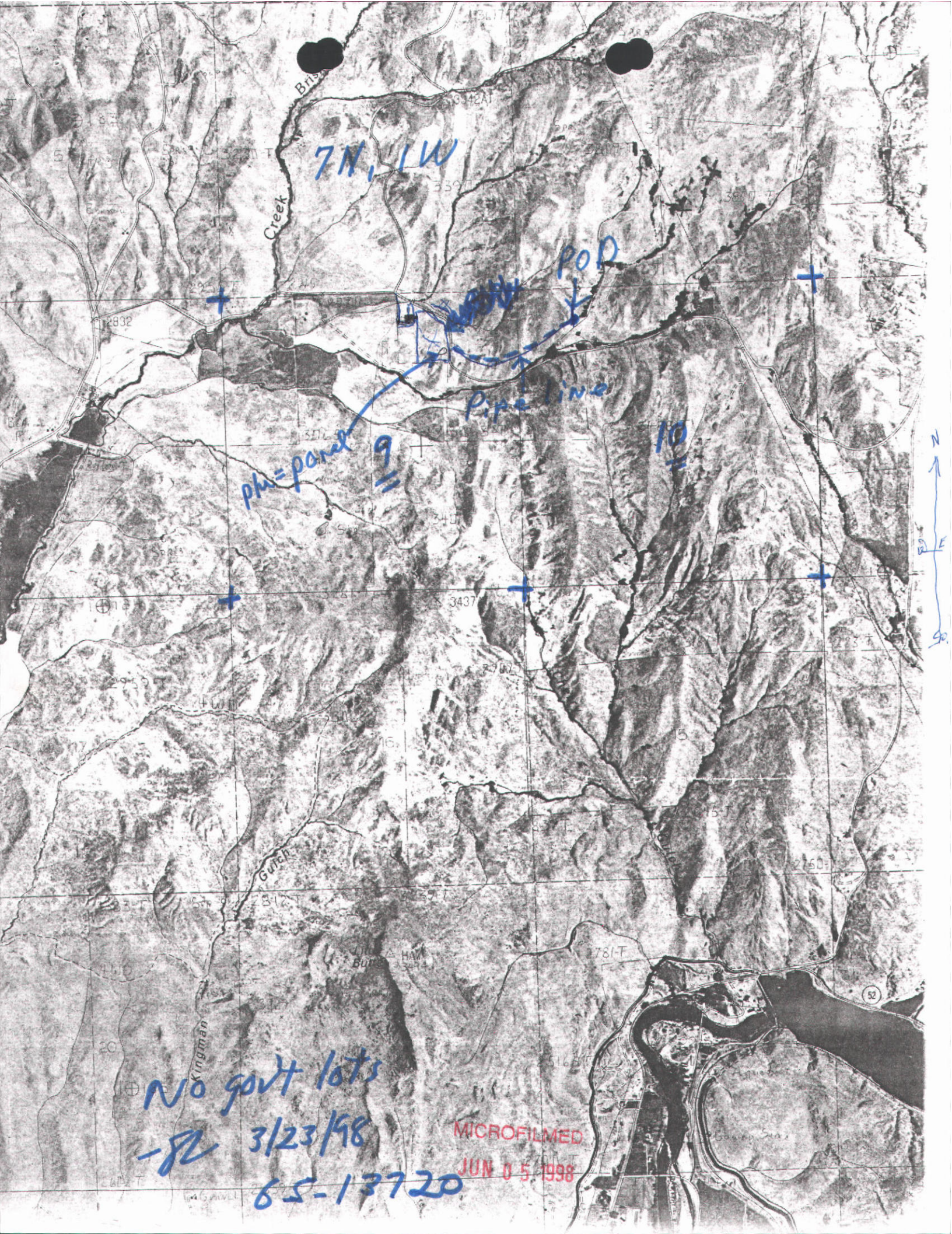




7N, 1W

POD

Pipe line

phi = panel 9

10

No govt lots
-82 3/23/98
65-13720

MICROFILMED
JUN 05 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 13 2001

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1 Permit No 65-13720 Telephone No 208 365 3766

2 Name of Permit Holder(s) Johnston ORVAL G (CARRY)

3 Mailing Address Box 513

City Emmett State ID Zip 83617

4 Source of Water WATER WATER 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) 12 - Head -

Irrigation (No. of acres) _____ Other _____

6 Total rate of diversion and/or volume for which proof is submitted .15 cfs OR _____ acre-feet

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

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

Measuring Device: Is a measuring device required?

Yes ☒ or No _____

Has the measuring device been installed?

