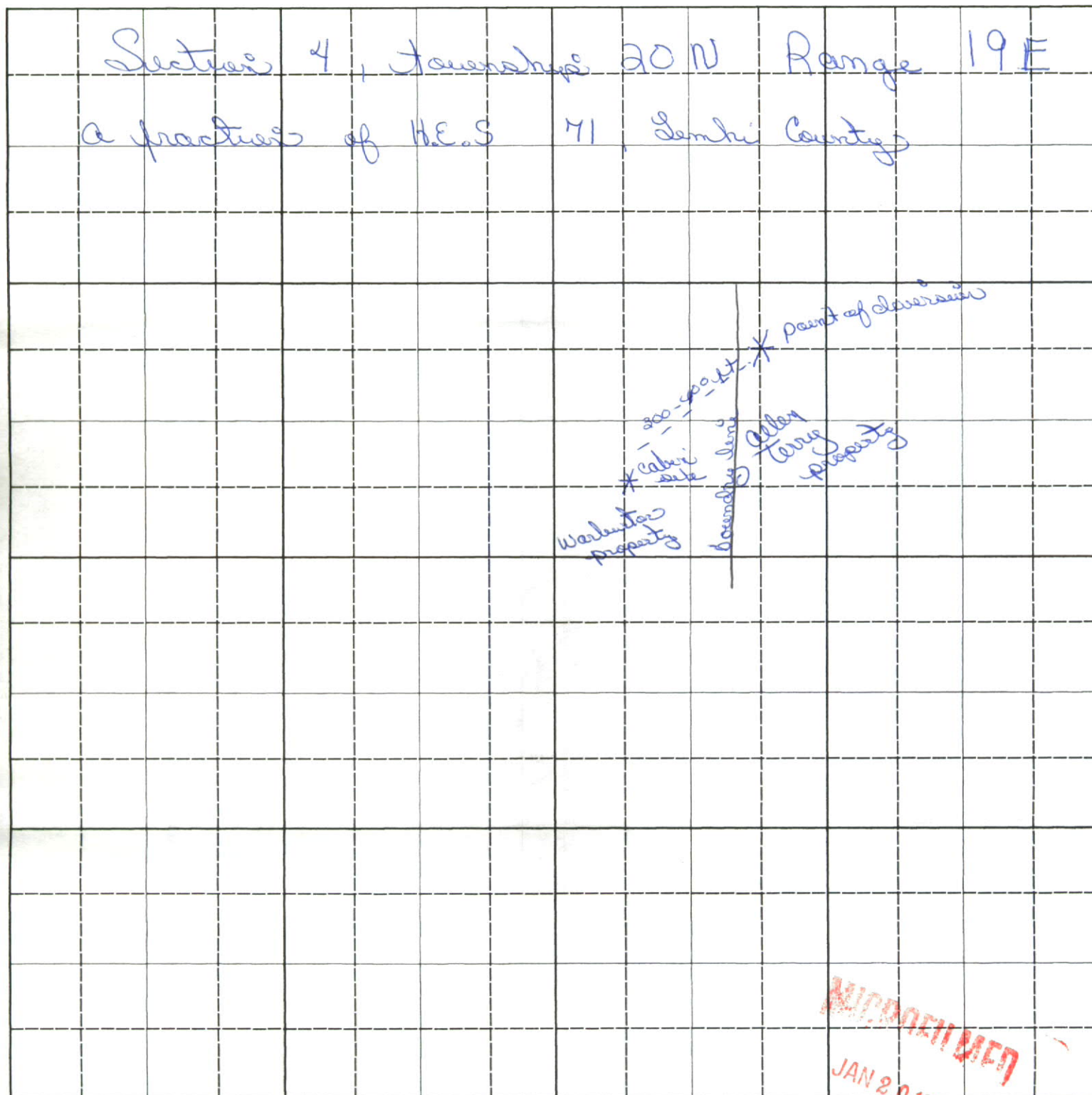


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Diana Warburton  
(Applicant)

