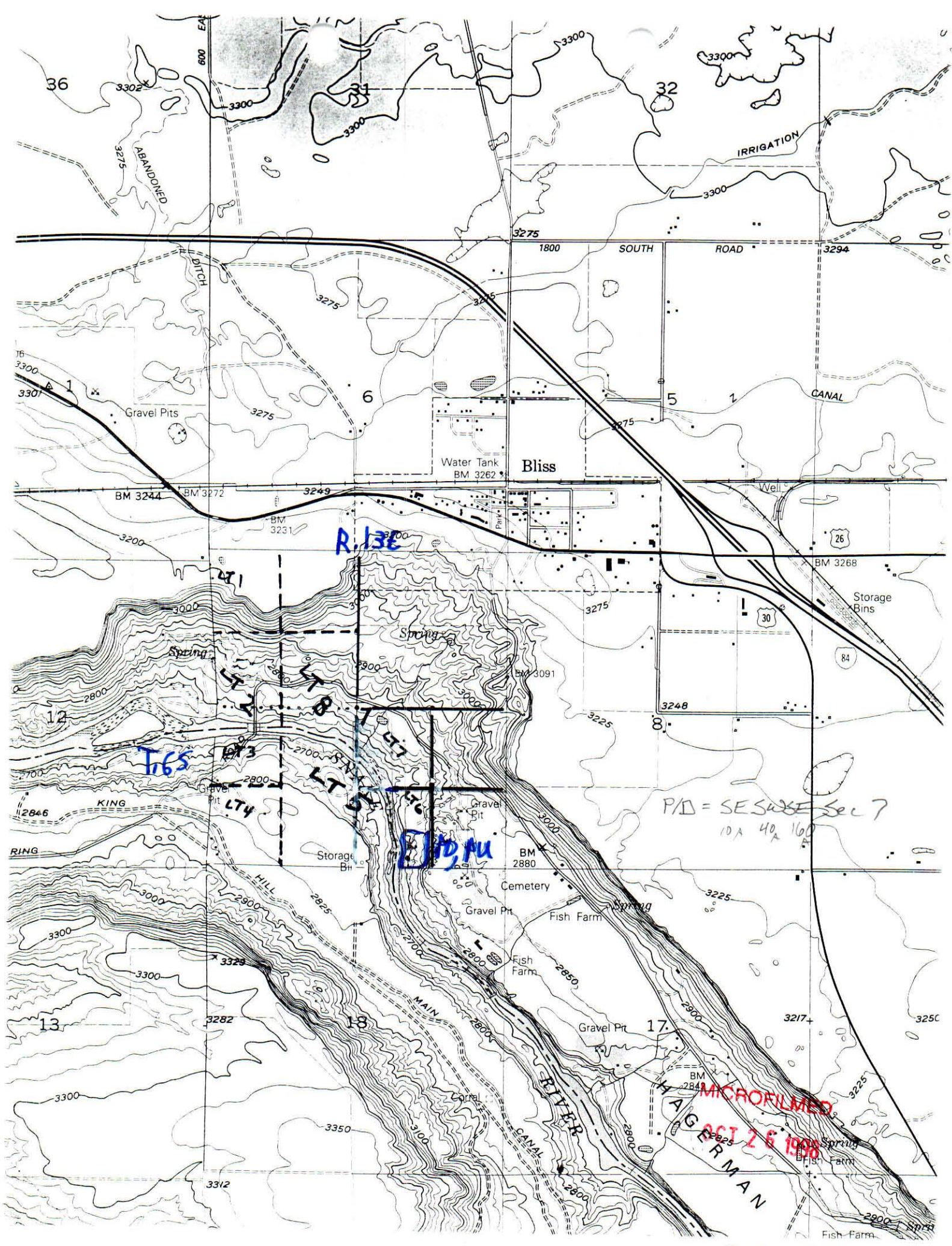




37-08878

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

RECEIVED

AUG 18 1998

Department of Water Resources
Southern Region

Patty Nance, being first duly sworn,
deposes and says that she is the printer (publisher) of the Gooding County Leader, a
newspaper published every week in Gooding, County of Gooding, State of Idaho; that
said newspaper has been continuously and uninterruptedly published for a period of
seventy-eight consecutive weeks prior to the first publication of the annexed notice, and
is a newspaper qualified to publish legal notices as provided by act of the 1919 session
of the legislature of the State of Idaho, known as House Bill 145; that the annexed
advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in
supplement; that the date of the first publication of said advertisement was on the
6th day of August, 1998

and that date of the last publication was on the 13th day of
August, 1998

Patty Nance
On this 13th day of August
in the year of 1998, before me, a Notary Public, personally appeared
Patty Nance, 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 acknowledge to me that she executed
the same.

