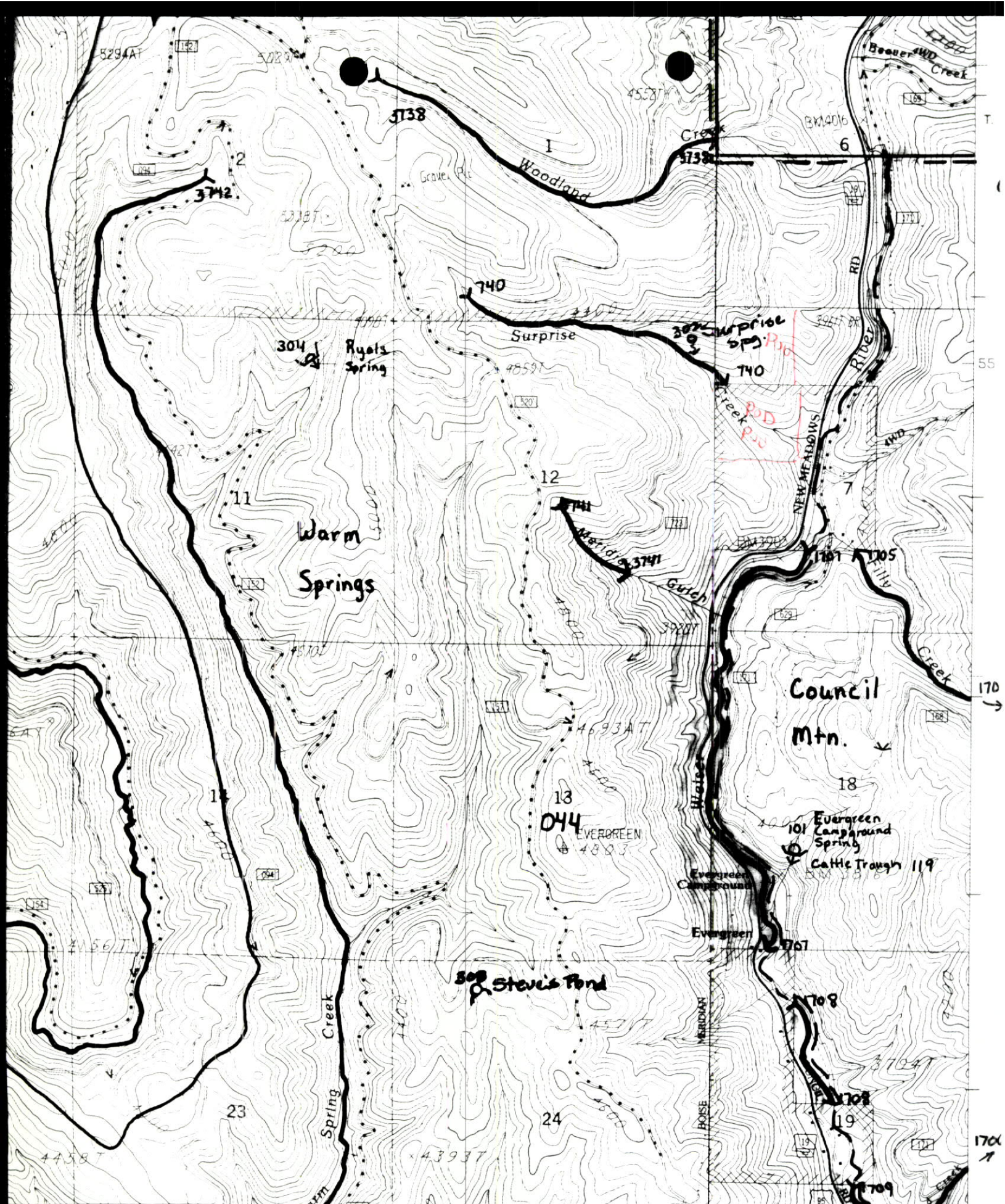


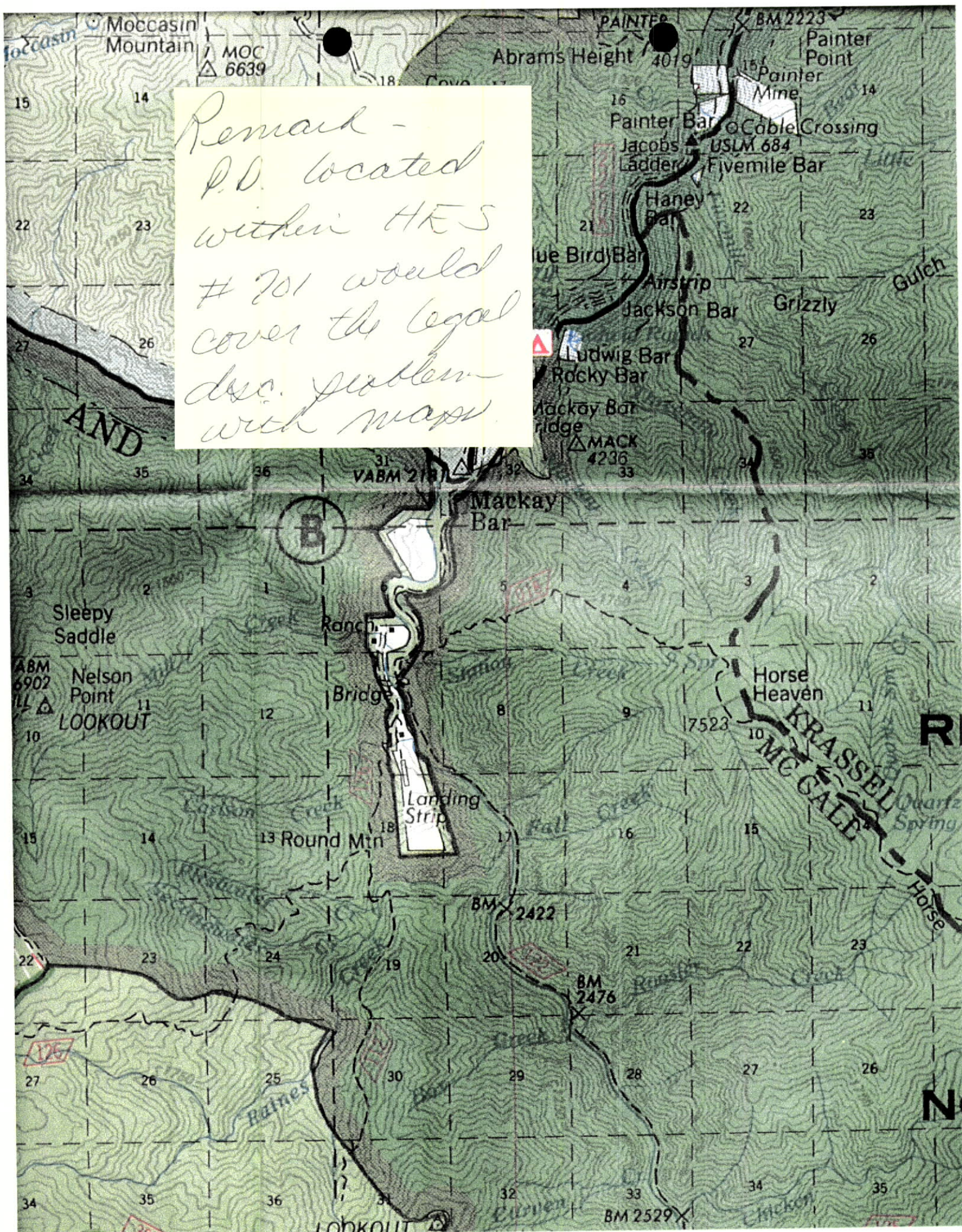
1





Warm Springs

Remaind -
P.O. located
within HES
701 would
cover the legal
dis. problem
with mass.

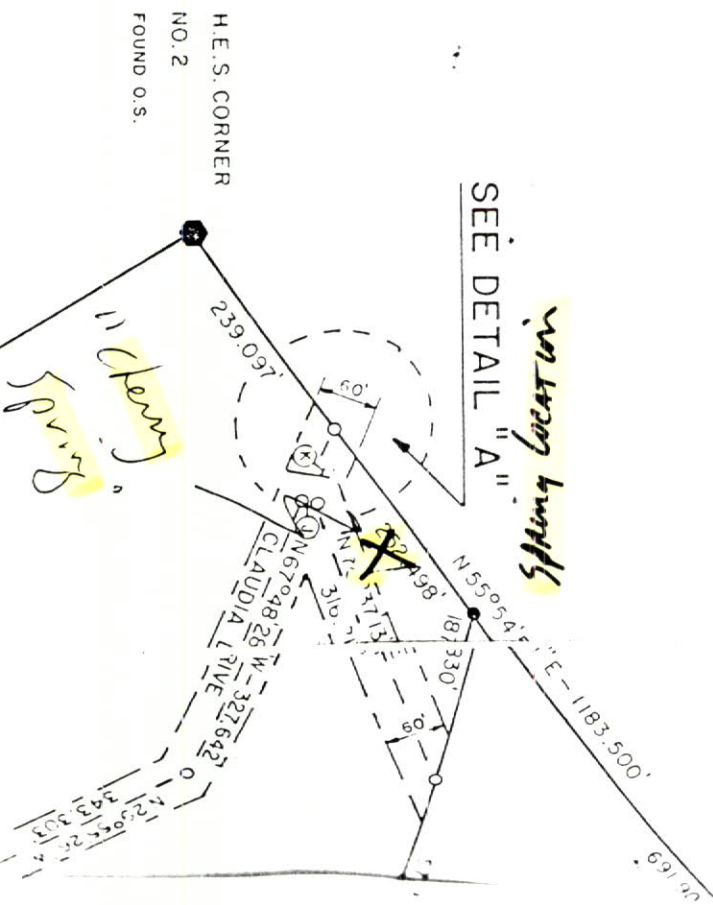


ALL OF H.E.S. NO. 701

LEGEND

EASEMENT CORNER, NOT SET.

DISTANCE



9 Lots -
New
uses

Int. Ext.

1 1
6 6
11 11
15 14-16
16 19
19 21
21 22
22 22
8 homes
4 homes

INITIAL POINT

H.E.S. CORNER
NO. 1

FOUND O.S.