5000000N

Poin

2237

4815

28

27

Leacock

x 71977

x 63657

x 61447

x 5660

x 5300

x 5000

Deep

4999

x 50397

Footbridge

x 70527

7000

33

x 4997

x 56607

34

6800

x 70447

4998

T 21 N  
T 20 N

R 19 E

x 59947

Panther Creek

Cobalt

Substation

Unsurveyed  
Section  
projected

4997

x 66577

3-2

4996

Spring

x 64407

Creek

5

4995

x 68267

x 66957

x 70427

Fawn

x 74877

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SIA  
JAN 20 1995

4994

x 62457

x 65057

x 74237

7200

x 68447

3-5

x 76247

x 75027

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

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

75-07618

WARBURTON, DENNIS

WARBURTON, DIANA

RT 4 BOX 66

RUPERT, ID 83350

Source: SPRING Tributary: PAN-  
THER CREEK

Diversion Pt: SWNENW Sec 4 T  
20N R 19E in LEMHI County.

Use: DOMESTIC ( .040 CFS)

Total Diversion: ( .040 CFS)

Date Filed: 10/19/1994

In: LEMHI County

T20N R19E S04 SWNW

The permit(s) will be subject to  
all prior water rights. Protests must  
be filed with the applicant and the  
Director, Dept. of Water Resources,  
along with a \$25.00 filing fee, East-  
ern Region, 900 N Skyline, Idaho  
Falls, Idaho 83402 on or before  
DECEMBER 5, 1994.

R. KEITH HIGGINSON,

Director

Published: 11/17/1994 &

11/24/1994

11-17-2tc

**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 (printers) of The Recorder Herald, a newspaper  
published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.  
That the NOTICE OF APPLICATION FOR WATER RIGHT

NO 75-07618, 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 11/17, 19 94  
and ending with the issue dated 11/24, 19 94

STATE OF IDAHO }  
County of Lemhi } ss.

On this 24 day of NOVEMBER in this year of 19 94

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.

Sheila K Hodges  
Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 9-21-95

Publication Fee \$ 35.64

Account No. 630

**MICROFILMED**  
**JAN 20 1995**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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DEC 31 1996

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. 75-07618 Telephone No. 436-3326 (208)

2. Name(s) of Permit Holder(s): Dennis Warburton or Diana Warburton

3. Mailing Address: 122 E 300 N Rupert, ID 83350

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): 1 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)

Measuring Device: Is a measuring device required? Yes      or No ✓

Has the measuring device been installed? Yes      or No ✓

Flow Measurement Port: Is a flow measurement port required? Yes      or No ✓

Has the measurement port been installed? Yes      or No ✓

8. Fee Enclosed: \$ 50<sup>00</sup> (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: Dennis Warburton Telephone Number: 208 436-3326

Address: 122 E 300 N Rupert, ID 83350

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.

MICROFILMED

Signature of permit holder: Diana Warburton Date: 12/27/96  
(include your title, if on behalf of company or organization)

State of Idaho  
Department of Water Resources  
**Permit To Appropriate Water**

NO. 75-07618

Proposed Priority: October 19, 1994      Maximum Diversion Rate: 0.04 CFS

This is to certify, that DENNIS WARBURTON  
DIANA WARBURTON  
RT 4 BOX 66  
RUPERT ID 83350

has applied for a permit to appropriate water from:

SPRING      tributary of PANTHER CREEK

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

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

LOCATION OF POINT(S) OF DIVERSION:      SWNENW , Sec. 4, Township 20N, Range 19E  
LEMHI County

PLACE OF USE: DOMESTIC

TWN RGE SEC

20N 19E 4      SWNW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 1997.
2. Subject to all prior water rights.
3. 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.
4. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If the proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, the right holder contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
5. The issuance of this right in no way grants any right-of-way or easement across the land of another.
6. Domestic use is for 1 home.

*WIPDNEW*  
JAN 20 1995

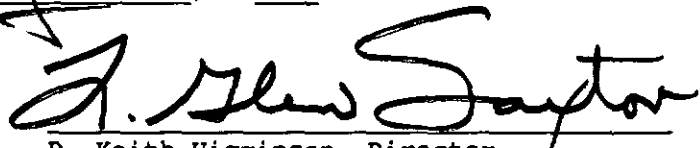
State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 75-07618

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

3<sup>rd</sup> day of January, 1995.

