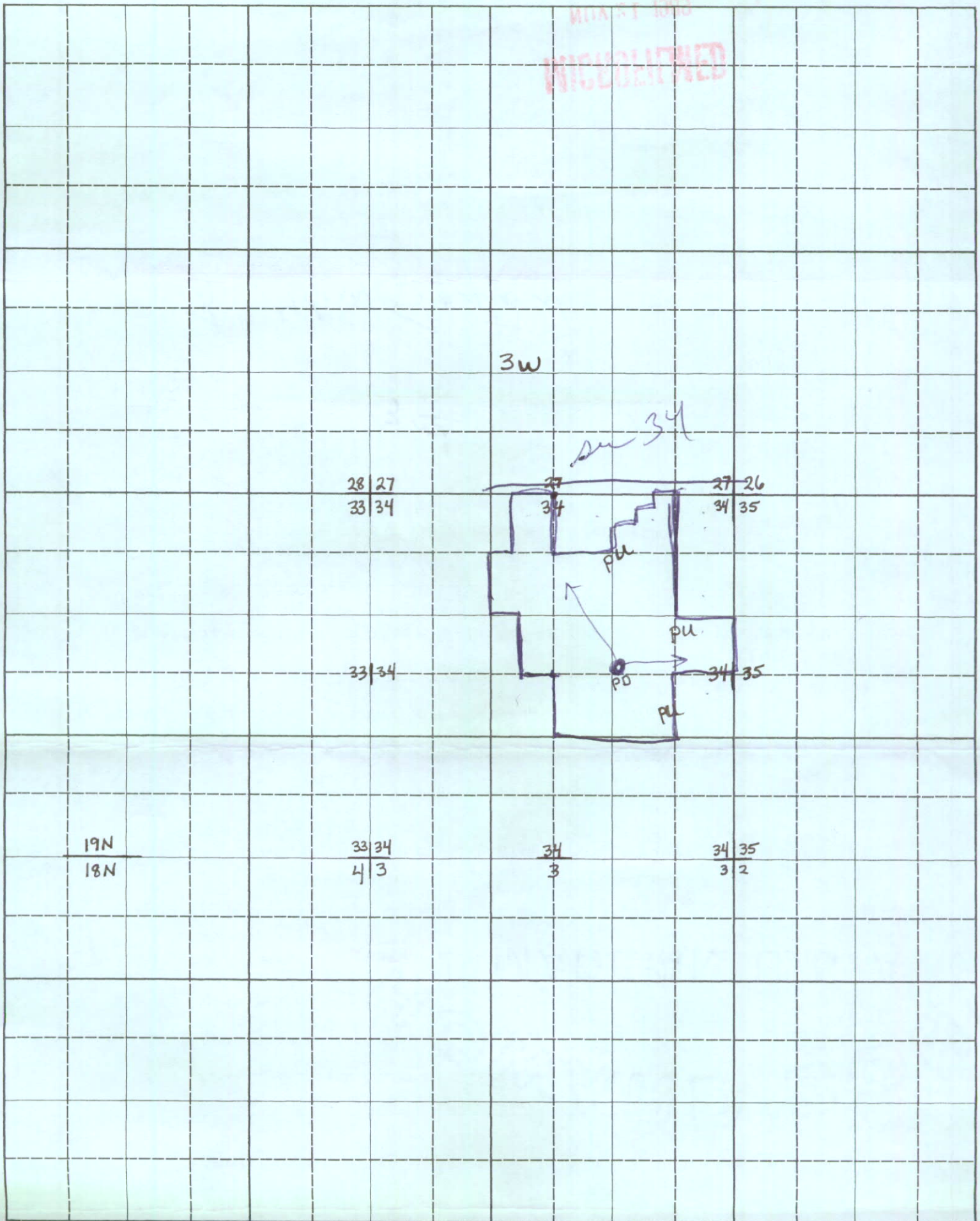


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

MICROFILMED

NOV 21 1989

[Signature]
(Applicant)

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Amended Application

No. 69-7026 Douglas J Fitzgerald as per clipping

hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated February 5, 1981

and the last in the issue dated February 12, 1981 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said "Notice" as aforesaid.

Subscribed and sworn to before me this 12th

day of February, 1981

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF AMENDED APPLICATION FOR PERMIT

Notice is hereby given that Application No. 69-7026 in the name of Douglas J. Fitzgerald was filed on 5/23/1979 with a diversion rate of .08 cfs of water from a spring source with points of diversion within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4 and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Twp 18N, Rge 3W, B.M., Adams County, to be used for domestic purposes from 1/1 to 12/31 within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Twp 18N, Rge 3W.

The applicant now proposes to amend the application by changing the point of diversion to SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, Twp 19N, Rge 3W, B.M., Adams County, and the places of use to NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, Twp 19N, Rge 3W.

If issued, the permit will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before February 23, 1981.

C. STEPHEN ALLRED

Director

Published in the Adams County Leader on 2/5 and 2/12/81.

O.K.
nel.

MICROFILMED

NOV 21 1989

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Correction"

69-7029 Douglas J Fitzgerald

as per clipping

hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated July 19-1979

and the last in the issue dated July 26, 1979 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said "Notice" as aforesaid.

Subscribed and sworn to before me this July 30, 1979

day of July, 1979.

Notary Public for Idaho,
Residing at Council, Idaho

OK
KK
8/6/79
RECEIVED

JUL 31 1979

Department of Water Resources
Western Regional Office

NOTICE OF CORRECTION

Notice is hereby given that notice of Application for Permit No. 69-7026 in the name of Douglas J. Fitzgerald was published in error on 6/21 & 6/28/79.

The Point of Diversion and Place of Use was advertised as being within T. 19N, R. 3W, Adams County, B.M. WHEREAS, the actual Point of Diversion and Place of Use is within T. 18N, R. 3W, Adams County, B.M.

Any protest against approval of this application must be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83709 on or before August 6, 1979.

C. STEPHEN ALLRED

Director

Published in the Adams County Leader on 7/19 & 7/26 /79.

FILED

1989

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Application

No. 69-7026

as per clipping

hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated June 21, 1979

and the last in the issue dated June 28, 1979 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said "Notice" as aforesaid.

Subscribed and sworn to before me this 28th

day of June, 1979.

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

69-7026

FITZGERALD, DOUGLAS J.
BOX 333, EAGLE, ID 83616

Source: SPRINGS tributary to
WILDHORSE CREEK

Date Filed: 05/23/1979

Amount: 0.08 CFS

Diversion Point: SESE Sec 04 T

19N R 03W NWNW Sec 34 T 19N

R 03W, ADAMS Co.

Use: DOMESTIC (0.08 CFS) from
01/01 to 12/31

Place of Use: NESE NWNW Sec
34 T 19N R 03W

Diversion Means: SPRING BOX
& PIPELINE TO PLACE OF USE

If issued, the permit(s) will be
subject to all prior water rights.

Protests against the granting of
any permit must be filed with

the Director of the Idaho Department
of Water Resources, 92 S.

Cole Road, Boise, Idaho 83709 on
or before JULY 9, 1979.

C. STEPHEN ALLRED

Director

Published 6/21 & 6/28/79.

RECEIVED

JUL 2 1979

Department of Water Resources
Western Regional Office

MICROFILMED

NOV 21 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 69-7026

1. Owner: Doug Fitzgerald Phone No. 939-8813

Current Address: Box 333 Eagle, Id 83616

2. Accompanied by: Mrs Fitzgerald EXAM. DATE: 7-28-87

Address: - Phone No. -

Relationship to Permit Holder: wife

3. Source: spring tributary to Wild Horse Creek

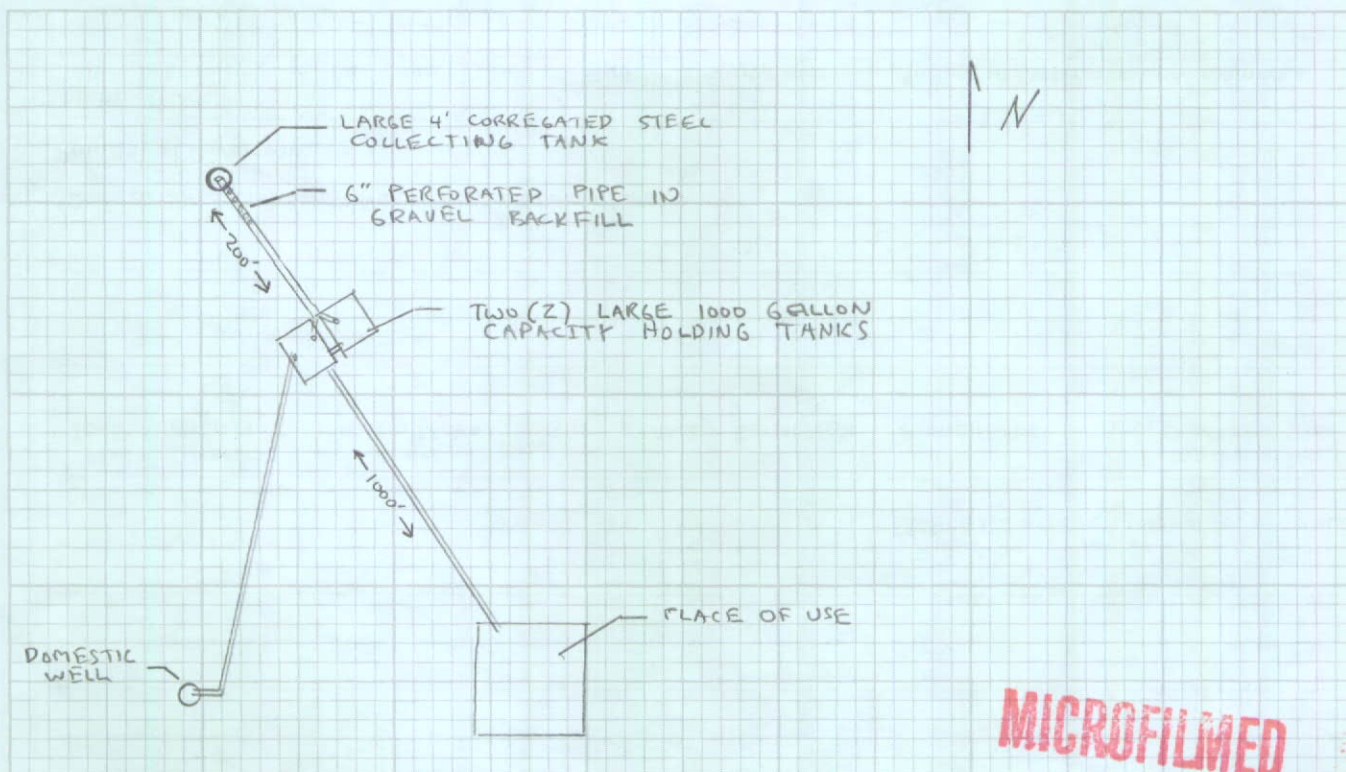
B. OVERLAP REVIEW

1. Other water rights with same place of use: None ☐ Copies Attached

2. Other water rights with same point of diversion: None ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

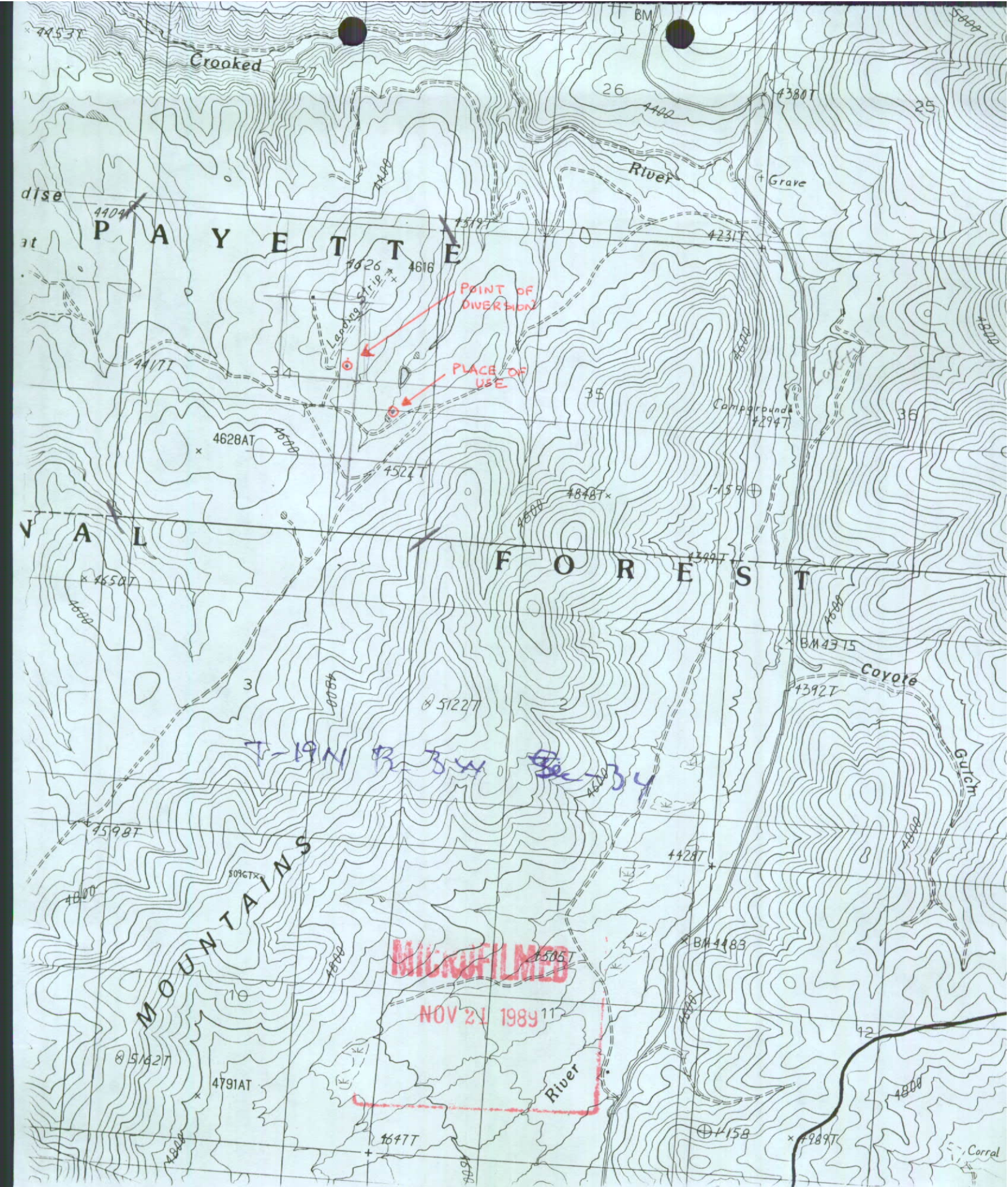


Scale: 1" = NOT TO SCALE

2. ☒ Copy of U.S.G.S. 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 or more).
- ☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).

