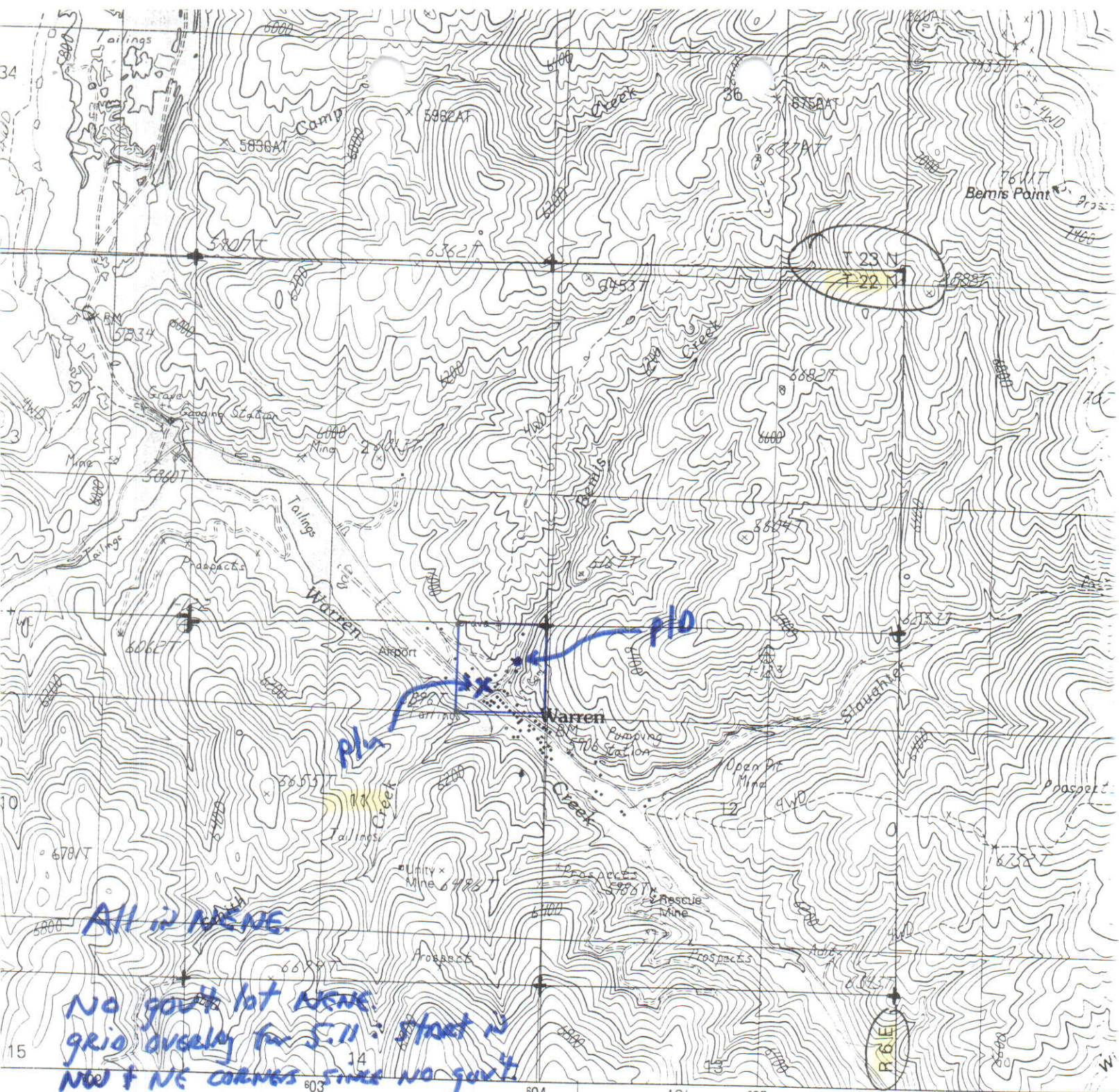


CONTOUR INTERVAL 40 FEET

To convert feet to meters multiply by .3048
To convert meters to feet multiply by 3.2808

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225
OR RESTON, VIRGINIA 22092

IOHR map from previous files & Warren

-SL 5/13/98

MICROFILMED

NOV 9 1998

QUADRANGLE LOCATION

1	2	3	1 Johnson Butte
			2 Cottontail Point
			3 Mackay Bar
4		5	4 War Eagle Mountain
			5 Burgdorf Summit
			6 Loon Lake
6	7	8	7 Pony Meadows
			8 Pilot Peak

ADJOINING 7.5' QUADRANGLE NAMES

WARREN

77-07371

IDAHO

Improv
Unimpr
Trail

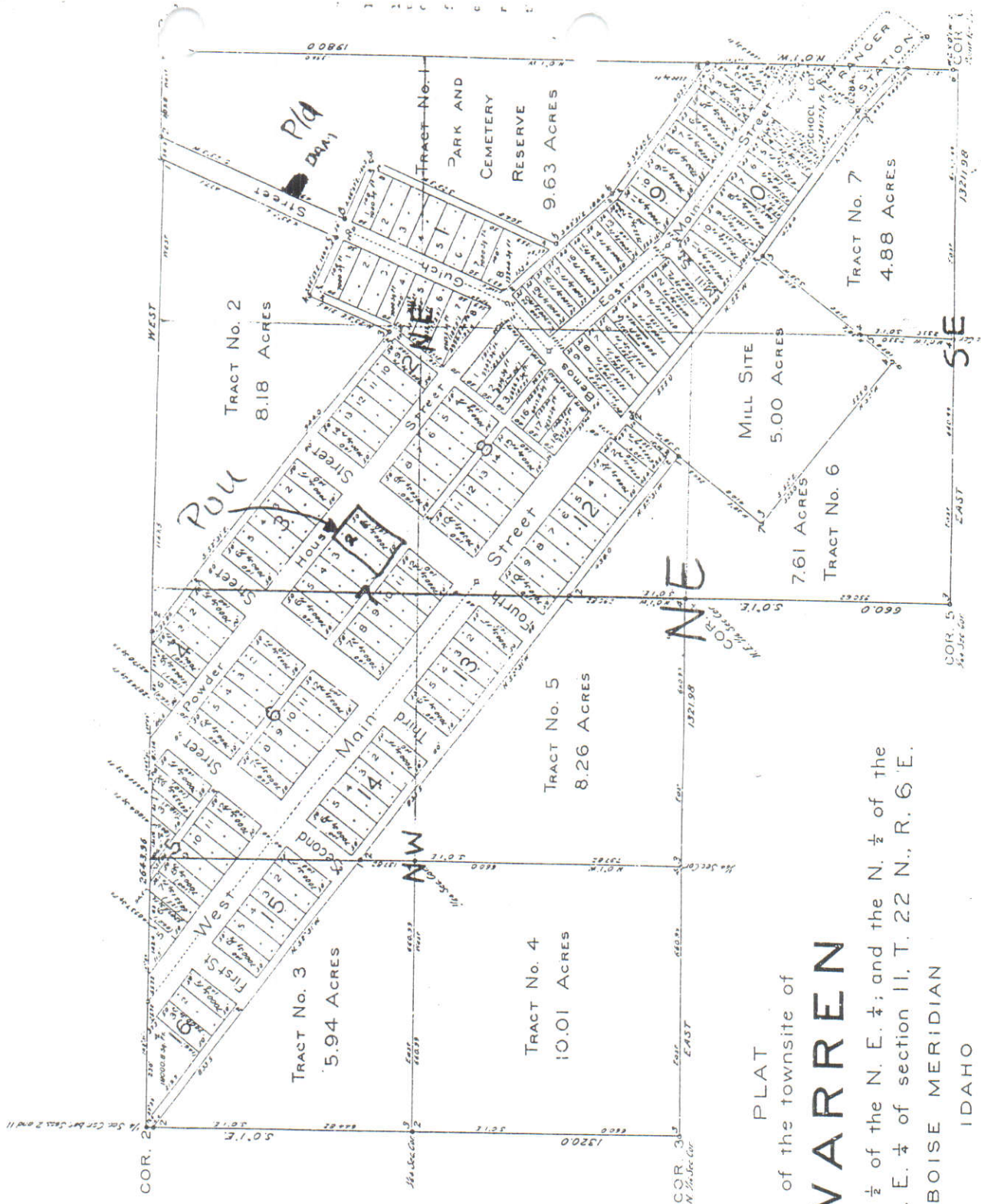
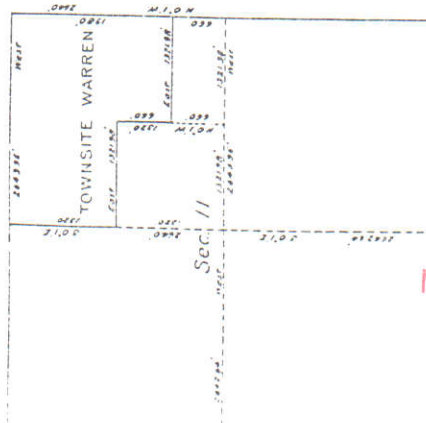
Inte