  
R. Keith Higginson, Director  
*for*

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JAN 20 1995

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DEC 19 1994

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

Ident. No. 75-2618

Department of Water Resources To appropriate the public waters of the State of Idaho

1. Name of applicant Dennis & Diana Warburton Phone 208 436-3326  
Post office address Route 4, Box 66 Rupert, ID 83350
2. Source of water supply spring which is a tributary of Panther Creek
3. Location of point of diversion is SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$ , Govt. Lot HES #71  
Sec. 4 Township 20 N Range 19 E B.M. Gemini County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount .04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .04 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:  
a. Description of ditches, flumes, pumps, headgates, etc. P.C.V. pipe - gravity flow  
\_\_\_\_\_  
\_\_\_\_\_  
b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet; period of year when water will be diverted to storage:  
\_\_\_\_\_ to \_\_\_\_\_ inclusive.  
c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is 110 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) \_\_\_\_\_
7. Time required for the completion of the works and application of the water to be proposed beneficial use is  
2 years (minimum 1 year).

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JAN 20 1995

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

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

9. Description of place of use:

*\* Change as per tele-con with Diane Warburton 10-26-94 HWT*

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

| TWP | RANGE | SEC. | NE 1/4                                      |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|-----|-------|------|---------------------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|     |       |      | NE 1/4                                      | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 20N | 19E   | 4    |                                             |        |        |        | D      | D*     |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      | <del>Some as legal point of diversion</del> |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |                                             |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |                                             |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |                                             |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |                                             |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |                                             |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |                                             |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |                                             |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |       |      |                                             |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated 1

10. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

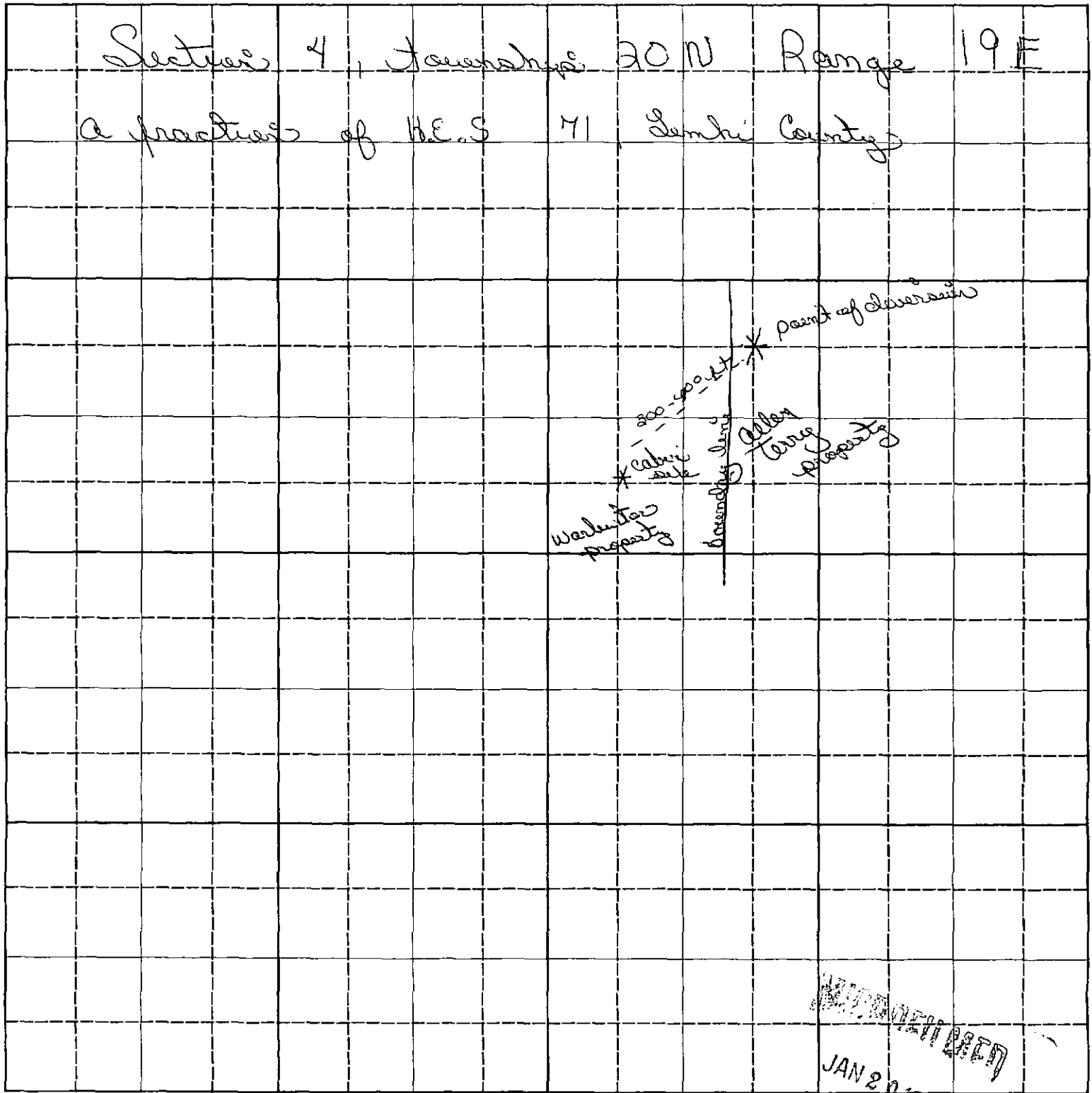
Allen Terry - A75-10607

- Who owns the property at the point of diversion? Allen Terry
- Who owns the land to be irrigated or place of use? Dennis & Diana Warburton
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. warranty deed shows Dennis Warburton receiving an excess flow rights.

12. Remarks: \_\_\_\_\_

*Approved: [Signature]*  
JAN 20 1995

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Diana Warburton  
(Applicant)

Received by WM Date 10/19/94 Time 11:59 CK# 4398 \$50.00 Preliminary check by HWT  
Fee \$ 50<sup>00</sup> Receipted by HWT # E020414 Date 10-20-94  
Publication prepared by RB Date 11-17-24-94 Published in Recorder-Herald  
Publication approved LB Date 12-15-94