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NOV 21 1989



PLACE OF USE

House and yard
is seen in background
From P/D looking
due south



POINT OF DIVERSION

Large corrugated
pipe is used to
develop the spring



NOV 21 1989

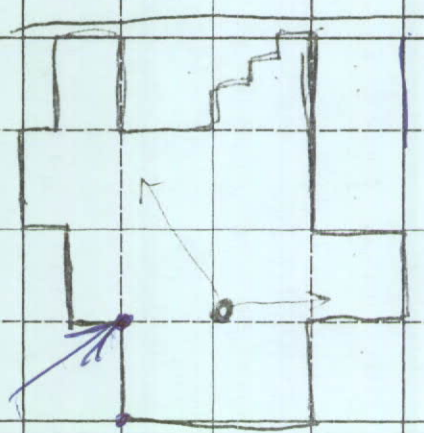
MICROFILMED

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

Amended

This is my Prop Boundary

Sec 34



MID POINT
SEC 34

MICROFILMED

NOV 21 1989

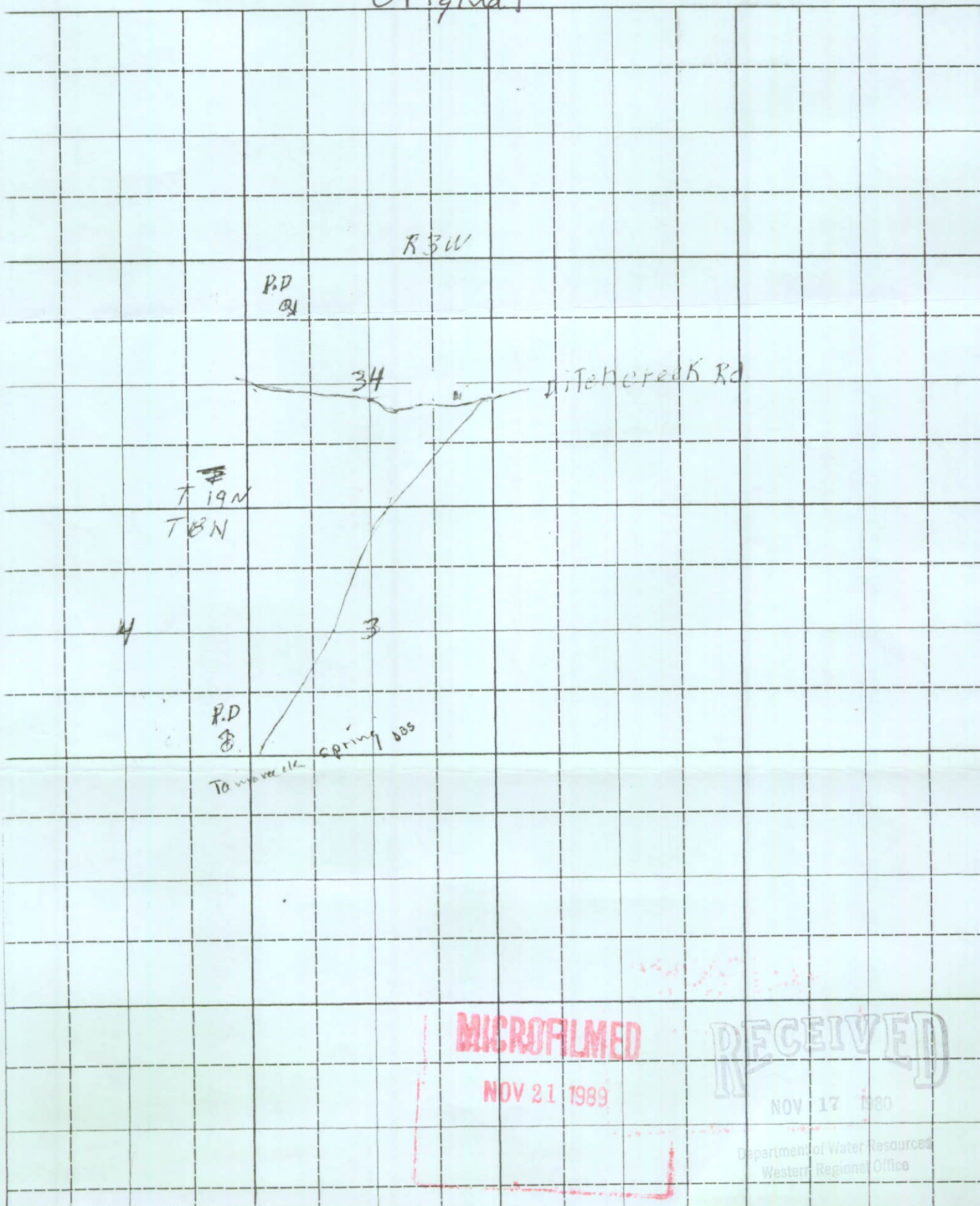
RECEIVED

NOV 17 1980

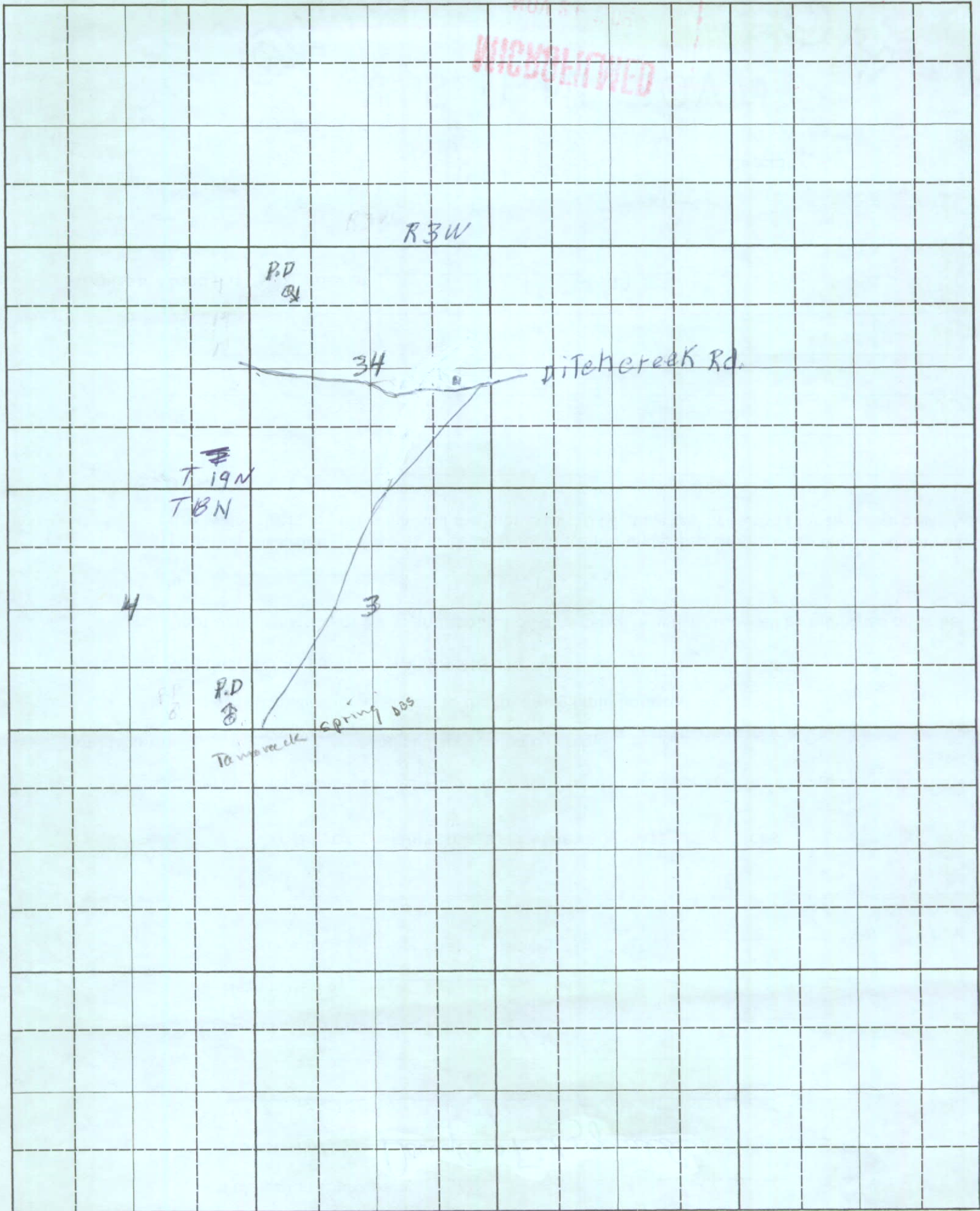
Department of Water Resources
Western Regional Office

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

Original



11. 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.

21
24-15
12 mi. w.

MICROFILMED

NOV 21 1989

[Signature]
(Applicant)

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 69-07026

Priority: May 23, 1979

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume:¹ 1.2 AF

This is to certify, that DOUGLAS J. FITZGERALD

P.O. BOX 333

EAGLE, ID 83616

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 23, 1979; and has submitted Proof of Beneficial Use on April 20, 1981. An examination indicates that the works have a diversion capacity of .040 cfs of water from:

SPRINGS

tributary to WILDHORSE CREEK

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>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SESWNE , Sec. 34, Township 19N, Range 03W
ADAMS County

PLACE OF USE: DOMESTIC

TWN RGE SEC

19N 03W 34

NESE

CONDITIONS/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 which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery 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. Domestic use is for 1 home.

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 18th day of NOVEMBER, 1989.

MICROFILMED

Acting for R. Keith Higginson, Director

NOV 21 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR PERMIT **APPROVED**

To appropriate the public waters of the State of Idaho

1. Name of applicant Douglas J. Fitzgerald Phone 939-6426

Post office address Box 333, Eagle, Idaho 83616

2. Source of water supply Spring which is a tributary of Wild Horse Creek

3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 34 Township 19N

Range 3W B.M. Adams County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .08 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:

a. 0.08 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Spring box and pipeline

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

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

7. Time required for the completion of the works and application of the water to the proposed beneficial use is Allow 5 years \ RH 3-2-81 \ years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34 Township 19N
SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of

Range 3W B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 2.

