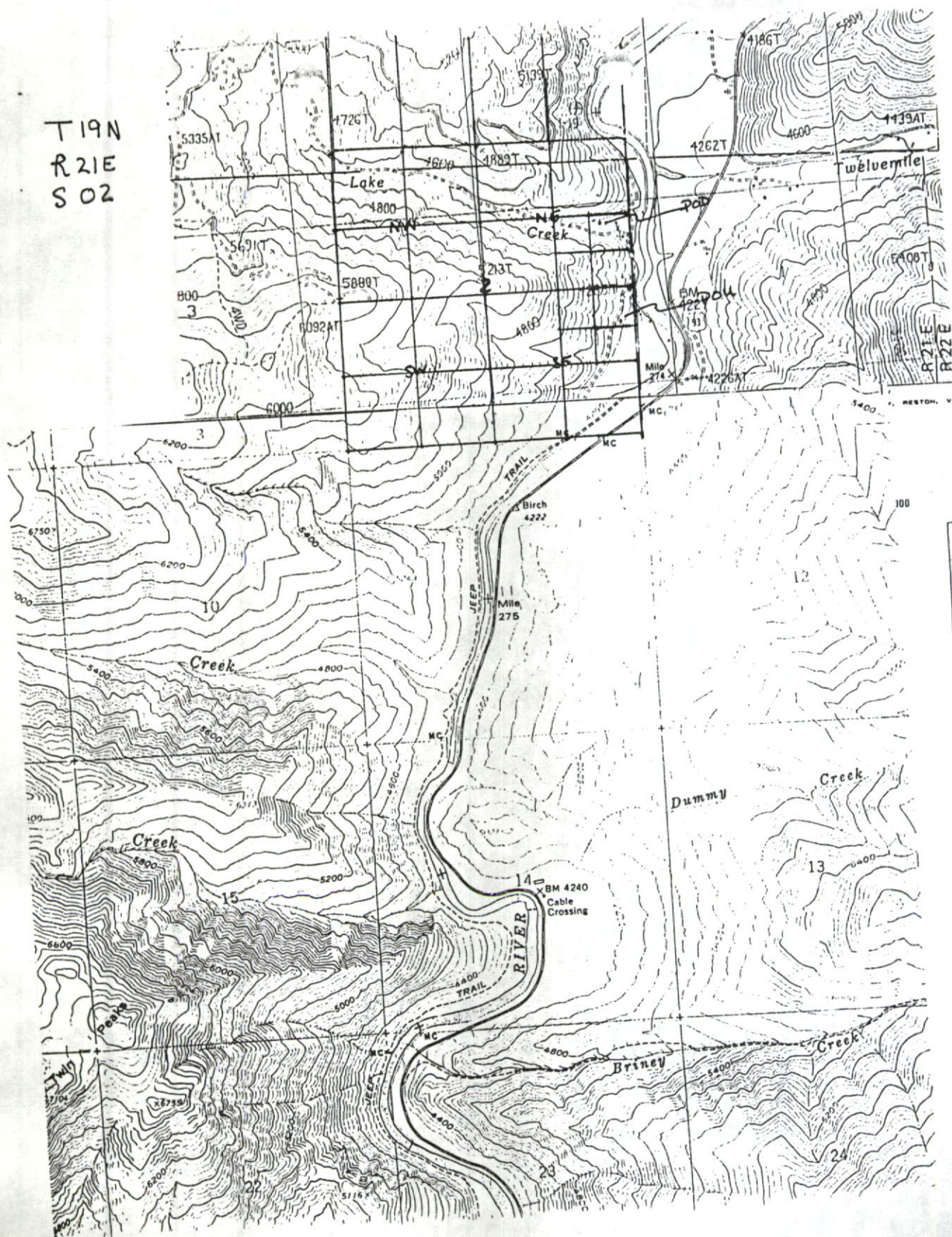


T19N  
R21E  
S02

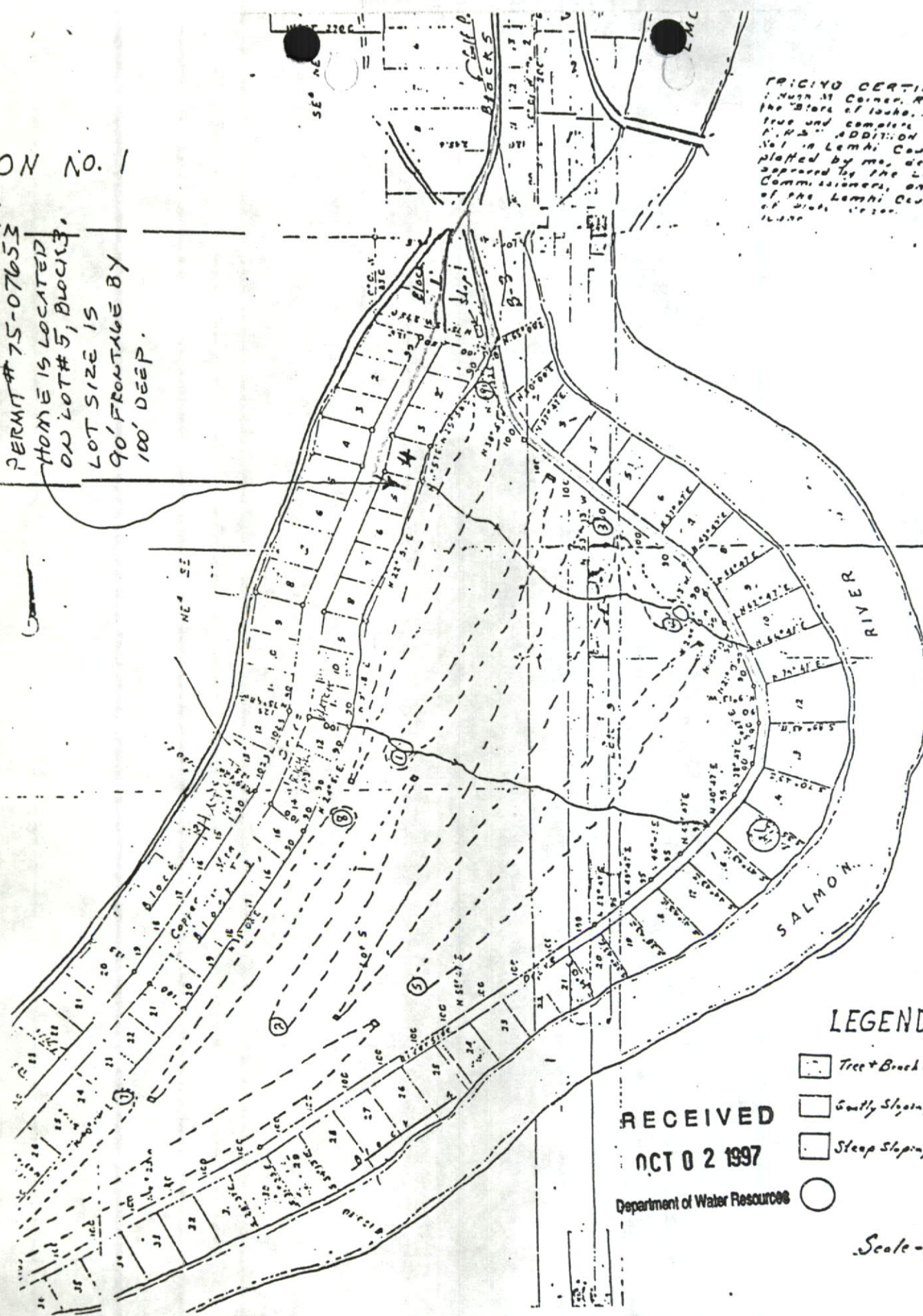


ON NO. 1

PERMIT # 75-07653  
HOME IS LOCATED  
ON LOT # 5, BLOCK 3.  
LOT SIZE IS  
90' FRONTAGE BY  
100' DEEP.

PRICING CERTIFICATE  
I, Ruth M. Corner, Registered  
the "State of Idaho, North, 36"  
true and complete, bearing  
F. H. 5. ADDITION TO LAKE  
CREEK SUBDIVISION, located  
in Lemhi County, Idaho,  
platted by me, dedicated to,  
approved by the Lemhi County  
Commissioners, and now on  
of the Lemhi County Record  
at Boise, Idaho.

LAKE CREEK SUBDIVISION No. 1  
E 1/4 NE 1/4 SE 1/4 Lot 5- Sec. 2  
Lot 9- Sec. 1



# LEGEND

- Tree & Brush Cover
- Gently Sloping Dry
- Steep Sloping Dry
- 

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OCT 02 1997

Department of Water Resources

Scale - 1" = 200'

## PHOTO DOCUMENTATION SHEET

Name: Lake Creek Subdivision, Water System

Street, City, St, Zip: . . .