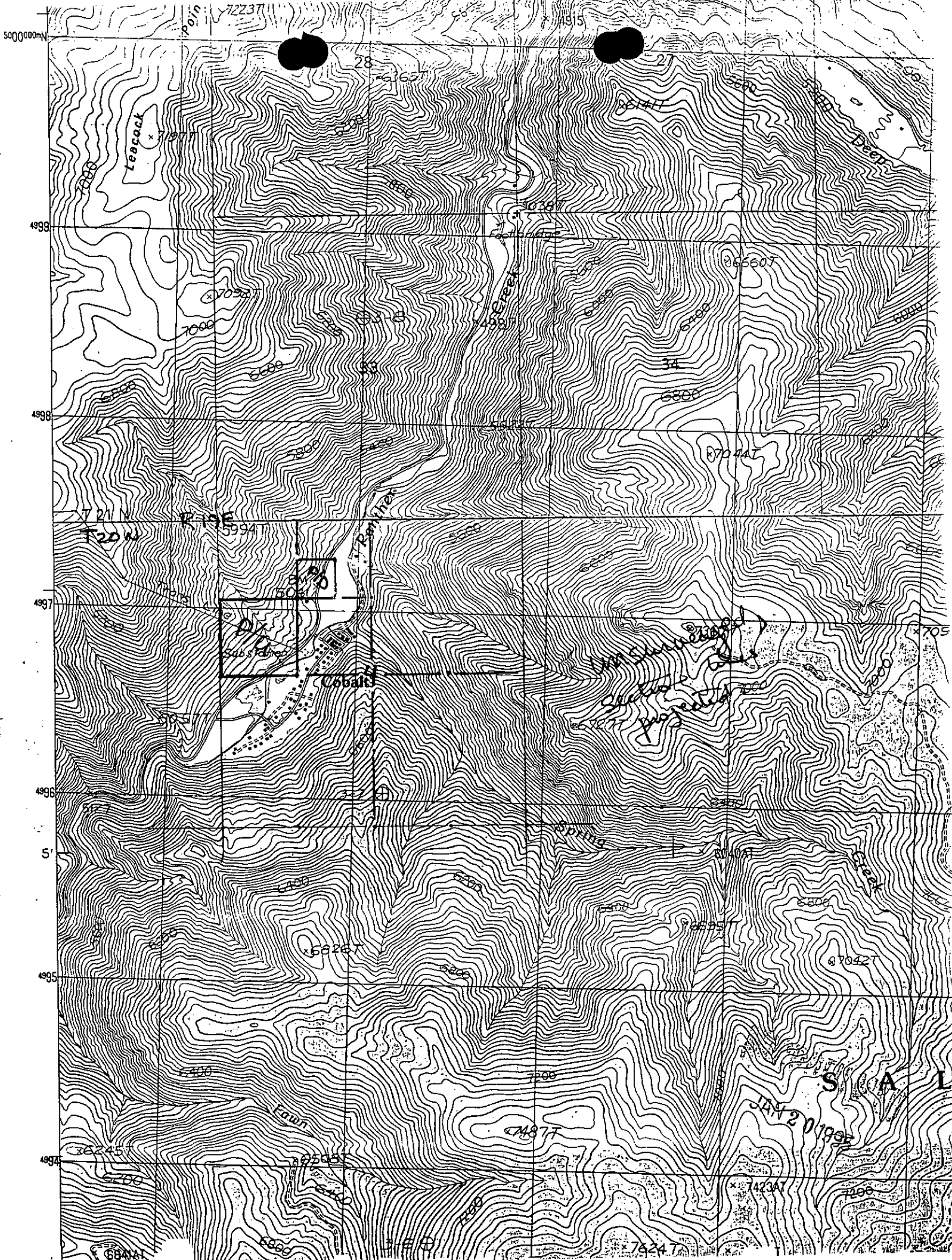
### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before \_\_\_\_\_, 19 \_\_\_\_.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

RECORDED  
JAN 20 1995



**ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE**

Permit No. 7S-07618 Reviewed by [signature] Date 1-2-97

**GENERAL CONSIDERATIONS**

yes Name same as permit?  
no Address same as permit?  
yes Proof timely received?  
If not, complete calculation below.

**TYPES OF USE**

dom

Correct Uses? yes

**SOURCE OF WATER**

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. \_\_\_\_\_

☐ Amount paid for permit

☐ Well log in the file?

\_\_\_\_\_ Correct?

**LICENSE EXAMINATION FEE**

yes Required?  
50 Amount Submitted  
yes Correct?

**MEASURING DEVICE**

no Required?  
☐ Installed?  
☐ Waiver requested?

**PRIORITY CALCULATION**

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

**DEFICIENCIES OR ACTION ITEMS**

Proof acceptable

**DATA ENTRY**

New Address 122 E. 300 N Proof Made 12-31-96  
Rupert, 83350



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR  
January 9, 1997

DENNIS WARBURTON  
DIANA WARBURTON  
122 E 300 N  
RUPERT ID 83350

**PROOF ACKNOWLEDGMENT LETTER**

**RE: PERMIT NO. 75-07618**

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.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

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

Sincerely,

JULIE L. YARBROUGH  
Senior Secretary

C: IDWR - Region

MICROFILMED

JAN 09 1997

October 31, 1996

DENNIS WARBURTON  
DIANA WARBURTON  
RT 4 BOX 66  
RUPERT ID 83350

PROOF DUE NOTICE

RE: PERMIT NO. 75-07618

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, 1997.

(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.

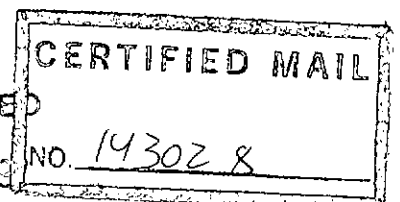
SINCERELY,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures

MICROFILMED

JAN 09 1997





State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000  
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

January 3, 1995

DENNIS WARBURTON  
DIANA WARBURTON  
RT 4 BOX 66  
RUPERT ID 83350

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 75-07618

Dear Permit Holder:

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

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.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jim Johnson', with a horizontal line extending to the right.

