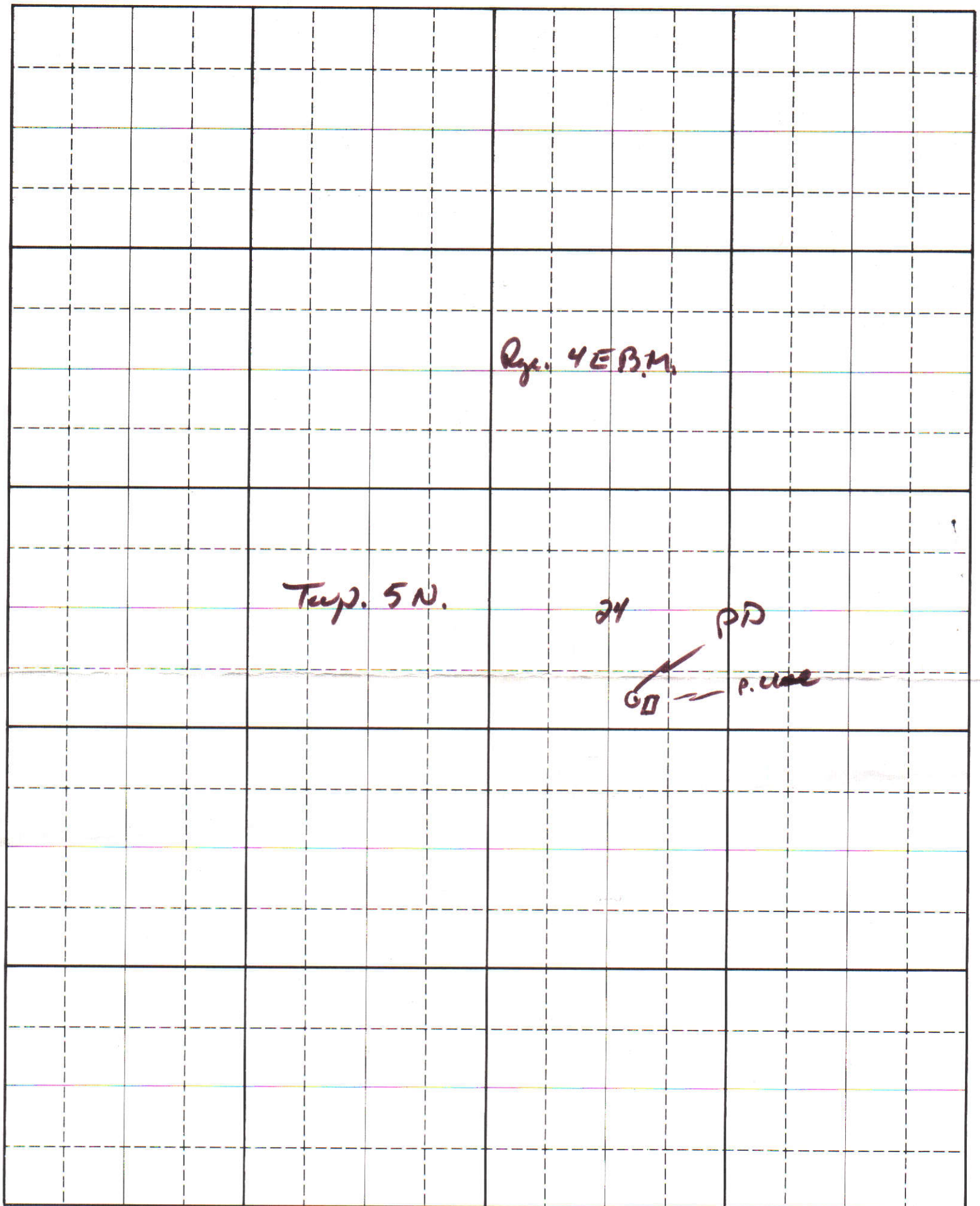


11. Map of proposed project:



Scale: 2 inches equal 1 mile

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

L B Johnson
(Applicant)

**AFFIDAVIT
OF
PUBLICATION**

STATE OF IDAHO, }
COUNTY OF BOISE } S.S.

