

RECEIVED

FEB 11 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 05 1998

Department of Water Resources

PROOF OF BENEFICIAL USE

Department of Water Resources
Eastern Region

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

1. Permit No. 29-08190 Telephone No. 208 234-1776

2. Name(s) of Permit Holder(s): OLIVER RIEHL

3. Mailing Address: P.O. Box 65 MALAD ID 83252

4. Source of Water: MILL CREEK If GROUNDWATER (well), Date Drilled: mo. — / yr. —

a. Well Driller: — Drilling Permit Number: —

b. **OPTIONAL:**
Pump Horsepower: — Pressure (psi): — Dynamic pumping level (ft): —

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

Domestic (No. of households): — Stockwater (No. and type of stock): —

Irrigation (No. of acres): — Other: Recreational STORAGE; Recreation

6. Total rate of diversion and/or volume for which proof is submitted: 0.89 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 ☒

Flow Measurement Port: Is a flow measurement port required? Yes ☐ or No ☐
Has the measurement port been installed? Yes ☐ or No ☐

8. Fee Enclosed: \$ 100⁰⁰ (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: DAVE McPHERSON Telephone Number: 234-1776

Address: 315 E ALAMEDA POCAHELLO ID 83201

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Oliver Riehl, Dave McPherson Date: 2-4-98
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 29-08190

Proposed Priority: January 14, 1997 Maximum Diversion Rate: 0.89 CFS

This is to certify, that OLIVER MICHAEL RIEHL
C/O DAVID MC PHERSON
315 E ALAMEDA RD
POCATELLO ID 83206

has applied for a permit to appropriate water from:
MILL CREEK tributary of BIRCH CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION	01/01 to 12/31	0.89 CFS	
RECREATION STORAGE	01/01 to 12/31		0.1 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.89 CFS	
	Totals	0.89 CFS	

LOCATION OF POINT(S) OF DIVERSION: NWSE , Sec. 28, Township 12S, Range 36E
ONEIDA County

PLACE OF USE: RECREATION

TWN RGE SEC

12S 36E 28 NWSE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1999.
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. Use of water under this water right will be regulated by the watermaster of State Water District No. 29H.
5. Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
6. Recreation use and recreation storage use are for fishing and swimming.

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

28th day of March, 1997.

FOR DIRECTOR

APR 08 1997

Karl J. Dreher
for Karl J. Dreher, Director

RECEIVED

JAN 10 1997

FORM 202
2/96

Department of WATER RESOURCES
Eastern District Office
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 29-8190
RECEIVED
MAR 19 1997

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

- Name of Applicant OLIVER MICHAEL RIEHL Phone 805-987-4309
Mailing address C/O DAVID M^{RS} PHERSON, 315 EAST ALAMEDA ROAD, POLATELLA, ID. 83206 (234-1776)
- Source of water supply MILL CREEK which is a tributary of BIRCH CREEK
- Location of point of diversion is Township 12S Range 36E Sec. 28 in the NE 1/4, NW 1/4, SE 1/4, Govt. Lot _____, B.M., ONEIDA County;
additional points of diversion if any: _____
- Water will be used for the following purposes:
 Amount 400 for RECREATION DIVERSION TO STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount 0.02 for RECREATION STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount 0.39 for Diversion to Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
- Total quantity to be appropriated is (a) 0.89 and/or (b) 0.02
 cubic feet per second acre feet per annum
- Proposed diverting works:
 - Describe type and size of devices used to divert water from the source BURIED PIPE IN STREAM TO POND. OUTLET OVERFLOW WILL BE PIPED BACK INTO STREAM BELOW POND.
 - Height of storage dam 3 to 4' feet; active reservoir capacity 0.02 acre-feet; total reservoir capacity 0.02 acre-feet
 - Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - Is ground water with a temperature of greater than 85°F being sought? No
 - If well is already drilled, when? N/A; Drilling firm _____
 Well was drilled for (well owner) _____; Drilling Permit No. _____
- Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
- Description of proposed uses (if irrigation only, go to item 9):
 - Hydropower; show total feet of head and proposed capacity in KW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. _____
 - Other; describe fully. STORAGE TO RECREATIONAL POND, STORAGE FOR RECREATION. POND WILL BE USED FOR PRIVATE FISHING POND, SWIMMING HOLE AND WILDLIFE WATERING.

