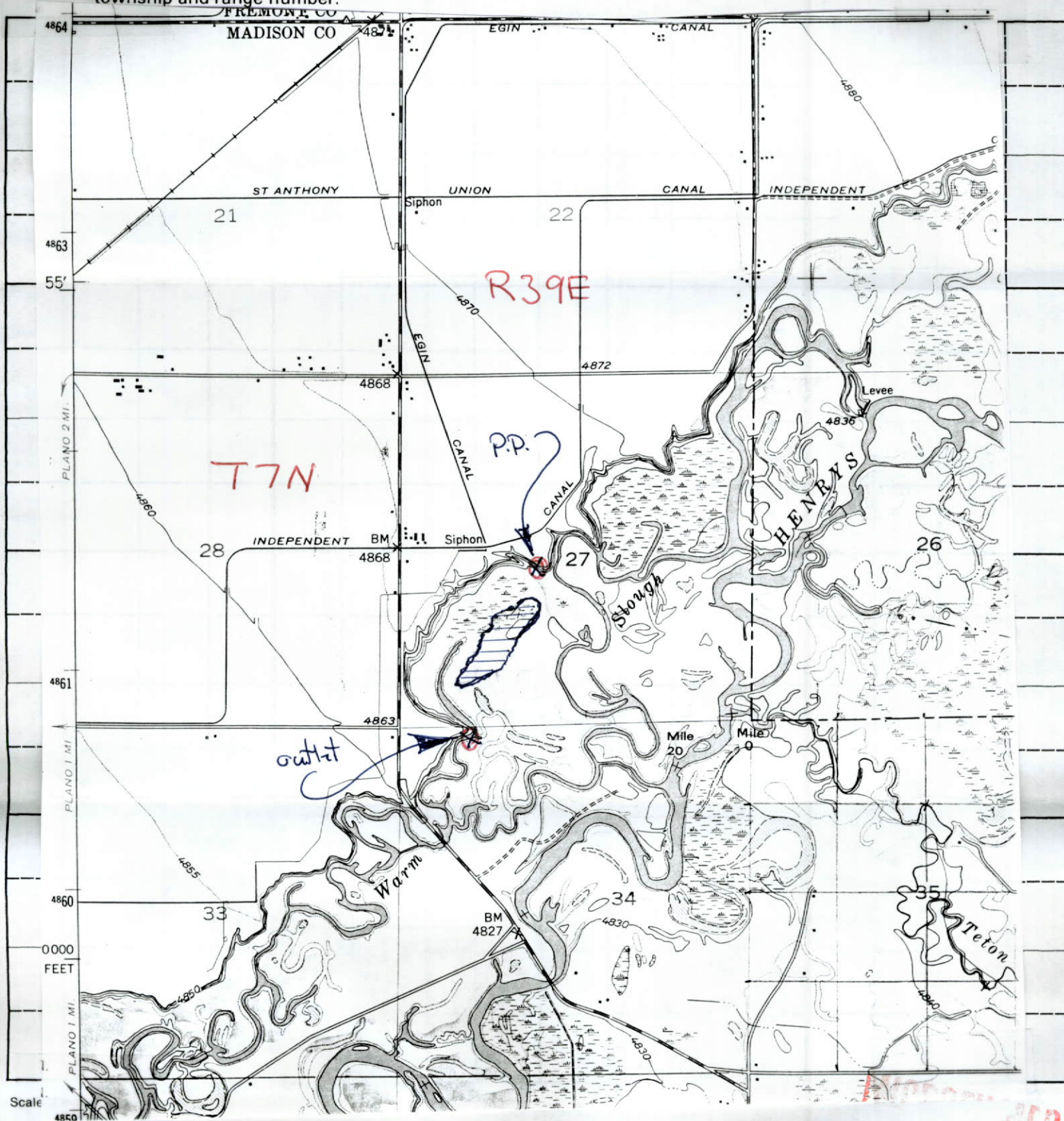


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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

John J. Elmore
(Applicant)