T. R. Adams, being
duly sworn, deposes and says:
That he is the manager and prin-
cipal clerk of THE IDAHO
WORLD a weekly news paper
published at Idaho City, in the
County of Boise and state of
Idaho; that said paper has been
and is in general circulation
in the county aforesaid, and in
the vicinity of Idaho City; that
the advertisement, a copy of
which is hereto attached, was
published in said newspaper

once a week for two con-
secutive weeks in the entire and
regular issue of every number
of said paper during the period
and time of publication, and was
published in the newspaper pro-
per and not in a supplement;
that said paper has been estab-
lished and regularly and contin-
uously published for more than
seventy-eight weeks past pre-
vious to the first publication of
this notice. Such notice was pub-
lished in the issue beginning
with Feb. 11, 1971

and ending with the issue of

Feb. 18, 1971
Fees \$..... T. R. Adams

Subscribed and sworn to before
me this 17th day of March

1971
Robert J. Tuffield
Clerk District Court

Deputy

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that
L. B. Johnson, 3209 Hawthorne,
Boise, Idaho, has on November
14, 1967, submitted Application
No. 63-7038 for a permit to ap-
propriate 0.02 cubic feet per
second of water from a spring
by means of tile collection, pipe
and tank within the SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 24, T. 5N., R. 4E., B.M.,
Boise County, to be used from
January 1 to December 31 for
domestic purposes within the
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T. 5N., R.
4E., B.M.

If issued this permit will be
subject to all prior water rights.

Protests against the granting of
the permit must be filed with
the Idaho Department of Water
Administration, Statehouse, Bo-
ise, Idaho, 83707, on or before
March 1, 1971.

R. KEITH HIGGINSON
Director

Published in the Idaho World
Idaho City, Idaho, on February
11 and February 18, 1971

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7038 Priority November 14, 1967 Amount 0.02 cfs

THIS IS TO CERTIFY, that L. B. Johnson
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 63-7038 issued pursuant to Application for Permit dated November 14, 1967,
and has submitted proof to the Department of Water Resources on May 13, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.02 cfs of water from a spring,
tributary to Mores Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u>	from <u>January 1</u> to <u>December 31</u>	at <u>0.02</u> cfs and <u>0.6</u> acre feet	
	from _____ to _____	at _____ cfs and _____	
	from _____ to _____	at _____ cfs and _____	

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
0.6 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, Twp. 5N,
Rge. 4E, B.M. in the County of Boise

Description and location of place of use:

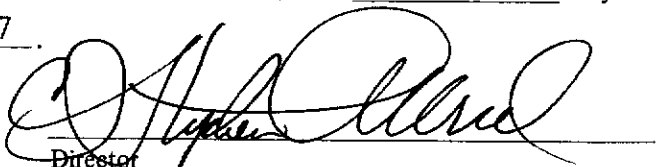
Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5N	4E	24																X	

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 9 day of
November, 19 77.


Director

Identification No. 63-7038
Application No. 42130

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant L. B. JOHNSON
post office address 3209 Hawthorne, Boise, Idaho
2. Source of water supply spring which is a tributary of (sinks)
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24 Township 5 N
Range 4 E B.M. Boise County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in SW $\frac{1}{4}$
of SE $\frac{1}{4}$ of Section 24 Township 5 N Range 4 E B.M.
4. Quantity to be appropriated:
a. 0.02 cubic feet per second and/or
b. _____ acre feet per annum will be stored.
5. Water will be used for the following purposes:
domestic purpose from January 1 to December 31 (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. tile collection - plastic pipe - storage
tank

