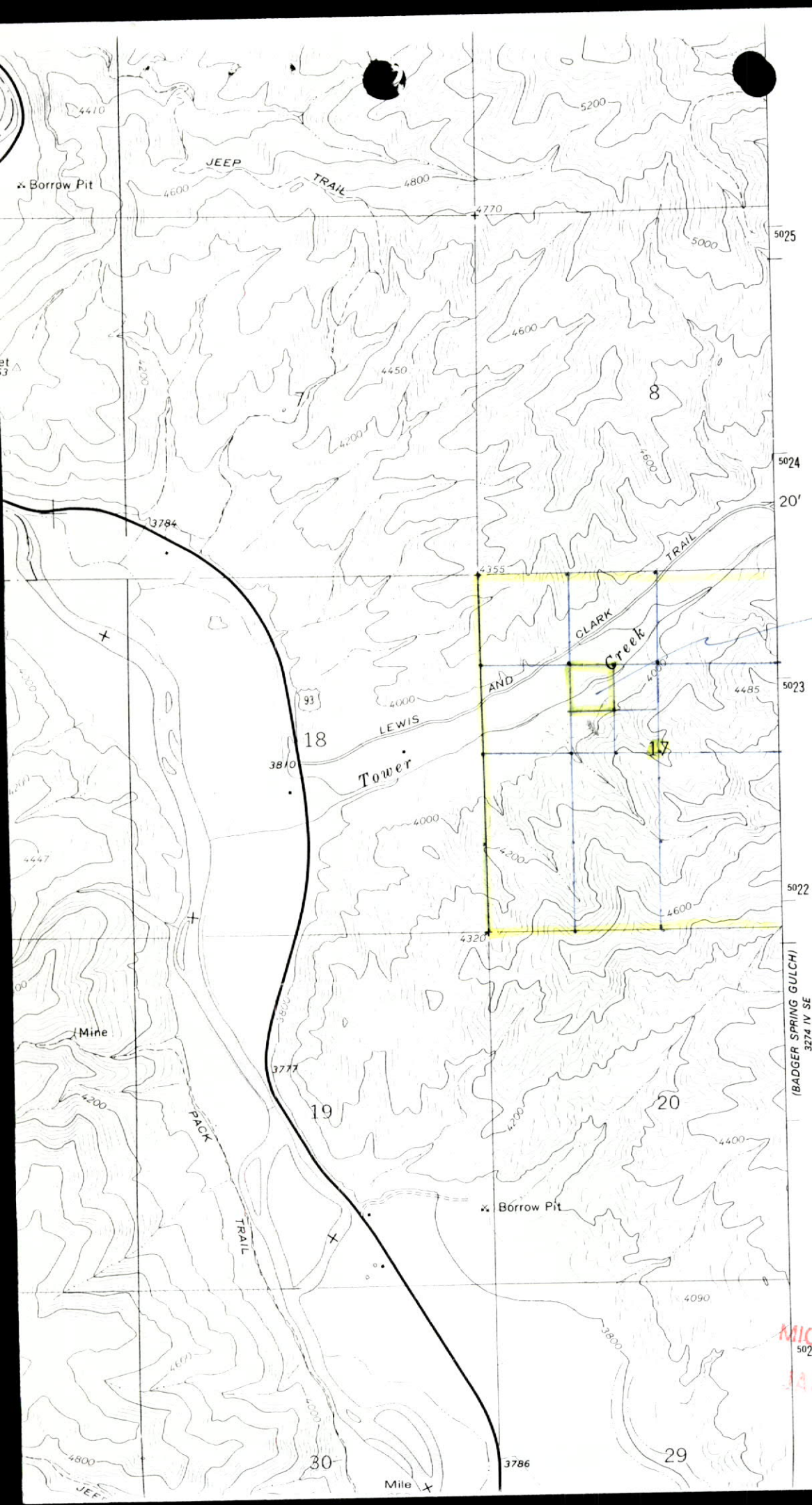
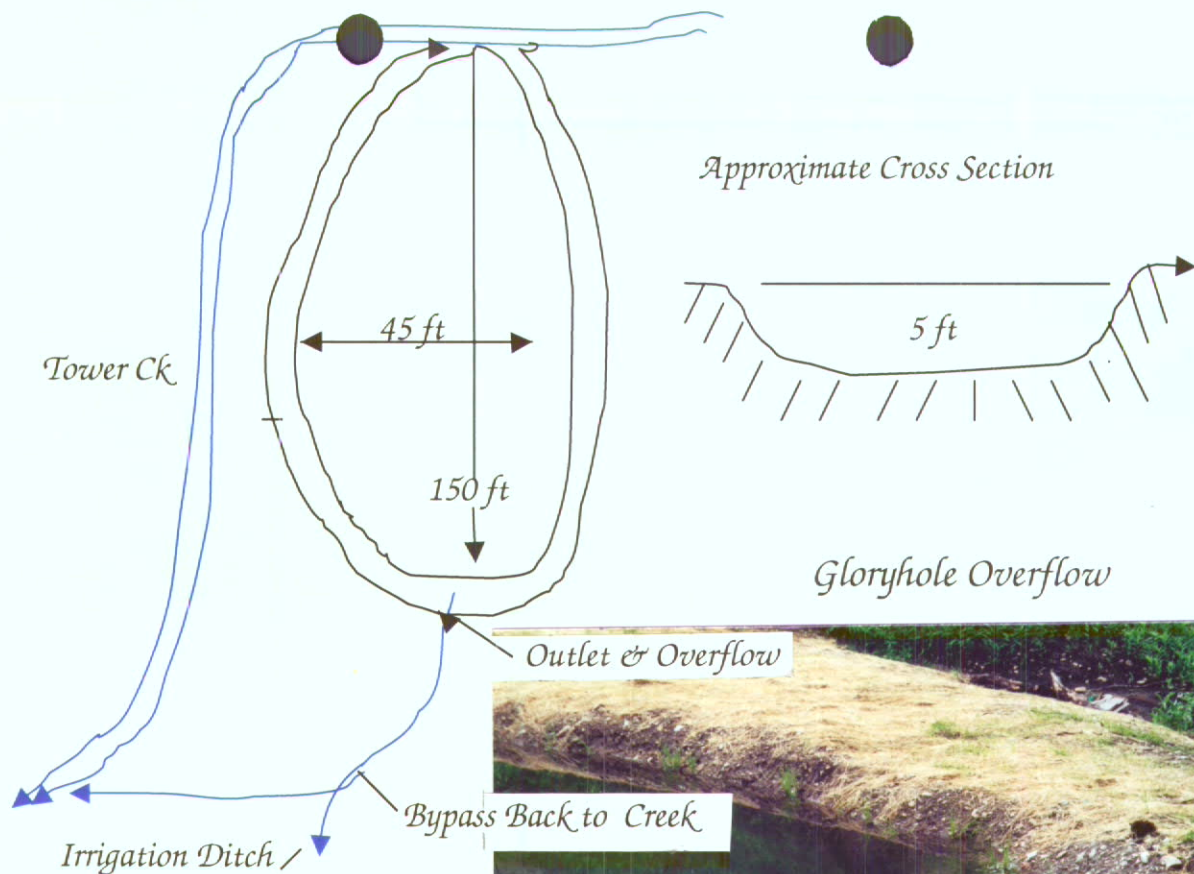




T23N
R22E
S17

Project Area

MICROFILMED
JAN 31 2000



NOT FILMED
JAN 31 2000

FEATURES OF THE DAVID E. WILLIAM'S POND

Diversion Dam & Inlet to Pond



Pond Looking Downstream



Discharge from Overflow



Emergency Spillway













6 3 98





6 3'99









**NOTICE OF APPLICATION FOR
WATER RIGHT**

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

75-07667

WILLIAMS, DAVID E

PO BOX 8

CARMEN, ID 83462

Source: TOWER CREEK Tributary:
SALMON RIVER

Diversion Pt: NWSEW Sec 17 T
23N R 22E in LEMHI County.

Use: RECREATION STORAGE
(0.30 AF)

DIVERSION TO STORAGE (0.200
CFS)

Total Diversion: (0.200CFS)

Date Filed: 11/2/1998

In" LEMHI County

T23N R22E S17 SENW

Any protest against the proposed
application must be filed with the De-
partment of Water Resources, 900 N
Skyline Dr., Ste A, Idaho Falls, ID,
83402, together with a protest fee of
\$25.00 on or before DECEMBER 7,
1998 to be considered by the Depart-
ment in its decision to grant or deny
any part of the proposed application.
The protestant must also send a copy
of the protest to the applicant.

KARL J. DREHER, Director

Published: 11/19/1998 & 11/26/1998
11-19-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (print-
ers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho,
and of general circulation therein. That the NOTICE APP. WATER RIGHT 75-07667

a true printed copy of which is attached to the margin hereof, has been and was correctly printed
and published in the regular and entire issue of every number of said newspaper and not in any
supplement thereof or thereto for Two(2) consecutive issues, commencing with the
issue dated 11-19-1998 and ending with the issue dated 11-26-1998

STATE OF IDAHO

County of Lemhi

ss.

On this 26th day of November in this year of 1998 before me, A Notary Public, person-
ally appeared RICKY G. HODGES, 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 state-
ments therein are true, and acknowledged to me that he executed the same.

Sheila K. Hodges

Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 9-21-2001

Publication Fee \$ 46.20

Account No. 630

MICROFILMED
JAN 31 2000

RECEIVED

DEC 11 1998

Department of Water Resources
Eastern Region

NOV 24 1999

FOR OFFICE USE ONLY
 Amt. of Fee \$: 50.00
 Receipt No. 1047248
 Receipt By: gm
 Date Received: 11-24-99

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

- Permit No. 75-07667 Telephone No. 208 756 2018
- Name(s) of Permit Holder(s): David E Williams
- Mailing Address: Box 8 Carmen ID 83462
- Source of Water: Tower Creek (Salmon R.) If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____
 - Well Driller: _____ Drilling Permit Number: ____ - ____ - ____
 - OPTIONAL:
 Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
- Use(s) (as authorized by the water right permit):
 Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
 Irrigation (No. of acres): _____ Other: Fishing pond - Recreation
- Total rate of diversion and/or volume for which proof is submitted: .20 cfs OR _____ acre feet
- 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 <u>X</u>
	Has the measuring device been installed?	Yes _____	or	No <u>X</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes _____	or	No <u>X</u>
	Has the measurement port been installed?	Yes _____	or	No <u>X</u>
- Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
- Person to contact to accompany the Department representative during field examination of the water system.
 Name: David Williams Telephone Number: 756 2018
 Address: Box 8 Carmen
- The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder:

David E. Williams

Date:

11-19-99

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

MICROFILMED
 JAN 31 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 75-07667

Proposed Priority: November 2, 1998

Maximum Diversion Rate:

0.20 CFS

This is to certify, that DAVID E WILLIAMS

PO BOX 8

CARMEN ID 83467

has applied for a permit to appropriate water from:

TOWER CREEK

tributary of SALMON RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		0.3 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
	Totals	0.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 17, Township 23N, Range 22E
LEMHI County

PLACE OF USE: RECREATION STORAGE

TWN RGE SEC

23N 22E 17

SENW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 2001.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
5. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
6. In accordance with the agreement signed April 26, 1999, if protestants Gerd Michaelis and Nelda Enoch do not petition for reconsideration of this approval in the manner set forth in the Rules of Procedure of the department, their protests will be deemed to have been set aside by this approval.
7. Recreation storage is for a fishing pond.

