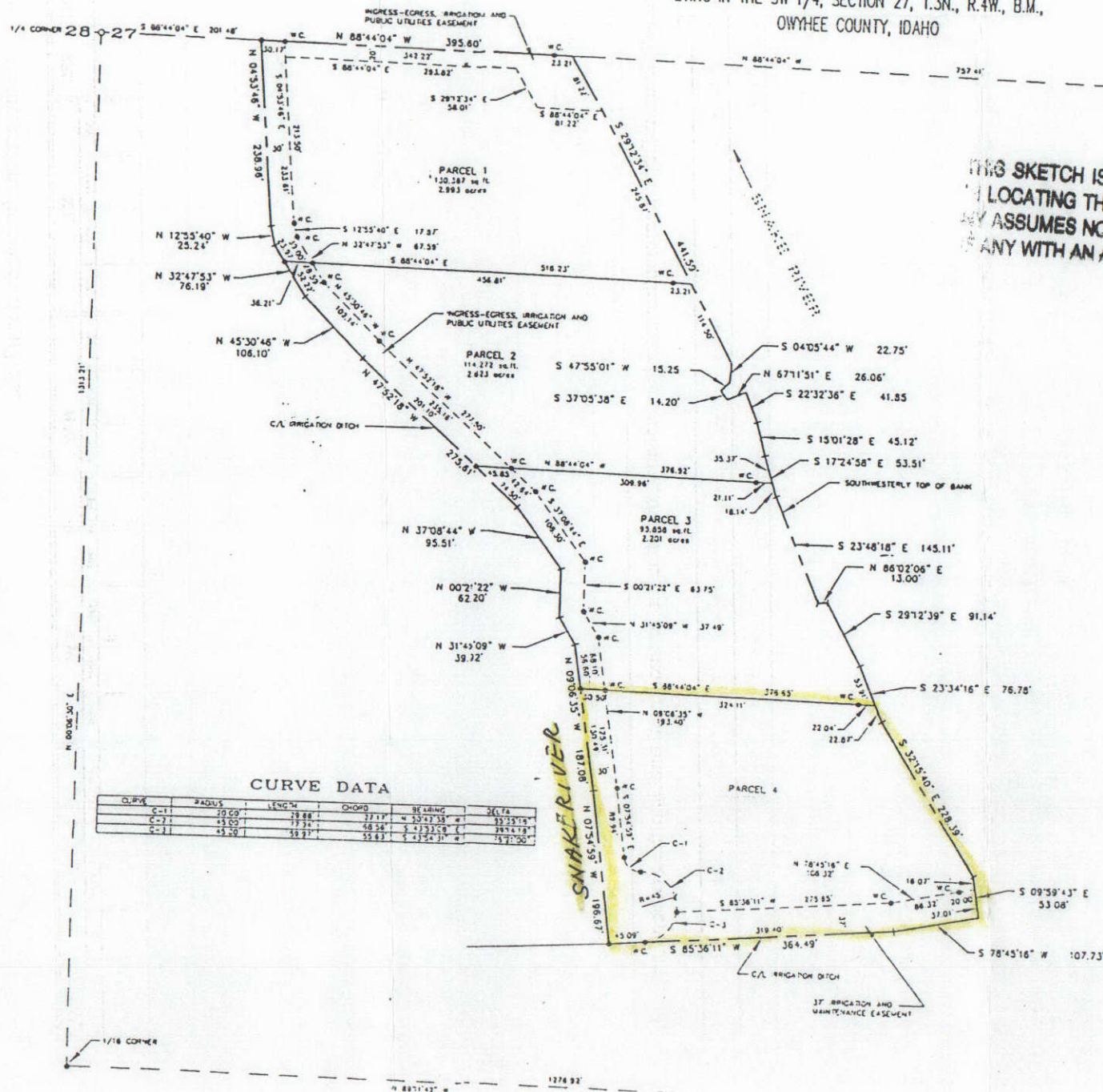


RECORD OF SURVEY FOR RANCHO RIO VISTA - PHASE II

A PORTION OF GOVERNMENT LOT 6,
LYING IN THE SW 1/4, SECTION 27, T.3N., R.4W., B.M.,
OWYHEE COUNTY, IDAHO



CURVE DATA

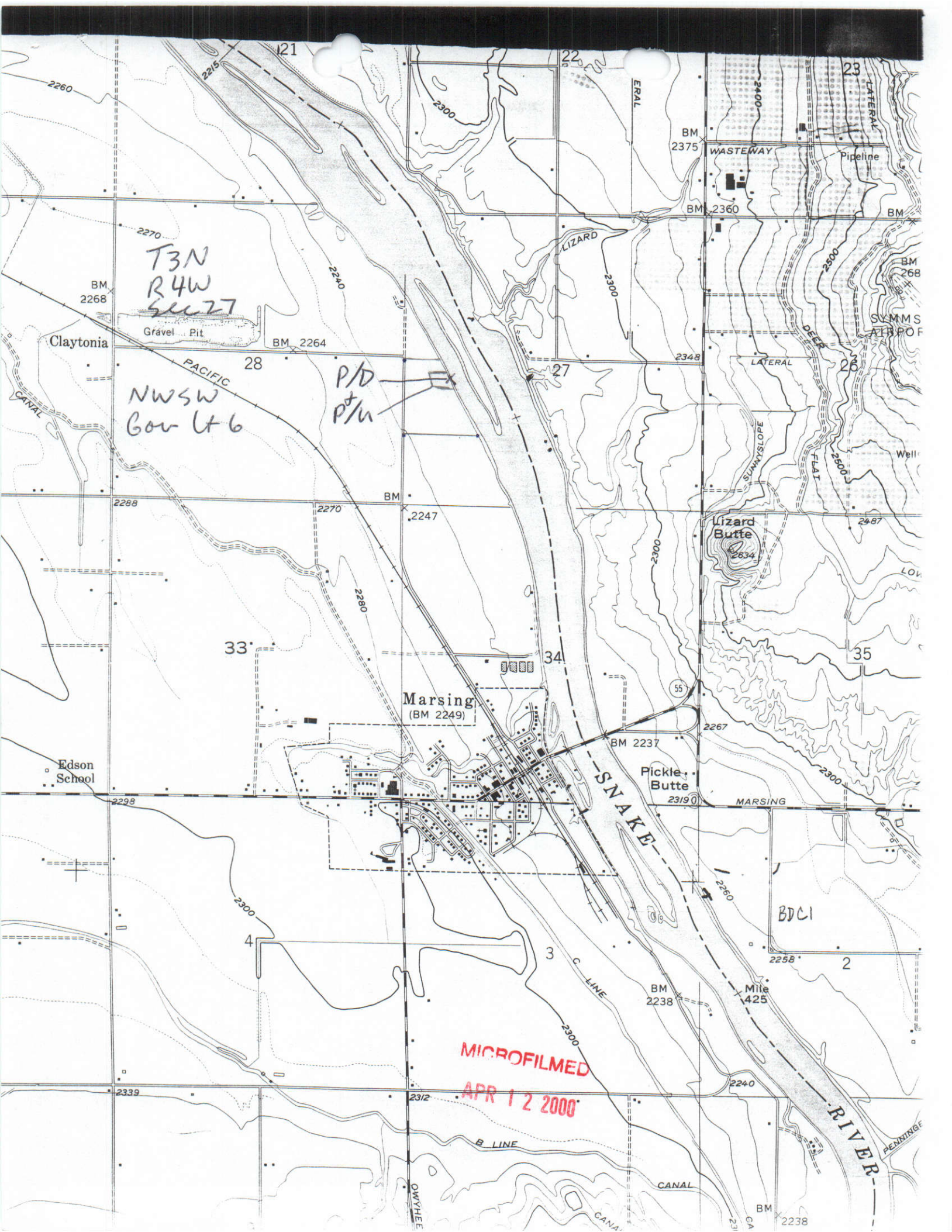
CURVE	RADIUS	LENGTH	CHORD	BEARING	AREA
C-1	20.00	29.88	27.17	N 30°47'58\"	52.3274
C-2	15.00	17.34	16.24	S 47°33'00\"	28.9419
C-3	15.00	17.34	16.24	S 47°33'00\"	28.9419

