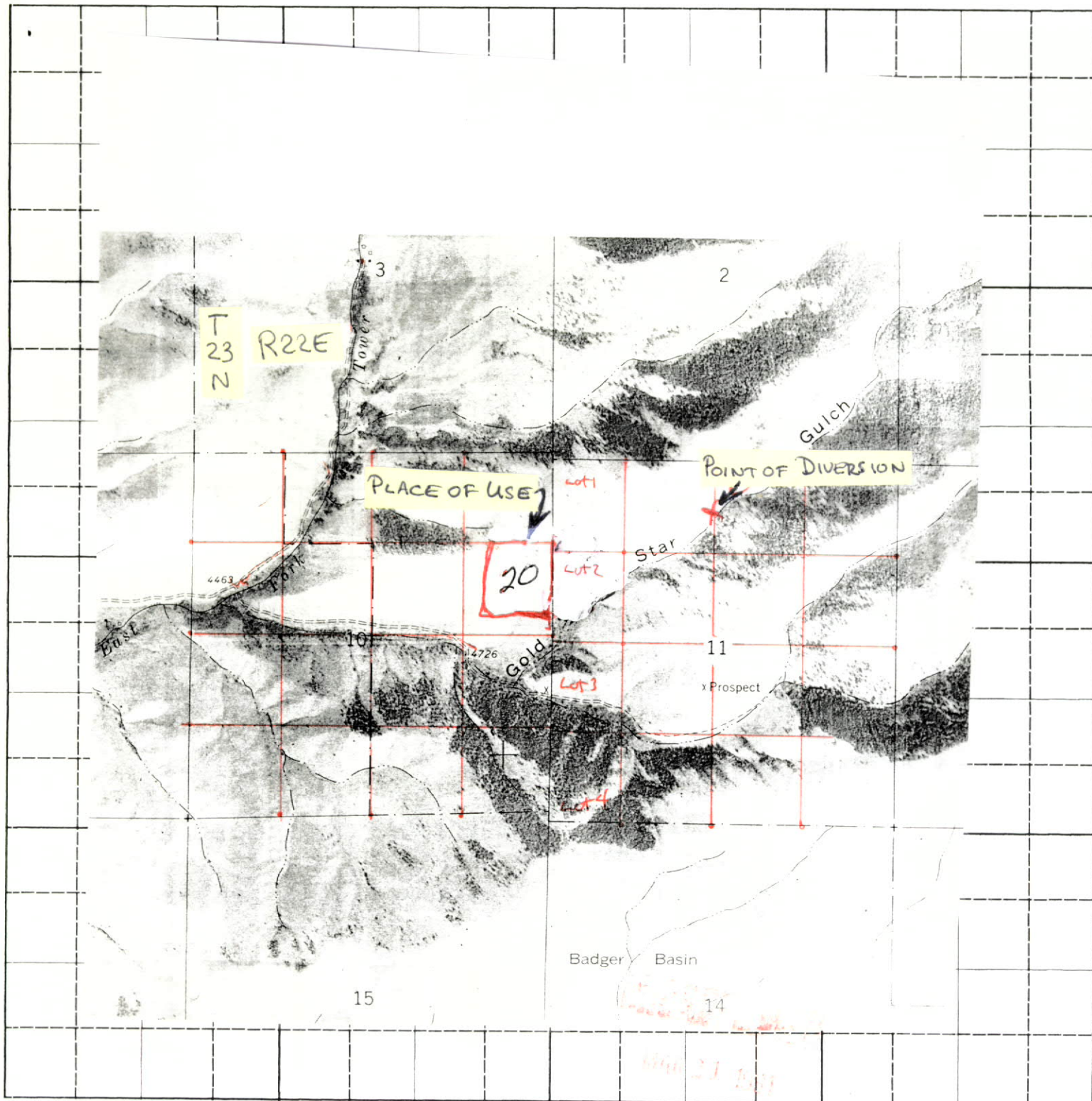


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

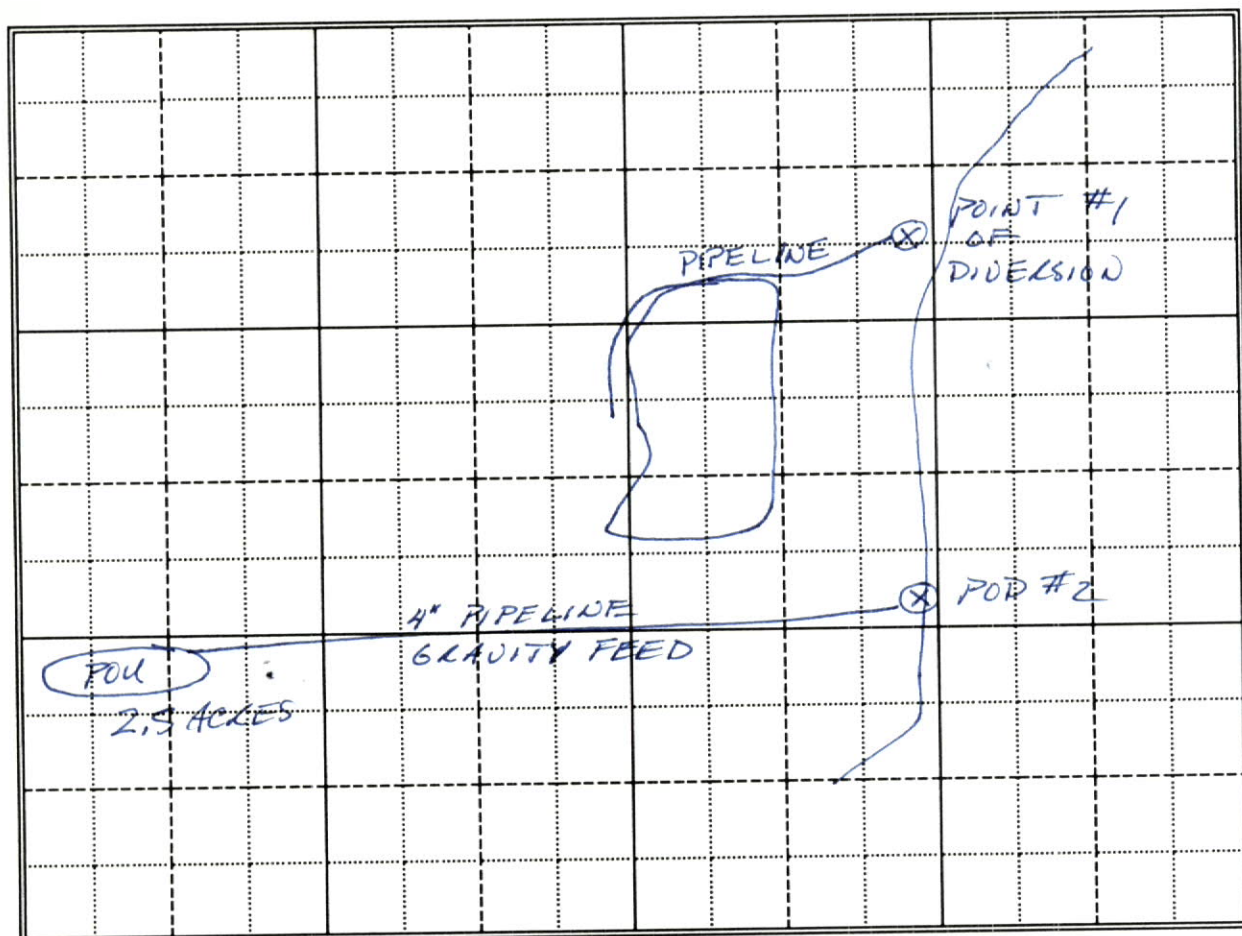


Scale: 2 inches equal 1 mile.

