

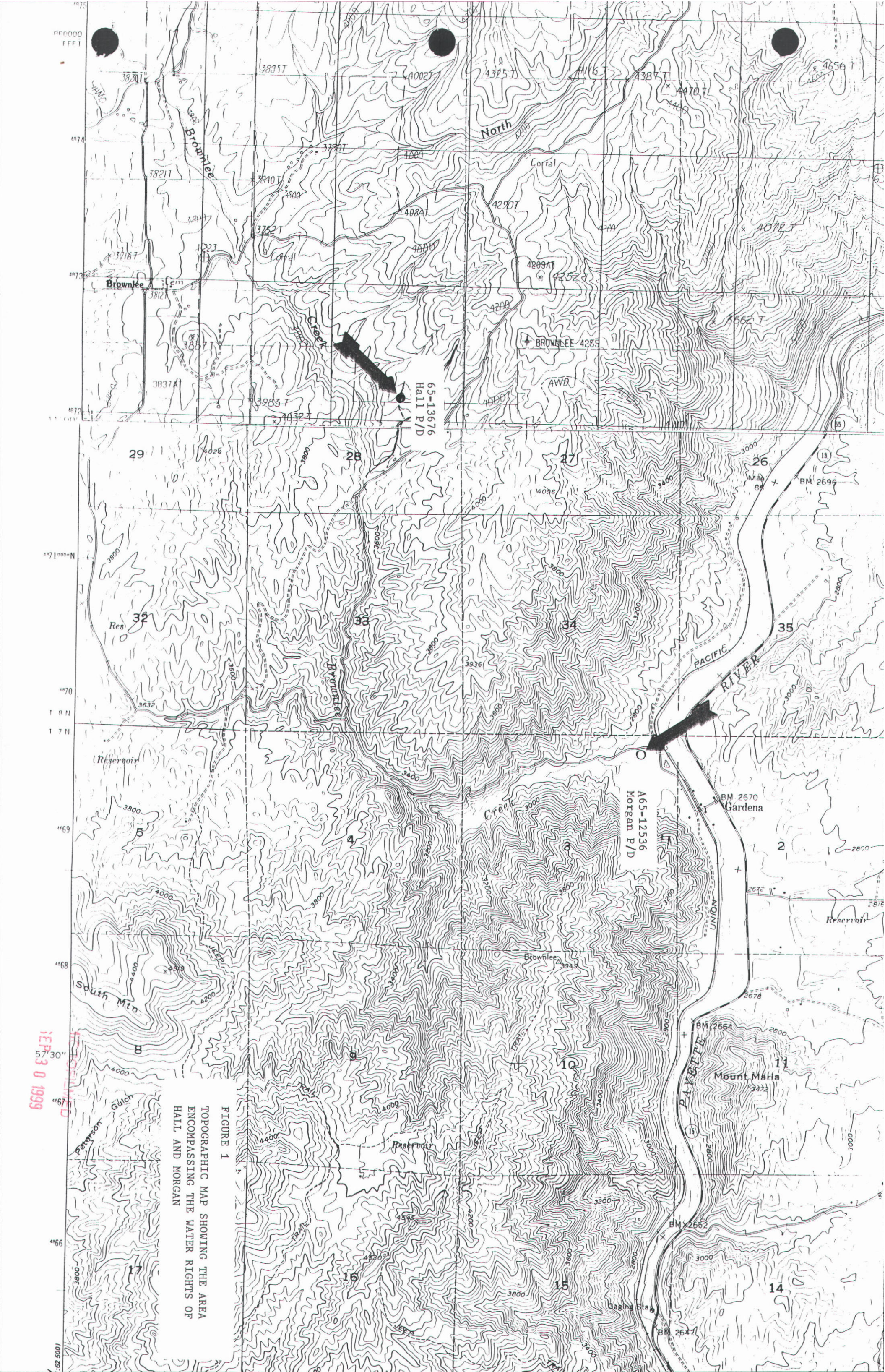


FIGURE 1
TOPOGRAPHIC MAP SHOWING THE AREA
ENCOMPASSING THE WATER RIGHTS OF
HALL AND MORGAN

6661 0 1999



#1

HALL STOCKWATER POND LOOKING SOUTHWEST
5-11-99
SLC



#2

INLET TO STOCKWATER POND
5-11-99
SLC



#3

UNNAMED STREAM ADJACENT TO POND
5-11-99
SLC



#4

UNNAMED STREAM APPROXIMATELY 200' BELOW POND
5-11-99
SLC

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SEP 30 1999



#5

UNNAMED STREAM APPROXIMATELY
75' ABOVE MOUTH
5-11-99
SLC



#6

BROWNLEE CREEK 200 YARDS ABOVE MOUTH
5-11-99
SLC



#7

BROWNLEE CREEK AT ROAD CROSSING
75' BELOW MOUTH OF UNNAMED STREAM
5-11-99
SLC

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SEP 30 1999
SEP 30 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

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. 65-13676 Telephone No. (909) 371-6511
2. Name of Permit Holder(s): DORIS HALL DAVID HALL
3. Mailing Address 2089 6th Street
City NORCO State CA Zip 92860
4. Source of Water: run off If GROUNDWATER (well), Date Drilled: mo. N/A / yr.
Well Driller: N/A Drilling Permit Number: N/A
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): N/A Stockwater (No. and type of stock): 10-15 head horses/cattle
Irrigation (No. of acres): N/A Other: N/A
6. Total rate of diversion and/or volume for which proof is submitted: N/A cfs OR 3-5 acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional Please check either yes or no Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes or No X
Has the measuring device been installed? Yes or No X
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Joe or Edith Williams Telephone Number: (208) 793-2761
Address: 204 Brownlee Loop Rd. Horseshoe Bend, ID 83629
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]

(include your title, if on behalf of company or organization)

Date: 6-10-02

MICROFILMED

Address of property in question:
180 Brownlee Loop Rd.
HORSESHOE BEND, ID 83629

JUN 10 2002

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13676

Proposed Priority: July 5, 1996

Maximum Diversion Rate:

0.20 CFS

This is to certify, that DAVID HALL
DORIS HALL
2089 6TH ST
NORCO CA 91760

has applied for a permit to appropriate water from:

UNNAMED STREAM	tributary of	BROWNLEE CREEK
GROUNDWATER	tributary of	BROWNLEE 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	01/01 to 12/31	0.02 CFS	
STOCKWATER STORAGE	01/01 to 12/31		2.0 AF
RECREATION	01/01 to 12/31	0.20 CFS	
RECREATION STORAGE	01/01 to 12/31		2.0 AF
	Totals	0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 28, Township 08N, Range 02E
BOISE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08N 02E 28 NWSE

PLACE OF USE: RECREATION, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 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 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.

