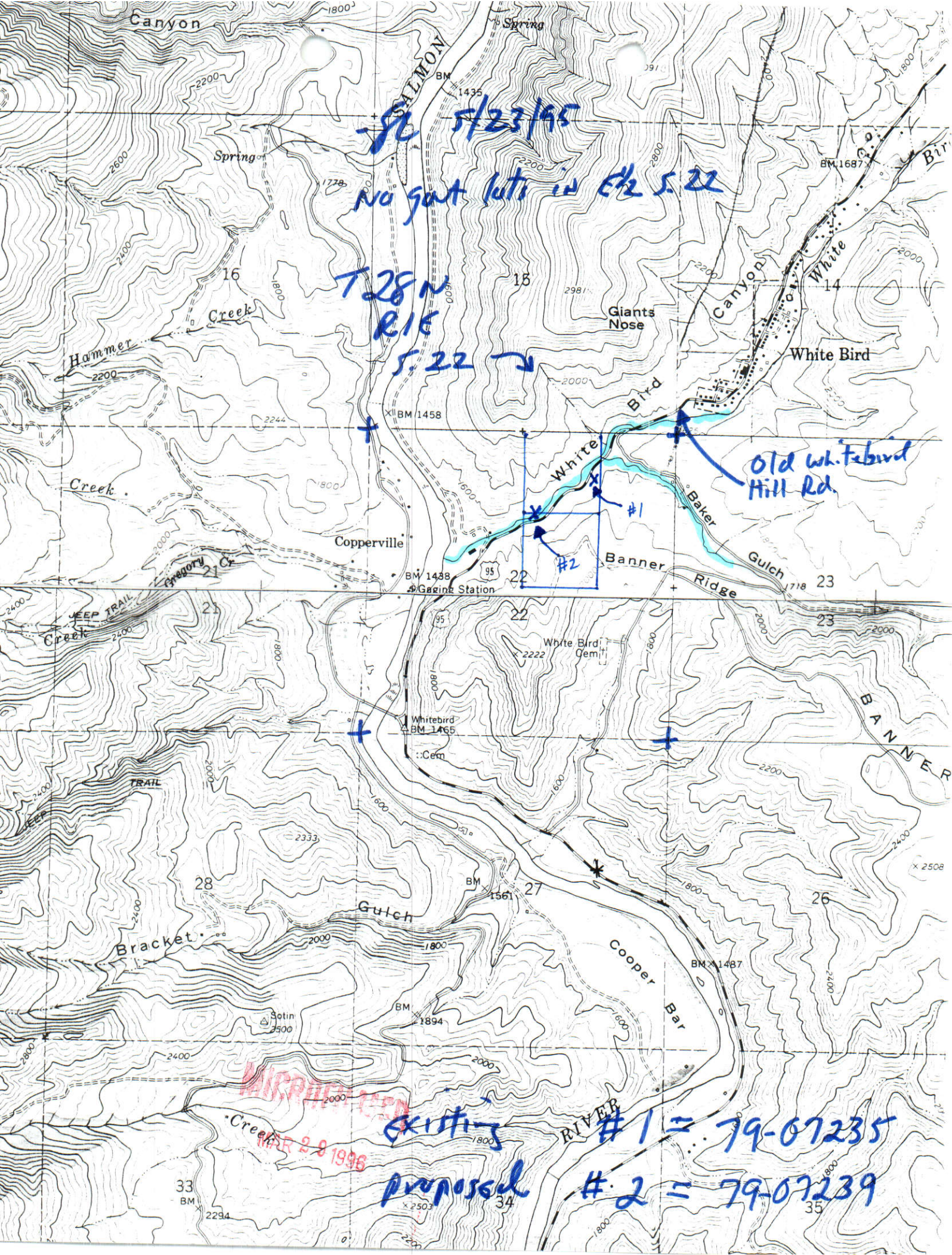
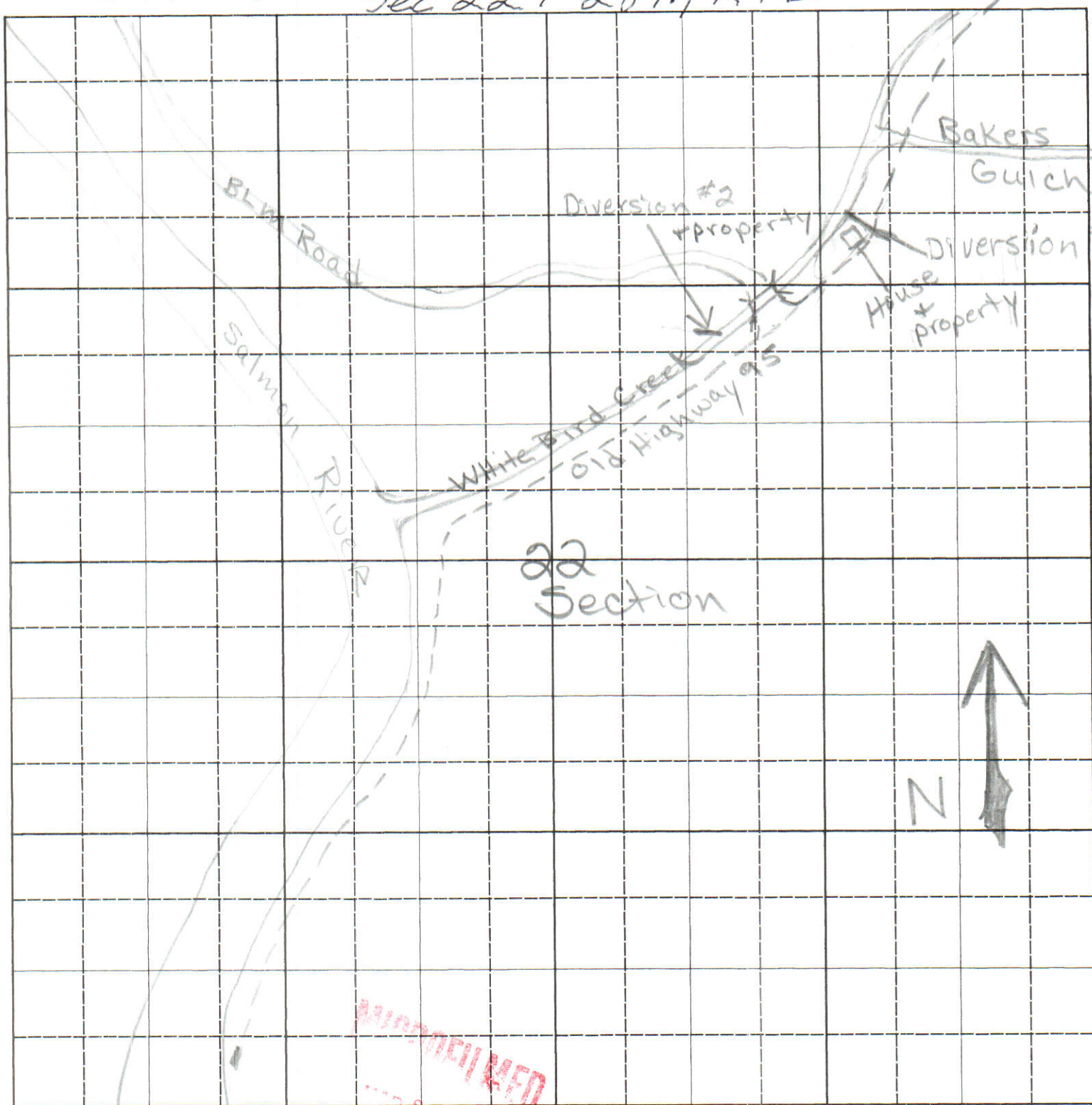




13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. *Sec 22 T28N, R1E*



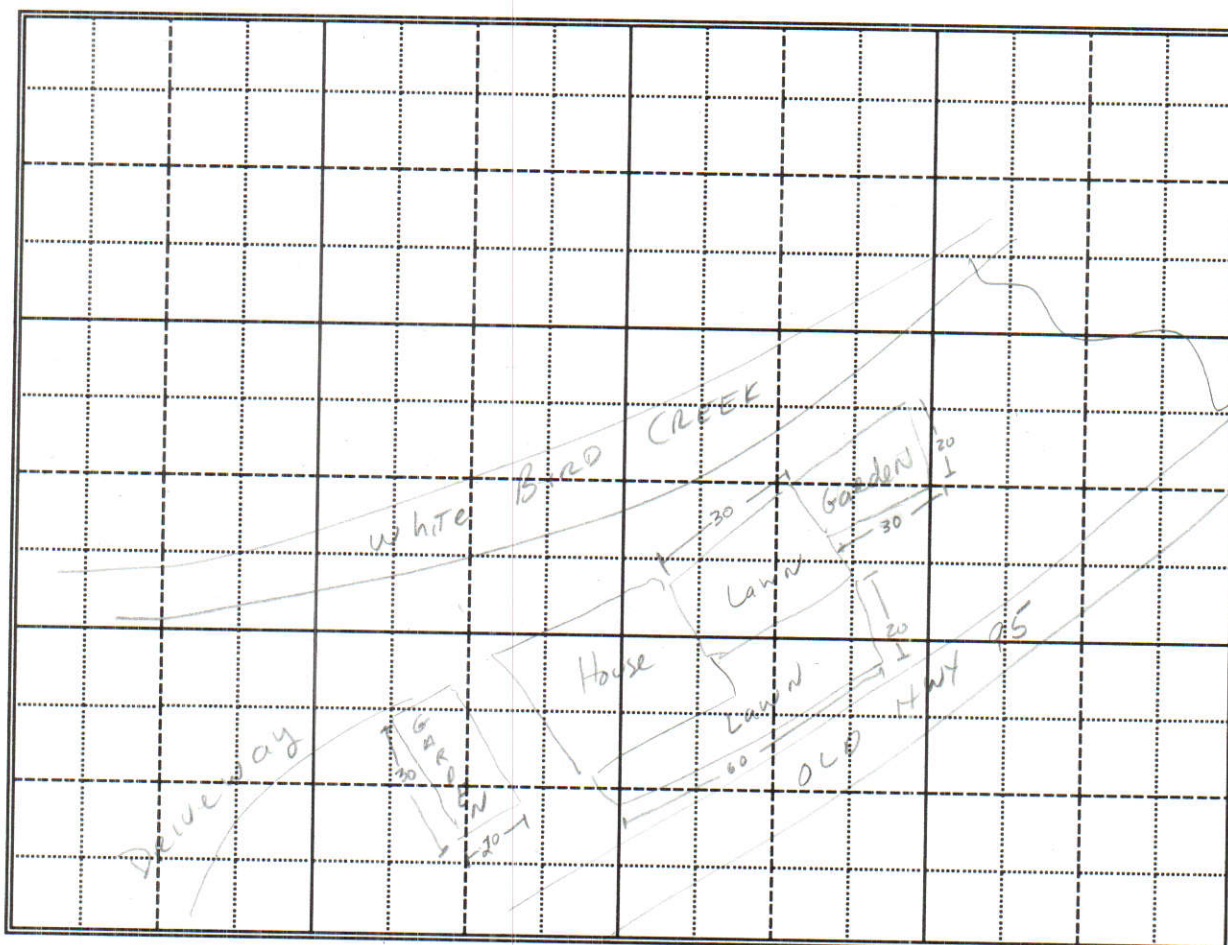
Scale: 2 inches equal 1 mile.

