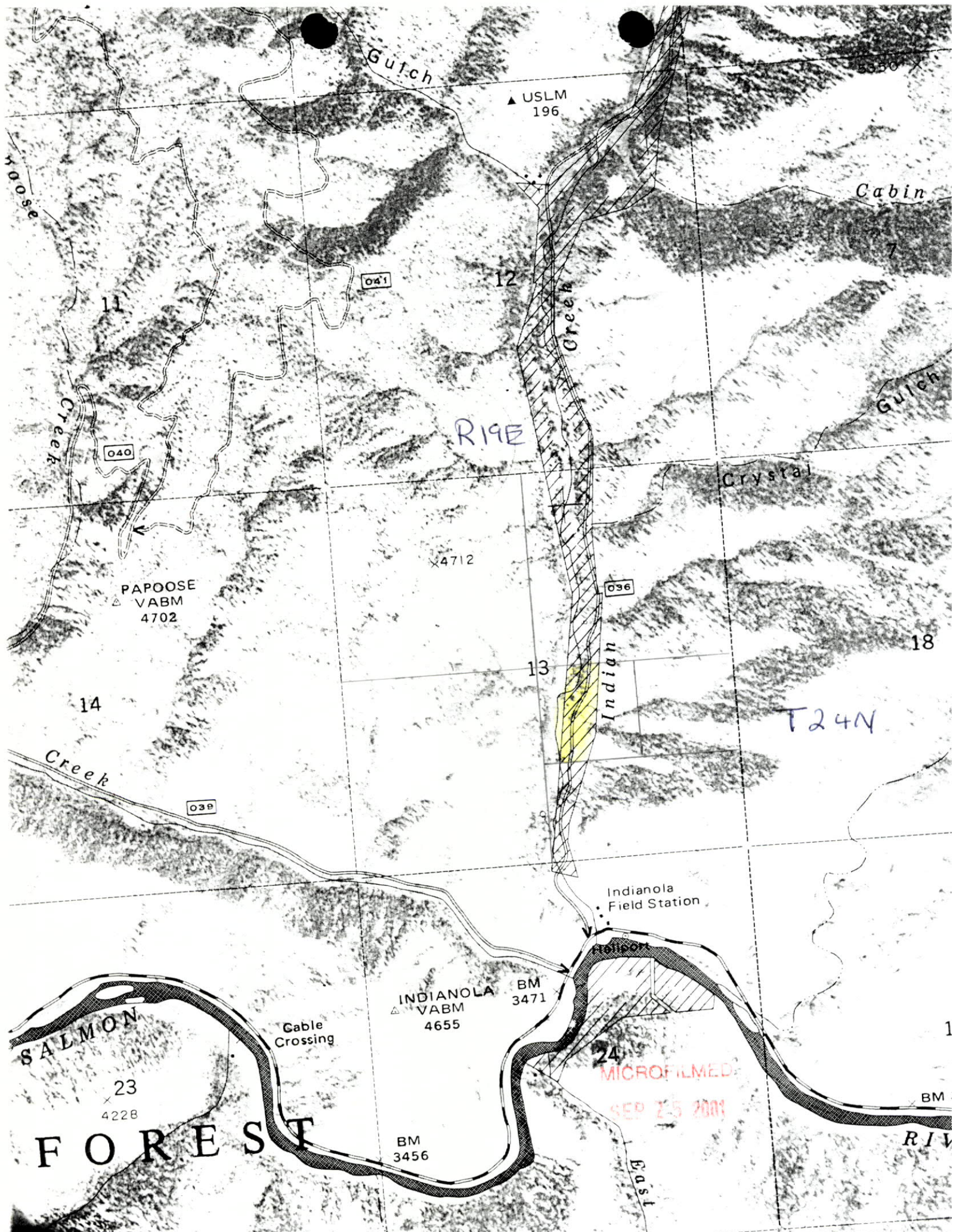




The following application(s)  
have been filed to appropriate  
the public waters of the State  
of Idaho 75-13989

WILLIAM H SHIVELY  
JANICE SHIVELY  
1201 E 1700 N  
TERRETON ID 83450  
Point(s) of Diversion: NWSE S13  
T24N R19E, LEMHI County  
Source SPRINGS  
Use: STOCKWATER 01/01 To 12/  
31 0.02 CFS  
Use: DOMESTIC 01/01 To 12/31  
0.04 CFS  
Total Diversion: 0.06 CFS  
Date Filed: 05/08/2001  
Place of Use: STOCKWATER and  
DOMESTIC  
T24N R19E S13 NWSE  
Permits will be subject to all prior  
water rights. Protests may be submit-  
ted based on the criteria of Sec 42-  
203A, Idaho Code.

