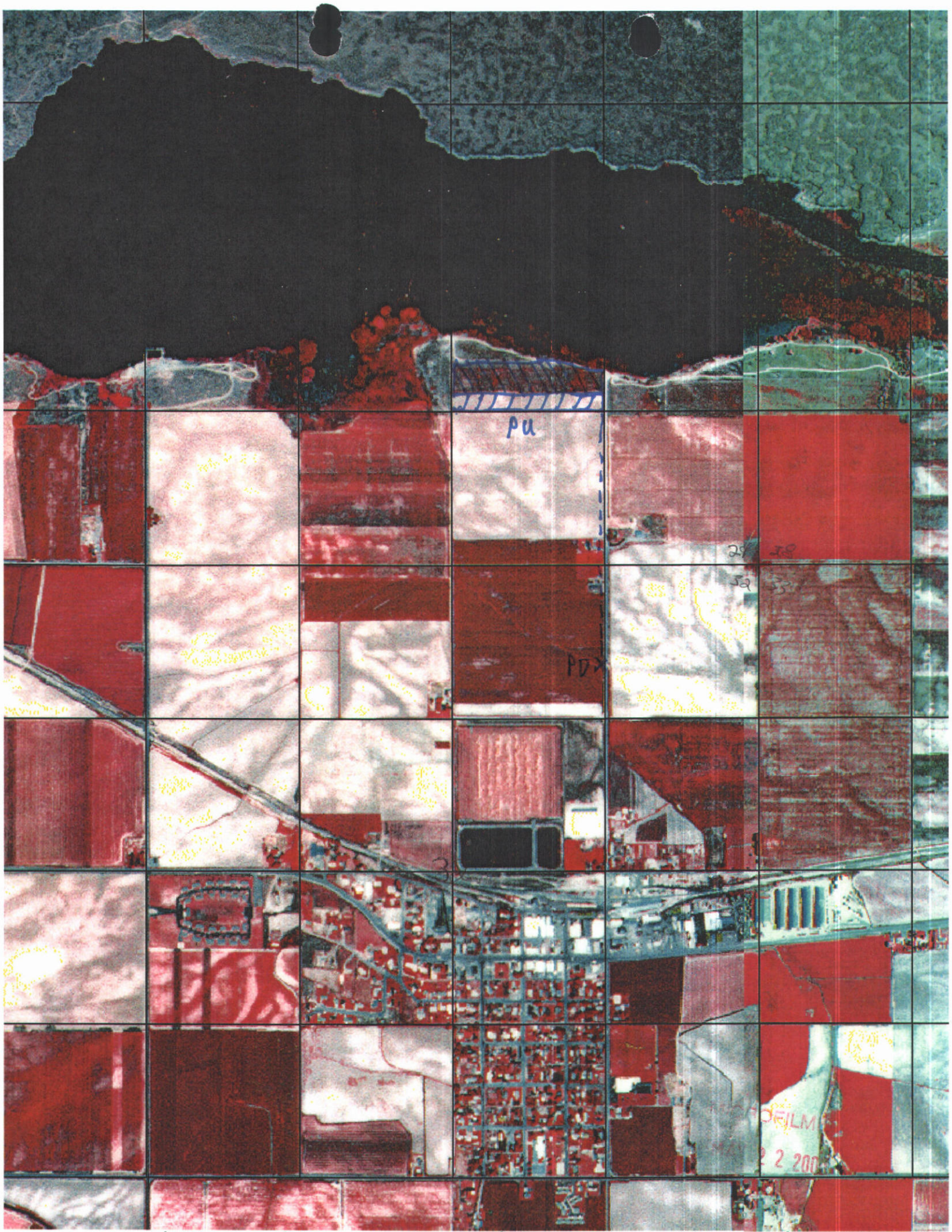




NAPP 41B-251

6-24-87

095 20 E



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[Handwritten signature]

MICROFILMED
MAY 22 2000

PHOTOS OF DIVERTING WORKS; 36-08800, TAKEN ON 2-28-00 BY JOHN FREITAG

SAME DIVERSION STRUCTURE TAKEN FROM DIFFERENT ANGLES



MICROFILMED
MAY 22 2000

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho } ss.
County of Jerome

APR 14 2000

Department of Water Resources
Southern Region

Norma DeVoe, being first duly sworn, deposes and says that he/she is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 6th day of April, 2000, and the date of the last publication was on the 13th day of April, 2000.

