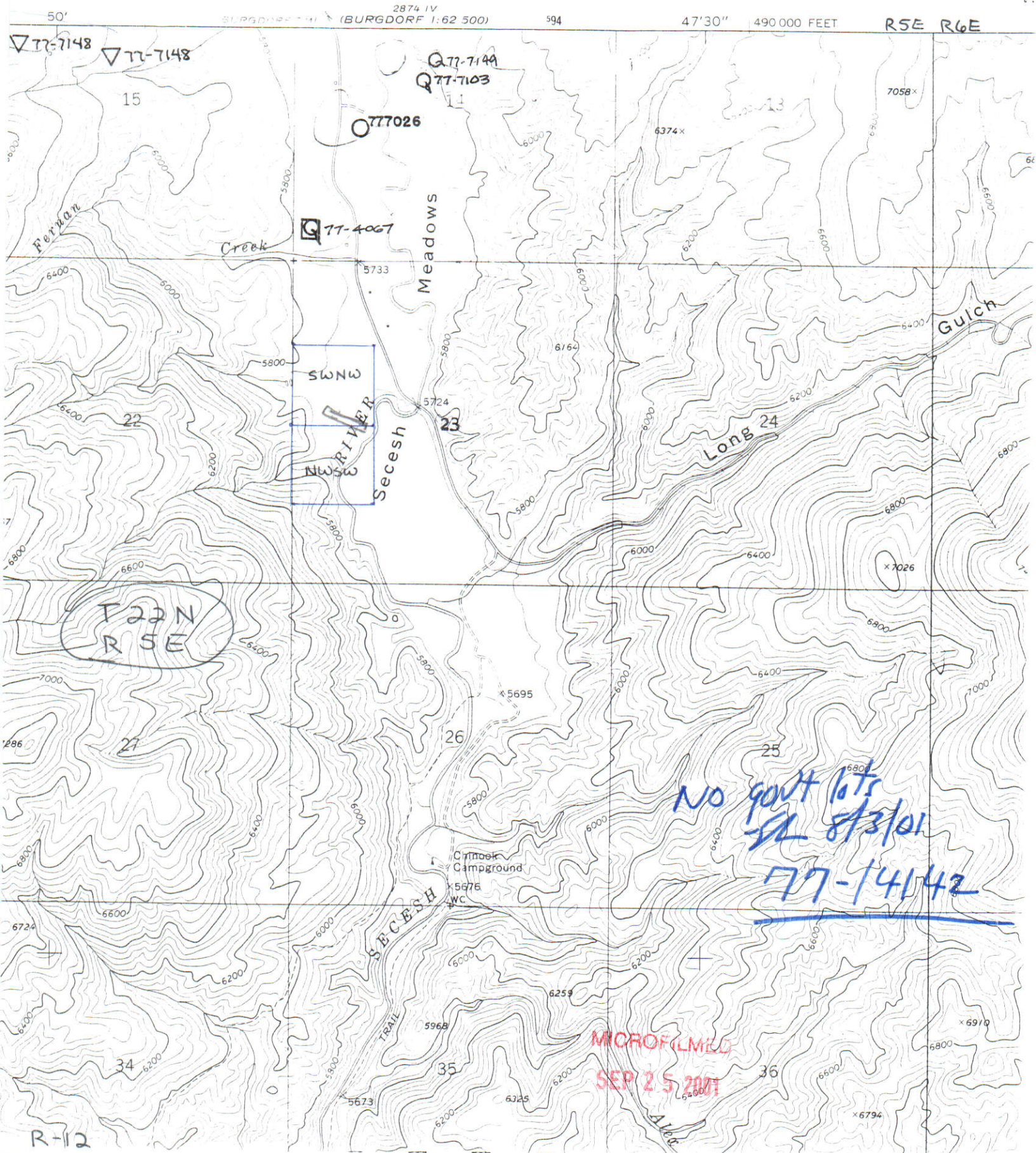


La Paglia

7.