Norma De Voe
Notary Public for Idaho
Residing at Jerome, Id

My commission expires: 3/6/01

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

Lines tabular at _____ 7¢/Pica

414.56 Lines straight at 24.87 6¢/Pica

414.56 Subsequent lines at 20.73 5¢/Pica

Affidavit Fee 2.25

TOTAL COST 47.85

#37-08878-Martin

TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

COPY OF NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

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

JAMIE G MARTIN &/OR
LESLEY A ANDRUS
PO BOX 6256

SUN VALLEY ID 83354

Application for Permit No. 37-08878

Source: Spring trib. to Snake River

Diversion Pt(s): Lot 6
(SE1/4SW1/4SE1/4), S07, T06S, R13E;
Gooding County.

Use: 1/1-12/31

Domestic (1 home) (0.06 cfs)

In: Lot 6 (SW1/4SE1/4), S07, T06S,
R13E; Gooding County.

Date Filed: 07/06/1998

Any protest against the proposed
application(s) must be filed with the
Department of Water Resources,
Southern Region, 1341 Fillmore St.,
Suite 200; Twin Falls, ID 83301

PUB together with a protest fee of \$25.00 on
(Idah or before August 24, 1998 to be
considered by the Department in its
7-8 decision to grant or deny any part of 7¢/Pica
7-8 the proposed application(s). The 5¢/Pica
7-8 protestant must also send a copy of the
protest to the applicant.
ins Karl J. Dreher, Director 5¢/Pica
Pub: 8/6-8/13 G22039

No. 6852

22039
MICROFILMED
OCT 26 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 21 2000

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 37-08878 Telephone No. 208 622 3144
2. Name(s) of Permit Holder(s): LESLEY ANDRUS Anches [recently married, added name Anches]
3. Mailing Address: PO Box 6066 Sun Valley ID 83354
4. Source of Water: spring If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____
 - a. Well Driller: _____ Drilling Permit Number: ____ - ____ - ____
 - b. OPTIONAL:
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 1 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .04 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 <u>X</u>
	Has the measuring device been installed?	Yes ____ or No <u>X</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes ____ or No <u>X</u>
	Has the measurement port been installed?	Yes ____ or No <u>X</u>
8. Fee Enclosed: \$ 0 (not required) (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: Eaton Drilling & Pump Service Telephone Number: 208 536-2223
Address: 485 S. Idaho St, Wendell ID 83355
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: _____

(include your title, if on behalf of company or organization)

Date: 7/29/99

MICROFILMED

JAN 28 2000

For Office Use Only
 \$25.00 Filing Fee
 Receipt # 5031952
 Date 3-26-99

State of Idaho
 DEPARTMENT OF WATER RESOURCES

RECEIVED

ASSIGNMENT OF PERMIT
 To change the ownership of a permit

MAR 18 1999

Department of Water Resources
 Southern Region

I, Jamie G. Martin, hereby assign to Lesley A. Andrus
(Permit Holder)
 of PO Box 6256, Sun Valley, Idaho 83354 (208) 622-3144
(Full Address and Phone Number)

All my right, title, and interest in and to Permit No. 37-08878 RECEIVED
 to appropriate the public waters of the State of Idaho.

MAR 29 1999

OR (for partial assignments)

Department of Water Resources

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 portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

Made this 3 day of MARCH February, 1999.

Jamie G. Martin
 Permit Holder(s)

State of Idaho)
 County of Gooding ss
Shoshone

On this 3rd day of March, 19999, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.



