



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

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

RE: Permit No. 57-11622

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.

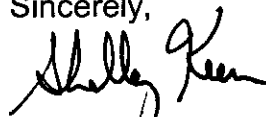
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department 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 a least sixty days prior to the commencement of work in the stream.

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". The signature is fluid and cursive, with the first name "Shelley" and the last name "Keen" clearly distinguishable.

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.

57-11622

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



**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.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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 Director 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.

MEMORANDUM

Date: February 12, 2003
To: Water Right File 57-11622
From: dgibson
Re: Permit Review

Permit review finds nothing additional to add to previous comments. Permit will be issued as applied for.

State of Idaho
Department of Water Resources

RECEIVED

RECOMMENDATION OF WATERMASTER

DEC 16 2002

WATER RESOURCES
WESTERN REGIONApplication Number: 57-11620 + 57-11622Applicant's Name: John D. Edwards and/or Deborah S. Edwards

Watermaster's Recommendation:

- a) X I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:

- c) _____ I oppose approval of this application for the following reasons:

- d) Additional Comments: _____

Dated this 11th day of December, 2002Water District Number: 57-D Watermaster's Signature: Nick Shli

The Owyhee Avalanche

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

JAN 22 2003

WATER RESOURCES
WESTERN REGION

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):

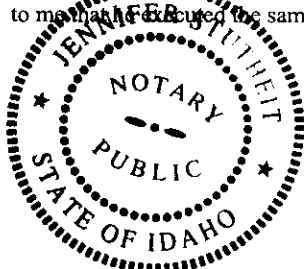
DECEMBER 4, 11, 2002

SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 20th day of January in the year of 2002 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 personally sworn, declared that the statements therein are true, and acknowledged
to me that he executed the same.



Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 1/3/2009

Application for Permit No.
57-11622

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

57-11622

DEBORAH S
EDWARDS
PO BOX 91
MURPHY ID 83650
JOHN D EDWARDS
PO BOX 91
MURPHY ID 83650
Point(s) of Diversion

SENE S21 T03S
R01W OWYHEE County
Source SINKER CREEK
Tributary To SNAKE RIVER
Use: IRRIGATION

03/01 To 11/15 1.2 CFS
Total Diversion: 1.2
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

12/4,11/02



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

December 9, 2002

NICK IHLI
WATER DISTRICT 57D
PO BOX 25
MURPHY ID 83650

Re: Application for Water Right Nos. 57-11620 and 57-11622 in the Name of John &/or
Deborah Edwards.

Dear Mr. Ihli:

Enclosed is a copy of the above-referenced application for permit. Also enclosed is a
form for your recommendation concerning this application.

Please review the application. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Lori Graves

LG:lm

Encl: Copy of Application



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 9, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

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

Re: Application for Water Right Nos. 57-11620 and 57-11622 in the Name of John &/or Deborah Edwards.

Dear Sir or Madam:

Enclosed are copies of the above-referenced applications that the proposed use is from surface water. Please review the applications 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 any of these applications, your written protest along with the \$25.00 protest fee per application protested must be received in this office by December 23, 2002.

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

Sincerely,

Lori Graves

LG:lm

Encl: Copy of Applications

November 27, 2002

Legal Notice Department

Owyhee Avalanche

PO Box 97

Homedale ID 83628

RE: Application for Permit No. 57-11620, 21, 22

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find ^{three} 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



Sue Taylor
Senior Secretary

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

57-11622

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

Point(s) of Diversion SENE S21 T03S R01W OWYHEE County Source SINKER CREEK
Tributary To SNAKE RIVER

Use: IRRIGATION 03/01 To 11/15 1.2 CFS

Total Diversion: 1.2 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.