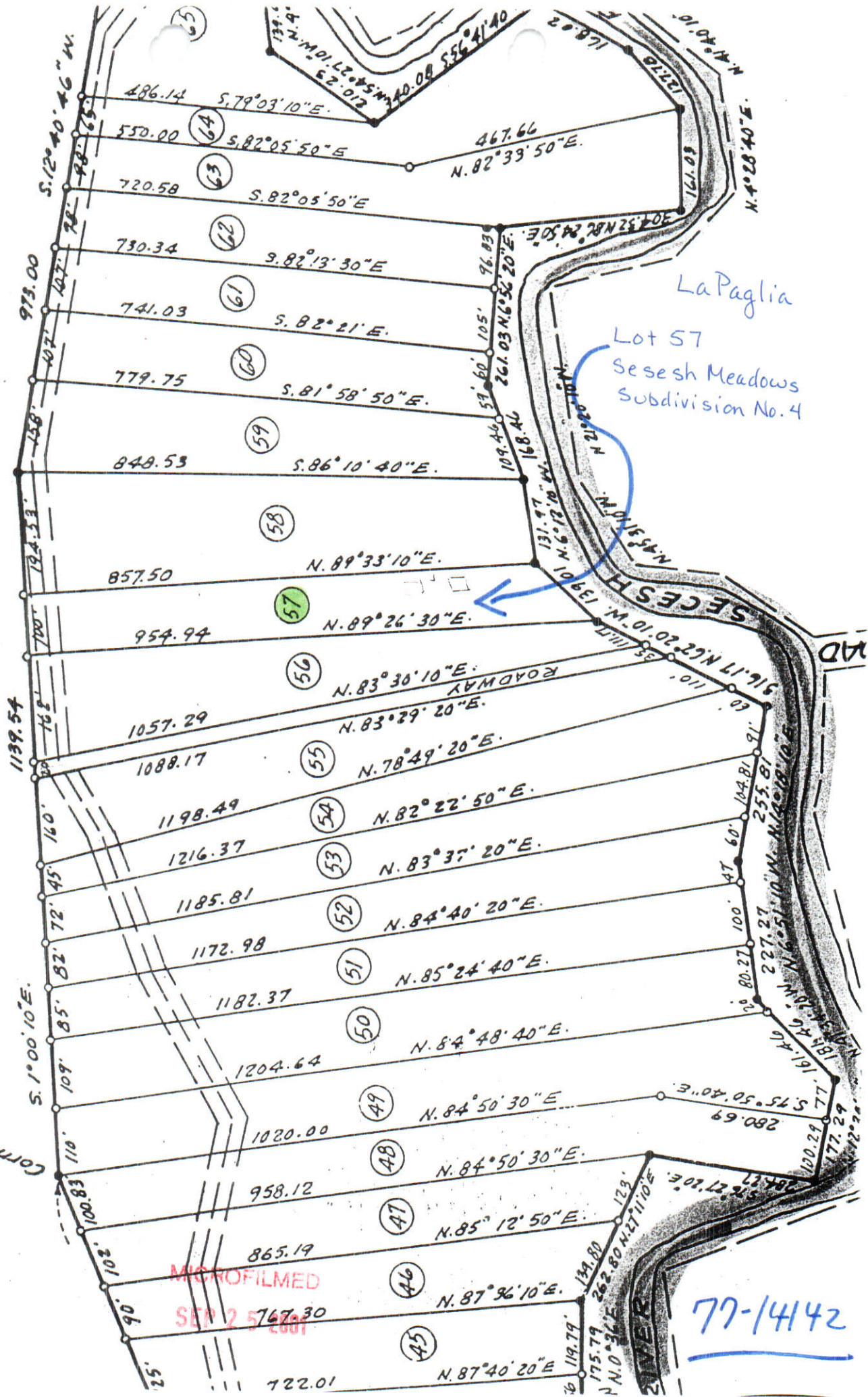


Scale: 1 inch = 200 feet

T E D

Corner No. 6

Corner No. 1



LaPaglia

Lot 57
Sesesh Meadows
Subdivision No. 4

MICROFILMED
SEP 25 1981

77-14142

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

77-14142

MIKE LA PAGLIA
PO BOX 1043
EMMETT ID 83617

Point(s) of Diversion SWNW S23 T22N
R05E IDAHO County Source GROUND
WATER

Point(s) of Diversion NWSW S23 T22N
R05E IDAHO County Source GROUND
WATER

Use: FIRE PROTECTION STORAGE 01/01
To 12/31 2 AFA

Total Diversion: 2 AFA

Date Filed: 7/16/2001

Place Of Use: FIRE PROTECTION STOR-
AGE

T22N R05E S23 SWNW NWSW

Remark: Non-consumptive use is proposed.
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 ap-
plication must be filed with the Director,
Dept. of Water Resource, Western Region,
2735 Airport Wy, Boise ID 83705 together
with a protest fee of \$25.00 for each appli-
cation on or before 09/04/2001. The protes-
tant must also send a copy of the protest to
the applicant.

KARL J. DREHER, Director
Published on August 15 and 22, 2001

A15-22

RECEIVED

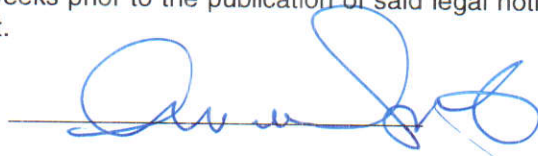
AUG 24 2001

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

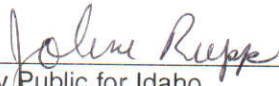
Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 15th day of August, 2001; and the last publication on the 22nd day of August, 2001; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)
COUNTY OF)

On this 22nd day of August in the year of 2001, 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: 1-24-07

MICROFILMED
SEP 25 2001

FOR OFFICE USE ONLY
Amt. of Fee \$ 50.00
Receipt No. 1063451
Receipt By: [Signature]
Date Received: 7-19-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES RECEIVED

JUL 19 2002

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.

1. Permit No. 77-14142 Telephone No. 365 1413

2. Name of Permit Holder(s): Mike LaPaglia

3. Mailing Address: PO Box 1043

City Emmett State Id Zip 83617

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

Well Driller: _____ Drilling Permit Number: _____

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

Domestic (No. of households): _____ Stockwater (No. and type of stock): Five or to Fight Five

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

6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 2.0 acre-feet

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

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

Measuring Device: Is a measuring device required?

Yes _____ or No ✓

Has the measuring device been installed?