MICROFILMED

JAN 31 2000

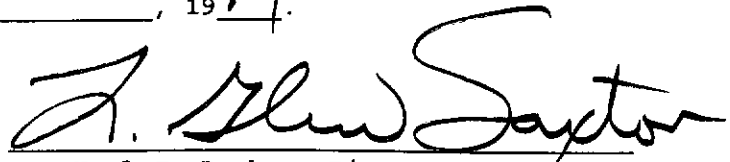
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 75-07667

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

20th day of July, 1999.



Karl J. Dreher, Director

for

MICROFILMED
JAN 31 2000

Ident. No.

75-07667

STATE OF IDAHO
OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

OCT 30 1998

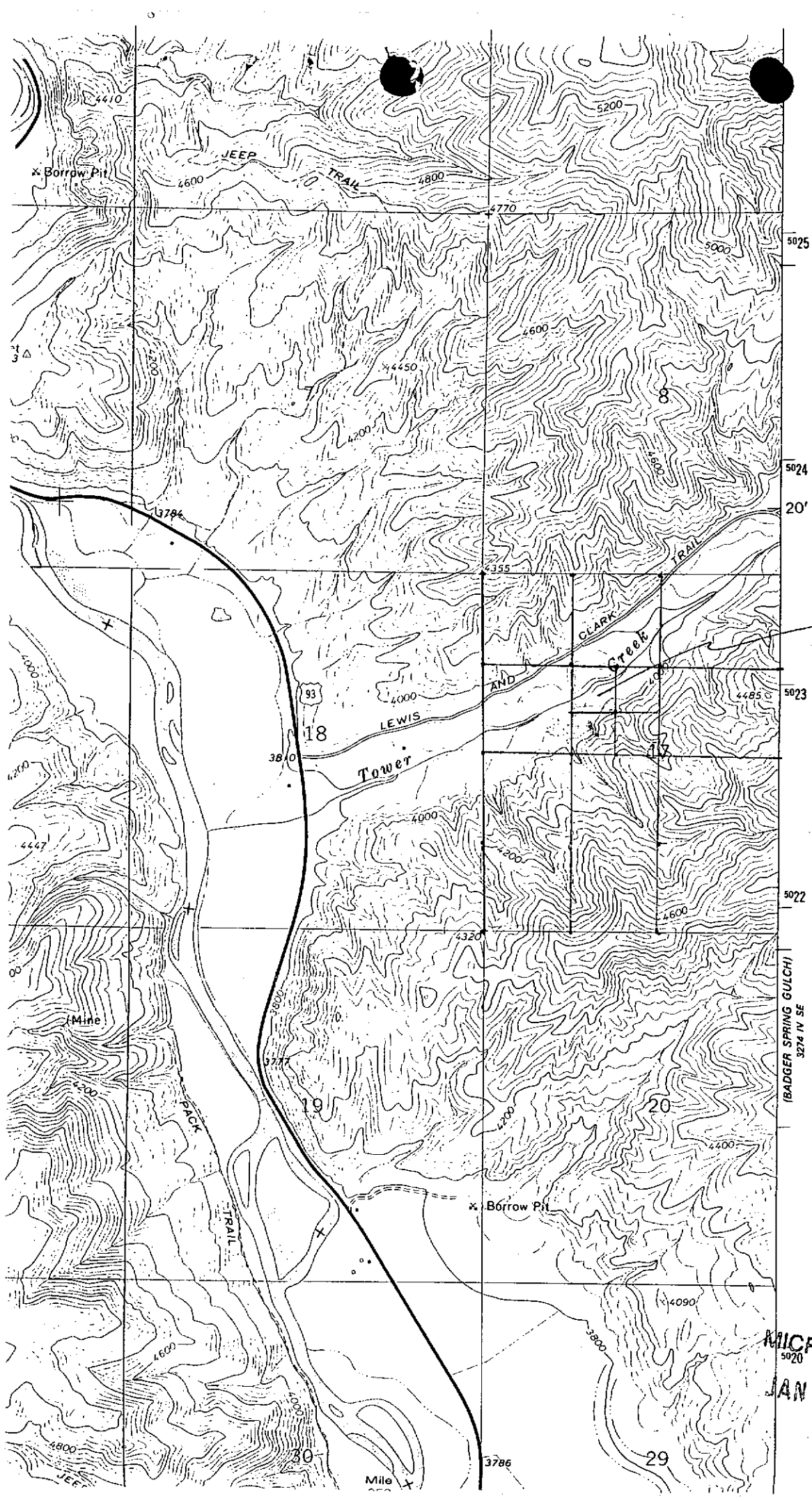
Department of Water Resources
Eastern Region

1. Name of Applicant DAVID E. Williams Phone (208) 756-2018
Mailing address PO Box 8 Carmen ID 83467
2. Source of water supply Tower Creek which is a tributary of Salmon River
3. Location of point of diversion is Township 23N Range 22E Sec. 17 in the NW 1/4, SE 1/4, NW 1/4, Govt. Lot _____ B.M. Lewhi County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount 0.20 cfs for Recreation purposes from 01-01 to 12-31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount 0.20 cfs for Div to Recreation Storage purposes from 01-01 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)
5. Total quantity to be appropriated is (a) 0.20 cfs and/or (b) 0.3
 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 10" culvert from existing irrigation ditch to pond 100' x 30' x 4' and exit to creek
 - b. Height of storage dam 5' feet; active reservoir capacity 275 acre-feet; total reservoir capacity 275 acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____
 Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 2 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. Recreation / Fish Propagation

MICROFILMED

JAN 31 2000

JAN 31 2000



T23N
R22E
S17

Project Area

MICROFILMED
JAN 31 2000

P 241 635 799

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided

Do not use for International Mail

Sent to	
Street & Number	
Post Office, State, & ZIP Code	
Postage	
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	
Postmark or Date	

MICROFILMED

JAN 31 2000

ID B3467

PS Form 3800, April 1995

75-07667

DAVID E WILLIAMS
PO BOX 8
CARMEN

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 an inquiry.

PS Form 3800, April 1995 (Reverse)



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

January 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID E WILLIAMS
BOX 8
CARMEN ID 83462

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 75-07667

Dear Permit Holder:

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

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

If you have questions concerning the field examination, please contact the **EASTERN** Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Kari Lynn Townsend
Secretary

c: IDWR - Regional Office

MICROFILMED
JAN 31 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 75-07667 Reviewed by MS Date 01-10-00

GENERAL CONSIDERATIONS

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

TYPES OF USE

Recr.
yes Correct Uses?

SOURCE OF WATER

✓ Surface water source

 Ground water source

 Drilling permit required?

 Copy in the file? Drilling Permit No.

 Amount paid for permit

 Well log in the file?

 Correct?

LICENSE EXAMINATION FEE

yes Required?
50.00 Amount Submitted
yes Correct?

MEASURING DEVICE

No Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u>
Date proof due	<u> </u>	<u> </u>
No. of days late	<u> </u>	<u> </u>
Priority Date	<u> </u>	<u> </u>
New Priority Date	<u> </u>	<u> </u>

DEFICIENCIES OR ACTION ITEMS

OK - order proof

DATA ENTRY

New Address Proof Made H-24-99

ed on the reverse side?

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
- 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):

- ☐ Addressee's Address
 - ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

4a. Article Number

75-07667
DAVID E WILLIAMS
PO BOX 8
CARMEN

MICROFILMED
JAN 31 2000

- 4b. Service Type
- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☒ Return Receipt for Merchandise

7. Date of Delivery

11-1-99

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

6. Signature (Agent)

5. Signature (Addressee)

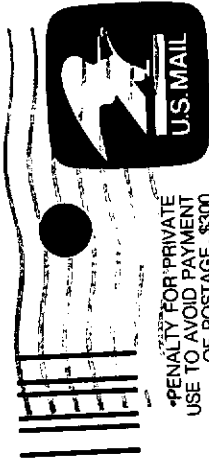
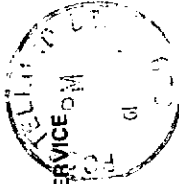
PS Form 3811, December 1991 * U.S.G.P.O.: 1992-207-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

Official Business



*PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300
Department of Water Resources

NOV 4 1988

RECEIVED

Print your name, address and ZIP Code here

W.A.

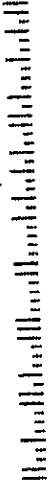
PHOTOFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

1301 NORTH ORCHARD STREET

BOISE, IDAHO 83706-2237





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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 20, 1999

DAVID E WILLIAMS
PO BOX 8
CARMEN ID 83467

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 75-07667

Dear Permit Holder:

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

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

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

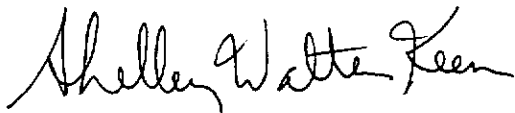
Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least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

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

MICROFILMED

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

JAN 31 2000

MICROFILMED

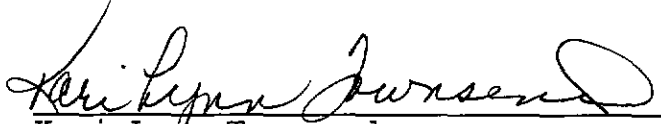
JAN 31 2000

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of July, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 75-07667

DAVID E WILLIAMS
PO BOX 8
CARMEN ID 83467


Kari Lynn Townsend
Secretary

THE FOLLOWING LISTED PERSONS ARE ALSO INCLUDED IN THIS MAILING.