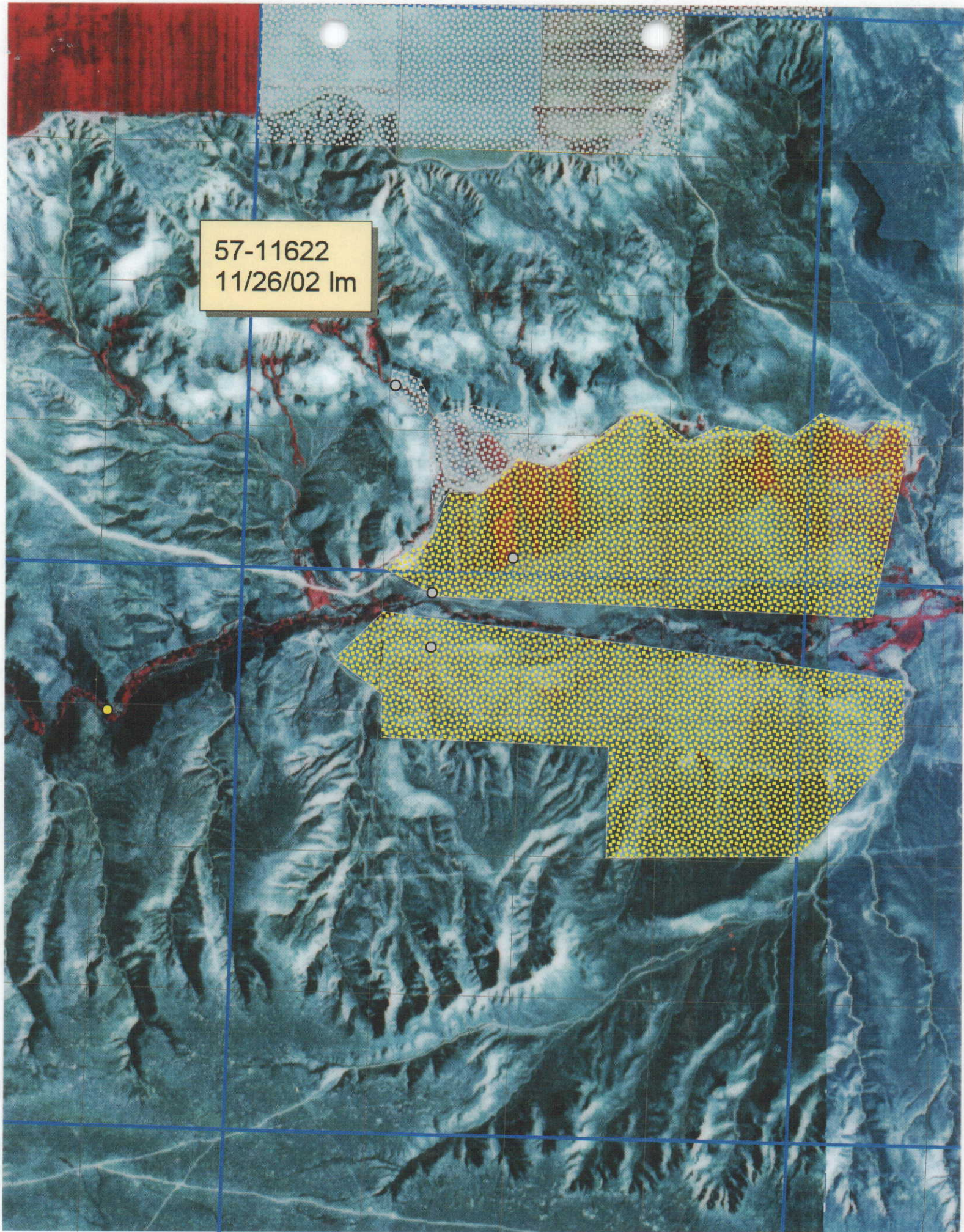
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

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.

57-11622
11/26/02 Im



State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 57-11622

Priority: October 22, 2002

Maximum Diversion Rate: 1.20 CFS

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

has applied for a permit to appropriate water from:

Source: SINKER CREEK

Tributary: SNAKE 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	1.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

SINKER CREEK SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, 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

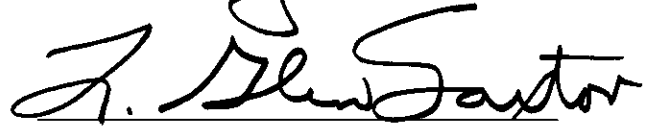
CONDITIONS OF APPROVAL

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. 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.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 57-D.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 57-11622

6. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
7. 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.
8. Rights 57-1B, 57-2236, 57-2295 and 57-11622 when combined shall not exceed a total diversion rate of 5.14 cfs, and the irrigation of 304 acres.
9. This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.

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

WATER RESOURCES WESTERN REGION

To appropriate the public waters of the State of Idaho

Department of Water Resources

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 Sinker Creek which is a tributary of Snake River
3. Location of point of diversion is Township 3S Range 1W Sec. 21, in the 1/4,
SE 1/4, NE 1/4, Govt. Lot , B.M., Owyhee County;
additional points of diversion if any:
4. Water will be used for the following purposes:
- Amount 1.20 for irrigation purposes from 3/1 to 11/15 (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) 1.20 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 existing diversion dam and ditch from Sinker Creek; pump, pipelines, and sprinklers for irrigation
- b. Height of storage dam NA feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet
- c. Proposed well diameter is NA inches; proposed depth of well is feet
- d. Is ground water with a temperature of greater than 85°F being sought? NA
- e. If well is already drilled, when? NA; Drilling firm ;
Well was drilled for (well owner) ; Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is 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.
- 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

application proposes irrigation of 60 acres within a 304-acre permissible place of use Total number of acres to be irrigated 60