Yes _____ or No ✓

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

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

Name: Mike LaPaglia Telephone Number: 365 1413

Address: _____

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

Signature of permit holder: [Signature] Date: 7-19-02
(include your title, if on behalf of company or organization)

MICROFILMED

AUG 25 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 77-14142

Priority: July 16, 2001

Maximum Diversion Volume: 2.0 AF

This is to certify, that MIKE LA PAGLIA
PO BOX 1043
EMMETT ID 83617

has applied for a permit to appropriate water from:

GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
FIRE PROTECTION STORAGE	01/01 to 12/31	2.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW¼NW¼ Sec. 23, Twp 22N, Rge 05E, B.M. IDAHO County
GROUND WATER NW¼SW¼ Sec. 23, Twp 22N, Rge 05E, B.M. IDAHO County

PLACE OF USE: FIRE PROTECTION STORAGE

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 05E 23							X					X					

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before September 1, 2002.
2. Subject to all prior water rights.
3. The pond developed under this right shall not exceed 1/2-acre in surface area.
4. Water shall not be diverted from storage for fire protection use under this right except to fight or repel an existing fire.
5. Place of use is located within Lot 57, Secesh Meadows Subdivision No. 4.
6. Ground water is diverted under this right by the collection of shallow ground water in excavated ponds.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 14th day of September, 2001.



KARL J DREHER, Director

MICROFILMED

SEP 25 2001

RECEIVED

JUL 19 21

WATER RESOURCES
WESTERN REGION

FORM 202
12/99

Ident. No. 77-14142

RECEIVED

JUL 16 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

RECEIVED

SEP - 5 2001

Department of Water Resources

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Mike LaPadula Phone 365-1413 ^{OR}
Mailing address PO Box 1043 Emmett ID 83617 636-3030

2. Source of water supply Ground Water which is a tributary of _____

3. Location of point of diversion is Township 22N Range 5E Sec. 23 in the _____
SW $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot 2, B.M., VALLEY IDAHO County;
additional points of diversion if any: 22N 5E 23 NW SW

4. Water will be used for the following purposes:

Amount 2 am ft for FW protection purposes from 0-1-01 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)
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) _____ and/or (b) 2 am ft
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 drying pond fill ground water
in pond

b. Height of storage dam no feet; active reservoir capacity 2 am ft acre-feet; total
reservoir capacity _____ acre-feet

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

d. Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. 22

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

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

a. Hydropower; show total feet of head and proposed capacity in kW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. FW protection for Celia

MICROFILMED

SEP 25 2001

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	5E	23						X				X							

Total number of acres to be irrigated _____

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? yes

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

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: Pat 57 Seesh Meadows sub - #4

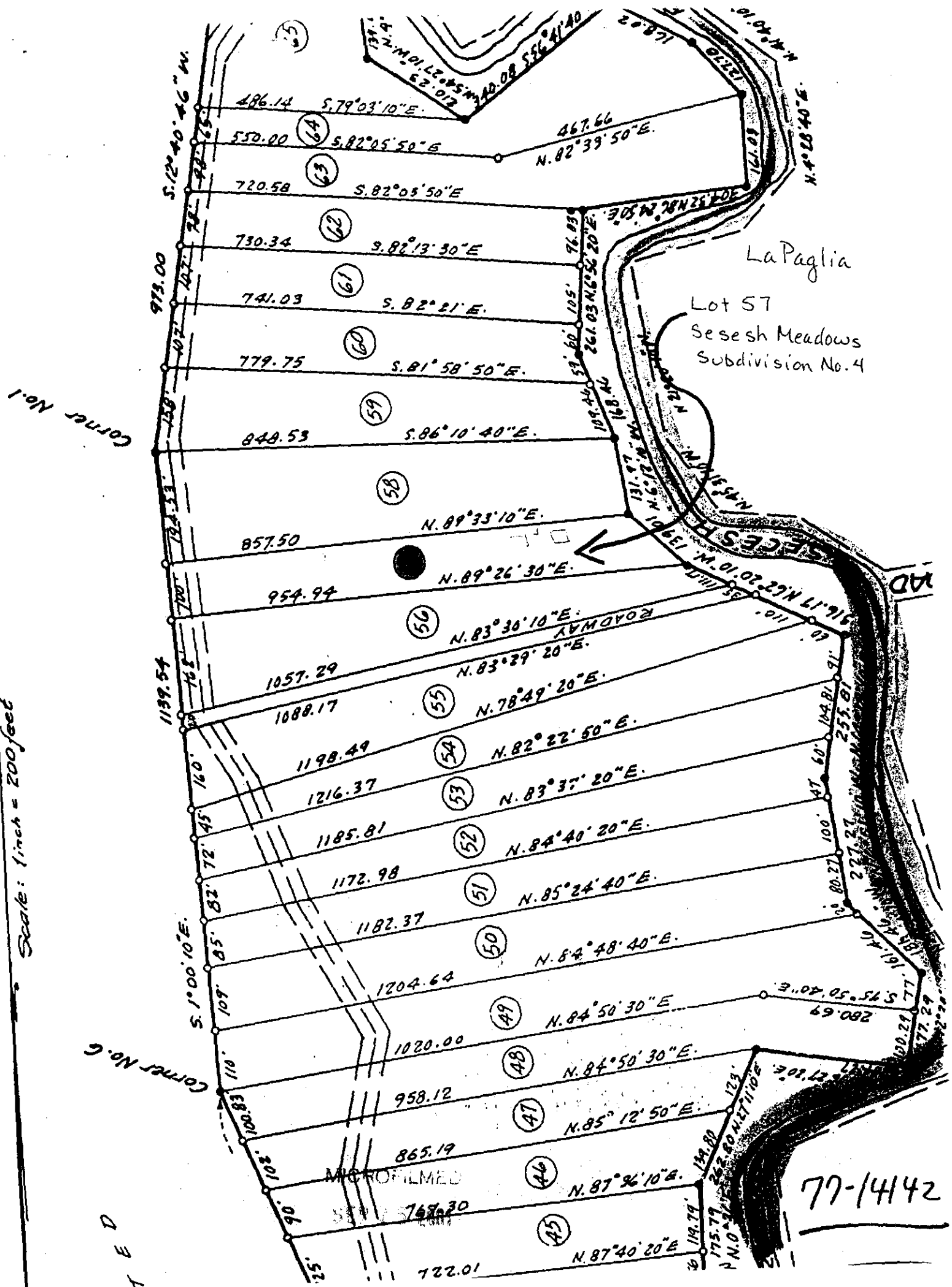
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