77-07377

SEE DETAIL "B"

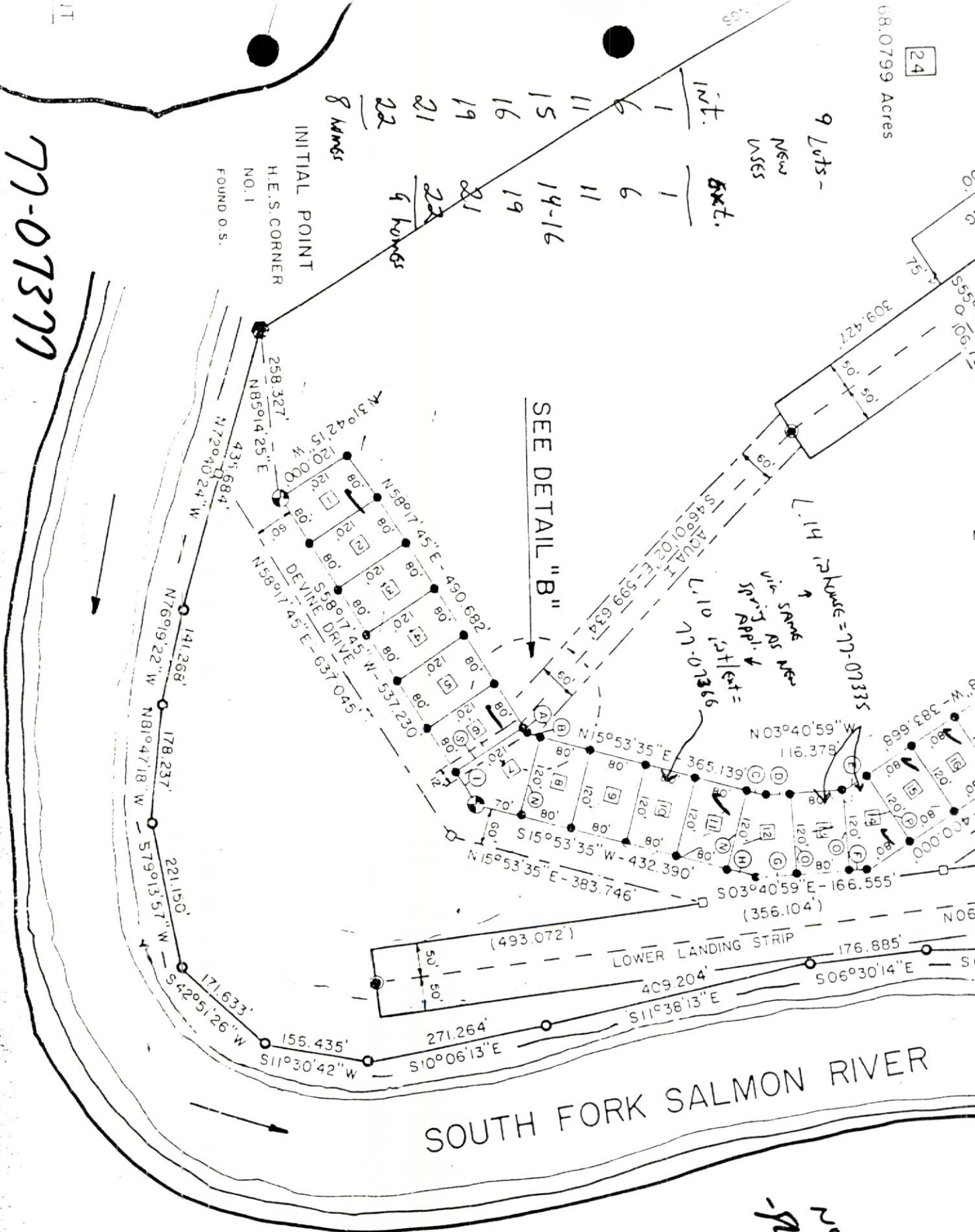
L-14 12 house = 77-07335
vis spans new
spring as
spring Appl. =
L-10 12 lot =
77-07366

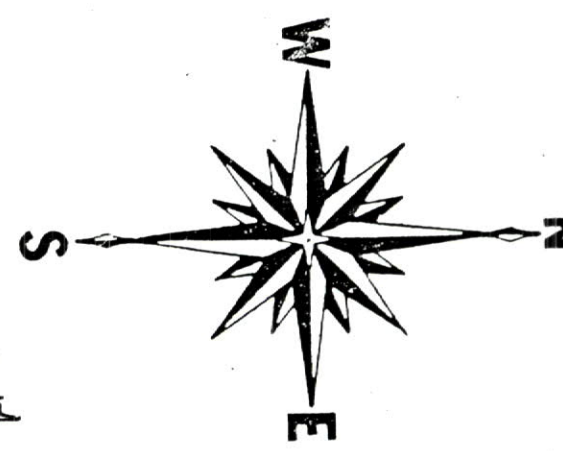
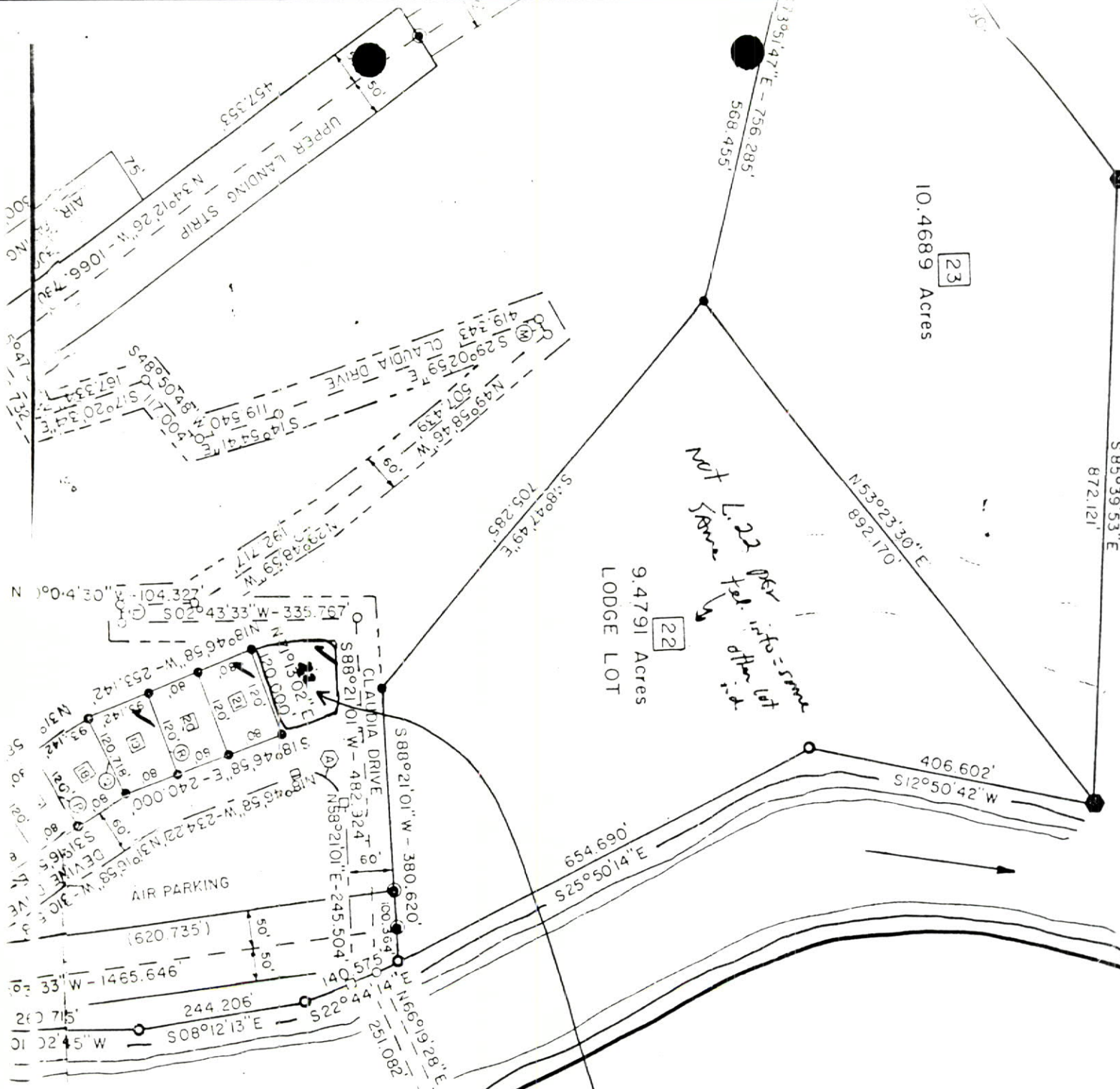


Edwards, Howard & Martens, Inc.

SOUTH FORK SALMON RIVER

Notes
1/22/19





10.4689 Acres [23]

[22]

S 85° 39' 53" E
872.121'

68

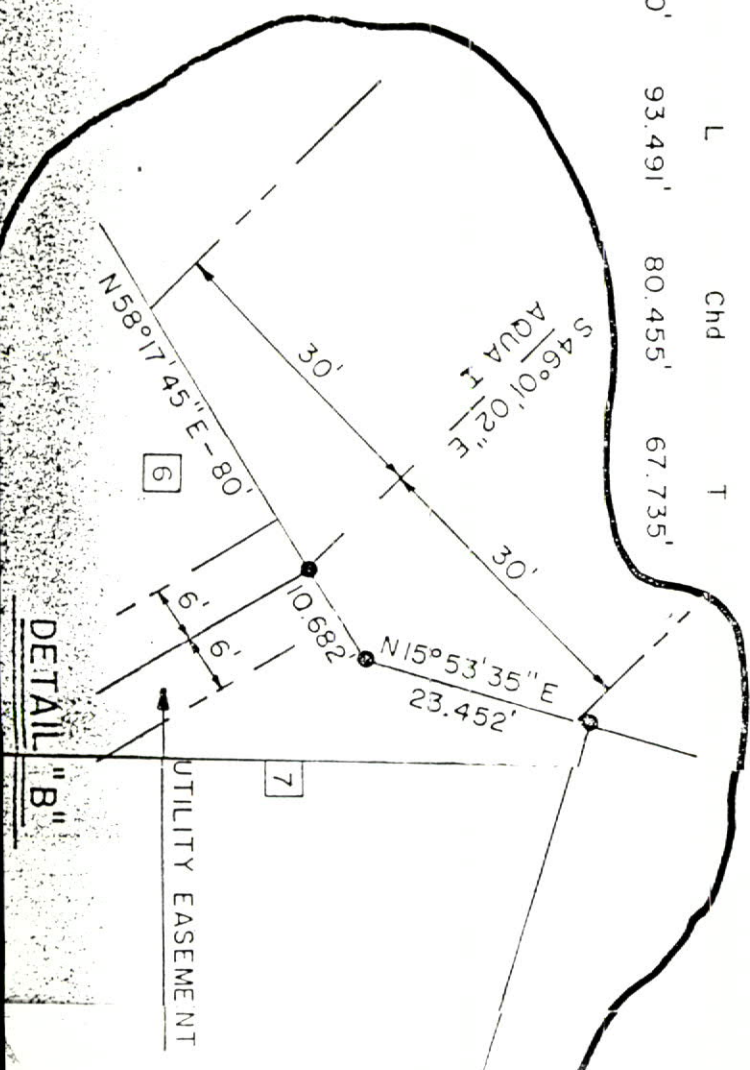
2 Miles



A	N 58°17'45"E	10.604'
B	N 15°53'35"E	23.452'
C	N 15°53'35"E	21.687'
D	N 03°40'59"W	36.378'
E	N 31°16'58"W	50.526'
F	S 03°40'59"E	29.475'
G	S 03°40'59"E	57.080'
H	S 15°53'35"W	42.390'
I	S 58°17'45"W	57.230'
J	N 23°04'00"E	20.000'
K	N 67°32'35"W	60.084'
L	N 85°34'03"W	20.000'
M	S 87°16'27"E	20.000'
N	S 74°06'25"E	120.000'
O	N 86°19'01"E	120.000'
P	S 58°43'02"W	120.000'
Q	S 64°58'02"W	120.718'
R	S 71°13'02"W	120.000'
S	N 31°42'15"W	120.000'

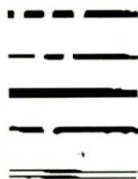


CURVE	A	R	L	Chd	T
A	107° 07' 59."	50.000'	93.491'	80.455'	67.735'