(5) If water is to be used for other purposes describe: _____

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NOV 21 1989

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840.

applicant to make this filing

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

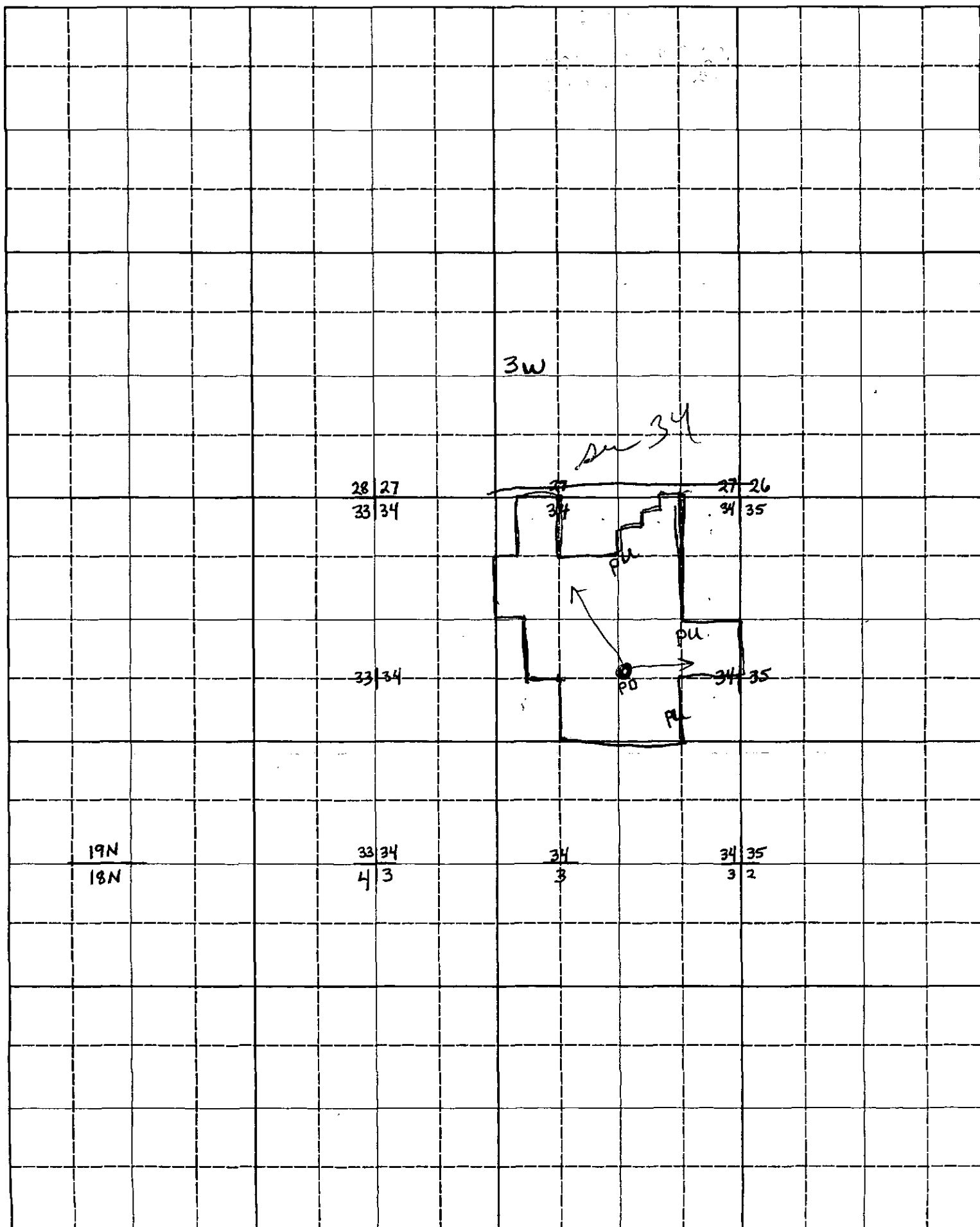
Donalson & Fitzhugh

Total number of acres to be irrigated

[illegible]

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

11. 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.

MICROFILMED

NOV 21 1989

Rough / L. L. L. L.
(Applicant)

Proposed Priority

5/23/79

Received by Amendment for Date 1-15-81 Time 12:00 b20.

Preliminary check by DBS Fee \$ 20.

Received by NA Date 1/15/81 # 17245

Publication prepared by HLH Date 1/29/81

Published in Adams County Leader

Publication dates 2/5 2/12/81

Publication approved HLH Date 2/23/81

Protests filed by: _____

Copies of protests forwarded by original protest withdrawn when awarded

Hearing held by _____ Date _____

Recommended for approval denial by DBS RLH

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. 69-7026, and said application is hereby approved _____

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 be-

fore March 1, 19 86.

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. Other: _____

Witness my hand this 3rd day of March, 1981.

D. Alan Gayton

Chief, Operations Bureau

MICROFILMED

NOV 21 1989

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE
Council Ranger District
Council, Idaho 83612

2135

2500

January 23, 1981



David B. Shaw
Dept. of Water Resources
92 S. Cole Rd.
Boise, Idaho 83709

Dear David,

The amended application for Douglas J. Fitzgerald is now correct and we withdraw our protest to application No. 69-7026.

Sincerely,


RODMAN N. BARKER
District Ranger

RNBARKER:dh

Enclosure

MICROFILMED

NOV 21 1989

RECEIVED
JAN 27 1981

Department of Water Resources
Western Regional Office

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Council Ranger District
Council, Idaho 83612

2540

July 3, 1979



Mr. C. Stephen Allred
Director Idaho Dept. Water Resources
92 South Cole Road
Boise, ID 83709

Dear Mr. Allred:

This letter refers to a water right application by Douglas J. Fitzgerald. The application number is 69-7026. I believe there is an error in the Township number where the point of diversion will be. The application, as it has been printed, gives the point of diversion as T19N, R3W. I believe it should be T18N, R3W, which is actually much closer to the Section 34, T19N, R3W, place of use.

If the point of diversion is actually in T19N, R3W, the proposed pipeline would probably cross three major drainages and cause considerable impact on the area. If the diversion point is actually in the SESE Section 4, T18N, R3W, then I wish to point out that the U.S. Forest Service has a recorded stock water development in this area that is necessary to the grazing resource. We are not willing to jeopardize this by not protesting this application. For either diversion point, it is mandatory that the Forest Service file this protest in the interest of properly managing the involved lands.

Sincerely,

Rodman N. Barker

RODMAN N. BARKER
District Ranger

MICROFILMED

NOV 21 1989

RECEIVED
JUL 6 1979

Department of Water Resources
Western Regional Office

Affidavit of Publication

State of Idaho, County of Adams, ss:

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and the last in the issue dated February 12, 1981 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said

"Notice"

as aforesaid.

Subscribed and sworn to before me this 12th

day of February, 1981

Dorothy Laoney

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF AMENDED APPLICATION FOR PERMIT

Notice is hereby given that Application No. 69-7026 in the name of Douglas J. Fitzgerald was filed on 5/23/1979 with a diversion rate of .08 cfs of water from a spring source with points of diversion within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4 and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Twp 18N, Rge 3W, B.M., Adams County, to be used for domestic purposes from 1/1 to 12/31 within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Twp 18N, Rge 3W.

The applicant now proposes to amend the application by changing the point of diversion to SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, Twp 19N, Rge 3W, B.M., Adams County, and the places of use to NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, Twp 19N, Rge 3W.

If issued, the permit will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before February 23, 1981.

C. STEPHEN ALLRED

Director

Published in the Adams County Leader on 2/5 and 2/12/81.

o.k. rec.

MICROFILMED

NOV 21 1989

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the " Notice of Correction "

69-7029 Douglas J Fitzgerald

as per clipping

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and the last in the issue dated July 26.1979 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said " Notice " as aforesaid.

Subscribed and sworn to before me this July 30.1979

day of July , 1979.

Notary Public for Idaho.
Residing at Council, Idaho

OK
KK
8/6/79
RECEIVED

JUL 31 1979

Department of Water Resources
Western Regional Office

notice of Application for Permit No. 69-7026 in the name of Douglas J. Fitzgerald was published in error on 6/21 & 6/28/79.

The Point of Diversion and Place of Use was advertised as being within T. 19N, R. 3W, Adams County, B.M. WHEREAS, the actual Point of Diversion and Place of Use is within T. 18N, R. 3W, Adams County, B.M.

Any protest against approval of this application must be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83709 on or before August 6, 1979.

C. STEPHEN ALLRED

Director
Published in the Adams County Leader on 7/19 & 7/26 /79.

FILED

1989

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Application

No. 69-7026

as per clipping

hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated June 21, 1979

and the last in the issue dated June 28, 1979 that said newspaper is of general circulation in Adams County Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of

said "Notice" as aforesaid.

Subscribed and sworn to before me this 28th

day of June, 1979.

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

69-7026

FITZGERALD, DOUGLAS J.

BOX 333, EAGLE, ID 83616

Source: SPRINGS tributary to WILDHORSE CREEK

Date Filed: 05/23/1979

Amount: 0.08 CFS

Diversion Point: SESE Sec 04 T

19N R 03W NWNW Sec 34 T 19N

R 03W, ADAMS Co.

Use: DOMESTIC (0.08 CFS) from 01/01 to 12/31

Place of Use: NESE NWNW Sec 34 T 19N R 03W

Diversion Means: SPRING BOX & PIPELINE TO PLACE OF USE

If issued, the permit(s) will be subject to all prior water rights.

Protests against the granting of any permit must be filed with

the Director of the Idaho Department of Water Resources, 92 S.

Cole Road, Boise, Idaho 83709 on or before JULY 9, 1979.

C. STEPHEN ALLRED

Director

Published 6/21 & 6/28/79.

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JUL 2 1979

Department of Water Resources
Western Regional Office

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NOV 21 1989

November 21, 1989

DOUGLAS J. FITZGERALD
P.O. BOX 333
EAGLE, ID 83616

RE: PERMIT NO. 69-07026

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECORDED

NOV 21 1989

October 26, 1989

DOUGLAS J. FITZGERALD
P.O. BOX 333
EAGLE, ID 83616

RE: PERMIT NO. 69-07026

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MicroFILMED

NOV 21 1989

POINT OF DIVERSION OVERLAP REVIEW

| WR-NUMBER | TWP | RNG | SC | TRACT | LT | #SOURCE | #NAME |
|-----------|-----|-----|----|-------------|----|---------|---------------------|
| | | | | 1\4 1\4 1\4 | | | |
| 6907026 | 19N | 03W | 34 | SW NE | | SPRINGS | FITZGERALD, DOUGLAS |

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NOV 21 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

69-7026
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

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DEC 23 1987

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☒ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Department of Water Resources

Check of P/D index MS 7-29-87 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____

Check of P/U index MS 7-24-87 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____

Aerial Photo

Required? ☐ yes ☒ no If yes: ☐ copy attached?

Scheduling Letter sent? None (Initial and date)

☒ Appointment made and telephone conversation memo attached
no

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
- ☒ Photographs of Point of Diversion and Place of Use
- ☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed Richard J. Apple 7-30-87 (Signature of examiner and date)
Exam Reviewed by Senior Water Resource Agent JW 9/8/87 (Initial and date)
Exam Reviewed by Manager of Regional Office DWR 12/23/87 (Initial and date)
Exam Date Entered in Computer _____ (Initial and date)
Exam sent to State Office DWR 12/23/87 (Initial and date)
Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 69-7026

1. Owner: Doug Fitzgerald Phone No. 939-8813

Current Address: Box 333 Eagle, Id 83616

2. Accompanied by: Mrs Fitzgerald EXAM. DATE: 7-28-87

Address: - Phone No. -

Relationship to Permit Holder: wife

3. Source: Spring tributary to Wild Horse Creek

B. OVERLAP REVIEW

1. Other water rights with same place of use: None

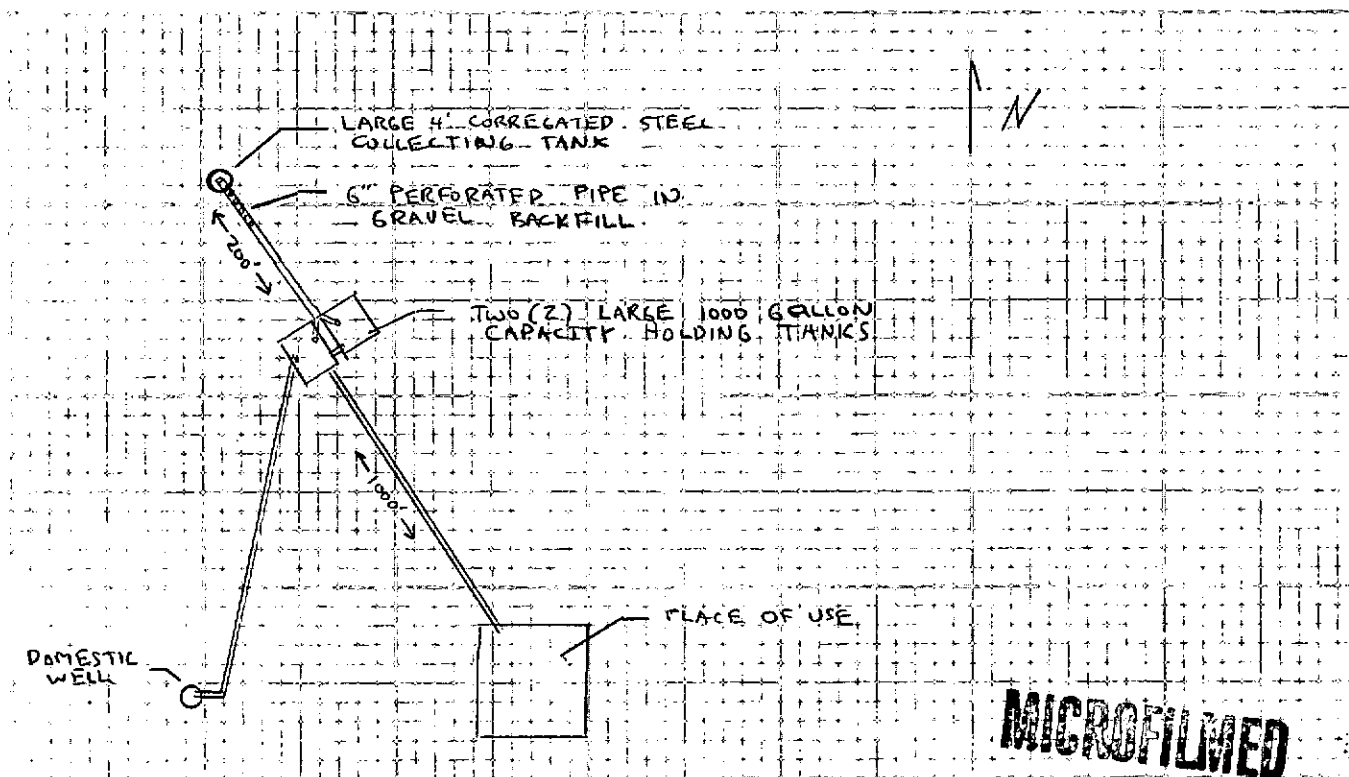
☐ Copies Attached

2. Other water rights with same point of diversion: None

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NOT TO SCALE

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

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3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

A spring is utilized using a large 4" diameter steel pipe which is driven into the spring area as a collecting pipe for water. Two 6" perforated pipe also aids collection of spring water. Two 1000 gallon tanks store water from spring for use during dry periods. A domestic well with a generator is used to fill tanks if over use causes them dry.