On this 13th day of April, in the year of 2000, before me, a Notary Public, personally appeared Norma DeVoe, 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/she executed the same.

SHELLEY STURGEON
Notary Public
State of Idaho

Shelley Sturgeon
Notary Public for Idaho

Residing at Jerome

My commission expires: 12/3/05

#8328/30816

NORTH SIDE NEWS
Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

_____ Lines tabular at _____ 7.5¢/Pica

594 Lines straight at 38.61 6.5¢/Pica

594 Subsequent lines at 32.67 5.5¢/Pica

Affidavit Fee: 2.25

TOTAL COST 73.53

COPY OF NOTICE

(Paste Here)

Howard/Hazleton/Zortman
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

NOTICE OF APPLICATION FOR WATER RIGHT

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

36-08800

HOWARD, DEAN
HOWARD, DOROTHY
920 PLAINVIEW DR
TWIN FALLS, ID 83301
Source: WASTE WATER
Tributary: WILSON LAKE
Diversion Pt: SENWNE Sec 32 T 09S R 20E in JEROME County.
Use: IRRIGATION (0.260 CFS)
Total Diversion: (0.260 CFS)
Date Filed: 12/6/1999
In: JEROME County
T09S R20E S29 NWSE
12.7 ACRES TOTAL

36-08801

CITY OF HAZELTON
PO BOX 145
HAZELTON, ID 83335
Source: GROUNDWATER
Diversion Pt: LOT 2 (NWNWNE) Sec 5 T 10S R 20 E in JEROME County.
Use: MUNICIPAL (0.900 CFS)
Total Diversion: (0.900 CFS)
Date Filed: 2/28/2000
T R S00

36-08802

ZORTMAN, DAVID L
ZORTMAN, TIFFANY
352 N 100 E
JEROME, ID 83338
Source: GROUNDWATER
Diversion Pt: SWNW Sec 32 T 07S R 17 E in JEROME County.
Use: STOCKWATER (0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 3/17/2000

In: JEROME County

T07S R17E S32 SWNW

The permit(s) will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before APRIL 24, 2000. The protestant must also send a copy of the protest to the applicant.

/s/Karl J. Dreher, Director

PUB: 4/6 - 4/13 N30816

MICROFILMED

MAY 22 2000

RECEIVED

AUG 17 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 36-08800 Telephone No. _____

2. Name of Permit Holder(s): Llean Howard

3. Mailing Address: 920 Plainview Lk Twin Falls, Idaho

City _____ State _____ Zip 83301

4. Source of Water: Waste Water If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 12.7 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.260 cfs OR _____ acre-feet

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

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

Measuring Device: Is a measuring device required?

Yes _____ or No ✓

Has the measuring device been installed?

Yes _____ or No ✓

8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Llean Howard Telephone Number: 734-7754

Address: 920 Plainview Lk.

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Llean Howard Date: Aug 1 - 2000
(include your title, if on behalf of company or organization)

MICROFILMED

SEP 11 2000

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 36-08800

Priority: December 6, 1999

Maximum Diversion Rate:

0.26 CFS

This is to certify, that **DEAN HOWARD**

DOROTHY HOWARD

920 PLAINVIEW DR

TWIN FALLS ID 83301

has applied for a permit to appropriate water from:

WASTE WATER

tributary of **WILSON LAKE**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

03/15 to 11/15

0.26 CFS

LOCATION OF POINT(S) OF DIVERSION:

SEWNNE , Sec. 32, Township 09S, Range 20E
JEROME County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

09S 20E 29

NWSE 12.7

12.7

Total number of acres irrigated:

12.7

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before October 1, 2000.
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
5. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. This right does not authorize the irrigation of land not previously irrigated.

MICROFILMED

MAY 22 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08800

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

9th day of May, 2000.


