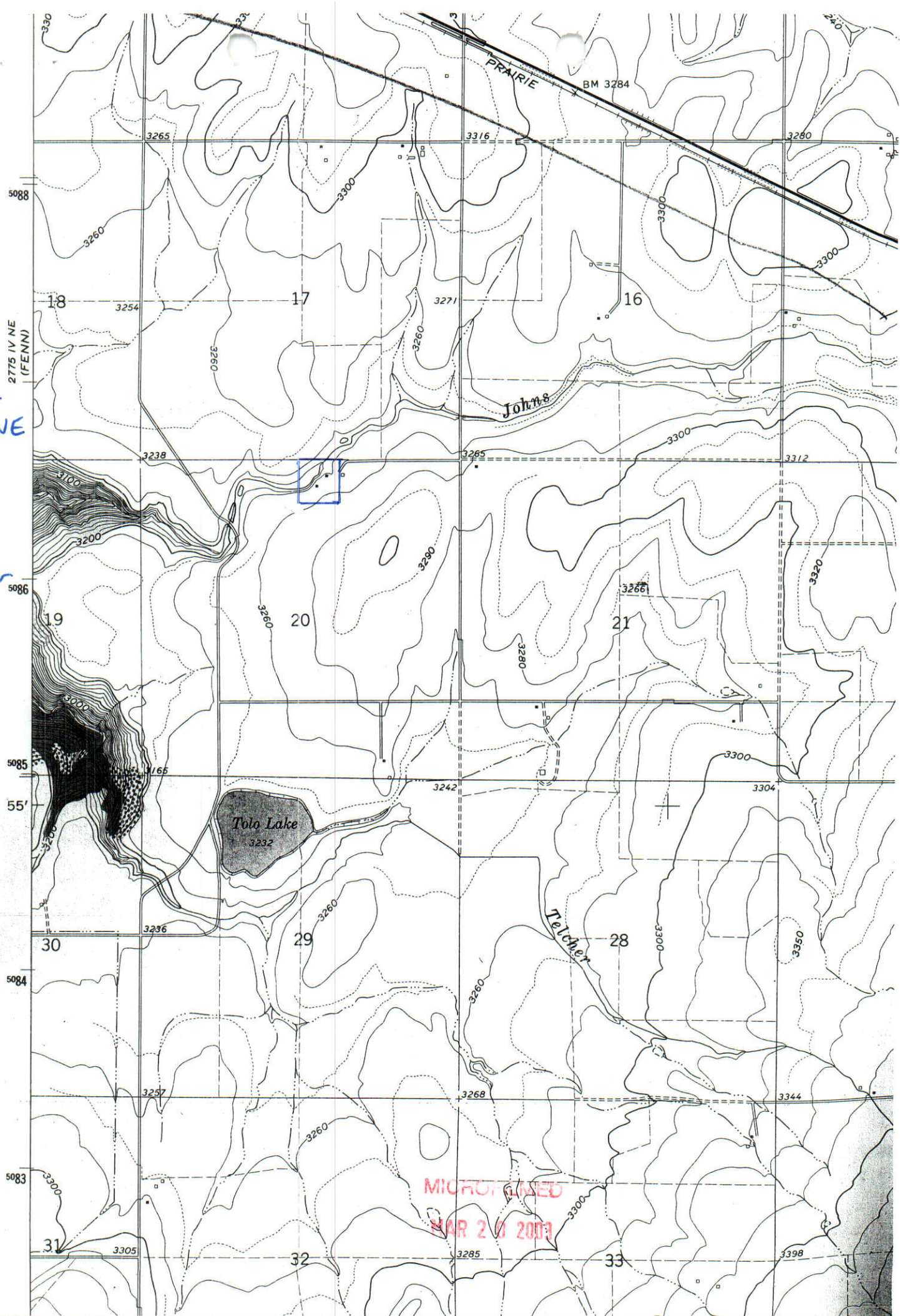
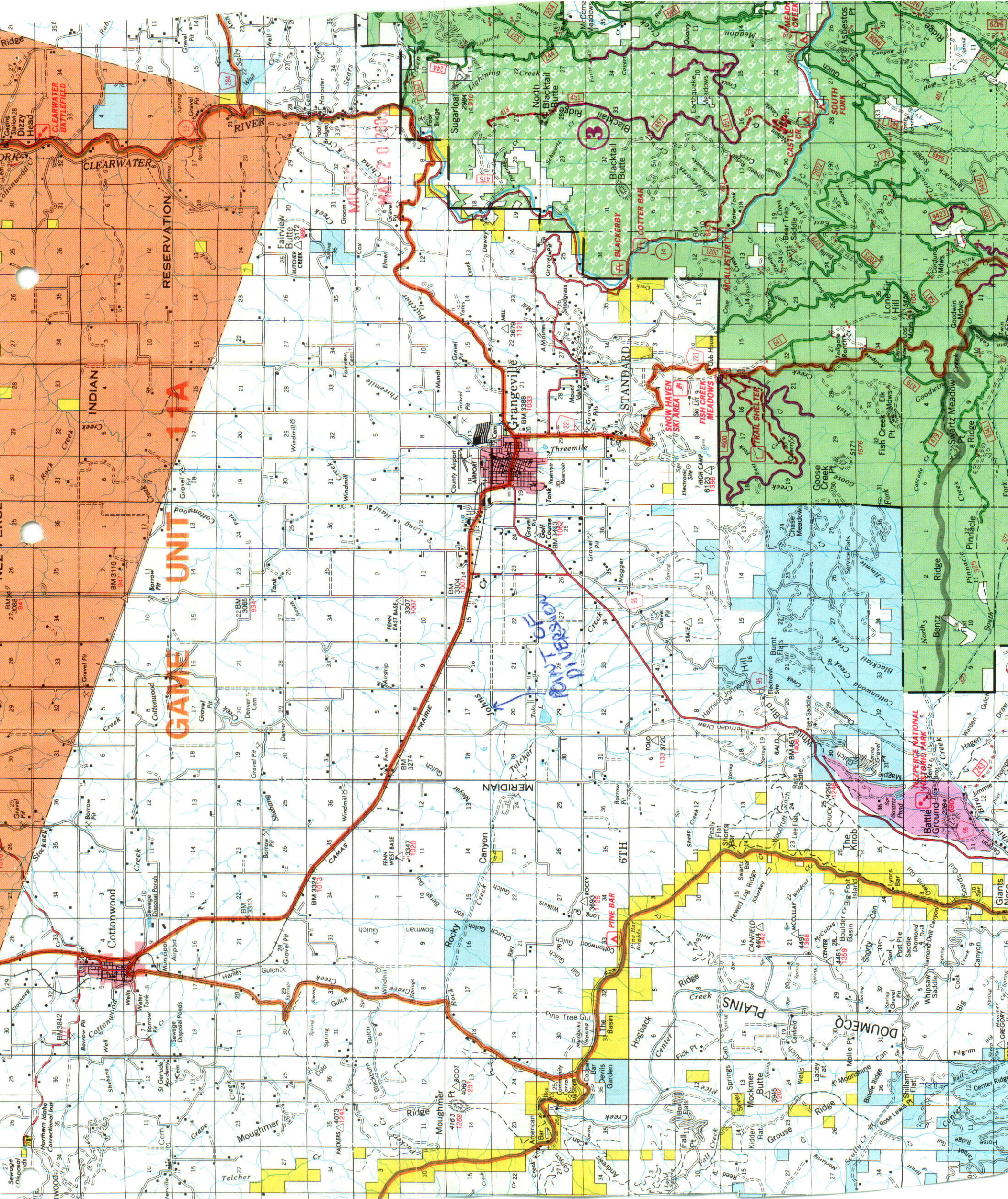
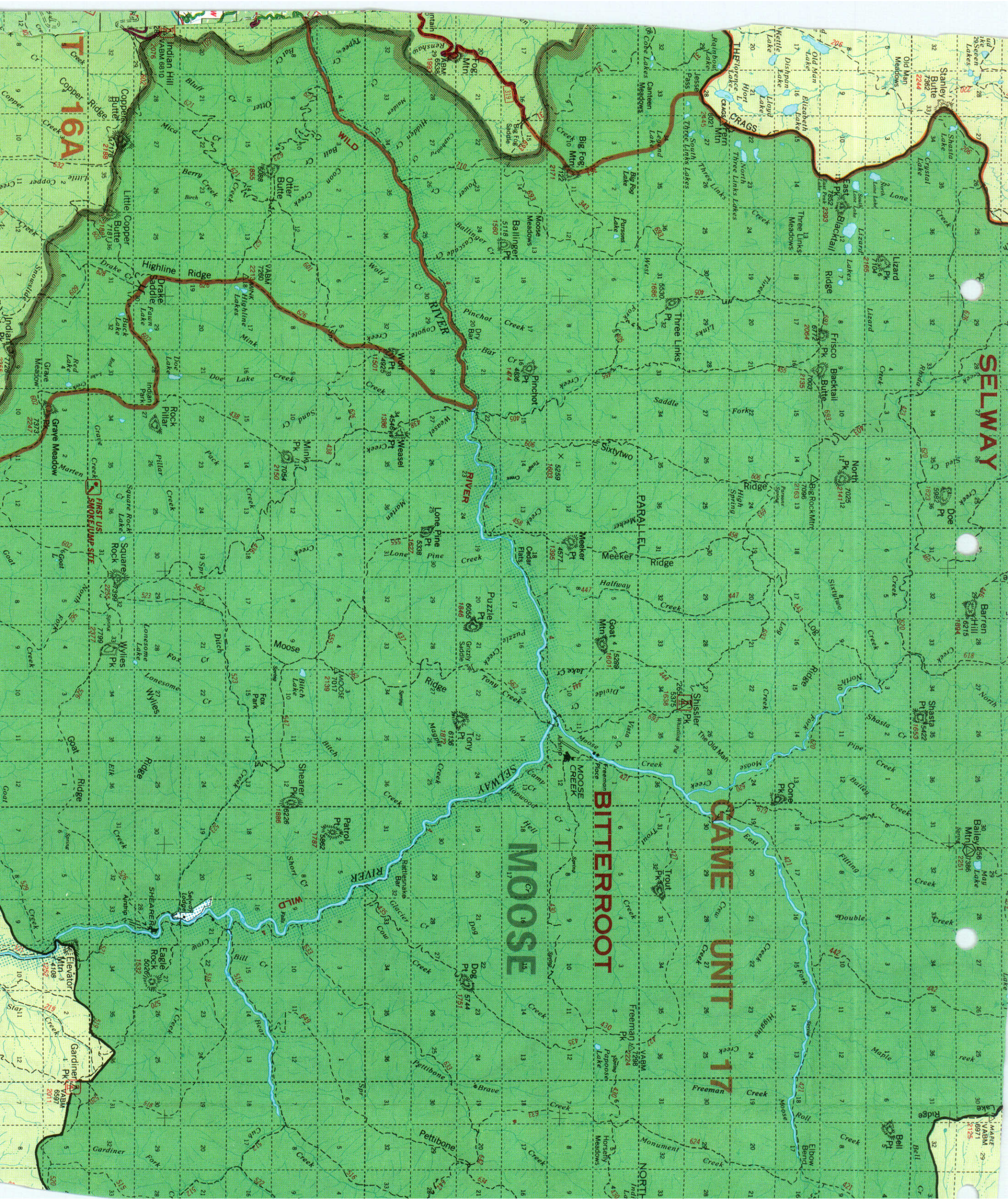