Page 2 of       

PHOTO # 3  
EXCAVATION OF PART  
OF LAKE CREEK SPRING  
BY BILL SALO WITH  
BACKHOE IN SPRING  
OF 1998

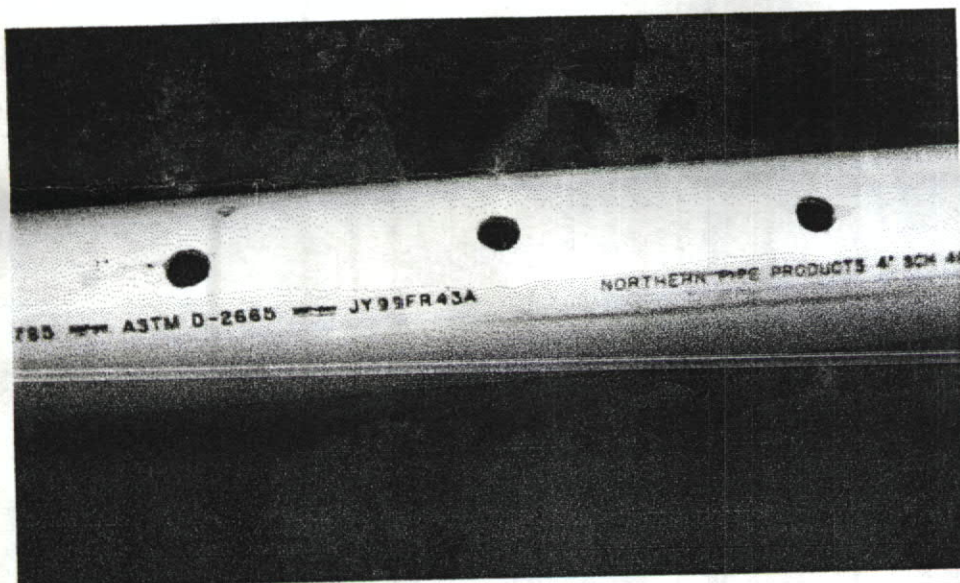


PHOTO # 4  
APPROVED PIPE  
FOR COLLECTION  
LATERALS AT  
LAKE CREEK SPRING  
(1998).

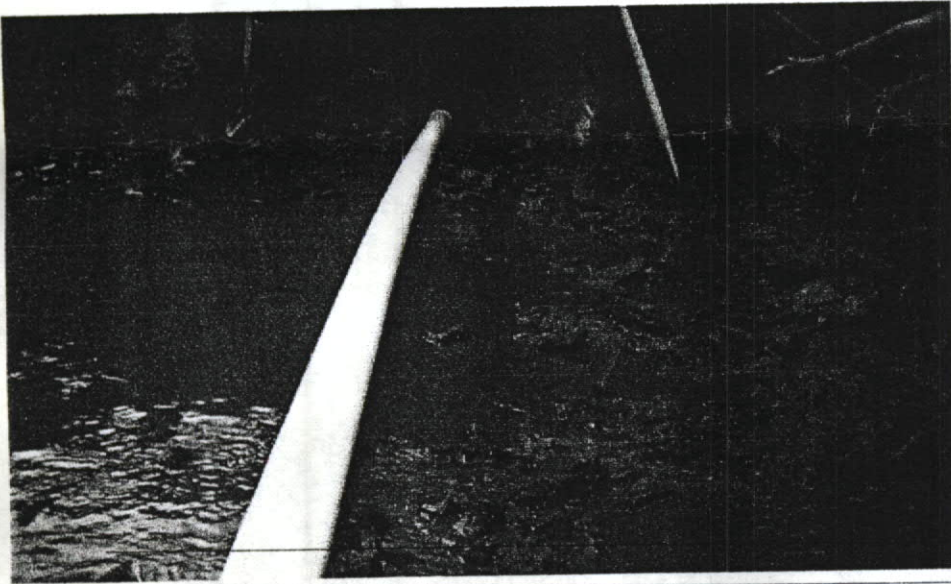
MICROFILMED

NOV 18 2002

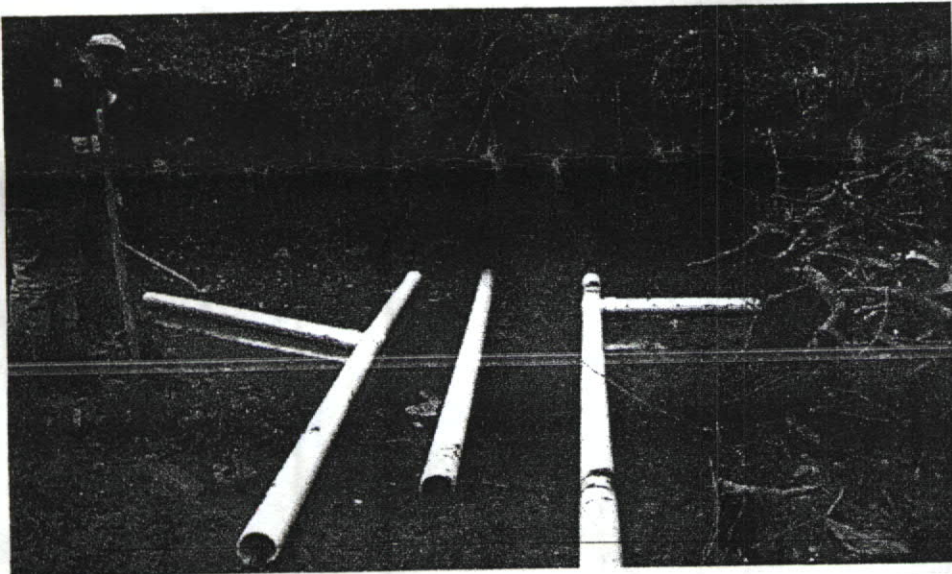
## PHOTO DOCUMENTATION SHEET

Name: Lake Creek Subdivision, Water System

Street, City, St, Zip: . . .

Page 3 of     PHOTO # 5

WORK AND COLLECTION  
LATERAL AT LAKE  
CREEK SPRING IN  
1998.

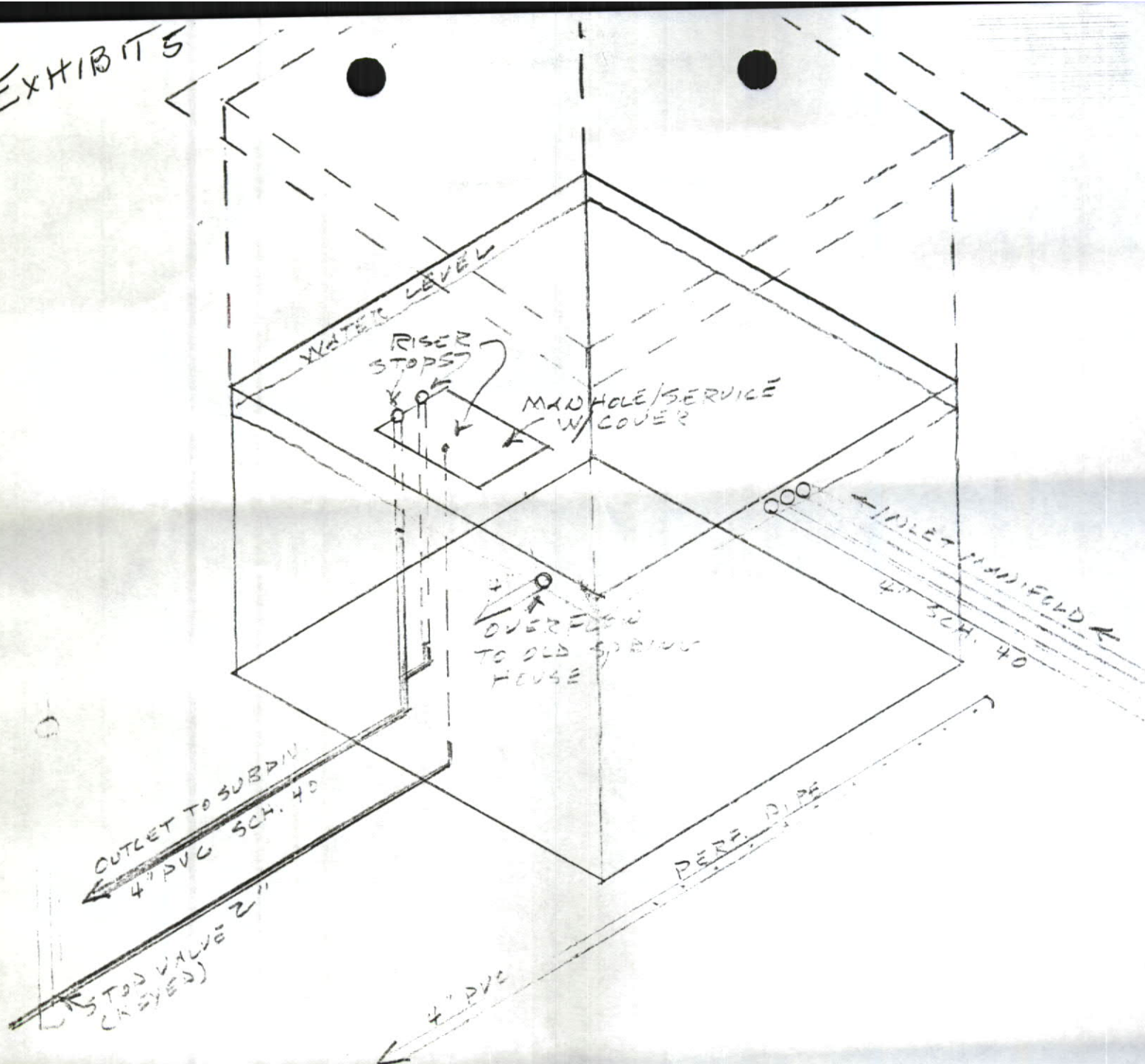
PHOTO # 6

WORK AND COLLECTION  
LATERALS AT LAKE  
CREEK SPRING IN  
1998. GARY HAWKINS  
IS SHOWN WITH  
SHOVEL.

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EXHIBIT 5



CONCRETE - 6 BAG - RE-INF.

