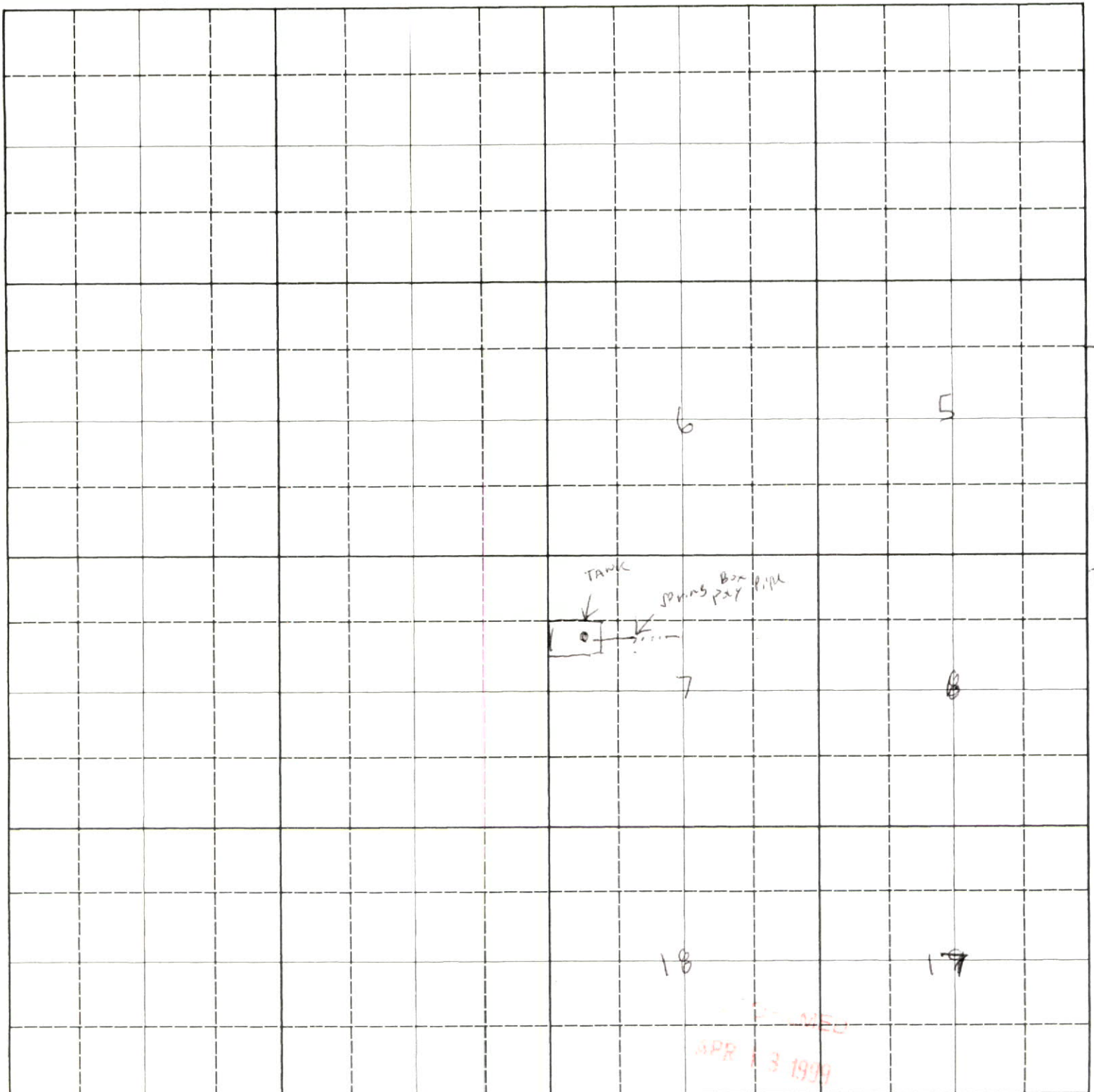


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

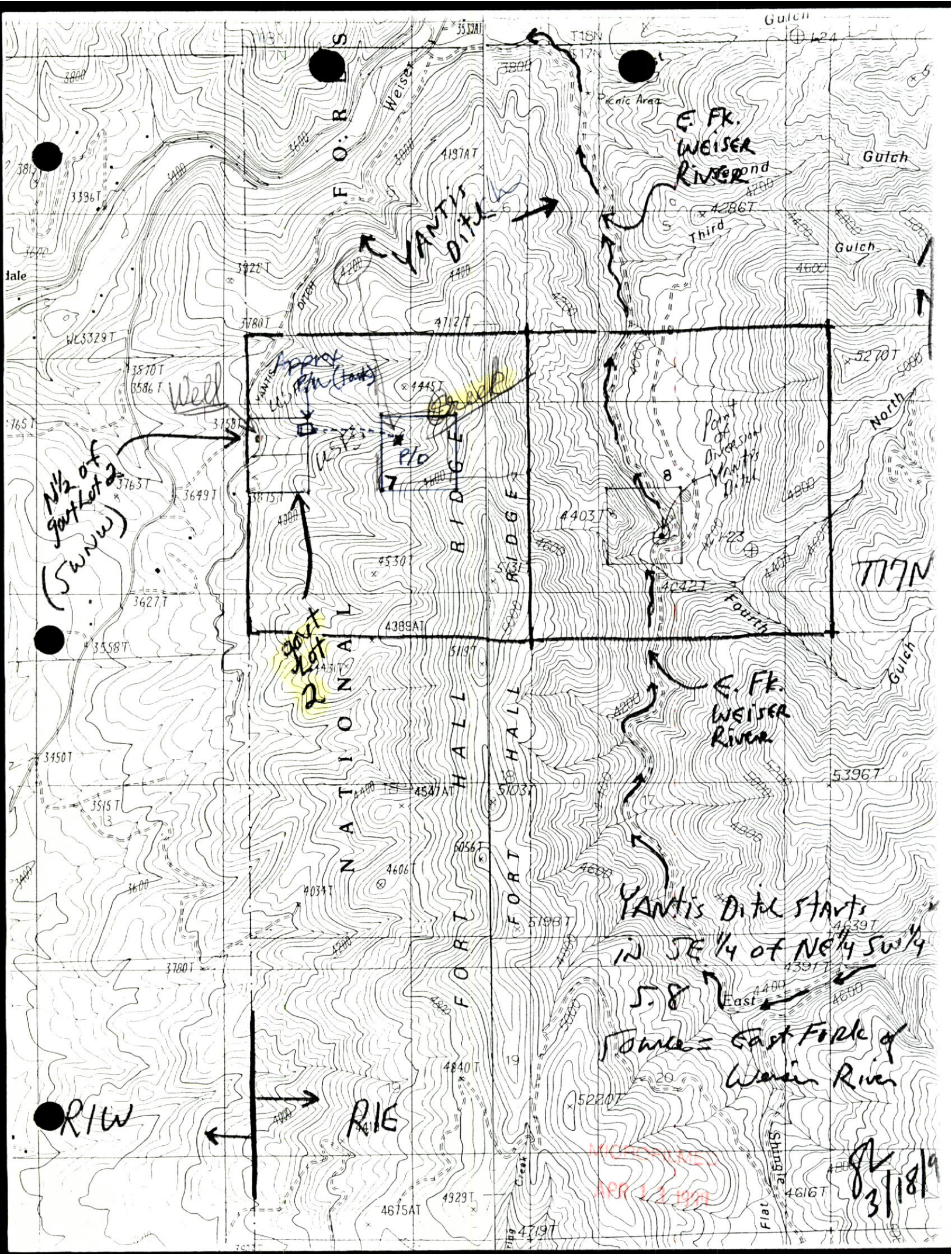
R1W

R1E

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.