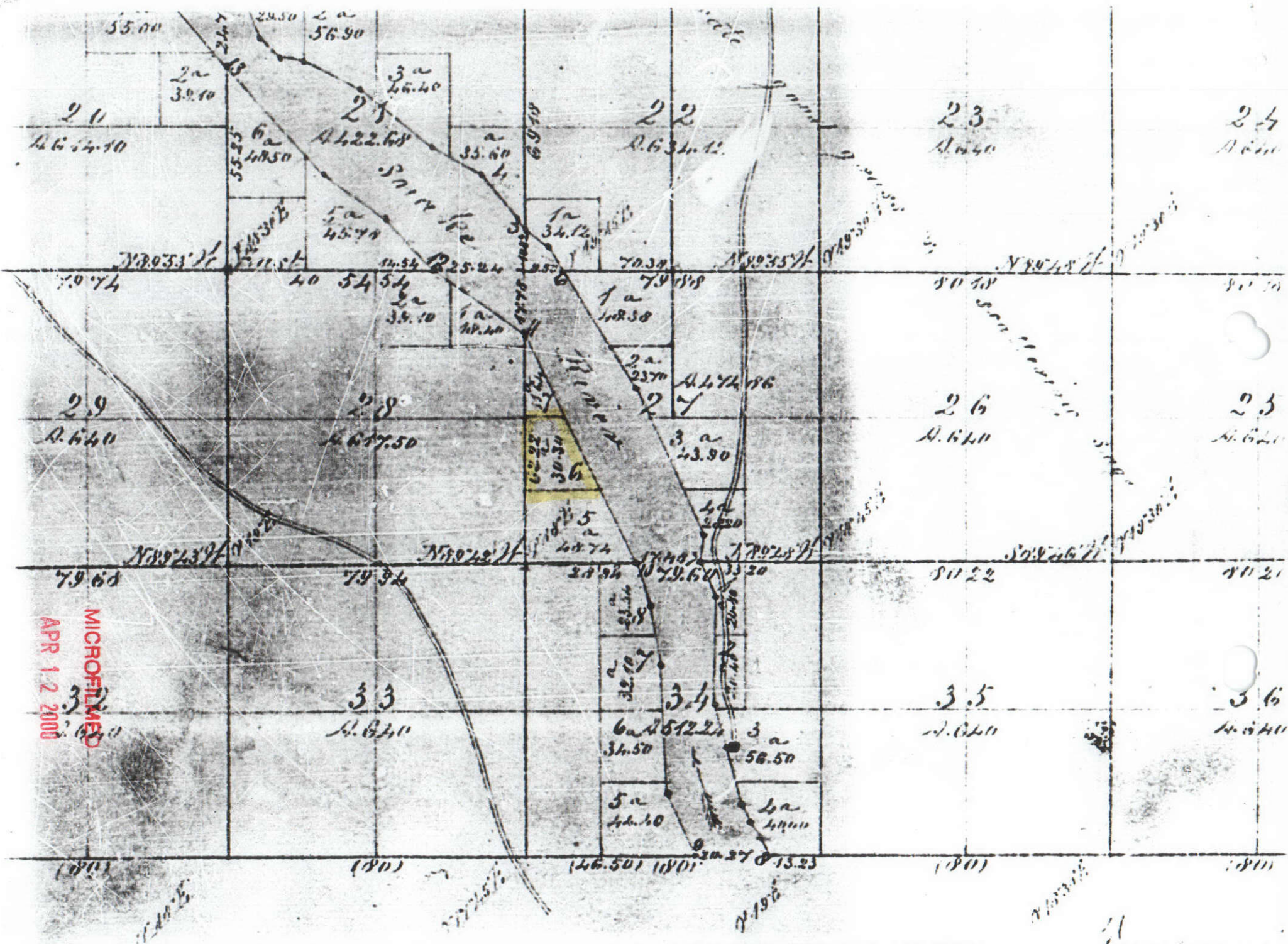
THIS SKETCH IS MADE SOLELY TO ASSIST
LOCATING THE PROPERTY THE COMPAN-
Y ASSUMES NO LIABILITY FOR VARIATION
ANY WITH AN ACTUAL SURVEY

MICROFILMED
APR 12 2000

CERTIF

I, PATRICK A.
DO HEREBY C
ON THIS PLAT
DIRECT SUPER
LAWS OF IDAH





MICROFILMED
APR 12 2000

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The above is a
West of the Sec.

