

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Valley)

Donald E. McMahan, being first duly sworn, deposes and says: That he is the co-editor of the Star-News, a weekly newspaper published at Cascade and McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for ~~two~~ ^{two} consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began July 15, 1976, and ended July 22, 1976.

Subscribed and sworn to before me a Notary Public in and for the County of Valley, and the State of Idaho, this 22 day of July, 1976.
Donald E. McMahan
Robert J. McMahan, Notary Public.
My commission expires July, 1980.

JUL 26 1976

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that O.J. &/or MAY EMBRY Boise, ID has on July 7, 1976 submitted Application No. 65-7636 for a permit to appropriate 0.02 cubic feet per second of water from unnamed stream (Maverick Creek) trib. Cascade Lake by means of headbox and pipe within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 19 T16N-R3E B.M. Valley County to be used from Jan 1 to Dec 31 for domestic purposes within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 19 T16N-R3E B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho 83720, on or before August 2, 1976.

R. KEITH HIGGINSON
Director

MICROFILMED

Est
92-80-1
OK

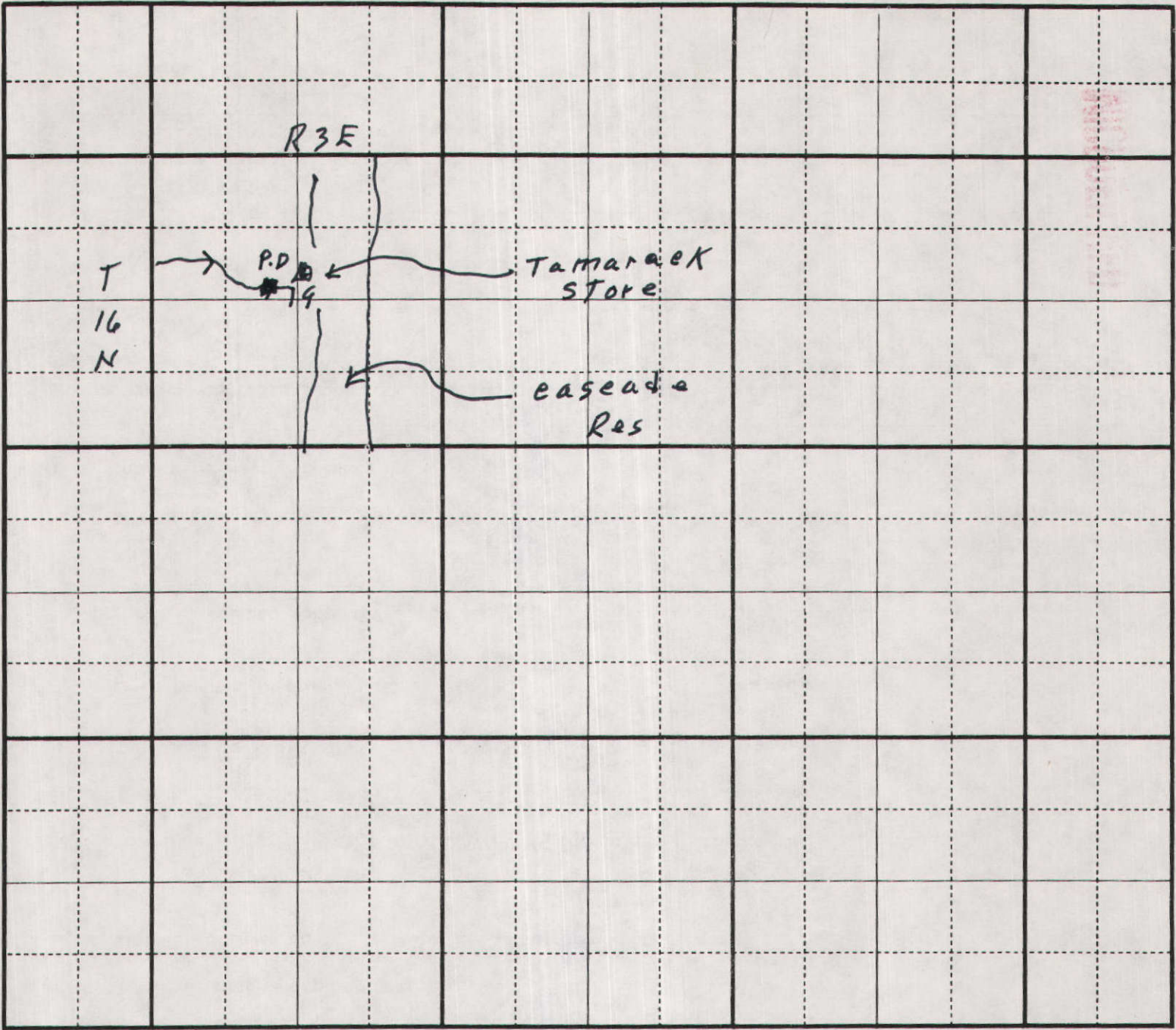


Diagram of System

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 65-7636 Priority July 7, 1976 Amount .02 cfs

THIS IS TO CERTIFY, that O. J. &/or MAY EMBRY
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 65-7636 issued pursuant to Application for Permit dated July 7, 1976,
and has submitted proof to the Department of Water Resources on July 23, 1979,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of .02 cfs of water from an unnamed creek,
tributary to Cascade Reservoir, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic	from <u>January 1</u> to <u>December 31</u> at <u>.02</u> cfs and <u>1.2</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than .02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.2 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, Twp. 16N,
Rge. 3E, B.M. in the County of _____ Valley _____

