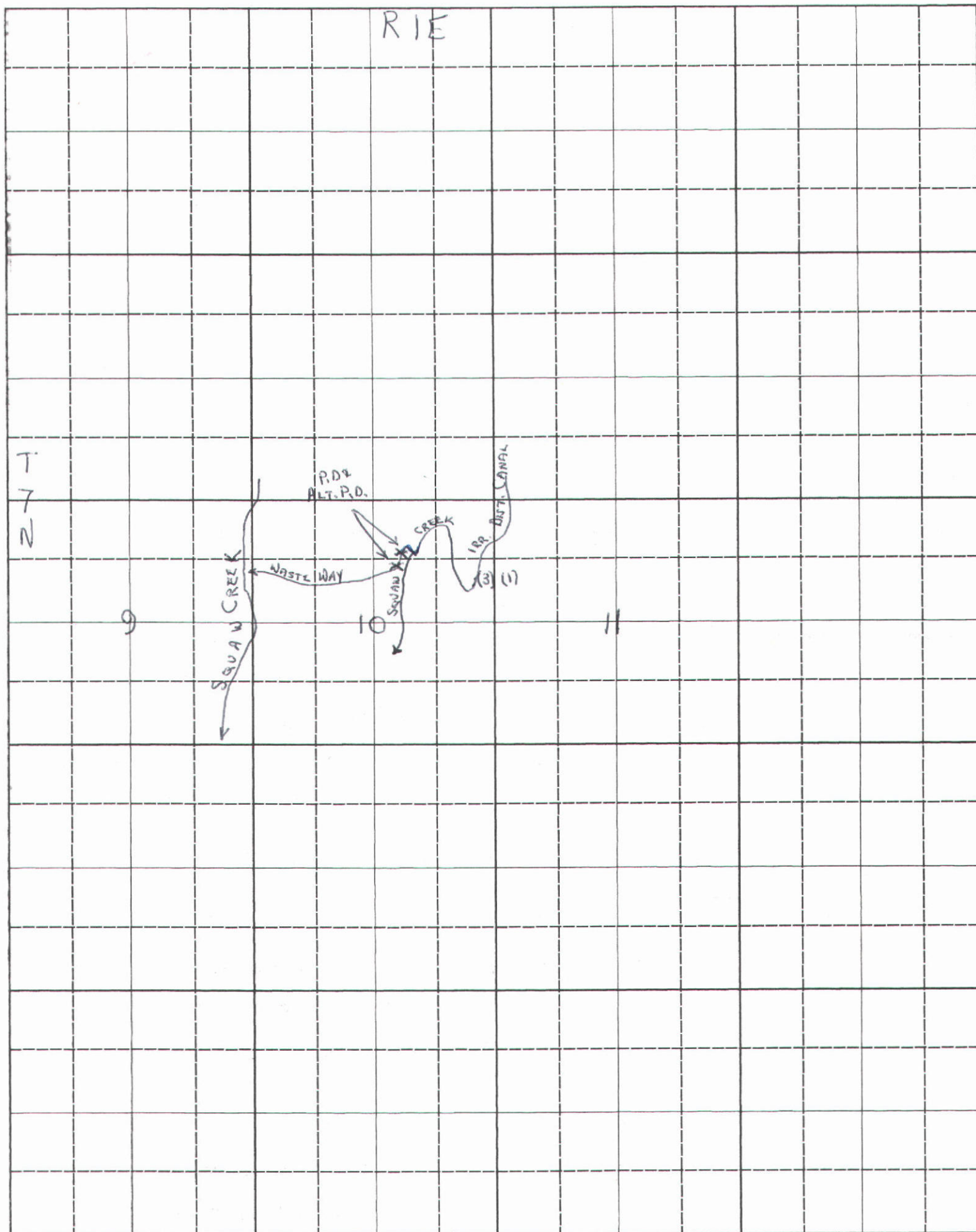


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

Mark L. John
(Applicant)

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application(s) have been submitted for permit to appropriate waters of the State of Idaho:

65-12527 / *AP*

JOHN, MARK
P.O. BOX 162, SWEET, ID
83670

Source: WASTE WATER
tributary to SQUAW CREEK

Date Filed: 06 / 10 / 1982

Amount: 0.12 CFS

Diversion Point: NWNE SWNE
Sec. 10 T 07N R 01E, GEM Co.

Use: IRRIGATION (0.12 CFS)
from 03 / 15 to 11 / 15

Place of Use: SENE Sec 10 T
07N R 01E SWNW Sec 11 T 07N
R 01E for 4 ACRES

Diversion Means: PUMP AND
PIPELINE

If issued, the permit(s) will be
subject to all prior water rights.
Protests against the granting of
any permit must be filed with the
Director of the Idaho Depart-
ment of Water Resources, 92 S.
Cole Road, Boise, Idaho 83709
on or before JULY 19, 1982.

A. Kenneth Dunn
Director

2;6-30,7-7

34

RECEIVED

JUL 12 1982

Department of Water Resources
Western Regional Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

COUNTY OF GEM,

Arvita Bole being first
duly sworn, on his oath deposes and
says that he is the printer of Messenger-
Index, a legal weekly newspaper pub-
lished at Emmett, in Gem County, Idaho;
that said newspaper is in general circu-
lation in said county and has been pub-
lished uninterruptedly 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 *2*
consecutive weekly issues thereof, be-

ginning with the issue of *6-30*,

19*82*, and ending with the issue of

July 7, 19*82*
Arvita Bole

Subscribed and sworn to before me this

7th day of

July, 19*82*
Arvita Lounsbury Harte

Notary Public,

Residing at Emmett, Idaho.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 65-12527

1. Owner: MARK JOHN Phone No. 584-3491

Current Address: P.O. Box 162 SWEET ID. 83670

2. Accompanied by: SAME EXAM. DATE: 7-7-87

Address: ~~WASTE WATER~~ Phone No. _____

Relationship to Permit Holder: _____

3. Source: WASTE WATER tributary to SQUAW CREEK

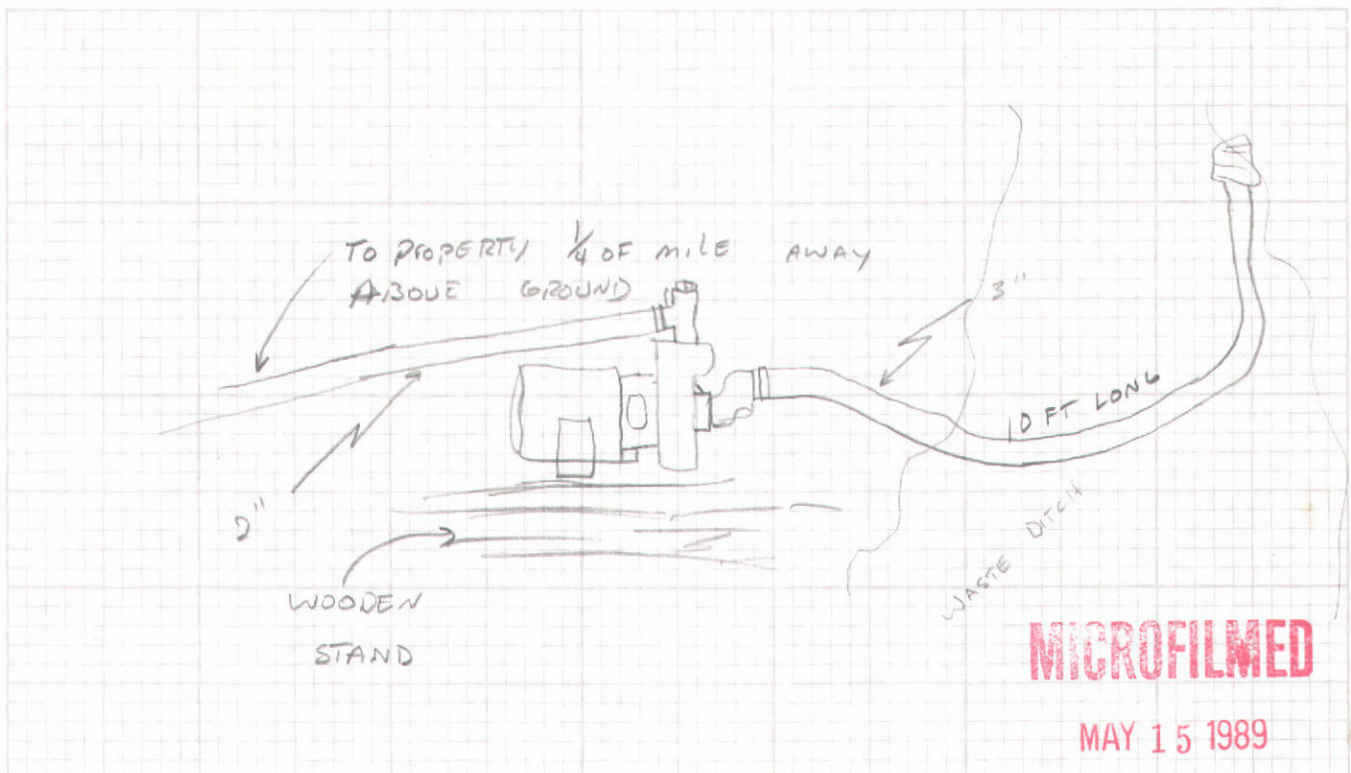
B. OVERLAP REVIEW

1. Other water rights with same place of use: 65-12528 FOR SAME USE
DIFFERENT P.D. ☐ Copies Attached

2. Other water rights with same point of diversion: ~~65-6652~~ NONE
☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = 2 FT

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

65-125 27



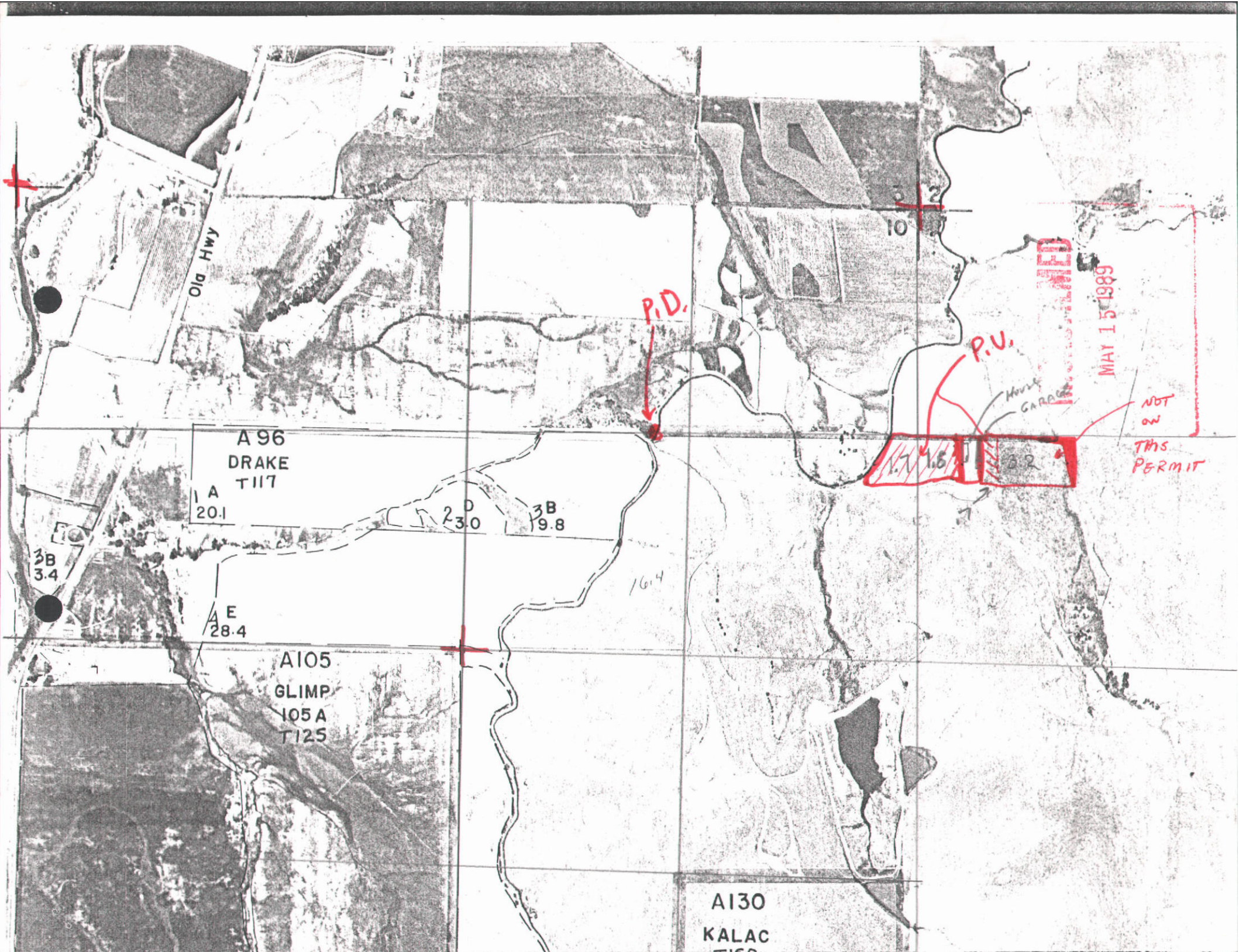
P. D



P. U.

MICROFILMED

MAY 15 1989



Old Hwy

A 96
DRAKE
T117

1A
20.1

2D
3.0

3B
9.8

4E
28.4

A105
GLIMP
105A
T125

A130
KALAC
T160

P.D.