Yes _____ 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 Orval G Johnston Telephone Number 208-365-3766

Address Box 513

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 Orval G Johnston (CARRY) Date 4-13-01
(include your title, if on behalf of company or organization)

MICROFILMED

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13720

Proposed Priority: April 23, 1997

Maximum Diversion Rate:

0.15 CFS

This is to certify, that ORVAL G JOHNSTON

JOAN L JOHNSTON

PO BOX 513

EMMETT ID 83617-0513

has applied for a permit to appropriate water from:

WASTE WATER

tributary of HAW CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31		3.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.15 CFS	
	Totals	0.15 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 10, Township 07N, Range 01W
GEM County

PLACE OF USE: STOCKWATER STORAGE

TWN RGE SEC

07N 01W 9

NWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 2001.
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 water right will be regulated by the watermaster of State Water District No. 65.
5. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
6. 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 needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary 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.

MICROFILMED

SEP 11 - 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

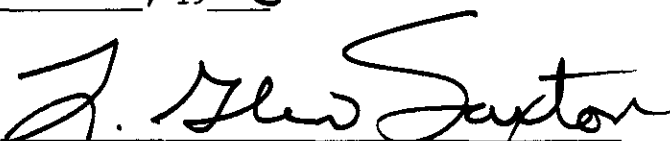
NO. 65-13720

CONDITIONS OF APPROVAL AND REMARKS

7. When water is not available to fill this right, the right holder shall cease diversion or shall rent water from the Payette River Rental Pool.
8. Stockwater use is for 12 head of livestock.

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

3rd day of June, 1998


Karl J. Dreher, Director
for

MICROFILMED

JUN 05 1998

RECEIVED

MAY 22 1998

DEPARTMENT OF WATER RESOURCES

Ident. No. 65-13720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: ORVAL G JOHNSTON 208-365-3766
Address: PO BOX 513
EMMETT ID 83617
AND/OR
Name: JOAN L JOHNSTON 208-365-3766
Address: PO BOX 513
EMMETT ID 83617

2. Source: WASTE WATER Trib. to: HAW CREEK
3. Location of Point of Diversion: NWNW Sec. 10, Township 07N, Range 01W
GEM County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
~~IRRIGATION~~ <i>diversion to storage</i>	~~04/15~~	~~10/15~~	0.150		
<i>Stockwater Storage</i>	<i>1/1</i>	<i>12/31</i>			3.0

5. Total quantity to be appropriated is:

0.150 CFS (and/or) AF

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc.
DITCHES PLUS SPRINKLERS
- b. Height of storage dam /0 feet; active reservoir capacity 3 acre-feet; total reservoir capacity 3 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 groundwater with a temperature greater than 85F being sought? NO
- e. If well is already drilled, when?
Drilling Firm
Well was drilled for

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 3 year(s).

MICROFILMED

MAY 22 1998

* D'Base updated 3/17/98 AS noted by applicant's office visit.

JK

8. Place of Use: ~~IRRIGATION~~ Stockwater Storage

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
07N	01W	9	NWNE	65		5

Total number of acres irrigated: 5

9. a. Who owns the property at the point of diversion?

EARL BISHOP

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

APPLICANT

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.
THE DIVERSION SYSTEM HAS EXISTED FOR ABOUT 25 YEARS.

10. Remarks: Applicant agrees to mitigate consumption use in the future as needed.

11. Map of proposed point of diversion and place of use attached? [✓]

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Earl Bishop
Applicant

Received by MTS Date 4/23/97 Time 2:45 Preliminary check by [Signature]

Fee \$ 50 Receipted by MTS # 4622157 Date 4/23/97

Publication prepared by AT Date 3-25-98 Published in Messenger-Lander

Publication approved AT Date 4-24-98

MICROFILMED

JUN 05 1998

* d'sare updated 3/17/98 per Applicant's 3/16/98 office visit -SC



Br

7M 1W

Creek

ph = pond

3437

78-F

NO 10/1
2-82 3/27/10
65-13720

RECEIVED
JUN 11 1998

N
↑
2
F
S



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

April 13, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ORVAL G JOHNSTON
JOAN L JOHNSTON
PO BOX 513
EMMETT ID 83617-0513

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13720

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Western Regional Office** of the department in Boise at (208) 334-1290

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.
c IDWR - Regional Office

MICROFILMED

APR 25 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No 65-13720

Reviewed By dgibson

Date April 13, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No		C053201	Well driller's report filed?		X
Additional Amount Due			Measuring device required?	X	
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	04/13/2001
Date proof due	- 06/01/2001
Lapse notice sent	-
No of days late	= 0
Holiday allowance	+
Priority date	+ 04/23/1997
New priority date	= 04/23/1997

Deficiencies of Actions Items

Acknowledge proof Measurement device not installed and I spoke to the permitholder/ He doesn't understand why he would need a measurement device and lockable controlling works I'm not going to remind him again The field examiner can talk to him about measurement

- about installing it.