9/7/97

77-1371



Index Diagram
Scale 1/2 mile to an inch



PLAT
of the townsite of
WARREN

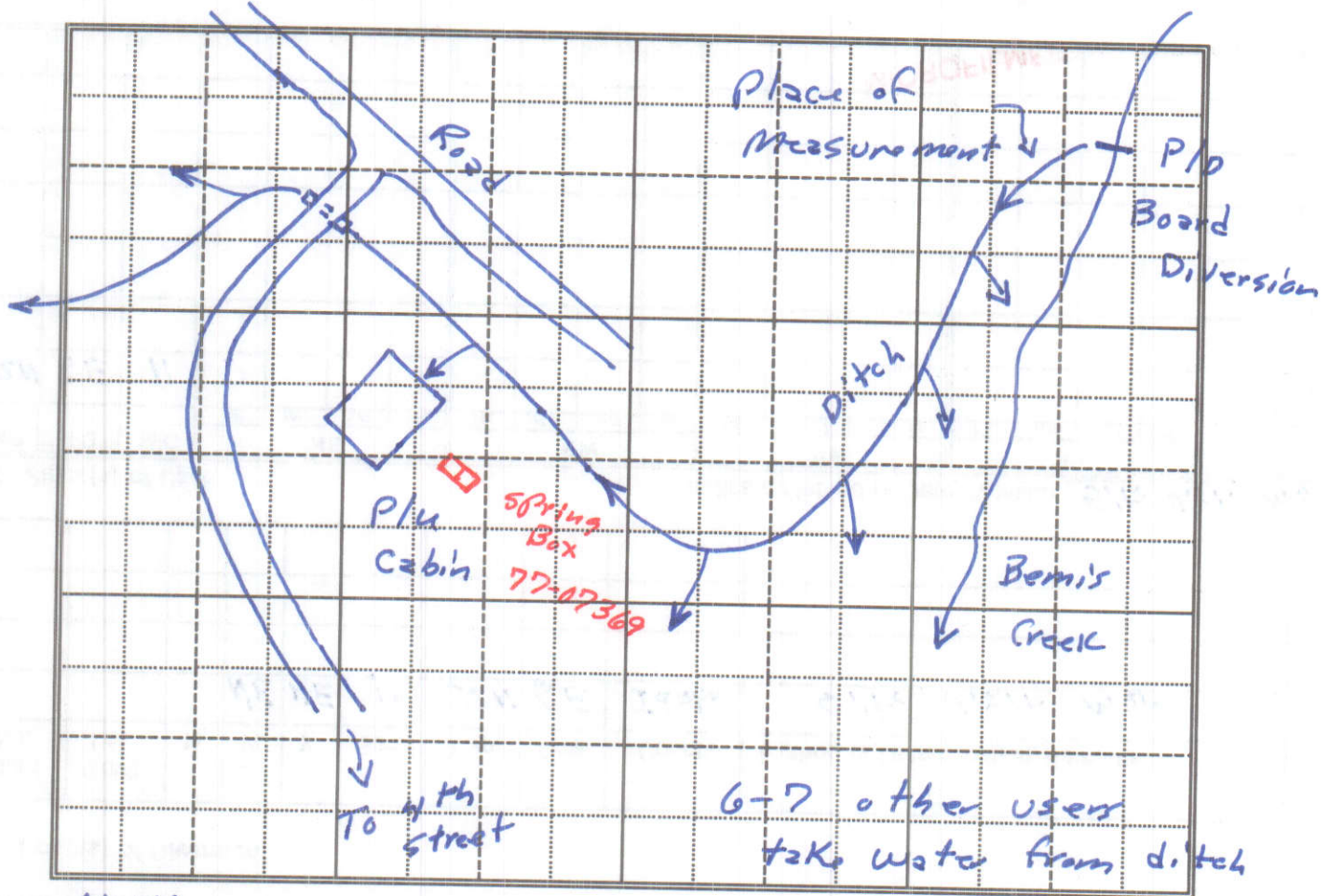
Embracing the N. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$; and the N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of section 11, T. 22 N., R. 6 E.

BOISE MERIDIAN
IDAHO

MICROFILMED
NOV 09 1998



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



Scale: 1" = None

☒ 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	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*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
<u>Velocity meter</u>	<u>Pygmy</u>					

2. Measurements: Flow in ditch

Av. Velocity = 3 fps

8"

12"

$$Q = \left(\frac{8"}{12}\right) \left(\frac{12"}{12}\right) (3 \text{ fps})$$

$$= 2.0 \text{ cfs}$$

MICROFILMED

JUN 20 2001



77-07371

To convert feet to meters multiply by .3048
To convert meters to feet multiply by 3.2808

1	2	3	1 Johnson Butte
			2 Cottontail Point
4		5	3 Mackay Bar
			4 War Eagle Mountain
			5 Burgdorf Summit
6	7	8	6 Loon Lake
			7 Pony Meadows
			8 Pilot Peak

ADJOINING 7.5' QUADRANGLE NAMES

P/D, 77-07369
Lot 1, B1K 7

P/u: 77-7369

77-07371

Lot 1 & 2, B1K 7

P/D
Bemis Creek
77-07371



Index Diagram
Scale 1/4 mile to one inch



MICROFILMED
JUN 20 2001



PLAT
of the townsite of

WARREN

Embracing the N. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$; and the N. $\frac{1}{4}$ of the
S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of section 11, T. 22 N., R. 6 E.

BOISE MERIDIAN

IDAHO

77-07369
77-07371

1 of 2

P/O

Board

Diversion

on

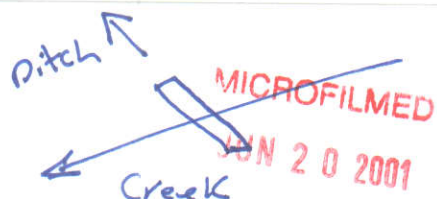
Bemis's

Creek

Ditch is
to right
→
of
diversion

P/O

on Bemis's
Creek.



77-07371

2 of 2

P10

Pitch

down -
stream

of
diversion.



P14

Ditch

above

Cabin

where

owner

takes off

his water.



P14 - Cabin
MICROFILMED
JUN 20 2001

77-07371

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 77-07371

Priority: May 05, 1998

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 0.6 AF

It is hereby certified that MICHAEL J PANIKE
5546 HWY SPUR 95
ONTARIO OR 97914 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 05, 1998; and has
submitted Proof of Beneficial Use on August 14, 1998. An examination indicates that the works have a
diversion capacity of 2 cfs of water from:

SOURCE

BEMIS CREEK

Tributary: WARREN CREEK

and a water right has been established as follows:

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

LOCATION OF POINT(S) OF DIVERSION:

BEMIS CREEK NE¼NE¼ Sec. 11, Twp 22N, Rge 06E, B.M., IDAHO County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
22N	06E	11	X																

CONDITIONS OF APPROVAL

1. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
2. Domestic use is for external use for 1 home.
3. Point of diversion is located within Tract 1, Township of Warren.
4. Place of use is located within Lots 1 - 2, Blk. 7, Township of Warren.
5. Right 77-02030 is also diverted through the point of diversion described above.

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 used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 16TH day of MARCH, 2001.