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16N	3E	19								X					

Total number of acres irrigated _____

Source known locally as Smiling Julie Creek.

Lot 47, Smiling Julie Subdivision.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 30 day of
July, 19 80.


Director

Identification No _____

Application No. 25-7636

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

- 1 Name of applicant O. J. &/or May Embry Phone: 375-4884
post office address 6815 Northview, Boise, ID 83704
- 2 Source of water supply Unnamed Stream
(Maverick Creek) which is a tributary of Cascade Lake
- 3 a Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19 Township 16N
Range 3E B M Valley County, additional points of diversion if any: _____

b If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B M _____
- 4 Water will be used for the following purposes:
Amount 0.02 for Domestic purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated
a 0.02 cubic feet per second and/or
b _____ acre feet per annum
- 6 Proposed diverting works
a Description of ditches, flumes, pumps headgates, etc Headbox with approx. 200' of 1" diameter
plastic pipe to the place of use.

b Height of storage dam _____ feet, active reservoir capacity _____ acre feet, total reservoir
capacity _____ acre feet, materials used in storage dam _____
Period of year during which storage will occur _____ to _____ inclusive
(Mo Day) (Mo Day)
c Proposed well diameter is _____ inches, proposed depth of well is _____ feet
- 7 a Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years
b Estimated construction cost is \$300.00
- 8 Description of proposed uses
a If water is **not** for irrigation:
(1) Give the place of use of water SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19 Township 16N
Range 3E B M _____
(2) Amount of power to be generated _____ hp 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 1
(5) If water is to be used for other purposes describe domestic

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

TWP	RANGE	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	

Total number of acres to be irrigated _____

c. Describe any other water rights used for the same purposes as described above None known.

Borse, Id.

