

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant James Merritt Hait Phone 408-274-9248

Post office address 8047 Chardonay Ct. San Jose, CA. 95135

2. Source of water supply springs which is a tributary of Poyette River, North Fork

3. Location of point of diversion is NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , Govt. Lot 6

*see map* Sec. 36 Township 18N Range 2E B.M. Valley County; additional points of diversion if any: NENWSW S. 36 T18N R2E Lot 6

4. Water will be used for the following purposes:

Amount .78 for Division to storage purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount .78 for Recreation purposes from 11/2 to 5/31 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount 200 for Recreation storage 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)

5. Total quantity to be appropriated is (a) .78 and/or (b) 200 \*  
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Dam and dike to store  
reservoir water approx 4' deep over approx 40 acres. Diversion to  
storage included due to several springs not at actual reservoir site.

b. Height of storage dam 10 feet; active reservoir capacity 200 acre-feet; total reservoir capacity 200 acre-feet; period of year when water will be diverted to storage: 1/1 to 12/31 inclusive.

c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.

d. Is ground water with a temperature of greater than 90°F being sought? \_\_\_\_\_

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years (minimum 1 year).

\* original appl. for 200 ac. ft. (See original pg 1 & 2 and associated letters submitted by applicant). Renewal appl. includes .78 cfs as a redefined water use. This should be considered a more detailed description of use instead of an application of water in the appl. process (re: date of priority). PL 1-9-90

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- Stockwatering; list number and kind of livestock. \_\_\_\_\_
- Municipal; show name of municipality. \_\_\_\_\_
- Domestic; show number of households. \_\_\_\_\_
- Other; describe fully. a recreation reservoir

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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.

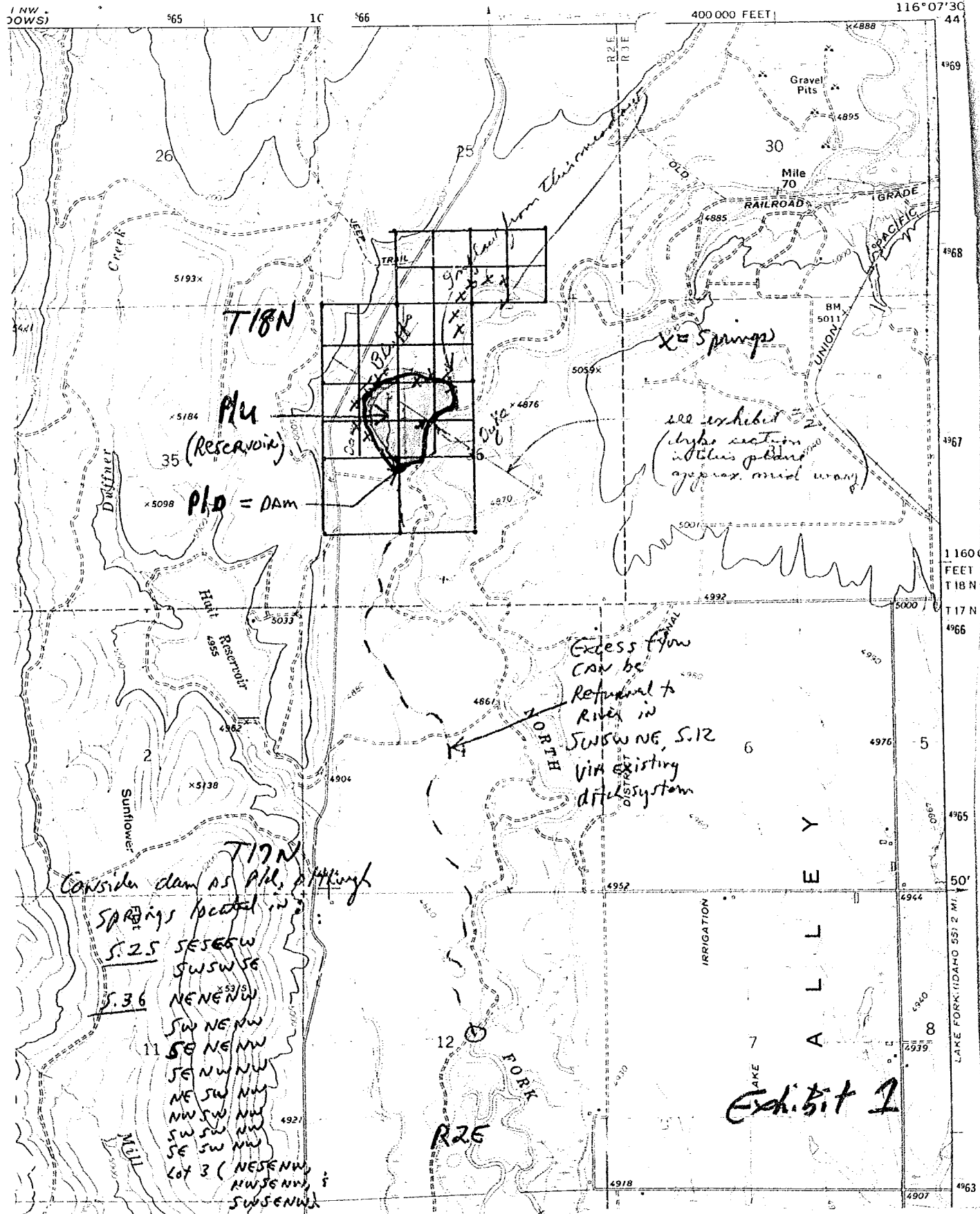
TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
18N	2E	36					R	R	R	R	R	R							—
										2.3	2.6	2.6							

