



Nº 1696

RECEIVED

AUG 05 2002

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Washington } ss.

Sarah Boles, being duly sworn,
deposes and says:

That he/she is the Clerk of
THE WEISER SIGNAL AMERICAN, a bi-weekly news-
paper published at Weiser, in the County of Washington
and State of Idaho; that said paper has been and is in
general circulation in the county aforesaid, and in the
vicinity of Weiser; that the advertisement, a copy of which
is attached hereto, was published in said newspaper once a

week for two consecutive weeks in the regular and
entire issue of said paper during the period and time of
publication, and was published in the newspaper proper
and not in a supplement; that said paper has been estab-
lished and regularly published for more than seventy-eight
consecutive weeks prior to the date of first publication of
said advertisement.

Such notice was published in the issue beginning with
July 17, 2002, and ending
with the issue of July 24, 2002

Fees \$ 96.26
Sarah Boles

Subscribed and sworn to before me this 24
day of July, 2002

Judith H. Parsons
Notary Public, residing at Weiser, Idaho

My commission expires Feb. 1, 2008

No. 1696

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

67-14322

JAMES ECKHARDT
1275 JENKINS CREEK RD.
WEISER, ID 83672

Point(s) of Diversion: SESESE S36 T12N R06W
WASHINGTON County Source GROUND WA-
TER

Use: IRRIGATION 03/15 To 10/31 0.1 CFS

Total Diversion: 0.1 CFS

Date Filed: 06/25/2002

Place Of Use: IRRIGATION

T11N R06W S1 NENE Lot 1

T12N R06W S36 SESE

Number of Acres 10

Permits will be subject to all prior water rights.
Protests may be submitted based on the criteria of
Sec 42-203A, Idaho Code.

Any protest against the approval of this applica-
tion must be filed with the Director, Dept. of
Water Resource, Western Region, 2735 Airport
Way, Boise, ID 83705 together with a protest fee
of \$25.00 for each application on or before
08/05/2002. The protestant must also send a copy
of the protest to the applicant.

KARL J. DREHER, Director

Published in the Weiser Signal on July 17 and 24,
2002. 46-2S

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State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-14322

Priority: 06/25/2002

Maximum Diversion Rate: 0.10 CFS

This is to certify, that JAMES ECKHARDT
1275 JENKINS CREEK RD
WEISER ID 83672

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 10/31	0.10 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, Twp 12N, Rge 06W, B.M., WASHINGTON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N 06W 1	5.0																5.0
	L 1																
12N 06W 36																5.0	5.0

Total Acres: 10

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before September 01, 2005.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 67-14322

7. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of August, 2002.


for KARL J DREHER, Director

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AUG 22 2002

JUN 25 2002

FORM 202
12/99WATER RESOURCES
WESTERN REGION

Department of Water Resources

Ident. No. 67-14322agree to the following
application changes.6-22-02 Date.STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant James Eckhardt Phone 208-549-1954
Mailing address 1275 Jenkins CK Rd Weiser Id. 836722. Source of water supply Well which is a tributary of _____3. Location of point of diversion is Township 12N Range 6W Sec. 36 in the SE SE SE SE Govt. Lot _____ E.M. WA County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount <u>10</u> for <u>irrigation</u> purposes from <u>9-15</u> to <u>11-15</u> (both dates inclusive)	10-31
(cfs or acre-feet per annum)	
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)	
(cfs or acre-feet per annum)	
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)	
(cfs or acre-feet per annum)	
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)	
(cfs or acre-feet per annum)	
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)	
(cfs or acre-feet per annum)	
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)	
(cfs or acre-feet per annum)	

5. Total quantity to be appropriated is (a) 10 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 2 H.P. submersible pump

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet

c. Proposed well diameter is 8" inches; proposed depth of well is 215 feetd. Is ground water with a temperature of greater than 85°F being sought? NOe. If well is already drilled, when? 1996 Drilling firm Treasure Valley Drilling
Well was drilled for (well owner) James Eckhardt Drilling Permit No. _____7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)

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

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

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WATER RESOURCES
WESTERN REGION

3. Description of place of use:

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

[illegible]

Total number of acres to be irrigated 10

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

11. a. Who owns the property at the point of diversion? JAMES ECKHARDT

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

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

12. Remarks:

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Signature of Applicant (and title, if applicable)