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in Two (2)

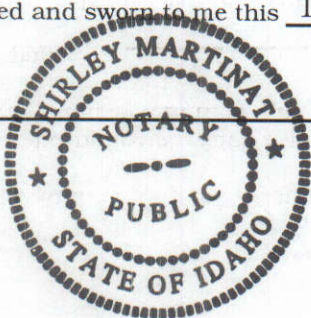
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

November 3 and 10, 1999

Signed

[Signature]

Subscribed and sworn to me this 10th day of November A.D., 1999



[Signature]
Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires 04/22/2002

NOTICE OF APPLICATION FOR WATER RIGHT

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

57-07679

MERLE JR, ANTON
11075 PINE VALLEY PL
NORTHRIDGE, CA 91326

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

Diversion PT: LOT 6 (NWSW)
Sec 27 T 03N R 04W in
OWYHEE County.

Use: IRRIGATION (0.060 CFS)

Total Diversion (0.060 CFS)

Dated Filed: 9/13/1999

In: OWYHEE County

T03N R04W S 27 Lot 6
(NWSW)

2.0 ACRES TOTAL

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

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before NOVEMBER 22, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER,
Director

11/3&10/99

RECEIVED

DEC 01 1999

WATER RESOURCES
WESTERN REGION

MICROFILMED
APR 12 2000

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 2-7476 Telephone No. 818-368-3466

2. Name of Permit Holder(s): ANTON MERLE JR.

3. Mailing Address: 11705 PINE VALLEY PL,

City NORTHRIDGE State CA Zip 91326

4. Source of Water: SNAKE RIVER If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____

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

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

Irrigation (No. of acres): 3 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0-0.20 cfs OR 0-20 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: \$ 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: ANTON MERLE JR. Telephone Number: 818-368-3466

Address: 11705 PINE VALLEY PL, NORTHRIDGE, CA, 91326

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: Anton Merle Jr. OWNER Date: 2-7-01
(include your title, if on behalf of company of ~~MICROFILMED~~)

MAR 05 2001

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 02-07476

Priority: September 13, 1999

Maximum Diversion Rate:

0.06 CFS

This is to certify, that **ANTON MERLE JR**

11705 PINE VALLEY PL

NORTHRIDGE CA 91326

has applied for a permit to appropriate water from:

SNAKE RIVER

tributary of **COLUMBIA RIVER**

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>
IRRIGATION	03/01 to 11/15	0.06 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 6 (NWSW), Sec. 27, Township 03N, Range 04W
OWYHEE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	04W	27	Lot 6 (NWSW)	3.0		3.0

Total number of acres irrigated: 3.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **March 1, 2001**.
2. Subject to all prior water rights.
3. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall not assign or sell the permit without first securing the written approval of the Department of Water Resources.
6. The right holder shall use the full allotment of appurtenant surface water rights delivered by Gem Irrigation District and shall only divert water under this right when water from Gem Irrigation District cannot be delivered to the right holder.
7. Water shall not be diverted under this right when flows in the Snake River are below established minimum flow amounts at any of the following locations: Weiser, 4750 cfs; Johnson Bar, 5000 cfs; Lime Point 13,000 cfs.

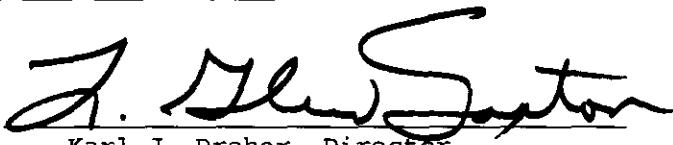
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 02-07476

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

3rd day of March, 2000


Karl J. Dreher, Director
for

MICROFILMED

1999 12 2000

RECEIVED
SEP 13 1999
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 57-07679
02-07476

RECEIVED
DEC 13 1999

1. Name of Applicant ANTON MERLE JR. Phone 818-368-3466
Mailing address 11705 PINE VALLEY PL, NORTHRIDGE, CA, 91326
2. Source of water supply SHAKE RIVER which is a tributary of Columbia
3. Location of point of diversion is Township 3 NORTH Range 4 WEST Sec. 27 in the 5th 1/4, NW 1/4, SW 1/4, Govt. Lot 6, B.M., OWYHEE County; additional points of diversion if any: _____

4. Water will be used for the following purposes:
- | | |
|--|--|
| Amount <u>0.20</u> ⁰⁶ for <u>IRIGATION</u> purposes from <u>3/15</u> to <u>11/15</u> (both dates inclusive) | |
| (cfs or acre-feet per annum) | |
| Amount <u>0.20</u> for <u>IRIGATION</u> purposes from <u>NOV. 15</u> to <u>AAR. 15</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) 0.20 ⁰⁶ and/or (b) 0.20 ⁰⁶
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 PUMPING WATER
THROUGH A 3 INCH PIPE TO OUR POND
- 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) 95; Drilling Permit No. PHIIPS DRILLING
80756

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. _____
- e. Other; describe fully. _____

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* Changes per 10/19/99 telecon w/ applicant. by

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	
3N	4W	27									3								3

Total number of acres to be irrigated 3

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? _____

b. Who owns the land to be irrigated or place of use? ANTON & THERESA MERLE JR.

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: I DO NOT KNOW ALL THIS ANSWERS WE BOUGHT THIS PRO-
PERTY ON 1-15-99 - A HOME AND SHOP - WITH 3 ACRES
OF LAND - 2 EXISTING WELLS - BUT NOT ENOUGH WATER
FOR IRRIGATION - WOULD LIKE TO GET A PERMIT TO PUMP
WATER FROM THE SNAKE RIVER WHICH IS NEXT TO OUR
PROPERTY TO OUR POND - FROM WHERE WE FEED WATER TO OUR
IRRIGATION SYSTEM

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.

