

RECORD OF SURVEY

A PORTION OF LOT 21 OF THE ASSessor's WOOD SPUR TRACT SITUATE IN A PORTION OF SECTIONS 14 AND 15, TOWNSHIP 9 NORTH, RANGE 5 WEST, BOISE MERIDIAN, PAYETTE COUNTY, IDAHO

LEGEND:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 15, T 9 N, R 5 W, B.M., i.e. N00°16'02"W

LEGEND:

- FOUND BRASS CAP MONUMENT
- FOUND 5/8" IRON PIN
- FOUND 1/2" IRON PIN W/PLASTIC CAP PLS 4108
- SET 1/2" IRON PIN W/PLASTIC CAP PLS 4108
- FOUND PK NAIL W/WASHER FOR ROAD CENTERLINE
- FOUND RAILROAD SPIKE
- FOUND 5/8" IRON PIN WITH ALUMINUM CAP
- RECORD DATA PER WOOD SPUR TRACT

SURVEY FOR:

TJT ENTERPRISES
703 NORTH WASHINGTON AVENUE
EMMETT, ID. 83617
PHONE: (208) 365-6321

NOTE:

FISCHER LAND SURVEYING, INC. ASSUMES NO LIABILITY FOR PRESENT OR FUTURE COMPLIANCE OR NON-COMPLIANCE WITH COUNTY PLANNING AND ZONING ORDINANCE RESTRICTIONS AS THEY PERTAIN TO BUILDING PERMITS AND THE ISSUANCE THEREOF.

Fischer Land Surveying, Inc.

PROFESSIONAL LAND SURVEYING

404 So. Washington Ave.

Emmett, Idaho 83617

Phone: (208) 365-4146

STATE OF IDAHO
COUNTY OF PAYETTE

Recorded at the request of
Fischer Land Surveying, Inc.

Time: _____ Date: _____

Instr. No. _____ at Pg. _____

Recorded as a Survey in Bk. _____

Laura L. Slight, Clerk

Ex-officio Recorder

Fee: \$5.00

Deputy

INDEX No. 954-14-00-00-00 OCTOBER 1995

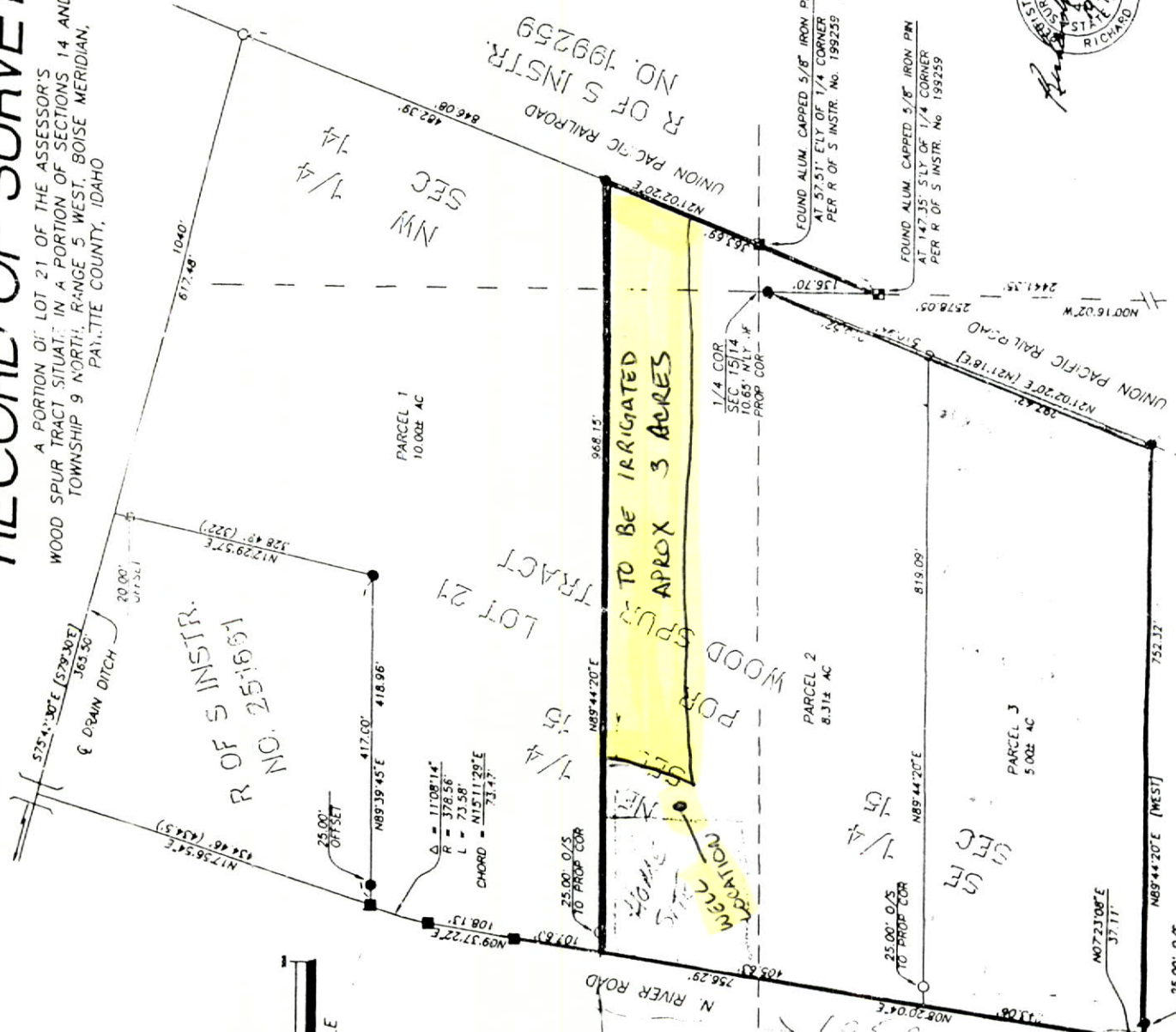
INDEX No. 954-15-00-00-00 JOB No. 102-95

