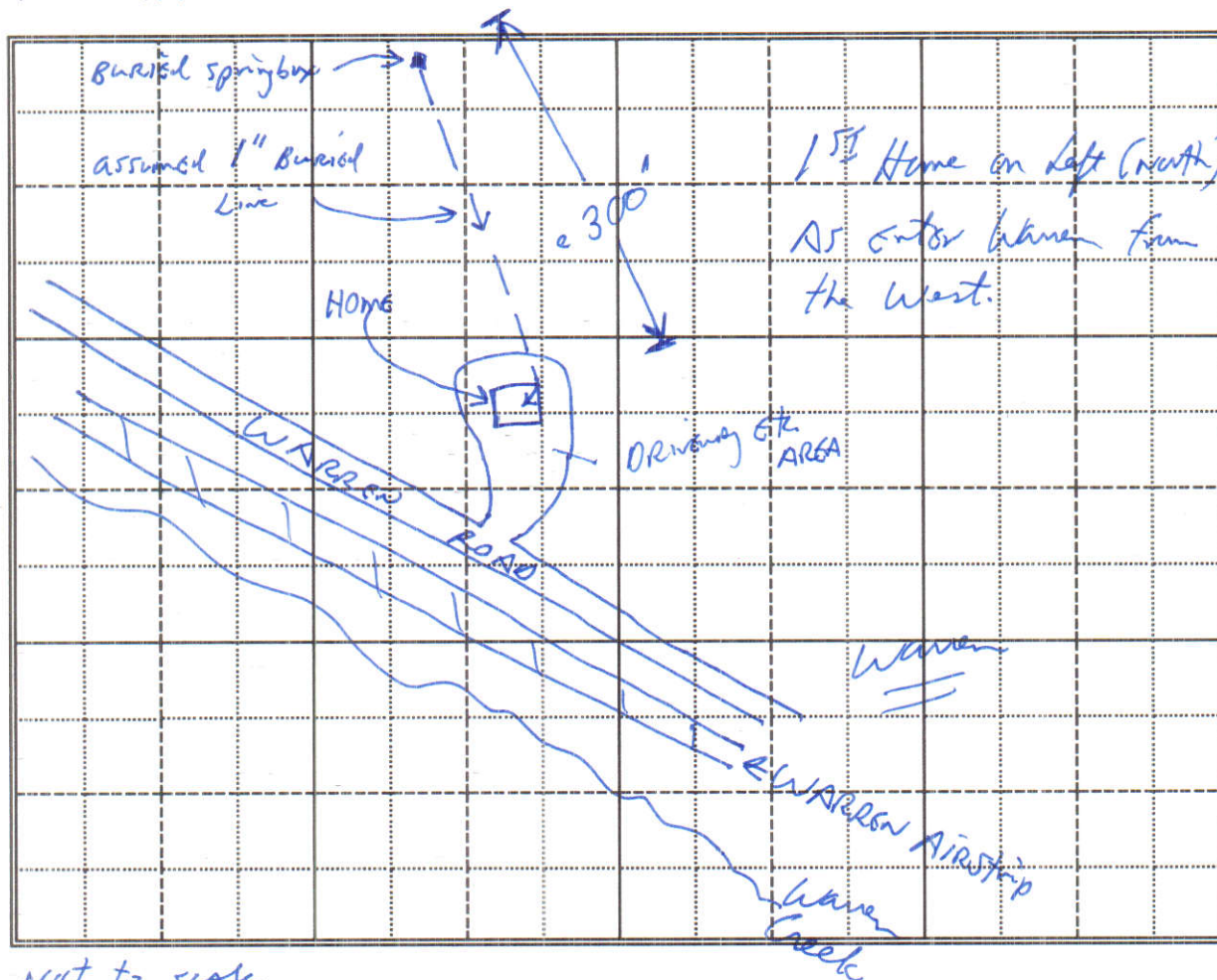


3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = Not to scale

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

N/A ☐ 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
	N/A				

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

D. FLOW MEASUREMENTS

1.

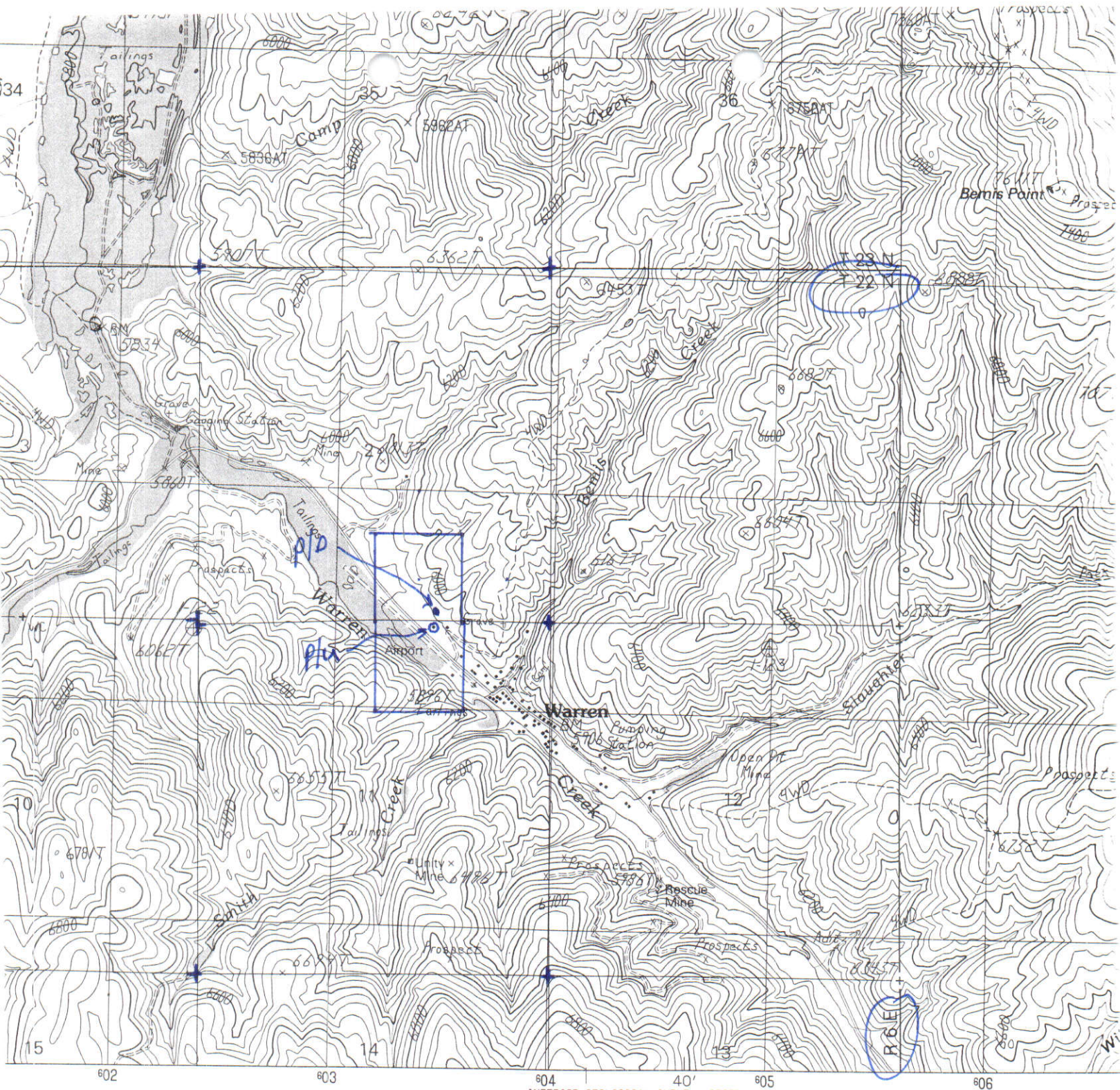
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements:

None possible

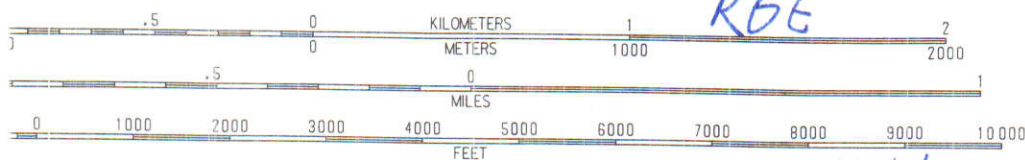
MICROFILMED

JUN 09 1998



SCALE 1:24 000

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

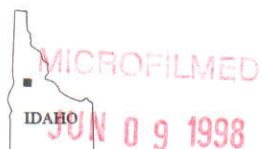
THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225
OR RESTON, VIRGINIA 22092

R6E

*No gait lots is
P/O or P/u*

77-07332

P/u = L4 BL5 Warren Transite



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
			7 Pony Meadows
6	7	8	8 Pilot Peak

ADJOINING 7.5' QUADRANGLE NAMES

Improve
Unimpr
Trail .