GERD MICHAELIS
PO BOX 48
CARMEN ID 83462

NELDA ENOCH
PO BOX 2225
SALMON ID 83467


Kari Lynn Townsend
Secretary

MICROFILMED
JAN 31 2000

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

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

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
JAN 31 2000

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lon*No.: 15-07667 Name: Williams Date: 7/13/99 Ad OK? ☒ / Gvmt Lts: ☒AREA OF CONCERN: - No/Yes: S/C Mor / GWMA / Trust / Non-trustPROTESTED: - 020 (Protest Agreement) or 020 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A-P17
- ≤ 1 year/no proof - P18

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) - 048-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)
- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067
- ≤ 0.24 cfs/5 acres - No MD

WMD

- Supp. irr. use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr. source)
- Supp. irr. + uses - 100-101
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

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

FISH & GAME CONTACTED: - YES/NO; WHEN: 11/10/99 RESPONSE: None

IN/ABOVE MSF (✓ MAP)

IN-STREAM DEVELOPMENT

WMD (✓ MAP & LISTING)

> 0.24 cfs

others

WMD (✓ MAP)

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

SPRINGS/SINK, INACTIVE WD & REST OF STATE

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

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22-P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087

USE:

- STORAGE (✓ 3 compo.) - 18A (in & out MD for on-stream storage)-01H-P01 (LD)/01P, 18B-P09 (>10' dam), NA
- IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- STOCKWATER - R37 (BLM/USFS); NA
- MINING - 054(req)-081-P10
- FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-P10
- HEATING/COOLING - R07 (injection well)
- POWER - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

MUNICIPAL

- In restricted area? - 022, 075, 004 (+memo?)
- Irr., GW supp. to SW? - 102

DOMESTIC

- Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070

FIRE PROTECTION

- 077

LOCATION:

- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 120
- 42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin)
- SWAN FALLS FLAG (✓ Code) -

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

DATA 2 Rec stor / fish pond.7 / 2001

Sent Copy to Fish & Game by
Salman

Dist. for staffing
Submitted for advertising 11-6-88

Form No. 202
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS PERMIT

INITIAL REVIEW BY HWT DATE 11-6-88 APPLICATION NO. 75-07667

WILLIAMS
REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☒ 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
☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
☐ Overlapping point of diversion
☐ Yes ☒ No Field check required
☐ Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Power efficiency form
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

PROCESSING

☒ Yes ☒ No In form for advertising
☒ Yes ☒ No Statewide advertising
☒ Yes ☒ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☒ Idaho Dept. of Fish & Game - Salmon ☐ U.S. Forest Service
☐ Idaho Dept. of Lands *Mailed 11/10/98* ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken _____
☒ Yes ☐ No Publication dates & paper, recorded on application
☒ Yes ☐ No Protests received
☒ Yes ☐ No Final date for protest Dec. 7, 1998
☒ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☐ No Recommendations attached
☐ Yes ☐ No Measuring device required
☐ Yes ☒ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. _____
☒ Yes ☐ No Special conditions of approval or cover letter below.
See Ron Carlson Report - approve application

Date of priority recommended _____

10-30-1998

By: _____

Date: _____

6-24-98

STATE OFFICE REVIEW

By: _____

Date: _____

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from

_____ City	_____ Idaho Fish & Game	_____ Irrigation Dist.
_____ County	_____ Idaho Health & Welfare	_____ Canal Company
_____ Reservations	_____ Div. of Environment	_____ Other _____

Project impacts/implications report

COMMENTS

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

DATE: JUNE 21, 1999
FILE: 75-07667
SOURCE: TOWER CREEK
ISSUE: PROTESTS

RECEIVED
JUL - 6 1999
Department of Water Resources

BACKGROUND

David E. Williams of Carmen, Idaho constructed a small pond on an existing irrigation ditch located on Tower Creek in NW1/4 SE1/4 NW1/4 SEC 17, TWP 23N RGE 22E, B.M. It appears that this pond may have been started during 1997. On October 30, 1998 David Williams applied to the Department of Water Resources (IDWR) for a permit to appropriate 0.20 cfs and 0.30 acre-feet for storage from Tower Creek for the stated purpose of recreation and fish propagation. Notice of this application was published in the Recorder Herald on November 19, and November 26 and protests against approval were filed by Nelda Enoch and Gerd Michaelis. In their protests Nelda Enoch stated the reason for her protest to be based upon her . . . "home and acre [being] located on Lower Tower Creek, the mouth of, and depend on Tower Creek for irrigation." Gerd Michaelis claims to be a user of water out of Tower Creek and is "protesting any further water rights out of Tower Creek since there is not enough water in TWR Creek and is way over 100% appropriated."

The IDWR conducted a conference in Mud Lake, Idaho on March 4, 1999. The protestants disclosed the following facts at the conference:

1. Neither of the protestants have an interest in the ditch on which the applicant's pond was constructed.
2. The rights on Tower Creek have not been decreed, but each of the parties in this matter have filed claims to water rights that are summarized below.

A75-04507	David E. Williams	7/10/1911	0.10 cfs	Irrigation
A75-04187	Gerd C. Michaelis	4/01/1911	0.29 cfs	Irrigation/Stock
A75-04141	Nelda Enoch	6/07/1897	0.20 cfs	Irrigation

3. The parties had no knowledge about the relative entitlements or water right priorities on Tower Creek.
4. The property of Gerd Michaelis is located upstream from the applicant.
5. The protestants could not identify any specific scenario where use of water under this right would interfere with their water rights. Consequently their expression of concern broadened to address the potential interference with the rights of other users on Tower Creek. Since they did not represent the other water users on Tower Creek, the focus of their

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JAN 31 2000

protest was articulated as a general concern over the potential for injury if the dam on the David William's pond were to fail.

6. The protestants asked the IDWR to have an engineer evaluate the magnitude of the threat represented by the applicant's pond.

ANALYSIS

The analysis of the David Williams impoundment was conducted to determine on three things. First, this analysis was conducted to evaluate the potential threat to downstream residents should the embankment fail. Second, the potential for impacting other water users and water rights was evaluated. Third, the analysis was conducted to determine the extent of the beneficial use of water should application 75-07667 be approved.

Hazard Analysis

The David William's dam and pond is not ten feet in hydraulic height and does not impound fifty acre-feet of water. A liberal estimate of the capacity of the pond would be 0.75 acre-feet. (This estimate assumes uniform dimensions of 150 ft X 45 ft X 5 ft.) For the purpose of evaluating the potential hazards this maximum volume was used.

The flood potential in the case of a sudden failure where the embankment at the outlet failed and the storage in the pond was released uniformly during a period of three minutes.

$$33,750 \text{ ft}^3 / 180 \text{ sec} = 187.5 \text{ cfs peak discharge at the breach}$$

Immediately downstream the water would fan out in the wetland area between the pond and tower creek. Within 100 feet of the breach the water would spread out and the estimated duration of the flow reaching tower creek would be attenuated over a time equal to at least ten times the maximum evacuation period estimated for the failure.

$$(33,750 \text{ ft}^3 - 7260) / 1800 \text{ sec} = 14.72 \text{ cfs peak reaching the creek.}$$

Because of the total amount of storage released this peak would dissipate within the first few hundred feet of the stream and probably would not even be detected by the next downstream landowner. Since this analysis assumes a capacity that is likely twice the actual storage the actual flows will probably never reach the flows computed above.

Impact on Other Water Rights

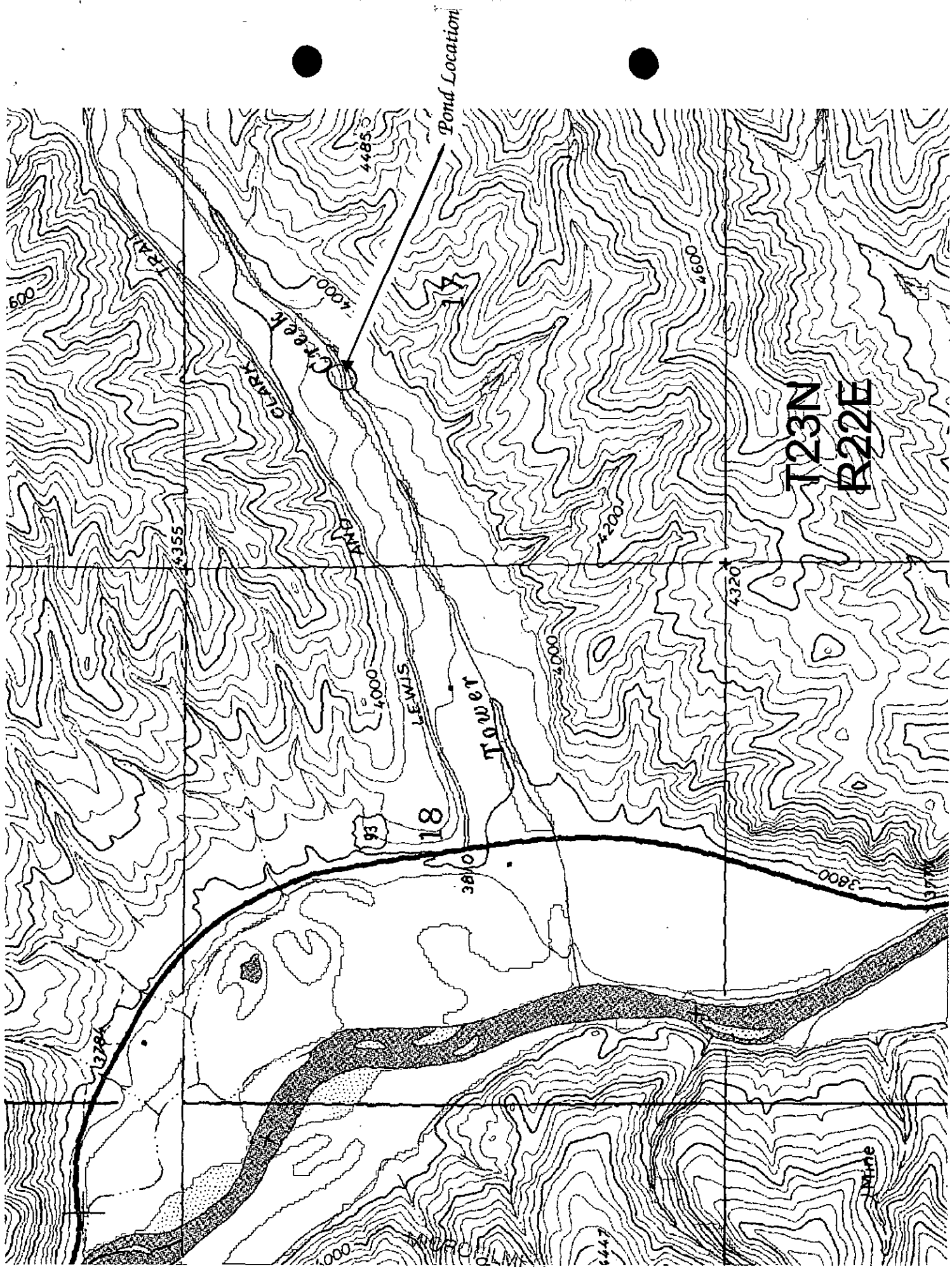
Because of its location, size and surface area, the potential impact on other water rights will be limited to the increase in evaporation associated with the increased surface area. The increased evaporation can be anticipated to be less than the consumptive use associated with one household on Tower Creek. The change in the flow of Tower Creek resulting from the increased evaporation can not be measured.

