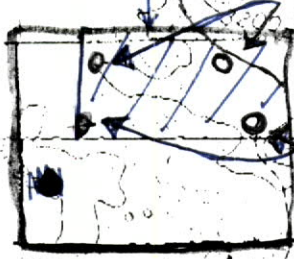


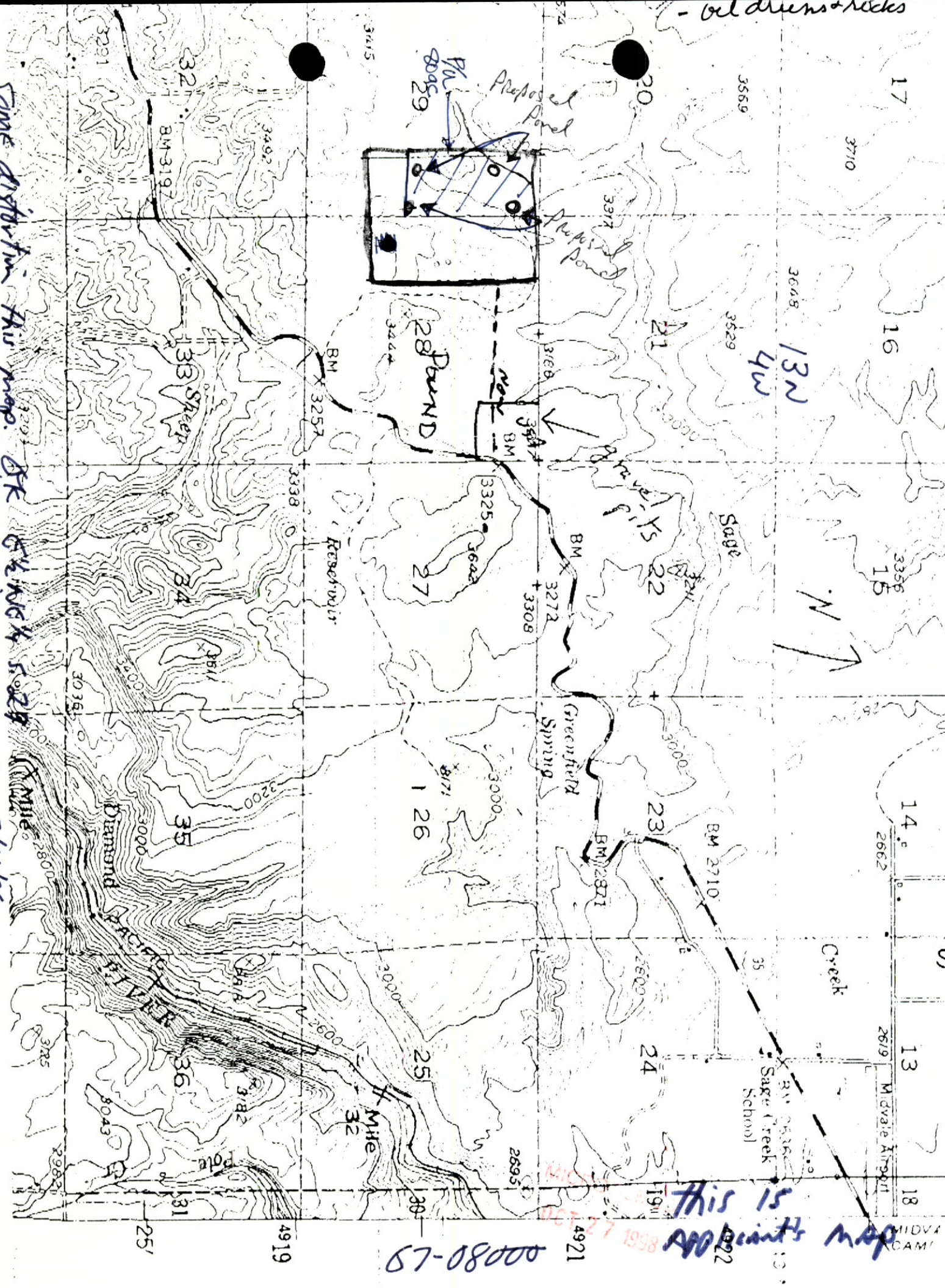
- old drums & rocks

Same distortion this map. OK
per CTH's 10/29/56 Review.
- 2/24/58



28 Pond

13N
4W



67-08000

This is
Applicant's map

14
13
18

Creek

Sage Creek School

MIDVA
CAM

No

854

RECEIVED

APR 03 1998

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Washington } ss.Sarah Bales, being duly sworn,
deposes and says:That he/she is the Clerk of
THE WEISER SIGNAL AMERICAN, a bi-weekly newspaper
published at Weiser, in the County of Washington and State of
Idaho; that said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the adver-
tisement, a copy of which is attached hereto, was published insaid newspaper once a week for two consecutive weeks in
the regular and entire issue of said paper during the period and
time of publication, and was published in the newspaper proper
and not in a supplement; that said paper has been established and
regularly published for more than seventy-eight consecutive weeks
prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

March 4, 1998, and ending
with the issue of March 11, 1998.Sarah Bales
Fees, \$ 98.06Subscribed and sworn to before me this 11day of March, 1998.Judith H. Parsons
Notary Public, residing at Weiser, Idaho.My commission expires 2, 1902.No. 854
NOTICE OF APPLICATION
FOR WATER RIGHTThe Following application(s) have been filed to
appropriate the public waters of the State of Idaho:

67-08000 ✓

CARTER, KATHLEEN R.