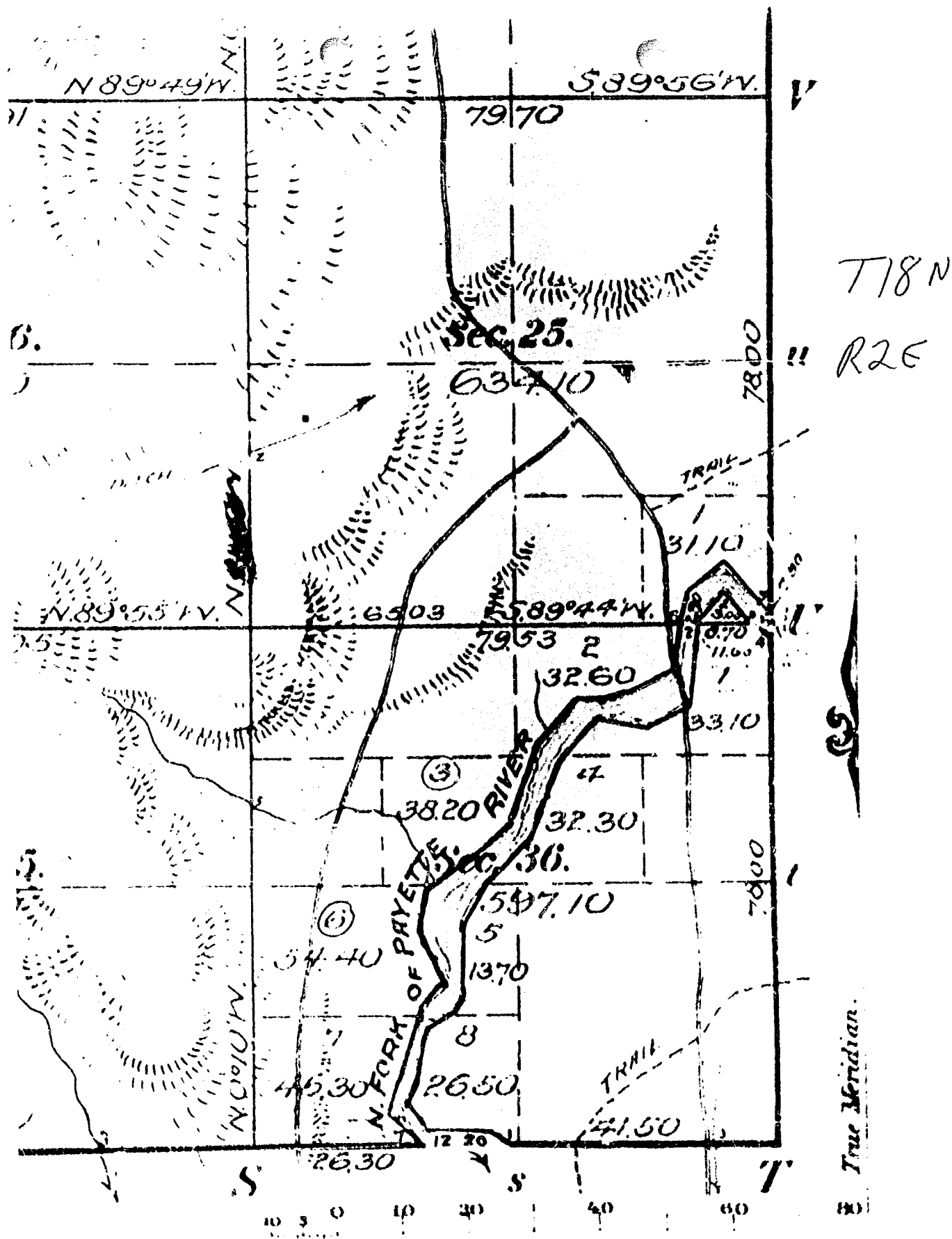
Total number of acres to be irrigated —

10. Describe any other water rights used for the same purposes as described above. NONE (65-07576 uses same springs for irrigation)

- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. \_\_\_\_\_

12. Remarks: This right will contain no consumptive use component.  
Dam is in NWNESE 1/4 or NENWSW, S. 36, T18N, R2E.  
Also see Transfer for 65-07576 filed concurrently (provides consumptive use component for Reservoir).





see attached maps  
SL 12/27/89

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.

(Applicant)

Received by YLS. Date 11/6/89 Time 12:55 pm Preliminary check by PL  
Fee \$ 125.00 Received by JH # W0006635 Date 11-6-89  
Publication prepared by GG Date 1-10-90 Published in Star News  
Publication approved SL Date 2/13/90  
1/17 & 1/24/90

### 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:

original letters in  
dam safety file,  
Western Region  
Gentlemen;

11/1/89

Subject - Proposed lake  
on Fair Ranch near  
McCall Idaho

Attached is an "Application for Permit"  
to store 200 acre feet of water by creating a  
- lake by raising an existing dyke approximately  
a distance of 1300 feet and sealing an existing  
cut thru a peninsula. Enclosed also are  
four exhibits #1 thru #4 and a fee check for \$5.  
Exhibit #1 is a section of the No Business  
Mtn quadrangle map and the other three exhibits  
are sketches of the dyke to be raised and a plan  
and elevation view of the cut thru an existing  
peninsula which will be sealed to the dike  
needed to check the water flow coming mainly  
from the springs covered by an existing water  
right #A-45-07576.

In filling out item #4 in the application  
it was assumed that there is no measurable  
water loss since any seepage will return to  
the Payette River and other than evaporation  
the spillway will return any excess to an  
already existent stream returning to the  
river as shown in the center of section 12 see  
exhibit #1. Since there are no residences south  
(down stream) of the proposed lake closer than  
three miles (this one being 30 feet above high water  
level of the North Fork it is believed that the  
dam proposed will be considered "Low Risk"  
The applicant is an RPI (Rensselaer) graduate with  
an M.S. degree (1928) with considerable dam building  
experience (12 in Calif and 2 in Idaho) and requests  
that the requirements to employ an engineering  
firm be waived.

By reference to exhibit #1 it will be evident that there cannot be any interference with any neighbors by creation of this lake since the applicant is owner of the property West of the North Forks from and including the SE  $\frac{1}{4}$  section 25, the south West  $\frac{1}{4}$  sec 30 Also all property West of the North Forks east of the county road in section 36 (NW  $\frac{1}{4}$  & SW  $\frac{1}{4}$ ) All property (West of North Forks) of sec 1 and 12

If approval to store the water requested in this application is granted applicant will gladly complete sealed drawings for the Department and furnish any additional information that may be requested

Sincerely  
J. M. Davis

RECEIVED

NOV 06 1989

Department of Water Resources  
Western Regional Office



11/1/89

Subject - Proposed New Lake  
Harris Ranch  
McCall

Dear Dave

I am in hopes of getting approved to create a small lake as shown on the attached exhibit #1. The area shown yellow covers about 46 acres and would be created by plugging the cut that runs thru the peninsula of high ground on the area of the road marked "Dam". Also the dyke that more or less follows the river will be raised at its mid section at least six feet as shown on exhibit 2. The existing dyke will only be raised about 3 ft at the extreme NE end of the lake and 10 ft on the south where it meets into the high peninsula. What of this point about 150 ft is where the cut was put thru to drain the area shown "yellow" exhibit #1. This cut is what is referred to on the sketches #3 & #4.

The old dyke has been in place for so many years<sup>20</sup> is highly compacted, and the raised portion 3-1 on water side, and 2-1 on river side overlaps the old dyke so far that I hesitate cutting a core on either side. At the most maybe a 4 ft wide vinyl sheet could be considered as an impervious membrane. What do you think? 3-1 minor seepage should occur along the 150 ft length of raised dyke may be it serve to help keep the water clear.