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JAN 31 2000

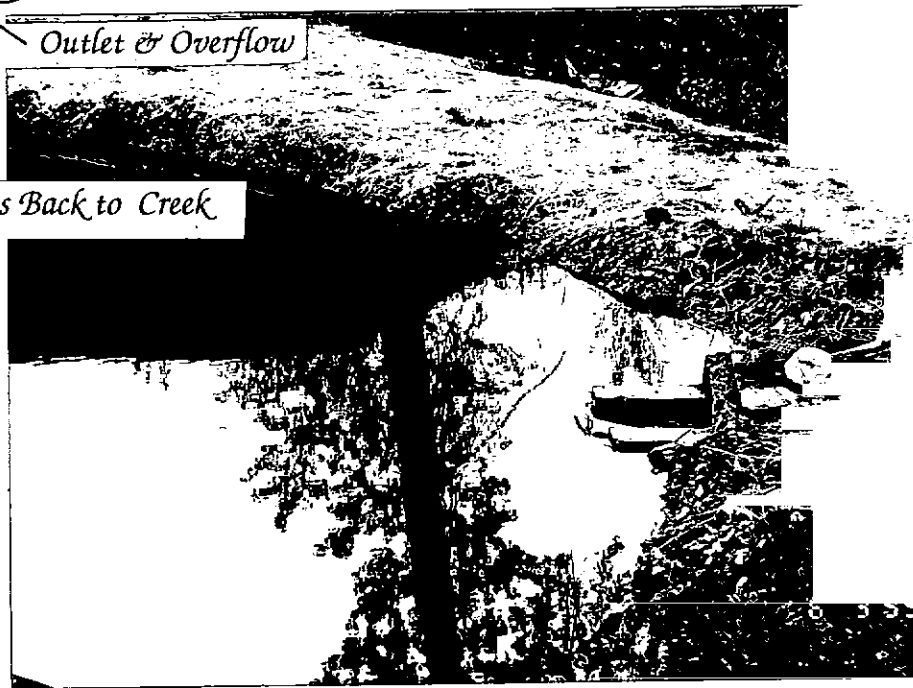
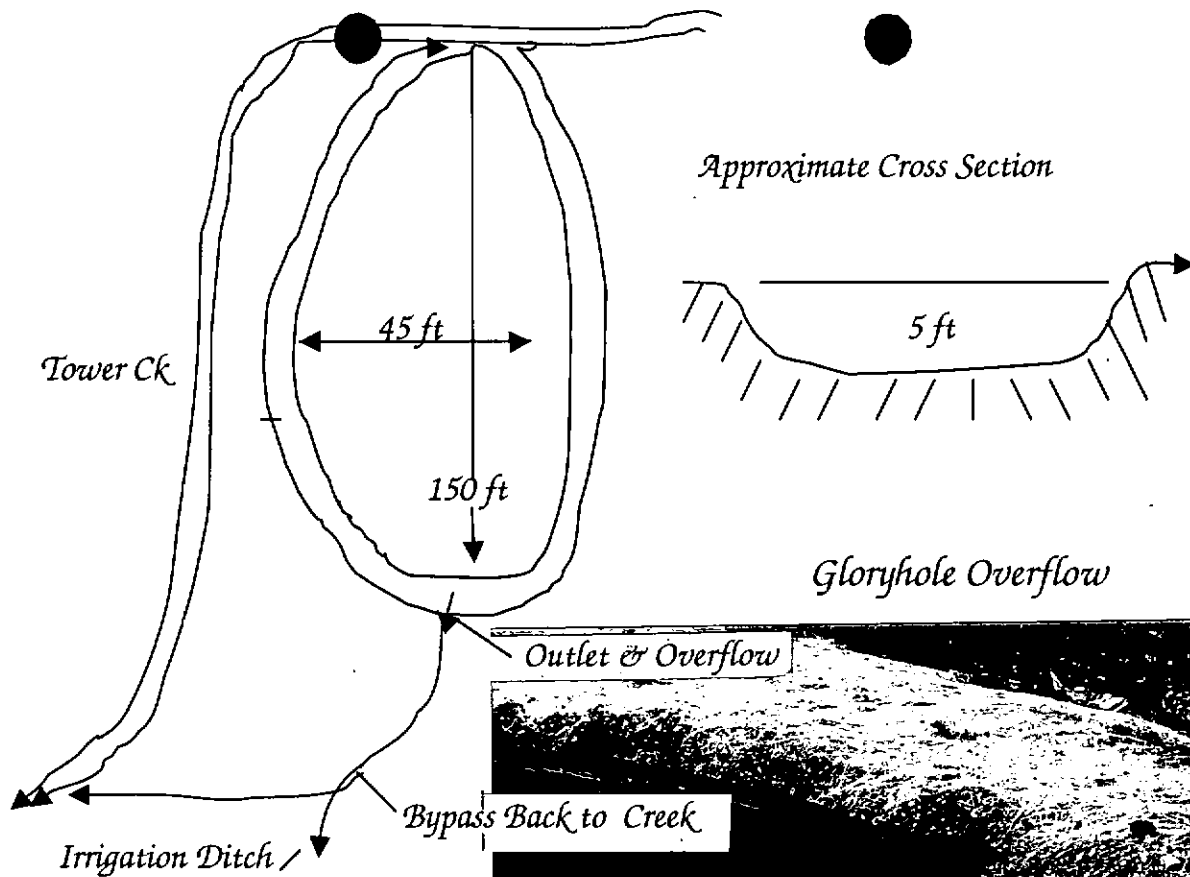
The Extent of Beneficial Use

The applicant is seeking to appropriate 0.30 acre-feet of water from Tower Creek that will be diverted through an existing ditch at the maximum rate of 0.20 cfs. The 0.30 acre-feet appears to be a good estimate of the actual capacity of the pond. In addition the diversion works is capable of diverting 0.20 cfs into the pond. On June 3, 1999 the flow through the pond probably exceeded 0.20 cfs. A box located on the ditch below the pond was returning about 25% of the water back to Tower Creek.

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JAN 31 2000



JAN 31 2000



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JAN 31 2000

8 3 99

FEATURES OF THE DAVID E. WILLIAM'S POND

Diversion Dam & Inlet to Pond



Pond Looking Downstream



Discharge from Overflow



Emergency Spillway



QUALITY PARK
11117

Photos

MICROFILMED

JAN 31 2000

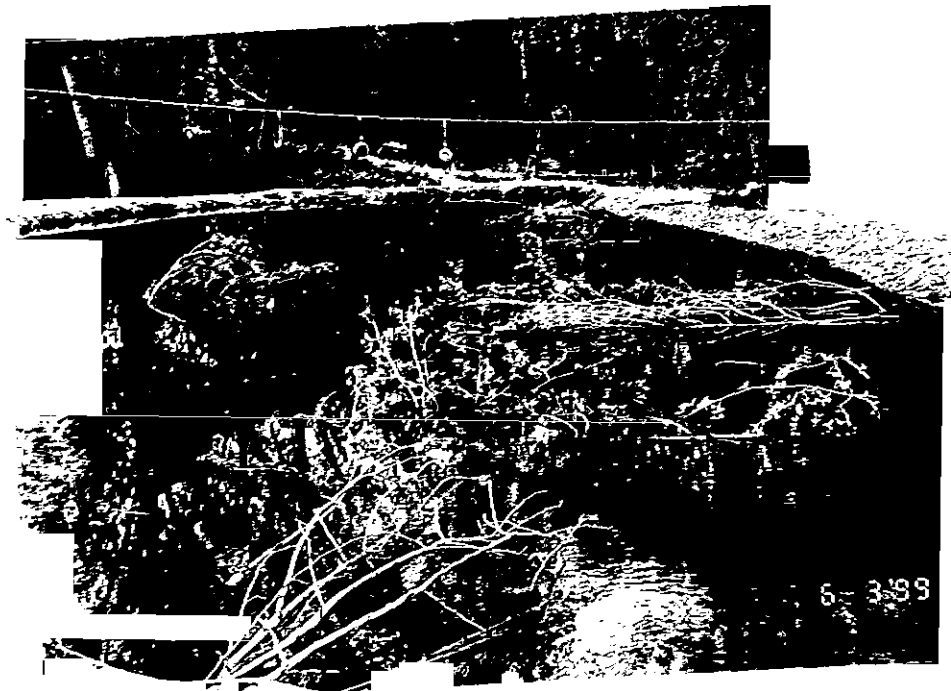
100% PCC







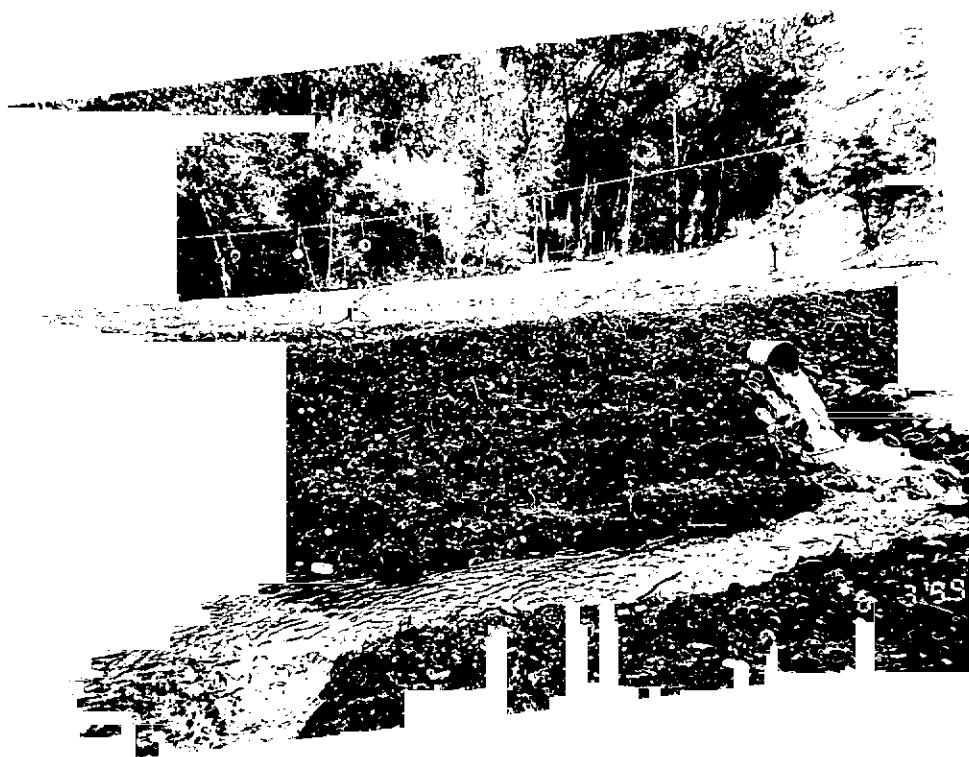
















100-100-100



Date: April 26, 1999

To: H. W. Jones

From: Bob Foster *ef*

Re: Application 75-07667

Skip, here is the agreement signed by all parties. Let me know if you need me to do anything on this end besides canceling the use of the meeting room.

MICROFILMED
JAN 31 2003

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 75-07667 IN THE)
NAME OF DAVID E. WILLIAMS)**
_____)

**AGREEMENT FOR
CONDITIONAL PROCESSING**

This matter came before the Idaho Department of Water Resources ("Department"), as a result of the filing of protests against approval of the above captioned application.