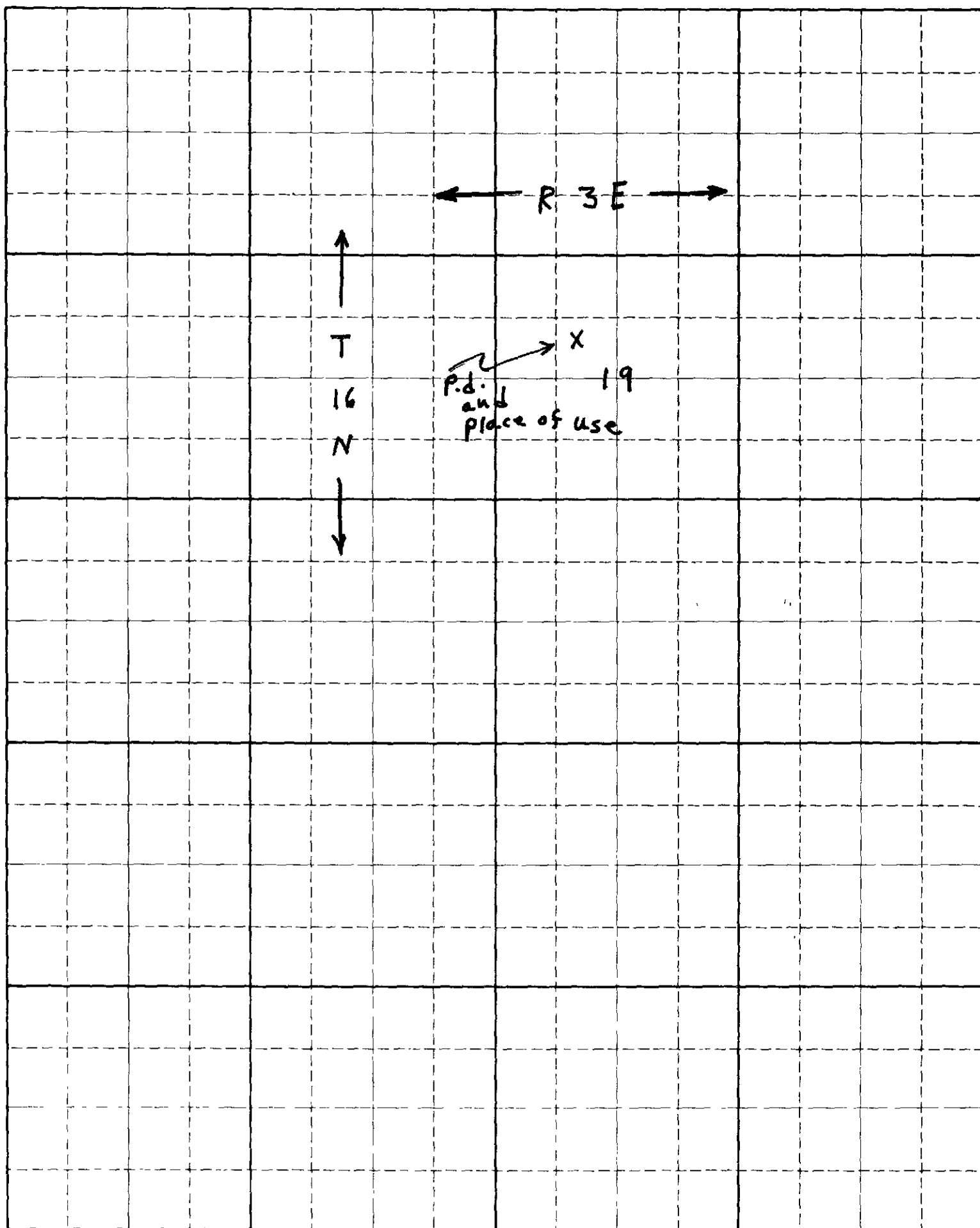
9. a. Who owns the property at the point of diversion Merlin Shields, 1425 Epheredge, 375-5707

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks Property is further described as lot # 47 of Smiling Julie Subdivision, Valley Co.

1) 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

(Applicant) Sammy

Proposed Priority 7-7-76

Received by JH Date 7-7-76 Time 11:30 a.
Preliminary check by JH Fee \$ 10.00
Receipted by RB Date 7-7-76 # 5071
Publication prepared by RB Date 7-9-76
Published in Star News
Publication dates July 15 + 22
Publication approved RB Date 7-28-76
Priority reduced to _____ Reason _____

Protests filed by _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by JH DRT

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 65-7636, 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 August 1, 19 81.
- c. Other The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

2. Denial of said application is for the following reasons _____

Witness my hand this 7 day of August, 19 76.

