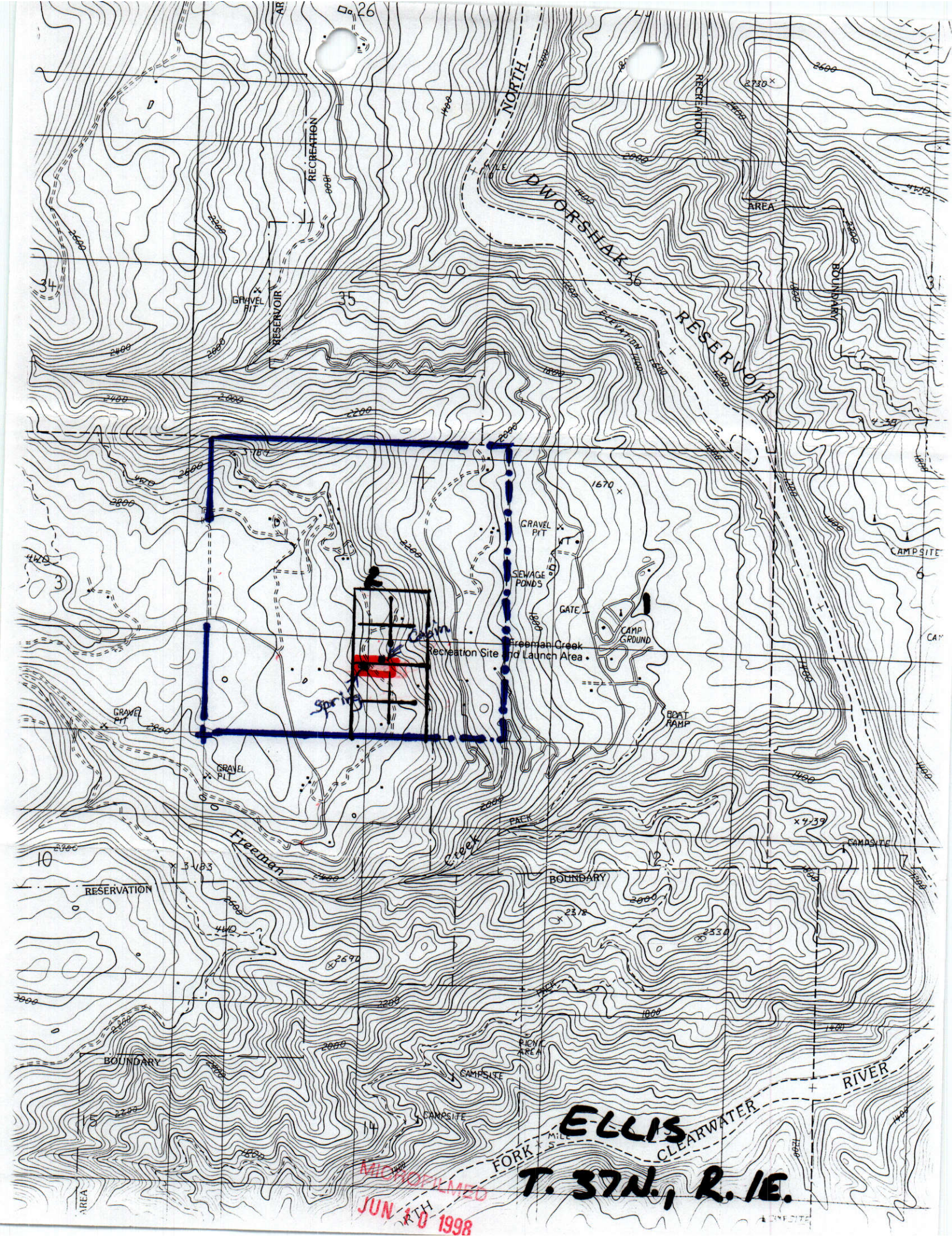




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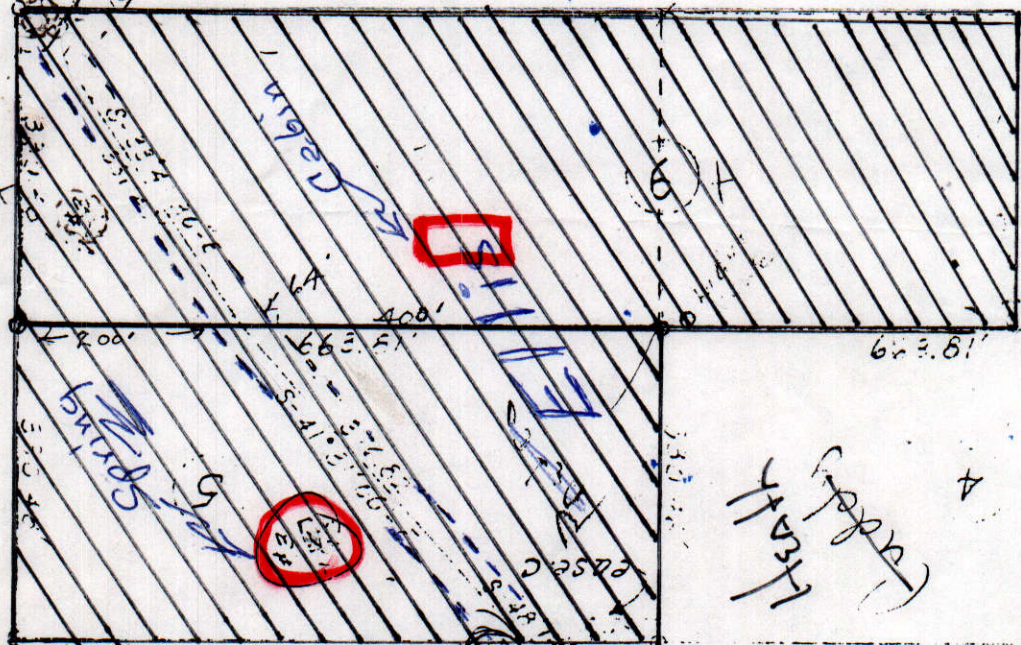
500' (handwritten)

10

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769-1458
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McLaughlin

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NS
Gentle

8
Holman

Cosgrove

MICROFILMED
JUN 10 1998

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Clearwater)

KATHERINE A. McKNIGHT

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: that said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho, during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of:

APPLICATION FOR WATER RIGHTS

ELLIS, RONALD J./CLEAR. COUNTY
STATE OF IDAHO PUBLIC WATERS

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for a full period of two consecutive issues commencing on the 18th day of December and ending on the 25th day of December, 1997.

Katherine A. McKnight
STATE OF IDAHO)

COUNTY OF CLEARWATER)

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

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

Pamela A. Jones
Notary Public for Idaho

Resident at Orofino, Idaho

My commission expires: 11-20-2001

NOTICE OF APPLICATION FOR WATER RIGHT

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