USE RESTRICTION M

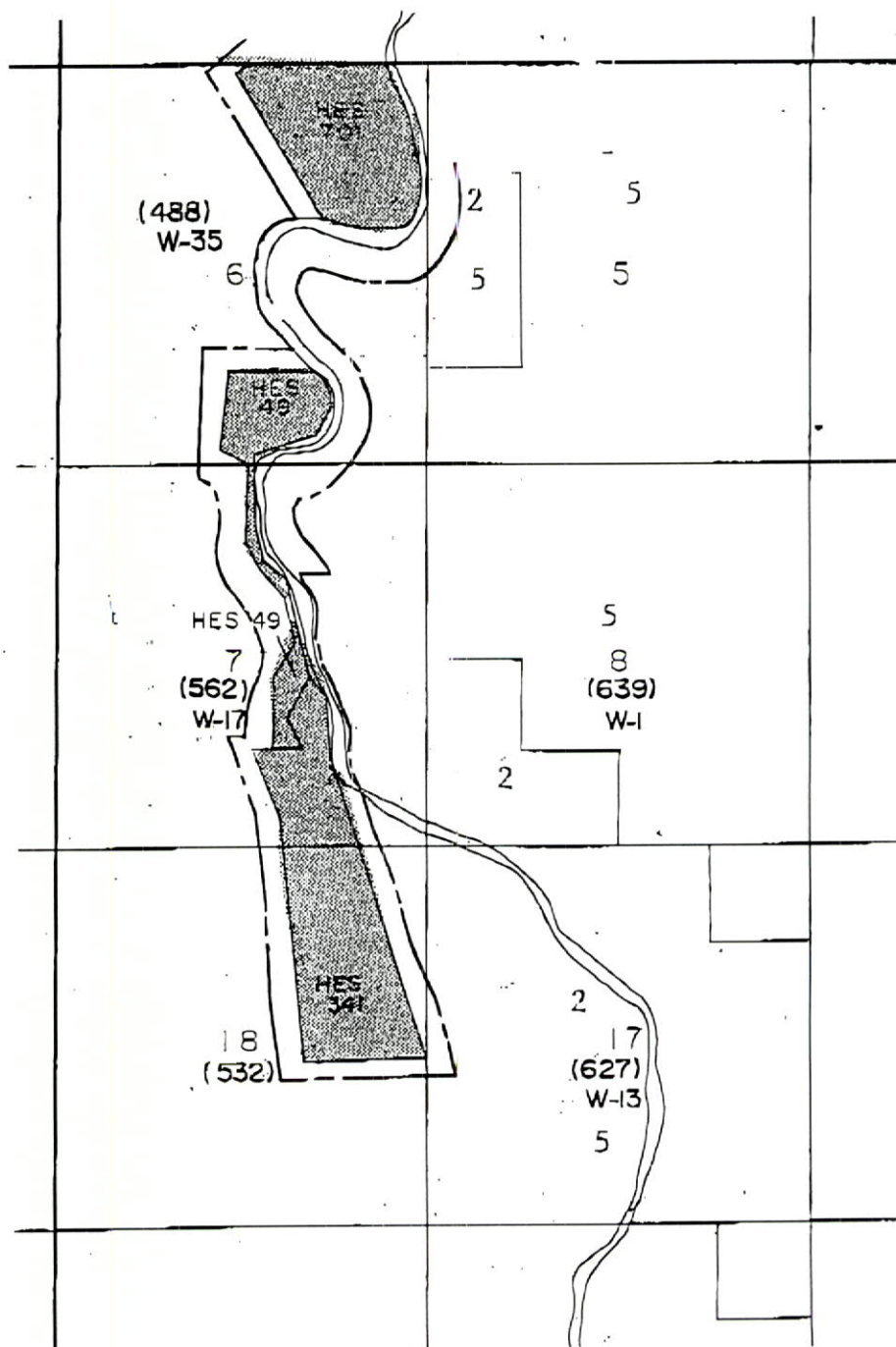
23 No. 08 Ea. Sec 6



.R.)

J.S.G.S.)

ed Areas



LEGAL NOTICE

NOTICE OF TRUSTEE'S SALE

On the 5th day of **January, 2000**, at the hour of 10:00 a.m., of said day, (recognized local time), in the Office of Timberline Title & Escrow, 204 Illinois Avenue, Council, in the County of Adams, State of Idaho, First American Title Company of Idaho, Inc., an Idaho Corporation, as successor trustee, will sell at public auction, to the highest bidder, for cash, in lawful money of the United States, all payable at the time of sale, the following described real property, situated in the County of Adams, State of Idaho, and described as follows, to-wit:

Lot 9, Block 3, GRANITE VIEW SUBDIVISION, Adams County, Idaho, as recorded in Book 2 Plats page 1, Adams County Recorder's Office.

The Trustee has no knowledge of a more particular description of the above referenced real property, but for purposes of compliance with Section 60-113 Idaho Code, the Trustee has been informed that the address of **4043 Granite View Road, New Meadows, Idaho**, is sometimes associated with said real property.

Said sale will be made without covenant or warranty regarding title, possession or encumbrances to satisfy the obligation secured by and pursuant to the power of sale conferred in the deed of trust executed by **CURTIS SCOTT HOMER AND PAULA LYNN HOMER, husband and wife**, as original grantors, to FIRST AMERICAN TITLE COMPANY OF IDAHO, INC., an Idaho Corporation, as successor trustee, for the benefit and security of **FORREST J WILLIAMS AND KAY L WILLIAMS, husband and wife**, as beneficiary, recorded **July 14, 1995**, as Instrument No. **88270**, Mortgage Records of ADAMS County, Idaho.

THE ABOVE GRANTORS ARE NAMED TO COMPLY WITH SECTION 45-1506 (4)(A), IDAHO CODE. NO REPRESENTATION IS MADE THAT THEY ARE, OR ARE NOT, PRESENTLY RESPONSIBLE FOR THIS OBLIGATION.

The default for which this sale is to be made is the failure to pay when due, under Deed of Trust Note, the monthly payments for Principal, and Interest of \$209.89, due per month for the months of September through December, 1998 and January through July, 1999 and all subsequent payments until the date of sale or reinstatement, with interest accruing at 10% per annum, and continuing to accrue from October 1, 1998. The principal balance owing as of this date on the obligation secured by said Deed of Trust is \$13,168.33, plus accruing interest, costs and advances. All delinquent amounts are now due, together with accruing late charges and interest, unpaid and accruing taxes, assessments, trustee's fees, attorney's fees, and any amounts advanced to protect the security associated with this foreclosure and that the beneficiary elects to sell or cause the trust property to be sold to satisfy said obligation.

Date: August 18, 1999

FIRST AMERICAN TITLE COMPANY OF IDAHO, INC.

By s/Monine Cole

Trust Officer

Published in the Adams County Record September 2, 9, 16 and 23, 1999.

DIVORCE • SLOW PAY • AFFORDABLE

By s/Monine Cole

Monine Cole

Trust Officer

Published in the Adams County Record August 12, 19, 26 and September 2, 1999.

RECEIVED

SEP 16 1999

LEGAL NOTICE

WATER RESOURCES
WESTERN REGION

NOTICE OF APPLICATION FOR WATER RIGHT

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

67-08038

HEMINGER, HOWARD A
PO BOX 1019
ONTARIO, OR 97914

Source: SURPRISE CREEK
Source: SPRING

Tributary: WEISER RIVER
Tributary: SURPRISE CREEK

Diversion Pt: LOT 2 (SWNW) Sec 7 T 18N R 01E in ADAMS County.

Use: STOCKWATER (0.020 CFS)
DOMESTIC (0.040 CFS)
Total Diversion: (0.060 CFS)

Date Filed: 8/5/1999

In: ADAMS County
T18N R01E S07 Lot 1(NWNW) Lot 2(SWNW)

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before SEPTEMBER 20, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in the Adams County Record September 2 and 9, 1999.

INDIAN VALLEY CABINETS Kitchen and Bath Cabinetry

12 Year Written Warranty

DeWils

INDUSTRIES, INC.

A Tradition in fine cabinetry

BOB VOERMANS
256-4488



State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 67-08038

Priority: August 5, 1999

Maximum Diversion Rate:

0.06 CFS

This is to certify, that HOWARD A HEMINGER
PO BOX 1019
ONTARIO OR 97914

has applied for a permit to appropriate water from:

SURPRISE CREEK tributary of WEISER RIVER
SPRING tributary of SURPRISE CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.06 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 2 (SWNW), Sec. 7, Township 18N, Range 01E
ADAMS County

PLACE OF USE: STOCKWATER

TWN RGE SEC

18N 01E 7 Lot 1 (NWNW) Lot 2 (SWNW)

PLACE OF USE: DOMESTIC, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before October 1, 2004.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
5. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
6. Stockwater use is for 20 horses and range cattle.
7. Domestic use is for 1 home.
8. Two points of diversion are located within Gov. Lot 2 (SWNW), S7, T18N, R1E.

MICROFILMED

1999 9 16 1999

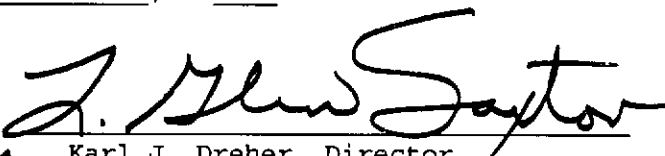
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 67-08038

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

30th day of September, 1999.


for Karl J. Dreher, Director

MICROFILMED

NOV 14 1999

RECEIVED

SEP 27 1999

Ident. No. 67-08038

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: HOWARD A HEMINGER 541-889-7528
Address: PO BOX 1019
ONTARIO OR 97914
2. Source: SURPRISE CREEK Trib. to: WEISER RIVER
SPRING SURPRISE CREEK
3. Location of Point of Diversion: Lot 2 (SWNW), Sec. 7, Township 18N, Range 01E
ADAMS County
4. Water will be used for the following purposes:
- | Purpose | From | To | CFS | (or) | AF |
|------------|-------|-------|-------|------|----|
| STOCKWATER | 01/01 | 12/31 | 0.020 | | |
| DOMESTIC | 01/01 | 12/31 | 0.040 | | |
5. Total quantity to be appropriated is:
0.060 CFS (and/or) AF
6. Proposed diverting works:
- Description of ditches, flumes, pumps, headgates, etc.
SUMP/SPRINGBOX NEAR CREEK &/OR PUMP FROM CREEK (INTEGRATED P/D'S)
 - Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
 - Proposed well diameter is inches; proposed depth of well is
feet.
 - Is groundwater with a temperature greater than 85F being sought? NO
 - If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).
8. Place of Use: STOCKWATER

TWN RGE SEC

18N 01E 7 Lot 1(NWNW) Lot 2(SWNW)

Place of Use: DOMESTIC, same as STOCKWATER use

MICROFILMED

Revisions per original. This version is the

processing document

-82 8/19/99

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

10. Remarks:

11. Map of proposed point of diversion and place of use attached? [✓]

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.

See original
Applicant

per file -

Received by SL Date 8/5/99 Time 3¹² Preliminary check by SL

Fee \$ 50.00 Receipted by SL #W025555 Date 8/ 5/1999

Publication prepared by SL Date 9-24-99 Published in The Record

Publication approved SL Date 9-17-99

MICROFILMED
OCT 15 1999

Ident. No. 67-08038

Comments: Date: 8/19/1999 User-ID: SLESTER

Subject: Additional information

APPLICANT'S: 2 points of diversion in tract . Uses are for 1 home & yard and 20 horses &/or range cattle. Both sources might be developed and integrated in a common system. Cell phone is 208-230-3316.

IDWR'S: Spring near center of tract so 10 acre parcel not listed.