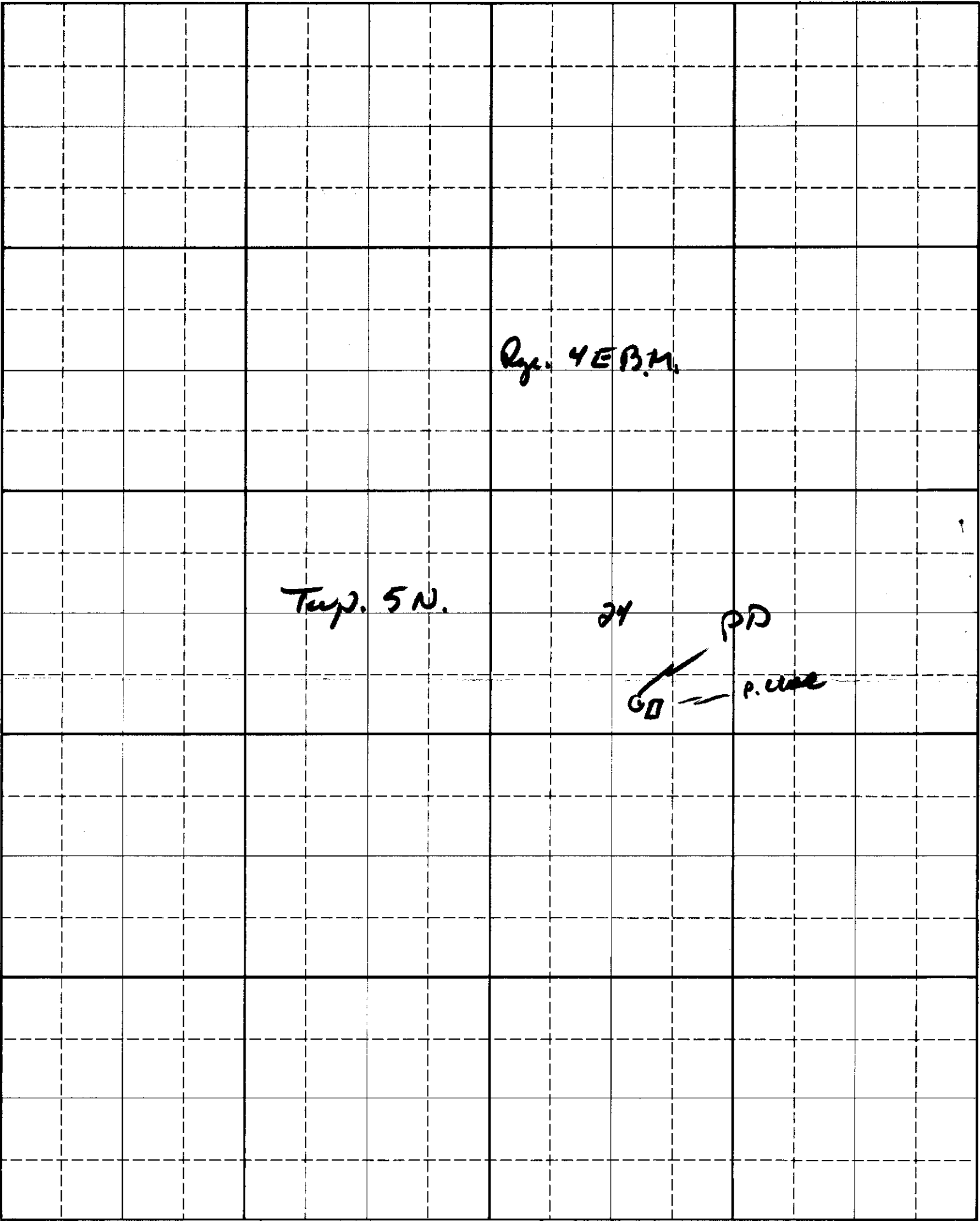
b. Height of storage dam _____ feet; active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet; materials used in storage dam: _____

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 150.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24 Township 5 N
Range 4 E B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 1.
(5) If water is to be used for other purposes describe: _____

63 7038

11. Map of proposed project:



Scale: 2 inches equal 1 mile

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

L B Johnson
(Applicant)

Received by WHR Date 11-14-67 Time 1:30 PMPreliminary check by WHR Fee \$ 10.00Receipted by ef Date 11-14-67 pick #155 givenPublication prepared by dg Date 2-2-71Published in Idaho WorldPublication dates 2-11 & 2-18, 71Publication approved WHR Date 3-18-71

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by WHR DA BDF

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-7038, and said application is hereby APPROVED.

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1976.

c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 19 day of July, 1971.

R. Keith Hays
Director

State Reclamation Engineer

AFFIDAVIT
OF
PUBLICATION

STATE OF IDAHO. }
COUNTY OF BOISE } S.S.

T. R. Adams, being
duly sworn, deposes and says:
That he is the manager and prin-
cipal clerk of THE IDAHO
WORLD a weekly news paper
published at Idaho City, in the
County of Boise and state of
Idaho; that said paper has been
and is in general circulation
in the county aforesaid, and in
the vicinity of Idaho City; that
the advertisement, a copy of
which is hereto attached, was
published in said newspaper

once a week for two con-
secutive weeks in the entire and
regular issue of every number
of said paper during the period
and time of publication, and was
published in the newspaper pro-
per and not in a supplement;
that said paper has been estab-
lished and regularly and contin-
uously published for more than
seventy-eight weeks past pre-
vious to the first publication of
this notice. Such notice was pub-
lished in the issue beginning
with Feb. 11, 1971
and ending with the issue of

Feb. 18, 1971
Fees \$..... T. R. Adams

Subscribed and sworn to before
me this 17th day of March

1971
Robert J. Taffield
Clerk District Court

Deputy

NOTICE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that
L. B. Johnson, 3209 Hawthorne,
Boise, Idaho, has on November
14, 1967, submitted Application
No. 63-7038 for a permit to ap-
propriate 0.02 cubic feet per
second of water from a spring
by means of tile collection, pipe
and tank within the SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 24, T. 5N., R. 4E., B.M.,
Boise County, to be used from
January 1 to December 31 for
domestic purposes within the
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T. 5N., R.
4E., B.M.