☐ See Remarks on page 4 for continuation

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

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

5. Point(s) of Diversion:

[illegible]

6. Place(s) of Use: _____
Indicate Method of Determination: _____

[illegible]

Do not use this space

6961 T 2 AON

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Do not use this space

NOV 1 1988

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NOV 1 1988

☐ Additional Data Sheets Attached

D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
| N/A | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

2. Measurements:

No measurement taken due to low flow.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

N/A

2. Alternate Method for Checking Purposes:

N/A

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

Flow rate: _____ cfs (4)

N/A

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ N/A

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ N/A

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ N/A

2. Volume Calculations for Other Uses:

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Domestic

In House

.6 AF

Irrigation

.6 AF

1.2 AF

H. REMARKS AND OVERLAP REVIEW ANALYSIS

No Overlap

Blank lines for remarks and overlap review analysis.

I. RECOMMENDATIONS

1. Recommended Amounts

| Beneficial Use | Period of Use | Rate of Diversion | Annual Volume |
|----------------|-------------------|-------------------|---------------|
| Domestic | From 1-1 To 12-31 | .04 cfs | 1.2 AF |

Totals:

| | |
|-----|--------|
| .04 | 1.2 AF |
|-----|--------|

2. Recommended Amendments

- ☐ Change P.D. as reflected above
- ☐ Add P.D. as reflected above
- ☒ None
- ☐ Other

J. AUTHENTICATION

Field Examiner's Name

Richard T. Gempale

Signature

Certification Date

7-30-87

Field Report Preparation Date

CONSULTANT SEAL

9/8/87

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

10/8/89

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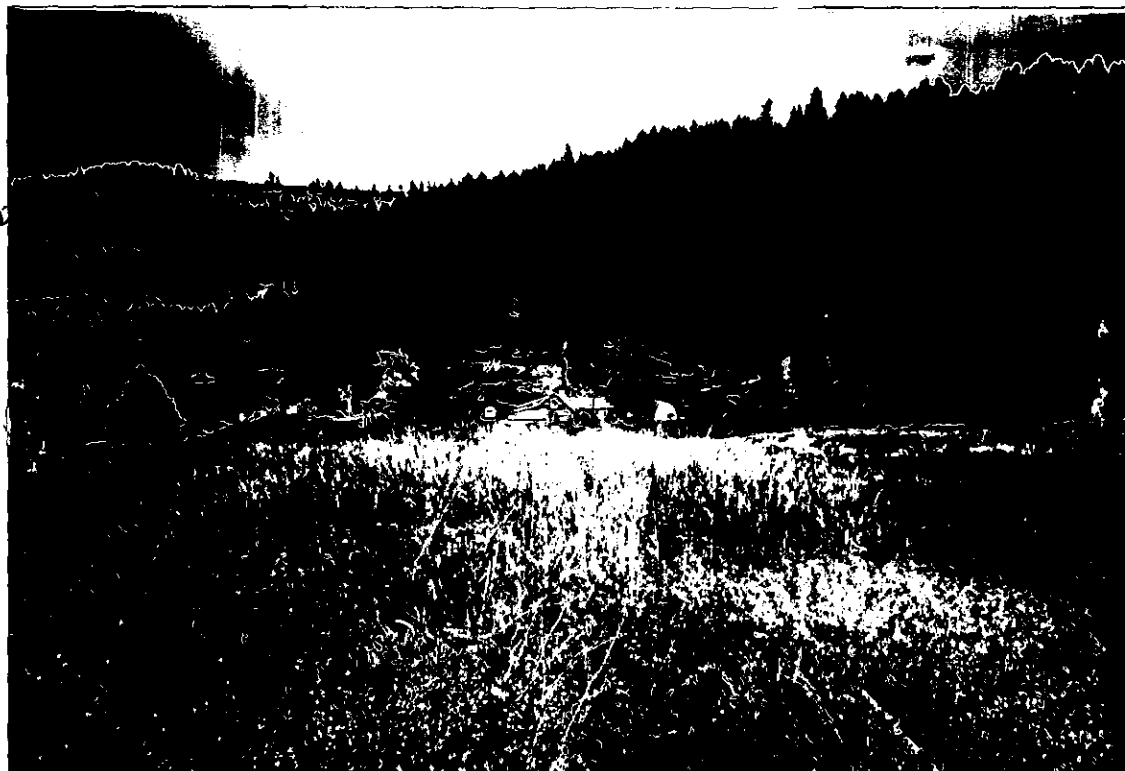
NOV 21 1989





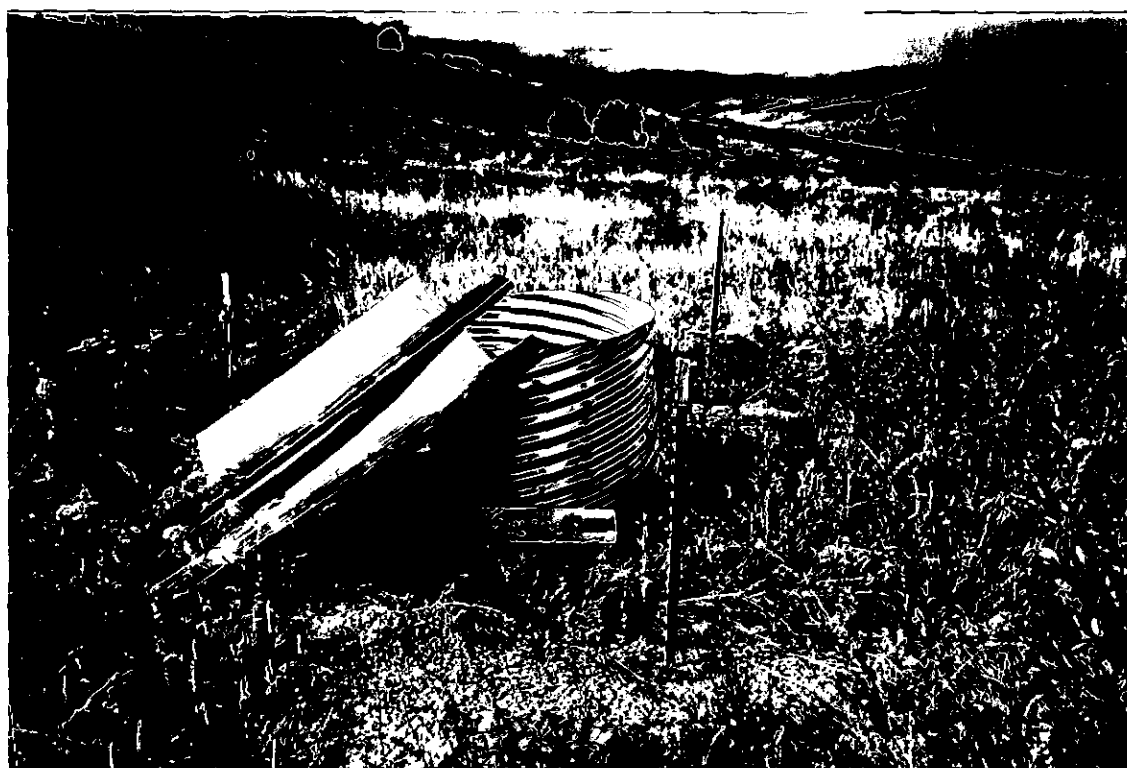
PLACE OF USE

House and yard
is seen in background
From P/D looking
due South



POINT OF DIVERSION

Large corrugated
pipe is used to
develop the spring



NOV 21 1989

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4/86

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APR 14 1987

No fee enclosed
Department of Water Resources
Western Regional Office

RECEIVED

MAY 06 1987

STATE OF IDAHO
Department of Water Resources

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

KEYPUNCHED

For Office Use Only *OK*
Fee Received NO FEE
Date _____
Receipt # _____
Receipt by _____
Sent to S.O. LL

1. Permit No. 69-7026

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Doug Fitz Gerald3. Post Office Address: Box 333 BAYLOR, ID 83616Telephone No. 208 939 88134. Source of Water: SPRING

5. Extent of Use:

Domestic X (No. of households) Stockwater _____ (No. and type of stock)

Irrigation _____ (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 104 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

1929

8. Person to contact to accompany the department representative during the field examination:

[Signature]

(Name)

(Address)

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Date

4/12/87

Signature of Permit Holder (and title, if appropriate)

[Signature]

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

| cfs | AF | Fee |
|--------------|-------------|--------|
| 0 - 0.04 | 0 - 4 | \$ 0 |
| .05 - 0.20 | 5 - 20 | 50.00 |
| .21 - 1.0 | 21 - 100 | 100.00 |
| 1.01 - 2.0 | 101 - 200 | 125.00 |
| 2.01 - 3.0 | 201 - 300 | 150.00 |
| 3.01 - 4.0 | 301 - 400 | 175.00 |
| 4.01 - 5.0 | 401 - 500 | 200.00 |
| 5.01 - 6.0 | 501 - 600 | 225.00 |
| 6.01 - 7.0 | 601 - 700 | 250.00 |
| 7.01 - 8.0 | 701 - 800 | 275.00 |
| 8.01 - 9.0 | 801 - 900 | 300.00 |
| 9.01 - 10.0 | 901 - 1000 | 325.00 |
| 10.01 - 11.0 | 1001 - 1100 | 350.00 |
| 11.01 - 12.0 | 1101 - 1200 | 375.00 |
| 12.01 - 13.0 | 1201 - 1300 | 400.00 |
| 13.01 - 14.0 | 1301 - 1400 | 425.00 |
| 14.01 - 15.0 | 1401 - 1500 | 450.00 |
| 15.01 - 16.0 | 1501 - 1600 | 475.00 |
| 16.01 - 17.0 | 1601 - 1700 | 500.00 |
| 17.01 - 18.0 | 1701 - 1800 | 525.00 |
| 18.01 - 19.0 | 1801 - 1900 | 550.00 |
| 19.01 - 20.0 | 1901 - 2000 | 575.00 |
| 20.01 & over | 2001 & over | 600.00 |

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.



State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

Cecil D. Andrus
Governor

2735 Airport Way
Boise, Idaho 83705
(208) 334-2190

69-7026
FITZGERALD, DOUGLAS J.
BOX 333
EAGLE, ID 83616

138306

April 10, 1987

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

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NOV 21 1989

Ritz



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

May 8, 1981

Douglas J. FitzGerald
Box 333
Eagle, ID 83616

RE: Permit No. 69-7026

Dear Mr. FitzGerald:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

☐ A field examination of your system has been scheduled for

_____.
If this time and date is not convenient for you, please contact this office as soon as possible.

☒ A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

Kay Walker
Secretary

RECORDED

NOV 21 1981

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 69-7026.

Name(s) of Permit Holder: Douglas J. Fitz Gern

Post Office Address: Box 333 Eagle ID 83611

Tel. No. 9396426

Source of Water:

Extent of Use: ☒ Domestic 2 (number of households)
☐ Stockwater (number and type of stock)
☐ Irrigation (acres)
☐ Other

Measuring Device: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No
 Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☒ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

4/17/82
Date

Douglas J. Fitz Gern
Signature of Permit Holder



U.S. PLACE
TEN CENT
STAMP
HERE

RECEIVED

APR 20 1981



Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

NOV 21 1989

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

FITZGERALD, DOUGLAS J.
BOX 333
EAGLE, ID 83616

MARCH 10, 1981

RE: PERMIT NO. 69-7026

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

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NOV 21 1989

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Council Ranger District
Council, Idaho 83612

2540

July 3, 1979



Mr. C. Stephen Allred
Director Idaho Dept. Water Resources
92 South Cole Road
Boise, ID 83709

Dear Mr. Allred:

This letter refers to a water right application by Douglas J. Fitzgerald. The application number is 69-7026. I believe there is an error in the Township number where the point of diversion will be. The application, as it has been printed, gives the point of diversion as T19N, R3W. I believe it should be T18N, R3W, which is actually much closer to the Section 34, T19N, R3W, place of use.