On March 4, 1999, the Department conducted a conference in the matter to determine the issues and concerns. Based upon the parties' understanding of the matter, the parties hereby agree to allow the Department to issue a Preliminary Order in the matter without a hearing subject to the following conditions:

1. Department staff will review the water rights on Tower Creek to evaluate potential injury to existing water rights should Application for Permit No. 75-07667 be approved.
2. Department staff will inspect the proposed water development of the applicant to assure the construction of the water impounding facility does not represent a public hazard and will determine the potential effect it will have on the water supplies of Tower Creek.
3. The Department will evaluate the application with respect to its investigation described in items 1 and 2 above and will issue a preliminary order either approving the application with conditions or denying it.
4. The Department will provide the opportunity for any party to file a petition for reconsideration seeking a hearing on the Department's action described in the preliminary order.

AGREEMENT - Pg 1

MICROFILMED
JAN 31 2000

The undersigned parties agree to the terms of this Agreement for Conditional Processing of Application for Permit No. 75-07667 in the name of David E. Williams.

Nelda Enoch

Nelda Enoch - Protestant

4-26-99

Date

Gerd Michaelis

Gerd Michaelis - Protestant

4-26-99

Date

David E. Williams

David E. Williams - Applicant

4-22-99

Date

AGREEMENT - Pg 2

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JAN 31 2000

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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:

Nelda Enoch
PO Box 2225
Salmon ID 83467

4a. Article Number

Z 555 922 122

4b. Service Type

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

7. Date of Delivery

4-14-99

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

GERD MICHAELIS

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

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

RECEIVED
JAN 31 2000

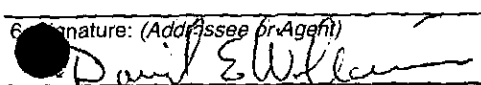
RECEIVED

75-07667

APR 15 1999

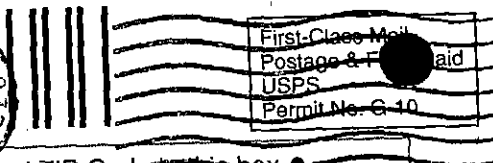
Department of Water Resources
Eastern Region

Is your RETURN ADDRESS completed on the reverse side?

INSTRUCTIONS: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ 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: David E Williams PO Box 8 Carmen ID 83462		4a. Article Number X 555 922 121	
5. Received By: (Print Name) 6. Signature: (Addressee or Agent) 		4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD	
		7. Date of Delivery 4-12-99	
		8. Addressee's Address (Only if requested and fee is paid)	

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

MICROFILMED

RECEIVED

75-07667

JAN 31 2000

APR 13 1999

Department of Water Resources
Eastern Region



Is your RETURN ADDRESS completed on the reverse side?

- SENDER:**
- Complete items 1 and/or 2 for additional services.
 - Complete items 3, 4a, and 4b.
 - 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:

Gerd Michaelis
PO Box 48
Carmen ID 83462

MICROFILMED
JAN 31 2000

4a. Article Number
Z 555 922 123

4b. Service Type

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

5. Received By: (Print Name)

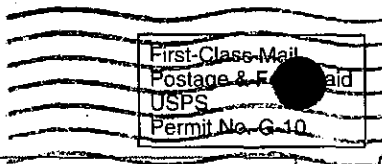
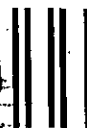
7. Date of Delivery
4-13-99

6. Signature: (Addressee or Agent)

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

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class-Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

75-07667

MICROFILM
JAN 31 2000



COPY

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NO. 75-07667 IN THE)
NAME OF DAVID E WILLIAMS)

NOTICE OF
HEARING

On October 30, 1998, David E Williams filed with the Department of Water Resources Application for Permit No. 75-07667, respectively. The application was protested by Gerd Michaelis and Nelda Enoch.

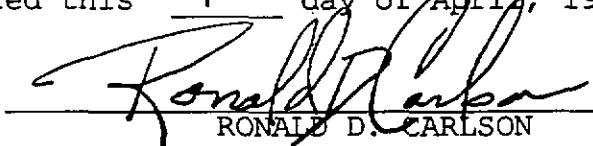
THE DEPARTMENT HAS NOW SCHEDULED THE MATTER FOR HEARING
ON APRIL 28, 1999, AT 9:00 A.M., IN THE SALMON VALLEY
CENTER IN SALMON, ID.

The hearing will be held in accordance with the provisions of the adopted Rules of Procedure of the Department of Water Resources. A copy of the rules may be obtained from the Department upon request. The presiding officer at the hearing will be L. Glen Saxton.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing 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.

Dated this 9th day of April, 1999.


RONALD D. CARLSON
Regional Manager

PERMIT - NOTICE OF HEARING

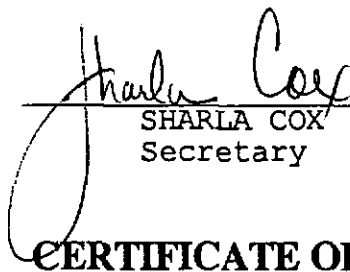
CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of April, 1999, I mailed a true and correct copy, postage prepaid, of foregoing **NOTICE OF HEARING** to the following:

David E Williams
PO Box 8
Carmen ID 83462

Nelda Enoch
PO Box 2225
Salmon ID 83467

Gerd Michaelis
PO Box 48
Carmen ID 83462



SHARLA COX
Secretary

CERTIFICATE OF SERVICE

RECEIVED

MAR 10 1999

Department of Water Resources
Eastern Region

AGREEMENT TO RESOLVE OBJECTIONS TO
APPLICATION FOR PERMIT TO APPROPRIATE WATER
NUMBER 75-07667

David E. Williams of Carmen, Idaho applied to the Idaho Department of Water Resource (IDWR) for a permit to divert water from Tower Creek for the purposes of fish propagation and recreation. The work proposed by the applicant was an enlargement of an existing irrigation ditch on his property to provide a small amount of water retention in that section of the ditch. The work contemplated by Mr. Williams would not normally require a permit. However, because the applicant believed that he would, at times wish to divert water into this pond area before irrigation diversions started and because he was adding some new beneficial uses it appeared that a permit to appropriate water would be appropriate.

On October 30, 1998 David E. Williams applied to the IDWR for a permit to appropriate 0.20 cfs for the purposes of recreation and fish propagation. The IDWR published notice of this application in the Recorder Herald on November 19 and November 26, as proscribed by law. On December 3 an objection to the granting of this permit was filed by Nelda Enoch of Salmon. An additional protest was submitted by Gerd Michaelis on December 7, 1998. The IDWR scheduled a conference in Mud Lake Idaho on March 4, 1999. During the conference it was determined that neither of the protestants shared the applicants ditch. It was also discovered that there was not currently a decree on Tower creek and the parties had no knowledge about the relative priorities on Tower Creek. The protestants, however, had general concerns that this additional use might impact them in some yet undetermined way. It was suggested that the parties consider submitting this matter to the IDWR based upon the concerns expressed at the conference and allow the IDWR to make a decision in the matter based upon their investigation. While all of the parties preferred this approach the protestants asked if IDWR would draft the proposed stipulation for settlement and send it to them for review. The elements of this agreement are as follows:

1. IDWR would review the water rights on Tower Creek and evaluate the potential for water right interference should application 75-07667 be approved.
2. An engineer from IDWR would inspect the water development proposed by the applicant to assure that the physical construction

MICROFILMED

JAN 31 2000

did not represent a public hazard and to determine the effects ~~the~~ it might have on the water supplies on Tower Creek.

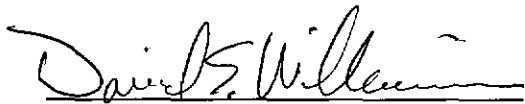
Ronald D. Carlson, Manager of the Eastern Region of IDWR established a schedule for resolving this matter. This schedule shall be as follows:

1. IDWR would send a draft settlement agreement to the parties on March 5, 1999.
2. The protestants would have until March 31 to sign and return the agreement to the Eastern Regional office of IDWR in Idaho Falls.
3. Once the agreement is received, IDWR would evaluate the work proposed under Application for Permit 75-07667 and would report the proposed decision on this application to the parties by April 15, 1999.
4. Should the agreement not be signed and returned, the IDWR would immediately schedule the matter for hearing. Should the protestants be unable to establish a basis for continuing their protests at that time they will be assessed for the costs associated with conducting the hearing.

The undersigned agree to accept the stipulations agreed to at the conference and set forth in this agreement. They further agree that the findings of the IDWR will successful resolve all issues associated with the protests that have been filed.

Nelda Enoch – Protestant Signed this _____ day of March, 1999

Gerd Michaelis - Protestant Signed this _____ day of March, 1999



David E. Williams Signed this 6 day of March, 1999

MICROFILMED
JAN 31 2000

12-23-98

75.07667

State of Idaho
Dept. of Water Resources
206 Van Dref, Suite B
Salmon ID 83467



Dear Mr. Foster,

Neither Mr. Michaelis nor Mrs Enoch appear willing to withdraw their protests to my application for a water right. Therefore I am requesting a hearing before the Water Resources hearing officer.

I would like to resolve this matter as soon as possible. We will adjust our schedule if necessary to accomodate the hearing officer's schedule.

Sincerely,

David S. Williams

MICROFILMED
JAN 31 2000

RECEIVED

JAN 07 1999

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

April 12, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Orlean Buncy
Hyway 93N South
Salmon ID 83467

RE: #75-07667 – David E Williams

Dear Interested Party:

I received a late protest letter from you delivered by Gerd Michaelis at the pre-hearing conference held on March 4, 1999. Since the protests were several months late they could not be accepted as such.

With the pending hearing now set for April 28, 1999, at 9:00 a.m. in the Salmon Valley Center, you may petition to intervene by sending in your \$25.00 and request that we accept your previous protest letter as a petition.

This will then allow you to present evidence of the injury you imply in your letter to us.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ:sc

MICROFILMED

JAN 31 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

April 12, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Butch and Shelly England
Box 723
Salmon ID 83467

RE: #75-07667 – David E Williams

Dear Interested Party:

I received a late protest letter from you delivered by Gerd Michaelis at the pre-hearing conference held on March 4, 1999. Since the protests were several months late they could not be accepted as such.

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This will then allow you to present evidence of the injury you imply in your letter to us.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ:sc

MICROFILMED
JAN 31 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

April 12, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Lydia Schofield
PO Box 922
Salmon ID 83467

RE: #75-07667 – David E Williams

Dear Interested Party:

I received a late protest letter from you delivered by Gerd Michaelis at the pre-hearing conference held on March 4, 1999. Since the protests were several months late they could not be accepted as such.

With the pending hearing now set for April 28, 1999, at 9:00 a.m. in the Salmon Valley Center, you may petition to intervene by sending in your \$25.00 and request that we accept your previous protest letter as a petition.