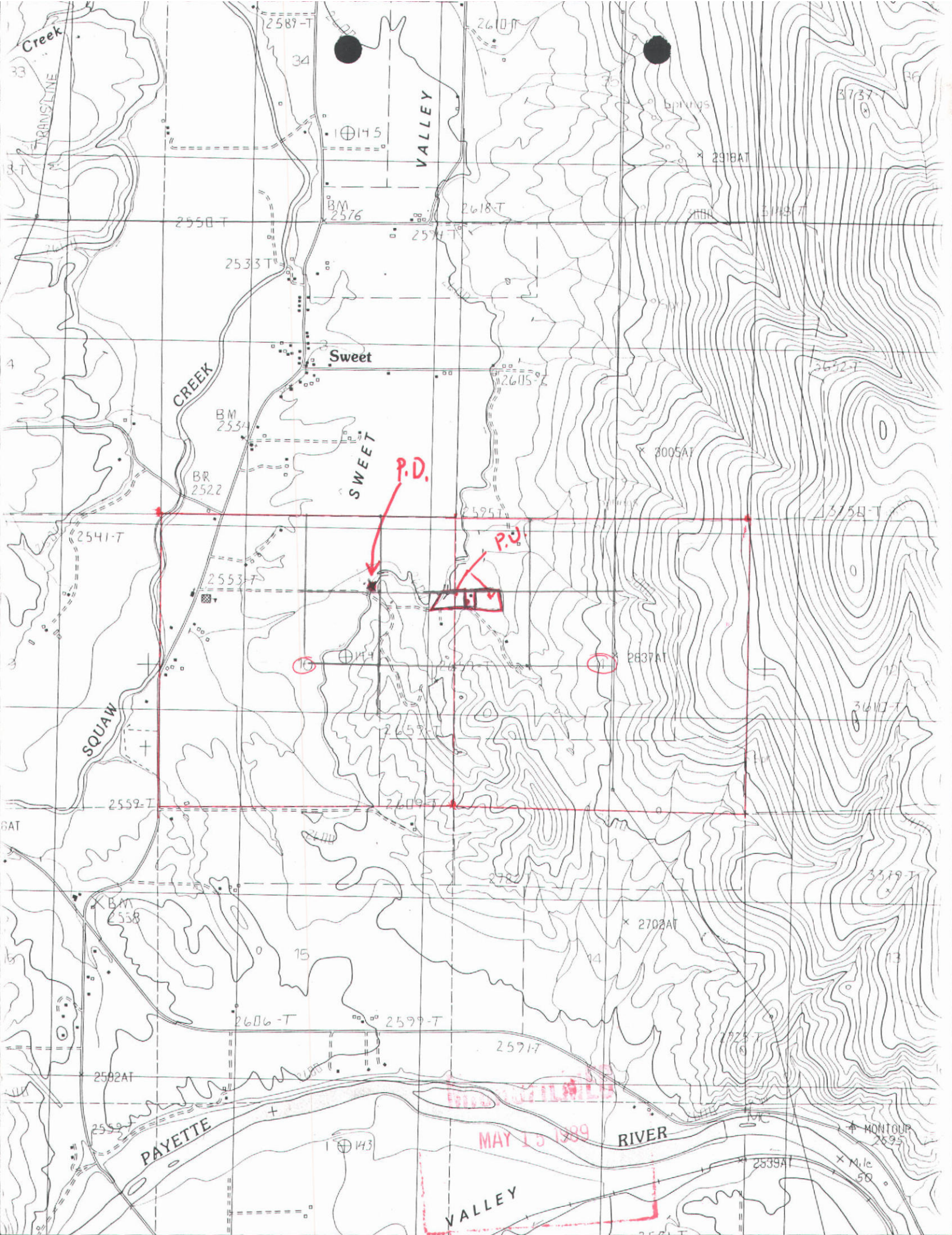
P.V.

HOUSE
GARAGE

MAY 15 1989

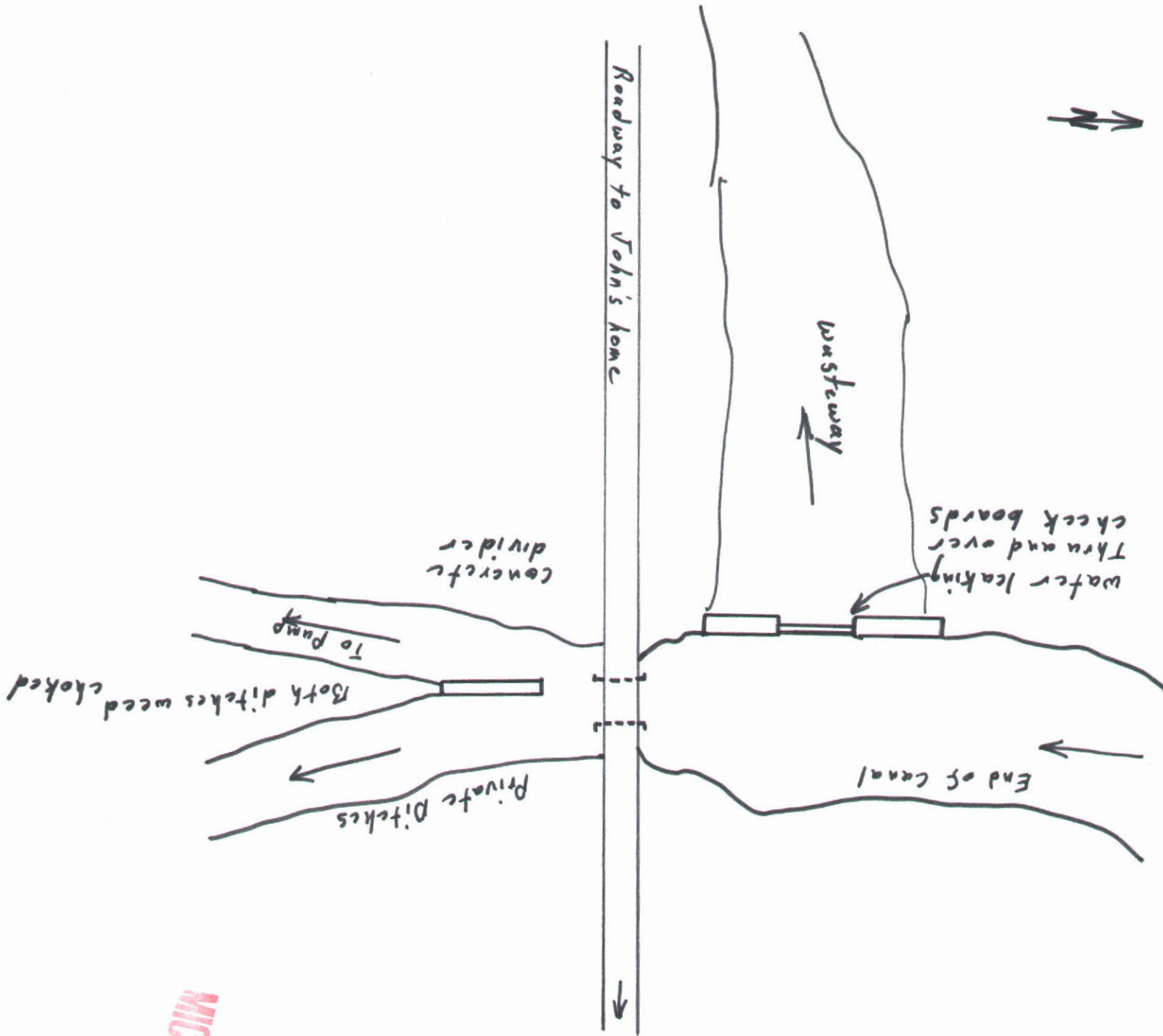
NOT
ON
THIS
PERMIT

1.7 1.8 2.2



UNCLASSIFIED





MICROFILMED

DARNELL'S

DETZMEN

JOHN RES

10 km
HAROLD

SWEET OLD Hwy

4-2

Fence

canal

Point of
Division
IN
Question

Road

DRAKE
CLIMP
DIVISION

SPILLWAY

36-1
BRIDGE
DRAKE

SWEET SKIN

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12527

Priority: June 10, 1982 Amount: 0.09 CFS 18.0 AFA

This is to certify, that MARK JOHN
P.O. BOX 162
SWEET, ID 83670

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated June 10, 1982, and has submitted proof to the Department of Water Resources on August 3, 1987, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .090 cfs of water from:

WASTE WATER tributary to SQUAW CREEK

source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
IRRIGATION	04/01 to 11/01	0.09 CFS	18.0 AFA

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 10, Township 07N, Range 01E
GEM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	01E	10	SENE	1.7		1.7
		11	SWNW	2.3		2.3

Total number of acres irrigated: 4

CONDITIONS/REMARKS:

1. The right to the use of water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this water right is subject to control by the watermaster of State Water District No. 65A
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

MICROFILMED

MAY 15 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12527

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 21st
day of April, 1989.

Acting for the

Director

Norman C Young

MAY 16 1989

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

IN THE MATTER OF PROTEST AGAINST APPROVAL OF)
APPLICATION FOR PERMIT OF NO. 65-12527 IN THE)
NAME OF MARK JOHN)

ORDER ADOPTING
PROPOSED MEMORANDUM
DECISION AND ORDER

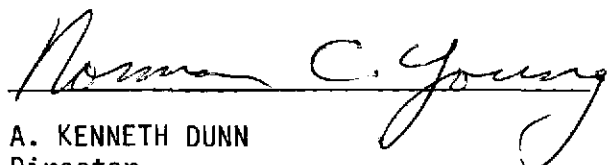
WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy on the parties on January 19, 1983, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Idaho Code, Section 67-5211; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exceptions to that Proposed Memorandum Decision and Order have been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order and the proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1988.

Dated this 9TH day of February, 1983.

for 
A. KENNETH DUNN
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL	)	PROPOSED
OF APPLICATION FOR PERMIT NO. 65-12527 IN	)	MEMORANDUM DECISION
THE NAME OF MARK JOHN	)	AND ORDER
	)	

On June 10, 1982, Mark John applied to the Department of Water Resources for a permit to appropriate 0.12 cubic feet per second of water from waste water tributary to Squaw Creek to be diverted within the NW1/4NE1/4 and the SW1/4NE1/4, Sec. 10, Twp. 7N, Rge. 1E B.M., Gem County to be used for irrigation purposes.

Notice of this application was published in the Messenger-Index newspaper, Emmett, Idaho on June 30 and July 7, 1982. On August 1, 1982, a protest against the approval of the application was received from the Squaw Creek Ditch Company signed by Alvin Moses, Chairman; Kirk Darnell, Watermaster; John Harrold, J. W. Glimp and James R. Woodall.

On November 10, 1982, a conference was held in Emmett, Idaho. The applicant was present and represented himself and the protestant, Squaw Creek Ditch Company, was represented by Kirk Darnell and Parker Woodall. The issues raised at the conference were whether the use of water proposed by this application would affect the ditch company's water right or their use of water and the effect the appropriation would have on downstream waterusers that divert water from Squaw Creek below the point at which the wasteway enters Squaw Creek.

Based on the information presented at the conference, the official files and records of the Department of Water Resources and the Director's understanding of the law, the Director of the Department of Water Resources proposes the following Findings of Fact, Conclusions of Law, Analysis and Order.

FINDINGS OF FACT

- 1) The applicant's proposed point of diversion is downstream of the spillway in the Squaw Creek Ditch Company canal and the applicant proposes to divert water only from the wasteway and not from the ditch company canal.
- 2) Squaw Creek Ditch Company does not claim an interest in or make further use of the water after it enters this wasteway.
- 3) There are waterusers that divert water from Squaw Creek downstream from the point at which this wasteway enters Squaw Creek.

4) There is sufficient water in the wasteway to irrigate the four acres requested to be irrigated by the applicant.

CONCLUSIONS OF LAW

1) There is unappropriated water in the wasteway that can be appropriated and beneficially used without injuring prior existing water rights and in particular without affecting the water right of Squaw Creek Ditch Company.

2) The water supply has in the past been sufficient for the intended use.

3) None of the other items described in Section 42-203, Idaho Code, which may be considered by the Director in evaluating an application for permit were raised as issues at the conference.

4) The applicant is entitled to a permit with certain conditions and limitations to protect prior water rights.

ANALYSIS

The information presented at the conference clearly showed the water sought to be appropriated would be taken from the wasteway downstream from the point where the Squaw Creek Ditch Company released the water from their delivery system. No one at the conference was aware of any other water users diverting water from the wasteway between the point it is spilled from the ditch and the point it enters Squaw Creek. There are, however, downstream water users on Squaw Creek and in times of shortage upstream water users with junior priorities on any tributary, including the wasteway, are subject to control by the watermaster in order to provide water for downstream waterusers with senior water rights. The statement was also made that when water was in short supply downstream users would be asking the watermaster to control upstream junior users in order to fill their own rights and that the Squaw Creek Ditch Company would probably not be wasting any water into this wasteway. Thus, no water would be available for diversion under this permit anyway.

As with any waste water right, the availability of water to be diverted under this right depends upon water being wasted by Squaw Creek Ditch Company. The granting of this permit does not in any way require the ditch company to waste sufficient water to fill this water right and if changes in operation or improvements in efficiency reduce the water available in this wasteway, the permit holder would not be entitled to demand that additional water be wasted in order to supply water for this permit.