ELLIS, RONALD J

1322 RIPON

LEWISTON, ID 83501

Source: SPRING

Tributary: SINKS

Diversion Pt: NWSWSE Sec 2 T37N

R01E in CLEARWATER County.

Use: DOMESTIC (0.050 CFS)

FIRE PROTECTION (0.050 CFS)

Total Diversion (0.050 CFS)

Date Filed: 12/5/1997

In: CLEARWATER County

T37N R01E S02 NWSE

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$25.00 on or before JANUARY 5, 1998.

KARL J. DREHER, director
12-18,25c

RECEIVED

JAN 14 1998

NORTHERN REGION
IDWR

MICROFILMED
JUN 10 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
JAN 10 2000

Department of Water Resources

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

1. Permit No. 83-07128 Telephone No. 208-746-2750
2. Name of Permit Holder(s): Ronald J. Ellis
3. Mailing Address: 1322 Ripon
City Lewiston State Id. Zip 83501
4. Source of Water: Spring If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____

a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 1 Stockwater (No. and type of stock): Ø
Irrigation (No. of acres): Ø Other: Fire protection (fight on April)

6. Total rate of diversion and/or volume for which proof is submitted: 905 cfs OR 05 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?
Has the measuring device been installed?

Yes X or No _____
Yes _____ or No X

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.