Mike Lpha
Signature of Applicant (and title, if applicable)

Received by J. H. H. Date 7/16/01 Time 11:55 Preliminary check by EG
 Fee \$ 120.00 Receipted by J. H. H. # C054880 Date 7/16/01
 Publication prepared by At Date 8-15-01 Published in Idaho City Free Press
 Publication approved At Date 9-5-01 MICROFILMED

SEP 13 2001





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 23, 2002

MIKE LA PAGLIA
PO BOX 1043
EMMETT ID 83617

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 77-14142

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

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

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

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

MICROFILMED
AUG 25 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 77-14142

Reviewed By: dgibson

Date: July 22, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C054880, C063451	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		07/19/2002
Date proof due	-	09/01/2002
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	07/16/2001
New priority date	=	07/16/2001

Deficiencies of Actions Items

Acknowledge proof.

June 30, 2002

MIKE LA PAGLIA
PO BOX 1043
EMMETT, ID 83617

PROOF DUE NOTICE

RE: PERMIT NO. 77-14142

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

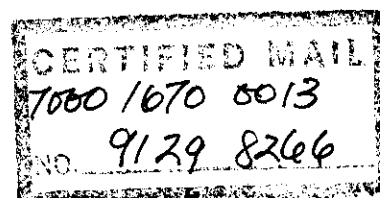
Sincerely,

Deborah J. Gibson, Admin. Asst.
Water Allocation Bureau

Enclosures

MICROFILMED

AUG 5 2002





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 14, 2001

MIKE LA PAGLIA
PO BOX 1043
EMMETT ID 83617

RE: Permit No. 77-14142

Permit Approval Notice

Dear Permit Holder:

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

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

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

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

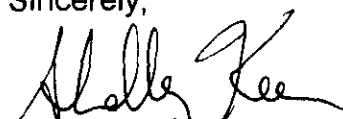
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

MICROFILMED

SEP 14 2001

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley Keen". The signature is fluid and cursive, with the first name "Shelley" and last name "Keen" clearly distinguishable.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

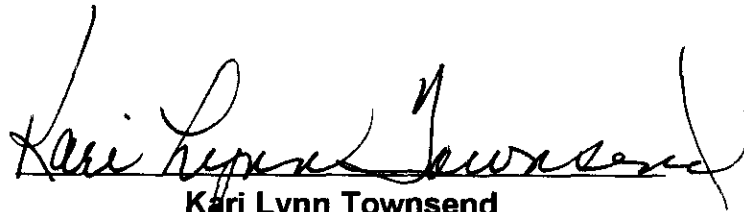
SEP 25 2001

CERTIFICATE OF MAILING

I hereby certify that on September 14, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 77-14142

**MIKE LA PAGLIA
PO BOX 1043
EMMETT ID 83617**



**Kari Lynn Townsend
Secretary**

MICROFILMED
SEP 25 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).

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.

Reviewed by Sharla Curtis on 9/10/01

No. 77-14142 Name: Lapaglia Corp. Officers N/A Ad ok ✓ Govt Lots

AREA OF CONCERN: No/Yes _____ Moratorium _____ GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells	- 046
Basin 34	- 084 (if necessary)
WMD	- North/East/West
≤ 0.24 cfs/5 acres	- No MD
> 0.24 cfs/5 acres	- 067

~~WMD~~

Supp irr (irr = only use)	- 065-104
Supp irr (+ other uses)	- 100-105
≤ 0.24 cfs/5 acres	- No MD
> 0.24 cfs/5 acres	- 01M

LOCATION:

Boise Front LoGeo	- 058 (<85 GW)
Mitigation	- 121

Trust	- 051(consumptive uses)
Non-Trust	- 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
 > 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
 or 17M (not FERC regulated)
 025-027-R22-08A

BENEFICIAL USE DUE: 9 / 01 / 2002

MISC CONDITIONS/REMARKS:

Protested	- 020-W19
Development Period	
> 1 yr	- 26A
Ownership	- 004
Non-consumptive	- 027
Water Quality	- 106-R07

SURFACE WATER: ($\sqrt{\text{Flow Chart}}$)