Vol 1 Jan

(Applicant)



F O R E S

W E I S E R

N A T I O N A L

R I D G E

F O R T

H A L L

R I D G E

E. Fk. WEISER River

Third

Fourth

Point of Diversion Yantis Ditch

YANTIS Ditch

Point of Diversion Yantis Ditch

YANTIS Ditch

Point of Diversion Yantis Ditch

YANTIS Ditch

Point of Diversion Yantis Ditch

YANTIS Ditch

Point of Diversion Yantis Ditch

YANTIS Ditch

Point of Diversion Yantis Ditch

YANTIS Ditch

Point of Diversion Yantis Ditch

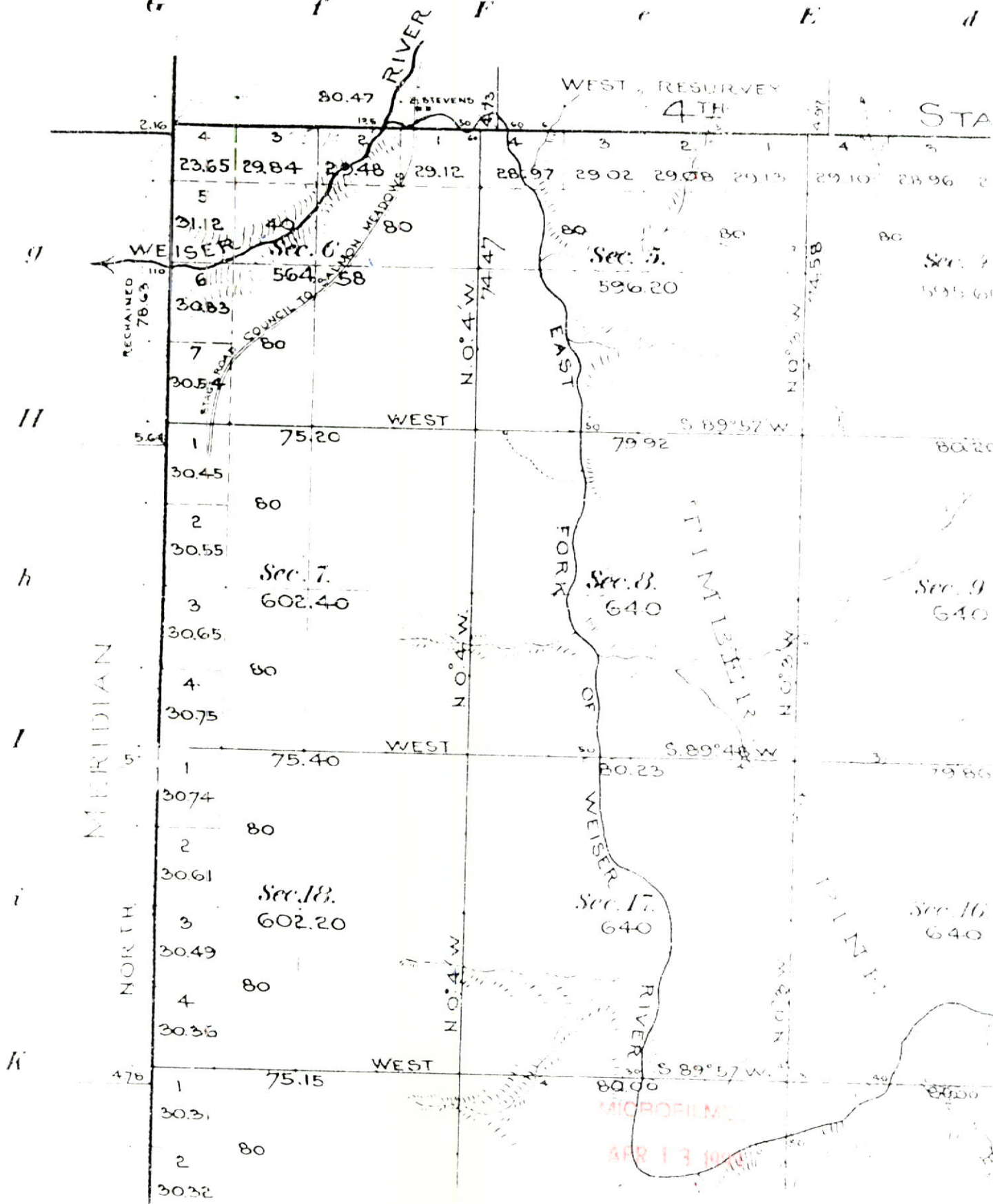
YANTIS Ditch

Point of Diversion Yantis Ditch

YANTIS Ditch starts
in SE 1/4 of NE 1/4 SW 1/4
5.8 East
Towne = East Fork of
Weiser River

APR 12 1961

3/18/19

$$G \quad f \quad \mathcal{R} \quad F \quad c \quad E \quad d$$


LEGAL NOTICE

LEGAL NOTICE

LEGAL NOTICE

LEGAL NOTICE

67-07997

67-07998

LEGAL NOTICE

<u>Precinct</u>	<u>Name</u>	<u>Address</u>	<u>Phone</u>
Indian Valley	Sherry Bullard	Indian Valley Store	256-4344
Council	Gaye Carter	Council City hall	253-4201
North Council	Gaye Carter	Council City hall	253-4201
Bear	Mavis McGahey	Bear	258-4481
New Meadows	Talya Nay	New Meadows City hall	347-2171
Little Salmon River	Frances Green	5607 Pines Rd	628-3429

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 67-07998

Proposed Priority: August 28, 1996 Maximum Diversion Rate: 0.04 CFS

This is to certify, that VAL T LANE
2672 HWY 95
COUNCIL ID 83612

has applied for a permit to appropriate water from:
UNNAMED STREAM tributary of WEISER RIVER

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>
-----------------------	----------------------	--------------------------

FIRE PROTECTION	01/01 to 12/31	0.04 CFS
-----------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 7, Township 17N, Range 01E
ADAMS County

PLACE OF USE: FIRE PROTECTION

TWN RGE SEC

17N 01E 7 Lot 2(SWNW) SENW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 2004.
2. Subject to all prior water rights.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
4. 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.
5. The issuance of this right does not grant any right-of-way or easement across the lands of the US Forest Service.
6. No diversion of water or construction of diversion works shall occur until a special use permit is issued by the US Forest Service.
7. This permit is void if the US Forest Service does not grant a special use permit or other required approval allowing access to the proposed point of diversion and the permit holder ultimately is not successful in obtaining a special use permit or approval after exhausting all administrative and judicial remedies.

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APR 13 1998

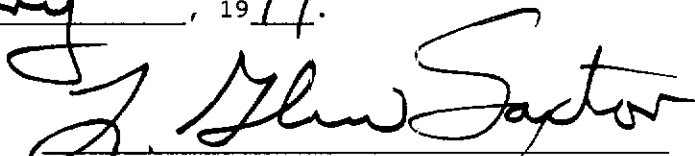
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 67-07998

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

15 th day of January, 1999.


Karl J. Dreher, Director
for

MICROFILMED

APR 13 1983

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

IN THE MATTER OF APPLICATION TO	)	
	)	
APPROPRIATE WATER NO. 67-07998 IN	)	PRELIMINARY ORDER
	)	DISMISSING PROTEST
THE NAME OF VAL T. LANE.	)	
	)	

A hearing was scheduled for the above matter on June 16, 1993. The parties met and discussed settlement options, and protestant U.S. Forest agreed to withdraw its protest based on Val T. Lane (Lane) accepting certain conditions and stipulating to facts as set forth in this order.

ORDER

IT IS HEREBY ORDERED that the protest of the U.S. Forest Service against water right application no. 67- 07998 in the name of Val T. Lane is dismissed conditionally upon recognition of the following facts and conditioning of a permit as follows:

1. Val T. Lane does not own the land at the proposed point of diversion.
2. The point of diversion should be described within the 40-acre parcel where it is located, and not within a more constrictive 10-acre parcel.
3. This water right permit does not grant a right-of-way across the lands of the U.S. Forest Service.
4. No diversion of water or construction of diversion works shall occur until a special use permit is issued by the U.S. Forest Service.
5. Upon denial of a special use permit by the U.S. Forest Service and the exhaustion of any administrative or judicial remedies following the denial, the water right permit shall be canceled or revoked.
6. The development period granted to the applicants should be a full five (5) years.

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APR 13 1999

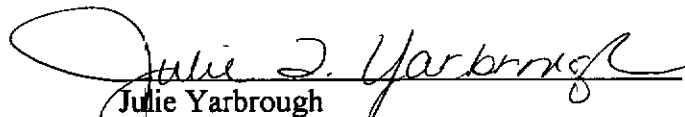
IT IS HEREBY ORDERED that any departure from the above conditions is cause for the Forest Service to reassert its protest.