CARTER, RONNIE L.

4760 EAST LN.

FRUITLAND, ID 83619

Source: UNNAMED STREAMS

Tributary: SAGE CREEK

Diversion Pt: NENE Sec 29 T 13N R 04W in WASH-
INGTON County.SENE Sec 29 T 13N R 04W in WASHINGTON
County.

Use: IRRIGATION (1.600 CFS)

STOCKWATER (0.020 CFS)

WILDLIFE (0.020 CFS)

Total Diversion: (1.600 CFS)

Date Filed: 11/26/1996

In: WASHINGTON County

T13N R04W S29 NENE SENE

80.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in
the future as needed.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 on or before
MARCH 23, 1998. The protestant must also send
a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 3/4/1998 & 3/11/1998.

6-2S

MICROFILMED

OCT 27 1998

Affidavit of Publication:

STATE OF IDAHO
County of Washington

ss.

Stuart Dopf, being duly sworn deposes and says he is the publisher of the Upper Country News-Reporter, a weekly newspaper published at Cambridge, in the County of Washington, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the annexed, a printed copy of which is attached hereto and made a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number thereof during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began March 5, 1998 and ended March 12, 1998.

Stuart Dopf

Subscribed and sworn to before me

this 19th day of

March, 1998.

Jill C. Lemmon

Notary Public in and for the State of Idaho, residing at Cambridge, Idaho 83610.

com. exp. 11-18-99

NOTICE OF APPLICATION FOR WATER RIGHT
The Following application has been filed to appropriate the public waters of the State of Idaho:

67-08000 ✓

CARTER, KATHLEEN R
CARTER, RONNIE L
4760 EAST LN.
FRUITLAND, ID 83619

Source: UNNAMED STREAMS

Tributary: SAGE CREEK

Diversion Pt: NENE Sec 29 T 13N R 04W in WASHINGTON County.
SENE Sec 29 T 13N R 04W in WASHINGTON County.

Use: IRRIGATION (1.600 CFS)
STOCKWATER (0.020 CFS)
WILDLIFE (0.020 CFS)
Total Diversion: (1.600 CFS)

Date Filed: 11/26/1996

In: WASHINGTON County

T13N R04W S29

NENE

SENE

80.0 ACRES TOTAL

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

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 on or before MARCH 23, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 3/5/1998 & 3/12/1998

RECEIVED

MAR 20 1998

WATER RESOURCES
WESTERN REGION

MICROFILMED

OCT 27 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 67-08000 Telephone No. 208-355-6388

2. Name of Permit Holder(s):
Ronnie L. & Kathleen R. Carter

3. Mailing Address: 1955 Hwy 95

City Weiser State ID Zip 83672

4. Source of Water: Surface Water If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): 50 Head

Irrigation (No. of acres): 80.0 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No X

Has the measuring device been installed?

Yes _____ or No X

8. Fee Enclosed: \$ 125⁰⁰ (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: See above Telephone Number: _____

Address: _____

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Ron Carter
(include your title, if on behalf of company or organization)

Date: Aug 18, 2000

MICROFILMED

SEP 13 2000

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 67-08000

Proposed Priority: November 26, 1996 Maximum Diversion Rate: 1.60 CFS

This is to certify, that **RONNIE L CARTER**
KATHLEEN R CARTER
4760 EAST LN
FRUITLAND ID 83619

has applied for a permit to appropriate water from:
UNNAMED STREAMS tributary of **SAGE 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>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.60 CFS	
IRRIGATION STORAGE	04/01 to 10/31		2.0 AF
IRRIGATION FROM STORAGE	01/01 to 12/31		2.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	
STOCKWATER STORAGE	01/01 to 12/31		2.0 AF
WILDLIFE	01/01 to 12/31	0.02 CFS	
WILDLIFE STORAGE	01/01 to 12/31		2.0 AF
	Totals	1.60 CFS	

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 29, Tcwnship 13N, Range 04W
SENE , Sec. 29, Tcwnship 13N, Range 04W
WASHINGTON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13N	04W	29	NENE 40.0	SENE 40.0		80.0

Total number of acres irrigated: 80.0

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: WILDLIFE, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 2000.**
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.

