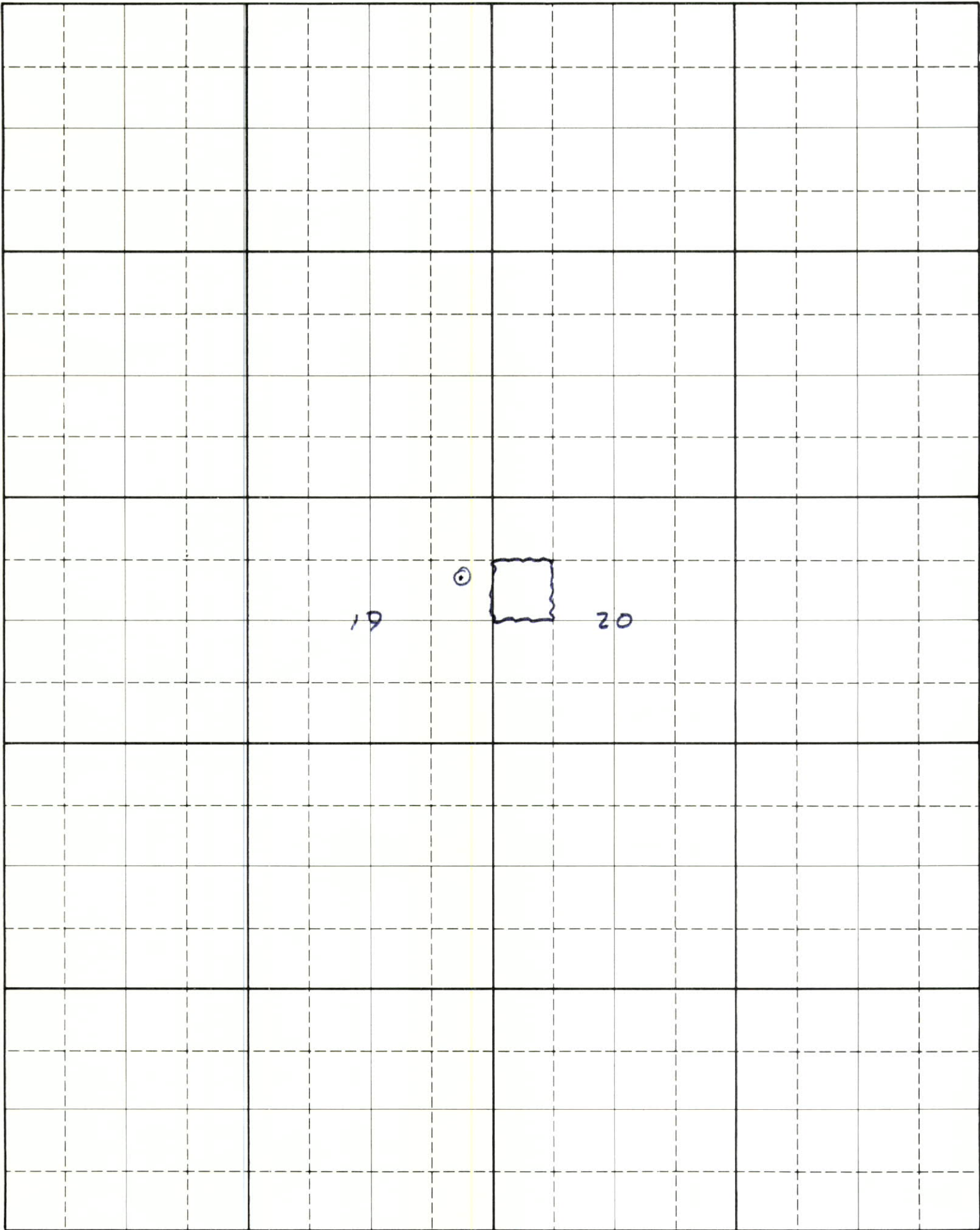


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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

X Thomas E. Holmes
(Applicant)

Public Notices

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Thomas E. Holmes, Midvale, Idaho, has on March 13, 1972, submitted Application No. 67-7064 for a permit to appropriate 0.3 cubic feet per second of water from an unnamed spring, tributary of West Pine Creek, by means of pipeline and tank within the SE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 19, T. 15N, R. 4W, B. M., Washington County to be used from Jan. 1 to Dec. 31 for domestic purposes for 10 families and power generation within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T. 15N, R. 4W, B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before April 10, 1972.

R. KEITH HIGGINSON
Director

Published in the Upper Country
News-Reporter, Cambridge, Idaho,
on March 23 and March 30, '72

AFFIDAVIT OF PUBLICATION

State of Idaho }
County of Washington } ss.

67-7074

Stuart Dopf, being first duly sworn, deposes and says that he is the publisher, foreman, principal clerk, of THE NEWS-REPORTER, a weekly newspaper published at Cambridge, Washington County, Idaho, and that said paper has been published continuously for more than 78 weeks immediately preceding the first publication of the attached notice; that said paper is in general circulation in the county aforesaid and in the vicinity of Cambridge, Idaho; that the notice, 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 every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement thereto; that the publication of said notice began with the issue of March 23, 1972, and ended with the issue of March 30, 1972.

Stuart Dopf

Subscribed and sworn to before me this

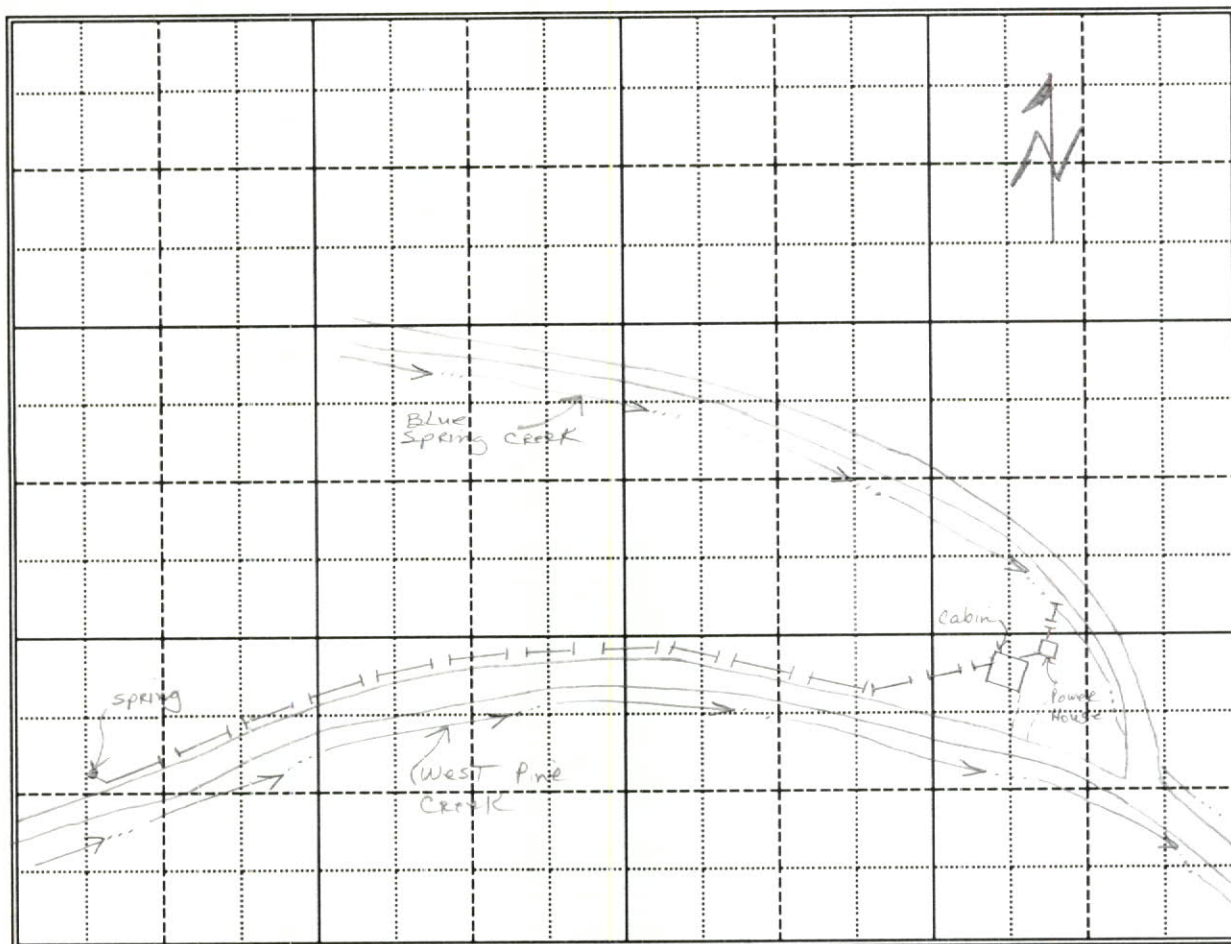
31st day of March, 1972

May Collins

Notary Public for Idaho, residing at
Cambridge, Idaho

MICROFILMED

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = NTS

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☐ Photo of Diversion and System Attached

4. N/A

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
<u>5 gallon bucket</u>						

2. Measurements:

5 gallon bucket at 2" outlet pipe into Blue Spring Creek during flow through wheel.
(17 gpm) = 0.04 cfs at cabin.

NOV 10 1958

AUG 10 1958

DIAG



PHOTO ONE-

View northerly of cabin ~~where~~ for domestic use. In the right bottom corner, a small building which contains the wheel, generator, and batteries used to generate electricity for cabin.



MAINTENANCE
AUG 10 1992

PHOTO TWO-

Two 1 1/4" Iron Pipes into bottom portion of small structure. Upper pipe to wheel, lower pipe to bypass wheel.



PHOTO THREE-

wheel, generator, and a portion of the (12) 2-volt batteries used to store power to generate electricity.



PHOTO FOUR-

Twelve 2-volt batteries in small building used to store power for electricity to cabin.

MICROFILMED
AUG 10 1998



PHOTO FIVE-

Iron Pipe Outlet, 2", from power generation building. Flow shown is during wheel operation. Overflow is into Blue Spring Creek.

>

PHOTO SIX-

APPROVED
AUG 10 1998

**NOTICE OF APPLICATION FOR
WATER PERMIT**

Notice is hereby given that Thomas E. Holmes, Midvale, Idaho, has on March 13, 1972, submitted Application No. 67-7064 for a permit to appropriate 0.3 cubic feet per second of water from an unnamed spring, tributary of West Pine Creek, by means of pipeline and tank within the SE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 19, T. 15N, R. 4W, B. M., Washington County to be used from Jan. 1 to Dec. 31 for domestic purposes for 10 families and power generation within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T. 15N, R. 4W, B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before April 10, 1972.