Received by J. Fontaine Date 6/11/02 Time 12:30 Preliminary check by g
 @ \$ 100.00 Received by J. Fontaine # W029307 Date 6/11/02
 Publication prepared by AF Date 7-17-02 Published in _____
 Publication approved AF Date 8-5-02 **WEISER SIGNAL**

Publication approved: 4/1/02 Date: 4-3-02 WEISER SIGNAL

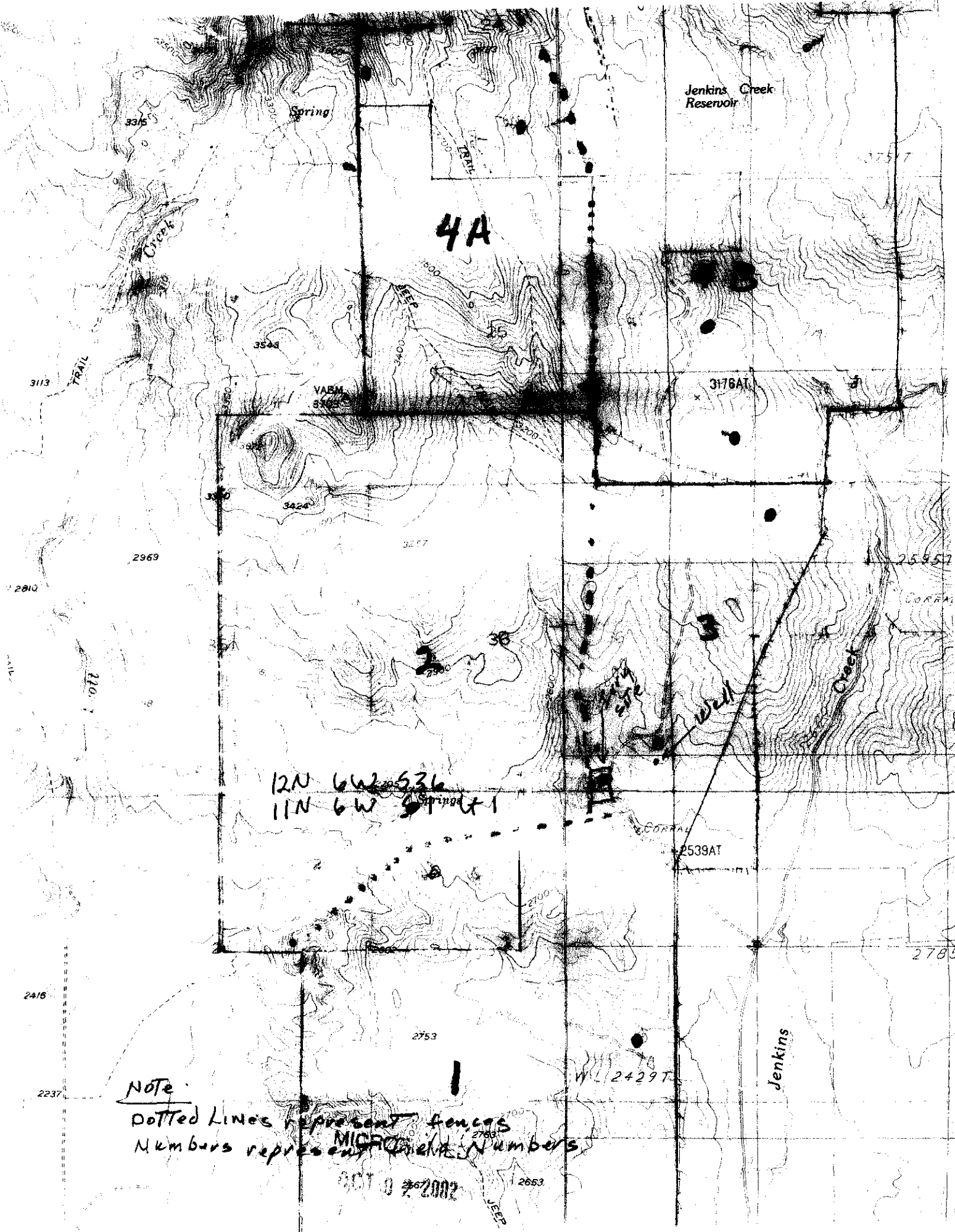
6125102 46 W029374 12500 - will upgrade fee

T 12 NR6W sec 36 portion of SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ &
SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$