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.

Bartlett Norman Turnipseed
(Applicant)

APPROVED
JUL 29 1996

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	^{Model} Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	~~Unknown~~				
	HOMART	1/2	C48J2E11	Sears Roebuck	390 192

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

D. FLOW MEASUREMENTS

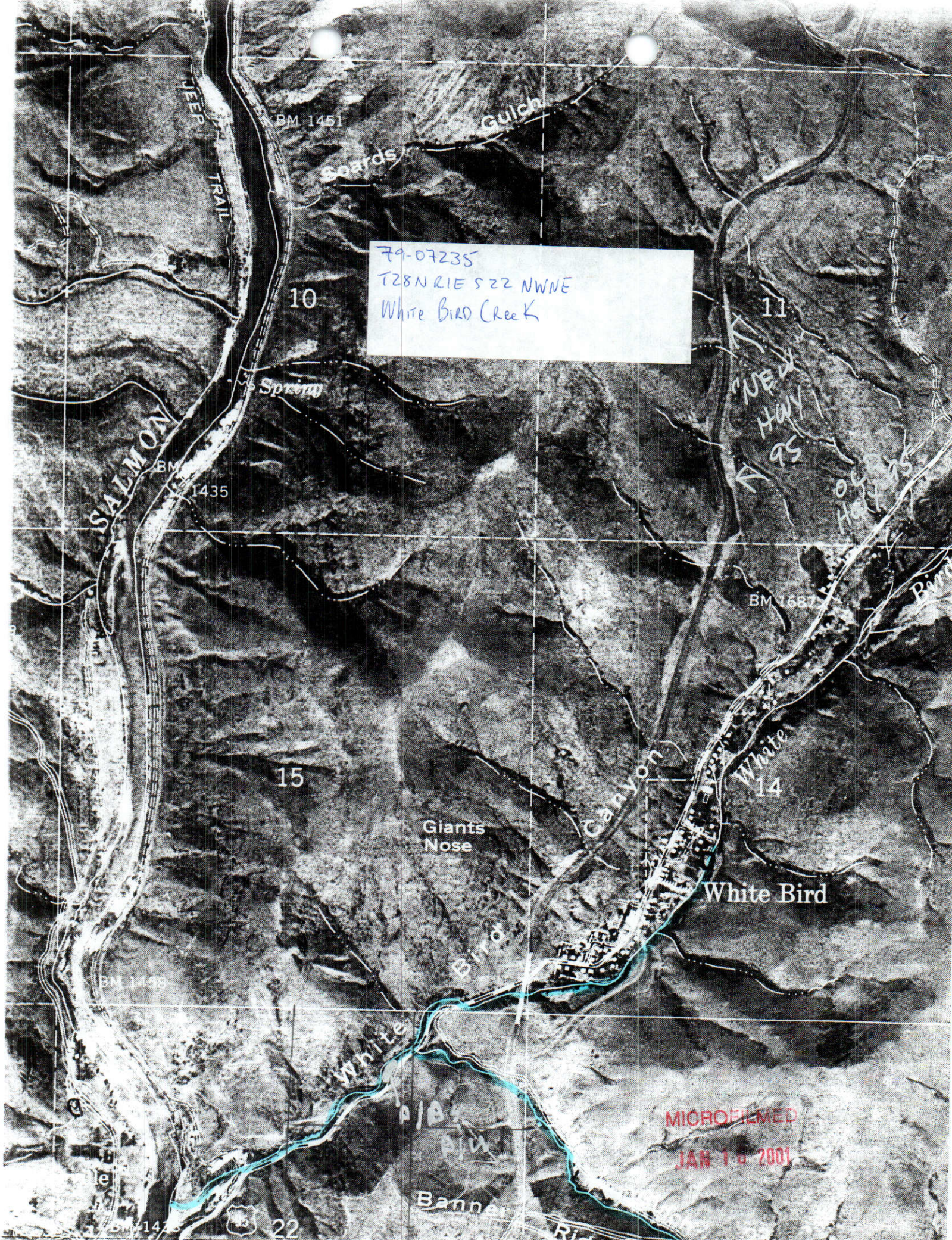
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: _____

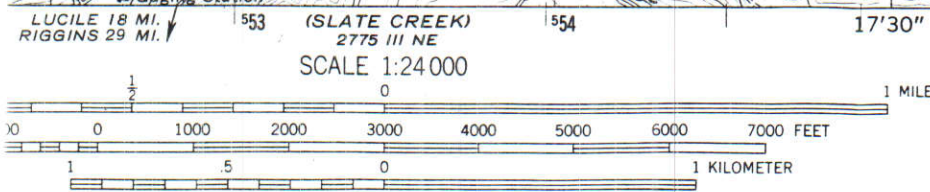
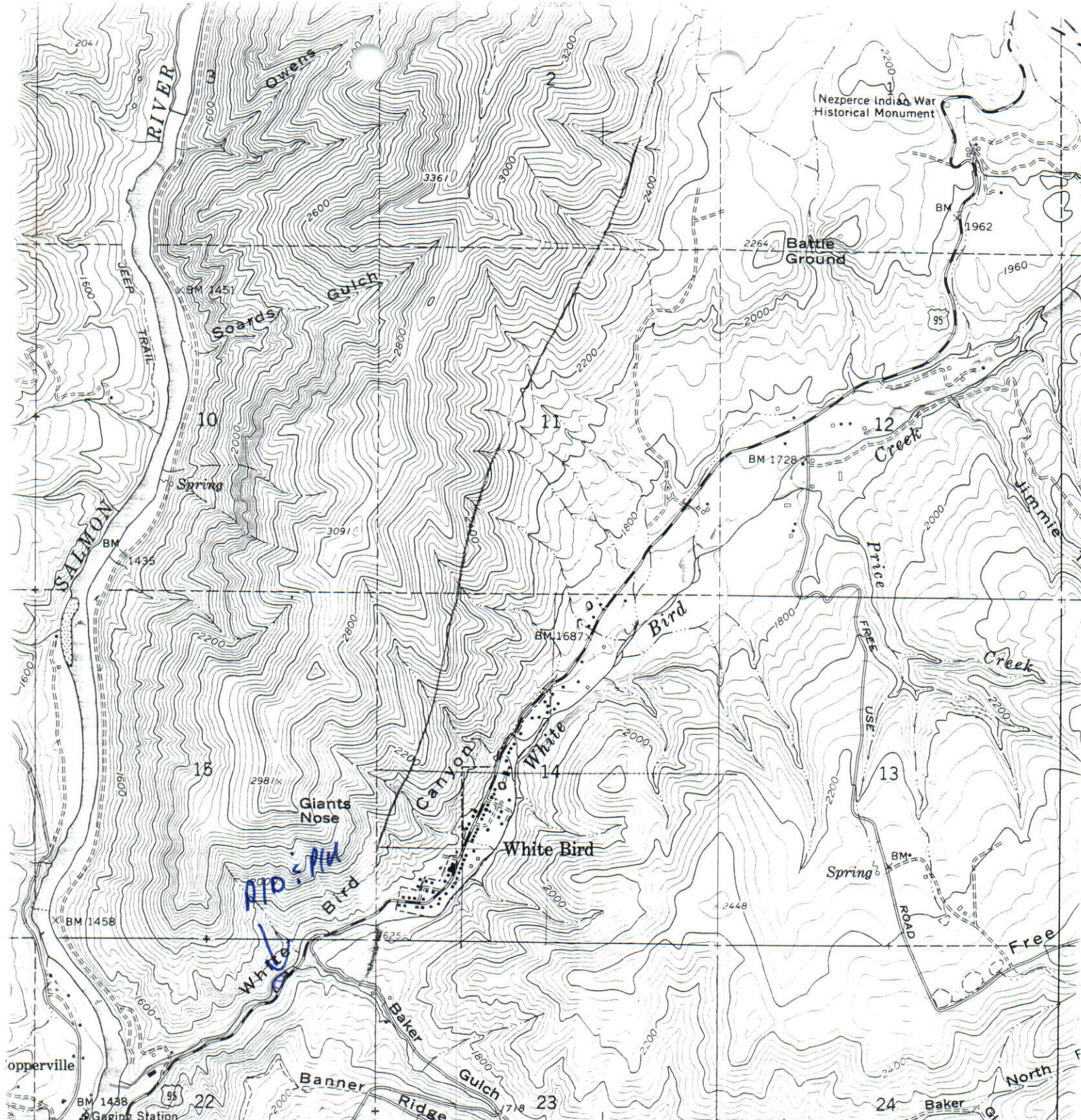
MICROFILMED

JAN 16 2001



79-07235
T28N R1E S22 NWNE
White Bird Creek

MICROFILMED
JAN 10 2001



CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT 20-FOOT CONTOURS
DATUM IS MEAN SEA LEVEL

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
BY U. S. GEOLOGICAL SURVEY, DENVER 25, COLORADO OR WASHINGTON 25, D. C.
OLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

79-07235
T-28N R-1E
Sec-22 NWNE
Medium-duty
Unimproved
ROAD CL
White Bird Creek
MICROFILMED
IDaho
JAN 16 2001
QUADRANGLE LOCATION



PHOTOGRAPHER AND DATE OF PHOTOS M. Minicucci 07/20/1998

FILE NO. AND LEGAL DESCR. 79-07235 T28N R1E S22 NWNE



Diversion on
White Bird Creek

1 1/4" intake pipe
in stream.