Anton Merle Jr 9-8-99
 Signature of Applicant (and title, if applicable)

Received by KH Date 9/13/99 Time 11:44 Preliminary check by Ly
 Fee \$ 5000 Receipted by KH # W025718 Date 9/13/99
 Publication prepared by ST Date 10-27-99 Published in Owyhee Avalanche
 Publication approved ST Date 12-2-99 11-30-99

MICROFILMED

SEP 12 2000

SD-0420-2
MODIFY RECORD

Ida. Department of Water Resou s
Modify Comment

Date: 10/20/99
Time: 15:51:24

Water Right Number: 57-07679

Comment Date: 10/20/1999 User ID: LGRAVES

Subject: MISC. _____

River water will be pumped ~300' west to small pond (~7/10ths af)
that can fill in less than 24 hrs. Applicant also has Gem _____
Irrigation District water available. He stated per telecon _____
10/19/99 that the District water is too dirty and inconvenient to
use for irrigation. _____

Pond dimensions: 40' diameter, V shaped up to 6' deep. _____
P/U aka Parcel 4, Rancho Rio Vista - Phase II. _____

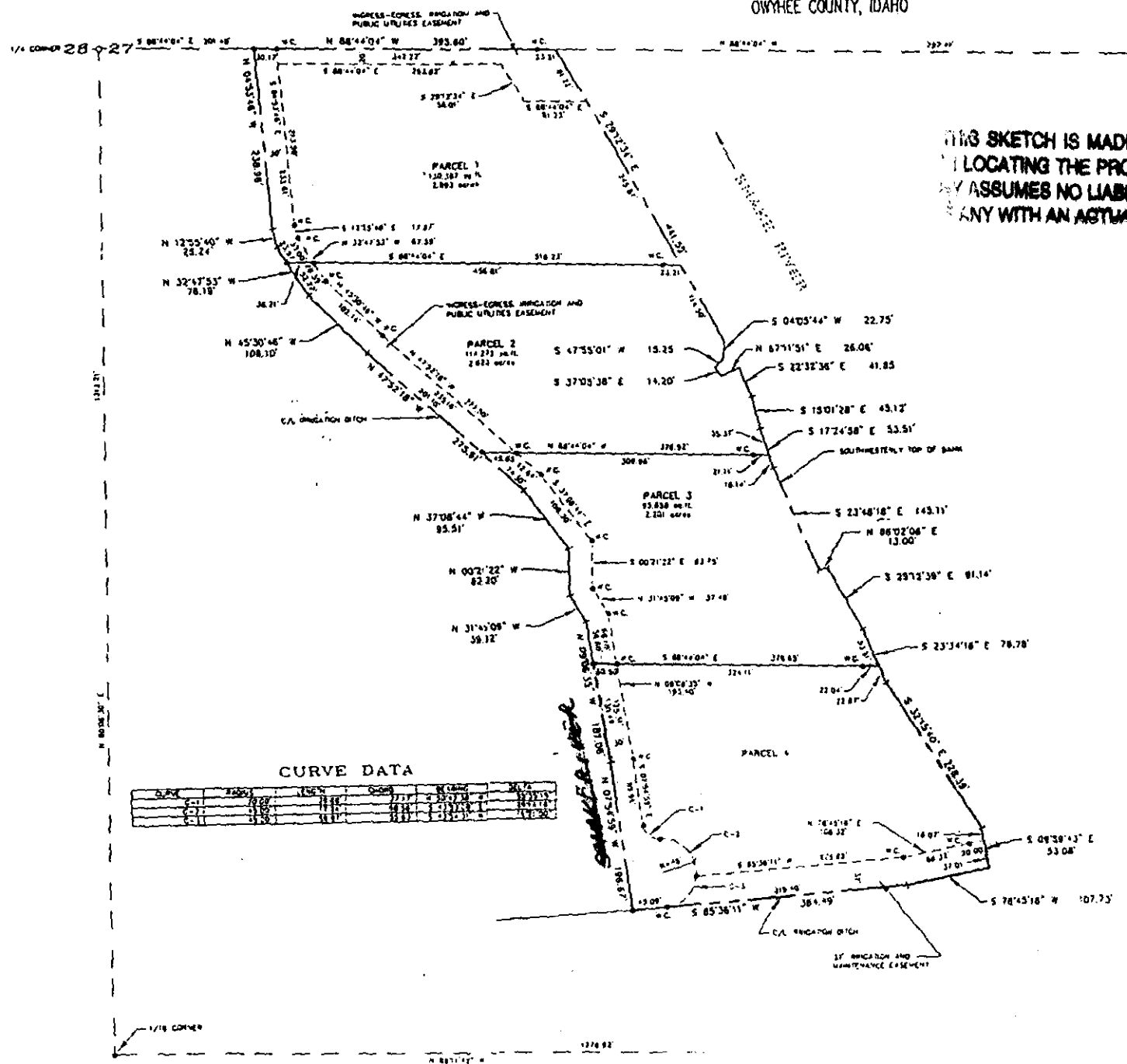
(Enter=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