MICROFILMED
003 2 / 1958

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

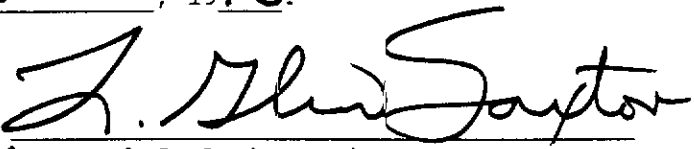
NO. 67-08000

CONDITIONS OF APPROVAL AND REMARKS

5. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
8. No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.
9. Diversion of water after June 15 of each year in violation of the conditions of this water right is cause for the director to cancel or revoke this water right.
10. Two points of diversion are located within NENE, S29, T13N, R04W.
11. Two points of diversion are located within SENE, S29, T13N, R04W.
12. Stockwater use is for 50 range cattle.

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

11th day of September, 1998.


for Karl J. Dreher, Director

MICROFILMED

OCT 27 1998

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 17 1998

APPLICATION FOR PERMIT

OCT 09 1996

DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

1. Name of Applicant RONNIE L. and KATHLEEN R. CARTER Phone 208-452-6388
Mailing address 1680 GLENWAY, FRUITLAND, ID 83619

2. Source of water supply unnamed streams which is a tributary of Sage Creek (3)

3. Location of point of diversion is Township 13N Range 4W Sec. 28 29 in the NE SW NE 1/4, NE 1/4, Govt. Lot , B.M., WASHINGTON County;
additional points of diversion if any: Sec 29 E 1/2 SENE 1/4 (Total 4 points)

4. Water will be used for the following purposes:

Amount 1.6 for Irrigation purposes from Mar 15 to Nov 15 (Standard season) (cfs or acre-feet per annum)

☒ Amount 2.0 for Irrigation Storage purposes from Jan 1 to Dec 31 (both dates inclusive) (cfs or acre-feet per annum)

☒ Amount 2.0 for Wildlife Storage purposes from VI to 12/31 (both dates inclusive) (cfs or acre-feet per annum)

☒ Amount 2.0 for Stock Storage purposes from VI to 12/31 (both dates inclusive) (cfs or acre-feet per annum)

Amount .02 for Stock water/wildlife purposes from VI to 12/31 (both dates inclusive) (cfs or acre-feet per annum)

☒ Amount 2.0 for Irrigation fr. Storage purposes from 3/15 to 11/15 (both dates inclusive) (cfs or acre-feet per annum)

☒ 1.6 cfs Diversion to Storage 1/1 to 3/15 (both dates inclusive) (cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1.6 cubic feet per second and/or (b) 1.0 2.0 acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source earthen dam - up to 4
earthen/excavated ponds, each approx 1/4 ac x 2' deep, sprinkle irrigation

b. Height of storage dam 4 feet; active reservoir capacity 2 acre-feet; total reservoir capacity 1.0 2 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 2 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. 50 head cattle (valley)

c. Municipal; show name of municipality.

d. Domestic; show number of households.

e. Other; describe fully.

* all changes made per telecon with Kathleen 10/29/96 cgl

☒ ~~Storage not required since all ponds can fill in less than 24 hrs (see SL memo) 10/18/98 cgl~~
include storage per SWC & SL. 9/18/98 cgl

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	
13N	4W	~~28~~																	
		29	40			40													80

Total number of acres to be irrigated 80

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

11. 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: _____

12. Remarks: section 28 is for stock water use of existing spring
(Stock water from spring to be recorded on separate filing.)
Ponds will be connected and flows will travel from one pond to
another via ditches. A common irrigation system developed for
all acres.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Lonnie L. Carter
 Signature of Applicant (and title, if applicable)

DOP = 11/26/96

Received by VR Date 10-9-96 Time 10:00 am Preliminary check by VR
 Fee \$ W021760 120 Received by VR # W021760 Date 11/26/96
 Publication prepared by ST Date 2/25/98 Published in Weiser Signal & Upper Geyser News Records
 Publication approved ST Date 3/27/98 on 3/5/98
& 4/30/98 (Weiser Signal)

Comments: Date: 12/12/1996 User-ID: CHODGES

Subject: APPLICATION INFO

Stockwater is for 50 range cattle.
Two points of diversion in each QQ for a total of 4 points.
Ponds to be excavated, each with surface area of approx 1/4 ac,
and averaging 2' deep. *

Comments: Date: 2/24/1998 User-ID: SLESTER

Subject: PROCESSING UPDATE

Processessing resumed per applicants' 2-13-98 response form.
Significant data entry update needed per today's review of
original application and CJH's 10-29-96 review notes which at
that time led to original data entry. For example, storage is n/a
since pond capacity can be filled in 24 hrs. per irrigation cfs.
Does not seem advisable to require storage component for non-irr
season pond use in this situation. Ponds are to be interconnected
via ditches (1 filing for 1 system). Wildlife cfs added per
original appl. info (was listed as wildl. storage in 1996 data
entry): clarification, not expansion, of use.
Source not regulated in water district #67 but should remain
subject to watermaster control.