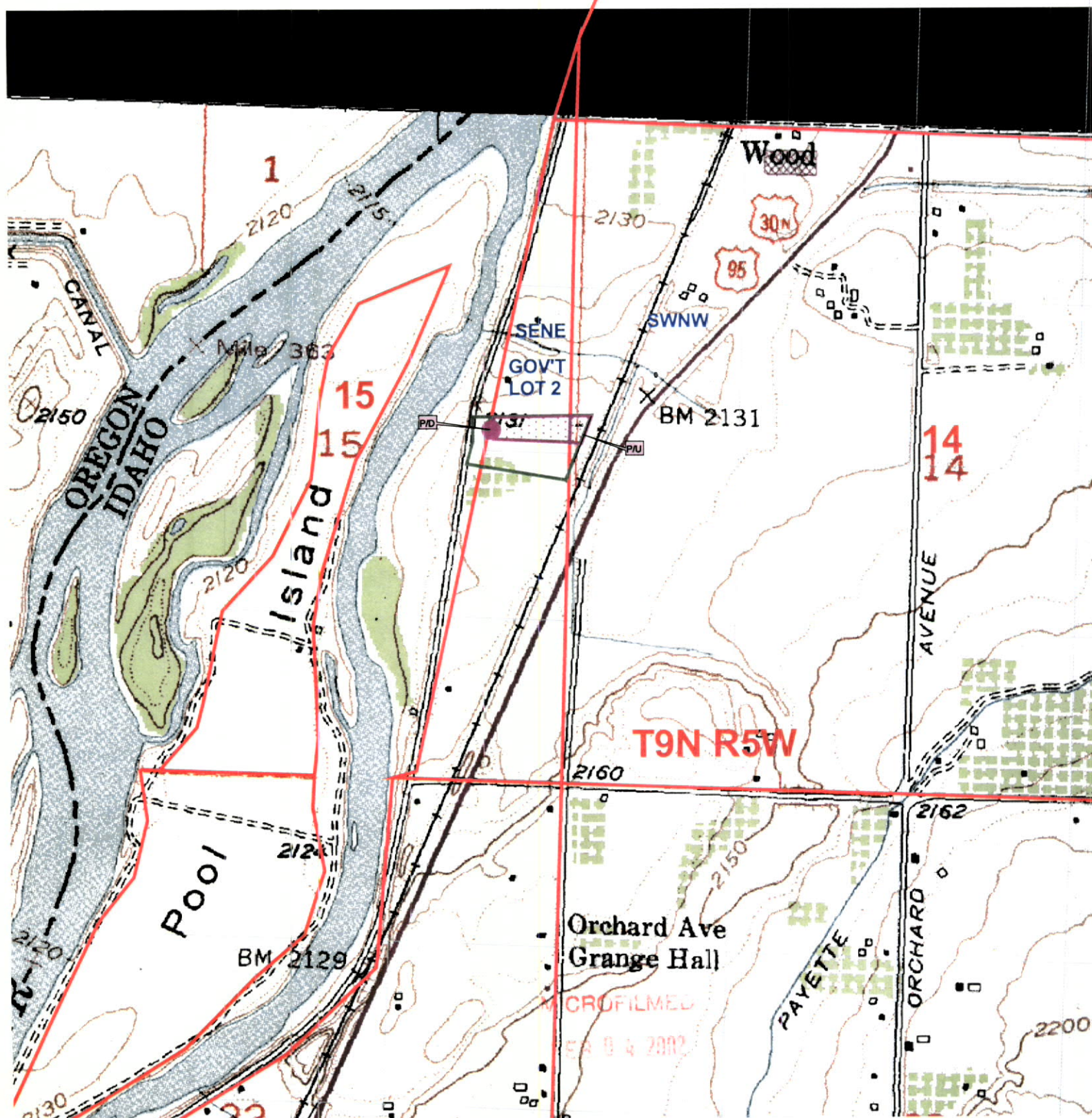


MICROFILMED
FEB 04 2002

UN-RECORDED SURVEY BY GASCHLER

124.14
224.25







T9N R5W

SENE

GOVT

LOT 2

P/D

PU

SWNW

15

14

PROFILMED

FEB 04 2002

Affidavit of Publication

Copy of Notice
(First Copy)

STATE OF IDAHO,
COUNTY OF PAYETTE

67-14257

APPLICATION FOR WATER RIGHTS

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

67-14257

Application

JOHN MARSHALL TRUST
11230 RIVER RD.
PAYETTE, ID 83661

Idaho Dept. of

S. Viola M

duly sworn, deposes and
That She is the sp

THE INDEPENDENT-ENTERPRISE

at Payette, in the Cour
paper has been and
aforesaid, and in the v
a copy of which is :
newspaper once a wee
the regular and entire
time of publication, at
and not a supplement
regularly published
weeks prior to the date of first publication of said advertisement.

Point(s) of Diversion L2 SENE S15 T09N R05W PAYETTE County Source GROND WATER

Use: IRRIGATION

03/15 To 11/15 0.09 CFS

Total Diversion:

0.09CFS

Date Filed: 05/09/2001

Place Of Use: IRRIGATION

T09N R05W S14 SWNW

T09N R05W S15 SENE

Number of Acres 3

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

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 7/09/01. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
No. 695

June 20, 27

Such notice was published in the issue beginning with
June 20, 2001, ~~18~~, and ending with the issue
of June 27, 2001, ~~18~~.

STATE OF IDAHO

COUNTY OF

On this 28th day of June in the year of 2001, before me,
a Notary Public, personally appeared Viola Hawkins,
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me first duly
sworn, declared that the statements therein are true, and
acknowledged to me that he executed the same.

Karl J. Dreher
Notary Public for Idaho

Residing at Payette, Idaho

My commission expires: 12-1-04

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines

27 lines x 4 column

Number of Insertions

(2) Two

27 Lines @ 2.38 . . . \$ 64.26

27 Lines @ 2.04 . . . \$ 55.08

TOTAL COST

WILL BE \$ 119.34

MICROFILMED

FEB 9 2002

Nº 695