MICROFILMED

OCT 15 1999

18N 1E 5.7 $W^{1/2} NW^{1/4}$



9

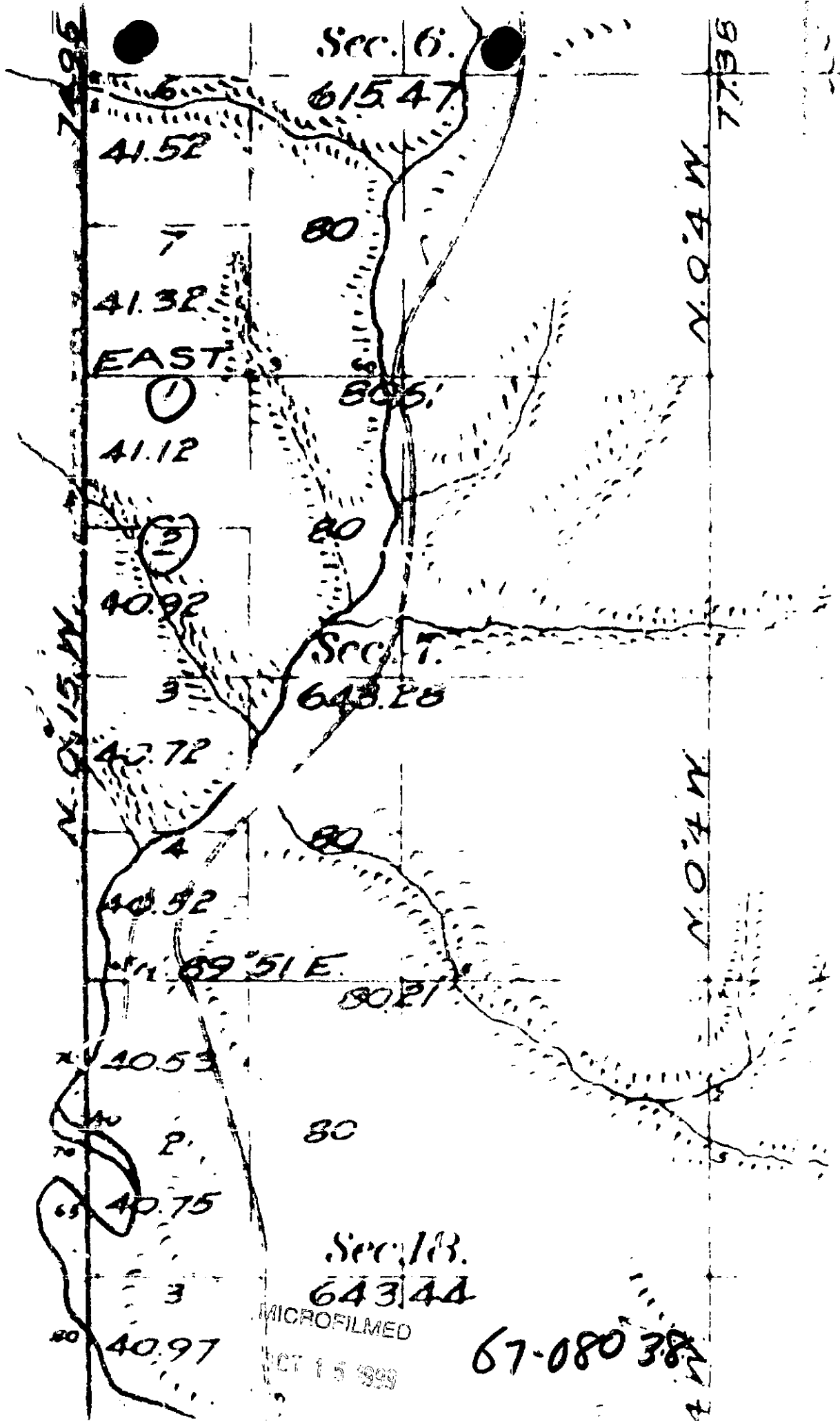
11

18N
1E

h

1

urrey



MICROFILMED

OCT 15 1993

67-08038

Ident. No. 67-08038

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

SEP 27 1999

DEPARTMENT OF WATER RESOURCES

H.W.F 541-889-7528

Phone Cell 208 230 3316

97914

1. Name of Applicant HOWARD A. HEMINGER Post Office address POB 1019, ONTARIO, OREGON
2. Source of water supply Surprise Creek which is a tributary of to Weiser River*
3. Location of point of diversion is WEST 1/4 of SW 1/4 of NW 1/4, Govt. Lot 2
Sec. 7 Township 18 NORTH Range 1 EAST B.M. ADAMS County; additional points of diversion if any: (2 points of diversion) (spring & center of Q&Q)
4. Water will be used for the following purposes:

Amount <u>0.04 cfs</u> for <u>domestic</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)
(cfs or acre-feet per annum)
Amount <u>0.02 cfs</u> for <u>stockwater</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.06 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. sump or springbox adjacent to creek for pump insertion & pump from creek (integrated system)
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity if KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 1 HOUSEHOLD 1/2 acre irrigation, up to 20 horses
 - e. Other; describe fully. and or cattle

MICROFILMED

* also: spring tributary to Surprise Creek

Revisions per
applicant's
office visit 8/5,
-SL

— SEE COMPUTER VERSION FOR CLARITY —

9. Description of place of use:

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

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

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	1E	7						D/S	D/S										—
								L1	L2										

Total number of acres to be irrigated —

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

11. a. Who owns the property at the point of diversion? HOWARD A. HEMINGER

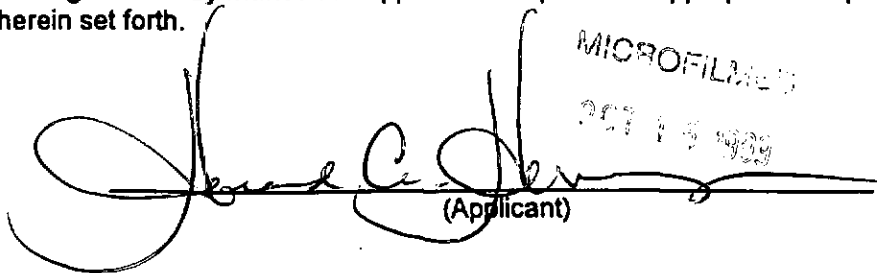
b. Who owns the land to be irrigated or place of use? HOWARD A. HEMINGER

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

12. Remarks: PLEASE PROCESS A.S.A.P. for fall 1999 construction and use

13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

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


(Applicant)

MICROFILMED

207 1 5 1999

Received by SR Date 8/5/99 Time 3 PM Preliminary check by SR
 Fee \$ 50 Received by SR # W025555 Date 8/5/99
 Publication prepared by — Date — Published in —
 Publication approved — Date —

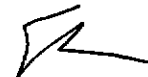
INTER-DEPARTMENT MEMO--1

FROM Steve Lester
TO Vault File 67-08038
SUBJECT ADD'L. INFO

DATE 11/5/99

Attached info was received e Western sometime in October^{*} (1999) while I was on vacation. Jan S. is on medical leave for a few weeks so I can't ask her about this. Appears that the permit was approved on 9/30/99 per d'base info. Am forwarding this to original file. Issue of protest was met by the time this was received.

* no date stamp on other info e date received but I don't recall seeing this before I left on 10/2/99.


SIGNATURE

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
-----------------	----------------	------------------	-----------	-----------------------	----------------------	-------

67-08038	HOWARD A HEMINGER	08/05/1999	STOCKWATER DOMESTIC	01-01 12-31 01-01 12-31	0.02 CFS 0.04 CFS 0.06 CFS TOTAL	APPLICATION
----------	-------------------	------------	------------------------	----------------------------	--	-------------

SOURCE: SURPRISE CREEK
SPRING

TRIBUTARY: WEISER RIVER
SURPRISE CREEK

POINT OF DIVERSION:

T18N R01E S07 Lot 2 (SWNW) *private*

PLACE OF USE: STOCKWATER

T18N R01E S07 Lot (NWNW) *private*
PNF land

PLACE OF USE: DOMESTIC

SAME AS: STOCKWATER

*Q - Is Lot 1 (NWNW) correct location
for stock/domestic. If so, it is
all PNF land & USFS will protest.
Check maps in file & contact appli-
cant to avoid protest since his
private land is only in SWNW (Lot 2).
No special use permit for NWNW (Lot 1)*

Steve FV

Steve

Spencer

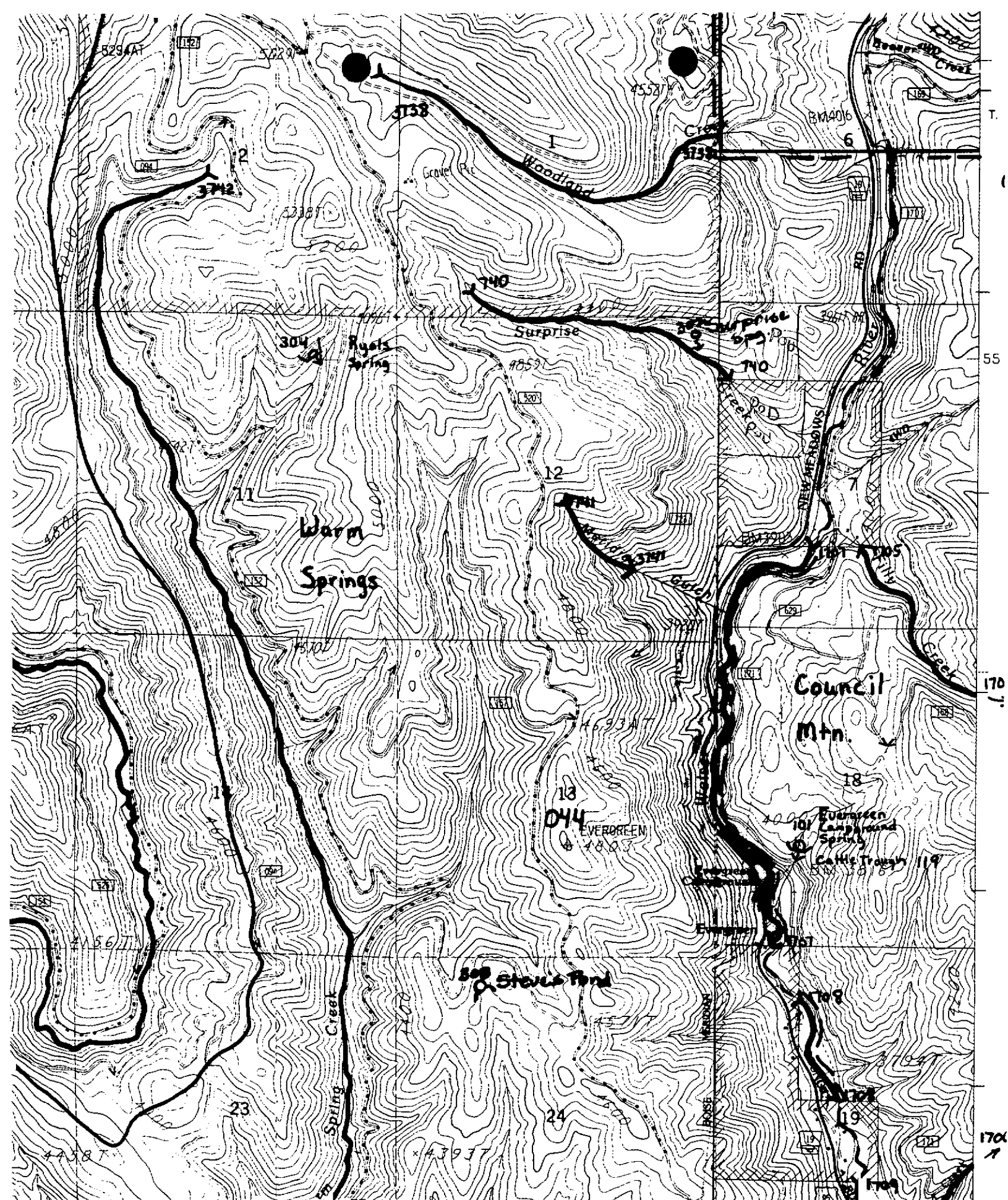
*brought
this in as
a comment
to App. #*