F&G contacted - Yes/No Response
In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

WD ~~/~~ R04 (WD# _____)
 ≤ 0.20 cfs/others ~~/~~ - 01H, 01P or No MD
 > 0.20 cfs ~~/~~ - 01J

SPRINGS/SINK, INACTIVE WD or ~~WD~~

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

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area	- 022,075
Irr., GW supp to SW	- 102
Future needs	- 007,109
FISH PROP	- 029 (70's only)-007-042-106
DOMESTIC	
Surface water	- WB5 (Big Wood/Boise above Star Bridge)
	- 27A (Payette R)
>1 in restricted area	- 070-071-075(no parks/common areas)
Irr separate or none allowed	- WB5
GWw/irrigation from SW evident	- 065-104
Moratorium approvable	- W03 (2500 gpd – meets domestic def i.e. D/convenience store)

- Multiple pd's per ¼¼ - W32
- Subd lot desc (pd) - W59
- Subd lot desc (pu) - W60 lot 57, Seagrass Meadows
- Use definitions - W02 example - S/50 range Subd #4
- Pre-1987 development - 068-074 (allow 120 days for proof due)
- Single p/d intended - 076

IRRIGATION SEASON _____ - _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS

COMMENTS

January 2001

ID. 0 DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: JE DATE: 8/3/01 APPLICATION: 77-14142

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

RECEIVED

SEP - 5 2001

Department of Water Resources

Gov't. Lots:

AV P/D
P/U

ADDITIONAL INFORMATION

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

YES NO

☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
☒ Overlapping point of diversion. } *none for this source + use*
☒ Critical groundwater area:
☒ Groundwater management area:
☒ 1992 moratorium:
☒ Surface water source, IDFG letter needed.
☒ Protected river or minimum flow reach, notify water planning bureau.
☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
☒ E-mail to Dam Safety staff: (for any storage) *don't need for this very minor storage pond*
☒ Mitigation plan: Check any that apply.
N/A $\rightarrow$ ☒ immediate = acceptable plan required and submitted.
☒ future = open areas, acceptance of condition of approval is in file.
☒ Send power requirement letter &/or fish farm requirement letter.
☒ Power residency affidavit:
☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO.

9-14/42

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. #

Water Planning Bureau

Other

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

☒ ☐
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☒ ☐

Publication dates and paper recorded on application:

Final date for protest 9-4-01

Protests received.

Recommendations attached:

Measuring device required:

Water delivered by water master? District #

Special conditions of approval or cover letter:

Standard conditions plus: does not authorize well construction; non-consumptive use; includes refill component; surface area of pond must be limited to $\frac{1}{2}$ acre; withdrawal of water from pond is allowed only to fight a fire that is in progress.

See below for additional information

Recommended Date or Priority

7-16-2001

Recommended by:

82

Date:

9/4/01

ADDITIONAL INFORMATION:

SEE Comments in attached Appl. Report -

consider non-consumptive for $\approx .3$ acre area pond *
 in naturally wet area of meadow; allow processing
 within "willowess meadow" area.

* ~~See~~ See 7/25 comm memo & pond dimensions.

The following information was obtained from the records of the State of Idaho:
JANE LA FAY, JR.
PO BOX 1093
BOZEMAN ID 83707
School of Forestry 217W 220 T22N
R2E IDAHO County District 200090
WATER
School of Forestry 217W 220 T22N
R2E IDAHO County District 200090
WATER
Under Section 200090(1)(a)
In 2001
And the following:
State of Idaho
Place of the construction of the
ACE
T22N R2E 220 T22N R2E
Remarks: No construction is proposed.
Persons will be notified of any water
rights. Persons may be notified based on
the criteria of Sec. 45-200, Idaho Code.
Any person against the removal of this ap-
plication shall be liable to the Director,
Dept. of Water Resources, Western Region,
2713 Alameda Wy, Boise ID 83705 together
with a penalty of \$2500 for each appli-
cation. The protestor shall be liable to the protest to
the State of Idaho.

RECEIVED

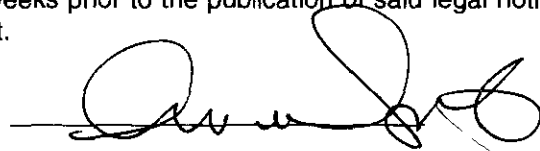
AUG 24 2001

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

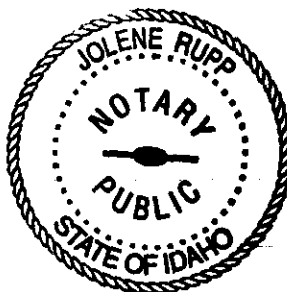
STATE OF IDAHO
County of Idaho - ss.

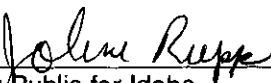
Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 15th day of August, 2001; and the last publication on the 22nd day of August, 2001; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)
COUNTY OF)

On this 22nd day of August in the year of 2001, 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: 1-24-07

MICROFILMED
SEP 25 2001

Lester, Steve

From: Lester, Steve
Sent: Thursday, July 26, 2001 1:15 PM
To: Spackman, Gary
Cc: Graves, Lori; Nelson, Dan
Subject: Possible processing re "wilderness moratorium"

Gary:

We have 3 applications for permit in Basin 77 that people want us to process due to fire danger this year. One is for ground water not subject to the Salmon River moratorium but falls within the "wilderness moratorium." The other two are for the South Fork Salmon River and fall within both moratoriums.