Any protest against the approval of  
this application must be filed with the  
Director, Dept. of Water Resource,  
Eastern Region, 900 N Skyline Dr Ste  
A, Idaho Falls ID 83402 together with  
a protest fee of \$25.00 for each appli-  
cation on or before June 4, 2001. The  
protestant must also send a copy of  
the protest to the applicant.

KARL J DREHER, Director  
05-17-2tc

# 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 (print-  
ers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and  
of general circulation therein. That the **PUBLIC WORKS WATER-75-13989**, a true printed copy  
of which is attached to the margin hereof, has been and was correctly printed and published in the  
regular and entire issue of every number of said newspaper and not in any supplement thereof or  
thereto for **TWO(2)** consecutive issue(s), commencing with the issue dated **05-17-2001** and ending  
with the issue dated **05-24-2001**.

STATE OF IDAHO }  
County of Lemhi } ss.

On this **1st day of June** in this year of 2001 before me, A Notary Public, personally appeared  
RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within  
instrument, and being by me first duly sworn, declared that the statements therein are true, and  
acknowledged to me that he executed the same.

Residing At Salmon, Idaho

*Shiela Johnson*  
Notary Public for Idaho

My Commission expires: 01-02-2007

Publication Fee \$51.84

RECEIVED  
JUN 06 2001

Department of Water Resources  
Eastern Region

MICROFILMED  
SEP 25 2001



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

NO. 75-13989

Priority: 05/08/2001

Maximum Diversion Rate: 0.06 CFS

This is to certify, that WILLIAM H SHIVELY And/Or  
JANICE SHIVELY  
1201 E 1700 N  
TERRETON ID 83450

has applied for a permit to appropriate water from:

**Source:** SPRINGS

**Tributary:** INDIAN 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> |
|-----------------------|----------------------|--------------------------|
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS                 |
| DOMESTIC              | 01/01 to 12/31       | 0.04 CFS                 |

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

SPRINGS NW¼SE¼ Sec. 13, Twp 24N, Rge 19E, B.M. LEMHI County

**PLACE OF USE:** STOCKWATER

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 24N 19E 13  |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |        |

**PLACE OF USE:** DOMESTIC, same as Stockwater

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **July 1, 2006**.
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. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
5. Stockwater use is for 10 mixed stock.
6. Point of diversion and place of use are located within Lot 3, HES 195 Subdivision.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5<sup>th</sup> day of July, 2001.

MICROFILMED

SEP 25 2001

*[Signature]*  
for  
KARL J DREHER, Director

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

## APPLICATION FOR PERMIT

JUN 11 2001

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant William H. and/or Janice J. Shively Phone 208-663-4512  
Mailing address 1201 E 1700 N Terretton Id 83450
2. Source of water supply unnamed springs which is a tributary of Indian Creek
3. Location of point of diversion is Township 24 N Range 19 E Sec. 13 in the NW 1/4, SE 1/4, HES 1953 sub division 1/4, Govt Lot 3, B.M., Lemhi County;  
additional points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:
 