67-08038 JAN

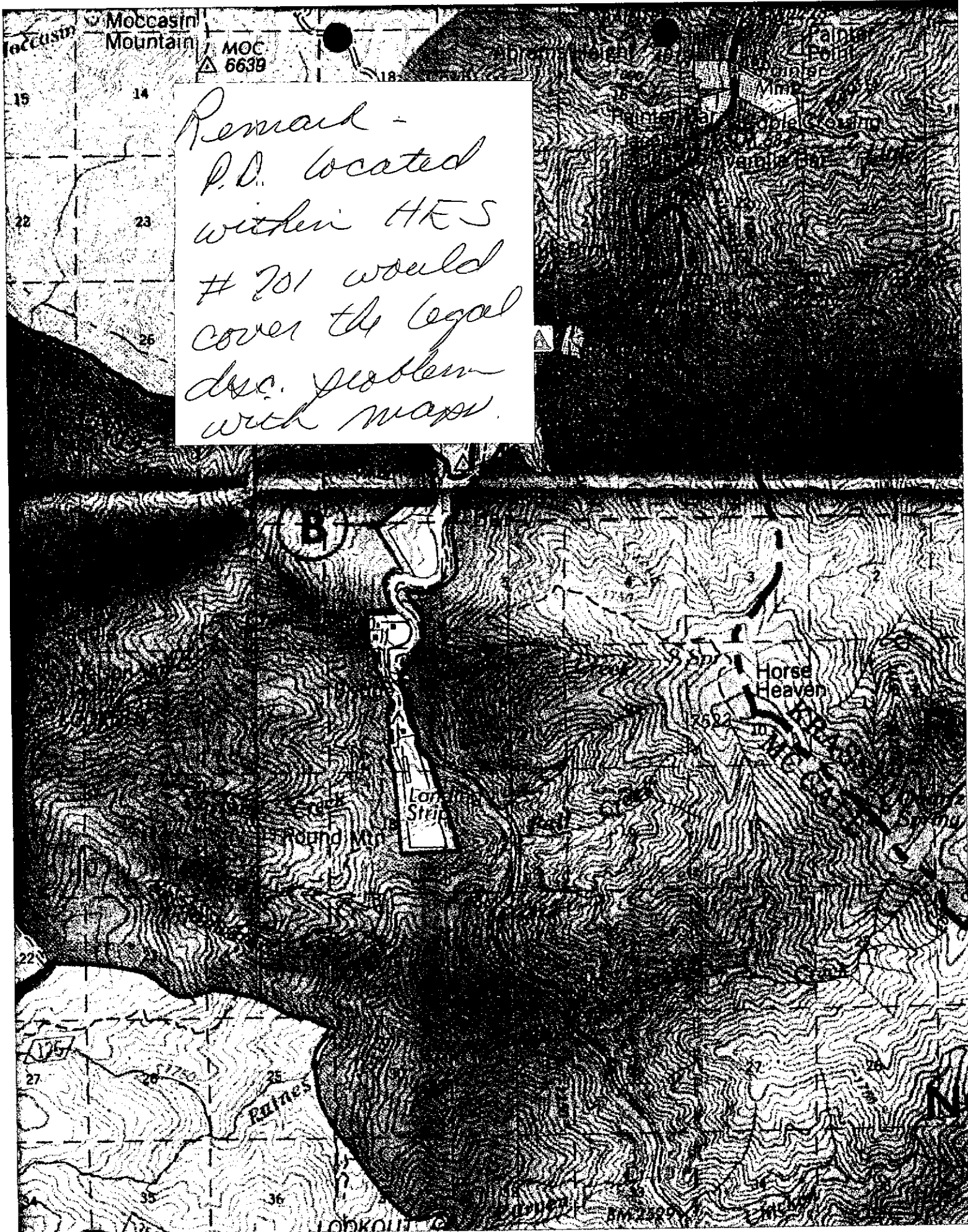
RECEIVED

NOV 08 1999

Department of Water Resources



Remaind -
P.O. located
within HES
201 would
cover the legal
desc. problem
with map.



1605

ALL OF H.E.S. NO. 701

D WITHIN UNSURVEYED SECTION 6, T.23N., R.8E.
SECTION 31, T.24N., R.8E., B.M., IDAHO COUNTY, IDAHO



LEGEND

H.E.S. CORNER, FOUND ORIGINAL STONE

H.E.S. MEANDER CORNER, NOT SET

LOT CORNER, SET 2" X 30" G.I.P. W/B.C.

LOT CORNER, SET 5/8" X 30" REBAR W/SERV. CAP.

5 DIVISION BOUNDARY LINE

LOT LINE

EASEMENT CENTERLINE

ACCESS & UTILITY EASEMENT

UTILITY EASEMENT

ACCESS & UTILITY EASEMENT

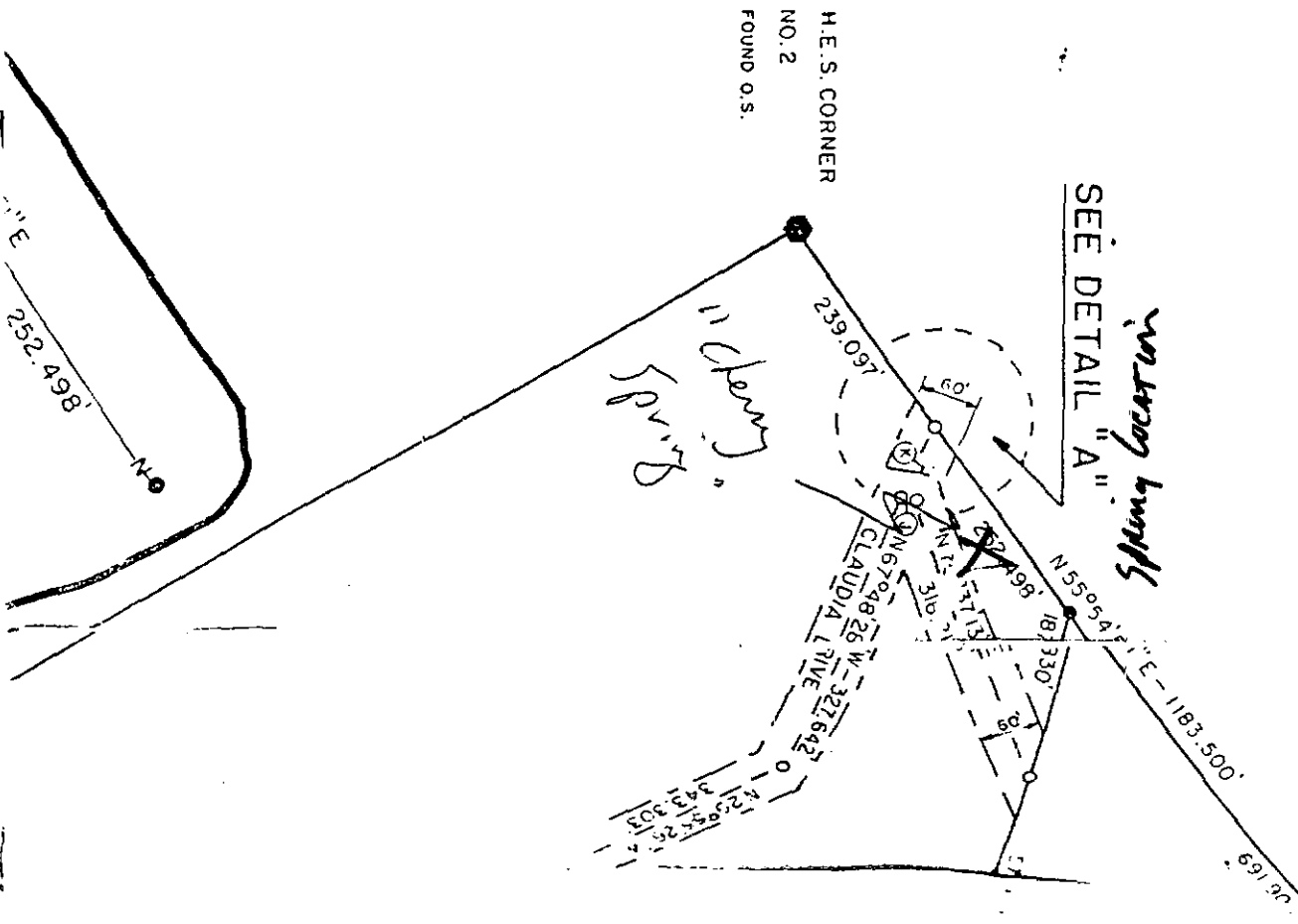
EASEMENT CORNER, SET 5/8" X 30" REBAR W/SERV. CAP

EASEMENT CENTERLINE, NOT SET

EASEMENT CORNER, NOT SET.

O
TANGENT BEARING

DISTANCE



68.0799 Acres

24

9 Lots -
New
Uses

Int. 1
Ext. 1

11 11
15 14-16
16 19
19 21
21 22
22 22
8 houses
4 houses

INITIAL POINT

H.E.S. CORNER
NO. 1
FOUND O.S.

77-07377

SEE DETAIL "B"

