

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-14548

Priority: February 25, 2005

Maximum Diversion Rate: 0.04 CFS

This is to certify, that JOHN COLE
209 MARIPOSA
HAILEY ID 83333

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: UNNAMED STREAM

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24, Twp 17N, Rge 01W, B.M. ADAMS County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N 01W 24											X						

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 1, 2006**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67.
5. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 1st day of June, 2005.


for KARL J DREHER, Director

RECEIVED

RECEIVED

FEB 25 2005

MAY 23 2005

FORM 202
12/99WATER RESOURCES
WESTERN REGIONDEPARTMENT OF
WATER RESOURCES

Ident. No.

67-14548

agree to the following
application changes.

Date 7/1/05

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant John Cole Phone (208) 788-1922
Mailing address 209 MARIPOSA HALL ID 83333
2. Source of water supply Spring which is a tributary of SEAS UNNAMED STREAM
3. Location of point of diversion is Township 17 North Range 1 West Sec. 24 in the SW $\frac{1}{4}$,
SW $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot ADAMS County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | | |
|---------------------------------------|---|
| Amount <u>.04</u> for <u>DOMESTIC</u> | purposes from <u>1/1</u> to <u>12/31</u> (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) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
5. Total quantity to be appropriated is (a) .04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source CATCH BASIN - (BURIED)
COLLECTION PIPE TO HOUSE
CUTTER, OVERFLOW TO BOOGAL STORAGE TANK, OVERFLOW TO SMALL 1003 FT WATERING POND
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. 1
 - Other; describe fully. _____

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WATER RESOURCES
WESTERN REGION

3. Description of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	1W	24											D						

Total number of acres to be irrigated _____

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

11. a. Who owns the property at the point of diversion? John Cole

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

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

12. Remarks: THE HOME WAS BUILT IN 1978 AND THE
Spring has been the sole source of water
SINCE THAT TIME.

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

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

John G. Cole
 Signature of Applicant (and title, if applicable)

Received by DB Date 2-25-05 Time 12:00pm Preliminary check by g
 Fee \$ 100- Receipted by DB # 100321035 Date 2-25-05
 Publication prepared by sk Date 4-21-05 Published in THE RECORD
 Publication approved sk Date 5-19-05

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED
USING ONE OF THE THREE ALTERNATIVES BELOW

Name of Applicant JOHN COLE
Mailing Address 209 MARIPOSA
HAILEY ID 83333
Application No. —
(if known)

☐ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

☐ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Date

John S. Cole
4/1/05

Please return this form to:

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

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APR 06 2005

WATER RESOURCES
WESTERN REGION



N00°10'04"E
2620.08'
W

Capaul, Bruce D
4-15-04 105846

U.S.A.

N00°37'32"E
2608.30'
E

310310

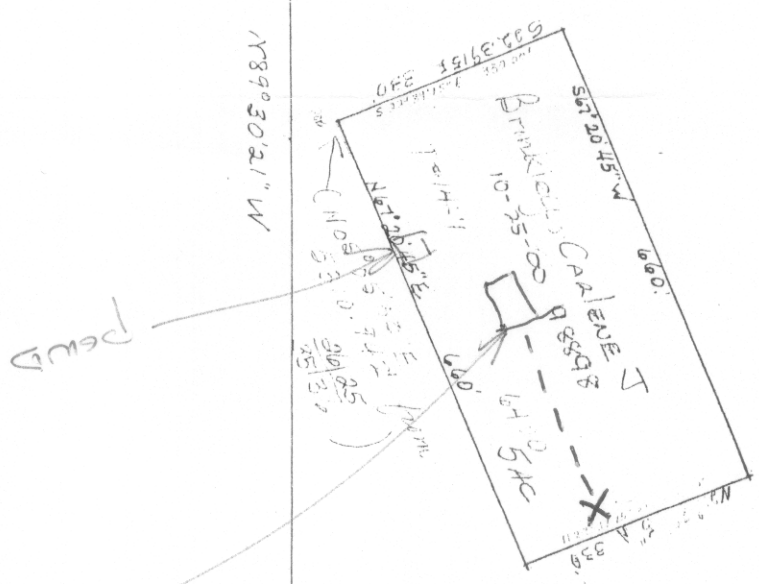
SECTION-4000

1000

23 24
26 25

N89°30'21"W

2622-21
Survey #84581 Neitz



I Purchased this property
on 2/3/05 From Carlene Brudley
The property is 5 Acres

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 2, 2005

JOHN COLE
209 MARIPOSA
HAILEY ID 83333

RE: Permit No. 67-14548

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

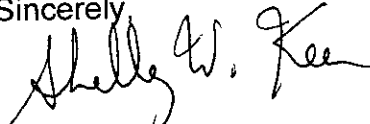
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