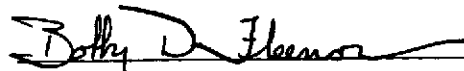
The issue of whether or not water from Sage Hen Reservoir could be pumped to the lands above the canal sought to be irrigated by the applicant was also raised. It is clear, however, that the water sought by the applicant is waste water that is no longer under the control of the ditch company at the time it is proposed to be diverted and could no longer be identified as Sage Hen storage water.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 65-12527 is APPROVED subject to the following conditions:

- 1) This permit be and is subject to all prior water rights.
- 2) The use of water under this permit shall be subject to the control of the Watermaster of Water District No. 65-A, Squaw Creek.
- 3) A lockable control device, subject to the approval of the department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- 4) The issuance of this permit in no way grants any right-of-way or easement across the land of another.
- 5) The permit holder shall commence the excavation of the diverting works within one year of the date of the final order by which this permit is issued and shall proceed diligently until the project is complete.
- 6) Proof of construction of works and application of water to beneficial use shall be submitted on or before the date indicated on the final order.

Dated this 17 day of January, 1983.



BOBBY D. FLEENOR

Hearing Officer

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant MARK JOHN Phone 584-3491

Post office address P. O. Box 162, Sweet, ID 83670

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

3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10 Township 7N

Range 1E B.M. Gem County, additional points of diversion if any:

SWNE, Sec. 10., T7N, R1E.

4. Water will be used for the following purposes:

Amount 12cfs for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 12 cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pumps & pipeline

b. Height of storage dam feet, active reservoir capacity acre-feet; total reservoir capacity acre-feet, materials used in storage dam:

Period of year when water will be diverted to storage to inclusive.
(Month/Day) (Month/Day)

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: $\frac{1}{4}$ of $\frac{1}{4}$ of Section Township

Range B.M.

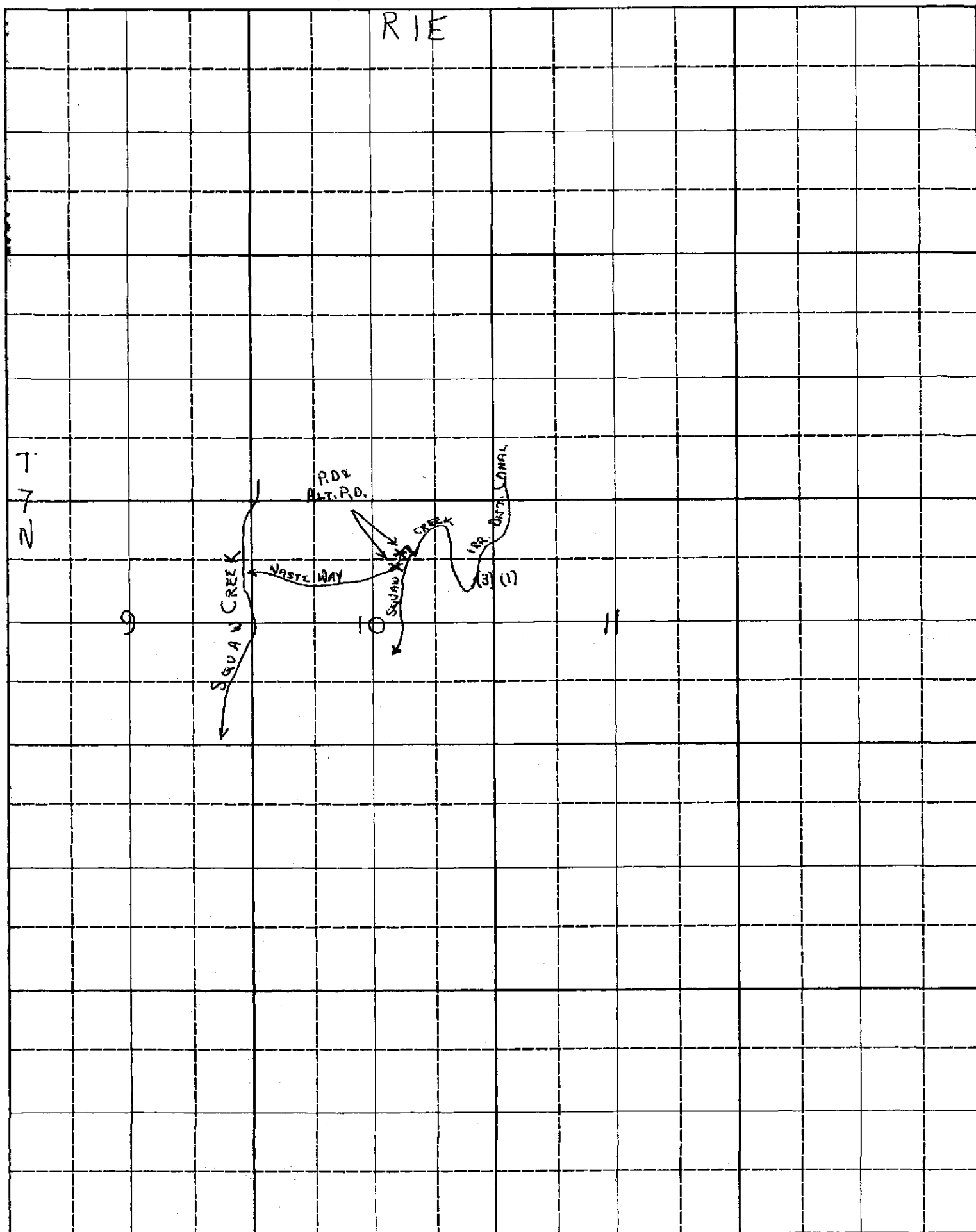
(2) Amount of power to be generated: horsepower under feet of head.

(3) List number of each kind of livestock to be watered

(4) Name of municipality to be served , or number of families to be supplied with domestic water .

(5) If water is to be used for other purposes describe:

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

Mark L. John
(Applicant)

Priority date: June 10, 1982

Received by OKS Date 6/10/82 Time 4:00 P.M.

Preliminary check by js Fee \$ 30⁰⁰/₁₀₀

Receipted by OKS Date 6/10/82 # 22974

Publication prepared by SP Date 6/24/82

Published in Emmett Messenger-Index

Publication dates 7/1 & 7/8/82

Publication approved AS Date 7/12/82

Protests filed by: Alvin Moses, Kirk Darnell, John Harbold
J.W. Glimp, James R. Woodall (Squaw Creek ditch Co.)

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by KC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 65-12527, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 19 88.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

PURSUANT TO PROPOSED MEMORANDUM DECISION AND ORDER and
ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER.

Dated this 9TH day of February, 1983.

for Norman C. Young
A. KENNETH DUNN, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL
OF APPLICATION FOR PERMIT NO. 65-12527 IN
THE NAME OF MARK JOHN

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 10th day of February, 1983, a true and correct copy of the ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER, was mailed, postage prepaid to:

Mark John
P. O. Box 162
Sweet, ID 83670

Alvin Moss, Chairman of the Board
Squaw Creek Ditch Company
Box 15
Sweet, ID 83670


RITA I. FLECK
Sr. Secretary
Idaho Department of Water Resources

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

IN THE MATTER OF PROTEST AGAINST)
APPROVAL OF APPLICATION FOR PERMIT)
NO. 65-12527 IN THE NAME OF MARK JOHN)

ORDER ISSUING
PROPOSED DECISION

A. Kenneth Dunn, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Bobby D. Fleenor, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposal for decision pursuant to Idaho Code, § 67-5211 and orders that said proposed decision and a copy of this order be served upon each of the parties to these proceedings who appeared at the hearing on November 10, 1982, of this matter or upon their attorneys in accordance with Rule 7.3 of the Rules of Practice and Procedure of this Department.

Each party to these proceedings who appeared at the hearing is hereby afforded the opportunity, pursuant to Idaho Code §§ 42-1701A and 67-5211, to file exceptions to the attached proposed decision and to present briefs and oral arguments in accordance with the provisions of this order. Exceptions may not be filed and briefs and oral arguments may not be presented by parties who did not appear at the hearing of this case. If no timely and proper exceptions are received, an order by the Director will be entered adopting and issuing the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision, and
2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions.

B. Exceptions not in compliance with the above stated requirements will not be considered and will be deemed an acceptance of the proposed decision.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. Any party desiring to file a brief in response to any exceptions filed by any other party may do so by filing such brief with the Director on or before the 15th day following the last day any exceptions by any other party were served upon that party desiring to respond.

III.
ORAL ARGUMENTS

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exceptions.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral arguments in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposal for decision shall be heard at the discretion of the Director, pursuant to Idaho Code § 42-1701A. After all exceptions, briefs and requests for oral arguments have been received, the Director will decide whether to hear oral arguments. If oral arguments are to be heard, the Director will, within a reasonable time, set the case for oral arguments and notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.
CERTIFICATION OF SERVICE

A. All exceptions, briefs, requests for oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.
FINAL DECISION

A. Following the submission of all exceptions and briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

DATED this 19th day of January, 1983.


A. KENNETH DUNN
Director
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL
OF APPLICATION FOR PERMIT NO. 65-12527 IN
THE NAME OF MARK JOHN

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 19th day of January, 1983, a true and correct copy of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION AND ORDER was mailed, postage prepaid to:

Mark John
P. O. Box 162
Sweet, ID 83670

Alvin Moss, Chairman of the Board
Squaw Creek Ditch Company
Box 15
Sweet, ID 83670


RITA I. FLECK
Sr. Secretary
Idaho Department of Water Resources

IN THE MATTER OF PROTESTED)
APPLICATION FOR PERMIT)
NO. 65-12527 IN THE NAME OF)
MARK JOHN)

AGREEMENT

We, the undersigned, hereby agree to allow the Director of the Department of Water Resources to reach a decision in the above captioned matter based upon the information presented at the conference held on November 10, 1982 at Emmett, Idaho, the official files and records of the Department of Water Resources and the Director's understanding of the law. The decision will first be issued as a proposed decision to which the undersigned may file exceptions and request a hearing before the Director.

The undersigned understand that this agreement does not waive the right of the undersigned to apply for a rehearing as described in Rule 11 of the Department of Water Resources Rules and Regulations for Practice and Procedure or to appeal the decision of the Director of the Department of Water Resources to the District Court.

Signed this 10 day of November 1982, at Emmett, Idaho.

Mark John
Mark John

Squaw Creek Ditch Company by
Kip Darnell

August 1, 1982

FROM: Squaw Creek Ditch Company

TO: Ken Dunn
State of Idaho
Department of Water Resources

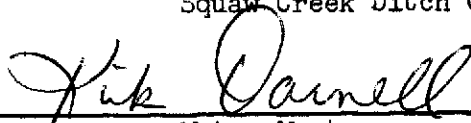
We would like to protest the filing of Mark John for water right on Squaw Creek tributary.

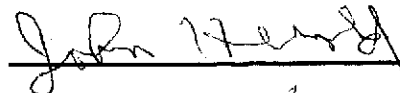
We understand that he is filing on water at the end of our spill gate on the canal. There is very little time during our irrigating season that there is an appreciable amount of water at that point.

Two of the water users in our irrigating system take water at that point also.

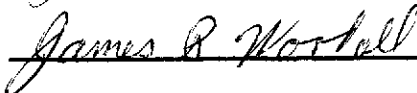

Chairman of Board,
Squaw Creek Ditch Company

Box 15
Sweet, ID
83670


Water Master







AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

COUNTY OF GEM,

Arvita Bales being first
duly sworn, on his oath deposes and
says that he is the printer of Messenger-
Index, a legal weekly newspaper pub-
lished at Emmett, in Gem County, Idaho;
that said newspaper is in general circu-
lation in said county and has been pub-
lished uninterruptedly 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 2
consecutive weekly issues thereof, be-

ginning with the issue of 6-30

1982, and ending with the issue of

July 7 1982

Arvita Bales

Subscribed and sworn to before me this

24 day of

July 1982

Arvita Louren K. Harte

Notary Public,

Residing at Emmett, Idaho.

**OFFICE OF APPLICATION
FOR WATER RIGHT**
Notice is hereby given that the
following applications have
been submitted for permit to
appropriate waters of the State
of Idaho: 65-12827 / 48
JOHN MARK
P.O. BOX 182, SWEET, ID
83870
Source: WASTE WATER
tributary to SQUAW CREEK
Date Filed: 06 / 10 / 1982
Amount: 0.12 CFS
Division Point: NWNE SWNE
Sec. 10 T 07N R 01E, GEM Co.
Use: IRRIGATION (0.12 CFS)
Flow: 0.12 - 16 to 11 / 15
Place of Use: GENE Sec 10 T
07N R 01E SWNW Sec 11 T 07N
R 01E for 4 ACRES
Diversion Means: PUMP AND
PIPELINE
If issued, the permit(s) will be
subject to all prior water rights.
Protests against the granting of
any permit must be filed with the
Director of the Idaho Depart-
ment of Water Resources, 92 S.
Boise Road, Boise, Idaho 83709
on or before July 19, 1982.
A. Kenneth Dunn
Director
34 2-6-30, 7-7

RECEIVED

JUL 12 1982

Department of Water Resources
Western Regional Office

RECEIVED

April 25, 1989

MARK JOHN
P.O. BOX 162
SWEET, ID 83670

RE: PERMIT NO. 65-12527

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAY 15 1989

March 20, 1989

MARK JOHN
P.O. BOX 162
SWEET, ID 83670

RE: PERMIT NO. 65-12527

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAY 15 1989

MEMORANDUM

TO: FILE #65-12527

FROM: JIM JOHNSON

RE: REQUIREMENT FOR CONTROL DEVICE

DATE: 20-JAN-1989

On this date I spoke with Dave Tuthill in reference to the control device requirement for the above named Permit.

A lockable control device is required by the Proposed Memorandum Decision and Order, dated January 17, 1983. The field exam makes no reference to such a device on this portable system.

After discussing this with Dave, it was agreed that placing this right under the control of the Water Master would suffice in that he can then order that the pump be either turned off or removed from the source.