T 11 N R 6W sec 1

NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$

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2010
OCT 2 2002



Note

Dotted Lines represent fences
Numbers represent Micro Numbers

OCT 10 2002

2



Variation 1745 to 2030 E

Scale, bearings to center

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OCT 2 2002

Section 1 of 10
 Section 2 of 10
 Section 3 of 10
 Section 4 of 10
 Section 5 of 10
 Section 6 of 10
 Section 7 of 10
 Section 8 of 10
 Section 9 of 10
 Section 10 of 10

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE THREE ALTERNATIVES BELOW

Name of Applicant

James L. Eckhardt

Mailing Address

1275 Jenkins Creek Rd.

Weiser, ID 83672

Application No.
(if known)

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

 X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

James Eckhardt

Date

6-10-02

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-3062

3-4-10
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607 02 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 27, 2002

JAMES ECKHARDT
1275 JENKINS CREEK RD
WEISER ID 83672

RE: Permit No. 67-14322

Permit Approval Notice

Dear Permit Holder:

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

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

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

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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OCT 12 2002

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

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

Sincerely,



for Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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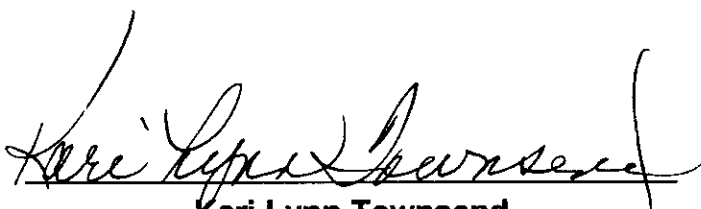
OCT 6 2 2002

CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 67-14322

**JAMES ECKHARDT
1275 JENKINS CREEK RD
WEISER ID 83672**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

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AUG 30 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document 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 of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by 6 Date 6/21/02 Application # 67-14322

REQUIRED INFORMATION

RECEIVED

AUG 22 2002

Department of Water Resources

- ☒ Name (If applicant is a corporation or partnership, the names and addresses for the directors, officers, and other partners must be included)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County
- ☒ Quantity (Flow and /or Volume)
- ☒ Period of use
- ☒ Nature of proposed use (Include description of use)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map (Show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (for > 1 home in restricted area ≥ 5 homes in non-restricted area)
- ☒ Signature (if applicant is corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

Government Lots
☒ P/D ~
☒ P/U ✓

ADDITIONAL INFORMATION

Y ADVERTISE REMARKS (Yes or No)

YES NO

NOTE: Future Mitigation remarks was not advertised. Michap

- ☒ Overlapping place of use (Describe source and relationship to present application on next page)
- ☒ Overlapping point of diversion
- ☒ Critical groundwater area
- ☒ Ground water management area
- ☒ 1992 moratorium
- ☒ Surface water source, IDFG letter needed
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to SCA staff (perennial stream, non-pump diversion &/or any mining)
- ☒ E-mail to Dam Safety staff (for any storage)
- ☒ Mitigation plan Check any that apply
- ☐ Immediate = acceptable plan required and submitted
- ☒ Future = open areas, acceptance of condition of approval is in file
- ☒ Send power requirement letter &/or fish farm requirement letter
- ☒ Power residency affidavit
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (If YES, attach Large Diversion supplementary analysis sheet)
- ☒ REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

will upgrade fee, initials on
changer

Date Requested 6/21/02 Date Response Received 6/25/02

PROCESSINGAPPLICATION # 67-14322YES ☒ NO ☐

☒ In form for advertising
☒ Statewide advertising (> 10 cfs &/or 1000 af)
☒ Fee amount, receipt number, and date recorded on application

SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USEDYES ☐ NO ☒

☐ I.D. Environmental Quality
☒ I.D. District Health
☒ I.D. Fish & Game
☒ I.D. Lands

YES ☐ NO ☒

☐ US BLM
☒ US Forest Service
☐ Water Dist # _____
☐ Water Planning Bureau
☒ Other _____

FINAL REGIONAL PROCESSING REVIEWYES ☒ NO ☐

☒ Affidavit of publication received
☒ Application published correctly? If not, record action taken _____

☒ Publication dates and paper recorded on application

☐ Final date for protest 8-5-02

☒ Protests received

☒ Recommendations attached

☒ Measuring device required

☒ Water delivered by water master? District # _____

☒ Special conditions of approval or cover letter

standards

Recommended Date of Priority 6/25/02Recommendation ☒ Approve ☐ Deny by For Gann Date 8/7/02**ADDITIONAL INFORMATION**

P/D overlap - none

P/W " - Weiser River A67-10280

↓ 67-2169

N/A according to applicant

☒ See Attachment(s) ... always include application proof report

Nº 1696

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AUG 05 2002

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Washington) ss.