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SEP 30 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

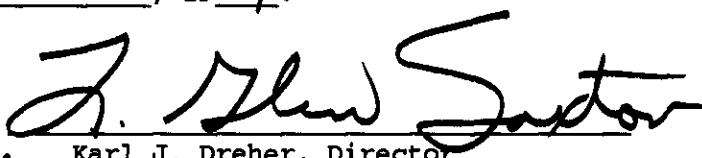
NO. 65-13676

CONDITIONS OF APPROVAL AND REMARKS

6. Stockwater and stockwater storage uses are for 30 range cattle and horses.
7. Recreation storage is for swimming and private fishing.
8. Two points of diversion are located within NWSE, S28, T8N, R2E.

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

13th day of August, 1999.


for Karl J. Dreher, Director

MICROFILMED

SEP 30 1999

RECEIVED

AUG 4 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

1. Name of Applicant David & Doris Hall Phone 909-371-6511
Mailing address 2089 5th St. NORCO, CA 91760
2. Source of water supply a) natural stream & b) groundwater which is a tributary of a) Brunklee Cr. b) N/A
3. Location of point of diversion is Township 8N Range 2E Sec. 28 in the 1/4,
NW 1/4, SE 1/4, Govt. Lot —, B.M., Boise County;
additional points of diversion if any: —
4. Water will be used for the following purposes:
- | | | |
|---|--|------------------------|
| Amount <u>.02</u> for <u>Stockwater</u> | purposes from <u>1/1</u> to <u>12/31</u> | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
| Amount <u>.20</u> for <u>Recreation</u> | purposes from <u>1/1</u> to <u>12/31</u> | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
| Amount <u>2.0</u> for <u>Stockwater storage</u> | purposes from <u>1/1</u> to <u>12/31</u> | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
| Amount <u>2.0</u> for <u>Recreation storage</u> | purposes from <u>1/1</u> to <u>12/31</u> | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
| Amount <u>—</u> for <u>—</u> | purposes from <u>—</u> to <u>—</u> | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
| Amount <u>—</u> for <u>—</u> | purposes from <u>—</u> to <u>—</u> | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
5. Total quantity to be appropriated is (a) .20 and/or (b) 2.0
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source Excavate circular pond c 50'
Radius, c 10' deep average; fill with runoff & possibly with shallow ground water
- b. Height of storage dam N/A feet; active reservoir capacity c 2.0 acre-feet; total
reservoir capacity c 2.0 acre-feet Excavated from land surface
- c. Proposed well diameter is N/A inches; proposed depth of well is — feet
- d. Is ground water with a temperature of greater than 85°F being sought? No
- e. If well is already drilled, when? —; Drilling firm —
Well was drilled for (well owner) —; Drilling Permit No. —
7. Time required for completion of works and application of water to proposed beneficial use is 3 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 in KW. —
- b. Stockwatering; list number and kind of livestock. 30 Range cattle & horses
- c. Municipal; show name of municipality. —
- d. Domestic; show number of households. —
- e. Other; describe fully. Recreation is for swimming, fishing and
personal fish raising.

SEP 30 1999

9. Description of place of use:

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

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

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	26	28														S			
																R			

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

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 enabling the applicant to make this filing: _____

12. Remarks: 2 appls. filed concurrently serve same work.

2 pld id same legal by utilizing surface & gravel water for filling same pond.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

FILED
SEP 30 1996

[Signature]
Signature of Applicant (and title, if applicable)

Received by FR Date 7/5/96 Time 2:25 Preliminary check by uph
 Fee \$ 50.00 Receipted by 82 # WD 21157 Date 7/5/96
 Publication prepared by SI Date 7/10/96 Published in Idaho World
 Publication approved _____ Date _____

Ident. No. 65-13676

Comments: Date: 7/ 5/1996 User-ID: SLESTER

Subject: ADDITIONAL INFORMATION

Also filed application 65-13675 for same stock.
Excavate low area to fill with runoff and possibly with shallow ground water. So it might be correct to state 2 P/D in same tract or equally correct to state 1 P/D (the excavation) that collects 2 sources of water. Pond capacity @ 2.0 af from proposed circular pond with about 50' radius & average 10' depth. Since .20 cfs will take more than 1 day to fill pond, storage components added to application.

Stock use is for 30 mixed range cattle & horses.

Recreation use is for swimming and for personal fish raising.

MICROFILMED

SEP 30 1983



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

July 1, 2002

DAVID HALL
DORIS HALL
2089 6TH ST
NORCO CA 91760

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13676

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 conduct a field examination to determine and confirm the use being made of the water.

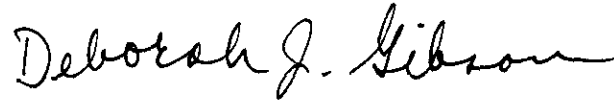
Upon my review of your water right permit, I find that a measuring device and lockable controlling works are required according to the Conditions of Approval (conditions) on your permit. According to paragraph 5 of the conditions it states that; "Prior to diversion of water under this right, the right 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. I recommend that these conditions be completed prior to the field examination in order to avoid delay of the examination and licensing of this right. You may contact the watermaster for State Water District No. 65 to obtain his recommendations of these requirements. However, if you have complied with these requirements, please disregarding this mention.

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.

MICROFILMED
JUL 9 11 2002

If you have any questions regarding this letter or the proof, you can contact me at (208) 327-7953. If you have questions concerning the field examination, please contact the **Western** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson".

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
JUL 10 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 65-13676

Reviewed By dgibson

Date: June 28, 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		C062714	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	06/13/2002
Date proof due	- 08/01/2002
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 07/05/1996
New priority date	= 07/05/1996

Deficiencies of Actions Items

Acknowledge proof with a reminder to install a measuring device.

May 31, 2002

DAVID HALL
DORIS HALL
2089 6TH ST
NORCO, CA 91760

PROOF DUE NOTICE

RE: PERMIT NO. 65-13676

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 August 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.

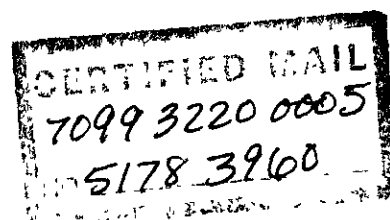
Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

JUL 10 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

August 13, 1999

DIRK KEMPTHORNE
GOVERNOR

DAVID HALL
DORIS HALL
2089 6TH ST
NORCO CA 91760

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13676

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.

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,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MC 10-1122

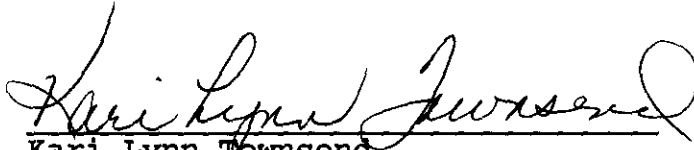
SEP 10 1999

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of August, 1999, 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. 65-13676

DAVID HALL
DORIS HALL
2089 6TH ST
NORCO CA 91760


Kari Lynn Townsend
Secretary

MOBILE

SEP 10 1999

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

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

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

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

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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SEP 21 1999

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.