Stacey Clark
 Notary Public

Stacey Clark
 Signature

My commission expires: 1-14-2005

MICROFILMED

APR 08 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08878

Proposed Priority: July 6, 1998

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **LESLEY A ANDRUS**
JAMIE G MARTIN
PO BOX 6256

SUN VALLEY ID 83354-6256

has applied for a permit to appropriate water from:

SPRING

tributary of **SNAKE RIVER**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 6 (SESWSE), Sec. 7, Township 06S, Range 13E
GOODING County

PLACE OF USE: DOMESTIC

TWN RGE SEC

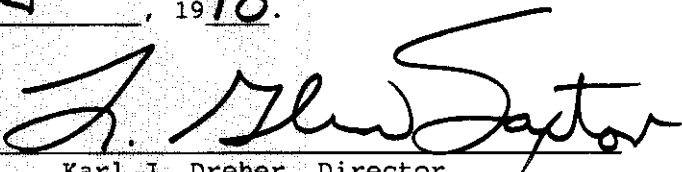
06S 13E 7 Lot 6 (SWSE)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **October 1, 1999**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.

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

15th day of October, 1998.


for
Karl J. Dreher, Director

MICROFILMED

OCT 26 1998

RECEIVED

FORM 202

2/96 JUL 06 1998

Department of Water Resources
Southern Region

Ident. No. 37-08878

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
OCT 02 1998

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Jamie G. Martin &/or Lesley A. Andrus Phone 622-3144
Mailing address PO Box 6256, Sun Valley, ID 83354
2. Source of water supply Spring which is a tributary of Sage River
3. Location of point of diversion is Township 65 Range 13E Sec. 7 in the SE 1/4.
SW 1/4, SE 1/4, Govt. Lot 6, B.M., Gooding County
additional points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount 0.06 ^{0.04} for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 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) 0.06 ^{0.04} 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 Headbox & pipeline to home
with lawn & landscaping
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 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. One
 - e. Other; describe fully. _____

MICROFILMED

OCT 26 1998

*maximum allowable for single domestic. 10/2/98 cz.

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	13E	7																D	
																		Lt 6	

Total number of acres to be irrigated _____

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

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

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

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: We are requesting a larger-than-normal flow rate due to the sandy/gravelly nature of the soil & the high summer temperatures there.

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

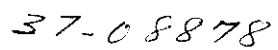
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Jamie L. Martin
Signature of Applicant (and title, if applicable)

Received by J. E. Stanton Date 7-6-98 Time 1:50 pm Preliminary check by JES
Fee \$ 50.00 Receipted by JES # 5031292 Date 7-6-98
Publication prepared by MB Date 7/13/98 Published in Gooding Co. Leader
Publication approved MB Date 8/24/98

MICROFILMED

OCT 26 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

January 24, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LESLIE ANDRUS ANCHES
PO BOX 6066
SUN VALLEY ID 83354

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08878

Dear Permit Holder:

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

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

If you have questions concerning the field examination, please contact the **SOUTHERN** Regional Office of the department in Twin Falls at (208) 736-3033.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

JAN 28 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 37-08878 Reviewed by [Signature] Date 1-24-00
1-17-00

GENERAL CONSIDERATIONS

X Name same as permit?
N Address same as permit?
Proof timely received?
If not, complete calculation below.

TYPES OF USE

Dom
Correct Uses? yes

SOURCE OF WATER

X Surface water source
Ground water source
Drilling permit required?
Copy in the file? Drilling Permit No. _____
Amount paid for permit _____ Correct?
Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
Amount Submitted
Correct?

MEASURING DEVICE

Required?
Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received _____
Date proof due _____ - _____
No. of days late _____ = _____
Priority Date _____ + _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

none/ack proof
Need Lic Exam fee of \$500
- When fee is submitted consider the
proof timely filed

DATA ENTRY

New Address P.O. Box 6066 Proof Made 9-29-99
Sun Valley, Id 83354



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

January 17, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LESLEY ANDRUS ANCHES
P.O. BOX 6066
SUN VALLEY, ID 83354

RE: PERMIT NO. 37-08878

Dear Permit Holder:

Enclosed is a copy of the Proof of Beneficial Use statement you submitted in connection with the above referenced water right permit. Before the department can accept the proof, it must be accompanied by the appropriate license examination fee which in your case is \$50.00. A fee is not required for a rate of diversion of 0.04 cubic feet per second if the source is groundwater. The fee is required for your permit, since the source of water is a spring which is surface water.