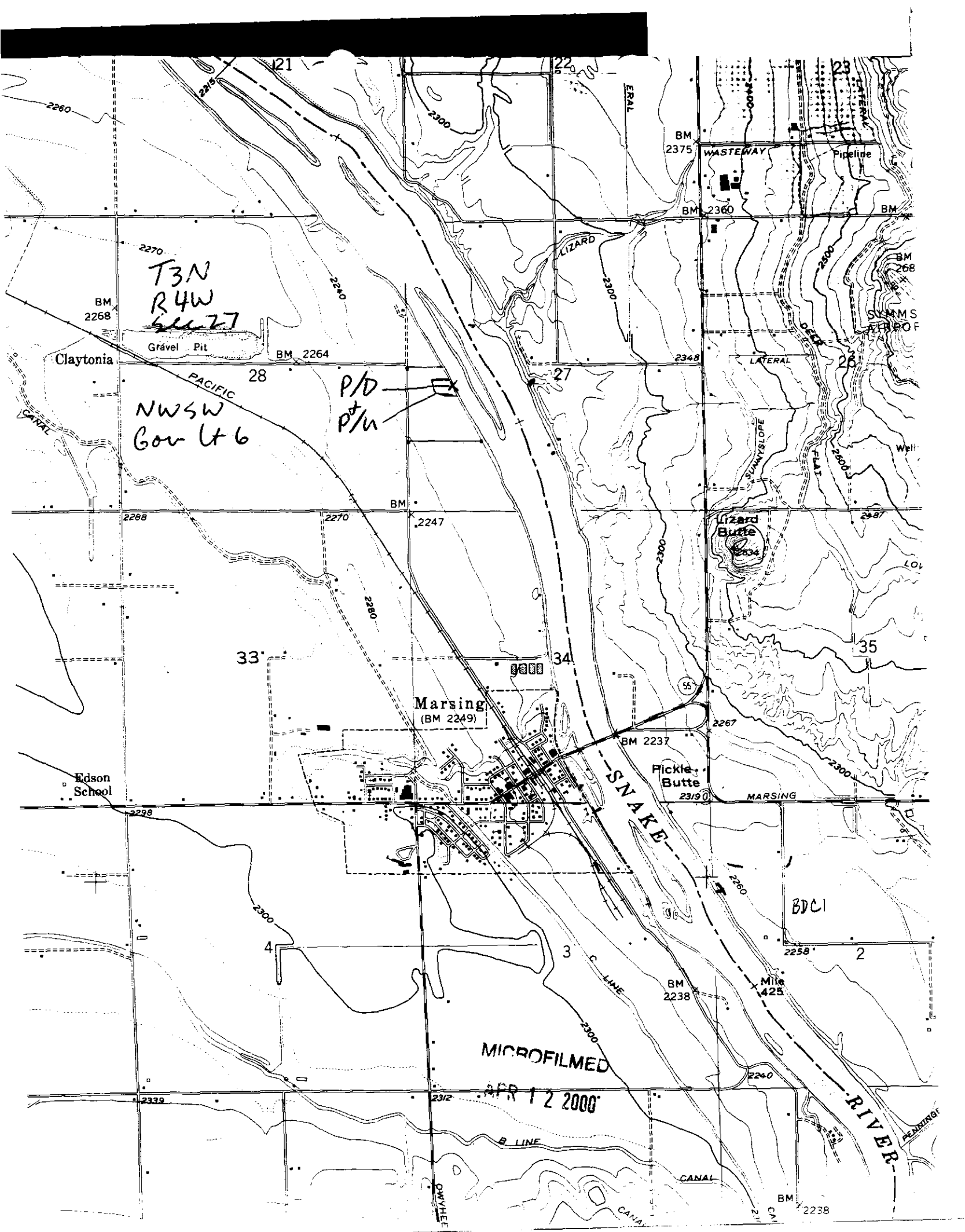
MICROFILMED
APR 12 2000

A PORTION OF GOVERNMENT LOT 6,
LYING IN THE SW 1/4, SECTION 27, T.3N., R.4W., B.1M.,
OWYHEE COUNTY, IDAHO

MICROFILMED
APR 12 2000

1, PATRICK A.
DO HEREBY C
ON THIS PLAY
DIRECT SUPER
LAWS OF IDA-







State of Idaho

DEPARTMENT OF WATER RESOURCES

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

March 1, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ANTON MERLE JR
11705 PINE VALLEY PL
NORTHRIDGE CA 91326

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 02-07476

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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it 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 **Western** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED
MAR 05 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 2-7476

Reviewed By: dgibson

Date: March 1, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C052263	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	02/12/2001
Date proof due	- 03/01/2001
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 09/13/1999
New priority date	= 09/13/1999

Deficiencies of Actions Items

Acknowledge proof.

December 31, 2000

ANTON MERLE JR
11705 PINE VALLEY PL
NORTHRIDGE, CA 91326

PROOF DUE NOTICE

RE: PERMIT NO. 2-7476

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 March 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

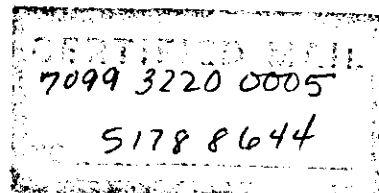
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



MICROFILMED

MAR 05 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

March 3, 2000

DIRK KEMPTHORNE
GOVERNOR

ANTON MERLE JR
11705 PINE VALLEY PL
NORTHRIDGE CA 91326

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 02-07476

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.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED

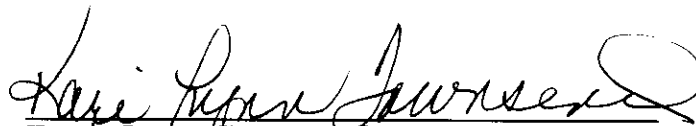
APR 12 2000

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of **March, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 02-07476

ANTON MERLE JR
11705 PINE VALLEY PL
NORTHRIDGE CA 91326


Kari Lynn Townsend
Secretary

MICROFILMED

APR 12 2000

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

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1997 12 2000

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

12 2000



STATE OF IDAHO
DIVISION OF
ENVIRONMENTAL QUALITY

RECEIVED

FEB 28 2000

Department of Water Resources

1410 North Hilton • Boise, Idaho 83706-1255 • (208) 373-0502

Dirk Kempthorne, Governor
C. Stephen Allred, Administrator

February 25, 2000

Shelley Walter Keen
Water Rights Supervisor
Idaho Department of Water Resources
1301 North Orchard Street
PO Box 83702
Boise, ID 83702

RE: Water Appropriation Application 01-07476 (Anton Merle)

Dear Mr. Keen:

The Idaho Division of Environmental Quality (DEQ) has reviewed the letter to Mr. Merle dated January 7, 2000, wherein you asked DEQ to comment on his request to draw water directly from the Snake River. After talking to Mr. Merle's wife and yourself, DEQ has determined that this application by itself will not likely contribute to worsening water quality conditions on the Snake River. We arrive at this conclusion given the intended use, irrigating 2-3 acres of lawn from a small fish pond.

However, we are concerned with the precedence this sets, using the Snake River when Mr. Merle has access and a water right through the Gem Irrigation District. While Mr. Merle's application by itself is small in comparison to the flow of the Snake River, cumulative withdrawals and returns only exacerbate an already bad water quality problem.

DEQ has no information or water quality data to substantiate Mr. Merle's claim regarding the condition of water he gets from the Gem Irrigation District. The question becomes where does the water that Mr. Merle would have used go? Additionally, DEQ assumes that all the water pulled from Mr. Merle's fish pond to water his lawn is used, in other words, there is no return flow to the Snake River. If the latter is not the case, our evaluation may be different.

Again DEQ does not see this potential change in use to constitute a significant impact on or to water quality in the Snake River. If you have any questions please call me at 373-0570.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael McIntyre".

Michael McIntyre
Surface Water Program Manager

MJM:lg

cc: Mr. Merle
Craig Shepard, DEQ/Boise

MICROFILMED

APR 12 2000

MEMORANDUM

DATE: February 11, 2000

TO: Water Right Application File 02-07476

FROM: Shelley W. Keen ^{SWK}

RE: Call from Anton Merle

This morning I returned a call from Anton Merle (818-368-3466) to discuss progress on his water right application. I informed Mr. Merle that I am still waiting to hear from IDEQ. Mr. Merle said he would call IDEQ to check on the progress of their comment.