JIM JOHNSON, Manager  
Water Right Permits Section

JJ:dc

Enclosures

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JAN 20 1995

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

No.: 75-7618 Name: Warbenton Date: 12/21/94 Correct Fee? ☒

| AREA OF CONCERN? | - No/Yes | S/c | Mor | GWMA | Trust/Non-trust |
|------------------|----------|-----|-----|------|-----------------|
|------------------|----------|-----|-----|------|-----------------|

**SYSTEM COMPLETED:**

No

Complete in 1 year

**Yes**

Proof not submitted

Proof submitted

**GROUNDWATER:**

+ 0.2 cfs &lt;FLO-CH&gt;

- 0.2 cfs

**Drilling Permit:**

Included w/permit

Existing well

No WD permit?

**SURFACE WATER:** not in WD

**LOCATION:**

Water District (dem)

\*Surface water

(doesn't sink)

## Groundwater

In stream channel

Irr Dist/Canal Co.

## Drainage Districts

Flood Control Dist.

Boise Front (63)

## Swan Falls Flag

## Trust

Non Trust &lt;1&gt;

**RIVER BASINS (\*Surface water):**

Boise R(63)

Payette R(65)

Snake R(01/02/03)

**USE:**

## Fish Propagation

## Irrigation

Power

## Mining

Storage (✓ 3 compo.)

Domestic (surface)

**OWNERSHIP:**

Non land owner

**PROTESTED:**

**OTHER CONDITIONS:**

## REMARKS:

**BENEFICIAL USE DUE:**

**COMMENTS:**

WR0749NP  
No. P75-07618

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 12/21/94  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                      | PRIORITY<br>DATE | WATER USE | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|---------------------------------------------------------------------|------------------|-----------|-----------------------|-------------------|---------------------|
| C                | DENNIS WARBURTON                                                    | 10/19/1994       | DOMESTIC  | 01-01 12-31           | 0.04 CFS          |                     |
| C                | DIANA WARBURTON<br>RT 4 BOX 66<br>RUPERT ID 83350<br>(208) 436-3326 |                  |           |                       |                   |                     |
| TOTAL DIVERSION: |                                                                     |                  |           |                       | 0.04 CFS          |                     |

Water Source: SPRING

Tributary to: PANTHER CREEK

Stage: PERMIT

Point(s) of Diversion:

T20N R19E S04

SWNWENW

LEMHI County

Place of use Legal Description for: DOMESTIC

| NE        |      |      |       | NW    |       |       |       | SW    |       |       |       | SE    |       |       |       |
|-----------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| NENE      | NWNE | SWNE | SENE  | NENW  | NWNW  | SWNW  | SENW  | NESW  | NWSW  | SWSW  | SESW  | NESE  | NWSE  | SWSE  | SESE  |
| T         | R    | S    | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac | Lt Ac |
| 20N 19E 4 |      |      |       | D     |       |       |       |       |       |       |       |       |       |       |       |

Pou County: LEMHI

Conditions of Approval:

- 26A - 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.
- 030 - A separate stream alteration permit from the IDWR is required  
- for any activity in the stream channel other than construction  
- and/or maintenance of the diversion structure. If the proposed  
- construction or operation involves construction of an outfall or  
- any other work in the stream channel other than a water  
- diversion, the right holder contact the Department and obtain a  
- Stream Channel Alteration permit prior to the start of  
- construction.
- 004 - The issuance of this right in no way grants any right-of-way  
- or easement across the land of another.

Remarks: Domestic use is for 1 home.

Dates: App. Received: 10/19/1994 Priority Date: 10/19/1994  
Proof Due Date: 01/01/1997 Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 12/21/1994 User-ID: CZIMMER Subject: P/D OWNERSHIP

WR0749NP  
No. P75-07618

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 12/21/94  
PAGE: 2

=====

Comments: Date: 12/21/1994 User-ID: CZIMMERM Subject: ~~P/D-OWNERSHIP~~  
The point of diversion is located on land owned by Allen Terry.  
The right holder has a deeded agreement with Mr. Terry.