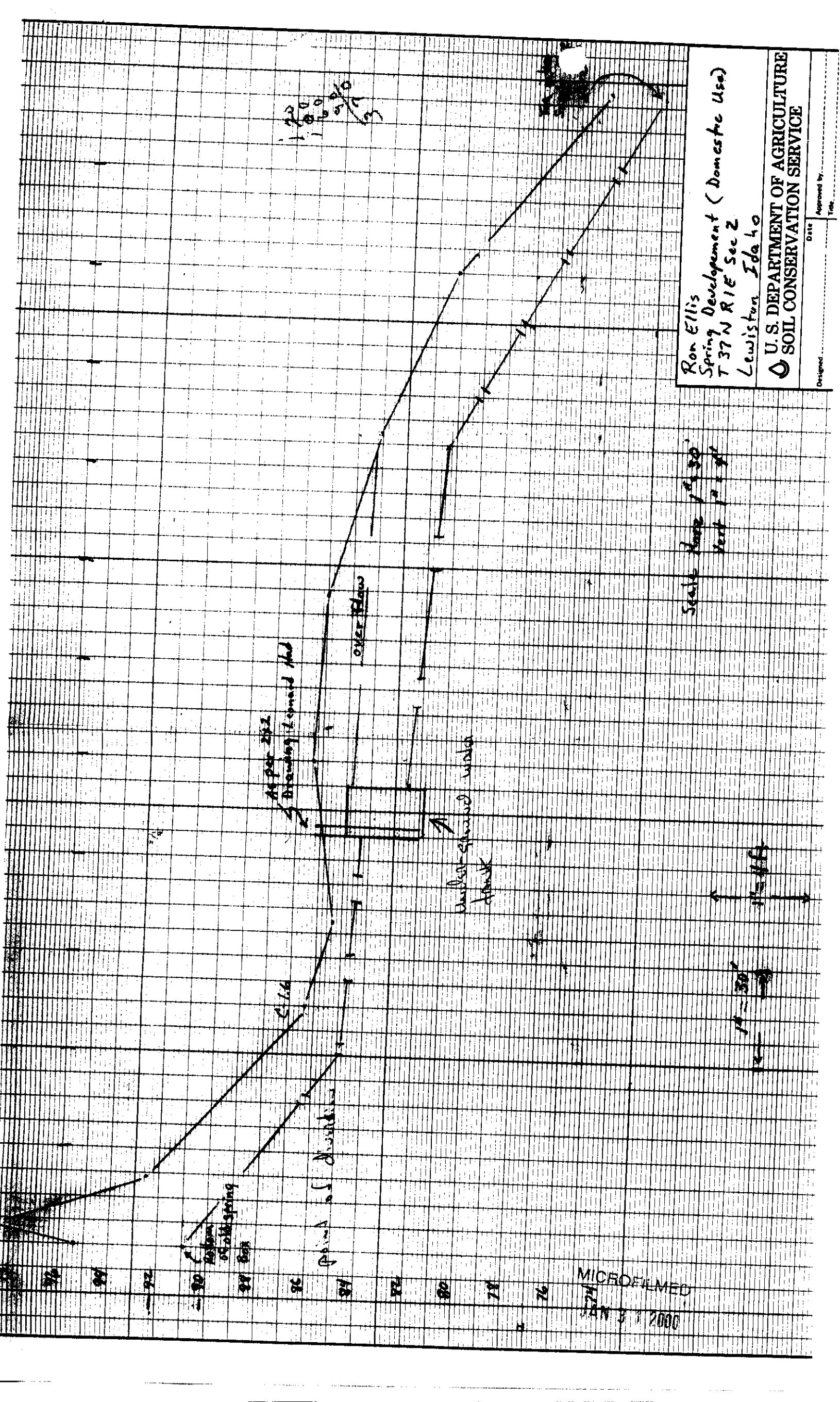
Name: Ronald J. Ellis Telephone Number: Home-208-746-2750
work-208-743-6535
Address: 1322 Ripon - Lewiston Id. 83501

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: Ronald J. Ellis Date: 1/5/2000
(include your title, if on behalf of company or organization)

MICROFILMED

JAN 31 2000



Ron Ellis
 Spring Development (Domestic Use)
 T 37 N R 1 E Sec 2
 Lewiston Idaho
 U.S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

Designed by _____
 Date _____
 Approved by _____
 Title _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 22 1999

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 83-07128

Name(s) of Permit Holder: Ronald J. Ellis

Mailing Address: 1322 Ripon - Lewiston Idaho 83501

Date Proof is Due: Feb 1 1999

Telephone No. 208-746-2750

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

We dug a trench 50 ft long - 2 ft wide along spring location, using washed rock layered a thin layer on complete bottom, next was a corrugated pipe sloping downward a collection point using PVC existing - covered with costing \$ 450.00 2 ft clean rock covered with plastic then dirt. (Steve Weber NRCS from Nez Perce looked before we hooked up this water with current water source I wanted to have water tested. The test came back showing signs of bacteria. We are letting it flush - (getting better)

Permit holder(s) request an extension to Feb 1 1999

FEE: \$50.00

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

MICROFILMED

ACTION OF THE DEPARTMENT OF WATER RESOURCES

APR 09 1999

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to February 1, 2000.