@ AF connected to nearest 1/10th per data entry standards. 3/25/97 cty.
 * required for off stream storage per dept. standards 3/25/97 cty.

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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	36E	28														SR			

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. NONE

11. 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: _____

12. Remarks: STREAM ALTERATION APPLICATION FOR PERMIT HAS BEEN FILED FOR
POUD OUTLET PIPE (29-S-218).

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

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

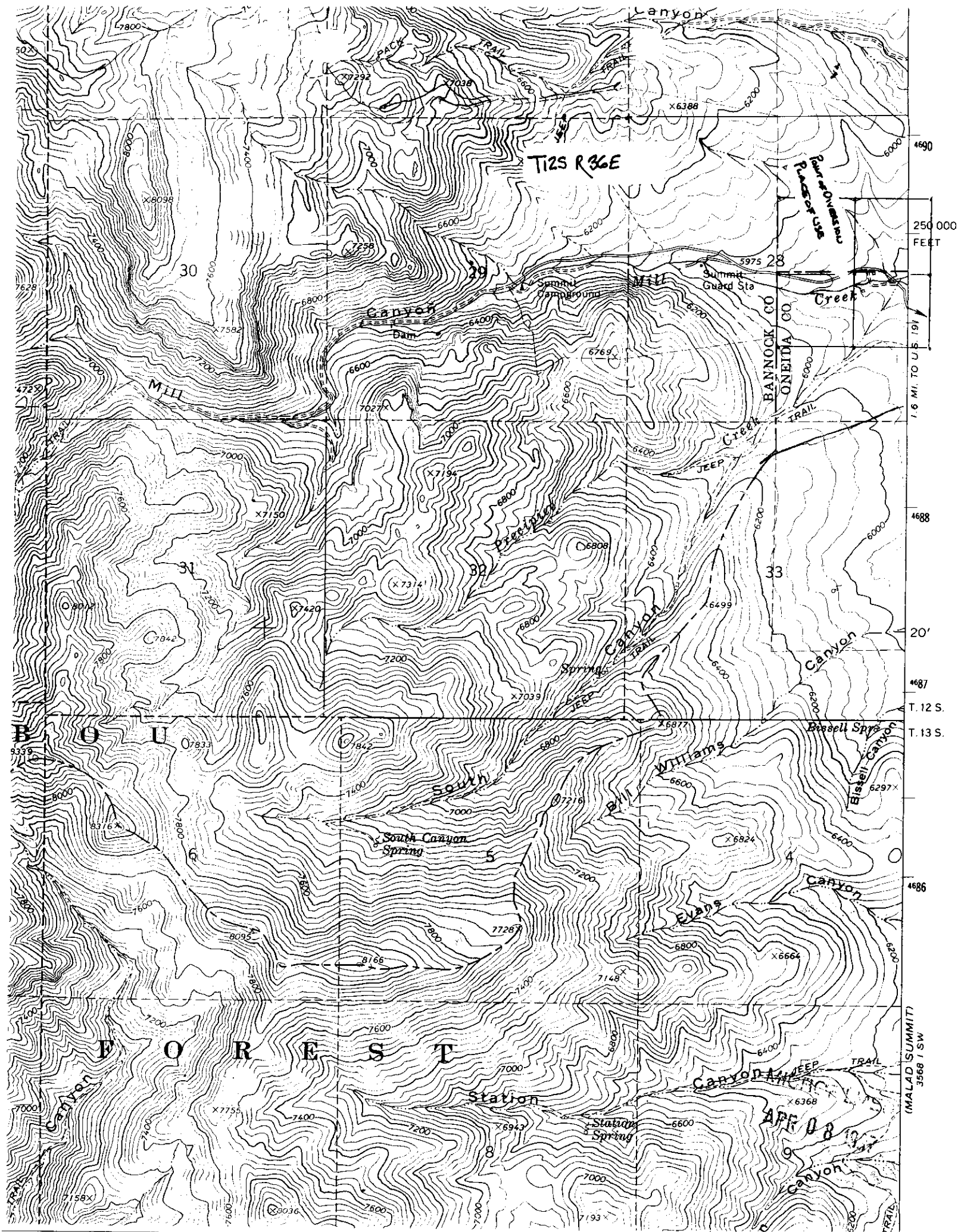
MICROFILMED

APR 8 8 1997

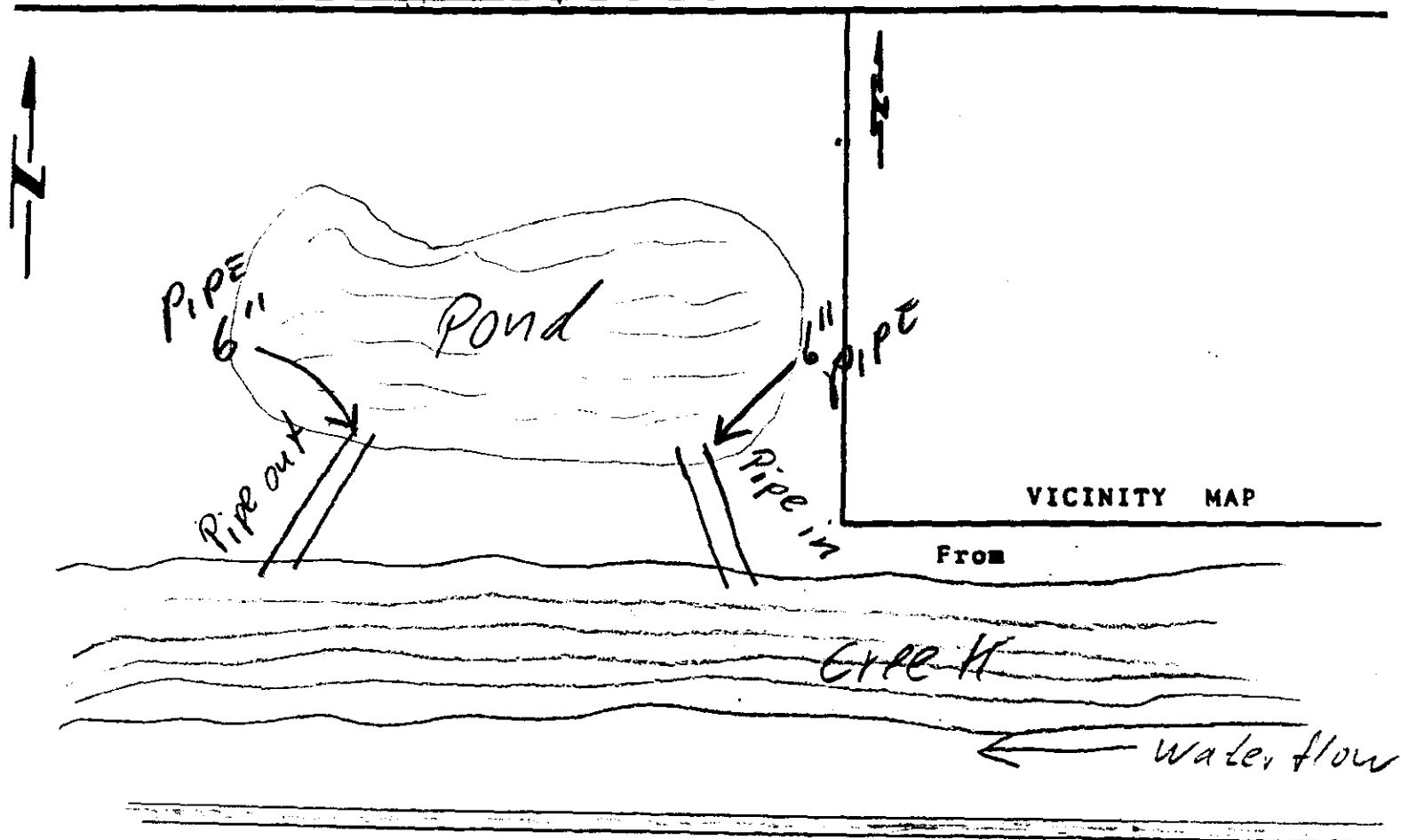
X David McPherson
 Signature of Applicant (and title, if applicable)
Miss Kiehl's Agent

Received by Heit Date 1-14-97 Time _____ Preliminary check by _____
 Fee \$ 100.00 Received by Heit # E 022884 Date 1-14-97
 Publication prepared by RB Date 2-20-22-1997 Published in Idaho Enterprise
 Publication approved _____ Date _____