RECEIVED

JUL 02 2001

WATER RESOURCES
WESTERN REGION

RECEIVED

JUN 18 2002

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

RECEIVED

JUN 20 2002

Department of Water Resources

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

1. Permit No. 67-14257 Telephone No. (208) 642-6053
2. Name of Permit Holder(s): JOHN MARSHALL TRUST
3. Mailing Address: 11230 RIVER RD
City PAYETTE State ID Zip 83661
4. Source of Water: GROUND WATER If GROUNDWATER (well), Date Drilled: mo. 9 / yr. 01
Well Driller: DALLAS DRILLING Drilling Permit Number: 67-63-14257
TAC # 19185 (other IDWR # 868502-771236)
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 3 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.09 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
- Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X
8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: REINA VALLEJO Telephone Number: (208) 642-6053
Address: 11230 RIVER RD, PAYETTE ID 83661
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: John P. Marshall Date: 6-16-02
(include your title, if on behalf of company or organization)

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JUN 18 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-14257

Priority: 05/09/2001

Maximum Diversion Rate: 0.09 CFS

This is to certify, that JOHN MARSHALL TRUST
11230 RIVER RD
PAYETTE ID 83661

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	03/01 to 11/15	0.09 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L2 SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15, Twp 09N, Rge 05W, B.M. PAYETTE 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	
09N 05W 14							.6										.6
09N 05W 15				2.4													2.4
				L 2													

Total Acres: 3

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 1, 2002**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
5. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. 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.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 31st day of July, 2001.