SEP 30 1999

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

No.: 65-13676 Name: Hall Date: 8/11/99 Ad OK? ✓ ✓ Gvmt Lts: by J. Curtis

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

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

SYSTEM COMPLETED:

> 1 year

≤ 1 year/no proof

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

All wells (✓ WDQ3)

In Basin 34?

Irr. within WD

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

WMD

Supp. irr. use only

Supp. irr. + uses

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

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

FISH & GAME CONTACTED:

IN/ABOVE MSF (✓ MAP)

IN-STREAM DEVELOPMENT

WD (✓ MAP & LISTING)

> 0.20 cfs

≤ 0.20 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 (05)

Salmon R (70's)

Weiser R (67)

USE:

STORAGE (✓ 3 compo.)

IRR ≤ 5 acres

> 5 acres

STOCKWATER

MINING

FISH PROPAGATION

HEATING/COOLING

POWER

MUNICIPAL

In restricted area?

Irr., GW supp. to SW?

DOMESTIC

Surface water

> 1 in rest. area

FIRE PROTECTION

LOCATION:

BOISE FRONT LOGEO

MITIGATION

42-248 AREA

SWAN FALLS FLAG (✓ Code)

Trust

Non-Trust (1)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- 046-P23

- 085

- P06 (new well location)

- North / East / West

- 067

- No MD

- 065-079 (if GW use SW)-(keep SW)-(GW not primary irr. source)

- 100-101

- 01M (report when notified)

- No MD

- P62 (stream channel alteration)

- R04 (WD # 25)

- 01J-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

- 086, 087

- 18A (in & out MD for on-stream storage)-01H-P01 (LD)/01P, 18B-P09 (>10' dam), NA

- 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)

- R37 (BLM/USFS); NA

- 054/(req)-081-P10

- 029(70's only)-007-042/(req)-081 (WQ)-P10

- R07 (injection well)

- 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

- 022, 075, 004 (+memo?)

- 102

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

- 071-070

- 077

- 058 (<85° GW temp only)

- 128

- P84 (in 20/30/40/50/60/70/80 (87) basin)

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

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU)

- 5/30 range cattle & horses

- 8/11/2002

see error -

Steve allowed
as non fatal error -
not re-advertized

5/96

RECEIVED

AUG 04 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

INITIAL REVIEW BY: gyl DATE: 7/9/96 APPLICATION: 65-13676

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)
 Fee:
 Yes ☐ No ☐ In form to receipt:

Gov't. Lots:

10 P/D10 P/U**ADDITIONAL INFORMATION**

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
☒ ☐ Overlapping point of diversion.
☐ ☐ Field check required: Field check by: _____
☐ ☐ Field report attached:
☐ ☒ Critical groundwater area:
☐ ☒ Groundwater management area:
☐ ☒ 1992 moratorium:
☒ ☒ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
☒ ☒ Copy to Dam Safety staff: (for any storage) done gyl
☐ ☐ Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
☐ ☐ Send power requirement letter:
☐ ☐ Send fish farm requirement letter:
☐ ☐ Power residency affidavit:
☐ ☐ Power efficiency form:
☐ ☐ 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

DATE REQUESTED

ADDITIONAL INFORMATION ON REVERSE SIDE:

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:

YES NO

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

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:
☒ ☐ Protests received. Final date for protest 8-5-96
☒ ☐ Protest dates, resolution of protest recorded on application:

☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Measuring port required:
☐ ☒ Water delivered by water master? District # _____

☒ ☐ Special conditions of approval or cover letter: Excavation greater than 18 ft may require approval of IDWR

See below for additional information

Recommended Date or Priority 7/5/96Recommended by: Darys Date: 8/2/99**STATE OFFICE REVIEW**

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

103.13675, same applicant, separate development from different source

105.13666 Separate owner

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5062

P 590 238 344

US Postal Service

Receipt for Certified Mail

DAVID &/OR DORIS HALL
2089 6TH ST
NORCO CA 91760

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	

PS Form 3800, April 1995

SEP 3 11 1999
MICROFILMED

P 590 141 766

US Postal Service

Receipt for Certified Mail

CHUCK MORGAN

PO BOX 126

HORSESHOE BEND ID 83629

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	

SEP 30 1999
MICROFILMED

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.

H. H. King
I also wish to receive the following services (for an extra fee):

- 1 ☐ Addressee's Address
- 2 ☐ Restricted Delivery

Consult postmaster for fee.

3 Article Addressed to:

CHUCK MORGAN
PO BOX 126

HORSESHOE BEND ID 83629 SEP 14 1984

4a. Article Number

P 590 141 766

4b. Service Type

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

7. Date

SEP 15 1984

5. Received By: (Print Name)

Chuck Morgan

6. Signature (Addressee or Agent)

X Chuck Morgan

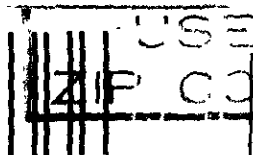
8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1984

Domestic Return Receipt

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 83705

RECEIVED

DEC 16 1998

SEP 30 1999
RECEIVED

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

Consult postmaster for fee.

3. Article Addressed to:

DAVID &/OR DORIS HALL
2089 6TH ST
NORCO CA 91760

4a. Article Number

P 590 138 344

4b. Service Type

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

7. Date of Delivery

5. Received By: (Print Name)

David A. Hall

SEP 30

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

6. Signature: (Addressee or Agent)

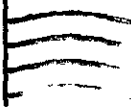
X *D. A. Hall*

PS Form 3811, December 1994

Domestic Return Receipt

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 •

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DEC 22 1998

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

SEP 30 1999

86



INTER-DEPARTMENT MEMO--1

FROM Steve Lester

TO File

DATE

4/4/97

RECEIVED

AUG 04 1999

SUBJECT BROWNLEE CREEK - WATER Supply

Department of Water Resources

Similar Appls. were protested. Protests focused on the available water supply in this drainage & possible injury to downstream SR. Right if pond development continues.

Situation was resolved but has introduced a valid question into Appl. processing in Brownlee Cr. drainage.

Reference = 65- 13667 } L. i. u.
13670 } DAVIS
13671 } permits

MICROFILMED

SEP 30 1999



SIGNATURE

Sherl L. Chapman Consulting, Inc.

410 S Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690
Fax (208) 344-2744 / Email chapmaninc@rmci.net

RECEIVED

JUN 04 1999

**WATER RESOURCES
WESTERN REGION**

June 2, 1999

Mr. Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Dear Gary:

Enclosed you will find a copy of the report I conducted for the hearing on Mr. David Hall's application #65-13676. If you have any questions regarding the report or need additional information, please don't hesitate to give me a call.