2. My comments attached to the application need change in the form 202 ~~and~~ should be modified I would appreciate your comment or a collect call at my home in Las Vegas (702-274-9248)

Regards

Jim Stewart

PS The purpose of this lake is for recreation<sup>use</sup> with homes to be along the bluffs

If the application is satisfactorily filled out will you detach exhibits #1, & #2 and attach them to the application?

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

Ident. No. \_\_\_\_\_

To appropriate the public waters of the State of Idaho

1. Name of applicant James Merritt Hail <sup>408</sup> Phone 274-9248  
Post office address 8047 Chardonay CT San Jose Calif 95135 (Winter Address)
2. Source of water supply Spring # 14-05-07576 <sup>Identification</sup> which is a tributary of \_\_\_\_\_
3. Location of point of diversion is SE, SW, NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Sec 36  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_  
Sec. 36 Township 18 N Range \_\_\_\_\_ B.M. \_\_\_\_\_ County; additional  
points of diversion if any: Spring along Bluffs East of county road in sec 36 225'  
see map exhibit 12, attached
4. Water will be used for the following purposes:  
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 Recreational (R) purposes from year-around to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum) one time filling of 40 acre reservoir to 5 ft average depth
5. Total quantity to be appropriated is (a) \_\_\_\_\_ and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works: See attached No Business Mtn quadrangle map sec 36  
darkened short dam and approximately 1500 ft of dyke to be raised 7 feet  
a. Description of ditches, flumes, pumps, headgates, etc. in order to store water to an average  
of six feet in depth over the eastern portions of the SW  $\frac{1}{4}$  and SE  $\frac{1}{2}$  of the  
NW  $\frac{1}{4}$  of sec 36
- b. Height of storage dam 10 feet; active reservoir capacity none acre-feet; total  
reservoir capacity 200 acre-feet; period of year when water will be diverted to storage:  
one time filling only adding only evaporation and seepage of seepage  
to \_\_\_\_\_ inclusive. will return to river
- ☒ c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
- ☒ d. Is ground water with a temperature of greater than 90°F being sought? \_\_\_\_\_
7. Time required for the completion of the works and application of the water to the proposed beneficial use is  
1  $\frac{1}{2}$  years (minimum 1 year).

ORIGINAL Pg 1, 2 ; Revised per info contained in  
application & IDWR records. JL 12/29/89

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. Municipality; show name of municipality. \_\_\_\_\_

d. Domestic; show number of households. \_\_\_\_\_

e. Other; describe fully. A lake within an existing dry lake (to be raised) and bluffs existing west and east and see map exhibit 1 attached. For Recreational and Residential use

9. Description of place of use: *Water to be stored one time only for above 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.

[illegible]

**Total number of acres to be irrigated** \_\_\_\_\_

10. Describe any other water rights used for the same purposes as described above. Owner J M Hail  
has an existing 10c45 Springs Water Right Identification # 4-65-07576

11. a. Who owns the property at the point of diversion? Iron Horse  
b. Who owns the land to be irrigated or place of use? \_\_\_\_\_  
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: See letter of detail explanation dated 10/30/89  
address to attention: Dave Vothhill

# Publisher's Affidavit of Publication

STATE OF IDAHO }

.SS

County of Valley

I, Maggie Aganew, being duly sworn and say, I am the receptionist of The Central Idaho Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the NOTICE OF APPLICATION FOR WATER RIGHT, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began January 18, 1990 and ended January 25, 1990.

*M. A. Aganew*

Subscribed and sworn before me this the 29th day of January, 1990.

STATE OF IDAHO }

COUNTY OF VALLEY }

On this 29th day of January, in the year of 1990, before me, a Notary Public, personally appeared Maggie Aganew, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

*Tom Grote*  
Tom Grote  
Notary Public for Idaho  
Residing at McCall, Idaho  
Commission Expires: 1993

## NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13131 ✓  
HAIT, JAMES MERRITT  
8047 CHARDONAY CT.  
SAN JOSE, CA 95125

Source: SPRINGS

Tributary: PAYETTE RIVER, NORTH FORK

Diversion Pt: LOT 6 (NWNESE) Sec 36 T 18N R 02E

LOT 6 (NENWSW) Sec 36 T 18N R 02E

Use: RECREATION (780 CFS)

RECREATION FROM STORAGE (200.00 AF)

DIVERSION TO STORAGE (780 CFS)

Total Diversion: (780 CFS) (200.00 AF)

Date Filed: 11/06/1989

In: T18N R02E S36 NENW NWNW

SWNW Lot 3 (SENE)

Lot 6 (NENSW) Lot 6 (NENSW)

The permit (s) will be subject to all

prior water rights. Protests must be filed

with the Director, Dept. of Water

Resources, Western Region, 2735 Airport

Way, Boise, Idaho 83705 on or before

JANUARY 22, 1990. R. Keith

Higginson, Director

2/1/25 PAPER FEB 5, 1990

ERRATA

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 65-13131

Proposed Priority: November 6, 1989      Maximum Diversion Rate: 0.78 CFS  
This is to certify, that JAMES MERRITT HAIT  
8047 CHARDONAY CT.  
SAN JOSE, CA 95135

has applied for a permit to appropriate water from:

SPRINGS      tributary of PAYETTE RIVER, NORTH FORK

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>
RECREATION	11/02 to 05/31	0.78 CFS	
RECREATION FROM STORAGE	01/01 to 12/31		200.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.78 CFS	
Totals		0.78 CFS	

LOCATION OF POINT(S) OF DIVERSION: LOT 6(NWNESEW), Sec. 36, Township 18N, Range 02E  
LOT 6(NENWSW), Sec. 36, Township 18N, Range 02E  
VALLEY County

PLACE OF USE: RECREATION

TWN RGE SEC

18N 02E 36      NENW      NWNW      SWNW  
LOT 3(SENW)      LOT 6(NESW)      LOT 6(NWSW)

PLACE OF USE: RECREATION FROM STORAGE, same as RECREATION use

PLACE OF USE: DIVERSION TO STORAGE, same as RECREATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1992.
2. Subject to all prior water rights.
3. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
4. Use of water under this permit is subject to control by the watermaster of State Water District No. 65.
5. Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
6. The storage of water under this permit is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 65-13131

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

13<sup>th</sup> day of April, 1990.