JUN 29 1993

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Madison

I, TERRY WEATHERSTON being
first duly sworn, depose and say, that I
am the printer of THE STANDARD-JOURNAL,
a semi-weekly newspaper printed and
published semi-weekly at Rexburg,
Madison County, Idaho; and I do solemnly
swear that the

NOTICE OF APPLICATION 21-07540 a copy
of which notice appears attached hereto,
was published in the regular and entire
issue of said newspaper, and not in any
supplement issue thereof for

TWO consecutive issues, the
first publication having been made on
APRIL 1, 1993 and the last
publication having been made on
APRIL 8, 1993

Further, that said newspaper is one
of general circulation in said county;
that it is a legal newspaper, conforming
to legal specifications under the Idaho
Statutes; that it has at least two
hundred bona fide subscribers living
within the county of publication; and
that it has been continuously and
uninterruptedly published in said county
during a period of seventy eight
consecutive weeks prior to the first
publication of the said notice.

Terry Weatherston

STATE OF IDAHO)
COUNTY OF MADISON)

On this 9TH day of APRIL in
the year of 1993, before me, a Notary
Public, personally appeared Terry
Weatherston, 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.

Stephen R. Jorde

Notary Public for Idaho

Residing at Rexburg, Idaho
My commission expires: June 8, 1993.

NOTICE OF APPLICATION
FOR WATER RIGHT

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

21-07540

ELMORE, JOHN J

PO BOX 156

BRAWLEY, CA 92227

Source: WARM SLOUGH Tributary:
HENRYS FORK

Diversion Pt: NESW Sec 27 T 07N R
39E in MADISON County.

Use: RECREATION (90.00 AF)

DIVERSION TO STORAGE (2.300 CFS)

Total Diversion: (2.300 CFS) (90.00 AF)

Date Filed: 3/11/1993

In: MADISON County T07N R39E S27
NESW SWSW SESW

The permit(s) will be subject to all prior
water rights. Protests must be filed with
the Director, Dept. of Water Resources,
Eastern Region, 900 N Skyline, Idaho
Falls, Idaho 83402 on or before APRIL 19,
1993.

R. KEITH HIGGINSON
Director

Publ. April 1 and 8, 1993J.

RECEIVED
JUN 29 1993

50.00
C032045
6-27-95
MAY 26 1995

PROOF OF BENEFICIAL USE

JUL 19 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 21-07540

Proposed Priority: March 11, 1993

Maximum Diversion Rate:
Maximum Diversion Volume:³

2.30 CFS
90.0 AF

This is to certify, that **JOHN J ELMORE**
PO BOX 156
BRAWLEY CA 922270156
has applied for a permit to appropriate water from:

WARM SLOUGH tributary of **HENRYS FORK**

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>	<u>ANNUAL VOLUME</u>
RECREATION	01/01 to 12/31	2.30 CFS	
RECREATION STORAGE	01/01 to 12/31		90.0 AF
DIVERSION TO STORAGE	05/01 to 08/01	2.30 CFS	
	Totals	2.30 CFS	90.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 27, Township 07N, Range 39E
MADISON County

PLACE OF USE: RECREATION
TWN RGE SEC

07N 39E 27

NESW

SWSW

SESW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **June 1, 1995**.
2. Subject to all prior water rights.
3. A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If the proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, the right holder contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.
4. 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.
5. Use of water under this right is subject to control by the watermaster of State Water District No. 01.

APPROVED

JUN 29 1993

Permit To Appropriate Water

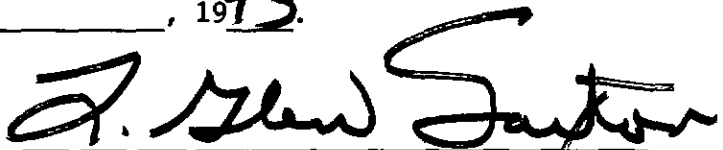
NO. 21-07540

CONDITIONS/REMARKS:

6. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
7. Recreation use is for a non-commercial, recreational fish pond.

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

11th day of June, 1993.