8" TOP 96 cu'  
 6" BOTTOM 72 cu'  
 6" WALLS 184 cu'

352 cu' = 13 cu. yds.

12' x 12' x 8'  
 12' x 12' x 7'

MICROFILMED

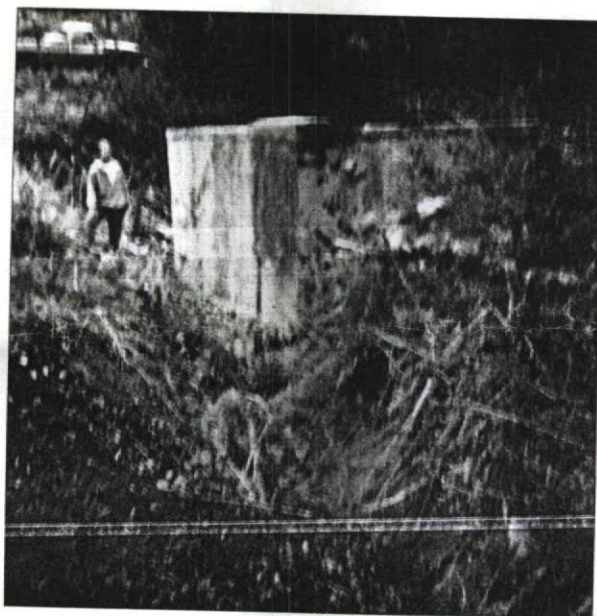
NOV 18 2002

LAKE CREEK  
 SPRING P  
 STORAGE TANK  
 8617 GAL TOTAL  
 7540 GAL. FLUID  
 1-10-98  
 SCALE = 1/4" G.A.

EXHIBIT 6



LAKE CREEK SPRING-1998  
10,000 GAL. TANK  
SARY HAWKINS



LAKE CREEK SPRING-1998  
10,000 GAL. TANK  
LINDA HAWKINS

MICROFILMED  
OCT 18 2002

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE STATE OF IDAHO**

IN THE MATTER OF LAPSED )  
PERMIT NO. 75-07653 IN THE )  
NAME OF GARY C. HAWKINS )  
\_\_\_\_\_ )

**REINSTATEMENT ORDER**

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

**FINDINGS OF FACT**

1. On January 15, 1998, the Department issued Permit No. 75-07653 to Gary C. Hawkins ("permit holder") authorizing the diversion of 0.04 cubic feet per second (cfs) of water from a Spring to be diverted for domestic use located at the NESENE, Section 2, Township 19 N, Range 21 E, Lemhi County, B.M. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before January 1, 1999.

2. On October 31, 1998, the Department notified the permit holder that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof or an extension of time request.

3. On January 11, 1999, the Department sent the permit holder a lapse notice, since the Department had not received an acceptable proof or extension of time request.

4. On August 8, 2002, the permit holder submitted a Proof of Beneficial Use with the required license examination fee to the Department. The permit holder also submitted evidence to show that water has been applied to the authorized beneficial use during the development period and has shown sufficient cause why the beneficial use was not timely submitted.

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**NOV 18 2002**

## CONCLUSIONS OF LAW

1. Section 42-218a.2, Idaho Code, provides as follows:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

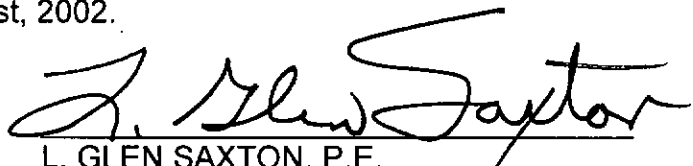
2. The permit holder has provided sufficient information and reasonable cause for the Department to reinstate the permit by submitting an two affidavits by Kenneth Thompson and Eloisa Thompson, an invoice from Stoddard Construction dated December 31, 1996, a Coliform Bacteria Analysis Report from Department of Health and Welfare, and photographic exhibits of work done at the diversion site.

3. The Department should reinstate the permit with the priority advanced to the date that proof and the license examination fee were received.

## ORDER

IT IS HEREBY ORDERED, that Permit No. 75-07653 in the name of Gary C. Hawkins is **REINSTATED** with the priority advanced to **August 8, 2002**.

Dated this 29<sup>th</sup> day of August, 2002.

  
L. GLEN SAXTON, P.E.  
Chief, Water Allocation Bureau

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

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AUG - 8 2002

## PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 75-7653 Telephone No. (208) 756-3544
2. Name(s) of Permit Holder(s): Gary C. & Linda Hawkes
3. Mailing Address: 9 Copper mine RD Salmon ID 83467
4. Source of Water: Spring If **GROUNDWATER** (well), Date Drilled: mo. \_\_\_\_\_ / yr. \_\_\_\_\_
- a. Well Driller: \_\_\_\_\_ Drilling Permit Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_
- b. **OPTIONAL:**  
Pump Horsepower: \_\_\_\_\_ Pressure (psi): \_\_\_\_\_ Dynamic pumping level (ft): \_\_\_\_\_
5. Use(s) (as authorized by the water right permit):  
Domestic (No. of households): \_\_\_\_\_ Stockwater (No. and type of stock): \_\_\_\_\_  
Irrigation (No. of acres): \_\_\_\_\_ Other: \_\_\_\_\_
6. Total rate of diversion and/or volume for which proof is submitted: .04 cfs OR \_\_\_\_\_ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)  
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
- |                               |                                          |                          |
|-------------------------------|------------------------------------------|--------------------------|
| <b>Measuring Device:</b>      | Is a measuring device required?          | Yes _____ or No <u>X</u> |
|                               | Has the measuring device been installed? | Yes _____ or No _____    |
| <b>Flow Measurement Port:</b> | Is a flow measurement port required?     | Yes _____ or No _____    |
|                               | Has the measurement port been installed? | Yes _____ or No _____    |
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.  
Name: Same as above Telephone Number: \_\_\_\_\_  
Address: \_\_\_\_\_
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

**Signature of permit holder**

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

Date:

8-6-02

**MICROFILMED**

NOV 18 2002

I. D. W. R.

1301 N. ORCHARD

BOISE, ID. 83706

ATTN: Debbie Gibson

# NOTICE

This file has been REPRODUCED  
from MICROFICHE [REDACTED]

For a possible Reinstatement

---

---

Darla M. Brock  
Person Recreating File

Sep 03, 02  
Date

State of Idaho  
Department of Water Resources  
**Permit To Appropriate Water**  
NO. 75-07653

Proposed Priority: June 24, 1997 Maximum Diversion Rate: 0.04 CFS

This is to certify, that GARY C HAWKINS  
RR 2 BOX 240-43  
SALMON ID 83467  
has applied for a permit to appropriate water from:  
SPRING tributary of SINKS

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

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

LOCATION OF POINT(S) OF DIVERSION: NESENE, Sec. 2, Township 19N, Range 21E  
LEMHI County

PLACE OF USE: DOMESTIC

TWN RGE SEC  
19N 21E 2 NESE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1999.
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. Source is locally known as Lake Creek Subdivision Spring.
5. Point of diversion is located within Lot 13, Blk. 8, Lake Creek Subdivision.
6. Place of use is located within Lot 5, Blk. 3, Lake Creek Subdivision.
7. Domestic use is for 1 home.

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

15<sup>th</sup> day of January, 1998.

*Karl J. Dreher*  
for Karl J. Dreher, Director

JAN 12 1998

Department of Water Resources  
**STATE OF IDAHO**

**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR PERMIT**  
To appropriate the public waters of the State of Idaho

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SEP 08 1997

Department of Water Resources

1. Name of Applicant GARY C. HAWKINS Phone (208) 756-3544  
Mailing address RR #2 Box 240-45 Salmon ID 83467

2. Source of water supply Spring which is a tributary of Sinks

3. Location of point of diversion is Township 19N Range 21E Sec. 02, in the NE 1/4, SE 1/4, NE 1/4, Govt Lot       , B.M., Lemhi County;  
additional points of diversion if any:       

4. Water will be used for the following purposes:

|                                                                                                                                              |                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Amount <u>0.04 cfs</u> for <u>Domestic</u> purposes from <u>01-01</u> to <u>12-31</u> (both dates inclusive)<br>(cfs or acre-feet per annum) | Amount <u>      </u> for <u>      </u> purposes from <u>      </u> to <u>      </u> (both dates inclusive)<br>(cfs or acre-feet per annum) |
| Amount <u>      </u> for <u>      </u> purposes from <u>      </u> to <u>      </u> (both dates inclusive)<br>(cfs or acre-feet per annum)   | Amount <u>      </u> for <u>      </u> purposes from <u>      </u> to <u>      </u> (both dates inclusive)<br>(cfs or acre-feet per annum) |
| Amount <u>      </u> for <u>      </u> purposes from <u>      </u> to <u>      </u> (both dates inclusive)<br>(cfs or acre-feet per annum)   | Amount <u>      </u> for <u>      </u> purposes from <u>      </u> to <u>      </u> (both dates inclusive)<br>(cfs or acre-feet per annum) |
| Amount <u>      </u> for <u>      </u> purposes from <u>      </u> to <u>      </u> (both dates inclusive)<br>(cfs or acre-feet per annum)   | Amount <u>      </u> for <u>      </u> purposes from <u>      </u> to <u>      </u> (both dates inclusive)<br>(cfs or acre-feet per annum) |

5. Total quantity to be appropriated is (a) 0.04 cfs and/or (b)         
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source collection box at spring  
pipd to home

b. Height of storage dam        feet; active reservoir capacity        acre-feet; total reservoir capacity        acre-feet

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

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

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

7. Time required for completion of works and application of water to proposed beneficial use is none 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. none

e. Other; describe fully.       