This will then allow you to present evidence of the injury you imply in your letter to us.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ:sc

MICROFILMED

JAN 31 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

March 5, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Gerd Michaelis
PO Box 48
Carmen ID 83462

Dear Mr. Michaelis:

Enclosed is a promised agreement form outlining the steps this Department will take to help resolve the concerns expressed in the matter of application #75-07667.

Please take note of the 2nd page of the proposed agreement as to the schedule involved.

Also enclosed for your information is a computer list of adjudication claims filed on Tower Creek.

If you have any questions, please give me a call.

Sincerely,

Harold W Jones
Water Rights Supervisor

HWJ::sc

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JAN 31 2000

AGREEMENT TO RESOLVE OBJECTIONS TO
APPLICATION FOR PERMIT TO APPROPRIATE WATER
NUMBER 75-07667

David E. Williams of Carmen, Idaho applied to the Idaho Department of Water Resource (IDWR) for a permit to divert water from Tower Creek for the purposes of fish propagation and recreation. The work proposed by the applicant was an enlargement of an existing irrigation ditch on his property to provide a small amount of water retention in that section of the ditch. The work contemplated by Mr. Williams would not normally require a permit. However, because the applicant believed that he would, at times wish to divert water into this pond area before irrigation diversions started and because he was adding some new beneficial uses it appeared that a permit to appropriate water would be appropriate.

On October 30, 1998 David E. Williams applied to the IDWR for a permit to appropriate 0.20 cfs for the purposes of recreation and fish propagation. The IDWR published notice of this application in the Recorder Herald on November 19 and November 26, as proscribed by law. On December 3 an objection to the granting of this permit was filed by Nelda Enoch of Salmon. An additional protest was submitted by Gerd Michaelis on December 7, 1998. The IDWR scheduled a conference in Mud Lake Idaho on March 4, 1999. During the conference it was determined that neither of the protestants shared the applicants ditch. It was also discovered that there was not currently a decree on Tower creek and the parties had no knowledge about the relative priorities on Tower Creek. The protestants, however, had general concerns that this additional use might impact them in some yet undetermined way. It was suggested that the parties consider submitting this matter to the IDWR based upon the concerns expressed at the conference and allow the IDWR to make a decision in the matter based upon their investigation. While all of the parties preferred this approach the protestants asked if IDWR would draft the proposed stipulation for settlement and send it to them for review. The elements of this agreement are as follows:

1. IDWR would review the water rights on Tower Creek and evaluate the potential for water right interference should application 75-07667 be approved.
2. An engineer from IDWR would inspect the water development proposed by the applicant to assure that the physical construction

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JAN 31 2000

did not represent a public hazard and to determine the effects the it might have on the water supplies on Tower Creek.

Ronald D. Carlson, Manager of the Eastern Region of IDWR established a schedule for resolving this matter. This schedule shall be as follows:

1. IDWR would send a draft settlement agreement to the parties on March 5, 1999.
2. The protestants would have until March 31 to sign and return the agreement to the Eastern Regional office of IDWR in Idaho Falls.
3. Once the agreement is received, IDWR would evaluate the work proposed under Application for Permit 75-07667 and would report the proposed decision on this application to the parties by April 15, 1999.
4. Should the agreement not be signed and returned, the IDWR would immediately schedule the matter for hearing. Should the protestants be unable to establish a basis for continuing their protests at that time they will be assessed for the costs associated with conducting the hearing.

The undersigned agree to accept the stipulations agreed to at the conference and set forth in this agreement. They further agree that the findings of the IDWR will successful resolve all issues associated with the protests that have been filed.

Nelda Enoch – Protestant Signed this _____ day of March, 1999

Gerd Michaelis - Protestant Signed this _____ day of March, 1999

David E. Williams Signed this _____ day of March, 1999

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JAN 31 2000

00-5813
AJ5813NP
SELECTION FILE: GT-TOWER

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION WATER MASTER REPORT
BY WATER SOURCE/PRIORITY DATE

DATE: 03/05/99
TIME: 10:39:43
PAGE: 1

*MPOD: Y = Multiple Pts of Diversion, Pod Diversion Rate(s) is 0
U = Multiple Pts of Diversion, Pod Diversion Rate(s) Not 0
N = No Multiple Pts of Diversion (1 or less)

WATER RIGHT NUMBER	CURRENT OWNER NAME	PRIORITY DATE	S T G	F L G	TOTAL DIVERSION	POD DIVERSION NAME	*M P U O S D E	
=====								
WATER SOURCE: TOWER CREEK								

75-13338	AMERICA, TRUSTEE, UNITED STATES OF		F	24N 22E 24	NWNWSW	B	AFA	Y 59
75-13530	SHOSHONE-BANNOCK TRIBES OF THE		F	24N 22E 24	NWNWSW	B	AFA	Y 59
75-13430	NEZ PERCE TRIBE ACTING THROUGH THE		F	24N 22E 24	NWNWSW	B	AFA	Y 59
A75-04099B	DILLON, BETH	04/01/1890	S	23N 22E 18	NENESE		0.180 CFS	N 01
A75-04099A	DILLON, BETH	04/01/1890	S	23N 22E 18	NENESE		1.200 CFS	N 01
A75-04143	LAWRENCE, MARILYN	06/07/1897	S	23N 22E 17	SWNW		0.340 CFS	N 01
A75-04067	ENGLAND, MARVIN_S	06/07/1897	S	23N 22E 17	SWNW		0.140 CFS	N 01
A75-04141	ENOCH, O A	06/07/1897	S	23N 22E 17	SWNW		0.200 CFS	Y 01
A75-04383	HARRISON, ELIZABETH	06/28/1899	J	23N 22E 18	NESE		0.200 CFS	N 01
A75-10504	BARRETT, LORRAINE	01/01/1903	J	24N 22E 33	SWSE		0.150 CFS	N 01
A75-10280	CHARLTON, JOHN R	08/10/1904	J	23N 22E 17	NENWNE		0.180 CFS	N 01
A75-11623	O BRIEN, ARLEN	07/10/1906	J	23N 22E 17	NENW		0.060 CFS	N 01
A75-04192A	GOSACK, LARRY R	07/10/1906	S	23N 22E 8	SESE		1.230 CFS	N 01
A75-04192B	MORRILL, DAVID	07/10/1906	S	23N 22E 8	SESE		0.770 CFS	N 01
A75-13707	IGLINSKY, RICHARD	02/19/1907	J	23N 22E 17	NESWNW		0.040 CFS	N 01
A75-02004B	FOLKERS, LARRY J	02/19/1907	L	23N 22E 17	NWNE		0.157 CFS	Y 01
A75-02004J	BARNES, RECECCA R	02/19/1907	J	23N 22E 17	SWSWNW		0.040 CFS	N 01
A75-02004A	MINER, RICHARD E	02/19/1907	L	23N 23E 17	NENW		0.010 CFS	N 01
A75-02004C	BAIRD, CLAIR K	02/19/1907	L	23N 22E 17	SENW		0.060 CFS	N 01
A75-02004E	COCHRAN, CATHERINE M	02/19/1907	L	23N 22E 17	NWSENW		0.220 CFS	N 01
A75-02004D	SCHOFIELD, MILFORD	02/19/1907	L	23N 22E 17	SWSWNW		0.100 CFS	N 01
A75-04314	MINER, RICHARD E	02/19/1907	J	23N 22E 17	SENW		0.150 CFS	N 01
A75-02004H	KLINGER, BARRY P	02/19/1907	L	23N 22E 17	NWNE		0.123 CFS	Y 01
A75-02004G	DAVIS, DANI MARIE	02/19/1907	L	23N 22E 17	NWSENW		0.100 CFS	N 01
A75-02004F	BUNCY, ORLEAN	02/19/1907	L	23N 22E 17	NESWNW		0.040 CFS	N 01
A75-04168	MINER, SHERYLE W	02/19/1907	J	23N 22E 17	SENW		0.070 CFS	N 01
A75-10272	WARREN, DAVID F	03/03/1909	J	23N 22E 17	SWNW		0.060 CFS	N 01
A75-04187	MICHAELIS, GERD C	04/01/1911	S	23N 22E 9	SENE		0.290 CFS	Y 01
A75-04208B	FOUST, RICHARD E	04/01/1911	S	23N 22E 17	NWNE		0.025 CFS	N 01
A75-04208A	HENNIG, PAUL	04/01/1911	S	23N 22E 17	NWNE		0.065 CFS	N 01
A75-04483	HENNIG, PAUL	07/10/1911	S	23N 22E 8	SESE		0.080 CFS	N 01
A75-04507	WILLIAMS, DAVID E	07/10/1911	S	23N 22E 17	NWNE		0.100 CFS	Y 01
A75-04088	WYLAND, FRANCES J	12/01/1911	S	23N 22E 9	NWNW		0.500 CFS	N 01
A75-04497	HUNTER, BRADLEY L	06/15/1948	S	23N 22E 17	SESWNW		0.240 CFS	N 01
A75-07142	SCHOFIELD, MILFORD	06/21/1979	L	23N 22E 17	SWSWNW		0.120 CFS	N 01
A75-07192	CHARLTON, JOHN R	04/17/1981	P	23N 22E 17	NENWNE		0.090 CFS	N 01
TOTAL:							7.330 CFS	

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JAN 31 2000

Butch and Shelly England
Box 723
Salmon, Id. 83467

Jan 22, 1999

Dept. Idaho Water Resources
Mr. Karl Dreher

Mr. Karl Dreher,

We are writing this letter to protest Case No. 75-07667 of Dave Williams, PO Box 8,
Carmen, ID. 83462. The project id for a diversion storage of 0.200 cpc and for
recreation storage of 0.03 AF.

We rely heavily on our water and our water right for our hay crop needed for cattle and
livestock. We have experienced several low water years in the past and there is **not**
enough water to meet these needs. We are at the end of the creek, our diversion point is
below the proposed pond. Our ability to get and use our water would be greatly
threatened if this pond was installed.

 Shelly England

Butch and Shelly England

756-3481
called 4-12-99

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JAN 31 2000

Highway 93 N. Salmon,
Tower Creek, Idaho
March 3, 1999

State of Idaho Water Resources
Attn: Mr. Carl H. Dreher

I wish to Protest Case No. 75-07667
of Dave Williams, Carmen, Idaho
My Diversion Point is down
Creek from Mr. Williams. During
dry seasons there has not been
enough water for our needs.

Orban Bunnay
3/3/99
756-4125

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JUN 21 2000

7-1-8

LYDIA SCHOFIELD
ACCOUNTING & BOOKKEEPING
602 COURTHOUSE DRIVE
SALMON, IDAHO 83467

TELEPHONES
(208) 756-2828
(208) 756-2608
[Tower Creek]

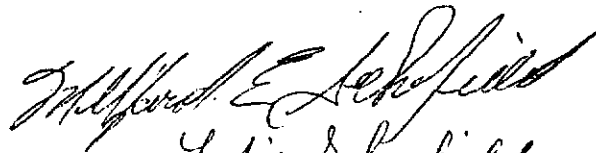
MAILING ADDRESS
P.O. Box 922
SALMON, IDAHO 83467

January 7, 1999

Mr. Karl J. Dreher,

This letter is to protest Case No. 75-07667 of Dave Williams P O Box 8 Carmen, ID 83462. The diversion point NWNWSENW SEC. 17T 23N R 22E in Lemhi County. The source is Tower Creek Tributary. This is a diversion for storage 0.200 cpc and for recreation storage of 0.30 AF.