Inter:



PHOTO ONE-

Looking North At cabin. P/O is
to right in timber on slope.
Limited external use is found.

PHOTO TWO-

MICROFILMED
JUN 09 1998

Affidavit of Publication

STATE OF IDAHO, }
County of Idaho, } ss.

I, ROBERT E. WHERRY, being first duly sworn, depose and say that I am the Publisher of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issued weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the one hereto is attached is a true copy, was published in said newspaper

for 2 weeks being published 2

times, the first publication being on the 3rd

day of February, 19 94, and the last

publication on the 10th day of

February, 19 94; and that the said

notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Robert E. Wherry

STATE OF IDAHO, }
County of Idaho, }

On this 25th day of February in the year of

1994, before me, a Notary Public, personally appeared Robert E.

Wherry, 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.

Dorinda E. Wiley
Notary Public for Idaho

Residing at Cottonwood

My commission expires: 12/94

Notice

NOTICE OF CORRECTION OF APPLICATION FOR PERMIT

Notice is hereby given that application for permit #77-07332 in the name of Arnold &/or Sue Johnson was advertised in error on January 19 and 26, 1994, in the Cottonwood Chronicle. The place of use was advertised as being in T22N, R1E, Sec. 11, NWNE, Idaho County.

WHEREAS, the correct place of use is within 22N, R6E, Sec. 11, NWNE, Idaho County.

Any protest against the approval of the proposed correction must be filed with the Department of Water Resources, 2735 Airport Way, Boise, Id. 83705 on or before February 21, 1994.

R. Keith Higginson, Director
Published in the Cottonwood
Chronicle Feb. 3 & 10, 1994

RECEIVED

MAR 07 1994

WATER RESOURCES
WESTERN REGION

RECORDED

MAR 29 1996

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

NOTICE OF CORRECTION OF APPLICATION FOR PERMIT

Notice is hereby given that application for permit #77-07332 in the name of Arnold &/or Sue Johnson was advertised in error on January 19 and 26, 1994, in the Idaho County Free Press and January 20 and 27, 1994, in the Cottonwood Chronicle. The place of use was advertised as being in T22N, R1E, Sec. 11, NWNE, Idaho County.

WHEREAS, the correct place of use is within T22N, R6E, Sec. 11, NWNE, Idaho County.

Any protest against the approval of the proposed correction must be filed with the Department of Water Resources, 2735 Airport Way, Boise, Id 83705 on or before February 21, 1994.

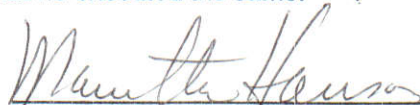
R. Keith Higginson, Director
F3-10

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 3rd day of February, 19 94, and the last publication on the 10th day of February, 19 94; 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 or advertisement.



STATE OF IDAHO }
COUNTY OF }

On this 10th day of February in the year of 1994,
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: 10/8/99

MAR 29 1996

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

NOTICE OF APPLICATION FOR WATER RIGHT

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

77-07332

JOHNSON, ARNOLD
JOHNSON, SUE

1227 ALDER NO. 40
LEWISTON, ID 83501

Source: SPRING Tributary: WARREN
CR

Diversion Pt: SESWSE Sec 2 T 22N R
06E in IDAHO County.

Use: DOMESTIC (.040 CFS)

Total Diversion: (.040 CFS)

Date Filed: 12/28/1993

In: IDAHO County T22N R01E S11
NWNE

Permits will be subject to all prior water
rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code. Protests must be filed with
the Director, Dept. of Water Resources,
Western Region, 2735 Airport Way,
Boise, Idaho 83705 on or before
FEBRUARY 7, 1994.

R. KEITH HIGGINSON, Director

Published: 1/20/1994 & 1/27/1994

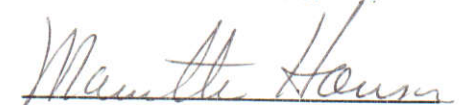
J20-27

Andrew J. McNab, being
first duly sworn, says she is the Publisher
of the IDAHO COUNTY FREE PRESS, a weekly newspaper published
and issued weekly at Grangeville, Idaho county, State of Idaho, and is
of general circulation in said county and state, that the said notice, of
which the one hereto attached is a true copy, was published in said
paper for two weeks, being published two
times, the first publication being on the 20th day of
January, 19 94, and the last
publication on the 27th day of January, 19 94;
and that the said notice was published in the newspaper proper and not
a supplement; that said newspaper has been continuously and uninter-
ruptedly published in said county during a period of seventy-eight
consecutive weeks prior to the publication of said notice or advertise-
ment.



STATE OF IDAHO }
COUNTY OF }

On this 27th day of January in the year of 1994,
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: 10/8/99

RECORDED

MAR 29 1996

Affidavit of Publication

STATE OF IDAHO, }
County of Idaho, } ss.

I, ROBERT E. WHERRY, being first duly sworn, depose and say that I am the Publisher of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issued weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the one hereto is attached is a true copy, was published in said newspaper

for 2 weeks being published 2

times, the first publication being on the 20th

day of January, 19 94, and the last

publication on the 27th day of

January, 19 94; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterrupted published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Robert E. Wherry

STATE OF IDAHO, }
County of Idaho, }

On this 31st day of January in the year of

1994, before me, a Notary Public, personally appeared Robert E.

Wherry, 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.

Debra E. Wherry
Notary Public for Idaho

Residing at Cottonwood

My commission expires: 12/94

Notice

NOTICE OF APPLICATION FOR WATER RIGHT

The following applications have been filed to appropriate the public waters of the State of Idaho:

77-07332

JOHNSON, ARNOLD

JOHNSON, SUE

1227 ALDER NO. 40

LEWISTON, ID 83501

Source: SPRING Tributary:

WARREN CR

Diversion Pt: SESWSE Sec 2

T 22N R 06E in IDAHO

County.

Use: DOMESTIC

Total Diversion: (.040 CFS)

(.040 CFS)

Date Filed: 12/28/1993

In: IDAHO County

T22N R01E S11 NWNE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before FEBRUARY 7, 1994.

R. Keith Higginson, Director
Published in the Cottonwood
Chronicle Jan 20 and 27, 1994.

MAR 29 1996

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 77-07332

Priority: December 28, 1993

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

1.2 AF

This is to certify, that ARNOLD JOHNSON
SUE JOHNSON

1227 ALDER #40

LEWISTON ID 83501

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 28, 1993; and has submitted Proof of Beneficial Use on September 30, 1996. An examination indicates that the works have a diversion capacity of 0.040 cfs of water from:

SPRING

tributary to **WARREN CREEK**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SESWE , Sec. 2, Township 22N, Range 06E
IDAHO County

PLACE OF USE: DOMESTIC

TWN RGE SEC

22N 06E 11

NWNE

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Place of use is located within Lot 4, Blk. 5, Warren Townsite.
6. Domestic use is for 1 home.