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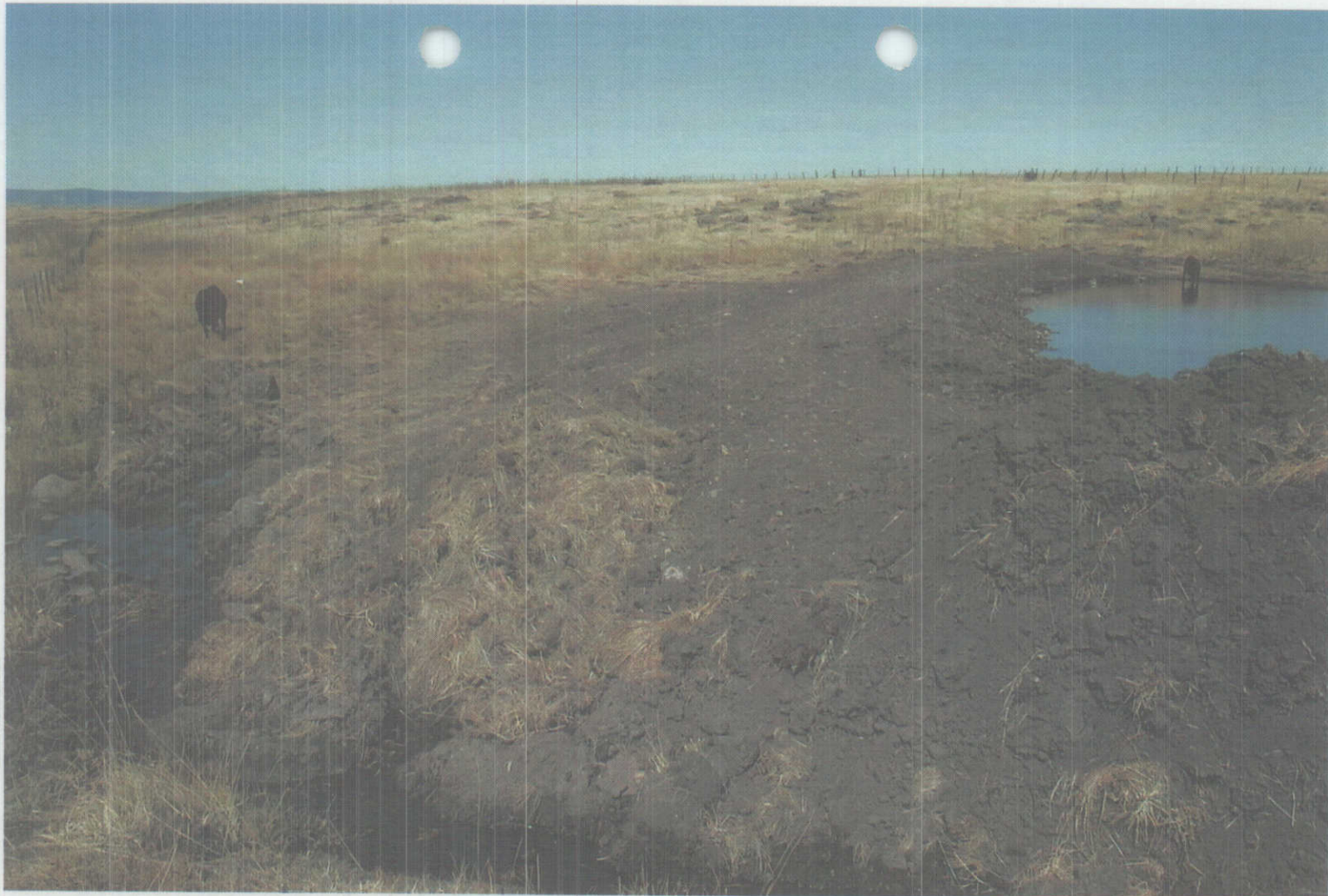
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MICROFILMED
MAR 20 2003



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MAR 20 2003



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MAR 20 2003

October 16, 2002

Raymond E. Johnston
Rt. 2 Box 839
Grangeville, ID 83530

RECEIVED
OCT 22 2002
WATER RESOURCES
WESTERN REGION

John Westra
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706

Dear Mr. Westra,

I am writing to protest water right application #79-14012 by Timothy Dee Campbell, Rt. 2 Box 821, Grangeville, ID 83530.

I feel granting the water right will impact the water availability on the stream. I also have concerns about the safety of the dam that has been constructed in the stream.