MICROFILMED

MAY 15 1989

RECEIVED

MAR -1 1988 STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Department of Water Resources
Beneficial Use Field Report

65-12527-28
Permit No.

RD
NW NE 10 7N 1E
SW NE
RU
SE NE 10
SW NW 11

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☒ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index QW 7-6-87 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☐ copy of exam(s) attached?

Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____

Check of P/U index QA 7-6-87 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____

Aerial Photo

Required? ☒ yes ☐ no If yes: ☒ copy attached?

Scheduling Letter sent? _____ (Initial and date)

☒ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
- ☒ Photographs of Point of Diversion and Place of Use
- ☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed Quentin Thibault 7-18-87 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent RD 8/19/87 (Initial and date)

Exam Reviewed by Manager of Regional Office DRS 2/29/88 (Initial and date)

Exam Date Entered in Computer _____ (Initial and date)

Exam sent to State Office DRS 2/29/88 (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 65-12527

1. Owner: MARK JAWN

Phone No. 584-3491

Current Address: P.O. Box 162 SWEET ID. 83670

2. Accompanied by: SAME

EXAM. DATE: 7-7-87

Address: ~~MARK JAWN~~

Phone No. _____

Relationship to Permit Holder: _____

3. Source: WASTE WATER tributary to SQUAW CREEK

B. OVERLAP REVIEW

1. Other water rights with same place of use: 65-12528 FOR SAME USE
DIFFERENT P.D. ☐ Copies Attached

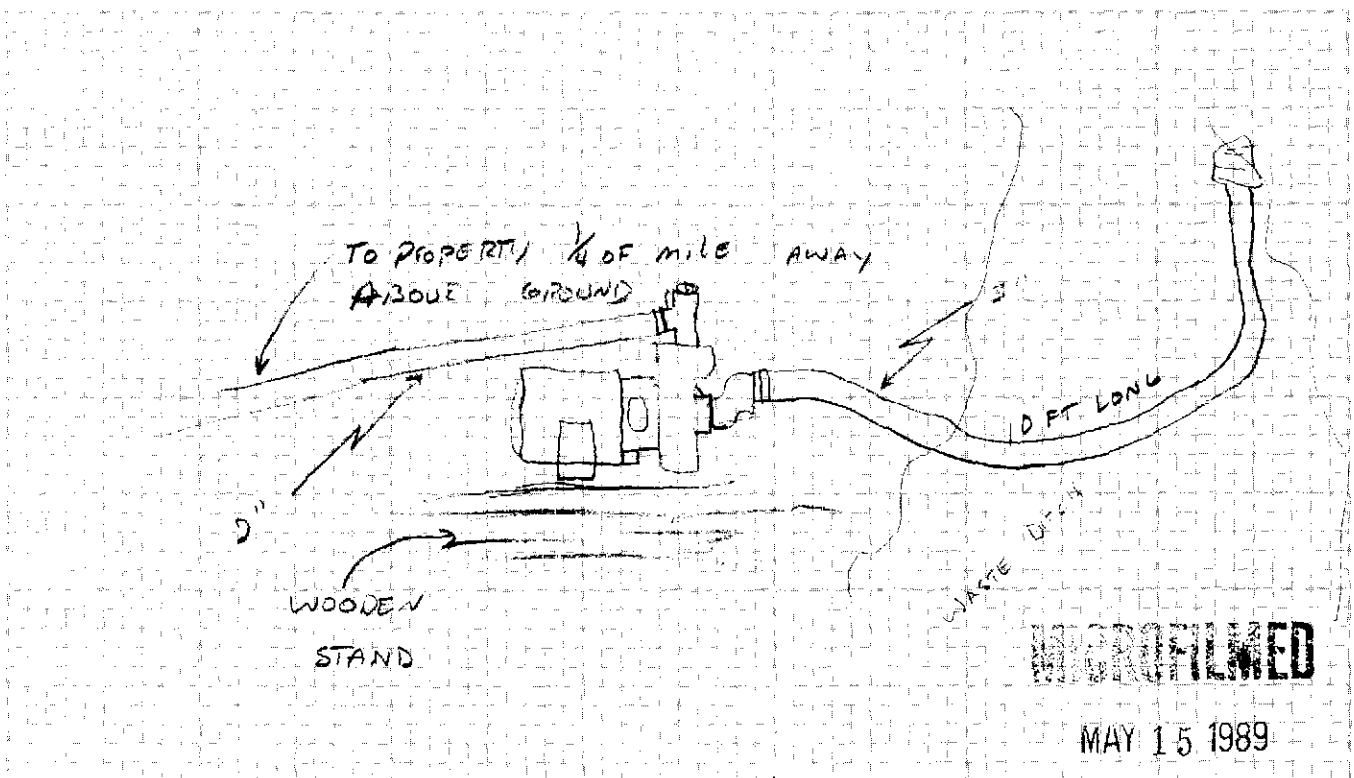
2. Other water rights with same point of diversion: ~~65-12528~~ NONE

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = 2 FT

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

SYSTEM CONSISTS OF 1 SHP PORTABLE PUMP SET
NEAR THE WASTE DITCH, WITH A 3" SXTON LINE, AND
A 2" DISCHARGE LINE GOING TO OWNER LAND
ABOUT 1/4 OF MILE AWAY. LINE RUNS ALONG
ROAD, AND IS NOT BURIED. WHEN IT GETS TO
THE OWNERS PROPERTY HE HAS IT HOOKED INTO HIS
PREVIOUS EXISTING SYSTEM WHICH ^{IS} A WELL
AND HE PUMPS OUT OF IT. (PERMIT NO. 65-12528)

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	MARATHON	5	MODEL SDH182TDR- 7325DNL	STA-ZITE	MODEL DAT3-113

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NW	NE	10	7N	1E	GEM	USGS QUAD + AERIAL PHOTO

6. Place(s) of Use:

Indicate Method of Determination AERIAL PHOTO

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	1E	10				1.7													1.7
		11							2.3										2.3
						* NOT ROUNDED (LESS THAN 5 ac)													4 ac

Do not use this space

RECORDED

MAY 15 1989

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PRESSURE GAUGE						
(PISTON TUBE)						

2. Measurements:

13 HEADS RA. WIRDS MODEL 30's 10 WITH 9/16" NOZZLE + 3 WITH 1/8" NOZZLES ~ 30 PSI ON ALL HEADS
TABLE → 39 G.P.M. → .09 cfs

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

Note: allow .09 cfs / BD 2/24/89

1. Measured Method:

SPRINKLER PRESSURE GAUGE .09 cfs → 4 ac x .02 cfs/ac = .08 cfs

2. Alternate Method for Checking Purposes:

THEORETICAL LIFTS OVER HILL ~ 50 FT
 $\frac{5 \times 8.8 \times 1.8}{50 + (2.31 \times 30)} = .3 \text{ cfs} > .09 \text{ OK} \checkmark$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 4 \times 4.5 = 18 \text{ cfs}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .08 \times 1.98 \times 245 \text{ Days} = 38.8 \text{ cfs}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 18 \text{ cfs}$

2. Volume Calculations for Other Uses:

MICROFILMED

MAY 15 1989

H. REMARKS AND OVERLAP REVIEW ANALYSIS

THIS PERMIT COVERS PART OF SAME LAND AS
PERMIT NO. 65-12528 BUT IS FROM A
DIFFERENT SOURCE.

* THIS ~~PER~~ RIGHT WHEN COMBINED WITH ALL
OTHER RIGHTS SHALL NOT EXCEED .02 cfs
PER ACRE

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION	3-15	11-15	~~.08~~ .09	18.4
Totals:			~~.08~~ .09	18.4

2. Recommended Amendments

☐ Change P.D. as reflected above

☐ Add P.D. as reflected above

☒ None

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☐ Other

BD
2/24/88

J. AUTHENTICATION

Field Examiner's Name QUENTIN NESBITT

Signature Quentin Nesbitt

Certification Date _____

Field Report Preparation Date 8-17-87

CONSULTANT SEAL

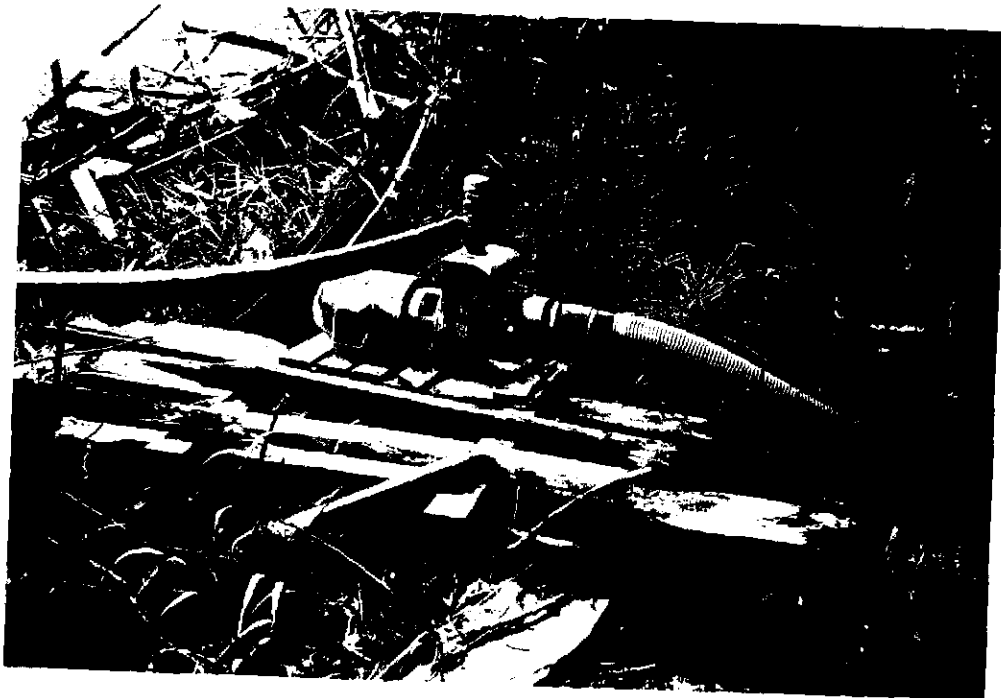
K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