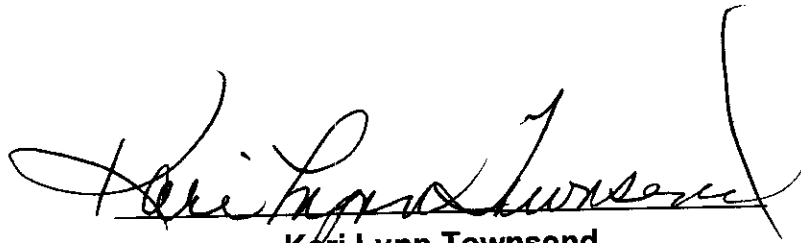
CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

67-14548

**JOHN COLE
209 MARIPOSA
HAILEY ID 83333**



**Kari Lynn Townsend
Secretary**

(To be used in connection with actions when a hearing was not held)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

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

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

LEGAL NOTICE

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

Idaho:

67-14548
JOHN COLE
209 MARZIPAN
HAILEY ID 83333

✓sk

Point(s) of Diversion SESWSW S24 T17N R01W ADAMS County
Source SPRING

Tributary To UNNAMED STREAM

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 02/25/2005

Place Of Use: DOMESTIC

T17N R01W S24 SWSW

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

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region,

2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 05/09/2005. The

protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in The Record on April 21 and 28, 2005.

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Jennifer L. Ferrell

Subscribed and sworn to before me this 10th day of May, 2005

STATE OF IDAHO

COUNTY OF ADAMS

On this 10th day of May in the year of 2005, before me

a Notary Public, personally appeared Jennifer L. Ferrell, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

BONNIE A. FISK
Notary Public
State of Idaho

Bonnie A Fisk
Notary Public of Idaho

Residing at Council, Idaho

My commission expires: MY COMMISSION EXPIRES
November 21, 2009

BONDED THRU NOTARY PUBLIC UNDERWRITERS

ES

WRITERS

#57 Roger Gonzalez:
5/5/00/0/0
#74 Justin Brotherton:

Rushing: 17-77
Passing: 14-20-199
Total Yards: 276
Penalties: 9-69

for 9 walks. Katherine leads
in sacrifices with 2. Olivia
and Aly are tied with 4 stolen
bases each. In 11 innings of

STATE OF IDAHO)
) SS
COUNTY OF ADAMS)

MAY 18 2005

WATER RESOURCES
WESTERN REGION

Jennifer L. Ferrell being duly sworn, deposes and says That she is the Principle Clerk of The Adams County Record, a weekly newspaper printed and published at Council, Adams County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the advertisement, a copy of which is attached hereto; that advertisement was published in the regular edition of The Adams County Record.

for Two(2) insertion(s) beginning with the issue of April 21, 2005 and ending with the issue of April 28, 2005.

Jennifer L. Ferrell

Subscribed and sworn to before me this 10th day of May, 2005

Bonnie A Fisk

Notary Public for Idaho, Residing at:

MY COMMISSION EXPIRES
November 21, 2009

BONDED THRU NOTARY PUBLIC UNDERWRITERS

BONNIE A. FISK
Notary Public
State of Idaho

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application Number: 67-14548

Applicant's Name: John Cole

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:

Additional Comments:

Dated this 18 day of April, 2005

Water District Number 67 Watermaster's Signature Bosco Bosler

A handwritten signature in black ink, reading "Bosco Bosler". The signature is written in a cursive, flowing style with a large, sweeping underline.

Kreger (Taylor), Sue

To: eleitzin@idfg.state.id.us
Subject: comment letters

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

April 14, 2005

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

Attached is a copy(s) of one or more applications that may be of interest to your agency. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by May 9, 2005.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,



65-22946.pdf



67-14548.pdf

Kreger (Taylor), Sue

To: boscob@ruralnetwork.net

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

April 14, 2005

BOSCO BOSLER
2711 SHOEPEG RD
MIDVALE ID 83645

Re: Application(s) for Water Right No. 67-14548 in the name of John Cole

Dear Watermaster:

Attached are copies of one or more applications. Also attached is a form for your recommendation concerning these application(s).

Please review the application(s) that are in your area. We must have your comments within two weeks. If you have any questions or need information, feel free to contact this office at 334-2190.

Sincerely,



67-14548.pdf



Copy of
commendation of Wa

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

April 14, 2005

Legal Notice Department
RECORD
PO BOX R
COUNCIL ID 83612

RE: Application for Permit No. 67-14548

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 05/09/2005. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

67-14548

JOHN COLE
209 MARZIPAN
HAILEY ID 83333

Point(s) of Diversion SESWSW S24 T17N R01W ADAMS County Source SPRING

Tributary To UNNAMED STREAM

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 02/25/2005

Place Of Use: DOMESTIC

T17N R01W S24 SWSW

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

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 05/09/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in The Record on April 21 and 28, 2005.