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Department of Water Resources

4 per

9/17/97 C.B.

9. Description of place of use:

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

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

| TWP | RGE | SEC | N E |    |    |    | N W |    |    |    | S W |    |    |    | S E |    |    |    | TOTALS |
|-----|-----|-----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|--------|
|     |     |     | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE |        |
| 19N | 21E | 02  |     |    |    |    |     |    |    |    |     |    |    |    | D   |    |    |    | 0      |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |

Total number of acres to be irrigated 0

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

11. a. Who owns the property at the point of diversion? Timothy Cullen + Steven Browning

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: verbal agreement with landowner of 700

12. Remarks: Spring is also known as Lake Creek subdivision spring. My home has been using this system since 06-96.

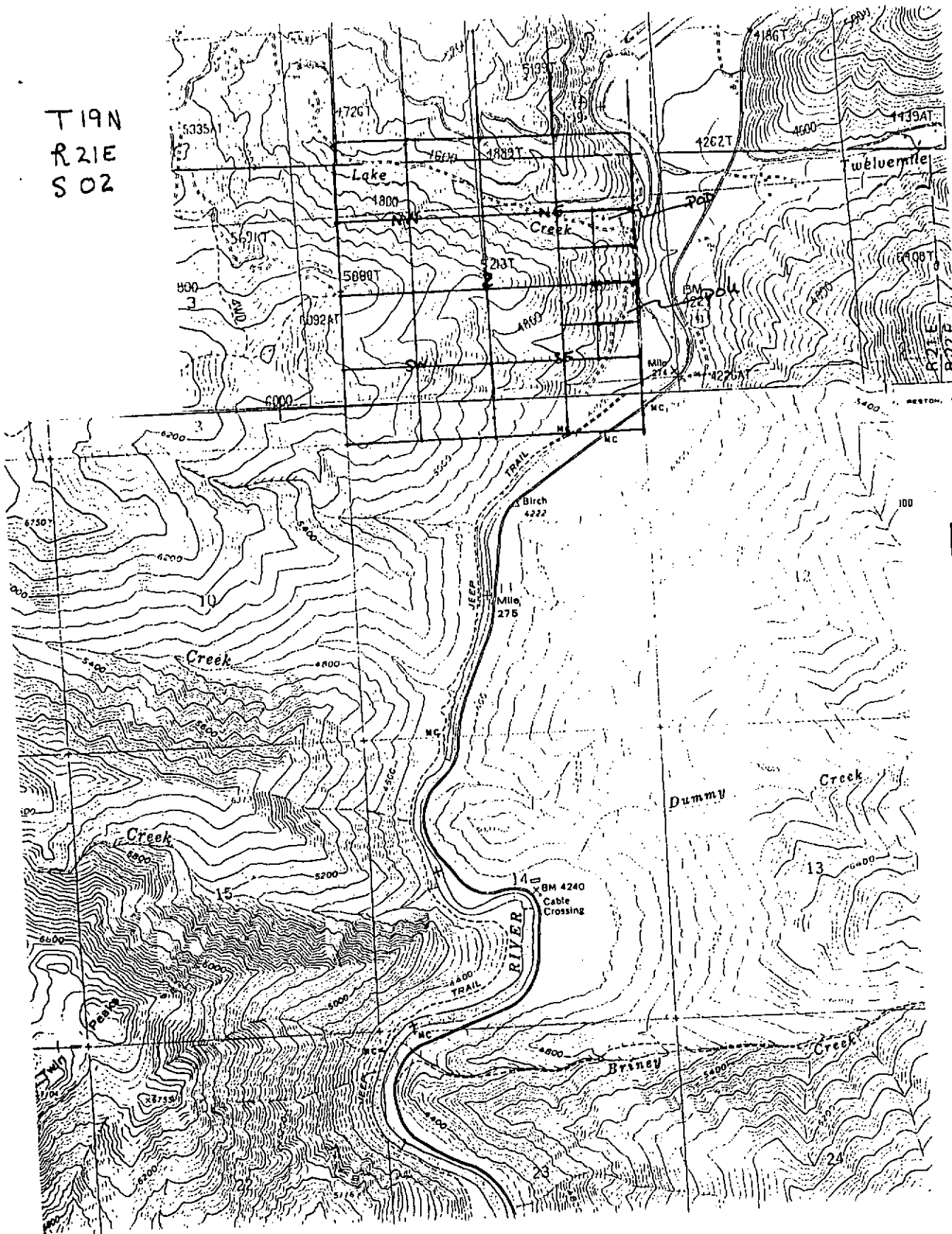
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Sam Harding  
Signature of Applicant (and title, if applicable)

Received by R. Foster Date 6-28-97 6:00 PM Time 09:10 10:00 AM Preliminary check by HWS  
Fee \$ 50.00 Receipted by RB # E023142 Date 6-24-97  
Publication prepared by RB Date 7-17-97 Published in Record & Herald  
Publication approved RB Date 9-3-97  
NOC 11-6-97

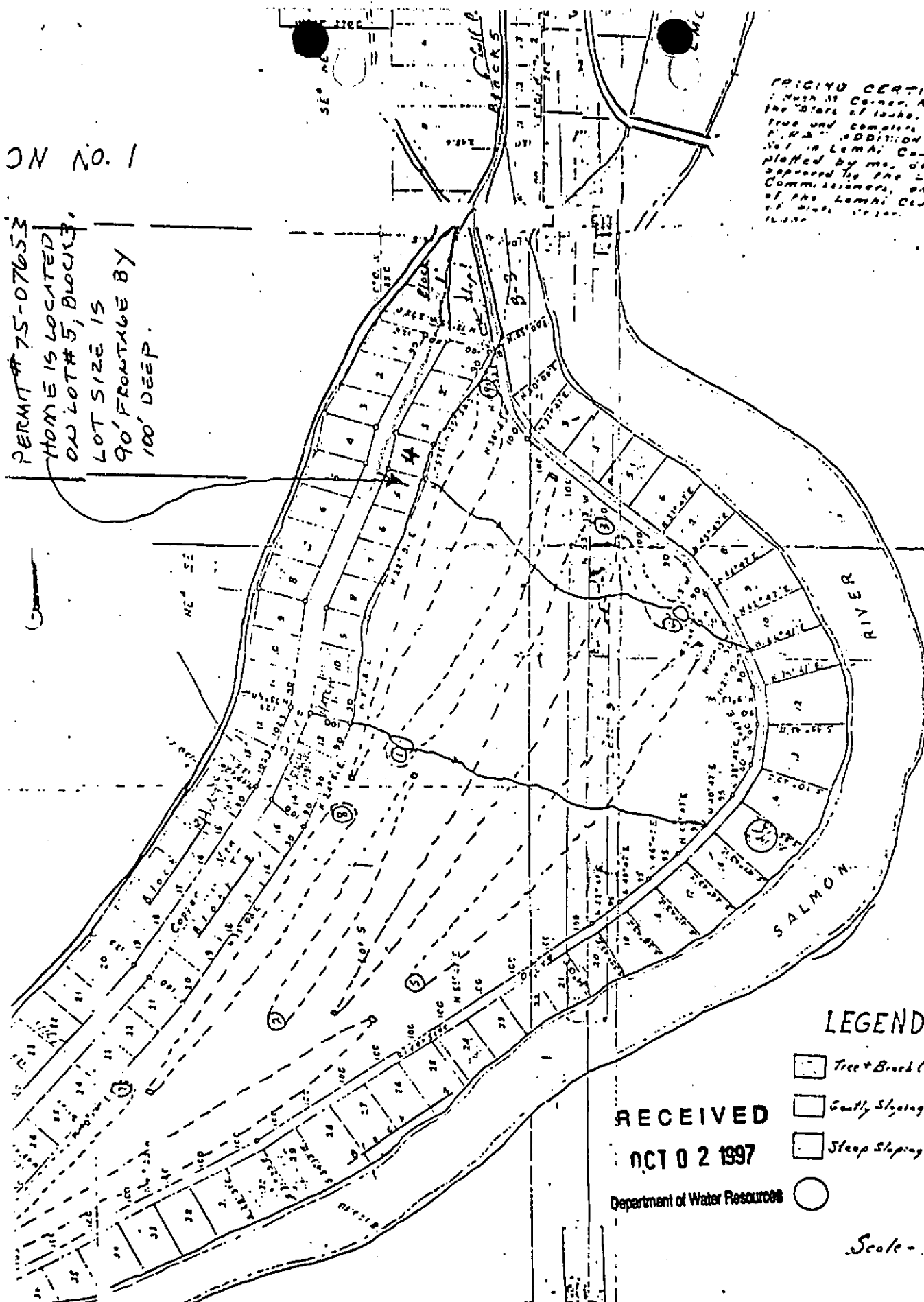
T19N  
R21E  
S02



ON NO. 1

PERMIT # 75-07653  
HOME IS LOCATED  
ON LOT # 5, BLOCK 3.  
LOT SIZE IS  
90' FRONTAGE BY  
100' DEEP.

PRICING CERTIFICATE  
I, Ruth M. Corbett, Registered  
the "State of Idaho, hereby, cer-  
tify and complete, together  
with the addition to LAKES  
No. 1 in Lemhi County, Idaho,  
plotted by me, dedicated to  
be approved by the Lemhi County  
Commissioners, and now on  
of the Lemhi County, Register  
of Deeds, Office.