|                                                                                                              |                              |
|--------------------------------------------------------------------------------------------------------------|------------------------------|
| Amount <u>0.04</u> for <u>domestic</u> purposes from <u>Jan. 1</u> to <u>Dec 31</u> (both dates inclusive)   | (cfs or acre-feet per annum) |
| Amount <u>0.02</u> for <u>stockwater</u> purposes from <u>Jan. 1</u> to <u>Dec 31</u> (both dates inclusive) | (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)                                   | (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)                                   | (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)                                   | (cfs or acre-feet per annum) |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)                                   | (cfs or acre-feet per annum) |
5. Total quantity to be appropriated is (a) 0.06 cubic feet per second and/or (b) \_\_\_\_\_ acre feet per annum
6. Proposed diverting works:
  - a. Describe type and size of devices used to divert water from the source pipeline & pump to one house & water trough
  - b. Height of storage dam N/A feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet
  - c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet
  - d. Is ground water with a temperature of greater than 85°F being sought? \_\_\_\_\_
  - e. If well is already drilled, when? \_\_\_\_\_; Drilling firm \_\_\_\_\_  
Well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
  - a. Hydropower; show total feet of head and proposed capacity in kW.
  - b. Stockwatering; list number and kind of livestock.
  - c. Municipal; show name of municipality.
  - d. Domestic; show number of households.
  - e. Other; describe fully. 1 Home, 10 animals

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SEP 25 2001

9. Description of place of use:

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

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

| TWP  | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |     |    |    | TOTALS |
|------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|----|--------|
|      |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW  | SW | SE |        |
| 27.0 | 19E | 13  |    |    |    |    |    |    |    |    |    |    |    |    |    | 0/5 |    |    |        |
|      |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |        |
|      |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |        |
|      |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |        |
|      |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |        |
|      |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |        |
|      |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |        |
|      |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |     |    |    |        |

