

RECEIVED
JUN 13 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 13-7515

Department of Water Resources To appropriate the public waters of the State of Idaho

1. Name of applicant GARY GARNER Phone 208-747-3341
Post office address Box 66, CLIFTON, ID. 83228
2. Source of water supply Spring which is a tributary of Oxford Cr.
3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot LT 1 *
Sec. 30 Township T13S Range R38E B.M. Franklin County; additional
points of diversion if any: None
4. Water will be used for the following purposes:
Amount 0.04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.0 af for Recreation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum) Pond
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) 0.04 and/or (b) 1.0 af
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Pipe from spring to house
and pond + exit pipe to Oxford Creek.
 - b. Height of storage dam 8' feet; active reservoir capacity 1.0 acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - 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) _____
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
2 years (minimum 1 year).

* per government plat map 6/14/94 czg.

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. one home
- e. Other; describe fully. pond-fish prop.

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	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
136	38E	30					<u>D/R</u>												

Total number of acres to be irrigated _____

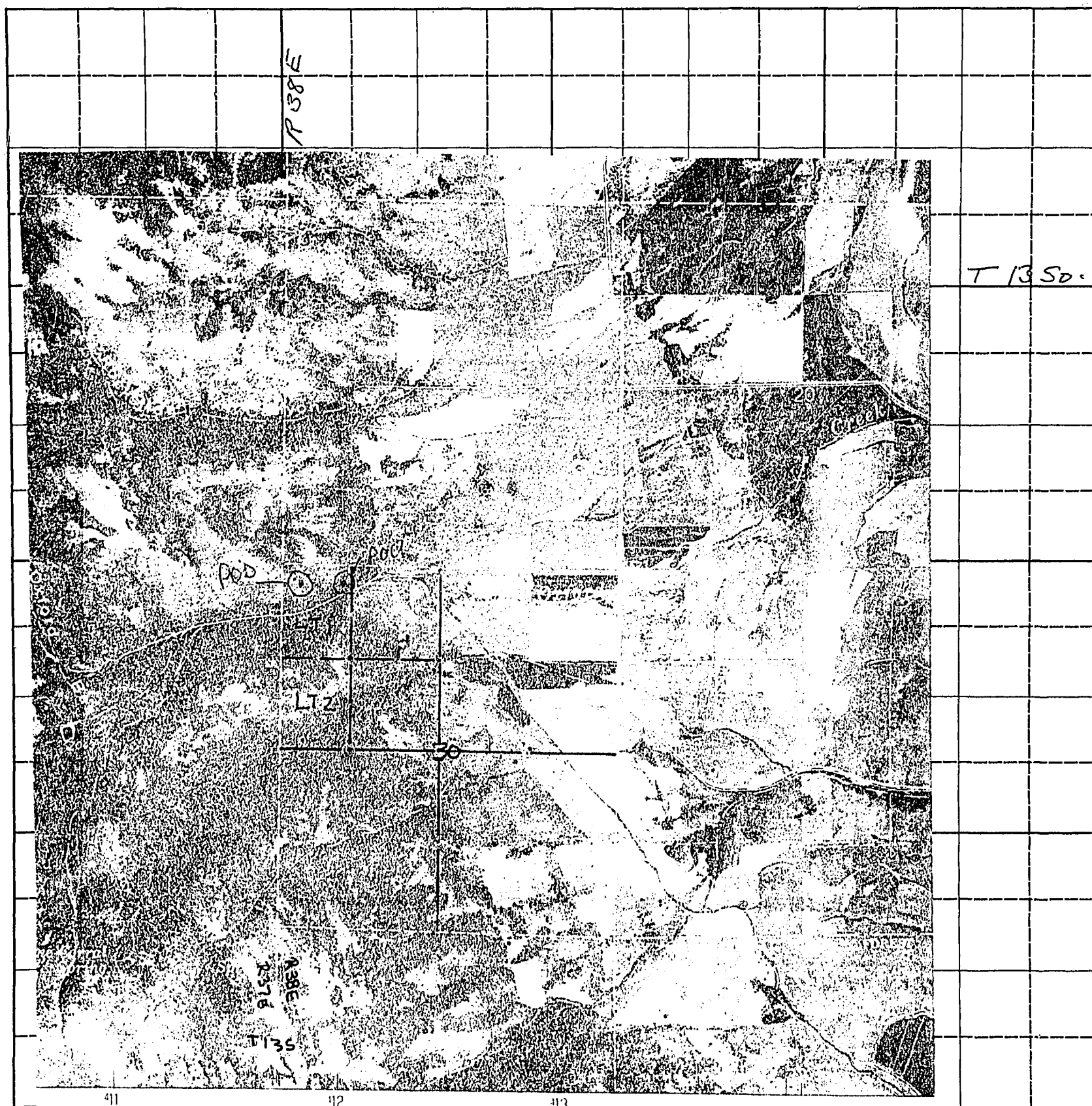
10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? GARY GARNER
- b. Who owns the land to be irrigated or place of use? GARY GARNER
- 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: _____

* per government plat map 6/14/94 cz.