MICROFILMED
OCT 27 1998

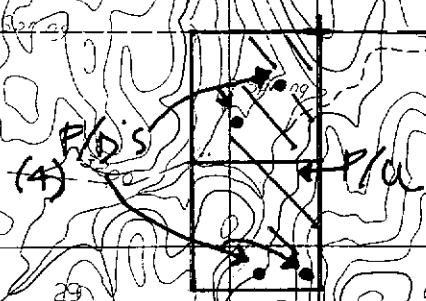
* 2 AF capacity all ponds combined
-82

4 integrated ponds
This DNR map appears
to be per CJH's 10/29/96
Review.
-JC 2/24/98

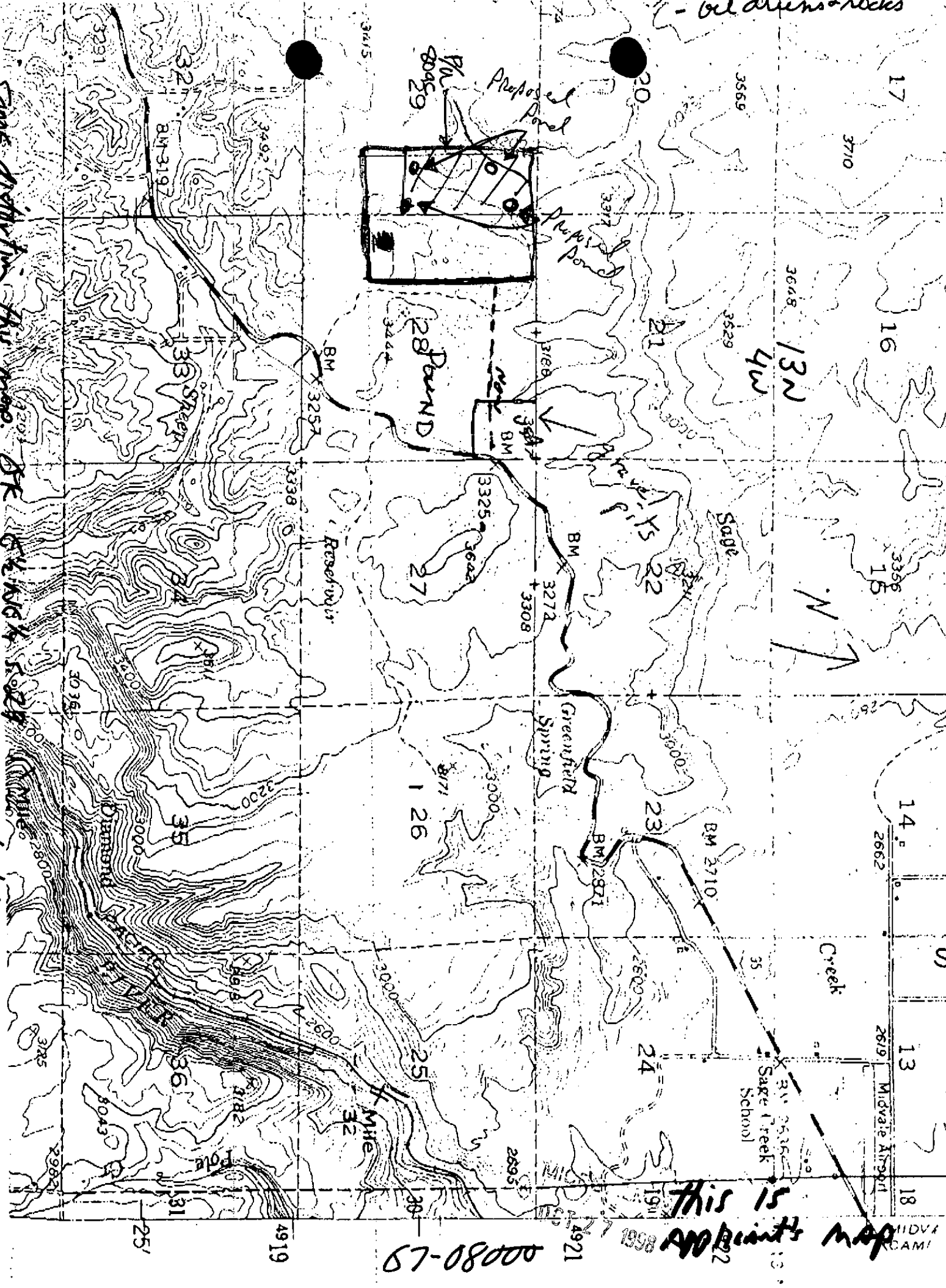
No govt. lots

67-08000

13N4W



same as before this map. OK
per CTH 10/29/56
-R 2/24/58



67-08000

This is a 1958 map



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

September 7, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RONNIE L CARTER
KATHLEEN R CARTER
1955 HWY 95
WEISER ID 83672

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 67-0800

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Western Regional Office** of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

SEP 13 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 167-08000 Reviewed by D. Gibson Date 9/6/00

GENERAL CONSIDERATIONS

TYPES OF USE

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

Correct Uses? Yes

Irrigation & Stockwater

SOURCE OF WATER

Yes Surface water source
No Ground water source

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

LICENSE EXAMINATION FEE

Yes Required?
\$125 Amount Submitted
Yes Correct?