If issued this permit will be
subject to all prior water rights.

Protests against the granting of
the permit must be filed with
the Idaho Department of Water
Administration, Statehouse, Bo-
ise, Idaho, 83707, on or before
March 1, 1971.

KEITH HIGGINSON
Director

Published in the Idaho World
Idaho City, Idaho, on February
11 and February 12, 1971

WATER RIGHT NUMBER 63-7038

OWNER LAST NAME - JOHNSON FIRST NAME - L. B. ORIG OWNER -
ADDRESS LINE 1 - 3209 HAWTHORNE ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - BOISE STATE - ID ZIP CODE - 83703
SOURCE - SPRING TRIBUTARY OF - MORES CREEK
STAGE - LICENSE STATUS - PRIORITY - 11-14-1967 COUNTY - BOISE TCTAL DIV. RATE - .0200 -CFS
TOTAL DIV. VOLUME - .60 AFA TRFR/AMEND - WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - SWSE 24 05N 04E LOT REDIV - 272.0 312.0 84.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.1
FROM - 01-01 TO - 12-31 USE - DOMESTIC USE DIV. RATE - .0200 CFS USE DIV. VOLUME - .60 AFA
USE - DOMESTIC PLACE OF USE - TWN 05N RNG 04E SEC 24 TRACT SWSE LOT AC
DECREE NAME - DATE - TOTAL ACRES 0
REMARKS -
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - OLD NO. -
PROOF MADE - FLD EXAM - COND. OF APPROVAL -
DIVERSION MEANS -

IDENT. NO. 63-7038

WATER RIGHT
DATA ENTRY LOG

[illegible]

November 9, 1977

Re: Permit No. 63-7038

L. B. Johnson
3209 Hawthorne
Boise, ID 83703

Dear Mr. Johnson:

Enclosed is a copy of your water right license issued on the above referenced permit.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kaw
Enclosure

September 12, 1977

Re: Permit No. 63-7038

Mrs. L. B. Johnson
3209 Hawthorne
Boise, Idaho 83703

Dear Mrs. Johnson:

A representative of this Department made an examination of the works covered by your Permit No. 63-7038 on July 21, 1977, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.02 cubic feet per second Source: unnamed spring

The maximum quantity diverted shall not exceed 0.08 acre feet per
year.

Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24 Twp. 5N Rge. 4E, B.M.

Beneficial use: Domestic

Priority date established: November 14, 1967

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF/cah

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder L. B. Johnson
Post office address 3209 Hawthorne, Boise, ID 83703 Phone 342-4890
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ Spring
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 0.02 c.f.s. for Domestic
_____ AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 63-7038
Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 0.02 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 5N N/S, Range 4E E/W, B.M., Section 24, Subdivision SW $\frac{1}{4}$ SE $\frac{1}{4}$ Boise
County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision $\frac{1}{4}$ $\frac{1}{4}$, _____
County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision $\frac{1}{4}$ $\frac{1}{4}$, _____
County

Other Points of Diversions: _____

Description of diverting works: 4" perforated collector pipe into 2" pipe 200' long and 300' of 3/4" pipe