If the point of diversion is actually in T19N, R3W, the proposed pipeline would probably cross three major drainages and cause considerable impact on the area. If the diversion point is actually in the SESE Section 4, T18N, R3W, then I wish to point out that the U.S. Forest Service has a recorded stock water development in this area that is necessary to the grazing resource. We are not willing to jeopardize this by not protesting this application. For either diversion point, it is mandatory that the Forest Service file this protest in the interest of properly managing the involved lands.

Sincerely,

RODMAN N. BARKER
District Ranger

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JUL 6 1979
NOV 21 1989

Department of Water Resources
Western Regional Office

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: CW Bryan Jr.

APPLICATION NUMBER: 69-7026
FITZGERALD

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☒ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☐ Other _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____

- ☒ Yes ☐ No* In form for advertising.
Final date for protests: 7/9/79 / 8/6/79 / correction 2/23/81
☒ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 7/2/79 / correction 2/23/81
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
☒ 5/23/79 Date of priority recommended.
Special conditions of approval or cover letter. I.P. letter

By: DBS Date: 2/24/81

STATE OFFICE REVIEW:

Con item 7 & 2
show record
☐ See attached sheet for more information.
By: [Signature] Date: 3/2/81

P11 6711802

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

| | | | |
|------------------------------------|---|--|---|
| SENT TO | | <i>Edman Barker</i> | |
| STREET AND NO. | | <i>Council Ranger Dist</i> | |
| P.O., STATE AND ZIP CODE | | <i>Council, ID 83412</i> | |
| POSTAGE | | \$ | |
| CERTIFIED FEE | | ¢ | |
| CONSULT POSTMASTER FOR FEES | OPTIONAL SERVICES | SPECIAL DELIVERY | ¢ |
| | | RESTRICTED DELIVERY | ¢ |
| | | SHOW TO WHOM AND DATE DELIVERED | ¢ |
| | | SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY | ¢ |
| | | SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY | ¢ |
| RETURN RECEIPT SERVICE | SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY | ¢ | |
| TOTAL POSTAGE AND FEES | | \$ | |
| POSTMARK OR DATE
<i>4-10-80</i> | | | |

RECEIVED
NOV 21 1989

PS Form 3800, Apr. 1976

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable block in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

PS Form 3811, Apr. 1977
RETURN RECEIPT REGISTERED MAIL INSURED AND CERTIFIED MAIL

| | | | | | | | | |
|--|---------------|---------------------------------------|----------------|---------------|-------------|--|--------|--|
| <p>● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.</p> | | | | | | | | |
| <p>1. The following service is requested (check one).</p> <p>☒ Show to whom and date delivered.....¢</p> <p>☐ Show to whom, date, and address of delivery.....¢</p> <p>☐ RESTRICTED DELIVERY
Show to whom and date delivered.....¢</p> <p>☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery.....¢
(CONSULT POSTMASTER FOR FEES)</p> | | | | | | | | |
| <p>2. ARTICLE ADDRESSED TO</p> <p>NOV 21 1989</p> <p>Rodman Barker
Council Ranger District
Council, ID 83612</p> | | | | | | | | |
| <p>3. ARTICLE DESCRIPTION:</p> <table border="1"> <tr> <td>REGISTERED NO.</td> <td>CERTIFIED NO.</td> <td>INSURED NO.</td> </tr> <tr> <td></td> <td>978139</td> <td></td> </tr> </table> | | | REGISTERED NO. | CERTIFIED NO. | INSURED NO. | | 978139 | |
| REGISTERED NO. | CERTIFIED NO. | INSURED NO. | | | | | | |
| | 978139 | | | | | | | |
| <p>(Always obtain signature of addressee or agent)</p> | | | | | | | | |
| <p>I have received the article described above.</p> <p>SIGNATURE ☐ Addressee ☐ Authorized agent</p> | | | | | | | | |
| <p>4. <i>Becky Wroblewski</i></p> <p>DATE OF DELIVERY
<i>1-14-80</i></p> | | | | | | | | |
| <p>5. ADDRESS (Complete only if requested)</p> | | | | | | | | |
| <p>6. UNABLE TO DELIVER BECAUSE:</p> | | <p>CLERK'S INITIALS
<i>MS</i></p> | | | | | | |

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP CODE in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Department of Water Resources
Western Regional Office

RETURN
TO

NOV 21 1989

MICROFILMED

DEPT. OF WATER RESOURCES
WESTERN REGION OFFICE

(Name of Sender)

Attn: David B. Shaw

92 South Cole Road

(Street or P.O. Box)

Boise, ID 83709

(City, State, and ZIP Code)

57-7250-69-7026

P11 6711801

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

| | | | |
|-----------------------------|---|---------------------------|--|
| SENT TO | | <i>Douglas Fitzgerald</i> | |
| STREET AND NO. | | <i>Box 333</i> | |
| P.O. STATE AND ZIP CODE | | <i>Eagle, Id 83611</i> | |
| POSTAGE | | \$ | |
| CONSULT POSTMASTER FOR FEES | CERTIFIED FEE | \$ | |
| | NOT DELIVERED | \$ | |
| | SHOW TO WHOM AND DATE DELIVERED | \$ | |
| | NOV 21 1989 | \$ | |
| | SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY | \$ | |
| OPTIONAL SERVICES | SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY | \$ | |
| RETURN RECEIPT SERVICE | SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY | \$ | |
| TOTAL POSTAGE AND FEES | | \$ | |
| POSTMARK OR DATE | | | |
| <i>4-10-80</i> | | | |

PS Form 3800, Apr. 1976

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)

2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

GPO : 1979 O - 289-363

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

- SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☒ Show to whom and date delivered \$
☐ Show to whom, date, and address of delivery \$
☐ RESTRICTED DELIVERY
 Show to whom and date delivered \$
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Douglas Fitzgerald
 Box 383
 Eagle, ID 83616

3. ARTICLE DESCRIPTION:

| REGISTERED NO. | CERTIFIED NO. | INSURED NO. |
|----------------|---------------|-------------|
| | 978140 | |

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

4. *John H. Myers, Sec.*
 DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

MICROFILMED

NOV 1 1989

 POSTMARK
 CHIV
 14
 1500
 U.S.

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



SENDER INSTRUCTIONS

1. Complete items 1, 2, and 3 on the reverse.
2. Moisten gummed ends and attach to front of article if it permits. Otherwise affix to back of article.
3. Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



RETURN
TO



DEPT. OF WATER RESOURCES
WESTERN REGION OFFICE

(Name of Sender)

Attn: David B. Shaw

92 South Cole Road

(Street or P.O. Box)

Boise, ID 83709

(City, State, and ZIP Code)

Department of Water Resources
Western Regional Office

JAN 15 1990

69-7026

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION OFFICE
92 SOUTH COLE ROAD
BOISE, IDAHO 83709



Certified Receipts
69-7026



PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

| | | | | | | | | |
|--|---------------|------------------|----------------|---------------|-------------|--|---------|------|
| ● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse. | | | | | | | | |
| 1. The following service is requested (check one).
☒ Show to whom and date delivered. _____¢
☐ Show to whom, date, and address of delivery. _____¢
☐ RESTRICTED DELIVERY
Show to whom and date delivered. _____¢
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery. \$ _____
(CONSUELT POSTMASTER FOR FEES) | | | | | | | | |
| 2. ARTICLE ADDRESSED TO:
<i>Douglas Fitzgerald</i>
<i>Box 333</i>
<i>Engle, Md 83416</i> | | | | | | | | |
| 3. ARTICLE DESCRIPTION:
<table border="1"> <tr> <td>REGISTERED NO.</td> <td>CERTIFIED NO.</td> <td>INSURED NO.</td> </tr> <tr> <td></td> <td>6711801</td> <td>NONE</td> </tr> </table> | | | REGISTERED NO. | CERTIFIED NO. | INSURED NO. | | 6711801 | NONE |
| REGISTERED NO. | CERTIFIED NO. | INSURED NO. | | | | | | |
| | 6711801 | NONE | | | | | | |
| (Always obtain signature of addressee or agent.)
I have received the article described above:
SIGNATURE ☐ Addressee ☐ Authorized agent
<i>Rebecca M. ...</i> | | | | | | | | |
| 4. DATE OF DELIVERY <i>Oct 1978</i> | | | | | | | | |
| 5. ADDRESS (Complete only if requested) | | | | | | | | |
| 6. UNABLE TO DELIVER BECAUSE: | | CLERK'S INITIALS | | | | | | |

MICROFILMED

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on the reverse.
 - Attach to front of article if space permits. Otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RETURN

TO Department of Water Resources

RECEIVED

APR 15 1980

Department of Water Resources
Western Regional Office

NOV 1980
IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION OFFICE
STATEHOUSE
BOISE, IDAHO 83720

Sender

(Street or P. O. Box)

(City, State, and ZIP Code)

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

☒ Show to whom and date delivered. _____¢

☐ Show to whom, date, and address of delivery. _____¢

☐ RESTRICTED DELIVERY
Show to whom and date delivered. 23 _____¢

☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery. \$ _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Rodney Barker
Council Ranger Station
Council ID 83612

3. ARTICLE DESCRIPTION:
REGISTERED NO. _____ CERTIFIED NO. 671802 INSURED NO. _____
(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent
Victor D Jones

4. DATE OF DELIVERY 4-11-80 POSTMARK NOV 21 1980

5. ADDRESS (Complete only if requested)
2

6. UNABLE TO DELIVER BECAUSE: _____

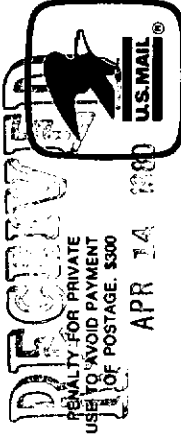
CLEARANCE INITIALS plw

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



**RETURN
TO**

Department of Water Resources
Western Regional Office

APR 14 1980

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION OFFICE
STATEHOUSE
BOISE, IDAHO 83720

(Street or P. O. Box)

(City, State, and ZIP Code)

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

| | | |
|---|--|-------------------------------|
| ● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse. | | |
| 1. The following service is requested (check one).
☒ Show to whom and date delivered. _____ ¢
☐ Show to whom, date, and address of delivery. _____ ¢
☐ RESTRICTED DELIVERY
Show to whom and date delivered. _____ ¢
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery. \$ _____
(CONSULT POSTMASTER FOR FEES) | | |
| 2. ARTICLE ADDRESSED TO:
<i>Douglas Fitzgerald</i>
<i>Box 333</i>
<i>Eagle, Id. 83616</i> | | |
| 3. ARTICLE DESCRIPTION:
REGISTERED NO. _____ CERTIFIED NO. <i>978058</i> INSURED NO. _____
(Always obtain signature of addressee or agent) | | |
| I have received the article described above.
SIGNATURE <i>[Signature]</i> ☐ Addressee ☐ Authorized agent | | |
| 4. DATE OF DELIVERY
<i>OCT 29 1979</i> | | POSTMARK
<i>[Postmark]</i> |
| 5. ADDRESS (Complete only if requested) | | |
| 6. UNABLE TO DELIVER BECAUSE: | | CLERK'S INITIALS |

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS P M

SENDER INSTRUCTIONS

- Print your name, address, and ZIP CODE in the space below.
- Complete items 1, 2, and 3 on the reverse.
 - Moistan gummed ends and attach to front of article or supply permits. Otherwise affix to back of article.
 - Enclose article "Return Receipt Requested" (if applicable) in separate envelope.



