

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 57-11621

Priority: October 22, 2002

Maximum Diversion Rate: 2.26 CFS

This is to certify, that JOHN D EDWARDS And/Or
DEBORAH S EDWARDS
PO BOX 91
MURPHY ID 83650

has applied for a permit to appropriate water from:

Source: GROUND WATER

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	2.26 CFS
STOCKWATER	01/01 to 12/31	0.05 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, Twp 03S, Rge 01W, B.M., OWYHEE County
GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, Twp 03S, Rge 01W, B.M., OWYHEE County
GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 22, Twp 03S, Rge 01W, B.M., OWYHEE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S 01W 14									3.0	22.0							25.0
03S 01W 15												22.0	1.0	2.0	37.0	39.0	101.0
03S 01W 22	24.0	27.0	20.0	40.0	31.0	4.0		5.0									151.0
03S 01W 23						7.0	20.0										27.0
Total Acres:																	304.0

PLACE OF USE: STOCKWATER – Same as Irrigation

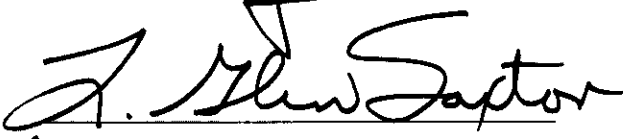
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2008**.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This permit does not authorize the deepening or enlargement of any existing well.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 57-11621

6. 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.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
9. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
11. Rights 57-1B, 57-2236, 57-2295 and 57-11621 when combined shall not exceed a total diversion rate of 5.14 cfs, and the irrigation of 304 acres.
12. This right is limited to the irrigation of 113 acres within the place of use described above in a single irrigation season.
13. Stockwater use is for 200 cattle & horses.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 13th day of February, 2003.


for KARL J DREHER, Director

RECEIVED

JAN 30 2003

FORM 202

2/96

Ident. No. 57-11621

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

OCT 21 2002

WATER RESOURCE
WESTERN REGION

1. Name of Applicant John D. Edwards and Deborah S. Edwards Phone 208-834-2080
Mailing address P.O. Box 91, Murphy, ID 83650
2. Source of water supply ground water which is a tributary of NA
3. Location of point of diversion is Township 3S Range 1W Sec. 15, in the 1/4,
SE 1/4, SW 1/4, Govt. Lot , B.M., Owyhee County;
additional points of diversion if any: NENW Sec 22, T3S, R1W (two wells)
4. Water will be used for the following purposes:
Amount 2.26 for irrigation purposes from 3/1 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.05 for stockwater 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)
5. Total quantity to be appropriated is (a) 2.26 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 two wells with turbine pumps, booster pump for sprinklers. A third well may be drilled if necessary.
 - b. Height of storage dam feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet (water-bearing zone 100 to 400 ft)
 - c. Proposed well diameter is 16 inches; proposed depth of well is 400 feet
 - d. Is ground water with a temperature of greater than 85°F being sought?
 - e. If well is already drilled, when? 1960±; Drilling firm Orval Harden
1959±; Well was drilled for (well owner) W.E. Baker; Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is 5 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. 200 head cattle and horses
 - c. Municipal; show name of municipality.
 - d. Domestic; show number of households.
 - e. Other; describe fully.

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	
3S	1W	14										3	22						25
		15												22	1	2	37	39	101
		22	24	27	20	40	31	4		5									151
		23						7	20										27

place of use stockwater same as irrigation Total number of acres to be irrigated 113 *
 *within 304-acre permissible place of use

10. Describe any other water rights used for the same purposes as described above. 57-1B (Sinker Creek)
57-2236 & 57-2295 (ground water)

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:

Diversion rate not to exceed 5.14 cfs in combination with Sinker Creek rights (57-1B and new application for permit) and groundwater rights (57-2236 and 57-2295). This permit will provide irrigation on 60 new acres (along with a new application for permit from Sinker Creek for the same 60 acres) and will be supplemental to Sinker Creek right 57-1B on 53 acres. The 53 acres of supplemental irrigation were developed under 57-2295 but were not licensed. Permissible place of use will be shared with water rights 57-1B, 57-2236, 57-2295, and a new appropriation from Sinker Creek (see companion applications for permit and application for transfer). 57-11/6/22

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.)