3/4" black PVC outlet
o 5/8" green hose
outlet.



Place of use - garden
and lawn next
to creek.

Old well (culvert)
is visible - no
longer used.

New well visible
in lawn (domestic
use - internal)

OFILMED

JAN 16 2001



PHOTOGRAPHER AND DATE OF PHOTOS T. DiNicucci 07/20/1998

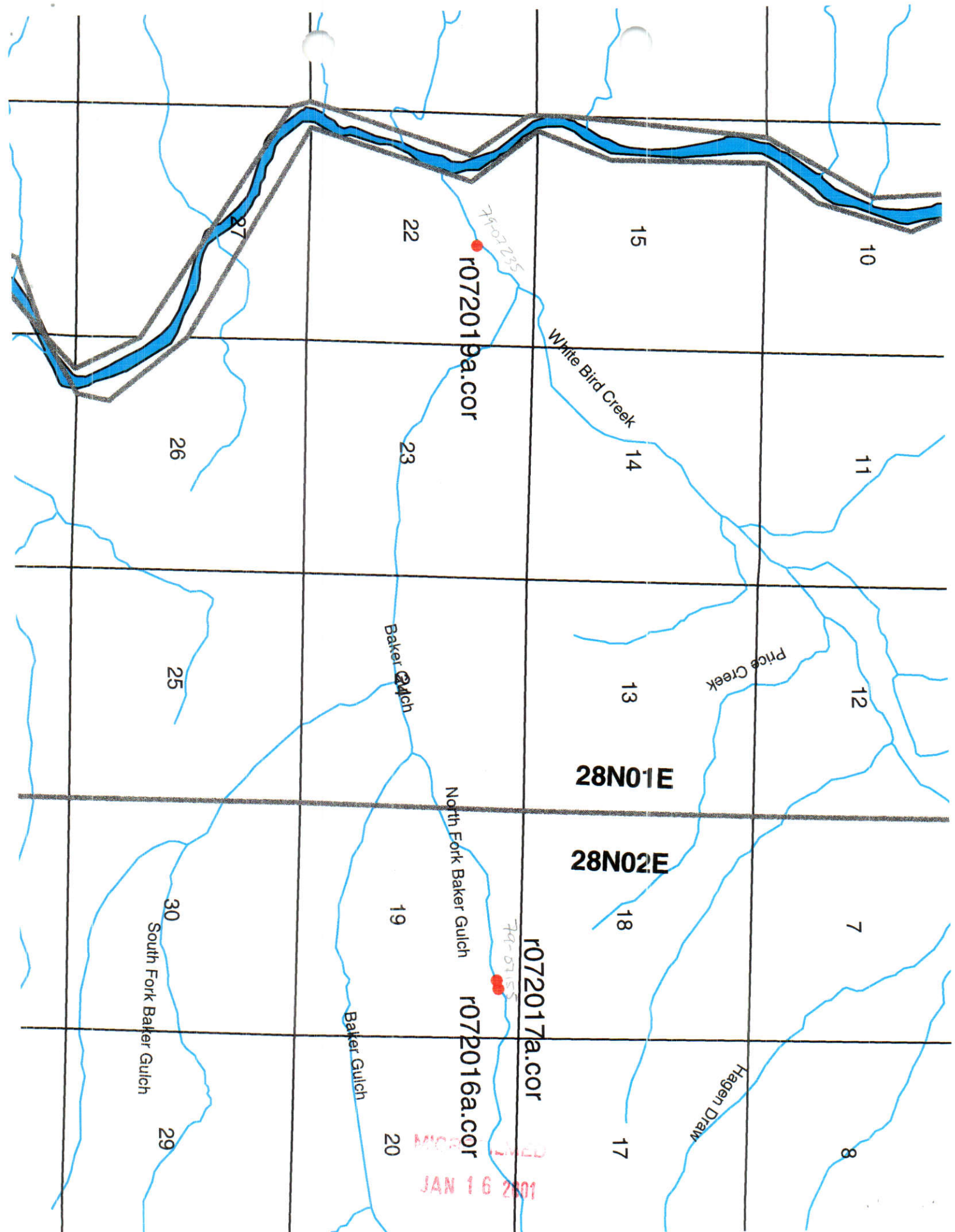
FILE NO. AND LEGAL DESCR. 79-07235 T28N R1E S22 NWNE



Place of use.
Front of house
next to road
(old Hwy 95)

MICROFILMED

JAN 16 2001



AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

NOTICE OF APPLICATION FOR WATER RIGHT

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

79-07235

TURNIPSEED, BARTLETT NORMAN
P.O. BOX 18
WHITE BIRD, ID 83554
Source: WHITE BIRD CREEK
Tributary: SALMON RIVER
Diversion Pt: NWNE Sec 22 T 28N R
01E in IDAHO County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 5/4/1995
In: IDAHO County
T28N R01E S22 NWNE

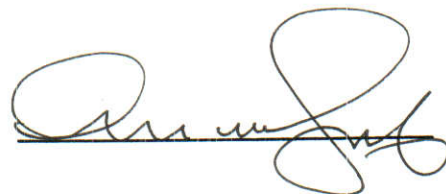
Permits will be subject to all prior water
rights. Protests may be submitted based
on the criteria of Sec. 42-203A, Idaho
Code. Any protest against the approval
of this application must be filed with the
Director, Dept. of Water Resources,
Western Region, 2735 Airport Way,
Boise, Idaho 83705 together with a
protest fee of \$25.00 on or before JANU-
ARY 22, 1996. The protestant must also
send a copy of the protest to the appli-
cant.

KARL J. DREHER, Director

Published: 1/4/1996 & 1/11/1996

J3-10

Andrew J. McNab, being
first duly sworn, says she is the Publisher
of the IDAHO COUNTY FREE PRESS, a weekly newspaper published
and issued weekly at Grangeville, Idaho county, State of Idaho, and is
of general circulation in said county and state, that the said notice, of
which the one hereto attached is a true copy, was published in said
paper for 2 weeks, being published 2
times, the first publication being on the 3 day of
January, 1996, and the last
publication on the 10 day of January, 1996;
and that the said notice was published in the newspaper proper and not
a supplement; that said newspaper has been continuously and uninter-
ruptedly published in said county during a period of seventy-eight
consecutive weeks prior to the publication of said notice or advertise-
ment.



STATE OF IDAHO }
COUNTY OF } IDAHO

On this 10 day of January in the year of 1996
Before me, a Notary Public, personally appeared
Andrew J. McNab, 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.

RECEIVED

JAN 18 1996

WATER RESOURCES
WESTERN REGION

MICROFILMED

MAR 29 1996


Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 10-8-99

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 79-07235

Priority: May 4, 1995

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

0.6 AF

This is to certify, that BARTLETT NORMAN TURNIPSEED

PO BOX 18

WHITE BIRD ID 83554-0018

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 4, 1995; and has submitted Proof of Beneficial Use on July 18, 1996. An examination indicates that the works have a diversion capacity of 0.040 cfs of water from:

WHITE BIRD CREEK

tributary to SALMON RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 22, Township 28N, Range 01E
IDAHO County

PLACE OF USE: DOMESTIC

TWN RGE SEC

28N 01E 22

NWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Domestic use is for 1 home external use.
2. The irrigation use occurring under this domestic use is limited to 1/2 acre in connection with a home.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 24th day of

AUGUST, 2000.

Acting for

KARL J. DREHER, Director

MICROFILMED

JAN 16 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 18 1996

PROOF OF BENEFICIAL USE Department of Water Resources

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

1. Permit No. 79-07235 Telephone No. (208) 839-2436
2. Name(s) of Permit Holder(s): Bartlett Norman and Donna L. Turnipseed
3. Mailing Address: P.O. Box 18 White Bird, Id 83554
4. Source of Water: White Bird Creek If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____
 - a. Well Driller: _____ Drilling Permit Number: ____ - ____ - ____
 - b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.04 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 _____
Flow Measurement Port:	Is a flow measurement port required?	Yes _____ or No _____
	Has the measurement port been installed?	Yes _____ or No _____
8. Fee Enclosed: \$ _____ (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: Bartlett Norman Turnipseed Telephone Number: (208)-839-2436
Address: P.O. Box 18 White Bird, Id 83554
10. The information given on this form 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.

Signature of permit holder

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

Date:

7/23/96

Donna L. Turnipseed

SEP 12 1996

July 23, 1996

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 79-07235

Proposed Priority: May 4, 1995

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **BARTLETT NORMAN TURNIPSEED**
PO BOX 18

WHITE BIRD ID 83554-0018

has applied for a permit to appropriate water from:

WHITE BIRD CREEK

tributary of **SALMON RIVER**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 22, Township 28N, Range 01E
IDAHO County

PLACE OF USE: DOMESTIC

TWN RGE SEC

28N 01E 22

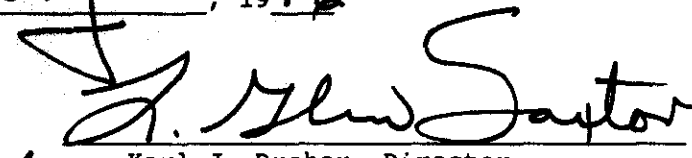
NWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1997**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home external use.
4. The irrigation use occurring under this domestic use is limited to 1/2 acre in connection with a home.

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

29th day of February, 1996


for Karl J. Dreher, Director

RECORDED

MAR 29 1996

RECEIVED
FEB 12 1996

Ident. No. 79-07235

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: BARTLETT NORMAN TURNIPSEED 208-839-2436
Address: PO BOX 18
WHITE BIRD ID 83554
2. Source: WHITE BIRD CREEK Trib. to: SALMON RIVER
3. Location of Point of Diversion: NWNE Sec. 22, Township 28N, Range 01E
~~SWNE Sec. 22, Township 28N, Range 01E~~
IDAHO County
4. Water will be used for the following purposes:
- | Purpose | From | To | CFS | (or) | AF |
|-----------------------|-------|-------|-------|------|----|
| ~~IRRIGATION~~ | 08/01 | 11/30 | 0.040 | | |
| DOMESTIC | 01 | 12/31 | | | |
5. Total quantity to be appropriated is:
0.040 CFS (and/or) AF
6. Proposed diverting works:
- Description of ditches, flumes, pumps, headgates, etc.
PUMPS & PIPELINES
 - Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - Proposed well diameter is inches; proposed depth of well is
feet.
 - Is groundwater with a temperature greater than 85F being sought? NO
 - If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 year(s).
8. Place of Use: ~~IRRIGATION~~ DOMESTIC

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
28N	01E	22	NWNE 01	~~SWNE 01~~		2

Total number of acres irrigated: 2

* D'base charges per 10/2/45 letter from applicant.

