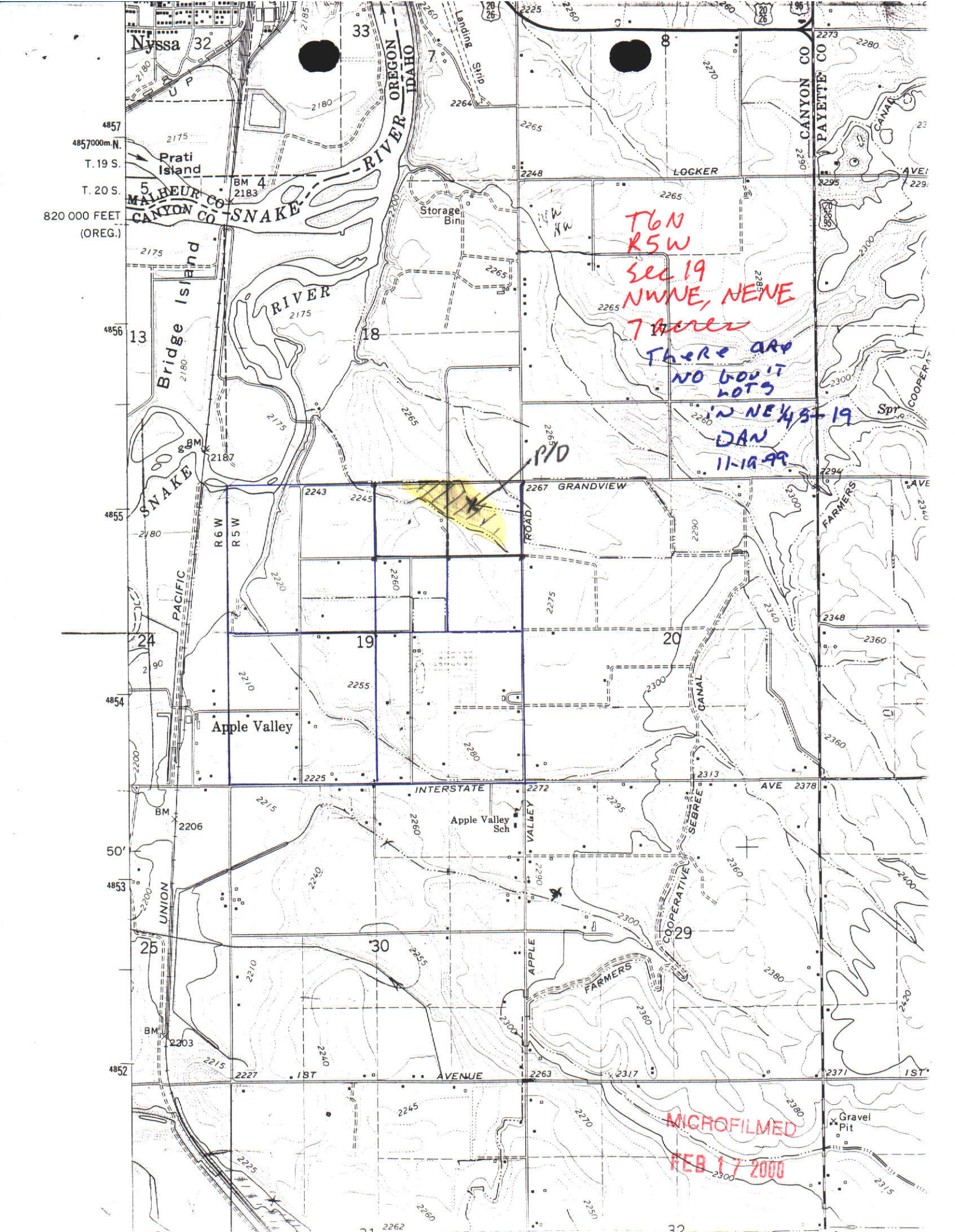

Nyssa
Prati Island
Bridge Island
OREGON
IDAHO
RIVER
SNAKE
MALHEUR CO
CANYON CO
PAYETTE CO
Storage Bin
Landing Strip
LOCKER
CANAL
GRANDVIEW
ROAD
PACIFIC
UNION
APPLE
VALLEY
FARMERS
COOPERATIVE
CANAL
SEBREE
INTERSTATE
AVENUE
Apple Valley
Apple Valley Sch
Gravel Pit
R6W
R5W
T. 19 S.
T. 20 S.
820 000 FEET
(OREG.)
4857000m.N.
T6N
R5W
Sec 19
NWNE, NENE
There are
NO GOVT
LOTS
in NE¼ S-19
DAN
11-19-99
P/D
MICROFILMED
FEB 17 2000

MICROFILMED
MAR 2 0 2000

SE¼SW¼ SEC 29

Name of Applicant NELSON [redacted] McCOLM NE¼ NW¼ Sec 32 To [redacted] L.E.

SEC. SEC. SEC.

SEC. SEC. SEC.

McCOLM 9 ACRES

IRRIGATED LAND NELSON 20 ACRES

WITCH CREEK CITY 40 INCHES

HOUSES

SEC 29

SEC. SEC. SEC.

NELSON

FENCING

HEADGATE

CANAL

INDIAN CREEK

SEC. SEC. SEC.

SEC. SEC. SEC.

SEC. SEC. SEC.

SEC. SEC. SEC.