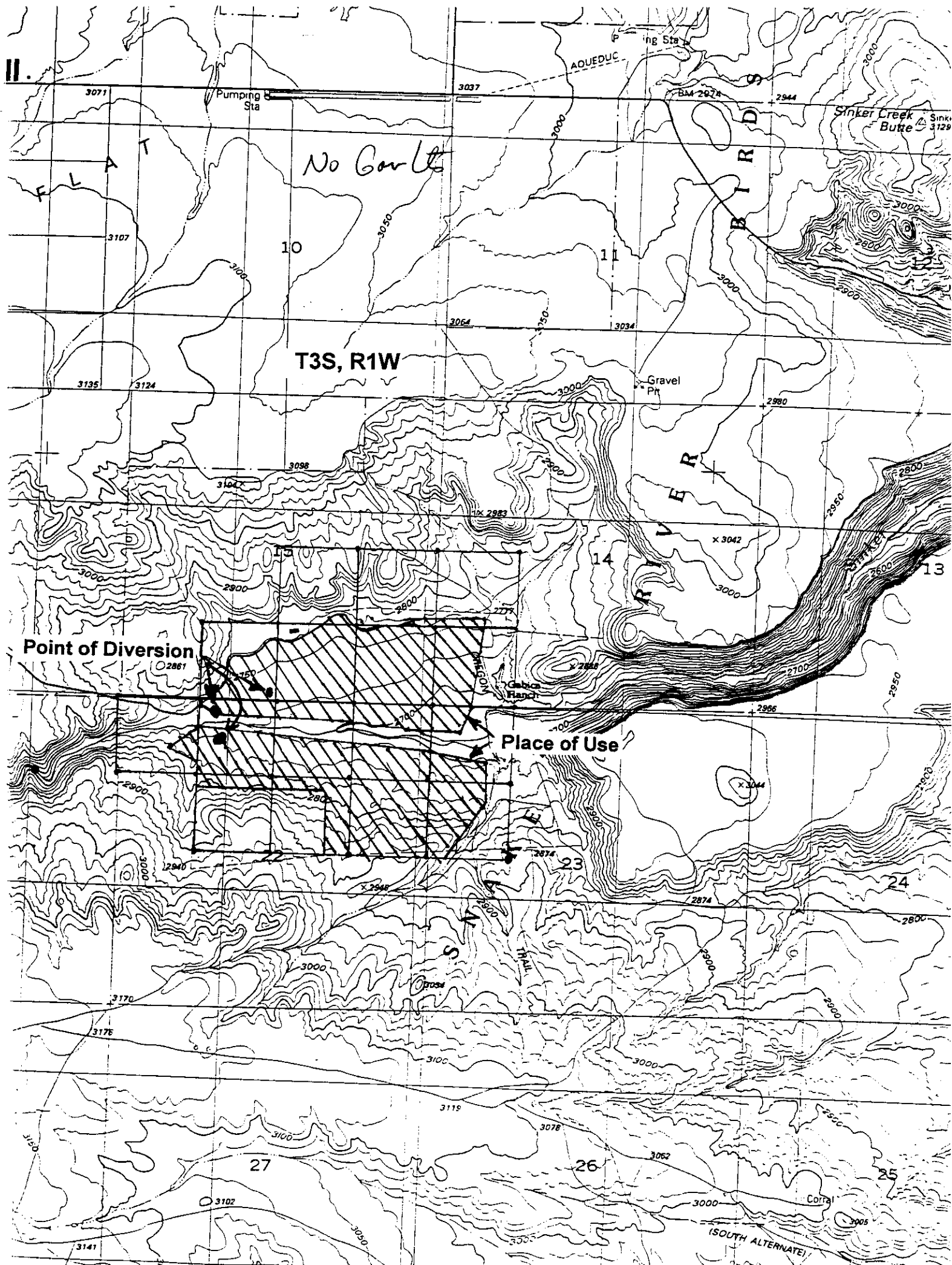
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.



Signature of Applicant (and title, if applicable)

Received by KL Date 10/21/02 Time 2:30 Preliminary check by Ly
 Fee \$ 330.00 Receipted by KL # 10029822 Date 10/22/02
 Publication prepared by st Date 12-4-11-02 Published in OWYHEE AVALANCHE
 Publication approved st Date 1-23-03

II.



REQUEST TO PROCESS

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

Name of Applicant John D. Edwards and Deborah S. Edwards
Mailing Address P.O. Box 91
Murphy, ID 83650
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.

 X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature

Deborah S. Edwards

Date

10/3/02

Please return this form to:

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 14, 2003

JOHN D EDWARDS
DEBORAH S EDWARDS
PO BOX 91
MURPHY ID 83650

RE: Permit No. 57-11621

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources 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 the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date 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.

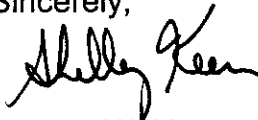
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water 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 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 forms and instructions.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley Keen", written in a cursive style.

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

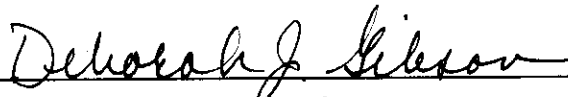
CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

57-11621

**DEBORAH S EDWARDS
JOHN D EDWARDS
PO BOX 91
MURPHY ID 83650**

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

**Deborah J. Gibson
Administrative Assistant**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this 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 fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

MEMORANDUM

Date: February 11, 2003
To: Water Right File 57-11621
From: dgibson
Re: Permit Review

This permit is supplemental water for for 53 acres for decreed surface water right no. 57-1B. Two other ground water rights are appurtenant to the same place of use, and are overlapped by this right and a related companion right no. 57-11622. This permit is for two existing wells which predate 1987 development, with a proposed new well. Additionally, this right is for irrigation of 60 newly developed acres.