R. KEITH HIGGINSON
Director

Published in the Upper Country
News-Reporter, Cambridge, Idaho,
on March 23 and March 30, '72

O.K.
3-21-72
B.L.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 67-07074

Priority: June 15, 1974

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:

29.5 AF

This is to certify, that THOMAS E HOLMES

450 S WEISER ST

MIDVALE ID 83645

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 13, 1972; and has submitted Proof of Beneficial Use on September 5, 1984. An examination indicates that the works have a diversion capacity of 0.040 cfs of water from:

SPRING

tributary to WEST PINE CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	0.04 CFS	28.9 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	Totals	0.04 CFS	29.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 19, Township 15N, Range 04W
WASHINGTON County

PLACE OF USE: POWER

TWN RGE SEC

15N 04W 20

SWNW

PLACE OF USE:

DOMESTIC, same as POWER use

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

MICROFILMED

AUG 10 1998

State of Idaho
Department of Water Resources

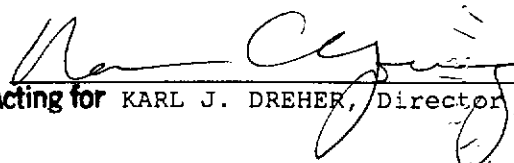
Water Right License

WATER RIGHT NO. 67-07074

CONDITIONS OF APPROVAL AND REMARKS

6. The water right confirmed in this license 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 license 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 license.
7. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after September 1, 2004. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 3rd day of July, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED
AUG 10 1998

RECEIVED

JUL 02 1998

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 67-07074

Date of Priority: June 15, 1974

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 29.5 AF

Comes now

THOMAS E HOLMES

450 S WEISER ST
MIDVALE ID 83645

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 67-07074, and requests that the permit be changed as follows:

Source: **SPRING**

tributary to **WEST PINE CREEK**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
POWER	01/01 to 12/31	0.04 CFS	28.9 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	Totals	0.04 CFS	29.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 19, Township 15N, Range 04W
WASHINGTON County

PLACE OF USE: POWER

TWN RGE SEC

15N 04W 20

SWNW

PLACE OF USE:

DOMESTIC, same as POWER use

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Thomas E Holmes, this 7 day of July, 1998.

MICROFILMED

(Signature)

AUG 10 1998

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 67-07074

FOR DEPARTMENT USE ONLY

Preliminary check by SUK Fee = 50.00 Receipted by LS # 642738 Date 7/2/98

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 67-07074 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
6. The water right confirmed in this license 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 license 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 license.
7. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after September 1, 2004. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

MICROFILMED

AUG 10 1998

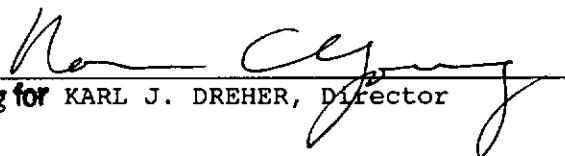
State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 67-07074

Witness my hand this 3RD day of July, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

AUG 10 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 67-07074)
IN THE NAME OF THOMAS E. HOLMES)
)
)
_____)

**ORDER ADVANCING
DATE OF PRIORITY**

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 67-07074 for the issuance of a license, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On November 7, 1974, the Department approved Application for Permit No. 67-07074 to appropriate water with a date of priority of November 1, 1979.
2. On April 10, 1987, the department sent the original permit holder an Examination Fee Notice and informed him that he had sixty (60) days to submit the required examination fee.
3. On September 11, 1989, the permit holder submitted the \$50.00 examination fee. The fee was submitted 824 days late, however, the department did not issue an order advancing the date of priority.

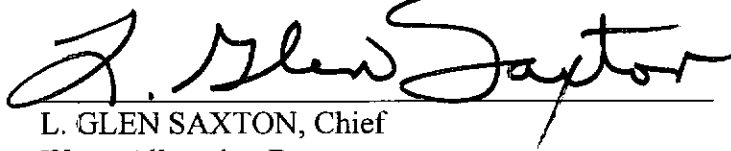
CONCLUSIONS OF LAW

1. The Department should issue an order showing that the priority has been advanced to June 15, 1974.

ORDER

IT IS THEREFORE HEREBY ORDERED that the date of priority of Permit No. 67-07074 is advanced to June 15, 1974.

Dated this 25th day of June, 1998


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED
AUG 10 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

RECEIVED
AUG 1 1979

Department of Water Resources

THOMAS E. HOLMES

of Midvale,

(Name)

(Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Waters of the State of Idaho No. 67-7074.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before November 1, 1979.

That he has heretofore performed the following work described under said permit:

I have constructed a catchbasin at the spring and installed a pipeline into the foundation of the cabin. The only thing left to do is to complete the cabin.

Costing \$ 3,000

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Lack of time. This is recreational property and I can only work on it when my career work allows and the weather permits.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to November 1, 1984.

Thomas E. Holmes
(Signature)*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit proof of beneficial use of water is extended to November 1, 1984.

Signed this 2nd day of August, 1979.

MICROFILMED

A. Glen Saxton
CHIEF, OPERATIONS BUREAU

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

Rec'd 8/1/79
OK
jg

I, Thomas E. Holmes, hereby assign to Thomas E. and/or Claudia J. Holmes
of Midvale, Idaho 83645
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 67-7074
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 1st day of August, 19 79.

Thomas E. Holmes
Permit Holder

Claudia J. Holmes
Spouse of Permit Holder

State of Idaho)
County of Ada) ss.

On this 1st day of August, 19 79, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Rita Bendish
Notary Public residing at
Boise, ID

My commission expires: 3/8/80

RECORDED

ASSIGNED TO:
Thomas E. and/or Claudia J. Holmes
Midvale,
Idaho 83645
August 1, 1979

Identification No. 67-7074
Application No. _____

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

APPROVED

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Thomas E. Holmes
post office address Midvale, Idaho
2. Source of water supply unnamed spring which is a tributary of West Pine Creek
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 19 Township 15N
Range 4W B.M. Washington County; additional points of diversion if any: _____

7. E. 94. b. If water is not consumed, it will be discharged into Blue Springs Ck thence West Pine Creek at a point in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 19 Township 15N Range 4W B.M. _____

4. Water will be used for the following purposes:
7. E. 94. Amount ~~3.00~~ 0.02 for domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .3 for power generation purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

- a. .3 cubic feet per second and/or
b. _____ acre feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. pipeline from spring to 1,000 gallon holding tank

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

Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)

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

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.

- b. Estimated construction cost is \$ 1,000.00.

8. Description of proposed uses:

- a. If water is **not** for irrigation:

(1) Give the place of use of water: SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 20 Township 15N
Range 4W B.M. _____

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

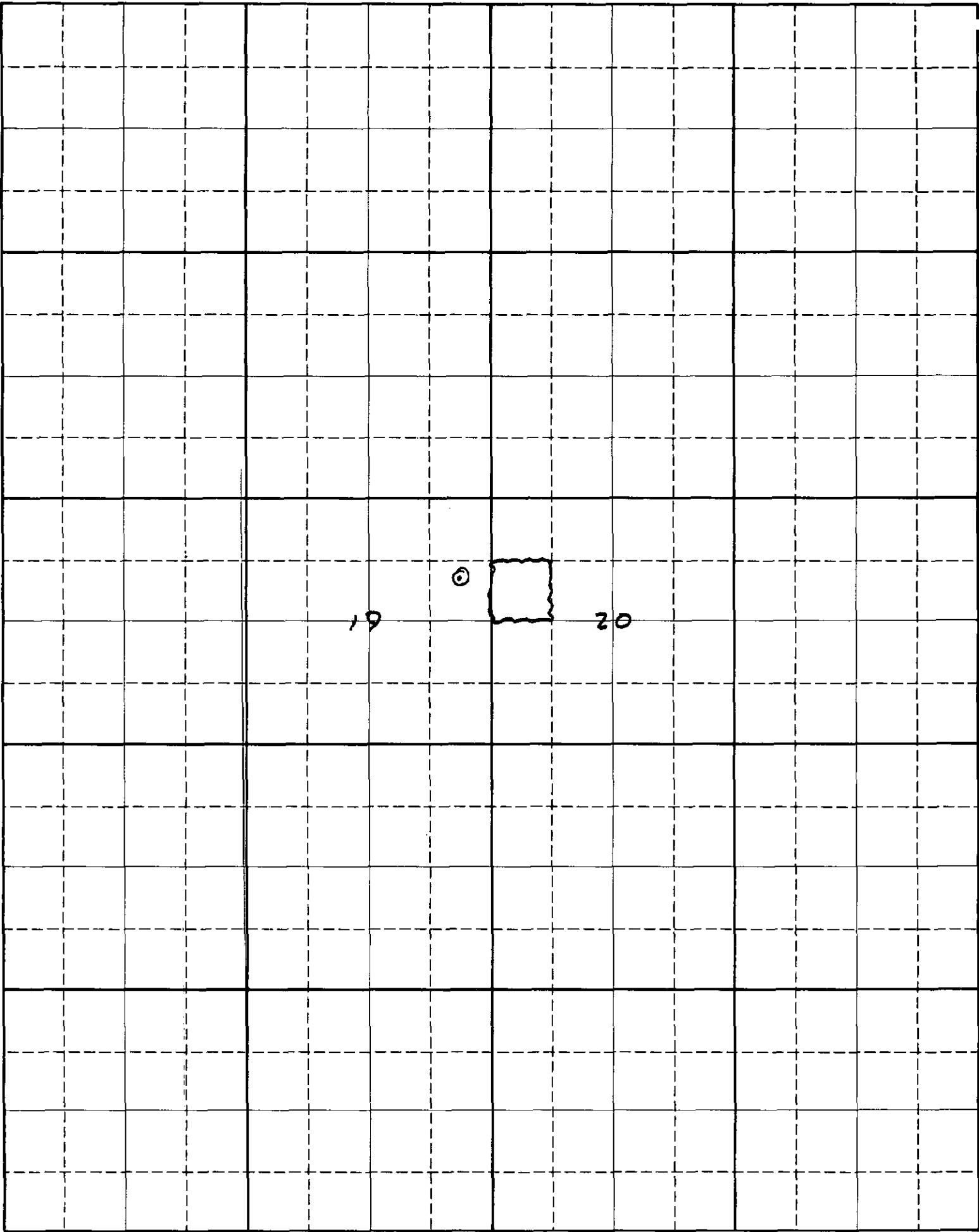
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water 10.

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

MICROFILMED

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



Scale: 2 inches equal 1 mile

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

X Thomas E. Holmes
(Applicant)

I. E. 12/14/74
JE B
14

3-13-1972
Proposed Priority

Received by RL Date 3-13-1972 Time 2:25 pm
Preliminary check by RL Fee \$ 35.00 *sheet # 8161*
Receipted by ej Date 3-13-72
Publication prepared by cr Date 3-17-72
Published in Upper Country News Reporter
Publication dates 3-23 & 3-30-72
Publication approved CR Date 4-5-72
Priority reduced to _____ Reason _____

Protests filed by: _____
See list of protestants in file.

Copies of protests forwarded by dr 4/17/72
Hearing held by _____ Date _____
Recommended for (approval) denial by BDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 67-7074, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:
 - a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 19 79.
 - c. Other: That the use of water for domestic purposes not exceed 0.02 cfs for use at one house. (2) That the use of water for power purposes not exceed 0.30 cfs for use at one house. (3) That the water used for power generation be returned to the live water in Pine Creek.
2. Denial of said application is for the following reasons: _____

Witness my hand this 7 day of November 19 74.


Director

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 67-7074

____ Source
____ Point of Diversion
____ County
____ Quantity of Water and Period of Use
____ Description of Diverting Works
____ Time required for B/U of water
____ Place of Use or Acres Irrigated
____ Map
____ Signature
____ Fee

(1) _____

In form to receipt

(2) _____

Send Copies to:

____ Idaho State Health Department
____ Idaho Fish and Game Department
____ Bureau of Land Management

(3) _____

____ Request Special Use Permit from U.S.F.S.
____ Request Easement from B.L.M.
____ Request Information from Applicant

(4) _____

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no _____

(8) _____

Groundwater levels:

____ Declining, ____ Stable, ____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) LEB 10/28/74

Affidavit of Publication received (date) April 3, 1972

(12) LEB 10/28/74

Final date for protests April 10, 1972

Protests received: yes ☒ no _____

(13) LEB 10/28/74

All requested information received from agencies or applicant: yes ☒ no _____

Hearing has been held

(14) LEB 10/28/74

Action recommended:

☒ Approve _____ Deny

____ Proposed Priority

____ Reason for Reduction _____

No Measuring device required

☒ See attached sheet for other conditions of approval

____ No special conditions for approval

(15) District Western

By f. Barker Date 10/28/74

RECEIVED

OCT 29 1974

Department of Water Resources

MICROFILMED

important
as a result
of hearing

Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

I, Thomas E. Holmes of Midvale, Idaho, County of Washington, State of Idaho, being duly sworn, do hereby certify that I am a bona fide resident of the State of Idaho.