Our diversion point is down creek of the above diversion and we believe in years of low water there will not be adequate water for our water right.


Lydia Schofield
Milford E. & Lydia Schofield

FAX
756-6242

MICROFILMED
1999 2 1 2000

In The Classified

The Recorder Herald CLASSIFIED ADVERTISING RATES

First Insertion 30¢ per word
2 and 3 Insertions 28¢ per word
4 and Up 24¢ per word
Bold Type 5¢ per word
(\$4.50 Minimum on all insertions)

Payment must accompany all orders unless the customer has established an advertising account with The Recorder Herald.

Classified Display
\$4.95 per column inch
Card Of Thanks
\$4.50 and up
Call (208) 756-2221

FOR SALE

IBM 300 MMX with software, warranty, loaded. Retail \$1,600. Must sell \$595! 208-368-0109. S-11-26-2tp

BEANIE BABIES Did you miss any? We have what you need... Princess, Snowball, Glory, Erin, to many too list! Have retired and hard to find current, all in mint condition. Call 879-4691 or 879-2450 after 6:00p.m. or leave message. S-11-26-1tc

AKC CHOCOLATE LABS, US/CAN Field Champion bloodlines, \$350. 756-3685. S-11-19-3tc

SAUNA PORTABLE 6'x6' size, Finnleo 110 volts, heater & controls. Will deliver & setup. \$1,500 or can customize to your needs. 756-4273. S-11-26-1tc

BARBARA PEETS prints for sale: Tamarack Peets has several prints to sell to raise funds to qualify for the U.S. Ski Team. Among the prints being offered are: "Twister, Last Light, Wildfire, The Challenger, Bull Power, On Golden Trout Lake," and several others. They are reasonably priced and would make great Christmas gifts. Call for information at 756-6256. S-11-19-3tp

STEEL CARAVAN campershell with boat rack. Fits LWB pickup \$650 OBO 865-2478. S-11-12-3tp

STEEL BUILDINGS sale: 5,000+ sizes. 40x60x14; \$7,980; 50x75x14, \$11,190; 50x100x16, \$14,841; 60x100x16, \$16,516. Mini storage buildings, 40x180, 36 units, \$17,818. Free brochures; www.sentinelbuildings.com Sentinel Buildings, 800-327-0790. S-11-26-1tp

HORSE TRAILERS for sale. Karl Tyler Chevrolet, Missoula, Mt. 1-800-227-2438.

HOLIDAY BAZAARS

THE B.A.G. LADIES ARE BACK!
Friday night, December 4 from 5:00pm to 9:00pm. Saturday, December 5 from

8 YR OLD QUAKER Horse grade gelding, dun color, 15.3 hands, sound. Has 5 yrs experience riding/packing. \$1,500 or trade for reg. quarter horse filly or stud colt. 879-4986. F-11-26-2tc

AUTOMOBILES

1989 F-250 ROLL-BACK, flat bed wrecker. New diesel engine & transmission, \$13,500 OBO. 756-3808 or 894-2250. A-11-19-4tc

1992 CHEVY 1/4 TON 4x4 flatbed. New tires, good brakes, new "u" joints, 305 V-8. \$7,500 OBO 756-6945. A-11-26-1tc
ASK FOR JAY SMITH (1992 Salmon High Graduate) at Karl Tyler Chevrolet. For more information on any of our 300 plus vehicles in stock ask for Jay Smith, Salmon Idaho Rep. 1-800-227-2438, after hours 406-721-2426. A-11-13-1tc

REAL ESTATE

PAY "0" DOWN to get into this three bedroom country home on one pole fenced acre in Baker. Price reduced to \$79,900. Call RE/MAX 1-800-ITS-NICE (487-6423) OAC. RE-11-19-8tc

FOR SALE BY OWNER: House on 1.7 acres near Salmon, Baker area. 3 bedroom, 1 1/2 bath, single car garage. Cleaned and ready for move in. Call 756-2558. RE-11-19-4tp

FOR SALE: 2 or 3 bedroom, 1 bath home. 2 sheds and fenced yard. Small down. Owner will carry. Call 756-2065. RE-11-26-4tp

IDAHO MOUNTAINS. 5 AC start \$24,900. Private lake. One of Idaho's most spectacular, pristine locations is now for sale at bargain prices. Unique offer: only 1 hr. Boise & McCall. Enjoy private stocked trout lake, tall ponderosa pines, 360' views. Adjacent 100's of acres of public lands for year round ID recreation. Excellent access, buildable. Financing. Buy direct from owner during construction sale & save. Call now 800-488-5506. RE-11-26-1tp

ONLY \$28,500

One bedroom, possible three bedrooms, excellent first home or income possibilities. Clean, private and secluded. Owner financing available. Call 756-6941.

HEALTH AND FITNESS

QUICKTRIM Guarantees Weight-Loss! Lose up to 48 lbs in just 6 weeks. FREE one week supply available! Send \$1 plus self-addressed, stamped envelope to: Ultramax, Dept Q, P.O. Box 302, Salmon, Idaho 83467. M-10-23-1tn

WANTED

WANTED TO BUY Antiques, Glass, China, Creels, Furniture, Guns, Fish

COOK

REAL ESTATE

525 Main St. Salmon, ID 83467

208-756-2524

Toll Free 1-877-881-0881

CARY, COOL
SALES AS:
Shelly
Lee Bil
Rachel
Freddie
Jackie
E-Mail: cookre



Happy Thanks

FROM

Lee, Shelly, Rachel, Freddie
Cary & Merrilee

Legal Notice

NOTICE OF APPLICATION FOR WATER RIGHT

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

75-07667

WILLIAMS, DAVID E

PO BOX 8

CARMEN, ID 83462

Source: TOWER CREEK Tributary:

SALMON RIVER

Diversion Pt: NWSENW Sec 17 T 23N R 22E in LEMHI County.

Use: RECREATION STORAGE (0.30 AF)

DIVERSION TO STORAGE (0.200 CFS)

Total Diversion: (0.200CFS)

Date Filed: 11/2/1998

In LEMHI County

T23N R22E S17 SENW

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID, 83402, together with a protest fee of \$25.00 on or before DECEMBER 7, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 11/19/1998 & 11/26/1998

Commissioners Proceedings

SALMON, IDAHO
NOVEMBER 16, 1998

The Board of County Commissioners of Lemhi County, Idaho met in regular session pursuant to recess of November 9, 1998 with Heber Stokes, Chairman Tom Chaffin and Pa

Commissioner's A and time set for an outgoing elected Wiederrick, Arla Stokes.

IN THE MATTER FOR ADJUSTMENT PURSUANT TO II 2203, EFFECTIVE

The following ordered:

Parcel # SP22N22E2

Parcel # RP21N22E2

Rogers Thomas, I

Ranger, appeared to

discuss alternative

Creek Road to the U

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another road on publi

the Forest Service b

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Bowers if they woul

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a road on public land

funding possibilities.

Bill Russell, Don

Ardrade, Allen Led

Rowland appeared to

Avenue, the old Lees

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road and are now req

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of the subdivision lies

limits on Brady Avenue

that Buddy Spencer,

and City Superintendent

Verbeck, will meet at

determine what ease

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATIONS)
FOR PERMIT NO. 75-07667 IN THE)
NAME OF DAVID E WILLIAMS)**

**NOTICE OF
HEARING**

On October 30, 1998, David E Williams filed with the Department of Water Resources Application for Permit No. 75-07667, respectively. The application was protested by Gerd Michaelis and Nelda Enoch.

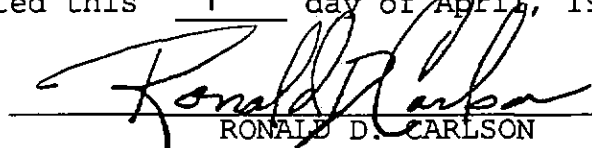
**THE DEPARTMENT HAS NOW SCHEDULED THE MATTER FOR HEARING
ON APRIL 28, 1999, AT 9:00 A.M., IN THE SALMON VALLEY
CENTER IN SALMON, ID.**

The hearing will be held in accordance with the provisions of the adopted Rules of Procedure of the Department of Water Resources. A copy of the rules may be obtained from the Department upon request. The presiding officer at the hearing will be L. Glen Saxton.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing 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.

Dated this 9th day of April, 1999.


RONALD D. CARLSON
Regional Manager

PERMIT - NOTICE OF HEARING

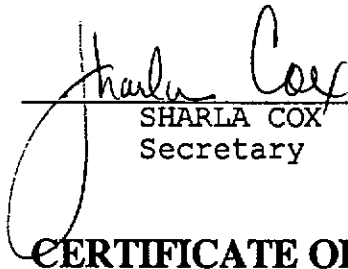
CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of April, 1999, I mailed a true and correct copy, postage prepaid, of foregoing **NOTICE OF HEARING** to the following:

David E Williams
PO Box 8
Carmen ID 83462

Nelda Enoch
PO Box 2225
Salmon ID 83467

Gerd Michaelis
PO Box 48
Carmen ID 83462



SHARLA COX
Secretary

CERTIFICATE OF SERVICE

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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:

GERD MICHAELIS
PO BOX 48
CARMEN ID 83462

MICROFILMED
JAN 31 2000

4a. Article Number

Z 555 922 105

4b. Service Type

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

7. Date of Delivery

2-20-99

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

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

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

RECEIVED

FEB 22 1999

Department of Water Resources
Eastern Region

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JAN 31 2000

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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 ~~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:

NELDA ENOCH
PO BOX 2225
SALMON ID 83467

4a. Article Number

Z 555 922 104

4b. Service Type

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

7. Date of Delivery

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

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

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED

FEB 23 1999

Department of Water Resources
Eastern Region

St. G. Jd
Dept H2O
900 N. Skyline Dr
Jd Falls LD 834002
MICROFILMED
FEB 31 2000

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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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:

DAVID E WILLIAMS
PO BOX 8
CARMEN ID 83467

MICROFILM

JAN 31 2000

4a. Article Number

Z555922103

4b. Service Type

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

7. Date of Delivery

2-18-99

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *David E. Williams*

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

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

RECEIVED

FEB 22 1999
MICROFILMED

Department of Water Resources
Eastern Region

JAN 31 2000

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

**IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 75-07667 IN THE) NOTICE OF
NAME OF DAVID E WILLIAMS) PREHEARING CONFERENCE**

On October 30, 1998, application for permit No. 75-07667 was filed in the name of David E Williams. On December 7, 1998 application No. 75-07667 was protested by Gerd Michaelis and Nelda Enoch.