Karl J. Dreher, Director

for



MICROFILM
MAY 22 2005

RECEIVED

FORM 202

2/96

DEC 06 1999

Department of Water Resources
Southern Region

Ident. No. 36-08800

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR PERMIT

MAY 5 - 2000

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Dean & Dorothy Howard Phone 734-7754
Mailing address 920 Plainview Drive, Twin Falls, ID 83301
2. Source of water supply Waste Water which is a tributary of Wilson Lake
3. Location of point of diversion is Township 9S Range 20E Sec. 32 in the SE 1/4.
NW 1/4, NE 1/4, Govt. Lot _____, B.M., Jerome County:
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.26 cfs for Irrig. 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)
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) 0.26 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 Check dam in waste ditch, ditch to pond, pump in pond to sprinklers
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):
a. Hydropower; show total feet of head and proposed capacity in KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

REPROFILMED

MAY 22 2000

9. Description of place of use:

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

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

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	20E	21														5			5.8
																12.7			12.7

Total number of acres to be irrigated 12.7

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

Same system waters adjacent private land under Rts. 36-04049A+B

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

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Land is irrigated under the Sikes Act. Lease with Idaho Fish & Game is up for

12. Remarks: renewal.

The south 5 acres of this land grows hay or other crops. The rest is watered 2-3 times a year for wildlife cover.

Use began in 1979, see attached statement from previous owner.

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.)

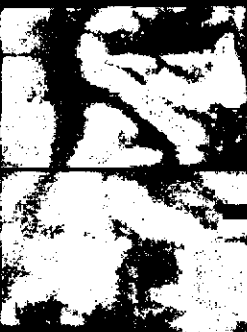
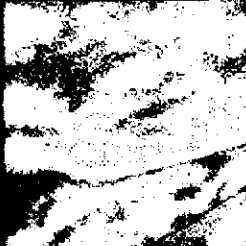
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILM

MAY 22 2000

L. Dean Howard
Signature of Applicant (and title, if applicable)

Received by J. E. Horton Date 12-6-99 Time 2:44 pm Preliminary check by _____
Fee \$ 100. Receipted by JB # 5032699 Date _____
Publication prepared by MB Date 3/28/00 Published in Northside News
Publication approved MB Date 4/17/00



NAPP 418-251

1-24-27

095 20 E

42-22000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 10, 2004

DEAN HOWARD
920 PLAINVIEW DR
TWIN FALLS ID 83301

RE: Water right number(s): 36 8800

Dear Water Right Holder(s):

The purpose of this letter is to notify you in advance that present drought conditions in Eastern Idaho may result in the flow of the Snake River falling below the minimum stream flow of 3,900 cubic feet per second ("cfs") established by the Swan Falls Agreement at the Murphy gage on the Snake River. Your water right bears a later priority date than July 1, 1985, the priority date for the minimum stream flow. As a result, if the flow falls below 3,900 cfs, the department will send you another letter advising you to cease diversion of water.

This notice is being provided so that you have advance warning to make arrangements to minimize impacts to growing crops or other loss that could occur if your water diversion is curtailed. Such arrangements may include temporary transfers as provided under Section 42-222A, Idaho Code, for areas declared a drought emergency. Declaration of a drought emergency can be initiated by petition of the Board of County Commissioners to the director of this department subject to approval by the Governor.

There are many variables that affect stream flows in the Snake River. Normally, the flows in the Snake River at Murphy gauge are lowest during June and July.

Information about your water right can be found on the department's website at the following address: <http://www.idwr.state.id.us/apps/ExtSearch/SearchWRAJ.asp>. Real time flow data for the Murphy gage can also be found at the following address: <http://www.idahopower.com/riversrec/waterlevels/streamflow/showgraph.cfm>

Thank you for your cooperation in this matter. If you have questions, please feel free to contact the department.