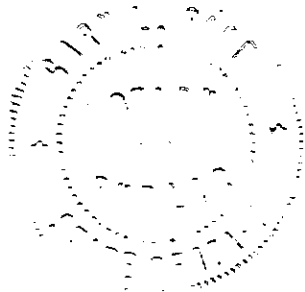
/s/ X Thomas E. Holmes

Subscribed and sworn to before me this 13 day of March, 19 72

/s/ Gary L. Page

Notary Public
Residence Boise

My Commission Expires 7/29/1975



Corporation or Association

AFFIDAVIT TO ESTABLISH RESIDENCE
OR QUALIFICATIONS TO DO BUSINESS UNDER THE LAWS OF
IDAHO...

I, _____ of _____, County of _____, State of Idaho, being first duly sworn, depose and say: That I am the designated statutory agent of the _____, that as such I am in charge of the registered office of the said _____, as provided by Section 30-143, Idaho Code, at _____, Idaho, wherein are kept the records provided by Section 30-144, Idaho Code, and that _____ is a legal _____ qualified to do business in the State of Idaho under the laws of the State of Idaho.

/s/ _____

Subscribed and sworn to before me this _____ day of _____, 19 _____

/s/ _____

Notary Public
Residence _____

My Commission Expires _____

MICROFILMED

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No. 67-7074 Name Thomas E. Holmes

Source unnamed spring

Point of Diversion SE 1/4 NE 1/4, Sec. 19, T. 15N, R. 4W, B.M., Washington County

Quantity .3 Use domestic Period Jan. 1 to Dec. 31

Quantity .3 Use power generation Period Jan. 1 to Dec. 31

Quantity Use Period

Well Size Diameter Proposed Depth Feet

Use 10 families for domestic use

Date Forwarded 3-20-72 Date Returned 3-20-72 Received by DL

COMMENTS: Decreased Stream. Subject to control of Watermaster & prior rights.
Measuring device. No water available during last half of season. R.W.H.

RECOMMENDED:

Applied: Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

Maximum: Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

Qty. Use Period AF/A AF

ACTION: Approved Denied

Conditions of approval or reason for denial:

INVESTIGATION By Title

Date

MICROFILMED

Public Notices

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Thomas E. Holmes, Midvale, Idaho, has on March 13, 1972, submitted Application No. 67-7074 for a permit to appropriate 0.3 cubic feet per second of water from an unnamed spring, tributary of West Pine Creek, by means of pipeline and tank within the SE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 19, T. 15N, R. 4W, B. M., Washington County to be used from Jan. 1 to Dec. 31 for domestic purposes for 10 families and power generation within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T. 15N, R. 4W, B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before April 10, 1972.

R. KEITH HIGGINSON
Director

Published in the Upper Country
News-Reporter, Cambridge, Idaho,
on March 23 and March 30, '72

AFFIDAVIT OF PUBLICATION

State of Idaho }
County of Washington } ss.

Stuart Dopf, being first duly sworn, deposes and says that he is the publisher, foreman, principal clerk, of THE NEWS-REPORTER, a weekly newspaper published at Cambridge, Washington County, Idaho, and that said paper has been published continuously for more than 78 weeks immediately preceding the first publication of the attached notice; that said paper is in general circulation in the county aforesaid and in the vicinity of Cambridge, Idaho; that the notice, 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 every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement thereto; that the publication of said notice began with the issue of March 23, 1972, and ended with the issue of March 30, 1972.

Stuart Dopf

Subscribed and sworn to before me this

31st day of March, 1972

May Collins

Notary Public for Idaho, residing at
Cambridge, Idaho

MICROFILMED

4/20/99

For your records -

Jill Kemp

PAYETTE NATIONAL FOREST
BOX 1026

McCALL, IDAHO 83638



United States
Department of
Agriculture

Forest
Service

Payette
National
Forest

RECEIVED
APR 26 1999
P.O. Box 1026
McCall, ID 83638
(208) 634-0700
Department of Water Resources

File Code: 2720

Date: April 21, 1999

THOMAS AND CLAUDIA HOLMES
450 S WEISER ST
MIDVALE ID 83645

Dear Mr. and Mrs. Holmes:

Enclosed for your records is an approved copy of the Special Use Permit for your domestic water system. This authorization expires December 31, 2018.

As you and Forest Special Uses Resources Assistant Jill Kemp discussed on the phone on April 5, your Water Right License #67-07074, issued by the State of Idaho Department of Water Resources includes water use for hydropower generation. When there is a hydropower facility (of any size) that uses water from a diversion on Federal lands (including National Forest System lands), the facility needs to be either licensed or exempted from licensing by the Federal Energy Regulatory Commission (FERC). As you and Ms. Kemp have discussed, this application process for FERC licensing or exemption is your responsibility. Application information can be obtained by writing to:

J. Mark Robinson, Director
Division of Licensing and Compliance
Federal Energy Regulatory Commission
888 First St. NE, Room 62-15
Washington, D.C. 20426

Thank you for your cooperation in the re-issuance of your permit and if you have questions, please contact Forest Special Uses Coordinator Michele O'Connell or Ms. Kemp at (208) 634-0446 or Forest Realty Specialist Tom Ellison at (208) 634-0752.

Sincerely,

For DAVID F. ALEXANDER
Forest Supervisor

Enclosure

cc:
Weiser Ranger District
FERC:w/o encl.

T.Ellison:w/o encl.
M.O'Connell:w/o encl.

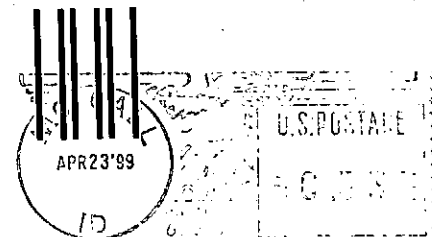


UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

POBox 1026

PAYETTE NATIONAL FOREST
McCALL RANGER DISTRICT
PO BOX 1026
McCALL, IDAHO 83638

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300



IDAHO DEPT OF WATER RESOURCES

STATE OFFICE

1301 N ORCHARD ST

BOISE ID 83706

83706-2237 43





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

July 6, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

THOMAS E HOLMES
450 S WEISER ST
MIDVALE ID 83545

RE: WATER RIGHT NO. 67-07074

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 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 this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within 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. Otherwise, this preliminary order will become a final order of the Department.

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 Department. The Department retains the right to review the preliminary order on its own motion.

MICROFILMED

AUG 10 1998

ORAL ARGUMENT

If the Department grants a petition to review the 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 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 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:

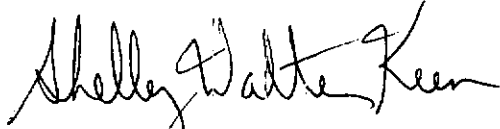
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

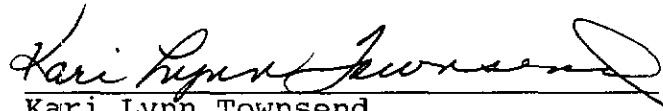
AUG 10 1998

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of July, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 67-07074

THOMAS E HOLMES
450 S WEISER ST
MIDVALE ID 83645


Kari Lynn Townsend
Secretary

MICROFILMED
AUG 10 1998



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

June 26, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

THOMAS E HOLMES
450 S WEISER ST
MIDVALE ID 83645

RE: WATER RIGHT 67-07074

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point(s) of diversion developed is in a location other than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

The enclosed Application for Amendment form depicts the point(s) of diversion and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible at 208-327-7946.

Also enclosed in an Order Advancing Date of Priority to June 15, 1974.

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

SWK:klt
Enclosure

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AUG 10 1998

MEMORANDUM

TO: File 67-07074

FROM: Sharla

DATE: June 25, 1998

E: Power Use/Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit No. 67-07074 are as follows:

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

T15N, R4W, S19 - SENW

H. RECOMMENDATIONS

Power	1/1 - 12/31	0.04 cfs	28.9 afa
Domestic	1/1 - 12/31	0.02 cfs	0.6 afa
	TOTALS	0.04 cfs	29.5 afa

The examiner locates the point of diversion on the map as the SENW and has indicated this same tract in his narrative as well as having marked a change in point(s) of diversion on the back of the exam report for needing an amendment. The point(s) of diversion description listed on the front of the exam report is in error.

Power use is for an individual power facility. Individual power facilities do not require licensing from FERC. Since power is solely used by the right holder and is not sold, there is no power purchase contract. Therefore, the term of years to be listed on the license is not pre-determined by the above. As set forth in Section 42-203B(7), the term of years (once determined) is calculated as commencing at the time of the proof of beneficial use filing. Previously issued licenses falling in this category have had a term set for 10 years. Proof was filed in 1984, however, so ten years have already elapsed. In cases such as this, we have set the term expiration for an additional ten years; the term expiration for this license will be listed as September 1, 2004.

The volume has been calculated based on continuous diversion.

Examiner: Rick Collingwood

Exam Date: May 25, 1993

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AUG 10 1998

BENEFICIAL USE FIELD REPORT REVIEW

TO: File 67-07074

FROM: Sharla Curtis

RE: Priority Advance Review

DATE: June 24, 1998

This review memo is prepared to show the process for determining what elements were involved in advancement of the priority.

	DATE	JULIAN
PERMIT		
Permit priority Date:	Mar 13, 1972	72
EXAM FEE NOTICE		
Exam Fee/Notice Date:	Apr 10, 1987	100
Exam Fee/Info Sheet Received Date:	Sept 11, 1989	984
Exam Fee/Info Due Date:	Jun 9, 1987	160
Days Late:	824 DAY(S)	
NEW PRIORITY DATE		
Original Priority Date:	Mar 13, 1972	72
Total Days Late:	824 DAY(S)	
New Priority Date:	Jun 15, 1974	166

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LICENSE REVIEW CHECKLIST

PERMIT NO. 67-07074 DATE 6/24/98 REVIEWER: S H A R L A

NAME Change/OK
 Address OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV SENU ☒ Change (P39/P47) ☐ Add (P45/P42) Feds - P40
 W32 (multiple in 1/4)
 W36 (overlap)
 W59 (subd. desc)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PLACE OF USE OK ☐ Change (P41/P47) ☐ Add (P41/P42) Feds - P43
 W60 (subd. desc)
 W27 (ppu acre limit)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate 0.30 cfs
 Fee limit .20 cfs \$5000 9/11/89 W005836
 Measured .04 cfs
 Theoretical — cfs
 Recommended Total Div Rate .04 cfs

WATER USES	Change (P46)	
<u>Dom</u>	<u>.02</u> cfs	<u>.6</u> af Irrig - overlap (R58-R61, R62-R65, R66-R69)
<u>Power</u>	<u>.04</u> cfs	<u>20.9</u> af supp. gw (WB7/065/079)
	cfs	af overlap spec. combined rts (W35)
	cfs	af <1acre (W31)
	cfs	af Domestic (W07/WB5/070/071/075)
TOTALS	<u>.04</u> cfs	<u>29.5</u> af Power (W42 or W43/025/027/R22 or R23)
		Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate .04 cfs X 365 days X 1.98 = 28.9 af