Sincerely yours,

Raymond E. Johnston

Raymond E. Johnston

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

79-14012
TIMOTHY DEE CAMPBELL
RT 2 BOX 821
GRANGEVILLE ID 83530
Point(s) of Diversion NWNWNE S20 T30N
R02E IDAHO County Source JOHN S
CREEK Tributary To SALMON RIVER
Use: STOCKWATER 01/01 To 12/31 0.01
CFS
Use: DOMESTIC 01/01 To 12/31/02 CFS
Total Diversion: 0.03 CFS
Date Filed: 08/22/2002
Place Of Use: STOCKWATER T30N R02E
S20 NWNE
Place Of Use: DOMESTIC T30N R02E S20
NWNE

Remark: Applicant agrees to mitigate consumptive use in the future as needed. Domestic use is for a small pond, yard and garden area.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 10/21/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Published in the Idaho County Free Press on
October 2 and 9, 2002.

O2-9

MICROFILMED

MAR 20 2003

RECEIVED

OCT 18 2002

WATER RESOURCES
WESTERN REGION

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

79-14012

TIMOTHY DEE CAMPBELL

RT 2 BOX 821

GRANGEVILLE ID 83530

Point(s) of Diversion NWNWNE S20 T30N

R02E IDAHO County Source JOHNS

CREEK Tributary To SALMON RIVER

Use: STOCKWATER 01/01 To 12/31 0.01

CFS

Use: DOMESTIC 01/01 To 12/31 0.02 CFS

Total Diversion: 0.03 CFS

Date Filed: 08/22/2002

Place Of Use: STOCKWATER T30N R02E

S20 NWNE

Place Of Use: DOMESTIC T30N R02E S20

NWNE

Remark: Applicant agrees to mitigate consumptive use in the future as needed. Domestic use is for a small pond, yard and garden area.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 10/21/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

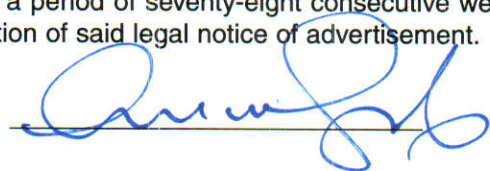
Published in the Idaho County Free Press on October 2 and 9, 2002.

O2-9

AFFIDAVIT OF PUBLICATION

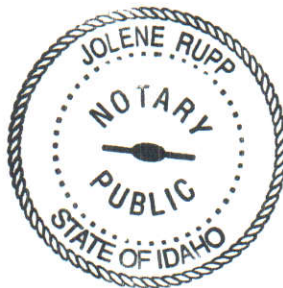
STATE OF IDAHO
County of Idaho - ss.

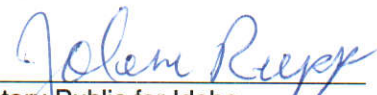
Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 2nd day of October, 2002; and the last publication on the 9th day of October, 2002; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)
COUNTY OF)

On this 9th day of October in the year of 2002, 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.




Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 7-29-07

MICHAEL

MAR 20 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 21 2003

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. 79-14012 Telephone No. 208-983-3818

2. Name of Permit Holder(s): TIMOTHY DEE CAMPBELL

3. Mailing Address: RT 2 BOX 821

City GRANCEVILLE State ID Zip 83530

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

a. 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): 6 HORSES OR CATTLE

Irrigation (No. of acres): 1/2 ACRE Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.03 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: \$ 50.00 (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: TIM CAMPBELL Telephone Number: 208-983-3818

Address: RT 2 BOX 821 GRANCEVILLE, ID. 83530

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: Tim Campbell Date: 4-25-03
(include your title, if on behalf of company or organization)

MICHAEL MCEL

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 79-14012

Priority: August 22, 2002

Maximum Diversion Rate: 0.03 CFS

This is to certify, that TIMOTHY DEE CAMPBELL
RT 2 BOX 821
GRANGEVILLE ID 83530

has applied for a permit to appropriate water from:

Source: JOHNS CREEK

Tributary: SALMON RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.01 CFS	0.3 AF
STOCKWATER STORAGE	01/01 to 12/31		0.3 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	

LOCATION OF POINT(S) OF DIVERSION:

JOHNS CREEK NW¼NW¼NE¼, Sec. 20, Twp 30N, Rge 02E, B.M., IDAHO County

JOHNS CREEK NW¼NW¼NE¼, Sec. 20, Twp 30N, Rge 02E, B.M., IDAHO County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
30N	02E	20			X														

PLACE OF USE: DOMESTIC same as Stockwater

PLACE OF USE: STOCKWATER STORAGE same as Stockwater

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2003**.
2. Subject to all prior water rights.
3. The total domestic use authorized under this right shall not exceed 13,000 gallons per day.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. Domestic use is for up to 1/2 acre of irrigation for lawn and garden.
6. Stockwater use is for 6 head of horses or cattle.
7. The total combined surface area of the lawn irrigated under this right, and the reservoir established under this right, shall not exceed 1/2 acre.
8. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.

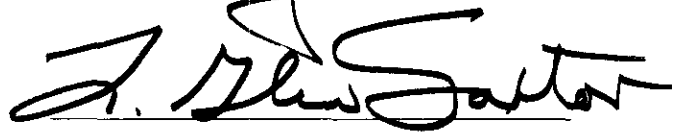
MICHAEL L. MCEL

August 22, 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 79-14012

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 January, 2003.


KARL J DREHER, Director
for

MICROFILMED
MAY 20 2003

RECEIVED

RECEIVED

NOV 21 2002

AUG 22 2002

FORM 202
12/99WATER RESOURCES
WESTERN REGION

Department of Water Resources

Ident. No. 79-14012

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant TIMOTHY DEE CAMPBELL Phone 208-983-3818
Mailing address RT 2 BOX 821 GRANGEVILLE, ID. 83530
2. Source of water supply JOHN'S CREEK which is a tributary of SALMON RIVER
3. Location of point of diversion is Township 30 N. Range 2 EAST Sec. 20, in the NW $\frac{1}{4}$,
NW $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot _____, B.M., IDAHO County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
- | |
|---|
| Amount <u>.03</u> for <u>1/2 ACRE LAWN + GARDEN</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>.01</u> for <u>LIVE STOCK</u> purposes from <u>JAN 1</u> to <u>DEC 31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) |
5. Total quantity to be appropriated is (a) .03 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 1/2 HORSE ELECTRIC MOTOR
- b. Height of storage dam 6 (SIX) feet; active reservoir capacity .25 acre-feet; total reservoir capacity .25 acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought? _____
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. N/A
 - Stockwatering; list number and kind of livestock. 6 HORSES AND/OR CATTLE
 - Municipal; show name of municipality. N/A
 - Domestic; show number of households. N/A
 - Other; describe fully. 1/2 ACRE LAWN + GARDEN WATERING

IND MORE THAN
6 AT ANYTIME

MICHAEL

MAR 20 2003

3. Description of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
30N2E			5.5																5.5

Total number of acres to be irrigated 1/2 - LAWN SPRINKLING DEVICE

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

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

b. Who owns the land to be irrigated or place of use? TIMOTHY CAMPBELL

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

12. Remarks: THIS IS A FREE FLOW POND

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"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.