Dated this 4th day of September, 1998.


GARY SPACKMAN
Hearing Officer

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of September, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicants and protestants listed above.


Julie Yarbrough
Senior Secretary

VAL T LANE
PO BOX 612
COUNCIL ID 83612

PETE JOHNSON
COUNCIL RANGER DIST
US FOREST SERVICE
PO BOX 567
COUNCIL ID 83612

MICROFILMED

APR 13 1999

RECEIVED

AUG 28 1996

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Mr. Val T. Lane Phone 208-253-4292
Post office address PO Box 1612 Council Id 83612
2. Source of water supply Unnamed Creek which is a tributary of Weiser R.
3. Location of point of diversion is SW NE Govt. Lot
Sec. 7 Township 17N Range 1E B.M. Adams County; additional
points of diversion if any: -

4. Water will be used for the following purposes: fire protection / storage.
Amount .04 * for F purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

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

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Spring Box & Poly pipe.
to Storage TANK, 1000 gal. 1" pipeline; 200' head, 1/4-1/2
mile of line

b. Height of storage dam N/A 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 N/A 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) _____

MICROFILMED

7. Time required for the completion of the works and application of the water to be proposed beneficial use is
* 3 years (minimum 1 year).

* per telecon w/ Nancy Lane 9/9/96 cgl

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. Domestic Fire Prevention Water Storage

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
17N	1E	7							LT 2	~~F~~									
									F	F									

Total number of acres to be irrigated _____

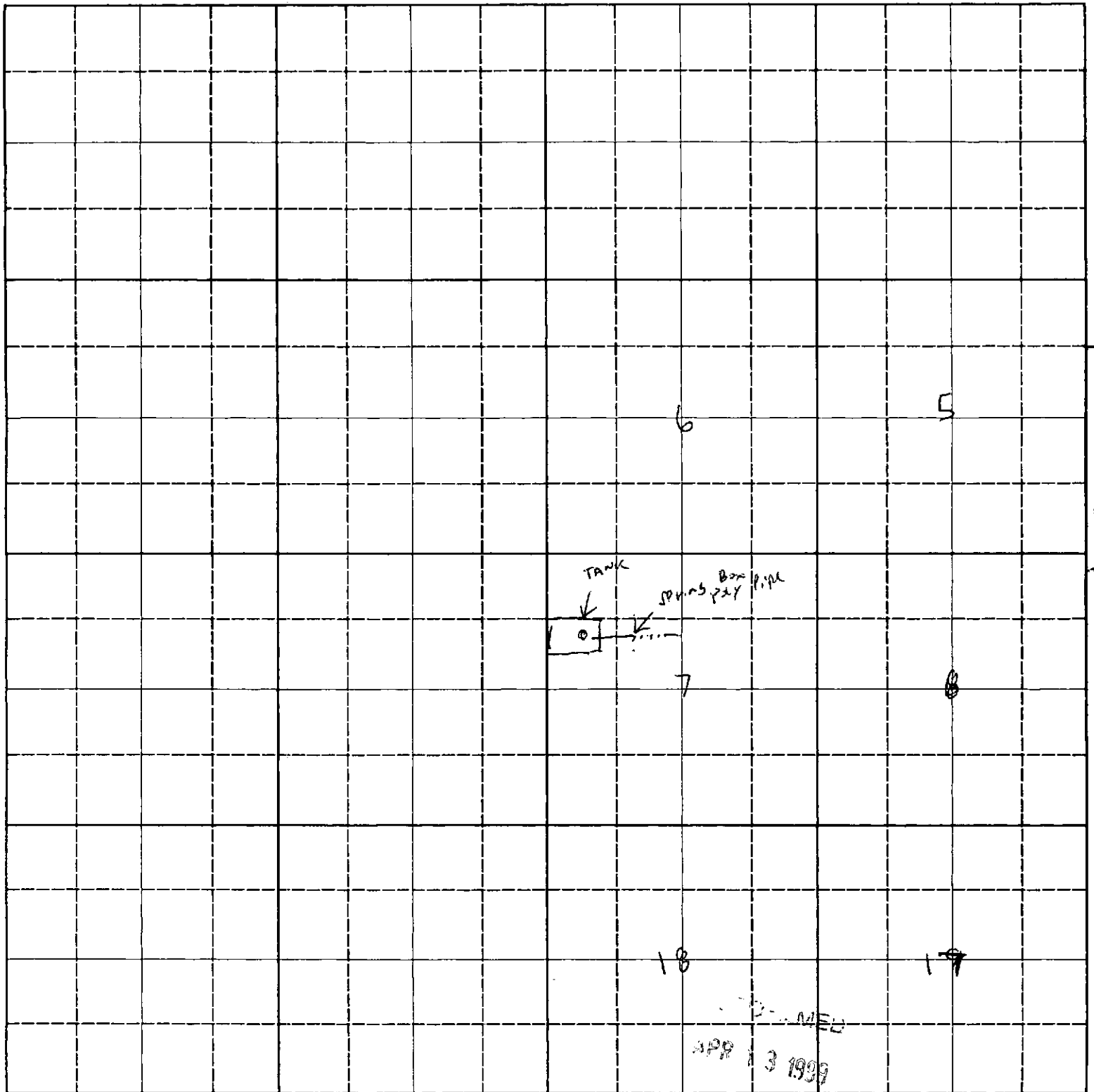
10. Describe any other water rights used for the same purposes as described above. _____

- Who owns the property at the point of diversion? National Forest Land
- Who owns the land to be irrigated or place of use? Self
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Special Use permit to be obtained.

12. Remarks: Storage tank to be placed on/near tract line in above
QA P/U description

APR 13 1993

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



Scale: 2 inches equal 1 mile.

RIW

R 1 E

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.

Vol 1 Jan

(Applicant)

Received by DB Date 8/28/96 Time 11:00 AM Preliminary check by cjl
Fee \$ 50- Received by DB # W021413 Date 8/28/96
Publication prepared by st Date 9-11-96 Published in The Record
Publication approved st Date 10-28-96