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. N/A

11. a. Who owns the property at the point of diversion? Claimant

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: \_\_\_\_\_

12. Remarks: Lot 3 HES 195 Subdivision

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

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

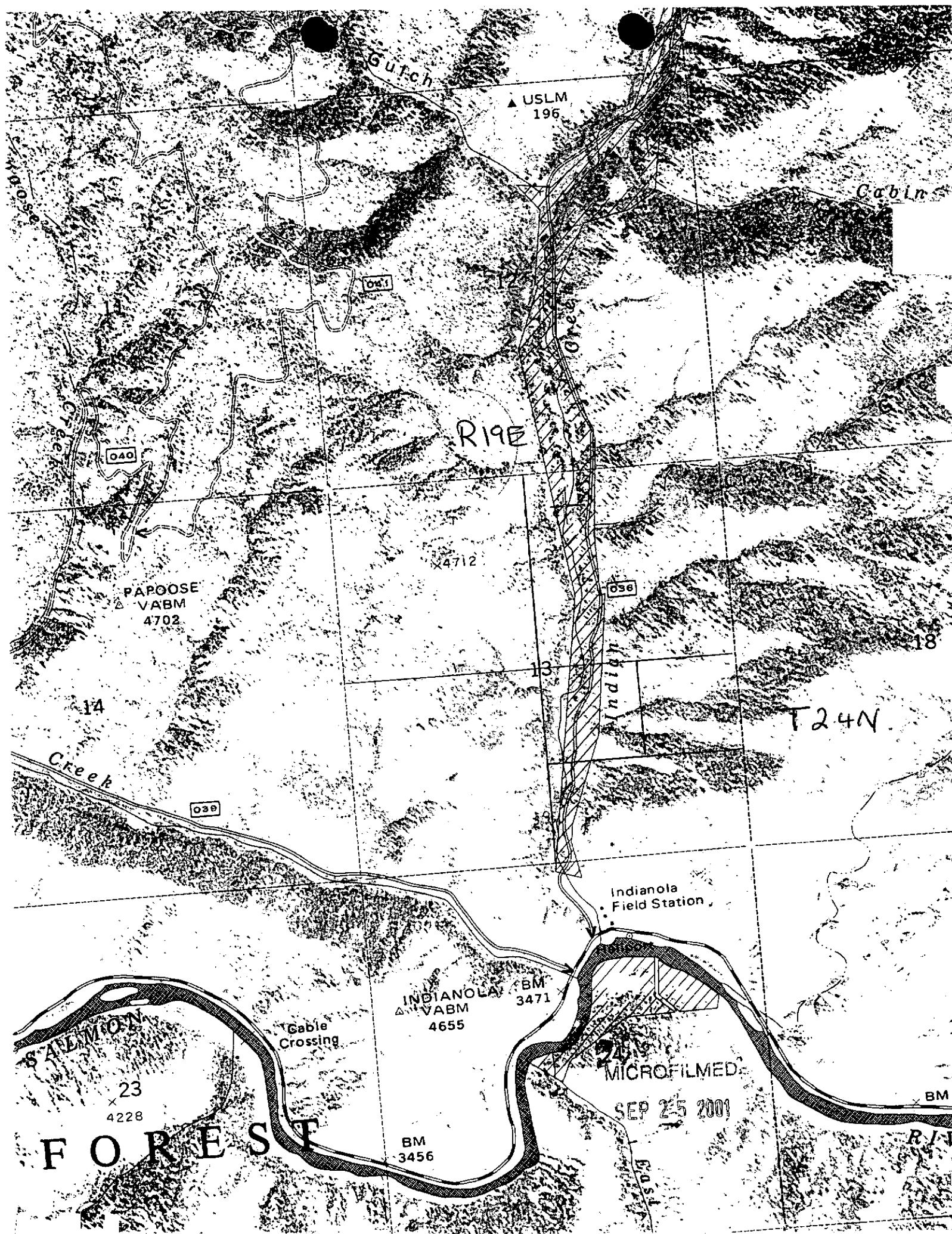
MICROFILMED

SEP 25 2001

Janice G. Shively  
Signature of Applicant (and title, if applicable)

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_

Fee \$ 100<sup>00</sup> Received by C. Saxton # E024689 Date 5/7/01  
Publication prepared by SC Date 5/12 & 24/01 Published in Recorder Herald  
Publication approved SC Date 6/6/01



Gutcher

▲ USLM  
196

Cabin

R19E

X4712

PARROUSE  
VABM  
4702

036

18

T24N

Creek

039

Indianola  
Field Station

INDIANOLA  
VABM  
4655

BM  
3471

Cable  
Crossing

MICROFILMED  
SEP 25 2001

BM  
3456

BM

R19E

FOREST

23  
4228

SALEM



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

July 10, 2001

JANICE SHIVELY  
WILLIAM H SHIVELY  
1201 E 1700 N  
TERRETON ID 83450

RE: Permit No. 75-13989

### Permit Approval Notice

Dear Permit Holder:

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

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

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

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

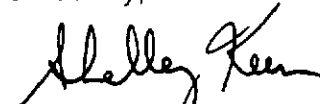
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least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

MICROFILMED  
SEP 25 2001

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

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

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:lt

Enclosure(s)

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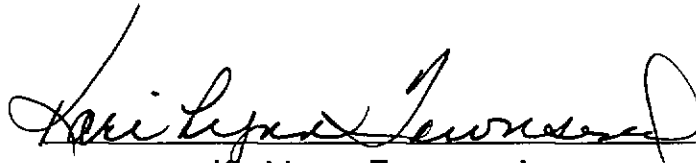
SEP 25 2001

## CERTIFICATE OF MAILING

I hereby certify that on July 10, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 75-13989

JANICE SHIVELY  
WILLIAM H SHIVELY  
1201 E 1700 N  
TERRETON ID 83450

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

Kari Lynn Townsend  
Secretary

MICROFILMED

SEP 25 2001

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

**PETITION FOR RECONSIDERATION**

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

**EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

**REQUEST FOR HEARING**

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

**ORAL ARGUMENT**

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

**CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

### FINAL ORDER

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

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

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

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

### APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

APPLICATION FOR PERMIT  
STATE OFFICE ANALYSIS  
Reviewed by Sharla Curtis on 7/5/01

No. 75-13989 Name: Shively Corp. Officers N/A Ad ok ✓ Govt Lots

AREA OF CONCERN: No/Yes S/C Moratorium \_\_\_\_\_ CWMA TRUST/NON-TRUST

in house only

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046  
Basin 34 - 084 (if necessary)  
WMD - North/East/West  
≤ 0.24 cfs/5 acres - No MD  
> 0.24 cfs/5 acres - 067  
~~WMD~~  
Supp irr (irr = only use) - 065-104  
Supp irr (+ other uses) - 100-105  
≤ 0.24 cfs/5 acres - No MD  
> 0.24 cfs/5 acres - 01M

LOCATION:

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

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

USES:

STORAGE - 18C-01H-01P-18B-NA  
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)  
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)  
STOCKWATER - R37 (BLM/FS)-111 (instream stock)

MINING - 054-106  
HEAT/COOL - R07 (injection well)  
FIRE PROT - 077

COMMERCIAL/

INDUSTRIAL - 106-R07

DAIRY - 082-WD8

POWER - 17H or 17K (+uses)-17G (not under FERC)  
or 17M (FERC regulated >25 cfs or 500hp)

BENEFICIAL USE DUE: 7/01/2006

MISC. CONDITIONS/REMARKS:

Protested - 020-W19

Development Period:

> 1 yr - 26A

Ownership - 004

Non-consumptive - 027

Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response

In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

WD - R04 (WD# \_\_\_\_\_)

≤ 0.20 cfs/others - 01H(P01), 01P or No MD

> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WD

≤ 0.24 cfs/5 acres - No MD

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

RIVER BASINS: (SW special considerations)

Snake R (01) - W22, N/A

(02,03) - 007 (w/ remark WB9 if above Weiser)

Payette R (65) - W22, 047 (Payette Lake)

Salmon R (70's) - 029 (fish/screens) N/A

Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area - 022,075

Irr. GW supp to SW - 102

Future needs - 007,109

FISH PROP - 029 (70's only)-007-042-106

DOMESTIC

Surface water - WB5 (Big Wood/Boise above Star Bridge)

> 1 in restricted area - 27A (Payette R)

Irr separate or none allowed - 070-071-075 (no parks/common areas)

GW w/irrigation from SW evident - WB5

Moratorium approvable - 065-104

- W03 (2500 gpd - meets domestic definition  
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32

Subd lot desc (pd) - W59

Subd lot desc (pu) - W60 - Lot 3, HES 195 Subd

Use definitions - W02 example - S/50 range

Pre-1987 development - 068-074 (allow 120 days for proof due)

Single p/d intended - 076

IRRIGATION SEASON \_\_\_\_\_ - \_\_\_\_\_ (Per updated map)

IRR VOLUME/ACRE \_\_\_\_\_

OTHER CONDITIONS/REMARKS \_\_\_\_\_

COMMENTS \_\_\_\_\_

RECEIVED

JUN 11 2001

Department of Water Resources Dist. for staffing \_\_\_\_\_  
Submitted for advertising \_\_\_\_\_

Form No. 202  
4/87

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

*Shively*  
INITIAL REVIEW BY HWJ DATE 5-8-01 (APPLICATION NO. 75-13989  
69122)

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)  
☒ Address  
☒ Source (See USGS Quad for names of water sources)  
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)  
☒ County  
☒ Quantity (flow and/or volume)  
☒ Period of Use  
☒ Nature of proposed use (Include description of use.)  
☒ Description of diverting works  
☒ Time required for beneficial use of water  
☒ Place of use or acres irrigated  
☒ Map  
☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)  
☒ Fee  
☒ Yes \_\_\_\_\_ No\* In form to receipt

ADDITIONAL INFORMATION

- \_\_\_\_\_ Overlapping place of use (Describe source & relationship to present application on the back.)  
\_\_\_\_\_ Overlapping point of diversion  
Yes \_\_\_\_\_ No Field check required  
\_\_\_\_\_ Field check by \_\_\_\_\_  
Yes \_\_\_\_\_ No Field report attached  
Yes \_\_\_\_\_ No Critical groundwater area  
Yes \_\_\_\_\_ No Groundwater management area  
Yes \_\_\_\_\_ No Send dam safety information  
Yes \_\_\_\_\_ No Send power requirement letter  
Yes \_\_\_\_\_ No Send fish farm requirement letter  
Yes \_\_\_\_\_ No Power residency affidavit  
Yes \_\_\_\_\_ No Power efficiency form  
Yes \_\_\_\_\_ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)  
Yes \_\_\_\_\_ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)  
\_\_\_\_\_ See reverse side for additional information  
\*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT \_\_\_\_\_