2/15/2000

This afternoon I spoke with Michael McIntyre of DEQ (373-0570). He will be providing a comment letter.
S.W. Keen

MICROFILMED

APR 12 2000

South Board of Control, Owyhee Project

RECEIVED

P.O. Box 67
Homedale, Idaho 83628
Phone 337-3760

FEB - 3 2000

February 2, 2000

Department of Water Resources

Mr. Anton Merle Jr.
11705 Pine Valley Place
Northridge CA 91326

RE: Water Appropriation Application 02-07476

Dear Mr. Merle:

In talking to you and reviewing your letter, it appears to be some kind of misunderstanding as to how you are to be receiving your water. You stated in your letter that water from Gem Irrigation District was usually only available from mid April to mid October. The Gem District always starts water no later than April 1. If later than that it is because of a wet spring and no water is needed. Also, you stated that you could only divert water from the ditch when the farmers irrigate and have the water running. You stated should the farmers go out of business that you have no way of getting the water. Here again you don't understand. Here in Idaho, the State has provided laws for water users to work by. I tried to explain that you are under a system where three or more users are sharing the same headgate or turnout so you have to organize and work with each other on a time schedule based on size of lots.

I am sending you a pamphlet explaining the law and how your organization should work. Then if you still don't understand, call me and we can set up a time to review this and I will work with you in setting up your rotation. Personally I don't think another water right is needed except for your convenience.

Sincerely,



Clyde Hutton Jr.
Manager

cc: Shelley Walter Keen
Department of Water Resources

MICROFILMED
APR 12 2000

ANTON MERLE JR.
11705 PINE VALLEY PL.
NORTHRIDGE, CA. 91326

WATER APPROPRIATION
APPLICATION N° 02-07476

DEPARTMENT OF WATER RESOURCES

DEAR MS SHELLEY WALTER KEEN,

I RECEIVED YOUR LETTER OF 1-7-00 AND TALKED TO YOU ON THE PHONE ON 1-13-00 AND ASKED FOR SOME MORE TIME THEN THE 30 DAYS, TO GET MORE INFORMATION FROM ME, AND WRITTEN COMMENT FROM GEM IRRIGATION DISTRICT AND THE DEVISION OF ENVIRONMENTAL QUALITY.

I TALKED TO MR. RICHARD HUDDLESTON AT D.E.Q. AND MR. CLYDE HUTTON AT G.I.D. THEY ASKED ME TO SEND THEM YOUR LETTER SO THEY CAN COMMENT ON YOUR REQUEST. MR. HUTTON AT G.I.D. TOLD ME THE IRRIGATION WATER IS USUALLY ONLY AVAILABLE FROM MID APRIL TO MID OCTOBER, THAT IS ONLY SIX MONTHS OUT OF THE YEAR, AND AT THIS TIME I CAN ONLY DIVERT WATER FROM THE DITCH, WHEN THE FARMERS IRRIGATE, AND HAVE THE WATER RUNNING. SHOULD THE FARMERS GO OUT OF BUSSINESS, I HAVE NO WAY OF GETTING THE WATER.

IN THE SIX MONTHS WHERE THERE IS NO IRRIGATION WATER AVAILABLE, I LOSE WATER FROM EVAPORATION. I AM GONE MOST OF THE TIME, THAN THERE IS NOBODY THERE TO DIVERT WATER TO THE POND. THAT IS THE REASON WHY I AM ASKING FOR A PERMIT TO PUMP WATER FROM THE SNAKE RIVER. THIS PUMP I CAN SET ON AUTOMITIC, AND DO NOT HAVE TO WORRY ABOUT THE WATER LEVEL, FOR THE FISH IN THE POND, AND TO WATER MY TREES AND LAWN ON 2 ACRES. SOME OF MY FISH IN THE POND DIED LAST SUMMER BECAUSE THE WATER LEVEL WAS TO LOW,

SINCERELY

Anton Merle Jr.

RECEIVED

JAN 28 2000

Department of Water Resources

1-25-00
MICROFILMED

APR 12 2000

MEMORANDUM

DATE: January 14, 2000

TO: Water Right Application File 02-07476

FROM: Shelley W. Keen 

RE: Additional time to collect information

Yesterday Anton Merle called me to discuss my request for additional information within 30 days. I agreed to extend the time to 60 days from yesterday because Mr. Merle spends only one or two weeks every two months in Idaho.

MICROFILMED
APR 12 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

January 7, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ANTON MERLE JR
11705 PINE VALLEY PL
NORTHRIDGE CA 91326

RE: Water Appropriation Application 02-07476

Dear Mr. Merle:

The Department of Water Resource (IDWR) is reviewing the water appropriation application you submitted for the irrigation of three acres in Owyhee County with water diverted from the Snake River. When reviewing water appropriation applications, IDWR must determine whether the proposal conflicts with the local public interest. In order to evaluate the local public interest relative to your application, IDWR needs additional information pursuant to Water Appropriation Rule 40.05.g. I have enclosed a copy of Water Appropriation Rule 40.05.g. for you.

Your application proposes a diversion of water from the Snake River near Marsing, Idaho. In accordance with Section 303(d)(1) of the Clean Water Act, in 1998 the Idaho Division of Environmental Quality (DEQ) included that reach of the Snake River in a list of water bodies not meeting state water quality standards. Compliance with applicable water quality standards is one of the local public interest criteria IDWR must consider. In October you told Lori Graves of IDWR that you have irrigation water available from Gem Irrigation District (GID), but that you want to divert Snake River water because the GID water is too dirty and too inconvenient to use. In looking at your application, IDWR is concerned that it may not be in the local public interest to authorize a new diversion of water in that reach of the Snake River if water is available to you from Gem Irrigation District under existing water rights. Therefore, we are asking that you provide written comments from GID and DEQ about your proposed appropriation of water.

Water Appropriation Rule 40.05.g. also mentions obtaining comment from the Idaho Department of Fish and Game and from your local government. IDWR has already received comment from the Idaho Department of Fish and Game. I have enclosed a copy of their comments for you. It does not appear that comment from Owyhee County is necessary at this time. However, we do need comment from Gem Irrigation District and the Division of Environmental Quality within 30 days. If you need additional time to provide the requested information, please call me. If I do not receive the requested information or a request for additional time within 30 days, your application will be voided pursuant to Section 42-204, *Idaho Code*.

MICROFILMED

APR 12 2000

Anton Merle Jr.
January 7, 2000
Page 2

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley Walter Keen". The signature is fluid and written in dark ink.