MEASURING DEVICE

No Required?
No Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received 8/18/00
Date proof due 9/1/00 - /
No. of days late / = /
Priority Date / + /
New Priority Date /

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof.

DATA ENTRY

New Address Yes Proof Made 8/18/00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 18 2000

DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): 67-08000

[] Name(s): Ron Carter

[] Old Mailing Address: 4760 East Lane
Fruitland ID

[] New Mailing Address: 1955 Hwy 95
Weiser, ID 83673

Telephone Number: (208) 355-6388

[] Signature(s) of Owner(s) Ron Carter

(Include your title if on behalf of company or organization)

WR 2 entered 9/6 - Date: Aug 18, 2000
dg

MICROFILMED

SEP 13 2000

June 30, 2000

RONNIE L CARTER
KATHLEEN R CARTER
4760 EAST LN
FRUITLAND ID 83619

PROOF DUE NOTICE

RE: PERMIT NO. 67-08000

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 1, 2000.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

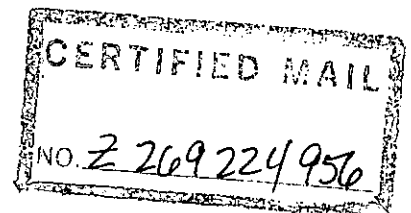
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures



MICROFILMED
SEP 13 2000



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 11, 1998

RONNIE L CARTER
KATHLEEN R CARTER
4760 EAST LN
FRUITLAND ID 83619

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 67-08000

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 measuring device and lockable controlling works that will enable the watermaster to control the rate of 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 27 1998

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

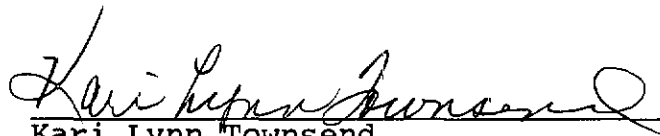
MICROFILMED
OCT 27 1996

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of September, 1998, 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. 67-08000

RONNIE L CARTER
KATHLEEN R CARTER
4760 EAST LN
FRUITLAND ID 83619


Kari Lynn Townsend
Secretary

MICROFILMED

OCT 27 1998

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.

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

OCT 27 1998

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy LouNo.: 67-08000 Name: Carter Date: 6/18/98 Ad OK? ☒ / Gvmt Lts: ☒

AREA OF CONCERN: - No/Yes: _____ 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-GH)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- North / East / West

≤ 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

WMD Supplemental use

- No MD

> 0.24 cfs/5 acres

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

≤ 0.24 cfs/5 acres

- 01M (report when notified)

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046-P23

In Basin 34?

- 085

Irr. within WD

- P05 (new well location)

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

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9

WD (✓ MAP & LISTING)

- R04 (WD # 67)

> 0.10 cfs

- 01H-P08 (MD & LD)

≤ 0.10 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

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

>1 in rest. area

- 071-070

Fire Protection

- 077

Fish Propagation

- 029-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

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)

Mining

- 054(req)-081-P10

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

Stockwater

- R37 (BLM/USFS); NA

Storage (✓ 3 compo.)

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area

- P84 (in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Mitigation

- 120

SWAN FALLS FLAG (See Code Chart)

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

086 087
 002/50RC 003/50RC 004/50RC 005/50RC
 006/50RC 007/50RC 008/50RC 009/50RC
 010/50RC 011/50RC 012/50RC 013/50RC
 014/50RC 015/50RC 016/50RC 017/50RC
 018/50RC 019/50RC 020/50RC 021/50RC
 022/50RC 023/50RC 024/50RC 025/50RC
 026/50RC 027/50RC 028/50RC 029/50RC
 030/50RC 031/50RC 032/50RC 033/50RC
 034/50RC 035/50RC 036/50RC 037/50RC
 038/50RC 039/50RC 040/50RC 041/50RC
 042/50RC 043/50RC 044/50RC 045/50RC
 046/50RC 047/50RC 048/50RC 049/50RC
 050/50RC 051/50RC 052/50RC 053/50RC
 054/50RC 055/50RC 056/50RC 057/50RC
 058/50RC 059/50RC 060/50RC 061/50RC
 062/50RC 063/50RC 064/50RC 065/50RC
 066/50RC 067/50RC 068/50RC 069/50RC
 070/50RC 071/50RC 072/50RC 073/50RC
 074/50RC 075/50RC 076/50RC 077/50RC
 078/50RC 079/50RC 080/50RC 081/50RC
 082/50RC 083/50RC 084/50RC 085/50RC
 086/50RC 087/50RC 088/50RC 089/50RC
 090/50RC 091/50RC 092/50RC 093/50RC
 094/50RC 095/50RC 096/50RC 097/50RC
 098/50RC 099/50RC 100/50RC



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 19, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Idaho Dept. of Fish & Game
Southwest Region
3101 S Powerline Rd
Nampa ID 83686

RE: Application for Permit No. 67-08000

To Whom It May Concern:

The Department of Water Resources (IDWR) is preparing to issue a water appropriation permit for the above application. Before proceeding, IDWR would appreciate receiving your comments, if any, on the proposed diversion and use of surface water. I have enclosed copies of the application for your review. Please respond with your comments by September 2. If I have not heard from you by then, I will assume you have no comment and will proceed with issuing the permit.