March 31, 2001

ORVAL G JOHNSTON
JOAN L JOHNSTON
PO BOX 513
EMMETT, ID 836170513

PROOF DUE NOTICE

RE. PERMIT NO. 65-13720

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

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

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

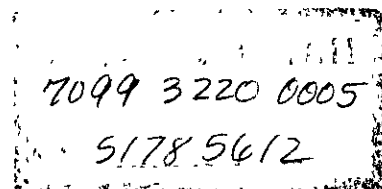
Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

MAR 26 2001





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 3, 1998

ORVAL G JOHNSTON
JOAN L JOHNSTON
PO BOX 513
EMMETT ID 83617-0513

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13720

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.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

MICROFILMED

JUN 10 1998

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.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

JUN 05 1998

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of June, 1998, 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. 65-13720

ORVAL G JOHNSTON
JOAN L JOHNSTON
PO BOX 513
EMMETT ID 83617-0513


Kari Lynn Townsend
Secretary

MICROFILMED

JUN 11 1998

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.

MICROFILMED

Page 1

JUN 05 1998

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

JUN 04 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lee*No.: 05-13720 Name: Johnston Date: 6/1/98 Ad OK? ✓ / Gvmt Lts: _____

AREA OF CONCERN: - No/Yes _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year - 26A P17

≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0 24 cfs/5 acres

≤ 0 24 cfs/5 acres

WMD Supplemental use

> 0 24 cfs/5 acres

≤ 0 24 cfs/5 acres

DRILLING PERMIT:

All wells (✓ WDQ3)

In Basin 34?

Irr within WD

SURFACE WATER: (✓ FLO-CH) (Surface water that *doesn't* sink is regulated)

IN/ABOVE MIN STR FLOW (✓ MAP)

WD (✓ MAP & LISTING)

> 0 10 cfs

≤ 0 10 cfs

WMD (✓ MAP)

> 0 24 cfs/5 acres

≤ 0 24 cfs/5 acres

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0 24 cfs/5 acres

≤ 0 24 cfs/5 acres

RIVER BASINS: (*Surface water)

Snake R (01)

(02/03-irr)

Payette R(65)

Salmon R (70's)

USE:

Domestic surface

>1 in rest area

Fire Protection

Fish Propagation

Heating/Cooling

~~FF~~ ≤ 5 acres

> 5 acres

Mining

Municipal

Power

Stockwater

Storage (✓3 compo) NA

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev NA

Mitigation

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- North / East / West

- 067 or No MD (in-stream stock or power)

- No MD

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

- 01M (report when notified)

- No MD

- 046-P23

- 085

- P05 (new well location)

- *WB9

- R04 (WD # 65)

- 01H-P08 (MD & LD)

- 01H-P01 (LD), 01P or No MD (in-stream stock)

- 067 or No MD (in-stream stock or power)

- No MD

- 01M or No MD (in-stream stock or power)

- No MD

- *W22 -P04, NA

- 007 (w/ remark *WB9 if above Weiser), NA

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

- 029 (fish screens), NA

- *WB5 (Big Wood R or Boise R ↑ Star Bridge), 27A (Payette River), NA

- 071-070

- 077

- 029-007-042(req)-081 (WQ)-P10

- R07 (injection well)

- R66/R67/R68/R69 (0 03 cfs/acre + 3 0/3 5/4 0/4 5 AF)

- R62/R63/R64/R65 (0 02 cfs/acre + 3 0/3 5/4 0/4 5 AF)

- 054(req) -081-P10

- 022, 075, 004 (+memo?), NA (not in restricted area)

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons use),

17G (FERC) or 17M (FERC), 18B-P09, >25 cfs-P18

- R37 (BLM/USFS), NA

- ~~27A~~ (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA- P84 (ir 20/30/40/50/60/70/80 (87) basin)

- 058 (<85° GW temp only)

- P62 (stream channel alteration)- 120

- 051-052-053-P74 (Consumptive Uses), NA

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU)

- 01W22 02W02/12 head mixed livestock

- 6/1/

- Reduce Volume

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

MAY 22 1998
DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: gr DATE: 3/23/98 APPLICATION: 65-13720

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map: (show T, R, S, QQ &/or QQQ)
Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Correct fee paid

Gov't. Lots:
N P/D
P/U

ADDITIONAL INFORMATION

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

✓ T FLAG CHANGED TO P FLAG done 3/17/98

YES NO

✓ Overlapping place of use: (Describe source & relationship to present application on next page.)
 ✓ Overlapping point of diversion.
 Critical groundwater area:
 Groundwater management area:
 1992 moratorium:
 Bull trout impact area
 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.
 N/A 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

PROCESSING

APP. NO. _____

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 4-20-98

☐ ☒ Protests received.