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Sci

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

Larry Lamm
(Applicant)

Received by DC Date 4/7/94 Time 2:10pm Preliminary check by DC
Fee \$ 30~~55~~ Received by DC # E019661 Date 4/7/94
Publication prepared by LB Date 5-5-94 Published in Preston Citizen
Publication approved LB Date 6-1-94

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

T13S.
R38E

Twp. & Range	By whom surveyed	Date of Contract	Unit. of Surveys			
			Miles	Chains	Links	Width
Ship Lines	John B. Daniel	August 27 1870	11	00	00	

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 13-07515

Proposed Priority: April 7, 1994 Maximum Diversion Rate: 0.04 CFS

This is to certify, that GARY GARNER
PO BOX 66
CLIFTON ID 83228-0066
has applied for a permit to appropriate water from:

SPRING tributary of OXFORD CREEK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	
RECREATION	01/01 to 12/31		1.0 AF
	Totals	0.04 CFS	

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NWNWNW), Sec. 30, Township 13S, Range 38E
FRANKLIN County

PLACE OF USE: DOMESTIC

TWN RGE SEC

13S 38E 30 Lot 1(NWNW)

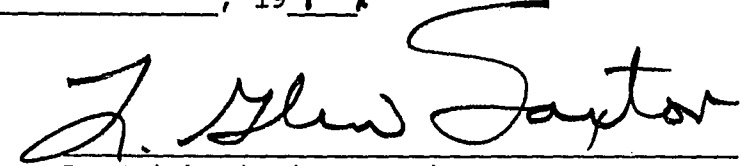
PLACE OF USE: RECREATION, same as DOMESTIC use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1997.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this right is subject to control by the watermaster of State Water District No. 13R.
5. The right holder is required to install and maintain an outlet pipe from the pond to Oxford Creek.
6. Recreation use is for a fish pond.
7. Domestic use is for 1 home.

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

20th day of June, 1994


for R. Keith Higginson, Director

04-May-1994

GARY GARNER
PO BOX 66
CLIFTON ID 83228

RE: Application No. 13-07515 & 13-07516

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the PRESTON CITIZEN on May 5 & 12, 1994. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

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

HWJ:rb

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before MAY 23, 1994.

R. KEITH HIGGINSON, Director

Published: 5/ 5/1994 & 5/12/1994

13-07515

GARNER, GARY
PO BOX 66
CLIFTON, ID 83228

Source: SPRING

Tributary: OXFORD CREEK

Diversion Pt: NWNWNW Sec 30 T 13S R 38E in FRANKLIN County.

Use: DOMESTIC (.040 CFS)
RECREATION

(1.00 AF)

Total Diversion: (.040 CFS)

Date Filed: 4/ 7/1994

In: FRANKLIN County
T13S R38E S30

NWNW

NOTICE OF APPLICATION FOR WATER RIGHT

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
900 N Skyline

Idaho Falls, Idaho 83402
(208) 525-7161

MAY 2, 1994

THE PRESTON CITIZEN
P.O. BOX 472
PRESTON, ID 83263

Gentlemen:

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 MAY 23, 1994.

Yours truly,

Rita Bodell
Rita Bodell
Secretary

Encl.

875

3765

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

ss.

J. WALTER ROSS

being duly sworn,

deposes and says:

That he is the **CO-PUBLISHER** of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said

newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

5-4, 1994, and ending
with the issue of 5-11, 1994

Fee \$ 47.12

Subscribed and sworn to before me this 11 day

of May, 1994.

Notary Public, Residing at Preston, Idaho

My Commission Expires Aug 14, 1995.