If you have any questions, you may contact me directly at (208) 327-7944 or by electronic mail at czimmerm@idwr.state.id.us.

Respectfully,

Cindy Zimmerman
Water Resource Agent

Enclosure

MICROFILMED

OCT 27 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
JUN 17 1998
DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: JL DATE: 2/24/98 APPLICATION: 67-08000

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:
- ☒ 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:
N P/D
P/U

ADDITIONAL INFORMATION

yes ADVERTISE REMARK(S)
(Reviewer identify which remarks)

one T FLAG CHANGED TO P FLAG
2/24/98

YES NO

- ☒ 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:
- ☒ Bull trout impact area
- ☒ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ Copy to Dam Safety staff: (for any storage) ←
- ☒ Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
- ☒ Send power requirement letter:
- ☒ Send 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
- email msg sent to JFW c
purs 2/24/98 so DON'T
need to cc him

Date Requested _____ Date Response Received _____

MEMORANDUM

To: File no. 67-08000 in the name of Ronnie L. &/or Kathleen R. Carter
From: Gary Spackman *Gary*
Re: Conditions of Approval
Date: June 15, 1998

I recommend the following conditions of approval:

1. Diversion of water shall cease on or before July 1 of each irrigation season unless:
(1) the watermaster has already closed the water right holder's headgate and prevented diversion of water to deliver earlier-in-time water rights; or (2) the watermaster has determined and expressly communicated to the water right holder in writing that there is sufficient water for diversion beyond July 1.
2. Diversion of water after July 1 of each year in violation of the conditions of this water right is cause for the director to cancel or revoke this water right.
3. (01H)
4. (120)

MICROFILMED

OCT 27 1998

PROCESSING

APP. NO. 67-08000

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:

YES

☒

I.D. Health & Welfare
 I.D. District Health
 I.D. Fish & Game
 I.D. Lands

YES

☒

U.S. BLM
 U.S. Forest Service
 Water Dist. #
 Other

Non regulated source
 in WD #67 so letter
 N/A

FINAL REGIONAL PROCESSING REVIEW:

YES

☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Final date for protest 3-23-98

Protests received.

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District # 67Special conditions of approval or cover letter: See memo dated 6/15/98

4/27/98 update - Wm letter needed
 per manager's review - 92

See below for additional information

Recommended Date or Priority 10/9/96Recommended by: Gray SDate: 6/15/98

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

No overlap. A67-14121 = spring for stock, all in 5.28 (original
 Appl. has note a spring being filed on separately).

Applicants' 2/13/98 response allows processing re. future
 mitigation condition of approval.

APPLICATION FOR PERMIT FOR WATER RIGHT

NO. 67-08000

RECOMMENDATION OF WATERMASTER

RECEIVED

MAY 15 1998

WATER RESOURCES
WESTERN REGION

I, Gerald K. Myers, watermaster of
 , of Water District No. 67, County of
Wash & Adams, State of Idaho, whose address is
5189 Bonanza Rd Meridian Id 83645, have read
the attached copy of the application for permit for a water
right in the name of Kathleen R. Carter Under Rennie L. Carter

A. I hereby endorse the above numbered application
and recommend that the Director of the Department of Water
Resources approve the application subject to the following
conditions: That all water in the boundaries of Dist 67
Are subject to Watermaster Control

OR

B. I do not endorse approval of the above numbered
application for water right as requested for the following
reasons:

Dated at 5-12-1998 Meridian Id., Idaho, this 12 day of
May, 1998.

Gerald K. Myers
(signature)

Please use reverse side if needed.

MICROFILMED

OCT 27 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 27, 1998

GERALD MYERS
HC 70 BOX 2010
MIDVALE ID 83645

Re: Applications for Permit No. 67-08000 in the Name of Ronnie L. &/or Kathleen R. Carter

Dear Sir:

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 cursive script that reads 'Gary Spackman'.

Gary Spackman

GS:st

Encl.

MICROFILMED

OCT 27 1998

No 854

RECEIVED

APR 03 1998

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Washington }ss.