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

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APR 13 1999

Ident. No. 67-07998

Comments: Date: 9/ 9/1996 User-ID: CHODGES

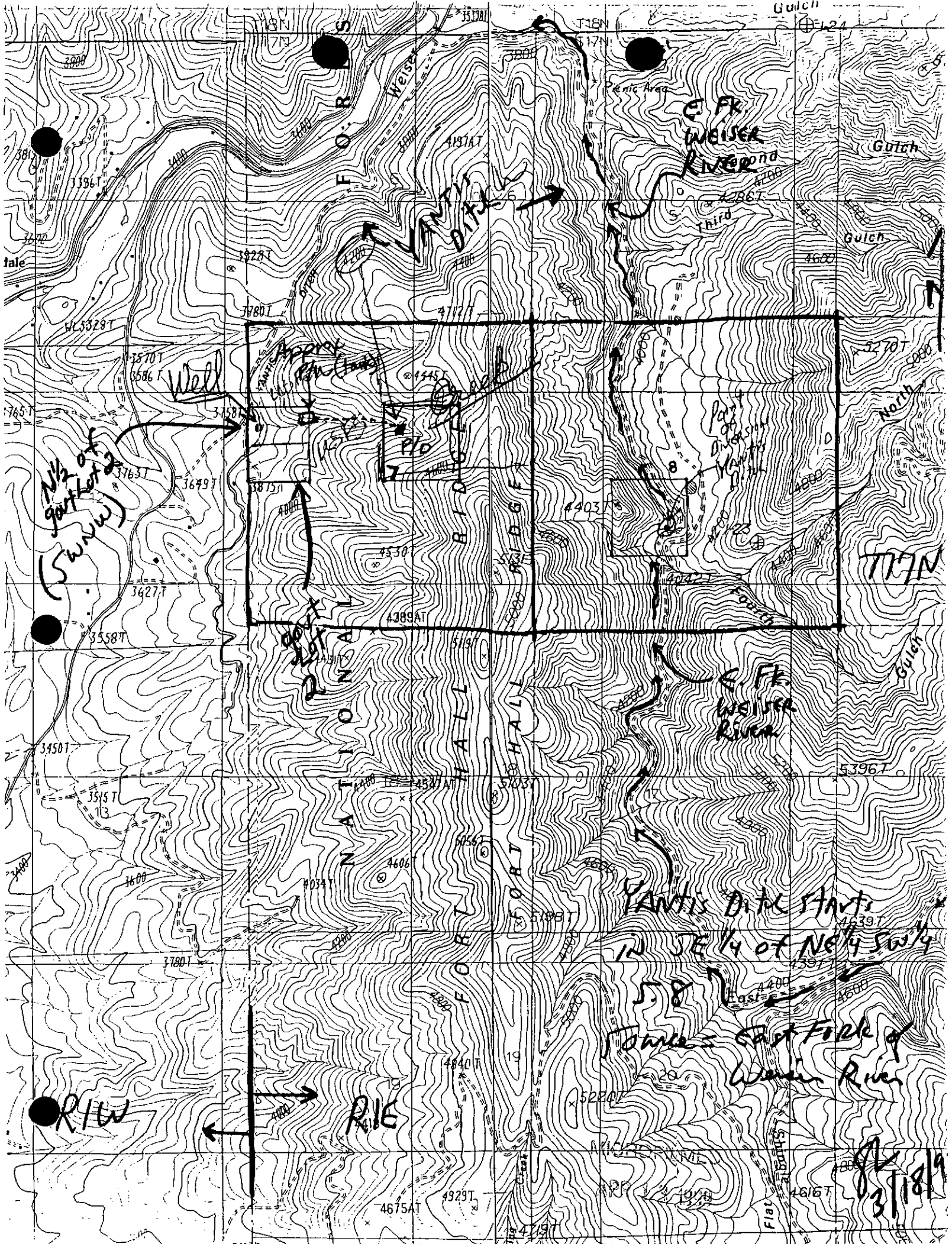
Subject: APPLICATION INFO

Collection and pipeline (1", 200' head, 1.25 mi) to 1000 gallon storage tank situated on or near tract line between Lot 2 (SWNW) and SENW Sec 07.

Storage not required. 1000 gallon tank will fill in less than one hour at maximum flows, or in slightly over three hours at low flows (winter flows about 5 gpm).

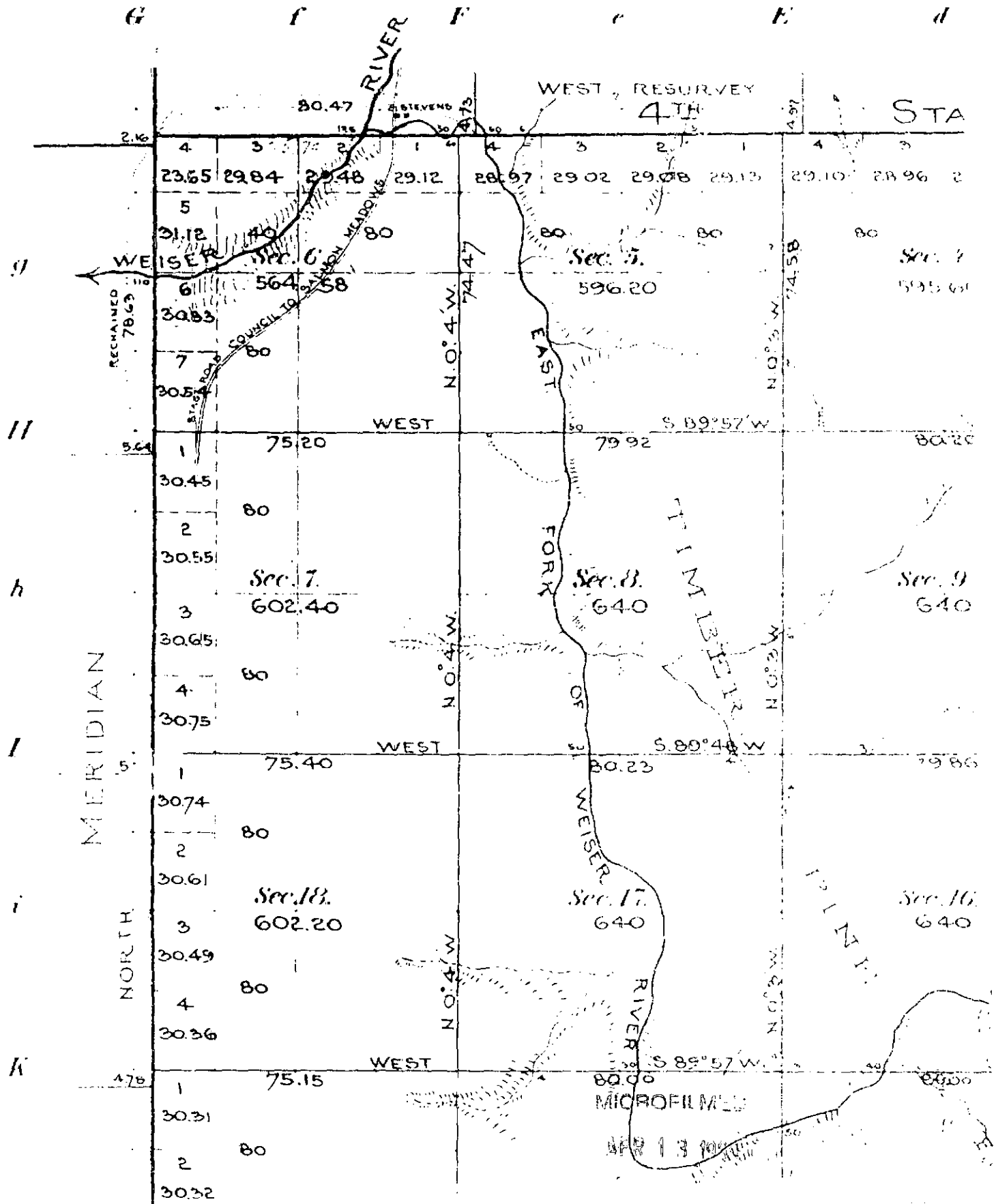
P/D and/or tank on USFS land; special use permit will be sought.

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APR 17 1999



Topographic map showing contour lines, a grid, and various handwritten annotations. The map includes labels for "F.O.R.S.", "F.O.R.T. HALL", "F.O.R.T. HALL RIDGE", "E. Fk. Weiser River", "Yantis Ditch", "Gulch", "North", "Tanner East Fork of Weiser River", "R1W", "R1E", "Well", "N1/4 of section 2 (SWNW)", "Yantis Ditch starts in SE 1/4 of NW 1/4 SW 1/4", and "Tanner East Fork of Weiser River". The map also features a central rectangular area outlined in black, and various points marked with letters and numbers.

3/18/19

$$G \qquad f \qquad \mathcal{L} \qquad F \qquad e \qquad E \qquad d$$




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 www.idwr.state.id.us/idwr/idwrhome.htm

January 15, 1999

DIRK KEMPTHORNE
Governor

VAL T LANE
2672 HWY 95
COUNCIL ID 83612

KARL J. DREHER
Director

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 67-07998

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.

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.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

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APR 13 1999

SK:klr
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of January, 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. 67-07998

VAL T LANE
2672 HWY 95
COUNCIL ID 83612


Kari Lynn Townsend
Secretary

MICROFILMED
APR 13 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.

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APR 13 1999

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.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy LaneNo.: 67-7998 Name: Lane Date: 1/13/99 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-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 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

WMD Supplemental use

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

> 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: 11/12/98 RESPONSE: None

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9

WD (✓ MAP & LISTING)

- R04 (WD # 67)

> 0.10 cfs

- 01J-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

In-stream dev.

- P52 (stream channel alteration)

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

USE:

Storage (✓ 3 compo.)