Sincerely yours,



Sherl L. Chapman
President

SLC:kje
Enclosure

MICROFILMED

SEP 30 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

July 2, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID &/OR DORIS HALL
2089 6TH ST
NORCO CA 91760

CHUCK MORGAN
PO BOX 126
HORSESHOE BEND ID 83629

Re: Application for Permit Nos. 65-13675 and 65-13676 in the Name of David &/or Doris Hall

Dear Parties:

This letter is to correct the acknowledgement letter sent to you on June 2, 1999, which stated that the protest against application no. 65-13675 was withdrawn and application no. 65-13676 was withdrawn. It should have said that **application no. 65-13675 was withdrawn** and that **the protest against application no. 65-13676 was withdrawn**.

The department will now continue to process application no. 65-13676, subject to certain conditions of approval, and application no. 65-13675 will be removed from the Department's records.

If you have any questions please call this office.

Sincerely,


Gary Spackman

GS:st

MO. OF FILM
SEP 30 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

June 10, 1999

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID &/OR DORIS HALL
2089 6TH ST
NORCO CA 91760

CHUCK MORGAN
PO BOX 126
HORSESHOE BEND ID 83629

Re: Application for Permit Nos. 65-13675 and 65-13676 in the Name of David &/or Doris Hall

Dear Parties:

This letter is to acknowledge the withdrawal of protest of application for permit no. 65-13675 and the withdrawal of application no. 65-13676.

The department will now continue to process application no. 65-13676, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,


Gary Spackman

GS:st

CC: Applicant

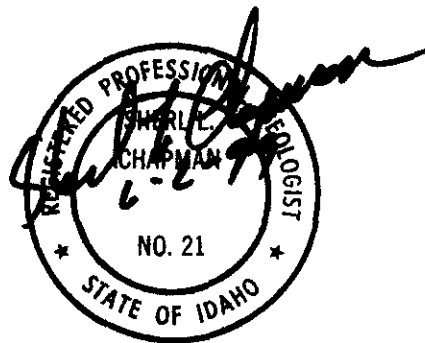
MICROFILMED

SEP 30 1999

Sherl L. Chapman Consulting, Inc.

410 S Orchard / Suite 144 / Boise, Idaho 83705 / Phone (208) 344-6690
Fax (208) 344-2744 / Email chapmaninc@rmci.net

TO: Mr. David Hall
FROM: Sherl L. Chapman, President
DATE: June 2, 1999
SUBJECT: APPLICATION FOR PERMIT #65-13676



Mr. David Hall contacted this office regarding his application for permit to appropriate water #65-13676 on March 31, 1999. Mr. Hall owns property in Section 28, T8N, R2E near Gardena, Idaho upon which he has constructed a small stock water pond. As soon as Mr. Hall became aware of the need to file an application for permit to appropriate the water in the pond he filed an application which was protested by Mr. Chuck Morgan of Gardena. Pursuant to the rules of the Department of Water Resources a hearing on the matter has been scheduled for 9:00 a.m., Friday, May 28, 1999.

Mr. Hall requested that this office conduct an investigation of the application, the pond, Mr. Morgan's water supply and other areas of need to determine whether or not the Hall application would, in fact, interfere with the existing water right held by Mr. Morgan #65-12536. The investigation was initiated in April 1999 and this report is the result of that investigation. The application for permit filed by Mr. Hall is for a total diversion rate of .2 cubic feet per second from an unnamed stream, tributary to Brownlee Creek in the NW/4 SE/4, Section 28, T8N, R2E. The water uses defined include stockwater and recreation at the same location. Mr. Morgan's water right, as claimed in the Snake River Basin Adjudication, is for .08 cubic feet per second from Brownlee Creek with the point of diversion located in the NW/4 NE/4 NE/4, Section 3, T7N, R2E. The purposes for Mr. Morgan's water right include irrigation of 2.7 acres and a diversion to storage in the amount of .010 (4.49 gallons per minute) from January 1 to December 31 of each year. The investigation began with a review of records held by the Department of Water Resources, the U.S. Geological Survey and files of this office to determine whether or not existing water flow measurements were available from Brownlee Creek or the unnamed stream. In addition, existing publications were reviewed to determine the evaporation rate from water surfaces in this area and U.S. Geological Survey topographic maps were collected and analyzed to determine the geographic parameters of the area. The site was visited in the field on May 11, 1999 and a number of photographs taken of the pond, the unnamed stream and Brownlee

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SEP 30 1999

Creek at other locations in the basin. Figure 1 is a copy of the portions of the Dry Buck Valley quadrangle and the Horseshoe Bend quadrangle map showing the relative locations of the Hall and Morgan points of diversion and the spatial relationship on Brownlee Creek and its tributaries. As can be seen from the maps, the Morgan diversion is approximately 3.2 creek miles downstream of Mr. Hall's stockwater pond. The streambed characteristics of the unnamed stream and its tributaries can be seen from the photographs and the bed characteristic of Brownlee Creek can be seen in photographs #6 and #7. Brownlee Creek is a deeply incised mountain stream whose bed primarily consists of coarse sand, gravel and boulders. Even though Brownlee Creek was flowing at approximately 8-10 cubic feet per second on May 11th the stream disappeared entirely in boulders and gravel at several locations. However, the flow at the Morgan diversion near the mouth of the creek appeared to be in the neighborhood of 10 cubic feet per second. This estimate is based on observed velocity and an estimate of the width and depth of the stream at these locations. No current meter measurements were taken at this time.

The Hall stockwater pond is approximately 65 feet by 80 feet in dimension. It is somewhat triangular in shape and based on field measurements appears to have a surface area of about .12 acres at its highest elevation. The maximum depth of the pond was unable to be determined due to the turbidity of the water. The sole water supply source for the pond appears to actually be from a poorly defined stream channel at the upper end of the pond as shown in photograph #2. This channel is tributary to the primary unnamed stream on the property. The channel of this tributary is defined for only about 75 to 85 feet after which it becomes a part of an overall small basin which extends another few hundred feet to the top of a low divide. There appears to have been a minor spring discharge at some point in time since the grass in the lower part of the bowl is heavier than in the upper part. However, at the date of the field visit there was neither spring flow nor any flow in the channel of the unnamed stream feeding the pond. Below the pond a side channel exists which is the primary unnamed stream on the property. This stream does not discharge into the stockwater pond nor have any structures been developed which would allow the stream to discharge into the pond. This stream is tributary to Brownlee Creek and can be seen on Figure 1 just below or south and east of the Hall point of diversion. The stream is also shown in photograph #3. Photograph #4 shows the channel about 200 feet below the pond and, as can be seen from the photograph, there is minor stream flow in the channel which appears to be a minimal base flow. None of this water is being released from the Hall stockwater pond since it was not constructed with an outlet. Photograph #5 depicts the unnamed stream channel discharge approximately 75 feet above the point it enters

