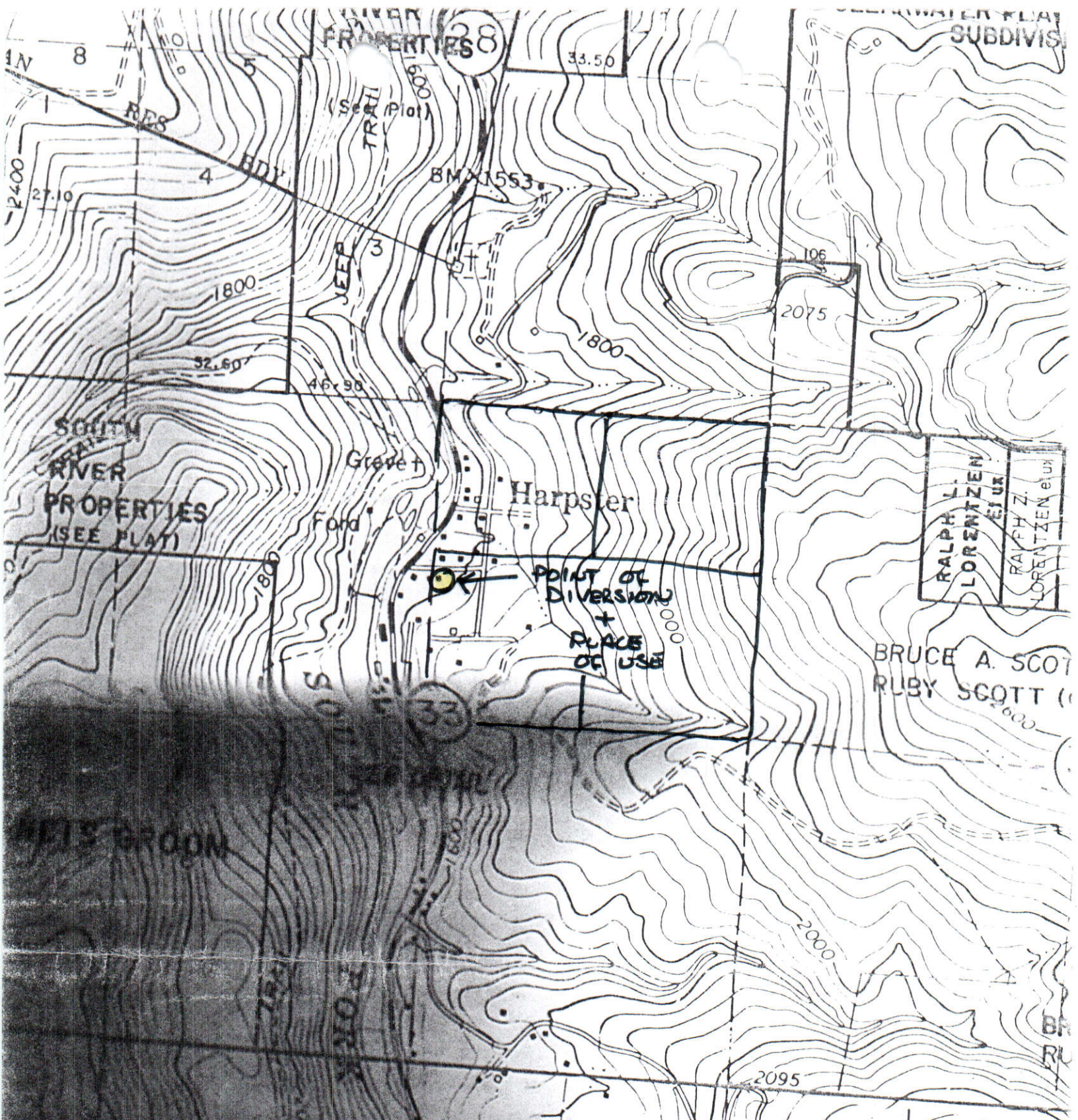




MICROFILMED T 31M, R. 4E. W.
APR 14 1990 HERTEL

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

NOTICE OF APPLICATION FOR WATER RIGHT

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

82-07203

HERTEL, CHRIS
MILLER, CONNIE
BOX 137
STITES, ID 83552
Source: GROUNDWATER
Diversion Pt: SWNE Sec 33 T 31N R 04E in
IDAHO County.