Sincerely,

Gary Spackman
Water Allocations Bureau Chief

State of Idaho
Department of Water Resources
PO BOX 83720
BOISE ID 83720-0098

PRSRT STD
U.S. POSTAGE
PAID
PERMIT NO.
BOISE, ID

DEAN HOWARD
920 PLAINVIEW DR
TWIN FALLS ID 83301



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

September 1, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DEAN HOWARD
DOROTHY HOWARD
920 PLAINVIEW DR
TWIN FALLS ID 83301

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08800

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

According to your water right permit, paragraph 5 of the Conditions of Approval states that "the right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code."

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. Therefore, you may wish to install the measuring device before the department conducts the field examination.

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

Please review your permit and call me if you have any questions regarding those conditions at (208)327-7953. If you have questions concerning the field examination, please contact the Southern Regional Office of the department in Twin Falls at (208) 736-3033.

Sincerely,

Deborah J. Gibson

Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
SEP 11 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 36-08800 Reviewed by D. Gibson Date 8/31/00

GENERAL CONSIDERATIONS

Yes Name same as permit?
Yes Address same as permit?
Yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Irrigation
Correct Uses? Yes

SOURCE OF WATER

Yes Surface water source
No Ground water source
Drilling permit required?
Copy in the file? Drilling Permit No. /
Amount paid for permit / Correct?
Well log in the file? /

LICENSE EXAMINATION FEE

Yes Required?
\$100 Amount Submitted
Yes Correct?

MEASURING DEVICE

Yes Required?
No Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received 8/17/00
Date proof due 10/1/00
No. of days late / = /
Priority Date / + /
New Priority Date /

DEFICIENCIES OR ACTION ITEMS

Acknowledged re proof & net measurement of water is appropriate.

DATA ENTRY

New Address No Proof Made 8/17/00

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 0050162

Date: 8/17/2000
Time: 15:35:48

Received
From: HOWARD DEAN

	Type of Payment		Program A cct	Amount
BENEFICIAL USE	# 36-08800	56104	229 21 1155	100.00

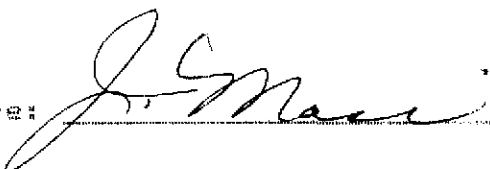
CHECK

576

Total

\$ 100.00

Region: STATE

Signature: 

MICROFILMED

SEP 11 2000

July 31, 2000

DEAN HOWARD
DOROTHY HOWARD
920 PLAINVIEW DR
TWIN FALLS ID 83301

PROOF DUE NOTICE

RE: PERMIT NO. 36-08800

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 2000.

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

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

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

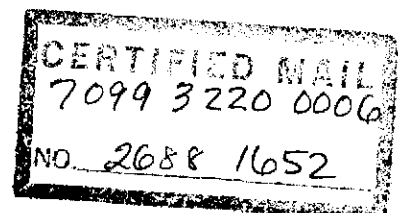
SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures

MICROFILMED

SEP 11 2000





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

May 10, 2000

DIRK KEMPTHORNE
GOVERNOR

DEAN HOWARD
DOROTHY HOWARD
920 PLAINVIEW DR
TWIN FALLS ID 83301

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08800

Dear Permit Holder:

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

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED
MAY 22 1998

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of May, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 36-08800

DEAN HOWARD
DOROTHY HOWARD
920 PLAINVIEW DR
TWIN FALLS ID 83301


Kari Lynn Townsend
Secretary

RECEIVED
MAY 22 2000

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within 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 a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

CERTIFICATE OF SERVICE

All documents intended to be part of the Department record in connection with a preliminary order shall be served upon the representatives of each party of record. Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate.

I HEREBY CERTIFY (swear or affirm) that I have this day of _____, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person: (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names)).
(Signature)

MICHO-911111

MAR 22 2000

ORAL ARGUMENT

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

FINAL ORDER

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

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.

RIGHT TO HEARING

Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Department is otherwise provided by statute, any person aggrieved by any decision, determination, order, or action of the Department or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Department, who is aggrieved by a denial or conditional approval ordered by the Department, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Department to contest the denial or conditional approval upon filing with the Department, within fifteen (15) days after receipt of the denial or conditional approval, a written permission stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

If a preliminary order becomes final, any party aggrieved by the final order or orders previously issued in the 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 (a) a hearing was held, or (b) the final agency action was taken, or (c) the party seeking review of the order resides, or (d) 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. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Sections 67-5270 through 67-5273, Idaho Code.