NOTED
JUN 09 1998

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 77-07332

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 8TH
day of June, 1998.


Acting for KARL J. DREHER, Director

APPROVED

JUN 09 1998

AUG 22 1996

Department of Water Resources

Signature of permit holder: Arnold M. Johnson Date: 8-18-96
(include your title, if on behalf of company or organization)

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

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 77-07332

Proposed Priority: December 28, 1993 Maximum Diversion Rate: 0.04 CFS

This is to certify, that **ARNOLD JOHNSON**

SUE JOHNSON

1227 ALDER #40

LEWISTON ID 83501

has applied for a permit to appropriate water from:

SPRING

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:

SESWSE , Sec. 2, Township 22N, Range 06E
IDAHO County

PLACE OF USE: DOMESTIC

TWN RGE SEC

22N 06E 11

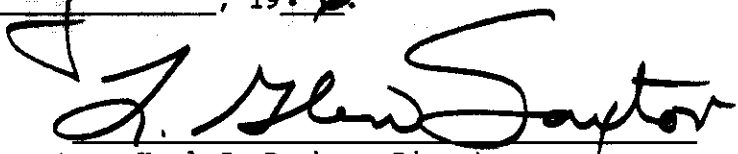
NWNE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1997.
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. Place of use is located within Lot 4, Blk. 5, Warren Townsite.
5. 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

26th day of January, 1996


for Karl J. Dreher, Director

RECORDED

MAR 29 1996

RECEIVED
JAN 22 1996

Department of Water Resources

Ident. No. 77-07332

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: ARNOLD JOHNSON
Address: 1227 ALDER ~~NO.~~#40
LEWISTON ID 83501

208-743-7148
or 208-743-1021

AND/OR
Name: SUE JOHNSON
Address: 1227 ALDER ~~NO.~~#40
LEWISTON ID 83501

208-743-7148

2. Source: SPRING

Trib. to: WARREN CREEK

3. Location of Point of Diversion:

SESWSE Sec. 2, Township 22N, Range 06E
IDAHO County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
DOMESTIC	01/01	12/31	0.040		

5. Total quantity to be appropriated is:

0.040 CFS (and/or) AF

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc.
Springbox and pipe.

b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.

c. Proposed well diameter is inches; proposed depth of well is
feet.

d. Is groundwater with a temperature greater than 85F being sought? NO

e. If well is already drilled, when?

Drilling Firm

Well was drilled for

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

MAR 29 1996

8. Place of Use: DOMESTIC

TWN RGE SEC

22N ~~01E~~ 11

NWNE

06E

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

US FOREST SERVICE

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.
Special use permit required from USFS,

10. Remarks:

Place of use known as lot 4 block 5, Warren townsite.

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

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

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Received by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

RECORDED
MAR 29 1986

* data entered 1/21/94. 6

RECEIVED

DEC 27 1993

WATER RESOURCES
WESTERN REGION

Form 202
10/92

Ident. No. 77-7332

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

① Name of applicant Arnold And Sue Johnson Phone (208) 743-7148

Post office address 1227 Alder #40 Lewiston, Idaho 83501

2. Source of water supply Spring which is a tributary of Warren Creek

3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____

Sec. 2 Township 22N Range 6E B.M. IDAHO County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .04 for DOMESTIC purposes from 1/1 to 12/31 (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)

5. Total quantity to be appropriated is (a) .04 and/or (b) _____
cubic feet per second acre feet per annum

⑥ Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Springbox with 200' of 1' PVC pipe to house.

b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? NO

e. If well is already drilled, when? _____; Drilling firm _____

Well was drilled for (well owner) _____

MAR 29 1996

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

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. 1 HOME
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
* ZZN	<u>6E</u> <u>1E</u>	<u>11</u>		<u>D</u>															

Total number of acres to be irrigated _____

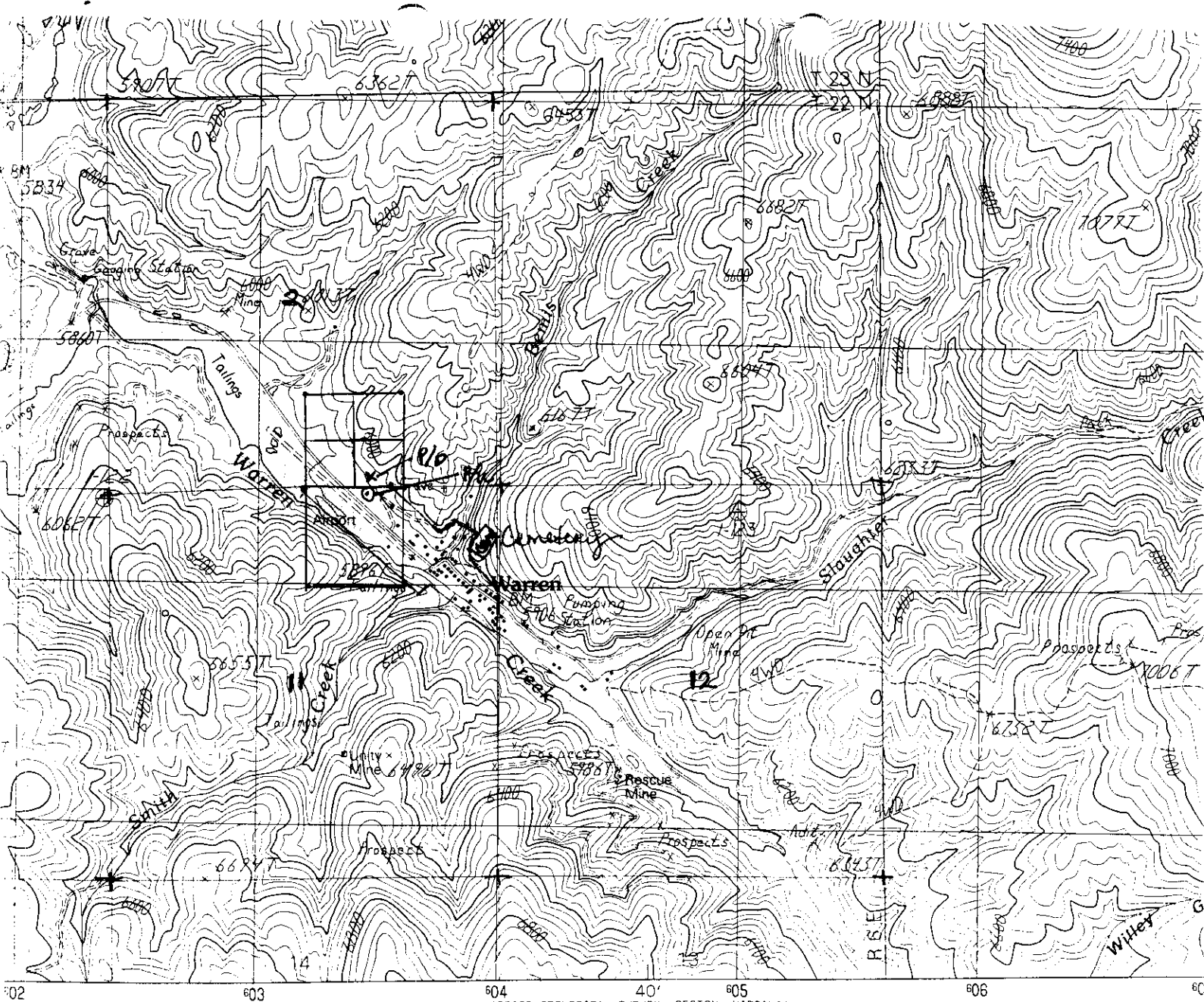
⑩ Describe any other water rights used for the same purposes as described above. None