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5N	4E	24															X		

TOTAL ACREAGE _____

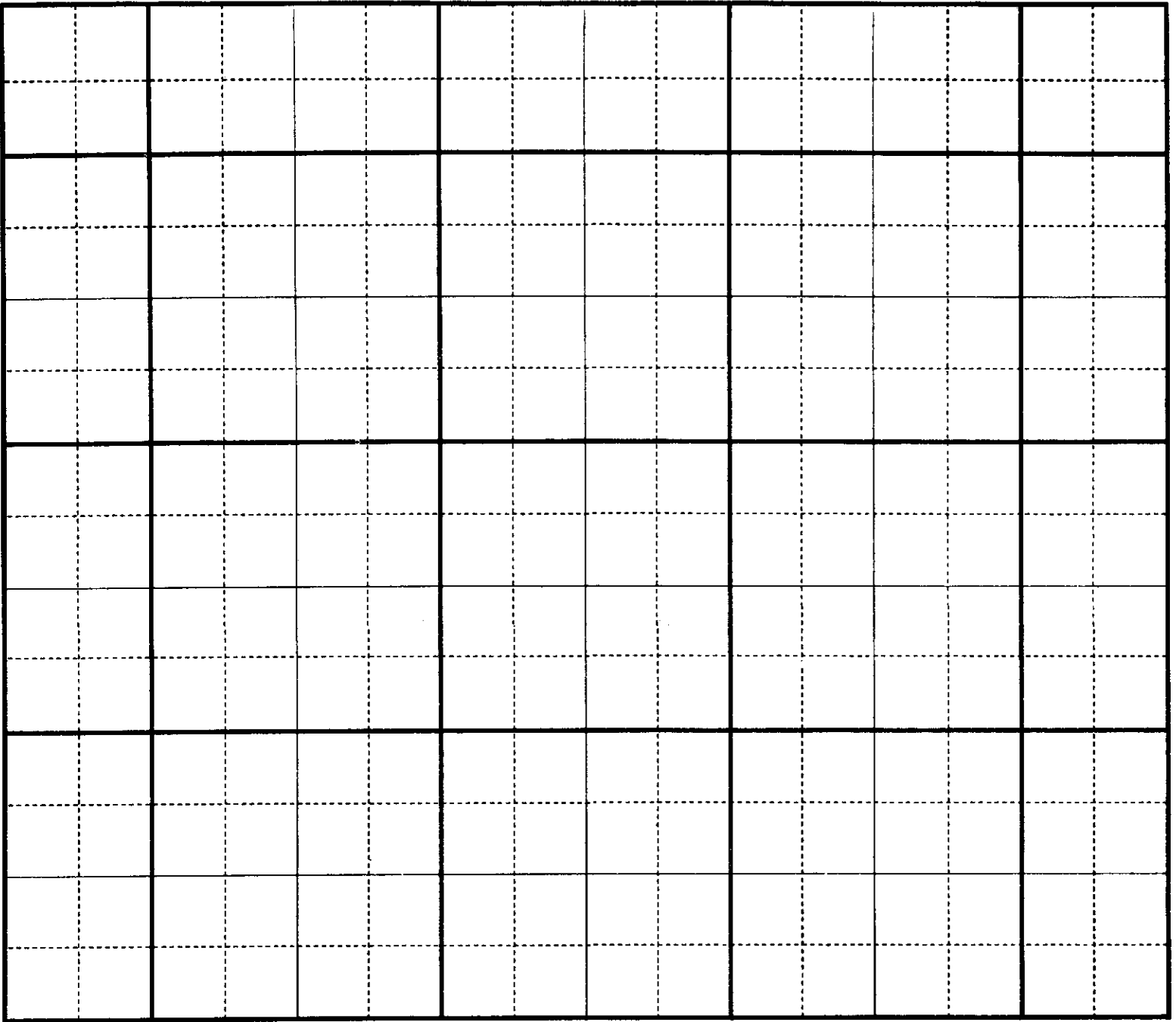


Diagram of System

DATE OF EXAM 7/21/77

ACREAGE
Found _____
Recommended _____

Irrigation Requirement _____ Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Domestic Q= 0.02 c.f.s. V= 0.8 AF/Ann. from Jan. 1 to Dec. 31
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 0.02 cfs Method of measurement estimate

Total Q recommended 0.02 cfs Meter No. _____ Type _____ Condition _____

Total V recommended 0.8 AF/year

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION:

Estimate flow = 0.02 cfs

Allow V = .8 AF/year for lawn watering.

SYSTEM DESCRIPTION:

Spring developed by gravel packing. Water is piped from spring in 2" plastic pipe to P.O.U. Water is used for watering lawn and garden.

REMARKS:

Examiner's Signature William H. Mac Allister # Date 7/26/77

Checked by WJL Date 7-27-77

Approved by _____ Date _____

Exam: 7/21/77 ~~Thorn Creek~~ 1st White house
past Thorn Creek on 21.

7/21/77 Spring developed by gravel packing
~~bottom~~ to 2 inch pipe ~1600 ft long
to P.U. lawn & garden
watering

State of Idaho
Department of Water Resources

ROUGH DRAFT

WATER RIGHT LICENSE

License of Water Right No. 63-7038 Priority Nov. 14, 1967 Amount 0.02 cfs

THIS IS TO CERTIFY, that L. B. Johnson
of 3209 Hawthorne Boise 83703, has complied with the terms and conditions of Permit
No. 63-7038 issued pursuant to Application for Permit dated Nov. 14, 1967,
and has submitted proof to the Department of Water Resources on May 13, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.02 cfs of water from unnamed spring,
tributary to Mores Creek, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u>	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.02</u> cfs and	<u>0.8 AF/yr</u>
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
0.8 acre feet per year, said waters to be diverted within the SW 1/4 SE 1/4, section 24,
township 5N, range 4E, B. M. in the County of Boise

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>5N</u>	<u>4E</u>	<u>24</u>															X		

Total number of acres irrigated _____

ROUGH DRAFT

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this _____ day of _____, 19 _____.