Please return the copy of the proof statement along with the \$50.00 license examination fee within **20 days** of receipt of this letter. **Please address your correspondence to my attention.**

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

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR- Region

MICROFILMED

JAN 28 2000

Lesley Andrus Anches
Post Office Box 6066
Sun Valley, Idaho 83354

RECEIVED
OCT 01 1999
Department of Water Resources

September 29, 1999

BY FEDERAL EXPRESS

Ms. Julie L. Yarbrough
State of Idaho
Department of Water Resources
1301 North Orchard Street
P. O. Box 83720
Boise, Idaho 83720-0098

Re: Permit No. 37-08878

Dear Ms. Yarbrough:

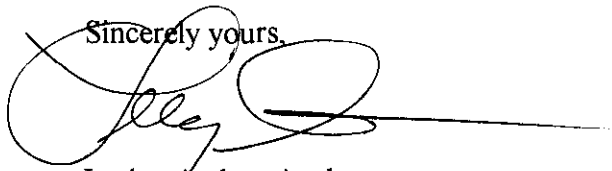
Enclosed is my fully executed Proof of Beneficial Use regarding the above water permit. As I understand it no fee is required where my water use is .04 cfs or less.

The permit was taken out in my name and that of Jamie Martin. I have also enclosed a copy of the assignment of Mr. Martin's interest, and receipt of payment of the filing fee.

I recently married and have added the name "Anches" to my name. Is it necessary to execute any additional documents regarding the permit in connection with my name change? If so, would you be so kind as to send me the appropriate forms?

Thank you for your assistance.

Sincerely yours,



Lesley Andrus Anches

Enclosures

MICROFILMED
JAN 28 2000

July 31, 1999

LESLEY A ANDRUS
PO BOX 6256
SUN VALLEY ID 833546256

PROOF DUE NOTICE

RE: PERMIT NO. 37-08878

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 October 1, 1999.

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

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

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

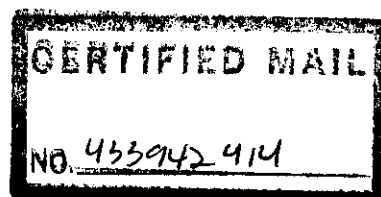
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

JAN 28 2000





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

March 30, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LESLEY A ANDRUS
PO BOX 6256
SUN VALLEY ID 83354

RE: ASSIGNMENT OF PERMIT 37-08878

Dear Mr. Andrus:

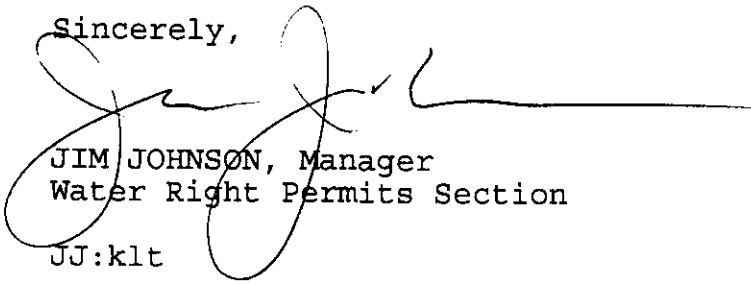
We acknowledge receipt of the correspondence changing ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership. A computer generated report is enclosed for your information.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR** TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify 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 to obtain the proper reporting form.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED

APR 08 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

October 15, 1998

PHILIP E. BATT
GOVERNOR

LESLEY A ANDRUS
JAMIE G MARTIN
PO BOX 6256
SUN VALLEY ID 83354-6256

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08878

Dear Permit Holder:

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

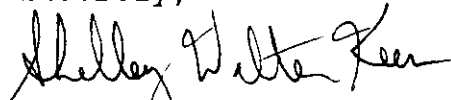
The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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.