-JL 10/2/85

9. a. Who owns the property at the point of diversion?
APPLICANT
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:

~~One point of diversion in NWNE and second point of diversion on
or near line between NWNE and SWNE, S22, T28N, R01E.
Application being held pending withdrawal of Salmon River
Moratorium.~~

11. Map of proposed point of diversion and place of use attached? [✓]

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.

See original
Applicant

Received by RT Date 5/4/95 Time 11:43 Preliminary check by JL

Fee \$ 50.00 Receipted by RT #C032584 Date 5/4/1995

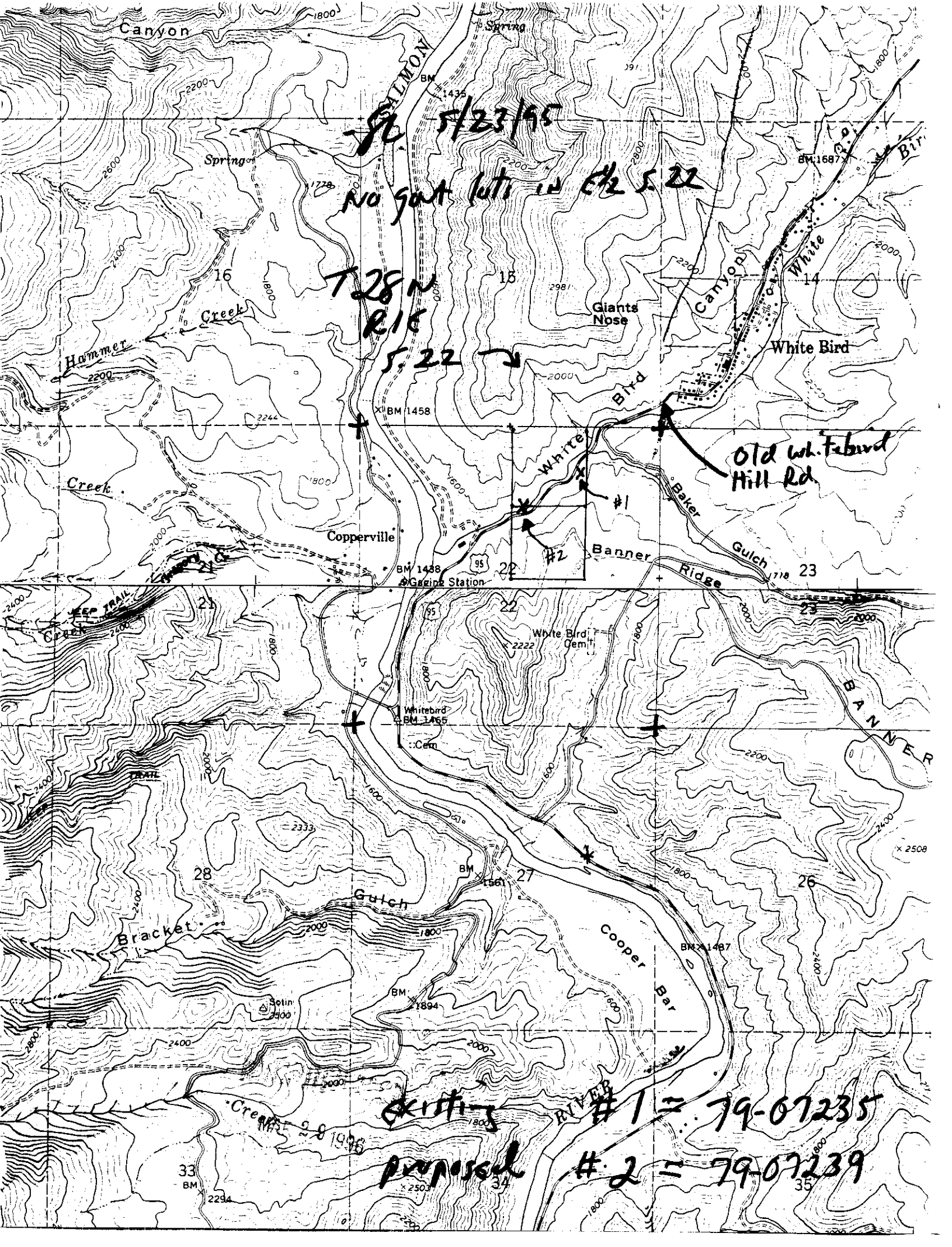
Publication prepared by AT Date 12-27-95 Published in Id City Free Press

Publication approved AT Date 1-23-96

MAR 29 1996

* d' Saar changed 92 noted on p. 1.

- JL



5/23/95
No gas luts in E2 5.22

T28N
R1E
5.22

Old Whitebird Hill Rd

skirting RIVER #1 = 79-07235
proposed #2 = 79-07239

RECEIVED

MAY 04 1995

Form 202
10/92

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 79-07235

RECEIVED

MAY 05 1995

WATER RESOURCES
WESTERN REGION

1. Name of applicant Bartlett Norman Turnipseed Phone 208-839-2436
Post office address P.O. Box 18 White Bird Idaho 83554
2. Source of water supply White Bird Creek which is a tributary of Salmon River
3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of — $\frac{1}{4}$, Govt. Lot —
Sec. 22 Township 28 N Range 1 E B.M. Idaho County; additional
points of diversion if any: SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 22 T28 N, R1 E
4. Water will be used for the following purposes:
Amount .04 for Irrigation purposes from Mar. 1 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum) ³⁰
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. Description of ditches, flumes, pumps, headgates, etc. Pump
- b. Height of storage dam — feet; active reservoir capacity — acre-feet; total
reservoir capacity — acre-feet; period of year when water will be diverted to storage:
— to — inclusive.
- 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? No
- e. If well is already drilled, when? —; Drilling firm —
Well was drilled for (well owner) —
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
1 years (minimum 1 year). * use standard season 5/23/95

MAR 25 1995

ORIGINAL

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. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
29N	1E	22		1	1														2

Total number of acres to be irrigated 2

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

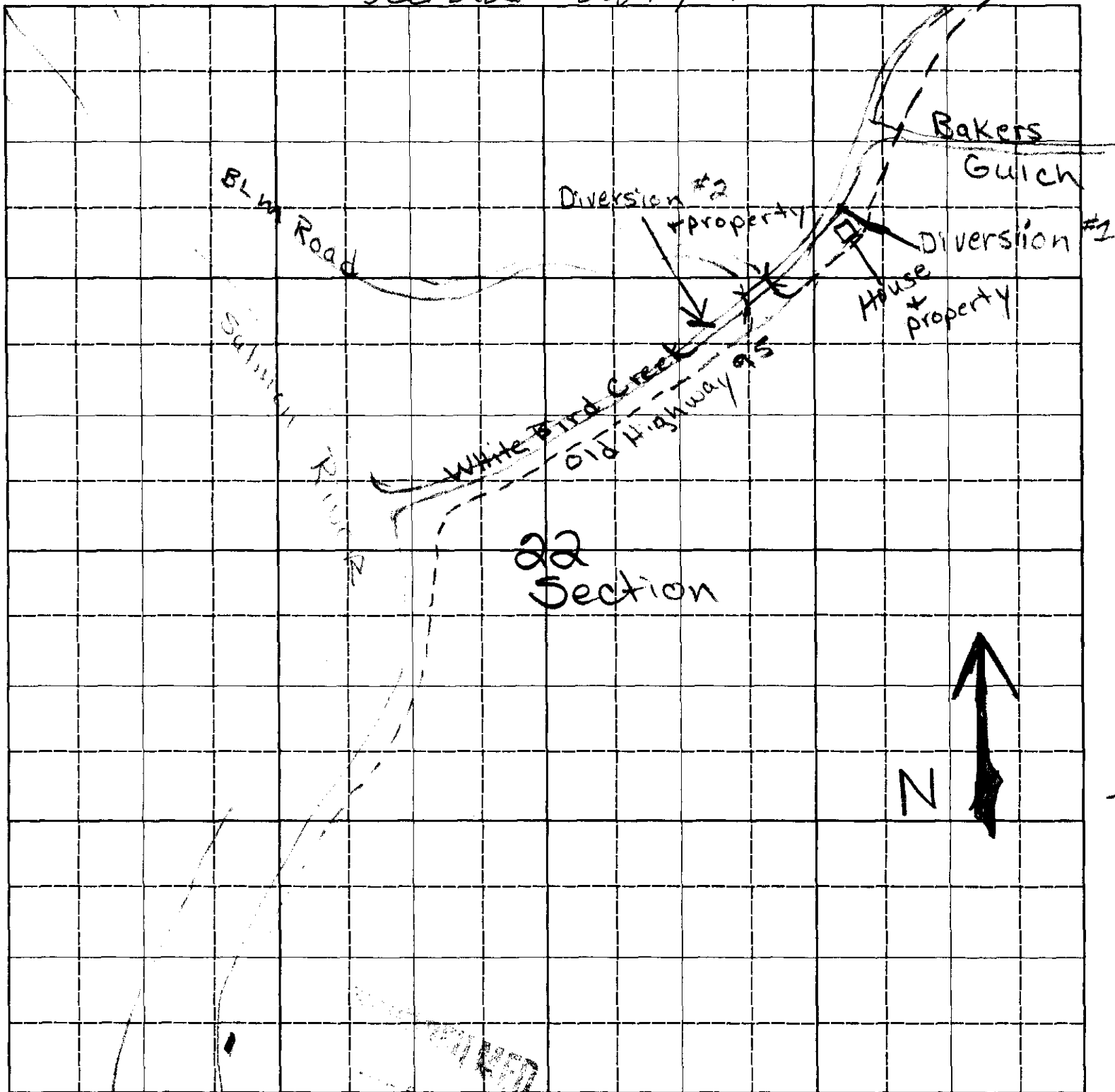
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

MAR 29 1996

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

Sec 22 T 28 N, R 1 E



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.