Director

May 26, 1976

Re: Permit No. 63-7038

L. B. Johnson
3209 Hawthorne
Boise, Idaho 83703

Dear Mr. Johnson:

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

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our District Office in **Boise.**

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

Identification No. _____

Permit No. 63-7038

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder L. B. Johnson
b) Post Office Address 3209 Hawthorne, Boise, Idaho
2. Permit Number 63-7038
3. Date of Priority that you are prepared to establish November 14, 1967
4. a) Source from which water was appropriated Spring
b) Location of the point of diversion: SW ¼ SE ¼, Section 24
Township 5N, Range 4E, Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
Amount 0.02 for Domestic purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.02 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Estimated by applicant
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 4" perforated collector pipe into 2 inch pipe 200' long and 300' of 3/4" pipe

b) Describe the type and size of measuring device which you have installed at your point of diversion: N/A

c) Give well driller's name and address and the date the well was completed: _____

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
Domestic use by one family in the SW¼SE¼, Sec. 24, Twp. 5N,
Rge. 4E, B.M.

5-26-76

If you are irrigating 15 or more acres, please submit an aerial photo of the property with this affidavit.

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: _____

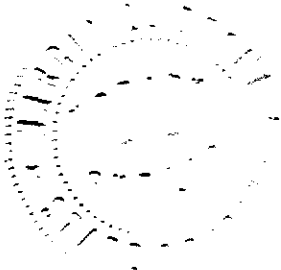
The above information is a true statement of the extent to which the above numbered permit has been developed.

5-13-76
(Date)

L. B. Johnson
By Mrs. Ellet G. Johnson
(Signature)
Administrator

State of Idaho)
County of Ada) ss.

On this 13th day of May, 19 76, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Marcia L. Brown
Notary Public residing at
Boise, Idaho

My commission expires 8-10-79

- **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
- ☐ Show to whom, date, & address of delivery.. 35¢
- ☐ **RESTRICTED DELIVERY.**
Show to whom and date delivered..... 65¢
- ☐ **RESTRICTED DELIVERY.**
Show to whom, date, and address of delivery 85¢

2. **ARTICLE ADDRESSED TO:**

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

138569

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE



Addressee



Authorized agent

4.

DATE OF DELIVERY

POSTMARK

MAY 1 1976

5. **ADDRESS** (Complete only if requested)

6. **UNABLE TO DELIVER BECAUSE:**

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

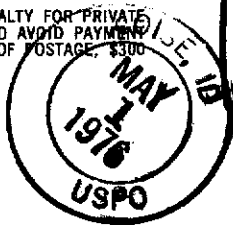
- Complete items 1, 2, and 3 on reverse side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**



DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

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



April 30, 1976

CERTIFIED MAIL

#138569

Re: Permit No. 63-7038

L. B. Johnson
3209 Hawthorne
Boise, Idaho 83703

Dear Mr. Johnson:

One of the conditions of approval of your water Permit No. 63-7038 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before JULY 1, 1976. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

July 20, 1971

Re: Permit No. 63-7038 - L. B. Johnson

L. B. Johnson
3209 Hawthorne
Boise, Idaho 83702

Dear Mr. Johnson:

Enclosed is a copy of your approved Application for Permit No. 63-7038. We direct your attention to the conditions of approval as listed on the fourth page.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Enclosure

63 7038

March 11, 1971

Re: Applications No. 63-7038 - L. B. Johnson
65-7180 - Russell L. & Marie M. Reser
65-7181

Idaho World
Box 144
IdahoCity, Idaho 83631

Gentlemen:

Would you please submit affidavits of publication and certified bills in connection with the above referenced applications.

The legal notices were to have been published on February 11th and 18th (63-7038) and February 18th and 25th (65-7180 & 81).

Your prompt attention to this matter would be most appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

63-7038

February 2, 1971

Re: Application No. 63-7038 - L. B. Johnson

The Idaho World
Box 144
Idaho City, Idaho 83631

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

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

(signature of claimant)

Very truly yours,

Dorian Clay,
Appropriation Examiner

DC/DG
Enc: legal notice

*Bill submitted
5-18-71
JC*

63 7038

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that L. B. Johnson, 3209 Hawthorne, Boise, Idaho

has on November 14, 1967 submitted Application No. 63-7038

for a permit to appropriate 0.02 cubic feet per second /acre/foot/per/annum

of water a spring, ~~XXXXXXXXXXXX~~

by means of tile collection, pipe, and tank

within the SW1/4 Sec. 24, T. 5N, R. 4E, B.M., Boise County

to be used from January 1 to December 31

for domestic purposes

within the SW1/4 Sec. 24, T. 5N, R. 4E, B.M.

issued

If ~~any~~, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before March 1, 1971.