Sarah Boles, being duly sworn,
deposes and says:

That he/she is the Clerk of
THE WEISER SIGNAL AMERICAN, a bi-weekly newspaper
published at Weiser, in the County of Washington and State of
Idaho; that said paper has been and is in general circulation in the
county aforesaid, and in the vicinity of Weiser; that the adver-
tisement, a copy of which is attached hereto, was published in
said newspaper once a week for two consecutive weeks in
the regular and entire issue of said paper during the period and
time of publication, and was published in the newspaper proper
and not in a supplement; that said paper has been established and
regularly published for more than seventy-eight consecutive weeks
prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with
March 4, 1998, and ending
with the issue of March 11, 1998.
Sarah Boles

Fees, \$ 98.06

Subscribed and sworn to before me this 11
day of March, 1998.
Judith A. Parsons
Notary Public, residing at Weiser, Idaho.

My commission expires 2, 1902.

No. 854
**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

67-08000 ✓

CARTER, KATHLEEN R.
CARTER, RONNIE L.
4760 EAST LN.
FRUITLAND, ID 83619
Source: UNNAMED STREAMS
Tributary: SAGE CREEK
Diversion Pt: NENE Sec 29 T 13N R 04W in WASH-
INGTON County.
SENE Sec 29 T 13N R 04W in WASHINGTON
County.
Use: IRRIGATION (1.600 CFS)
STOCKWATER (0.020 CFS)
WILDLIFE (0.020 CFS)
Total Diversion: (1.600 CFS)
Date Filed: 11/26/1996
In: WASHINGTON County
T13N R04W S29 NENE SENE
80.0 ACRES TOTAL
Applicant agrees to mitigate consumptive use in
the future as needed.

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 on or before
MARCH 23, 1998. The protestant must also send
a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 3/4/1998 & 3/11/1998.

6-2S

MICROFILMED

OCT 21 1998

Affidavit of Publication:

STATE OF IDAHO
County of Washington

ss.

Stuart Dopf, being duly sworn deposes and says he is the publisher of the Upper Country News-Reporter, a weekly newspaper published at Cambridge, in the County of Washington, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the annexed, a printed copy of which is attached hereto and made a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number thereof during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began March 5, 1998 and ended March 12, 1998.

Stuart Dopf

Subscribed and sworn to before me

this 19th day of

March, 1998.

Jill M. Clemens

Notary Public in and for the State of Idaho, residing at Cambridge, Idaho 83610.

com. exp. 11-18-99

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application has been filed to appropriate the public waters of the State of Idaho:

67-08000

CARTER, KATHLEEN R
CARTER, RONNIE L
4760 EAST LN
FRUITLAND, ID 83619

Source: UNNAMED STREAMS Tributary: SAGE CREEK
Diversion Pt: NENE Sec 29 T 13N R 04W in WASHINGTON County.
SENE Sec 29 T 13N R 04W in WASHINGTON County.

Use: IRRIGATION (1.600 CFS)
STOCKWATER (0.020 CFS)
WILDLIFE (0.020 CFS)
Total Diversion: (1.600 CFS)

Date Filed: 11/26/1996

In: WASHINGTON County
T 13N R 04W S 29 NENE SENE
80.0 ACRES TOTAL

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

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 on or before MARCH 23, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 3/5/1998 & 3/12/1998

RECEIVED

MAR 20 1998

WATER RESOURCES
WESTERN REGION

MICROFILMED

OCT 27 1998

RECEIVED

FEB 13 1998

WATER RESOURCES
WESTERN REGION

RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

Name of Applicant

Ronnie L or Kathleen Carter

★ Mailing Address

4760 East Lane

Change of Address

Fruitland, Id 83619

Application No.

67-08000

Mitigation

Yes, I agree to accept a condition of approval on my application that will require mitigation related to fishery resources based upon a finding by the Director, Idaho Dept. of Water Resources. I understand that mitigation is not needed now but may be needed in the future. I also understand that the Director will not invoke this condition until I have an opportunity to participate in the process by which mitigation is identified and quantified.

Signature

Ronnie Carter

Date

2-10-98

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

MICROFILMED

OCT 27 1998

From: DWR80::SLESTER 24-FEB-1998 10:03:37.94
To: JWESTRA
CC: SLESTER
Subj: APPLICATION 57-08000

John, this application for permit is now at Sue's desk for advertising. It includes 4 small integrated ponds for total 2 af storage. Application mentions earthen dams < 5' &/or excavated sites to capture runoff trib. to Sage Creek just west of Midvale Hill.

Please route any comments you might have to the file.

thanks,

Steve

MICROFILMED

OCT 27 1998

email to notify re: dam safety.
2/24/98

D.O.P. for
67-0820 → 11/26/1996

CARTER, RONNIE/KATHLEEN

ADJUDICATION CLAIM FEES
APPLICATION FOR PERMIT

41503
62103

337 1155
229 21 1155

25.00
120.00

- A67-14121

67-0820

CHECK 1021

\$ 145.00

A67-14121

Water Right Numbers

-

-

-

-

Region: WESTERN

Signature: _____

MICROFILMED

OCT 27 1998

Receipt info
2/24/98
-FL

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	INE				NW				SW				SE				SUM
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
6708000	T13N R04W S29 UNNAMED STREAMS																	
		:	40					40	:					:				80

NO MATCHING IRRIGATION RIGHTS WERE FOUND FOR THIS POU

WR04 } no other rights listed in legal
WR05 }

A67-14121 = spring, stock in 5-28 for
separate from 67-08000.