MICROFILMED
FEB 17 2000

SCALE 2 INCHES = 1 MILE DRAW PLAN IN INK

Form No. 217
6/00

FOR OFFICE USE ONLY
Amt. of Fee $: 50.00
Receipt No. C058408
Receipt By: LH
Date Receipted: 12/14/01

RECEIVED
DEC - 6 2001
Department of Water Resources

STATE OF IDAHO
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.*

1. Permit No. 63-12545 Telephone No. 208-722-7608
2. Name of Permit Holder(s): JACK ATKESON
3. Mailing Address: BOX 250
   City PARMA State ID Zip 83660
4. Source of Water: WASTEWATER FROM FARMFIELDS If **GROUNDWATER** (well), Date Drilled: mo. N/A / yr. N/A
   Well Driller: N/A Drilling Permit Number: N/A
5. Use(s) (as authorized by the water right permit): WASTEWATER only - may thru Sept/Oct
   Domestic (No. of households): N/A Stockwater (No. and type of stock): 6-8 Head (80 HD of Sheep)
   Irrigation (No. of acres): 8 Other:
6. Total rate of diversion and/or volume for which proof is submitted: _____ 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 ____
   Has the measuring device been installed? Yes ____ **or** No ____
8. Fee Enclosed: $ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
   Name: JACK ATKESON Telephone Number: 722-7608
   Address: 3941 Middleton Rd Parma, ID 83660
10. ***The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.***

Signature of permit holder: JE Atkeson Date: 12/5/01
(include your title, if on behalf of company of organization)

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 63-12545 IN THE NAME OF JACK ATKESON	))))	**ORDER GRANTING PETITION TO REMOVE LOCKABLE DEVICE REQUIREMENT**

This matter having come before the Department of Water Resources (Department) as a petition to remove a measuring device requirement, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On February 10, 2000, the Department issued Permit 63-12545(permit) to Atkeson (permit holder) with a condition of approval requiring the installation of a lockable device to allow watermaster control of the diversion works before any diversion of water under the permit.

2. On February 22, 2000, the Department received the permit holder's petition to remove the lockable device requirement.

3. Installation of a lockable device is not necessary at this time because it is unlikely that the proposed diversion will be actively regulated by the watermaster.

CONCLUSIONS OF LAW

1. Beneficial Use Examination Rule 35.02.d. (IDAPA 37.03.02.35.02.d.) provides for the waiver of a lockable device requirement by the Department.

ORDER

The condition of approval requiring the installation of a lockable device as part of the diversion works for the permit is **MODIFIED** as follows:

> **Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.**

Dated this 29th day of February, 2000.

L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED
MAR 20 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12545

Priority: September 17, 1999 Maximum Diversion Rate: 0.14 CFS

This is to certify, that **JACK ATKESON**
29411 GRANDVIEW RD
PO BOX 250
PARMA ID 83660
has applied for a permit to appropriate water from:
WASTE WATER tributary of **SNAKE RIVER**

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	03/01 to 11/15	0.14 CFS

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 19, Township 06N, Range 05W
CANYON County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES	ACRES	TOTAL
06N	05W	19	NENE	4.0	NWNE	3.0		7.0

Total number of acres irrigated: 7.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **February 1, 2002.**
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.

MICROFILMED

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12545

CONDITIONS OF APPROVAL AND REMARKS

7. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.

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

10th day of February, 2000.

Karl J. Dreher, Director

for

Ident. No. **63-12545**

RECEIVED

JAN 28 2000

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: JACK ATKESON 208-722-7608
   Address: 29411 GRANDVIEW RD, Box 250
   PARMA ID 83660

2. Source: WASTE WATER Trib. to: SNAKE RIVER
3. Location of Point of Diversion: NENE Sec. 19, Township 06N, Range 05W
   CANYON County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	~~03/15~~ 03/01 *	11/15	0.140		

5. Total quantity to be appropriated is:
   0.140 CFS (and/or) AF

6. Proposed diverting works:
   a. Description of ditches, flumes, pumps, headgates, etc.
      PUMP, SPRINKLERS
   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 groundwater with a temperature greater than 85F being sought? NO
   e. If well is already drilled, when?
      Drilling Firm
      Well was drilled for

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 year(s).

8. Place of Use: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES	ACRES	TOTAL
06N	05W	19	NENE	04	NWNE	03		7

Total number of acres irrigated: 7

MICROFILMED

FEB 17 2000

* Changed Per IDWR Standards.

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.

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

11. Map of proposed point of diversion and place of use attached? [ ]

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.

J E Applicant

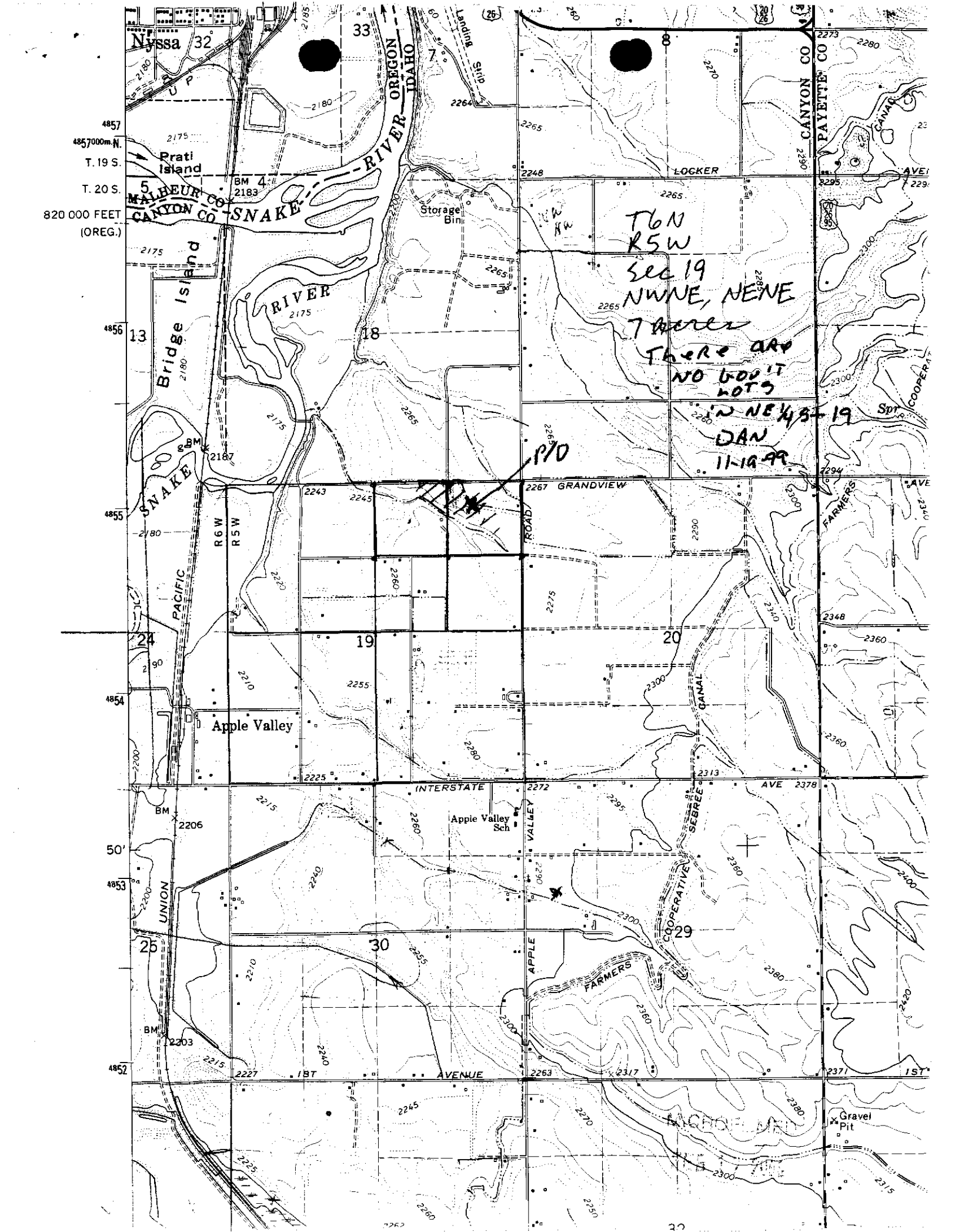
Received by LG Date 9/17/99 Time 11:30 Preliminary check by DAN