R. KEITH HIGGINSON
Director

Published in the Idaho World, Idaho City, Idaho

on February 11 and February 18, 1971.

63 7038

Form 25
2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

Application for PERMIT NO. 63-7038

REPORT ON PROOF OF whether or not spring flows or used to flow off State Land

63 7038

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Application for Permit No. 63-7038

This proof is for whether or not spring flows off State land in Water District No.

1. Name of applicant L. B. Johnson, 3209 Hawthorne, Boise, Idaho

2. Source of water supply spring

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24

T. 5 N R. 4 E County of Boise

are proposed
4. Describe works to be done ~~xxxx~~ giving dimensions and capacity of any
tile collection - plastic pipe - storage tank

Idaho Pittsburgh Mining Patent
Owner claims spring is not on State
Land nor does it flow

5. Water is used for: Domestic purposes

6. State whether or not water has been turned into water of any kind

7. List legal subdivisions of lands to be irrigated. To prove a beneficial use, give exact number of acres and cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, Twp. 5 N., Rge. 4 E., B.M.

My finding is that the spring
is on state land by about 10"

The water used to flow off but
it is all captured now in the water
system of Mr Johnson

(Substant map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated flow into?

Remarks: Before this application can be approved an inspection must be made to determine whether or not spring flows or used to flow off state land.

System is about $\frac{1}{4}$ mile of 2" +
3/4" plastic pipe to house for
domestic use and irrigation of small
lawn - stone catch basin at the head
of the spring
Recommend license for .02 CPS + .57 ac ft

This examination was made on the 12 day of May 1971

(Signed)

James Booker

EXAMINER

63 7038

Range 4 East

Township 5 North

24



Application for Permit No. 63-7038

Examination for proof of whether or not spring flows or used to flow off State land

County Boise

Sec. 24 T5 N R. 4 E

Quantity: 0.02 c.f.s.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Source: spring

P.D.: SW $\frac{1}{4}$ SE $\frac{1}{4}$

Use: Domestic

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: 11-14-67

Due:

October 28, 1970

Re: Application for Permit No. 63-7038

Mr. L. B. Johnson
3209 Hawthorne
Boise, Idaho

Dear Mr. Johnson:

Please be advised that we have scheduled an examination to be made of the land covered by your Application for Permit No. 63-7038. This examination will be made in the spring of 1971. We feel this examination is necessary before making a decision as to the approval or denial of your application. The purpose of this exam is to determine whether or not the spring flows or used to flow off state land.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Enclosure

63 7038

RECEIVED
OCT 16 1970
BDF

Department of Land Administration

October 16, 1970

Mrs. Lawrence B. Johnson
3209 Hawthorne Street
Boise, Idaho 83703

Dear Mrs. Johnson:

As a result of your visit to our office a few days ago, when you brought in the survey plats showing the location of the spring located on State land in Lot 6, Section 24, Township 5 North, Range 4 East, we have further investigated the actual location of the various patented mining claims in Section 24.

You are correct that the patent to the mining claims was granted several years before the State acquired its lands under clearlist, and the survey by Tudor Engineering Company dated April 7, 1970 would indicate that retracement of the patented mineral claim boundaries has correctly established your property boundaries. As I pointed out to you, however, since the claims are not located where the official plats indicated they were at the time the State selected its lands, the State did not get the acreage it has coming. For this reason, the State is petitioning the United States to void the portion of the clearlist including lands in this Section 24, and award the State its full acreage somewhere else.

Due to the questionable status of the ownership at this time, the State is not in a position to grant the easement for the pipeline which you have requested at this time.

A field investigation by personnel from our area office on October 5, 1970 revealed that you had developed the spring and installed the pipeline without authorization. The State does not plan to require you to remove the pipeline or the spring development at this time, however, our field report and this letter is to be a matter of record that the installation is unauthorized and could be considered in trespass. There are no objections to your using the water until such time as it is needed for use on the State land, if ever needed.

Page 2

Mrs. Lawrence B. Johnson

October 16, 1970

If this tract remains in State ownership after re-negotiation with the United States, we will again reconsider your application. Until that time, we cannot approve your application.

Very truly yours

FOR THE COMMISSIONER

W. J. Mitchell
Division Chief, Lands

WJM/lgb

cc: Dept. of Water Administration ✓
Attention: C. Stephen Allred
Re: Application No. 63-7038

63-7038

September 29, 1970

Re: Application No. 63-7038

Mr. Gordon C. Trombley
Commissioner, Idaho Department of
Public Lands
Statehouse
Boise, Idaho 83707

Dear Mr. Trombley:

Several times in the past few months this office has corresponded with the Department of Public Lands regarding an application for a permit filed with this office by Mrs. L. B. Johnson. We have advised Mrs. Johnson that before we can approve her application she must obtain permission from the Department of Public Lands to file on a spring located on state land in Section 24, T. 5 N., R. 4 E., in Boise County.