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☐ ☒ Measuring port required:

☒ ☐ Water delivered by water master? District # 65A

☐ ☐ Special conditions of approval or cover letter: 204' (65A, Squaw Creek), 120

See below for additional information

Recommended Date or Priority 4/23/97

Recommended by: Gays Date: 5/20/98

STATE OFFICE REVIEW _____

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

Overlap - none for this existing pool per Wd: Aj d'Saenz.

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13718

ERLEBACH, DAVE C
1189 EDMONT RD
EMMETT, ID 83617

Source: GROUNDWATER

Diversion Pt: SWNE

Sec 1 T 06N R 02W in GEM County.

Use: IRRIGATION

Total Diversion:

{ 0.070 CFS)
0.070 CFS)

Date Filed: 3/19/1997

In: GEM County

T06N R02W S01

SWNE

3.5 ACRES TOTAL

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

65-13720

JOHNSTON, ORVAL G
JOHNSTON, JOAN L
PO BOX 513
EMMETT, ID 83617

Source: WASTE WATER

Tributary: HAW CREEK

Diversion Pt: NWNW

Sec 10 T 07N R 01W in GEM County.

Use: STOCKWATER STORAGE
DIVERSION TO STORAGE

Total Diversion:

{ 0.150 CFS)
0.150 CFS)

(3.00 AF)

Date Filed: 4/23/1997

In: GEM County

T07N R01W S09 NWNE

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

65-13775

COUNTY OF GEM
415 E MAIN ST
EMMETT, ID 83617

Source: GROUNDWATER

Diversion Pt:

SWSW

Sec 6 T

06N R

01W in

GEM County.

SESW

Sec 6 T

06N R

01W in

GEM County.

NWNW

Sec 7 T

06N R

01W in

GEM County.

SESE

Sec 1 T

06N R

02W in

GEM County.

NENE

Sec 12 T

06N R

02W in

GEM County.

Use: IRRIGATION

DOMESTIC

RECREATION STORAGE

Total Diversion:

{ 1.000 CFS)
0.040 CFS)

(40.00 AF)

(1.000 CFS)

Date Filed: 3/18/1998

In: GEM County

T06N R01W S06

SWSW

SESW

R02W S07

NENW

NWNW

S01

SESE

S12

NENE

50.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed for Gem Island Recreation Complex.

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 APRIL 20, 1998. The protestant must also send a copy of the protest to the applicant

KARL J. DREHER, Director

Legal Notice No. 3200
Published in the Messenger Index

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

SS.

COUNTY OF GEM,

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

consecutive weekly issues thereof,
beginning with the issue of

April 1, 1998,

and ending with the issue of

April 8, 1998

Mary K. Black

Subscribed and sworn to me this

8th day of

April, 1998

Joanne Lusk

Notary Public

Residing at Emmett, Idaho

MY COMMISSION EXPIRES
JUNE 21ST, 2000

My Commission Expires

MICROFILMED

Pub. 4-1, 8, 1998

65-13720

JOHNSTON, ORVAL G
JOHNSTON, JOAN L
PO BOX 513
EMMETT, ID 83617

Source: WASTE WATER

Tributary: HAW CREEK

Diversion Pt: NWNW Sec 10 T 07N R 01W in GEM County.

Use: STOCKWATER STORAGE (3.00 AF)
DIVERSION TO STORAGE (0.150 CFS)
Total Diversion: (0.150 CFS)

Date Filed: 4/23/1997

In: GEM County
T07N R01W S09 NWNE

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

MICROFILMED
JUN 05 1998

From: DWR80::SLESTER 23-MAR-1998 08:44:57.92
To: JWESTRA
CC: SLESTER
Subj: APPLICATION 65-13720

John, this is a small existing pond in Haw Creek drainage with @ 10' dam per applicant's information. It is currently at Sue's desk for advertising if you want to check it out. Storage is off-stream, source is waste water.