MICROFILMED
JUN 20 2001
Acting for

KARL J. DREHER
Director

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 013131
Receipt By: [Signature]
Date Received: 8/14/98
RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AUG 14 1998

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. 177-07371 Telephone No. (541) 262-3641
2. Name(s) of Permit Holder(s): MICHAEL J PAWITKE
3. Mailing Address: 5546 Hwy Spur 95 Ontario, ORE 97914
4. Source of Water: BEMIS CREEK If **GROUNDWATER** (well), Date Drilled: mo. NONE / yr. NONE
 - a. Well Driller: NONE Drilling Permit Number: NONE
 - b. **OPTIONAL:**
Pump Horsepower: NONE Pressure (psl): NONE Dynamic pumping level (ft): NONE
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): ONE Stockwater (No. and type of stock): NONE
Irrigation (No. of acres): NONE Other: NONE
6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR NONE 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: \$ 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: MICHAEL J PAWITKE Telephone Number: (541) 262-3641
Address: 5546 Hwy Spur 95 Ontario, OREGON 97914

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:

[Signature]
(include your title, if on behalf of company or organization)

MICROFILMED
NOV 9 1998

Date:

8/12/98

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 77-07371

Proposed Priority: May 5, 1998

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **MICHAEL J PANIKE**
5546 HWY SPUR 95
ONTARIO OR 97914

has applied for a permit to appropriate water from:
BEMIS CREEK tributary of **WARREN CREEK**

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

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

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 11, Township 22N, Range 06E
IDAHO County

PLACE OF USE: DOMESTIC

TWN RGE SEC

22N 06E 11

NENE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **August 1, 1999**.
2. Subject to all prior water rights.
3. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Point of diversion is located within Tract No. 1, Township of Warren.
6. Place of use is located within Lots 1-2, Blk. 7, Township of Warren.
7. Domestic use is for 1 home.

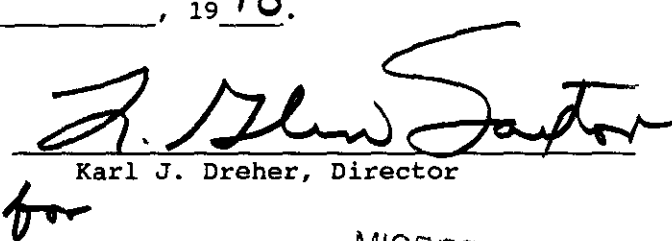
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

30

day of

July

, 19 98.


Karl J. Dreher, Director

MICROFILMED

NOV 09 1998

RECEIVED

MAY 05 1998

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 77-07371

RECEIVED

JUL 22 1998

DEPARTMENT OF WATER RESOURCES

Pay 208-549-2332

1. Name of Applicant Michael J Panike Phone 541-262-3641
Mailing address 5546 Hwy Spur 95 Ontario, ORE 97914
2. Source of water supply Bemis Creek which is a tributary of WARREN CREEK
3. Location of point of diversion is Township 22 N Range 6 E Sec. 11 in the N/E 1/4,
OF NE 1/4, 1/4, Govt. Lot —, B.M., — Idaho County;
additional points of diversion if any: ONE

4. Water will be used for the following purposes:

Amount 0.04 for DOMESTIC purposes from JAN 1 to DEC 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.04 and/or (b) NONE
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 STICKS AND BOARD
DAM, DITCH CONVEYS WATER FROM DAM TO PLACE OF USE.
b. Height of storage dam 2 OR 3 FT. feet; active reservoir capacity NONE acre-feet; total
reservoir capacity NONE acre-feet
c. Proposed well diameter is NONE inches; proposed depth of well is NONE feet
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? NONE; Drilling firm NONE;
Well was drilled for (well owner) NONE; Drilling Permit No. NONE

7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in KW. NONE
b. Stockwatering; list number and kind of livestock. NONE
c. Municipal; show name of municipality. NONE
d. Domestic; show number of households. ONE
e. Other; describe fully. NONE

MICROFILMED

NOV 9 1998

9. Description of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	6E	11	D																

Total number of acres to be irrigated NONE

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? UNABLE TO FIND OUT

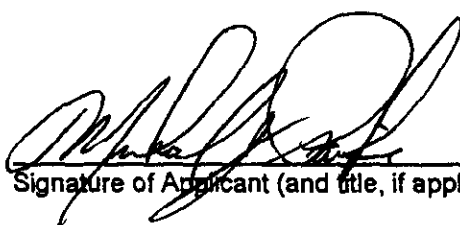
b. Who owns the land to be irrigated or place of use? APPLICANT

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

12. Remarks: Block 7 lots 1 and 2

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

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


Signature of Applicant (and title, if applicable)

MICROFILMED
NOV 09 1998

Received by AD Date 5-5-98 Time 11:00 am Preliminary check by R
 Fee \$ 50 Received by AD # 10023835 Date 5-5-98
 Publication prepared by AD Date 5-14-98 Published in Idaho Farm Press
 Publication approved AD Date 6-16-98 5-20-98

Ident. No. 77-07371

Comments: Date: 5/13/1998 User-ID: SLESTER

Subject: OTHER INFORMATION FROM APPLICANT & IDWR

Property aka Lots 1 & 2, Block 7 of Warren Townsite.

Applicant not sure of P/D land ownership. Appears from Payette Nat'l. Forest map (on file at Western Region) that all is on private land.

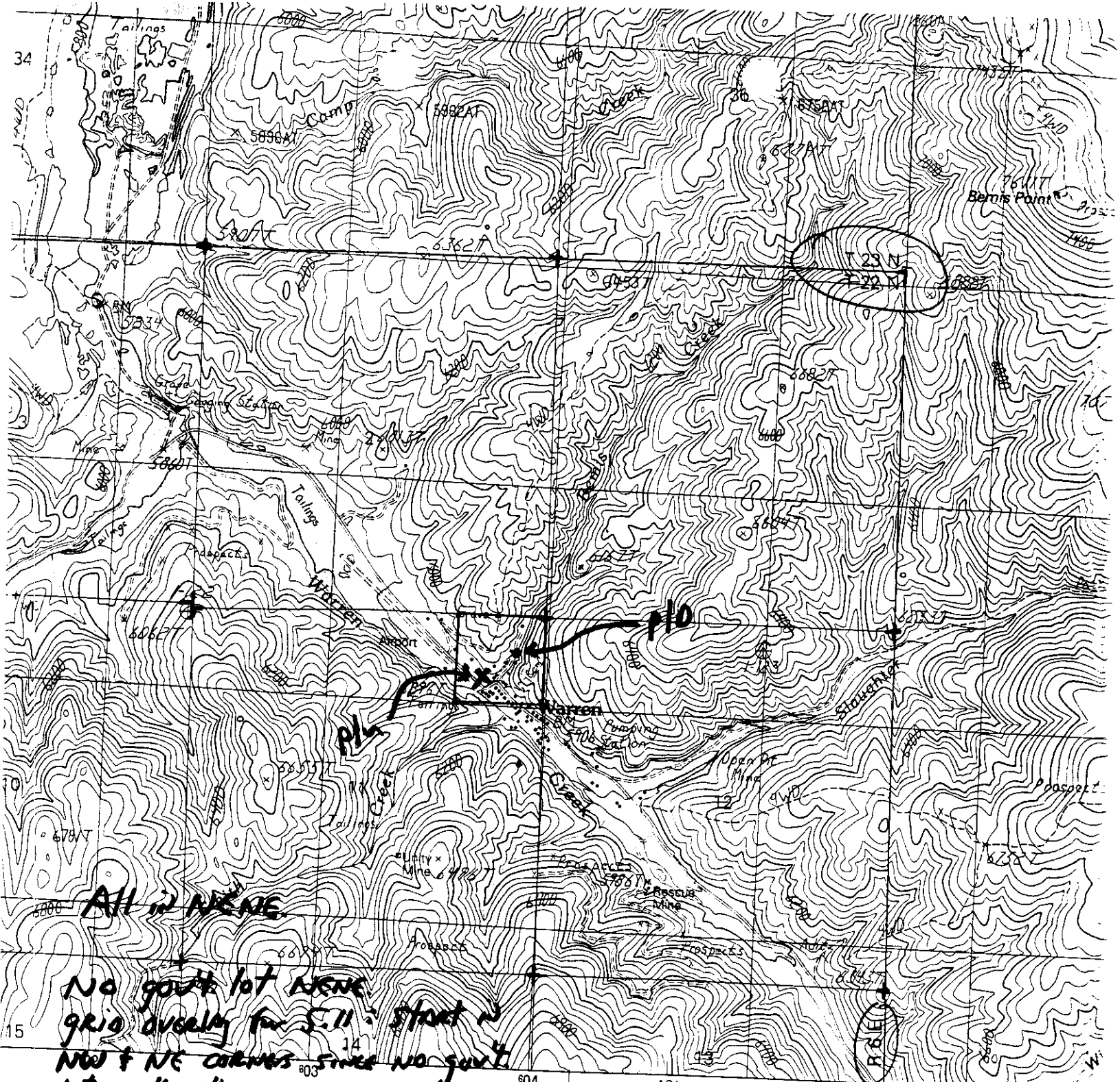
Domestic use can be processed within Salmon River Moratorium.