Bartlett Norman Turnipseed
(Applicant)

Received by RT Date 5/4/95 Time 11:43 ^{per receipt} Preliminary check by R
Fee \$ 50⁰⁰ Received by RT # C032584 Date 5-4-95
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

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. _____, and said application is hereby _____.

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 _____, 19 ____.
- 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. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

MAR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 25, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BARTLETT NORMAN TURNIPSEED
PO BOX 18
WHITE BIRD ID 83554-0018

RE: WATER RIGHT NO. 79-07235

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

Enclosure

MICROFILMED

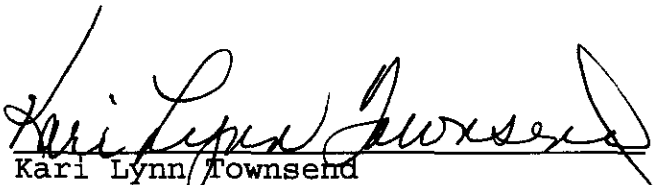
JAN 16 2001

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of **August, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 79-07235

BARTLETT NORMAN TURNIPSEED
PO BOX 18
WHITE BIRD ID 83554-0018


Karl Lynn Townsend
Secretary

MICROFILMED
JAN 16 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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:

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 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.

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 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.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (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.

ORAL ARGUMENT

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.

SD-0420-2

Idaho Department of Water Resources
Modify Comment

Date: 08/18/00
Time: 14:16:40

Water Right Number: L79-07235

Comment Date: 8/18/2000 User ID: SKEEN

Subject: Licensing review

Licensing review and data entry by S. Keen on 8/18/2000.

MICROFILMED

JAN 16 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
AUG 16 2000
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 79-07235

1. Owner: Bartlett Turnipseed Phone No. 839 2436

Current Address: PO Box 18 White Bird 83554-0018

2. Accompanied by: Mr. Turnipseed EXAM DATE: 07/20/1998

Address: Same Phone No. _____

Relationship to Permit Holder: Same

3. Source: White Bird Creek tributary to Salmon River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	NE	22	28N	1E	Idaho	USGS Quad, County Records

2. Place(s) of Use:

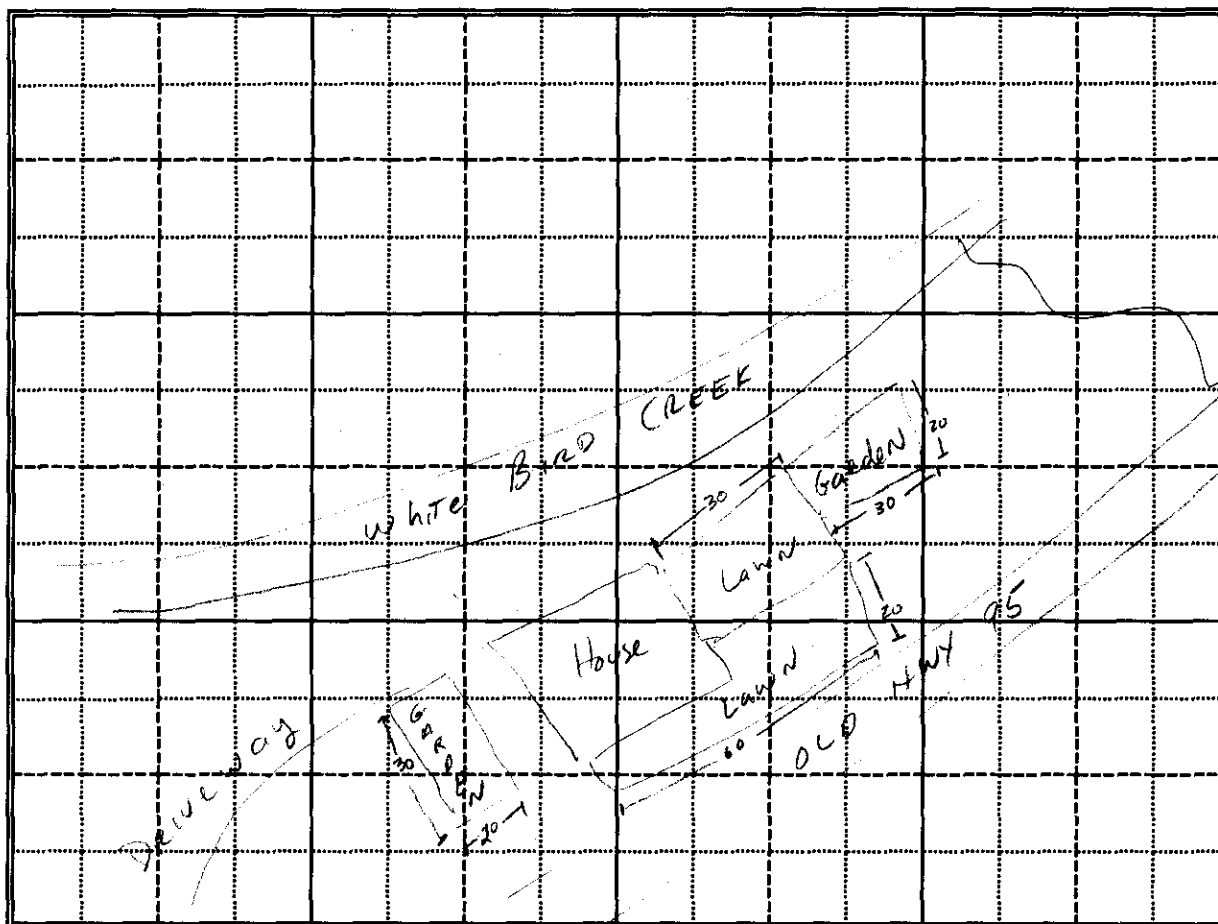
Indicate Method of Determination USGS Quad, County Records

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28N	1E	22		D															

MICROFILMED

JAN 15 2001

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Model Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	~~WATSON~~				
	HOTIART	1/2	C48J2E11	Sears Roebuck	390 192

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: _____

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JAN 16 2001

E. NARRATIVE/REMARKS/COMMENTS

Electric pump (4 nozzle) on stream bank to hoses
for portable sprinklers. Lawn + garden areas. Total
irrigation is approximately 1/10 of an acre.

Domestic well for internal use at home.

Have conditions of permit approval been met? ☒ yes ☐ no MICROFILMED

JAN 16 2001

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

011 External use per report - allow .6

✓
8/15/00
1**H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
DOMESTIC	1-1	12-31	.04	.6
Totals:			.04	.6