NOTICE OF APPLICATION FOR WATER RIGHT

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

13-07515 ✓

GARNER, GARY
P.O. BOX 66
CLIFTON, ID 83228
Source: SPRING

Tributary: OXFORD CREEK
Diversion Pt: NWNWNW Sec 30 T
13S R38E in FRANKLIN County.
Use: DOMESTIC (.040 CFS)
RECREATION (1.00 AF)
Total Diversion: (.040 CFS)
Date Filed: 4/7/1994
In: FRANKLIN County T13SR38E
S30 NWNW

13-07516

GARNER, GARY
P.O. BOX 66
CLIFTON, ID 83228
Source: SPRING

Tributary: SINKS
Diversion Pt: NESESW Sec 27 T
14S R 38E in FRANKLIN County.
Use: STOCKWATER (.020 CFS)
Total Diversion: (.020 CFS)
Date Filed: 4/7/1994
In: FRANKLIN County T14SR38E
S27 SESEW

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N. Skyline, Idaho Falls, Idaho 83402 on or before MAY 23, 1994.

R. KEITH HIGGINSON, Director
Legal No. 3765 — Publish May 4,
11, 1994.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 20, 1994

GARY GARNER
PO BOX 66
CLIFTON ID 832280066

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 13-07515

Dear Permit Holder:

Enclosed is a copy of your approved application for permit.
Please be sure to thoroughly review the "CONDITIONS/REMARKS:"
listing on the permit.

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.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

RECEIVED
APR 16 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 1307515

Name(s) of Permit Holder: GARY GARNER

Mailing Address: Box 66 CLIFTON, ID. 83228

Date Proof is Due: June 1, 97 Telephone No. 208-7473341

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Pond will be completed but the residence
will not.

Costing \$ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Spent 1 1/2 years in Portugal as a Missionary

Permit holder(s) request an extension to 1 June, 19 98.

FEE: \$50.00

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to June 1, 1998.

Signed this 3rd day of June, 19 97.

J. Glen Saylor
Chief, Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 14, 1996

Gary Garner
P.O. Box 66
Clifton, ID 83228-0066

RE: Permit No. 13-07515

Dear Permit Holder:

I am returning the Request for Extension of Time you submitted to the Eastern Regional Office on July 24, 1996. Proof of beneficial use for this permit is not due until July 1, 1997. The department can not consider an extension request which is submitted earlier than sixty (60) days prior to the proof due date.

I have initiated the process to refund the \$50.00 filing fee submitted with the extension. You should receive the refund in seven (7) to ten (10) days under separate cover. Additionally, I have enclosed a blank extension request form and instructions if you should need them in the future.

Please contact me at (208)327-7900 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script, reading 'Julie L. Yarbrough'.

JULIE L. YARBROUGH
Senior Secretary

Enclosures

cc: Fiscal, E. Region

March 31, 1997

GARY GARNER
PO BOX 66
CLIFTON ID 832280066

RE: PERMIT NO. 13-07515 PROOF DUE NOTICE

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 June 1, 1997. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

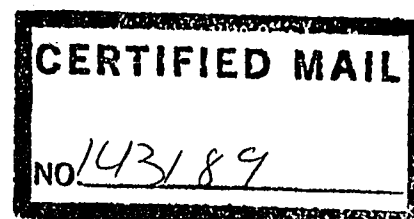
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures



E022414

Apr. 9, 97

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APR 16 1997

Department of Water Resources

Dear Sirs;

I would like to apply for an extension on a spring development permit # 13-07515. I paid the \$50 for the extension last fall in the Idaho Falls office.

I thank you;

Gary Sanner

Box 66

Clifton, Id. 83228

Ph. 208-7473341

07524

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No: E022414

Date: 7/25/1996
Time:

Received From: GARNER, GARY OR NOLA S

Refunded

Type of Payment	Program Acct	Amount
EXTENSION OF TIME 13-07515	63103 229 21 1155	50.00
EXTENSION OF TIME 13-07526	63103 229 21 1155	50.00

CHECK 1057

Total \$ 100.00

Region: EASTERN

Signature: _____

May 26, 97

RECEIVED
MAY 29 1997
Department of Water Resources

Julie Yarbrough

Enclosed is the \$50 extension fee for
Spring permit No. 13-07515.

Thanks,

Gary Garner
208-7473341



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 3, 1997

Gary Garner
P.O. Box 66
Clifton, ID 83228

RE: Permit No. 13-07515

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit. The time within which to submit proof of beneficial use is extended to **June 1, 1998**. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of the development during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

Section 42-248, Idaho Code, which became effective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

Please contact me at (208)327-7953 if you have any questions regarding this matter

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

FOR OFFICE USE ONLY
Amt. of Fee \$: 100.00
Receipt No. 1242048
Receipt By: VS
Date Received: 4/13/98
RECEIVED