SUPPORT NA
PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300 WEEK

NOV 21 1979

RECEIVED
OCT 30 1979

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
92 SOUTH COLE ROAD
BOISE, IDAHO 83729

(Street or P.O. Box)

(City, State, and ZIP Code)

9607-7026
Department of Water Resources
Western Regional Office

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

| | | | | | | | | |
|--|---------------|--|----------------|---------------|-------------|--|--------|--|
| <p>● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.</p> | | | | | | | | |
| <p>1. The following service is requested (check one).</p> <p>☒ Show to whom and date delivered.....¢</p> <p>☐ Show to whom, date, and address of delivery.....¢</p> <p>☐ RESTRICTED DELIVERY
Show to whom and date delivered.....¢</p> <p>☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery. \$____
(CONSULT POSTMASTER FOR FEES)</p> | | | | | | | | |
| <p>2. ARTICLE ADDRESSED TO:</p> <p><i>Rodman Barker</i>
<i>Council Panger Dist.</i>
<i>Council, dd 836</i></p> | | | | | | | | |
| <p>3. ARTICLE DESCRIPTION:</p> <table border="1"> <tr> <td>REGISTERED NO.</td> <td>CERTIFIED NO.</td> <td>INSURED NO.</td> </tr> <tr> <td></td> <td>978057</td> <td></td> </tr> </table> <p>(Always obtain signature of addressee or agent)</p> | | | REGISTERED NO. | CERTIFIED NO. | INSURED NO. | | 978057 | |
| REGISTERED NO. | CERTIFIED NO. | INSURED NO. | | | | | | |
| | 978057 | | | | | | | |
| <p>I have received the article described above.</p> <p>SIGNATURE ☐ Addressee ☒ Authorized agent</p> <p><i>[Signature]</i></p> | | | | | | | | |
| <p>4. DATE OF DELIVERY</p> <p><i>10-25-77</i></p> | | <p>POSTMASTER</p> <p>OCT 25 1977</p> | | | | | | |
| <p>5. ADDRESS (Complete only if requested)</p> | | | | | | | | |
| <p>6. UNABLE TO DELIVER BECAUSE:</p> | | <p>POST OFFICE'S INITIALS</p> <p><i>[Initials]</i></p> | | | | | | |

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address, and ZIP CODE in the space below.
- Complete items 1, 2, and 3 on the reverse.
 - Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RETURN
TO

RECEIVED
NOV 21 1989

NOV 21 1989
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

(Name of Sender)

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION OFFICE

92 SOUTH COLE ROAD
BOISE, IDAHO 83709

(City, State, and ZIP Code)

69-7026

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION
92 South Cole Road
Boise, Idaho 83709

Certified Receipts 69-7026

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 334-2190

JANUARY 29, 1981

Adams County Leader
Box 23
Council, ID 83612

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 FEBRUARY 23, 1981.

Yours truly,

HELEN L. HARRINGTON
Secretary

Encl.

MICROFILMED

NOV 21 1989

NOTICE OF AMENDED APPLICATION FOR PERMIT

Notice is hereby given that Application No. 69-7026 in the name of Douglas J. Fitzgerald was filed on 5/23/1979 with a diversion rate of .08 cfs of water from a spring source with points of diversion within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4 and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Twp 18N, Rge 3W, B.M., Adams County, to be used for domestic purposes from 1/1 to 12/31 within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Twp 18N, Rge 3W.

The applicant now proposes to amend the application by changing the point of diversion to SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, Twp 19N, Rge 3W, B.M., Adams County, and the places of use to NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, Twp 19N, Rge 3W.

If issued, the permit will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before February 23, 1981.

C. STEPHEN ALLRED

Director

Published in the Adams County Leader on 2/5 and 2/12/81.

MICROFILMED

NOV 21 1989

January 28, 1981

Douglas J. FitzGerald
Box 333
Eagle, Idaho 83616

RE: Application No. 69-7026

Dear Mr. FitzGerald:

Enclosed is a copy of a withdrawal of protest against the above referenced application.

This office can now take further action on the application.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

DBS:hlh

Enclosure

MICROFILMED

NOV 21 1989

January 28, 1981

Rodman M. Barker, District Ranger
U.S. Department of Agriculture
Forest Service
Council Ranger District
Council, Idaho 83612

RE: Application No. 69-7026

Dear Mr. Barker:

This office acknowledges receipt of the withdrawal of protest against Application No. 69-7026 in the name of Douglas Fitzgerald.

This office now will continue to process the application, since the protest has been withdrawn.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

DBS:hlh

MICROFILMED

NOV 21 1989

January 21, 1981

Rodman N. Barker, District Ranger
U.S. Department of Agriculture
Forest Service
Council Ranger District
Council, Idaho 83612

RE: Application No. 69-7026

Dear Mr. Barker:

Enclosed is a copy of an amended application by Douglas J. FitzGerald. The map and legal description have been corrected to agree and they are in agreement with the map prepared by you.

If you feel these corrections will allow you to withdraw your protest, please send me a letter to that effect. If you do not feel you can withdraw your protest, please contact me so that we can resolve the matter in another way.

If you have any questions, please feel free to contact this office.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

DBS:hlh

Enclosure

cc: Douglas FitzGerald

MICROFILMED

NOV 21 1989

December 31, 1980

Douglas J. FitzGerald
Box 333
Eagle, Idaho 83616

RE: Application for Permit No. 69-7026

Dear Mr. FitzGerald:

I have received your letter of November 14 and the corrected map for your application for permit. I have now corrected the written legal descriptions on your application to agree with the map that you returned to me.

The changes I made are in Item No. 3 and Item No. 8 on your application for permit. If you agree with those changes, please initial them at both locations and if you do not agree, please correct them and initial your corrections.

Since we have changed the legal descriptions of both your point of diversion and place of use, we will need to re-advertise your amended application when you return it to us. There is a \$20 re-advertising fee which you should submit when you return the amended application.

If you have any questions, please feel free to call. Hopefully, this correction will resolve the problems with the Forest Service and we can proceed with processing your application.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

DBS:hlh

Enclosure

RECEIVED

NOV 21 1980



DBS

Box 333 • Eagle, Idaho 83616 • (208) 939-6426

Nov. 14, 1980

Dept. of Water Resources- W. Region
92 S. Cole Rd.
Boise, Idaho 83709

Dear David :

I have enclosed the corrected map for you. I hope this will
clear everything up.

Thank you,


Spectra Productions, Inc.

Enclosure

kc

MICROFILMED

NOV 21 1989

RECEIVED

NOV 17 1980

Department of Water Resources
Western Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

October 15, 1980

(Office at the corner of
Franklin and Cole Roads)

(208) 384-2190

334440

2190

Douglas J. FitzGerald
Box 333
Eagle, Idaho 83616

RE: Application for Permit No. 69-7026

*Re Turn to
Mr Shaw
w/ letter*

Dear Mr. FitzGerald:

The U.S. Forest Service has pointed out a discrepancy between the map on your amended application for permit and the legal description of the point of diversion listed on that permit. The legal description of the point of diversion is listed as the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, Twp 19N, Rge 3W in Adams County. The place of use on the amended application is the NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, Twp 19N, Rge 3W.

I have enclosed copies of the sketch map from your original application and from the amended application as it is presently on file. Would you please correct the sketch map on the amended application or show the boundary of Sec. 34 on the amended application. The sketch map should show the location of the well and the locations of both of the proposed places of use.

Thank you for the additional information. Hopefully, we can get this protest resolved with a corrected sketch map. If you have any questions, please feel free to contact this office.

Yours truly,

DAVID B. SHAW

Western Region Supervisor

DBS:h1h

cc: Rodman N. Barker, Payette NF

MICROFILMED

NOV 21 1980

RECEIVED

NOV 17 1980

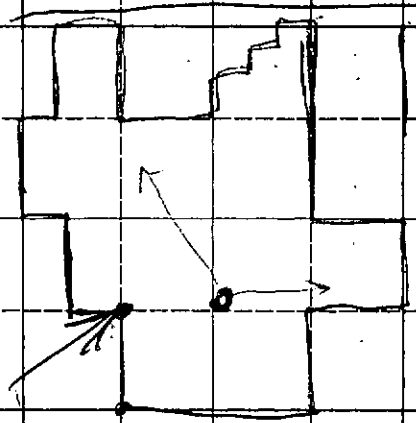
Dept. of Water Resources
Western Region Office

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

Amended

This is my Prop Boundary

Sec 34



*MID POINT
SEC 34*

MICROFILMED

NOV 21 1989

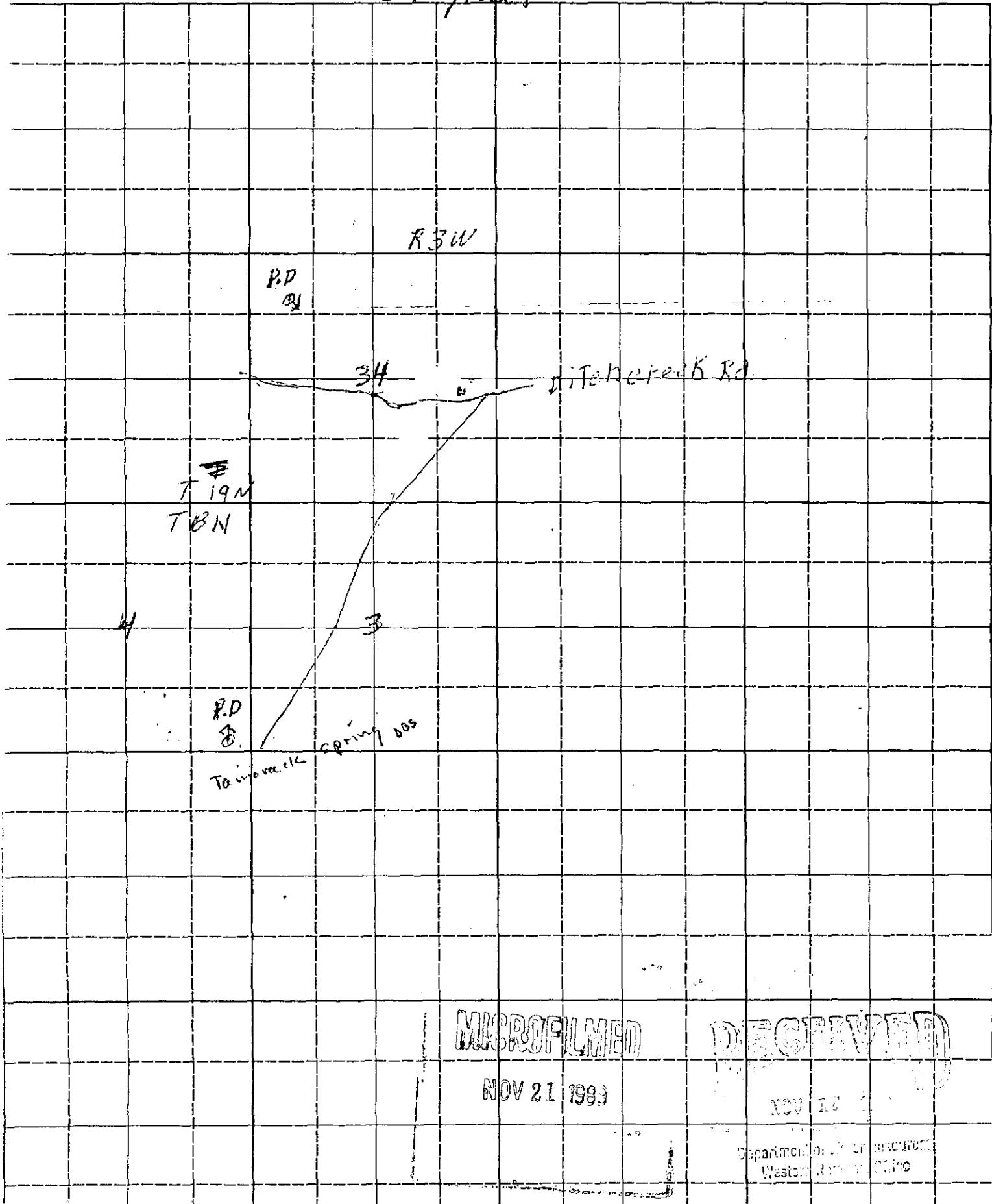
RECEIVED

NOV 17 1989

Department of Resources
Washington Office

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

Original



October 13, 1980

Douglas J. FitzGerald
Box 333
Eagle, Idaho 83616

RE: Application for Permit No. 69-7026

Dear Mr. FitzGerald:

The U.S. Forest Service has pointed out a discrepancy between the map on your amended application for permit and the legal description of the point of diversion listed on that permit. The legal description of the point of diversion is listed as the NW1/4, Sec. 34, Twp 19N, Rge 3W in Adams County. The place of use on the amended application is the NE1/4, NW1/4, Sec. 34, Twp 19N, Rge 3W.

I have enclosed copies of the sketch map from your original application and from the amended application as it is presently on file. Would you please correct the sketch map on the amended application or show the boundary of Sec. 34 on the amended application. The sketch map should show the location of the well and the locations of both of the proposed places of use.

Thank you for the additional information. Hopefully, we can get this protest resolved with a corrected sketch map. If you have any questions, please feel free to contact this office.

Yours truly,

DAVID BL SHAW
Western Region Supervisor

DBS:hjh

cc: Rodman N. Barker, Payette NF

MICROFILMED

NOV 21 1980



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

September 22, 1980

Rodman N. Barker, District Ranger
U.S. Department of Agriculture
Forest Service
Council Ranger District
Council, Idaho 83612

RE: Application No. 69-7026

Dear Mr. Barker:

Enclosed is a copy of an amended application by Douglas J. Fitzgerald. The original application had been protested by you on behalf of the Forest Service since it included a spring which is presently used by the Forest Service.

The amended application has removed the Forest Service spring and limits the source of water to a spring on the applicant's property. If you feel this amendment will allow you to withdraw your protest, please send me a letter to that effect. If you do not feel you can withdraw your protest, please contact me so that we can resolve the matter in another way.

If you have any questions, please feel free to contact this office.

Yours truly,

A handwritten signature in dark ink, appearing to read "D. B. Shaw", is written over a horizontal line.