Tim Campbell Timothy Dee Campbell
Signature of Applicant (and title, if applicable)

Received by LG Date 8/22/02 Time 2:17 Preliminary check by LG
Fee \$ 100.00 Received by KH # W029622 Date 8/22/02
Publication prepared by ST Date 10-24-02 Published in ST Idaho Farm Press
Publication approved ST Date 10-21-02

MICROFILMED

MAR 20 2003

First American Title Insurance

Commitment Number: 16154

SCHEDULE C

PROPERTY DESCRIPTION

The land referred to in this Commitment is described as follows:

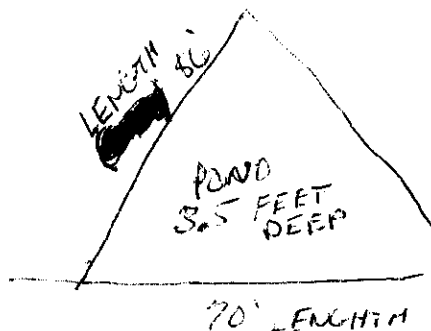
Parcel I- Fee Interest

Township 30 North, Range 2 East, Boise Meridian, Idaho County, Idaho
Commencing at the Section corner common to 17, 16, 20 and 21 of said Township and Range;
Thence West 1866.25 feet to a 5/8 rebar to the TRUE POINT OF BEGINNING;
Thence West 888.77 feet to a 5/8 rebar;
Thence South 298.15 feet to a 5/8 rebar;
Thence East 876.61 feet to a 5/8 rebar;
Thence N02°20'07" East 298.40 feet to the TRUE POINT OF BEGINNING.

Parcel II- Equitable Interest

A permanent easement and right-of-way as described in Gift Deed recorded October 13, 1988 as Instrument Number 344328, records of Idaho County, Idaho.

*I wasn't sure if I was filling the
app. out right so I included this
legal description of my property.*



$$(86 \times 70) \div 2 \times 3.5 = 10,535$$

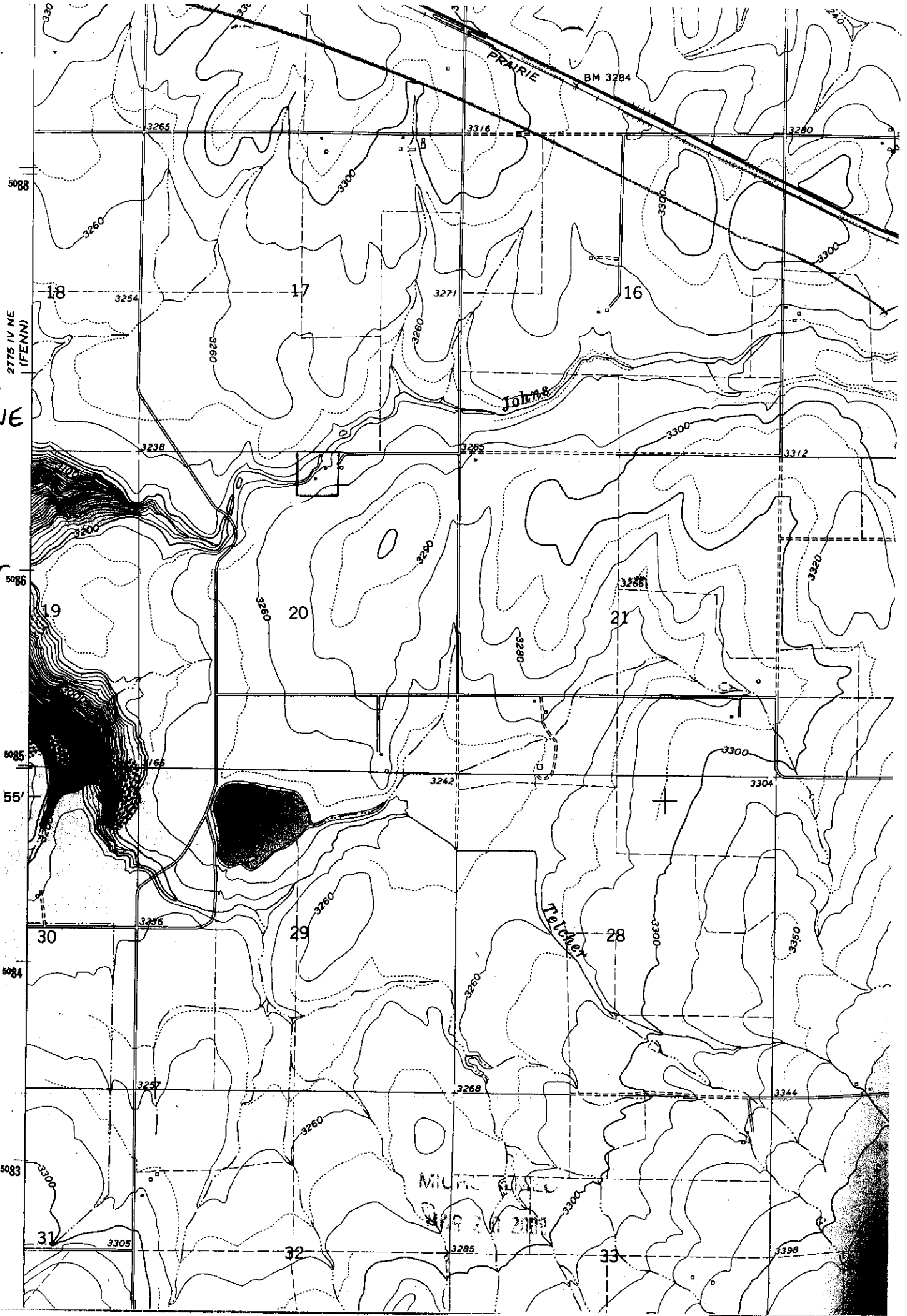
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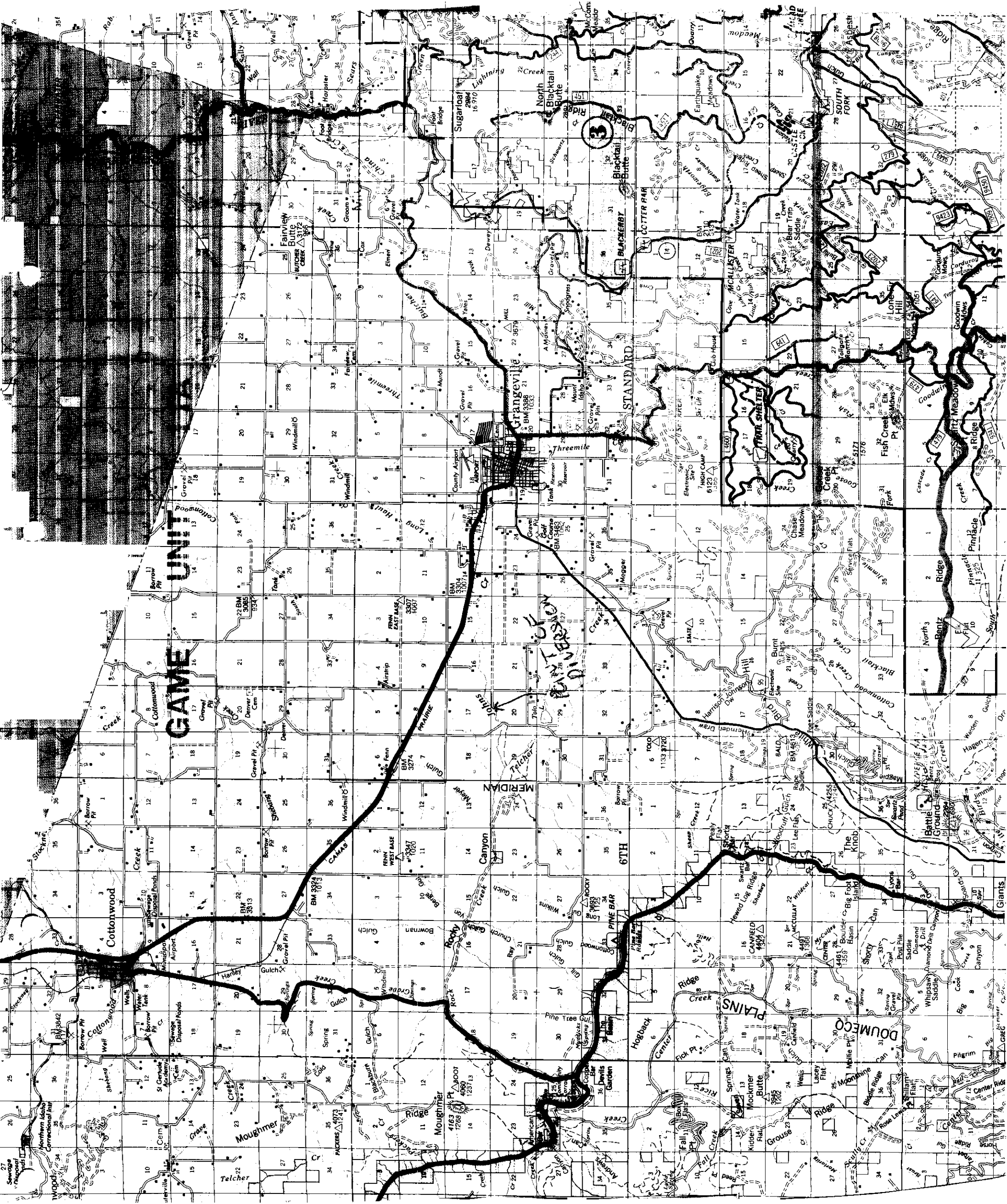
MAR 10 2001