Fee $ 50 Receipted by LG # W025739 Date 9/17/99

Publication prepared by [illegible] Date 12-16-99 Published in PRESS TRIBUNE

Publication approved JM Date 1-11-00

MICROFILMED
FEB 17 2000


Nyssa
Prati Island
Bridge Island
MALHEUR CO
CANYON CO
SNAKE RIVER
OREGON
IDAHO
PAYETTE CO
CANYON CO
Landing Strip
Storage Bin
LOCKER
CANAL
RIVER
SNAKE
R6W
R5W
ROAD
2267 GRANDVIEW
PACIFIC
Apple Valley
Apple Valley Sch
INTERSTATE
VALLEY
SEBREE
COOPERATIVE
FARMERS
CANAL
APPLE
UNION
AVENUE
IST
Gravel Pit
T.19 S.
T. 20 S.
820 000 FEET
(OREG.)
4857000m.N.
T6N
R5W
Sec 19
NWNE, NENE
There
THERE ARE
NO GOV'T
LOTS
IN NE¼S-19
DAN
11-19-99
P/O

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

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

December 14, 2001

JACK ATKESON
PO BOX 250
PARMA ID 83660

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-12545

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use ("proof") 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, and that it meets the permitted beneficial use.

However, upon review of your permit I found that you are only authorized to develop this right for irrigation of 7 acres. The Proof you filed with the department acknowledges irrigation of 8 acres and 80 head of sheep. I suggest you contact the Western region at the number below, and talk to them about your permit. It may be necessary to make some changes or apply for a second permit for the additional acre and stockwater use.

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 **Western** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson

Deborah Gibson
Administrative Assistant
Water Allocation Bureau

MICROFILMED
2001

Encl.
c: IDWR - Regional Office

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 63-12545 Reviewed By: dgibson Date: December 14, 2001

	Yes	No		Yes	No
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:	C058408		Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?		X	Measure device waiver requested?	X	

Priority Calculation

Date proof received		12/11/2001
Date proof due	-	02/01/2002
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	09/17/1999
New priority date	=	09/17/1999

Deficiencies of Actions Items

Acknowledge proof. Note in confirmation letter that permit limits irrigation at 7 acres and has no provision for stockwater. Suggest to permit holder to contact Western region to apply for a water right for the additional uses.

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

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

December 6, 2001

JACK ATKESON
BOX 250
PARMA ID 83660

RE: PERMIT NO. 63-12545

Dear Permit Holder:

Enclosed is a copy of the Proof of Beneficial Use (proof) statement you submitted in connection with the above referenced water right permit. Before the department can accept your proof, it must be accompanied by the appropriate license examination fee.

Please return the enclosed copy of the proof form along with the $50.00 license examination fee to my attention. If you have any questions regarding the Proof of Beneficial Use process, please contact me at (208) 327-7953, or contact the regional office in Boise at (208) 334-2190 with your water right questions.

Sincerely,

Deborah J. Gibson

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure
c: IDWR- Region

MICROFILMED
DEC 12 2001

Form No. 217
6/00

FOR OFFICE USE ONLY
Amt. of Fee $: _____
Receipt No. _____
Receipt By: _____
Date Receipted: _____

RECEIVED
DEC - 6 2001
Department of Water Resources

STATE OF IDAHO
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.*

1. Permit No. 63-12545 Telephone No. 208-722-7608
2. Name of Permit Holder(s): JACK ATKESON
3. Mailing Address: BOX 250

   City PARMA State ID Zip 83660
4. Source of Water: WASTEWATER FROM FARM FIELDS If **GROUNDWATER** (well), Date Drilled: mo. N / yr. N/A

   Well Driller: N/A Drilling Permit Number: N/A
5. Use(s) (as authorized by the water right permit): WASTEWATER only - may thru Sept/Oct

   Domestic (No. of households): N/A Stockwater (No. and type of stock): 6-8 Head

   Irrigation (No. of acres): 8 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: _____ 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 ____
   Has the measuring device been installed? Yes ____ **or** No ____
8. Fee Enclosed: $ ____ (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: JACK ATKESON Telephone Number: 722-7608

   Address: 2941 Hwy 44 W Rd Parma ID 83660
10. ***The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.***

Signature of permit holder: JE Atkeson Date: 12/5/01
(include your title, if on behalf of company of organization)

MICROFILMED
DEC 12 2001

November 30, 2001

JACK ATKESON
29411 GRANDVIEW RD
PO BOX 250
PARMA, ID 83660

PROOF DUE NOTICE

RE: PERMIT NO. 63-12545

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 February 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

CERTIFIED MAIL
7099 3220 0005
NO 5178 3670

MICROFILMED

DEC 12 2001

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 29, 2000

JACK ATKESON
PO BOX 250
PARMA ID 83660

RE: Permit 65-12545

Dear Mr. Atkeson:

Enclosed please find an Order Granting Petition to Remove Lockable Device Requirement issued by the department in the matter of Permit 63-12545.