reviewed: Reynn McCarthy 1/30/89

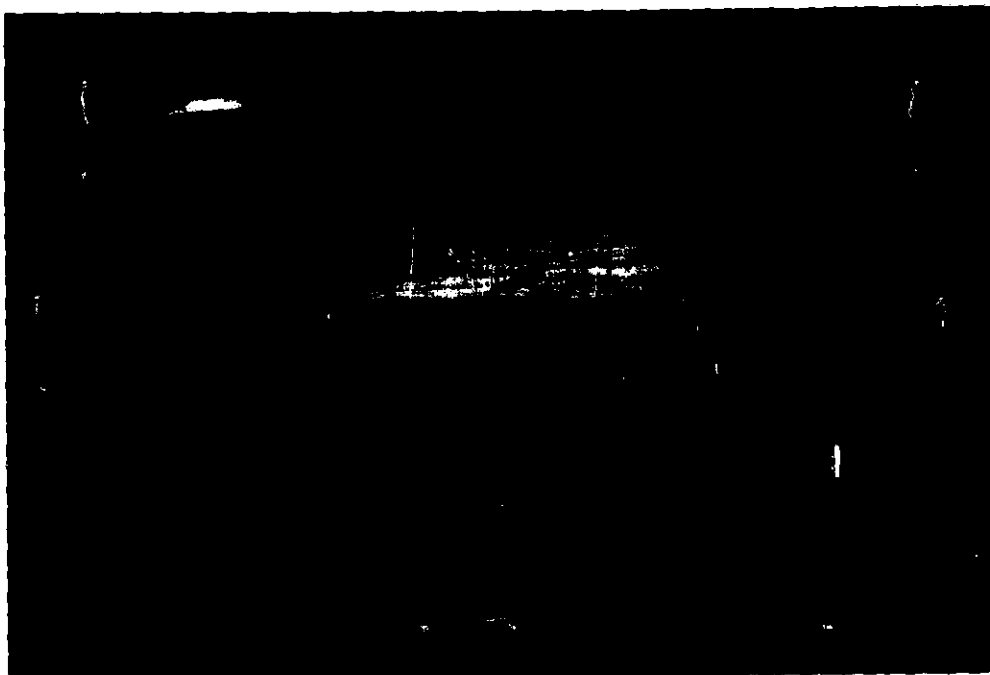
MICROFILMED

MAY 15 1989





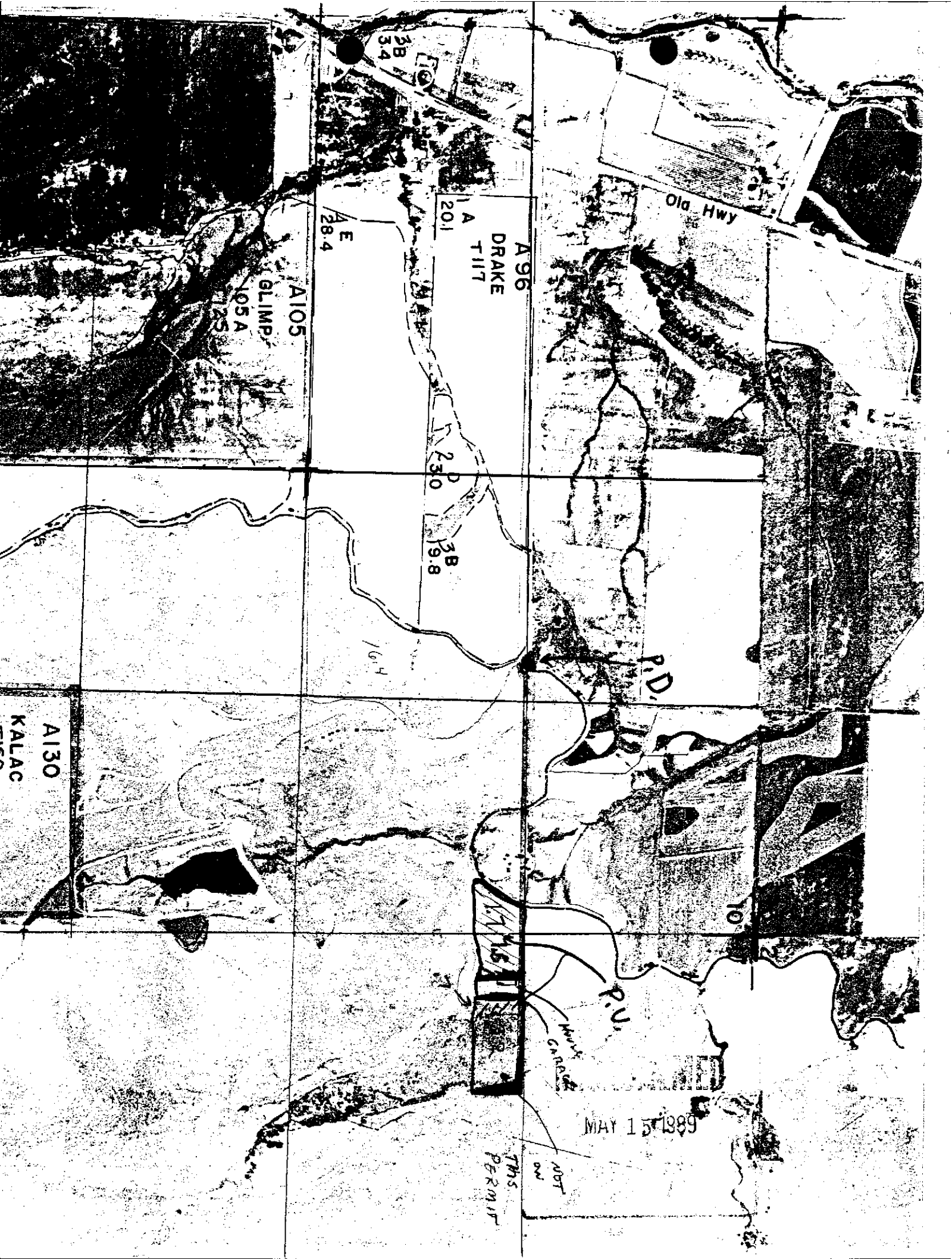
P. D



P. U.

RECORDED

MAY 15 1989



Old Hwy

A 96

DRAKE

T117

20.1

A

E
28.4

A105

GLIMP

105 A

125

3B
23.0

3B
19.8

16.4

P.D.

10

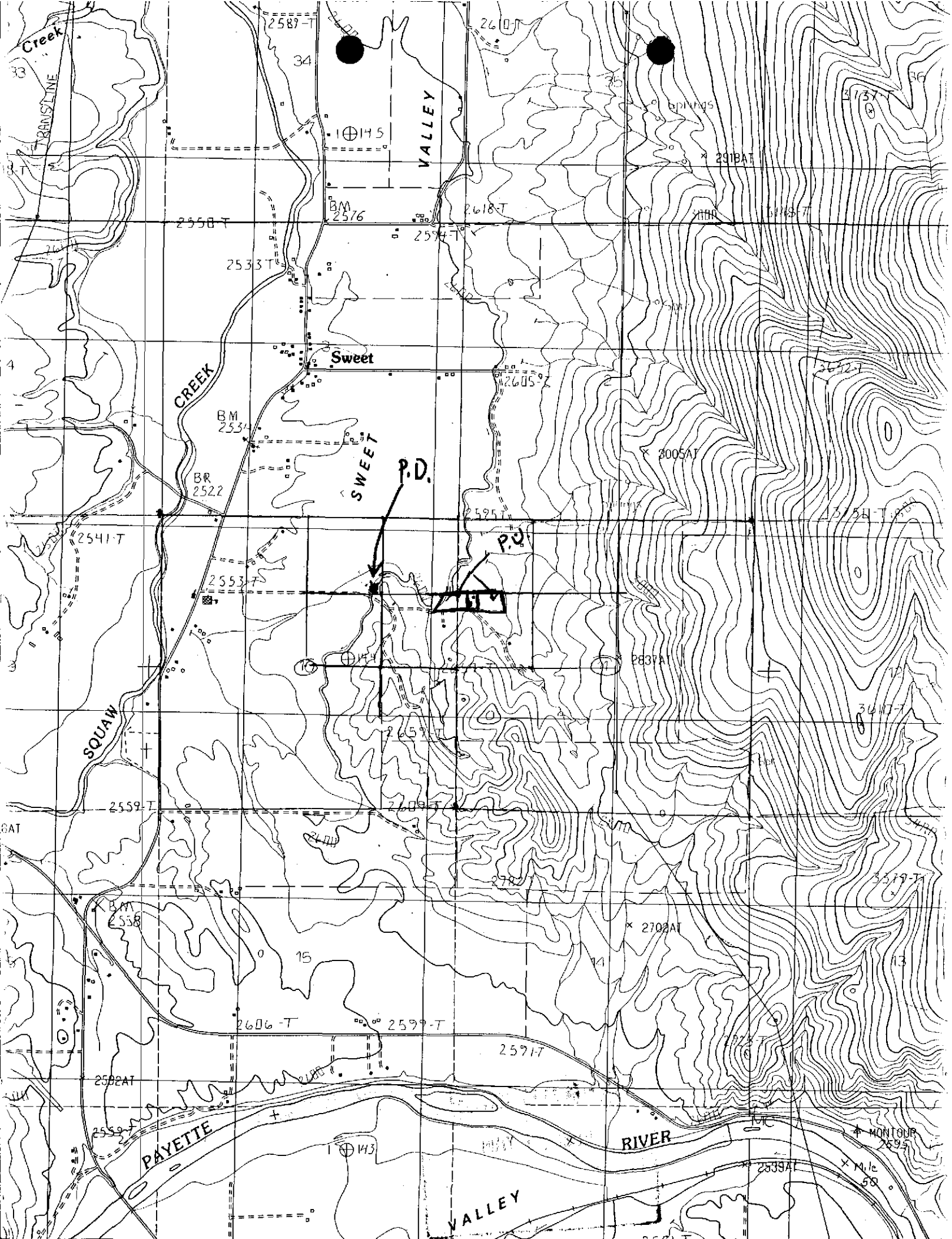
P.V.

MAY 15 1989

NOT
THIS PERMIT

A130

KALAC





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

October 15, 1987

65-12527
JOHN, MARK
P.O. BOX 162
SWEET, ID 83670

Dear Applicant(s):

We acknowledge receipt of your statement submitted as proof as beneficial use for the above-referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. A field examiner will contact you to arrange to examine your system.

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

Sincerely,

Judy Pense
Secretary

/jp

MICROFILMED

MAY 15 1989

RECORDED
AUG 06 1987

For Office Use Only
Fee Received 50.00
Date 8/3/87
Receipt # 43852
Receipt by AM
Reviewed by AM
Sent to region 87

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 65-12527
Name(s) of Permit Holder: Mark D. & Christa A. John
Post Office Address: P.O. Box 162 Sweet Id.
Telephone No. 584-3491

Source of Water: Waste

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)
Irrigation 4. (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted .09 cts 18 acre-feet

Show the date water was first diverted and beneficially used under this permit: 07-05-87

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No
Fee enclosed \$ 50.00
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

Person to contact to accompany the Department representative during the field examination:

Mark D. John work 365-3522 Home 584-3491
(Name) (Telephone Number)

P.O. Box 162 Sweet Idaho
(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

AUG 21 1987

07-07-87
Date

Mark D. John
Signature of Permit Holder (and title, if appropriate)

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

February 10, 1983

Mark John
P. O. Box 162
Sweet, ID 83670

Dear Mr. John:

Re: Application for Permit No. 65-12527

Enclosed is a copy of your approved Application for Permit No. 65-12527 along with a copy of the Proposed Memorandum Decision and Order and the Final Order Adopting Proposed Decision. We direct your attention to the conditions of approval as set forth in the decision.

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 your rate of diversion.

The 1982 Idaho Legislature added a requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed instructions entitled "Making Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Mr. Mark John

Page 2

February 10, 1983

Any person who does agree with the decision of the department may request a rehearing before the director within twenty days (20) days, or may appeal directly to the district court within thirty (30) days of the date the decision is mailed.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

cc: Alvin Moss

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: Jan Grover

APPLICATION NUMBER: 105-12527

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☒ Yes ☒ No Field check required.
☒ Yes ☒ No Critical groundwater area.
☒ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☒ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

NEED LETTER FROM SRR16 DISTRICT.

PHONED 6/22/82 + APPLICANT STATED HE WOULD
SEND THE LETTER SOON.

SEND COPIES TO:

- ☒ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☒ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No
☒ Yes ☐ No
☒ Yes ☐ No*
☐ Yes ☐ No

Platted by: _____ Map No. _____

Other rights on same place of use. _____

GROUNDWATER RT. FILED SAME TIME.

In form for advertising. _____

Final date for protests: 7/19/82

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 7/12/82
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application. 30/22974
☒ Publication dates and paper, recorded on application. 7/1 & 7/2/82 & most messages
☒ Protests, dates, withdrawal, etc., recorded on application. Index
☒ Recommendation & initial, recorded on application.
☒ Yes ☐ No Measuring device required.
☒ Yes ☐ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 65A
6/10/82 Date of priority recommended.
Special conditions of approval or cover letter. Right-of-way clause
I.P. letter

By: _____ Date: _____

STATE OFFICE REVIEW:

5/17, 105, 101

26 04 05 (65A Spawc.) 010

☐ See attached sheet for more information.

By: [Signature] Date: 12/22/82

RECEIVED

DEC 22 1982

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

TRACT SEC TWP RGE gov't rediv. REACH
lot (R)

IDAHO STREAM CODE INDEX

Re: 65-12527

Place: Gem County Courthouse, Emmett, Idaho, District Court Room

Date: November 10, 1982, 1:30 p.m.

Hearing conducted by: Bob Fleenor & David Shaw

ROSTER OF ATTENDANCE

[illegible]

Nov. 10, 1982

1:30 p.m. Emmett.

65-12527 Mork John

Prot: Squaw Creek Ditch Co.

John - PD north of roadway and below spillway
4 acres of alfalfa - in process of developing.
has seen water running in wasteway back
to Squaw Creek.

Loy Drake - wasteway is on his property the
rest of way to Squaw Creek.

Some pump out of Squaw Creek below
waste way.

When water is short in lower Squaw will
probably not be any spill water @ this wasteway.

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 517

INDICATES TOTAL

SOURCE: SQUAW CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-3043	SQUAW CREEK DITCH COMPANY BOX 15, SWEET, IDAHO 83670 REMARKS: PLACE OF USE WITHIN LANDS OF SQUAW CREEK DITCH COMPANY.	10/ 2/1893	IRRIGATION	4/ 1 11/ 1	--- AFA 18.00 CFS	SESW S15 T 8N R 1E	NENW(4) SEAW(2) S22 T 8N R 1E SWNW(12) SEAW(8) NESW(8) NWSW(15) SWSW(21) SESW(17) S27 T 8N R 1E NENE(7) NWNE(19) SWNE(15) SENE(36) NENW(38) NWNW(18) SENW(24) NESW(16) SESW(3) NESE(36) NWSE(31) SWSE(36) SESE(32) S34 T 8N R 1E SWNW(3) NWSW(14) SWSW(2) S35 T 8N R 1E NWNW(2) SWNW(20) NWSW(18) SWSW(14) S 2 T 7N R 1E SWNE(39) SESE(39) SWNW(1) SENW(28) NESW(29) NWSW(24) SWSW(25) SESW(38) NESE(38) NWSE(39) SWSE(40) SESE(40) LGT 1(38) LGT 2(39) LGT 3(13) S 3 T 7N R 1E NENE(35) NWNE(38) SWNE(23) NENW(40) NWNW(36) SWNW(27) SENW(40) NESW(40) NWSW(37) SWSW(23) SESW(30) NWSE(6) SWSE(7) S10 T 7N R 1E NWNW(4) S11 T 7N R 1E *1327* SAME AS OTHER USE	LECREE
			STOCKWATER	1/ 1 12/31	5.40 AFA .09 CFS 0---*AFA *18.00*CFS			
65-3039	SUTTON, PERRY C. & SUTTON, ALLEN L. OLA, IDAHO 83657	4/ 1/1894	IRRIGATION	4/ 1 11/ 1	--- AFA .26 CFS	SWNW S12 T10N R 1E	SWNW(12) S24 T10N R 1E *12*	LECREE