REMARKS _____

ADD'L CONDITIONS ☐ Watermaster Control WD# _____
☐ GW Measurement/Measuring Device
☐ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority ☒ yes ☐ no

SRBA Claim ☒

Adjust Memo pd desc.
 Amend letters power volume
P39 P38
P47

fee pd. later
6/15/74

RECEIVED
JUL 09 1993
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 67-7074

1. Owner: Thomas E. Holmes Phone No. 355-2288

Current Address: 450 S. Weiser St., Milwaukee, Wis

2. Accompanied by: Thomas Holmes EXAM DATE: 5/25/93

Address: Same Phone No. 355-2288

Relationship to Permit Holder: Applicant

3. Source: Spring tributary to West Pine Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

[illegible]

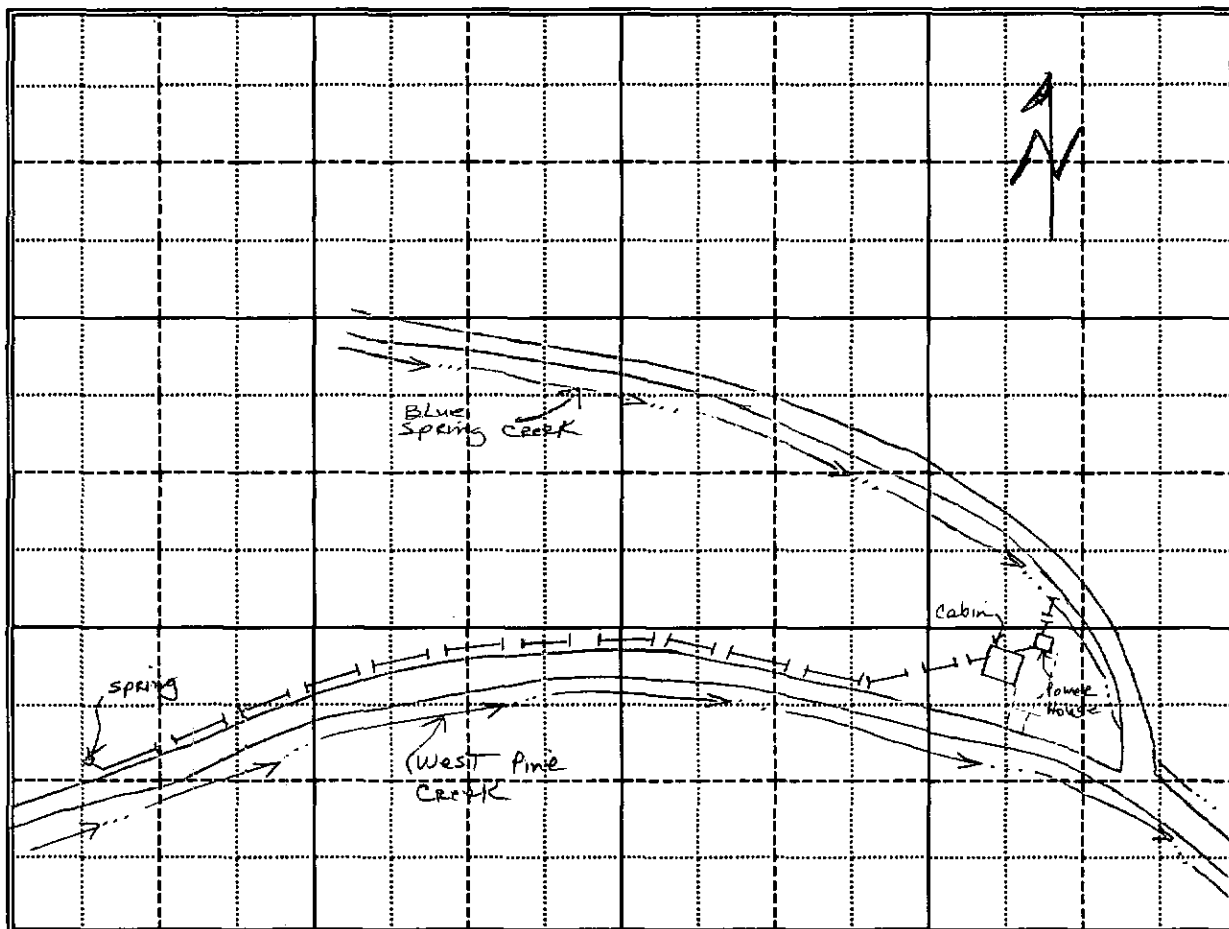
2. Place(s) of Use:

Indicate Method of Determination *Same AS P/O*

[illegible]

AUG 10 1998

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = NTS

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for Irrigation of 10+ acres)

☐ Photo of Diversion and System Attached

4. N/A

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5 GALLON BUCKET						

2. Measurements: 5 gallon bucket at 2" outlet pipe into Blue Spring Creek during flow through wheel
(17 gpm) = 0.04 cfs at cabin.

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AUG 10 1958

UNFILMED

E. NARRATIVE/REMARKS/COMMENTS

Approximately 4500 Linear Feet of $1\frac{1}{4}$ " PVC from Spring next to road to Hitt Mountain Ski Area. to cabin located to the east, approximately 200' head drop. Spring box is a Tapped, inside and out, galvanized Hot Water Tank. Pipe is directly under the cabin with a service line to the cabin in garage and directed to various points in cabin.

The $1\frac{1}{4}$ " line extends beyond the cabin to the small power house. Two iron pipes are used in the power house. One line is to the wheel to generate and store power in the (12) 2-VOLT BATTERIES. The second line is to bypass the wheel and to flow freely to Blue Spring Creek.

Pressure gauge during power generation read 46 psi.

P/D needs to be corrected to SE NW Section 19, T. 15N, R. 4W.

Measured flow from outlet pipe was 0.04 CFS. This entails the entire flow through system since no water was being used for the cabin at the time.

Pipe flow computation ~~sheets~~ Spreadsheet Computations are in file for pipe size verification. The $1\frac{1}{4}$ " pipe size as stated by Mr. Holmes seems to be too small for the measured flow. A pipe size of $1\frac{1}{2}$ " would accommodate a flow of 0.04 CFS.

The information on the permit has been changed. Only 1 family is supplied with water, and no 1000 gallon holding tank exists. Recommend Licensing for 0.04 CFS as was measured at site.

Have conditions of permit approval been met? ☒ yes ☐ no

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AUG 10 1998

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

5 gallon bucket From outlet to Blue Spring Creek.

5 gal/18 sec = 17 gpm = 0.04 cfs

Note: Note: Flow increased dramatically when water was diverting from power generation wheel. High pressure spray when not producing power.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

$V(\text{inside}) = 0.6 \text{ AF}$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1/1	12/31	0.02	0.6
Power	1/1	12/31	0.04	—
Totals:			0.06 0.04	0.6

2. Recommended Amendments

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

I. AUTHENTICATION

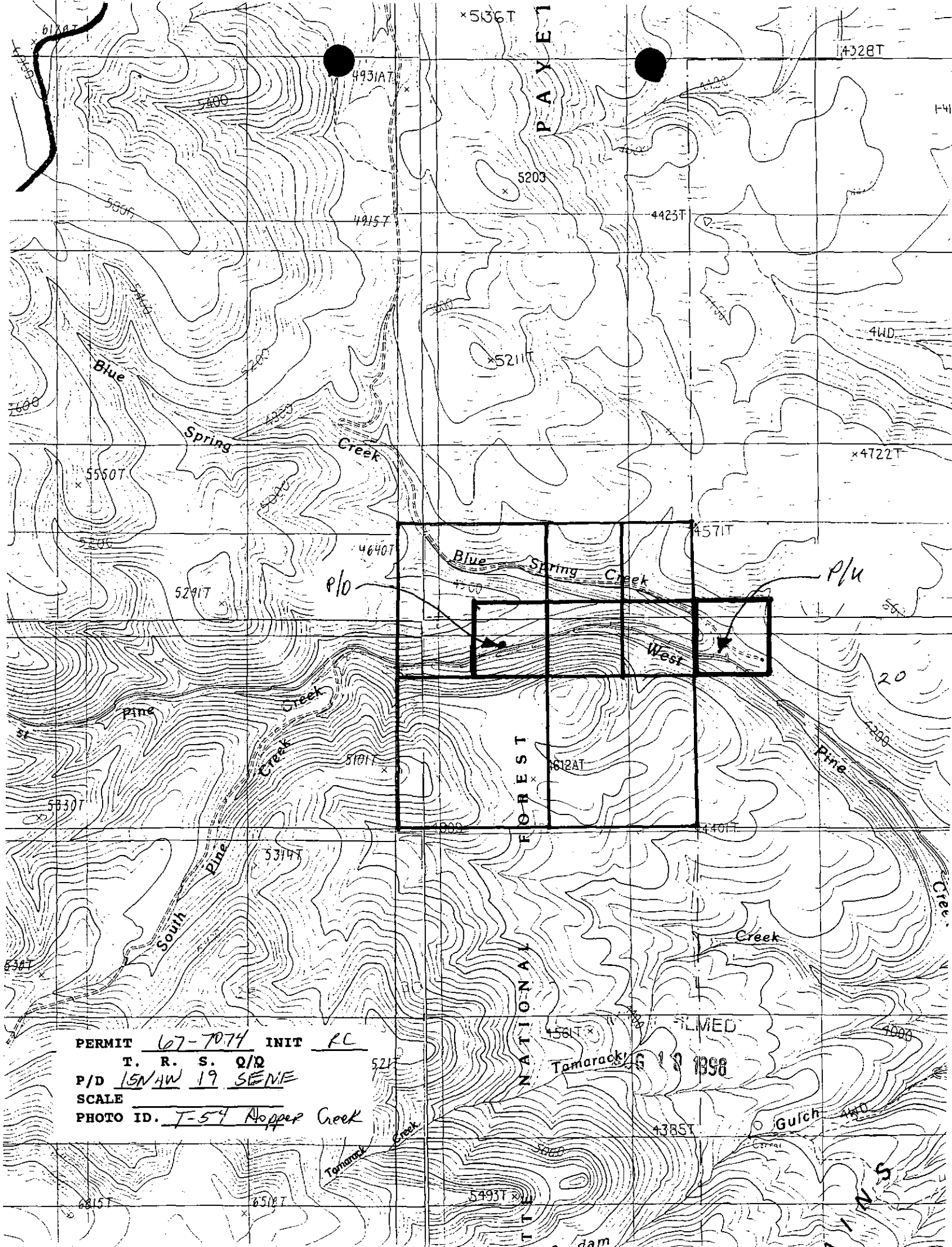
Field Examiner's Name Paul W. Kingman Date 6/10/93

Reviewer _____ Date _____

SEAL

MICROFILMED

AUG 10 1998



PERMIT 67-7074 INIT RL
T. R. S. Q/R
P/D 15N4W 19 SENE
SCALE
PHOTO ID. T-54 Nopper Creek

NATIONAL FOREST

FILMED
Tamarack
6 1 2 1998

7 1 N S

Pipeflow Computation Spreadsheet (DRT 12/31/1992)

Data Entered By: RICK COLLINGWOOD 5/25/93

Project: Flow Computation for Application for Permit No. 67-7074

Given: See Data Table

Compute head losses with the Williams and Hazen Formula:

$$f = 0.2083 * (100 / \text{roughness})^{1.85} * (\text{cfs} * 448.8)^{1.852} / \text{ID}^4.8655 * \text{Length} / 100$$

To Find: Compute the Rate of Flow

Data Table

Total Head: 200.00 feet

Pressure Req'd: 46.00 psi

Available Head: 93.74 feet

Pipe Roughness: 150.00 Note: pvc = 150, smooth and straight pipe = 140
aluminum - joint length 20' = 125, joint length
30' = 130, joint length 40' = 132, joint length
50' = 134, new riveted steel = 100
old riveted steel = 100, old cast iron = 95,
old pipes in poor condition = 60 to 80

Inside Diameter in Inches	Equivalent Length in Feet	Unit Head Loss	Total Head Loss from Pipe Friction
1.25	4500.00	95.27	
1.00	0.00	0.00	
1.00	0.00	0.00	
			95.27

Rate of Flow: 0.021 CFS

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AUG 10 1998

Pipeflow Computation Spreadsheet (DRT 12/31/1992)

Data Entered By: RICK COLLINGWOOD 5/25/93

Project: Flow Computation for Application for Permit No. 67-7074

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Available Head: 93.74 feet

Pipe Roughness: 150.00 Note: pvc = 150, smooth and straight pipe = 140
 aluminum - joint length 20' = 125, joint length
 30' = 130, joint length 40' = 132, joint length
 50' = 134, new riveted steel = 100
 old riveted steel = 100, old cast iron = 95,
 old pipes in poor condition = 60 to 80

Inside Diameter in Inches	Equivalent Length in Feet	Unit Head Loss	Total Head Loss from Pipe Friction
1.60	4500.00	94.54	
1.00	0.00	0.00	
1.00	0.00	0.00	
			94.54

Rate of Flow: 0.040 CFS

VIC TO - LIVED
 AUG 10 1998



PHOTO ONE-

View northerly of cabin ~~where~~ for domestic use.
In the right bottom corner, a small building
which contains the wheel, generator, and batteries
used to generate electricity for cabin.