- 18A (in & out MD for on-stream storage), 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(P18)-01N-028-081(P10)-027 (if no other cons. use);

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

Municipal

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

Domestic surface

- *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 (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:

- ① See Elan's memo

BENEFICIAL USE DUE:

- 1/1/ 2004

COMMENTS:



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

November 12, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Idaho Dept. of Fish & Game
Southwest Region, McCall Office
555 Deinhart Ln.
McCall ID 83635-0905

RE: Application for Permit No. 67-07998

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 November 30, 1998. 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

APR 13 1999



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 9, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: In the matter of Application to Appropriate Water No. 67-07998 in the name of Val T. Lane

Dear Interested Parties:

The accompanying order is a "**preliminary order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Sincerely,

A handwritten signature in cursive script, reading "L. Glen Saxton".

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED
APR 13 1999

MEMORANDUM

To: Water right application no. 67-7998 in the name of Val T. Lane
From: Gary Spackman *Gary*
Date: July 27, 1998

Re: Recommended conditions of approval

The applicant (Val T. Lane) and the protestant (Forest Service) agreed, on the record, to settle the protest at a hearing scheduled on June 16, 1998 based on the following:

1. Val T. Lane does not own the land at the proposed point of diversion, but the land is owned by the Forest Service. Any documents showing Lane as the owner of the POD should be corrected.
2. The point of diversion should be described within the 40 acre parcel where it is located, and not within a more constrictive 10 acre parcel. A looser description will allow Lane and the Forest Service to determine a point of diversion with the least impact.

With those two agreements there was also an agreement to place three conditions of approval on the water right permit:

1. This water right permit does not grant a right of way across the lands of the U.S. Forest Service.
2. No diversion of water or construction of diversion works shall occur until a special use permit is issued by the U.S. Forest Service.
3. Upon denial of a special use permit by the Forest Service and the exhaustion of any administrative, or judicial remedies following the denial, that upon the completion of those remedies and ultimate denial of the special use permit the water right permit shall be canceled or revoked.

Because of this last condition the hearing officer has agreed that I will attempt and request that the development period granted to the applicants be a full five (5) years as allowed by Idaho Code Section 42-203A and that the applicants be granted that full period of time to work with the Forest Service in obtaining a special use permit for the proposed use. In addition, there will be an opportunity that when the five years expires, for the applicant to seek an extension of time in completing the diversion of water and submitting proof of beneficial use to the Department of Water Resources.

In addition, the mitigation condition (120) should be placed on the water right permit.

MICROFILMED

APR 13 1999

RECEIVED

JUN 24 1998

WATER RESOURCES
WESTERN REGION

Portion of hearing re: Val T. Lane #67-7998, held June 16, 1998,
by Gary Spackman, Hearing Officer.

The parties agree to the following conditions as a settlement to the protest:

A water right permit can be issued for application #67-07998, upon the imposition of certain conditions on the water right permit and certain modifications to the application, which will be incorporated into the permit. The modifications to the application will be that to the extent there is showing in the department records that the applicant Val T. Lane owns the property at the point of diversion therein, is incorrect. The Forest Service owns the land described as the point of diversion in the application, and in fact the original application states that the Forest Service owns the land. The parties also stipulated that the point of diversion be described no more than narrowly or carefully than a 40 acre parcel so there can be some flexibility built in to the special use permit analysis as to where to locate that point of diversion so that it can be constructed with the least impact to the resources. In the interest of stability at that point of diversion, or perhaps locating in that point of diversion, perhaps will not impact the Forest Service Lands at all.

With those two agreements there was also an agreement to place three conditions of approval on the water right permit and those conditions are and please parties correct me if I don't recite these properly. The first one is that this water right permit does not grant a right of way across the lands of the U.S. Forest Service. The second condition is that no diversion of water or construction of diversion works shall occur until a special use permit is issued by the U.S. Forest Service. The third condition is that upon denial of a special use permit by the Forest Service and the exhausting of any administrative, or judicial remedies following the denial, that upon the completion of those remedies and ultimate denial of the special use permit the water right permit shall be canceled or revoked.

Because of this last condition the hearing officer has agreed that I will attempt and request that the development period granted to the applicants be a full five (5) years as allowed by Idaho Code Section 42-203A and that the applicants be granted that full period of time to work with the Forest Service in obtaining a special use permit for the proposed use. In addition, there will be an opportunity that when the five years expires, for the applicant to seek an extension of time in completing the diversion of water and submitting proof of beneficial use to the Department of Water Resources.

N:\SPACKMAN\LANECOND.WPD

MICROFILMED

APR 13 1993

Portion of hearing re: Val T. Lane #67-7998, held June 16, 1998,
by Gary Spackman, Hearing Officer.

The parties agree to the following conditions as a settlement to the protest:

A water right permit can be issued for application #67-07998, upon the imposition of certain conditions on the water right permit and certain modifications to the application, which will be incorporated into the permit. The modifications to the application will be that to the extent there is showing in the department records that the applicant Val T. Lane owns the property at the point of diversion therein, is incorrect. The Forest Service owns the land described as the point of diversion in the application, and in fact the original application states that the Forest Service owns the land. The parties also stipulated that the point of diversion be described no more than narrowly or carefully than a 40 acre parcel so there can be some flexibility built in to the special use permit analysis as to where to locate that point of diversion so that it can be constructed with the least impact to the resources. In the interest of stability at that point of diversion, or perhaps locating in that point of diversion, perhaps will not impact the Forest Service Lands at all.

With those two agreements there was also an agreement to place three conditions of approval on the water right permit and those conditions are and please parties correct me if I don't recite these properly. The first one is that this water right permit does not grant a right of way across the lands of the U.S. Forest Service. The second condition is that no diversion of water or construction of diversion works shall occur until a special use permit is issued by the U.S. Forest Service. The third condition is that upon denial of a special use permit by the Forest Service and the exhausting of any administrative, or judicial remedies following the denial, that upon the completion of those remedies and ultimate denial of the special use permit the water right permit shall be canceled or revoked.

Because of this last condition the hearing officer has agreed that I will attempt and request that the development period granted to the applicants be a full five (5) years as allowed by Idaho Code Section 42-203A and that the applicants be granted that full period of time to work with the Forest Service in obtaining a special use permit for the proposed use. In addition, there will be an opportunity that when the five years expires, for the applicant to seek an extension of time in completing the diversion of water and submitting proof of beneficial use to the Department of Water Resources.

N:\SPACKMAN\LANECOND.WPD

MICROFILMED

APR 13 1999

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Conducted by: Gary Spackman

NAME

ADDRESS

<u>Nancy Lane</u>	<u>2072 Hwy 95 Council</u>
<u>Val Lane</u>	<u>2672 Hwy 95, Council</u>
<u>John W. Baglin</u>	<u>Council Ranger District, Council</u>

MICROFILMED
APR 13 1999

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED

APR 28 1998

MICROFILMED
WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

APR 13 1999



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

PETE JOHNSON
COUNCIL RANGER DIST
US FOREST SERVICE
PO BOX 567
COUNCIL ID 83612

APR 13 1989

4a. Article Number

P 590 138 331

4b. Service Type

- | | |
|---|------------------------------------|
| ☐ Registered | ☐ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

4-27-98

5. Received By: (Print Name)

Levone Wilson

6. Signature: (Addressee or Agent)

X Levone Wilson

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED

MAY 04 1998

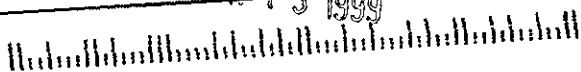
WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

MICROFILMED

APR 13 1999

86



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

VAL T LANE
PO BOX 512
COUNCIL ID 83612

MICROFILM

APR 13 1998

4a. Article Number

P 590138 730

4b. Service Type

- ☐ Registered ☒ Certified
☒ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

4-25-98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

Val T Lane

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

67-7828

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (*See front*).

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

P 590 138 331

US Postal Service

Receipt for Certified Mail

PETE JOHNSON

COUNCIL RANGER DIST

US FOREST SERVICE

PO BOX 567

COUNCIL ID 83612

PS Form 3800, April 1995

Postage	\$
Certified Fee	1.00
Special Delivery Fee	1.00
Restricted Delivery Fee	0.52
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.52
Postmark or Date	

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).