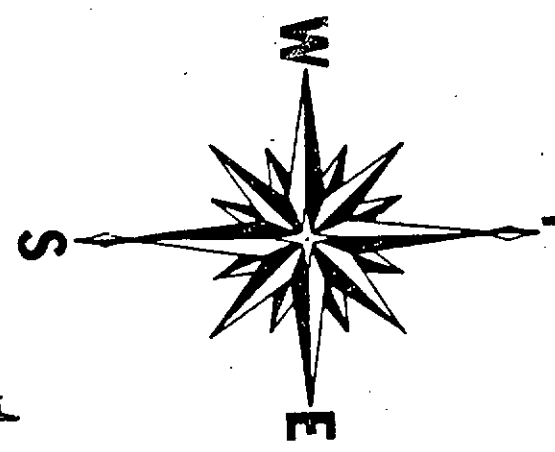
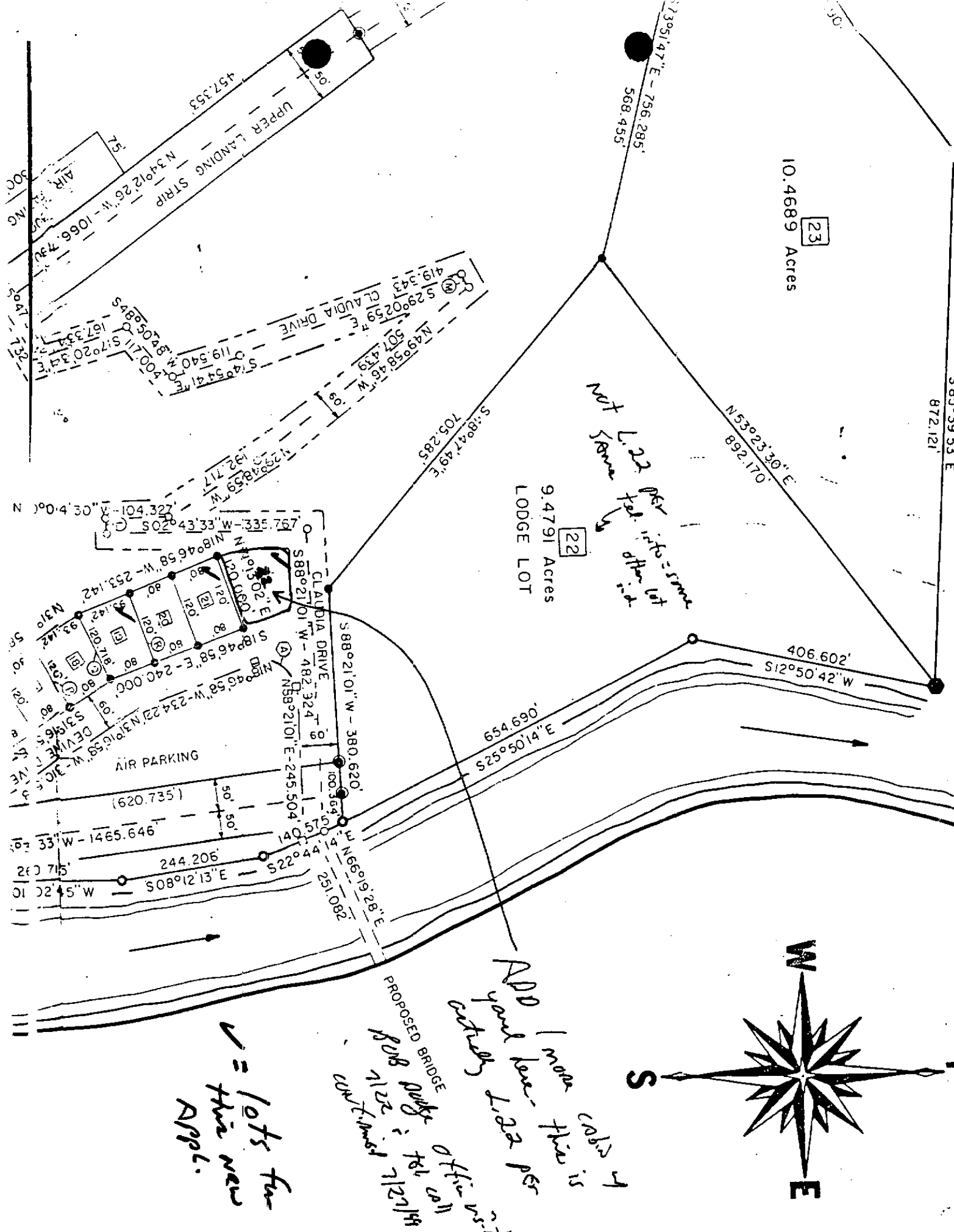
L. 14 12 house = 77-07335
L. 10 12 lot =
S. 10 12 lot =
S. 10 12 lot =

LOWER LANDING STRIP

SOUTH FORK SALMON RIVER

Notes
1/21/19

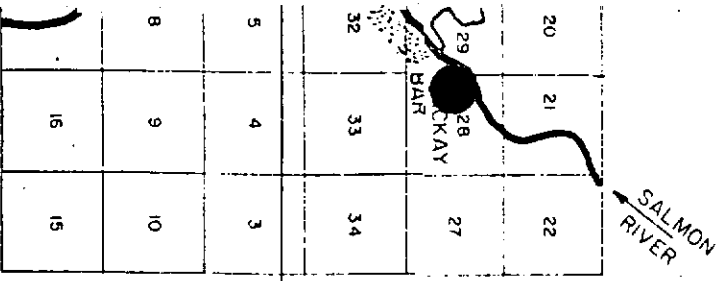
Edwards, Howard & Marlene, Inc.



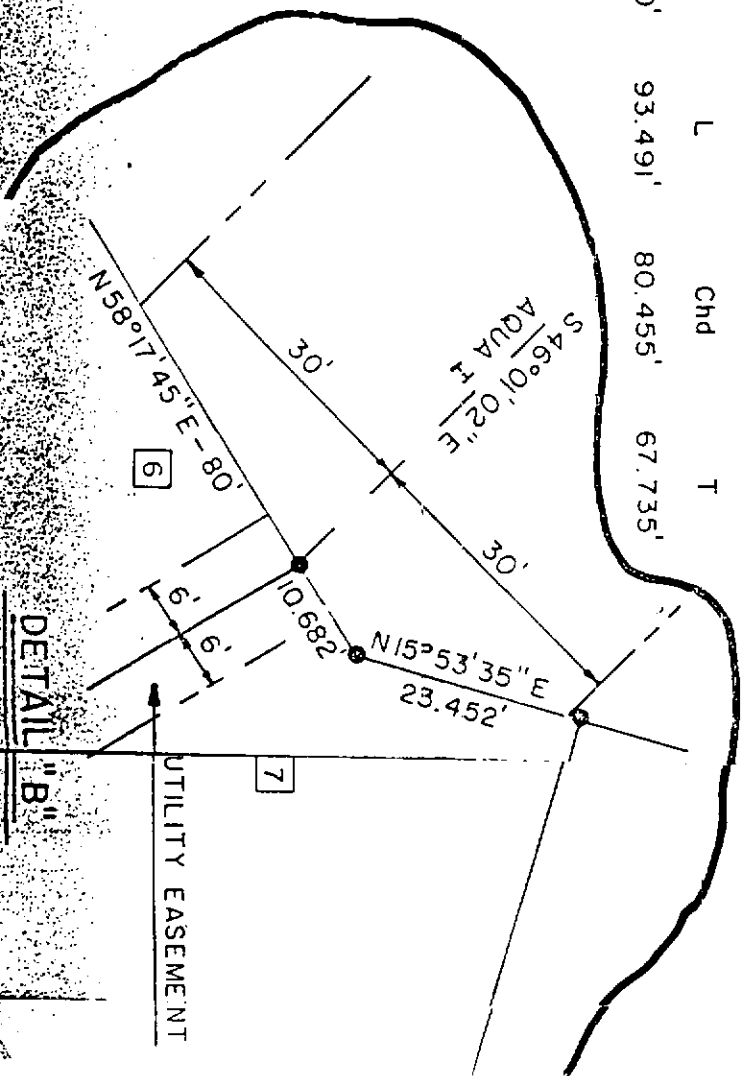
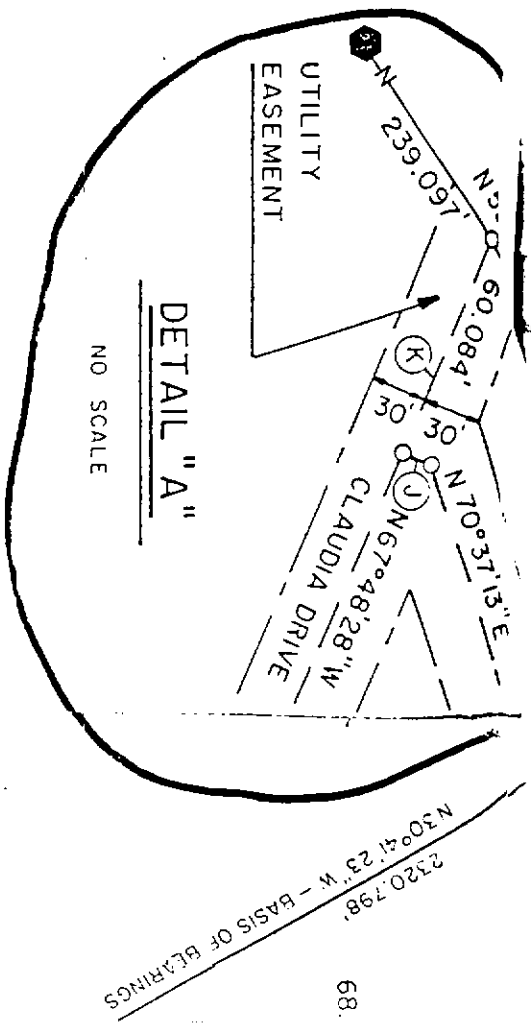
**SUBDIVISION RESTRICTIVE
FILED AS INSTRUMENT**

Y MAP

Miles



Curve	A	R	L	Chd	T
A	107°07'59"	50.000'	93.491'	80.455'	67.735'



08/16/99

14:32

208 634 0744

PAYETTE NATL FOR

003/004

by F. S.