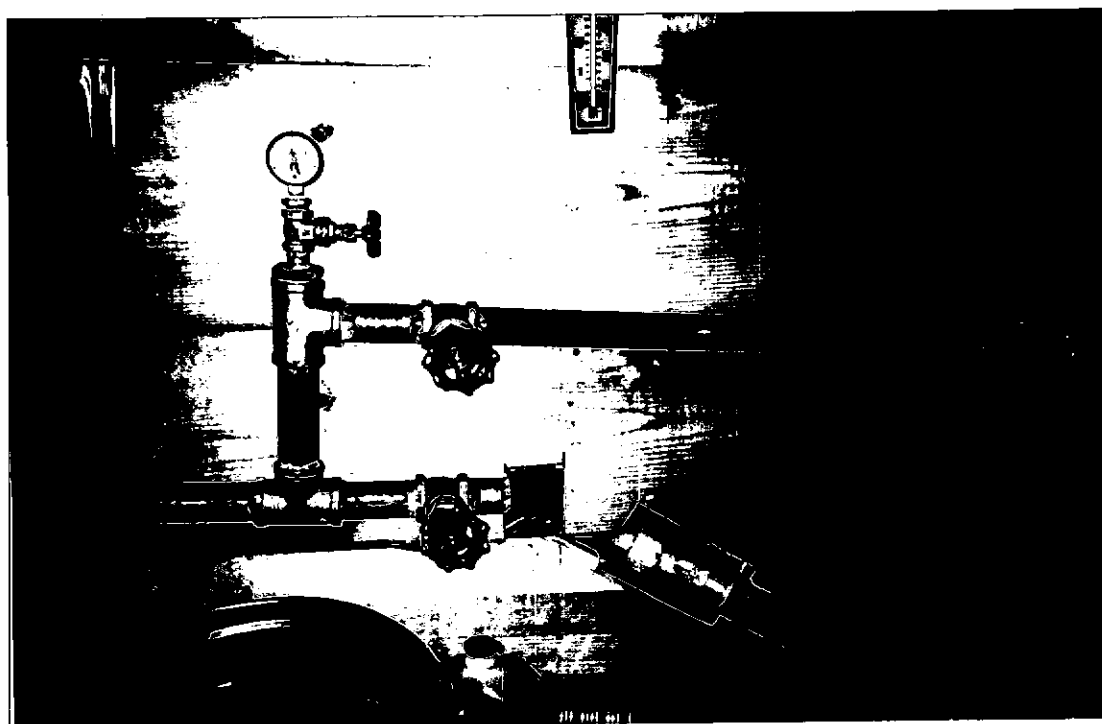


PHOTO TWO-

Two $1\frac{1}{4}$ " Iron Pipes into bottom portion of small structure.
Upper pipe to wheel, lower pipe to bypass wheel.

MAILED
AUG 10 1998

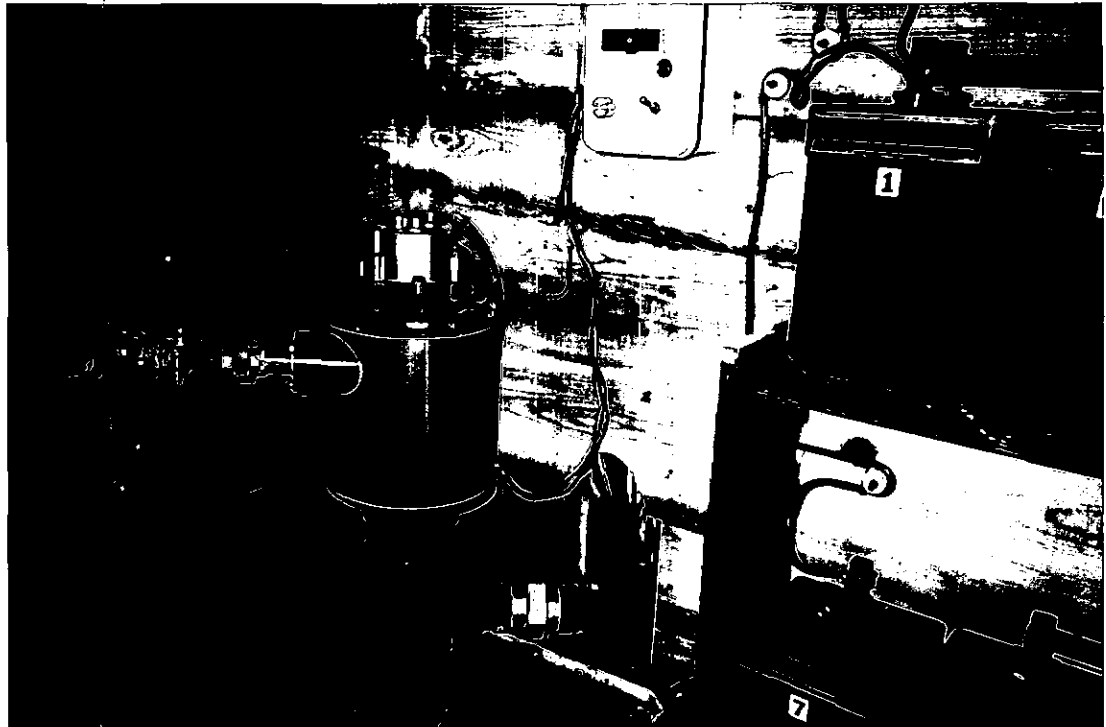


PHOTO THREE-

wheel, generator, and a portion of the (12) 2-volt batteries used to store power to generate electricity.



PHOTO FOUR-

Twelve 2-VOLT batteries in small building used to store power for electricity to cabin.

MOB
AUG 10 1998



PHOTO FIVE-

Iron Pipe Outlet, 2", from power generation building. Flow shown is during wheel operation. Overflow is into Blue Spring Creek.

>

PHOTO SIX-
MICROFILMED
AUG 10 1998

Holmes

46 psi

Power Generation

Homemade wheel or Turbine to charge 12 (2) volt
(1 week to charge for 3 weeks of power) batteries

$5 \text{ gal} / 18 \text{ sec} = 17 \text{ gpm} \approx 0.04 \text{ cfs}$ (outflow to stream)

200± feet of head

1 1/4" PVC 4500'

Spring Box — Galvanized Hot Water Tank (Tapped,
inside & out)

2" Iron Pipe (overflow) into Blue Springs Creek

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AUG 10 1998

RECEIVED

CONVERSATION MEMORANDUM

SEP 12 1989

DATE 2/18/88

FILE 67-7047074

NAME OF PARTY Mr. Holmes Department of Water Resources

EMPLOYEE D. Tutill

RE: Requested that we not examine his

system this year (1988). I said that we

would delay 1 year and examine in 1989.

Dr

19/11/89

MR HOLMES IS SUBMITTING A LIC FEE (PROOF FEE)
OF 50.00 today for domestic & Power
generation. His system only uses approx
25 gpm so on the lic. the dom.
= 0.02 cts & Power = 0.04 for
a total of 0.06 cts. The adjudication
claim will show the correct amounts
that he should have unless the field
examiner finds different.

POINT OF DIVERSION IS SW NW OF SEC 19 15N 4W
USE IS ONLY FOR HOME (APPROX 7 HP)

MICROFILMED

GEN

AUG 10 1988

Row H.

09/11/89
14:54:32

HOLMES, THOMAS E.

ADJUDICATION FEE
PROOF FEE

0410162 9337 6490
0620122 1238 6490

~~\$106.50~~
\$50.00

\$156.50

CHECK 2256

WR/NO: A67-07074 A67-02287

Idaho Department of Water Resources

Region: WESTERN

Signature: _____

MICROFILMED

AUG 10 1998

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A67-07074
Date Received: 9/11/1989
Receipt No: W005836
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THOMAS E. HOLMES 208-355-2288
Address: RT. 1 BOX 84
MIDVALE, ID 83645

OR
Name: CLAUDIA J. HOLMES 208-355-2288
Address: RT. 1 BOX 84
MIDVALE, ID 83645

2. Date of Priority: MAR 13, 1972

3. Source: SPRING Trib. to: WEST PINE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15N	04W	19	SW	NW			WASHINGTON

5. Description of diverting works:
PIPELINE & HOLDING TANK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
POWER	01/01	12/31	0.040		
DOMESTIC	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOME, & POWER FOR HOME

A67-07074

Page 1

Date: 09/11/89

MICROFILMED

AUG 10 1998

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15N	104W	20	SW	NW		POWER	
			SW	NW		DOMEST	

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
LICENCE FEE FOR THIS CLAIM IS BEING PAID TODAY. 9/11/89.

15. Basis of Claim: PERMIT

MICROFILMED

AUG 10 1998

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

Thomas E Holmes AUG 10 1998
Signature of Permit Holder (and title, if appropriate)

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

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

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

Checks should be made payable to the
Department of Water Resources

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



State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

Cecil D. Andrus
Governor

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

September 18, 1987

Thomas E. Holmes
Box 84, Route E1
Midvale, ID 83645

Dear Mr. Holmes:

We have received the exam fee information sheet for Permit No. 67-7074 last May. Due to the beginning of the field season at that time we have not been able to correspond with you concerning this sheet until now. This delay will not injure your right in any way.

On this sheet you have listed a domestic use and possible power generation at a later date. Idaho law requires that in order to establish and maintain a water right, the water must be put to a beneficial use. Since your use of the spring is for domestic use with no power generation, then only the domestic use can be licensed. If the power use is begun in the future, then a new application for permit can be filed at that time.

For a single family domestic use there is no exam fee. The amount of water for domestic use is limited to 0.04 cfs (18 gallons per minute). Therefore, we will limit the permit to 0.04 cfs for your single family domestic use and conduct the field exam accordingly, unless we hear further from you. Please remember, however, that when the field examiner conducts the exam, he/she can only recommend the use that the water is being put to at that time. If you do have a power use at this time for the .30 cfs, then a \$100 exam fee should be submitted.