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

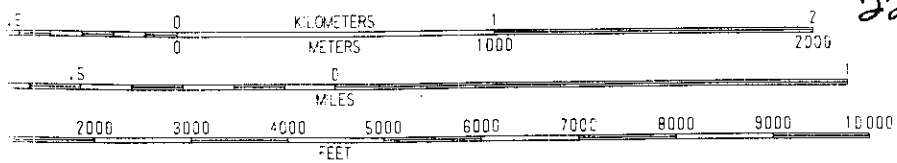
12. Remarks: P/u known as lot 4 BIK S Warren Townsite

MAR 29 1996

* Data entered 1/21/94. 6



SCALE 1:24 000



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
SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225
OR RESTON, VIRGINIA 22092



1	2	3	1 Johnson Butte
4	Q 03	5	2 Cottontail Point
6	7	8	3 Mackay Bar
			4 War Eagle Mountain
			5 Burgdorf Summit
			6 Loon Lake
			7 Pony Meadows
			8 Pilot Peak

ADJOINING 7.5' QUADRANGLE NAMES

Improved Road
Unimproved Road
Trail

Interstate Road

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

Arnold M. Johnson
(Applicant)
Jacqueline S. Johnson

Received by ST Date 12-27-93 Time 4:30 Preliminary check by _____
Fee \$ 30- Receipted by DB # W017061 Date 12/28/93
Publication prepared by ST Date 1-26-94 Published in Idaho Free Press
Gottschalk Chronicle
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

e. Other:

MAR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 8, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ARNOLD JOHNSON
SUE JOHNSON
1227 ALDER #40
LEWISTON ID 83501

RE: WATER RIGHT NO. 77-07332

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as 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 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 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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.

JUN 9 1998

ORAL ARGUMENT

If the Department grants a petition to review the 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 the 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 led 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.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

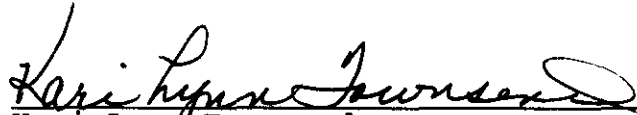
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of June, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 77-07332

ARNOLD JOHNSON
SUE JOHNSON
1227 ALDER #40
LEWISTON ID 83501


Kari Lynn Townsend
Secretary

ATTEST

JUN 09 1998

LICENSE REVIEW CHECKLIST

PERMIT NO.

77-07332

DATE

6/4/98

REVIEWER: SHARLA

NAME

Address

Change/OK

SOURCE

Does change clarify orig. intended source? If no, Void permit

POINT OF DIV

Change (P39 /P47)

Add (P45/P42)

Feds - P40

W32 (multiple in 1/4)

W36 (overlap)

W59 (subd. desc)

Overlaps:

Right(s):

File reviewed

Profile reports printed

PLACE OF USE

Change (P41/P47)

Add (P41/P42)

Feds - P43

W60 (subd. desc)

W27 (ppu acre limit)

Lot 4, Blk 5, Warren Townsite

Overlaps:

Right(s):

File reviewed

Profile reports printed

PD & PU amend (P37)

Feds - P48

RATE OF DIV

Permitted Rate

Fee limit

Measured

Theoretical

cfs

cfs

cfs

cfs

Recommended Total Div Rate

cfs

WATER USES

Change (P46)

Irrig -

overlap (R58-R61, R62-R65, R66-R69)

supp. gw (WB7/065/079)

overlap spec. combined rts (W35)

<1acre (W31)

Domestic (W01/WB5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fire (077)

Wtr Quality (081/R07)

TOTALS

cfs

cfs

cfs

cfs

cfs

cfs

cfs

cfs

cfs

cfs

cfs

cfs

cfs

cfs

cfs

cfs

cfs

cfs

cfs

cfs

Flow rate

REMARKS

ADD'L CONDITIONS

Watermaster Control WD#

GW Measurement/Measuring Device

Others Trust (052/R55 - remove 051)

Non-trust (048/049)

Advance Priority

SRBA Claim

Adjust Memo

Amend letters

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAY 22 1998

DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION

Permit No. 77-07332

1. Owner: Arnold & /w Sue Johnson Phone No. 208-743-7148

Current Address: 1227 Alder #40 Lewiston ID 83501

2. Accompanied by: NO ONE AVAILABLE EXAM DATE: 9/9/97

Address: ok drop by per 8/28/97 telconv Phone No. _____

Relationship to Permit Holder: _____

3. Source: Spring tributary to WARREN CREEK

B. OVERLAP REVIEW

1. Other water rights with the same place of use: } NONE for this property

2. Other water rights with the same point of diversion: }

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
	-	SE	SW	SE	02	22N	6E	Idaho	USGS 7 1/2' topog & WARREN Townsite plat

2. Place(s) of Use:

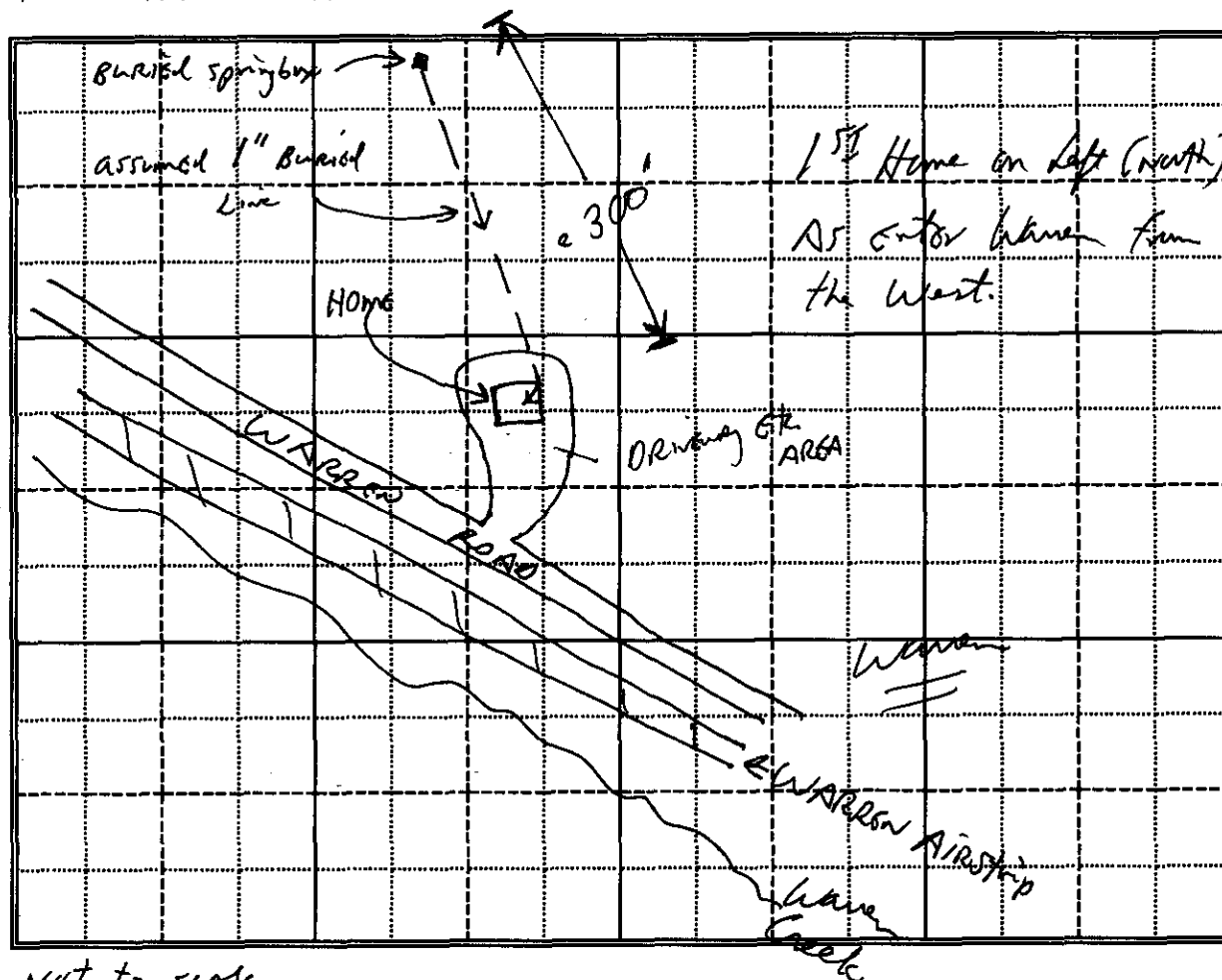
Indicate Method of Determination Same

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 8 9 1998

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



Scale: 1" = Not to scale

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

N/A 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
	N/A				

*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
NONE						

2. Measurements:

None possible

NOT RECORDED

JUN 09 1998

E. NARRATIVE/REMARKS/COMMENTS

Per owner's 8/28/97 telephone info:

Buried spring is line* runs e 300' downhill (south) to cabin; the 1st place on west edge of town is across from airstrip. Line runs to tanks beneath house where control valve is also located. A buried drain valve is found e 1/2 way along the mainline.

most use is internal but ~~minor~~ ^{MINOR} external landscaping is found (flower pots & flower boxes but no lawn). Allow both uses (int + ext) in 1/2 acre.

Street names on Warner Township plats are dated 8/98 N/A for current setting.

SRBA N/A for >1987 development.

* Assumed 1" black pipe for mainline per sample found on site.

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

MICROFILMED
JUN 09 1998

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

*allow .04 cfs***G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

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

2. Volume Calculations for Other Uses:

*allow 0.1 int. + ext. @ 1.2 afu***H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afu)
	From	To		
<i>Domestic</i>	<i>1/1</i>	<i>12/31</i>	<i>.04</i>	<i>1.2</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			_____	_____

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

John Laster

Date

9/9/97

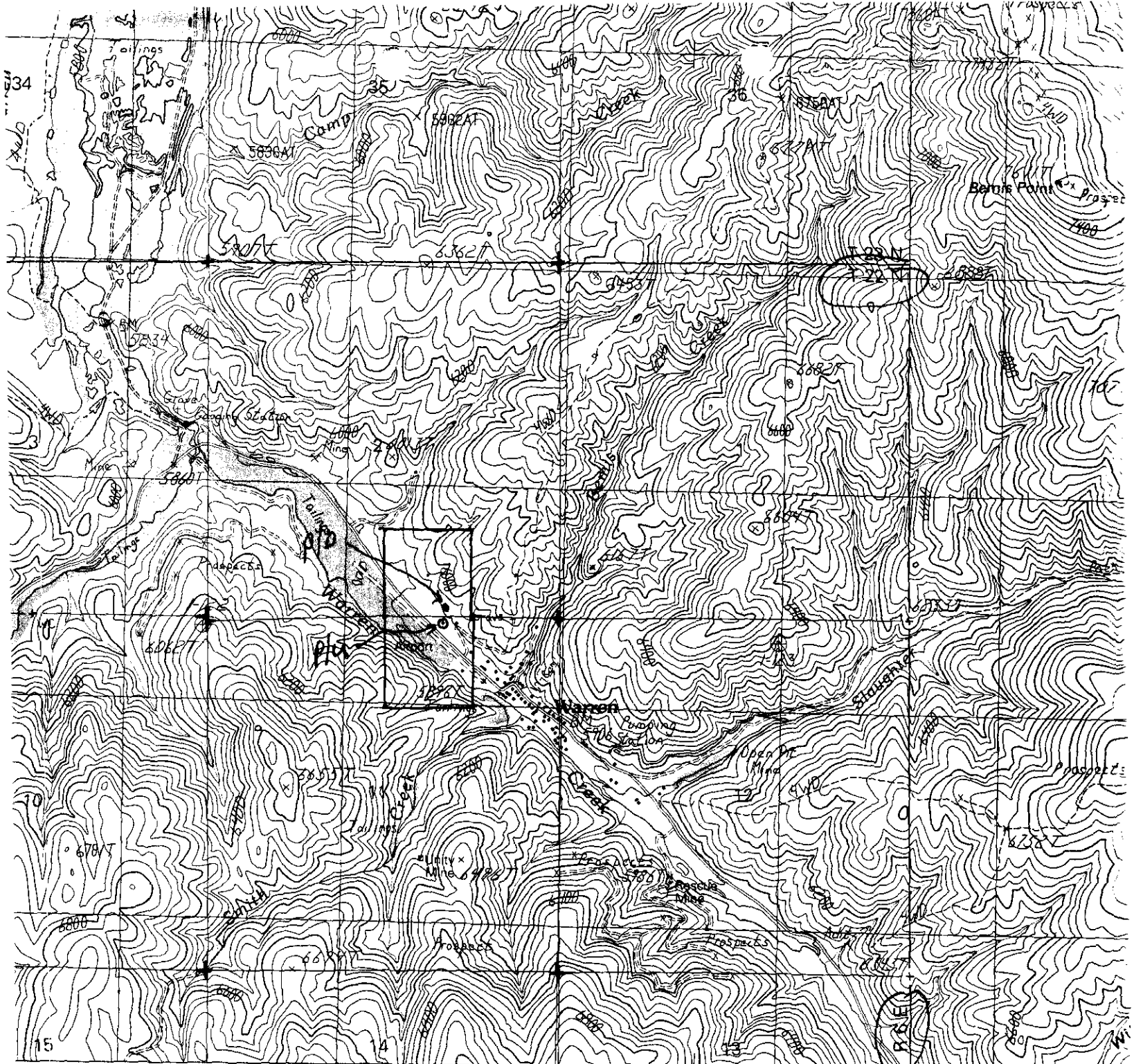
Reviewer _____

Date _____

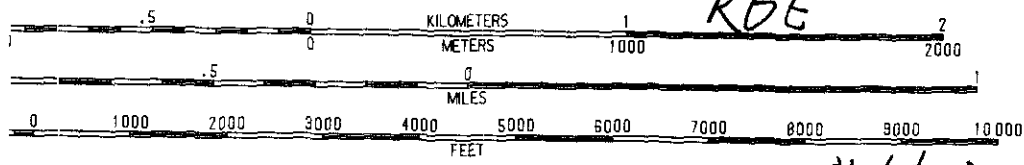
SEAL

NOTED

JUN 09 1998



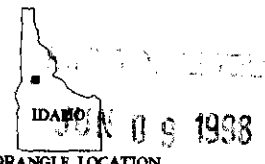
SCALE 1:24 000



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

R5E

*No govt lots in
 P10 or P11*



QUADRANGLE LOCATION

Improve
 Unimpr
 Trail

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

Inter

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

ADJOINING 7.5' QUADRANGLE NAMES

77-07332
P11 = L4 BL5 Waver Tonsite

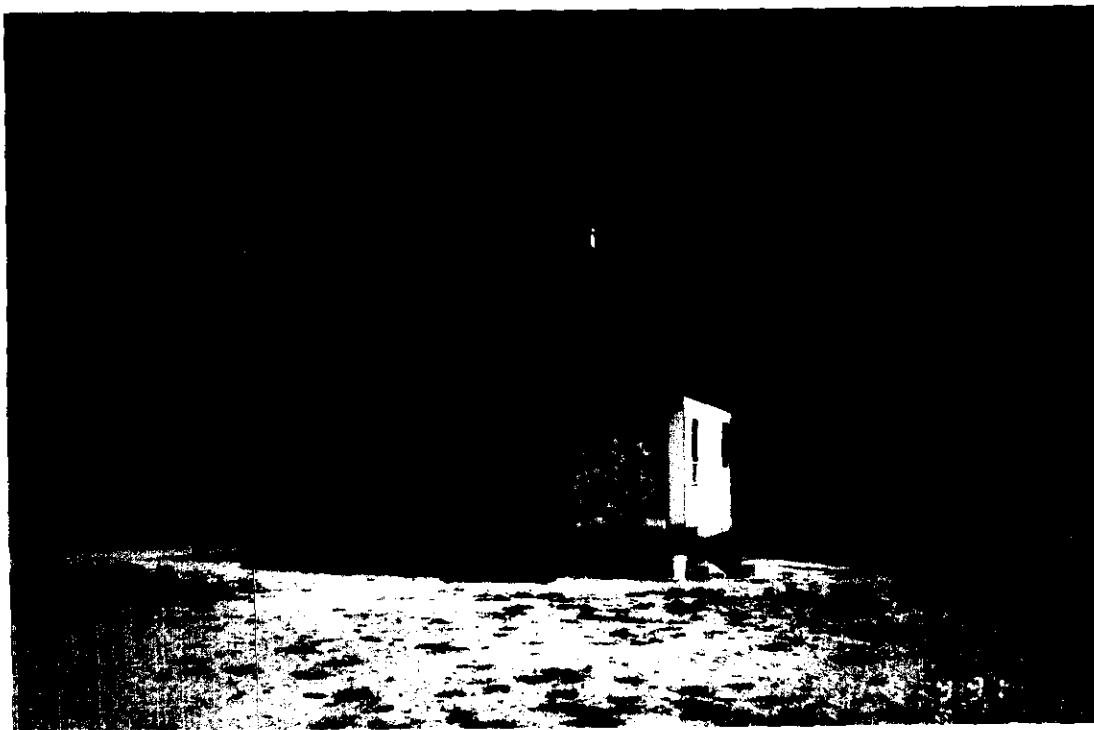


PHOTO ONE-

Looking North At cabin. P/O is
to right in timber on slope.
Limited external use is found.

PHOTO TWO-

NOTED
JUN 09 1908

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 77-07332 Reviewed by [Signature] Date 9-4-96

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?
☐ Amount paid for permit
☐ Well log in the file?

Drilling Permit No. _____
Correct? ☐

LICENSE EXAMINATION FEE

yes Required?
0 Amount Submitted
no Correct?

MEASURING DEVICE

no Required?
/ Installed?
/ Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

Request \$50.00 Lic. Exam fee
Fee received, Proof acceptable

DATA ENTRY

New Address _____ Proof Made 8-22-96

November 12, 1996

ARNOLD JOHNSON
SUE JOHNSON
1227 ALDER #40
LEWISTON ID 83501

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 77-07332

Dear Permit Holder:

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

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

MICROFILMED

JUL 18 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 6, 1996

Arnold & Sue Johnson
1227 Alder #40
Lewiston, ID 83501

RE: Permit No. 77-07332

Dear Permit Holder:

I have returned a copy of the Proof of Beneficial Use form submitted in connection with the above referenced water right. You state on the proof form that you are diverting .04 cfs from a spring for domestic purposes. Before the department can process the proof, it must be accompanied by the appropriate license examination fee. You also state on the proof that the fee was paid on 12-28-1993, however, the fee you paid at that time was to process the application for permit. The license examination fee is a separate fee. The license examination fee for a rate of diversion of .04 cfs from a surface water source is \$50.00.

Please return the copy of the proof along with the \$50.00 license examination fee within thirty (30) days of receipt of this letter. **Please address your correspondence to my attention.**

If you have any questions regarding this matter, please contact me at (208)327-7953.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough".

JULIE L. YARBROUGH
Senior Secretary

Enclosure

ENCLOSURE

JAN 10 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 29, 1996

ARNOLD JOHNSON
SUE JOHNSON
1227 ALDER #40
LEWISTON ID 83501

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 77-07332

Dear Permit Holder:

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