VESTED IN

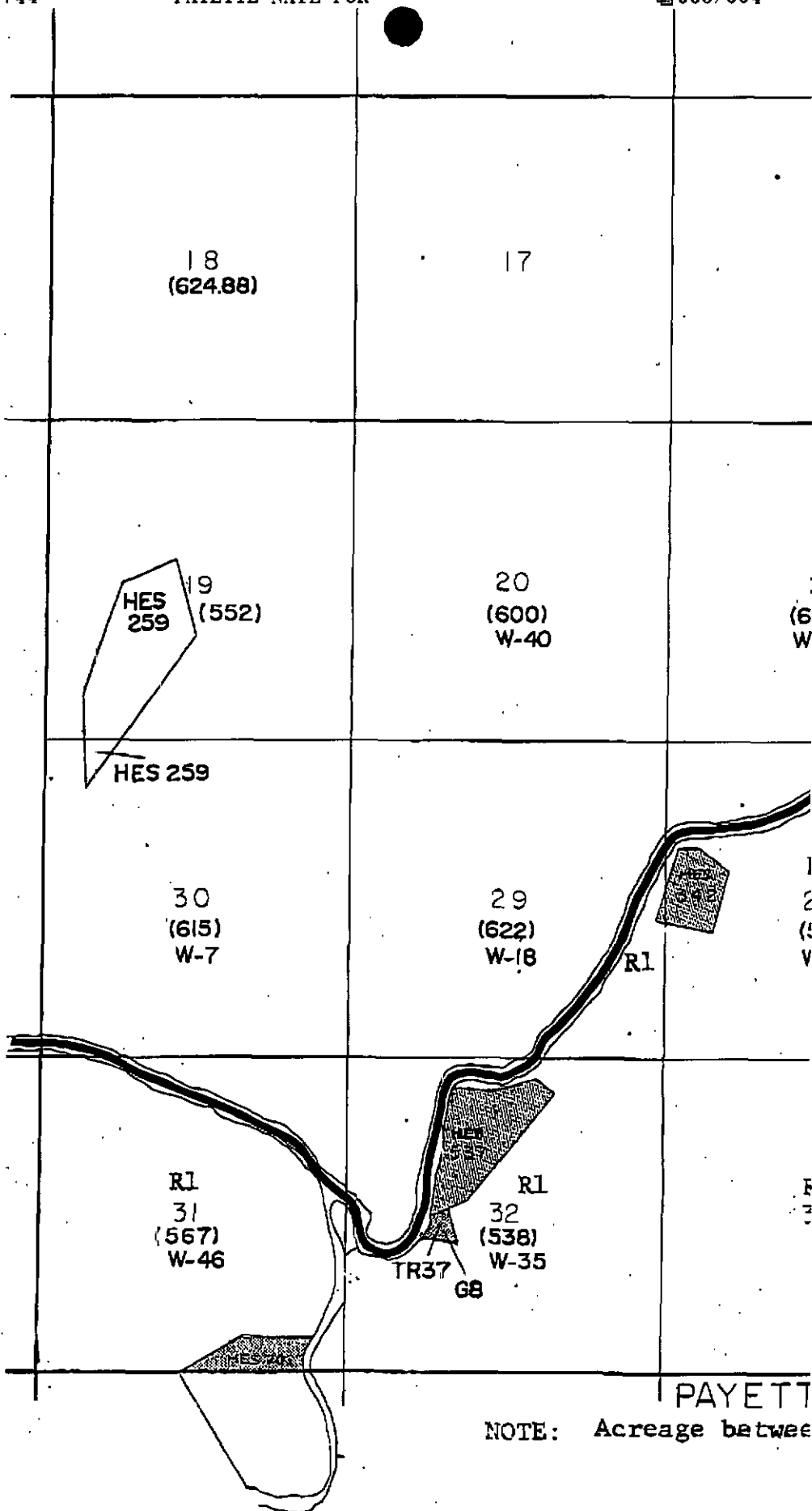
RY

County

st Idaho

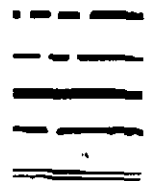
Idaho

24 No.
08 Ea
Sec 31



USE RESTRICTION M

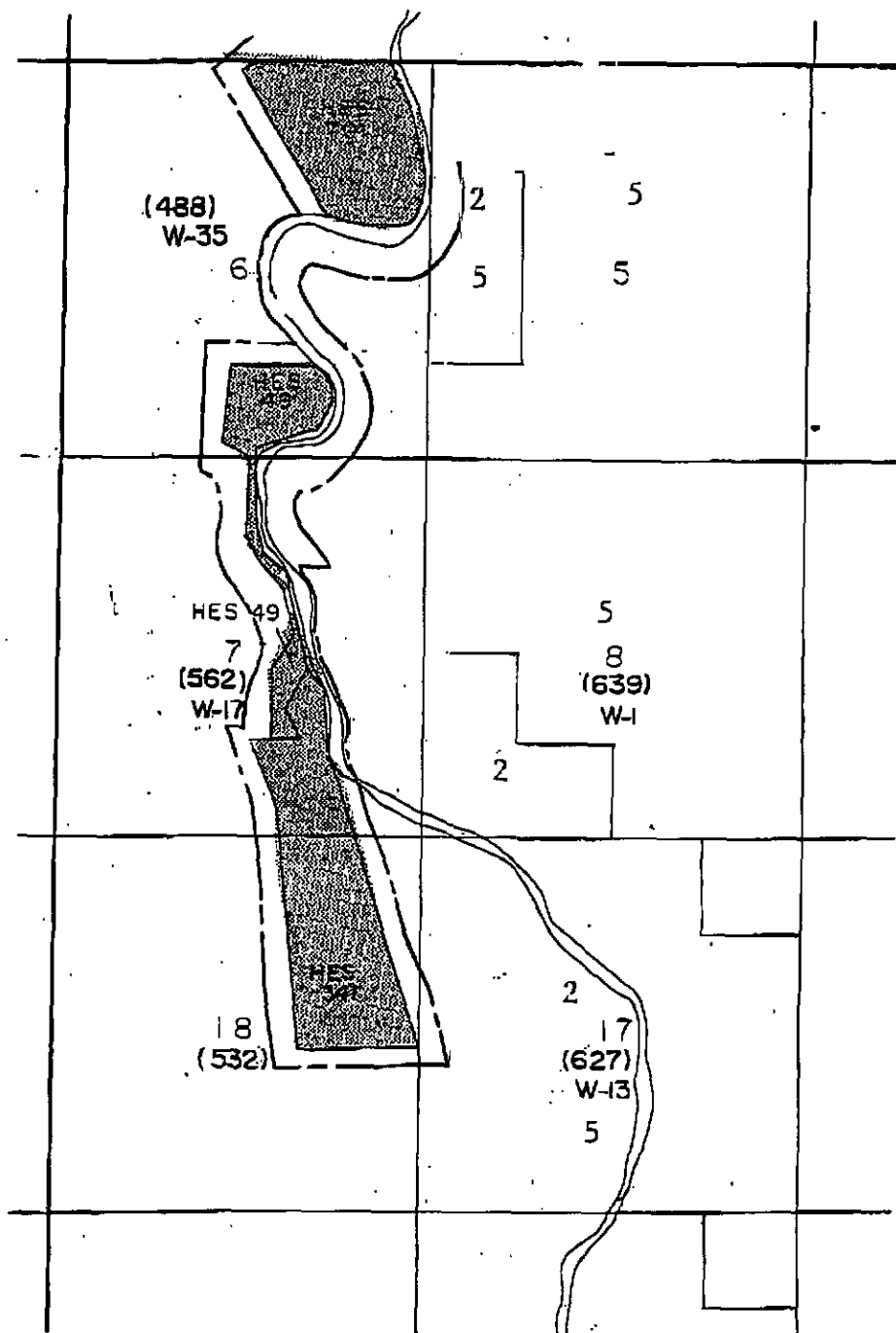
23 No. 08 Ea. Sec 6



.R.)

J.S.G.S.)

ed Areas



WR5751NP
(00-5751-1)IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS

DATE: 08/02/99

PAGE: 9

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
77-07377	COPENHAVER WATER SYSTEM NO 1	04/15/1999	IRRIGATION DOMESTIC	04-15 10-15 01-01 12-31	0.03 CFS 0.13 CFS 0.16 CFS TOTAL	APPLICATION

SOURCE: SPRING

TRIBUTARY: SINKS

POINT OF DIVERSION:

T24N R08E S31 NESESW
 SESESW
 NWSWSE
 SWSWSE

PLACE OF USE: IRRIGATION

T23N R08E S06 NENE 0.7 SWNE 0.1 SENE 0.1
T24N R08E S31 SESE 0.1
1.0 ACRES TOTAL

PLACE OF USE: DOMESTIC

SAME AS: IRRIGATION

REMARKS: Applicant agrees to mitigate consumptive use in the future as
needed.

Ident. No. 77-07377

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Copenhaver Water System No. 1 Phone (208) 325-8960
Mailing address P. O. Box 283, Donnelly, Idaho 83615
2. Source of water supply Cherry Spring which is a tributary of Sinks
3. Location of point of diversion is Township 24N Range 8E Sec. 31 in the E 1/2 T14,
SE 1/4, SW 1/4, Govt. Lot, B.M., Idaho County;
additional points of diversion if any: W 1/2, SW 1/4 SE 1/4, Sect. 31 T24NR8E (1)
4. Water will be used for the following purposes:
Amount 0.12 .03 for irrigation purposes from 4/15 to 10/15 (both dates inclusive) *
(cfs or acre-feet per annum)
Amount 0.26 .13 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.2 x .64 = .16 and/or (b) not 0 x 2,500 gallons/day (2
cubic feet per second acre feet per annum)
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source underground catch basin (bentonite)
with buried pipe
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet
reservoir capacity _____ acre-feet
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____ *
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households nine (lots 1, 6, 10, 11, 14, 15, 16, 19, 21 in
Copenhaver Subdivision)
e. Other; describe fully. irrigation of yards/gardens, etc. *
See Comments e/lots.

* office visit by R. Dodge for homeowners.
Continued addition of Regular size lot - 52 7/22/99
(#22) next to 4.21. 7/27/99



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 30, 1999

HOWARD A HEMINGER
PO BOX 1019
ONTARIO OR 97914

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 67-08038

Dear Permit Holder:

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

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

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

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

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

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

MICROFILMED

OCT 14 1999

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

Sincerely,



for Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

OCT 15 1999

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of September, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 67-08038

HOWARD A HEMINGER
PO BOX 1019
ONTARIO OR 97914


Kari Lynn Townsend
Secretary

MICROFILMED
OCT 14 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

MICROFILMED

OCT 14 1995

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

SEP 1 5 1999

WR0749NP
No. P67-08038

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/29/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HOWARD A HEMINGER PO BOX 1019 ONTARIO OR 97914 (541) 889-7528	08/05/1999	STOCKWATER DOMESTIC	01/01 12/31 01/01 12/31	0.020 CFS 0.040 CFS	
TOTAL DIVERSION:					0.060 CFS	

Water Source: SURPRISE CREEK
SPRING

Tributary to: WEISER RIVER
SURPRISE CREEK

Stage: PERMIT

Point(s) of Diversion: T18N R01E S07 Lot 02(SWNW)

ADAMS County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
18N	01E	7	:					:				:			
			:					:				:			
			:					:				:			

Place of use location for DOMESTIC is the same location as described for: STOCKWATER

Pou County: ADAMS

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
67-08038

Conditions of Approval:

- 26A - Project construction shall commence within one year from the
- date of permit issuance and shall proceed diligently to
- completion unless it can be shown to the satisfaction of the
- Director of the Department of Water Resources that delays were
- due to circumstances over which permit holder had no control.
- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. .
- 01H - Prior to diversion of water under this right, the right holder
- shall install a lockable device, subject to the approval of the
- Department, in a manner that will provide the watermaster
- suitable control of the diversion.

Remarks: GEN Stockwater use is for 20 horses and range cattle.
Domestic use is for 1 home.
Two points of diversion are located within Gov. Lot 2 (SWNW),
S7, T18N, R1E.

Dates: App. Received: 08/05/1999 Priority Date: 08/05/1999
Proof Due Date: 10/01/2004 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

WR0749NP
No. P67-08038

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/29/99
PAGE: 2

=====

Comments: Date: 08/19/1999 User-ID: SLESTER Subject: Additional information
APPLICANT'S: 2 points of diversion in tract . Uses are for 1 home
& yard and 20 horses &/or range cattle. Both sources might be
developed and integrated in a common system. Cell phone is 208-
230-3316.
IDWR'S: Spring near center of tract so 10 acre parcel not listed.

Audit: 09/29/99 SCURTIS

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

No.: 57-08038 Name: Deming Date: 9/28/99 Ad OK? ☒ / Gvmt Lts: by SCurtis

AREA OF CONCERN: - No/Yes: 3/10 Mor / GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A-P17
- ≤ 1 year/no proof - P16

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)
- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067
- ≤ 0.24 cfs/5 acres - No MD

WAMD

- Supp. irr. use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr. source)
- Supp. irr. + uses - 100-101
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED: - YES / NO; WHEN: 7/10/99 RESPONSE: No objections

IN/ABOVE MSF (✓ MAP)

IN-STREAM DEVELOPMENT

WD (✓ MAP & LISTING)

- > 0.20 cfs - P52 (stream channel alteration)
- ≤ 0.20 cfs - R04 (WD # 67)
- ≤ 0.20 cfs - 01J-P08 (MD & LD)
- ≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22 -P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R (65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087 - N/A dom/stock

USE:

- STORAGE (✓ 3 compo.) - 18A (in & out MD for on-stream storage)-01H-P01 (LD)/01P, 18B-P09 (>10' dam), NA
- IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- STOCKWATER - R37 (BLM/USFS); NA
- MINING - 054(req)-081-P10
- FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-P10
- HEATING/COOLING - R07 (Injection well)
- POWER - 17H/17K(+uses)-08A-025(P16)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

MUNICIPAL

- In restricted area? - 022, 075, 004 (+memo?)
- Irr., GW supp. to SW? - 102

DOMESTIC

- Surface water - *WB5 (Big Wood R or Boise R. ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070

FIRE PROTECTION

- 077

LOCATION:

- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 120
- 42-248 AREA - P84 (in 20/30/40/50/60/70/80 (87) basin)
- SWAN FALLS FLAG (✓ Code) -

- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA
- 004 (PD/PU)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

20 horses & range cattle - 1/1 home 27 ft in Lot 2 (SWNW)
10/11/2004

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
SEP 27 1999
Department of Water Resources

INITIAL REVIEW BY: JL DATE: 8/19/99 APPLICATION: 67-08038

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County: *See d'base Comments*
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map: (show T, R, S, QQ &/or QQQ)
Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Correct fee paid

Gov't. Lots:
4 P/D
P/U

ADDITIONAL INFORMATION

NO ADVERTISE REMARK(S)
(Reviewer identify which remarks)

N/A T FLAG CHANGED TO P FLAG

YES NO *(D/S use)*
N/A

N/A Overlapping place of use: (Describe source & relationship to present application on next page.)
Overlapping point of diversion.
Critical groundwater area:
Groundwater management area:
1992 moratorium:
✓ Surface water source, IDFG letter needed.
Bull trout impact area, IDFG letter needed
E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
E-mail to Dam Safety staff: (for any storage)
Mitigation plan: Check any that apply.
N/A immediate = acceptable plan required and submitted.
future = open areas, acceptance of condition of approval is in file.
Send power requirement letter &/or fish farm requirement letter.
Power residency affidavit:
Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested ✓ Date Response Received ✓

PROCESSING

APP. NO. 67-08038

YES NO

☒ ☐
☐ ☒
☒ ☐

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐ ☒
☒ ☐
☐ ☐
☐ ☐

I.D. Health & Welfare

I.D. District Health

I.D. Fish & Game -ok 9/8/99

I.D. Lands

YES NO

☐ ☒
☒ ☐
☐ ☐
☐ ☐

U.S. BLM

U.S. Forest Service

Water Dist. # 67

Other

-ok per 9/24/99
follow upFINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

☒ ☐

Publication dates and paper recorded on application:

☐ ☒
Final date for protest 9-20-99
☐ ☒

Protests received.