*Revised Dam Safety notification
application*

SD-0604-2 Township: 07N Range: 01W Section: 9				Tract: NWNE Lot: 14				
S	L	Water	Name	O	S	Max # Records	14	
E	O			W	T	Priority	Use	
L Tract	T	Right No.	Last, First	N	AC	G	Date	
							Code Desc	
NWNE		65-13604	HYDE, N BRENT HYDE, JANICE A	C	5	P	03/02/1995	01 IRR 04 STOCK 43 DOMEST
NWNE		65-01270	HACKETT, WAYNE D. HACKETT, GERTRUDE	C	1	D	06/15/1945	01 IRR
NWNE		65-01271	HACKETT, WAYNE D. HACKETT, GERTRUDE	C		D	09/10/1951	43 DOMEST
NWNE		65-01272	HACKETT, WAYNE D. HACKETT, GERTRUDE	C		D	07/15/1920	04 STOCK
NWNE		65-12307	PERKEL, MURTON PERKEL, MARY	C	4	L	02/25/1980	01 IRR 04 STOCK
NWNE		65-13720	JOHNSTON, ORVAL G JOHNSTON, JOAN L	C	5	A	04/23/1997	01 IRR

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

1270
1271
1272

59 506
None
None

Sp. 12.6 New
Sp. 12.6
Sp. 12.6 for 5.0m

Change to cover pond,
not in

None for same pH
for pond

pH
WR

SD-0604-2 Township: 07N			age: 01W	Section: 9	ract: NWNE		Lot:	
S	L		STATE	O	S	Max # Records	12	
E	O	Water	Name	W	T	Priority	Use	
L Tract	T	Right No.	Last, First	N	AC	G	Date	Code Desc
NWNE		A65-01270	HACKETT, WAYNE D	O	1	D	06/15/1945	01 IRR
			HACKETT, GERTRUDE	O				
			PERKEL, MURTON	C				
NWNE		A65-01271	HACKETT, GERTRUDE	O		D	09/10/1951	43 DOMEST
			HACKETT, WAYNE D	O				
			PERKEL, MURTON	C				
NWNE		A65-01272	HACKETT, WAYNE D	O		D	07/15/1920	04 STOCK
			HACKETT, GERTRUDE	O				
			PERKEL, MURTON	C				
NWNE		A65-12307	PERKEL, MURTON	C	4	L	02/25/1980	01 IRR
								04 STOCK
NWNE		R65-01271	HACKETT, GERTRUDE	O		D	09/10/1951	43 DOMEST
			HACKETT, WAYNE D	O				
			PERKEL, MURTON	C				
NWNE		R65-01272	PERKEL, MURTON	C		D	07/15/1920	04 STOCK
			HACKETT, WAYNE D	O				

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

*plw
pj*

CONVERSATION MEMORANDUM

DATE 3/16/98
FILE 65-13720

NAME OF PARTY Orval ("Casey") Johnston
EMPLOYEE R

RE: Office visit

no irrigation from pond, just stockwater

c 12 mbs $\pm$ range cattle (.02 cfs).

Pond diam c 10 $\pm$ '

Average depth c ~~2~~ 10'

covers c $\frac{1}{4}$ acre

$\frac{1}{4}$ ac. $\times$ 10' depth = 2 $\frac{1}{2}$ af $\sim$ 3 af capacity.

Reise D'Base-

Dis. to stony. 15 yd

stock storage 3 af

plu = stock storage

Remarks c mitigation (response form completed)

then please in priority order of backlog

MICROFILMED

JUN 05 1998

R E S P O N S E F O R M**COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED**

Name of Applicant

See file
" "

Mailing Address

Application No.

65-13720

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

David S. Johnston (Casegr)

Date

3/16/98

Please return this form to:

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

MICROFILMED

JUN 15 1998



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

February 4, 1998

DISTRIBUTION: Applicants whose water right applications were held without action pending fishery resources issues.

Dear Applicant:

You filed an application for permit to develop a water right that includes consumptive use (see attached profile report). This office was not been able to process such applications in your area until some water supply issues related to fishery resources were resolved.

A method to address these issues now exists. Applications that include consumptive use can be processed if applicants are willing to accept a condition of approval that can require mitigation at a later date if the need for mitigation is clearly documented. Mitigation can include steps such as purchasing storage water to offset adverse impacts to fishery resources that new water developments might cause.

Enclosed is a response form to be completed and returned if you want your application to be processed. To the extent possible given other factors, applications will be processed in the order in which they were filed.

Also enclosed is a withdrawal form. If you no longer have an interest in obtaining the water right outlined in your filing, please complete and return this form. You will receive a refund for the filing fee associated with the application.

Delays in processing due to department considerations such as those discussed in this letter do not affect the priority date of your application. Please contact this office at 334-2190 if you have any questions about your application.

Sincerely,

Western Region Allocation Staff

Enclosures: Profile Report, Response Form and Withdrawal Form

MICROFILMED

FEB 11 1998