The ground water filing (just received, not data entered) proposes a small fire protection pond from shallow ground water, an excavated pit. The application is for 2 af for a pond covering about 1/3 of an acre in Secesh Meadows Subdivision near Warren. Maybe this can be processed based on de minimus consumptive use having little or no bearing on the wilderness issue. Plus the applicant is very worried about fires this fall and thinks Secesh River is not close enough to the cabin to provide a rapid enough response to a fire.

The other applications are 77-7382 and 77-7386 and can be processed for single domestics at Copenhagen Subdivision within the Salmon River moratorium. But the wilderness issue would limit each use to internal domestic. Each applicant already has internal water from a spring under separate filings. Appears river water can be used to keep a green buffer around the cabins by sprinkling lawn &/or natural vegetation. The consumptive part of single domestic use has not been approved under the wilderness moratorium.

The 3 applicants hope to provide suitable fire protection asap. Immediate processing would allow approvals by about mid September, in time for maximum fire danger. Given the "backburner" status of the wilderness issue and these special circumstances, I hope we can process the applications right away.

Our next chance to send ads to the papers is August 8.

Thanks.

Steve

*8/2/01 mtg. of S.C. w/ Aaron, Glen, Jeff, Gary & me:
still can't process cons. use in "wilderness moratorium"
area. If can show pond & Secesh non-cons., ok to
process. Two river apps. cannot be processed yet.
-SZ*

77-14142

CONVERSATION MEMORANDUM

DATE 7/25/01

FILE 77-14142

NAME OF PARTY Mike LaPaglia

EMPLOYEE PL

RE: Appl. Status

Called to inquire about appl. status. Recently rec'd at Region (7/19). Needs to p. pond asap due to high fire danger this year.

Pond will be c 100'x150' & hold c 2 af. Fill with shallow g.w. Needs handy source next to cabin since river water a little too far to provide immediate help.

Asked to expedite so can be ready asap.

100'x150'

48560 ft²/acre $\approx$.34 acre surface area

located in Secesh meadow, a naturally wetted habitat.

Issue: cons. use re "wilderness mountain."

MICROFILMED

SEP 25 2001

August 08, 2001

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

RE: Application for Permit No. 77-14142

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 09/04/2001. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED
SEP 25 2001

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

77-14142

MIKE LA PAGLIA
PO BOX 1043
EMMETT ID 83617

Point(s) of Diversion SWNW S23 T22N R05E IDAHO County Source GROUND WATER

Point(s) of Diversion NWSW S23 T22N R05E IDAHO County Source GROUND WATER

Use: FIRE PROTECTION 01/01 To 12/31 2 AFA
STORAGE

Total Diversion: 2 AFA

Date Filed: 07/16/2001

Place Of Use: FIRE PROTECTION STORAGE

T22N R05E S23 SWNW NWSW

Remark: Non-consumptive use is proposed.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 09/04/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on August 15 and 23, 2001

MICROFILMED

SEP 25 1987

COMMITMENT FOR TITLE INSURANCE

ISSUED BY

First American Title Insurance Company



AGREEMENT TO ISSUE POLICY

We agree to issue a policy to you according to the terms of this Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

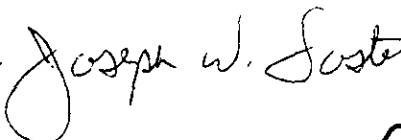
- The Provisions in Schedule A.
- The Requirements in Schedule B-1.
- The Exceptions in Schedule B-2.
- The Conditions on the other side of this page 1.

This Commitment is not valid without SCHEDULE A and Sections 1 and 2 of SCHEDULE B.

First American Title Insurance Company

BY  PRESIDENT

ATTEST  SECRETARY

BY  COUNTERSIGNED

77-14142

SCHEDULE A

1. Commitment Date: November 6, 1989 at 8:00 a.m. Commitment No: 13501
2. Policy or Policies to be issued: Policy Amount

☒	(a) Owners Policy	\$ 54,500.00
	Proposed Insured: MIKE LAPAGLIA CONSTRUCTION CO., INC.	
☐	(b) Loan Policy	\$
	Proposed Insured:	
☐	(c)	\$
	Proposed Insured:	
3. Fee simple interest in the land described in this Commitment is owned, at the Commitment Date, by Parcel #1: ANDREW S. OSBORNE, an undivided 1/3 interest; EUGENE J. ADAMS, an undivided 1/3 interest; SIDNEY CARTER and IRENE CARTER, an undivided 1/3 interest.
Parcel #2: SECESH MEADOWS COMPANY
4. The land referred to in this Commitment is described as follows:

Parcel #1:

Lot 56. Secesh Meadows Subdivision No. 4, Idaho County, Idaho, according to the official plat thereof.

Parcel #2:

Lot 57, Secesh Meadows Subdivision No. 4, Idaho County, Idaho, according to the official plat thereof.