If you have any questions regarding this matter, please call me at 327-7940.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED
MAR 20 2000

RECEIVED
FEB 2 2 2000
Department of Water Resources

February 18,00

Parma, Idaho 83660

State of Idaho Department of Water Resources
1301 North Orchard Street, PO Box 83720
Boise,Idaho 83720-0098

Re: Permit No. 63-12545

To: Shelley Keen
Water Rights Supervisor

Dear Shelley;

I am writing your office to request that you Waive the the Special Condition included in your letter.

My reason for this request is due to the following.... My request is for Waste Water Rights and not connected with the Parma Ditch Watermaster Control. The waste ditch passes through my pasture land and I use this water to irrigate (gravityflow) my pasture land prior to the waste water dropping into the Snake River.

The waste ditch is maintained by myself and the surrounding farms (2) who benefit from the use of this waste ditch.

I have enclosed a Picture of the pasture and the drainage ditch.

Thank You for Your Consideration.

Sincerely

Jack Atkeson

MICROFILMED
MAR 2 0 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 11, 2000

JACK ATKESON
29411 GRANDVIEW RD
PO BOX 250
PARMA ID 83660

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12545

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.**

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

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

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

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.

RECEIVED

Pasture
WASTE
DITCH

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 11, 2000

JACK ATKESON
29411 GRANDVIEW RD
PO BOX 250
PARMA ID 83660

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12545

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.**

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

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

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

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.

MICROFILMED
FEB 17 2000

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED
FEB 17 2006

CERTIFICATE OF MAILING

I hereby certify that on the **11th** day of **February, 2000**, 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. 63-12545

JACK ATKESON
29411 GRANDVIEW RD
PO BOX 250
PARMA ID 83660

Kari Lynn Townsend
Secretary

RECEIVED
FEB 17 2000

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
FEB 17 2006

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.

MICROFILMED
FEB 17 2000

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS
Reviewed by Sharla Curtis on 2/4/00

No. 63-12545 Name: Atkeson Corp. Officers N/A Ad ok ✓ Govt Lots —

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

GROUNDWATER: (√Flow Chart)

DRILLING PERMIT	
All wells	- 046(**P23**)
Basin 34	- 085
Irr. w/in WD	- **P05**
WMD	- North/East/West
≤ 0.24 cfs/5 acres	- No MD
> 0.24 cfs/5 acres	- 067
~~WMD~~	
Supp irr (irr = only use)	- 065-104
Supp irr (+ other uses)	- 100-105
≤ 0.24 cfs/5 acres	- No MD
> 0.24 cfs/5 acres	- 01M

SURFACE WATER: (√Flow Chart)

F&G contacted	- Yes/No Response No objections
~~In/Above MSF~~	- WB9
~~PLANNING SECTION REVIEW/RESPONSE~~	_____
~~In-stream development~~	- **P52**
WD	- R04 (WD# 63)
≤ 0.20 cfs/others	- 01H(**P01**) 01P or No MD
> 0.20 cfs	- 01J(**P08**)
SPRINGS/SINK, INACTIVE WD & REST OF STATE	
≤ 0.24 cfs/5 acres	- No MD
>0.24 cfs/5 acres	- 01M or No MD

LOCATION:

~~Boise Front LoGeo~~	- 058 (<85 GW)
Mitigation	- 121
42-248 Area	- **P84** (20s-70s, 81-86)
Swan Falls Flag	- _____
Trust	- 051(**P74**) (consumptive uses)
Non-Trust	- 048-049 (consumptive uses or non-cons. > 1.0 cfs)

RIVER BASINS: (SW special considerations)

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

USES:

~~STORAGE~~	18A-01H(**P01**),01P-18B(**P09**)-NA
IRR ≤ 5 ac	- R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac	- R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER	- R37 (BLM/USFS)
MINING	- 054-081(**P10**)
FISH PROP	- 029(70'S only)-007-042-081(**P10**)
HEAT/COOL	- R07(injection well)
FIRE PROT.	- 077

USES:

POWER	- 17H-17K (+uses)-08A-025(**P18**)-01N-081(**P10**)
MUNICIPAL	
Restricted area	- 022,075
Irr., GW supp to SW	- 102
DOMESTIC	
Surface water	- WB5 (Big Wood or Boise above Star Bridge) 27A (Payette R)
>1 in restricted area	- 070-071-075(no parks/common areas, etc)
Irr use listed separate	- WB5
Moratorium approvable	- W03 (2500 gpd – meets domestic definition i.e. D/convenience store)

BENEFICIAL USE DUE: 3/01/2002

MISC CONDITIONS/REMARKS:

~~Protested~~	- 020-W19
Development Period	
~~≤ 1 yr~~	- **P16**
> 1 yr	- 26A(**P17**)
Ownership	- 004
Non-consumptive	- 027
Water Quality	- 081-R07
Multiple pd's per ¼¼	- W32
Subd lot desc (pd)	- W59
Subd lot desc (pu)	- W60
Use definitions	- W02 example – S/50 range
Pre-1987 development	- 068-074 (allow 120 days for proof due)
Single p/d intended	- 076

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

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

Form No. 202a.
9/99

RECEIVED
JAN 2 8 2000
DEPARTMENT OF WATER RESOURCES

ID[redacted] DEPARTMENT OF WATER RESO[redacted]S
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: DAN DATE: 11-19-99 APPLICATION: 63-12545