☐ ☒

Recommendations attached:

☐ ☒

Measuring device required:

☐ ☒
Water delivered by water master? District # new delivered source in WD #67
☒ ☐

Special conditions of approval or cover letter:

yard incin limited to 1/2 acre, dual source ok if integrated into common
 delivery system, standard conditions including subject to WMA control. "Future
 mitigation" N/A for de minimus use.

☐ ☒ See below for additional information
Recommended Date or Priority 8-5-1999Recommended by: Approve - SK Date: 9/17/99ADDITIONAL INFORMATION:

CONVERSATION MEMORANDUM

DATE 9/24/98

FILE 67-68038

NAME OF PARTY Watermaster Gerald Myers 208-355-2345

EMPLOYEE R

RE: Comments

He mailed his response form to us awhile ago. He does not have any problems with this application.

Apparently the reply was lost in the mail. His call, in addition to his earlier efforts, should be an acceptable response in this case.

MICROFILMED

SEP 14 1998

LEGAL NOTICE

NOTICE OF TRUSTEE'S SALE

On the 5th day of January, 2000, at the hour of 10:00 a.m., of said day, (recognized local time), in the Office of Escrow, 204 Illinois Avenue, Council, in the County of Adams, State of Idaho, First American Title Company of Idaho, Inc., an Idaho Corporation, as successor trustee, will sell at public auction, to the highest bidder, for cash, in lawful money of the United States, all payable at the time of sale, the following described real property, situated in the County of Adams, State of Idaho, and described as follows, to-wit:

Lot 9, Block 3, GRANITE VIEW SUBDIVISION, Adams County, Idaho, as recorded in Book 2 Plats page 1, Adams County Recorder's Office.

The Trustee has no knowledge of a more particular description of the above referenced real property, but for purposes of compliance with Section 60-113 Idaho Code, the Trustee has been informed that the address of 4043 Granite View Road, New Meadows, Idaho, is sometimes associated with said real property.

Said sale will be made with it covenant or warranty regarding title, possession or encumbrances to satisfy the obligation secured by and pursuant to the power of sale conferred in the deed of trust executed by CURTIS SCOTT HOMER AND PAULA LYNN HOMER, husband and wife, as original grantors, to FIRST AMERICAN TITLE COMPANY OF IDAHO, INC., an Idaho Corporation, as successor trustee, for the benefit and security of FORREST J WILLIAMS AND KAY L WILLIAMS, husband and wife, as beneficiary, recorded July 14, 1995, as Instrument No. 88270, Mortgage Records of ADAMS County, Idaho.

THE ABOVE GRANTORS ARE NAMED TO COMPLY WITH SECTION 45-1506 (4)(A), IDAHO CODE. NO REPRESENTATION IS MADE THAT THEY ARE, OR ARE NOT, PRESENTLY RESPONSIBLE FOR THIS OBLIGATION.

The default for which this sale is to be made is the failure to pay when due, under Deed of Trust Note, the monthly payments for Principal, and Interest of \$209.89, due per month for the months of September through December, 1998 and January through July, 1999 and all subsequent payments until the date of sale or reinstatement, with interest accruing at 10% per annum, and continuing to accrue from October 1, 1998. The principal balance owing as of this date on the obligation secured by said Deed of Trust is \$13,168.33, plus accruing interest, costs and advances. All delinquent amounts are now due, together with accruing late charges and interest, unpaid and accruing taxes, assessments, trustee's fees, attorney's fees, and any amounts advanced to protect the security associated with this foreclosure; and that the beneficiary elects to sell or cause the trust property to be sold to satisfy said obligation.

Date: August 18, 1999

FIRST AMERICAN TITLE COMPANY OF IDAHO, INC.

By s/Monine Cole

Trust Officer

Published in the Adams County Record September 2, 9, 16 and 23, 1999.

DIVORCE • SLOW PAY •

AFFORDABLE

Monine Cole

Trust Officer

Published in the Adams County Record August 12, 19, 26 and September 2, 1999.

LEGAL NOTICE

NOTICE OF APPLICATION FOR WATER RIGHT

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

67-08038

HEWINGER, HOWARD A
PO BOX 1019
ONTARIO, OR 97914

Source: SURPRISE CREEK
Source: SPRING

Tributary: WEISER RIVER
Tributary: SURPRISE CREEK

Diversion Pt: LOT 2 (SWNW) Sec 7 T 18N R 01E in ADAMS County.

Use: STOCKWATER (0.020 CFS)
DOMESTIC (0.040 CFS)
Total Diversion: (0.060 CFS)

Date Filed: 8/5/1999

In, ADAMS County
T18N R01E S07 Lot 1(NWNW) Lot 2(SWNW)

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before SEPTEMBER 20, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in the Adams County Record September 2 and 9, 1999.

INDIAN VALLEY CABINETS Kitchen and Bath Cabinetry

12 Year Written Warranty

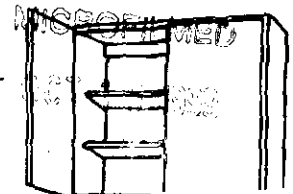
DeWils

INDUSTRIES, INC.

A Tradition in fine cabinetry

BOB VOERMANS

256-4488



STATE OF IDAHO)
)S.S
COUNTY OF ADAMS)

RECEIVED

SEP 16 1999

WATER RESOURCES
WESTERN REGION

Nancy Lakey being duly sworn, deposes and says That she is the Principle Clerk of The Record, a weekly newspaper printed and published at Council, Adams County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the advertisement, a copy of which is attached hereto; that advertisement was published in the regular edition of The Record.

for two insertion(s) beginning with the issue of September 2, 1999 and ending with the issue of September 9, 1999.

Nancy Lakey

Subscribed and sworn to before me this 14th day of September, 19 99

Ronnie A Fisk

Notary Public for Idaho, Residing at

647 School Ave.

Council, ID

My Commission Expires

11-21-2003

MICROFILMED

OCT 5 1999

Taylor, Sue

From: Lester, Steve
Sent: Friday, September 10, 1999 12:38 PM
To: Taylor, Sue
Subject: FW: App. for Permit No. 67-08038/Howard A. Heminger

Sue: please file copy of this comment letter in this application.

thanks,

Steve

-----Original Message-----

From: SCOTT GRUNDER [mailto:sgrunder@IDFG.STATE.ID.US]
Sent: Wednesday, September 08, 1999 10:32 AM
To: slester@idwr.state.id.us
Cc: CECE MANN; TERRY VERNHOLM
Subject: App. for Permit No. 67-08038/Howard A. Heminger

Dear Mr. Lester:

The Idaho Department of Fish and Game has reviewed the above referenced application for a water right from Surprise Creek, tributary to the Weiser River, and we do not anticipate significant adverse impacts to fish or wildlife habitats.

Thank you for the opportunity to comment.

Scott A. Grunder
Environmental Staff Biologist
IDFG-SW Region, Nampa
465-8465

MICROFILMED

OCT 15 1999

*IDFG Reply:
Application OK ✓*



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 31, 1999

SCOTT GRUNDER
STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Permit Nos. 67-08038 in the Name of Howard A. Heminger

Dear Sir:

Enclosed is a copy of the above-referenced application for permit which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application, your written protest along with the \$25.00 protest fee must be received in this office by September 20, 1999.

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

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman". The signature is written in dark ink and is positioned above the printed name.

Gary Spackman

GS:st

Encl.

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OCT 15 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

August 31, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GERALD MYERS
HC 70 BOX 2010
MIDVALE ID 83645

Re: Application for Permit No. 67-08038 in the Name of Howard A. Heminger

Dear Mr. Myers:

Enclosed is a copy of the above-referenced application for permit within your district. Also, enclosed is a form for your recommendation concerning this application for permit.

Please review the application and submit any comments you may have within two weeks. If you have any questions or need information, feel free to contact this office.

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman". The signature is fluid and cursive, with the first name "Gary" and last name "Spackman" clearly legible.

Gary Spackman

GS:st

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HOWARD A. HEMINGER

ALTA Plain Language Commitment
Form No. 1344-A (1982)

SCHEDULE A

Order No. 100-98-349

1. Commitment Date: June 9, 1998 at 8:30 a.m.

2. Policy or Policies to be issued:

Owner's Policy Form No. 1402-92 (10-17-92)

Policy Amount: \$28,000.00

Premium: \$216.00 (includes a \$42.00 reissue credit)

Proposed Insured: HOWARD A. HEMINGER

3. Fee simple interest in the land described in this Commitment is owned, at the Commitment Date, by

RONALD J. RAY and ESTHER RAY, husband and wife

4. The land referred to in this Commitment is described as follows:

Township 18 North, Range 1 East, Boise Meridian, Adams County, Idaho

Section 7: A tract of land more particularly described as follows:

Commencing at the West 1/4 corner of said Section;

thence North 00°01'49" West 1352.42 feet to a point;

thence North 89°42'23" East 1031.05 feet to the TRUE POINT OF BEGINNING;

thence North 89°42'23" East 290.00 feet to a point;

thence South 11°38'18" West 775.21 feet to a point;

thence North 67°20'40" West 480.35 feet to a point;

thence North 28°23'55" East 651.12 feet to the TRUE POINT OF BEGINNING.

Also known as Lot 15 as shown on survey recorded as Inst. No. 59074, records of Adams County, Idaho.

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67-08038

H. Heminger



State of Idaho
DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

AUGUST 25, 1999

Legal Notices Department
The Record
PO Box R
Council, ID 83612

Dear Legal Dept.:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 20, 1999.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

ENCLOSURE

207 1 1 99

NOTICE OF APPLICATION FOR WATER RIGHT

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

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67-08038

HEMINGER, HOWARD A
PO BOX 1019
ONTARIO, OR 97914

Source: SURPRISE CREEK
Source: SPRING

Tributary: WEISER RIVER
Tributary: SURPRISE CREEK

Diversion Pt: LOT 2 (SWNW) Sec 7 T 18N R 01E in ADAMS County.

Use: STOCKWATER	(	0.020 CFS)
DOMESTIC	(	0.040 CFS)
Total Diversion:	(	0.060 CFS)

Date Filed: 8/15/1999

In: ADAMS County
T18N R01E S07 Lot 1(NWNW) Lot 2(SWNW)

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Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before SEPTEMBER 20, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 9/ 2/1999 & 9/ 9/1999

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