Please feel free to contact us with any further information you may have concerning this matter. If we do not hear from you, the 0.04 cfs amount for domestic purposes will be the basis for our field examination. An examiner will contact you at a later date to schedule a convenient time for you to conduct the field examination.

Sincerely,

JAN SHURTE
Sr. Water Resource Agent

JS:j

MICROFILMED

AUG 10 1988



Cecil D. Andrus
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

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

67-7074
HOLMES, THOMAS E.
RT. 1 BOX 84
MIDVALE, ID 83645

138192

April 10, 1987

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

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

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

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

MICROFILMED

AUG 10 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 67-7074
Name(s) of Permit Holder(s): THOMAS HOLMES
Post Office Address: MIDVALE, IDAHO 83645
Tel. No. 355-2288

- ☒ I hereby certify that construction of diversion works for the above referenced permit began on AUG, 1978 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.
- ☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control:

*Note: A financing difficulty is not an acceptable reason.

12/2/82
Date

Thomas Holmes
Signature of Permit Holder

AUG 10 1998

PLACE
STAMP

RECEIVED

DEC 2 1982

Department of Water Resources
Western Regional Office



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

MICROFILMED

AUG 10 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

OCTOBER 22, 1984

THOMAS E. HOLMES
RT. 1 BOX 84
MIDVALE ID 83645

RE: Permit No. 67-7074

Dear Permit Holder:

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

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

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

If you have any questions regarding the field examination, please contact this office by phone at 334-2190 or in person in the third floor State Towers Building, 450 West State Street, Boise.

Sincerely,
s/Judy Pense
Secretary

MICROFILMED

AUG 10 1998

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 67-7074

Name(s) of Permit Holder: Thomas E. Holmes

Post Office Address: Milvale, Idaho, Box 84 Rt 1

Tel. No. 255-7288

Source of Water: _____

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

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

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

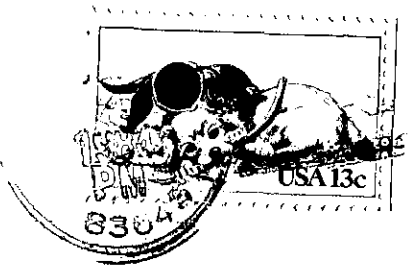
8-21-84

Date

Thomas E. Holmes

Signature of Permit Holder

Thomas Holmes
RT-1 Box 84
Midvale Idaho 83645



SEP 5 1984



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE

Department of Water Resources
BOISE, IDAHO 83720

MIDVALE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138190

HOLMES, THOMAS E.
MIDVALE, ID 83645

PROOF DUE NOTICE

AUGUST 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 67-7074 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE NOVEMBER 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A 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,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

RECEIVED
AUG 31 1984

IDENT. NO. 62-2074

WATER RIGHT.
DATA ENTRY LOG

[illegible]

August 8, 1979

Thomas E. and/or Claudia J. Holmes
Midvale,
Idaho 83645

Dear Mr. and Mrs. Holmes:

Re: Permit No. 67-7074

This office acknowledges receipt of the assignment conveying the above-referenced permit to you and your spouse. The assignment has been entered into our record's/

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to November 1, 1984.

Sincerely,

DAN GROVER
Water Rights Supervisor

JG:rf

Enc.

MICROFILMED

November 19, 1974

Re: Permit No. 67-7074

Mr. Larry C. Walker
232 East Main Street
Weiser, Idaho 83672

Dear Mr. Walker:

Enclosed is a copy of the above referenced permit with the conditions of approval listed on the fourth page.

We are sorry for the inconvenience caused to you by our mistake.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

MICROFILMED

RECEIVED

NOV 19 1974

LAW OFFICES
WALKER & SANDERS
232 EAST MAIN STREET
POST OFFICE BOX 828
WEISER, IDAHO 83672
TELEPHONE [208] 549-0390

LARY C. WALKER
W. RICHARD SANDERS

Department of Water Resources
COUNCIL OF PLANNING
201 ILLINOIS AVE.
P. O. BOX 522
COUNCIL, IDAHO 83612
TELEPHONE [208] 253-4335

November 15, 1974

State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Permit No. 67-7074 - Thomas E. Holmes

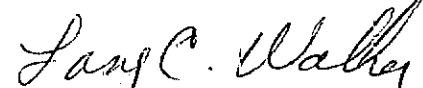
Dear Sir:

I received a photo copy of your letter mailed to Mr. Thomas E. Holmes dated November 8, 1974, wherein you indicate you enclosed a copy of the documentation to my office. I received a copy of your letter only and did not receive a copy of the application approval with the conditions of approval as set forth.

Would you please send me a copy of that approval and the conditions thereof so that I might review them with my clients.

Sincerely yours,

WALKER & SANDERS



Lary C. Walker

LCW/nd

MICROFILMED

November 8, 1974

Re: Permit No. 67-7074

Mr. Thomas E. Holmes
Midvale,
Idaho 83645

Dear Mr. Holmes:

Enclosed is a copy of your approved Application for Permit No. 67-7074 . We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

cc: Larry C. Walker, Attorney
232 East Main Street
Weiser, Idaho 83672

MICROFILMED

LIST OF PROTESTANTS:

L. D. Warfield

Bill E. Noah

Henry Hansen

R. H. Howland

Louticia A. Buhl

Isla Buhl Hall

Leo Toney

Ray Potter

All of Cambridge, Idaho, 83610

MICROFILMED

-

Special Conditions

- SECRET

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval)
of Application for Permit No. 67-7074 in)
the name of THOMAS E. HOLMES)

NOTICE OF CONFERENCE
AND/OR HEARING

On March 13, 1972, Thomas E. Holmes filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. The Department received a protest against approval of said application on April 13, 1972 signed by the following individuals: L. D. Warfield, Bill E. Noah, and Henry Hansen, and on April 17, 1972 signed by these individuals: R. H. Howland, Louticia A. Buhl, Isla Buhl Hall, Leo Toney, and Ray Potter.

The Department has set the matter of protests for conference and/or hearing for Tuesday, March 19, 1974, at 9:30 a.m., in the Courtroom of the Washington County Courthouse, Weiser, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

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

Dated this 27th day of February, 1974.

Kenneth H. Foit
KENNETH H. FOIT, P. E.
Western District Engineer

MICROFILMED

Attn:

Ken

Fo: +

LARY C. WALKER
W. RICHARD SANDERS

LAW OFFICES
WALKER & SANDERS
232 EAST MAIN STREET
POST OFFICE BOX 828
WEISER, IDAHO 83672
TELEPHONE [208] 549-0390

RECEIVED

OCT 17 1974

COUNCIL OFFICE:

201 ILLINOIS AVE.

Department of Water Resources

COUNCIL, IDAHO 83612

TELEPHONE [208] 253-4335

October 15, 1974

OCT 18 1974

Mr. Bobby D. Fleenor
Assistant Director
Department of Water Administration
614 State Street
Statehouse - Annex 2
Boise, Idaho 83720

Re: Application for Permit No. 67-7074 - Thomas E. Holmes

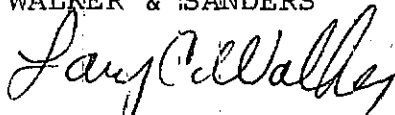
Dear Mr. Fleenor:

Pursuant to your letter of June 21, 1974, enclosed herewith
is duly executed Stipulated Consent to Water Application
in the above referenced matter.

Please accept my apologies for this delay.

Sincerely yours,

WALKER & SANDERS



Larry C. Walker

LCW/nd

Encl.

MICROFILMED

WALKER & SANDERS
Lary C. Walker
P. O. Box 828
Weiser, Idaho 83672
549-0930

RECEIVED

OCT 17 1974

Department of Water Resources

OCT 18 1974

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

APPLICATION FOR PERMIT No. 67-7074)
by) STIPULATED CONSENT TO
THOMAS E. HOLMES) WATER APPLICATION

COMES NOW, the applicant, Thomas E. Holmes and the protestants
to the application, as undersigned and hereby agree as follows,
to-wit:

That Thomas E. Holmes be granted the privilege to divert water
from the spring set forth in the application and channel the same
through a pipeline to his personal residence or cabin located on
property owned by him as set forth in the application, and Mr.
Holmes be further allowed to use the water for generating electricity
and for the personal uses in the house.

It is further stipulated and agreed that the above consent
to grant a permit is given with the understanding and the specific
agreement by Holmes that he will pipe the water from it's place
of use on his property back to Pine Creek at the point nearest
his home where there is running water in Pine Creek.

It is further understood and agreed that this consent extends
only to the use of the water by Mr. Holmes in generating electricity
and in his cabin, ~~without~~ piping the same in said cabin, ^{only} and not
to any other proposed developement or houses that may be placed
in that area, further ^{so long as} the water is returned to running

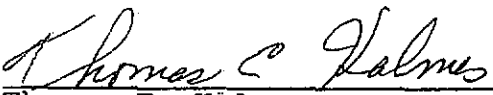
bh STIPULATED CONSENT TO WATER APPLICATION

1 water in Pine Creek.

2 The protestants therefore agree to allow the applicant, Mr.
3 Holmes to divert the water through a pipeline for his personal
4 house use and for his personal generating purposes and restrict
5 the consent of this application to those uses only. Protestants
6 therefore request that the Department issue Mr. Holmes a license
7 permit subject to the above limitations.

8 DATED this 10 day of OCT - 1974, 1974.

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Thomas E. Holmes


Larry C. Walker
Attorney for Protestants
Residing at Weiser, Idaho

RECEIVED

JUL 11 1972

WATERMASTER

TO WHOM IT MAY CONCERN:

I, the undersigned, hereby withdraw my protest against approval of Application for Permit No. 67-7074 subject to the following conditions:

1. That the amount requested for domestic use is reduced to 0.02 cfs of water to be used when water is available during the period of January 1 to December 31.
2. That this permit be subject to all prior water rights.
3. That the diversion is subject to the control of a Watermaster.

Signed this 12 day of July, 1972, at Cambridge, Idaho.

H. B. Howland
(signature)

MICROFILMED

CONFERENCE MEMORANDUM

To: File #67-7074 - Thomas E. Holmes

From: Bob Fleenor

DF

Date: 3/20/74

On March 19, 1974, a conference was held in the Washington County Courthouse, in Weiser, Idaho, to consider the protests against Application for Permit No. 67-7074. The applicant and the protestants were present at the conference. The protestants were represented by Larry Walker, attorney from Weiser.

During the pre-hearing conference the protestants and applicant agreed that if the domestic portion were deleted from the application, and if the water used for power generation was discharged into West Pine Creek, or Blue Springs Creek, where it would reach West Pine Creek, then it would remove the objections to the approval of the permit.

Larry Walker, the attorney for the protestants, will submit an agreement within 20 days so that we may take final action on this permit.

MICROFILMED

67-7074 - Thomas E. Holmes

Courtroom, Washington County Courthouse, Weiser, Idaho

March 19, 1974 - 9:30 am

ROSTER OF ATTENDANCE

Name	Address	Representing
Randy E. Noah	Cambridge	Self
Thomas E. Holmes	Midvale	Self
Bill Noah	Cambridge	Self
Laurie A. Buhl	"	Self
Muriel M. Winder	"	Self
Henry Hansen	"	Self
H. H. Howland	"	"
E. D. Warfield	"	"
Gloria A. Loney	"	"
Leo Loney	"	"
James L. Bumgarner	"	"
Ray Potter	"	Self
Joe Potter	"	"
Edna K. Howland	"	"

MICROFILMED

June 21, 1974

Re: Application for Permit No. 67-7074 - Thomas E. Holmes

Larry C. Walker
232 E. Main
Weiser, ID 83672

Dear Mr. Walker:

Last March 9th a conference was held concerning the protest of your clients, against Application for Permit No. 67-7074, filed by Thomas E. Holmes.