Sarah Boles, being duly sworn,
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That he/she is the Clerk of
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paper published at Weiser, in the County of Washington
and State of Idaho; that said paper has been and is in
general circulation in the county aforesaid, and in the
vicinity of Weiser; that the advertisement, a copy of which
is attached hereto, was published in said newspaper once a

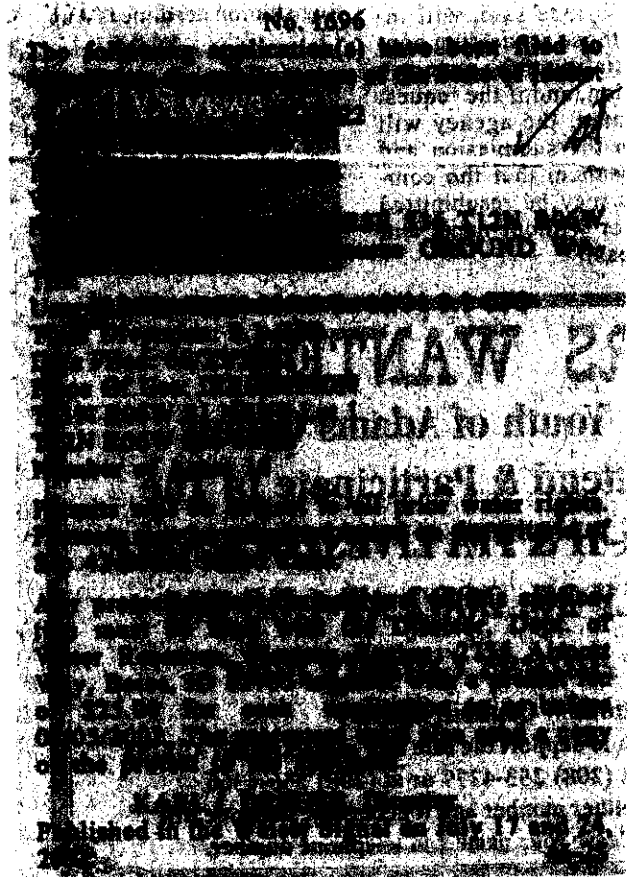
week for two consecutive weeks in the regular and
entire issue of said paper during the period and time of
publication, and was published in the newspaper proper
and not in a supplement; that said paper has been estab-
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consecutive weeks prior to the date of first publication of
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July 17, 2002, and ending
with the issue of July 24, 2002

Fees \$ 96.26
Sarah Boles

Subscribed and sworn to before me this 24
day of July, 2002

Judith A. Parsons
Publicary Public, residing at Weiser, Idaho
My commission expires Feb. 1, 2008



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2 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 10, 2002

Legal Notice Department

Weiser Signal

PO Box 709

Weiser ID 83672

RE: Application for Permit No. 67-14322

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 08/05/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

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OCT 02 2002

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1275 JENKINS CREEK RD
WEISER ID 83672

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Total Diversion: 0.1 CFS

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T12N R06W S36 SESE

Number of Acres 10

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KARL J DREHER, Director

Published in the Weiser Signal on July 17 and 24, 2002.

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OCT 02 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 21, 2002

James Eckhardt
1275 Jenkins Creek Rd
Weiser ID 83672

RE: Application For Permit

Dear Mr. Eckhardt:

Your application for permit to appropriate ground water for irrigation use was received 6/11/2002.

According to your application, the proposed well has already been constructed, in which a \$75 fee was paid. The well was constructed as an exempted-use domestic well, and is presently limited to diversions for a single-family home and no more than ½ acre irrigation. Because the well is now proposed for purposes in excess of a single-family home, the drilling permit must be upgraded to account for the additional acreage.

A \$200 drilling fee is required for uses in excess of a single-family home. The fee you have already paid has been applied to this amount. Before we can forward the application for final approval, the balance of \$125 must be paid so the drilling permit can be upgraded.

Please initial the enclosed application and return with the \$125 balance due to my attention.

If you have any questions, please do not hesitate to contact me at this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Lori Graves'.

Lori Graves
Sr. Water Resources Agent

Encl: appl

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OCT 6 2 2002