Shelley Walter Keen
Water Rights Supervisor

Enclosure

MICROFILMED
APR 12 2000

Lester, Steve

From: SCOTT GRUNDER [sgrunder@IDFG.STATE.ID.US]
Sent: Monday, November 01, 1999 10:47 AM
To: slester@idwr.state.id.us
Cc: CECE MANN; TERRY VERNHOLM
Subject: 57-07679/Anton Merle Jr.

Dear Mr. Lester:

The Idaho Department of Fish and Game has reviewed the above referenced application for water right and we offer the following comments for your consideration. While we appreciate that the applicant has applied for less water than originally intended from the mainstem Snake River for irrigation (0.06 cfs vs. 0.20 cfs), the fact of the matter is the applicant already has Gem Irrigation District water available for his use. This is indeed a minor application but we are genuinely concerned with cumulative water use in the Snake River, especially during the irrigation season.

Thank you for the opportunity to comment.

Scott Grunder
Environmental Staff Biologist
IDFG-SW Region Office, Nampa
208-465-8465

MICROFILMED
APR 12 2000

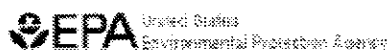
IOFG comments -
NOTE CONCERNS
-SL

Idaho Division of Environmental Quality 1998 303(d) List

NEW MILES				0.00		TOTAL MILES OF LISTED STREAMS				222.73	
HUC#17050103											STREAM
WQLS	T/R	WATERBODY	BOUNDARIES	YEAR	ADDS	POLLUTANT(S)					MILES
2668		Snake River	Swan Falls to Boise River	2002	BAC	DO	QALT	NUT	pH	SED	54.70
2669		Snake River	Castle Creek to Swan Falls	2002						SED	13.27
2670		Snake River	CJ Strike Res to Castle Creek	2002						SED	23.46
2671		Succor Creek	Oregon line to Snake River	2002						SED	5.38
2672		McBride Creek	Headwaters to Oregon Line	2002			QALT			SED	11.81
2673		Jump Creek	Headwaters to Snake River	2002			HALT				20.54
2674		Squaw Creek	Unnamed trib 3.9 km upstream to Snake River	2002						SED	2.40
2675		Hardtrigger Creek	Headwaters to Snake River	2002						SED	12.55
2676		Reynolds Creek	Diversion to Snake River	2002						SED	4.06
2677		Rabbit Creek	Headwaters to Snake River	2002						SED	11.87
2678		Sinker Creek	Diamond Creek to Snake River	2002	ADD		QALT			SED	10.77
2680		Castle Creek	T5SR1ES28 to Snake River	2002			QALT			SED	12.78
2681		Pickett Creek	T5SR1WS32 to Catherine Creek	2002						SED	4.85
2682		Brown Creek	Headwaters to Catherine Creek	2002						SED	16.99
2683		South Fork Castle Creek	Headwaters to Castle Creek	2002	BAC						10.27
2684		Birch Creek	Headwaters to Snake River	2002						SED	27.24
2685		Corder Creek	Headwaters to Snake River	2002						SED	17.50

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APR 12 2000

303(d) LISTED WATERS



303(d) | Watershed Information: 1705
located in the state(s) of ID

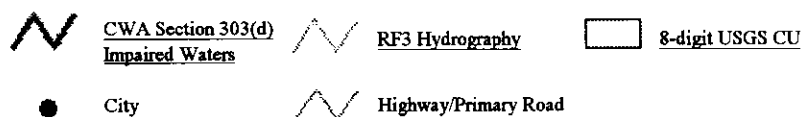
Middle Snake-Succor



Atlas
About TMDL
303(d) List



Legend



Listing state	ID	Waterbody	Parameter of Concern	Priority for TMDL development	Is the Waterbody Targeted for TMDL development before the year April, 2000?	Potent source Impairm
ID	ID2621-1998	BATTLE CREEK	BACTERIA		No	
ID	ID2668-1998	SNAKE RIVER	BACTERIA DISSOLVED OXYGEN	MICROFILMED	No	

APR 12 2000

			OXYGEN FLOW ALTERATION NUTRIENTS SEDIMENT PH			
ID	ID2669- 1998	SNAKE RIVER	SEDIMENT		No	
ID	ID2670- 1998	SNAKE RIVER	SEDIMENT		No	
ID	ID2671- 1998	SUCCOR CREEK	SEDIMENT		No	
ID	ID2672- 1998	MCBRIDE CREEK	FLOW ALTERATION SEDIMENT TEMPERATURE		No	
ID	ID2673- 1998	JUMP CREEK	HABITAT ALTERATION		No	
ID	ID2674- 1998	SQUAW CREEK	SEDIMENT		No	
ID	ID2675- 1998	HARDTRIGGER CREEK	SEDIMENT		No	
ID	ID2676- 1998	REYNOLDS CREEK	SEDIMENT		No	
ID	ID2677- 1998	RABBIT CREEK	SEDIMENT		No	
ID	ID2679- 1998	SINKER CREEK	FLOW ALTERATION SEDIMENT TEMPERATURE		No	
ID	ID2680- 1998	CASTLE CREEK	FLOW ALTERATION SEDIMENT TEMPERATURE		No	
ID	ID2681- 1998	PICKETT CREEK	SEDIMENT		No	
ID	ID2682- 1998	BROWN CREEK	SEDIMENT		No	
ID	ID2683- 1998	SOUTH FORK CASTLE CREEK	BACTERIA MICROFILMED		No	

APR 12 2000

ID	ID2684-1998	BIRCH CREEK	SEDIMENT		No	
ID	ID2685-1998	CORDER CREEK	SEDIMENT		No	
ID	ID2687-1998	POISON CREEK	SEDIMENT		No	
ID	ID6671-1998	SUCCOR CREEK	FLOW ALTERATION SEDIMENT TEMPERATURE		No	
ID	ID6681-1998	PICKETT CREEK	FLOW ALTERATION SEDIMENT TEMPERATURE		No	
OR	OR30-- SNAK294.6-1998	SNAKE RIVER	TEMPERATURE FCA (MERCURY)		No	
OR	OR34G- OWYH0-1998	OWYHEE RIVER	DIELDRIN DDT CHLOROPHYLL A BACTERIA		No	

View or add additional State/Tribal information about this watershed.