R. Kent Higin
Director

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Valley)

Donald E. McMahan, being first duly sworn, deposes and says: That he is the co-editor of the Star-News, a weekly newspaper published at Cascade and McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for ~~two~~ consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began July 15, 1976, and ended

July 22, 1976

Subscribed and sworn to before me a Notary Public in and for the County of Valley, and the State of Idaho, this 23 day of August, 1976,
Donald E. McMahan, Notary Public.
My commission expires August 19, 1980.

Notice is hereby given that O.J. &/or MAY EMBRY Boise, ID has on July 7, 1976 submitted Application No. 65-7636 for a permit to appropriate 0.02 cubic feet per second of water from unnamed stream (Maverick Creek) trib. Cascade Lake by means of headbox and pipe within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 19 T16N-R3E B.M. Valley County to be used from Jan 1 to Dec 31 for domestic purposes within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 19 T16N-R3E B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho 83720, on or before August 2, 1976.

R. KEITH HIGGINSON
Director

OK
7-28-76

July 7, 1976
We grant permission to cross
our land to obtain water to
your property. Owners of
Lot 19.

Merlin Shields
O.J. Embury. Owner
Lot 47

WARRANTY DEED

For Value Received

Donald L. Blele and Wanda L. Blele, husband and wife

the grantor s, do hereby grant, bargain, sell and convey unto

O. J. Embr-y and May A. Embry, husband and wife

whose current address is

6815 Northview, Boise, Idaho

the grantee s, the following described premises, in Valley County Idaho, to wit:

Lot 47 of the Smiling Julie Subdivision, located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 19, Township 16 N, R. 3E.B.M., Valley County, Idaho

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees ,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantee s, that the y are the owner in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: July 6, 1976

Donald L. Blele
Wanda L. Blele

STATE OF IDAHO, COUNTY OF

On this 6th day of July, 19 76,
before me, a notary public in and for said State, personally
appeared

Donald L. Blele and
Wanda L. Blele

known to me to be the person s whose name s ARE
subscribed to the within instrument, and acknowledged to
me that THEY executed the same.

John A. Harrison
Notary Public

Residing at Boise, Idaho
Comm. Expires 9-12-78

August 14, 1980

O.J. & May Embry
6815 Northview
Boise, Idaho 83704

Dear Mr. & Mrs. Embry,

RE: License No. 65-7636

Please disregard the former license sent to you on July 31, 1980.

A typing error was made on your License Water Right No., instead of 65-7636 it was typed 67-7636. I am sorry for any inconvenience the may have caused you.