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APR 13 1998

PROOF OF BENEFICIAL USE

Department of Water Resources

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

1. Permit No. 13-07515 Telephone No. 208-7473341
2. Name(s) of Permit Holder(s): GARY GARNER
3. Mailing Address: 233 W. 100 S, Clifton, Id 83228
4. Source of Water: Spring If **GROUNDWATER** (well), Date Drilled: mo. ____ / yr. ____
 - a. Well Driller: _____ Drilling Permit Number: ____ - ____ - ____ - ____
 - b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1.04 Stockwater (No. and type of stock): 1
Irrigation (No. of acres): _____ Other: Fish Pond 1.0 Acre Feet
6. Total rate of diversion and/or volume for which proof is submitted: .04 cfs OR 1.0 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 <u>X</u>
Has the measuring device been installed?	Yes ____ or No ____
Flow Measurement Port: Is a flow measurement port required?	Yes ____ or No <u>X</u>
Has the measurement port been installed?	Yes ____ or No ____
8. Fee Enclosed: \$ 100 (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: Gary Garner Telephone Number: 747-3341
Address: 233 W. 100 N. Clifton, Id. 83228
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Gary Garner
(include your title, if on behalf of company or organization)

Date: April 8, 98

March 31, 1998

GARY GARNER
PO BOX 66
CLIFTON ID 832280066

PROOF DUE NOTICE

RE: PERMIT NO. 13-07515

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 June 1, 1998.

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

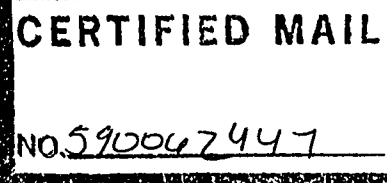
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





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

June 8, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY GARNER
233 W 100 S
CLIFTON ID 83228

PROOF ACKNOWLEDGMENT LETTER

RE: Permit No. 13-07515

Dear Permit Holder:

The Department is in receipt of the proof of beneficial use statement and the \$100.00 license examination fee filed in connection with the above referenced water right permit.

The license examination fee for a rate of diversion of 0.04 cfs is \$50.00. Therefore, I have initiated the process to refund the additional \$50.00 exam fee submitted. The refund should arrive in seven (7) to ten (10) business days under separate cover.

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.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have any questions concerning the field examination, contact the department's **EASTERN** Regional Office in Idaho Falls, at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

c: IDWR - Region
Mary McCulley - Fiscal

RECEIVED

JUN - 1 1999

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07515

Date of Priority: April 7, 1994

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 30.2 AF

Comes now GARY GARNER
PO BOX 66
CLIFTON ID 83228

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 13-07515, and requests that the permit be changed as follows:

Source: SPRING

tributary to OXFORD CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
RECREATION	01/01 to 12/31	0.04 CFS	29.0 AF
	Totals	0.04 CFS	30.2 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1 (NENWNW), Sec. 30, Township 13S, Range 38E
FRANKLIN County

PLACE OF USE: DOMESTIC
TWN RGE SEC
13S 38E 30 NENW

PLACE OF USE:
RECREATION, same as DOMESTIC use

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Clifton, Id., this 29 day of May, 1999.

Gary Garner
(Signature)

PAGE 2

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 13-07515

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50- Receipted by 10W # C045589 Date 6/1/89

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 13-07515 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 13R.
2. The right holder is required to maintain an outlet pipe from the pond to Oxford Creek.
3. Recreation use is for a fish pond.
4. Domestic use is for 1 home.

Witness my hand this 3rd day of June, 1989.

Acting for

Karl J. Dreher
KARL J. DREHER, Director

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 13-07515

Priority: April 7, 1994

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 30.2 AF

This is to certify, that GARY GARNER
PO BOX 66
CLIFTON ID 83228

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated April 7, 1994; and
has submitted Proof of Beneficial Use on April 13, 1998. An examination indicates
that the works have a diversion capacity of 0.060 cfs of water from:

SPRING

tributary to OXFORD CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
RECREATION	01/01 to 12/31	0.04 CFS	29.0 AF
	Totals	0.04 CFS	30.2 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1 (NENWNW), Sec. 30, Township 13S, Range 38E
FRANKLIN County

PLACE OF USE: DOMESTIC

TWN RGE SEC

13S 38E 30

NENW

PLACE OF USE:

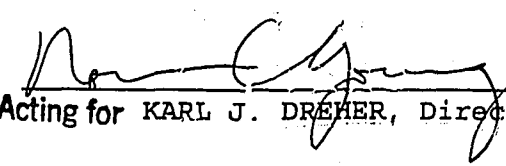
RECREATION, same as DOMESTIC use

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 13R.
2. The right holder is required to maintain an outlet pipe from the pond to Oxford Creek.
3. Recreation use is for a fish pond.
4. Domestic use is for 1 home.