APPROVED
MAY 22 2008

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS 5/5/00
Reviewed by Sharla Curtis on 36-08800

No. 36-08800 Name: Howard Corp. Officers N/A Ad ok ☒ Govt Lots _____

AREA OF CONCERN: No/Yes ESPA Moratorium N/A GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 084
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
~~Mitigation~~ - 121
42-248 Area - P84 (20s-70s, 81-86)
Swan Falls Flag
Trust - 050(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-081(P10)
FISH PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 10/01/2000

MISC CONDITIONS/REMARKS:

~~Protected~~ - 020-W19
~~Development Period~~
≤ 1 yr - P86 N/A
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response _____
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE _____
In-stream development - P52
~~WD~~ - R04 (WD# _____)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - west WMD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD 067

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-081(P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON 3/15 - 11/15 (Per updated map)

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

STATE OF IDAHO
IDWR SOUTHERN REGION
APPLICATION FOR PERMIT ANALYSIS SHEET

RECEIVED

MAY 5 2000

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY John Freitag DATE 2-25-00

REQUIRED INFORMATION (Ck if OK)

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.
- ☒ Address
- ☒ Source (see USGS quad for names of water sources)
- ☒ Point of diversion (10 Acres for spring, lot & block descriptions for subdivisions, local name, flow &/or volume.
- ☒ County
- ☒ Quantity (flow &/or volume)
- ☒ Period of use
- ☒ Nature of proposed use (include description of use)
- ☒ Description of diverting works.
- ☒ Time required for beneficial use of water.
- ☒ Place of use or acres irrigated.
- ☒ Map
- ☒ Signature (If applicant is corp., partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt?

++++PROPOSED PRIORITY DATE 12-6-99

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to present application on the back.
- ☒ Overlapping point of diversion. Domestic right 36-11229
- ☒ Yes ☐ No Is Source Surface Water?
If Yes Send Copy to F&G.
If Yes Field check/memo required.
Field check/memo by John Freitag
- ☐ Yes ☒ No Field report attached?
- ☐ Yes ☒ No Critical Ground water area?
- ☐ Yes ☒ No Groundwater management area?
- ☒ Yes ☐ No Measurement District or Groundwater District?
What District? West Measurement District / North Snake Groundwater District
- ☐ Yes ☒ No Send Dam safety information?
- ☐ Yes ☒ No Send power requirement letter?
- ☐ Yes ☒ No Send fish farm requirement letter?
- ☐ Yes ☒ No Power residency affidavit attached?
- ☐ Yes ☒ No Power efficiency form?
- ☒ Yes ☐ No Within trustwater boundary?(If yes, attach trustwater supplementary analysis sheet.
- ☒ Yes ☐ No Diversion greater than 5 cfs or 500 acre ft? (If yes,attach large diversion supplementary analysis sheet.
- ☒ Yes ☐ No Is Application made to record Pre Nov 1987 Development?
If Yes then request clear evidence of when use started.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested _____

Date Sent Comments Received

SEND COPIES TO:

☒ Idaho Dept of Health & Welfare		
☒ USDI BLM	3/29/00	
☐ Idaho Dept of Fish & Game		
☐ USFS		
☐ Idaho Dept of Lands		
☐ Water Dist. No.		
☐ Adjudication Bureau Unit		
☒ Northside Canal Company	3/29/00	

PROCESSING ☒ Yes ☐ No In form for Advertising?
☐ Yes ☒ No Statewide Advertising?
☒ Yes ☐ No Fee amount, receipt date & No. recorded?

☐ Yes ☐ No Has all requested additional information been received?
If not, describe action taken: _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received?
☐ Yes ☐ No Application published correctly? If not, record action taken.

☒ Yes ☐ No Publication dates and paper recorded?

Final date for protest: _____

☐ Yes ☒ No Protests received?

☐ Yes ☒ No Protested?