DAVID B. SHAW
Western Region Supervisor

DBS:hlh

Enclosure

cc: Douglas Fitzgerald

MICROFILMED

NOV 21 1989

September 9, 1980

Mr. Douglas J. FitzGerald
Box 333
Eagle, Idaho 83616

RE: Amended Application for Permit No. 69-7026

Dear Mr. FitzGerald:

As per our conversation of September 8, enclosed is an amended application for permit No. 69-7026 which you originally filed on May 23, 1979.

I have made the change we discussed by removing the spring in Section 4 as a source of water. You now need to complete Section 9 and then sign the amended application if you agree with the changes I made.

If you have any questions or need any assistance, please feel free to contact this office.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

DBS:hla

Enclosure

MICROFILMED

NOV 21 1980

CONVERSATION MEMORANDUM

DATE 4/25/80

FILE 69-7026

NAME OF PARTY Doug Fitzgerald

EMPLOYEE David Shaw

RE: Hearing in Council set for today

Doug Fitzgerald will not be able to be
there today so conference was cancelled.

I called Rod Barker and told him the
conference was cancelled for today.

called the Court house to cancel the
room.

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NOV 21 1989

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

IN THE MATTER OF PROTEST AGAINST APPROVAL)
OF THE APPLICATION FOR PERMIT NO. 69-7026) NOTICE OF CONFERENCE
IN THE NAME OF DOUGLAS J. FITZGERALD) AND/OR HEARING

On May 23, 1979, Douglas J. Fitzgerald filed with the Department of Water Resources, an application to appropriate the waters of the State of Idaho. On July 6, 1979, the Department received a protest against approval of said application from Rodman N. Barker on behalf of the U. S. Department of Agriculture, Forest Service.

The Department has set the matter of protest for conference and/or hearing for Friday, April 25, 1980, at 11:00 A. M. in the Court Room of the Adams County Courthouse, Council, Idaho. Any hearing will be held in accordance with provisions of Chapter 2, Title 42, and Chapter 52, Title 67, of the Idaho Code, and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

In accordance with Idaho Code, Section 42-203, the following issues are involved in the consideration of the application and protest:

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

Any party may request in writing, five (5) days before any hearing, that the oral proceedings be taken in the

NOV 21 1989

form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties will be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 67-5211.

By written stipulation, the parties may waive compliance with Idaho Code, Section 57-5211. If the hearing is conducted by a hearing officer, the hearing officer will ask the parties at the close of the hearing whether they would like to make such a stipulation.

Failure to waive compliance with Idaho Code, Section 67-5211, will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of final decision. Whether compliance with Section 67-5211 is waived, will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure, or affect a party's right to appeal the final decision to the District Court.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department to dismiss without prejudice, the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 10 day of April, 1980



DAVID B. SHAW
Western Region Supervisor

DBS:jl

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NOV 21 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

April 10, 1980

Esther Stover
Adams County Courthouse
Box 48
Council, Idaho 83612

253-4271

Dear Ms. Stover:

This is to confirm the use of the Court Room or the
Commissioners' Conference Room on April 25, 1980 at
11:00 A. M.

If the facility is not available, please contact me
immediately.

Very truly yours,

JoAnna Lane
Secretary

/jl

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NOV 21 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

January 11, 1980

Adams County Courthouse
Council
Idaho 83612

Dear Sir:

This is to confirm the use of the Commissioners Room for conference and/or hearing to be held by this office on Tuesday, January 22, 1980, at 11:00 a.m.

Thank you for your cooperation in this matter.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

DBS:aje

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NOV 21 1989

No.

978140

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

| | | |
|-----------------------------|---|----|
| SENT TO | | |
| Douglas Fitzgerald | | |
| STREET AND NO. | | |
| Box 333 | | |
| P.O., STATE AND ZIP CODE | | |
| Eagle, ID 83616 | | |
| POSTAGE | | \$ |
| CONSULT POSTMASTER FOR FEES | CERTIFIED FEE | \$ |
| | SPECIAL DELIVERY | \$ |
| | RESTRICTED DELIVERY | \$ |
| | OPTIONAL SERVICES | |
| | RETURN RECEIPT SERVICE | \$ |
| | SHOW TO WHOM AND DATE DELIVERED | \$ |
| | SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY | \$ |
| | SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY | \$ |
| | SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY | \$ |
| TOTAL POSTAGE AND FEES | | \$ |
| POSTMARK OR DATE | | |
| 1-11-80 | | |

PS Form 3800, Apr. 1976

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt requested, check the applicable blocks in Item 1 of Form 1.
6. Save this receipt and present it if you make inquiry.

No.

878139

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—

NOT FOR INTERNATIONAL MAIL

(See Reverse)

| | | |
|-----------------------------|---|----|
| SENT TO | | |
| Rodman Barker | | |
| STREET AND NO. | | |
| Council Ranger District | | |
| P.O., STATE AND ZIP CODE | | |
| Council, ID 83612 | | |
| POSTAGE | | \$ |
| CONSULT POSTMASTER FOR FEES | CERTIFIED FEE | \$ |
| | SPECIAL DELIVERY | \$ |
| | RESTRICTED DELIVERY | \$ |
| | SHOW TO WHOM AND DATE DELIVERED | \$ |
| | SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY | \$ |
| | SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY | \$ |
| | SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY | \$ |
| TOTAL POSTAGE AND FEES | | \$ |
| POSTMARK OR DATE | | |
| 1-11-80 | | |

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6. Save this receipt and present it if you make inquiry.

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

| | |
|---|----------------------|
| IN THE MATTER OF PROTEST AGAINST APPROVAL) | |
| OF THE APPLICATION FOR PERMIT NO. 69-7026) | NOTICE OF CONFERENCE |
| IN THE NAME OF DOUGLAS J. FITZGERALD) | AND/OR HEARING |
| _____) | |

On May 23, 1979, Douglas J. Fitzgerald filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On July 6, 1979, the Department received a protest against approval of said application from Rodman N. Barker on behalf of the U. S. Department of Agriculture, Forest Service.

The Department has set the matter of protest for conference and/or hearing for Tuesday, January 22, 1980, at 11:00 a.m. in the Commissioners Room of the Adams County Courthouse, Council, Idaho. Any hearing will be held in accordance with provisions of Chapter 2, Title 42, and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

In accordance with Idaho Code, Section 42-203, the following issues are involved in the consideration of the application and protest:

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

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NOV 21 1989

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties and the parties will be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 67-5211.

By written stipulation, the parties may waive compliance with Idaho Code, Section 57-5211. If the hearing is conducted by a hearing officer, the hearing officer will ask the parties at the close of the hearing whether they would like to make such a stipulation.

Failure to waive compliance with Idaho Code, Section 67-5211 will not prejudice the Director's review of a party's evidence and arguments. However, such a waiver will shorten the decision-making process and may expedite substantially the issuance of final decision. Whether compliance with Section 67-5211 is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to Rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department to dismiss without prejudice the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 11 day of January, 1980.



DAVID B. SHAW
Western Region Supervisor

MICROFILMED

NOV 21 1980

69-7026 - Douglas J. Fitzgerald

Adams County Courthouse, Council, Idaho

January 22, 1980 11:00 a.m.

ROSTER OF ATTENDANCE

Hearing conducted by _____

| Name | Address | Representing |
|-------------------------|--------------------|----------------|
| Howard Platz | Pct 2 New Plymouth | Hornet Creek |
| Fred Rosenbergs | " " Idaho | Grazing Assoc |
| John Quilliam | Wild Horse, Ida | " " |
| ~~John T. B...~~ | Council | Forest Service |

MICROFILMED

NOV 21 1989

CONVERSATION MEMORANDUM

DATE 11/7/79

FILE 69-7026

NAME OF PARTY Doug Fitzgerald Secretary (Roberta) - Phil Vance
(FS)

EMPLOYEE David Shaw

RE: Mr. Fitzgerald is ill & wanted to know
if hearing could be postponed. - Roberta
Mr. Vance, FS, said postponement is
ok - would not be available until
last week in November - has some
questions about application.

Roberta - told her hearing was postponed
& asked if Mr. Fitzgerald would contact
Phil Vance prior to scheduling a new
hearing.

Fitzgerald 939-6426 - home 939-8744
Phil Vance 253-4215 Council
634-2255 McCall

Doug Austin 253-4215 - Council

will cross State Land.

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NOV 21 1989

No.

978059

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—

NOT FOR INTERNATIONAL MAIL

(See Reverse)

| | | | | |
|---|---|--|----|--|
| SENT TO | | Hodman Barker | | |
| STREET AND NO. | | Council Ranger Rd | | |
| P.O., STATE AND ZIP CODE | | Council, Ala 36612 | | |
| POSTAGE | | \$ | | |
| CONSULT POSTMASTER FOR FEES | CERTIFIED FEE | \$ | | |
| | SPECIAL DELIVERY | \$ | | |
| | RESTRICTED DELIVERY | \$ | | |
| | OPTIONAL SERVICES
RETURN RECEIPT SERVICE | SHOW TO WHOM AND DATE DELIVERED | \$ | |
| | | SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY | \$ | |
| | | SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY | \$ | |
| SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY | | \$ | | |
| TOTAL POSTAGE AND FEES | | \$ | | |
| POSTMARK OR DATE | | | | |
| 10/24/79 | | | | |

PS Form 3800, Apr. 1976

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NOV 27 1989

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CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

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4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

No.

978058

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—

NOT FOR INTERNATIONAL MAIL

(See Reverse)

| | | | |
|-----------------------------|---|--------------------|--|
| SENT TO | | Douglas Fitzgerald | |
| STREET AND NO. | | Box 333 | |
| P.O. STATE AND ZIP CODE | | Engle, Id 83616 | |
| POSTAGE | | \$ | |
| CONSULT POSTMASTER FOR FEES | CERTIFIED FEE | \$ | |
| | SPECIAL DELIVERY | \$ | |
| | RESTRICTED DELIVERY | \$ | |
| | OPTIONAL SERVICES | | |
| | RETURN RECEIPT SERVICE | | |
| | SHOW TO WHOM AND DATE DELIVERED | | |
| | SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY | | |
| | SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY | \$ | |
| | SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY | \$ | |
| TOTAL POSTAGE AND FEES | | \$ | |
| POSTMARK OR DATE | | | |
| 10/24/79 | | | |

PS Form 3800, Apr. 1976

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6. Save this receipt and present it if you make inquiry.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

Council Ranger District
Council, Idaho 83612

RECEIVED

NOV 21 1979

Department of Water Resources
2720

November 19, 1979



Mr. Doug J. Fitzgerald
Box 333
Eagle, ID 83616

Dear Mr. Fitzgerald:

I hope you are feeling well. Sorry you had to cancel the meeting which was scheduled on November 8, 1979. I still haven't heard from you and we still need clarification on your water application proposal. I would like to meet with you to discuss what you have in mind, on Monday, November 26, 1979, at 1:30 pm, at the Council Ranger District Office. Please notify me by telephone if this appointment is not convenient for you.

Phil Sance

for
RODMAN N. BARKER
District Ranger

cc: William Gossett

RECEIVED

NOV 26 1979

Department of Water Resources
Western Regional Office

RECEIVED

NOV 21 1989

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

| | |
|---|----------------------|
| IN THE MATTER OF PROTEST AGAINST APPROVAL) | |
| OF THE APPLICATION FOR PERMIT NO. 69-7026) | NOTICE OF CONFERENCE |
| IN THE NAME OF DOUGLAS J. FITZGERALD) | AND/OR HEARING |
| _____) | |

On May 23, 1979, Douglas J. Fitzgerald filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On July 6, 1979, the Department received a protest against approval of said application from Rodman N. Barker of the U.S. Forest Service.

The Department has set the matter of protest for conference and/or hearing for Thursday, November 8, 1979, at 1:30 p.m., at the Adams County Courthouse, Council, Idaho. Any hearing will be held in accordance with provisions of Chapter 2, Title 42, and Chapter 52, Title 67, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?

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If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be submitted to the parties

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NOV 21 1989

and the parties will be afforded an opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by Idaho Code, Section 67-5211.

By written stipulation, the parties may waive compliance with Idaho Code, Section 57-5211. If the hearing is conducted by a hearing officer, the hearing officer will ask the parties at the close of the hearing whether they would like to make such a stipulation.

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Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department to dismiss with prejudice the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated This 23 day of October, 1979.



DAVID B. SHAW
Western Region Supervisor

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NOV 21 1989

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

Payette National Forest
Council Ranger District
Council, Idaho 83612

October 1, 1980



Mr. David B. Shaw
Western Region Supervisor
Department of Water Resources
92 South Cole Road
Boise, Idaho 83709

RE: Application No. 69-7026

Dear Mr. Shaw:

The location of the spring shown on amended application of Mr. Douglas J. Fitzgerald and the attached map showing location are not in agreement.

I have put located corners on the map to assist in the description. The present location description puts the spring off Mr. Fitzgerald lands.