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SEP 30 1999

Mr. David Hall
May 21, 1999
Page 3

Brownlee Creek approximately 2,000 feet southwest of the Hall stockwater pond. As can be seen from the photograph the flow is minimal and was estimated at about 5-8 gallons per minute. Photograph #7 shows Brownlee Creek just below the mouth of the unnamed stream. Again, none of this water is discharging into the unnamed stream from the Hall stockwater pond. Photograph #6 was taken from the County road and shows diversions from Brownlee Creek approximately 200 yards above its mouth into the Payette River. It is believed that this structure is a portion of Mr. Morgan's diversion under his existing water right. As can be seen from the photograph there is significant flow in Brownlee Creek at this point and again it was estimated at about 10 cubic feet per second

As a part of the analysis of the potential impact to other water rights, an effort was made to quantify evaporation from the stockwater pond since that quantity of water would be lost from the system if the pond was full throughout the entire irrigation season. Based on records from the Parma Experiment Station extrapolated to this area and elevation it is estimated that evaporation over a four (4) month period would approximate .36 acre feet per year if the pond were full throughout the entire four (4) month period. This amount of evaporation is minimal and approximates the amount of water withdrawn from a single family domestic well for a similar period of time.

The existence of Mr. Hall's pond and his application for permit meet the local public interest criteria as required by Idaho statute. This area is predominantly agricultural in nature with most landowners owning stock of one type or another. Mr. Hall's pond, constructed primarily to provide stock water for cattle and horses, is consistent with the surrounding use of other properties and the Brownlee Creek drainage basin as a whole.

Mr. Hall's application is also consistent with the requirement for conservation of water resources in Idaho. The small drainage that provides water for the stock pond only contains runoff during snowmelt or torrential rainstorms. Without the catchment basin or pond the water would immediately leave the area and not be available for stock water purposes or recreational pursuits. As described earlier in this report, the inlet to the pond was dry on May 11, 1999 indicating the flashy nature of the contributing intermittent stream. Without the catchment pond little, if any, water would be available for stockwater or any other purpose at this location.

The existence of the pond at this time and in 1998 when it held water throughout the year is evidence that the water supply is sufficient for the purposes

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SEP 30 1999

described in the application. Water from snowmelt has been caught in the pond and used for stockwater purposes as well as recreation. In 1998 water remained in the pond throughout the year clearly indicating that there is sufficient water to meet the request outlined in the application.

Based on the field evaluation of the construction of the pond, the geology and geography of the area on and around Mr. Hall's property, the distance from the stockwater pond to Mr. Morgan's diversion and the hydrology of Brownlee Creek and its tributaries, it is the opinion of this author that there will be no impact on Mr. Morgan's water right from the use of the Hall stockwater pond. This conclusion is based on the following facts:

1. The stockwater pond is constructed with only one inlet which, based on the field investigation is dry by the first of June. 1999 has been a good water year and at this elevation snowpack has been gone for sometime which eliminates any potential additional source of water which could contribute to the Brownlee Creek flow.
2. The only water that could be caught in the pond during the summer months would be from torrential rainfall events. If such an event were to occur there is a significant drainage between the Hall pond and the Morgan diversion, which would probably provide well in excess of the amount needed to satisfy Mr. Morgan's water right.
3. The Hall stockwater pond does not catch any stream flow or spring flow that would discharge to Brownlee Creek during the summer months when Brownlee Creek might be at its lowest.
4. During the period of time Mr. Hall's pond is filling, Brownlee Creek flows well in excess of the amount needed to satisfy Mr. Morgan's water right.
5. Even if Mr. Hall were required to release water from his stockwater pond it would probably be lost in the sands and gravels of the stream channel and would never reach the Morgan diversion's, over three (3) miles below, through a desert terrain. Therefore, any demand by Mr. Morgan would be considered a "futile" call.
6. Any water that might be rising in a stream or streams on Mr. Hall's property that perhaps could last later into the summer months is not captured but bypasses the

SEP 30 1999

pond and will reach Brownlee Creek if it exists. No effort has been made by Mr. Hall to capture this water and divert it into his stockwater pond.

7. The dominant use of land in the Brownlee Creek drainage is for agricultural purposes and in many cases stockwater and/or recreation. #65-13676 is consistent with the local public interest.
8. Since water caught for retention in the pond comes from a very limited drainage basin, which typically provides water for a brief period during the spring months, the pond provides an opportunity to retain water that would join the spring freshet for stockwater and recreational purposes. The retention of this water in the upper portion of the drainage basin throughout the summer and fall months is consistent with conservation of water resources in Idaho.
9. The pond has been constructed to its maximum capacity for two (2) years. During 1998 the pond remained full throughout the year even though the water supply entering the pond occurred during the spring months from snowmelt and rainfall. The fact that the pond has remained full at its constructed level does provide evidence of the sufficiency of the water supply.

For the reasons described above, it is the opinion of this author that the granting of permit #65-13676 will not in any way adversely affect the water right of Mr. Chuck Morgan.

If any questions arise regarding this report, please contact Sherl L. Chapman.