MICROFILMED

FEB 9 2002

Karl J Dreher
for KARL J DREHER, Director

Ident. No. 67-14 257
APP ID 69190

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 09 2001 APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

WATER RESOURCES
WESTERN REGION
1. Name of Applicant JOHN MARSHALL TRUST Phone (208) 642-6053
Mailing address 11230 RIVER RD PAYETTE, ID 83661

2. Source of water supply GROUND WATER which is a tributary of _____

RV 3. Location of point of diversion is Township 9N Range 5W Sec. 15, in the _____
NESE 1/4, SENE Govt. Lot 2, B.M., PAYETTE County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.09 CFS for IRRIGATION purposes from MAR 15 to NOV 15 (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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.09 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 1/2 NARKE PWR PUMP

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

c. Proposed well diameter is 6" inches; proposed depth of well is 20" APPROX feet

d. Is ground water with a temperature of greater than 85°F being sought? NO

e. If well is already drilled, when? N/A; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 1 year (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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JUL 19 2001

Department of Water Resources

MICROFILMED

FEB 04 2002

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.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	5W	15				1.2												1.2	3
9N	5W	15				2.4												2.4	3
		14							1.6										1.6
																			3

Total number of acres to be irrigated 3

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

11. a. Who owns the property at the point of diversion? JOHN R. MARSHALL TRUST
- b. Who owns the land to be irrigated or place of use? JOHN R. MARSHALL TRUST
- 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: need to be able to water pasture when needed
past on lateral -

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.

John R. Marshall "Trustee"
Signature of Applicant (and title, if applicable)

Received by AL Date 5/9/01 Time 10:45 Preliminary check by _____
Fee \$ 100.00 Receipt by AL # 10027743 Date 5/9/01
Publication prepared by AL Date 6-20-01 Published in INDEPENDENT ENTERPRISE
Publication approved AL Date 7-9-01

MICROFILMED

SEP 3 4 2002

RECORD OF SURVEY

A PORTION OF LOT 21 OF THE ASSESSOR'S
WOOD SPUR TRACT SITUATE IN A PORTION OF SECTIONS 14 AND 15,
TOWNSHIP 9 NORTH, RANGE 5 WEST, BOISE MERIDIAN,
PAYETTE COUNTY, IDAHO

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST
LINE OF THE SOUTHEAST 1/4 OF SECTION 15, T 9 N,
R 5 W, B.M., i.e. N00°16'02"W

LEGEND:

- FOUND BRASS CAP MONUMENT
- FOUND 5/8" IRON PIN
- FOUND 1/2" IRON PIN W/PLASTIC CAP PLS 4108
- SET 1/2" IRON PIN W/PLASTIC CAP PLS 4108
- FOUND PK NAIL W/WASHER FOR ROAD CENTERLINE
- FOUND RAILROAD SPIKE
- FOUND 5/8" IRON PIN WITH ALUMINUM CAP
- └ RECORD DATA PER WOOD SPUR TRACT

SURVEY FOR:

TUT ENTERPRISES
703 NORTH WASHINGTON AVENUE
EMMETT, ID 83617
PHONE: (208) 465-5321

NOTE:

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ZONING ORDINANCE RESTRICTIONS AS THEY PERTAIN TO BUILDING PERMITS
AND THE ISSUANCE THEREOF.

Fischer Land Surveying, Inc.

PROFESSIONAL LAND SURVEYING
404 So. Washington Ave.
Emmett, Idaho 83617
Phone: (208) 365-4146

STATE OF IDAHO }
COUNTY OF PAYETTE }

Recorded at the request of
Fischer Land Surveying, Inc.