Audit: 12/21/94 CZIMMERM

Form No. 202a  
4/87

Dist. for staffing 10-27-94  
Submitted for advertising 10-27-94

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HWS DATE 10-27-94 APPLICATION NO. 75-7618  
Dennis Warburton  
**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 signator 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 \_\_\_\_\_

**RECEIVED**  
DEC 19 1994

Department of Water Resources

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 None Idaho Dept. of Health & Welfare U.S. BLM  
Idaho Dept. of Fish & Game U.S. Forest Service  
Idaho Dept. of Lands 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  
Final date for protest 12-5-94  
☐ 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 below for additional information  
Date of priority recommended 10-19-1994  
By HWT Date 12-16-94

**STATE OFFICE REVIEW**

See below for additional information  
By \_\_\_\_\_ Date \_\_\_\_\_

**ADDITIONAL INFORMATION**

\* Same pd as 475-10607 + 475-10608

**LOCAL PUBLIC INTEREST**

Comments received from

|                                |                                           |                                       |
|--------------------------------|-------------------------------------------|---------------------------------------|
| <u>          </u> City         | <u>          </u> Idaho Fish & Game       | <u>          </u> Irrigation District |
| <u>          </u> County       | <u>          </u> Idaho Health & Welfare  | <u>          </u> Canal Company       |
| <u>          </u> Reservations | <u>          </u> Division of Environment | <u>          </u> Other _____         |

## Project impacts/implications report

**COMMENTS**

[illegible]

**NOTICE OF APPLICATION  
FOR WATER RIGHT**

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

75-07618

WARBURTON, DENNIS

WARBURTON, DIANA

RT 4 BOX 66

RUPERT, ID 83350

Source: SPRING Tributary: PAN-  
THER CREEK

Diversion Pt: SWNENW Sec 4 T  
20N R 19E in LEMHI County.

Use: DOMESTIC ( .040 CFS)

Total Diversion: ( .040 CFS)

Date Filed: 10/19/1994

In: LEMHI County

T20N R19E S04 SWNW

The permit(s) will be subject to  
all prior water rights. Protests must  
be filed with the applicant and the  
Director, Dept. of Water Resources,  
along with a \$25.00 filing fee, East-  
ern Region, 900 N Skyline, Idaho  
Falls, Idaho 83402 on or before  
DECEMBER 5, 1994.

R. KEITH HIGGINSON,

Director

Published: 11/17/1994 &

11/24/1994

11-17-2tc

**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 (printers) of The Recorder Herald, a newspaper  
published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.  
That the NOTICE OF APPLICATION FOR WATER RIGHT  
NO 75-07618, 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 11/17, 19 94  
and ending with the issue dated 11/24, 19 94

STATE OF IDAHO }  
County of Lemhi } ss.

On this 24 day of NOVEMBER in this year of 19 94

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.

Sheila K. Hodges  
Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 9-21-95

Publication Fee \$ 35.64

Account No. 630

RECORDED  
JAN 20 1995

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region  
900 N Skyline

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Idaho Falls, Idaho 83402  
(208) 525-7161

NOVEMBER 9, 1994

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

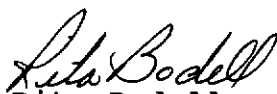
Gentlemen:

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 5, 1994.

Yours truly,

  
Rita Bodell  
Secretary

Encl.

RECEIVED

JAN 20 1995

NOTICE OF APPLICATION FOR WATER RIGHT

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

RECEIVED  
JAN 20 1995

75-07618

WARBURTON, DENNIS  
WARBURTON, DIANA  
RT 4 BOX 66  
RUPERT, ID 83350

Source: SPRING

Tributary: PANTHER CREEK

Diversion Pt: SWNENW Sec 4 T 20N R 19E in LEMHI County.

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

Date Filed: 10/19/1994

In: LEMHI County  
T20N R19E S04 SWNW

RECORDED  
JAN 20 1995

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before DECEMBER 5, 1994.