Signed this 5th day of February, 1999

J. Glen Saxton
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 83-07128

Proposed Priority: December 5, 1997

Maximum Diversion Rate:

0.05 CFS

This is to certify, that **RONALD J ELLIS**
1322 RIPON

LEWISTON ID 83501

has applied for a permit to appropriate water from:
SPRING tributary of SINKS

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.05 CFS
FIRE PROTECTION	01/01 to 12/31	0.05 CFS
	Totals	0.05 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWSWE , Sec. 2, Township 37N, Range 01E
CLEARWATER County

PLACE OF USE: DOMESTIC

TWN RGE SEC

37N 01E 2

NWSE

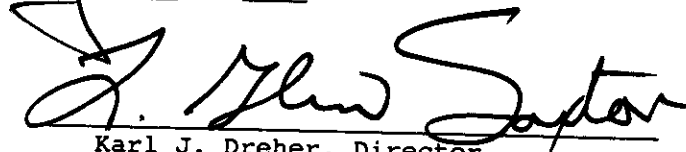
PLACE OF USE: FIRE PROTECTION, same as DOMESTIC use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1999.
2. Subject to all prior water rights.
3. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
4. Domestic use is for 1 home.

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

13th day of February, 1998.


Karl J. Dreher, Director

for

MICROFILMED

JUN 10 1998

Ident. No.

To appropriate the public waters of the State of Idaho

FEB 12 1998

Department of Water Resources

1. Name of Applicant Ronald J Ellis Phone 208-746-2750
Mailing address 1322 Ripon Lewiston ID 83501
2. Source of water supply Garrison Spring which is a tributary of SINKS
3. Location of point of diversion is Township 37N Range R1E Sec. 2 in the SE 1/4, SE 1/4, NE 1/4, Govt. Lot _____, B.M., CLEARWATER County; additional points of diversion if any: NW 1/4, NW 1/4, SW 1/4, SE 1/4 Sec 2, T37N, R1E Spring site is located upslope from the road
4. Water will be used for the following purposes:
- | | |
|---|--|
| Amount <u>.05</u> for <u>Domestic Fire</u> | purposes from <u>JAN 1</u> to <u>Dec 31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount <u>0.05</u> for <u>FIRE Protection</u> | purposes from <u>4</u> to <u>12/31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
| Amount _____ for _____ | purposes from _____ to _____ (both dates inclusive) |
| (cfs or acre-feet per annum) | |
5. Total quantity to be appropriated is (a) .05 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source (3) 3' x 2' Concrete Rings
for Collection & Storage and piped to pump near Cabin
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85° F being sought? _____
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is ONE years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. 1 household (Cabin) Tail-gate, small lawn
- e. Other; describe fully. for fire protection

Motor-Lite

JUN 10 1998

9. Description of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
37N	1E	2													D				1/4

will use some water to irrigate lawn around the cabin to maintain green area protection from fire. At most Total number of acres to be irrigated 1/4 acre

10. Describe any other water rights used for the same purposes as described above. Water Right #

11. a. Who owns the property at the point of diversion? 83-07120 Ronald J & Connie Ellis

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Remarks: Existing Water Right on Spenade Spring -
Servicing (2) Households - Requesting water right on
property just purchased, will be used for fire protection
and back-up domestic use.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