RECEIVED
MAR 29 1996

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

No.: 77-7332 Name: Johnson Date: 1/24/96 Ad OK? ☒
Correct Fee? ☒ Receipt #: W017061 Priority: 12/28/93 ☒ Gvmt Lts: ☒

AREA OF CONCERN? ^{domestic} _{use} - No/Yes S/c Mor _____ GWMA Trust/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)

SYSTEM COMPLETED:

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

GROUNDWATER: <✓ FLO-CH>

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

Drilling Permit:

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

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

Water District(~~dem~~)	-	005 (req) WD # _____ <SEE MAP & LISTING>
+ 0.2 cfs	-	~~028(may report)~~ -01J(meas dev)-P08
=/- 0.2 cfs	-	~~028(may report)~~ -01H(lock dev)-P01 or No MD
=/+ 5 a. irr.	-	~~028(may report)~~
~~In-WD~~ + 0.2 cfs	-	01M or No MD (in-stream)
- 0.2 cfs	-	No MD
=/+ 5 a. irr.	-	01M

RIVER BASINS (*Surface water):

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

USE:

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

LOCATION:

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

OWNERSHIP:Non-land owner

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

PROCESSING

YES NO

☒ ☐ In form f. advertising:
☒ ☐ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO

YES NO

☐ ☒ I.D. Health and Welfare
☐ ☒ I.D. Fish and Game
☐ ☒ I.D. Lands
☐ ☒ Adjudication Bureau

YES NO

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

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Protests received. Final date for protest 2-7-94 2-21-94

Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve, Dnr

Measuring device required:

Measuring port required:

Water delivered by water master? District # _____

Special conditions of approval or cover letter: _____

26A (Allow 2 yrs)

See below for additional information

Recommended Date or Priority 12/27/93

Recommended by: Dnr Date 1/12/95

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION



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

January 11, 1996

US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401-2310

Re: Application for Permit No. 77-7332 in the Name of Arnold &/or
Sue Johnson

Dear Protestant:

This letter is to acknowledge your withdrawal of protest against
the above-referenced application for water right.

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

If you have any questions please call this office.

Sincerely,

DAVID R. TUTHILL, JR. P.E.
Manager, Western Regional Office

DRT:st

CC: Applicant

RECORDED

MAR 29 1996



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401-2310

File Code: 2540-1

Date: January 9, 1996

Mr. David R. Tuthill
Western Region Supervisor
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED

JAN 11 1996

WATER RESOURCES
WESTERN REGION

Dear Mr. Tuthill: *DK*

Enclosed is a copy of our Withdrawal of our Protest on Application for Permit No. 77-07332 filed in the name of Arnold and Sue Johnson. We have issued a Special Use Permit for their water diversion, therefore our protest should be withdrawn.

Sincerely,

for *DALE N. BOSWORTH JR.*
DALE N. BOSWORTH
Regional Forester

Enclosure

RECORDED

MAR 29 1996

Caring for the Land and Serving People



Printed on Recycled Paper
FS-6200-28b (12/93)



RECEIVED

JAN 11 1996

WATER RESOURCES
WESTERN REGION

W I T H D R A W A L

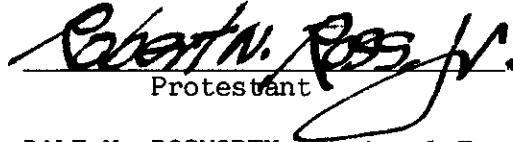
TO WHOM IT MAY CONCERN:

I hereby withdraw my protest of Application For Water Right to Appropriate the
Public Water of the State of Idaho, No. 77-07332 .

Signed at Ogden, Utah

this 9 day of January 1996 .

USDA-Forest Service


Protestant

(for) DALE N. BOSWORTH, Regional Forester

ATTEST:


Sandra A Carlson

RECEIVED

JAN 29 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 20, 1995

ARNOLD &/OR SUE JOHNSON
1227 ALDER NO 40
LEWISTON ID 83501

RE: Application for Permit No. 77-07332

Dear Applicant:

The purpose of this letter is to inquire as to the status of the above-referenced application.

At the conference held on June 7, 1995, you had a prepared a request for a special use permit from the Forest Service. They have not yet withdrawn their protest.