Use: DOMESTIC (0.020 CFS)

Total Diversion: (0.020 CFS)

Date Filed: 1/29/1999

In: IDAHO County

T31N R04E S33 SWNE

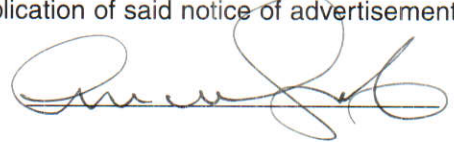
For additional information concerning the
property location, call the Northern Regional
office at (208) 769-1450.

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 MARCH 8, 1999.

KARL J. DREHER, Director
Published: 2/17/1999 & 2/24/1999

F17-24

Andrew J. McNab, being first duly sworn, says he
is the Publisher of the IDAHO COUNTY FREE PRESS, a week-
ly newspaper published and issued weekly at Grangeville, Idaho
County, State of Idaho, and is of general circulation in said coun-
ty and state, that the said notice, of which the one hereto attached
is a true copy, was published in said paper for two weeks,
being published two times, the first publication being on the
17th day of February, 1999; and the last publication on the
24th day of February, 1999; and that the said notice was
published in the newspaper proper and not a supplement; that
said newspaper has been continuously and uninterruptedly pub-
lished in said county during a period of seventy-eight consecutive
weeks prior to the publication of said notice of advertisement.



STATE OF IDAHO)
COUNTY OF)

On this 24th day of February in the year of 1999, before me
a Notary Public personally appeared Andrew J. McNab,
known or identified to me to be the person whose name sub-
scribed to the within instrument, and being by me first duly sworn,
declared that the statements therein are true, and acknowledged
to me that he executed the same.

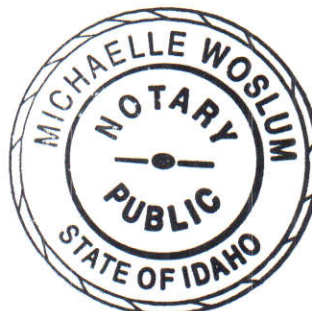


Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 01-16-2002

RECEIVED

FEB 22 1999

IDWR/North



MICROFILMED

APR 14 1999

IN THE MATTER OF PERMIT NO.)
82-07203 IN THE NAME OF CHRIS) **REINSTATEMENT ORDER**
HERTEL AND/OR CONNIE MILLER)
_____)

MAY 24 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

APR 17 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. 82-02203 Telephone No. 983-3803
2. Name of Permit Holder(s): Chris Hertel Connie Miller
3. Mailing Address: P.O. Box 137
City Stites State Id Zip 83552
4. Source of Water: groundwater If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
- a. Well Driller: Burns Well Drilling Drilling Permit Number: 8-2-97-N-15
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.02 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 X
Has the measuring device been installed? Yes _____ or No X
8. Fee Enclosed: \$ N/A (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: Chris Hertel Telephone Number: 983-3803
Address: Box 137 Stites ID 83552
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: Connie Miller Date: April 13, 2000
(include your title, if on behalf of company or organization)

MICROFILMED

MAY 24 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSE EXAMINATION FEE SCHEDULE

(C.F.S. = cubic feet per second AF = acre feet)