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 518

INDICATES TOTAL

SOURCE: SQUAW CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-3044	SQUAW CREEK DITCH COMPANY BOX 15, SWEET, IDAHO 83670 REMARKS: PLACE OF USE WITHIN LANDS OF SQUAW CREEK DITCH COMPANY. SEE RIGHT 65-3043.	4/ 1/1899	IRRIGATION	4/ 1 11/ 1	--- AFA 3.28 CFS	SESW S15 T 8N R 1E	*1327*	DECREE
			STOCKWATER	1/ 1 12/31	6.70 AFA .12 CFS *---*AFA *3.28*CFS		SAME AS OTHER USE	
65-3031	CARLUCK, CARROLL & CARLUCK, JANE OLA, IDAHO 83657	4/ 1/1901	IRRIGATION	4/ 1 11/ 1	--- AFA .17 CFS	NWSW S13 T10N R 1E	NESW(2) SESW(2) NESE(3) NWSE(2) S26 T10N R 1E *9*	DECREE
65-3029	GLENN, ASA OLA, IDAHO 83657	4/ 1/1901	IRRIGATION	4/ 1 11/ 1	--- AFA .40 CFS	NWSW S12 T10N R 1E	SESW(19) S26 T10N R 1E *19*	DECREE
65-3027	MUNGER, MORGAN & MUNGER, ELLEN OLA, IDAHO 83657 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHT 65-3026 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	4/ 1/1901	IRRIGATION	4/ 1 11/ 1	--- AFA .60 CFS	NWSW S13 T10N R 1E	SWNE(2) SESE(1) NESE(3) NWSE(14) SWSE(6) SESE(4) S23 T10N R 1E *30*	DECREE
			STOCKWATER	1/ 1 12/31	8.10 AFA .14 CFS *---*AFA *.60*CFS		SAME AS OTHER USE	
65-3035	PERKINS, LAWRENCE D. OLA, IDAHO 83657	4/ 1/1901	IRRIGATION	4/ 1 11/ 1	--- AFA .14 CFS	NWSW S13 T10N R 1E	NWNE(7) S35 T10N R 1E *7*	DECREE
65-3033	WOODALL, ERNEST & WOODALL, JON BOX 5035, OLISE, IDAHO 83705	4/ 1/1901	IRRIGATION	4/ 1 11/ 1	--- AFA .14 CFS	NWSW S13 T10N R 1E	SWSE(7) S26 T10N R 1E *7*	DECREE
65-3037	PERKINS, W. F. OLA, IDAHO 83657	4/ 1/1904	IRRIGATION	4/ 1 11/ 1	--- AFA .71 CFS	NWSW S13 T10N R 1E	SWSW(24) S35 T10N R 1E LCT 31 4) LCT 41 3) S 2 T 9N R 1E *31*	DECREE
65-11314	U. S. DEPT. OF AGRIC. FOREST SERVICE, FEDERAL BLDG., 324 25TH STREET, OGDEN, UTAH 84401 REMARKS: THIRD FORK PASTURE.	5/25/1905	IRRIGATION	4/ 1 11/ 1	--- AFA .70 CFS	SWNE S14 T12N R 1E SWSE S11 T12N R 1E	NWSE(20) SWSE(15) S14 T12N R 1E *35*	RESERVED

MAR 02, 1979

PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 112

* INDICATES TOTAL *

SOURCE: SQUAW CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-3084	SHULTZ, LOIS L. 2008 EAST LINDEN STREET, CALDWELL, IDAHO 83615	10/17/1919	IRRIGATION	4/ 1 11/ 1	--- AFA .14 CFS	SWNE S11 T12N R 1E	NWSE(2) SWSE(5) S11 T12N R 1E *7*	DECREE
65-3007	GODWIN FARMS INC. BOX 15, SWEET, IDAHO 83670	4/ 1/1920	IRRIGATION	4/ 1 11/ 1	--- AFA .99 CFS	SENE S27 T 8N R 1E	NWNE(1) SWNE(14) NENE(10) NWSE(15) S 9 T 7N R 1E *40*	DECREE
65-0215	DOLPHIN RANCH ULA, IDAHO 83657	5/29/1927	IRRIGATION	4/ 1 11/ 1	--- AFA .10 CFS	NENE S15 T11N R 1E	NENE(5) S15 T11N R 1E *5*	BENEFICIAL USE
65-11169	GLENH, ASA ULA, IDAHO 83657	5/29/1927	IRRIGATION	4/ 1 11/ 1	--- AFA .26 CFS	NWSW S13 T10N R 1E	SENE(13) S26 T10N R 1E *13*	BENEFICIAL USE
65-11256	NESBITT, HOMER ULA, IDAHO 83657 REMARKS: SOURCES FOR THIS RIGHT ARE VAUGHAN GULCH & SQUAW CREEK.	5/29/1927	IRRIGATION	4/ 1 11/ 1	--- AFA .26 CFS	LOT 4 S 2 T11N R 1E NENE S 2 T11N R 1E	NWSW(2) S 2 T11N R 1E SENE(11) S10 T11N R 1E *13*	BENEFICIAL USE
65-0393	VAHLBERG, RONALD N. & VAHLBERG, AUDREY M. ROUTE #3 BOX 155, EMMETT, IDAHO 83617	5/29/1927	IRRIGATION	4/ 1 11/ 1	--- AFA .10 CFS	SWSE S22 T 8N R 1E	SWSE(5) S22 T 8N R 1E *5*	BENEFICIAL USE
65-3447	SMITH, DALE M. & SMITH, DORA M. ROUTE 1, SWEET, IDAHO 83670	4/15/1933	IRRIGATION	4/ 1 11/ 1	--- AFA .44 CFS	SWNW S27 T 8N R 1E	NENE(6) SENE(6) S33 T 8N R 1E NWNW(10) S34 T 8N R 1E *22*	BENEFICIAL USE
65-2379	SQUAW CREEK DITCH COMPANY BOX 15, SWEET, IDAHO 83670 REMARKS: PLACE OF USE WITHIN LANDS OF SQUAW CREEK DITCH COMPANY. SEE RIGHT 65-3043.	5/ 8/1934	IRRIGATION	4/ 1 11/ 1	--- AFA 7.66 CFS	SESW S15 T 8N R 1E	*1105*	LICENSE
			STOCKWATER	1/ 1 12/31	5.40 AFA .09 CFS *---*AFA *7.75*CFS		SAME AS OTHER USE	
65-0422	DAVIS, DELBERT ROUTE #1, EMMETT, IDAHO 83617	4/ 1/1947	IRRIGATION	4/ 1 11/ 1	--- AFA .06 CFS	NESE S10 T11N R 1E	NESE(3) S10 T11N R 1E *3*	BENEFICIAL USE
65-10448	CARLUCK, CARROLL & CARLUCK, JANE ULA, IDAHO 83657	10/ 1/1950	IRRIGATION	4/ 1 11/ 1	--- AFA .14 CFS	NWSW S12 T10N R 3E	NWSW(7) S35 T10N R 1E *7*	BENEFICIAL USE

CONVERSATION MEMORANDUM

DATE 11/1/82FILE 65-12527NAME OF PARTY Parker WoodallEMPLOYEE David Shaw

RE: Filing by Mark John on wastewater
Mr Woodall is concerned that water is not
usually available in wasteways. Some distance
to Mr John's property & is concerned about
feasibility. Other water users may take
water downstream from Mr John.

He also reported that Mr. John was
pumping out of their ditch last year
& they had some difficulty shutting him off.

RECORDED

P 300 2-26 093

RECEIPT FOR CERTIFIED MAIL

**NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL**

(See Reverse)

SENT TO				
mark John				
STREET AND NO.				
P.O. Box 1162				
P.O., STATE AND ZIP CODE				
Sweet. tx 23670				
POSTAGE			\$	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE		c
		SPECIAL DELIVERY		c
	RETURN RECEIPT SERVICE	RESTRICTED DELIVERY		c
		SHOW TO WHOM AND DATE DELIVERED		c
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		c
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		c
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		c
TOTAL POSTAGE AND FEES			\$	
POSTMARK OR DATE				

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

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

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

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

P 300-226 094

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO				
Squaw Creek Ditch Co.				
STREET AND NO.				
Box 15				
P.O., STATE AND ZIP CODE				
Sweet. Id 82670				
POSTAGE			\$	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE		\$
		SPECIAL DELIVERY		\$
	RETURN RECEIPT SERVICE	RESTRICTED DELIVERY		\$
		SHOW TO WHOM AND DATE DELIVERED		\$
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		\$
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		\$
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		\$
TOTAL POSTAGE AND FEES			\$	
POSTMARK OR DATE				

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.

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

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

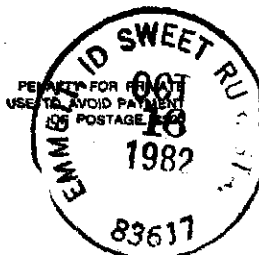
6. Save this receipt and present it if you make inquiry.

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



**RETURN
TO**



RECEIVED

OCT

1982

RECEIVED

Department of Water Resources
Western Regional Office

Idaho Department of Water Resources
(Name of Sender)
Western Region
Statehouse
(Street or P.O. Box)
Boise, Idaho 83720

(City, State, and ZIP Code)

- **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

- ☒ Show to whom and date delivered. \$
☐ Show to whom, date and address of delivery. \$
☐ **RESTRICTED DELIVERY**
 Show to whom and date delivered. \$
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery. \$ ____

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**

mark John
 P.O. Box 162
 Sweet. 22 83670

3. **ARTICLE DESCRIPTION:**

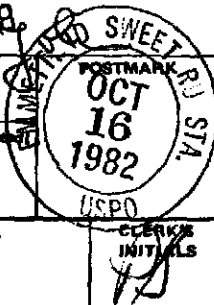
REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	R300	
	226 093	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☒ Addressee ☐ Authorized agent

4. *Mrs. M. D. 98*
DATE OF DELIVERY

5. **ADDRESS** (Complete only if requested)6. **UNABLE TO DELIVER BECAUSE:**

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

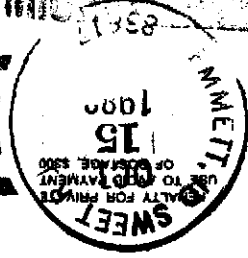
- Print your name, address, and ZIP Code in the space below.
- Complete Items 1, 2, and 3 on the reverse.
 - Attach to front of article if space permits, otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO



OCT 19 1982

Department of Water Resources
Western Regional Office



(City, State, and ZIP Code)

Boise, Idaho 83720

(Street or P.O. Box)

Western Region

Idaho Department of Water Resources
(Name of Sender)



SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.											
1. The following service is requested (check one.) ☒ Show to whom and date delivered..... \$ ☐ Show to whom, date and address of delivery..... \$ ☐ RESTRICTED DELIVERY Show to whom and date delivered..... \$ ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery. \$											
(CONSULT POSTMASTER FOR FEES)											
2. ARTICLE ADDRESSED TO: Squaw Creek Ditch company Box 15 Sweet ID 83670											
3. ARTICLE DESCRIPTION: <table border="1" style="width: 100%;"> <tr> <td style="width: 33%;">REGISTERED NO.</td> <td style="width: 33%;">CERTIFIED NO.</td> <td style="width: 33%;">INSURED NO.</td> </tr> <tr> <td></td> <td>8300</td> <td></td> </tr> <tr> <td></td> <td>2216093</td> <td></td> </tr> </table>			REGISTERED NO.	CERTIFIED NO.	INSURED NO.		8300			2216093	
REGISTERED NO.	CERTIFIED NO.	INSURED NO.									
	8300										
	2216093										
(Always obtain signature of addressee or agent)											
I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent											
4. <i>Pat G. Stover</i> DATE OF DELIVERY											
5. ADDRESS (Complete only if requested)											
6. UNABLE TO DELIVER BECAUSE:		POSTMARK OCT 15 1982 CLERK'S INITIALS <i>PS</i>									

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

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 65-12527 IN THE NAME OF)
MARK JOHN)

NOTICE OF HEARING
AND/OR CONFERENCE

On June 10, 1982, Mark John filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On August 1, 1982, the Department received a protest against approval of said application from the Squaw Creek Ditch Company.

The Department has set the matter of protest for hearing for November 10, 1982, 1:30 p.m. in the District Court Room, Gem County Courthouse, 415 E. Main Street, Emmett, Idaho, 83617. The hearing will be held in accordance with provisions of Chapter 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time and prior to the hearing.

Dated this 12 day of October, 1982.



DAVID B. SHAW
Western Regional Supervisor

Judy - include
w/ hearing notice / SP
a copy of
Ken's memo of 9/8/81
(Copy in file).

Be sure all 3 pages
are included to
all parties

Shirley
Mark Sahm

CONFERENCE AND HEARING INFORMATION
IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

In accordance with Idaho Code, Section 42-203, the following issues are involved in the consideration of the application and protest(s):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose 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 conflict with the local public interest?

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties may be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 42-1701A.

The parties by written stipulation may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the district court.

Under the provisions of Idaho Code, Sections 42-1701A and 67-5215, any court review of the Department's decision on appeal shall be confined to the record created before the Department.

Failure to appear at the time and place set for hearing by the applicant or protestant(s) may allow the Department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

September 15, 1982

Squaw Creek Ditch Company
Box 15
Sweet, ID 83670

Re: Application for Permit No. 65-12527

Gentlemen:

The Department is in receipt of your letter dated August 1, 1982 protesting the application by Mr. John from your canal wasteway.

On September 3, 1982 a Department representative met with Mr. John and examined the wasteway and canal and the area where Mr. John is seeking to use the water. From this examination it appears that the water once it enters the wasteway is not used by the Squaw Creek Ditch Company and is allowed to re-enter Squaw Creek. At the time of the inspection there was more water flowing in the wasteway than is sought to be appropriated by Mr. John.

If Mr. John were granted a permit to develop a water right from this wasteway, it would not obligate the ditch company to continue to waste water at this location. If a change in ditch company operation or an improvement in ditch company facilities resulted in the reduction or elimination of waste water at this point, the ditch company would not be obligated to provide a supply of water to Mr. John.

Based on our examination of the site it does not appear that Mr. John's diversion of waste water from the wasteway would affect the ditch company or any of the companies water users. If this evaluation is not correct, please let us know so another inspection can be made this fall while this system is still in operation.

If our analysis of the situation is correct and the additional information including the fact that Mr. John purposes to divert water below the wasteway turn out from your canal is sufficient to allow you to withdraw your protest, please do so in writing at your earliest convenience so we can continue to process this application. If you feel there is still a problem with granting this application but that it may be resolved without the necessity of a hearing, please contact the Department so we can try to resolve this matter with the least inconvenience to everyone involved.