Per IDFG Bull Trout habitat map, Warren Creek is "suspected" b.t. habitat so IDFG comment letter required.

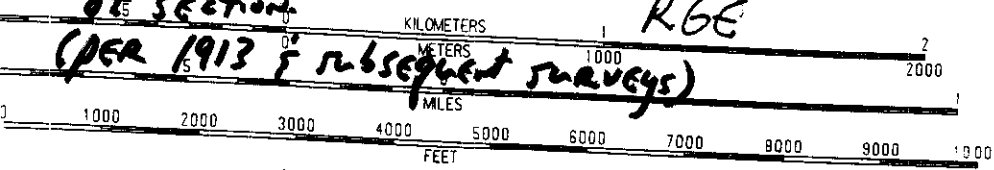
Domestic use is for 1 home (can include yard within Salmon R. Moratorium limits).

MICROFILMED

NOV 09 1998



INTERIOR GEOLOGICAL SURVEY, RESTON, VIRGINIA-1990



CONTOUR INTERVAL 40 FEET
To convert feet to meters multiply by .3048
To convert meters to feet multiply by 3.2808

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225
OR RESTON, VIRGINIA 22092

MICROFILMED

LOWR map from previous files changed 9 1998

-SL 5/13/98

77-07371
IDaho
QUADRANGLE LOCATION
Q63

1	2	3	1 Johnson Butte
			2 Cottontail Point
4		5	3 Mackay Bar
			4 War Eagle Mountain
			5 Burgdorf Summit
6	7	8	6 Loon Lake
			7 Pony Meadows
			8 Pilot Peak

ADJOINING 7.5' QUADRANGLE NAMES

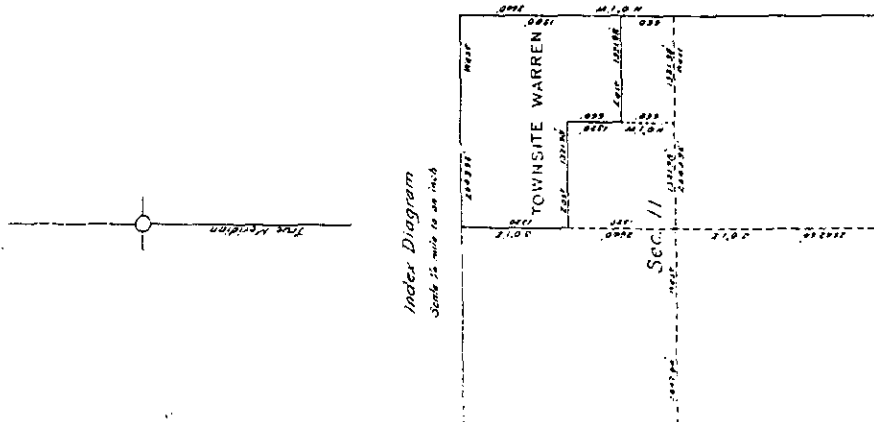
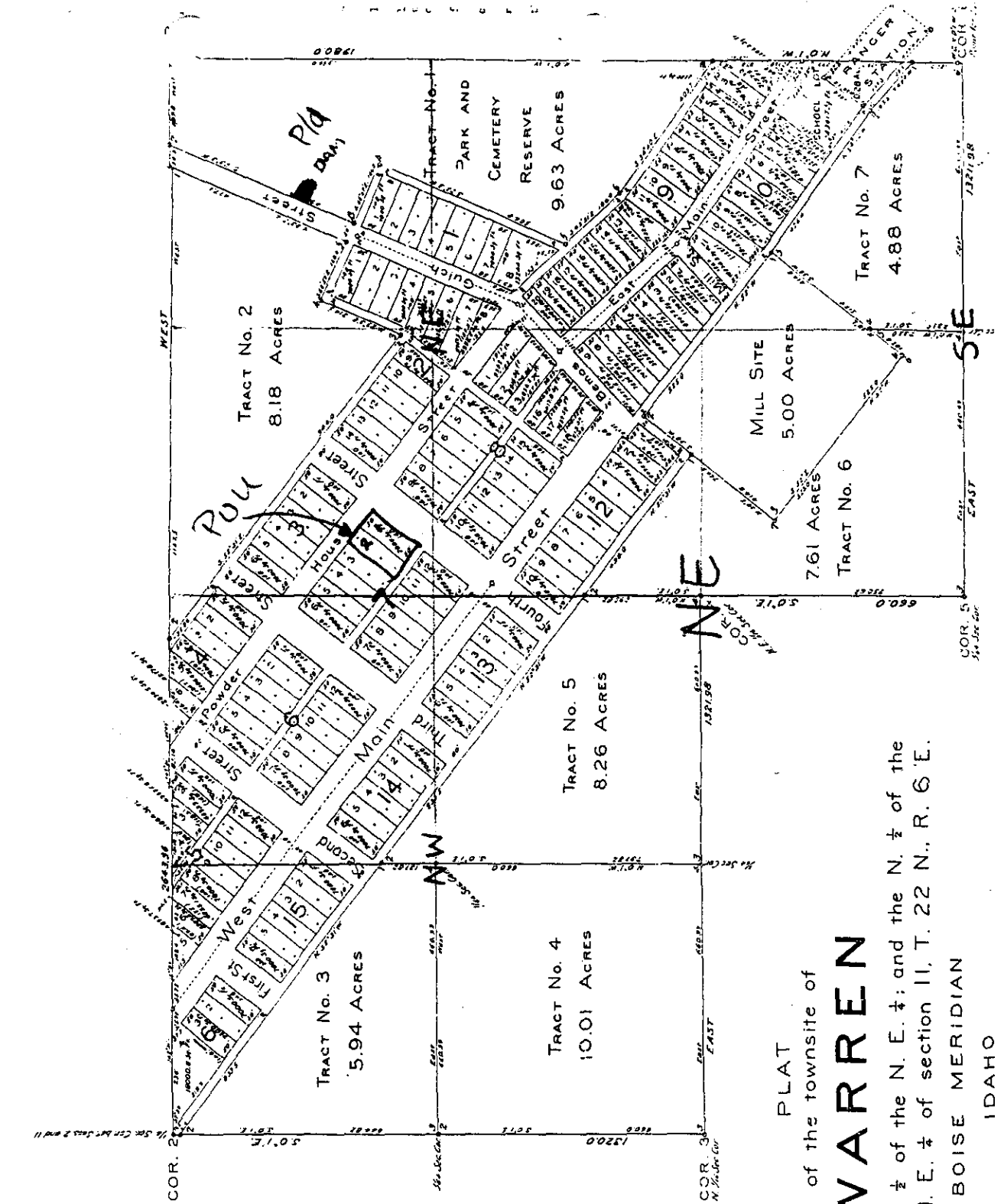
WARREN

Improv
Unimpr
Trail

Inte

9/7/97

77-7371



MICROFILMED
NOV 09 1998

Embracing the N. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$; and the N. $\frac{1}{2}$ of the S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of section 11, T. 22 N., R. 6 E.



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

March 19, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MICHAEL J PANIKE
5546 HWY SPUR 95
ONTARIO OR 97914

RE: License No. 77-7371 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 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.

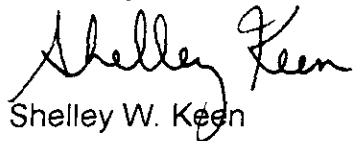
Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

MICROFILMED

MAR 20 2001

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klr

Enclosure(s)

MICROFILMED

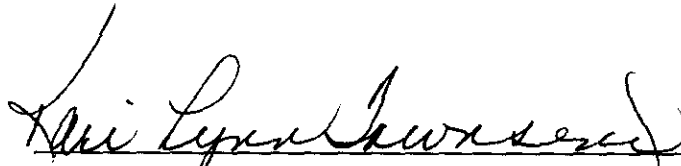
JUN 20 2001

CERTIFICATE OF MAILING

I hereby certify that on March 19, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 77-7371

**MICHAEL J PANIKE
5546 HWY SPUR 95
ONTARIO OR 97914**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
JUN 20 2001**

**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).

MICROFILMED

JUN 20 2001

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.