10. Describe any other water rights used for the same purposes as described above. 57-1B, 57-2236, 57-2295

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 57-1B (Sinker Creek) and groundwater rights 57-2236, 57-2295, and new application for permit (see companion applications). 57-11621

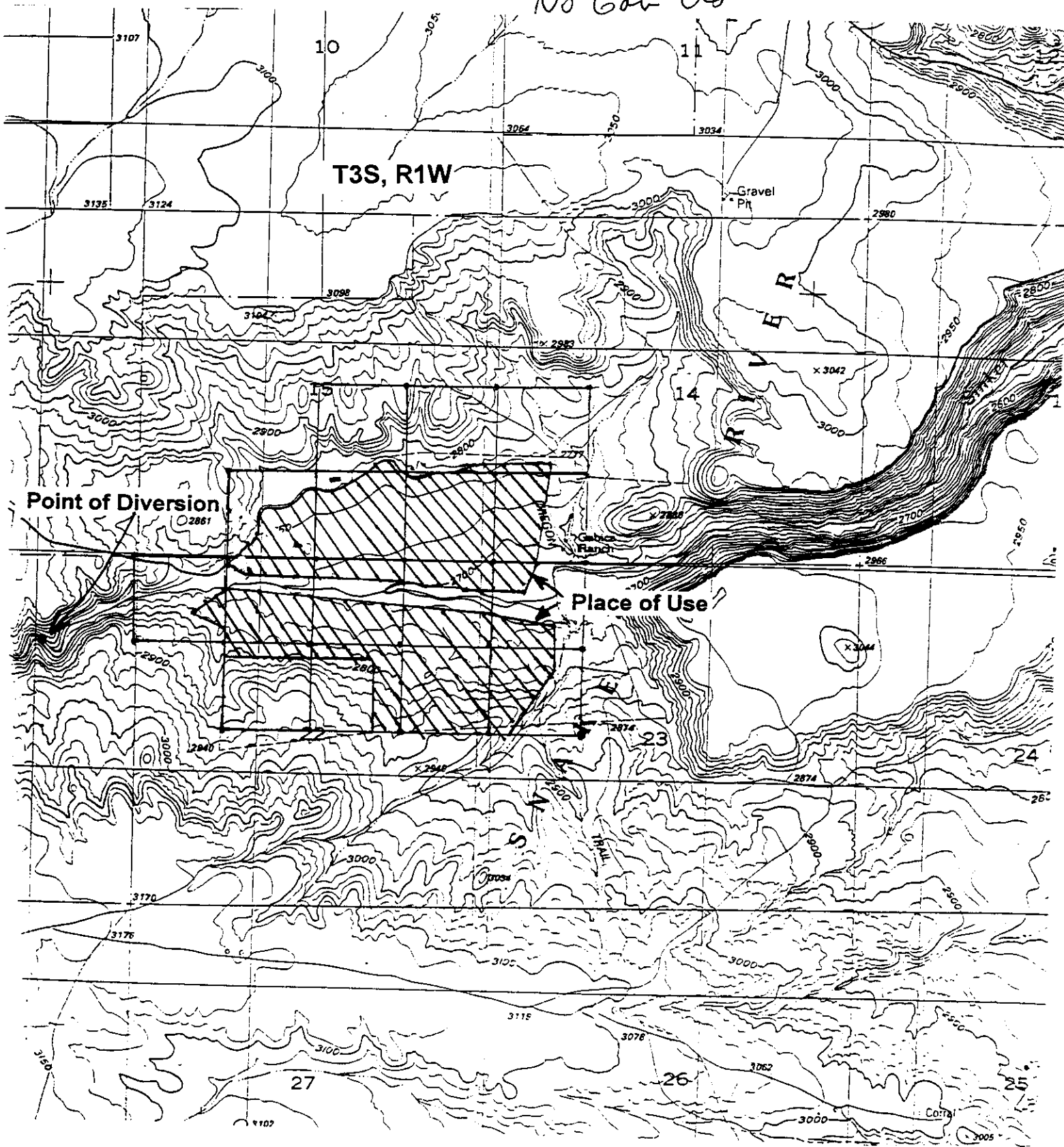
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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 KH Date 10/21/02 Time 2:30 Preliminary check by Ly
Fee \$ 290.00 Received by KH # W029822 Date 10/22/02
Publication prepared by dt Date 12-4-11-02 Published in OWYHEE AVALANCHE
Publication approved dt Date 1-23-03

No Gov Lts



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