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

P 590 138 330

US Postal Service

Receipt for Certified Mail

VAL T LANE

PO BOX 612

COUNCIL ID 83612

PS Form 3800, April 1995

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.52
Postmark or Date	

MICROFILMED
APR 13 1995

COUNCIL VALLEY VOLUNTEER FIRE DISTRICT
P.O. BOX 606 PHONE 253-1196 FAX 253-6463
COUNCIL, IDAHO 83612

April 14, 1998

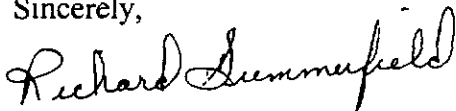
Val T. Lane
2672 Highway 95
Council, Idaho 83612

Mr. Lane,

It would be beneficial to the Fire Department and probably to your Insurance Company to put in a 1,000 gallon water tank. We would most definitely use that water should you get it in and if you need any further help, with this project let us know and we will help in any way we can.

It would be great if more people could put in a water supply for Fire protection on rural property. And our fire rating would go down also, which would help on Insurance rates. Good Luck !

Sincerely,



Richard Summerfield, Fire Chief

RS/ml

MICROFILMED
APR 13 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: mg DATE: 9/6/96 APPLICATION: 67.7998

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: Gov't. Lots: P/D
Nature of proposed use: (Include description of use) P/U
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)
Fee:
Yes No* In form to receipt:

ADDITIONAL INFORMATION

YES NO

 Overlapping place of use: (Describe source & relationship to present application on next page.)
 Overlapping point of diversion.
 Field check required: Field check by:
 Field report attached:
 Critical groundwater area:
 Groundwater management area:
 1992 moratorium:
 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:
 Power efficiency form:
 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

ADDITIONAL INFORMATION ON REVERSE SIDE:

PROCESSING

APP. NO.

67.7148

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 NO

YES NO

I.D. Health & Welfare

I.D. District Health

I.D. Fish & Game

I.D. Lands

Adjudication Bureau

U.S. BLM

U.S. Forest Service

Water Dist. #

Other

FINAL REGIONAL PROCESSING REVIEW:

YES NO

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Protests received. Final date for protest 10-7-96

Protest dates, resolution of protest recorded on application:

Recommendations attached: See preliminary order

Measuring device required:

Measuring port required:

Water delivered by water master? District #

Special conditions of approval or cover letter: See preliminary order

See below for additional information

Recommended Date or Priority 8/28/96

Recommended by: Gary

Date: 8/22/98

STATE OFFICE REVIEW

See below for additional information. By Date

ADDITIONAL INFORMATION:

No overlaps. Applicant also filed 67.7997 for domestic well.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 67-07998 IN THE) **NOTICE OF HEARING**
NAME OF VAL T. LANE.)

On August 28, 1996, Val T. Lane filed with the Department of Water Resources (department) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by the US Forest Service. The conference held in this matter on December 9, 1997, did not resolve the protest.

The department has scheduled a hearing for the protest to be held on Tuesday, June 16, 1998, at 10:00 a.m. at the Adams County Courthouse, 101 Michigan, Council, Idaho 83612. The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Appropriation of the Department of Water Resources. The hearing officer will be Gary Spackman.

The hearing will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate or understand the hearing, please advise the department within ten (10) days prior to the conference.

Dated this 24th day of April, 1998.

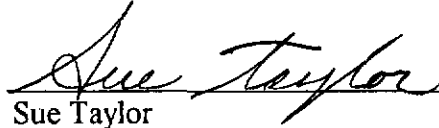


Gary Spackman

MICROFILMED

APR 13 1999

I hereby certify that on the 24th day of April, 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

VAL T. LANE
PO BOX 612
COUNCIL ID 83612

PETE JOHNSON
COUNCIL RANGER DIST
US FOREST SERVICE
PO BOX 567
COUNCIL ID 83612

MICROFILMED
APR 13 1999

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. the applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

MICROFILMED

APR 13 1999

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file a petition for reconsideration, exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

The hearing will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

MICROFILMED

APR 13 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

December 22, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

VAL T LANE
2672 HWY 95
COUNCIL ID 83612

PETE JOHNSON
COUNCIL RANGER DIST
US FOREST SERVICE
PO BOX 567
COUNCIL ID 83612

Re: Gentlemen:

This letter is a follow-up to a telephone conference conducted on December 9, 1997, at 10:00 a.m. The telephone conference replaced the conference which was scheduled at the same time and date at the Adams County Courthouse.

Val Lane explained that he wants to divert water from the unnamed stream to provide a constant flow of water through a storage tank when water in the stream was available. He also wants to store water in the location to provide fire protection in case power is lost. Val Lane stated that he has filed an application for a special use permit with the Forest Service.

Pete Johnson, representing the Forest Service, stated that he was aware that the special use permit was pending. He also stated that he better understood the applicant's proposal for water use.

After discussing the preferences of the parties, I determined that a hearing should be scheduled for mid-June of 1998. A tentative date for the hearing is June 16, 1998. The Department of Water Resources will send notice of the hearing by the end of April, 1998.

Thank you for your cooperation in this matter.

Sincerely,


Gary Spackman

GS:st

CC: US Forest Service, 324 25th St., Ogden, UT 84401-2310

MICROFILMED

APR 13 1999

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

Pete Johnson

PH: 253-0101 Council

Val Lane

Address: 2672 Hwy. 95, Council, Idaho 83612

PH: 208-253-0021

MICROFILMED

APR 13 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 67-07998 IN THE)
NAME OF VAL T. LANE)
_____)

NOTICE OF CONFERENCE

On August 28, 1996, Val T. Lane filed with he Department of Water Resources (department) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by the U.S. Forest Service.

The department has scheduled a conference for the protest to be held on Tuesday, December 9, 1997, at 10:00 a.m. at the Adams County Courthouse, 101 Michigan, Council, Idaho 83612. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

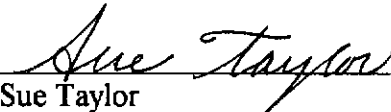
Dated this 17th day of November, 1997.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of November, 1997, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

VAL T LANE
PO BOX 62
COUNCIL ID 83612

US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401-2310

MICROFILMED
APR 13 1999

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. the applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

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MICROFILMED
APR 13 1999

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file a petition for reconsideration, exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

The hearing will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

MICROFILM

APR 13 1999

Idaho Dept of Water Resources
2735 Airport Way
Boise, Id 83705-5082

Attn: Steve Lester 
Re: Permit # 67-07998

October 8, 1997

Dear Mr. Lester,

Please review our file regarding this application. When I contacted Lori on September 5, 1997, she advised me to schedule a conference at our convenience.

Please schedule a conference on a Tuesday or Wednesday if possible.

The Forest Service apparently has a lengthy process for determining that there are no other water rights on the ground water from this unnamed creek.

Please contact me if further information is necessary.

Thank you,



Nancy L. Lane
2672 Highway 95
Council, Id 83612

208-253-0021

new address

RECEIVED

OCT 10 1997

WATER RESOURCES
WESTERN REGION

MICROFILMED

APR 13 1999

CONVERSATION MEMORANDUM

DATE 10/23/96

FILE 67-7998

NAME OF PARTY Nancy Lane

EMPLOYEE Cindy Hodges

RE: Protest.

Applicants have submitted ap. for USFS Special use permit and were told processing & approval could take up to one year.

I advised that an actual conference might not be necessary, and that she should request that USFS send a written confirmation of the receipt of Special use ap & also tell us what the preferred action on protest should be (continue to hold, withdraw?).

Do not schedule conference now.

MICROFILMED

APR 13 1999

U.S. Forest Service
324 25th St.
Ogden, UT 84401-2310

File
RECEIVED

OCT 30 1996

WATER RESOURCES
WESTERN REGION

October 24, 1996

Re: File 2540-1
Agency protest of special use permit

Dear Mr. Bosworth,

Enclosed, please find copies of letters regarding my application for water rights, permit No. 67-07998.

I have applied for a special use permit from the Forest Service. My plan is to pipe water from a spring on National Forest Lands and store in a tank on my land for use in both wildland and structure fire prevention and suppression. It is my understanding that the Council Ranger District will be unable to process my application for several months and possibly over a year.