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.

Garter R Johnston  
(Applicant)

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



Scale: 1" = \_\_\_\_\_

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

\_\_\_\_ Aerial Photo Attached (required for irrigation of 10+ acres)

\_\_\_\_ Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

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

#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type           | Make | Model No. | Serial No.    | Size | Calib. Date |
|-----------------------|----------------|------|-----------|---------------|------|-------------|
| FLOW METER            | PYGMY<br>METER |      |           | 121<br>090135 |      |             |
|                       |                |      |           |               |      |             |

2. Measurements: SEE DISCHARGE NOTES - ATTACHED

MOBILE

SEP 16 1997

**T23N, R22E**

**LOWER POU**

**UPPER POU**

**POINT OF  
DIVERSION  
#2**

**POD #1**

**75-07553**

**N**

75-07553  
SEP 16 1997

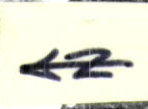
723N, R22E

75-07553

UPPER ILL.  
PIPELINE

POINT OF  
DIVERSION  
#1

#2 POINT OF  
DIVERSION  
INTO PIPELINE  
GRAVITY FEED  
TO LOWER  
PLACE OF USE



USF 3

XHS

POU

2403

0000

XHS

36

4

9

10

3

10

11

12

13

14

15

16

17

CALTEX JOHNSTON

IRRIGATION

1/84



VIEW OF  
POINT OF  
MEASUREMENT  
AND FLOW.



VIEW  
POINT OF  
DIVERSION  
PIPE DELIVERS  
WATER ACROSS  
SLOPE

PERMIT  
NUMBER  
MICROFILMED

SEP 16 1997

75-07553

CARTER JOHNSTON

IRRIGATION

2/84

VIEW FROM  
TOP OF  
PLACE OF  
USE  
LEFT SIDE



PLACE OF  
USE  
CENTER  
VIEW



MICROFILM PERMIT  
NKMBE4  
SEP 16 1987

75-07553

CARTER JOHNSTON

IRRIGATION

30/84

VIEW OF  
RIGHT SIDE  
PLACE OF  
USE



PERMIT  
NUMBER

75-07553

MICROFILMED

SEP 16 1997

CARTER JOHNSTON

IRRIGATION

414

VIEW OF  
DELIVERY  
SYSTEM  
PASTURE  
IRRIGATION



MICROFILMED  
SEP 16 1997

PERMIT  
NUMBER

75-07553

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

WATER RIGHT NO. 75-07553

Priority: May 28, 1990

Maximum Diversion Rate: 0.38 CFS

Maximum Diversion Volume: 66.5 AF

This is to certify, that CARTER R JOHNSTON  
ANDREW P JOHNSTON  
F MAXINE JOHNSTON

PO BOX 38  
CARMEN ID 83462

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 3, 1990; and has submitted Proof of Beneficial Use on February 26, 1992. An examination indicates that the works have a diversion capacity of 0.450 cfs of water from:

UNNAMED STREAM tributary to TOWER CREEK, EAST FORK

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 04/15 to 10/15       | 0.38 CFS                 | 66.5 AF              |

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 10, Township 23N, Range 22E  
Lot 2( SWNW), Sec. 11, Township 23N, Range 22E  
LEMHI County

PLACE OF USE: IRRIGATION

| <u>TWN</u> | <u>RGE</u> | <u>SEC</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 23N        | 22E        | 10         | SENE 10      | SWNW 3       | NESE 6       | 19           |

Total number of acres irrigated: 19

## CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

State of Idaho  
Department of Water Resources

# WATER RIGHT LICENSE

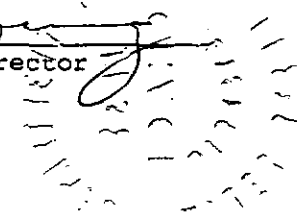
WATER RIGHT NO. 75-07553

CONDITIONS OF APPROVAL AND REMARKS

6. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
7. Source flows in Gold Star Gulch.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code, Witness the seal and signature of the Director, affixed at Boise, this 27<sup>TH</sup> day of AUGUST, 1997.

  
Acting for KARL J. DREHER, Director



MICROFILMED

SEP 16 1997

RECEIVED

AUG 25 1997

State of Idaho  
Department of Water Resources

Department of Water Resources

**APPLICATION FOR AMENDMENT**

(For Licensing Purposes)

**WATER RIGHT NO. 75-07553**

Date of Priority: May 28, 1990

Maximum Diversion Rate:

0.38 CFS

Maximum Diversion Volume:

66.5 AF

Comes now

CARTER R JOHNSTON  
ANDREW P JOHNSTON  
F MAXINE JOHNSTON

PO BOX 38  
CARMEN ID 83462

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 75-07553, and requests that the permit be changed as follows:

Source: UNNAMED STREAM

tributary to TOWER CREEK, EAST FORK

**BENEFICIAL USE**

**PERIOD OF USE**

**RATE OF DIVERSION**

**ANNUAL VOLUME**

IRRIGATION

04/15 to 10/15

0.38 CFS

66.5 AF

**LOCATION OF POINT(S) OF DIVERSION:**

NESE, Sec. 10, Township 23N, Range 22E  
Lot 2( SWNW), Sec. 11, Township 23N, Range 22E  
LEMHI County

**PLACE OF USE: IRRIGATION**

**TWN RGE SEC**

**ACRES**

**ACRES**

**ACRES**

**TOTAL**

23N 22E 10

SENE 10

SWNW 3

NESE 6

19

Total number of acres irrigated:

19

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at home, this 20 day of Aug, 1997.

Carter R Johnston  
(Signature)

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SEP 16 1997

State of Idaho  
Department of Water Resources

**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 75-07553**

\*\*\*\*\*

**FOR DEPARTMENT USE ONLY**

Preliminary check by SWK Fee = 50<sup>00</sup> Received by KS # C039952 Date 8/25/97

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, Karl J. Dreher, of the Department of Water Resources hereby approve the  
above Application for Amendment for Permit No. 75-07553 with the following;

**CONDITIONS OF APPROVAL AND REMARKS**

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
6. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
7. Source flows in Gold Star Gulch.

Witness my hand this 27<sup>th</sup> day of August, 1997.