MAILED
JUN 10 1999

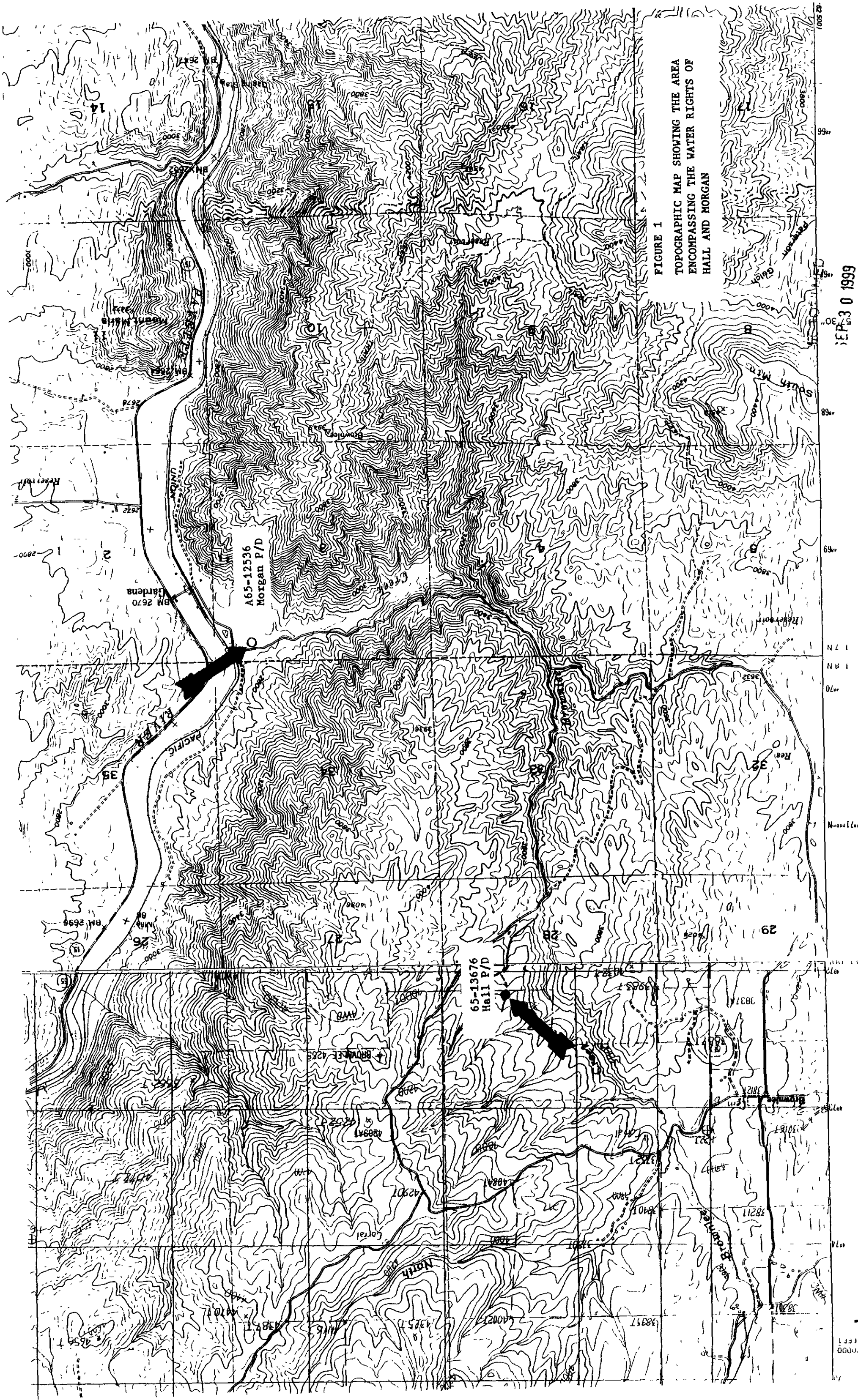


FIGURE 1
TOPOGRAPHIC MAP SHOWING THE AREA
ENCOMPASSING THE WATER RIGHTS OF
HALL AND MORGAN

SEP 30 1999



#1

HALL STOCKWATER POND LOOKING SOUTHWEST
5-11-99
SLC



#2

INLET TO STOCKWATER POND
5-11-99
SLC



#3

UNNAMED STREAM ADJACENT TO POND
5-11-99
SLC



#4

UNNAMED STREAM APPROXIMATELY 200' BELOW POND
5-11-99
SLC



#5

UNNAMED STREAM APPROXIMATELY
75' ABOVE MOUTH
5-11-99
SLC



#6

BROWNLEE CREEK 200 YARDS ABOVE MOUTH
5-11-99
SLC



#7

BROWNLEE CREEK AT ROAD CROSSING
75' BELOW MOUTH OF UNNAMED STREAM
5-11-99
SLC

SLC
5-11-99

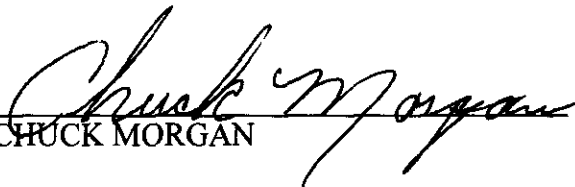
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-13676 IN THE)
NAME OF DAVID &/OR DORIS HALL)**

WITHDRAWAL OF PROTEST

I, Chuck Morgan, agree to withdraw the protest to application for water right no. 65-13676, in the name of David &/or Doris Hall, upon withdrawal by the applicants of application for water right no. 65-13676.

Dated this 28th day of May, 1999.


CHUCK MORGAN

NOTARIZED

SEP 10 1999

Tape RECORD

Tape	Testimony	WHO
0025	START	
0025	INTRODUCTION OF RIGHT AND SETTLEMENT.	GARY SPACKMAN
0097	UNDERSTANDING OF SETTLEMENT BY HALL/HOUSINGER	CHARLIE HOSKING
00142	MR. MORGAN CONCERNS ? VIEW OF SETTLEMENT	CHUCK MORGAN
00170	QUESTIONS OF MR MORGAN BY GARY SPACKMAN	SPACKMAN/MORGAN
00275	STORY OF OTHER RIGHTS ? IDWR capabilities	SPACKMAN
00415	REQUEST FOR OTHER CONCERNS	SPACKMAN
0420	COMMENTS / CHAPMAN	SHERL CHAPMAN
0440	RESPONSE ? DISCUSSION.	SPACKMAN/CHAPMAN
0480	REQUEST OF WITHDRAWAL FORM / PROTEST.	SPACKMAN
0550	ENDED	HEARING.

SEP 30 1999

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

Conducted by: Gary Spackman

ADDRESS

Gary Spackman 2735 Airport Way, Boise, Id. 83705

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 63-13676)
IN THE NAME OF DAVID AND/OR)
DORIS HALL.)

NOTICE OF HEARING

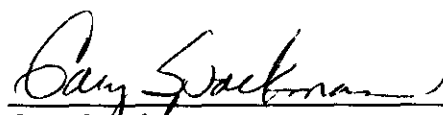
On July 5, 1996, David &/or Doris Hall filed with the Department of Water Resources (department) two applications for permit to appropriate the public waters of the State of Idaho. The applications were protested by Chuck Morgan &/or Debra A. Watson. The applicants withdrew application no. 63-13675 and Debra A. Watson withdrew her protest against application no. 65-13676. The prehearing conference held on October 30, 1998, did not resolve the protests.

The department has scheduled a hearing for the protest to be held on Friday, May 28, 1999 at 9:00 a.m. at the Idaho Department of Water Resources, upstairs conference room, 1301 N. Orchard, Boise, Idaho 83706. The hearing 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 IDWR. A copy of the rules may be obtained from 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 satisfies 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 (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 14th day of December, 1998.



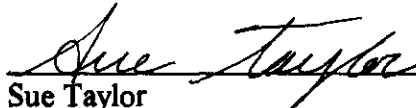
Gary Spackman

RECEIVED

SEP 10 1999

MAILING CERTIFICATE

I hereby certify that on the 14th day of December, 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

DAVID &/OR DORIS HALL
2089 6TH ST
NORCO CA 91760

CHUCK MORGAN
PO BOX 126
HORSESHOE BEND ID 83629

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.

MODIFIED
SEP 30 1999

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.