57-11621
11/26/02 lm

This is an aerial photograph of a mountainous landscape, likely a mountain range. The terrain is rugged with numerous peaks and valleys. A grid of blue lines is overlaid on the image. In the upper left, there is a red rectangular area. In the upper right, there is a light blue rectangular area. In the center, there is a yellow rectangular area with a black dot. In the lower right, there is a large yellow area with a black dot. In the lower left, there is a red area. The text '57-11621' and '11/26/02 lm' is printed in the upper left area.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 57-11621

Dates and Other Information:

Application Received Date: 10/22/2002
 Application Denied Date:
 Last Date of Beneficial Use:
 Extension End Date:
 Protest Deadline Date:
 Number of Protests: 0
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector: AND/OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Application Type: New Appropriation
 Applicant Remarks: Diversion rate not to exceed 5.14 cfs in combination with sinker Creek rights (57-1B, and new application for permit) and groundwater rights (57-2236 and 57-2295). This permit will provide irrigation on 60 new acres (along with a new application for permit from Sinker Creek for the same 60 acres) and will be supplemental to Sinker Creek right 57-1B on 53 acres. The 53 acres of supplemental irrigation were developed under 57-2295 but were not licensed. Permissible place of use will be shared with water rights 57-1B, 57-2236, 57-2295 and a new appropriation from Sinker Creek (see companion applications for permit and application for transfer.)

Other Water Rights: 57-1B (Sinker Creek) 57-2263, 57-2295 (ground water)
 Time to Complete Works: 5
 Transfer Affected Description:
 Transfer Affected Contracts:
 Old Transfer Number:
 Transfer Reason:
 Transfer Return Flows:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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The Owyhee Avalanche

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

AFFIDAVIT OF PUBLICATION

RECEIVED

JAN 22 2003

WATER RESOURCES
WESTERN REGION

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):

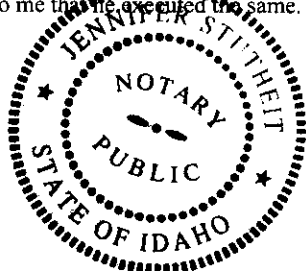
DECEMBER 4, 11, 2002

SIGNED:

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 20th day of January in the year of 200³ before me, a

Notary Public, personally appeared JOE E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument,
and being by me duly sworn, declared that the statements therein are true, and acknowledged
to me that he executed the same.



Jennifer Stutheit
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 1/3/2009

Application for Permit No. 57-11620

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

57-11621

DEBORAH S EDWARDS
PO BOX 91
MURPHY ID 83650
JOHN D EDWARDS
PO BOX 91
MURPHY ID 83650

Point(s) of Diversion SESW S15
T03S R01W OWYHEE County
Source GROUND WATER

Point(s) of Diversion NENW S22
T03S R01W OWYHEE County
Source GROUND WATER

Point(s) of Diversion NENW S22
T03S R01W OWYHEE County
Source GROUND WATER

Use: IRRIGATION 03/01 To 11/
15 2.26 CFS

Use: STOCKWATER 01/01 To
12/31 0.05 CFS

Total Diversion: 2.26 CFS

Date Filed: 12/23/2002

Place Of Use: IRRIGATION

T03S R01W S14 NWSW
SWSW

T03S R01W S15 SESW NESE
NWSE SWSE SESE

T03S R01W S22 NENE NWNE
SWNE SENE NENW NWNW
SENW

T03S R01W S23 NWNW
SWNW

Number of Acres 304

Remark: 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
Resource, Western Region, 2735
Airport Wy, Boise ID 83705
together with a protest fee of \$25.00
for each application on or before
12/23/2002. The protestant must
also send a copy of the protest to the
applicant.

KARL J DREHER, Director

12/4, 11/02

November 27, 2002

Legal Notice Department

Owyhee Avalanche

PO Box 97

Homedale ID 83628

RE: Application for Permit No. 57-11620

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 12/23/2002. Your cooperation is appreciated.

Sincerely

A handwritten signature in cursive script, appearing to read "Sue", written in black ink.

Sue Taylor
Senior Secretary

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

57-11621

DEBORAH S EDWARDS
PO BOX 91
MURPHY ID 83650
JOHN D EDWARDS
PO BOX 91
MURPHY ID 83650

Point(s) of Diversion SESW S15 T03S R01W OWYHEE County Source GROUND WATER

Point(s) of Diversion NENW S22 T03S R01W OWYHEE County Source GROUND WATER

Point(s) of Diversion NENW S22 T03S R01W OWYHEE County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 2.26 CFS

Use: STOCKWATER 01/01 To 12/31 0.05 CFS

Total Diversion: 2.26 CFS

Date Filed: 10/22/2002

Place Of Use: IRRIGATION

T03S R01W S14 NWSW SWSW

T03S R01W S15 SESW NESE NWSE SWSE SESE

T03S R01W S22 NENE NWNE SWNE SENE NENW NWNW SENW

T03S R01W S23 NWNW SWNW

Number of Acres 304

Remark: 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 Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/23/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published Published in the Owyhee Avalanche on December 4 and 11, 2002.