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

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

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED

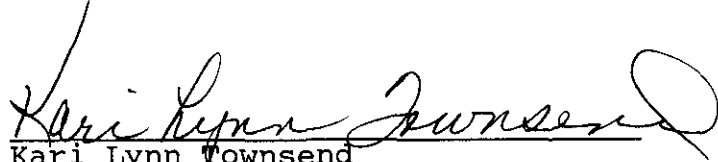
OCT 26 1998

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of **October, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 37-08878

**LESLEY A ANDRUS
JAMIE G MARTIN
PO BOX 6256
SUN VALLEY ID 83354-6256**


Kari Lynn Townsend
Secretary

MICROFILMED

OCT 26 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

MICROFILMED

OCT 26 1998

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy Lou

No.: 37-8878 Name: Martin/Andrus Date: 10/13/98 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN: - No/Yes: ESRP Mor / GWMA / Trust / Non-trust w/in Aquifer

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A-P17
- ≤ 1 year/no proof - **P16**

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

- > 0.24 cfs/5 acres - North / East / West
- ≤ 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- Supplemental use - No MD
- > 0.24 cfs/5 acres - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- ≤ 0.24 cfs/5 acres - 01M (report when notified)
- No MD

DRILLING PERMIT:

- All wells (✓ WDQ3) - 046-P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)

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

FISH & GAME CONTACTED: - Yes / No; RESPONSE: OK

IN/ABOVE MIN. STR. FLOW (✓ MAP) - *WB9

WD (✓ MAP & LISTING) - R04 (WD #)

- > 0.10 cfs - 01J-P08 (MD & LD)
- ≤ 0.10 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22-P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087

USE:

- Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- >1 in rest. area - 071-070
- Fire Protection - 077
- Fish Propagation - 029(70's only)-007-042(req)-081 (WQ)-P10
- Heating/Cooling - R07 (injection well)
- Irr ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- Mining - 054(req) -081-P10
- Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
- Power - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);
- 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- Stockwater - R37 (BLM/USFS); NA
- Storage (✓ 3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

- 42-248 area - **P84** (in 20/30/40/50/60/70/80 (87) basin)
- Boise Front LoGeo - 058 (<85° GW temp only)
- In-stream dev. - P52 (stream channel alteration)
- Mitigation - 120
- SWAN FALLS FLAG (See Code Chart) - C
- Trust - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA
- 004 (PD/PU)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

0w01/1

10/1/ 1999



RECEIVED

OCT 09 1998

Department of Water Resources

IDAHO FISH & GAME

Magic Valley Region
868 East Main • P.O. Box 428
Jerome, Idaho 83338
(208) 324-4350
Fax (208) 324-1160

Philip E. Batt/Governor
Stephen P. Mealey/Director

October 7, 1998

Ms. Cindy Zimmerman
Idaho Dept. of Water Resources
1301 N. Orchard St., Box 83720
Boise, Idaho 83720-0098

RE: Application for Permit #37-08878 Jamie/Lesley Andrus - 0.04 cfs.

Dear Cindy,

We have reviewed the above referenced application for appropriation of 0.04 cfs of water from a spring located due south of Bliss, Idaho. Because the appropriation is a minor amount and goes subsurface only a short distance from the spring, the withdrawal will have minimal impacts on wetland/riparian vegetation downstream of the spring. We, therefore, feel impacts will be minimal to local fish and wildlife populations.

Thank you for the opportunity to review and comment on this proposal. If you have further questions please contact Dave Parrish, Natural Resource Biologist at this office.

Sincerely,

for Carl H. Nellis
Magic Valley Regional Supervisor

cc: IDFG-NRPB (Robertson)

MICROFILMED
OCT 26 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

October 6, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

Idaho Dept. of Fish & Game
Dave Parrish, Magic Valley Region
PO Box 428
Jerome ID 83338-0428

RE: Application for Permit No. 37-08878

Dear Dave,

The Department of Water Resources (IDWR) is preparing to issue a water appropriation permit for the above application. Before proceeding, IDWR would appreciate receiving your comments, if any, on the proposed diversion and use of surface water. I have enclosed copies of the application for your review. Please respond with your comments by October 21, 1998. If I have not heard from you by then, I will assume you have no comment and will proceed with issuing the permit.