LAKE CREEK SUBDIVISION No. 1  
E 1/4 NE 1/4 SE 1/4 Lot 5 - Sec. 2  
Lot 9 - Sec. 1

# LEGEND

- Tree & Brush Cover
- Gently Sloping Dry
- Steep Sloping Dry
- Department of Water Resources

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OCT 02 1997

Department of Water Resources

Scale - 1" = 200'

## MEMORANDUM

**Date:** October 29, 2002  
**To:** Water Right File 75-7653  
**From:** dgibson  
**Re:** Updated data record

---

This permit was reinstated on 8/29/2002, I am updating the database for this permit.

MICROFILMED  
NOV 18 2002



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

August 30, 2002

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

GARY C HAWKINS  
LINDA HAWKINS  
9 COPPER MTN RD  
SALMON ID 83467

**PROOF ACKNOWLEDGEMENT LETTER**

**RE: PERMIT NO. 75-7653**

Dear Permit Holder:

The department acknowledges receipt of documentation you have provided the department with which to substantiate evidence of development of your permit. Therefore, enclosed is an order reinstating the permit since proof and the license examination fee were submitted more than 60 days after the lapse notice was issued. Please note that the priority date has been advanced to **August 8, 2002**, as provided in Section 42-218a(2), Idaho Code, which was the date you filed your proof of beneficial use with the department.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, please contact the **Eastern Regional Office** of the department in Idaho Falls at (208) 525-7161.

Additionally, please 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.

Sincerely,

Deborah J. Gibson  
Administrative Assistant  
Water Allocation Bureau

Enclosure  
c: IDWR - Region

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NOV 18 2002

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AUG 23 2002

IDAHO DEPARTMENT OF WATER RESOURCES  
P.O. BOX 83720  
BOISE, ID. 83720-0098

Department of Water Resources

RE: LAPSED PERMIT # 75-7653

Dear Ms. Gibson:

Enclosed please find evidence of beneficial use of the water by Gary Hawkins and Linda Hawkins in their home and yard from Lake Creek Spring, Lemhi County, Salmon, Idaho.

This proof is over the period of 1996-2002. The specific evidence of the 1998 use is underlined in yellow. Please find exhibits 1-6 and two affidavits enclosed.

Thank you.

Gary Hawkins  
# 9 Copper Mt. Drive  
Salmon, Id. 83467  
1-208-756-3544

MICROFILMED  
NOV 18 2002

AFFIDAVIT

Comes now the affiant Kenneth D. Thompson and attests and affirms that I helped and worked with Gary Hawkins and Linda Hawkins through the period of 1996, 1997, 1998, 1999 and until the present time in improving Lake Creek Spring, which is the water source for their home and all but two of our homes in Lake Creek Subdivision. Further, I have personal knowledge that Gary Hawkins and Linda Hawkins did use the water from said Spring during 1998 and 1999 for their home and yard.

8/18/2002

name: Kenneth D. Thompson  
address: 12 Riverside Dr.  
phone: 208-756-8910

MICROFILMED

AUG 18 2002

AFFIDAVIT

Comes now the affiant Eloise Thompson and attests and affirms that I helped and worked with Gary Hawkins and Linda Hawkins through the period of 1996, 1997, 1998, 1999 and until the present time in improving Lake Creek Spring, which is the water source for their home and all but two of our homes in Lake Creek Subdivision. Further, I have personal knowledge that Gary Hawkins and Linda Hawkins did use the water from said Spring during 1998 and 1999 for their home and yard.

8/18/2002

name: Eloise Thompson  
address: 12 Riverside Dr.  
phone: 208 - 756 - 8910

MICROFILMED

NOV 18 2002

EXHIBIT 1

Stoddard Construction  
Route # 1 Box 120  
Salmon, Idaho 83467

## INVOICE

| DATE     | INVOICE NO. |
|----------|-------------|
| 12/31/96 | 96-1638     |

|                                                               |
|---------------------------------------------------------------|
| <b>BILL TO</b>                                                |
| Lake Creek Water Co.<br>% Gary Hawkins<br>Salmon, Idaho 83467 |

| P.O. NO. | TERMS          | PROJECT |
|----------|----------------|---------|
|          | Due on receipt |         |

| Date                       | QTY | UNIT  | ITEM          | Description                                           | RATE         | EXTENTION  |
|----------------------------|-----|-------|---------------|-------------------------------------------------------|--------------|------------|
| 9/11/96                    | 4   | Hours | Excavator     | John Deere 690-D Excavator                            | 100.00       | 400.00     |
| 9/11/96                    | 4   | Hours | Loader        | Cat 950 Front End Loader                              | 70.00        | 280.00     |
|                            |     |       |               | <del>Excavation for concrete tank on Lake Cr.</del>   |              |            |
| 9/16/96                    | 2.5 | Hours | Excavator     | John Deere 690-D Excavator                            | 100.00       | 250.00     |
| 9/16/96                    | 2   | Hour  | Labor         |                                                       | 25.00        | 50.00      |
| 10/15/96                   | 2   | Hours | Crawler Dozer | John Deere 550 Crawler Dozer                          | 47.00        | 94.00      |
|                            |     |       |               | <del>Excavation &amp; backfill End of mainline.</del> |              |            |
| 9/18/96                    | 3   | Hours | Backhoe       | John Deere 410                                        | 47.00        | 141.00     |
| 9/18/96                    | 3   | Hour  | Labor         |                                                       | 25.00        | 75.00      |
|                            |     |       |               | Equip. & labor for leaks on mainline.                 |              |            |
|                            |     |       |               | Sales Tax                                             | 5.00%        | 0.00       |
| MICROFILMED<br>NOV 18 2002 |     |       |               |                                                       | <b>Total</b> | \$1,290.00 |

4" PVC PIPE & FITTINGS - EST. \$575.00

\$575-  
\$1255

EXHIBIT 2

|                                               |                                  |                          |
|-----------------------------------------------|----------------------------------|--------------------------|
| Water System Name<br><b>LAKE CREEK SPRING</b> |                                  | PWS ID No.               |
| Collector<br><b>G. HAWKINS</b>                | Date Collected<br><b>7-25-96</b> | County<br><b>LENAH</b>   |
| Report Results To:                            |                                  |                          |
| Name<br><b>GARY HAWKINS</b>                   |                                  |                          |
| Address<br><b>RR 2 BOX 240-45</b>             |                                  |                          |
| City<br><b>SALMON</b>                         | State<br><b>ID</b>               | Zip Code<br><b>83467</b> |
| Phone Number:<br><b>756-8468</b>              |                                  |                          |

STATE OF IDAHO  
DEPARTMENT OF HEALTH AND WELFARE  
COLIFORM BACTERIA ANALYSIS REPORT  
CONTAMINANT ID# 3100

- ☐ Public Drinking Water System  
☒ Private Drinking Water

Laboratory Name: (Check one)

- ☐ Boise  
☐ Coeur d'Alene  
☐ Pocatello

Shaded areas must be fully filled out or samples will not be run. Private samples need not have pws# or Chlorine residual. Clear areas are for lab use only.

Your sample will be analyzed for TOTAL COLIFORMS unless you specify another analysis under Remarks.

**X** Salmon  
00101

## R E S U L T S

| Sample Number             | Sample Type Code | Sampling Location | Time Collected | Chlorine Residual PPM | Original* Sample Date | TOTAL COLIFORMS |                           | FECAL COLIFORMS |                           | ESCHERICHIA COLI |                           | HPC         |         |
|---------------------------|------------------|-------------------|----------------|-----------------------|-----------------------|-----------------|---------------------------|-----------------|---------------------------|------------------|---------------------------|-------------|---------|
|                           |                  |                   |                |                       |                       | Method Code     | (P)resent (A)bsent #100ml | Method Code     | (P)resent (A)bsent #100ml | Method Code      | (P)resent (A)bsent #100ml | Method Code | CFU/ml. |
| NOV 18 2002<br>MICHOILMED | S                | SPRING CISTERN    | 7:17 AM        |                       |                       | WMMO            | P                         |                 |                           | WMUG             | A                         |             |         |
|                           |                  |                   |                |                       |                       |                 |                           |                 |                           |                  |                           |             |         |
|                           |                  |                   |                |                       |                       |                 |                           |                 |                           |                  |                           |             |         |
|                           |                  |                   |                |                       |                       |                 |                           |                 |                           |                  |                           |             |         |
|                           |                  |                   |                |                       |                       |                 |                           |                 |                           |                  |                           |             |         |
|                           |                  |                   |                |                       |                       |                 |                           |                 |                           |                  |                           |             |         |

## Sample Type Codes

- |                                             |                       |                          |
|---------------------------------------------|-----------------------|--------------------------|
| S - Routine Sample                          | U - Upstream Repeat   | W - Untreated (source)   |
| P - Repeat Sample (At original tap)         | D - Downstream Repeat | V - Invalidated by lab.  |
| E - Enforcement (Chain of custody required) | X - Other Repeat      | C - Construction/Special |