MICROFILMED

JUN 28 2001

LICENSE REVIEW CHECKLIST

Permit No. 77-07371 Date: 3-13-2001 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK

Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s):

File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.04 cfs
Fee Limit _____ cfs
Measured 2.0 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 0.04

Season of Use per new Standards

Water Uses

Change (P46)

Irrigation _____ cfs _____ af
Stockwater _____ cfs _____ af
Domestic 0.04 cfs 0.16 af
_____ cfs _____ af
_____ cfs _____ af
Total 0.04 cfs 0.16 af

~~Irrigation - overlap(R58-R61, R62-R65, R66-R69)~~
~~supp. Gw (WB7/065/104)~~
~~overlap spec combined rts (W35)~~
~~1 acre (W31)~~
~~Domestic (W01/wb5/070/071/075)~~
~~Power (W42 or W43/025/027/R22 or R23)~~
~~Fish (042)~~
~~Fish (077)~~
~~Water Quality (081/R07)~~
~~Payette - (W22/047/27A)~~
~~Stockwater for US (R37)~~

Volume Determination

_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: _____

Additional Conditions

☒ Watermaster Control
☒ GW Measurement/Measuring Device
☐ Other
Trust ~~(052)~~ R55 - remove 051
Non-trust (048/049)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes If yes, explain why below.
no

SRBA Claim?

not req'd

Adjust memo _____

Amend Letters

P87, S06

Second Amendment Notice

S06

*- same ditch under
77-07371 - no claim
in SRBA for that
license*

*Domestic - in house.
77-07369 - also in license
process*

P/D overlaps

Basin	Sequence	Basis	Status	Priority	Date	Diversion	Source List	Water Use List	Owner List	Source Table
→ 77	10036	Beneficial Use	Active	7/1/35	0.04	BEMIS CREEK		DOMESTIC	CARRIE MEFFORD and PAMILY MEFFORD (Current Owners)	wrAdjudicationClaim
→ 77	13850	Beneficial Use	Active	12/31/31	0.04	BEMIS CREEK		DOMESTIC	CLARENCE E SMITH (Current Owner)	wrAdjudicationClaim
→ 77	13936	Beneficial Use	Active	1871-01-01	0.02	BEMIS CREEK		STOCKWATER	BLM (Current Owner)	wrAdjudicationClaim
→ 77	2030	License	Active	6/1/17	2	BEMIS CREEK		DOMESTIC	FRANK HANTHORN (Current Owner)	wrWaterRight
→ 77	7371	License	DRAFT Active	5/5/98	0.04	BEMIS CREEK		DOMESTIC	MICHAEL J PANIKE (Current Owner)	wrWaterRight
→ 77	7374		Active	5/5/98	0.04	BEMIS CREEK		DOMESTIC	MICHAEL J PANIKE (Current Owner)	wrWaterPermit

yes
INC DL
DL

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB - 7 2000

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 77-07371

1. Owner: Michael J. Panike Phone No. (541) 262-3641

Current Address: 5546 Hwy Spur 95, Ontario, OR 97914

2. Accompanied by: Mike Panike EXAM DATE: 10-15-99

Address: Same Phone No. Same

Relationship to Permit Holder: Same

3. Source: Bemis Creek tributary to Warren Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 77-07369

2. Other water rights with the same point of diversion: 77-02030, maybe others

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
			NE	NE	11	22N	6E	Idaho	Site Visit, map

2. Place(s) of Use:

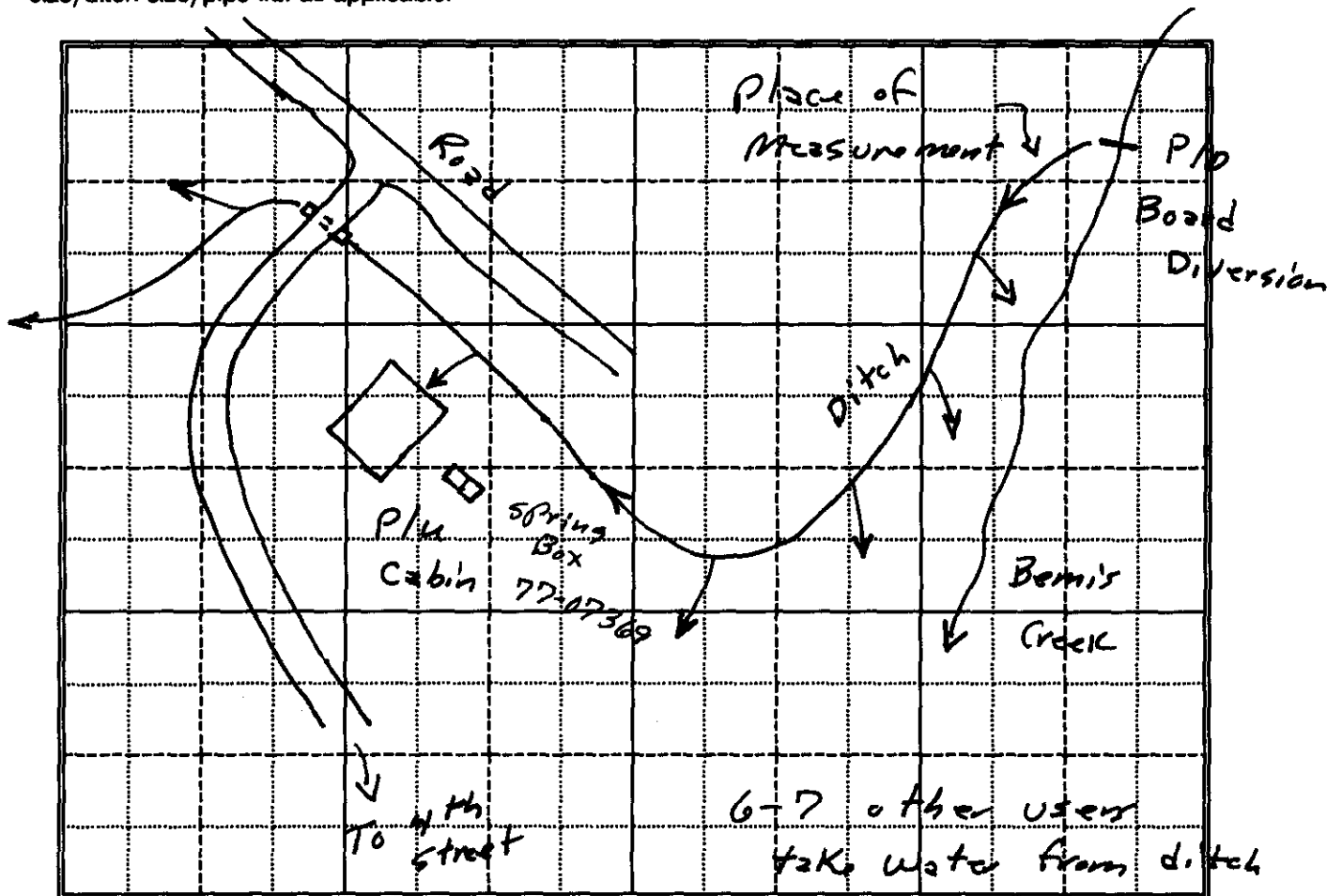
Indicate Method of Determination Site Visit, map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	6E	11	D																

MICROFILMED

JUN 28 2000

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



Scale: 1" = 100 ft

☒ 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	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*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
Velocity meter	Pygmy					

2. Measurements: Flow in ditch

$$Q = \left(\frac{8}{12}\right) \left(\frac{12}{12}\right) (3 \text{ fms})$$

$$\text{AV. Velocity} = 3 \text{ fps} \quad \underline{8''} = 2.0 \text{ cfs}$$

MICROFILMED 24

JUN 2 1980

E. NARRATIVE/REMARKS/COMMENTS

1. This permit is for domestic water use from Bemis Creek. The owner uses this water for irrigation at his yard/garden at his cabin, and it would be for external domestic use only.
2. Internal domestic use at the cabin is from a spring located adjacent to the cabin under WR 77-07369.
3. An old board type diversion in Bemis Creek diverts water into an old ditch constructed along the hillside above the creek. This old ditch was probably constructed in the early development of the Warren town site, and now has 6-7 other users on it. Water is diverted into the ditch, and taken off at various points by different people.
4. Mike Panike takes his water from the ditch above his cabin, and it gravity flows onto his lots.
5. The point of diversion is in Tract #1, Township of Warren, and the cabin is located on lots 1-2, B1K 7, Township of Warren.