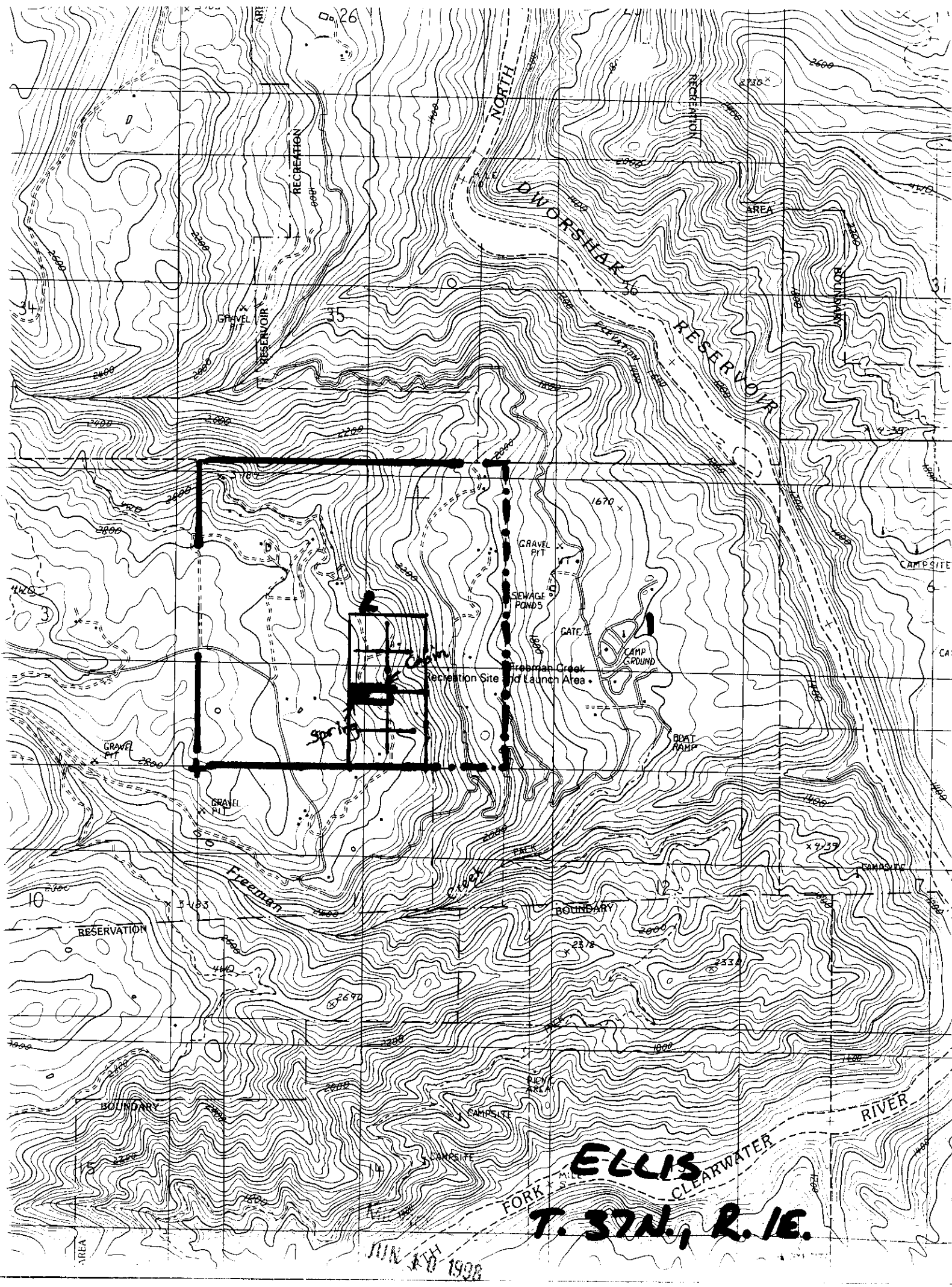
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

JUN 10 1998

12/5/97

Signature of Applicant (and title, if applicable)

Received by db Date 10/1/97 Time 1150a Preliminary check by db
 Fee \$ 50.00 Receipted by db # N011650 Date 10/1/97
 Publication prepared by db Date 12/10/97 Published in Clearwater Trib 12/18+25/97
 Publication approved db Date 11/19/98



ELLIS
T. 37N., R. 1E.