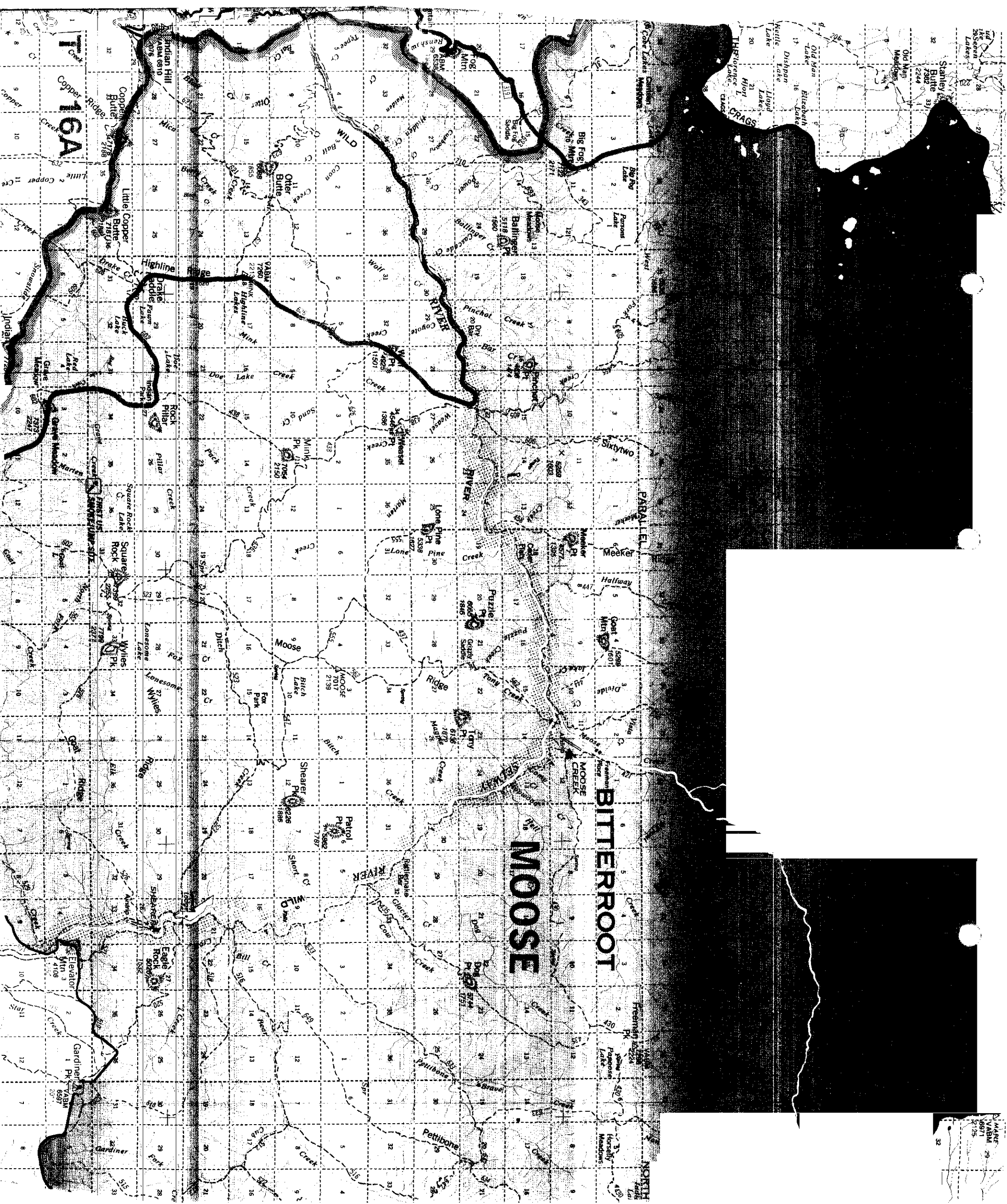


P/D + P/u
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S20
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lt



5088
2775 IV NE (FENN)
5086
5085
55'
5084
5083





REQUEST TO PROCESS

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

Name of Applicant

Tim Campbell

Mailing Address

Rt. 2 Box 821
Trangerville, ID. 83530

Application No.
(if known)