Sincerely,

MAUREEN REARDON
Senior Clerk

MR

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

July 31, 1980

O. J. & May Embry
6815 Northview
Boise, Idaho 83704

Dear Mr. & Mrs. Embry,

RE: License No. 67-7636

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

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:mr
Enclosure

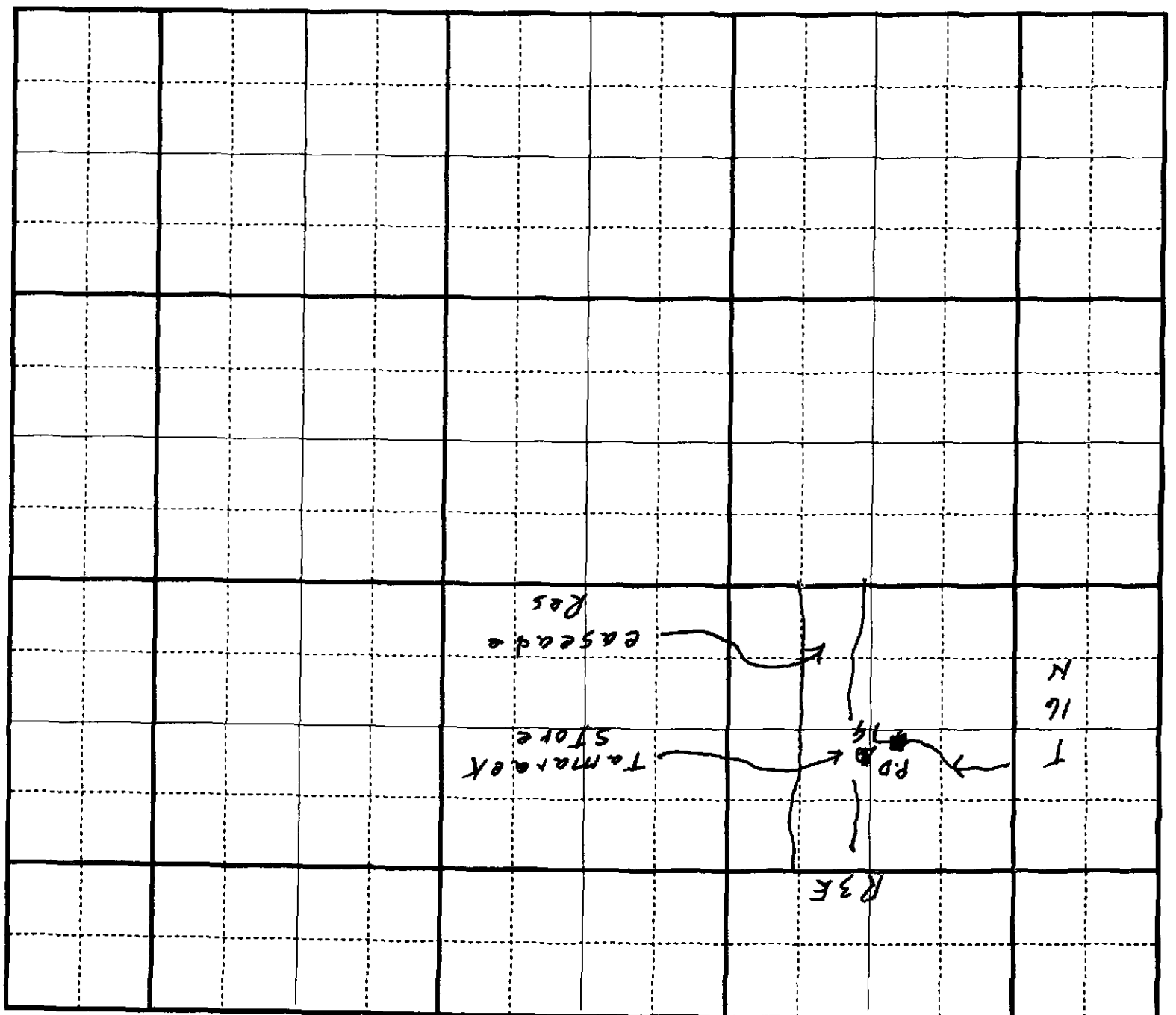
MICROFILMED

FIELD REPORT

- TOTAL ACREAGE**

Permit No. 65-7436
Examination for 6/1

Diagram of System



DATE OF EXAM 6/20/80

ACREAGE
Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____
Domestic Q=1.02 c.f.s. V=1.2 AF/Ann. from 1/1 to 12/31
Livestock Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no _____

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no _____

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub _____ 1/4 _____ 1/4 _____
County _____

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub _____ 1/4 _____ 1/4 _____
County _____

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 1.02 Method of measurement calc. Est

Total Q recommended _____ Meter No. _____ Type _____ Condition _____

Total V recommended 1.2

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ✓

MEASUREMENT CALCULATION:

V = Q as per permit Q - Standard amount for domestic use.

SYSTEM DESCRIPTION:

collection box - 200' of 1" PVC to place of use.

REMARKS:

lot 47 Smith's Julie Sub.