Date: _____

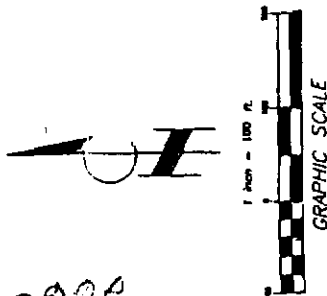
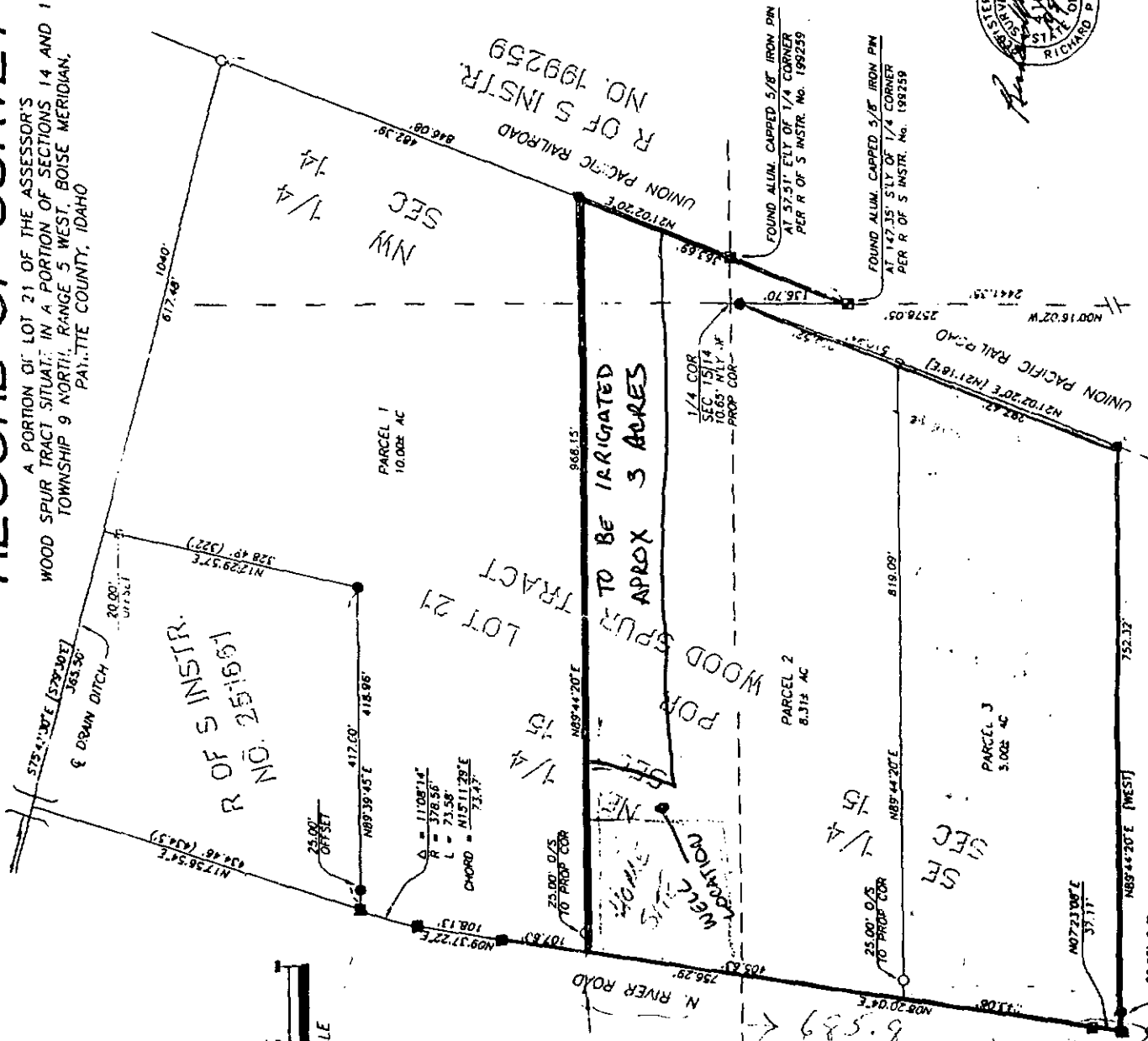
Book: _____

