

RECEIVED

JAN 07 2009

FORM 202 10/07

WATER RESOURCES
WESTERN REGION

Ident. No. 77-14284

AMENDED

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Leonard M. Wallace Phone 208-347-2762
Mailing address P.O. Box 126, New Meadows, ID 83654 Email _____
2. Source of water supply spring which is a tributary of Salmon River
3. Location of point of diversion is Township 26N Range 10E Sec. 32 in the SE $\frac{1}{4}$,
NW $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot _____, B.M., IDAHO County;
additional points of diversion if any: _____
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 year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) 0.04 and/or (b) _____
cubic feet per second acre feet per year
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Spring runs into collection box
and then is piped to house.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 1 home
 - 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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
26N	10E	32											X						

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? _____

Spring developed in October of 1978 but never filed on. This application replaces withdrawn Claim 77-14281; claim withdrawn due to priority date.

11. a. Who owns the property at the point of diversion? Brown Industries, INC.
- b. Who owns the land to be irrigated or place of use? Leonard Wallace
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. _____

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.

Leonard M. Wallace
Signature of Applicant

LEONARD M. WALLACE
Print Name (and title, if applicable)

For Department Use:

Received by SO Date 9/6/2007 Time 2:26 pm Preliminary check by KW
 Fee \$ 100.00 Receipted by SO Receipt No. C084636 Date 7/25/2007
 Publication prepared by DB Date 1/15/2009 Published in IDAHO COUNTY FREE PRESS
 Publication approved _____ Date _____ Dates Published JANUARY 21 & 28, 2009

POD

26N10E32NWSW



26N10E32NESW

26N10E32SWSW

26N10E32SESW

POW



Ident. No. 77-14284

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Leonard M. Wallace Phone 208-347-2262
Mailing address P.O. Box 126, New Meadows, ID 83654
2. Source of water supply Spring which is a tributary of _____
3. Location of point of diversion is Township 26N Range 10E Sec. 32 in the _____
NW $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot _____, B.M., Idaho County;
additional points of diversion if any: Salmon River
4. Water will be used for the following purposes:
Amount 0.040 for Domestic purposes from 1/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) _____ 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 _____
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is _____ 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. 4 to 6 people
 - e. Other; describe fully. _____

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SEP 12 2007

WATER RESOURCES
WESTERN REGION

3. 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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	10E	32											X						

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? _____

b. Who owns the land to be irrigated or place of use? _____

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: _____

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.

Leonard M. Wallace
Signature of Applicant (and title, if applicable)

Received by ^{DB} For: S.O. Date 9-6-07 Time _____ Preliminary check by _____
Fee \$ _____ Receipted by _____ # _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

See attached
- regarding
filing fee.

a
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SEP 06 2007

DEPARTMENT OF
WATER RESOURCES

Claim # 11-14281 Receipt # C084636
Date August 29, 2007

REQUEST FOR WITHDRAWAL OF CLAIM

Name of Claimant:
(Please Print)

Leonard Wallace

Mailing Address:

PO. Box 126

Amount:

check #33 \$ 760.00

Receipt No.:

County of Water Right:

Idaho

Claim No(s).:

I wish to withdraw the Notice(s) of Claim to a Water Right which number(s) appear above and for which I previously paid a filing fee to the Idaho Department of Water Resources. I do / do not request a refund of the filing fee. If a refund is requested I have attached an explanation of the justification for granting a refund.

over

Leonard M. Wallace

(Signature of Claimant)

8-29-07

(Date)

(Signature of Claimant)

(Date)

(Signature of Claimant)

(Date)

Return to:

Idaho Department of Water Resources
Adjudication Section
Statehouse Mail
Boise, Idaho 83720

For IDWR Use

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SEP 12 2007

WATER RESOURCES
WESTERN REGION

Approval Region

Approval State Office

Data Entry

Claim File

Initials

Date

Lester, Steve

From: Lester, Steve
Sent: Thursday, February 05, 2009 3:24 PM
To: 'Steven M Spencer'
Subject: RE: Application for Permit 77-14284

Steve:

I discussed this with John. Sounds like a good solution - probably something along the lines of "the diversion and use of water shall be within HES 729 on the lands described above." The "lands described above" is IDWR jargon pointing to pls info in POD & POU tables.

I will add this info to the file. Thanks for providing it.

Steve L.

From: Steven M Spencer [mailto:sspencer@fs.fed.us]
Sent: Wednesday, February 04, 2009 1:16 PM
To: John Westra; Lester, Steve
Subject: Application for Permit 77-14284

← SEE Attachments printed from
this email -JL

John and Steve,

I've looked at application for 77-14284 and have some concerns that I think can be easily address and avoid the FS having to file a protest to this application. This action is located deep within the Frank Church River Of No Return Wilderness, presumably on private land, HES 729 (aka Yellow Pine Bar), within the Wild & Scenic River corridor.

The application indicates that Brown Industries owns the land at the POD and the applicant owns the land at the POU. From this I will conclude that the spring is on private land. Given that this is basically an unsurveyed region without accurate Public Land Survey (PLS) sections, townships and ranges, and given that the POD in the SENWSW Sec 32 is extraordinarily close to Reserved National Forest System (NFS) land I would propose that the water right permit show in the legal description that the "POD and POU are on HES 729". This is the actual and only legal survey of the property. And HES 729 is private land as expressed in the application.