SCHEDULE B - Section 1

Requirements

The following requirements must be met:

- (a) Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- (b) Pay us the premiums, fees and charges for the policy.
- (c) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- (d) You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
- (e) Release(s) or Reconveyance(s) of item(s) _____
- (f) Other _____

NOTE:

- 1. We have made a judgment search and find only as listed herein.
 - 2. This Commitment will expire and our liability to you or the insured will end in six months from the date herein, unless we receive a written request to extend it.
 - 3. Parcel #RP 003500000560 & RP 003500000570; taxes for 1989 are due in the sum of \$260.30. (for informational use only, no liability assumed)
- (g) You must give us the following information:
- 1. Any off record leases, surveys, etc.
 - 2. Statement(s) of identity, all parties.
 - 3. Other _____

IMPORTANT

If this transaction fails to close and/or this commitment is cancelled, a fee will be due and owing, which fee complies with the rates currently on file with the Dept. of Insurance, State of Idaho. The cancellation fee established within those rates is 50% of the fee quoted to you for our final insurance policy, but not less than \$137.00. We will consider the party who ordered this commitment, and/or the party benefiting from it, responsible for payment unless notified in writing within 30 days to the contrary.

This is not a report to show condition of title but a commitment to insure based upon the terms and conditions of our agreement. We issue this in anticipation of a final policy of insurance. Our liability is for amount listed, whether under the commitment or the final policy. We will also expect payment as entitled by law. If you are in doubt of the terms of our agreement, please contact us immediately, otherwise we will consider the terms, conditions, and price are in full agreement between the Title Co. and/or the party who has ordered this commitment.

SCHEDULE B - Section 2

Exceptions

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

PART I:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. General taxes for the year 1989, which are a lien, now due and payable.
8. Building Restrictions, executed by LELAND WAGGONER and BEULAH WAGGONER, husband and wife, and the SOUTHFORK INVESTMENT CO., an Idaho corporation, including the terms and conditions thereof; recorded September 24, 1971, as Inst. #242628, records of Idaho County.
9. Any claim or loss deriving from the difference in the mean high water line of the Secesh River and the meander line as shown by the official plat or any gain or loss due to accretion or avulsion.
10. A 20 foot Utility Easement and a 20 foot Road Easement as shown on the recorded plat thereof, records of Idaho County.
11. The terms, covenants and provisions of an unrecorded contract of sale by and between the vestee to DON C. MEDLEY and MYRNA L. MEDLEY, husband and wife, disclosed by our application and the effect of any failure to comply with such terms, covenants and provisions.
12. Right, title and interest of ANDREW S. OSBORNE, EUGENE J. ADAMS, and SIDNEY CARTER and IRENE CARTER. Regarding Lot 57.

NOTE: A Quitclaim Deed will need to be executed by each of the above in order to clear title to lot 57.

The following numbered exceptions_____will be eliminated in an ALTA Extended Coverage Policy.

BUILDING RESTRICTIONS

Secesh Meadows Subdivision No. 4

Book 3 Plats Page 20

We, the undersigned, LELAND WAGGONER and BEULAH WAGGONER, husband and wife, owners of an undivided one-third interest in and to the hereinafter described real property, and Southfork Investment Company, an Idaho corporation, owner of an undivided two-thirds interest in and to the following described property in Idaho County, Idaho;

A parcel of land in Sections 10, 11, 14, and 23, T. 22 N., R. 5 E., B.M., Idaho County, Idaho, more particularly described as follows:

Beginning at a point, Corner No. 2 of the Spokane Group No. 6, identical with Corner No. 2 of the Spokane Group No. 5, both of Mineral Survey No. 3387, which lies N. 77° 01' 50" E., 1169.51 feet from the Corner of Sections 10, 11, 14, and 15, T. 22 N., R. 5 E., B.M.; thence S. 20° 22' 40" E., 2823.60 feet, Corner No. 3 of the Spokane Group No. 5, identical with Corner No. 5 of the Spokane Group No. 4, both of Mineral Survey No. 3387; thence S. 20° 35' 40" E., 1927.83 feet, Corner No. 6 of the Spokane Group No. 4 of Mineral Survey No. 3387; thence S. 1° 00' 10" E., 1139.54 feet; Corner No. 1 of the Spokane Group No. 4, identical with Corner No. 1 of the Spokane Group No. 3, both of Mineral Survey No. 3387; thence S. 12° 40' 46" W., 973.00 feet; thence N. 66° 20' 20" W., 168.21 feet; thence N. 36° 26' 30" W., 113.55 feet; thence N. 4° 26' 30" W., 139.60 feet; thence N. 54° 27' 10" W., 210.23 feet; thence S. 56° 41' 40" W., 340.08 feet; thence N. 61° 04' 40" W., 168.02 feet; thence N. 41° 40' 10" W., 127.78 feet; thence N. 4° 28' 40" E., 161.03 feet; thence N. 86° 24' 50" E., 304.32 feet; thence N. 6° 56' 20" E., 261.03 feet; thence N. 21° 20' 12" W., 168.46 feet; thence N. 6° 12' 10" W., 131.97 feet; thence N. 45° 31' 10" W., 139.01 feet; thence N. 62° 20' 10" W., 316.17 feet; thence N. 14° 18' 10" E., 255.81 feet; thence N. 6° 59' 10" W., 227.27 feet; thence N. 41° 34' 20" W., 181.46 feet; thence N. 12° 39' 10" E., 177.29 feet; thence S. 76° 27' 20" E., 284.27 feet; thence N. 27° 11' 10" E., 262.60 feet; thence N. 0° 36' E., 175.79 feet; thence N. 36° 45' 50" W., 169.40 feet; thence N. 60° 50' 40" W., 361.71 feet; thence N. 40° 58' 50" W., 84.46 feet; thence N. 45° 44' 40" E., 147.73 feet; thence N. 8° 26' 50" E., 257.82 feet; thence N. 77° 40' W., 158.56 feet; thence N. 12° 18' 50" W., 121.31 feet; thence N. 31° 09' 10" E., 219.40 feet; thence N. 0° 24' 10" E., 274.38 feet; thence N. 32° 15' 10" W., 354.09 feet; thence N. 14° 01' 50" W., 187.42 feet; thence N. 3° 01' E., 370.31 feet; thence N. 58° 16' 50" E., 311.54 feet; thence N. 3° 20' 30" E., 269.25 feet; thence N. 21° 07' 30" W., 130.85 feet; thence N. 77° 42' 20" W., 302.69 feet; thence N. 52° 49' 30" W., 125.78 feet; thence S. 88° 26' 20" W., 182.31 feet; thence N. 70° 29' 30" W., 231.60 feet; thence N. 22° 43' 10" E., 240.53 feet; thence N. 34° 21' 40" W., 519.83 feet; thence N. 0° 56' 40" W., 145.63 feet; thence N. 13° 10' 40" W., 330.91 feet; thence N. 46° 34' 50" W., 395.45 feet; thence N. 23° 59' 50" W., 319.36 feet; thence N. 49° 53' 50" W., 225.62 feet; thence N. 30° 27' 10" W., 186.21 feet; thence N. 61° 28' 20" E., 93.76 feet; thence N. 32° 03' 10" E., 41.81 feet; thence S. 50° 55' 10" E., 1590.05 feet to the Point of Beginning.