If you have any questions, please feel free to contact me.

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

DBS:jp
cc: Mark John

FILE: 65-12527

FROM: Lee Sisco *LS*

DATE: 9/7/82

Met with Mr. Mark John on 9/3/82 to view the waste water that he filed on. The reason for the exam is that the Squaw Creek Irrigation District will not give him permission to use the wastewater as we require and, he feels they have lost control of the water once it leaves the canal even though the wasteway is within the District boundaries. The canal in question is the Squaw Ditch Co. canal on the east side of the valley. The end of the canal is where the waste occurs, a diversion into two private ditches takes place, one ditch flows to a pump, the other winds around the hillside and gravity irrigates land further down the valley. Both are weed choked and neither have measuring devices. There is a concrete divider that splits the water for these ditches. Just upstream from the ditches (30 to 40 feet) is an emergency dump built into the canal, this is the source of the waste water. The water leaks through the check boards and over the top, 15 to 20 inches was being wasted. Mr. John's plan is to place a pump and utilize this waste upon land above the ditch. He indicated that the water, according to the local people has been wasted in this manner for at least 20 years.

If the two end water users would clean their ditches and the canal company would place additional and better boards plus some plastic sheeting, there would be no waste from the canal. Because of the condition of the private ditches water is backed up in the canal resulting in the waste. I explained they didn't have to waste water and if they chose to remedy the problem, they could.

The waste way itself appears to be a natural drain located in a slight swail that carries the water directly to Squaw Creek. There appears to be no other diversions from the drain and the only water rights that could be damaged would be rights on the lower end of Squaw Creek proper. The adjudication photos don't indicate any lower diversions.

From all indications the Irrigation District has lost control of the water once it enters the waste way, I feel that Mr. John could utilize the water if it continues to be wasted. It would be very simple for the district to improve their system and dry up this source of water.

My recommendation is to allow the permit to be approved, one of two benefits will be derived from this: either Mr. John will benefit from the use of the water or it will force the district to improve their system and not waste anywater, thus perhaps benefiting a downstream Squaw Creek user.

File No. 65-12527

STATE OF IDAHO
Department of Water Resources

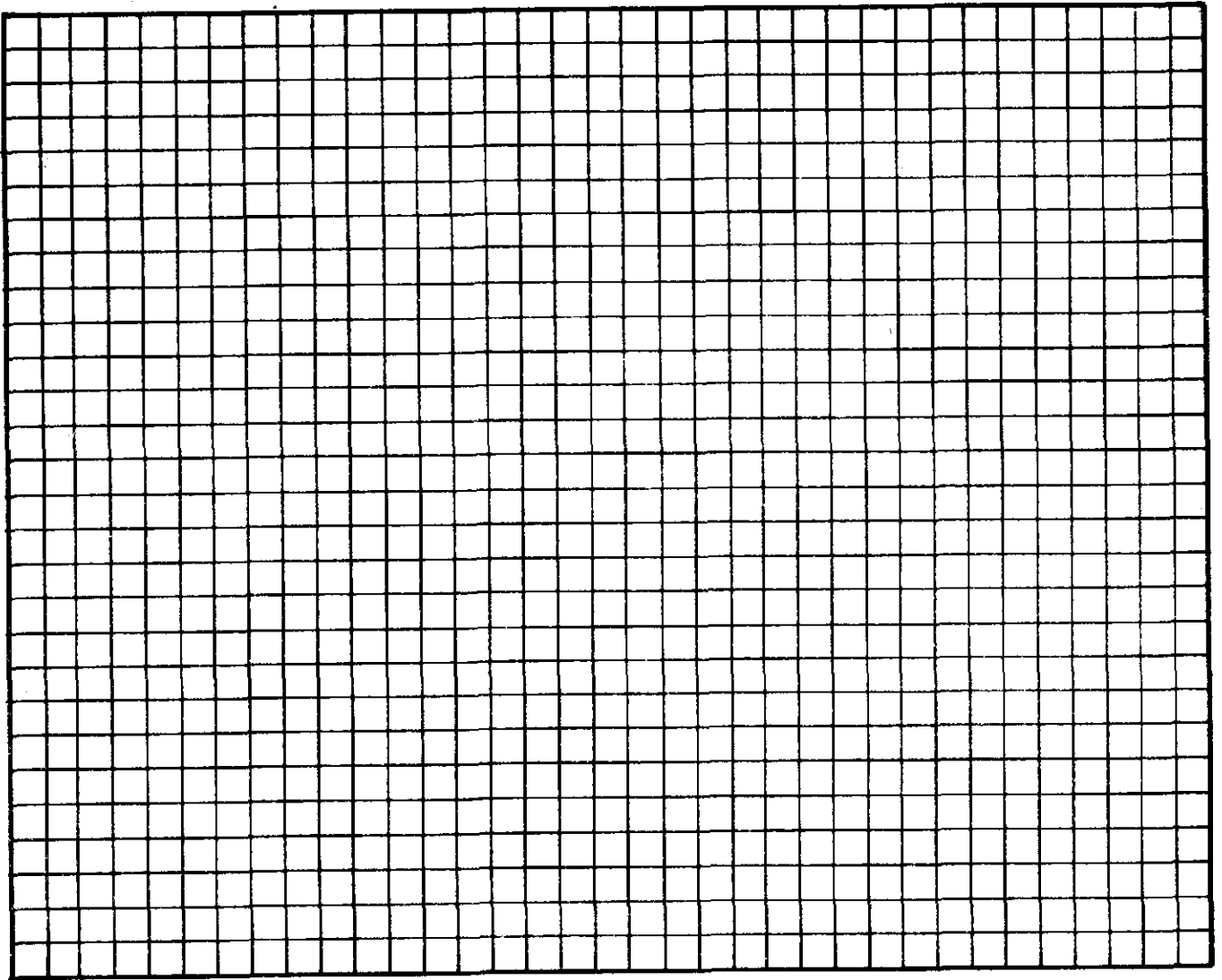
FIELD INSPECTION REPORT

1. Date: 9/3/82 Time: 9:30 Photos: Yes ☒ No
2. Inspection involves: ☒ Water Rights ☐ Dam Safety ☐ Well Construction or Driller
☐ Waste Well ☐ Stream Channel Alteration ☐ Water Distribution
☒ Other Pre-permit
3. Reason for inspection: question on waste water ownership
4. Stream name: Squaw Creek
5. Stream characteristics: end of Squaw Creek Irr. Dist. Canal
6. Stream width: _____ Depth: _____ Gradient: _____ Q: _____ est. _____
meas. _____
7. Location: NW 1/4 NE 1/4, Sec. 10, Twp. 7N, Rge. 1E, County Gem
Landmark: _____
8. Person(s) contacted: Mark John
9. Dam name: _____ Spilling: ☐ No ☐ Yes ☐ Q _____
Outlet open: ☐ No ☐ Yes ☐ Q _____ Spillway open: ☐ Yes ☐ Fibrd ☐ Gate open
Freeboard: Spillway _____ Crest _____ Res. stage: ☐ Rising ☐ Falling _____ Rate
10. Area characteristics: cropland
11. Weather conditions: clear
12. Describe activity/conditions inspected: reviewed wastewater drain and canal that contributes to waste situation plus diversions of other two water users.
13. Are all requirements being met? ☒ Yes
If not, check type violated: ☐ Statutory ☐ Rules & Regs ☐ Permit
14. Describe impact on others: None
15. Describe alternatives: groundwater source

16. Remarks _____

17. Followup Necessary: ____ Yes ☒ No Describe: _____

18. Sketch: Include direction, important dimensions, photo locations, landmark or reference point



19. Action taken at time of inspection: _____

20. Signed: Lee Kim

21. Follow up action: Date: _____ Additional Memo Prepared: ____ Yes ____ No
Describe: _____

22. Signed: _____

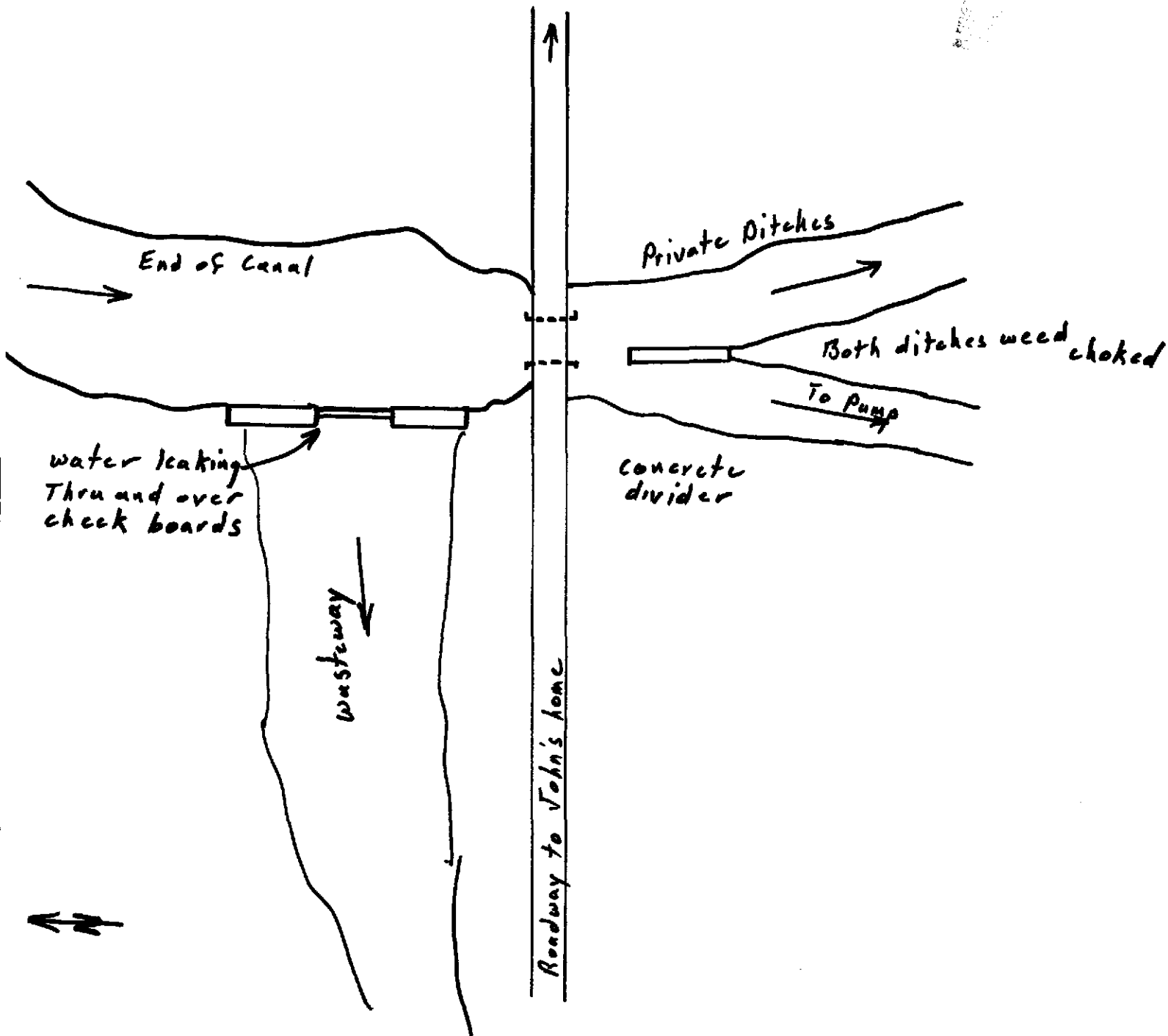


OLY

Small
dug.
rate ditches

P

TRUCKS



INTER-DEPARTMENT MEMO — 1

FROM Dave

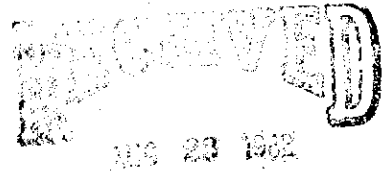
DATE 9/1

TO Lee

SUBJECT Mark John - 65-2527

He called today to ask about his ~~pen~~ application & response to ~~our~~ my show cause order. I told him I thought you were planning to come up on Friday & do a field inspection. He said he would be home days & if you weren't coming up on Friday to give him a call.

SIGNATURE



RE: ORDER TO SHOW CAUSE

Department of Water Resources
Western Regional Office

Dated AUGUST 16, 1982

Permit No. 65-12517
(65-12527 Corredt #)

Sir:

The objection by the Squaw Creek ditch company is in error. They state that, "Water is delivered to water users at the point the applicant is seeking to divert water."

Please see the enclosed sketch.

As you can plainly see, the ditch company has no control whatsoever over the water in question once it leaves their canal and enters the waste ditch, allowing said water to return back to Squaw Creek. It is water from this waste ditch that I am requesting permission to use.

It is for this reason I recommend approval of this application or a hearing be established and preferably at the site in question, so everyone concerned can see firsthand where and how this water is being wasted.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael John".