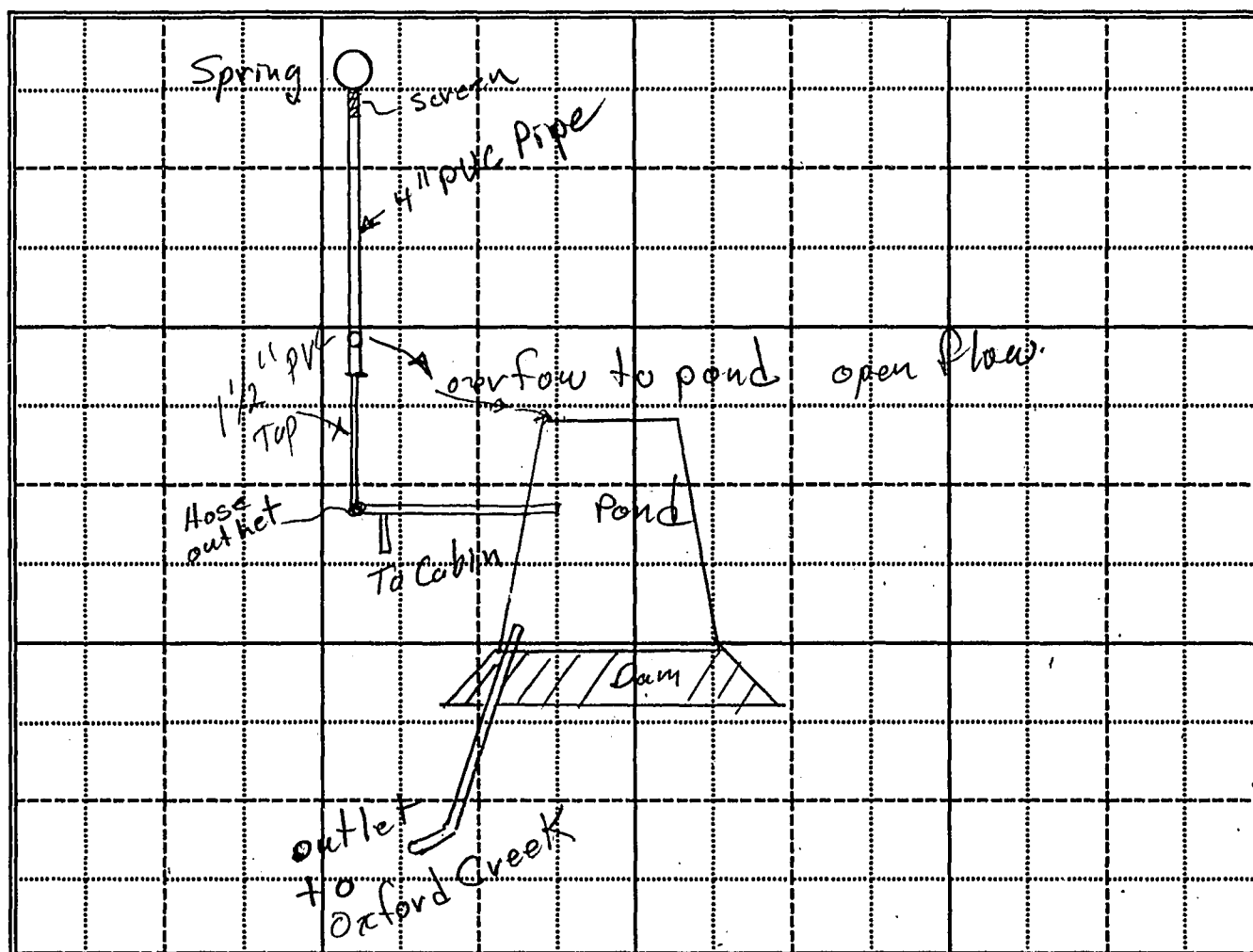
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 3rd day of

JUNE, 1999.