You have requested that the Department of Water Resources defer any action on this permit application until I have received the special use permit. Since I have submitted my application to your Agency and your Agency may not be able to process my application for several months, please consider withdrawing your protest and allowing the State of Idaho, Department of Water Resources to grant my water rights and clear their files.

Please contact Steve Lester, Deputy Regional Manager, State of Idaho, Department of Water Resources and give him direction on how the Forest Service would like to resolve the protest.

Thank you for your consideration of my request.

Sincerely,

Val T. Lane

Mr. Val T. Lane
P.O. Box 612
Council, Id 83612

MICROFILMED

APR 13 1999

FS Protest Letter - cc included

*wait to hear from parties &
request here*

jc 11/4/96

RECEIVED

OCT 30 1996

Form 202
10/92 WATER RESOURCES
WESTERN REGION

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- Name of applicant Mr. Val T. Lane Phone 208-253-4292
Post office address PO Box 1612 Council ID 83612
- Source of water supply unnamed Creek which is a tributary of _____
- Location of point of diversion is _____ 1/4 of SW 1/4 of NE 1/4, Govt. Lot _____
Sec. 7 Township 17N Range 1E B.M. Adams County; additional
points of diversion if any: _____
- Water will be used for the following purposes: fire protection/storage.
Amount 20 for F purposes from Jan 1 to Dec 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)
- Total quantity to be appropriated is (a) _____ and/or (b) _____
cubic feet per second acre feet per annum
- Proposed diverting works:
 - Description of ditches, flumes, pumps, headgates, etc. Spring Box & Poly pipe.
to Storage Tank
 - Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - Is ground water with a temperature of greater than 85°F being sought? _____
 - If well is already drilled, when? _____; Drilling firm MICROFILMED;
Well was drilled for (well owner) _____
APR 13 1999
- Time required for the completion of the works and application of the water to be proposed beneficial use is
_____ years (minimum 1 year).

Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. Domestic Fire Prevention Water Storage

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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
17N	1E	7								~~SE~~									

Total number of acres to be irrigated _____

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? National Forest Land
- b. Who owns the land to be irrigated or place of use? Self
- 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: _____

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APR 17 1999

USDA-Forest Service SPECIAL-USE APPLICATION AND REPORT (Ref.: FSM 2712, 36 CFR 251.54)	FOREST SERVICE USE ONLY			
INSTRUCTIONS Applicant should request a meeting with the Forest Service representative responsible for processing the application, prior to completing this form. This meeting will allow a discussion of the form's requirements and identify those items to be omitted.	Date Received (mo/day/yr) ____/____/____	Region Number ____	State Code ____	County Code ____
	Congressional Dist. Number ____	Forest Code (Admin. Unit No.) ____	Unit ID Symbol (NFFID No.) ____	
	Ranger Dist. No. (Resp. Dist.) ____	User Number ____	Kind of Use Code ____	
PART I—APPLICATION (Applicant Completes)				
1. Applicant Name and Address (include Zip Code) Mr Val T. Lane PO Box 612 Council, Id 83612	2. Authorized Agent Name, Title and Address (include Zip Code) if different from Item 1. 		3. Area Code and Telephone Number a. Applicant's 208-253-4292 b. Authorized Agent's	
4. As applicant are you? (Mark one box with "X") a. ☒ Individual b. ☐ Corporation* c. ☐ Partnership/Association* d. ☐ State Government/State Agency e. ☐ Local Government f. ☐ Federal Agency * If marked "X", complete PART II.		5. Specify what application is for: (Mark one box with "X") a. ☒ New authorization* b. ☐ Renew existing authorization c. ☐ Amend existing authorization* d. ☐ Other* * If marked "X", provide details under Item 7.		
6. If you are an individual or partnership, are you also a citizen(s) of the United States? ☒ Yes ☐ No				
7. Describe in detail the land use, including: (a) type of use, activity, or facility; (b) related structures and facilities; (c) physical specifications (length, width, acres, etc.); (d) term of years needed; (e) time of year of use or operation; (f) duration and timing of construction; (g) temporary work areas needed for construction; and (h) anticipated need for future expansion. (If extra space is needed, use Page 3, REMARKS). a&b Residential, 15.45 acres - Timbered - collection of run off and spring water to sustain 1000 gallons of stored water for fire protection, both wildland and structural. Jan 1 - Dec 31 f. placement of poly pipe as soon as possible in Spring after approval of permit. Storage tank on our property.				
8. Attach map covering area and show location of proposed use and/or furnish legal description of the land. See enclosed copy of Application -				
9. Give statement of your technical and financial capability to construct, operate, and terminate the use for which authorization is requested, including the protection and restoration of Federal lands. (If extra space is needed, use page 3, REMARKS). Little impact expected 2x2 spring box and laying of pipe.				

MICROFILMED

APR 13 1999

10a. Describe other reasonable alternative proposals considered.

N/A

10b. Give explanation of why it is necessary to utilize Federal lands and why the alternatives in item 10a were not selected.

Vertical Drop necessary to fill tank, so tank can be located high enough on property for gravity feed.

11. Provide statement of need for proposed use, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits. (If extra space is needed, use page 3, REMARKS).

2000.00 to cover costs of tank & pipe. Stored water available for wildland fire protection for adjacent public lands.

12. Describe probable effects on the area population, including social and economic aspects, and rural lifestyles.

May reduce impact of wildland fire, both economic impact and reduce loss of habitat.

13. Describe likely environmental effects that the proposed use will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) control or structural change on any stream or other body of water; (e) existing noise levels; (f) land surface, including vegetation, permafrost, soil and soil stability; and (g) populations of fish, plant, wildlife and marine life, including threatened and endangered species. (If extra space is needed, use page 3, REMARKS).

- A- chance to improve because of wildland fire reduction
- B- chance to improve because of wildland fire reduction
- C- Same
- D- None
- E- None
- F- None

G- None - may actually help as overflow is rerouted to lower portion of stream bed during typically dry periods

14. Describe what actions will be taken to protect the environment from the effects of the proposed use.

No ill effects expected.

15. Name all Federal, State, County or other department(s)/agency(ies) where an application for this is being filed. Attach appropriate license, building permit, certificate or other approval document.

State of Idaho Dept of Water Resources

I HEREBY CERTIFY, that I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and that this information is correct to the best of my knowledge.

15a. Applicant's Signature (Sign in Ink)

Nel J Janu

15b. Date

9-25-96

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

APR 13 1999

File Code: 2540-1

Date:

OCT 27 1996

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

RECEIVED

OCT 30 1996

WATER RESOURCES
WESTERN REGION

Dear Mr. Higginson:

We are writing to protest Application for Permit No. 67-07998 filed by Val T. Lane to divert 0.04 cfs from an unnamed stream, tributary of the Weiser River, on the Council Ranger District. Our concern is based on, but not limited to the following reason:

1. The applicant does not have a Special Use Permit from the Forest Service for the purpose of conveying water to private land. Without a permit the applicant would be unable to put the water to beneficial use.

We recommend that the Department defer any action on this Application until the Applicant has obtained a special use permit that authorizes diversion of the unnamed stream from public land. We are also enclosing our check in the amount of \$25 for the filing fee.

If you have questions, please contact Holly Becker, Payette National Forest, at (208) 634-0795.

Sincerely,

Jack A. Blackwell

DALE N. BOSWORTH
Regional Forester

Enclosure

cc:
Payette NF
Val T. Lane

MICROFILMED
APR 13 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

RECEIVED

PHILIP E. BATT
GOVERNOR

OCT 30 1996

KARL J. DREHER
DIRECTOR

WATER RESOURCES
WESTERN REGION

October 15, 1996

VAL T LANE
PO BOX 612
COUNCIL ID 83612

Re: Application for Permit No. 67-7998

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced applications. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

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

Please contact this office if you have questions regarding this procedure.

Sincerely,

Steve Lester
Deputy Regional Manager

Enclosure: Copy of protest(s)

SL/st

MICROFILMED

APR 13 1999

Idaho
DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

October 15, 1996

US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401-2310

RECEIVED

OCT 30 1996

WATER RESOURCES
WESTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Re: Application for Permit No. 67-7998 in the Name of Val T. Lane

Dear Protestant:

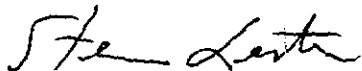
This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

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

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
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4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

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

Sincerely,



Steve Lester
Deputy Regional Manager

SL/st

MICROFILMED

APR 13 1999

2-22-96

Hi!