The application was for the use of the water from a spring, tributary to West Pine Creek, for domestic and power purposes. At the conference, Mr. Holmes deleted that domestic portion of the application, and added that the water used for power regeneration will be returned to Blue Springs Creek in such a manner that it will flow into West Pine Creek.

You were going to prepare an agreement to be signed by the parties which would enable us to take final action on this permit.

Please let us know the status of that agreement.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jg

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REQUIRED FEE(S) PAID.

☐

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where delivered

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SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

44042

1

Henry Harrison

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

Flora Harrison

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

3

7-28-74

JA

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



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



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STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

POD Form 3811 Apr. 1969 c55-16-71648-11

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44041

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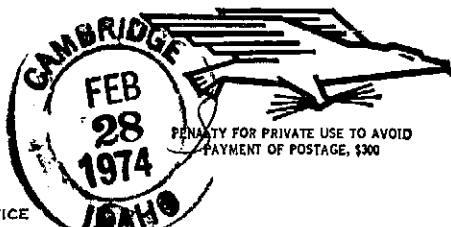
DATE DELIVERED

2-28-74

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SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

44040

1

L. D. Wayfield

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENCY, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

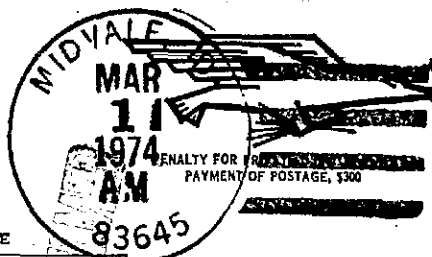
2-28-74

3

Dorothy Wayfield

e55-18-71918-11 347-108 GPO

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



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STATEHOUSE - ANNEX #2
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where delivered

☐ Deliver ONLY
to addressee

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Received the numbered article described below.

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CERTIFIED NO.

44039

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

DATE DELIVERED

MAR 1 - 1974

SHOW WHERE DELIVERED (*only if requested*)

3

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



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

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TO



DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

67-7574

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where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

1

Isabel Lall

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

3

7/28/74

JP

POD Form 3811 Apr. 1969 655-10-71548-11

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



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

POSTMARK OF DELIVERING OFFICE

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TO

DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

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REQUIRED FEE(S) PAID.

☐ Show to whom, date and address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

44046

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

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R. H. Hensland

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J. Hensland

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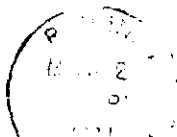
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JF

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c35-10-71548-11

POD Form 3811 Apr. 1969



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Leo Joney

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Shirley Joney
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Louisia A. Buhl

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1 44039	Thomas E. Holmes, Nidwale, Idaho								67-7074
2 44040	L.D. Warfield, Cambridge, Idaho								67-7074
3 44041	Bill E. Noah, Cambridge, Idaho								67-7074
4 44042	Henry Hansen, Cambridge, Idaho								67-7074
5 44043	R. H. Howland, Cambridge, Idaho								67-7074
6 44044	Louise A. Bull, Cambridge, Idaho								67-7074
7 44045	Ida Bull Hall, Cambridge, Idaho								67-7074
8 44046	Ray Potter, Cambridge, Idaho								67-7074
9 44047	Let Toney, Cambridge, Idaho								67-7074
10									
11 44048	Jack L. St. Germain, Box 66, Emmett, Idaho								67-7117
12 44049	Ray J. Newman, Council, Idaho								67-7117
13									
14									
15									
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19									
20									
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		¹ Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid —This Side Up." ² Special-handling charges apply only to third- and fourth-class parcels. Special-delivery service also includes special-handling service.			

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STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
WESTERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

February 27, 1974

Washington County Courthouse
Clerk of the District Court
Weiser, Idaho 83672

Dear Sir:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Monday, March 18, 1974 at 9:30 a.m. and 1:00 p.m., and on Tuesday, March 19, 1974 at 9:30 a.m. and 1:00 p.m.

Thank you for your cooperation in this matter.

Sincerely,

DEANNA E. FELDT
Secretary

DEF:d

MICROFILMED

Cambridge, Idaho
Aug. 7 - 1972

Department of Water Administration **RECEIVED**
Bobby D. Fleenor Assistant Director AUG 22 1972
Boise, Idaho
Department of Water Administration
3DF

In answer to your letter of July 25 -

I do not feel I should negotiate with Mr. Holmes on this water matter. also I do not feel I should jeopardize my water for any recreation. However if you will put in writing that the water is to be diverted back into the creek and that Mr. Holmes can use the water for 1 home from October 1st to June 1st and that we have control thru the summer months (June - July - Aug. - and Sept.) to have him shut down by the water master if necessary.

If you could see the creek now I'm sure you would see why we are concerned. There were some who had small water rights above us that I understand agreed to give Mr. Holmes the water, and I feel they do not have much to lose as they have access to our water above us and with proper head gates it is hard to shut them off, even with a water master - so they don't have to worry about giving something that isn't theirs in the first place.

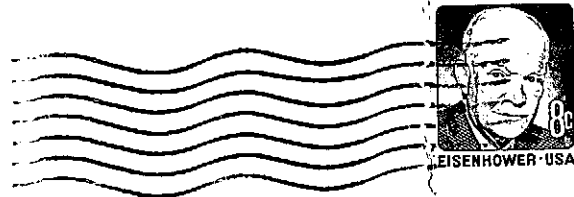
° This is my final decision on this matter.

I do not want to cause any hardship on Mr. Holmes but I feel I have to protect myself on this water, as it is a very important asset to my property.

Sincerely
↓

L. D. Wayfield

L.D. Wayfield
Box 276
Cambridge, Idaho
83610



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State of Idaho
Department of Water Administration
Bobby D. Fullenow, assistant Director
Statehouse annex 2
Boise, Idaho 83707

July 25, 1972

Re: Application for Permit No. 67-7074 - Thomas E. Holmes

SENT TO PROTESTANTS WHO SIGNED LETTER OF JULY 17, 1972:

We received your July 17th letter concerning the proposed conditions of approval of the above referenced application for permit.

As we discussed at the meeting in Weiser, any water right Mr. Holmes would receive would be subject to your existing rights. Perhaps the discharge of water back into the stream should be mentioned in the agreement.

I would ask that you propose the conditions of approval and see if they are acceptable with Mr. Holmes. Please let me know if an agreement can be reached shortly or if a hearing will be necessary to determine this matter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:dr

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Cambridge, Idaho

July 17, 1972

RECEIVED

JUL 21 1972

State of Idaho

Department of Water Administration

Department of Water Administration

Bobby D. Fleenor, Assistant Director

In answer to your letter of July 10.
I do not feel I ~~can~~ sign the form you
sent in regard to the water filing for
Mr. Holmes.

It is not as was agreed at the meeting
in Weiser. Nothing was mentioned about the
water being diverted back into the creek,
also nothing about the months he could be
shut off, if it affected our adjudicated water.
A Watermaster does not have too much control
as in most cases as soon as his back is
turned the water is taken again.

As I understood it we would be
signing away our right to our established right
to these flood waters and as we cannot file
on this flood water for use on new land, I
feel Mr. Holmes would not be entitled

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to file on this water as his is a new project.

I am not speaking for the other water users, but in talking with them, they feel much the same as I do. all our homes in the Valley have wells and pressure pumps, so I feel it would not be impossible for Mr. Holmes to drill a well. This water is important to our living, whereas to Mr. Holmes it is not.

I do not feel I can sign anything at least until something more agreeable is worked out.

Some of these other water users asked to sign this rather than write separate letters as we all seem to feel the same on this matter. S.D.W.

Sincerely

S.D. Warfield

Islo Buhl Hall

Lautica A. Buhl

Floy Hansen

Henry Hansen

Bill Noah

MICROFILMED

July 10, 1972

Re: Application for Permit No. 67-7074 - Thomas E. Holmes

LETTER SENT TO ALL PROTESTANTS

You attended a conference at Weiser, Idaho, on June 30, 1972, where we discussed your protest against approval of Application for Permit No. 67-7074 filed by Thomas E. Holmes.

At that conference Mr. Holmes agreed to reduce the amount of water requested for domestic use to 0.02 cfs or about 9 gallons per minute to supply one family. If this change would make the application acceptable to you, please sign and return to us the enclosed protest withdrawal.

If you have any questions regarding this matter, please contact me by return mail.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDR:DR
Enclosure

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TO WHOM IT MAY CONCERN:

I, the undersigned, hereby withdraw my protest against approval of Application for Permit No. 67-7074 subject to the following conditions:

1. That the amount requested for domestic use is reduced to 0.02 cfs of water to be used when water is available during the period of January 1 to December 31.
2. That this permit be subject to all prior water rights.
3. That the diversion is subject to the control of a Watermaster.

Signed this _____ day of _____, 1972, at _____,
Idaho.

(signature)

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M E M O

Re: 67-7074

July 10, 1972

On June 30, 1972, a conference was held in the Washington County Courthouse at Weiser, Idaho, to consider the protests filed against the approval of Application for Permit No. 67-7074. The applicant and all of the protestants were present at that conference.

There appears to be no objections by the protestants to the approval of the power generation portion of the application. The concern is mainly over the 0.3 cfs of water requested for domestic use. The protestants, who are downstream, feel that the watermaster would not be able to control this domestic use by using the priority system.

The applicant has proposed to reduce the amount of water ~~xxx~~ requested to 0.02 cfs. A letter of this intent should be sent to each protestant with a proposal to withdraw his protest.

Bob Fleenor

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67-7074 - Thomas E. Holmes

Washington County Courthouse, Weiser, Idaho

9:00 am - June 30, 1972

ROSTER OF ATTENDANCE

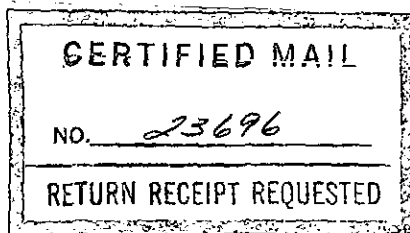
Name	Address	Representing
Thomas C. Holmes	Midvale Idaho	self.
Islo Buhl Hall	Cambridge	Hoke Self
Loucia A. Buhl	Cambridge Idaho	Self
Theo Hansen	Cambridge	Self
Leo Toney	Cambridge	self
Bill Hook	Cambridge	self
H. H. Howard	Cambridge	self
Ray Potter	Cambridge	self
L. D. Harfield	Cambridge Ida.	