JUN 4TH 1908

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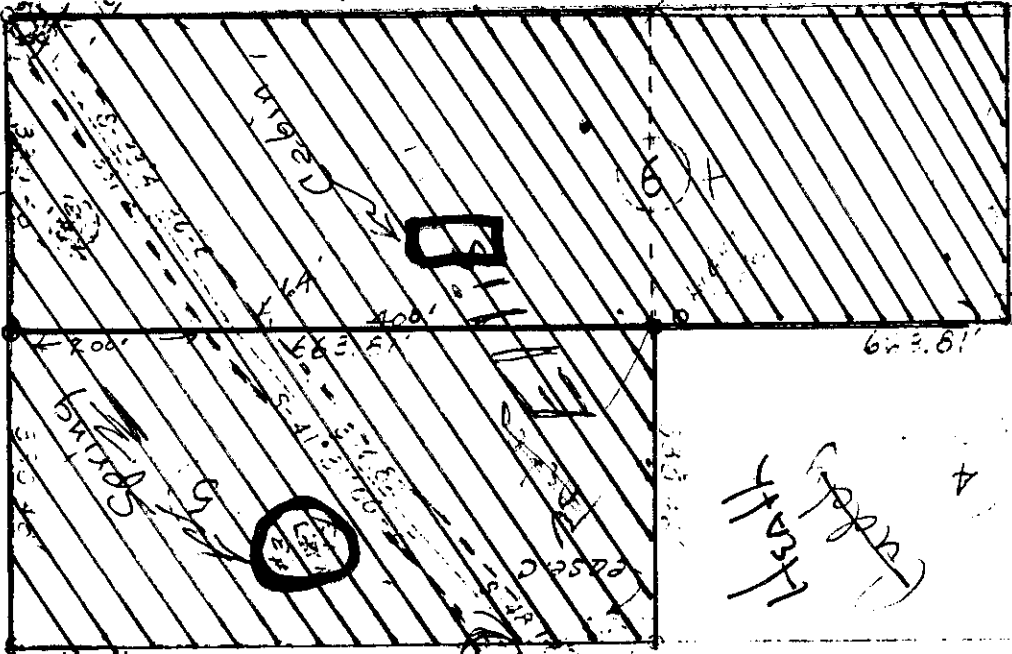


Photo 6

Burial

2
McLaurin

McLaurin

7
MS
MS
General

⑧
H/L man

113553311

RECEIVED
JUN 10 1938



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RONALD J ELLIS
1322 RIPON
LEWISTON ID 83501

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 83-07128

Dear Permit Holder:

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

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

If you have questions concerning the field examination, please contact the **NORTHERN** Regional Office of the department in Coeur d'Alene at (208) 769-1450.

Sincerely,

Kari Lynn Townsend
Secretary

c: IDWR - Regional Office

MICROFILMED

JAN 31 2000

Permit No. 83-07128 Reviewed by [Signature] Date 1-17-00

Proof Made 1-10-2000

RONALD J ELLIS
1322 RIPON
LEWISTON ID 83501

November 30, 1999

RE: PERMIT NO. 83-07128 PROOF DUE NOTICE

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 1, 2000. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

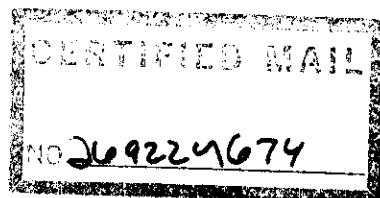
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

JAN 31 2000



ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 83-07128 Reviewed by JG Date 2-4-99

BASIC INFORMATION

1-22-99 Date stamp received

yes Extension received timely

yes Fee received and receipted

yes Name and signature same as permit

No Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN *Recommend extend to Feb. 1, 2000, on basis of due diligence.*

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address X

Change Proof Due Date 2-1-2000

Change Priority Date X



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 5, 1999

Ronald Ellis
1322 Ripon
Lewiston ID 83501

RE: Permit No. 83-07128

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit, which extends the time within which to submit proof of beneficial use to **February 1, 2000**. Please note that the department granted the extension based on due diligence. It is important that you work diligently towards completion of this project since the department **will not** be able to grant additional extension requests based on due diligence.

Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact me at (208)327-7953, if you have any questions regarding this matter.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

APR 09 1999

RONALD J ELLIS
1322 RIPON
LEWISTON ID 83501

November 30, 1998

RE: PERMIT NO. 83-07128 PROOF DUE NOTICE

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 1, 1999. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

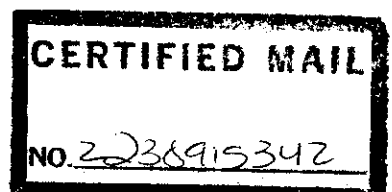
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

APR 09 1999





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

February 17, 1998

RONALD J ELLIS
1322 RIPON
LEWISTON ID 83501

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 83-07128

Dear Permit Holder:

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

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

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

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

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

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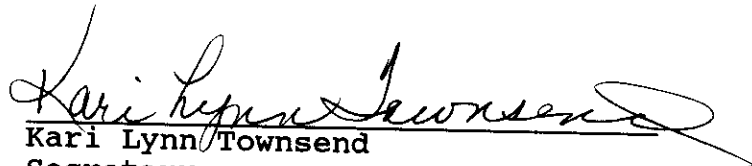
JUN 10 1998

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of **February, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 83-07128

**RONALD J ELLIS
1322 RIPON
LEWISTON ID 83501**


Kari Lynn Townsend
Secretary

REC'D

JUN 16 1998

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

JUN 10 1997

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lou*

No.: 83-7128 Name: Ellis Date: 2/12/98 Ad OK? ✓ Gvmt Lts: ✓

AREA OF CONCERN:**PROTESTED:****SYSTEM COMPLETED:**

> 1 year

≤ 1 year/no proof

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

WMD Supplemental use

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

DRILLING PERMIT:

All wells (✓ WDQ3)

Included w/permit

irr. in WD

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

IN/ABOVE MIN. STR. FLOW (✓ MAP)

WD (✓ MAP & LISTING)

> 0.10 cfs

≤ 0.10 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

RIVER BASINS: (*Surface water):

Snake R (01)

(02/03-irr)

Payette R(65)

Salmon R (70's)

USE:

Domestic surface

>1 in rest. area

Fish Propagation

Heating/Cooling

Irr ≤ 5 acres

> 5 acres

Mining

Municipal

Power

Stockwater

Storage (✓3 compo.)

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev.

Irr Dist/Canal Co.

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

OWNERSHIP:**OTHER CONDITIONS:****STANDARD REMARKS:****BENEFICIAL USE DUE:****COMMENTS:**

- No/Yes: S/C Mor / _____ GWMA / Trust / Non-trust
- 020 (Protest Agreement) or *W19 (Order)

- 26A-P17
- P18

- 067 or No MD (in-stream stock or power)
- No MD
- 065-079 (if GW use SW 1st-statewide) (cannot move SW off)
- 01M (report when notified)
- No MD

- 046-P23
- Permit No. _____ - _____ - _____ - _____ P99
- P05 (new well location)

- *WB9
- R04 (WD # _____)
- 01J-P08 (MD & LD)
- 01H-P01 (LD) or No MD (in-stream stock)

- 067 or No MD (in-stream stock or power)
- No MD

- 01M or No MD (in-stream stock or power)
- No MD

- *W22 -P04, NA
- 007 (w/ remark *WB9 if above Weiser), NA
- *W22 (regulated uses), 047-P04 (Payette Lake), NA
- 029 (fish screens), NA

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- 071-070
- 029-007-042(req)-081 (WQ)-P10
- R07 (injection well)
- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- 054(req) -081-P10
- 022, 075, 004 (+memo?), NA (not in restricted area)
- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);
17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- R37 (BLM/USFS); NA
- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

- P84 in 20/30/40/50/60/70/80 (87) basin
- 058 (<85° GW temp only)
- P52 (stream channel alteration)
- 023 (Twin Falls area)

- _____
- 051-052-053-P74 (Consumptive Uses), NA
- 048-049 (Consumptive Uses), NA
- 004 (PD/PU)

- 077
- 0001/1

- 2/1/1998

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

RECEIVED

FEB 12 1998

WRI
WRA
BC

APPLICATION # 83-7128

Department of Water Resources

INITIAL REVIEW

APPLICANT: ELLIS BY: B DATE: 12/5/97

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County
4. (X) Quantity
 - (X) Nature of Proposed Use
 - (X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (X) Place of use or acres irrigated
10. (X) Other water Rights
11. (X) Ownership
12. (X) Map
 - (X) Signature
 - (X) Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y() N()

ADDITIONAL INFORMATION

(Yes) (No)

- X Field check: by _____
- 1 Field report attached
- 1 Analysis Supp. attached (>5cfs/500af)
- 1 Water delivered by water master?
- Water District # _____

PROCESSING

(Yes) (No) PRIORITY DATE: 12/5/97

X (Include Moratorium Remark)

X Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

CT/Hurs/et

ADVERTISE IN: CLEARWATER County

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

INFORMATION RECEIVED:

- () Dam Information () Fish Information
- () Power Information () Other: N/A

GROUNDWATER SECTION

(Yes) (No)