  
R. Keith Higginson, Director

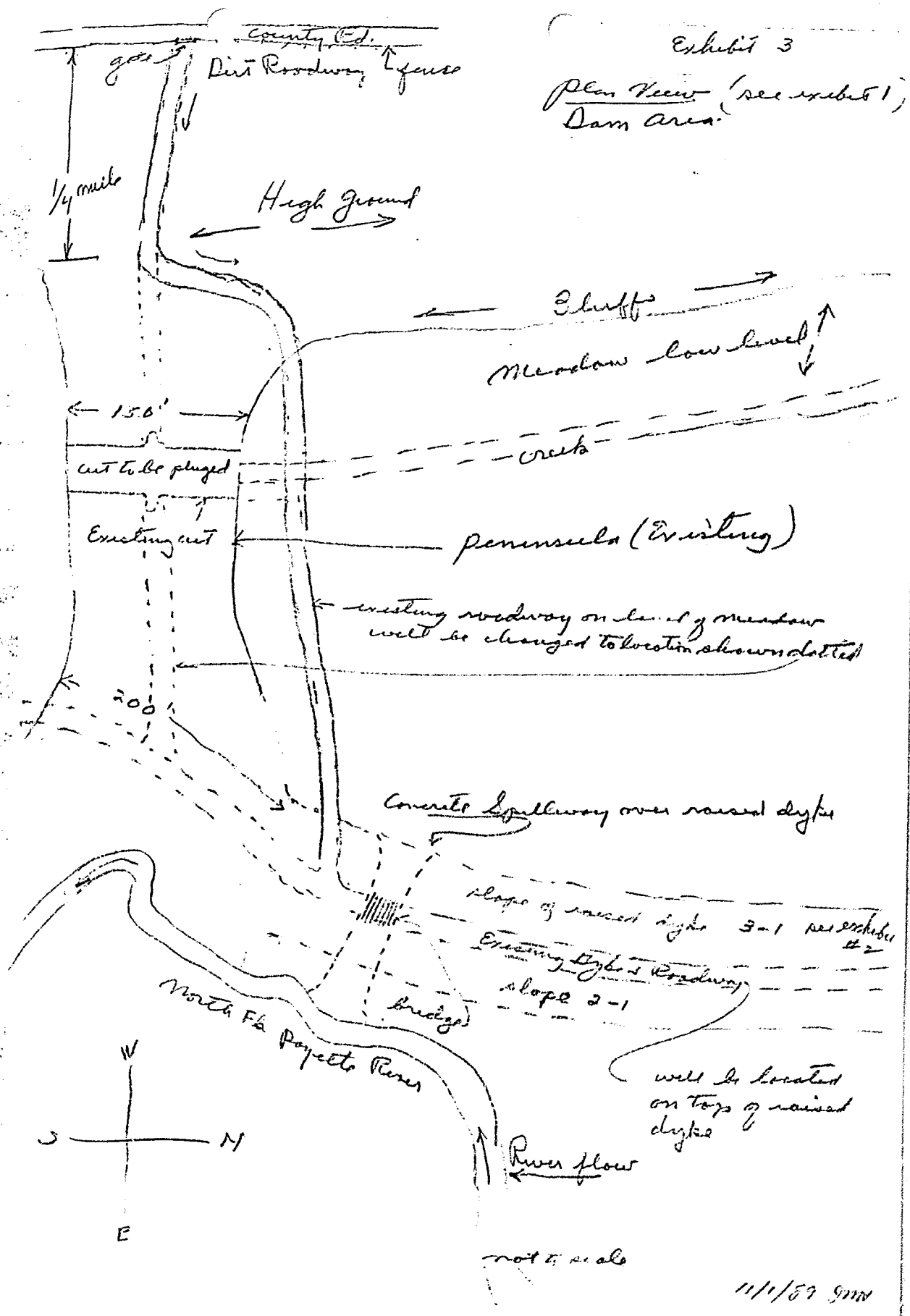


Exhibit 3

Plan View (see exhibit 1),  
Dam Area.

High ground

Shrubs

Meadow low level

creek

cut to be plugged

Existing cut

peninsula (Existing)

existing roadway on level of meadow  
will be changed to location shown dotted

Concrete Spillway over raised dyke

slope of raised dyke 3-1 per section #2

Existing dyke & Roadway  
slope 2-1

bridge

North Fork Payette River

River flow

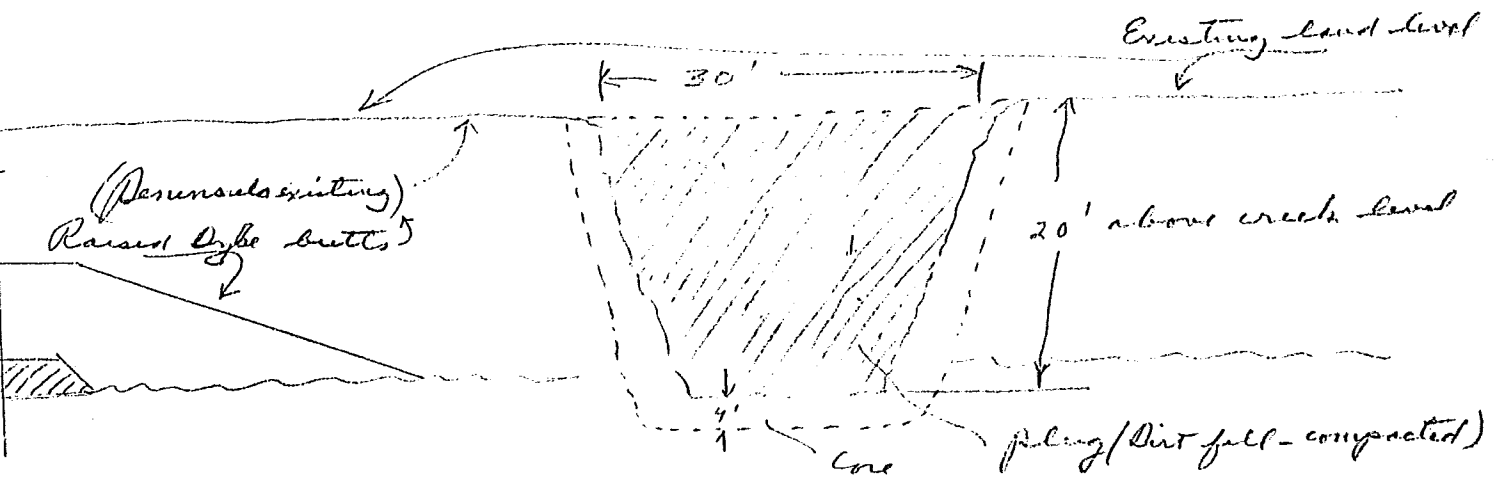
well to be located  
on top of raised  
dyke

not to scale

11/1/89 GMM

Elevation  
(per plan exhibit 3)