Hope this is correctly filled out. Am I supposed to apply for a Special Use Permit from USFS?

The creek water will be mainly runoff.

Nancy L Lane

208-253-4292

RECEIVED

AUG 28 1996

WATER RESOURCES
WESTERN REGION

MICROFILMED

APR 13 1999

NOTICES OF PUBLIC INFORMATION

LEGAL NOTICE

MEADOWS VALLEY SCHOOL DISTRICT
NO. 11

Trustees of Meadows Valley School District #11 have
owing as surplus items which will be sold at public

WEDNESDAY, OCTOBER 12 AT 10:00 A.M.

TRIC RANGE
SH BURNER STOVE
FLUORESCENT LIGHT FIXTURES
LL AWAY SET OF SHELVES
IDENT DESKS
PURIFIERS
CKET OF BOLTS AND HARDWARE, ETC.
NK OF BLEACHER LUMBER
S OF BLEACHER HARDWARE
LL AWAY SET OF SHELVES/PRINTER CASE
EEL POSTS
DTIRES
SK LEGS
PER TOWEL DISPENSERS
AIRS
IM PROJECTOR

OTHER ASSORTED ITEMS

The Record Sept. 26, 1996

LEGAL NOTICE

DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
IDAHO, IN AND FOR THE COUNTY OF ADAMS

of the Estate) CASE NO. SP 96-211
)
) NOTICE TO CREDITORS

D BARNETT,

HEREBY GIVEN that the undersigned has been appointed
representative of the above-named decedent. All persons
against the decedent or his estate are required to present
within four (4) months after the date of the first
of this Notice or said claims will be forever barred. Claims
presented to the undersigned at the address indicated and filed
with the clerk of the Court.

s/Susan D. Barnett
SUSAN D. BARNETT
C/o Mr. Scott Chapman
P. O. Box 446
Lewiston, ID 83501

The Record Sept. 26, Oct. 3 & 10, 1996

LEGAL NOTICE

Election Notice

1996 is the last day for persons to pre-register for the

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:

67-07997

LANE, VAL T
PO BOX 612
COUNCIL, ID 83612

Source: GROUNDWATER

Diversion Pt: LOT 2 (SWNW) Sec: 7 T 17N R 01E in ADAMS County.

Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 8/28/1996

In: ADAMS County
T17N R01E S07 Lot 2(SWNW)

67-07998

LANE, VAL T
PO BOX 612
COUNCIL, ID 83612

Source: UNNAMED STREAM

Tributary: WEISER RIVER

Diversion Pt: SWNE Sec 7 T 17N R 01E in ADAMS County.

Use: FIRE PROTECTION (0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 8/28/1996

In: ADAMS County
T17N R01E S07 Lot 2(SWNW) SENW

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 OCTOBER 7, 1996. The Protest must also send a copy of the
protest to the applicant.

Published: 9/19/1996 & 9/26/1996

KARL J. DREHER, Director

LEGAL NOTICE

Adams County
Election Notice

The following election precincts have been established and the
following registrars have been appointed for the Primary and General
elections for 1996

Precinct	Name	Address	Phone
Indian Valley	Sherry Bullard	Indian Valley Store	256-4344
Council	Gaye Carter	Council City hall	253-4201
North Council	Gaye Carter	Council City hall	253-4201
Bear	Mavis McGahey	Bear	258-4481
New Meadows	Talya Nay	New Meadows City hall	347-2171
Little Salmon River	Frances Green	5607 Pines Rd	628-3429



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 15, 1996

US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401-2310

Re: Application for Permit No. 67-7998 in the Name of Val T. Lane

Dear Protestant:

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

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

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

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

Sincerely,

Steve Lester
Deputy Regional Manager

SL/st

MICROFILMED

APR 13 1999



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 15, 1996

VAL T LANE
PO BOX 612
COUNCIL ID 83612

Re: Application for Permit No. 67-7998

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced applications. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

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6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

Steve Lester
Deputy Regional Manager

Enclosure: Copy of protest(s)

SL/st

MICROFILMED

APR 13 1997

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

RECEIVED

OCT 09 1996

WATER RESOURCES
WESTERN REGION

Receipt No: C036721

Date: 10/ 8/1996
Time: 09:41:24

Received
From: U S DEPT. OF AGRICULTURE

	Type of Payment	Program A cct	Amount
PROTEST # 67-07998	56103	229 21 1155	25.00
CHECK	236845		
		Total	\$ 25.00

Region: STATE

Signature: Kari Lynn Swanson

MICROFILMED
APR 13 1999



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401-2310

File Code: 2540-1

Date: OCT 07 1996

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

RECEIVED

OCT 09 1996

WATER RESOURCES
WESTERN REGION

Receipt # 0036721

rt 1
10.8.96

RECEIVED

OCT 08 1996

Department of Water Resources

Dear Mr. Higginson:

We are writing to protest Application for Permit No. 67-07998 filed by Val T. Lane to divert 0.04 cfs from an unnamed stream, tributary of the Weiser River, on the Council Ranger District. Our concern is based on, but not limited to the following reason:

1. The applicant does not have a Special Use Permit from the Forest Service for the purpose of conveying water to private land. Without a permit the applicant would be unable to put the water to beneficial use.

We recommend that the Department defer any action on this Application until the Applicant has obtained a special use permit that authorizes diversion of the unnamed stream from public land. We are also enclosing our check in the amount of \$25 for the filing fee.

If you have questions, please contact Holly Becker, Payette National Forest, at (208) 634-0795.

Sincerely,

for Jack A. Bosworth
DALE N. BOSWORTH
Regional Forester

Enclosure

cc:
Payette NF
Val T. Lane

\$25

C036721 10/8/96

-JL

MICROFILMED

APR 13 1998

Caring for the Land and Serving People



Printed on Recycled Paper
FS-6200-28b (12/93)





United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401-2310

File Code: 2540-1

Date: OCT 07 1996

Mr. R. Keith Higginson
Director
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mall
Boise, ID 83720

Dear Mr. Higginson:

We are writing to protest Application for Permit No. 67-07998 filed by Val T. Lane to divert 0.04 cfs from an unnamed stream, tributary of the Weiser River, on the Council Ranger District. Our concern is based on, but not limited to the following reason:

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If you have questions, please contact Holly Becker, Payette National Forest, at (208) 634-0795.

Sincerely,

Jack A. Bosworth
DALE N. BOSWORTH
Regional Forester

Enclosure

cc:
Payette NF
Val T. Lane

MICROFILMED

APR 13 1999





FAX TRANSMITTAL SHEET

USDA FOREST SERVICE INTERMOUNTAIN REGION (R-4)
Recreation, Lands, and Minerals
324 25th Street
Ogden, UT 84401

Fax No. (801) 625-5170

Verification No. (801) 625-5139

TO

Name: *Idaho Dept of Water Resources*
Attn: Steve Leister RV

FAX No.:

FROM

Name: *Judy Carson*

Message:

*Protest you is being
at 10:00 AM today*

Judy

Date of recording to file

MICROFILMED

APR 13 1999



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

September 13, 1996

US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401

Re: Application for Permit No. 67-07998 in the Name of Val T. Lane

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(s), your written protest must be received in this office by October 7, 1996, with the required \$25 protest fee per application being protested.

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

Sincerely,

Steve Lester
Deputy Regional Manager

DRT:st

Enclosure(s):

MICROFILMED

APR 13 1999

67-07998

LANE, VAL T
PO BOX 612
COUNCIL, ID 83612

Source: UNNAMED STREAM

Tributary: WEISER RIVER

Diversion Pt: SWNE Sec 7 T 17N R 01E in ADAMS County.

Use: FIRE PROTECTION	(	0.040 CFS)
Total Diversion:	(	0.040 CFS)

Date Filed: 8/28/1996

In: ADAMS County	
T17N R01E S07 Lot 2 (SWNW)	SENW

MICROFILMED

APR 13 1999