REQUIRED INFORMATION

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

Gov't. Lots:
NO P/D
NO P/U

ADDITIONAL INFORMATION

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

X T FLAG CHANGED TO P FLAG

YES	NO	
___	X	Overlapping place of use: (Describe source & relationship to present application on next page.)
X	___	Overlapping point of diversion. Possible Down stream Right.
___	X	Critical groundwater area:
___	X	Groundwater management area:
X	___	1992 moratorium: Waste water tributary to Snake River can be Processed.
X	___	Surface water source, IDFG letter needed.
___	X	Protected river or minimum flow reach, notify water planning bureau.
___	X	E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
___	X	E-mail to Dam Safety staff: (for any storage)
X	___	Mitigation plan: Check any that apply.
		___ immediate = acceptable plan required and submitted.
		X future = open areas, acceptance of condition of approval is in file.
___	X	Send power requirement letter &/or fish farm requirement letter.
___	X	Power residency affidavit:
___	X	Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
___	X	*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

_____ Applicant Lar ___
_____ notified Purma ___
Ditch Co.

Date Requested _____ Date Response Received ____ by 9/17/99 ___

PROCESSING APP. NO. 63-12545

YES	NO	
X		In form for advertising:
	X	Statewide advertising: (>10 cfs &/or 1000 af)
X		Fee amount, receipt number and date recorded on application:

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

YES	NO		YES	NO	
	X	I.D. Health & Welfare		X	U.S. BLM
	X	I.D. District Health		X	U.S. Forest Service
X		I.D. Fish & Game	X		Water Dist. # 63
	X	I.D. Lands		X	Water Planning Bureau
			X		Other CNS Farms 410 S Orchard Suite 128 Boise, ID 83705

FINAL REGIONAL PROCESSING REVIEW:

YES	NO	
✓		Affidavit of publication received:
✓		Application published correctly: If not, record action taken.
✓		Publication dates and paper recorded on application:
X		Final date for protest
	✓	Protests received.
		Recommendations attached:
	X	Measuring device required:
	✓	Water delivered by water master? District #
		Special conditions of approval or cover letter: STANDARD CONDITIONS.
		See below for additonal information

Recommended Date or Priority 9-17-1999

Recommended by: Daniel A. Nilson Date: 1-25-2000

ADDITIONAL INFORMATION:

Water Right 63-02889 is a possible Down Stream user. There is no P/U. Overlap.

RECEIVED
JAN 2 8 2000
Department of Water Resources

FILE PRESENTATION

This application was processed prior to the January 12, 2000 memo "Changes to Water Right Applications." The old technique of making application changes was used.

To avoid additional processing delay, the file is forwarded as "one in the pipeline" with respect to that memo. The regional office anticipates that this will be acceptable for this limited group of applications.

MICROFILMED

01-99

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: 63- 12545

Applicant's Name: Jack Atkeson

Watermaster's Recommendation:

a) X I do not oppose approval of this application.

b) ___ I do not oppose approval of this application if it is conditioned as follows: _____

c) ___ I oppose approval of this application for the following reasons:

d) Additional Comment : _____

Dated this 14 day of January, 2000.

Water District No: 63

Watermaster's Signature

Use reverse side of page if you need more space.

MICROFILMED
FEB 17 2000

Taylor, Sue

From: Lester, Steve
Sent: Monday, December 20, 1999 1:48 PM
To: Taylor, Sue
Subject: FW: Numerous Water Right Applications

Sue:

Please file a copy in each of the applications listed in Scott's message.

thanks,

Steve

-----Original Message-----
From: SCOTT GRUNDER [mailto:sgrunder@IDFG.STATE.ID.US]
Sent: Monday, December 20, 1999 1:22 PM
To: slester@idwr.state.id.us
Cc: CECE MANN; TERRY VERNHOLM
Subject: Numerous Water Right Applications

Dear Mr. Lester,

The Idaho Department of Fish and Game has reviewed the following applications for permit for a water right and we do not anticipate significant adverse effects to fish or wildlife habitats as a result of granting permits:

51-07371/BLM
51-07370/BLM
51-07369/BLM
65-13912/MacGregor
65-13914/Nuzzo
65-13908/Rasmussen
77-07380/Pyle
67-08044/Stippich
55-07463/BLM
65-13907/BOR
65-13909/Herbel
65-13915/Hamlin
65-13911/Charles
63-12545/Atkeson
65-13919/McCumber
65-13916/Vlasach
65-13910/Seehusen/Crow
67-08043/Ferrel
63-12548/McGrew

We have a concern with application for permit 63-12550 by Richard Porter and Robert Horowitz. Those comments will be in a separate letter signed by the regional supervisor. Thank you for the opportunity to comment on these applications.

Scott Grunder
Environmental Staff Biologist
IDFG-SW Region Office, Nampa
465-8465

MICROFILMED
FEB 17 2000

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Carolyn Roberson
of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper two times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:
December 16 and 23, 1999

Carolyn Roberson

STATE OF IDAHO)
)
County of Canyon)

On this 23rd day of December in the year of 1999 before me a Notary Public, personally appeared. Carolyn Roberson, 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.

JEANNE LUSK NOTARY PUBLIC STATE OF IDAHO

Jeanne Lusk
Notary Public for Idaho
Residing at Nampa

MY COMMISSION EXPIRES
JUNE 21ST, 2003

RECEIVED
DEC 27 1999
WATER RESOURCES
WESTERN REGION

FEB 17 2005

NOTICE OF APPLICATION FOR WATER RIGHT ✓ LM

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

[redacted]

ATKESON, JACK
29411 GRANDVIEW RD
BOX 250
PARMA, ID 83660
Source: WASTE WATER Tributary: SNAKE RIVER
Diversion Pt: NENE Sec 19 T 06N R 05W in CANYON County.
Use: IRRIGATION (0.140 CFS)
Total Diversion: (0.140 CFS)
Date Filed: 9/17/1999
In: CANYON County
T06N R05W S19 NENE NWNE
7.0 ACRES TOTAL
Applicant agrees to mitigate consumptive use in the future as needed.