R. Keith Higginson, Director

for

RECEIVED

JUN 29 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
MAY 17 1993

21-7540

Ident. No. _____

Department of Water Resources
To appropriate the public waters of the State of Idaho

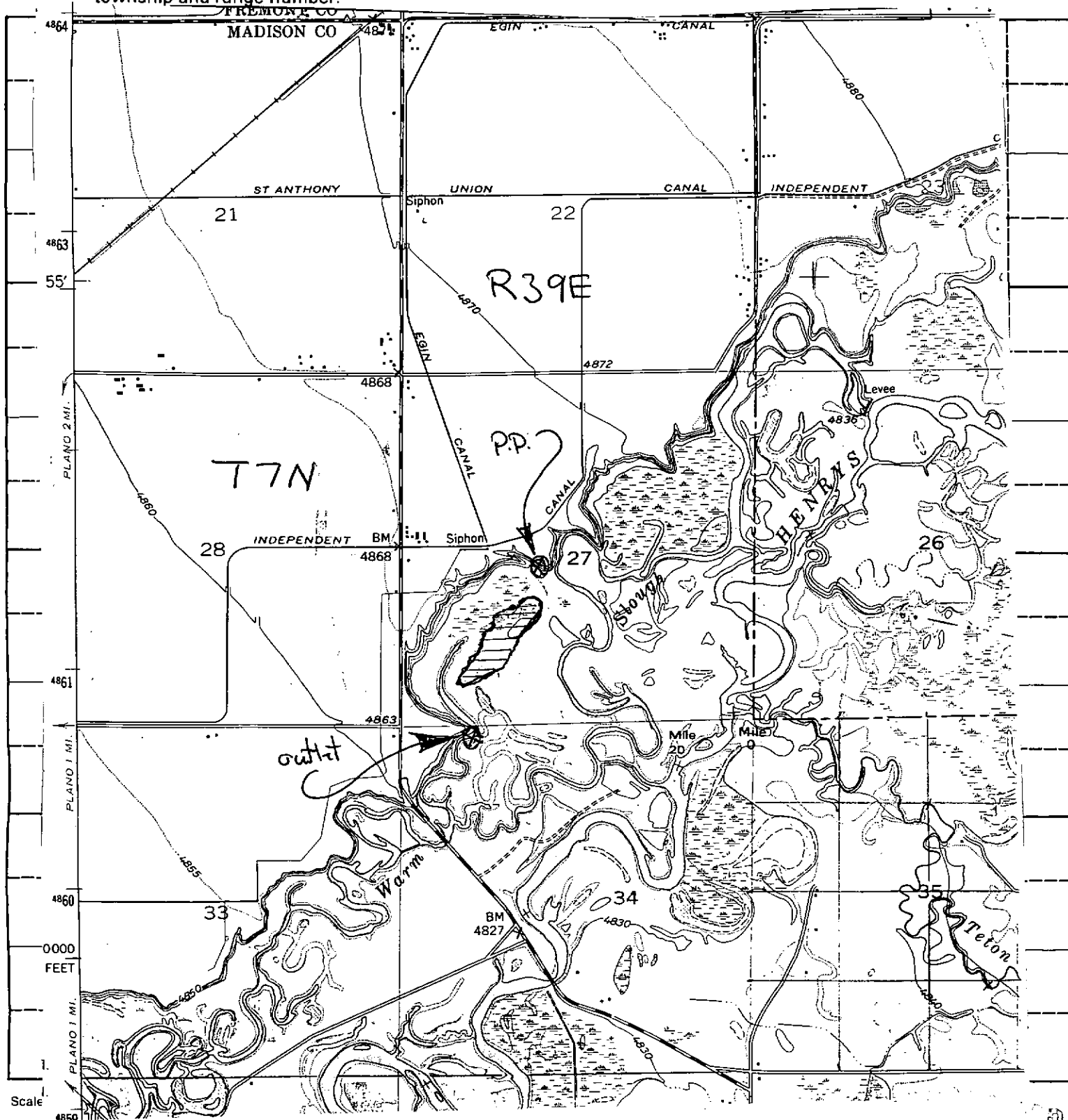
1. Name of applicant John J. Elmore Phone 619-344-4250
Post office address P.O. Box 156 Brawley, California 92227
2. Source of water supply Warm Slough which is a tributary of Henrys Fork
3. Location of point of diversion is _____ ¼ of NE ¼ of SW ¼, Govt. Lot _____
Sec. 27 Township 7N Range 39E B.M. Madison County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 2.3 cfs for Diversion to Recreation storage purposes from 5-1 to 8-1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 90 af for Recreation Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
* Amount 2.3 for Recreation 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)
5. Total quantity to be appropriated is (a) 2.3 cubic feet per second and/or (b) 90 af a acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. pump in Warm Slough to recreation pond with outlet back into Warm Slough
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years (minimum 1 year).