Exhibit 4



not to scale

11/1/87 JWH

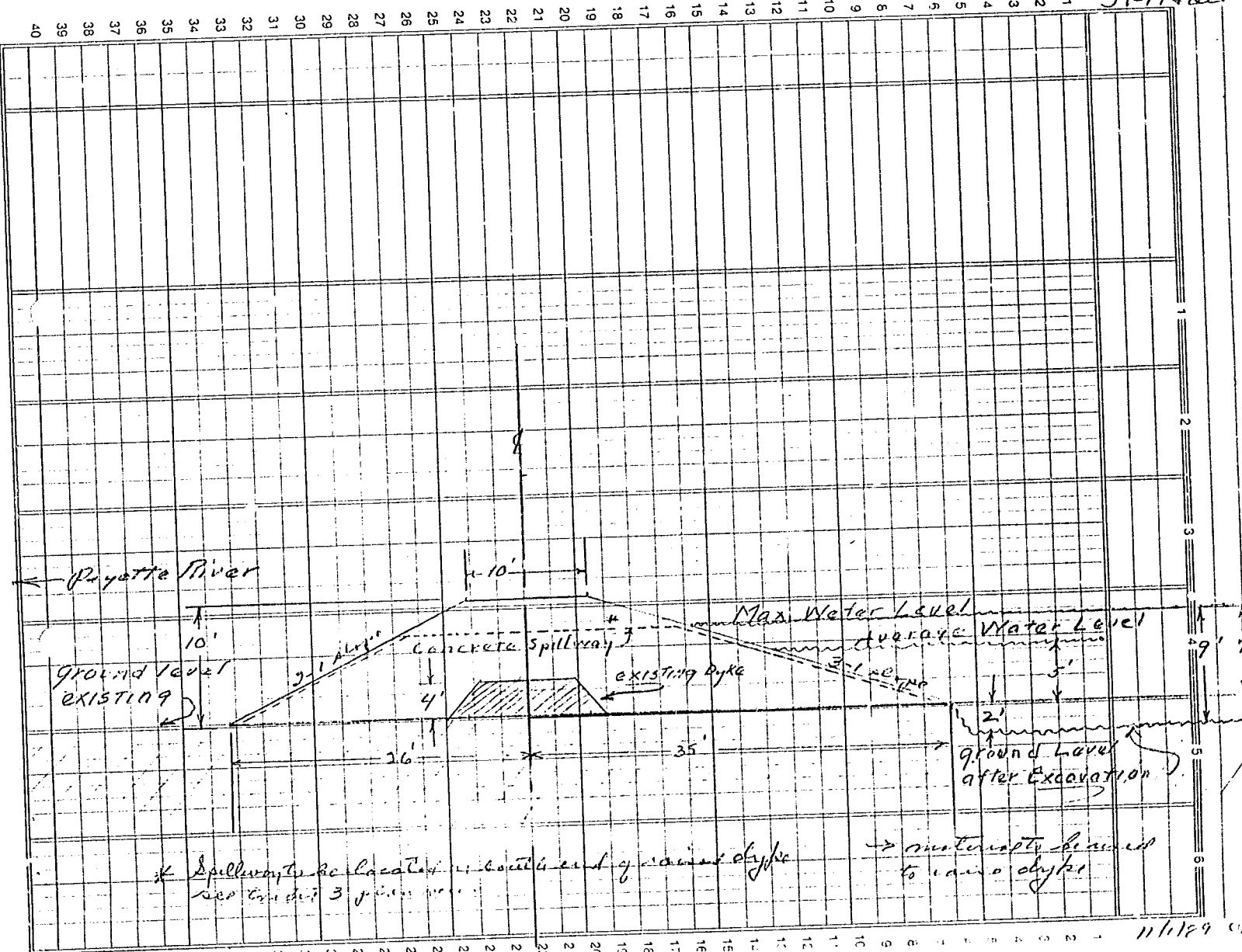


Exhibit #2



22-606

11/1/89



*Rules and Regulations*

8.2.2.6. Upon request, the owner of every dam shall provide his name and address to the Director and shall advise the Director of future changes in ownership. If the owner does not reside in Idaho, the owner shall provide the name and address of the person residing in Idaho who is responsible for the operation, maintenance and repair of the dam.

9. Small Dam Design Criteria

9.1. The following provisions apply to small dams.

9.1.1. Design and construction of small dams located in high risk areas as determined by the Director require submittal of fees, plans and specifications prepared by an engineer and shall follow the same general criteria established under Rules 6, 7 and 8. Other small dams not determined to be in a high risk area shall follow the same general criteria established under Rule 8 or larger dams, except that submittal of plans, specifications and test results is not required.

9.1.2. The owner shall notify the Director in writing ten (10) calendar days prior to commencing construction.

9.1.3. The owner shall not proceed with the following stages of construction without approval from the Director.

9.1.3.1. After clearing and excavation of the foundation area and cutoff trench; and prior to placing any fill material;

9.1.3.2. After installation of the outlet conduit, and before placing any backfill material around the conduit;

9.1.3.3. After construction is completed, and before any water is stored in the reservoir;

9.1.3.4. At such other times as determined necessary by the Director. The Director, will, upon seven (7) day notice, inspect and, if satisfactory, approve the completed stage of construction.

9.1.4. The owner shall in writing notify the Director upon completion of construction.

*from*  
"Safety of Dams" July 88  
"Rules & Regulations"



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

Jan. 2, 1990

CECIL D. ANDRUS

Mr. James M. Hait  
8047 Chardonay Court  
San Jose, CA. 95135

GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

Re: Application for Permit and Possible Transfer of License 65-07576

Dear Mr. Hait:

Your recent application for a recreation reservoir was received and reviewed. This letter outlines some concerns that should be addressed before the application is advertised and processed. A receipt for the application fee is enclosed. Also attached are a copy of the revised Application for Permit and an original Application for Transfer (re: License 65-07576).

The intended reservoir site includes irrigation water via License 65-07576. 39 acres in the water right are identified (as the reservoir site), and the license includes 0.78 cubic feet per second (cfs) as well as 117 acre feet per annum (afa) for the 39 acres. If the reservoir is built and the 39 acres are withdrawn from irrigation production, the water right for the acres is available for other uses via a transfer. If no water right action is taken for the irrigation water and irrigation ceases for more than five years, the 0.78 cfs/117 afa may be lost through forfeiture.