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STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707

15 JUN 9 1972
2 JUN 1972
Return JUN 24 1972



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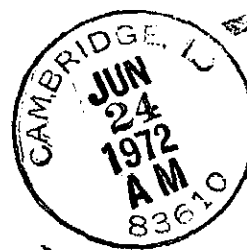
Henry Hansen
Cambridge,
Idaho 83610

RECEIVED
JUN 10 1972
Department of Water Administration



RECEIVED
JUN 10 1972

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I am not
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Lauticia A. Buhl

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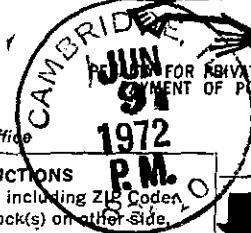
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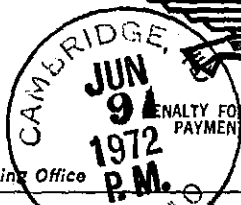
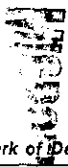
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23697

①

H. B. Howland

②

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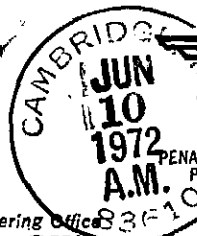
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L. D. Warfield

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Dorothy Warfield

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23693

①

Romeo E. Holmes

②

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Claudia Holmes

DATE DELIVERED

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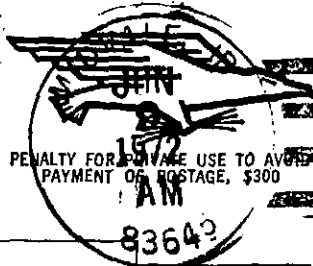
JUN 9 - 1972

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Mary L. Noah
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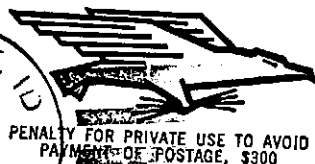
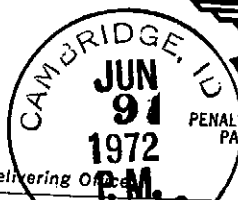
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STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Statelhouse - Annex 2
Boise, Idaho 83707

67-7074

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1	23685 Moosejaw Associates, Route 1, Box 95, McCall		30			15			65-7257	
2	23686 Roseberry Irrigation District, Board of Directors, P.O.									
3	42, Donnelley									"
4	23687 James N. Wells, Earl C. Barnard, & Ralph S. Gorton, Jr.									
5	P.O. Box 67, Emmett								78-7025 & 7026	
6	23688 Circle C Ranch, Attn: David Campbell, New Meadows								" "	
7	23689 Victor Durden, New Meadows								" "	
8	23690 John P. Joyce, P.O. Box 323, McCall								65-7234	
9	23691 Lake Irrigation District, A. Heinrich, Pres., Lake Fork								"	
10	23692 Robert H. Remaklus, Attorney-at-Law, Cascade								"	
11	23693 Thomas E. Homes, Midvale								67-7074	
12	23694 L. D. Warfield, Cambridge								"	
13	23695 Bill E. Noah, Cambridge								"	
14	23696 Henry Hansen, Cambridge								"	
15	23697 R. H. Howland, Cambridge								"	
16	23698 Louticia A. Buhl, Cambridge,								"	
17	23699 Isla Buhl Hall, Cambridge								"	
18	23700 Leo Toney, Cambridge								"	
19	23701 Ray Potter, Cambridge								"	
20										
TOTAL NUMBER OF PIECES LISTED BY SENDER		TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE		POSTMASTER, PER (Name of receiving employee)		Mark "F" if "Fragile," "P" if "Perishable," "E" if "Eggs," "EH" if "Eggs for Hatching," "B" if "Butter," "FL" if "Fragile-Liquid," and "FLU" if "Fragile-Liquid-This Side Up." Special-handling charges apply only to fourth-class parcels. Special-delivery service also includes special-handling service.				

POD Form 3877-A—July 1958

MICROFILMED

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval)
of Application for Permit No. 67-7074 in)
the name of THOMAS E. HOLMES)
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

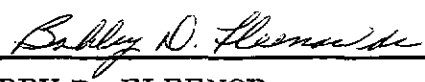
On March 13, 1972, Thomas E. Holmes of Midvale, Idaho, filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. The Department has received protests against the approval of said application from the following: L.D. Warfield, Bill E. Noah, Henry Hansen, R.H. Howland, Louticia A. Buhl, Isla Buhl Hall, Leo Toney and Ray Potter all of Cambridge, Idaho.

The Department has set the matter of protests for conference and/or hearing for Friday, June 30, 1972, at 9:00 a.m., in the Courtroom of the Washington County Courthouse, at Weiser, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

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

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

Dated this 7th day of June, 1972.


BOBBY D. FLEENOR
Assistant Director

Sent by certified mail this 8th day of June, 1972, to: (see certified list in file)

BDF:DR

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse — Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

June 7, 1972

Washington County Courthouse
Clerk of the District Court
Weiser, Idaho 83672

Dear Sir:

This is to confirm the use of the Courtroom for conference and/or hearings to be held by this office at 9:00 am, 1:00 pm and 3:00 pm on Friday, June 30, 1972.

Thank you for your assistance in this matter.

Very truly yours,

Darlene Reich, Secretary to
BOBBY D. FLEENOR
Assistant Director

BDF:DR

MICROFILMED

April 17, 1972

Mr. Thomas E. Holmes
Midvale,
Idaho 83645

Re: Application for Permit No. 67-7074

Dear Mr. Holmes:

We have enclosed copies of the protests filed against the issuance of a permit pursuant to your Application No. 67-7074. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf. If we may be of any assistance, please contact us.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

MICROFILMED

BDF:DR
Enc: Copies of protests (2)

April 17, 1972

This letter also sent to:

Bill E. Noah
Henry Hansen
R. H. Howland
Louticia A. Buhl
Isla Buhl Hall
Leo Toney
Ray Potter

Mr. L. D. Warfield
Cambridge,
Idaho 83610

Re: Application No. 67-7074 - Thomas E. Holmes

Dear Mr. Warfield:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

MICROFILMED

April 7, 1972

Mrs. Louticia A. Buhl, et al
P.O. Box 82
Cambridge, Idaho 83610

Re: Application No. 67-7074
Thomas E. Holmes

Dear Mrs. Buhl:

We have received your notarized statement in connection with the above referenced application for permit.

However, we cannot accept this statement as a protest because it does not give your reason or reasons for protest. Following are the principle items the Department can consider at a conference &/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

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

We will allow until April 17, 1972, for the submission of a valid protest in connection with this application. Please print or type the name and address of each protestant below each signature so we may send any further correspondence directly to them. If you have any questions regarding this matter, please contact us.

Sincerely,

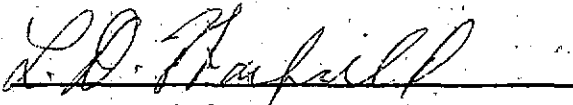
BOBBY D. FLEENOR
Assistant Director

MICROFILMED

BDF:DR

We the undersigned do hereby protest Application No. 67-7064 of Thomas E. Holmes, Midvale, Idaho, for a permit to appropriate 0.3 cubic feet per second of water from an unnamed spring, tributary of West Pine Creek, by means of pipeline and tank within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 15N, R. 4W, B.M., Washington County, to be used from Jan. 1 to Dec. 31 for domestic purposes for 10 families and power generation within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T. 15N, R. 4W, B.M.

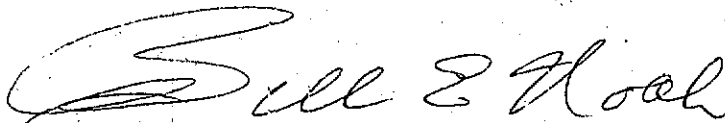
We feel that the amount of water requested would injure our existing decreed water rights.

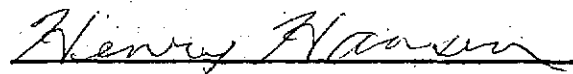

L. D. Warfield
Cambridge, Idaho

RECEIVED

APR 13 1972

Department of Water Administration


Bill E. Noah
Cambridge, Idaho


Henry Hansen
Cambridge, Idaho

MICROFILMED

Department of the Interior
Bureau of Land Management
We the undersigned do hereby protest Application No. 67-7064 of Thomas E. Holmes, Midvale, Idaho, for a permit to appropriate 0.3 cubic feet per second of water from an unnamed spring, tributary of West Pine Creek, by means of pipeline and tank within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 15N, R. 4W, B.M.

We feel that the amount of water requested would injure our existing decreed water rights.

Accepted 4/17/72

BDF

H. Howland (I have no objections for a smaller
share for Mr. Holmes use only,
But would for any further development),
Leticia A. Buhl Cambridge, Idaho.
Isa Buhl Hall Cambridge Idaho April 17,
Leo Torrey Cambridge Idaho
Ray Potter Cambridge Idaho

MICROFILMED

RECEIVED

APR 6 1972

Department of Water Administration

We the undersigned do hereby protest Application No. 67-7064 of Thomas E. Holmes, Midvale, Idaho, for a permit to appropriate 0.3 cubic feet per second of water from an unnamed spring, tributary of West Pine Creek, by means of pipeline and tank within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 15N, R. 4W, B. M., Washington County to be used from Jan. 1 to Dec. 31 for domestic purposes for 10 families and power generation within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T. 15N, R. 4W, B. M.

Isabel Buck & Sons
F. H. Howard

Ina Potter
Edna Howland

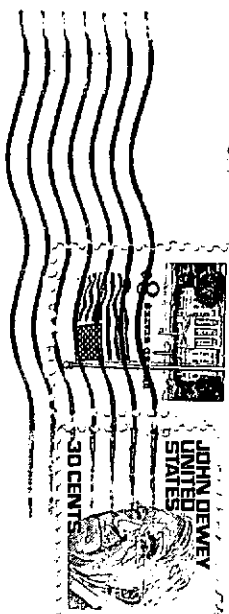
Norman Hansen
Ed. Harpidd
Bondy E. Noah
Hill E. Noah
Henry Hansen
Loutis A. Bull

Subscribed and sworn before me this 5th day of April, 1972

John C. Henry

MICROFILMED

Louticia A. Buhl
P.O. Box 82
Cambridge, Idaho 83610



CERTIFIED

No. 693494

MAIL

Idaho Department of Water Administration

Statehouse

Boise, Idaho 83707

MICROFILMED

March 20, 1972

Re: Application for Permit No. 67-7074 - Thomas E. Holmes

Mrs. Irene Kanta, Acting Director
Southwestern District Health Dept.
706 Main Street
Caldwell, Idaho 83605

Dear Mrs. Kanta:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, please submit them to our Department as soon as possible. We normally complete the processing of an application within a 6-week period and we are required to take final action shortly thereafter.

If we may be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/BL

Enclosure

MICROFILMED

March 17, 1972

Re: Application No. 67-7064 - Thomas E. Holmes
" " 67-7075 - Carol A. Fuchs

Upper Country News Reporter
Box 98
Cambridge, Idaho 83610

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Fred Eisenbarth
Appropriation Examiner

FE:CR

Enc: Legal Notices (2)

Bill submitted 4-5-72. cl

MICROFILMED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Thomas E. Holmes,

Midvale, Idaho

has on March 13, 1972 submitted Application No. 67-7064

for a permit to appropriate 0.3 cubic feet per second ~~one cubic foot per second~~

of water from an unnamed spring, tributary of West Pine Creek

by means of pipeline and tank

within the SE 1/4, Sec. 19, T. 15N, R. 4W, B.M., Washington County

to be used from Jan. 1 to Dec. 31

for domestic purposes for 10 families and power generation

within the SW 1/4, Sec. 20, T. 15N, R. 4W, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before April 10, 1972.

R. KEITH MCGINSON

Director

Published in the Upper Country News Reporter, Cambridge, Idaho

on March 23 and March 30, 1972.

MICROFILMED

**NOTICE OF APPLICATION FOR
WATER PERMIT**

Notice is hereby given that Thomas E. Holmes, Midvale, Idaho, has on March 13, 1972, submitted Application No. 67-7064 for a permit to appropriate 0.3 cubic feet per second of water from an unnamed spring, tributary of West Pine Creek, by means of pipeline and tank within the SE $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 19, T. 15N, R. 4W, B. M., Washington County to be used from Jan. 1 to Dec. 31 for domestic purposes for 10 families and power generation within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T. 15N, R. 4W, B. M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before April 10, 1972.

R. KEITH HIGGINSON
Director

Published in the Upper Country
News-Reporter, Cambridge, Idaho,
on March 23 and March 30, '72

O.K.
3-21-72
J.L.