* Added 5-26-93 Jim J.

RECEIVED
JUN 29 1993

JUN 9 2 1993

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



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

John J. Elmore
(Applicant)

JUN 29 1993

ck #17632 85.00 3/11/93 WM
Received by WM Date 3/11/93 Time 12:45 Preliminary check by _____
Fee \$ 85.00 Receipted by HJT # EO/8350 Date 3-11-93
Publication prepared by RB Date 4-14-93 Published in Rexburg Standard Journal
Publication approved RB Date 5-10-93

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

JUN 29 1993

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 21-07540 Reviewed by [Signature] Date 6-1-95

GENERAL CONSIDERATIONS

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

TYPES OF USE

Fec. Storage

Correct Uses? yes

SOURCE OF WATER

☒ 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?
100.00 Amount Submitted
no Correct?

MEASURING DEVICE

yes Required?
Installed? -will be 4/15
Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

Return for addi. \$5000 lic. exam fee
6/27 - Fee Received, proof acceptable

DATA ENTRY

New Address [Signature] Proof Made 5-26-95

July 10, 1995

JOHN J ELMORE
PO BOX 156
BRAWLEY CA 922270156

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 21-07540

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.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

JUL 19 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 6, 1995

John J. Elmore
P.O. Box 156
Brawley, CA 92227-0156

RE: Permit No. 21-07540

Dear Permit Holder :

I have returned a copy of the Proof of Beneficial Use form submitted to this office in connection with the above referenced water right permit. The proof indicates the total rate of diversion of water to be 2.30 cfs from a surface water source. The license examination fee for a rate of diversion of 2.30 is \$150.00, however, you only submitted \$100.00.

Please return the copy of the proof along with the additional \$50.00 license examination fee within thirty (30) days of receipt of this letter. Please address any correspondence directly to me.

If you have any questions or if I can be of any assistance, please feel free to contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

RECORDED

JUL 19 1995

March 31, 1995

JOHN J ELMORE
PO BOX 156
BRAWLEY CA 922270156

PROOF DUE NOTICE

RE: PERMIT NO. 21-07540

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 June 1, 1995.

(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.

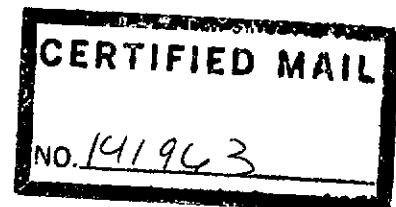
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

JUL 19 1995





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 11, 1993

JOHN J ELMORE
PO BOX 156
BRAWLEY CA 922270156

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 21-07540

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

RECEIVED

JUN 29 1993

APPLICATION FOR PERMIT REVIEW

Application #: 21-07540 Date: 5/24/93 Reviewer: Cindy Zimmerman

SYSTEM COMPLETED:

No - 26A-P17
 Complete in 1 year - P16
 Yes
 Proof not submitted - P16
 Proof submitted - N/A

AREA OF CONCERN? YesE.S.R.P. Mor.non-consumptive exempt.