REMARKS

Phone Results

Called Linda 7/26/96 1205

DATE/TIME RECEIVED

7/25/96 0815

ANALYST

DATE ANALYZED

7/25/96 1020

SUPERVISOR

DATE REVIEWED

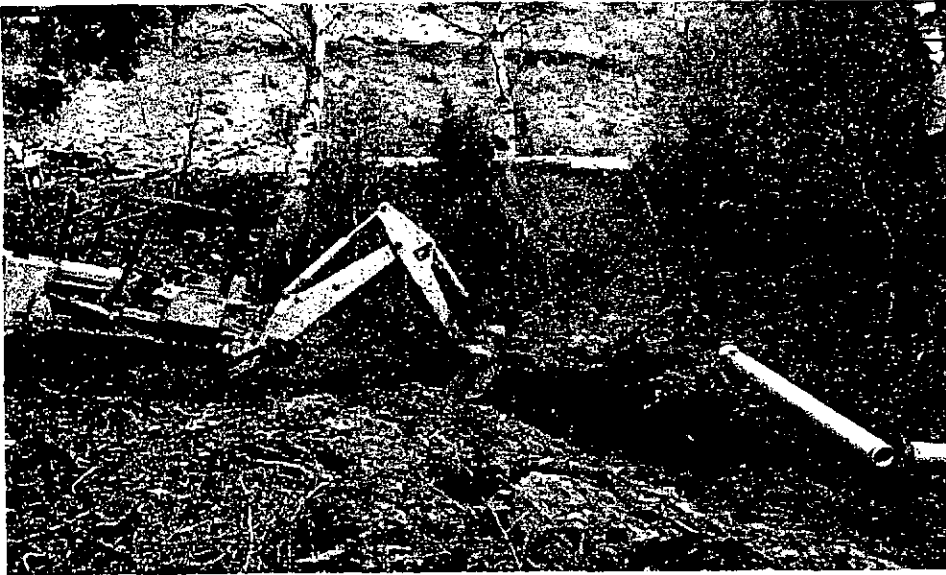
7/26/96 1200

\*For PWS only, if this is a repeat sample, mark the date of the ORIGINAL POSITIVE SAMPLE.

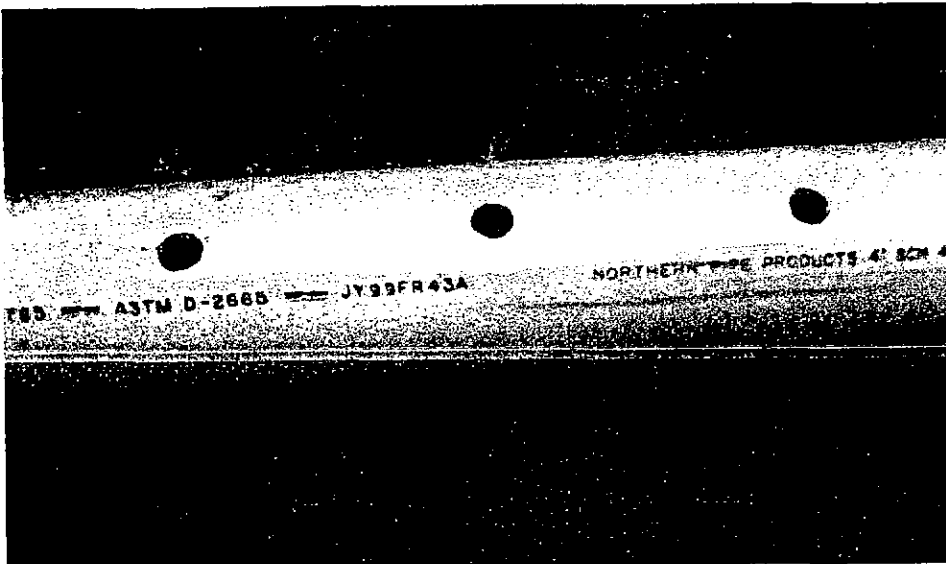
## PHOTO DOCUMENTATION SHEET

Name: Lake Creek Subdivision, Water System

Street, City, St, Zip: . . .

Page 2 of     PHOTO # 3

EXCAVATION OF PART  
OF LAKE CREEK SPRING  
BY BILL SALO WITH  
BACKHOE IN SPRING  
OF 1998

PHOTO # 4

APPROVED PIPE  
FOR COLLECTION  
LATERALS AT  
LAKE CREEK SPRING  
(1998).

MICROFILMED

NOV 18 2002

## PHOTO DOCUMENTATION SHEET

Name: Lake Creek Subdivision, Water System

Street, City, St, Zip: . . .

Page 3 of     PHOTO # 5

WORK AND COLLECTION  
LATERAL AT LAKE  
CREEK SPRING IN  
1998.

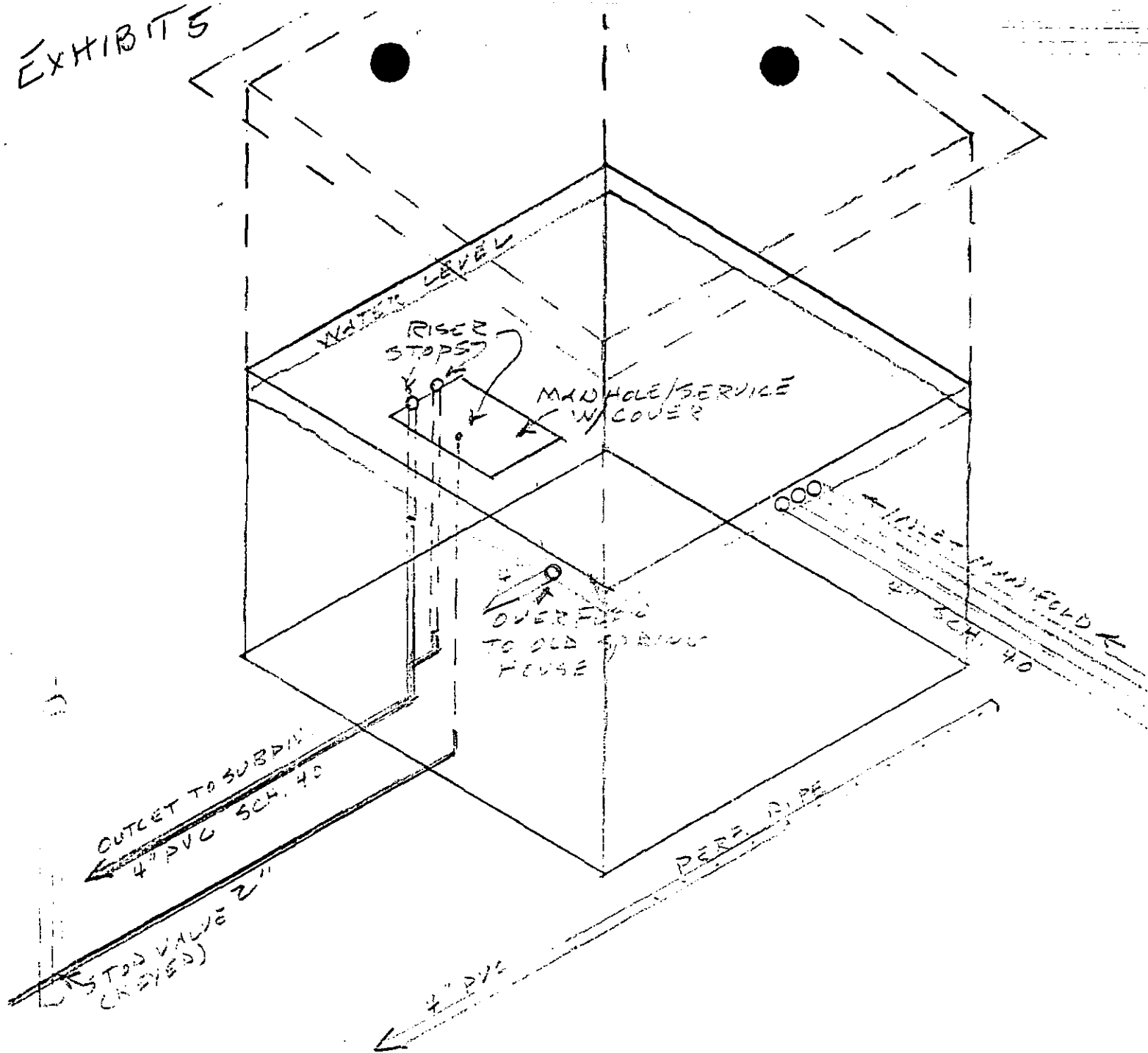
PHOTO # 6

WORK AND COLLECTION  
LATERALS AT LAKE  
CREEK SPRING IN  
1998. GARY HAWKINS  
IS SHOWN WITH  
SHOVEL.