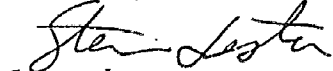
Based on the above, one possibility concerns the attached Application for Transfer. You may want to make the irrigation water available for use as recreation water. If so, 39 acres will not be irrigated, and the appropriate water or 0.78 cfs and 117 afa will be useful in providing water right protection to the recreation use. In this case, the Application for Permit completes the new water right need by providing recreation water use (1' a flow to fill the reservoir and storage to hold the water) during the entire year. The combined transfer and new right will provide water diverted to storage, stored water, additional flow to maintain a non-stagnant pool, and consumptive use due to seepage, evaporation, and any other factors. In this manner the irrigation right for the 39 acres will be changed instead of lost due to non-use.

If you select the above proposal, the enclosed material should be reviewed. The revised Application for Permit is based on the complimentary transfer, and the revised copy is for your records. The Application for Transfer is an original document that I prepared. To file the transfer, please complete items 6b on page 2, A2 on page 3, and a notarized signature on page 6. The transfer form should be returned to me with a \$50 fee. Upon receiving the transfer, I will prepare both applications for advertising and additional processing. I will also notify the Regional Dam Safety Engineer, John Westra, that you want to build a small dam. He will contact you concerning the necessary dam safety requirements.

Letter to J. Hait, 1/2/90  
page 2

If another alternative to my proposal is preferred, please let me know.  
Additional help is available at your request. Your response within 30 days is  
appreciated.

Sincerely,



Steve Lester  
Sr. Water Resource Agent

SL: sl

Enclosure: application copy  
transfer application  
receipt

65-13131

HAIT, JAMES MERRITT  
8047 CHARDONAY CT.  
SAN JOSE, CA 95135

Source: SPRINGS

Tributary: PAYETTE RIVER, NORTH FORK

Diversion Pt: LOT 6 (NWNESW) Sec 36 T 18N R 02E  
LOT 6 (NENWSW) Sec 36 T 18N R 02E

Use: RECREATION ( .780 CFS)  
RECREATION FROM STORAGE ( 200.00 AF)  
DIVERSION TO STORAGE ( .780 CFS)  
Total Diversion: ( .780 CFS) ( 200.00 AF)

Date Filed: 11/06/1989

In: T18N R02E S36      NENW      NWNW      SWNW Lot 3 (SENW)  
Lot 6 (NESW) Lot 6 (NWSW)

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Western Region  
2735 AIRPORT WAY

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Boise, Idaho 83705  
(208) 334-2190

JANUARY 10, 1990

The Star News  
P.O. Box 985  
McCall, ID 83638

Dear Legal Dept.:

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

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

Please send the affidavit of publication and publication billing to this office before FEBRUARY 5, 1990.

Yours truly,

GAIL GARRETT  
Secretary

Encl.

S T A T E   O F   I D A H O  
D E P A R T M E N T   O F   W A T E R   R E S O U R C E S

-----

Statehouse  
Boise, Idaho 83720  
(208) 327-7900  
April 16, 1990

JAMES MERRITT HAIT  
8047 CHARDONAY CT.  
SAN JOSE, CA 95135

P E R M I T   A P P R O V A L   N O T I C E

RE: PERMIT NO.      P65-13131

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

If the diversion dam is 10 feet or more in height, or has an impounding capacity of 50 acre-feet or more, certain dam safety requirements must be met. Please contact the regional office nearest you for details.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor  
Water Right Permits Section

GS: SC  
Enclosures



State of Idaho  
Department of Water Resources

ASSIGNMENT OF PERMIT

I, James M. Hait, hereby assign to L. B. Industries, Inc.  
of P.O. Box 2797 Boise, Idaho 83701  
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 65-13131  
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit  
No. \_\_\_\_\_ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within  
each 40 acre subdivision, the point of diversion and the amount of water in cubic  
feet per second for direct diversion, or acre feet for storage)

Made this 27 day of August, 1991.

[Signature]  
Permit Holder

[Signature]  
Spouse of Permit Holder

State of Idaho )  
County of Valley ) ss.

On this 27 day of August, 1991, personally  
appeared before me the signer(s) of the above instrument, who duly acknowledged to me  
that he (she) (they) executed the same.

seal


[Signature]  
Notary Public residing at Moore, Idaho

My commission expires:

11-1-94

## WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	65-13131	James Merritt Hait	0.78
Full Assignment	65-13131	L.B. Industries	0.78

 <b>INDUSTRIES, INC.</b>		
Telephone (208) 345-7515		
Telex 150059		FAX (208) 345-7028
1401 Shoreline Dr • P O Box 2797 • Boise, Idaho 83701		

105-1050  
OCT 22 1991

Department of Water Resources  
Western Regional Office

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

October 21, 1991

Mr. Steve Lester  
State of Idaho  
Department of Water Resources  
Western Region  
2735 Airport Way  
Boise, Idaho 83705

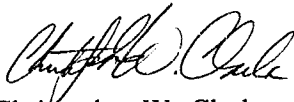
RE: Assignment of Permit No. 65-13131

Dear Mr. Lester:

After telephone conversations with Ms. Linda Werner of your office on Monday, October 21, 1991, I am submitting the enclosed Assignment of Permit relating to Permit No. 65-13131 to you for registration with the State of Idaho, Department of Water Resources. It is my understanding that Ms. Werner has discussed with you the sending of specific information relating to this permit which will apprise L. B. Industries, Inc. of the status of the permit and its duties and obligations as the permit holder.

Thank you very much for your attention to this matter.

Very truly yours,



Christopher W. Clark  
General Counsel and  
Corporate Secretary

CWC/vw

Enclosure

cc: Joe Davis  
Jim Ball

October 31, 1991

L.B. Industries  
P.O. Box 2797  
Boise, ID 83701

Re: Permit No. 65-13131

Dear Permit Holder(s):

We acknowledge receipt of the correspondence transferring ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

Enclosed are copies of the Application for Permit and the approved Permit to Appropriate Water. Be sure to read the conditions of approval on the approved permit.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

PAM SKAGGS  
Technical Records Specialist

PS:blm

Enclosures

**RECEIVED**  
APR 29 1992For Office Use Only  
\$15 Fee Received by D.B.  
Date 4-29-92  
Receipt No. 2023060

Department of Water Resources

## STATE OF IDAHO

## 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 in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 65-13131Name(s) of Permit Holder: L. B. Industries, Inc.Mailing Address: P.O. Box 2797, Boise, ID 83701Date Proof Is Due May 1, 1992 Telephone No. (208)345-7515

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".)