RODMAN N. BARKER
District Ranger

RECEIVED

NOV 21 1980

RECEIVED
OCT 3 1980

Department of Water Resources
Western Regional Office

RECEIVED
OCT 3 1980

Department of Water Resources
Western Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS

Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED

Director

(208) 384-2190

September 22, 1980

Rodman N. Barker, District Ranger
U.S. Department of Agriculture
Forest Service
Council Ranger District
Council, Idaho 83612

RE: Application No. 69-7026

Dear Mr. Barker:

Enclosed is a copy of an amended application by Douglas J. Fitzgerald. The original application had been protested by you on behalf of the Forest Service since it included a spring which is presently used by the Forest Service.

The amended application has removed the Forest Service spring and limits the source of water to a spring on the applicant's property. If you feel this amendment will allow you to withdraw your protest, please send me a letter to that effect. If you do not feel you can withdraw your protest, please contact me so that we can resolve the matter in another way.

If you have any questions, please feel free to contact this office.

Yours truly,

DAVID B. SHAW

Western Region Supervisor

DBS:h1h

Enclosure

cc: Douglas Fitzgerald

MAILED
NOV 21 1980

NOV 21 1989

FROM

W. Gossett

MICROFILMED

DATE

13 Aug. 1979

TO

File 69-7026

NOV 21 1989

SUBJECT

DISCUSSION ON PHONE WITH MR. FITZGERALD ABOUT HEARING

I asked Mr. Fitzgerald if he had been making any progress in dealing with the Forest Service regarding their protest and wanted to know if we should proceed to set a hearing date. Mr. Fitzgerald feels things can be resolved with the Forest Service but he hasn't gone to talk to them. He plans to go tomorrow and would like us to wait on setting a hearing.

SIGNATURE

W. Gossett

NOTICE OF CORRECTION

Notice is hereby given that notice of Application for Permit No. 69-7026 in the name of Douglas J. Fitzgerald was published in error on 6/21 & 6/28/79.

The Point of Diversion and Place of Use was advertised as being within T. 19N, R. 3W, Adams County, B.M. WHEREAS, the actual Point of Diversion and Place of Use is withing T. 18N, R. 3W, Adams County, B.M.

Any protest against approval of this application must be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83709 on or before August 6, 1979.

C. STEPHEN ALLRED, Director

Published in the Adams County Leader on 7/19 & 7/26/79/

MICROFILMED

NOV 21 1989



Box 333 • Eagle, Idaho 83616 • (208) 939-6426

July 16, 1979

CERTIFIED
RETURN RECEIPT REQUESTED

C. Stephen Allred
Director Idaho Dept. Water Resources
92 South Cole Road
Boise, ID 83705

Dear Mr. Allred:

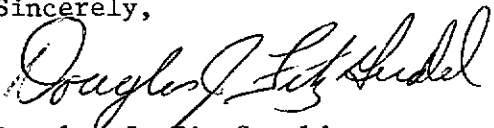
Enclosed is a copy of a letter sent to Mr. Vance regarding the Forest Service protest of my water permit. We are to be meeting, according to my phone conversation with Mr. Vance, at his earliest convenience, and visiting the site in an effort to resolve the protest.

In reference to your letter regarding Idaho Code, Section 42-203:

1. If you will notice in my letter and in my permit application, I recognized the existing claim to the stock water development, and proposed that the installation of a tank with a flow diverter valve should take care of this.
2. There is sufficient water supply for both purposes as I have been inspecting the water supply on a weekly basis for the last 4 years. During that time, we have had some dry years and there has always been water there.
3. Obviously, the application is in good faith as the water is needed and I would not spend the substantial sum of money to develop that resource were it not absolutely necessary for my ranch.
4. I have the equipment and supplies needed to complete the project.
5. The proposed use should not conflict in any way with local public interest.

It is my hope that this matter can be cleared up and my permit recognized as soon as possible. If I can be of any further help, please call me at 939-6426 during the day.

Sincerely,


Douglas J. FitzGerald

NOV 21 1989

dl
Enclosure

RECEIVED
JUL 17 1979

Department of Water Resources
Western Regional Office



Box 333 • Eagle, Idaho 83616 • (208) 939-6428

July 16, 1979

CERTIFIED
RETURN RECEIPT REQUESTED

Mr. Phil Vance
%Rodman N. Barker
US Dept. of Agriculture
Forest Service
Council Ranger District
Council, ID 83612

Dear Mr. Vance:

It was good talking with you Thursday regarding your July 3 letter to Mr. Stephen Allred, Director of Idaho Dept. of Water Resources, regarding my water right Application No. 69-7026. In my application to the Department of Water Resources, I made them aware that there was a previous claim for a recorded stock water development, and I told them that my plans to develop that water resource included the construction of a stock water tank with a flow diverter valve installed, which would maintain the stock water tank full at all times. My claim is for the additional water not used by the stock tank.

I would carry that water to my property in a trench dug in the borrow pit of the existing road; hence, minimizing the ecological impact of the development to the area. I would have to cross the road at the point closest to my property, and I would be very pleased to have you supervise the work so that your road would not be damaged in any way.

I am interested in getting together with you and visiting the site at your earliest convenience. I would like to take care of this matter before July 29.

Sincerely,

Douglas J. FitzGerald

dl

cc William Gossett
C. Stephen Allred

MICROFILMED

NOV 21 1989

RECEIVED
JUL 17 1979

Department of Water Resources
Western Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

July 9, 1979

Rodman N. Barker
U.S. Forest Service
Council Ranger District
Council, ID 83612

RE: Protest of Application No. 69-7026

Dear Mr. Barker:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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

Yours truly,

Acting ~~XXXXXXXXXX~~ WILLIAM R. GOSSETT
DAVID B. SHAN
Western Regional Supervisor

MICROFILMED

NOV 21 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 384-2190

July 9, 1979

Douglas Fitzgerald
Box 333
Eagle, ID 83616

RE: Application for Permit No. 69-7026

Dear Mr. Fitzgerald:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to your Application No. 69-7026. The Department suggests you contact the protestant(s) directly in an effort to determine the nature of the protest(s) and to attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

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

Yours truly,

DAVID B. SHAW
Western Regional Supervisor

Acting

Enc.

FILED

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 384-2190

JUNE 14, 1979

Adams County Leader
Box 23
Council, ID 83612

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 JULY 9, 1979.

Yours truly,

Karla Knecht
Secretary

Encl.

RECEIVED
NOV 21 1989

FITZGERALD, DOUGLAS J.

BOX 333, EAGLE, ID 83616

Source: SPRINGS tributary to WILDHORSE CREEK

Date Filed: 05/23/1979

Amount: 0.08 CFS

Diversion Point: SESE Sec 04 T 19N R 03W NMNW Sec 34 T 19N R 03W,
ADAMS Co.

Use: DOMESTIC (0.08 CFS) from 01/01 to 12/31

Place of Use: NESE NMNW Sec 34 T 19N R 03W

Diversion Means: SPRING BOX & PIPELINE TO PLACE OF USE

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant DOUGLAS J. FITZGERALD Phone 939-6426

Post office address Box 333, Eagle, ID 83616

2. Source of water supply springs which is a tributary of Wildhorse Creek

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4 Township ~~18N~~ 19N

Range 3W B.M. Adams County, additional points of diversion if any:

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, Twp. 19N, Rge. 3W

4. Water will be used for the following purposes:

Amount .08 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:

a. .08 cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Spring box and pipeline to place
of use.

b. Height of storage dam feet, active reservoir capacity acre-feet; total reservoir
capacity acre-feet, materials used in storage dam:

Period of year when water will be diverted to storage to inclusive.
(Month/Day) (Month/Day)

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

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34 Township ~~18~~ 19N

Range 3W B.M.

(2) Amount of power to be generated: horsepower under feet of head.

(3) List number of each kind of livestock to be watered

(4) Name of municipality to be served , or number of families to be
supplied with domestic water 2.

(5) If water is to be used for other purposes describe:

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10. Remarks NW1/4NW1/4, Sec. 34 is commonly known as Tamarack drain at Ditch Creek Road.

applicant to make this filing Will obtain use permit.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

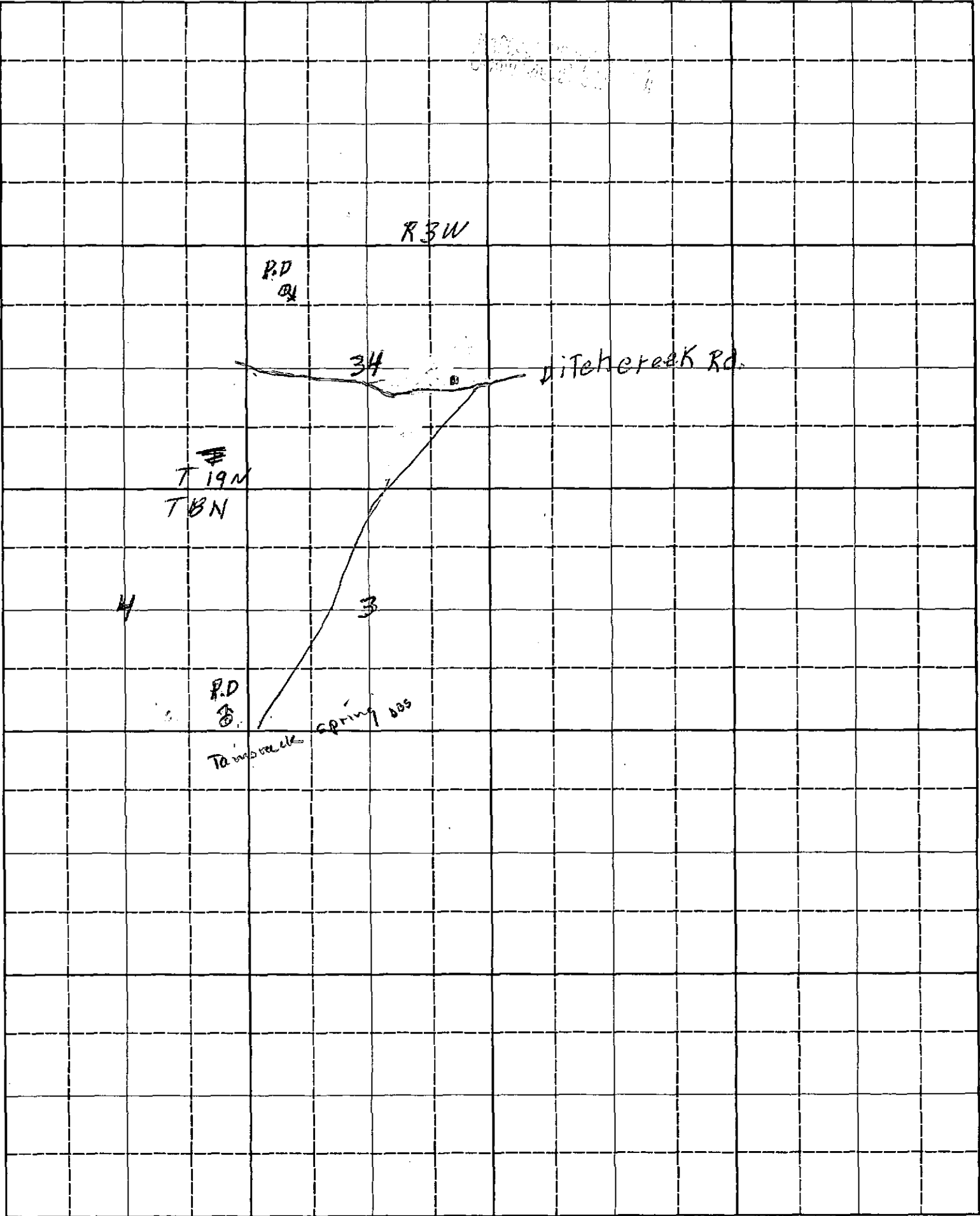
b. Who owns the land to be irrigated or place of use

9. a. Who owns the property at the point of diversion Forest Service

c. Describe any other water rights used for the same purposes as described above. Wells

| TWP | | RANGE | | SEC. | NEX | | | NW1/4 | | | SW1/4 | | | SE1/4 | | | NE1/4 | | | NW1/4 | | | SW1/4 | | | SE1/4 | | | | | |
|-----|--|-------|--|------|-----|--|--|--|--|--|
|-----|--|-------|--|------|-----|--|--|--|--|--|

11. 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.

21
24th St.
1200 W.

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[Signature]
(Applicant)

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Director

Witness my hand this _____ day of _____, 19____.

d. Other: _____

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.

fore _____, 19____.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or be-

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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

of Idaho No. _____, and said application is hereby _____.

This is to certify that I have examined Application for Permit to appropriate the public waters of the State

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Recommended for approval denial by _____

Hearing held by _____ Date _____

Copies of protests forwarded by *KK*

Protests filed by: *Kedman Barber of U.S. Forest Service*

Publication approved *KK* Date *8/6/79*

Publication dates *6/21 & 6/28/79*

Published in *Adams County Leader*

Publication prepared by *KK* Date *6/14/79*

Received by *KK* Date *5/23/79*

Preliminary check by *CMB* Fee \$ *20.00* 13096

Received by *KKH* Date *5/23/79* Time *10:15 AM*