Please bring us up to date on this matter as soon as possible.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

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MAR 29 1996

77-07339

Notes by D. Tuthill

Arnold & Sue Johnson 6/7/1995

Applicant represented by: Arnold & Sue Johnson

Protestant represented by: Gary Elliot

Gary will check on time frame for processing the special use application, and will advise the Johnsons.

The applicants brought in ^{a copy of} the request for a special use permit that had been prepared by the Johnsons. The USFS stated that they had no copy of the special use app.

USFS will consider withdrawing protest.

MAR 29 1996

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES 2735 Airport Way, Boise, ID 83705

Re: Protested Applications for Permit No. 77-07339 in the Name of
Dwight &/or Linda Cross and No. 77-7332 in the Name of Arnold
&/or Sue Johnson

Place: USDA, Forest Service, 800 W. Lakeside Ave, McCall, ID
83638

Date: Wednesday, June 7, 1995

Conducted by: Dave Tuthill

NAME

ADDRESS

GARY ELLIOT USFS (McCall R.D.) Box 1026 McCall, ID 83638
ARNOLD & SUE JOHNSON 1227 ALDER #40 LEWISTON, ID 83501

MAR 29 1996

MAR 29 1996

3/15/94

Mr. R. Keith Higginson, Director,
Idaho Dept. of Water Resources
101 North Orchard Street
Statehouse Mail
Boise, ID 83720

Dear Mr. Higginson:

RE: Response to Mr. Gray F. Reynold, Regional Forester, Ogden,
UT dated: Jan. 28, 1994 (stamped recv'd in our office Feb. 3,
1994 and mailed to us the middle of Feb.

As you will see from your copy of the letter, in the first paragraph, it states that Arnold and Sue Johnson are applying for Permit No. 1 77-07332 to appropriate 0.04 cfs from Warren Creek for domestic purposes. That is not factual! It is not from Warren Creek that we are proposing to get the water, but instead from a spring approximately 300 feet, up a hill, North East of our property (and diffinately due North of Warren Creek). (See attached map with property and location of spring highlighted.)

Secondly, in the same paragraph it is stated that we do not have or have not applied for a Special Use Permit. That is also not factual! See process taken below:

- 1) Since last July ('93) we have personnally gone into the Payette National Forest, McCall Ranger District office in McCall twice trying to get an application. Once the person we needed to talk to was out to lunch and the next time she was in a meeting. As you know we live in Lewiston and it is not easy to just drop in at the McCall office.
- 2) In between those two visits we made five long distance telephone calls trying to that office to mail us an application. Each time they took our name and address.
- 3) We then received the letter from David R. Tuthill, Manager, Western Regional Office and Gary F. Reynolds. We contacted him in Ogden, UT to try to get something accomplished.
- 4) After McCall Ranger District Office was contacted by someone within the system we immediately received our Special Use Permit application (filled out copy attached)

As you can see by the above paragraph, we did try to follow the correct process, but when we could not get any response from the McCall Ranger Dist. we then contacted the State of Idaho Dept. of Water Resources in Boise.

Also, please find attached a copy of the letter that we returned to David R. Tuthill, Manager of Western Regional Office, briefly answering his questions. We would like to thank whomever is responsible for taking action.

We will be anxiously waiting to hear from someone regarding this rather small water project.

Thank you for your time and consideration.
Arnold and Sue Johnson
1227 Alder #40
Lewiston, Idaho 83501
1-208-743-7148

enclosures

RECEIVED
MAR 29 1994

Z 206 598 911



**Receipt for
Certified Mail**

No Insurance Coverage Provided

US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401

PS Form 3800

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 2 52
Postmark or Date	

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE.
CERTIFIED MAIL FEE AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

105603-93-B-0218

Z 206 598 912



**Receipt for
Certified Mail**

No Insurance Coverage Provided

ARNOLD &/OR SUE JOHNSON
1227 ALDER NO 40
LEWISTON ID 83501

PS Form 3800

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$2.52
Postmark or Date	

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

105603-93-B-0218

Z 206 598 914



**Receipt for
Certified Mail**

No Insurance Coverage Provided

DWIGHT &/OR LINDA CROSS
5415 CUSTER RD
NEW PLYMOUTH ID 83655

PS Form 380C

Postage	1.00	\$ 1.00
Certified Fee	1.00	\$ 1.00
Special Delivery Fee	0.00	\$ 0.00
Restricted Delivery Fee	0.00	\$ 0.00
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, and Addressee's Address		
TOTAL Postage & Fees		\$ 2.00
Postmark or Date		

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

105603-93-B-0218

PS Form 3800, March 1993 (Reverse)

77-2339

Is your RETURN ADDRESS completed on the reverse side

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

ARNOLD &/OR SUE JOHNSON
1227 ALDER NO 40
LEWISTON ID 83501

4a. Article Number

2 206 598 912

4b. Service Type

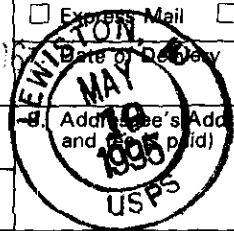
- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee paid)



Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RECEIVED

MAY 22 1995

WATER RESOURCES
WESTERN REGION

MAR 29 1996

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705



Is your RETURN ADDRESS completed on the reverse side

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401

4a. Article Number

2 206 598 911

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

5-12-95

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

[Signature]

PS Form 3811, December 1991

★U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

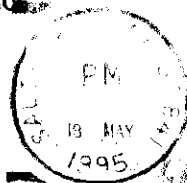
UNITED STATES POSTAL SERVICE

Official Business

RECEIVED

MAY 22 1995

WATER RESOURCES
WESTERN REGION



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



29 1998

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

al



IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

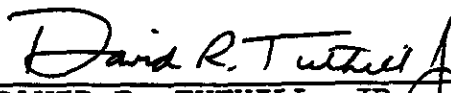
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
	)	
FOR PERMIT NO. 77-07339 IN THE	)	NOTICE OF CONFERENCE
	)	
NAME OF DWIGHT &/OR LINDA CROSS	)	
	)	
AND NO. 77-07332 IN THE NAME OF	)	
	)	
<u>ARNOLD &/OR SUE JOHNSON.</u>	)	

On July 13, 1994, Dwight &/or Linda Cross filed with the Department of Water Resources an application for permit to appropriate the public waters of the State of Idaho. On December 28, 1993, Arnold &/or Sue Johnson filed an application for permit. The applications were protested by the U.S. Dept. of Agriculture, Forest Service.

The Department has set the matter of protests for a conference to be held on Wednesday, June 7, 1995, at 2:00 p.m., at the U.S. Department of Agriculture, Forest Service, 800 W. Lakeside Avenue, McCall, Idaho 83638. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 16th day of May, 1995.



DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

NOTICE OF CONFERENCE

MAR 29 1996

I hereby certify that on the 16th day of May, 1995, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor
Secretary

Certified Mail

DWIGHT &/OR LINDA CROSS
5415 CUSTER RD
NEW PLYMOUTH ID 83655

ARNOLD &/OR SUE JOHNSON
1227 ALDER NO 40
LEWISTON ID 83501

US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401

Non-Certified Mail

FOREST SUPERVISOR
US FOREST SERVICE
PO BOX 1026
MCCALL ID 83638

NOTICE OF CONFERENCE

RECEIVED
MAR 29 1996

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. the applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize

MAR 29 1996

themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may be written stipulation waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

RECEIVED
MAR 29 1996

INTER-DEPARTMENT MEMO — 1

FROM

Aue

DATE

1-12-95

TO

file

SUBJECT

App. # 77-7332 + 77-7339

*I spoke with Randy Zuniga & he will
contact the people to remind them of the
special use permit they need.*

PRODUCED

MAR 29 1996

AT
SIGNATURE



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 22, 1994

RANDY ZUNIGA
US FOREST SERVICE
PAYETTE NATIONAL FOREST
PO BOX 1026
MCCALL ID 83638

Re: Applications for Permit Nos. 77-7339 in the Name of Dwight
&/or Linda Cross, 77-7332 in the Name of Arnold &/or Sue
Johnson and 77-7335 and 77-7336 in the Name of Duane Smith

Dear Randy:

Enclosed are copies of the above-referenced applications for
permit. Please review these and let us know their status so we
can update our files.