Recorded as a Survey in Bk. _____ at Pg. _____

Laura L. Sighe, Clerk
Ex-officio Recorder

Fee: \$5.00

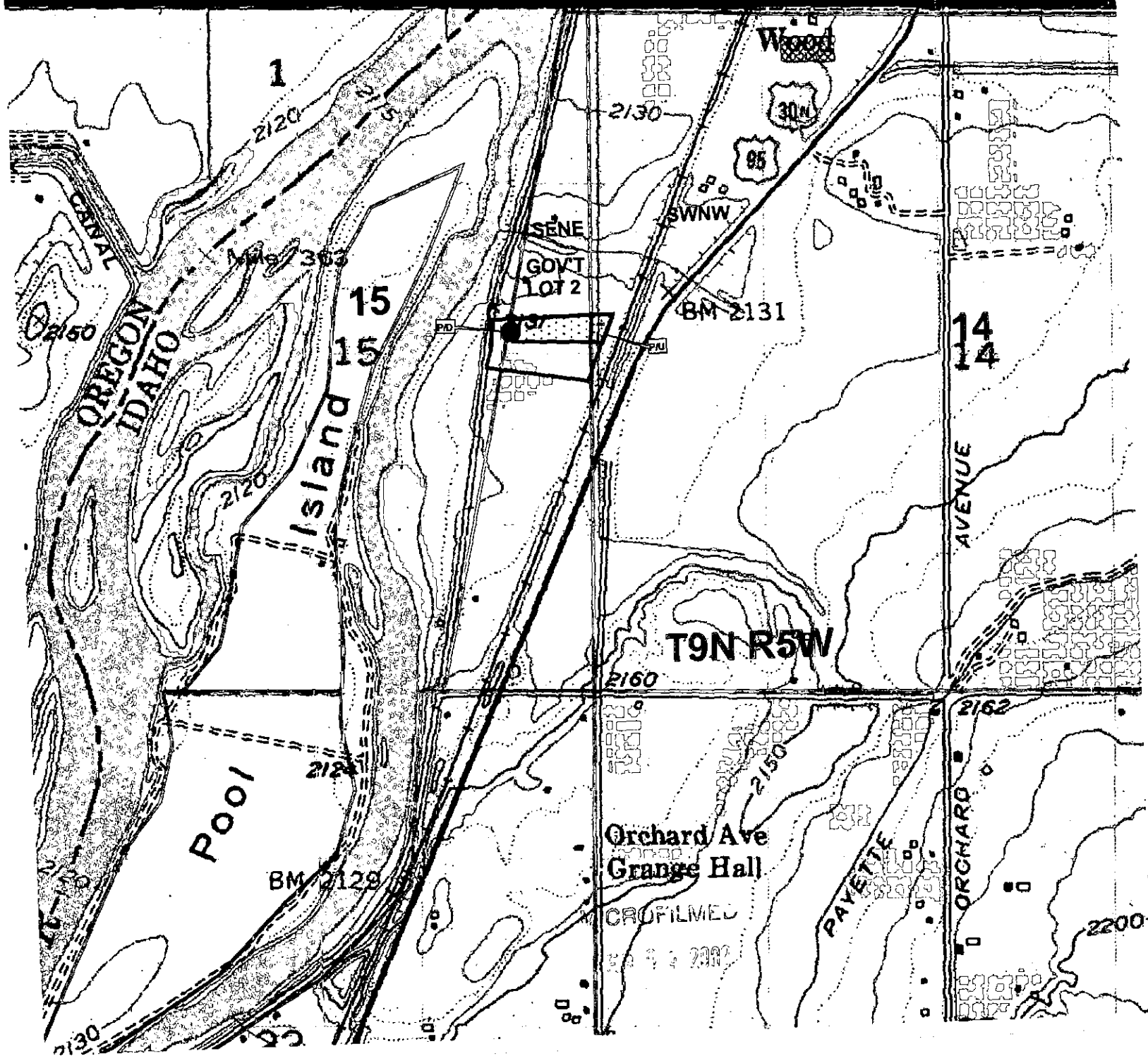
INDEX No. 954-14-00-00-00 OCTOBER 1995
INDEX No. 954-15-00-00-00 JOB No. 102-95



MICROFILMED

SEP 04 2002

UN-RECORDED SURVEY BY GASCHLER



T9 5W

SE
GOVT
LOT 2

14

ROCK



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

July 3, 2002

JOHN MARSHALL TRUST
11230 RIVER RD
PAYETTE ID 83661

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 67-14257

Dear Permit Holder:

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

With this letter I am requesting IDWR's Fiscal department to issue you a check in the amount of \$50.00 because you overpaid the license examination fee for this permit. The check will be issued in approximately 7-10 working days and will be mailed to the above mailing address.

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

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)
Fiscal (w/encl.)

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JUL 11 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 67-14257

Reviewed By: dgibson

Date: July 2, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?	X	
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?		X	Drilling permit upgrade needed?		
Receipt No.:		W027719, W029339	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		06/18/2002
Date proof due	-	08/01/2002
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	05/09/2001
New priority date	=	05/09/2001

Deficiencies of Actions Items

Acknowledge proof. Refund \$50.00 because of overpayment of filing fee.

May 31, 2002

JOHN MARSHALL TRUST
11230 RIVER RD
PAYETTE, ID 83661

PROOF DUE NOTICE

RE: PERMIT NO. 67-14257

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

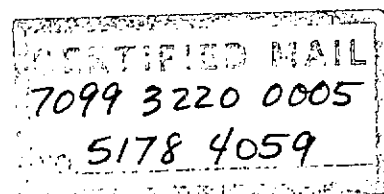
Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

MAY 31 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 1, 2001

JOHN MARSHALL TRUST
11230 RIVER RD
PAYETTE ID 83561

RE: Permit No. 67-14257

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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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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,

Shirley Curtis

for

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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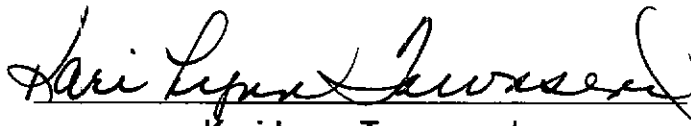
FEB 24 2002

CERTIFICATE OF MAILING

I hereby certify that on August 1, 2001 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. 67-14257

**JOHN MARSHALL TRUST
11230 RIVER RD
PAYETTE ID 83661**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

FEB 24 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).

MICROFILMED

FEB 6 4 2002

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.