63-12547

MARSHALL, BOB
DIAMOND Z
1102 FRANKLIN BLVD
NAMPA, ID 83687
Source: GROUNDWATER
Diversion Pt: NENE Sec 18 T 04N R 02W in CANYON County.
Use: DOMESTIC (0.030 CFS)
Total Diversion (0.030 CFS)
Date Filed: 10/ 4/1999
In: CANYON County
T04N R02W S18 NENE

63-12549

ADAIR HOMES
1904 E CHICAGO
CALDWELL, ID 83605
Source: GROUNDWATER
Diversion Pt: LOT 1 (SESE) Sec 33 T 05N R 03W in CANYON County.
Use: DOMESTIC: (0.110 CFS)
Total Diversion (0.110 CFS)
Date Filed: 11/23/1999
In: CANYON County,
T05N R03W S33 Lot 1 (SESE)
Water bearing zone to be appropriated is from 80 to 180 feet for domestic use for six homes in Willis Ranch Subdivision.

63-12550

PORTER, RICHARD
ROBERT HOROWITZ
6225 N MEEKER PL STE 200
BOISE, ID 83713
Source: BOISE RIVER Tributary: SNAKE RIVER
Diversion Pt: NESE Sec 15 T 04N R 02W in CANYON County.
Use: AESTHETIC (5.000 CFS)
Total Diversion: (5.000 CFS)
Date Filed: 10/13/1999
In: CANYON County
T04N R02W S15 SWNE SWNW SENW NWSW
NESE NWSE
Application seeks water for non-consumptive use in existing water way. Water will be diverted from river through headgate for irrigation water right A63-31049. Water will increase flow rate through slough and discharge back into river in the NWSW section 15. No construction or excavation is required. Water will flow through existing irrigation ditches and natural channels.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of $25.00 for each application on or before JANUARY 3, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
December 16, 23, 1999

MICROFILMED
DEC 17 1999

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 16 1999

LEE SISCO
WATER DISTRICT 63
6616 OVERLAND RD
BOISE ID 83709

Re: Applications for Water Right Nos. 63-12548 in the Name of John McGrew, 63-12550 in the Name of Richard Porter and Robert Horowitz and 63-12545 in the Name of Jack Atkenson

Dear Watermaster:

Enclosed are copies of the above-referenced applications for permit. Also enclosed are forms for your recommendation concerning these applications.

Please review the applications and return any comments you might have within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Gary Spackman

Gary Spackman

GS:st

Encl: Copy of Application
Recommendation of Watermaster Form

FEB 17 2000

REQUEST TO PROCESS

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

Name of Applicant JACK ATKESON

Mailing Address 29411 GRADVIEW RD, BOX 250
PARMA ID 83660

Application No. (if known) 63-12545

____ IN LOCAL PUBLIC INTEREST

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

____ PROPOSE MITIGATION NOW

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

/ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature J E Atkeson

Date _____

Please return this form to:

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

SEP 17 2003

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 16, 1999

CNS FARMS
410 S ORCHARD STE 128
BOISE ID 83705

Re: Application for Water Right No. 63-12545 in the Name of the Jack Atkeson

Dear Sir:

Enclosed is a copy of the above-referenced application for permit.

Please review the application and return any comments you might have within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Gary Spackman

GS:st

Encl: Copy of Application

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

November 15, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SCOTT GRUNDER
STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Permit

Dear Sir:

Enclosed are copies of applications for permit that the proposed use is from surface water. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the $25.00 protest fee must be received in this office by January 3, 2000.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

Gary Spackman

GS:st

Encl.

MICROFILMED
FEB 1 7 2000

REPORT OF ENGINEER

This proof is for Beneficial Use. In Water District No. 12-A

1. State name of applicant and number of permit: Nelson & McColm Permit 12203

2. State source of water supply: Unnamed Stream

3. Location of point of diversion: SW¼ SE¼ Sec. 29, T. 2 N., R. 1 E.W.M.

4. Describe works as they exist, giving dimensions and capacities of same: Works has 8 gate in waste channel with small earth dam diverting water into ditch. At flood migration from upper ponds from 70 to 80 inches over dam waste channel at other times nothing.
Capacity of ditch is about 40 inches
Pick up waste water from Reed, Ochenbach and Painter ponds

5. State whether or not water has been turned into works of diversion: Yes

6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):
SE¼ SE¼ Sec. 29; NE¼ NW¼ Sec. 32, T. 2 N., R. 1 E.W.M.
Nelson owns S.E¼ S.W¼ Sec 29 and waters about 20 acres from waste water ditch when available. All of 40 Acre tract owns Rent water in addition
McColm owns N.E¼ N.W¼ S. 32 and waters about 9 acres when water is available
All 40 Acre tract owns Rent water in addition

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system? Just the applicants

9. Give names and amount of each right: Nelson and McColm
Equally, limited water goes to Nelson first

10. What large stream would the water here appropriated finally reach? Nooksack River

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:
Waste ditch empties into Jackson Creek Canal and joins McCoy Creek water to Lee Flat Reclamation

MICROFILMED

FEB 17 2000

Remarks:

This examination was made on the 28th day of March 19

(Signed) C. H. Washbrook
Examiner

12203

Cancelled

STATE OF IDAHO

Water License No. 12203.
Water District No. 12 Q.

WHEREAS, on the 27th day of May A. D. 191[illegible]
Geo. F. Nelson & L. T. McCalm,
of Kuna, County of Ada, State of Idaho
duly made application (No. 17598) to me, for a permit to use 4/5 of 1 cubic foot per second of the waters of an unnamed stream, tributary of South Fork of Indian Creek, in Water District No. 12 Q.
County of Ada, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 10th day of June A. D. 1915
Permit No. 12203 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 10th day of December A. D. 1916 and for the application to beneficial use of said water on or before the 10th day of January A. D. 191[illegible]
and,

WHEREAS, On the 8th day of November A. D. 1916
Geo. F. Nelson & L. T. McCalm
the holder s of said permit duly made proof of the completion of adequate works for the diversion of 4/5 of 1 cubic feet per second of said waters, as evidenced by Certificate No. 12203 dated December 5, 1916 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4/5 of 1 cubic foot per second of said water,
with date of priority of May 27, 1915, and,