ASSIGNED BY ESI
 11-15-96



Creating a pond



Length; approx. 30 feet

width; approx. 15 feet

depth; approx. 2 feet

excavated material;

approx; 33 cubic yards

MICROFILMED

APR 08 1967

IN
IN/NEAR

COUNTY, Oneida
DATE: 9/30-96 SHEET 1 OF
APPLICATION BY:

Oliver Rieth

Dennis Phillips
Box 261
Downey, Idaho
83234

RECEIVED

MAR 13 1997

Department of Water Resources
Eastern Region



FORWARDING ORDER

RECEIVED

MAR 13 1997

Department of Water Resources
Eastern Region



Karl J. Dreher
Director 900 N. Skyline
Idaho Dept. of Water Resources
Idaho Falls, Idaho
83402

MAILED
APR 08 1997

Protest never
reached office
in time!
"by March 10th"

[Signature]

Our Secretary was told
that "900 N Skyline" was left
off envelope when originally
sent. I include this for
Dore's info only.

[Signature]
Eastern

2001 8 8 2dv
Attn: Harold Jones
525-7177

February 25, 1997

Karl J. Dreher
Director
Idaho Dept. of Water Resources
Idaho Falls, Idaho 83401

Re: Legal Notice LN 2283 Idaho Enterprise, Malad, Id.
Application # 29-08190 Dated 2/20 and 2/27/97

Sir:

We the undersigned protest the application of Oliver Michael Riehl to Birch Creek, a Tributary to Mill Creek. We are holders of decreed water rights to Birch Creek in the amounts as shown by the signatures.

These decrees were issued in 1904 and again recorded in your office for the adjudication during 1990. Birch Creek is already subject to a substantial reduced flow due to drought, beaver activity, and continued unauthorized use from people upstream with no water rights.

There have been prior occasions where tributaries to, or Birch Creek have been filed on. In all cases the applications were either turned down or withdrawn prior to a hearing, but unfortunately they continue the illegal use of our decreed water.

With the development of building lots in the area it continues to get worse. They build ponds, pump for lawns and gardens and other uses that decrease the flow. This is much needed water that we, as legal holders need for our living.

Thank You,

Dennis Phillips
Birch Creek Rep.

At 8:20 A.M. 3-12-97 Harold Jones and I discussed this protest over the phone. The protest was mailed 3-4-97 and for some reason was returned to me 3-11-97. This made the protest late for the 3-10-97 deadline.

29-08190
RIEHL, OLIVER MICHAEL
C/O DAVID MCPHERSON
315 E ALAMEDA RD
POCATELLO, ID 83206
Source: MILL CREEK Tributary
BIRCH CREEK
Diversion Pt: NENWSE Sec 28 T
12S R 36E in ONEIDA County.
Use: RECREATION (0.890 CFS)
RECREATION STORAGE (1.00
AF)
Total Diversion: (0.890 CRS)
Date Filed: 1/14/1997
In: ONEIDA County
T12S R36E S28 NWSE
The permit (s) will be subject to
all prior water rights. Protests must
be filed with the applicant and the
Director, Dept. of Water Re-
sources, along with a \$25 filing fee,
Eastern Region, 900 N Skyline,
Idaho Falls, Idaho 83402 on or
before MARCH 10, 1997.
KARL J. DREHER, Director
Published: 2/20 1997 & 2/27/1997
L. 2283 2/20/27/97/T2

RECEIVED

MAR 13 1997

Department of Water Resources
Eastern Region

211 8 6 200

MICROFILMED

Davis Ranch 2/24 flow Robert Davis Ranch By Joe A Davis
Winward and Hansen 2/24 flow Frank Winward
W. T. Evans 5/24 flow William T Evans
Morgan Evans 2/24 flow J Morgan Evans
Treasure Ranch 4/24^{flow} Elizabeth Vaughan
Phillips Ranch 2/24 flow William Phillips
Gardner and Marler 2/24 flow Phil Gardner
Williams Ranch 1/24 flow R. Richard Baker
Adams Ranch 4/24 flow John Adams



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 16, 1998

OLIVER RIEHL
PO BOX 65
MALAD ID 83252

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-08190

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 department's EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

MAR 26 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 28, 1997

OLIVER MICHAEL RIEHL
C/O DAVID MC PHERSON
315 E ALAMEDA RD
POCATELLO ID 83206

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-08190

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.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