  
Acting for KARL J. DREHER, Director

MICROFILMED  
SEP 16 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

|                                      |   |               |
|--------------------------------------|---|---------------|
| IN THE MATTER OF PERMIT NO. 75-07553 | ) |               |
|                                      | ) | ORDER OF      |
| IN THE NAME OF CARTER R., ANDREW P., | ) | REINSTATEMENT |
| AND F. MAXINE JOHNSTON               | ) |               |
|                                      | ) |               |

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before February 1, 1992; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, on February 1, 1992, the permit lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of lapsing; and,

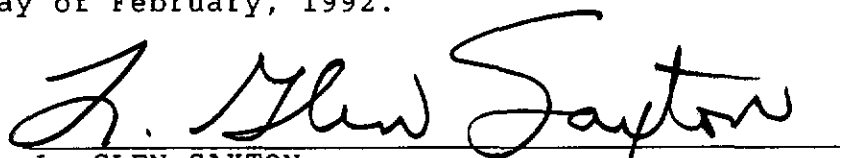
WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on February 26, 1992;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 75-07553 be REINSTATED with an advance in priority to May 28, 1990.

Dated this 27<sup>th</sup> day of February, 1992.

UNRECORDED

MAR 9 1992

  
L. GLEN SAXTON  
Chief, Water Allocation Bureau

**RECEIVED**

FEB 3 1992

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

**PROOF OF BENEFICIAL USE**

Department of Water Resources

**RECEIVED**

FEB 26 1992

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 75-07553 Telephone No. 756-2852
2. Name(s) of Permit Holder(s): Carter R. Johnston, Andrew P. Johnston, F. Wayne Johnston
3. Post Office Address: P.O. Box 38 Carmen Id. 83462
4. Source of Water: Old Star Gulch

a. If ground-water, well-driller's name: \_\_\_\_\_ Date drilled: \_\_\_\_\_

b. Pump horsepower: \_\_\_\_\_ Pressure (psi): \_\_\_\_\_ Dynamic pumping level (ft.): \_\_\_\_\_

5. Extent of Use:

Domestic \_\_\_\_\_ (No. of households) Irrigation 80 (No. of acres)

Stockwater \_\_\_\_\_ (No. and type of stock) Other \_\_\_\_\_

6. Total rate and/or volume for which proof is submitted 0.04 cfs \_\_\_\_\_ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes ☒ No ☐ Installed? Yes ☐ No ☐

OR

Flow Measurement Port: Required? Yes ☒ No ☐ Installed? Yes ☐ No ☐

8. Fee Enclosed: \$ 0 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

Carter R Johnston 756 2852  
Name Telephone No.  
P.O. Box 38 Carmen Id. 83462  
Address

10. The above information 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.

1-31-92  
Date

Carter R Johnston  
Signature (and title if on behalf of a company or organization)

MAR 06 1992

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 75-07553

Proposed Priority: May 3, 1990 Maximum Diversion Rate: 0.40 CFS  
This is to certify, that CARTER R. JOHNSTON

ANDREW P. JOHNSTON  
F. MAXINE JOHNSTON  
P.O. BOX 38  
CARMEN, ID 83462

has applied for a permit to appropriate water from:

UNNAMED STREAM tributary of TOWER CREEK, EAST FORK

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>                               |
|-------------------------------------------|----------------------|--------------------------------------------------------|
| IRRIGATION                                | 04/01 to 11/01       | 0.40 CFS                                               |
| <u>LOCATION OF POINT(S) OF DIVERSION:</u> |                      | SENEW Sec. 11, Township 23N, Range 22E<br>LEMHI County |

| <u>PLACE OF USE:</u> | <u>IRRIGATION</u> | <u>ACRES</u> | <u>ACRES</u> | <u>ACRES</u> | <u>TOTAL</u> |
|----------------------|-------------------|--------------|--------------|--------------|--------------|
| <u>TWN</u>           | <u>RGE</u>        | <u>SEC</u>   |              |              |              |
| 23N                  | 22E               | 10           | SENE         | 20           | 20           |

Total number of acres irrigated: 20

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1992.
2. Subject to all prior water rights.
3. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
4. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
5. Source flows in Gold Star Gulch.

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

12 day of February, 1991.

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FILMED

MAR 21 1991

*R. Keith Higginson*  
for R. Keith Higginson, Director

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- ANDREW P. JOHNSTON
- Name of applicant Carter R. or F. Maxine Johnston Phone 756-2852  
Post office address PO Box 32 Carmen ID 83462  
unnamed Stream trib East Fork Tower Creek \*
  - Source of water supply Gold Star Gulch which is a tributary of Sinks
  - Location of point of diversion is SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_  
Sec. 11 Township 23N Range 22E B.M. Lembi County; additional  
points of diversion if any: \_\_\_\_\_
  - Water will be used for the following purposes:  
Amount .40 for Irrigation purposes from 4/1 to 11/1 (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)
  - Total quantity to be appropriated is (a) .40 cubic feet per second and/or (b) \_\_\_\_\_ acre feet per annum
  - Proposed diverting works:
    - Description of ditches, flumes, pumps, headgates, etc. Headgate to ditch for flood irrigation \*
    - 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.
    - Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
    - Is ground water with a temperature of greater than 90°F being sought? No \*
  - Time required for the completion of the works and application of the water to the proposed beneficial use is  
51 \* years (minimum 1 year).

\* Changes as per telecon w/ Carter Johnston 10/31/90 Kew

MAR 21 1991

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. \_\_\_\_\_
- Other; describe fully. \_\_\_\_\_

9. Description of place of use:

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

| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 23N | 22E   | 10   |     |     |     | 20  |     |     |     |     |     |     |     |     |     |     |     |     | 20     |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 20Ac