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

6. Cond. 3 - There are no fish screens in the ditch at the diversion on Bemis Creek.

JUN 20 2001

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: Pymy Velocity meter

Av. Vel. = 3 fps

main ditch just downstream

of diversion on Bernig Creek:

$$Q = \left(\frac{8''}{12}\right) \times \left(\frac{12''}{12}\right) / (3.0 \text{ fps})$$

$$= \underline{2.0 \text{ cfs}}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

Allow 0.04 cfs external domestic

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\text{from ditch use,}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

External Domestic - irrigation
of yard/garden at cabin,
1/2 Ac. or less.

$$AFA = \underline{0.6 \text{ AFA}}$$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Domestic</u>	<u>01/01</u>	<u>12/31</u>	<u>0.04</u>	<u>0.6</u>
Totals:			<u>0.04</u>	<u>0.6</u>

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. AUTHENTICATION

Field Examiner's Name LDan Zambel Date 12/14/99

Reviewer _____ Date _____

MICROFILMED

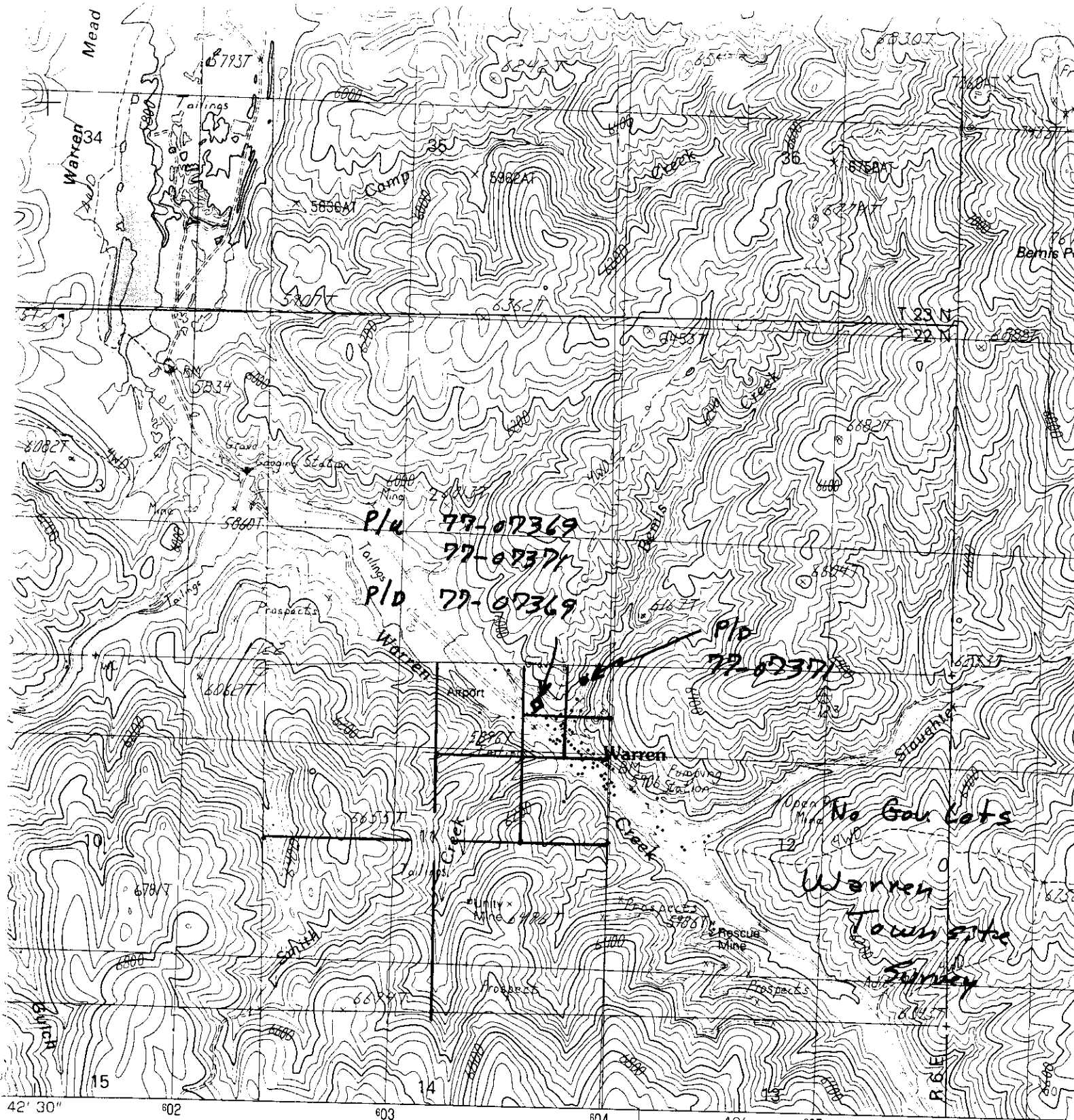
JUN 24 2000

The div. rate
could be
reduced to

0.02 cfs since
it is external

SEAL

~~only~~ only.
Use



T 22 N, R 6 E SCALE 1:24 000 Sec. 11, NENE

INTERIOR GEOLOGICAL SURVEY, RESTON, VIRGINIA-1990

MICROFILMED

JUN 20 2001

IDAHO

QUADRANGLE LOCATION

1	2	3	1 Johnson Butte
			2 Cottontail Point
4		5	3 Mackay Bar
			4 War Eagle Mountain
			5 Burdord Summit
			6 Loon Lake
6	7	8	7 Pony Meadows
			8 Pilot Peak

ADJOINING 7.5' QUADRANGLE NAMES

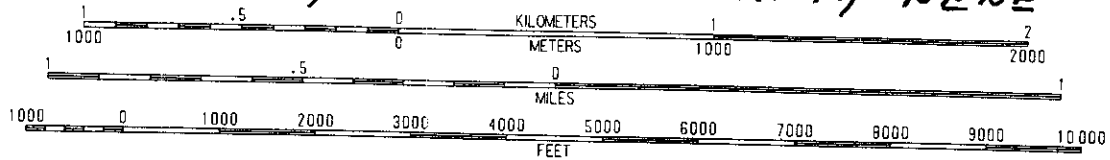
CONTOUR INTERVAL 40 FEET

To convert feet to meters multiply by .3048

To convert meters to feet multiply by 3.2808

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225
OR RESTON, VIRGINIA 22092