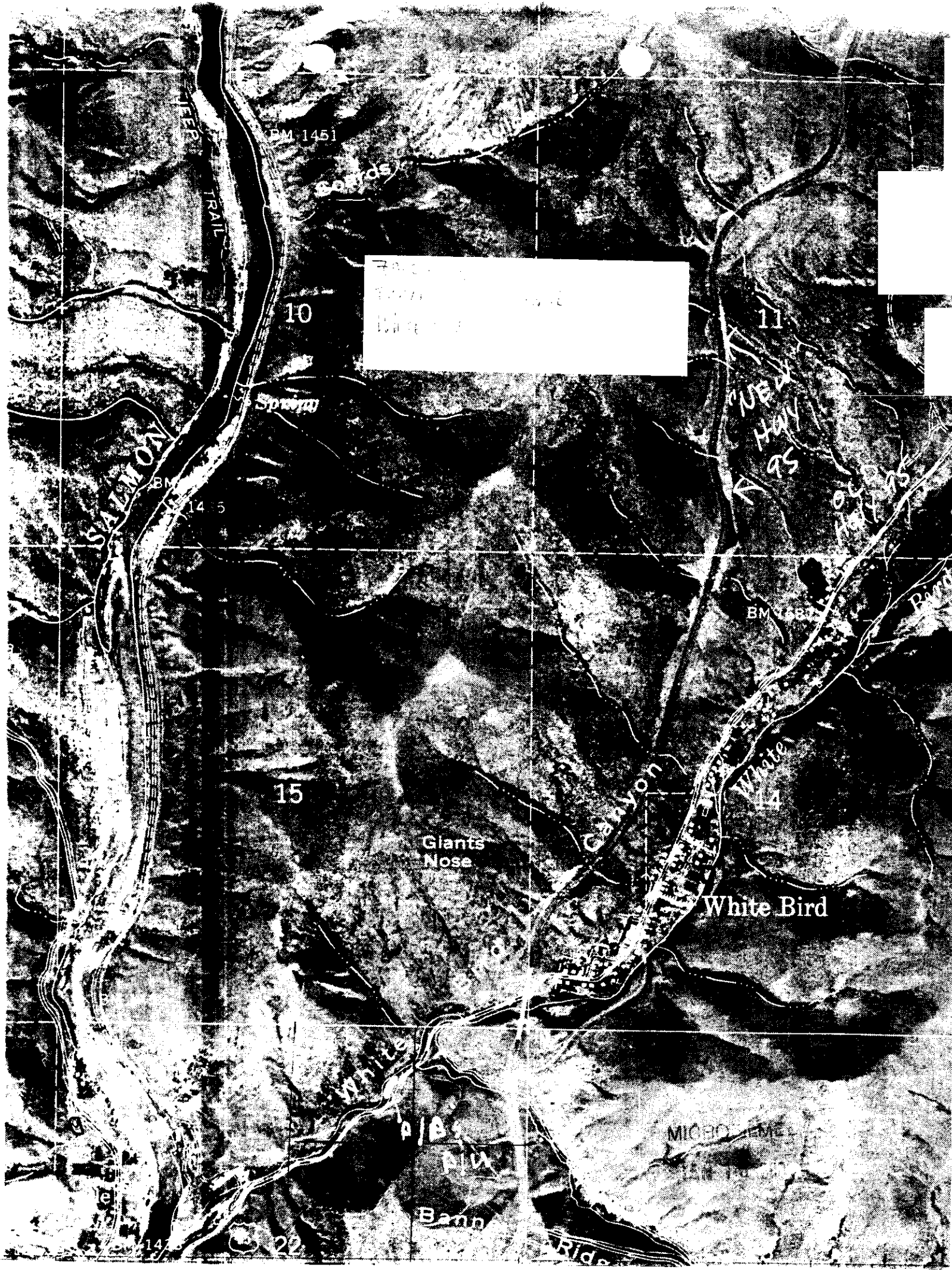
2. Recommended Amendments

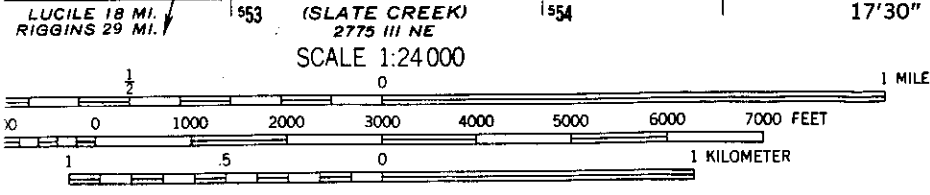
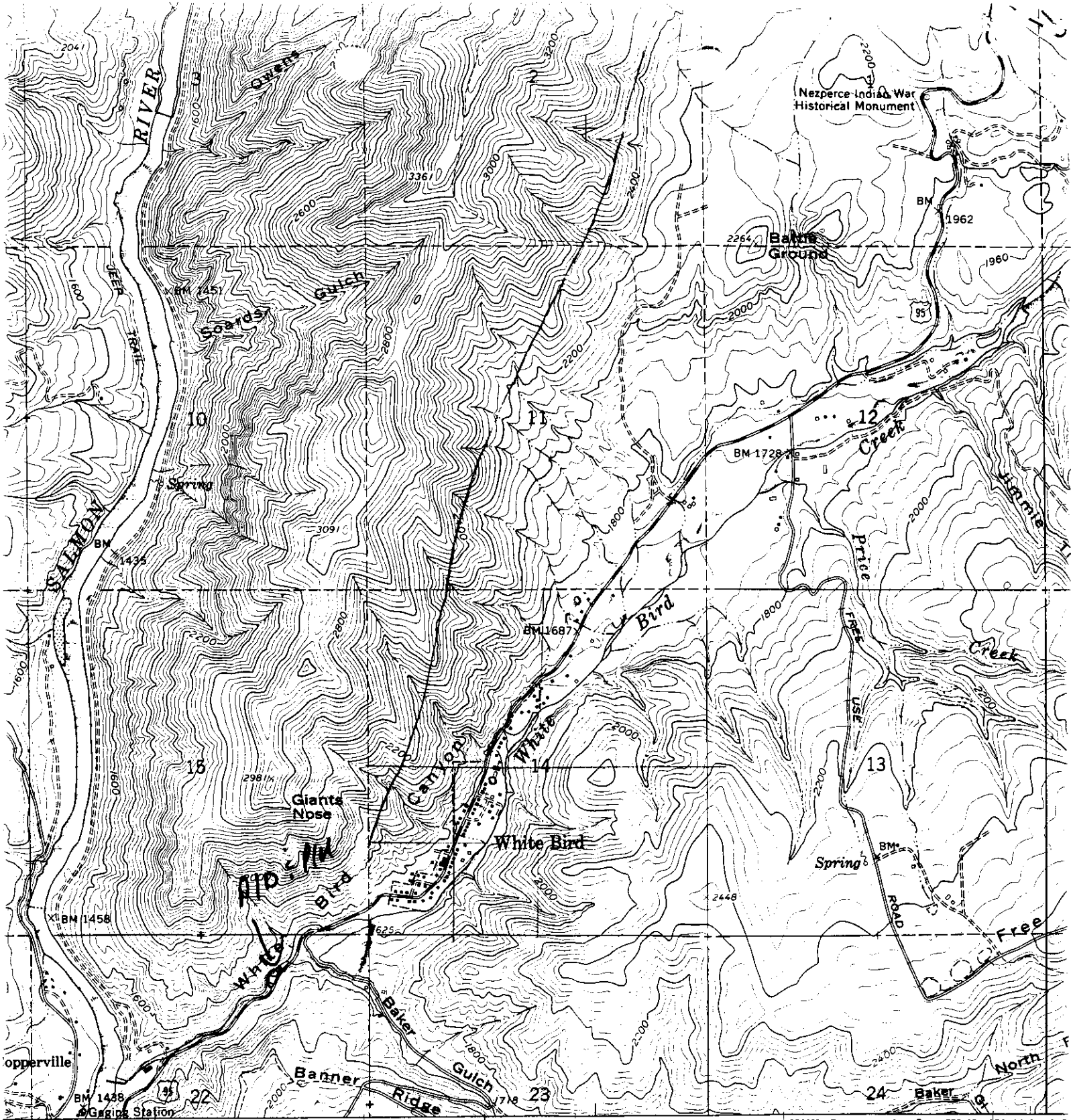
___ Change P.D. as reflected above ___ Add P.D. as reflected above ☒ None
___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATIONField Examiner's Name Daniel A. Nelson For Maria Minucci Date 3-30-99

Reviewer _____ Date _____

SEAL
MICROFILMED
JAN 16 2001





79-07235
 T-28N R-1E
 Sec-22 NWNE
 White Bird Creek
 MICPO
 IDAHO
 JAN 10 2001
 QUADRANGLE LOCATION

ROAD CL
 Medium-duty
 Unimproved

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 BY U. S. GEOLOGICAL SURVEY, DENVER 25, COLORADO OR WASHINGTON 25, D. C.
 OLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



PHOTOGRAPHER AND DATE OF PHOTOS T. T. Winkler 6/20/1998

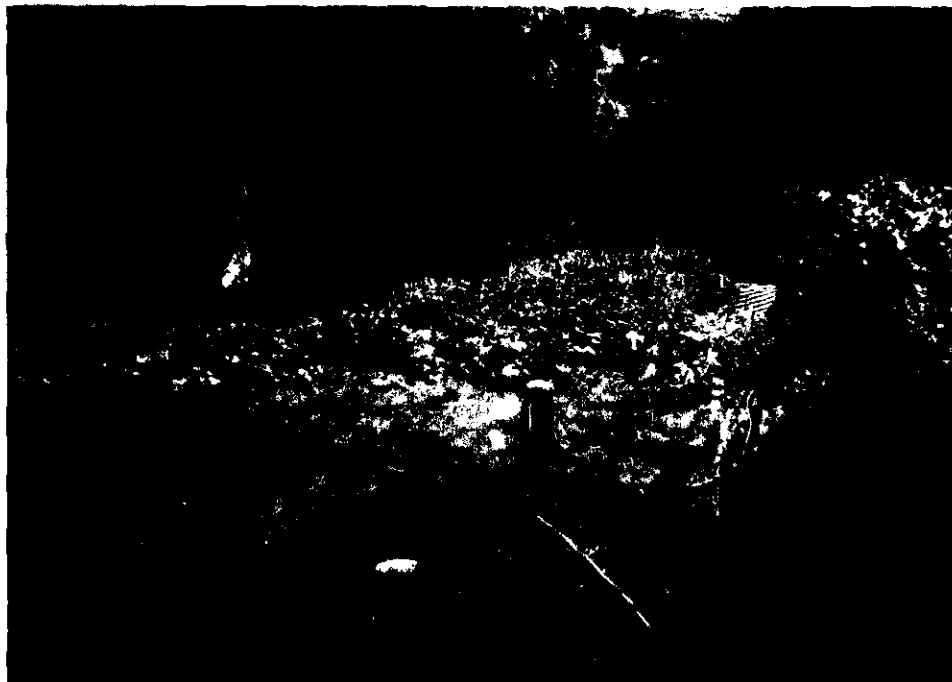
FILE NO. AND LEGAL DESCR. 79-07235 T28N R1E S22 NWNE



Diversion on
White Bird Creek

1 1/4" intake pipe
in stream.

3/4" black PVC outlet
o 5/8" green hose
outlet.



Place of use - garden
and lawn next
to creek.

Old well (culvert)
is visible - no
longer used.

New well visible
in lawn (domestic
use - internal)



PHOTOGRAPHER AND DATE OF PHOTOS T. Dimicucci 07/20/1998

FILE NO. AND LEGAL DESCR. 79-07235 T28N R1E S22 NWNE



Place of use.
Front of house
next to road
(old Hwy 95)

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JAN 16 2001

FIELD NOTES

PERMIT NUMBER 79-07235

PLEASE NOTE: These documents are for backup purposes only and are not apart of actual Beneficial Use Field Report.

MICROFILMED

JAN 16 2001

B/U EXAM SCHEDULING
PHONE MEMO

DATE 7/13/998

PERMIT # 79-07235

79-0739

NAME: Donna Bartlett N Turnipseed

PHONE #: 839-2436

WELL OR PUMP INFO

CASING:

HP:

SWL:

PWL:

SET DEPTH:

PSI:

1 hp (electric)
3 hp (gas)

Pipe in stream

One electric pump

One gas

ACRES IRRIGATED:

SPRINKLER INFO

LINE DIA:

HEADS:

NOZZLE SZ:

One home each +

gardens + lawns

STOCK:

DOMESTICS:

OTHER USES:

OTHER RIGHTS:

(FOR BS63 GROUND WATER) SURFACE WATER USED?:

DIRECTIONS:

Old Hwy 95 $\frac{1}{2}$ mile south of White Bird

White Bird - Down to town

left @ stop

1st house after white bird creek (red bridge)

Cedar sided house

Sharp right down driveway

MICRO

JAN 16 2001

down driveway -
upstream - past
garden.

left @ gate
Pump next to

little yellow
pine tree,

2nd house
Downstream
 $\frac{1}{4}$ mile

Hwy 95

Turn left

on little bridge

up hill + X creek

garden. Left is
creek - garden.

Gate - turn

left + follow
pipe to pump.

EXAM DATE/TIME: 07/20/1998 A.M.