R. KEITH HIGGINSON, Director

Published: 11/17/1994 & 11/24/1994

RECEIVED  
JAN 20 1995

November 9, 1994

DENNIS OR DIANA WARBURTON  
RT 4 BOX 66  
RUPERT ID 83350

RE: Application for Permit No. 75-07618

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application for permit. This office is currently in the process of advertising the application in the Idaho State Journal on November 17 & 24, 1994. The advertisement will be published 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.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

*Harold W. Jones*  
Harold W. Jones *rb*  
Water Right Supervisor

HWJ/rb

RECEIVED  
JAN 20 1995

# Warranty Deed

For Value Received

ALLEN TERRY AND MARIA TERRY, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

DENNIS WARBURTON AND DIANA WARBURTON, husband and wife

whose current address is

RT. 4, BOX 66  
RUPERT, ID 83350

the grantee s, the following described premises, in LEMHI County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

THE GRANTORS DO HEREBY GRANT THE GRANTEE S TO RECEIVE AN EXCESS FLOW FROM SPRING LOCATED AT POINT OF DIVERSION: TOWNSHIP 20 N., RANGE 19 E., SECTION 4, TRACT SW NE NW, LEMHI COUNTY. PLACE OF USE: HES #71, TOWNSHIP 20 N., RANGE 19 E., SECTION 4, TRACT SW NW, LEMHI COUNTY. GRANTOR'S WATER RIGHT NUMBERS ON EXISTING SPRING ARE #A75-10607 AND A75-10608.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee S, that they're the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: AUGUST 19, 1994

BY: Allen Terry  
ALLEN TERRY

BY: Maria Terry by Steven R. Gott  
MARIA TERRY BY STEVEN R. GOTT,  
Attorney in Fact

STATE OF IDAHO, COUNTY OF LEMHI  
On this 18th day of AUG. 1994  
before me, a notary public in and for said State, personally appeared

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Laurie M. Santee  
LAURIE M. SANTEE Notary Public  
Residing at SALMON, Idaho  
Comm. Expires 6-19-1995

STATE OF IDAHO, COUNTY OF LEMHI

On this 22nd day of August, 1994, before me a Notary Public in and for said State, personally appeared STEVEN R. GOTT, proven to me to be the person whose name is subscribed to the within instrument as the Attorney in Fact of MARIA TERRY, and acknowledged to me that he subscribed the name of MARIA TERRY thereto as principal, and as Attorney in Fact.

Laurie M. Santee  
LAURIE M. SANTEE Notary Public  
Residing at Salmon, Idaho  
Comm. Expires 6-19-1995

JAN 20 1995

EXHIBIT "A"

A FRACTION OF H.E.S. 71, LOCATED IN SECTION 4, T. 20 N., R. 19 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT CORNER NO. 1 OF SAID H.E.S. 71, RUN THENCE N. 35 DEGREES 30' 40" E. ALONG LINE 1-5 OF H.E.S. 71 A DISTANCE OF 1963.60 FT.; THENCE S. 54 DEGREES 29' 20" E. A DISTANCE OF 2.00 FT. TO THE POINT OF BEGINNING;

THENCE N. 35 DEGREES 30' 40" E. A DISTANCE OF 535.15 FT.;

THENCE S. 54 DEGREES 29' 20" E. A DISTANCE OF 510.99 FT. TO A POINT IN THE CENTER OF PANTHER CREEK ROAD;

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID CENTERLINE;

S. 54 DEGREES 09' 28" W., 130.60 FT.;

S. 60 DEGREES 37' 58" W., 225.89 FT.;

S. 50 DEGREES 05' 34" W., 21.73 FT.;

197.92 FT. ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 10 DEGREES 35' 46.8", A RADIUS OF 1070.19 FT., A TANGENT OF 99.24 FT.;

THENCE N. 54 DEGREES 29' 20" W. A DISTANCE OF 300.66 FT. TO THE POINT OF BEGINNING.

State of Idaho )  
County of Lemhi )

ss. no. 223622

This instrument was filed for record at  
the request of American Land Title  
at 9:45 o'clock A.m. Aug 23 1994  
and duly filmed and indexed in the  
records of Lemhi County

Alberta Wiederick

Ex-Officio Recorder

By Sharon Stevens Deputy

Fees: 6.00

MICROFILMED  
JAN 20 1995