Describe Resolution: _____

☒ Yes ☐ No Measuring device required?

☐ Yes ☒ No Access port required?

☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist? _____

☐ Yes ☒ No Special conditions codes: _____

☒ Yes ☐ No Is Evaluation Memo Attached?

If yes; date of Memo 5/3/07
Date of priority recommended: 12/6/99

COMMENTS:

RECOMMEND ☐ Approval ☐ Denial

By _____ Date _____

RECEIVED

MAY 5 - 2000

MEMO

Department of Water Resources

FROM: Allen Merritt 

DATE: May 3, 2000

TO: Permit No: 36-08800

In the Name of Howard

SUBJECT: Review and Recommendation

This application is for irrigation of lands from wastewater that has occurred for many years. The land is owned by the BLM and is reported to be irrigated under the Sikes Act. NAPP photo dated 1987 tends to show lands irrigated. Letter from prior owner indicates portion of land watered since 1979. The land is located within the ESPA Moratorium area.

The application was processed without protest. NSCC and BLM were notified of application without comment.

Recommendation

I recommend that the application be approved subject to the following conditions:

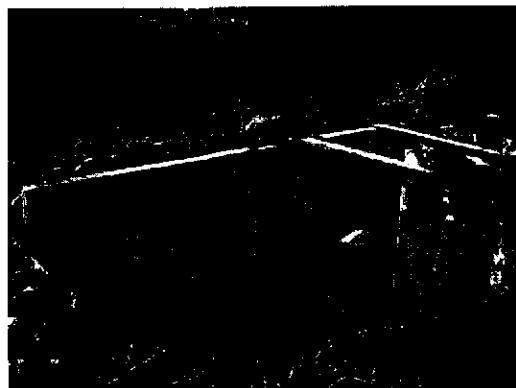
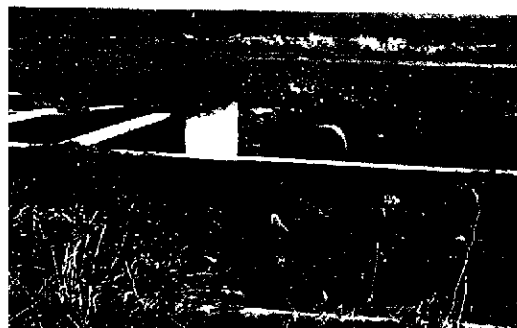
- Source is waste water and subject to original appropriator to cease wasting water.
- Subject to measuring and reporting of use to West ESPA Measurement District.
- Measuring device required at point of diversion.

RECORDED

MAY 22 2000

PHOTOS OF DIVERTING WORKS; 36-08800, TAKEN ON 2-28-00 BY JOHN FREITAG

SAME DIVERSION STRUCTURE TAKEN FROM DIFFERENT ANGLES



MICROFILMED
MAY 22 2000

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho } ss.
County of Jerome }

APR 14 2000

Department of Water Resources
Southern Region

Norma DeVoe, being first duly sworn, deposes and says that he/she is the printer (publisher) of the Jerome North Side News, a newspaper published every week in Jerome, County of Jerome, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 6th day of April, 2000, and the date of the last publication was on the 13th day of April, 2000.

On this 13th day of April, in the year of 2000, before me, a Notary Public, personally appeared Norma DeVoe, 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/she executed the same.

SHELLEY STURGEON
Notary Public
State of Idaho

Shelley Sturgeon
Notary Public for Idaho

Residing at Jerome

My commission expires: 12/3/05

#8328/30816

NORTH SIDE NEWS

Jerome, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

Lines tabular at _____ 7.5¢/Pica

594
Lines straight at 38.61 6.5¢/Pica

594
Subsequent lines at 32.67 5.5¢/Pica

Affidavit Fee: 2.25

TOTAL COST 73.53

COPY OF NOTICE

(Paste Here)