Mrs. Johnson's application was filed in November 1967. I am concerned about the long delay by our offices in taking action on Mrs. Johnson's application. We would like to take final action regarding her permit in the near future. Our records indicate that Mrs. Johnson requested authority to the Department of Public Lands to file on the spring on August 2, 1968. I would appreciate being advised by your office as soon as possible whether or not your Department has acted upon Mrs. Johnson's request for permission to file on the spring.

If you have any questions, please contact me.

Very truly yours,

C. STEPHEN ALLRED
Deputy Director

CSA:cc

cc: Mrs. L. B. Johnson

63 7038

March 3, 1970

Re: Application No. 63-7038

C
Mr. Gordon C. Trombley
Department of Public Lands
Statehouse
Boise, Idaho 83707

O
Dear Mr. Trombley:

In August of last year, Mr. McEldowney of this office wrote to you requesting information concerning an Application by Mrs. L. B. Johnson for permission to file on a spring located on state land in Section 24, T. 5 N., R. 4 E., in Boise County.

P
The question of state policy concerning waters located on such lands should probably be discussed by our two offices. There are a number of occasions when individuals will file with this office indicating that they must cross state land to get access to the source of supply. I also know that you people have had questions on several occasions concerning certain aspects of water law as it relates to state lands. I suggest, therefore, that we arrange a meeting to discuss this matter at the earliest opportunity.

Y
In the meantime, however, I would appreciate it if you would advise me as to whether Mrs. Johnson's Application has been received and is being processed.

Very truly yours,

R. KEITH HIGGINSON
State Reclamation Engineer

RKH/jib

63 7038

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

August 15, 1969

Re: Application for Permit No. 63-7038
L. B. Johnson

Department of Public Lands
Statehouse
Boise, Idaho

BUILDING MAIL

Gentlemen:

Enclosed is a copy of our August 2, 1968 correspondence in connection with the above referenced application for permit. Although we have discussed this matter over the telephone, we have not received any written response which we are now requesting. The current status of negotiations for the affidavit of permission to file on the springs will be most appreciated. Please contact us if we may be of assistance in this matter.

Very truly yours,

A handwritten signature in cursive script, reading "Donald W. McEldowney".

Donald W. McEldowney
Appropriation Examiner

DWM:tg

Enc: copy of 8-2-68 letter

63 7038

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

30 days

August 2, 1968

Department of Public Lands
Statehouse
Boise, Idaho

Gentlemen:

Enclosed is a written request from Mrs. L. B. Johnson for an affidavit of permission to file on the spring, located on State Land in the SW¹/₄SE¹/₄, sec. 24, T. 5 N, R. 4 E, B.M., Boise County.

The Johnson's have filed an application for permit to appropriate the public waters of the State of Idaho with our department; however, before we may continue processing the application we will need an affidavit from your department.

The application in question requests a quantity of .02 cubic feet per second to be used for domestic use from January 1 to December 31 of each year.

The Department of Public Lands is requested to give this matter their consideration as soon as possible. Thank you for your cooperation.

Very truly yours,

Donald W. McEldowney . sr.

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: Written request for permission

68 7038

August 2, 1968
Boise, Idaho

Department of Public Lands
Statehouse
Boise, Idaho

Gentlemen:

Please consider this letter as a written request to file on a spring located on State Land in the SW¹/₄SE¹/₄, sec. 24, T. 5 N, R. 4 E, E.M., Boise County. The water from this spring will be used for domestic use from January 1 to December 31 of each year.

On November 14, 1967 we filed with the Department of Reclamation an application to appropriate the waters of the State of Idaho. However, until we submit an affidavit from your department the Department of Reclamation is unable to process or approve our application.

We would appreciate your consideration in this matter and we hope that a special permit will be able to be issued.

Very truly yours,

Mrs. L. B. Johnson
3209 Hawthorne
Boise, Idaho

Mrs. L. B. Johnson

December 12, 1967

Re: Application 63-7038

L. B. Johnson
3209 Hawthorne
Boise, Idaho

Dear Mr. Johnson:

We are in receipt of your application for permit 63-7038. However, before we may continue the processing your application you will be required to supply an affidavit of permission to file on the spring from the land owner. In this case, it is the State of Idaho. Therefore, you should probably contact the State Land Department.

If you require any assistance in the matter, please contact us.

Very truly yours,

Donald W. McElowney
Water Rights Clerk

QUM:ks

63-7038