 IN LOCAL PUBLIC INTEREST

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

 PROPOSE MITIGATION NOW

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

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature

Timothy Dee Campbell

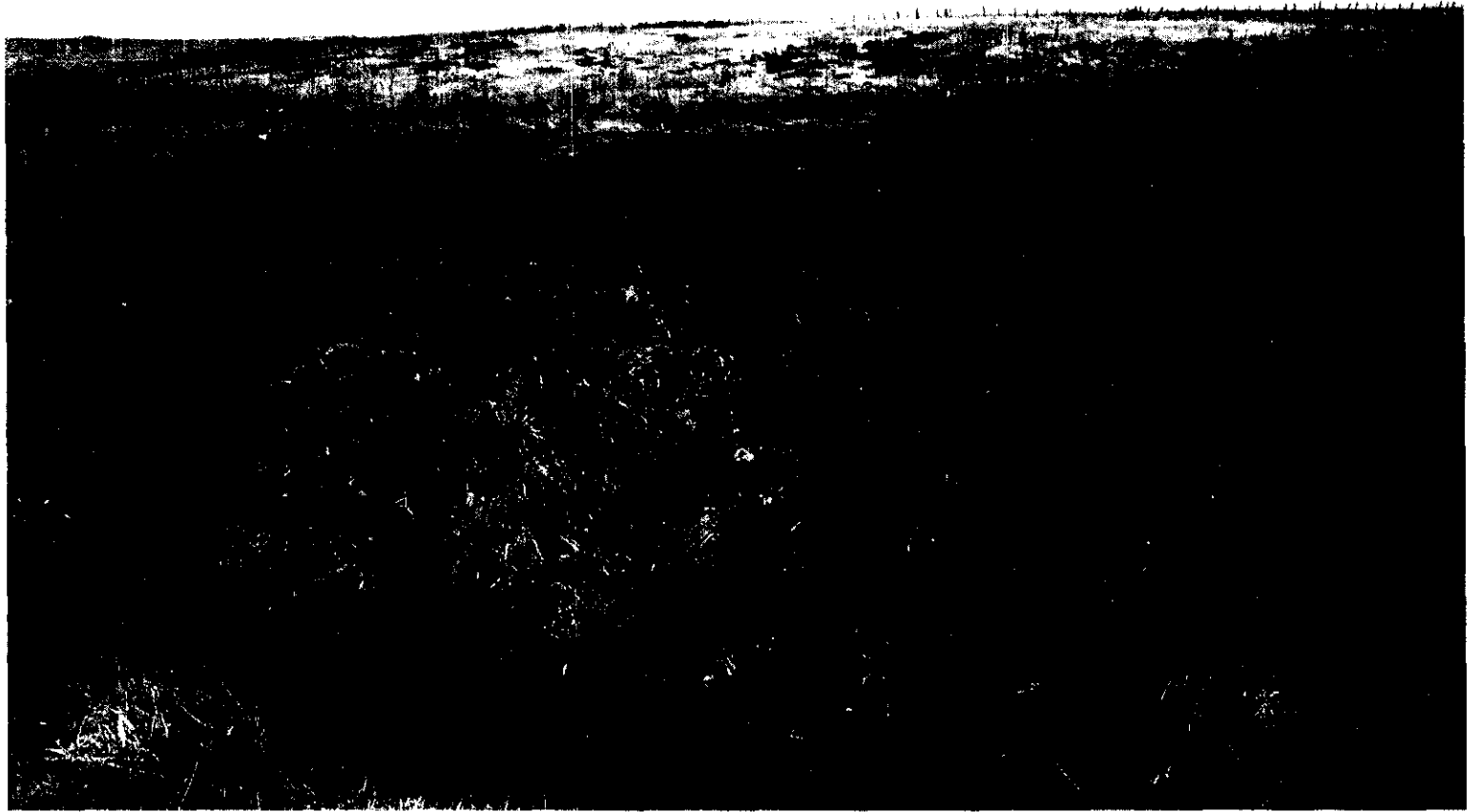
Date

8-19-02

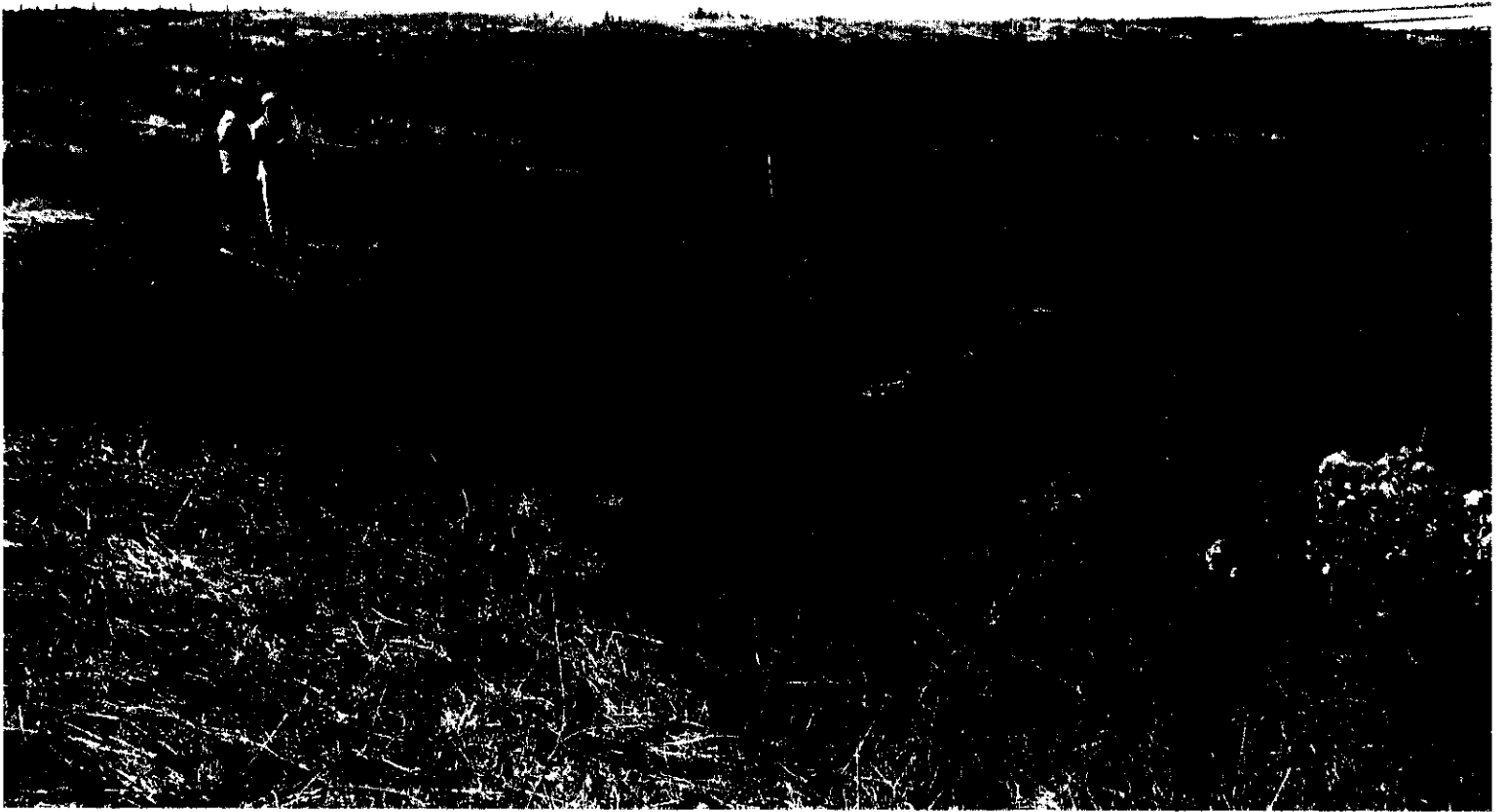
Please return this form to:

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

RECEIVED
SEP 26 2002

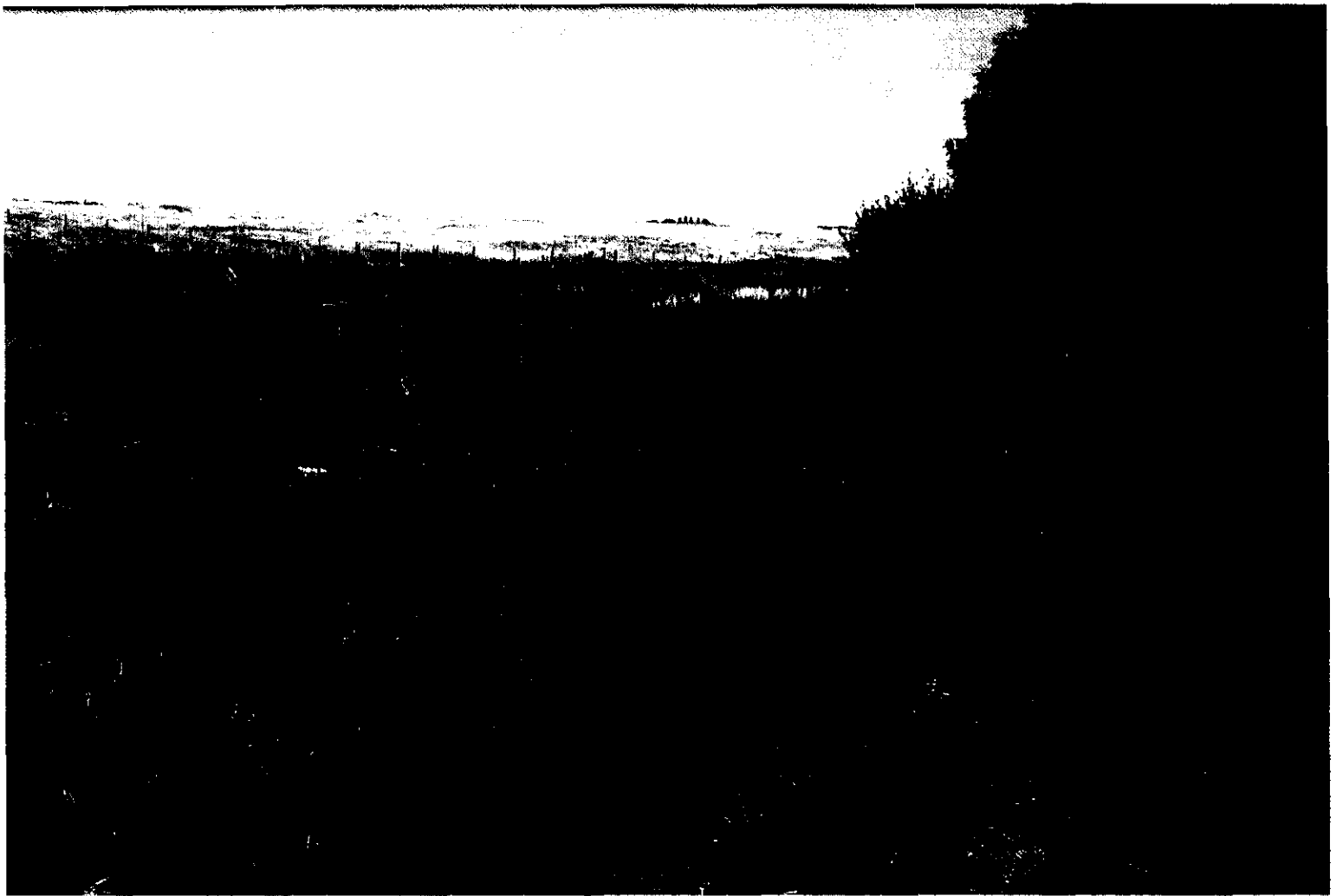


MICROFILMED
MAR 20 2000



MICHAEL J. WILSON

MAR 20 2003



MICROFILMED

MAR 20 2001



REC'D - 1500
MAR 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 28, 2003

TIMOTHY DEE CAMPBELL
RT 2 BOX 821
GRANGEVILLE ID 83530

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 79-14012

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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights 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.

If you have questions, please contact the **Western** Regional Office of the department in Boise (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED

SEP 16 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 79-14012

Reviewed By: dgibson

Date: August 27, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		W029622, C070545	Well driller's report filed?		
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?			Measure device waiver requested?		

Priority Calculation

Date proof received	08/20/2003
Date proof due	- 12/01/2003
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 08/22/2002
New priority date	= 08/22/2002

Deficiencies of Actions Items

Acknowledge proof.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 10, 2003

TIMOTHY DEE CAMPBELL
15611 COUNTY ROAD 442
DEXTER MO 63841

RE: Permit No. 79-14012

Permit Approval Notice

Dear Permit Holder:

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

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

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

The Idaho Department of Fish & Game has authority under Section 36-906, Idaho Code, to require the installation of a fishway in a dam constructed on any stream in Idaho. A copy of Section 36-906, Idaho Code, is enclosed for your reference. Please contact the Department of Fish & Game to determine the fishway requirements applicable to your project.

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

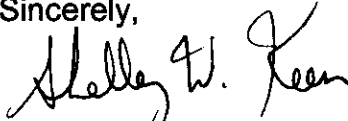
MICROFILMED

MAR 20 2003

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

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

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

MICROFILMED

MAR 20 2003

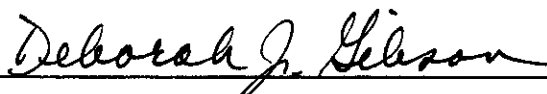
CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

79-14012

**TIMOTHY DEE CAMPBELL
RT 2 BOX 821
GRANGEVILLE ID 83530**

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

**Deborah J. Gibson
Administrative Assistant**

MICROFILMED

MAR 28 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

(Required by Rule of Procedure 730.02)

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

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.

APPROVED
JUL 11 2003

MEMORANDUM

Date: January 03, 2003
To: Water Right File 79-14012
From: dgibson
Re: Permit Review

This appropriation is located in the Salmon-Clearwater Moratorium area and is restricted to 1/2 acre or less surface area of storage and irrigated lawn/garden. Additionally, I recommend that the stockwater use be worded as "6 horses or cattle. Additionally, the applicant will be advised in the permit approval cover letter that the Idaho Fish & Game has the authority to require the installation of a fishway in a dam structure according to Section 36-906, Idaho Code.

In issuing the permit we clarified that it should have two points of diversion - one for the dam and one for the pump from the stream. Because this is a clarification, not a change of intent, an amendment is not required.

S. Keen
01/03/03

Temporarily away - send permit to:

15611 County Rd 442
Dexter Mo 63841

MICROFILMED

MAR 20 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

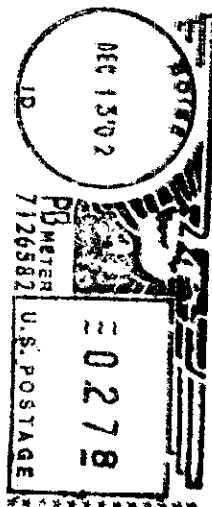
RECEIVED

DEC 20 2002

Department of Water Resources

TIMOTHY DEE CAMPBELL
RT 2 BOX 821
GRANGEVILLE ID 83530

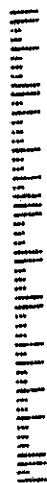
PRESORTED
FIRST CLASS



MICROFILMED
MAR 20 2003

CAMPBELL T835302022 1802 04 12/17/02
CAMPBELL RETURN TO SENDER
TEMPORARILY AWAY

1465204505331





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 12, 2002

TIMOTHY DEE CAMPBELL
RT 2 BOX 821
GRANGEVILLE ID 83530

Re: Application for permit no. 79-14012

Dear Mr. Campbell:

The Department of Water Resources (IDWR) is reviewing your application to appropriate water from Johns Creek for stockwater and domestic purposes. The Idaho Dept. of Fish & Game (IDFG) contacted IDWR to express concern that your proposal to construct a small dam would impede fish passage in Johns Creek. (Please see the enclosed printout of an email from Jerome Hansen of IDFG to Lori Graves of IDWR.)

Under the provisions of §42-203A, *Idaho Code*, IDWR must account for local public interest considerations when processing an application for a new water right. Water Appropriation Rule 45.e.ii. (IDAPA 37.03.08.045.e.ii.) includes fish and wildlife resources among the local public interest factors to be considered. I am forwarding IDFG's concerns to you so that you can comment and/or modify your proposal to address the concerns. Some options to consider include:

- Providing detailed plans showing how the dam can be constructed in a manner that does not impede fish passage.
- Constructing your reservoir off-stream rather than in the stream channel.
- Developing your water uses without creating a reservoir.
- Showing that Johns Creek has no resident fish populations.

Please address your written respond to me within **30-days** from the date of this letter. If I do not receive a response from you within 30 days, I will recommend that your application be approved with the condition that you may not construct a reservoir impeding fish passage on Johns Creek. If you have any questions, or need clarification, you may contact me at (208) 327-7946. If you would like to contact Jerome Hansen with IDFG, his phone number is (208) 799-5010.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

Encl.

C: Western Region

MICROFILMED

MAR 20 2003

Graves, Lori

From: Hansen,Jerome [jhansen@IDFG.STATE.ID.US]
Sent: Tuesday, October 22, 2002 2:58 PM
To: Graves, Lori
Subject: RE: Application for Permit No. 79-14012

Lori,

If I understand the application right, the applicant would like to build a 6 foot high dam on channel and create a .25 acre reservoir. As I mentioned before, we have concerns with structures across streams that will block or impede fish movements in the stream, either now or in the future. This stretch of John's Creek apparently contains pretty decent flows, and although currently degraded, has potential to be much improved in the future. I would think that the reservoir would fill in with sediment in a few years, which is an additional potential problem. We don't want to stand in the way of the applicants domestic water right, but would like to work with him to meet his needs while also protecting the stream. Some sort of an off-channel development would probably work better. Do we have to formally protest in order to achieve this? I'll give you a call to discuss in a couple of minutes. Thanks much.

-----Original Message-----

From: Graves, Lori [mailto:lgraves@idwr.state.id.us]
Sent: Tue 10/22/2002 9:38 AM
To: Hansen,Jerome
Cc:
Subject: RE: Application for Permit No. 79-14012

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MICROFILMED

MAR 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 12, 2002

TIMOTHY DEE CAMPBELL
RT 2 BOX 821
GRANGEVILLE ID 83530

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Sincerely,

Shelley W. Keen
Water Rights Supervisor

Encl.