Howard/Hazelton/Zortman
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

NOTICE OF APPLICATION FOR WATER RIGHT

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

36-08800

HOWARD, DEAN
HOWARD, DOROTHY
920 PLAINVIEW DR
TWIN FALLS, ID 83301
Source: WASTE WATER
Tributary: WILSON LAKE
Diversification Pt: SENWNE Sec 32 T 09S
R 20E in JEROME County.
Use: IRRIGATION (0.260 CFS)
Total Diversification: (0.260 CFS)
Date Filed: 12/6/1999
In: JEROME County
T09S R20E S29 NWSE
12.7 ACRES TOTAL

36-08801

CITY OF HAZELTON
PO BOX 145
HAZELTON, ID 83335
Source: GROUNDWATER
Diversification Pt: LOT 2 (NWNWNE) Sec
5 T 10S R 20 E in JEROME County.
Use: MUNICIPAL (0.900 CFS)
Total Diversification: (0.900 CFS)
Date Filed: 2/28/2000
T R S00

36-08802

ZORTMAN, DAVID L
ZORTMAN, TIFFANY
352 N 100 E
JEROME, ID 83338
Source: GROUNDWATER
Diversification Pt: SWNW Sec 32 T 07S R
17 E in JEROME County.
Use: STOCKWATER (0.040 CFS)
Total Diversification: (0.040 CFS)

Date Filed: 3/17/2000

In: JEROME County
T07S R17E S32 SWNW
The permit(s) will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before APRIL 24, 2000. The protestant must also send a copy of the protest to the applicant.

/s/Karl J. Dreher, Director
PUB: 4/6 - 4/13 N30816

MAY 22 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

March 29, 2000

**ATTN TED DIEHL
NORTHSIDE CANAL CO
912 NO LINCOLN
JEROME ID 83338**

Re: Application for Permit No. 36-08800

Dear Mr. Diehl:

Please find enclosed a copy of an Application for Permit for your information and files.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very Truly Yours,

**Mary A. Baldwin
Administrative Assistant**

Enclosure(s)

*KICAO-111111
MAY 22 2000*



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

March 29, 2000

**ATTN BOB CORDELL
USDI-BUR OF LAND MGT
PO BOX 2-B
SHOSHONE ID 83352**

Re: Application for Permit

Dear Mr. Cordell:

Please find enclosed a copy of an Application for Permit for your information and files.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very Truly Yours,

**Mary A. Baldwin
Administrative Assistant**

Enclosure(s)

MAY 22 2000

NOTICE OF APPLICATION FOR WATER RIGHT

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

36-08800

HOWARD, DEAN
HOWARD, DOROTHY
920 PLAINVIEW DR
TWIN FALLS, ID 83301

Source: WASTE WATER

Tributary: WILSON LAKE

Diversion Pt: SENWNE Sec 32 T 09S R 20E in JEROME County.

Use: IRRIGATION (0.260 CFS)
Total Diversion: (0.260 CFS)

Date Filed: 12/ 6/1999

In: JEROME County
T09S R20E S29 NWSE

12.7 ACRES TOTAL

36-08801

CITY OF HAZELTON
PO BOX 145
HAZELTON, ID 83335

Source: GROUNDWATER

Diversion Pt: LOT 2 (NWNWNE) Sec 5 T 10S R 20E in JEROME County.

Use: MUNICIPAL (0.900 CFS)
Total Diversion: (0.900 CFS)

Date Filed: 2/28/2000

T R S00

36-08802

ZORTMAN, DAVID L
ZORTMAN, TIFFANY
352 N 100 E
JEROME, ID 83338

Source: GROUNDWATER

Diversion Pt: SWNW Sec 32 T 07S R 17E in JEROME County.

Use: STOCKWATER (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 3/17/2000

In: JEROME County
T07S R17E S32 SWNW

The permit(s) will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before APRIL 24, 2000. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published: 4/ 6/2000 & 4/13/2000

MAY 22 2000

MARCH 28, 2000

Legal Notices Department
NORTH SIDE NEWS
PO BOX 468
JEROME, ID 83338

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 APRIL 24, 2000.

Yours truly,

Mary Baldwin
Administrative Assistant

Enclosure

MAY 22 2000

Forrest + Glen Johnson
started farming 5 acres at
Blum under Sikes Act in 1979.

Jack Johnson

MICROFILMED

MAY 22 2000

36-08800