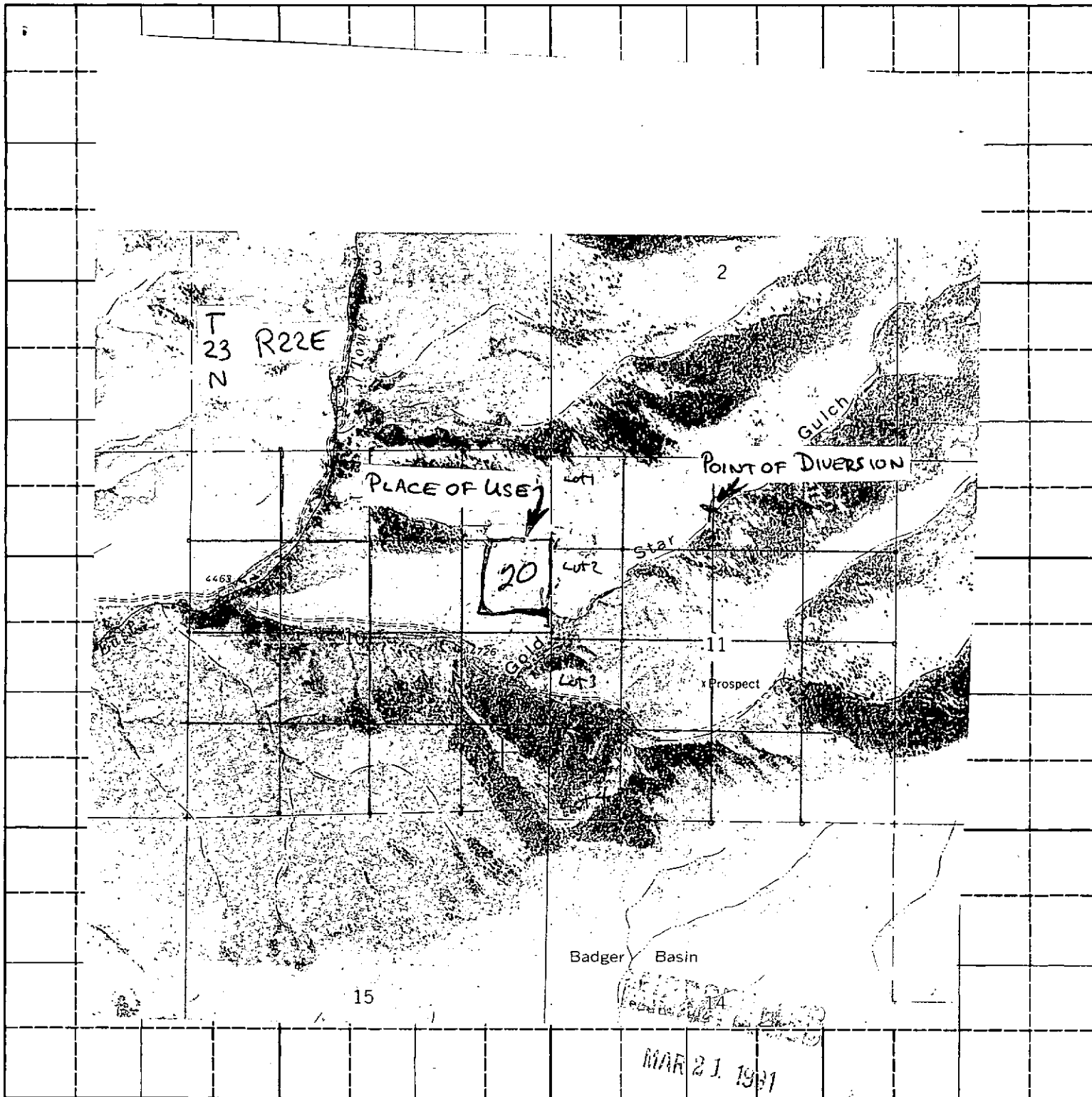
10. Describe any other water rights used for the same purposes as described above. None

- Who owns the property at the point of diversion? BLM
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. BLM agreement

12. Remarks: Source trib to unnamed stream which is tributary East Fork Tower creek.\*

\*Changes as per telecon w/ Carter Johnston 10-31-90 / KAW

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.

*Carter R. Johnston*  
(Applicant)

Received by OW Date 5-03-90 Time 12:13 Preliminary check by \_\_\_\_\_  
Fee \$ 45<sup>00</sup>/<sub>100</sub> Received by HWT # E014131 Date 5-03-90  
Publication prepared by RB Date 11-15-22-90 Published in Recorder-Herald  
Publication approved OW Date 11-28-90

### 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:

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14-07313  
BURCH, JAMES L.  
RT. 1, BOX 10 A-2  
SALMON, ID 83467  
Source: SPRINGS  
Tributary: LEMHI RIVER  
Diversion Pt: SWNWSW Sec 11 T  
21N R 22E SENWSW Sec 11 T 21N  
R 22E  
Use: IRRIGATION (.150 CFS)  
Total Diversion: (.150 CFS)  
Date Filed: 5/4/1990  
In: T21N R22E S11 NWSE  
3.0 ACRES TOTAL

74-07316  
OTTONELLO, NANCY  
RT. 1, BOX 28A  
SALMON, ID 83467  
OTTONELLO, GINO  
RT. 1, BOX 28A  
SALMON, ID 83467  
Source: SPRINGS  
Tributary: LEMHI RIVER  
Diversion Pt: LOT 2 (SWNWN)  
Sec 3 T 20N R 23E  
Use: IRRIGATION (.090 CFS)  
FISH PROPAGATION (.010 CFS)  
FISH PROP. STORAGE (.03 AF)  
Total Diversion: (.100 CFS) (.03 AF)  
Date Filed: 4/25/1990  
In: T20N R23E S03 Lot 2 (NWNE)  
3.0 ACRES TOTAL

1A  
MUDD, DANIEL J.  
RT. 1, BOX 12A  
SALMON, ID 83467  
Source: SPRING  
Tributary: SINKS  
Diversion Pt: LOT 3 (NENWSW)  
Sec 19 T 21N R 23E  
Use: DOMESTIC (.040 CFS)  
STOCKWATER (.020 CFS)  
Total Diversion: (.040 CFS)  
Date Filed: 5/11/1990  
In: T21N R22E S24 NESE

75-07552  
OVERACKER, MICHAEL J.  
1510 HWY 93 N  
SALMON, ID 83467  
OVERACKER, MERRIDEE S.  
1510 HWY 93 N  
SALMON, ID 83467  
Source: JESSIE CREEK  
Tributary: SALMON RIVER  
Diversion Pt: NESENE Sec 1  
21N R 21E  
Use: IRRIGATION (3.000 CFS)  
Total Diversion: (3.000 CFS)  
Date Filed: 6/13/1990  
In: T22N R22E S30 Lot 4 (SWSW)  
SESW SWSE S31 NWNE NENW  
Lot 1 (NWNW) Lot 2 (SWNW)  
SENE  
201.0 ACRES TOTAL

75-07553  
JOHNSTON, CARTER R.  
P.O. BOX 38  
CARMEN, ID 83462  
JOHNSTON, ANDREW P.  
P.O. BOX 38  
CARMEN, ID 83462  
JOHNSTON, F. MAXINE  
P.O. BOX 38  
CARMEN, ID 83462  
Source: GOLD STAR GULCH  
Tributary: TOWER CREEK, EAST  
FORK  
Diversion Pt: SENENW Sec 11 T  
23N R 22E  
Use: IRRIGATION (400 CFS)  
Total Diversion: (400 CFS)  
Date Filed: 5/3/1990  
In: T23N R22E S10 SENE  
20.0 ACRES TOTAL

75-07554  
ELLIS, ROBERT L.  
STAR ROUTE  
CARMEN, ID 83462  
Source: GROUNDWATER  
Diversion Pt: NWNWSE Sec 2  
21N R 22E  
Use: IRRIGATION (.060 CFS)  
Total Diversion: (.060 CFS)  
Date Filed: 5/8/1990  
In: T21N R22E S07 NWSE  
2.0 ACRES TOTAL

RECEIVED  
MAR 21 1991



# 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

August 28, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

CARTER R JOHNSTON  
ANDREW P JOHNSTON  
F MAXINE JOHNSTON  
PO BOX 38  
CARMEN ID 83462

RE: WATER RIGHT NO. 75-07553

Dear Water Right Holder(s):

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

### PETITION FOR RECONSIDERATION

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

### EXCEPTIONS AND BRIEFS

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

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

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### ORAL ARGUMENT

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

### CERTIFICATE OF SERVICE

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

### FINAL ORDER

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

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

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

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

### APPEAL OF FINAL ORDER TO DISTRICT COURT

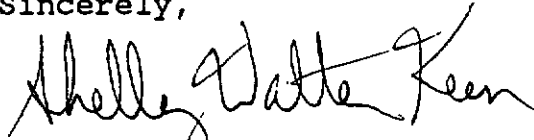
Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district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

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

The appeal must be 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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen".

Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosure

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3  
SEP 16 1997

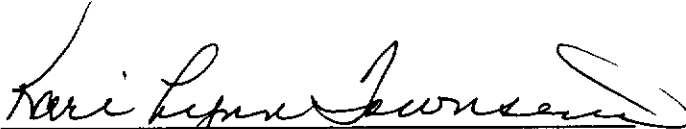
SEP 16 1997

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of August, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 75-07553

CARTER R JOHNSTON  
ANDREW P JOHNSTON  
F MAXINE JOHNSTON  
PO BOX 38  
CARMEN ID 83462

  
Kari Lynn Townsend  
Secretary

MICROFILMED  
SEP 16 1997



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

August 12, 1997

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

CARTER R JOHNSTON  
ANDREW P JOHNSTON  
F MAXINE JOHNSTON  
PO BOX 38  
CARMEN ID 83462

RE: WATER RIGHT NO. 75-07553

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion and the place(s) of use description. Please review carefully and if you concur, sign the amendment and return it with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

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

Shelley W. Keen  
Water Rights Supervisor

SK:klt

Enclosure

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SEP 16 1997

## MEMORANDUM

**TO: File 75-07553**

**FROM: Sharla Curtis**

**DATE: August 8, 1997**

**RE: Recommendation Adjustment(s)**

The final license recommendations for Permit No. 75-07553 are based on the following:

### C. DIVERSION AND DELIVERY SYSTEM

2. Place(s) of Use:

T23N, R22E, S10 - SENE (10 acres), SWNW (3 acres),  
NESE (6 acres)  
TOTAL: 19 acres

### H. RECOMMENDATIONS

|            |              |          |          |
|------------|--------------|----------|----------|
| Irrigation | 4/15 - 10/15 | 0.38 cfs | 66.5 afa |
|------------|--------------|----------|----------|

The number of acres per  $\frac{1}{4}$  for irrigation of more than 5 acres are rounded to the nearest whole number. The total number of acres then is 19; the volume has been calculated accordingly.

Examiner: Don Simpkins  
Exam Date: July 1, 1996

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# LICENSE REVIEW CHECKLIST

PERMIT NO. 75-07553

DATE 8-8-97

REVIEWER: SHARLA

|              |                 |             |                                                                 |
|--------------|-----------------|-------------|-----------------------------------------------------------------|
| NAME         | Change <u>—</u> | OK <u>✓</u> | Address Change <u>No</u>                                        |
| SOURCE       | <u>—</u>        | <u>✓</u>    | Is change clarification of originally intended source? <u>—</u> |
| POINT OF DIV | <u>✓</u>        | <u>—</u>    | If not, prepare Notice of Intent to Void <u>—</u>               |
| PLACE OF USE | <u>✓</u>        | <u>—</u>    | Amendment required <u>yes</u>                                   |

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

**RATE OF DIV**

|                |                                |
|----------------|--------------------------------|
| Permitted Rate | <u>.40</u> cfs                 |
| Fee limit      | <u>.20</u> cfs \$ <u>50.00</u> |
| Measured       | <u>.45</u> cfs                 |
| Theoretical    | <u>—</u> cfs                   |

*add fee letter*

Recommended Total Div Rate .38 ~~.40~~ cfs

**ANNUAL VOLUME/  
NATURE OF USES**

|          |               |                |                               |    |
|----------|---------------|----------------|-------------------------------|----|
| <u>✓</u> | Use <u>Sw</u> | cfs <u>.38</u> | Volume Calc <u>19 X 3.5 =</u> | af |
| <u>—</u> | <u>—</u>      | <u>—</u>       | <u>—</u>                      | af |
| <u>—</u> | <u>—</u>      | <u>—</u>       | <u>—</u>                      | af |
| <u>—</u> | <u>—</u>      | <u>—</u>       | <u>—</u>                      | af |
| <u>—</u> | <u>—</u>      | <u>—</u>       | <u>66.5</u>                   | af |
| SUBTOTAL |               |                |                               |    |

Flow rate .38 cfs X 184 days X 1.98 = 138.4 af  
 Total volume recommended 66.5 af  
 (SUBTOTAL or Flow Rate, whichever is less)

**REMARKS**

Source flows in Gold Star Gulch.

**CONDITIONS**

— Watermaster Control WD# —  
✓ GW Measurement/Measuring Device  
30 Overlap  
— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed N/A  
 Adjustment Memo rounded across  
volume/rate

1st Amend Letter P37 P38  
 2nd Amend Letter P47

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

RECEIVED

MAY 5 - 1997

Department of Water Resources

**A. GENERAL INFORMATION**

CARTER R. JOHNSTON

Permit No. 75-07553

1. Owner: ANDREW P. JOHNSTON

Phone No. (208) 756-2852

F. MAXINE JOHNSTON

Current Address: P.O. BOX 38, CARMEN, ID 83462

2. Accompanied by: CARTER JOHNSTON

EXAM DATE: 7/1/96

Address: \_\_\_\_\_

Phone No. \_\_\_\_\_

Relationship to Permit Holder: OWNER

3. Source: UNNAMED STREAM

tributary to EAST FORK TOWEL CREEK

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

**C. DIVERSION AND DELIVERY SYSTEM**

**1. Point(s) of Diversion:**

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks |
|-----------|-----------|-----|-----|-----|------|------|------|--------|---------------------------------|
| #1        | L-2       |     | SW  | NW  | 11   | 23N  | 22E  | LEHHI  | U.S.G.S. TOPO MAP/NAPP PHOTO    |
| #2        |           | NE  | NE  | SE  | 10   | 23N  | 22E  | "      | " " "                           |
|           |           |     |     |     |      |      |      |        |                                 |
|           |           |     |     |     |      |      |      |        |                                 |