WHEREAS, On the 10th day of January A. D. 191[illegible]
Geo. F. Nelson & L. T. McCalm
the holder of said permit duly made proof of the application to beneficial use of 14/50 of 1 cubic foot per second of said water:

MICROFILMED
FEB 1 6 2000

12203

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Geo. F. Nelson & L. T. McColm of Kuna County of Ada State of Idaho the holder & and owners of said Permit No. 12203 a perpetual right, dating from May 27, 1916 to the use of 14/50 of 1 cubic foot per second of the waters of an unnamed stream, tributary of South Fork of Indian Creek.

in the County of Ada and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SW¼ SE¼ Sec. 29, T. 2 N., R. 1 E., B. M.,

and conducted to and upon 14 acres of land, divided as follows: 6 acres SE¼ SE¼, Sec. 29; and 8 acres in NE¼ NE¼, Sec. 32, T. 2 N., R. 1 E., B. M.

for the purpose of Irrigation and domestic use,

subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or latera from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 29th day of December A. D. Nineteen hundred and Seventeen.

State Engineer.

STATE OF IDAHO

Water District No. 12 C

Water License No. 12203.

To Geo. F. Nelson & L. T. McColm

Kuna, Idaho

Source of Supply Unnamed Stream

Trib. of S. Fk. Indian Creek

County Ada

14/50 of 1 Sec. Feet

Point of Diversion SW¼ SE¼ Sec. 29

(B. M.) R. 1 E. B. M.

Place of Use SE¼ SE¼ Sec. 29 & NE¼ NE¼ Sec. 32, T. 2 N. R. 1 E. B. M.

Purpose Irrigation

Date of Priority May 27, 1916.

Recorded December 29, 1917.

In Book 5 of L. L. Page 22205

April 2nd, 1918.

Re Permit No. 12203.

Mr. Geo. F. Nelson,
Kuna, Idaho.

Dear Sir:—

The report, filed by our engineer, upon reexamination of your land, shows about 20 acres in SE¼ SW¼, Sec.19 under cultivation and irrigation from waters appropriated under above permit while the rest of the 40 is irrigated with Government water. The report also shows about 9 acres in the NE¼ of NW¼, Sec.32, irrigated with water appropriated under this permit and the rest of the forty irrigated with Government water. License can, therefore, be issued for only twenty-nine inches of water from this water right. If you will return the license issued and mailed to you some time ago, this change will be made.

Very truly yours,

FRED A. WILKIN,

State Engineer.

By_____

12203

MICRO
FEB 17 2006

February 1st, 1918.

Permit 12203.

Mr. Geo. F. Nelson,
Lusbe.

Dear Sir:—

Replying to your letter of the 31st ult. would say that license can be issued for only the amount of land under cultivation and irrigation, allowing not more than one inch to the acre. According to our engineer's report, there were fourteen acres that had been cultivated and irrigated, as shown in the license issued. This falls short of the amount given in your letter of only three acres.

The depositions of the witnesses show that only one-half an inch to the acre is necessary. The fourteen inches allowed would, therefore, be equal to twenty-eight inches in actual use.

Upon the showing made in the proof, the license could not be issued for more than fourteen inches, or 14/50 of 1 second foot of water, hence the same is returned herewith without change.

Very truly yours,

J. H. SMITH,

State Engineer.