77-07369
77-07371

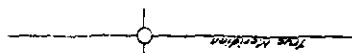


P/D, 77-07369
Lot 1, BIK 7

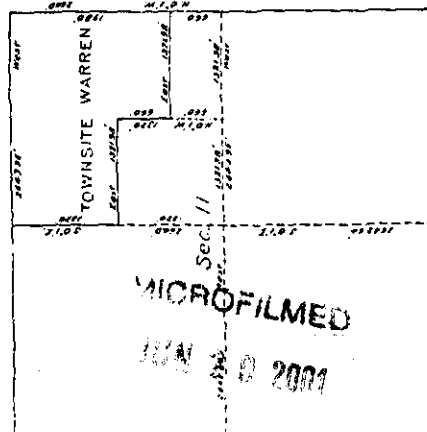
P/u: 77-7369
77-07371

Lot 1 & 2, BIK 7

P/D
Bemis Creek
77-07371

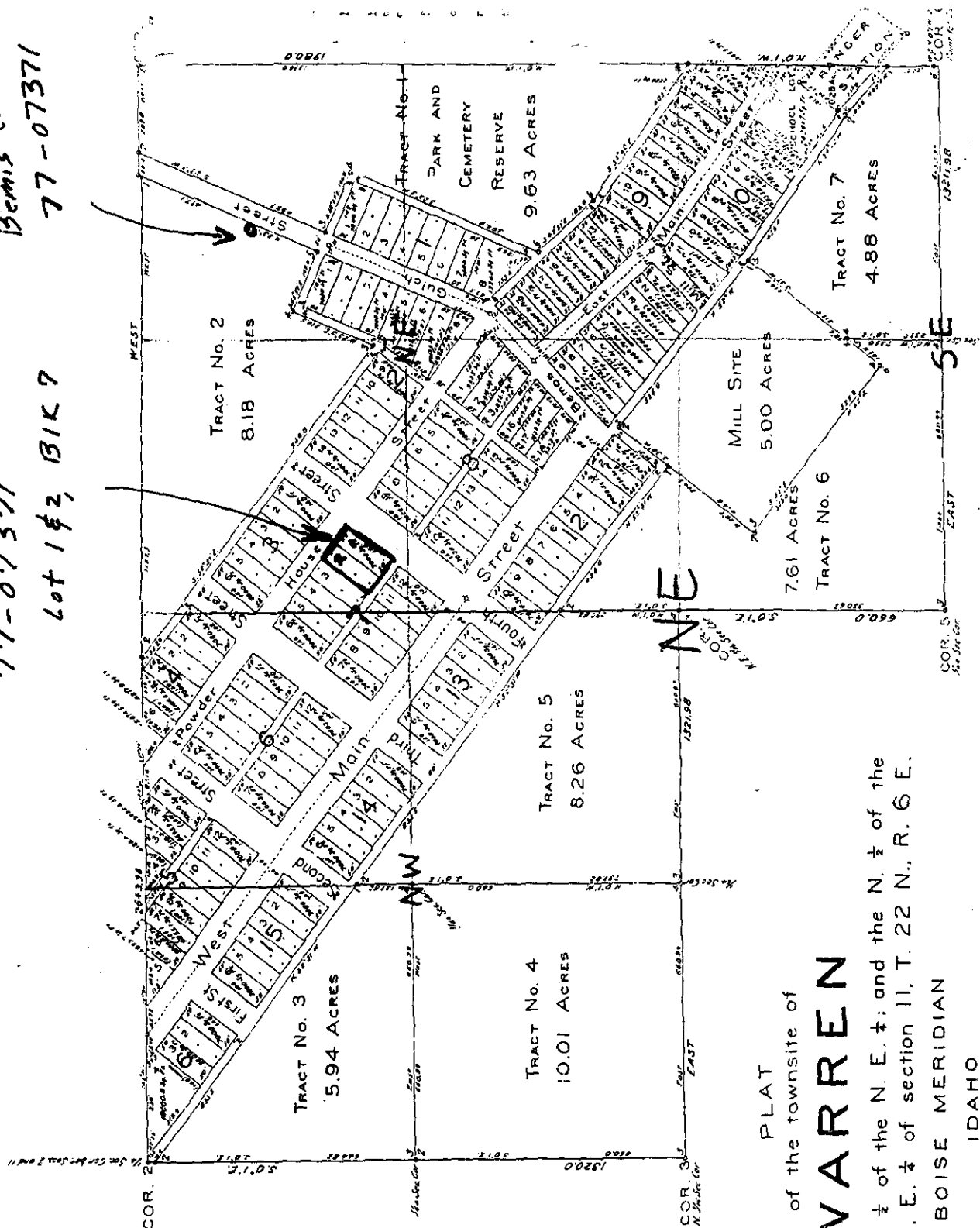


Index Diagram
Scale 1/4 mile to an inch



MICROFILMED

JUN 10 2001



PLAT
of the townsite of

WARREN

Embracing the N. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$; and the N. $\frac{1}{4}$ of the
S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of section 11, T. 22 N., R. 6 E.

BOISE MERIDIAN

IDAHO

77-07369

77-07371

1 of 2

P/O

Board

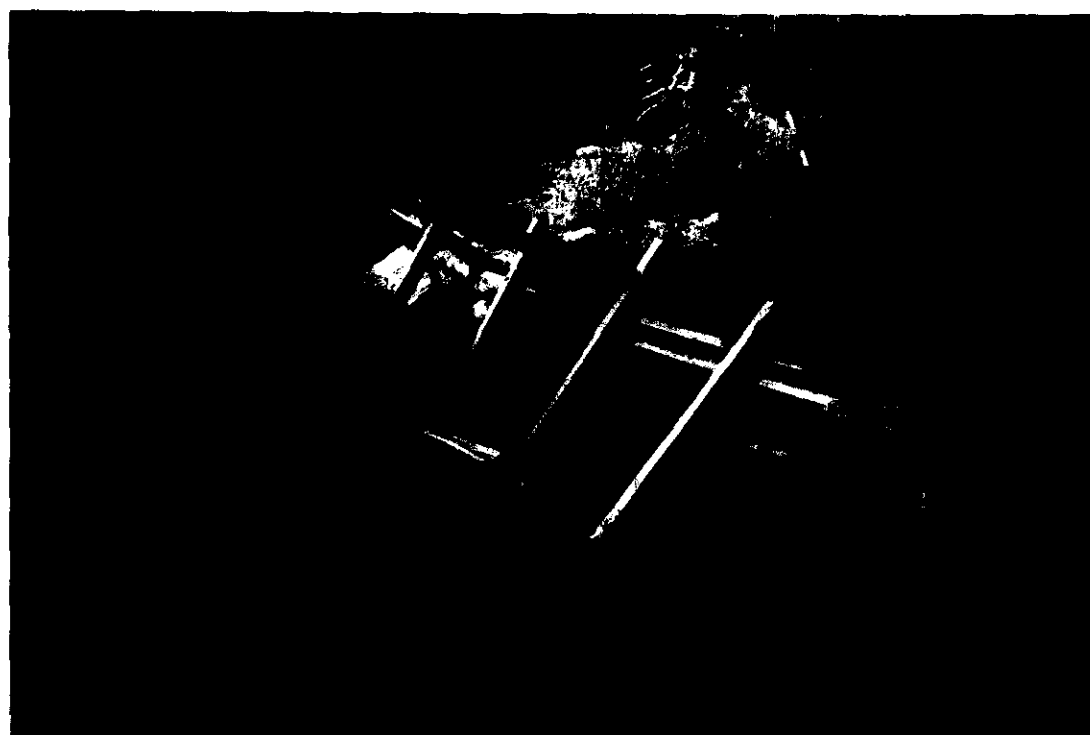
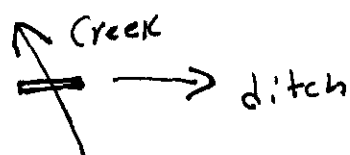
Diversion

on

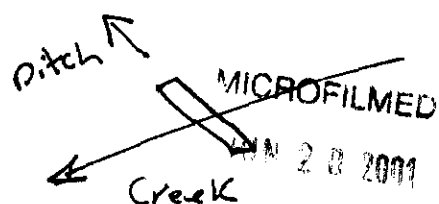
Bemis's

Creek

Ditch is
to right
→
of
diversion



P/O
on Bemis's
Creek.



77-07371

2 of 2

P/10

Pitch

down-
stream

of
diversion.



P/14

Ditch

above

Cabin

where

owner

takes off

his water.



P/14 - Cabin

MICROFILMED

JUN 20 2001

77-07371

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 77-07371 Reviewed by [Signature] Date 9-28-98

GENERAL CONSIDERATIONS

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

TYPES OF USE

dom.

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

_____ Correct?

☐ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50- Amount Submitted
yes Correct?

MEASURING DEVICE

NO Required?
1 Installed?
1 Waiver requested?

PRIORITY CALCULATION

Date proof received	_____
Date proof due	_____
No. of days late	_____
Priority Date	_____
New Priority Date	_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X Proof Made 8-14-98



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 29, 1998

Michael J Panike
5546 HWY Spur 95
Ontario OR 97914

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 77-07371

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.

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

If you have questions concerning the field examination, please contact the department's **WESTERN** Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
NOV 09 1998



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

July 30, 1998

PHILIP E. BATT
GOVERNOR

MICHAEL J PANIKE
5546 HWY SPUR 95
ONTARIO OR 97914

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 77-07371

Dear Permit Holder:

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

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

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.

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.