MICROFILMED
JUN 10 1992

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 7/25/01

No. 67-14257 Name: JM Trust Corp. Officers N/A Ad ok _____ Govt Lots _____

AREA OF CONCERN: No/Yes Moratorium GWMA ~~TRUST/NON-TRUST~~

GROUNDWATER: ($\sqrt{\text{Flow Chart}}$)

DRILLING PERMIT

All wells	.. 046
Basin 74	.. 084 (if necessary)
WMD	.. North/East/West
≤ 0.24 cfs/5 acres	.. No MD
> 0.24 cfs/5 acres	.. 067

WMD

Supp irr (irr = only use)	-- 065-104
~~Supp irr (+ other uses)~~	~~-- 100-105~~
≤ 0.24 cfs/5 acres	-- No MD
~~> 0.24 cfs/5 acres~~	~~-- 01M~~

LOCATION:

Boise Front LoGeo	-058 (<85 GW)
Mitigation	-121

Trust	-051 (consumptive uses)
Non-Trust	-048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
 IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
 > 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
 STOCKWATER - R37 (BLM/FS)-111 (instream stock)
 MINING - 054-106
 HEAT/COOL - R07 (injection well)
 FIRE PROT - 077
 COMMERCIAL/
 INDUSTRIAL - 106-R07
 DAIRY - 082-WD8
 POWER - 17H or 17K (+uses)-17G (under FERC)
 or 17M (not FERC regulated)
 025-027-E22-08A

SURFACE WATER: ($\checkmark$ Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

~~SPRINGS/SINK INACTIVE WD or WD~~

~~≤ 0.24 cfs/5 acres~~	~~- No MD~~
~~>0.24 cfs/5 acres~~	~~- 01M or No MD~~

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area	- 022,075
Int., GW supp to SW	- 102
Future needs	- 007,109
ISH PROP	- 029 (70's only)-007-042-106
DOMESTIC	
Surface water	- WB5 (Big Wood/Boise above Star Bridge)
	- 27A (Payette R)
>1 in restricted area	- 070-071-075(no parks/common areas)
Int separate or none allowed	- WB5
GW w/irrigation from SW evident	- 065-104
Moratorium approvable	- W03 (2500 gpd – meets domestic def i.e. D/convenience store)

BENEFICIAL USE DUE: 8/01/2002

MISC CONDITIONS/REMARKS:

Protested	-D20-W19
Development Period	
> 1 yr	-26A
Ownership	-004
Non-consumptive	-027
Water Quality	-H06-R07

Multiple pd's per ¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example – S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON 3/1 - 11/15 (Per updated map)

IRR VOLUME/ACRE 4.5

OTHER CONDITIONS/REMARKS

COMMENTS

No overlaps

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: DAV DATE: 5-23-01 APPLICATION: 65-67-14257
APP ID# 69190

REQUIRED INFORMATION

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

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

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JUL 19 2001

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

ADDITIONAL INFORMATION

YES NO

- ☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.) Lower Payette Ditch Company Water
☐ ☒ Overlapping point of diversion. OVERLAPS PIU.
☐ ☒ Critical groundwater area:
☐ ☒ Groundwater 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

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO. _____

YES NO

☒

In form for advertising:

☒

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

☒

Fee amount, receipt number and date recorded on application:

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

YES NO

☐

I.D. Health & Welfare

☒

I.D. District Health

☒

I.D. Fish & Game

☒

I.D. Lands

YES NO

☐

U.S. BLM

☒

U.S. Forest Service

☒

Water Dist. # _____

☒

Water Planning Bureau

☒

Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒

Affidavit of publication received:

☒

Application published correctly: If not, record action taken.

☒

Publication dates and paper recorded on application:

☐

Final date for protest

7-7-01

☒

Protests received.

☒

Recommendations attached:

☒

Measuring device required:

☒

Water delivered by water master? District # _____

☒

Special conditions of approval or cover letter:

"STANDARD CONDITIONS"

"WELL DRILLING STANDARDS"

"SUPPLEMENTAL"

TO PAYETTE IRRIGATION

DISTRICT.

See below for additional information

Recommended Date or Priority

5-9-2001

Recommended by:

Daniel A. Nelson

Date:

7-11-01

ADDITIONAL INFORMATION:

LOWER PAYETTE DITCH COMPANY WATER

OVERLAPS THE PLACE OF USE.

This permit is

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

SS.

#67-14257

Application for Water Rights
TITLE OF PUBLICATION

SPONSOR OF PLAINTIFF

Idaho Dept. of Water Resources
PLAINTIFF OR LEGAL AGENT

S. Viola M. Hawkins, being

duly sworn, deposes and says:

That She is the principal clerk of

THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at Payette, in the County of Payette and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Payette; 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 a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with June 26, 2001, and ending with the issue of June 27, 2001.