MICROFILMED

NOV 18 2002

EXHIBIT 5



CONCRETE - 6 BAG - RE-INF.

|           |         |
|-----------|---------|
| 8" TOP    | 96 CU'  |
| 6" BOTTOM | 72 CU'  |
| 6" WALLS  | 184 CU' |

352 CU' = 13 CU. YDS

12' x 12' x 8'  
12' x 12' x 7'

MICROFILMED

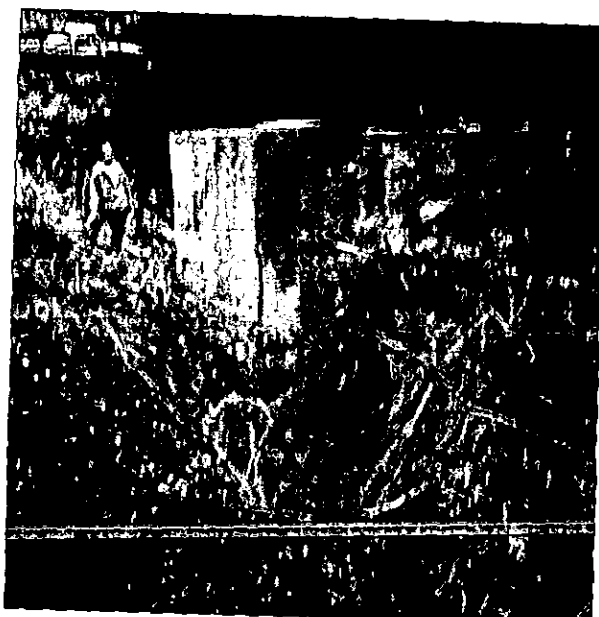
NOV 18 2002

|                 |      |
|-----------------|------|
| LAKE CREEK      |      |
| SPRING P        |      |
| STORAGE TANK    |      |
| 8617 GAL TOTAL  |      |
| 7540 GAL. FLUID |      |
| 1-10-98         |      |
| SCALE = 1/4"    | G.P. |

EXHIBIT 6



LAKE CREEK SPRING-1978  
10,000 GAL TANK  
GARY HAWKINS



LAKE CREEK SPRING-1978  
10,000 GAL TANK  
LINDA HAWKINS

MICROFILM

NOV 18 2002



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

August 14, 2002

GARY C HAWKINS  
LINDA HAWKINS  
9 COPPER MTN RD  
SALMON ID 83467

RE: LAPSED PERMIT NO. 75-7653

Dear Permit Holder:

This letter is in response to the Proof of Beneficial Use you filed on August 8, 2002, regarding the above Lapsed Permit. Pursuant to Section 42-218a, Idaho Code, the permit can be reinstated only if you submit the following information for department consideration:

- ▶ **Two (2) pieces of evidence** to show that beneficial use of the water did commence, and to show the extent of the use of water, during the authorized permit period. This documentation must show evidence from the time the permit was issued (January 15, 1998), until the proof due date (January 1, 1999).

You can submit affidavits from individuals involved with the development of this diversion, if they have knowledge of the construction of the diversion and have witnessed the use of the water for the permitted use; receipts of equipment purchased for diversion of the water, dated photographs of the construction and diversion of water, or any other information you believe that can be used to verify use during the authorized development period.

Please be aware that this permit has **lapsed** and is of no force nor effect unless it is reinstated. Upon receipt of the above requested documentation, if the information meets the department's criteria, an order will be issued reinstating your permit, however, your priority date will have changed to the date of the filing of the Proof of Beneficial Use. Therefore, I must receive the requested information, sent to my attention, within **30-days** from the date of this letter.

MICROFILMED

SEP 18 2002

Gary C. Hawkins  
Linda Hawkins  
August 14, 2002  
Page 2

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

Sincerely,

Deborah J. Gibson  
Administrative Assistant  
Water Allocation Bureau

cc: IDWR - Region

MICROFILMED  
NOV 18 2002

## ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 75-7653

Reviewed By: dgibson

Date: August 29, 2002

|                                   | <u>Yes</u> | <u>No</u> |                                  | <u>Yes</u> | <u>No</u> |
|-----------------------------------|------------|-----------|----------------------------------|------------|-----------|
| Proof received timely?            |            | X         | Drilling permit required?        |            | X         |
| License examination fee required? | X          |           | Drilling permit No.:             |            |           |
| Appropriate fee submitted?        | X          |           | Drilling permit upgrade needed?  |            |           |
| Receipt No.:                      |            | C063879   | Well driller's report filed?     |            | X         |
| Additional Amount Due:            |            |           | Measuring device required?       |            | X         |
| Name and address same as permit?  |            | X         | Measuring device installed?      |            |           |
| Are the water uses correct?       | X          |           | Measure device waiver requested? |            |           |

### Priority Calculation

|                     |              |
|---------------------|--------------|
| Date proof received | 08/08/2002   |
| Date proof due      | - 01/01/1999 |
| Lapse notice sent   | -            |
| No. of days late    | = 1315       |
| Holiday allowance   | +            |
| Priority date       | +            |
| New priority date   | = 08/08/2002 |

### Deficiencies of Actions Items

Acknowledge proof and reinstate permit. Advance priority date to 8/8/2002.

Aug. 5, 2002

From: GARY C. HAWKINS  
#9 Copper Mountain Drive  
Salmon, ID. 83467

RECEIVED

AUG - 8 2002

Department of Water Resources

TO: I.D.W.R.,  
1301 N. Orchard  
Boise, ID. 83706

RE: Re-application of permit

Attention: Debbie Gibson

Dear Ms. Gibson:

The reason my previous permit was not proved by Jan. 1, 1999 was because of my health and the circumstances and nature of my illness. In 1998 I was mis-diagnosed with cancer. In Jan. of 2000 I was correctly diagnosed as having End-Stage Renal Failure (Kidney failure). After several operations I was started on hemodialysis. Then in Dec. 2001, I started peritoneal dialysis. Only in the last few months have I corrected the uremic poisoning to the point where I can function. I'm now doing peritoneal dialysis at home 4 times a day to stay alive.

I don't have Alzheimer's disease but I have Sometime's disease. Sometimes I remember, sometimes I forget, but I am better now.

Thank you.

Gary Hawkins

MICROFILMED

NOV 18 2002

# NOTICE

This file has been REPRODUCED  
from MICROFICHE ~~REDACTED~~

For a possible Reinstatement.

---

---

Paula J. Block  
Person Recreating File

Sep. 03, 2002  
Date

I certify that file No. 75-07653

has been reviewed and is ready to be

MICROFILMED and DESTROYED.

The attached proof report is the water right as it appeared in the database prior to final status entry and deletion from the database.

Kari Lynn J.  
Reviewer

4.1.99  
Date

WR5808NP  
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT

04/01/99 08:34:08  
Page 1

Water Right Number - 75-07653

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + - - First Name - - - + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
HAWKINS

GARY C

1 - RR 2 BOX 240-45

2 -

3 -

City- SALMON

State- ID Zip- 83467

Phone - 208-756-3544

+ - - Priority Date - - +  
06/24/1997

+ - - - Region - - - +  
15 EASTERN

+ - - - Stage - - - +  
P - PERMIT

+ - - - Status - - - +

+ - - - - Source - - - - +  
SPRING

+ - - - - Tributary - - - - +  
SINKS

+ - - - - Point of Diversion - - - - - +  
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

19N 21E 2 NE SE NE (59) LEMHI

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume

43 - DOMESTIC 01/01 12/31 0.040

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
0.040 0.0

+ - - - - Place of Use - - - - - +  
TwN Rng Sec Tract Lot Acres Code Description County

19N 21E 2 NE SE 43 DOMESTIC (59) LEMHI

+ - - Diversion Means - COLLECTION BOX AT SPRING PIPED TO HOME

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +

GEN Source is locally known as Lake Creek Subdivision Spring.  
Point of diversion is located within Lot 13, Blk. 8, Lake Creek  
Subdivision.  
Place of use is located within Lot 5, Blk. 3, Lake Creek  
Subdivision.  
Domestic use is for 1 home.

+ - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers found.

WR5808NP  
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT

04/01/99 08:34:08  
Page 2

Water right number - 75-07653

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - - +  
004 - The issuance of this right does not grant any right-of-way  
- or easement across the land of another.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +

00/00/0000

+ - - - - Comments - - - - - +

Date: 01/15/1998 User Id: CZIMMERM Subject: DIVERSION DESCRIPTION  
Collection box at spring piped to home.

Date: 01/11/1999 User Id: VAULT Subject: Lapse Notice Sent  
Lapse Notice Sent

+ - - Audit Fields - 06/26/97 RBODELL 06/30/97 SCURTIS 01/15/98 CZIMMERM 01/11/99 COMMENTS

+ - - - - Water Rights Dates and Flags Area - - - - - +

|                   |              |                 |              |                    |     |
|-------------------|--------------|-----------------|--------------|--------------------|-----|
| Proof Due Date    | - 01/01/1999 | Field Exam Made | - 00/00/0000 | Field Exam Fee     | -   |
| Approved/Denied   | - 01/15/1998 | Protested Date  | - 00/00/0000 | Swan Falls         | -   |
| Proof Made Date   | - 00/00/0000 | Hearing Date    | - 00/00/0000 | Temporary Right    | - P |
| Exam to S.O. Date | - 00/00/0000 | Verified Date   | - 00/00/0000 | DLE/Carey Act      | -   |
| Order Show Cause  | - 00/00/0000 | Receipt Number  | - E023342    | Water District     | -   |
| Licensed Date     | - 00/00/0000 | Appl Received   | - 06/24/1997 | Transfer/Amended   | -   |
| Presumption Flag  | -            | Name Connector  | -            | POU Ownership Flag | - Y |
| SRBA Decreed Flag | -            |                 |              |                    |     |

GARY C HAWKINS  
RR 2 BOX 240-45  
SALMON ID 83467

January 11, 1999

RE: PERMIT NO. 75-07653 LAPSE NOTICE

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated October 31, 1998. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON  
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 1-11-99  
~~a copy~~ an original of this document was  
deposited in the United States mail,  
postage prepaid addressed to the  
individual(s) named above.