<u>CFS</u>	<u>AF</u>	<u>FEE</u>
0 - 0.20	0 - 20	\$50.00*
.21 - 1.00	21 - 100	100.00
1.01 - 2.00	101 - 200	125.00
2.01 - 3.00	201 - 300	150.00
3.01 - 4.00	301 - 400	175.00
4.01 - 5.00	401 - 500	200.00
5.01 - 6.00	501 - 600	225.00
6.01 - 7.00	601 - 700	250.00
7.01 - 8.00	701 - 800	275.00
8.01 - 9.00	801 - 900	300.00
9.01 - 10.00	901 - 1000	325.00
10.01 - 11.00	1001 - 1100	350.00
11.01 - 12.00	1101 - 1200	375.00
12.01 - 13.00	1201 - 1300	400.00
13.01 - 14.00	1301 - 1400	425.00
14.01 - 15.00	1401 - 1500	450.00
15.01 - 16.00	1501 - 1600	475.00
16.01 - 17.00	1601 - 1700	500.00
17.01 - 18.00	1701 - 1800	525.00
18.01 - 19.00	1801 - 1900	550.00
19.01 - 20.00	1901 - 2000	575.00
20.01 - over	2001 - over	600.00

*Checks should be made payable to the
Idaho Department of Water Resources (IDWR.)

A license examination fee is not required in connection with
permits which use a ground water source **AND** have a total rate of
diversion of 0.04 cfs or less or where the total volume stored is 4.0 AF per annum or less.

A license exam fee is required for **ANY** permit which uses surface water

MICROFILMED

MAY 24 2000

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 82-07203

Proposed Priority: January 29, 1999 Maximum Diversion Rate: 0.02 CFS

This is to certify, that **CHRIS HERTEL**
CONNIE MILLER
PO BOX 137

STITES ID 83552-0137

has applied for a permit to appropriate water from: **GROUNDWATER**

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	0.02 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 33, Township 31N, Range 04E
IDAHO County

PLACE OF USE: DOMESTIC

TWN RGE SEC

31N 04E 33 SWNE

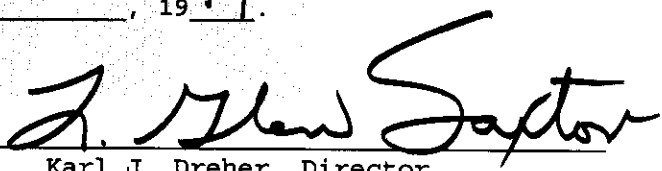
CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **April 1, 2000**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Place of use is located within Lots 11-18, Blk. 1, Bridgeport Subdivision.
5. 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

14th day of April, 1999.


for Karl J. Dreher, Director

MICROFILMED
APR 14 1999

FORM 202
2/98Ident. No. 82-07203

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED**APR 01 1999**

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant CHRIS Hertel Connie Miller Phone (208) 983-3803
 Mailing address Box 137 Stites Id 83552
2. Source of water supply WELL - Groundwater which is a tributary of NA
3. Location of point of diversion is Township 3/N Range 4E Sec. 33 in the SW 1/4, SE 1/4, Govt. Lot Idaho B.M., Idaho County;
 additional points of diversion if any: (Bridgeport - Lots 14-18) B4K I
4. Water will be used for the following purposes:
 Amount 0.02 cfs for Domestic 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)
 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) 0.02 cfs 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 WELL & PUMP
 - 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? 7-97; Drilling firm BURNS Well Drilling 82-97-N-15
 Well was drilled for (well owner) CHRIS Hertel Connie Miller; Drilling Permit No. R.F.# D 3085
7. Time required for completion of works and application of water to proposed beneficial use is 1 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
 - e. Other; describe fully. _____

RECEIVED**APR 01 1999**Department of Water Resources
MICROFILMED

APR 14 1999

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	NN	SW	SE	NE	NN	SW	SE	NE	NN	SW	SE	NE	NN	SW	SE	
31N	4E	33			D														

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? CHRIS Heftel Connie Miller
- b. Who owns the land to be irrigated or place of use? CHRIS Heftel Connie Miller
- 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: Burns Well Drilling never did a pump test when Drilled in July of 97 - 1 yr. later we, P+R pump did a pump test - His Results are enclosed - we were on line with well water to Home November 20th 1998.