GROUNDWATER:

GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
 - No measurement required <flow chart>
 LT. 0.2 cfs - No measurement required <flow chart>

Drilling Permit:

Approved w/permit - P99 Permit No. _____
 Not included - 046-46A-46B-P23 (after 7/1/87), N/A

SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

LOCATION:

Water Districts - WD No. 01
 Surface water - 005, 005-01H-P01 (LT.2 w/pump)
 005-01J-P08 (GT.2), NMR <flow chart>
 Groundwater - P05 (if well has not been drilled)
 Irrigation Districts - 023
 Canal Co. Areas - 023
 Drainage Districts - 024
 Boise Front (63) - 058 (Groundwater)
 Swan Falls Flag - R (1, Blank or Other)
 Trust - 051-052-053-P74 (Consumptive Uses)
 Non Trust <1> - 048-049

RIVER BASINS:

(Surface Water) Water District Control Condition &....
 Boise (63) - 05A & 11E
 Payette (65) - 047-P04, 059-P71
~~Snake (01, 02 & 03)~~ - ~~11A-P04-P05~~, 061-P07 (02/03 No W.D. Cond.)

USE:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
 042 (req), 002-P06 (MD), 07A (Special),
 044 (Policy 5G)
 Power - 08A, 17K, 025, 027 (req); 01F-P19; 09E-P10;
 <25 cfs-P18; 17G or 17M; 18B-P09
 Mining - 06A, 010, or 09E-P10 & 054 (req)
 Storage - 18A-for multiple measuring devices (In WD),
 18B-P09 (Size)
~~Rec/Wildlf/Aes~~ - ~~027 (Non-Consumptive)~~
 Domestic - 021 (Boise River - upstream from L Peak)
 (restricted areas) 27A (Payette River & main tributaries)

OWNERSHIP:

Non land owner - 004

PROTESTED:

Agreement - 020

Beneficial Use Due Date - 6-1-1995Other Conditions/Remarks: - ~~see #22~~ 035, 030Forwarded to Stream Channel for Their comments Remarks 5/24/93 cz.

A stream channel alteration
 permit is required for the
 outlet structure back into
 Warm slough

note: I have notified Eastern Region
 and they will contact Mr. Edmore

EB

WR0749NP
No. P21-07540

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 06/07/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN J ELMORE PO BOX 156 BRAWLEY CA 922270156 (619) 344-4250	03/11/1993	RECREATION RECREATION STORAGE DIVERSION TO STORAGE	01-01 12-31 01-01 12-31 05-01 08-01	2.30 CFS 2.30 CFS	 90.0 AFA
TOTAL DIVERSION:					2.30 CFS	90.0 AFA

Water Source: WARM SLOUGH

Tributary to: HENRYS FORK

Stage: PERMIT

Point(s) of Diversion: T07N R39E S27 NE SW

Place of use Legal Description for: RECREATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
---	---	---	:	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	:
07N	39E	27	:																	:

Pou County: MADISON

Other Water Rights Listing Overlapping Place(s) of use:
22-04023

Conditions of Approval:

- 030 - A separate stream alteration permit from the IDWR is required
- for any activity in the stream channel other than construction
- and/or maintenance of the diversion structure. If the proposed
- construction or operation involves construction of an outfall or
- any other work in the stream channel other than a water
- diversion, the right holder contact the Department and obtain a
- Stream Channel Alteration permit prior to the start of
- construction.
- 26A - 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.
- 005 - Use of water under this right is subject to control by the
- watermaster of State Water District No. 01.
- 01J - A measuring device and lockable controlling works of a type
- acceptable to the Department shall be permanently installed and
- maintained as part of the diverting works prior to diversion of
- water under this right.

Remarks: Recreation use is for a non-commercial, recreational fish pond.

Dates:	App. Received:	03/11/1993	Priority Date:	03/11/1993
	Proof Due Date:	06/01/1995	Proof Made Date:	
	Exam Made Date:		Exam Sent to S.O.:	
	Licensed Date:			

WR0749NP
No. P21-07540

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 06/07/93
PAGE: 2

=====

Misc: Water District Number: 01 Field Exam Fee:

Comments: Date: 05/24/1993 User-ID: ZIMMERMA Subject: MORATORIUM EXEMPTION
 This permit falls within the acceptable parameters of the Salmon/
 Clearwater Rivers Moratorium.