*[Signature]*

October 31, 1998

GARY C HAWKINS  
RR 2 BOX 240-45  
SALMON ID 83467

PROOF DUE NOTICE

RE: PERMIT NO. 75-07653

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1999. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

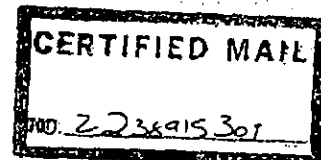
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures





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 15, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

GARY C HAWKINS  
RR 2 BOX 240-45  
SALMON ID 83467

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 75-07653

Dear Permit Holder:

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

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

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

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

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

Sincerely,

Shelley W. Keen  
Water Rights Supervisor

SK:klt  
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of January, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 75-07653

GARY C HAWKINS  
RR 2 BOX 240-45  
SALMON ID 83467

  
Kari Lynn Townsend  
Secretary

## **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.

**NOTICE OF CORRECTION  
APPLICATION FOR PERMIT  
NO. 75-07653**

Notice is hereby given that the above mentioned application in the name of Gary C. Hawkins, RR #2, Box 240-45, Salmon, ID 83467, was advertised incorrectly on July 17 and 24, 1997. The point of diversion was advertised as being NENESE SEC. 02 T19N R21E LEMHI COUNTY.

WHEREAS, the point of diversion is the NENESE SEC. 02 T19N R21E LEMHI COUNTY.

Any protest against the granting of this application as a result of this correction must be filed with the applicant and the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, along with a \$25.00 fee on or before November 24, 1997.

**KARL J. DREHER  
DIRECTOR**  
Published in The Recorder Herald on November 6 & 13, 1997.

11-6-2tc

**RECEIVED**  
**JAN 0 5 1998**  
Department of Water Resources  
Eastern Region

# Affidavit of Publication

STATE OF IDAHO }  
County of Lemhi }

RICKY G. HODGES, being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the NOTICE OF CORRECTION 75-07653

is 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 11/6, 1997 and ending with the issue dated 11/13, 1997.

STATE OF IDAHO }  
County of Lemhi }

On this 13th day of NOVEMBER, in this year of 1997 before me, A Notary Public, personally 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 statements 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 \$ 35.64

Account No. 630



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

October 29, 1997

GARY C HAWKINS  
RR 2 BOX 240-45  
SALMON ID 83467

RE: Notice of Correction No. 75-07653

Dear Applicant:

This office is currently in the process of advertising the application in the Recorder Herald on Nov. 6 & 13, 1997. 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*  
Harold W. Jones  
Water Right Supervisor

HWJ/rb

NOTICE OF CORRECTION  
APPLICATION FOR PERMIT NO. 75-07653

Notice is hereby given that the above mentioned application in the name of Gary C. Hawkins, RR #2, Box 240-45, Salmon, ID 83467, was advertised incorrectly on July 17 and 24, 1997. The point of diversion was advertised as being NENESE SEC 02 T19N R21E, LEMHI COUNTY.

WHEREAS, the point of diversion is the NESENE SEC 02 T19N R21E, LEMHI COUNTY.

Any protest against the granting of this application as a result of this correction must be filed with the applicant and the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID 83402, along with a \$25.00 fee on or before November 24, 1997.

KARL J. DREHER  
DIRECTOR

Published in the Recorder Herald on November 6 & 13, 1997

MEMORANDUM

TO: File Nos. 75-07651, 75-07652, 75-07653

FROM: Cindy Zimmerman 

SUBJECT: Point of diversion

DATE: October 17, 1997

*sh SWK*

All three applications are using the same spring. The application and map on 75-07651 identify the spring as being located in the SWNE, S02, T19N, R21E.

However, on nos. 75-07652 & 75-07653, the applications identify the spring as in the NESE, S02 when the maps identify the spring as being in the NESE, S02.

Bob Foster visited the site. The spring is located on land owned by Brownings. Due to access restrictions, he was not able to actually get to the spring site but was able to get close. Bob's best guess is that the spring is probably located in the NESE, S02. The spring is north of Lake Creek and east of the buildings identified on the topographic map. Bob agreed that the spring may be close to the quarter-quarter line. Bob also agreed that the location of the spring as identified on Browning's application no. 75-07651 may be correct. However, the spring site needs to be verified via GPS equipment.

I recommend that Browning's application no. 75-07651 be approved as filed once the subdivision plat is received.

I recommend the point of diversion description on application nos. 75-07652 and 75-07653 be corrected. The application points of diversion do not match the application topographic maps. Either fix the maps or amend the legals and re-advertise.

I spoke with Skip Jones at Eastern today. Skip agrees with my recommendations. Skip has asked for application nos. 75-07652 and 75-07653 be returned. He will pursue determination of the correct legal description of the point of diversion.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1721 North Orchard Street  
Idaho 83706-2237

Return Service  
Requested



UNDELIVERABLE  
AS ADDRESSED  
UNABLE TO  
FORWARD

RECEIVED  
SEP 24 1997

Department of Water Resources

Box 240-45

RR2

remailed 9/25/97 cy.



**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

September 17, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

GARY C HAWKINS  
HC 2 BOX 240-45  
SALMON ID 83467

RE: Application for Permit No. 75-07653

Dear Mr. Hawkins,

The above referenced application has been sent to the State Office for final review and processing; however, before the application process can continue, I will need some additional information.

The application lists domestic use for 1 home, but a subdivision plat identifying the location of the home was not included with the application. I need the subdivision plat to clarify where water will be diverted. Please provide a subdivision plat identifying the location of the point of diversion and place of use, as well as the size of the lot.

I will hold further processing on your application for 14 days pending your response. Please submit this information as quickly as possible within the 14-day period to prevent any further undue delay in processing your application.

If you have any questions, you may contact me directly at (208) 327-7944.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Zimmerman".

Cindy Zimmerman  
Water Resource Agent

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

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

75-07652  
DUNLAP, WAYNE W  
RR 2 BOX 240-45  
SALMON, ID 83467  
Source: SPRINGS Tributary:  
SINKS

Diversion Pt: NENESE Sec 2 T  
19N R 21E in LEMHI County.  
Use: DOMESTIC (0.040 CFS)  
Total Diversion: (0.040 CFS)  
Date Filed: 6/24/1997  
In: LEMHI County  
T19N R21E S02 NESE

75-07653  
HAWKINS, GARY C  
RR 2 BOX 240-45  
SALMON, ID 83764  
Source: SPRING Tributary:  
SINKS

Diversion Pt: NENESE Sec 2 T  
19N R 21E in LEMHI County.  
Use: DOMESTIC (0.040 CFS)  
Total Diversion: (0.040 CFS)  
Date Filed: 6/24/1997  
In: LEMHI County  
T19N R21E S02 NESE

75-07654  
SALO, BILL M  
PO BOX 2405  
SALMON, ID 83467  
Source: GROUNDWATER  
Diversion Pt: SENE Sec 2 T 19N  
R 21E in LEMHI County.  
Use: STOCK WATER (0.020 CFS)  
IRRIGATION (0.800 CFS)  
DOMESTIC (0.040 CFS)  
Total Diversion: (0.860 CFS)  
Date Filed: 6/23/1997  
In: LEMHI County  
T19N R21E S02 SWNE SENE  
40.0 ACRES TOTAL

The permit (s) will be subject to all  
prior water rights. Protests must be  
filed with the applicant and the Direc-  
tor, Dept. of Water Resources, along  
with a \$25.00 filing fee, Eastern Re-  
gion, 900 N Skyline, Idaho Falls,  
Idaho 83402 on or before AUGUST  
4, 1997.

KARL J. DREHER, Director  
Published: 7/17/1997 & 7/24/1997.  
7-17-2tc

**Affidavit of Publication**  
**RECEIVED**

STATE OF IDAHO } ss.  
County of Lemhi

SEP 03 1997

Department of Water Resources  
Eastern Region

RICKY G. HODGES, being first duly sworn, deposes  
and says he is one of the publishers (printers) of The Recorder Herald, a newspaper  
published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.  
That the IDAHO DEPT OF WATER 75-07652

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 newspa-  
per and not in any supplement thereof or thereto for TWO (2)  
consecutive issues, commencing with the issue dated 7/17, 19 97  
and ending with the issue dated 7/24, 19 97

STATE OF IDAHO } ss.  
County of Lemhi

On this 24th day of JULY in this year of 19 97  
before me, A Notary Public, personally appeared RICKY G. HODGES  
known or identified to me to be the person whose name subscribed to the within in-  
strument, and being by me first duly sworn, declared that the statements therein are  
true, and acknowledged to me that he executed the same.

Residing At Salmon, Idaho

Notary Public for Idaho

My Commission expires: 9-21-2001

Publication Fee \$ 41.76

Account No. 630



**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

August 6, 1997

RECORDER HERALD  
PO BOX 310  
SALMON ID 83467

RE: 75-07652, 75-07653, and 75-07654

Dear Publisher:

Could you please submit an affidavit of publication and certified bill in connection with the above referenced applications. The legal notices were to have been published in your paper on July 17 & 24, 1997.

If the application was never published, I need to know as soon as possible.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

  
Rita Bodell  
Secretary



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

July 11, 1997

GARY C HAWKINS  
RR 2 BOX 240-45  
SALMON ID 83467

RE: Notice of Application for Permit No. 75-07653

Dear Applicant:

This office is currently in the process of advertising the notice of correction for the amended application for transfer in the Recorder Herald on July 17 & 24, 1997. 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*  
Harold W. Jones  
Water Right Supervisor

HWJ/rb

75-07653

HAWKINS, GARY C  
RR 2 BOX 240-45  
SALMON, ID 83467

Source: SPRING

Tributary: SINKS

Diversion Pt: NENESE Sec 2 T 19N R 21E in LEMHI County.

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

Date Filed: 6/24/1997

|                  |      |
|------------------|------|
| In: LEMHI County |      |
| T19N R21E S02    | NESE |