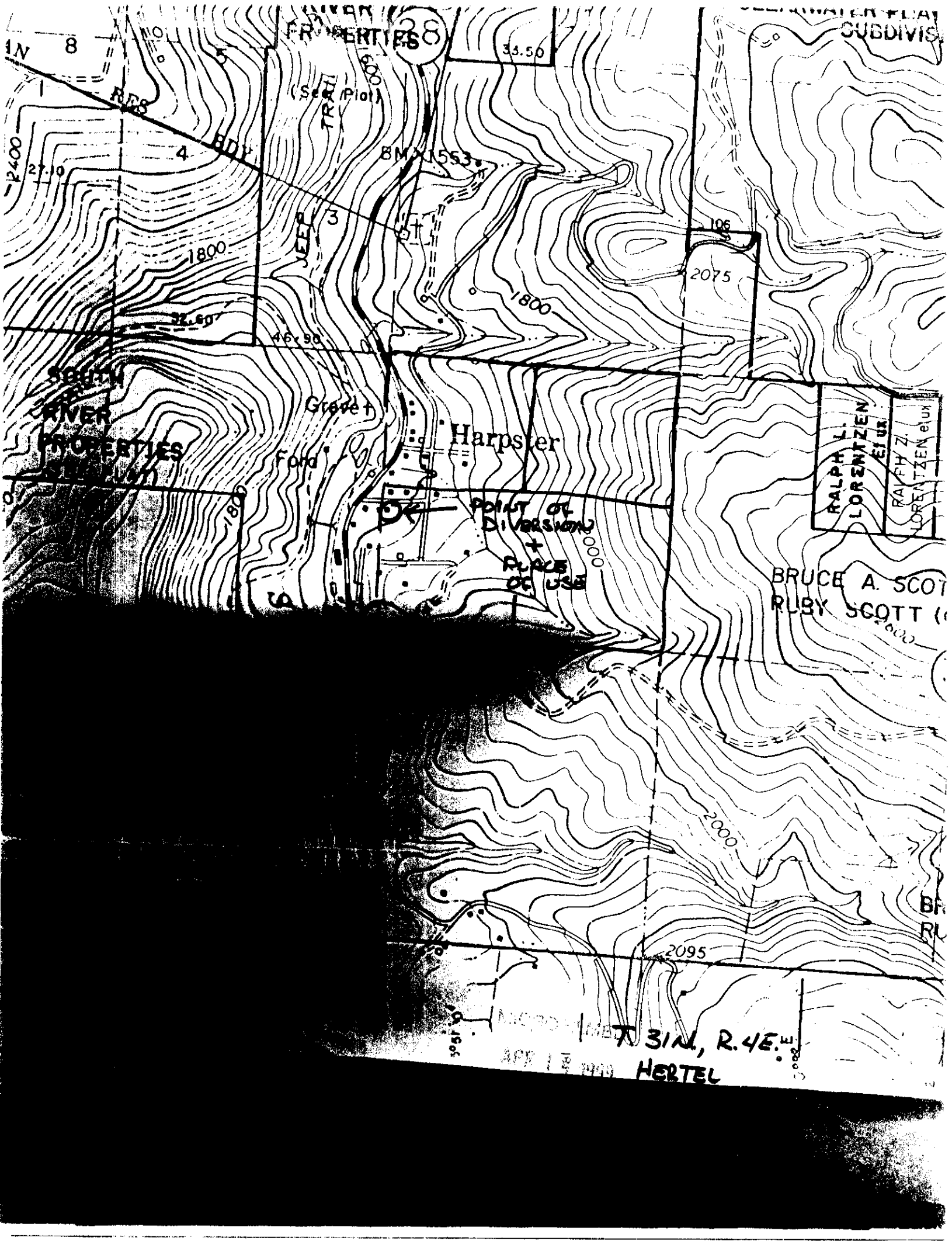
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

Connie Miller Chris Heftel
Signature of Applicant (and title, if applicable)