Acting for KARL J. DREHER, Director

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
None					

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: 4 gal in 9 sec. =

$$(4 \text{ gal}) \frac{60 \text{ sec}}{9 \text{ sec}} = (26.7 \text{ gal/min}) \frac{1 \text{ cfs}}{448.8 \text{ gal/min}} = 0.0594 \text{ cfs}$$

E. NARRATIVE/REMARKS/COMMENTS

Spring flows from pool into a screened 4" PVC pipe which delivers the water down the mountain. A 1 1/2" Tap at the end of the 4" Main line flows to the cabin - with the excess running into the recreation pond - The water not used in the cabin is returned to the pond the outlet at the pond returns the water to Oxford Creek. A hose outlet at the cabin waters a small (< 1 acre) lawn.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

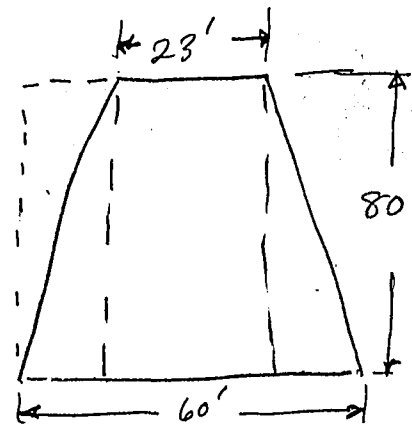
$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

$$\text{Area: } (23' \times 80') + \left\{ \frac{60' - 23'}{2} \right\} \times 80' = \text{Surface Area} =$$

$$1840 \text{ ft}^2 + 1480 \text{ ft}^2 = \underline{3320}$$

$$\text{Volume } 3320 \text{ ft}^2 \times 8 \text{ ft deep} = \frac{26560 \text{ ft}^3}{43560 \text{ ft}^2} = \underline{0.61 \text{ AF}}$$



H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1/01	12/31	0.02	
Recreation Storage	1-1	12-31		0.6
Totals:			0.02 cfs	0.6 Afa

2. Recommended Amendments

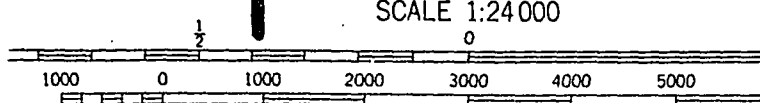
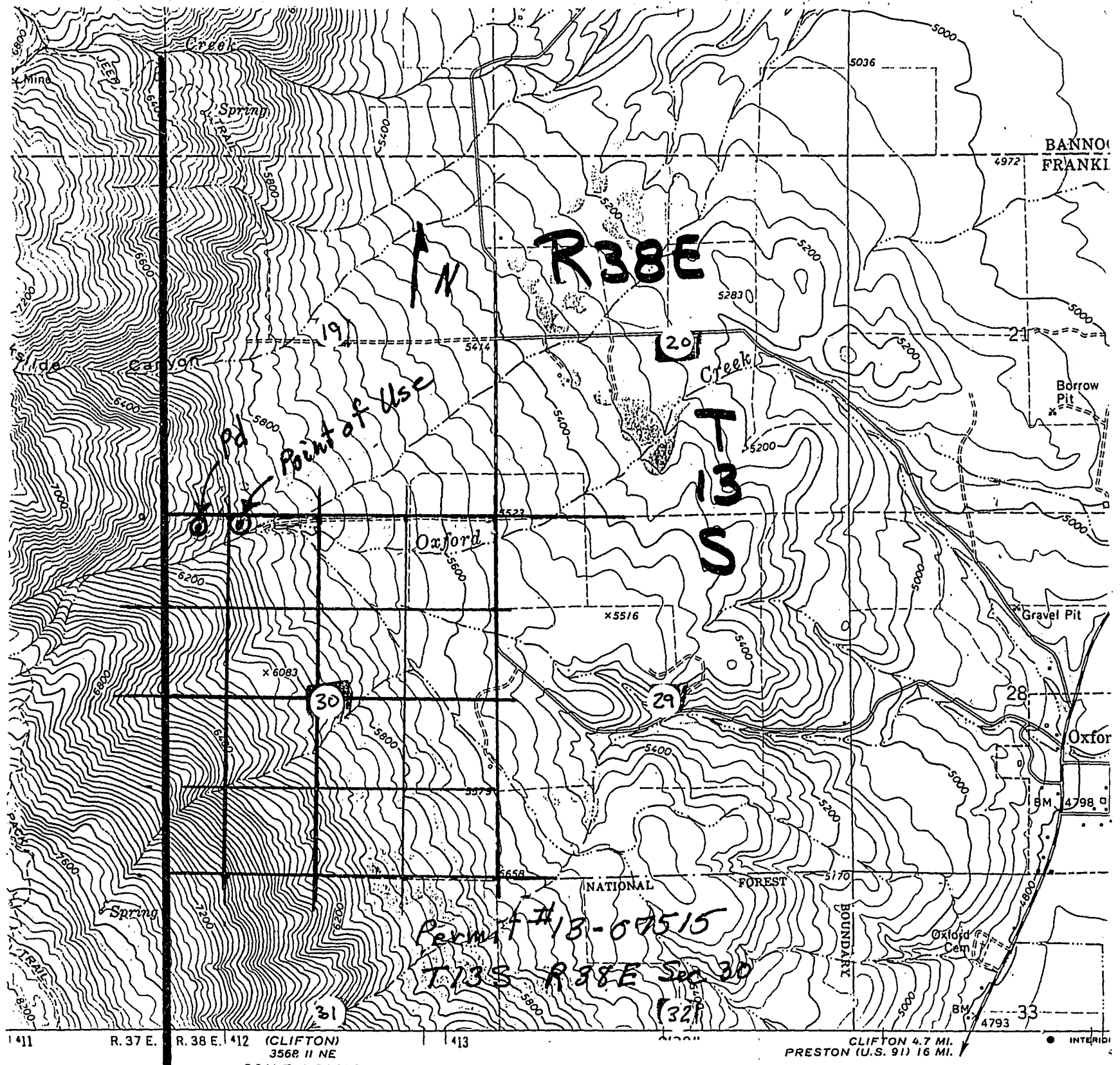
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Lee Simmons Date 9/30/98