MICROFILMED

SEP 25 2001

now duly platted as Secesh Meadows Subdivision No. 4 the plat thereof being recorded in the office of the County Recorder of Idaho County, Idaho, in Book ____ of Plats at page _____, hereby certify and declare as follows:

1. That they are the owners in fee simple of the above described real property in Idaho County, Idaho.

2. That no private residence, other than a residence for the occupancy of one family with necessary garage and other outbuildings, may be erected on any lot in the said Secesh Meadows Subdivision No. 4.

3. No dwelling house, outbuildings, or other allowed structure shall be erected or built on any lot in said subdivision unless the same is constructed with logs or in such manner as to simulate log construction, stone or rock and, except as provided in the paragraph next following, not more than one dwelling or residence shall be constructed upon any one lot.

4. No lot in said subdivision shall be subdivided into smaller lots within a period of nineteen (19) years from the date of this declaration of restrictions.

5. No part of said subdivision and no lot therein shall be used or occupied in such manner as to injuriously affect the use, occupancy or value of the adjoining or adjacent lot or premises for residential purposes, or the neighborhood where said premises are situated or in such a manner as to constitute a public or private nuisance.

6. There will be no sewage effluents disposed of by sub-surface means due to high ground water table. All sewage effluents, including shower water, will be contained in watertight vaults and will be removed to a point of disposal by a licensed pumper who will be responsible for the treatment of the sewage to the state's water quality criteria.

6a. Buyer acknowledges receipt of a copy of the Sanitary Code for Idaho County and a copy of "Standards for Sub-surface Sewage Disposal Systems" issued by the Idaho State Department of Health.

6b. Buyer recognizes that the U. S. Government has jurisdiction in the

areas of sanitation and sewage disposal and in other areas of environmental considerations with respect to the Secesh River and its tributaries and the near or adjacent national forest areas.

6c. Buyer agrees to comply with all laws, statutes, ordinances, rules and regulations promulgated by any governmental agency having jurisdiction in connection with water supply, sanitation and sewage disposal.

7. No building or other structure shall be built so as to be located less than ten feet at any point thereof from any boundary line of a lot in said subdivision.

8. The above declarations and restrictions shall constitute covenants to run with all the land within said subdivision as provided by law and shall be binding on all parties and all persons claiming under them and for the benefit of and limitations upon all future owners in said subdivision, this declaration of restrictions being designed for the purpose of keeping said subdivision desirable, uniform and suitable in architectural design and use as herein specified.

9. Except as herein above otherwise provided said restrictions, covenants, conditions and reservations shall be perpetual and shall apply to and be forever binding upon the grantee and any lot in this subdivision, his heirs, executors, administrators and assigns and are imposed upon said real property as an obligation or charge against the same for the benefit of the undersigned, their successors, heirs and assigns and as a general plan for the benefit of said subdivision.

10. If any party or person shall violate or attempt to violate any of covenants and restrictions herein contained any other person or persons owning a lot or any part of a lot within said subdivision shall and does have the power to institute any proceedings at law or in equity against any person or persons violating or attempting to violate any such covenants or restrictions and to prevent him, her, or them, whether such person or persons are natural or artificial persons, from so doing and to recover damages and any other compensation allowed by law for such violation or attempted violation. IN WITNESS WHEREOF, the said owners of said subdivision have hereunto set their hands this _____ of _____, 1971

-3-

Leland Waggoner

Attest:

Beula Waggoner

Secretary

by

President

MICROFILMED

SEP 25 1981