Received by Ⓞ Date 12/17/98 Time 11:45a Preliminary check by Ⓞ
 Fee \$ 50.00 Receipted by Ⓞ # N012568 Date 12/17/98
 Publication prepared by Ⓞ Date 2/10/99 Published in ID Co Free Press 2/17 + 24/99
 Publication approved Ⓞ Date 12/22/99

APR 14 1999



SOUTH
RIVER
PROPERTIES

PROPERTIES

WATER PLAT
SUBDIVISION

(SEAL Plot)

JEFF
TRAIL

Grave

Ford

Harpster

POINT OF
DIVERSION

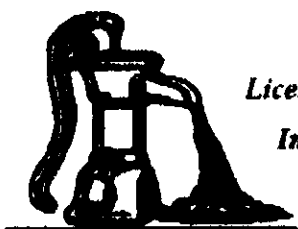
PLACE
OF USE

RALPH L.
LORENTZEN

RALPH Z.
LORENTZEN

BRUCE A. SCOTT
RUBY SCOTT

31N, R. 4E
HERTEL



Licensed & Bonded
In the State of
Idaho

P & R PUMP

P & R PUMP SERVICE
P.O. Box 55 (hwy 95 N)
Fenn, Id. 83531-0055

(WE NOT ONLY FEATURE GOULDS PUMPS WE'RE YOUR # ONE GOULDS PUMP DEALER IN THE AREA)

Call Toll Free 1-888-983-PUMP

Within Area 208-983-7867

Chris Hertel
Connie Miller
Box 137
Stites, Idaho 83552
208-983-3803

August 11, 1998

Well test after 63.5 hours

7:40AM	Started pump	47 sec - 5 gals
7:50AM		50 sec - 5 gals
8:05AM		55 sec - 5 gals
8:15AM		56 sec - 5 gals
8:20AM		60 sec - 5 gals
8:25AM		61 sec - 5 gals
8:35AM		65 sec - 5 gals
8:38AM	Stopped pump - ran out of water	

Pumped 464 gals of water at 7.25 gpm after 63.5 hours

We estimate the recovery rate of the well is approximately 7 gals per hour.

RECORDED
APP 14 1998



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

April 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHRIS HERTEL
CONNIE MILLER
PO BOX 137
STITES ID 83552

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 82-07203

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 meets the permitted beneficial 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 **Northern** Regional Office of the department in Coeur d'Alene at (208) 769-1450.

Sincerely,

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED
MAY 24 2000

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 82-07203 Reviewed by D. Ellis Date 4/17/00

GENERAL CONSIDERATIONS

TYPES OF USE

Yes Name same as permit?
Yes Address same as permit?
No ~~Yes~~ Proof timely received? Correct Uses? Yes
If not, complete calculation below.

SOURCE OF WATER

No Surface water source
Yes Ground water source
Yes ~~No~~ Drilling permit required?
No Copy in the file? Drilling Permit No. 8-2-97-N-15
Amount paid for permit _____ Correct?
No Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

No Required?
\$0 Amount Submitted
Yes Correct?
No Required?
No Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received 4/17/2000 107
Date proof due 4/1/2000 91
No. of days late 16 = 16
Priority Date 1/29/99 + 16
New Priority Date 2/14/99

DEFICIENCIES OR ACTION ITEMS

advance.
Acknowledge proof & change priority date to
2/14/99.

DATA ENTRY

New Address _____ Proof Made _____

April 10, 2000

CHRIS HERTEL
CONNIE MILLER
PO BOX 137
STITES ID 835520137

LAPSE NOTICE

RE: PERMIT NO. 82-07203

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated January 31, 2000. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

MICROFILMED

MAY 24 2000

CERTIFICATION OF MAILING

I hereby certify that on 4/10/00
~~a copy~~/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

D. Eller

January 31, 2000

CHRIS HERTEL
CONNIE MILLER
PO BOX 137
STITES ID 835520137

PROOF DUE NOTICE

RE: PERMIT NO. 82-07203

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 April 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.