Reviewer H. W. Jones Date 2-2-1999

SEAL



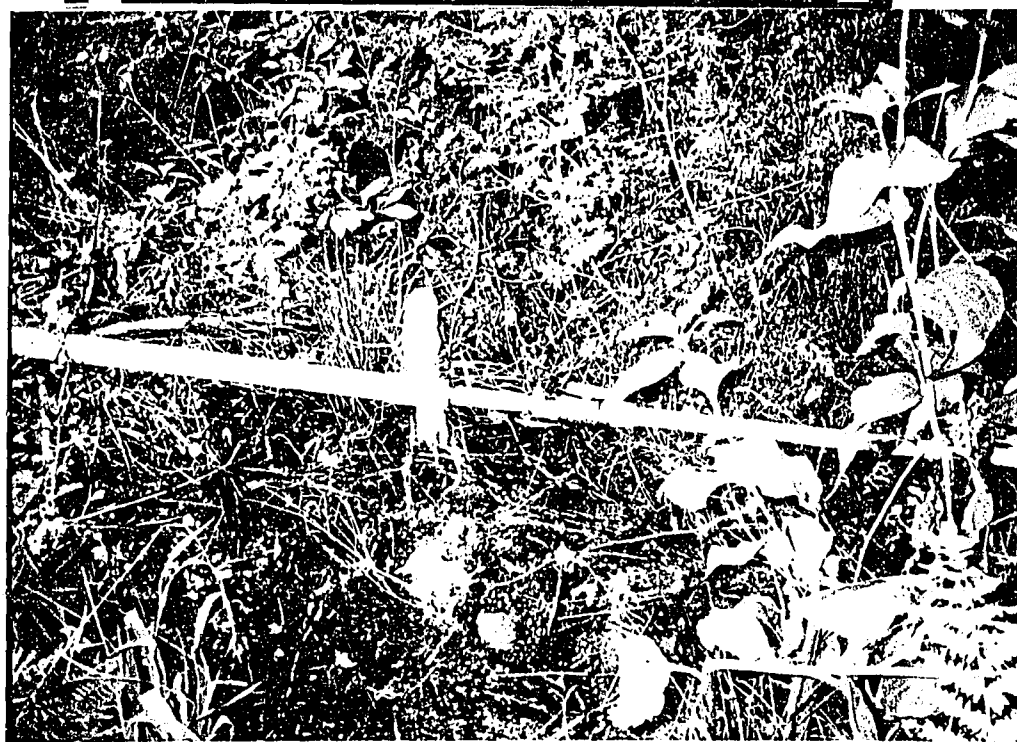
13-07515

Primary highway, a hard surface

1/3



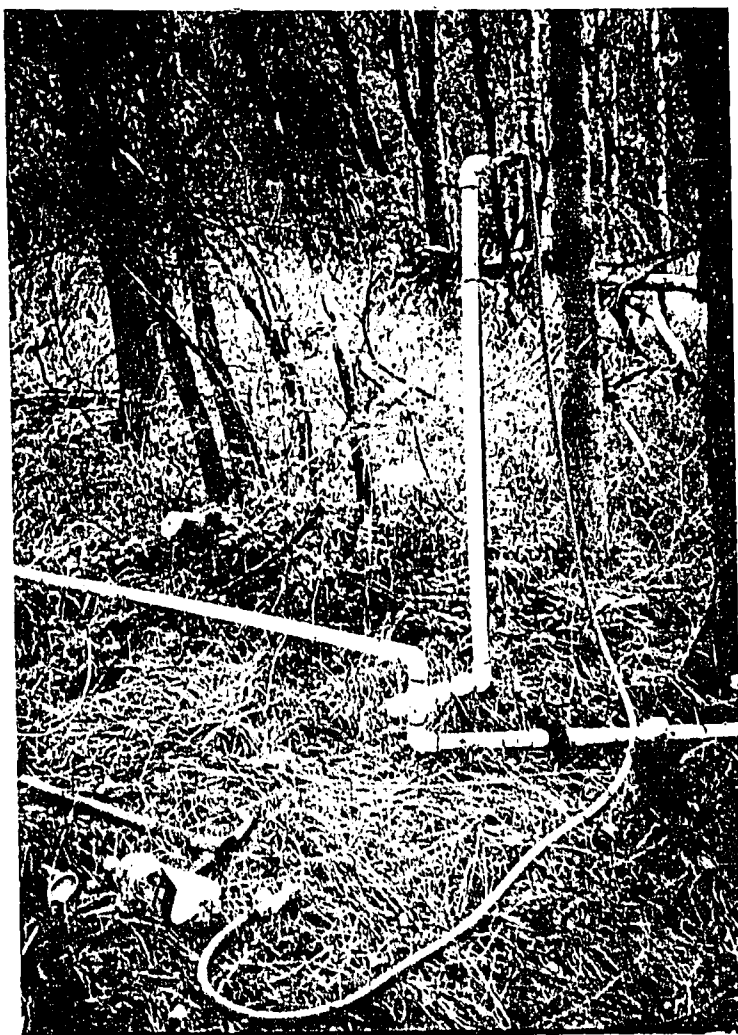
Photo of Spring
with exit at
bottom - looking
North West



End of 4"
PVC Pipe
with overflow
Spring is to the
left approx 500 ft
looking North.
Cabin to the right
at 50 ft.

Permit #
13-07515

2/3



Pipe ~~arr~~ arange ment outside
of Cabin - Spring water enters
from left and exits at Right
Continuous flow through system
with entering pond ~~at~~ in
bottom picture - looking
North West

From Cabin.



From overflow
Photo of Rec.
Pond for fish
looking West.

Permit #
13-07515

3/3



Outlet of
Pond - Looking
South



Looking South
outlet of pond
is channeled back
to Oxford Creek

Permit # 13-07515



***FOR CLARITY
OF ANY
PHOTOGRAPHS
MICROFILMED,
SEE FILE.***

MEMORANDUM

TO: File 13-07515

FROM: Sharla

DATE: May 18, 1999

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit 13-07515 are as follows:

H. RECOMMENDATIONS

Recreation	1/1 - 12/31	0.04 cfs	29.0 afa
Domestic	1/1 - 12/31	0.04 cfs	1.2 afa
	TOTALS	0.04 cfs	29.0 afa

The "recreation" use is a flow-through pond taking water after being used for domestic purposes and returning overflow to Oxford Creek. When the application was filed, this use was listed as recreation with a storage amount. Typically, the data entry should have been changed to volume for "recreation storage". However, as it turns out, recreation use with a direct