These maps and data are EPA's best representation of information submitted by the states. For more precise information, please contact Todd Dabolt at (202) 260-3697 or email [OWOW-Comment](mailto:OWOW-Comment@epa.gov)

[EPA HOME](#) | [CONTACTS](#) | [DISCLAIMER](#) | [ABOUT](#) | [HELP](#) | [COMMENTS](#)
[TEXT VERSION](#) | [SURF HOME](#)

Last Revised: //

URL: http://www.epa.gov/surf2/303d/17050103_305b.tml

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APR 12 2000

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in Two (2)

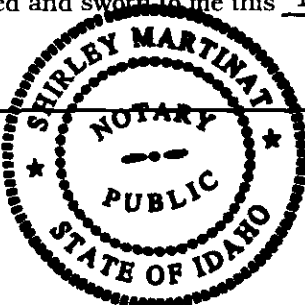
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

November 3 and 10, 1999

Signed



Subscribed and sworn to me this 10th day of November A.D., 1999



Shirley Martinat
Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires 04/22/2002

APPLICATION FOR WATER RIGHT

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

57-07679

MERLE JR, ANTON
11075 PINE VALLEY PL
NORTHRIDGE, CA 91326
Source: SNAKE RIVER
Tributary: COLUMBIA RIVER

Diversion PT: LOT 6 (NWSW)
Sec 27 T 03N R 04W in
OWYHEE County.

Use: IRRIGATION (0.060 CFS)

Total Diversion (0.060 CFS)

Dated Filed: 9/13/1999

In: OWYHEE County

T03N R04W S 27 Lot 6

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

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before NOVEMBER 22, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER,
Director

11/3&10/99

RECEIVED

DEC 01 1999

WATER RESOURCES
WESTERN REGION

MEMORANDUM

TO: File 57-07679

FROM: Steve Lester 

DATE: November 4, 1999

RE : Processing Issues

A few housekeeping items are noted for this file as follows:

1. Source is Snake River so is a Basin 02 filing as noted in today's email to Sharla Curtis.
2. IDFG expressed concerns, see 11-1-99 email. Concerns are probably not sufficient to deny the application.
3. NCY's July 1996 memo directs staff to notify Director's office for any Basin 02 or 03 application. The memo also suggests that such applications might not be approved. However, the "request to process" solution was subsequently created to address this concern. Let's use this application to see if Norm wants to revoke the 1996 instructions.

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APR 12 2000

Lester, Steve 

From: Lester, Steve
Sent: Thursday, November 04, 1999 10:58 AM
To: Curtis, Sharla
Cc: Lester, Steve
Subject: Application 57-07679 for Anton Merle Jr.

Sharla:

This application was inadvertently mis-numbered. The source is Snake River and the filing should be for Basin 02. Please make the necessary changes and let me know what the correct number is.

thanks,

Steve

MICROFILMED

1 APR 12 2000

Lester, Steve *SL*

From: SCOTT GRUNDER [sgrunder@IDFG.STATE.ID.US]
Sent: Monday, November 01, 1999 10:47 AM
To: slester@idwr.state.id.us
Cc: CECE MANN; TERRY VERNHOLM
Subject: 57-07679/Anton Merle Jr.

Dear Mr. Lester:

The Idaho Department of Fish and Game has reviewed the above referenced application for water right and we offer the following comments for your consideration. While we appreciate that the applicant has applied for less water than originally intended from the mainstem Snake River for irrigation (0.06 cfs vs. 0.20 cfs), the fact of the matter is the applicant already has Gem Irrigation District water available for his use. This is indeed a minor application but we are genuinely concerned with cumulative water use in the Snake River, especially during the irrigation season.

Thank you for the opportunity to comment.

Scott Grunder
Environmental Staff Biologist
IDFG-SW Region Office, Nampa
208-465-8465

MICROFILMED

APR 12 2000
1

*IDFG comments -
NOTE CONCERNS
-SL*

G

RECEIVED

JUL 31 1996

WATER RESOURCES
WESTERN REGION

MEMORANDUM

TO: GLEN SAXTON AND STEVE LESTER

FROM: NORM YOUNG *NY*

SUBJECT: APPROVALS FOR DIRECT DIVERSION FROM SNAKE RIVER

DATE: July 30, 1996

Idaho is presently working with Oregon and Washington to resolve issues concerning additional irrigation development from the Snake/Columbia Rivers as such development is related to the maintenance of flows for anadromous fish. Although the Snake River mainstem in Idaho from Milner to Lewiston is not presently under a formal moratorium order, it is important that Idaho not authorize additional irrigation from the river until the matter is resolved.

Please advise me or Karl before taking action to approve any application for a new appropriation for consumptive purposes or any application for an extension of time to develop an existing permit from the mainstem Snake River in Basins 02 and 03. Applicants should be advised that processing of these filings may be delayed pending resolution of the interstate concerns.

c. Jim Johnson
Bob Haynes

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APR 12 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

October 25, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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

Re: Application for Permit No. 57-07679 in the Name of Anton Merle Jr.

Dear Sir:

Enclosed is a copy of the above referenced application for permit which may be of interest to your agency. The proposed use of application no. 57-07679 is from surface water. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by November 22, 1999.

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

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

Encl.

MICROFILMED

APR 12 2000

REQUEST TO PROCESS

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

Name of Applicant

ANTON MERLE JR.

Mailing Address

11705 PINE VALLEY PL.

NORTHRIDGE, CA. 91326

Application No.
(if known)

 IN LOCAL PUBLIC INTEREST

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

 PROPOSE MITIGATION NOW

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

 / WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

X Signature

Anton Merle Jr.

Date

10-20-99

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-4000

NOV 12 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

OCTOBER 27, 1999

Legal Notices Department
Owyhee Avalanche
P.O. Box 97
Homedale, ID 83628

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 22, 1999.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Sue', is written over a horizontal line.

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICROFILMED

APR 12 2000

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

APR 12 2000

57-07679

MERLE JR, ANTON
11705 PINE VALLEY PL
NORTHRIDGE, CA 91326

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

Diversion Pt: LOT 6 (NWSW) Sec 27 T 03N R 04W in OWYHEE County.

Use: IRRIGATION (0.060 CFS)
Total Diversion: (0.060 CFS)

Date Filed: 9/13/1999

In: OWYHEE County
T03N R04W S27 Lot 6(NWSW)

2.0 ACRES TOTAL

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

MICROFILMED

APR 12 2000

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before NOVEMBER 22, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 11/ 3/1999 & 11/10/1999

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APR 12 2000