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.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

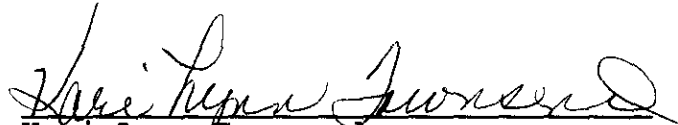
MICROFILMED
NOV 09 1998

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of July, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 77-07371

MICHAEL J PANIKE
5546 HWY 8PUR 95
ONTARIO OR 97914


Kari Lynn Townsend
Secretary

MICROFILMED

NOV 09 1998

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

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

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.

MICROFILMED

NOV 09 1998

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*

No.: 77-7371 Name: Panike Date: 7/29/98 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN: - No/Yes: SLC Mor / GWMA / Trust / Non-trust
PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- WMD Supplemental use - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

DRILLING PERMIT:

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)

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

- IN/ABOVE MIN. STR. FLOW (✓ MAP) - *WB9
- WD (✓ MAP & LISTING) - R04 (WD #)
- > 0.10 cfs - 01J-P08 (MD & LD)
- ≤ 0.10 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22 -P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA

USE:

- Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- > 1 in rest. area - 071-070
- Fire Protection - 077
- Fish Propagation - 029-007-042(req)-081 (WQ)-P10
- Heating/Cooling - R07 (injection well)
- Irr ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- Mining - 054(req) -081-P10
- Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
- Power - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- Stockwater - R37 (BLM/USFS); NA
- Storage (✓3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

- 42-248 area - P84 (in 20/30/40/50/60/70/80 (87) basin)
- Boise Front LoGeo - 058 (<85° GW temp only)
- In-stream dev. - P52 (stream channel alteration)
- Mitigation - 120

SWAN FALLS FLAG (See Code Chart)

- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- 1 W01/1 2 W59 3 W60

- 8/1/1999

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

JUL 22 1998
DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: JS DATE: 5/13/98 APPLICATION: 77-07371

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. $\geq$ 5 homes in non-restricted area)
- ☐ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☐ Correct fee paid
- Gov't. Lots:
 P/D
 P/U

ADDITIONAL INFORMATION

N ADVERTISE REMARK(S)
(Reviewer identify which remarks)

N T FLAG CHANGED TO P FLAG

- | YES | NO | |
|------------|-----------|---|
| <u>N/A</u> | | Overlapping place of use: (Describe source & relationship to present application on next page.) |
| <u> </u> | <u> </u> | Overlapping point of diversion. |
| <u> </u> | <u> </u> | Critical groundwater area: |
| <u> </u> | <u> </u> | Groundwater management area: |
| <u> </u> | <u> </u> | 1992 moratorium: <u>0/1 use ok Salmon R. moratorium</u> |
| <u> </u> | <u> </u> | Bull trout impact area |
| <u> </u> | <u> </u> | E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining). |
| <u> </u> | <u> </u> | E-mail to Dam Safety staff: (for any storage) |
| <u> </u> | <u> </u> | Mitigation plan: Check any that apply. |
| <u> </u> | <u> </u> | <u>N/A</u> immediate = acceptable plan required and submitted. |
| <u> </u> | <u> </u> | <u>N/A</u> future = open areas, acceptance of condition of approval is in file. |
| <u> </u> | <u> </u> | Send power requirement letter: |
| <u> </u> | <u> </u> | Send fish farm requirement letter: |
| <u> </u> | <u> </u> | Power residency affidavit: |
| <u> </u> | <u> </u> | Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.) |
| <u> </u> | <u> </u> | *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT |
- Small 0/1 system
- e-mail sent to g.g. 5/12/98

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO. 77-07371

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. Health & Welfare
☐ ☒ I.D. District Health
☒ ☐ I.D. Fish & Game
☐ ☒ I.D. Lands

YES ☒ NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Other _____

For Comment letter:
just original appl. plus
I and topo map copy
is ok.

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 6-8-98
☐ ☒ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Measuring port required:
☐ ☒ Water delivered by water master? District # _____
☐ ☒ Special conditions of approval or cover letter: _____

See below for additional information
Recommended Date of Priority 5/5/98
Recommended by: Garys Date: 7/20/98

STATE OFFICE REVIEW _____

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

Appears ~~approved~~ can approve unless IDFG concerns
e Bull trout impacts prevent approval (see d'base
Comments).

AFFIDAVIT OF PUBLICATION

NOTICE OF APPLICATION FOR WATER RIGHT

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

77-07369

PANIKE, MICHAEL J
5546 HWY SPUR 95
ONTARIO, OR 97914
Source: SPRING Tributary: SINKS
Diversion Pt: NWNENE Sec 11 T 22N R 06E in IDAHO County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 4/29/1998
In: IDAHO County
T22N R06E S11 NENE

77-07371

PANIKE, MICHAEL J
5546 HWY SPUR 95
ONTARIO, OR 97914
Source: BEMIS CREEK Tributary: WARREN CREEK
Diversion Pt: NENE Sec 11 T 22N R 06E in IDAHO County.
Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 5/5/1998
In: IDAHO County
T22N R06E S11 NENE

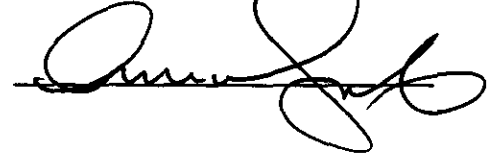
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25 on or before JUNE 8, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
Published: 5/20/1998 & 5/27/1998

M20-27.

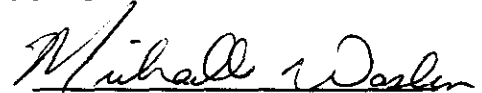
STATE OF IDAHO
County of Idaho - ss.

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 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 20th day of May, 1998; and the last publication on the 27th day of May, 1998; and that the said 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 notice of advertisement.

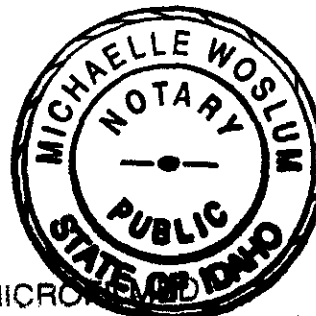


STATE OF IDAHO)
COUNTY OF)

On this 27th day of May in the year of 1998, 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: 01-16-2002



MICROFILMED

NOV 09 1998

RECEIVED

JUN 08 1998

WATER RESOURCES
WESTERN REGION



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 15, 1998

SCOTT GRUNDER
STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Applications for Permit Nos. 65-13708 in the Name of Larry Szurgot, 65-13791 in the Name of John Drake, 77-07369 and 77-07371 in the Name of Michael Panike

Dear Sir:

Enclosed are copies of the above-referenced applications for permit which may be of interest to your agency. Please review the applications 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 June 8, 1998.

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

Sincerely,

Gary Spackman

GS:st

Encl.

MICROFILMED

NOV 09 1998

From: DWR80::SLESTER 13-MAY-1998 15:38:42.35
To: GGIBSON
CC: SLESTER
Subj: APPL. 77-07371 (M. PANIKE)

Gene, this new appl. is at Sue's desk for advertising. It proposes D/1 use from Bemis Creek trib. to Warren Creek via a checkdam & ditch. Does not appear any return flow to perennial Bemis or Warren Creeks is proposed. This is in town of Warren.

Looks like all on private land. Please route any SCA concerns to file.

thanks,

Steve

SCA = Now - juris

From: DWR80::SLESTER 13-MAY-1998 15:38:42.51
To: GGIBSON
CC: SLESTER
Subj: APPL. 77-07371 (M. PANIKE)



Gene, this new appl. is at Sue's desk for advertising. It proposes D/1 use from Bemis Creek trib. to Warren Creek via a checkdam & ditch. Does not appear any return flow to perennial Bemis or Warren Creeks is proposed. This is in town of Warren.

Looks like all on private land. Please route any SCA concerns to file.

thanks,

Steve

*e-mail to Regional SCA
STAFF & concerns*

77-07371

PANIKE, MICHAEL J
5546 HWY SPUR 95
ONTARIO, OR 97914

Source: BEMIS CREEK

Tributary: WARREN CREEK

Diversion Pt: NENE Sec 11 T 22N R 06E in IDAHO County.

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

Date Filed: 5/ 5/1998

In: IDAHO County
T22N R06E S11 NENE