**2. Place(s) of Use:**

Indicate Method of Determination ON SITE INSPECTION

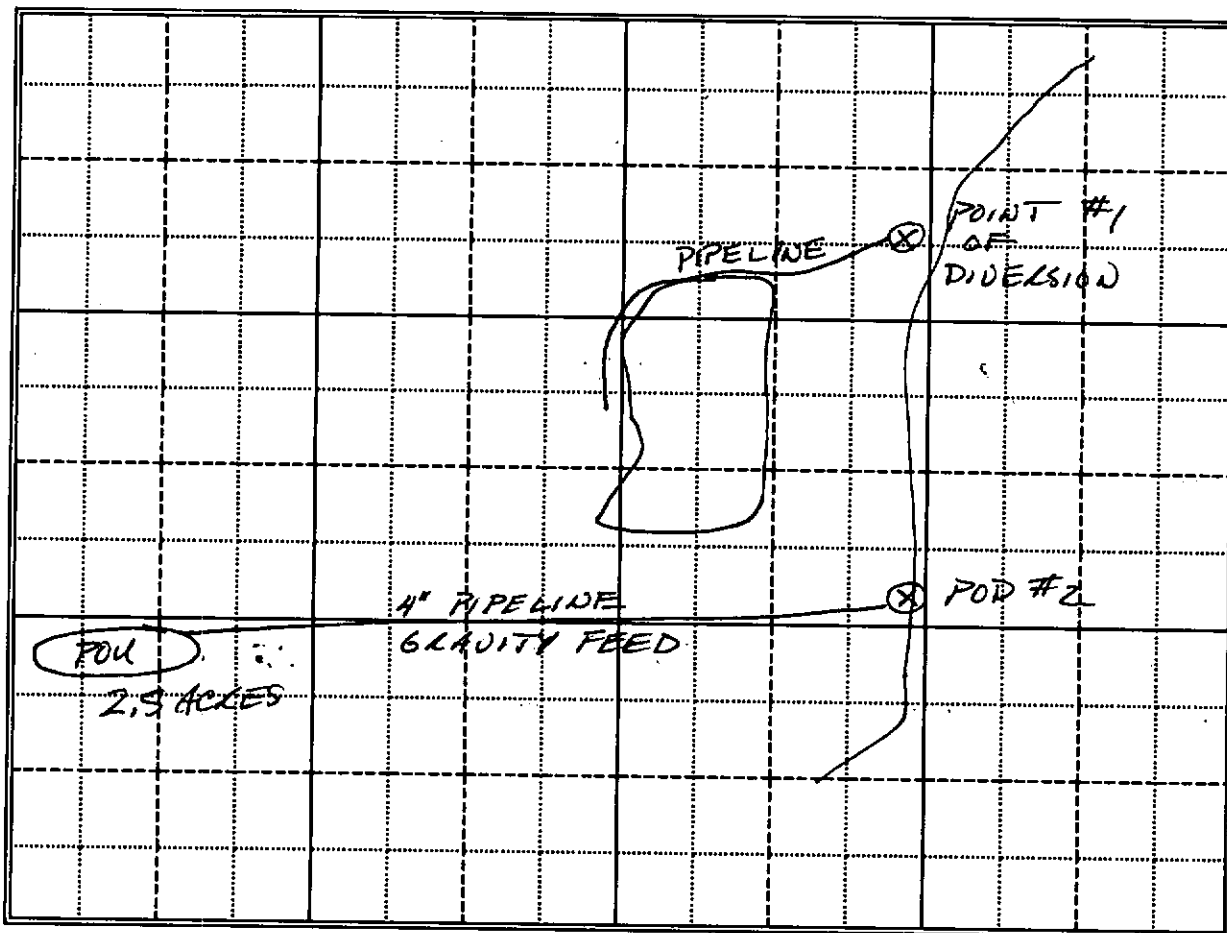
| TWP | RGE | SEC | NE |    |    |    | NW |    |       |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|-------|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW    | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 23N | 22E | 10  |    |    |    | 10 |    |    | 2 1/2 |    |    |    |    |    | 6  |    |    |    | 18.5   |
|     |     |     |    |    |    |    |    |    |       |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |       |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |       |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |       |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |       |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |       |    |    |    |    |    |    |    |    |    | 18.5   |

FILED

TOTAL

MAY 16 1997

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



Scale: 1" = \_\_\_\_\_

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

\_\_\_\_ Aerial Photo Attached (required for irrigation of 10+ acres)

\_\_\_\_ Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

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

#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type      | Make | Model No. | Serial No.    | Size | Calib. Date |
|-----------------------|-----------|------|-----------|---------------|------|-------------|
| FLOW METER            | PYROMETER |      |           | 131<br>090135 |      |             |
|                       |           |      |           |               |      |             |

2. Measurements: SEE DISCHARGE NOTES - ATTACHED

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E. NARRATIVE/REMARKS/COMMENTS

POD #1

WATER FOR THIS PERMIT IS USED FOR IRRIGATION.  
WATER IS DIVERTED BELOW A SPRING IN GOLD STAR  
GULCH AND VIA A 6" ALUMINUM PIPELINE AND  
REDISTRIBUTED AT VARIOUS POINTS AT TOP OF UPPER  
PASTURE (FLOOD IRRIGATION).

POD #2

WATER IS PICKED UP BY A SCREENED PIPE PLACED  
IN CREEK AND DIVERTED VIA A PIPELINE DOWN HILL  
TO THE SECOND PLACE OF USE (2 1/2 ACRES). THIS IS  
A SPRINKLER SYSTEM USING 2 TO 4 RAJBIRDS.

PLACE OF SPRING FLOW MEASUREMENT IS ABOVE  
SECOND POINT OF DIVERSION.

\* SPRING FLOW DURING EARLY SPRING IS SEVERAL  
TIMES THE FLOW MEASURED AT TIME OF INSPECTION.

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

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SEP 16 1997

**F. FLOW CALCULATIONS**☒ Additional Computation Sheets Attached

Measured Method:

MEASURED FLOW ~~Q = 0.34 cfs~~

Q = 0.453 cfs

**G. VOLUME CALCULATIONS**

## 1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 18.5 \text{ ac} \times 3.5 = 64.8 \text{ AF}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.37 \text{ cfs} \times 183 \times 1.9835 = 134.3 \text{ AF}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 64.8 \text{ AFA}$$

## 2. Volume Calculations for Other Uses:

**H. RECOMMENDATIONS**~~Q = 0.37 cfs~~ SEE REMARKS.  
Q = 0.37 cfs

## 1. Recommended Amounts

| Beneficial Use | Period of Use |       | Rate of Diversion<br>Q (cfs) | Annual Volume<br>V (afa) |
|----------------|---------------|-------|------------------------------|--------------------------|
|                | From          | To    |                              |                          |
| IRRIGATION     | 4/15          | 10/15 | 0.37                         | 64.8 AFA                 |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
| Totals:        |               |       | 0.37 cfs                     | 64.8 AFA                 |

## 2. Recommended Amendments

☒ Change P.D. as reflected above☒ Add P.D. as reflected above☐ None☒ Change P.U. as reflected above☒ Add P.U. as reflected above☐ Other**I. AUTHENTICATION**Field Examiner's Name SIMPKINS Date 12/1/97