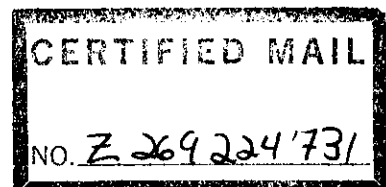
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

MAY 24 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

April 14, 1999

CHRIS HERTEL
CONNIE MILLER
PO BOX 137
STITES ID 83552-0137

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 82-07203

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.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

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.

APR 14 1999

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

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:klt

Enclosures

MICROFILMED

APR 14 1993

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of April, 1999, 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. 82-07203

CHRIS HERTEL
CONNIE MILLER
PO BOX 137
STITES ID 83552-0137


Kari Lynn Townsend
Secretary

RECEIVED

APR 14 1999

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.

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
APR 14 1997

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy L. L...*No.: 82-07203 Name: Hertel/Miller Date: 4/12/99 Ad OK? ☒ Gvmt Lts: ☒AREA OF CONCERN: - No/Yes: 3/c Mor / GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year - 26A-P17

≤ 1 year/no proof - P18

GROUNDWATER: (✓ FLO-CH)

DRILLING PERMIT

All wells (✓ WDQ3)

In Basin 34?

Irr. within WD

WMD (✓ MAP)

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

WMD

Supp. irr. use only

Supp. irr. + uses

> 0.24 cfs/5 acres

≤ 0.24 cfs/5 acres

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

FISH & GAME CONTACTED: - YES / NO; WHEN: _____ RESPONSE: _____

IN/ABOVE MSF (✓ MAP)

IN-STREAM DEVELOPMENT

WD (✓ MAP & LISTING)

> 0.20 cfs

≤ 0.20 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)

Weiser R (67)

USE:

STORAGE (✓ 3 compo.)

IRR ≤ 5 acres

> 5 acres

STOCKWATER

MINING

FISH PROPAGATION

HEATING/COOLING

POWER

MUNICIPAL

In restricted area?

Irr., GW supp. to SW?

DOMESTIC

Surface water

> 1 in rest. area

FIRE PROTECTION

LOCATION:

BOISE FRONT LOGEO

MITIGATION

42-248 AREA

SWAN FALLS FLAG (✓ Code)

Trust

Non-Trust (1)

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- 26A-P17

- P18- 045P23

- 085

- P05 (new well location)

- North / East / West

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

- No MD

- 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)

- 100-101

- 01M (report when notified)

- No MD

- YES / NO; WHEN: _____ RESPONSE: _____

- *WB9

- P62 (stream channel alteration)

- R04 (WD # _____)

- 01J-P08 (MD & LD)

- 01H-P01 (LD), 01P 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

- 086, 087

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

- 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)

- R37 (BLW/USFS); NA

- 054(req) -081-P10

- 029(70's only)-007-042(req)-081 (WQ)-P10

- R07 (injection well)

- 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

- 022, 075, 004 (+memo?)

- 102

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

- 071-070

- 077

- 058 (<85° GW temp only)

- 120

- P84 (in 20/30/40/50/60/70/80 (87) basin)

- 051-052-053-P74 (Consumptive Uses), NA

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU)

- 02594+WB6/G 11-18, B1, Birdgeport Subd. ② woi/1- 4/1/2000

IDAHO DEPARTMENT OF WATER RESOURCES
APPROVAL APPLICATION ANALYSIS SHEET

RECEIVED

WR/
WRA
SCA

APPLICATION # 82-07203

APR 01 1999

INITIAL REVIEW

DEPARTMENT OF WATER RESOURCES

APPLICANT: HERTEL BY: AS DATE: 1/29/99

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)

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

PROCESSING

(Yes)(No) PRIORITY DATE: 1/29/99

(X) (Include Moratorium Remark)

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

ADVERTISE IN: IDAHO 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

WD Permit No.'s:	Type:	Fees	Receipt No.	Upgrade Needed?
<u>82 97 4 0015</u>	Dom. <u>X</u> Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y () N ()
_____	Dom. _____ Non-Dom. _____	Paid \$ _____	_____	Y () N ()