flow component is the appropriate term for this off-stream flow-through pond. Although the examiner measured 0.06 cfs, the rate for domestic use of one home is 0.04 cfs and the water flows to the pond after going through the domestic system, the recreation rate is the same as the domestic rate. The recreation volume is based on continuous diversion (flow-through).

Exam Date: July 2, 1998
Examiner: Lee Simmons



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

May 21, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY GARNER
PO BOX 66
CLIFTON ID 83228

RE: WATER RIGHT NO. 13-07515

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that your place(s) of use is in a location other than what was described on your permit. Therefore, before a license can be issued, the permit must be amended to depict your water right as it was actually developed.

The enclosed Application for Amendment form depicts the place(s) of use and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



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

June 4, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY GARNER
PO BOX 66
CLIFTON ID 83228

RE: WATER RIGHT NO. 13-07515

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

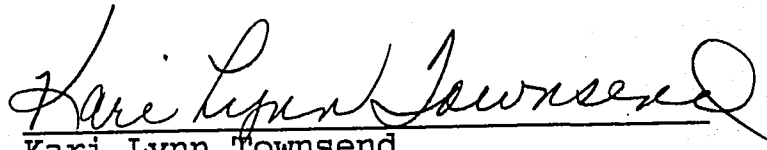
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of June, 1999, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 13-07515

GARY GARNER
PO BOX 66
CLIFTON ID 83228


Kari Lynn Townsend
Secretary