- X Groundwater management area
- 1 Critical ground water area
- 1 Well Drilling Permit required
- 1 Well Drilling Application and Fees received
- 1 Well Drilling Application approved?
- 1 Well Drilling Application Number _____

Checked by: _____ Date: ____/____/____

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes) (No)

- 1/14/98 Notice of pending void order issued. Final order response date: ____/____/____
- 1/14 Further information required from applicant
- 1/14 Affidavit of publication received
- 1/14 Application published correctly. If not, record action taken: _____

12/10/97 Publication dates and paper recorded on application | Sr. Agent initial B

1 Protests received, Final protest date: 1/5/98

1 Measuring device required

1 Measuring port required

1 Special conditions:

1 Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: BRAH Date: 1/15/98

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Clearwater)

KATHERINE A. McKNIGHT

being first duly sworn, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE: that said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho, during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of:

APPLICATION FOR WATER RIGHTS

ELLIS, RONALD J./CLEAR. COUNTY
STATE OF IDAHO PUBLIC WATERS

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for a full period of two consecutive issues commencing on the 18th day of December and ending on the 25th day of December, 1997.

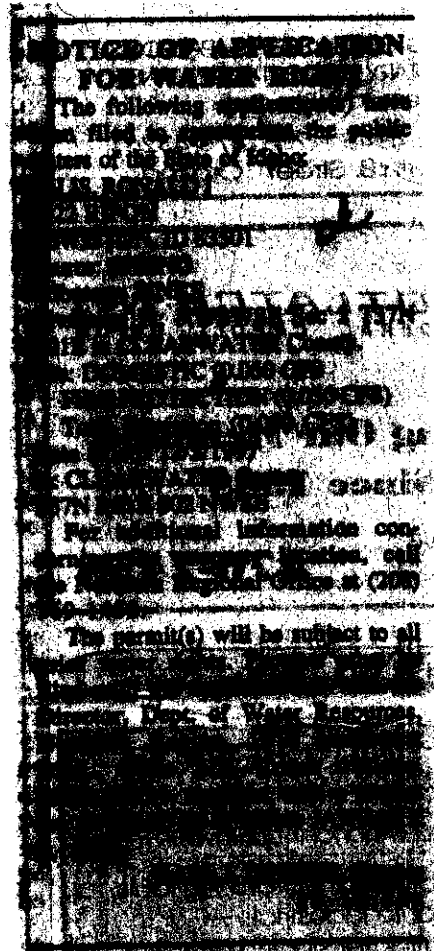
Katherine A. McKnight
STATE OF IDAHO)
)
COUNTY OF CLEARWATER)

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

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

Pamela A. Jones
Notary Public for Idaho
Resident at Orofino, Idaho

My commission expires: 11-20-2001



RECEIVED

JAN 14 1998

NORTHERN REGION
IDWR

MICROFILMED

JUN 10 1998

83-07128

ELLIS, RONALD J
1322 RIPON
LEWISTON, ID 83501

Source: SPRING

Tributary: SINKS

Diversion Pt: NWSWSE Sec 2 T 37N R 01E in CLEARWATER County.

Use: DOMESTIC	(	0.050 CFS)
FIRE PROTECTION	(	0.050 CFS)
Total Diversion:	(	0.050 CFS)

Date Filed: 12/ 5/1997

In: CLEARWATER County
T37N R01E S02 NWSE

MICROFILMED

JUN 10 1998

December 10, 1997

Ronald J. Ellis
1322 Ripon
Lewiston ID 83501

Re: Water Appropriation Application No. 83-07128

Dear Mr. Ellis:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE
Senior Water Resources Agent

AB:db

RECORDED

JUN 10 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

PHILIP E. BATT
Governor

KARL J. DREHER
Director

November 10, 1997

RECEIVED
DEC 05 1997
NORTHERN REGION
IDWR

Ronald J Ellis
1322 Ripon
Lewiston ID 83501

RE: Application for Permit

Dear Mr. Ellis:

We are returning your Application for Permit along with Receipt Number N011650, for the amount of \$50.00.

Your filing is not acceptable at this time. Please review the following items:

3. & 9. I have enclosed a topographical map for you to mark where the source and the cabin are located. The descriptions of these locations must match the map. If you have problems determining this, we can do it for you.

Please return the Application for Permit and the map back to this office for processing.

If you have any questions, please feel free to contact me at this office.

Sincerely,

Allen Beardslee
Sr. Water Resource Agent

NOV 10 1997