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

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

- Notice of pending void order issued. Final order response date: _____/_____/_____
Further information required from applicant _____
Affidavit of publication received 2/22
Application published correctly. If not, record action taken: 2/22

Publication dates and paper recorded on application | Sr. Agent initial AS

Protests received, Final protest date: 3/8/99

Measuring device required _____

Measuring port required _____

Special conditions: _____

Special conditions of approval supplement and/or cover letter attached _____

Approval Recommended by: AS PMA Date: 3/24/99

RECEIVED

APR 01 1999

Department of Water Resources

AFFIDAVIT OF PUBLICATION

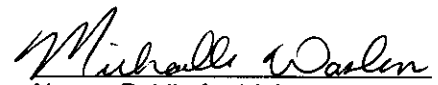
STATE OF IDAHO
County of Idaho - ss.

Andrew J. McNab , being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 17th day of February, 1999; and the last publication on the 24th day of February, 1999; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said notice of advertisement.



STATE OF IDAHO)
COUNTY OF)

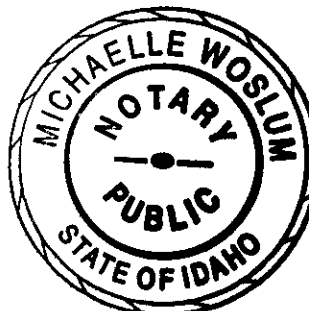
On this 24th day of February in the year of 1999, before me a Notary Public personally appeared Andrew J. McNab , known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.


Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 01-16-2002

RECEIVED

FEB 22 1999

IDWR/North



MICROFILMED

APR 14 1999

82-07203

HERTEL, CHRIS
MILLER, CONNIE
BOX 137
STITES, ID 83552

Source: GROUNDWATER

Diversion Pt: SWNE Sec 33 T 31N R 04E in IDAHO County.

Use: DOMESTIC	(	0.020 CFS)
Total Diversion:	(	0.020 CFS)

Date Filed: 1/29/1999

In: IDAHO County	
T31N R04E S33	SWNE

MICROFILMED

APR 14 1999

February 10, 1999

Chris Hertel & Connie Miller
Box 137
Stites ID 83552

Re: Water Appropriation Application No. 82-07203

Dear Mr Hertel & Ms. Miller:

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. Enclosed for your file is Receipt Number N012568.

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 your source is groundwater, a Well Drilling Permit is required for all wells constructed after July 1, 1987.

A "Domestic" well drilling permit should be obtained for a rate of diversion of up to 18 gallons per minute (0.04 CFS) and a daily volume of up to 2,500 gallons per day. The cost for this permit is \$75.00. For any other use, including multiple homes, or municipal, etc., the Drilling Permit fee is \$200. These Permits can be obtained by your driller, also. It is sometimes possible to upgrade an existing Domestic Drilling Permit by submitting a fee for the difference. This, however, depends on the individual well.

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

ALCOTIME

APR 14 1999

January 5, 1999

Mr. Chris Hertel and Connie Miller
Box 137
Stites ID 83552

RE: Application for Permit

Dear Mr. Hertel and Ms. Miller:

We are returning your Application for Permit and Receipt Number N012568 for the amount of \$50.00.

Currently, your filing is not acceptable. Please review the following items:

Items 3. and 9. Enclosed you will find a map. Please mark the map where your well is located and also where it will be used (where home is, if for domestic use). We can list the 40 acre tracts for you, if you wish.

Item 4. If the water will be used for domestic purposes, a rate of 0.02 CFS may be listed for the rate. "Domestic" should be listed with a period of 1/1 - 12/31, if used all year.

Item 5. A total rate of 0.02 CFS should listed.

Please feel free to contact me at this office prior to returning this filing for processing, if you have any questions.

Sincerely,

Allen Beardslee
Sr. Water Resource Agent

MICROFILMED
APR 14 1999