Audit: 06/07/93 ZIMMERMA

Send Copies to P26
+ 01

Dist. for staffing
Submitted for advertising 3-1890

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATIONS FOR PERMIT ANALYSIS SHEET

217540

INITIAL REVIEW BY HWS
John L. Elmore
REQUIRED INFORMATION

DATE 3-18-93

APPLICATION NO. _____

- ☒ 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 descriptions for subdivisions, local name, flow and/or volume)
☒ 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
☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☒ Fee
☒ Yes _____ No* In form to receipt

ADDITIONAL INFORMATION

- _____ Overlapping place of use (Describe source & relationship to present application on the back.)
_____ Overlapping point of diversion
_____ Yes _____ No Field check required
_____ Yes _____ No Field check by _____
_____ Yes _____ No Field report attached
_____ Yes _____ No Critical groundwater 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 trust water supplementary analysis sheet.)
_____ Yes _____ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

RECEIVED
MAY 17 1993

Department of Water Resources

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

Is the outfall subject to Stream channel construction regs.

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

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☒ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☒ Water District 01
☐ 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 & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 4-19-93
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ 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. 01
☒ Yes ☐ No Special conditions of approval or cover letter below. _____

See below for additional information
Date of priority recommended 3-11-1993
By HWT Date 5-10-93

STATE OFFICE REVIEW

See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

* ~~Applicant will be required to rent storage water from CWD 01 each year.~~
* This area is a wetlands area already and Corp of Engineers has approved
the pending permit.

* See Ron Carlson's Water master Comments dated 4-7-93

LOCAL PUBLIC INTEREST

Comments received from

_____ City	_____ Idaho Fish & Game	_____ Irrigation District
_____ County	_____ Idaho Health & Welfare	_____ Canal Company
_____ Reservations	_____ Division of Environment	_____ Other

Project impacts/implications report

COMMENTS

[illegible]

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Madison

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swear that the

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issue of said newspaper, and not in any
supplement issue thereof for

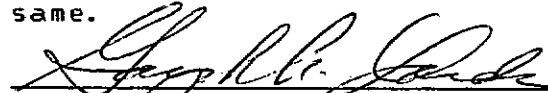
TWO consecutive issues, the
first publication having been made on
APRIL 1, 1993 and the last
publication having been made on
APRIL 8, 1993

Further, that said newspaper is one
of general circulation in said county;
that it is a legal newspaper, conforming
to legal specifications under the Idaho
Statutes; that it has at least two
hundred bona fide subscribers living
within the county of publication; and
that it has been continuously and
uninterruptedly published in said county
during a period of seventy eight
consecutive weeks prior to the first
publication of the said notice.



STATE OF IDAHO)
COUNTY OF MADISON)

On this 9TH day of APRIL in
the year of 1993, before me, a Notary
Public, personally appeared Terry
Weatherston, 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 Rexburg, Idaho
My commission expires: June 8, 1993.

NOTICE OF APPLICATION
FOR WATER RIGHT

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

21-07540

ELMORE, JOHN J

PO BOX 156

BRAWLEY, CA 92227

Source: WARM SLOUGH Tributary:

HENRYS FORK

Diversion Pt: NESW Sec 27 T 07N R
39E in MADISON County.

Use: RECREATION (90.00 AF)

DIVERSION TO STORAGE (2.300 CFS)

Total Diversion: (2.300 CFS) (90.00 AF)

Date Filed: 3/11/1993

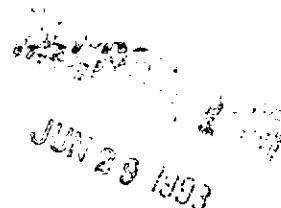
In: MADISON County T07N R39E S27
NESW SWSW SESW

The permit(s) will be subject to all prior
water rights. Protests must be filed with
the Director, Dept. of Water Resources,
Eastern Region, 900 N Skyline, Idaho
Falls, Idaho 83402 on or before APRIL 19,
1993.

R. KEITH HIGGINSON

Director

Publ. April 1 and 8, 1993J.