None

Costing \$ \_\_\_\_\_

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

L. B. Industries, Inc. did not receive signed assignment application from Seller of property, James M. Hait until October 1991. Assignment application submitted to State October 21, 1991.  
Prior to beginning diversion, L. B. Industries, Inc. is attempting to deal with all environmental issues relating to planned development. In 1991 L.B.I. had soil percolation tests conducted on adjacent land located in Sections 25 and 30 regarding sewage treatment facility. Wetlands delineation study to be conducted in the Spring/Summer of 1992. Land Plan for development of property to be completed in 1993. See attached enclosures.  
Permit holder(s) request an extension to December 31, 19 94.

FEE: \$15.00

L. B. Industries, Inc.

By: Christoph W. Clark  
(Signature)\*Title: Secretary

\*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 **DENIED** pursuant to Section 42-204, Idaho Code, for failure to diligently pursue the completion of the proposed project and to comply with permit conditions.

Signed this 4<sup>TH</sup> day May, 19 92R. Keith Higginson  
R. Keith Higginson, Director

State of Idaho  
Department of Water Resources  
ASSIGNMENT OF PERMIT

I, James M. Hait, hereby assign to L. B. Industries, Inc.  
of P.O. Box 2797 Boise, Idaho 83701  
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 65-13131  
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit  
No. \_\_\_\_\_ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within  
each 40 acre subdivision, the point of diversion and the amount of water in cubic  
feet per second for direct diversion, or acre feet for storage)

Made this 27 day of August, 1991.

X James M. Hait  
Permit Holder

X Ruth J. Hait  
Spouse of Permit Holder

State of Idaho )  
County of Valley ) ss.

On this 27 day of August, 1991, personally  
appeared before me the signer(s) of the above instrument, who duly acknowledged to me  
that he (she) (they) executed the same.

seal

Jodee B. Barker  
Notary Public residing at McCall, Idaho

My commission expires:  
11-1-94



Telephone (208) 345-7515

Telex 150059

FAX (208) 345-7028

1401 Shoreline Dr. • P.O. Box 2797 • Boise, Idaho 83701

FILE COPY

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

October 21, 1991

Mr. Steve Lester  
State of Idaho  
Department of Water Resources  
Western Region  
2735 Airport Way  
Boise, Idaho 83705

RE: Assignment of Permit No. 65-13131

Dear Mr. Lester:

After telephone conversations with Ms. Linda Werner of your office on Monday, October 21, 1991, I am submitting the enclosed Assignment of Permit relating to Permit No. 65-13131 to you for registration with the State of Idaho, Department of Water Resources. It is my understanding that Ms. Werner has discussed with you the sending of specific information relating to this permit which will apprise L. B. Industries, Inc. of the status of the permit and its duties and obligations as the permit holder.

Thank you very much for your attention to this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Christopher W. Clark', is written over a horizontal line.

Christopher W. Clark  
General Counsel and  
Corporate Secretary

CWC/vw

Enclosure

cc: Joe Davis  
Jim Ball

# WASTEWATER LAND APPLICATION PERMIT

DEPARTMENT OF HEALTH AND WELFARE  
DIVISION OF ENVIRONMENTAL QUALITY  
1410 N. Hilton  
Boise, Idaho 83706  
(208) 334-5860

---

**ISSUED TO:**

Payette River Estates

**SOURCES COVERED BY THIS PERMIT:**

Type of Waste  
Municipal  
Wastewater

Method of Treatment  
Land Irrigation  
of Wastewater

**PLANT TYPE AND LOCATION:**

Municipal Wastewater  
Treatment Plant  
P.O. Box 2797  
Boise, ID 83702

**AREA INFORMATION:**

County: Valley

Nearest surface stream which  
may receive runoff from  
wastewater treatment area:

North Fork of the Payette River

Issued in response to Application No. LA-000117 received November  
26, 1991.

**SIGNED BY:**

**DRAFT**

RICHARD P. DONOVAN, DIRECTOR  
DEPARTMENT OF HEALTH AND WELFARE

DATE





IDAHO DEPARTMENT  
OF HEALTH AND WELFARE

DIVISION OF  
ENVIRONMENTAL QUALITY

1410 North Hilton, Statehouse Mall, Boise, ID 83720-9000, (208) 334-0502

Cecil D. Andrus, Governor Richard P. Donovan, Director

February 21, 1992

Mr. James K. Ball, Managing Director  
Payette River Subdivision Partnership  
P.O. Box 2797  
Boise, ID 83702

RE: State of Idaho - Wastewater Land Application Permit Application  
No. LA-000117

Dear Mr. Ball:

As per Idaho Code 16.01.17400,03, the Department of Health and Welfare, Division of Environmental Quality, has made a preliminary decision to permit the land application operation of Payette River Subdivision Partnership.

Transmitted with this correspondence is a staff analysis, which is a brief summary of the principal facts related to the land application operation and significant questions and concerns considered in drafting permit conditions.

Also transmitted is a draft permit for your review. The final permit shall be issued no later than May 24, 1992. Payette River Subdivision Partnership should submit any comments on the draft permit before final issue date.

Sincerely,

Orville D. Green  
Assistant Administrator  
Permits and Enforcement  
DEQ

ODG/MC:tg

cc: D. Heiser  
M. Cook  
D. Conde, AG  
Land App. File  
COF 1.1

Request for Extension Re: Permit #65-13131

Enclosures

1. October 21, 1992 letter from Christopher W. Clark of L. B. Industries, Inc. to Mr. Steve Lester, State of Idaho Department of Water Resources.
2. February 21, 1992, letter from Orville D. Green, Idaho Department of Health and Welfare, Division of Environmental Quality to James K. Ball as Managing Director of the Payette River Subdivision Partnership (an affiliate of L. B. Industries, Inc.), regarding the Division of Environmental Quality's preliminary decision to grant wastewater treatment permit to the partnership, on land owned by L. B. Industries, Inc. located in Township 18 North, Range 2 East, Section 25, Boise Meridian, Valley County, Idaho. Note: Section 25 is immediately north of Section 36, the proposed point of diversion and area of water empoundment, pursuant to permit #65-13131.

4-4-030.92

February 28, 1992

L B INDUSTRIES  
PO BOX 2797  
BOISE ID 83701

PROOF DUE NOTICE

RE: PERMIT NO. 65-13131

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 May 1, 1992.

(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.

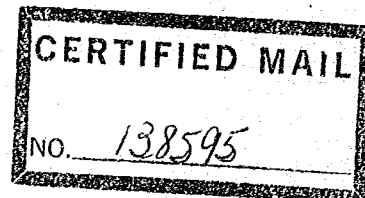
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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,

Karen L. Gustafson  
Secretary/Records Manager

Enclosures



 <b>INDUSTRIES, INC.</b>		
Telephone (208) 345-7515 • FAX (208) 345-7028		
1401 Shoreline Dr. • P. O. Box 2797 • Boise, Idaho 83701		

April 27, 1992

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

State of Idaho  
Department of Water Resources  
1301 N. Orchard Street  
Boise, ID 83720-9000

RE: Extension Permit #65-13131

Dear Sir or Madam:

Enclosed please find the Request for Extension of Time regarding Permit No. 65-13131 along with our check in the amount of \$15.00 and pertinent enclosures.