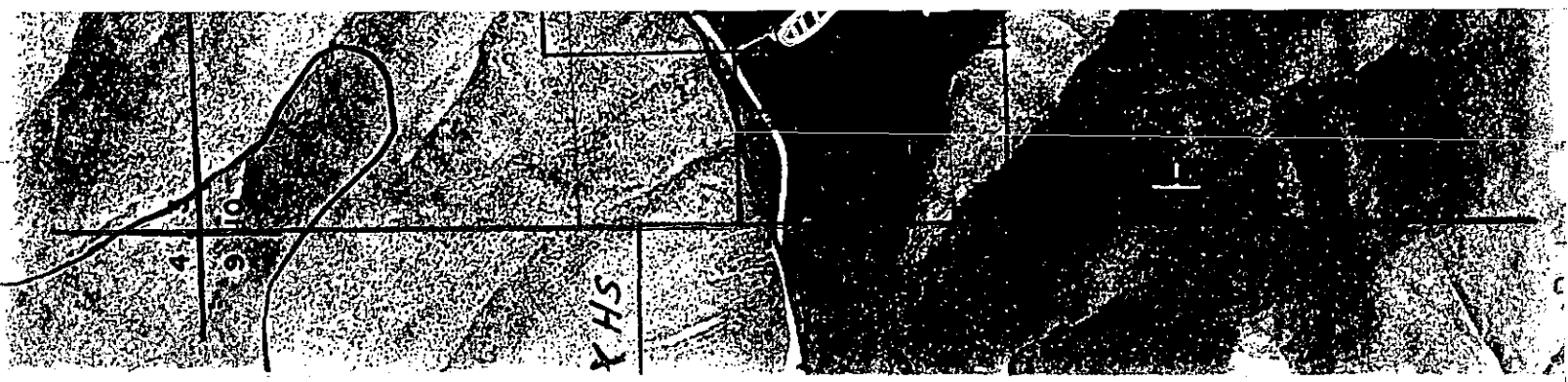
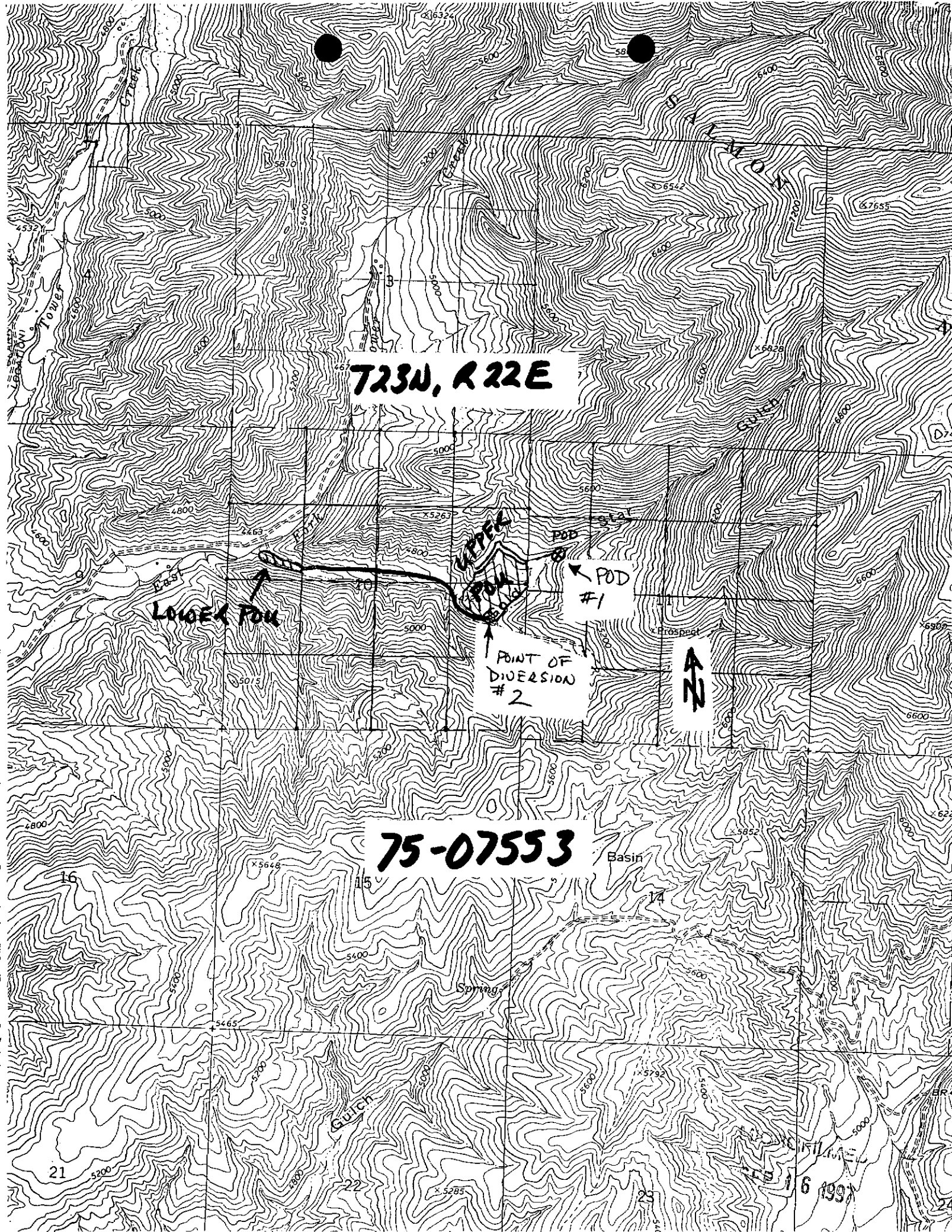
Reviewer \_\_\_\_\_ Date \_\_\_\_\_

SEAL

MICROFILMED

SEP 1 1997

75-07553



CACTEL JOHNSTON

IRK1647102

10/84

VIEW OF  
POINT OF  
MEASUREMENT  
AND FLOW.



VIEW  
POINT OF  
DIVERSION  
PIPE DELIVERS  
WATER ACROSS  
SLOPE



PERMIT  
NUMBER  
MICROFILMED

SEP 16 1997

75-07553

CARTER JOHNSTON

IRRIGATION

2084

VIEW FROM  
TOP OF  
PLACE OF  
USE  
LEFT SIDE



PLACE OF  
USE  
CENTER  
VIEW



MICROFILM PERMIT  
NUMBER  
SEP 16 1997

75-07553

CARTER JOHNSTON

IRRIGATION

414

VIEW OF  
DELIVERY  
SYSTEM  
PASTURE  
IRRIGATION



UNRECORDED  
SEP 16 1937

PERMIT  
NUMBER

75-07553

February 28, 1992

CARTER R. JOHNSTON  
ANDREW P. JOHNSTON  
F. MAXINE JOHNSTON  
P.O. BOX 38  
CARMEN ID 83462

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 75-07553

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson  
Secretary/Records Manager

c: IDWR - Region

Enclosure

RECEIVED

MAR 06 1992

ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE

Permit No. 75-07553

Reviewed by Klg

Date 2/27/92

GENERAL CONSIDERATIONS

TYPES OF USE

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

irrigate - 20 acres  
Correct Uses? yes

SOURCE OF WATER

☒ Surface water source  
☐ Ground water source

NA Drilling permit required?  
NA Copy in the file? Drilling Permit No. \_\_\_\_\_  
NA Amount paid for permit \_\_\_\_\_ Correct?  
NA Well log in the file?

LICENSE EXAMINATION FEE

yes Required?  
50 Amount Submitted  
yes Correct?

MEASURING DEVICE

NA Required?  
NA Installed?  
NA Waiver requested?

PRIORITY CALCULATION

Date proof received 2/26/92 57  
Date proof due 2/1/92 - 32  
No. of days late = 25  
Priority Date 5/3/90 + 123  
New Priority Date 5/28/90 148

DEFICIENCIES OR ACTION ITEMS

2/28/92 Klg  
proof acceptable  
needs an order

DATA ENTRY

New Address \_\_\_\_\_

Proof Made 2/26/92  
2/28/92 Klg



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

February 3, 1992

Carter R. Johnston  
Andrew P. Johnston  
F. Maxine Johnston  
P.O. Box 38  
Carmen, ID 83462

Re: Permit No. 75-07553

Dear Permit Holder:

Returned is the proof of beneficial use you submitted in connection with the above referenced permit.