Thanks for your help.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dave'.

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Encl.

MAR 29 1996

77-7332



United States Forest
Department of Service
Agriculture

Payette
National
Forest

McCall
Ranger
District

P.O. Box 1026
McCall, ID
83638

Reply To: 2720

Date: February 24, 1994

ARNIE & SUE JOHNSON
1227 ALDER #40
LEWISTON ID 83501

Received
CONFIDENTIAL

FEB 24 1994

CONFIDENTIAL

Dear Mr. & Mrs. Johnson:

Enclosed is the Special Use application you requested.

As Alison Nelson told you by phone on February 23, we have a backlog of Special Use permit renewals that we are working on at this time and we are not processing any new applications on the McCall District.

I appreciate your patience and understanding of the lengthening review process due to NEPA requirements and the Chinook Salmon.

If you have any questions please contact Alison Nelson at 208/634-0415.

Sincerely,

LINDA L. FITCH
District Ranger

Enclosure

cc:

SO

MICROFILMED

MAR 29 1996

Caring for the Land and Serving People

FS-6200-2864-RS-1



Affidavit of Publication

STATE OF IDAHO, }
County of Idaho, } ss.

I, ROBERT E. WHERRY, being first duly sworn, depose and say that I am the Publisher of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issued weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the one hereto is attached is a true copy, was published in said newspaper for 2 weeks being published 2

times, the first publication being on the 3rd day of February, 19 94, and the last publication on the 10th day of

February, 19 94; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Robert E. Wherry

STATE OF IDAHO, }
County of Idaho, }

On this 25th day of February in the year of 1994, before me, a Notary Public, personally appeared Robert E. Wherry, 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.

Debra E. Wherry
Notary Public for Idaho
Residing at Cottonwood
My commission expires: 12/94

RECEIVED

MAR 07 1994

WATER RESOURCES
WESTERN REGION

RECEIVED

MAR 29 1996

AFFIDAVIT OF PUBLICATION

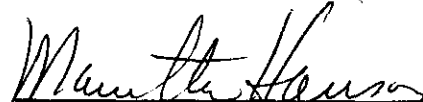
STATE OF IDAHO
County of Idaho - ss.

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 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 3rd day of February, 19 94, and the last publication on the 10th day of February, 19 94; 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 or advertisement.



STATE OF IDAHO)
COUNTY OF)

On this 10th day of February in the year of 1994,
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: 10/8/99

MAR 25 1994

AFFIDAVIT OF PUBLICATION

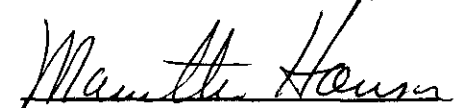
STATE OF IDAHO
County of Idaho - ss.

Andrew J. McNab, being
first duly sworn, says she is the Publisher
of the IDAHO COUNTY FREE PRESS, a weekly newspaper published
and issued weekly at Grangeville, Idaho county, State of Idaho, and is
of general circulation in said county and state, that the said notice, of
which the one hereto attached is a true copy, was published in said
paper for two weeks, being published two
times, the first publication being on the 20th day of
January, 19 94, and the last
publication on the 27th day of January, 1994;
and that the said notice was published in the newspaper proper and not
a supplement; that said newspaper has been continuously and uninter-
ruptedly published in said county during a period of seventy-eight
consecutive weeks prior to the publication of said notice or advertise-
ment.



STATE OF IDAHO }
 }
COUNTY OF }

On this 27th day of January in the year of 1994,
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: 10/8/99

MAR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

February 10, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

GRAY F REYNOLDS, REGIONAL FORESTER
U S DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401

Re: Application for Permit No. 77-7332 in the Name of Arnold
&/or Sue Johnson

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT/st

MAR 29 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

February 10, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

ARNOLD &/OR SUE JOHNSON
1227 ALDER NO 40
LEWISTON ID 83501

Re: Application for Permit No. 77-7332

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Enclosure: Copy of protest(s)

208-334-2190
208-334-2348
FEB 11 1994
MAIL ROOM



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401-2310

RECEIVED

Reply to: 2540

FEB 03 1994

Date: JAN 28 1994

WATER RESOURCES
WESTERN REGION

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

RECEIVED

FEB 02 1994

Department of Water Resources

Dear Mr. Higginson:

We are writing to protest Application for Permit No. 77-07332, filed by Arnold and Sue Johnson to appropriate 0.04 cfs from Warren Creek for domestic purposes. The applicants do not have, nor have they applied for, a Special Use Permit to convey water across National Forest lands. Without such a permit, they cannot put the water to beneficial use.

We also note that the point of diversion lies in an anadromous fish drainage and any proposed development must go through the formal consultation process with the National Marine Fisheries Service. Consultation and a biological assessment might take a year to complete.

Please defer any action on this application until the applicants have a Special Use Permit and a biological assessment is complete.

Sincerely,


GRAY F. REYNOLDS
Regional Forester

RECEIVED

MAR 29 1996



Caring for the Land and Serving People

FS-6200-28b(4/88)

PROTEST INFORMATION SHEET

APPLICANT Johnson, Arnold &/or Sue WR # 77-7332

Date Filed 12-28-94 Protest Date 2-21-94

Protestant(s) Name & Address: U.S. Forest Service, Gray
Reynolds, 324 25th St., Ogden, UT 84401

Attorney - Name & Address _____

Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement Letters _____

Hearing Notice _____

Hearing Date _____

Other: _____

MAR 29 1995

77-07332

JOHNSON, ARNOLD
JOHNSON, SUE
1227 ALDER NO. 40
LEWISTON, ID 83501

Source: SPRING

Tributary: WARREN CR

Diversion Pt: SESWSE Sec 2 T 22N R 06E in IDAHO County.

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Use: DOMESTIC          ( .040 CFS)
    Total Diversion: ( .040 CFS)

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Date Filed: 12/28/1993

In: IDAHO County
T22N R01E S11 NWNE

NOTICE OF CORRECTION OF APPLICATION FOR PERMIT

Notice is hereby given that application for permit #77-07332 in the name of Arnold &/or Sue Johnson was advertised in error on January 19 and 26, 1994, in the Idaho County Free Press and January 20 and 27, 1994, in the Cottonwood Chronicle. The place of use was advertised as being in T22N, R1E, Sec. 11, NWNE, Idaho County.

WHEREAS, the correct place of use is within T22N, R6E, Sec. 11, NWNE, Idaho County.

Any protest against the approval of the proposed correction must be filed with the Department of Water Resources, 2735 Airport Way, Boise, Id 83705 on or before February 21, 1994.

R. Keith Higginson, Director

Published in the Idaho County Free Press on February 2 & 9, 1994.

Published in the Cottonbwood Chronicle on February 3 & 10, 1994.

Affidavit of Publication

STATE OF IDAHO, }
County of Idaho, } ss.

I, ROBERT E. WHERRY, being first duly sworn, depose and say that I am the Publisher of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issued weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the one hereto is attached is a true copy, was published in said newspaper for 2 weeks being published 2

times, the first publication being on the 20th day of January, 19 94, and the last publication on the 27th day of

January, 19 94; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Robert E. Wherry

STATE OF IDAHO, }
County of Idaho, }

On this 31st day of January in the year of 1994, before me, a Notary Public, personally appeared Robert E. Wherry, 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.

Shirley E. Wherry
Notary Public for Idaho

Residing at Cottonwood

My commission expires: 12/94