Examiner's Signature John X Moyer Date 6/24/80

Checked by OBS Date 7/8/80

Approved by RH Date 7/10/80



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)

C. STEPHEN ALLRED
Director

(208) 384-2190

August 29, 1979

O. J. &/or May Embry
6815 Northview,
Boise, ID 83704

RE: Permit No. 65-7636

Dear Mr. and Mrs. Embry:

We acknowledge receipt of your statement submitted as proof of 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 examination of your system has been scheduled for

_____.
If this time and date is not convenient for you, please contact this office as soon as possible.

☒ 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,

Kay Walker
Secretary

MICROFILMED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 65-796

Name(s) of Permit Holder: O. J. Embury

Post Office Address: 6815 Northview
Boise, Idaho

Tel. No. _____

Source of Water: unnamed stream (Maverick)

Extent of Use: ☒ Domestic 1 (number of households)
☐ Stockwater _____ (number and type of stock)
☐ Irrigation _____ (acres)
☐ Other _____

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No

Access Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed

July 79
Date

O. J. Embury
Signature of Permit Holder

MICROFILMED

PLACE
TEN CENT
STAMP
HERE

A. J. Embury
6815 Northview
Boise Id 83704

65-7636



RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE

BOISE, IDAHO 83720

JUL 23 1979
Department of Water Resources
Western Regional Office

August 10, 1976

Re: Permit No. 65-7636

O.J. &/or May Embry
6815 Northview
Boise, ID 83704

Dear Mr. and Mrs. Embry:

Enclosed is a copy of your approved Application for Permit No. 65-7636. We direct your attention to the conditions of approval as listed on the fourth page.

Please be advised that the Idaho Supreme Court has ruled that a water right initiated and/or put to beneficial use by aid of trespass on private property is invalid.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:mef

Enc.

RECOMMENDEDCONDITIONS OF APPROVAL

- ☐ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
- ☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
- ☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.
- ☐ Maximum rate of diversion shall not exceed _____ c.f.s.
- ☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.
- ☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.
- ☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.
- ☐ The proposed well shall not be drilled within _____ feet of another well.
- ☒ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.
- ☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.
- ☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.
- ☐ Other: _____

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 105-7636

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) JH 7-7-76

In form to receipt

(2) _____

Send Copies to:

☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☐ Bureau of Land Management

(3) _____

☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant

(4) JH 7-7-76

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels: N/A

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: See letter granting R/W
across land of Merlin Shields

(11) RB OK

Affidavit of Publication received(date) 7-28-76

(12) _____

Final date for protests _____
Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or
applicant: yes _____ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

NO Measuring device required

☒ See attached sheet for other conditions of
approval

_____ No special conditions for approval

(15) District W

By JH Date 8-2-76

July 12, 1976

Re: Adjudication Claim on Application for Permit NO. 65-7636

O. J. &/or May Embry
6815 Northview
Boise, ID 83704

Dear Mr. & Mrs. Embry:

Please find enclosed for your records your copy of the Adjudication Claim based on the Application for Permit No. 65-7636 filed July 7, 1976.

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

Sincerely,

L. GLEN SXTON, P.E.
Western Regional Supervisor

LGS:rb

Enc.

bc: Gary Page



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

Statehouse
Boise, Idaho 83720
(208) 384-2190

R. Keith Higginson
Director

July 9, 1976

Re: Notice of Application for Water Permit NO. 65-7636 - O. J. &/or May Embry

The Star News
Box 985
McCall, ID 83638

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear in the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

--- (Signature of Claimant) ---

Bill submitted

Sincerely,

7-28-76
RB

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that O. J. &/or MAY EMBRY
Boise, ID
has on July 7, 1976 submitted Application No. 65-7636
for a permit to appropriate ^{0.02}~~65-7636~~ cubic feet per second ~~XXXXXX~~ ^{acre feet}
~~XXXXXX~~ of water from ~~unnamed stream (Maverick Creek) trib. Cascade Lake~~
by means of headbox and pipe
within the ~~SE1/4, Sec 19 T4 XXXXXXXX~~ T16N-R3E B.M. Valley County

to be used from Jan 1 to Dec 31
for domestic purposes

within the ~~SE1/4, Sec 19 T16N-R3E B.M.~~

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before August 2, 1976.

R. KEITH HIGGINSON

Director

Published in the The Star News, McCall, ID
on July 15, 1976 and July 22, 1976.