Sincerely,



Christopher W. Clark  
General Counsel and  
Corporate Secretary

KC/vw

Enclosures

cc: Joe Davis  
Jim Ball

4-4-033.92



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

May 5, 1992

L. B. Industries, Inc.  
P.O. Box 2797  
Boise, ID 83701

RE: Permit No. 65-13131

Dear Permit Holder:

Enclosed is a copy of the denied request for extension of time which you submitted to the department in connection with the above referenced permit. Section 42-204, Idaho Code, provides that you must diligently pursue the completion of the proposed project.

Within one year of the time you actually intend to develop this spring and beneficially use the water, I suggest that you file a new application. Since Idaho is now under a mandatory permit procedure to develop a water right, the new application will provide an additional period of time for development, although the priority date will be later in time.

Please feel free to contact any of our regional offices if you wish assistance in completion of the new application.

Sincerely,

L. GLEN SAXTON  
Chief, Water Allocation Bureau

Enclosure

C: IDWR - Regional Office



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

May 6, 1992

L. B. Industries Inc.  
P.O. Box 2797  
Boise, ID 83701

Re: Permit No. 65-13131

LAPSE NOTICE

Dear Permit Holder:

Under the provisions of Section 42-218a of the Idaho Code, you are hereby notified that the above referenced permit has lapsed since the Department could not approve the request for extension of time you submitted.

You can file a new application within one year of the time you actually intend to develop a water right. Since Idaho is now under a mandatory permit procedure to develop a water right, the new application will provide an additional period of time for development, although the priority date will be later in time.

If you have any questions or if we can be of any further assistance, please feel free to contact our office.

Sincerely,

L. Glen Saxton  
Chief, Water Allocation Bureau

CERTIFICATION OF MAILING

I hereby certify that on 5/6/92  
~~a copy~~ an original of this document was  
deposited in the United States mail,  
postage prepaid addressed to the  
individual(s) named above.

*RLG*

WR5808NP  
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT

08/03/92 09:41:13  
Page 1

Water Right Number - 65-13131

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
L B INDUSTRIES

1 - PO BOX 2797  
2 -  
3 -

City- BOISE  
Phone - 208-000-0000

State- ID Zip- 83701

\*\*\* O - ORIGINAL OWNER \*\*\*  
HAIT

JAMES MERRITT

1 - 8047 CHARDONAY CT.  
2 -  
3 -

City- SAN JOSE  
Phone - 408-274-9248

State- CA Zip- 95135

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +  
11/06/1989 14 WESTERN P - PERMIT

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +  
SPRINGS PAYETTE RIVER, NORTH FORK

TwN	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Stream Index (Blank if no Index Code)
18N	02E	36	NW NE SW NE NW SW	6 6		(85) VALLEY (85) VALLEY		

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
46 - RECREATION		11/02	05/31	0.780	
48 - RECREATION FROM STORAGE		01/01	12/31		200.00
55 - DIVERSION TO STORAGE		01/01	12/31	0.780	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +  
0.780

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
18N	02E	36	NE NW			46	RECREATION	(85) VALLEY
18N	02E	36	NW NW			46	RECREATION	(85) VALLEY
18N	02E	36	SW NW			46	RECREATION	(85) VALLEY
18N	02E	36	SE NW	3		46	RECREATION	(85) VALLEY
18N	02E	36	NE SW	6		46	RECREATION	(85) VALLEY
18N	02E	36	NW SW	6		46	RECREATION	(85) VALLEY

+ - - Diversion Means - DAM AND DIKE TO STORE RESERVOIR WATER.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 65-07576

WR5808NP  
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROOF READING REPORT

08/03/92 09:41:13  
Page 2

Water right number - 65-13131

Prefix Translation: WATER RIGHT

```
+ - - - - Remarks - - - - - +
+ - - - - No Remarks found. - - - - - +
+ - - - - Old Water Right Numbers - - - - - +
+ - - - - No Old Water Right Numbers found. - - - - - +
+ - - - - Conditions of Approval - - - - - +
026 - Permit holder shall commence the excavation or construction of
      - diverting works within one year of the date this permit is issued
      - and shall proceed diligently until the project is complete.
005 - Use of water under this right is subject to control by the
      - watermaster of State Water District No. 65
18A - Permanent measuring devices must be installed in such a manner
      - that the amount of water entering the reservoir and the amount of
      - water released from the reservoir can be measured.
18B - The storage of water under this right is contingent upon the
      - certification of the dam and authorization of storage per the dam
      - safety provisions of the Idaho Code.
+ - - - - Decree Plaintiff - - - - +
+ - - - - Decree Defendant - - - - +
+ - - - - Decree Date - - - - +
+ - - - - 00/00/0000 - - - - +
+ - - - - Comments - - - - - +
Date: 04/29/1992 User Id: VAULT Subject: Extension of Time Received
Extension of Time Received
Date: 04/29/1992 User Id: VAULT Subject: Extension of Time Received
Extension of Time Received
Date: 05/06/1992 User Id: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent
+ - - - - Audit Fields - 01/11/90 GARRETT 04/02/90 CURTIS 04/05/90 CURTIS 10/30/91 MILLER 04/29/92 COMMENTS
04/29/92 COMMENTS 05/06/92 COMMENTS
+ - - - - Water Rights Dates and Flags Area - - - - - +
Proof Due Date - 05/01/1992 Field Exam Made - 00/00/0000 Field Exam Fee -
Approved/Denied - 04/05/1990 Protested Date - 00/00/0000 Swan Falls -
Proof Made Date - 00/00/0000 Hearing Date - 00/00/0000 Temporary Right - P
Exam to S.O. Date - 00/00/0000 Verified Date - 00/00/0000 DLE/Carey Act -
Order Show Cause - 00/00/0000 Receipt Number - Water District - 65
Licensed Date - 00/00/0000 Appl Received - 11/06/1989 Transfer/Amended -
Decree Date - 00/00/0000 Presumption Flag -
```



I certify that file No. 65-13131

has been reviewed and is ready to be MICROFILMED  
and DESTROYED.

Brenda Miller  
Signature

8-10-92  
Date

The attached proof report is the water right as it appeared in the database prior to the final status and deletion from the database.