EXAMINER

7/20/1999

79-07235

79-07239

① Home

Pump No. 390192

Code no. 651

Sears Roebuck

30 x 20	600
40 x 20	1200
30 x 20 x 2	1200
	<u>3000</u>
	ft ² =
	.07 acre

No 202

Model No. C48J2E11

Homart Convertible MARK II Jet pump

$\frac{1}{2}$ Horse

$1\frac{1}{4}$ " intake in stream

Then $5\frac{1}{8}$ " garden hose via $3/4$ " line (discharge)

and $3/4$ " black PVC via 2nd $3/4$ " discharge

② Briggs & Stratton gas powered motor

3.5 H.P.

Model 91232

Type 006601

Code 95041703

Sears pump

2" intake in stream, 2" outlet via black PVC pipe

to POU. $\approx 10'$ left

$\approx 60'$ to POU (garden)

Micro

JUN 16 2001

07/21/1998 Idaho Co-ty Assessor's Office -

Tax No. 63 T28N R1E

BARTLETT TURNIPSEED

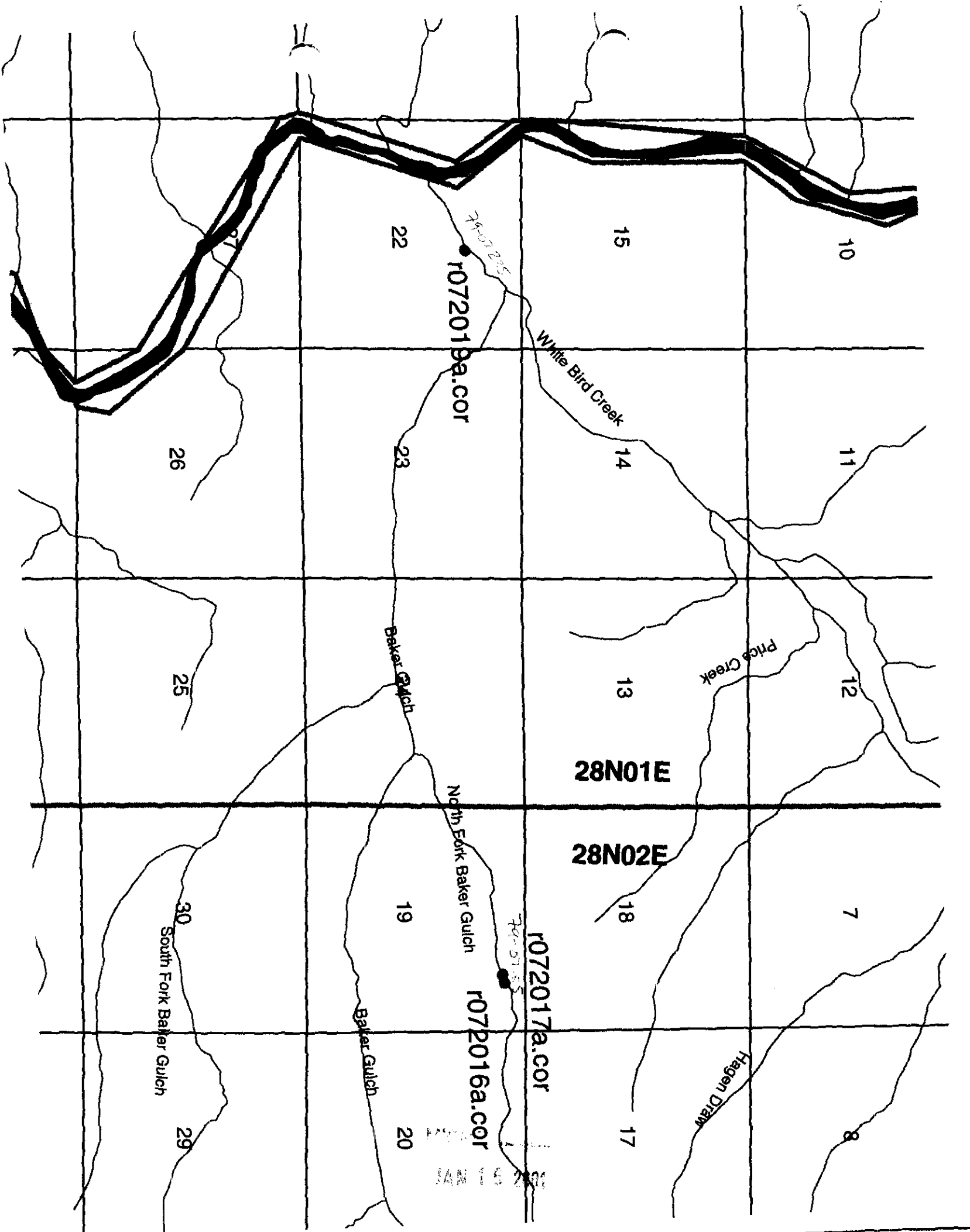
Section line SW of Baker Gulch - Portion of NWNE 79-07235

Property shown in 79-07239 NOT shown as separate lot

See GPS I.D. for 79-07239

MIAMI

JAN 10 2001



10

15

22

r072016a.cor

White Bird Creek

11

14

23

26

12

13

Baker Gulch

25

28N01E

28N02E

7

18

19

North Fork Baker Gulch

r072017a.cor

r072016a.cor

74-57-55

Baker Gulch

20

30

South Fork Baker Gulch

29

8

17

Hagen Drain

JAN 16 2001

nm980720.txt

Long, Lat, Easting, Northing, Height, Receiver, Date, Time, File, Points, SD

-116.247886147, 45.756003536, 325173.356, 519615.340, 809.646, GeoExplorer, 07/20/98, 10:48:37am, r072016a.cor, 208, 1.197756
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-116.040668421, 44.876461260, 338813.924, 421472.957, 1555.645, GeoExplorer, 07/22/98, 09:08:16am, r072215b.cor, 198, 0.56347

1000 10 2001

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 79-07235 Reviewed by [Signature] Date 8-6-96

GENERAL CONSIDERATIONS

TYPES OF USE

Yes Name same as permit?

dom.

Yes Address same as permit?

Yes Proof timely received?

Correct Uses? Yes

If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source

 Ground water source

 / Drilling permit required?

 / Copy in the file? Drilling Permit No.

 / Amount paid for permit

 / Well log in the file?

 Correct?

LICENSE EXAMINATION FEE

MEASURING DEVICE

Yes Required?

no Required?

0 Amount Submitted

 / Installed?

no Correct?

 / Waiver requested?

PRIORITY CALCULATION

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

<u> </u>	<u> / </u>	<u> </u>
<u> </u>	<u>-</u>	<u> </u>
<u> </u>	<u>=</u>	<u> </u>
<u> </u>	<u>+</u>	<u> </u>
<u> </u>		<u> </u>

DEFICIENCIES OR ACTION ITEMS

*Request 50.00 lic exam fee
fee received / Proof acceptable*

DATA ENTRY

New Address Proof Made 7-18-96

September 6, 1996

BARTLETT NORMAN TURNIPSEED
PO BOX 18
WHITE BIRD ID 835540018

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 79-07235

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

SEP 12 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 7, 1996

Bartlett Norman Turnipseed
P.O. Box 18
Whitebird, ID 83554-0018

RE: Permit Nos. 79-07235 & 79-07239

Dear Permit Holder:

I have returned copies of the Proof of Beneficial Use Statements you submitted in connection with the above referenced water rights. The proof forms are not acceptable unless they are accompanied by the appropriate license examination fee.

The Department has determined, from pertinent sections of the Idaho Code, that the permit holder must meet two requirements in order to be exempt from the license examination fee. They are:

1. The water right must use a **groundwater** (well) source, and;
2. The rate of diversion must be .04 cfs or 4.0 AF or less.

You do not meet requirement #1 since you divert water from a surface water source (White Bird Creek). Therefore, a license examination fee of \$50.00 applies to each of the permits.

Please return the copies of the proofs form along with a total of \$100.00 in license examination fees to my attention within thirty (60) days of receipt of this letter.

Please contact me at (208)327-7900 if you have any questions regarding this matter.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

SEP 12 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 29, 1996

BARTLETT NORMAN TURNIPSEED
PO BOX 18
WHITE BIRD ID 83554-0018

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 79-07235

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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 IDWR 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.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

MAR 29 1996

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW**
by Cindy Zimmerman

No.: 79-7235 Name: Turnipseed Date: 2/15/96 Ad OK? ✓
Correct Fee? ✓ Receipt #: C032584 Priority: 5/4/95 ✓ Gvmt Lts: ✓

AREA OF CONCERN? ⁴²⁻¹¹¹ exempt - No/Yes S/C Mor GWMA Trust/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)

SYSTEM COMPLETED:

Yes/proof filed - NA
1 year/no proof - P16
+1 year - 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065(if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. - - - , P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

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

Water District(dem) - 005 (req) WD # <SEE MAP & LISTING>
+ 0.2 cfs - 01J(meas dev)-P08
=/- 0.2 cfs - 01H(lock dev)-P01 or No MD
~~In~~ WD + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M

RIVER BASINS (*Surface water):

Snake R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9-↑ Weiser), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA

USE:

Domestic (surface) - 021(Boise R ↑ L Peak); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10;044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - B <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner**OTHER CONDITIONS:****STANDARD REMARKS:****BENEFICIAL USE DUE:****COMMENTS:**

2 woi / 12 ac.

2-1-1997

RECEIVED

FEB 12 1996
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Handwritten notes:
OK To
ADVERTISE
- 10/2/95

INITIAL REVIEW BY: SR DATE: 5/23/95 APPLICATION: 79-07235

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map: (show T, R, S, QQ &/or QQQ)
Subdivision plat: (for > 1 home in restricted area. ≥ 5 homes in non-restricted area)
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee:
Yes ☐ No ☐ In form to receipt:

Gov't. Lots:

P/D

P/U

Handwritten note: SEE NEXT pg. for 10/2/95 UPDATE

ADDITIONAL INFORMATION

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on the back.)
☒ ☐ Overlapping point of diversion:
☐ ☐ Field check required: Field check by: _____
☐ ☐ Field report attached:
☐ ☒ Critical groundwater area:
☒ ☒ Groundwater management area:
☒ ☒ 1992 moratorium: ~~Salmon River~~ *← N/A EXEMPT AS REVISED*
☐ ☒ Copy to SCA staff: (perennial stream, non-pump diversion)
☐ ☒ Copy to Dam Safety staff: (for any storage)
☐ ☒ Basin 63 mitigation plan: (where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge)
☐ ☒ Send power requirement letter:
☐ ☒ Send fish farm requirement letter:
☐ ☒ Power residency affidavit:
☐ ☒ Power efficiency form:
☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)

*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

2 systems or just 1? Could process if 1 appl. for ≤ 1/2 acre ("domestic")
DATE REQUESTED: 5/25/95

☒ ☐ Additional information on reverse side:

Handwritten note: Sent letter c how to seek waiver from Salmon R. moratorium

PROCESSING

APPLICATION

79-07235

YES NO

☒ ☒
☒ ☒
☒ ☒

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒

I.D. Health and Welfare

I.D. District Health

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☐ ☒
☐ ☒
☐ ☒
☐ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. #

Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☒
☒ ☒

Affidavit of publication received:

Application published correctly: If not, record action taken.

☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒

Publication dates and paper recorded on application:

Protests received. Final date for protest

1-22-95

Protest dates, resolution of protest recorded on application:

Recommendations attached:

Approve, OK

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter:

Irrigation under this water right is limited to 1/2 acre.

See below for additional information

Recommended Date or Priority

5/4/95

Recommended by:

DMS

Date

2/12/96

STATE OFFICE REVIEW

See below for additional information. By

Date

ADDITIONAL INFORMATION

Overlap

79-07218 pending Appl. White Bird Ck., other diversion for other property.

10/2/95 update - SL

{ Revised Appl to cover existing D/I use e site #1 (typo),
Fibed " 79-07239 for proposed " " " #2,

Returned D/I SRBA claim since use after 1971.

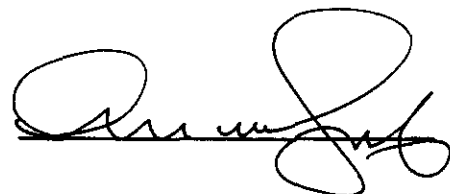
SEPARATE SYSTEMS, SEPARATE ACRES

Roth
Exempt from
Salmon to
Museum

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

Andrew J. McNab, being
first duly sworn, says she is the Publisher
of the IDAHO COUNTY FREE PRESS, a weekly newspaper published
and issued weekly at Grangeville, Idaho county, State of Idaho, and is
of general circulation in said county and state, that the said notice, of
which the one hereto attached is a true copy, was published in said
paper for 2 weeks, being published 2
times, the first publication being on the 3 day of
January, 19 96, and the last
publication on the 10 day of January, 19 96;
and that the said notice was published in the newspaper proper and not
a supplement; that said newspaper has been continuously and uninter-
ruptedly published in said county during a period of seventy-eight
consecutive weeks prior to the publication of said notice or advertise-
ment.



STATE OF IDAHO }
COUNTY OF } IDAHO

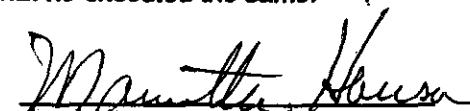
On this 10 day of January in the year of 1996
Before me, a Notary Public, personally appeared
Andrew J. McNab, known or identified to me
to be the person whose name subscribed to the within instrument, and
being by me first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.

RECEIVED

JAN 18 1996

WATER RESOURCES
WESTERN REGION

MAR 29 1996


Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 10-8-99

79-07235

TURNIPSEED, BARTLETT NORMAN
PO BOX 18
WHITE BIRD, ID 83554

Source: WHITE BIRD CREEK

Tributary: SALMON RIVER

Diversion Pt: NWNE Sec 22 T 28N R 01E in IDAHO County.

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

Date Filed: 5/ 4/1995

In: IDAHO County
T28N R01E S22 NWNE

MAR 29 1996

CONVERSATION MEMORANDUM

DATE 10/2/95
FILE 79-07235

NAME OF PARTY B.N. Turnipseed 839-2436

79-07239

EMPLOYEE Steve Loftis

RE: Response to my 9/20/95 letter

① Existing ~ 1984 D/I w/ $\leq 1/2$ acre irrig,
upper #1 pld, location ok on top

Revise 79-07235 from Irr 2 Ac. to

Dom (1) c. 0.4 ac

Ham can process

② Proposed development downstream identical to D/I
above; lower #2 pld, location ok on top

Prepare & mail another appl., separate fee needed.

Ham can process

These are totally separate systems.

Also - return SROA D/I 1984 claim since beyond
mandatory filing date so can't recommend it.

✓ Copy claim + 9/20 letter to AJ staff before
returning it.
MAR 29 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 3, 1995

Bartlett Norman Turnipseed
PO Box 18
White Bird, ID 83554

RE: APPLICATION FOR PERMIT NOS. 79-07235 AND 79-07239

Dear Mr. Turnipseed:

Following our telephone conversation the other day, your water right filings have been revised as explained by this letter and the enclosed material. Please review the enclosure to be sure that I have correctly summarized the situation.

1) The *Snake River Basin Adjudication Claim* for a 1984 domestic use from the creek is returned. The claim does not meet the definition of a use that can be recommended in the adjudication process since the use was developed after the mandatory permit filing date of May 20, 1971.

2) Instead, application no. 79-07235 as revised will apply to the 1984 domestic use from the creek for site no. 1 as shown on the enclosed map. The attached "profile report" lists the revised application details.

3) Application no. 79-07239 has been prepared for your signature. This filing covers the proposed development at site no. 2 on the topographic map. If this application is correct, please sign and return it with the \$50 filing fee that we discussed.

Assuming that all of the above information is correct, I will process both applications once you return no. 79-07239. These two filings can be exempted from the Salmon River Moratorium.

Thank you for your patience and help in sorting out all the information. If I can assist in any other matters, please do not hesitate to contact me.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

MAR 29 1996

MAR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 20, 1995

Bartlett Norman Turnipseed
PO Box 18
White Bird, ID 83554

RE: APPLICATION FOR PERMIT NO. 79-07235

Dear Mr. Turnipseed:

I am in receipt of your letter dated August 10, 1995 and the Snake River Basin Adjudication Claim that you included in that mailing. The claim is for domestic use from White Bird Creek dating to 1984 and referred to in your letter as "new water right application #39576".

Application for Permit No. 79-07235 that you filed on May 4, 1995 lists two diversion points from the creek to irrigate two acres. In response to that filing, I sent you a letter dated May 25, 1995 outlining the options one might have under the terms of the Salmon River Moratorium.

Your most recent response is the adjudication claim for domestic use. However, some problems remain with both of your filings as discussed below.

ADJUDICATION CLAIM ("APPLICATION #39576")

In order to file an adjudication claim for the use of surface water fitting your circumstances, the use must have started before May 20, 1971. This is known as the mandatory permit date. That date is the cutoff point for "grandfather rights", after which time a new application for permit (similar to application no. 79-07235) must be filed. Therefore, the adjudication claim for domestic use from the creek dating to 1984 cannot be considered valid. Instead, an application for permit for a 1995 water right is the proper route to take.

APPLICATION FOR PERMIT

Application No. 79-07235 includes what appears to be two separate systems, each consisting of a creek diversion to irrigate one acre per system. Separate systems (not physically integrated) require separate water rights. Also, the location of these two sites should be clarified. I have included a copy of your map plus a copy of the topographic map that I prepared based on your drawing. Are the two sites correctly shown on the topographic map? If not, please mark the correct locations.

Your adjudication claim states that domestic use for up to 13,000 gallons per day has occurred since 1984. Domestic use in this context includes a limit of one-half acre of irrigation; any irrigation beyond that amount cannot be defined as domestic use but instead is listed as irrigation use.

MAR 29 1996

Application No. 79-07235
September 20, 1995
Page 2

Under the terms of the Salmon River Moratorium, an application for permit can be considered for approval if either of the following apply:

a) total use for one system is limited to one home and/or one-half acre of yard irrigation and/or stockwater use(s) not to exceed 0.04 cubic feet per second (18 gpm), regardless of the date that such use started; or

b) total use for one system, regardless of the extent of development, was developed prior to November, 1987 and reasonable verification of the date of that development can be provided. Note that you have provided reasonable verification of domestic use, which includes the one-half acre yard irrigation use described in the above item a.

I am somewhat puzzled about the extent of your use of creek water either in existence or proposed for development. *Please respond to the following points in an effort to clarify the situation.*

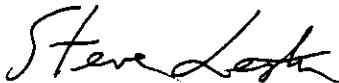
1) What is the total extent of your White Bird Creek water development that was in place by 1984 or at least by late 1987? Is it limited to one diversion point for one home and no more than one-half acre of yard irrigation?

2) Are two separate diversion systems in place or contemplated for future development? Please distinguish development that existed by late 1987 from any development initiated after that date or proposed for future completion.

3) As mentioned before, please mark the location of any items referred to in the above numbers 1 and 2 if the enclosed topographic map is incorrect. If applicable, the revised map should be included with your response.

Based on your response (written or telephonic) within 30 days, I will take the appropriate steps regarding your water right filings.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

10/3/95 update
applicant now has:
79-07235 for D/I use site #1
79-07239 " " " " #2
2 separate systems, both can be
processed as exempt from Salmon R.
Moratorium
-FL

RECEIVED
SEP 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 25, 1995

Bartlett Norman Turnipseed
PO Box 18
White Bird, ID 83554

RE: APPLICATION FOR PERMIT

Dear Applicant:

Your recent application for a water right permit was received at this office on May 5, 1995. The filing proposes diversion of water from White Bird Creek to irrigate two acres. It appears that the application includes two pumps serving separate acres (each pump for about one acre?).

Due to concerns about water supplies, existing water rights, and impacts of new development on anadromous fish migration, the Director of this agency declared a moratorium on approval of applications for surface water in the Salmon River drainage in May, 1992. The moratorium applies to new consumptive uses not in place prior to November, 1987. Irrigation is a consumptive use subject to the moratorium.

You may seek a waiver from the moratorium under any of the following items.

1. Use was developed prior to November, 1987 and verification of this existing use can be provided (dated photographs, power records, affidavits, etc.);

2. Use is limited to the domestic definition in Section 42-111, Idaho Code, which in your case could include up to one-half acre of irrigation associated with a home for a separate system; or

3. Use will have no adverse impact on anadromous fish migration due to location of the site or due to mitigation provided to offset a reduction in water flow available for fish migration.

Without a waiver based on one or more of the above items, the application will be held at this office pending changes in the moratorium as determined by the Director. Delays related to department decisions do not affect the date of priority of an application. You will be informed of any moratorium changes.

Please contact me at your convenience if you need more information.

Sincerely,

Steve Lester
Water Rights Supervisor

MAR 29 1996

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

RECEIVED
MAY 05 1995
WATER RESOURCES
WESTERN REGION

Receipt No: 0032584

Date: 5/ 4/1995
Time: 11:43:32

Received
From: TURNIPSEED, B. NORM/DONNA L

Type of Payment	Program A cct	Amount
APP FOR PERMIT	56103 229 21 1155	50.00
CHECK 911		
	Total	\$ 50.00

Region: STATE

Signature: Luby

MAR 29 1996