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

Respectfully,

Cindy Zimmerman
Water Resource Agent

Enclosure

MICROFILMED

OCT 26 1998

James B. Martin

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OCT 02 1998

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY *J. Martin* DATE 7-6, 1998
APPLICATION NO. 37-08878

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (see USGS quad for names of water sources)
- ☒ Point of diversion (10 Acres for spring, lot & block description subdivisions, local name, flow &/or volume.)
- ☒ County
- ☒ Quantity (flow &/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
- ☒ Signature (If applicant is corp., partnership, or municipality, of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

---PROPOSED PRIORITY DATE
7-6 1998

ADDITIONAL INFORMATION

- ☐ Overlapping place of use(Describe source & relationship to pres application on the back.
- ☐ Overlapping point of diversion.
- ☒ Yes ☐ No Field check required
Field check by _____
- ☐ Yes ☐ No Field report attached
- ☐ Yes ☒ No Critical Ground water area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send Dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit.
- ☐ Yes ☒ No Power efficiency form
- ☒ Yes ☐ No Within trustwater boundary(If yes, attach trustwa
supplementary analysis sheet.
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If y
attach large diversion supplementary analysis sheet

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Info for excess flow

Date Requested 8/21, 1998

PROCESSING ☒ Yes ☐ No In form for Advertising
☐ Yes ☒ No No Statewide Advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on app.

SEND COPIES TO: ☐ Idaho Dept of Health & Welfare ☐ USDI BLM
☐ Idaho Dept of Fish & Game ☐ USFS
☐ Idaho Dept of Lands ☐ Water Dist.
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received.
☐ Yes ☐ No Application published correctly. If not, record action taken. _____
☒ Yes ☒ No Publication dates and paper, recorded on App.
☐ Yes ☒ No Protests received
Final date for Protest _____
N/A ☐ Yes ☐ No Protests, dates, resolution of protest, recorded on app.
☐ Yes ☐ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist. _____
☐ Yes ☒ No Special conditions of approval or cover letter below. _____

See memo 10/1/98

See below for additional information

Date of priority recommended 7/6, 1998
By Adm Date 10/11, 1998

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____, 19 ____

ADDITIONAL INFORMATION:

FROM: Allen Merritt

DATE: October 1, 1998

TO: Application No. 37-08878
In the Name of: Martin/Andrus

SUBJECT: Review and Recommendation

This application is located in the "Eastern Snake Plain Moratorium" area. The application is a simple domestic and qualifies to be processed. The application was advertised without protest.

RECOMMENDATION

I recommend the application be approved subject to the following conditions:

- Rate authorized is 0.04 cfs. (0.06 cfs requested has no documented justification)
- Irrigation is limited to no more than 1/2 acre and is only authorized in connection with a home.

MICROFILMED

OCT 26 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 31, 1998

Jamie G Martin
PO Box 6256
Sun Valley, ID
83354

RE: App. for Permit 37-08878

Dear Mr. Martin;

The advertising and protest periods for your application have ended, and no protests were received. Before your application can be sent to our Boise office with a do-pass recommendation, however, additional data is needed to support your request for a flow rate of 0.06 cfs for domestic use. We need specific information on your soil, local weather patterns, etc., that will show the need for the higher flow rate. Without this information, we can only recommend the standard domestic rate of 0.04 cfs. We expect to forward your application to Boise at the end of September with whatever data is in the file at that time.

Regards,

James E. Stanton
Sr. Water Resource Agent

MICROFILMED

OCT 26 1998

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

RECEIVED

AUG 18 1998

Department of Water Resources
Southern Region

Patty Nance, being first duly sworn,
deposes and says that she is the printer (publisher) of the Gooding County Leader, a
newspaper published every week in Gooding, County of Gooding, State of Idaho; that
said newspaper has been continuously and uninterruptedly published for a period of
seventy-eight consecutive weeks prior to the first publication of the annexed notice, and
is a newspaper qualified to publish legal notices as provided by act of the 1919 session
of the legislature of the State of Idaho, known as House Bill 145; that the annexed
advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in
supplement; that the date of the first publication of said advertisement was on the
6th day of August, 1998
and that date of the last publication was on the 13th day of

August, 1998
Patty Nance

On this 13th day of August
in the year of 1998, before me, a Notary Public, personally appeared

Patty Nance, 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 acknowledge to me that she executed
the same.