11/10

755 30 0000

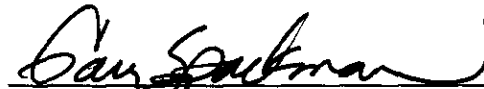
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
FOR PERMIT NO. 65-13675 AND)	AMENDED NOTICE OF
65-13676 IN THE NAME OF)	PREHEARING CONFERENCE
DAVID &/OR DIXIE HALL)	
_____)	

The prior prehearing conference in the above-referenced matter scheduled for October 28, 1998, has been canceled. The prehearing conference will now be held on Friday, October 30, 1998, at 10:00 a.m. The location of the conference remains the same at the Idaho Department of Water Resources, upstairs conference room C, 1301 N. Orchard, Boise, Idaho. 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 9th day of October, 1998.



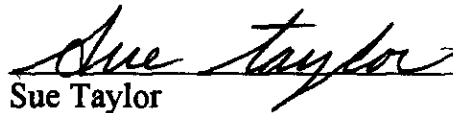
Gary Spackman

MICROFILMED

SEP 11 1999

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of October 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

DAVID &/OR DORIS HALL
2089 6TH ST
NORCO CA 91760

CHUCK MORGAN
PO BOX 126
HORSESHOE BEND ID 83629

DEBRA A WATSON
C/O CAROL L ROSS
RT 1 BOX 100A
HORSESHOE BEND ID 83629

MICROFILMED

SEP 30 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATER OF APPLICATION)
FOR PERMIT NO. 65-13676 IN THE)
NAME OF DAVID &/OR DORIS HALL)**

WITHDRAWAL OF PROTEST

I, Carol Ross, on behalf of Debra Watson, agree to withdraw the protest to application for water right no. 65-13676, in the name of David &/or Doris Hall, upon withdrawal by the applicants of application for water right no. 65-13675.

Dated this 30 day of October, 1998.

Carol D. Ross

MICROFILMED

SEP 30 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-13675 AND)
63-13676 IN THE NAME OF DAVID)
AND/OR DORIS HALL.)

**NOTICE OF PREHEARING
CONFERENCE**

On July 5, 1996, David &/or Doris Hall filed with the Department of Water Resources (department) two applications for permit to appropriate the public waters of the State of Idaho. The applications were protested by Chuck Morgan &/or Debra A. Watson.

The department has scheduled a conference for the protest to be held on Wednesday, October 28, 1998 at 1:30 a.m. at the Idaho Department of Water Resources, upstairs conference room, 1301 N. Orchard, Boise, Idaho 83706. 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.

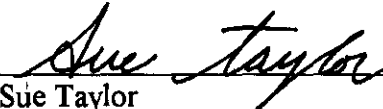
The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 24th day of September 1998



Gary Spackman

I hereby certify that on the 28th day of September 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

DAVID &/OR DORIS HALL
2089 6TH ST
NORCO CA 91760

CHUCK MORGAN
PO BOX 126
HORSESHOE BEND ID 83629

DEBRA A WATSON
C/O CAROL L ROSS
RT 1 BOX 100A
HORSESHOE BEND ID 83629



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

August 6, 1996

DAVID &/OR DORIS HALL
2089 6TH ST
NORCO CA 91760

Re: Applications for Permit Nos. 65-13675 and 65-13676

Dear Applicant:

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

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, 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,

Steve Lester
Deputy Regional Manager

SL/st

Enclosure: Copy of protest(s)

SEP 10 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

August 6, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CHUCK MORGAN
PO BOX 126
HORSESHOE BEND ID 83629

DEBRA A WATSON
C/O CAROL L ROSS
RT 1 BOX 100A
HORSESHOE BEND ID 83629

Re: Applications for Permit Nos. 65-13675 and 65-13676 in the Name
of David &/or Doris Hall

Dear Protestants:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) 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. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-203, 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,

Steve Lester
Deputy Regional Manager

SL/st

1996

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

RECEIVED
AUG 02 1996
WATER RESOURCES
WESTERN REGION

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

1. Matter being protested Permit Application #s 65-13675 & 65-13676
2. Name of protestant Chuck Morgan
3. Protestant's representative for service (If different than protestant)

4. Service mailing address P.O. Box 126 Horseshoe Bend, Id. 83629
5. Service telephone no. 793-2566

6. Basis of protest (including statement of facts and law upon which the protest is based)

Water being taken out of Brownlee cr above us.

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? Denial of Water Permit

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

Signed this 2nd day of August, 19 96

Chuck Morgan
PROTESTANT

PROTESTANT'S REPRESENTATIVE

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

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

FOR DEPARTMENT USE ONLY

Received by JFW Date 8/2/96 Time 3:00 PM
\$25.00 fee Received by JFW # W021295 Date 8/2/96
\$25- DB W021307 8/6/96

RECEIVED

JUL 31 1996

Department of Water Resources

RECEIVED

JUL 31 1996

WATER RESOURCES
WESTERN REGION



SOUTHWEST IDAHO AREA

8355 W. STATE ST., BOISE, ID 83703

(208) 334-3488 FAX 853-6372

MEMORANDUM

TO: Department of Water Resources

FROM: Don Stockton *Don Stockton*

DATE: July 29, 1996

SUBJECT: Water Right Application 65-13676, David and Doris Hall
NWSE Section 27, Township 8 North, Range 2 East, B.M.

We just happened to see this notice of application in the Idaho World. The NWSE of Section 27, Township 8 North, Range 2 East is State owned property.

It is our policy to have any water rights on State owned property filed in the name of the State.

Also, the applicants have no permits from our Department for transporting the water from the State property

Should you have any questions, please call

RECEIVED

AUG 26 1996

WATER RESOURCES
WESTERN REGION

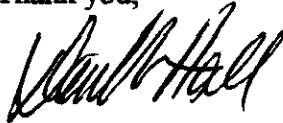
August 22, 1996

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

Dear Representative,

Attached is a copy of the letter that I sent to you on August 13, 1996. A follow up phone call revealed that you had not yet recieved this letter. I am mailing and faxing this communication today. I will follow up with another telephone call later.

Thank you,

A handwritten signature in cursive script, appearing to read "Doris Hall".

Doris Hall

August 13, 1996

State Of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

RECEIVED
AUG 26 1996
WATER RESOURCES
WESTERN REGION

Dear Representative,

Below is the communication I sent to the protestants, Chuck Morgan and Debra Watson c/o Carol Ross, for the application permit Nos. 65-13675 and 65-13676 on August 10, 1996.

"We have recieved your protest for the water permit application we filed for Brownlee Creek. I understand your concern and I respect the conservation of the current status of the creek. In no way do I wish to divert an amount of water that would cause destruction. What I propose is to store about 8000 cubic feet of water to be used when the creek dries up. Approximately the amount of a small swimming pool. This water will eventually be let out slowly to flow down the creek bed in order to maintain hydration of some fruit trees which will be planted for about 50 yards along the creek. Water will not be pumped out of the creek at any time.