\_\_\_\_\_ Date Requested \_\_\_\_\_

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

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM  
☒ Idaho Dept. of Fish & Game *Salmon* ☐ U.S. Forest Service  
☐ Idaho Dept. of Lands ☐ 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 \_\_\_\_\_  
☐ 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 \_\_\_\_\_ *5-07-2001*  
By *[Signature]* Date *6-6-2001*

STATE OFFICE REVIEW

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

ADDITIONAL INFORMATION

\* Limit use to in-house domestic use & stock water trough -  
(No irrigation)

*[Signature]*

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]

# Affidavit of Publication

RECEIVED

JUN 06 2001

Department of Water Resources  
Eastern Region

The following application(s)  
have been filed to appropriate  
the public waters of the State  
of Idaho 75-13989

WILLIAM H SHIVELY

JANICE SHIVELY

1201 E 1700 N

TERRETON ID 83450

Point(s) of Diversion: NWSE S13

T24N R19E, LEMHI County

Source SPRINGS

Use: STOCKWATER 01/01 To 12/

31 0.02 CFS

Use: DOMESTIC 01/01 To 12/31

0.04 CFS

Total Diversion: 0.06 CFS

Date Filed: 05/08/2001

Place of Use: STOCKWATER and

DOMESTIC

T24N R19E S13 NWSE

Permits will be subject to all prior  
water rights. Protests may be submit-  
ted based on the criteria of Sec 42

203A, Idaho Code.

Any protest against the approval of  
this application must be filed with the  
Director, Dept. of Water Resource,  
Eastern Region, 900 N Skyline Dr. Ste  
A, Idaho Falls ID 83402 together with  
a protest fee of \$25.00 for each appli-  
cation on or before June 4, 2001. The  
protestant must also send a copy of  
the protest to the applicant.

KARL J DREHER, Director

05-17-21c

STATE OF IDAHO  
County of Lemhi } ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (print-  
ers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and  
of general circulation therein. That the **PUBLIC WORKS WATER-75-13989**, a true printed copy  
of which is attached to the margin herof, has been and was correctly printed and published in the  
regular and entire issue of every number of said newspaper and not in any supplement thereof or  
thereto for **TWO(2)** consecutive issue(s), commencing with the issue dated **05-17-2001** and ending  
with the issue dated **05-24-2001**.

STATE OF IDAHO  
County of Lemhi } ss.

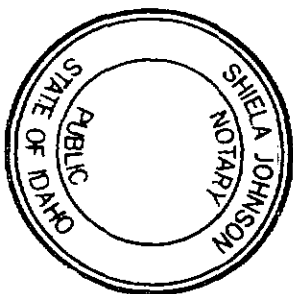
On this **1st day of June** in this year of 2001 before me, A Notary Public, personally appeared  
**RICKY G. HODGES**, known or identified to me to be the person whose name subscribed to the within  
instrument, and being by me first duly sworn, declared that the statements therein are true, and  
acknowledged to me that he executed the same.

Residing At Salmon, Idaho

Notary Public for Idaho

My Commission expires: 01-02-2007

Publication Fee \$51.84



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SEP 25 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

May 08, 2001

Legal Notice Department  
RECORDER-HERALD  
PO BOX 310  
SALMON ID 83467

RE: Application for Permit No. 75-13989

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before June 4, 2001. Your cooperation is appreciated.

Sincerely

Sharla Cox  
Administrative Assistant



MICROFILMED  
SEP 25 2001

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

75-13989

WILLIAM H SHIVELY

JANICE SHIVELY

1201 E 1700 N

TERRETON ID 83450

Point(s) of Diversion: NWSE S13 T24N R19E, LEMHI County

Source SPRINGS

Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.06 CFS

Date Filed: 05/08/2001

Place Of Use: STOCKWATER and DOMESTIC

T24N R19E S13 NWSE

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before June 4, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on May 17 and 24, 2001

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SEP 25 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

May 08, 2001

WILLIAM H SHIVELY  
1201 E 1700 N  
TERRETON ID 83450

RE: Application for Permit No 75-13989

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Recorder Herald on May 17 and 24, 2001. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

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

Sincerely,

Harold W Jones  
Water Right Supervisor

HWJ:sc

MICROFILMED

SEP 25 2001

Collecting Our Centennial Year of Service to Idaho 1895-1995