C: Western Region

MICROFILMED

MAR 2 11 2003

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by lg Date 9/23/02 Application # 79-14012

Comments to
F+G

REQUIRED INFORMATION

RECEIVED

NOV 21 2002

Department of Water Resources

- ☒ Name (If applicant is a corporation or partnership, the 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 clarified
- ☒ 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 corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

Government Lots

☒ P/D
☒ P/U NO

ADDITIONAL INFORMATION

Y ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ Overlapping place of use (Describe source and relationship to present application on next page)
- ☒ Overlapping point of diversion
- ☒ Critical groundwater area
- ☒ Ground water management area
- ☒ 1992 moratorium
- ☒ Surface water source, IDFG letter needed
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to SCA staff (perennial stream, non-pump diversion &/or any mining)
- ☒ E-mail to Dam Safety staff (for any storage)
- ☒ Mitigation plan Check any that apply
- ☒ Immediate = acceptable plan required and submitted
- ☒ Future = open areas, acceptance of condition of approval is in file
- ☒ Send power requirement letter &/or fish farm requirement letter
- ☒ Power residency affidavit
- ☒ 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

clarification on surface area size
pond + lawn + garden = < 1/2 acre

Date Requested 9/23/02 Date Response Received 9/23/02

PROCESSINGAPPLICATION # 79-14012

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 NOTE IF E-MAIL COMMENT LETTER USED

YES NO

- ☐ ☒ I.D. Environmental Quality
☐ ☒ I.D. District Health
☒ ☐ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

- ☐ ☒ US BLM
☐ ☒ US Forest Service
☐ ☒ Water Dist # _____
☐ ☒ Water Planning Bureau
☐ ☒ 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

☐ ☒ Final date for protest 10-21-02

☐ ☒ Protests received

☐ ☒ Recommendations attached

☐ ☒ Measuring device required

☐ ☒ Water delivered by water master? District # _____

☐ ☒ Special conditions of approval or cover letter

IDWR retains jurisdiction of this water right if the need for fish passage is required by the Dept in the future. - per Gary Spackman

Recommended Date of Priority 8/22/02

Recommendation ☒ Approve ☐ Deny by Loi Gnanen Date 11/18/02

ADDITIONAL INFORMATION

☒ See attached proof report, note any Legal Notice Remarks &/or Comments

☒ See attached shapefile

overlap - 79-10154



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 25, 2002

RAYMOND E JOHNSTON
RT 2 BOX 839
GRANGEVILLE ID 83530

Re: Application for Permit No. 79-14012 in the Name of Timothy D. Campbell

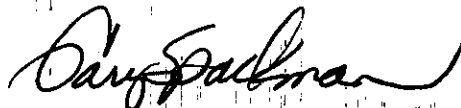
Dear Mr. Johnston:

We received your letter dated October 16, 2002 in which you expressed concerns about the approval of the above-referenced application for a water right. Please be advised, however, that the protest period ended October 21, 2002 and your letter was not received until October 22, 2002. Our office must receive the protest on or before the protest period is ended. Also, the protest fee of \$25.00 was not received. Pursuant to Idaho Code, we cannot recognize your letter as a protest. Your concerns, however, will be taken into consideration.

The department will now continue to process the application, subject to certain conditions of approval.

Please feel free to contact this office if you have questions.

Sincerely,



Gary Spackman

GS:st

MICROFILMED

MAR 20 2003

Graves, Lori

From: Hansen,Jerome [jhansen@IDFG.STATE.ID.US]
Sent: Tuesday, October 22, 2002 2:58 PM
To: Graves, Lori
Subject: RE: Application for Permit No. 79-14012

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MICROFILMED
MAR 20 2003

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MICROFILMED
MAR 20 2003

October 16, 2002

Raymond E. Johnston
Rt. 2 Box 839
Grangeville, ID 83530

RECEIVED
OCT 22 2002
WATER RESOURCES
WESTERN REGION

John Westra
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706

Dear Mr. Westra,

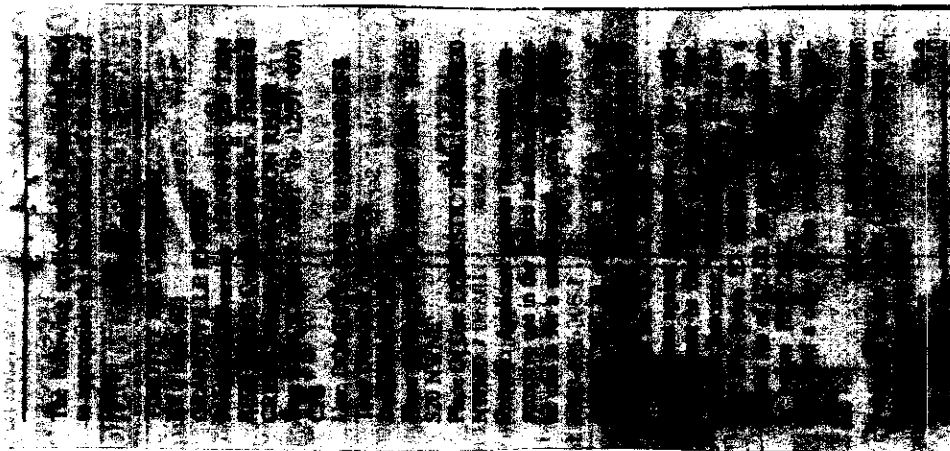
I am writing to protest water right application #79-14012 by Timothy Dee Campbell, Rt. 2 Box 821, Grangeville, ID 83530.

I feel granting the water right will impact the water availability on the stream. I also have concerns about the safety of the dam that has been constructed in the stream.

Sincerely yours,

Raymond E. Johnston

Raymond E. Johnston



MICROFILM

OCT 22 2002

RECEIVED

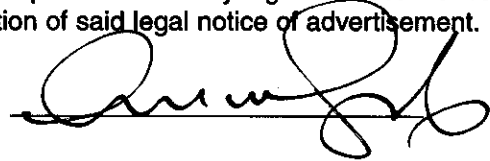
OCT 18 2002

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

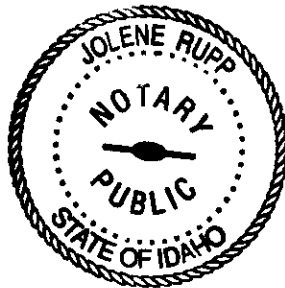
STATE OF IDAHO
County of Idaho - ss.

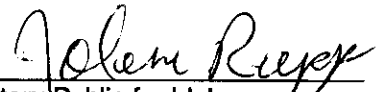
Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 2nd day of October, 2002; and the last publication on the 9th day of October, 2002; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)
COUNTY OF)

On this 9th day of October in the year of 2002, 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.




Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 7-29-07

MICROFILMED

MAR 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 25, 2002

STATE OF IDAHO
DEPT OF FISH & GAME
1540 WARNER AVE
LEWISTON ID 83501-5699

Re: Application for Permit No. 79-14012 in the Name of Timothy D. Campbell

Dear Sir:

Enclosed is a copy of the above-referenced application for permit that the proposed use is from surface water. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by October 21, 2002.

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

Sincerely,

Lori Graves

LG:st

Encl.

MICROFILMED

MAR 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 25, 2002

Legal Notice Department
IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE ID 83530

RE: Application for Permit No. 79-14012

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/21/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICRO

MAR 20 2003

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

79-14012

TIMOTHY DEE CAMPBELL
RT 2 BOX 821
GRANGEVILLE ID 83530

Point(s) of Diversion NWNWNE S20 T30N R02E IDAHO County Source JOHNS CREEK
Tributary To SALMON RIVER

Use: STOCKWATER 01/01 To 12/31 0.01 CFS

Use: DOMESTIC 01/01 To 12/31 0.02 CFS

Total Diversion: 0.03 CFS

Date Filed: 08/22/2002

Place Of Use: STOCKWATER

T30N R02E S20 NWNE

Place Of Use: DOMESTIC

T30N R02E S20 NWNE

Remark: Applicant agrees to mitigate consumptive use in the future as needed.
Domestic use is for a small pond, yard and garden area.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 10/21/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho County Free Press on October 2 and 9, 2002.

MICRO
MAR 20 2003