We planned to develop a water hole and deepen a length of the creek which we hope will hold water longer in the summer. The water will run free once the water hole is filled in late winter, early spring when water flow begins. This process will likely take less than a couple hours. If Brownlee Creek flows at a rate of 2 cfs, it will take about an hour to fill. The flow of water in Brownlee Creek will only be altered during this time.

Regarding the other application, the unnamed stream is a crevice in the hill where run off occurs. This crevice leads to another unnamed stream above Johnnie Hardin's place. We want to dig out a pond in the crevice. We already spoke with Mr. Hardin and assured him that it would not affect his water in any way.

The representative at the Department of Water Resources advised us to ask for more than we need, or the maximum that the \$50.00 fee would allow. I hesitated to make the application like this because I did not want to alarm my neighbors. He advised that this is normal procedure, and if protested, the application can be ammended.

Please write back so that we can resolve this issue."

Please enter this information into my file. # 65-13675

Thank you,



Doris Hall
2089 6th Street
Norco, CA 91760
(909) 371-6511

August 13, 1996

State Of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Files
RECEIVED

AUG 19 1996

WATER RESOURCES
WESTERN REGION

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Please write back so that we can resolve this issue."

Please enter this information into my file.

Thank you,

Doris Hall

Doris Hall
2089 6th Street
Norco, CA 91760
(909) 371-6511

*partially but
not fully
correct
JL*

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES NOTICE OF PROTEST

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

1. Matter being protested Application # 65-13676 65-13675 in name of Hall, David Hall, Denis
2. Name of protestant Debra Watson
3. Protestant's representative for service (if different than protestant)
Carol L. Ross Carol Ross
work phone
365-7000
4. Service mailing address Rt. 1 Box 100 A
5. Service telephone no. 793-2483
6. Basis of protest (including statement of facts and law upon which the
See Attached

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? 1.) Allow water from Brownlee Cr. to be drawn for storage only from Jan 1. to March 15 each year. 2.) Leave streambed unaltered to ensure adequate annual scouring. 3.) OR allow water right for 5,100 CFS from tributary to Brownlee cr. Only.

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

Signed this 24th day of July, 19 96.

Debra A. Watson
PROTESTANT

Carol L. Ross
PROTESTANT'S REPRESENTATIVE

WO21299 DB \$25- 8-5-96
WO21300 DB \$25- 8-5-96

Basis of Protest

- 1.) Protestant claims prior water rights established by uncontested use of Brownlee Cr. for stock water since 1956 when ranch was purchased by her family.
- 2.) Historically, Brownlee Cr. has been and currently is the sole source of stockwater for one pasture (40 acres) and an additional source of stockwater for another.
- 3.) Reduction in rate of flow through protestant's property of .400 CFS will limit grazing time in the 40 acre pasture creating an economic hardship.
- 4.) Protestant and representative have been managing the $\frac{1}{3}$ mile stretch of Brownlee Cr. serving protestant's pastures for the past 3 years to reverse and prevent effects of overgrazing. Riparian vegetation is thriving, stream banks are solid and good wildlife cover and habitat has been restored. Reducing stream flow will cause loss of cover and vegetation in riparian areas and reduce wildlife populations downstream from diversion point(s) proposed.
- 5.) Brownlee Cr. is an annual stream flowing through semi-arid high desert on it's way to the Payette River. Below proposed diversion point, 4 miles of stream and 6 ranches depend on it for stock water in varying degrees. The only pasture solely dependant on this stream for livestock production belongs to protestant. The rate of fall of Brownlee cr. through this pasture averages 20% slope results in little opportunity for water to spread or pool except in isolated spots. Less stream flow would further reduce this opportunity. With the exception of isolated small pools Brownlee Cr. is dry by July 1 as an average date.
- 6.) Earlier utilization of protestant's 40 acre pasture

(Cont'd next page)

Basis of Protest (cont'd.)

6. cont'd.) is not an acceptable option. Soils are loose and fragile earlier in the season and immature vegetation will not offer adequate holding power on the steeper loose streambanks. Severe degradation would occur.

7.) The Brownlee Cr. drainage experiences more pressure from big game animals each year as their available winter and summer range is developed. Less water flow in the 4 mile stretch below proposed diversion point will mean less forage production and less water availability for these animals.

8.) Esthetic values need to be addressed. Brownlee Cr. is public water.

The Idaho World

P O Box 99
Garden Valley, ID 83622
208 462-3487

RECEIVED

AUG 05 1996

WATER RESOURCES
WESTERN REGION

State of Idaho >

County of Boise >

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with July 17, 1996 and ending with the issue of July 1996.

Deanna Stevenson

State of Idaho >

County of Boise >

On this 2 day of Aug in the year 1996, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Lincoln K. Gentry
Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 6/10/98

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13675

HALL, DAVID
HALL, DORIS
2089 6TH ST
NORCO, CA 91760

Source: BROWNLEE CREEK Tributary: PAYETTE RIVER

Diversion Pt: * SWNWSE Sec 28 T 08N R 02E in BOISE County.

Use: IRRIGATION	(	0.200 CFS)
STOCKWATER	(	0.020 CFS)
RECREATION	(	0.200 CFS)
Total Diversion:	(	0.200 CFS)

Date Filed: 7/ 5/1996

In: BOISE County
T08N R02E S28 NWSE SWSE

10.0 ACRES TOTAL

HALL, DAVID
HALL, DORIS
2089 6TH ST
NORCO, CA 91760

Source: UNNAMED STREAM
Source: GROUNDWATER

Tributary: BROWNLEE CREEK
Tributary:

Diversion Pt: NWSE Sec 27 T 08N R 02E in BOISE County.

Use: STOCKWATER	(	0.020 CFS)	
STOCKWATER STORAGE	(		2.00 AF)
RECREATION	(	0.200 CFS)	
RECREATION STORAGE	(		2.00 AF)
Total Diversion:	(	0.200 CFS)	

Date Filed: 7/ 5/1996

In: BOISE County
T08N R02E S28 NWSE

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 AUGUST 5, 1996. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director

Published in The Idaho World July 17 and 24, 1996.

65-13676

NON-fatal error!
See above companion Appl.
plus appls. already
protested by
today - gl
8/5/96

65-13676

HALL, DAVID
HALL, DORIS
2089 6TH ST
NORCO, CA 91760

Source: UNNAMED STREAM
Source: GROUNDWATER

Tributary: BROWNLEE CREEK
Tributary:

Diversion Pt: NWSE Sec 28 T 08N R 02E in BOISE County.

Use: STOCKWATER	(	0.020 CFS)	
STOCKWATER STORAGE			(2.00 AF)
RECREATION	(	0.200 CFS)	
RECREATION STORAGE			(2.00 AF)
Total Diversion:	(	0.200 CFS)	

Date Filed: 7/ 5/1996

In: BOISE County
T08N R02E S28 NWSE