DAKNE/15

DEFENSE

John Res

John
H. Old

N
Z

SWEET OLA Hwy

Fence

Canal

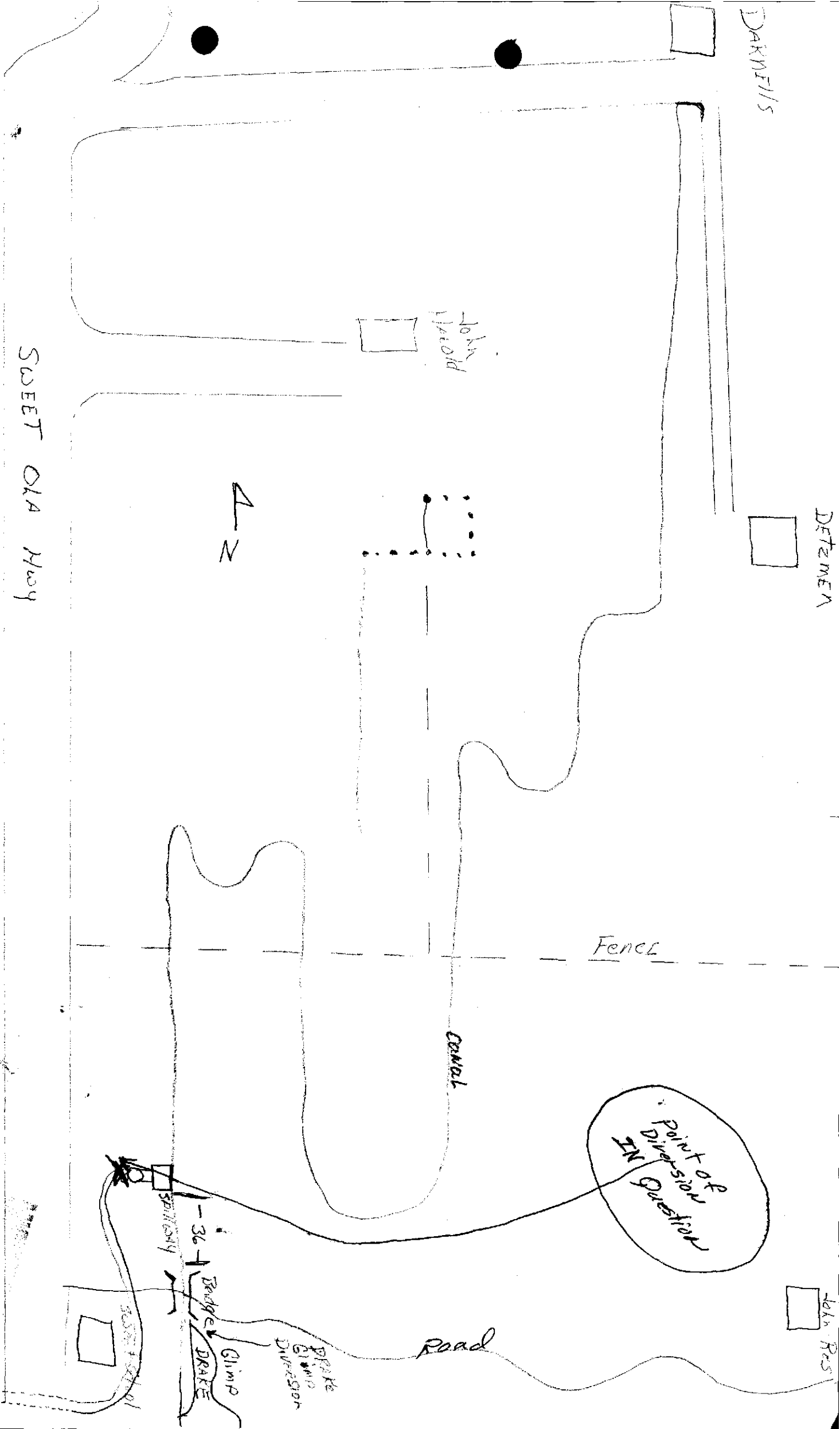
Point of
Diversion
IN
Operation

Road

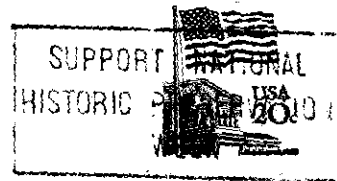
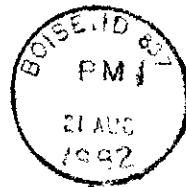
Drake
Gump
Diversion

1-36
Bridge
DRAKE
Gump

3500 + 2401



Mark D John
P O Box 162
Sweet, Idaho 83670



State Of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region
Statehouse
Boise, Idaho 83720

Attn: David B shaw

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

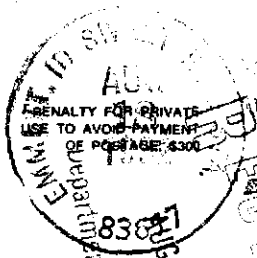
**RETURN
TO**



Department of Water Resources
Western Regional Office

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
92 SOUTH BOISE BLVD. 450 W. State St.
BOISE, IDAHO 83700 83720

(City, State, and ZIP Code)



- **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)

- ☒ Show to whom and date delivered. \$
☐ Show to whom, date and address of delivery. \$
☐ **RESTRICTED DELIVERY**
 Show to whom and date delivered. \$
☐ **RESTRICTED DELIVERY.**
 Show to whom, date, and address of delivery. \$ ____

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**

Mr. John
 P.O. Box 162
 Sweet Rd 23670

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	300 226 081	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4.

DATE OF DELIVERY

5. **ADDRESS** (Complete only if requested)6. **UNABLE TO DELIVER BECAUSE:**CLERK'S
INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

12521-907

P 300 2-26 081

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO		<i>Frank Satun</i>	
STREET AND NO.		<i>R.D. Box 102</i>	
P.O., STATE AND ZIP CODE		<i>Quincy Mo 63670</i>	
POSTAGE		\$	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE	\$
		SPECIAL DELIVERY	\$
		RESTRICTED DELIVERY	\$
		SHOW TO WHOM AND DATE DELIVERED	\$
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	\$
RETURN RECEIPT SERVICE		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	\$
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	\$
TOTAL POSTAGE AND FEES			\$
POSTMARK OR DATE			

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

25-15

August 1, 1982

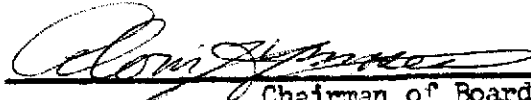
FROM: Squaw Creek Ditch Company

TO: Ken Dunn
State of Idaho
Department of Water Resources

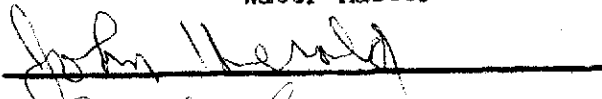
We would like to protest the filing of Mark John for water right on Squaw Creek tributary.

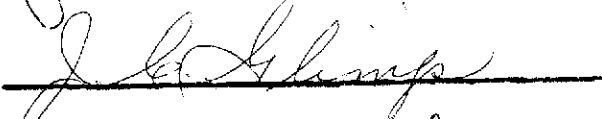
We understand that he is filing on water at the end of our spill gate on the canal. There is very little time during our irrigating season that there is an appreciable amount of water at that point.

Two of the water users in our irrigating system take water at that point also.


Chairman of Board,
Squaw Creek Ditch Company


Water Master







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

IN THE MATTER OF APPLICATION FOR PERMIT)
NO. 65-12517 IN THE NAME OF MARK JOHN)

ORDER TO SHOW CAUSE

WHEREAS, on June 10, 1982, Mark John applied to the Department of Water Resources for a permit to appropriate 0.12 cubic feet per second of waste water tributary to Squaw Creek with the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp. 7N, Rge. 1E, to be used for irrigation purposes; and,

WHEREAS, on June 30 and July 7, 1982, notice of this proposed appropriation was published in the Messenger-Index Newspaper, Emmett, Idaho; and,

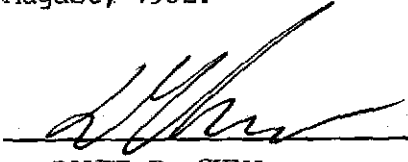
WHEREAS, the applicant was informed by letter dated July 23, 1982, of the need to obtain permission from the Irrigation District and/or Canal Company to gain access to the waste water sought to be appropriated; and,

WHEREAS, the Department received a letter dated August 1, 1982, from the Squaw Creek Ditch Company protesting the filing by the applicant and stating that water is delivered to water users at the point the applicant is seeking to divert water; and,

WHEREAS, the applicant must have permission to divert the water sought to be appropriated to be in compliance with the Department's policy set forth by the Director's memorandum dated September 8, 1981:

IT IS, THEREFORE, HEREBY ORDERED that the applicant show cause on or before September 6, 1982, why application for permit No. 65-12517 should not be denied for failure of the applicant to obtain permission from the Squaw Creek Ditch Company to divert the waste water sought to be appropriated.

Dated this 16 day of August, 1982.



DAVID B. SHAW
Western Regional Supervisor

To Dave

Date 8/19 Time 2:30

WHILE YOU WERE OUT

Mr. Mark John

of Sweet

Phone 584-3491

Telephoned	☒	Please call	☐
Called to see you	☐	Will call again	☐
Wants to see you	☐	Returned your call	☐

He said there were some discrepancies
Message in the Order to Show Cause he re-

ceived. The Number is wrong (Don and I discovered this) and he said, I thought, the third paragraph has wrong info. in it. Don talked to him and he was talking about info. in the fourth. He told Don he would be sending you a letter to Show Cause soon. Lee remembers him quite well.

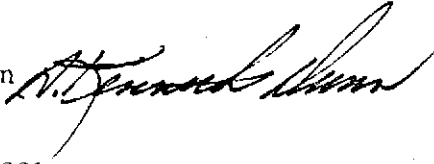
Operator

JP

MEMORANDUM

TO: Staff

FROM: A. Kenneth Dunn
Director



DATE: September 8, 1981

RE: Appropriation of Water Within Irrigation District & Canal Company Areas

Applications to appropriate water within the boundaries of irrigation districts and within the service areas of canal companies cause several uncertainties in administration;

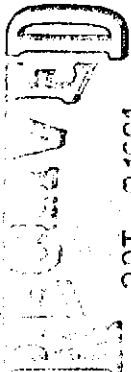
1. Is the water under the control of the district or canal company and not available for appropriation?
2. Is return flow available for appropriation if some water leaves the service area?

A proper and equitable administration of water demands that we adopt guidelines for the appropriation of water within the service area of canal companies and irrigation districts. The following guidelines will be followed in all permits issued in the future:

1. Constructed conveyances. When an additional use is to be made of water from a manmade canal, ditch or other constructed conveyance, whether for consumptive or nonconsumptive use, the appropriator must obtain the permission of the conveyance owner before he can divert any water. The source of water is the natural stream or river from which the conveyance heads. Therefore, the department will not issue a permit without evidence of a right of way to use the point of diversion and conveyance system and/or the written

Department of Water Resources
Western Regional Office

007 01001



permission of the owner of the conveyance works.

2. Natural channel conveyances or constructed drains. In many irrigation districts and canal companies, constructed drains and natural channels are used as integral parts of the delivery system. Runoff and seepage water collected in the drains and channels are used to supply water to shareholders lower in the project.

- a. When an appropriation from a natural channel, within which a substantial proportion of the flow is water injected into the channel and diverted from the channel by the irrigation district or canal company, is proposed for consumptive or nonconsumptive use, the potential exists for interference with the operation of the irrigation district or canal company. To insure that this local public interest is protected, any such permit issued will be conditioned as follows:

Water shall not be diverted under this permit until a written agreement with the irrigation district or canal company serving the area containing the point of diversion is filed with the department providing for coordination of the permitted use with the irrigation district or canal company operation.

- b. Usually the canal company either owns the land through which a constructed drain flows or has an easement for the drain. Any permit issued to appropriate water from a constructed drain within a canal company service area or an irrigation district boundary will carry the following condition:

Water shall not be diverted under this permit until

an easement or right of way with the owner of the drain providing for access to the drain is filed with the department.

The natural channel and drain is no longer considered a part of the conveyance system below the last point of diversion from which the canal company or irrigation district delivers water.



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

A. KENNETH DUNN
Director

(208) 334-2190

July 23, 1982

Mark John
P. O. Box 162
Sweet, ID 83670

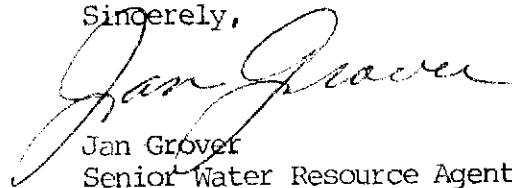
Dear Mr. John:

On June 22, 1982, I and Lee Sisco discussed with you the necessity of a letter being sent from the irrigation district stating their approval of your diversion works in the wasteway tributary to Squaw Creek. As of this date, we have not received this letter.

Before approval can be granted on your application for permit this letter must be submitted.

If you have any problems with this matter, please do not hesitate to contact us.

Sincerely,



Jan Grover
Senior Water Resource Agent

JG:jp

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 334-2190

JUNE 24, 1982

Emmett Messenger-Index
Box 577
Emmett, ID 83617

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 19, 1982.

Yours truly,

HELEN L. HARRINGTON
Secretary

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

If issued, the permit(s) will be subject to all prior water

rights. Protests against the granting of any permit must be filed

with the Director of the Idaho Department of Water Resources, 92 S.

Cole Road, Boise, Idaho 83709 on or before JULY 19, 1982.

R. KENNETH DUNN

Director

Published 7/1 & 7/8/82.

65-12527

JOHN. MARK

P.O. BOX 162, SWEET, ID 83670

Source: WASTE WATER tributary to SQUAW CREEK

Date Filed: 06/10/1982

Amount: 0.12 CFS

Diversion Point: NWNE SWNE Sec 10 T 07N R 01E, GEM Co.

Use: IRRIGATION (0.12 CFS) from 03/15 to 11/15

Place of Use: SENE Sec 10 T 07N R 01E SWNW Sec 11 T 07N R 01E
FOR 4 ACRES

Diversion Means: PUMP & PIPELINE