By_____

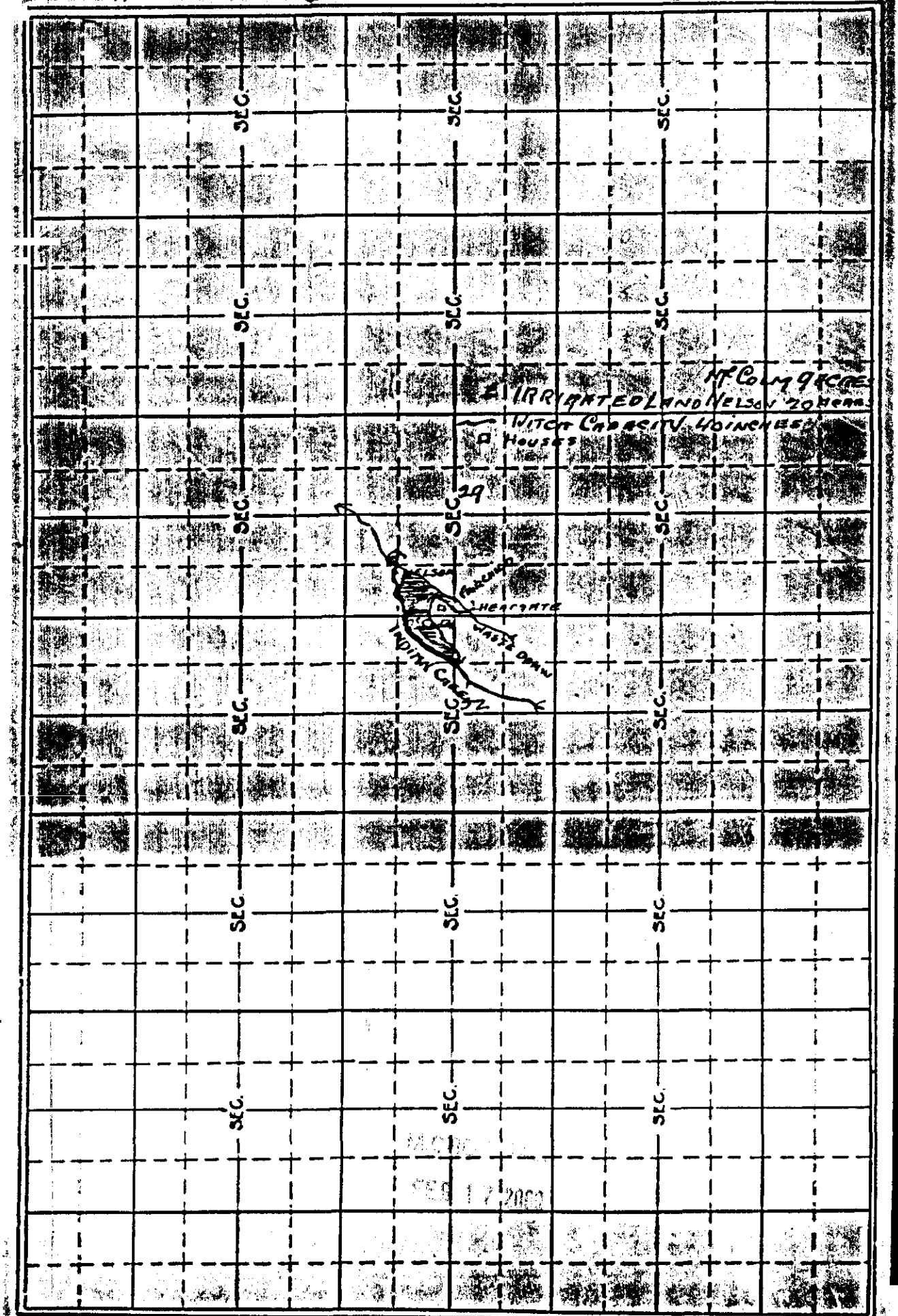
L

12203

FEB 17 2008

Name of Applicant Nelson [redacted] Colo. NE¼NW¼ Sec 32 T2[redacted] R[redacted] E

SE¼SW¼ Sec 29



SCALE 2 INCHES = 1 MILE DRAW PLAN IN INK

SD-0605-2 Township: 06N [redacted]ge: 05W Section: 18 [redacted]act: Lot:

STATE

Max # Records 5

SEL	Tract	LOT	RDV	Water Right No.	Name Last, First	OWN	STG	Priority Date	Source	Total Diversion
	NENE			63-03082	LANE, JAMES P.	C	L	06/08/1956	UNNAMED DRA	1.30
	NENE			63-04291	PETERSON, C. G	C	S	06/01/1945	UNNAMED DIT	1.80
	NESW			63-02889	STANDAL, LULA	C	L	10/24/1951	WASTE WATER	1.40
	NWSW	6		03-02051	EMBASSY INC., J.A. TERTELING	C O	L	11/26/1962	SNAKE RIVER	4.00
	SWSE			63-02152	CLARK, ROBERT	C	L	12/23/1910	SPRING	0.50

(Enter=Continue) (GOLD 7=This Query) (Menu _____)

Check 63-02889

I LOOKS LIKE 63-02889 IS A DOWN STREAM USER!

SD-0605-2 Township: 06N [redacted]ge: 05W Section: 19 [redacted]act: Lot:

STATE — Max # Records 6

SEL	Tract	LOT	RDV	Water Right No.	Name Last, First	OWN	ST	Priority Date	Source	Total Diversion
	NENE			63-12545	ATKESON, JACK	C	A	09/17/1999	WASTE WATER	0.14
	SENW			63-03415	MACKRILL, LLOY	C	L	11/16/1964	GROUNDWATER	0.14
	NESW			63-04432	PARKER, KEITH	C	S	05/01/1950	SPRINGS	0.40
	SWSE			63-04942	TINGSTROM, S.	C	S	01/01/1942	GROUNDWATER	0.03
					TINGSTROM, GRA	C				
					TINGSTROM, STA	C				
					TINGSTROM, IDA	C				
	SWSE			63-07752	TINGSTROM, STA	C	L	03/20/1973	GROUNDWATER	0.04
					TINGSTROM, IDA	C				
	SWSE			63-09721	WILLIAMS, RONA	C	L	04/16/1981	GROUNDWATER	0.04
					WILLIAMS, GLEN	C				

(Enter=Continue) (GOLD 7=This Query) (Menu _____)

NO OVERLAP PID

WR ☐ Base

SD-0604-2 Township: 06N Range: 05W Section: 19 Tract: Lot:

SEL	Tract	LOT	Water Right No.	STATE Name Last, First	OWN	AC	STG	Max # Records 8 Priority Date	Use Code	Use Desc
_	NENE		63-12545	ATKESON, JACK	C	4	A	09/17/1999	01	IRR
_	NWNE		63-12545	ATKESON, JACK	C	3	A	09/17/1999	01	IRR
_	SENW		63-03415	MACKRILL, LLOYD	C	7	L	11/16/1964	01	IRR
_	NESW		63-04432	PARKER, KEITH S.	C	20	S	05/01/1950	01	IRR
_									04	STOCK
_	SWSW		63-04481	BOSTON, EARL E.	C	4	S	04/01/1940	01	IRR
_	SWSE		63-04942	TINGSTROM, S. LEROY	C		S	01/01/1942	43	DOMEST
_				TINGSTROM, GRACE	C					
_				TINGSTROM, STANLEY R.	C					
_				TINGSTROM, IDA F.	C					
_	SWSE		63-07752	TINGSTROM, STANLEY R.	C		L	03/20/1973	43	DOMEST
_				TINGSTROM, IDA F.	C					
_	SWSE		63-09721	WILLIAMS, RONALD W.	C	1	L	04/16/1981	01	IRR
_				WILLIAMS, GLENDA L.	C				43	DOMEST
_										
_										

(Enter=Continue) (GOLD 7=This Query) (Menu _____)

NO OVERLAP PLACE OF USE.
~~SIGNIFICO~~
WR D-BASE

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DECEMBER 8, 1999

Legal Notices Department
Press-Tribune
P.O. Box 9399
Nampa, ID 83652

Dear Legal Dept.:

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 JANUARY 3, 2000.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED
FEB 17 2006

63-12545

ATKESON, JACK
29411 GRANDVIEW RD
BOX 250
PARMA, ID 83660

Source: WASTE WATER Tributary: SNAKE RIVER

Diversion Pt: NENE Sec 19 T 06N R 05W in CANYON County.

Use: IRRIGATION (0.140 CFS)
Total Diversion: (0.140 CFS)

Date Filed: 9/17/1999

In: CANYON County
T06N R05W S19 NENE NWNE

7.0 ACRES TOTAL

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

MICROFILMED
FEB 17 2005

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of $25.00 for each applicatio on or before JANUARY 3, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 12/16/1999 & 12/23/1999