Norma Lee Voe

Notary Public for Idaho
Residing at Jerome, Id

My commission expires: 3/6/01

GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

Lines tabular at _____ 7¢/Pica

414.56 Lines straight at 24.87 6¢/Pica

414.56 Subsequent lines at 20.73 5¢/Pica

Affidavit Fee 2.25

TOTAL COST 47.85

#37-08878-Martin
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

COPY OF NOTICE

NOTICE OF APPLICATION FOR WATER RIGHTS

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

JAMIE G MARTIN &/OR
LESLEY A ANDRUS
PO BOX 6236
SUN VALLEY ID 83354

Application for Permit No. 37-08878
Source: Spring trib. to Snake River
Diversion Pt(s): Lot 6
(SE1/4SW1/4SE1/4), S07, T06S, R13E;
Gooding County.

Use: 1/1-12/31
Domestic (1 home) (0.06 cfs)
In: Lot 6 (SW1/4SE1/4), S07, T06S,
R13E; Gooding County.
Date Filed: 07/06/1998

Any protest against the proposed
application(s) must be filed with the
Department of Water Resources,
Southern Region, 1341 Fillmore St.,
Suite 200; Twin Falls, ID 83301

PUB
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7-8 [decision to grant or deny any part of 7¢/Pica
7-8 [the proposed application(s). The 6¢/Pica
7-8 [protestant must also send a copy of the
7-8 [protest to the applicant.
ins [Karl J. Braker, Director
5¢/Pica
Pub 08-088 022039

No. 6852

22039
MICROFILMED
OCT 26 1998

NOTICE OF APPLICATION FOR
WATER PERMIT

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

JAMIE G MARTIN &/OR

LESLEY A ANDRUS

PO BOX 6256

SUN VALLEY ID 83354

Application for Permit No. 37-08878

Source: Spring trib. to Snake River

Diversion Pt(s): Lot 6

(SE1/4SW1/4SE1/4), S07, T06S, R13E;

Gooding County.

Use: 1/1-12/31

Domestic (1 home) (0.06 cfs)

In: Lot 6 (SW1/4SE1/4), S07, T06S,

R13E; Gooding County.

Date Filed: 07/06/1998

Any protest against the proposed
application(s) must be filed with the
Department of Water Resources,
Southern Region, 1341 Fillmore St.,
Suite 200; Twin Falls, ID 83301
together with a protest fee of \$25.00 on
or before August 24, 1998 to be
considered by the Department in its
decision to grant or deny any part of
the proposed application(s). The
protestant must also send a copy of the
protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County
Leader on 08/06 & 08/13/1998.

MICROFILMED

OCT 26 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

July 14, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEGALS DEPT
MAGIC VALLEY PUBLISHING CO
ATTN Gooding County Leader
PO BOX 468
JEROME ID 83338

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

MICROFILMED

OCT 26 1998

NOTICE OF APPLICATION FOR WATER PERMIT

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

JAMIE G MARTIN &/OR
LESLEY A ANDRUS
PO BOX 6256
SUN VALLEY ID 83354

Application for Permit No. 37-08878

Source: Spring tributary to Snake River

Diversion Pt(s): Lot 6 (SE1/4SW1/4SE1/4), S07, T06S, R13E; Gooding County.

Use: 1/1-12/31 Domestic (1 home) (0.06 cfs)

In: Lot 6 (SW1/4SE1/4), S07, T06S, R13E; Gooding County.

Date Filed: 07/06/1998

Any protest against the proposed application(s) must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before August 24, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 08/06 & 08/13/1998.

MICROFILMED

OCT 26 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

July 14, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMIE G MARTIN &/OR
LESLEY A ANDRUS
PO BOX 6256
SUN VALLEY ID 83354

Re: Application for Permit No. 37-08878

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the Gooding County Leader for 8/6 & 8/13/98. A period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

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OCT 26 1998