FILED

1997

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosures

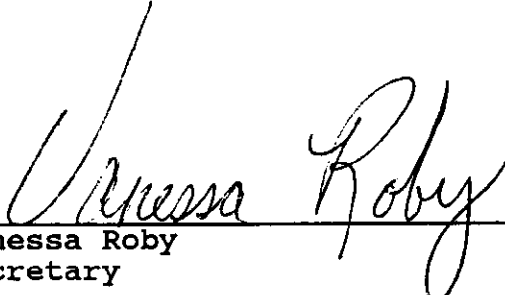
MICROFILMED
SEP 2 1987

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of March, 1997, 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. 29-08190

OLIVER MICHAEL RIEHL
C/O DAVID MC PHERSON
315 E ALAMEDA RD
POCATELLO ID 83206



Vanessa Roby
Secretary

RECORDED

APR 8 8 1997

2283

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
COUNTY OF ONEIDA)

Kristine D. Smith, begin duly sworn, deposes and says:
That she is the publisher of *THE IDAHO ENTERPRISE*, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said newspaper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said newspaper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said newspaper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with February 20, 1997, and ending with the issue of February 27, 1997.

Kristine D. Smith

STATE OF IDAHO)
)
COUNTY OF ONEIDA)

On this 27 day of February in the year of 1997, before me, Theresa Nieffenegger, a Notary Public, personally appeared Kristine D. Smith known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Theresa Nieffenegger
Notary public for Idaho
Residing at Malad City, Idaho
My commission expires: Jan. 3, 2001

RECEIVED

MAR 03 1997

Department of Water Resources
Eastern Region

NOTICE OF APPLICATION FOR WATER RIGHT

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

15-07158

JONES, RICHARD D
7271 N HULBERT
FRESNO, CA 93711
Source: GROUNDWATER
Diversion Pt: NESW Sec 17 T 14S
R 36E in ONEIDA County.
Use: IRRIGATION (0.800 CFS)
Total Diversion: (0.800 CFS)

Date Filed: 1/21/1997
In: POWER County
T14S R36E S17 NESW SESW
40.0 ACRES TOTAL

29-08190

RIEHL, OLIVER MICHAEL
C/O DAVID MCPHERSON
315 E ALAMEDA RD
POCATELLO, ID 83206
Source: MILL CREEK Tributary:
BIRCH CREEK
Diversion Pt: NENWSE Sec 28 T
12S R 36E in ONEIDA County.
Use: RECREATION (0.890 CFS);
RECREATION STORAGE (1.00
AF)

Total Diversion: (0.890 CRS)
Date Filed: 1/14/1997
In: ONEIDA County

T12S R36E S28 NWSE
The permit (s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before MARCH 10, 1997.

KARL J. DREHER, Director
Published: 2/20 1997 & 2/27/1997
L. 2283 2/20/27/97/T2

RECORDED

APR 08 1997

29-08190

RIEHL, OLIVER MICHAEL
C/O DAVID MCPHERSON
315 E ALAMEDA RD
POCATELLO, ID 83206

Source: MILL CREEK

Tributary: BIRCH CREEK

Diversion Pt: NENWSE Sec 28 T 12S R 36E in ONEIDA County.

Use: RECREATION	(	0.890 CFS)	
RECREATION STORAGE			(1.00 AF)
Total Diversion:	(	0.890 CFS)	

Date Filed: 1/14/1997

In: ONEIDA County	
T12S R36E S28	NWSE

MICROFILMED

APR 08 1997

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before MARCH 10, 1997.

KARL J. DREHER, Director

Published: 2/20/1997 & 2/27/1997

RECEIVED

APR 08 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 6, 1997

IDAHO FISH & GAME
REGION 5
1345 BARTON RD
POCATELLO ID 83201

RE: Application No. 29-08190

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is February 10, 1997, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ/rb
enc.

ENCLOSURE
APR 08 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 6, 1997

OLIVER MICHAEL RIEHL
C/O DAVID MCPHERSON
315 E ALAMEDA RD
POCATELLO ID 83206

RE: Notice of Application for Permit No. 29-08190

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application for permit of water right 29-08190. This office is currently in the process of advertising the application in the Idaho Enterprise on February 20 & 27, 1997. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

Harold W. Jones
Harold W. Jones *rb*
Water Right Supervisor

HWJ/rb

RECEIVED

APR 8 1997