The Department has scheduled the matter for a prehearing conference at 12:00 a.m. on March 4, 1999, at the Senior Citizens Center in Mud Lake, ID in accordance with the provisions of the adopted Rules of Procedure of the Department of Water Resources.

Agenda items for this prehearing conference will include:

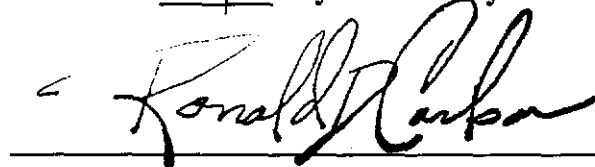
1. Identify spokesman and/or counsel representing the protestant.
2. Review of the application.
3. Identify issues of protest.
4. Designate date for identifying witnesses.
5. Designate target date for conducting administrative hearing if resolution is not possible during the prehearing conference.

The hearing 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 conference, please advise the Department within ten

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JAN 31 2000

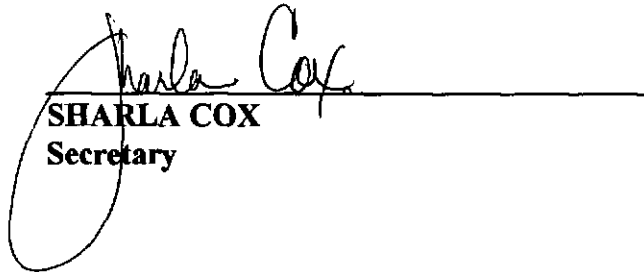
(10) days prior to the conference.

Dated this 24 day of February 1999.



RONALD D. CARLSON
Regional Manager

I hereby certify that on the 24 day of February 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed below:



SHARLA COX
Secretary

David E Williams
PO Box 8
Carmen ID 83467

Nelda Enoch
PO Box 2225
Salmon ID 83467

Gerd Michaelis
PO Box 48
Carmen ID 83462

NOTICE OF PREHEARING CONFERENCE 2

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JAN 31 2000

Name and Address of Sender

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

Indicate type of mail
☐ Registered ☐ Return Receipt
☐ Insured ☐ for Merchandise
☐ COD ☐ Int'l Recorded Del.
☒ Certified ☐ Express Mail

Check appropriate block for Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

Postmark and Date of Receipt

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If COD	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee	Remarks
1	2555 922 103	David E Williams PO Box 8 Carmen ID 83467	.33	1.35					1.10				Prehearing Conference
2	104	Nelda Enoch PO Box 2225 Salmon ID 83467	.33	1.35					1.10				NOTICE
3	105	GERD Michaelis PO Box 48 Carmen ID 83462	.33	1.35					1.10				
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JAN 31 2000

Z 555 922 103

US Postal Service

Z 555 922 104

Z 555 922 105

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided

Do not use for International Mail (See reverse)

Sent to		Street & Number	Post Office, State, & ZIP Code
Postage	\$	Certified Fee	
Special Delivery Fee		Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered		Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees		\$	
Postmark or Date			

GERD Michaelis

Total Number of Pieces Listed by Sender

3

Total Number of Pieces Received at Post Office

Postmaster, Per (Name of Receiving Employee)

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional postal insurance. See Domestic Mail Manual R900, S913, and S921 for limitations of coverage on insured and COD mail. See International Mail Manual for limitations of coverage on international mail. Special handling charges apply only to third and fourth class parcels.



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 11, 1998

DAVID E WILLIAMS
RT BOX 8
CARMEN ID 83467

RE: Application for Permit No. 75-07667

Dear Mr. Williams:

Enclosed is a copy of a protest filed against the issuance of the above referenced application. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Idaho Code § 42-203):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose 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 conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

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JAN 31 2000

Page 2

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

Sincerely
Harold W. Jones

HAROLD W. JONES
Water Rights Supervisor

HWJ:sc

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JAN 31 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 11, 1998

MRS NELDA ENOCH
PO BOX 2225
SALMON ID 83467

RE: Application for Permit No. 75-07667 for David E Williams

Dear Protestant:

Your protest against approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in their approving or denying the application (Idaho Code § 42-203):

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JAN 31 2006

Page 2

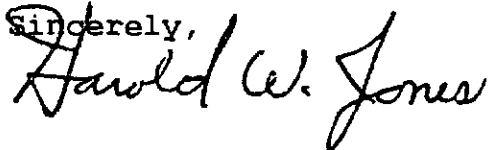
5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

The protestant must be prepared to present proof of allegations involving one or more of the six items.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question.

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

Sincerely,



HAROLD W. JONES
Water Rights Supervisor

HWJ:sc

pc: IDWR - State Office

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JAN 31 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 11, 1998

GRED MICHAELIS
PO BOX 48
CARMEN ID 83462

RE: Application for Permit No. 75-07667 for David E Williams

Dear Protestant:

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JAN 31 2000

Page 2

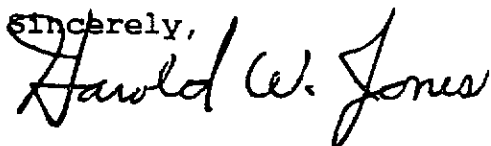
5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

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In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question.

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

Sincerely,



HAROLD W. JONES
Water Rights Supervisor

HWJ:sc

pc: IDWR - State Office

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JAN 31 2000

Receipt # EO2466



Salmon, ID.

Dec. 3, 1998

REC

JUL -

Idaho Dept. of Water Resources ~~Department~~

My home and acreage is located on Lower Tower Creek, the mouth of, and depend on water from Tower Creek for irrigation, therefore I oppose Mr. David Williams, P.O. Box 8 Carmen, ID. Docket No. 75-007467 diverting the water for recreational purposes.

Sincerely,
(Mrs.) Nelba Enock

P.O. Box # 2225

756-3038 Salmon, ID. 83467

RECEIVED

DEC 7 1998

MICROFILMED ~~Department of Water Resources~~
Eastern Region

Check # 3118

JAN 31 2000

10

Receipt # E024663

12-3-98

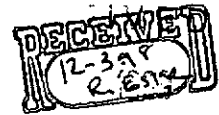
DEPARTMENT OF WATER RESOURCES
CONCERNING
WATER APPLICATION

75-07667

MR. DAVID E. WILLIAMS

P.O. Box 8

CARMEN, ID 83462



Water Resources

RECEIVED

JUL - 6 1999

Department of Water Resources

RECEIVED

DEC 07 1998

Department of Water Resources
Eastern Region

AS USER OF WATER OUT OF TOWER CREEK
I AM PROTESTING ANY FURTHER WATER RIGHTS
OUT OF TOWER CREEK SINCE THERE IS NOT
ENOUGH WATER IN TWR CREEK AND IS WAY
OVER 100% ADJUDICATED

GERD MICHAELIS

P.O. Box 48

CARMEN, ID 83462

756-4806

G. Michaelis

MICROFILMED

JAN 31 2000

**NOTICE OF APPLICATION FOR
WATER RIGHT**

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

75-07667

WILLIAMS, DAVID E

PO BOX 8

CARMEN, ID 83462

Source: TOWER CREEK Tributary:
SALMON RIVER

Diversion Pt: NWSNW Sec 17 T
23NR 22E in LEMHI County.

Use: RECREATION STORAGE
(0.30 AF)

DIVERSION TO STORAGE (0.200
CFS)

Total Diversion: (0.200CFS)

Date Filed: 11/2/1998

In" LEMHI County

T23NR22E S17 SENW

Any protest against the proposed
application must be filed with the De-
partment of Water Resources, 900 N
Skyline Dr., Ste A, Idaho Falls, ID,
83402, together with a protest fee of
\$25.00 on or before DECEMBER 7,
1998 to be considered by the Depart-
ment in its decision to grant or deny
any part of the proposed application.
The protestant must also send a copy
of the protest to the applicant.

KARL J. DREHER, Director

Published: 11/19/1998 & 11/26/1998

11-19-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (print-
ers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho,
and of general circulation therein. That the NOTICE APP. WATER RIGHT 75-07667

a true printed copy of which is attached to the margin hereof, has been and was correctly printed
and published in the regular and entire issue of every number of said newspaper and not in any
supplement thereof or thereto for Two(2) consecutive issues, commencing with the
issue dated 11-19-1998 and ending with the issue dated 11-26-1998

STATE OF IDAHO

County of Lemhi

ss.

On this 26th day of November in this year of 1998 before me, A Notary Public, person-
ally appeared RICKY G. HODGES, 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 state-
ments therein are true, and acknowledged to me that he executed the same.

Shenil K. Hodges

Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 9-21-2001

Publication Fee \$ 46.20

Account No. 630

MICROFILMED

JAN 31 2000

RECEIVED

DEC 11 1998

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

November 10, 1998

KARL J. DREHER
DIRECTOR

DAVID E WILLIAMS
PO BOX 8
CARMEN ID 83467

RE: Application for Permit #75-07667

Dear Applicant:

This office is currently in the process of advertising the application in the Recorder Herald on November 19 and 26, 1998. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

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

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

JAN 31 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 10, 1998

FISH & GAME
PO BOX 1336
SALMON ID 83467

RE: Application for Permit 75-07667

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is Dec. 7, 1998, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ:sc
enc.

MICROFILMED

JAN 31 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

NOVEMBER 10, 1998

Legal Notices Department
RECORDER-HERALD
P.O. BOX 310
SALMON, ID 83467

Gentlemen:

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

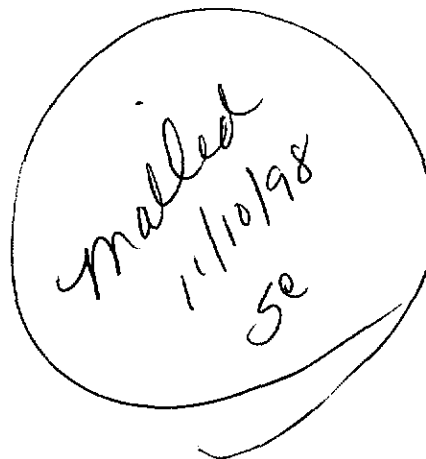
An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 7, 1998.

Yours truly,

Sharla Cox
Secretary

Encl.



MICROFILMED

JAN 31 2000

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

NOTICE OF APPLICATION FOR WATER RIGHT

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

75-07667

WILLIAMS, DAVID E
PO BOX 8
CARMEN, ID 83467

Source: TOWER CREEK

Tributary: SALMON RIVER

Diversion Pt: NWSNW Sec 17 T 23N R 22E in LEMHI County.

Use: RECREATION STORAGE	(	0.30 AF)
DIVERSION TO STORAGE	(	0.200 CFS)
Total Diversion:	(	0.200 CFS)

Date Filed: 11/ 2/1998

In: LEMHI County
T23N R22E S17 SENW

Any protest against the proposed application must be filed with the Department of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls, ID, 83402, together with a protest fee of \$25.00 on or before DECEMBER 7, 1998. to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

Published: 11/19/1998 & 11/26/1998

KARL J. DREHER, Director

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JAN 31 2000