JUN 28 1993

07-Apr-1993

REXBURG STANDARD JOURNAL
PO BOX 10
REXBURG ID 83440

RE: Application for permit No. 21-7540
John J. Elmore

Dear Publisher:

Could you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on April 1 & 8, 1993.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

Rita Bodell
Rita Bodell
Office Coordinator/Secretary

JUN 29 1993

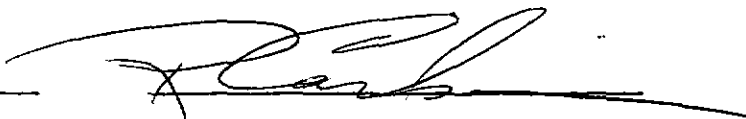
WATERMASTER COMMENTS

I have reviewed Application for Permit No. 2107540 and
have the following comments/objections to the approval of this
application for permit:

As I understand the proposal
the Consumptive Portions
of this use should be
negligable. Delivery must
be subject to the control
of the watermaster

4/7/93

Date



RONALD D. CARLSON, WATERMASTER
Water District No. 01

02-Apr-1993

IDAHO FISH & GAME
REGION 6
1515 LINCOLN RD
IDAHO FALLS ID 83401

RE: Application No. 21-07540

Dear Sir:

We are enclosing a copy of the application(s) that may be of interest to your department. Please review the application(s) and submit any comments you may have to our Department as soon as possible. The last date of protest is April 19, 1993, and we are required to take final action shortly thereafter.

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

Respectfully submitted,


Harold W. Jones *rb*
Water Right Supervisor

HWJ:rb
enc

RECEIVED

JUN 29 1993

02-Apr-1993

JOHN J ELMORE
PO BOX 156
BRAWLEY CA 92227

RE: Application No. 21-07540

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Rexburg Standard Journal on April 1 & 8, 1993. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the 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 the 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.

Sincerely,


Harold W. Jones *rb*
Water Right Supervisor

HWJ:rb

RECEIVED

JUN 29 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
900 N Skyline

Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 25, 1993

THE REXBURG STANDARD-JOURNAL
P.O. BOX 10
REXBURG, ID 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 19, 1993.

Yours truly,

Rita Bodell
Secretary

Encl.

JUN 29 1993

NOTICE OF APPLICATION FOR WATER RIGHT

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

100-100000-100000

JUN 29 1960

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before APRIL 19, 1993.

R. KEITH HIGGINSON, Director

Published: 4/ 1/1993 & 4/ 8/1993

APR 19 1993

1993



DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
WALLA WALLA, WASHINGTON 99362-9265

December 15, 1992

REPLY TO
ATTENTION OF:

Operations Division

SUBJECT: NPW No. 071-OYC-4-004413

*John Elmore
Copy*

Mr. John L. Elmore
Sage Partnership
Post Office Box 156
Brawley, California 92227

Dear Mr. Elmore:

The enclosed permit authorizes you to construct a levee/access road, islands, and pond in Warm Slough, located in Sec. 27, T.7N., R.39E., B.M., Madison County, Idaho. Receipt of your permit processing fee in the amount of \$100 is acknowledged. The permit includes conditions which must be complied with in completing the authorized activity. In addition, the permit must be retained for future reference. If the work will be completed by another party, you must provide them with a copy of this permit. The yellow Notice of Authorization should be posted at the project site during construction.

If you decide to change your project from that described by the approved drawings, revised drawings showing the proposed changes must be submitted to us for approval before any work is started.

The Corps of Engineers Project Manager, Mr. Martin Miller, must be notified when the work authorized by the enclosed permit is started and immediately after its completion so that timely inspections may be conducted during and after construction.

This determination is applicable only to Department of the Army permits administered by the Corps of Engineers. It does not relieve you of the responsibility to obtain other Federal, State, and local permits which may be required. You are advised that a permit is required from the Idaho Department of Water Resources for your project. You should contact them to obtain any necessary permits prior to the start of construction.

Your project may also be subject to a local floodplain management ordinance adopted pursuant to the National Flood Insurance Program. I recommend that you contact your city or county

RECEIVED

JUN 29 1993