The Department has determined that the permit holder must meet two requirements in order to be exempt from the license exam fee. They are:

1. The water right must use a groundwater source.
2. The rate of diversion must be .04 cfs or less.

As you can see, you do not meet requirement #1 since you use a stream for your source. Therefore, a license examination fee of \$50 applies to your permit.

Please return the proof of beneficial use and the \$50 license exam fee within 30 days of the date of this mailing.

If you have any questions or if I can be of any further assistance, please feel to contact me.

Sincerely,  
*Karen L. Gustafson*  
Karen L. Gustafson  
Secretary/Records Manager

Enclosure

RECEIVED

MAR 06 1992

130328  
November 30, 1991

CARTER R. JOHNSTON  
ANDREW P. JOHNSTON  
F. MAXINE JOHNSTON  
P.O. BOX 38  
CARMEN ID 83462

PROOF DUE NOTICE

RE: PERMIT NO. 75-07553

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 February 1, 1992. (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,

Karen L. Gustafson  
Secretary/Records Manager

Enclosures

MICROFILMED  
MAR 06 1992



State of Idaho  
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 12, 1991

CARTER R. JOHNSTON  
ANDREW P. JOHNSTON  
F. MAXINE JOHNSTON  
P.O. BOX 38  
CARMEN, ID 83462

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 75-07553

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

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. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Sincerely,

JIM JOHNSON  
Water Rights Supervisor

JJ:blm

Enclosures

FILED

MAR 21 1991

APPLICATION FOR PERMIT REVIEW

Application #: 75-7553  
Date: 2-5-91

Reviewer: Pam Skaggs <sup>28</sup>

✓ Existing:

✓ No - 26A-P17

✓ Complete in 1 year - P16

Yes

Proof not submitted - P16

Proof submitted - N/A

Groundwater:

GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)

LT. 0.7 cfs - N/A

Drilling Permit:

Approved w/permit - P99

Not included - 046-P23(All GW, even existing wells)

✓ Location:

Water Districts - WD No. \_\_\_\_\_

Surface water - 005, 005-01H-P01(LT.7 w/pump)  
005-01J-P08(GT.7)

Groundwater - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

✓ Swan Falls Flag - \_\_\_\_\_ (1 or Blank)

Trust - 051-052-053-P74(Cons.), 041(DCMI, w/Irr  
or Irr & Dom)

Non Trust - 048-049

River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 11D-P72

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 002-P06, 06A, 007, 09E-P10, 010, 042, 044  
Power - Use Power Review

Mining - 06A, 006, 09E-P10, 010, 054(req.)

Storage - 18A-P for multiple measuring devices(In  
W.D.), 18B-P09(Size)

Rec. & Aesthetic - 027(Non-Consumptive)

Domestic - 021(restricted areas)

✓ Ownership:

✓ Non land owner - 004

Protested:

Agreement - 020

Minimum Stream Flow:

Overlapping uses - 029-P20

✓ Beneficial Use Due Date: - 02-01-1992

Other Conditions Recommended See Memo

NOT FILMED

MAR 21 1991

**MEMORANDUM**

**TO: FILE #75-7553**

**FROM: PAM SKAGGS**

**RE: NON LAND OWNER**

**DATE: 5-FEB-1991**

=====

Eastern Region in their review, and the Forest Service in their letter of November 26, 1990 express concern about the applicant obtaining a Special Use Permit before beginning to develop the diverting works located on National Forest Service Land. The Region recommended a special condition making the Special Use Permit a requirement of the water right.

This concern is considered as it applies to water appropriation and processing. Condition #004, states that the issuance of the permit in no way grants any right-of-way or easement across the land of another. Applying this condition should be sufficient to satisfy any concern about unauthorized development. The applicant and the Forest Service will need to reach their own agreement concerning use of the land.

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MAR 21 1991

Form No. 202a  
/37

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Submitted for advertising 5-8-90  
11-1-90

APPLICATION FOR PERMIT ANALYSIS SHEET

*ND*

INITIAL REVIEW BY Kaw 31 Oct 90

DATE 25 May 90

APPLICATION NUMBER 75-7553

Carter R. or Andrew P. Johnston  
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  
☐ Yes ☐ No Field check by \_\_\_\_\_  
☐ Yes ☐ No Field report attached  
☐ Yes ☐ No Critical groundwater area  
☐ Yes ☐ No Groundwater management area  
☐ Yes ☐ No Send dam safety information  
☐ Yes ☐ No Send power requirement letter  
☐ Yes ☐ No Send fish farm requirement letter  
☐ Yes ☐ No Power residency affidavit  
☐ Yes ☐ No Power efficiency form  
☐ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)  
☐ Yes ☐ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)  
☐ See reverse side for additional information

\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

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DEC 07 1990

Department of Water Resources

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

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM  
☐ Idaho Dept. of Fish & Game ☐ 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 12-3-90  
☐ 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 5-03-90  
By HWS Date 12-3-90

#### STATE OFFICE REVIEW

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

#### ADDITIONAL INFORMATION

Conditions: <017>, Applicant must obtain special use permit  
from the USFS, North Park Ranger District before work  
on the point of diversion can begin.

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

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United States  
Department of  
Agriculture

Forest  
Service

Salmon  
National  
Forest

P.O. Box 729  
Salmon, ID 83467

Reply to: 2540

Date: November 26, 1990

Mr. Harold Jones  
Idaho Department of Water Resources  
150 Shoup Avenue, Suite 15  
Idaho Falls, ID 83401

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NOV 29 1990

Department of Water Resources  
Eastern District Office

Dear Mr. Jones:

We are writing in regards to a recent Notice of Application for a Water Right published in The Recorder Herald for application No. 75-7553 for Carter, Andrew, and Maxine Johnston.

The proposed point of diversion in the SENENW Section 11, T 23N, R 22E is located on National Forest System land. Prior to your final approval of this water right application the Johnstons need to contact the North Fork Ranger District of the Salmon National Forest to apply for a special use permit for their proposed water diversion.

Sincerely,

JOHN E. BURNS  
Forest Supervisor

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MAR 21 1991



Caring for the Land and Serving People

FS-6200-28b(4/88)

12-Nov-1990 14:31

CARTER R JOHNSTON  
PO BOX 38  
CARMEN ID 83462

RE: Application No. 75-07553

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in Recorder-Herald on NOVEMBER 15 & 22, 1990. 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  
Water Rights Supervisor

HWJ/rb

RECEIVED  
MAR 11 1991

MAR 11 1991

75-07553

JOHNSTON, CARTER R.  
P.O. BOX 38  
CARMEN, ID 83462

JOHNSTON, ANDREW P.  
P.O. BOX 38  
CARMEN, ID 83462

JOHNSTON, F. MAXINE  
P.O. BOX 38  
CARMEN, ID 83462

Source: GOLD STAR GULCH

Tributary: TOWER CREEK, EAST FORK

Diversion Pt: SENENW Sec 11 T 23N R 22E

Use: IRRIGATION ( .400 CFS)  
Total Diversion: ( .400 CFS)

Date Filed: 5/ 3/ 1990

In: T23N R22E S10 SENE

20.0 ACRES TOTAL

RECEIVED  
MAY 1 1990