-FL

MICROFILMED
OCT 27 1998

-Overlsp



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 4, 1998

DISTRIBUTION: Applicants whose water right applications were held without action pending fishery resources issues.

Dear Applicant:

You filed an application for permit to develop a water right that includes consumptive use (see attached profile report). This office was not been able to process such applications in your area until some water supply issues related to fishery resources were resolved.

A method to address these issues now exists. Applications that include consumptive use can be processed if applicants are willing to accept a condition of approval that can require mitigation at a later date if the need for mitigation is clearly documented. Mitigation can include steps such as purchasing storage water to offset adverse impacts to fishery resources that new water developments might cause.

Enclosed is a response form to be completed and returned if you want your application to be processed. To the extent possible given other factors, applications will be processed in the order in which they were filed.

Also enclosed is a withdrawal form. If you no longer have an interest in obtaining the water right outlined in your filing, please complete and return this form. You will receive a refund for the filing fee associated with the application.

Delays in processing due to department considerations such as those discussed in this letter do not affect the priority date of your application. Please contact this office at 334-2190 if you have any questions about your application.

Sincerely,

MICROFILMED

Western Region Allocation Staff

OCT 27 1998

Enclosures: Profile Report, Response Form and Withdrawal Form



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 29, 1996

RONNIE L AND KATHLEEN R CARTER
1680 GLENWAY
FRUITLAND ID 83619

RE: Application for Permit

Dear Ronnie and Kathleen:

Per my telephone conversation with Kathleen earlier today, I am returning a copy of your modified application for permit, and some additional filing forms. **A \$120.00 fee is needed to continue processing the application.** Please remit this fee as soon as possible so that a date of priority may be assigned to this filing.

As Kathleen and I discussed, the spring in Section 28 cannot be included on this filing because it is separate from the proposed irrigation system consisting of up to four ponds. I have added a stockwater component to the irrigation ponds, however, since cattle will also have access to them. Stockwater from the spring in Section 28 must be obtained under a second filing.

I suggested that before you file a second application for permit, you might talk with others in the area to determine when the spring was actually developed and first used for stock watering purposes. If this use began before 1971 and has been more or less continual, an historical or "grandfathered" use of the spring might be claimed in the Snake River Basin Adjudication (SRBA). Otherwise, the use may be documented by obtaining a second water right permit.

I have sent both Application for Permit and Notice of Claim forms, along with some general information about water right development in Idaho. You will need to select the most appropriate form to file within Section 28.

Please feel free to call if you have additional questions. Send the application fee to my attention at the above address.

Sincerely,

Cindy Hodges

Cindy Hodges
Sr. Water Resource Agent

Enclosures

MICROFILMED

OCT 27 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FEBRUARY 25, 1998

Legal Notices Department
Upper County News Reporter
P.O. Box 98
Cambridge, ID 83601

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 MARCH 23, 1998.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICROFILMED

OCT 27 1998

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICRO FILMED

OCT 27 1998

67-08000

CARTER, KATHLEEN R
CARTER, RONNIE L
4760 EAST LN
FRUITLAND, ID 83619

Source: UNNAMED STREAMS

Tributary: SAGE CREEK

Diversion Pt: NENE Sec 29 T 13N R 04W in WASHINGTON County.
 SENE Sec 29 T 13N R 04W in WASHINGTON County.

Use: IRRIGATION	(	1.600 CFS)
STOCKWATER	(	0.020 CFS)
WILDLIFE	(	0.020 CFS)
Total Diversion:	(	1.600 CFS)

Date Filed: 11/26/1996

In: WASHINGTON County
T13N R04W S29 NENE SENE

80.0 ACRES TOTAL

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

MICROFILMED
OCT 27 1998

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 on or before MARCH 23, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 3/ 5/1998 & 3/12/1998

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FEBRUARY 25, 1998

Legal Notices Department
The Weiser Signal
P.O. Box 709
Weiser, ID 83672

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 MARCH 23, 1998.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

RECORDED

OCT 27 1998

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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OCT 27 1998

67-08000

CARTER, KATHLEEN R
CARTER, RONNIE L,
4760 EAST LN
FRUITLAND, ID 83619

Source: UNNAMED STREAMS

Tributary: SAGE CREEK

Diversion Pt: NENE Sec 29 T 13N R 04W in WASHINGTON County.
 SENE Sec 29 T 13N R 04W in WASHINGTON County.

Use: IRRIGATION	(	1.600 CFS)
STOCKWATER	(	0.020 CFS)
WILDLIFE	(	0.020 CFS)
Total Diversion:	(	1.600 CFS)

Date Filed: 11/26/1996

In: WASHINGTON County
T13N R04W S29 NENE SENE

80.0 ACRES TOTAL

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

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