STATE OF IDAHO
COUNTY OF

On this 28th day of June in the year of 2001, before me, a Notary Public, personally appeared Viola Hawkins known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

[Signature]
Notary Public for Idaho
Residing at [Signature]
My commission expires: 12-1-04

STATEMENT

Independent-Enterprise
PAYETTE, IDAHO

Number of Lines 27 lines x 4 column

Number of Insertions (2) Two

27 Lines @ 2.38 ... \$ 64.26

27 Lines @ 2.04 ... \$ 55.08

TOTAL COST
WILL BE \$ 119.34

Copy of Notice (First Copy)

TO COMPLY WITH SECTION 15-1-100, IDAHO CODE, NO REPRESENTATION IS MADE THAT THEY ARE OR ARE NOT, PRESENTLY RESPONSIBLE FOR THIS OBLIGATION.

The default for which this sale is to be made is the failure to pay the amount due under the certain Promissory Note and Deed of trust, in the amounts called for thereunder as follows: monthly payments in the amount of \$728.87 for the months of December 2000 through and including April, 2001, together with late charges and monthly payments accruing. The sum owing on the obligation secured by said Deed of Trust is \$64,170.35, as principal, plus late fees, service charges, attorney's fees, costs of this foreclosure, any and all funds expended by Beneficiary to protect their security interest, and interest accruing at the rate of 13.25% from November 1, 2000, to the date of sale.

The Beneficiary elects to sell or cause the trust property to be sold to satisfy said obligation.

/s/ Paula Peterson
Paula Peterson, Trust officer
for Charles C. Just, Esq.
June 6, 13, 20, 27

No. 679

RECEIVED

JUL 02 2001

WATER RESOURCES
WESTERN REGION

MICROFILMED

Nº 695

Affidavit of Publication

Copy of Notice
(First Copy)

STATE OF IDAHO,
COUNTY OF PAYETTE

417-14257

APPLICATION FOR WATER RIGHTS

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
67-14257 ✓

Application

JOHN MARSHALL TRUST
11230 RIVER RD.
PAYETTE, ID 83661

Idaho Dept. of

Point(s) of Diversion L2 SENE S15 T09N R05W PAYETTE County Source GROND WATER

Use: IRRIGATION

03/15 To 11/15 0.09 CFS

J. Viola M.

Total Diversion:

0.09CFS

duly sworn, deposes and

That She is the owner

THE INDEPENDENT

at Payette, in the Coun

paper has been and

aforesaid, and in the v

a copy of which is:

newspaper once a wee

the regular and entire

time of publication, an

and not a supplement

regularly published:

weeks prior to the date

Date Filed: 05/09/2001

Place Of Use: IRRIGATION

T09N R05W S14 SWNW

T09N R05W S15 SENE

Number of Acres 3

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

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 7/09/01. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
No. 695

June 20, 27

Such notice was published in the issue beginning with

June 20, 2001, and ending with the issue
of June 27, 2001.

STATE OF IDAHO

COUNTY OF

On this 28th day of June in the year of 2001, before me,

a Notary Public, personally appeared Viola Hawkins,

known or identified to me to be the person whose name
subscribed to the within instrument, and being by me first duly
sworn, declared that the statements therein are true, and
acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at

My commission expires: 12-1-04

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines

27 lines x 4 column

Number of Insertions

(2) two

27 Lines @ 2.38 ... \$ 64.26

27 Lines @ 2.04 ... \$ 55.08

TOTAL COST

WILL BE ... \$ 119.34

MICROFILMED

Nº 695

RECEIVED

JUL 02 2001

WATER RESOURCES
WESTERN REGION



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE

Governor

June 13, 2001

KARL J. DREHER

Director

Legal Notice Department

Independent Enterprise

PO Box 520

Payette ID 83661

RE: Application for Permit No. 67-14257 and Application for Transfer No. 69197

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find legal notices 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 notices 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 07/09/2001. Your cooperation is appreciated.

Sincerely

Sue Taylor

Senior Secretary

MICROFILMED

SEP 6 4 2002

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

67-14257

JOHN MARSHALL TRUST
11230 RIVER RD
PAYETTE ID 83661

Point(s) of Diversion L2 SENE S15 T09N R05W PAYETTE County Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 05/09/2001

Place Of Use: IRRIGATION

T09N R05W S14 SWNW

T09N R05W S15 SENE

Number of Acres 3

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

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 07/09/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the independent Enterprise on June 20 and 27, 2001.

MICROFILMED

JUN 24 2002

REQUEST TO PROCESS

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

Name of Applicant JOHN R. MARSHALL TRUST
Mailing Address 11230 RIVER RD
PAYETTE ID 83661
Application No. _____
(if known)

RECEIVED

MAY 09 2001

WATER RESOURCES
WESTERN REGION

___ 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.

☒ 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

J.R. Marshall

Date

May 7th, 2001

Please return this form to:

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

MICHAEL B. LEE

FEB 04 2002