My concern is that the FS purchased a scenic easement on Yellow Pine Bar. We do have a much more recent verification of the HES survey. We know there are certain private encroachments onto the NFS land. One of those is a pipe from a spring on NFS land down to the private land.

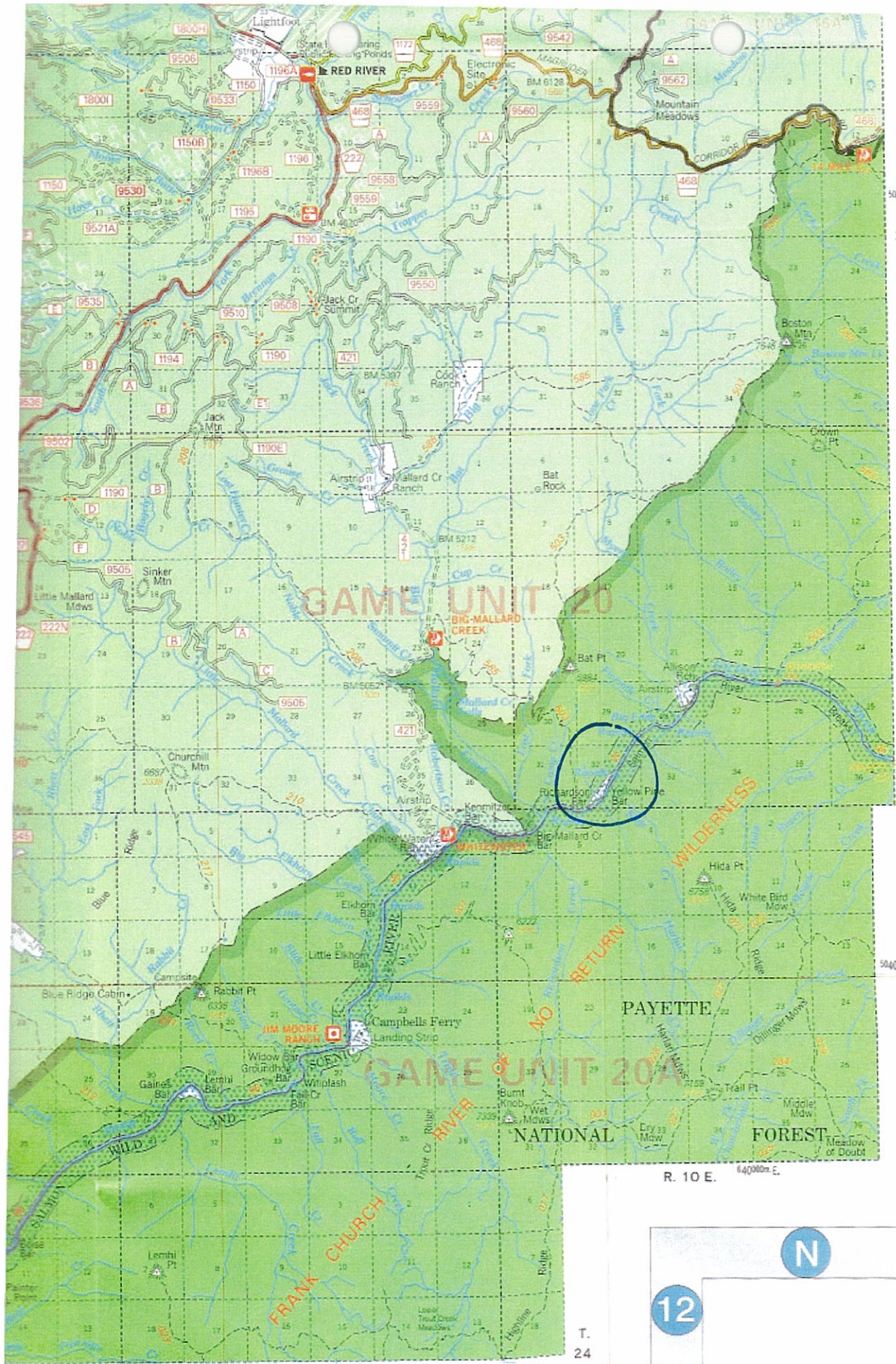
Again, to add more precision to the legal description and property ownership information in the application, supported by some of the maps I have provided, because of the mixed ownership, remoteness, lack of actual recorded PLS, and simply because the private land is HES 729, we would encourage the Department to approve the application specifying that because of the above reasons something to the effect that "the POD and POU legal descriptions are on or within HES 729".

2/5/2009

Is this possible in this situation? Please let me know what you think. Thank you.

Steve Spencer
Water Use Specialist (208) 365-7055
USDA Forest Service (208) 365-7037 FAX
1805 Highway 16, Room 5 e-mail: sspencer@fs.fed.us
Emmett, ID 83617

2/5/2009



10

T. 27 N.

45° 37' 30"

T. 26 N.

11

T. 25 N. 45° 30' 00"

R. 10 E.

N

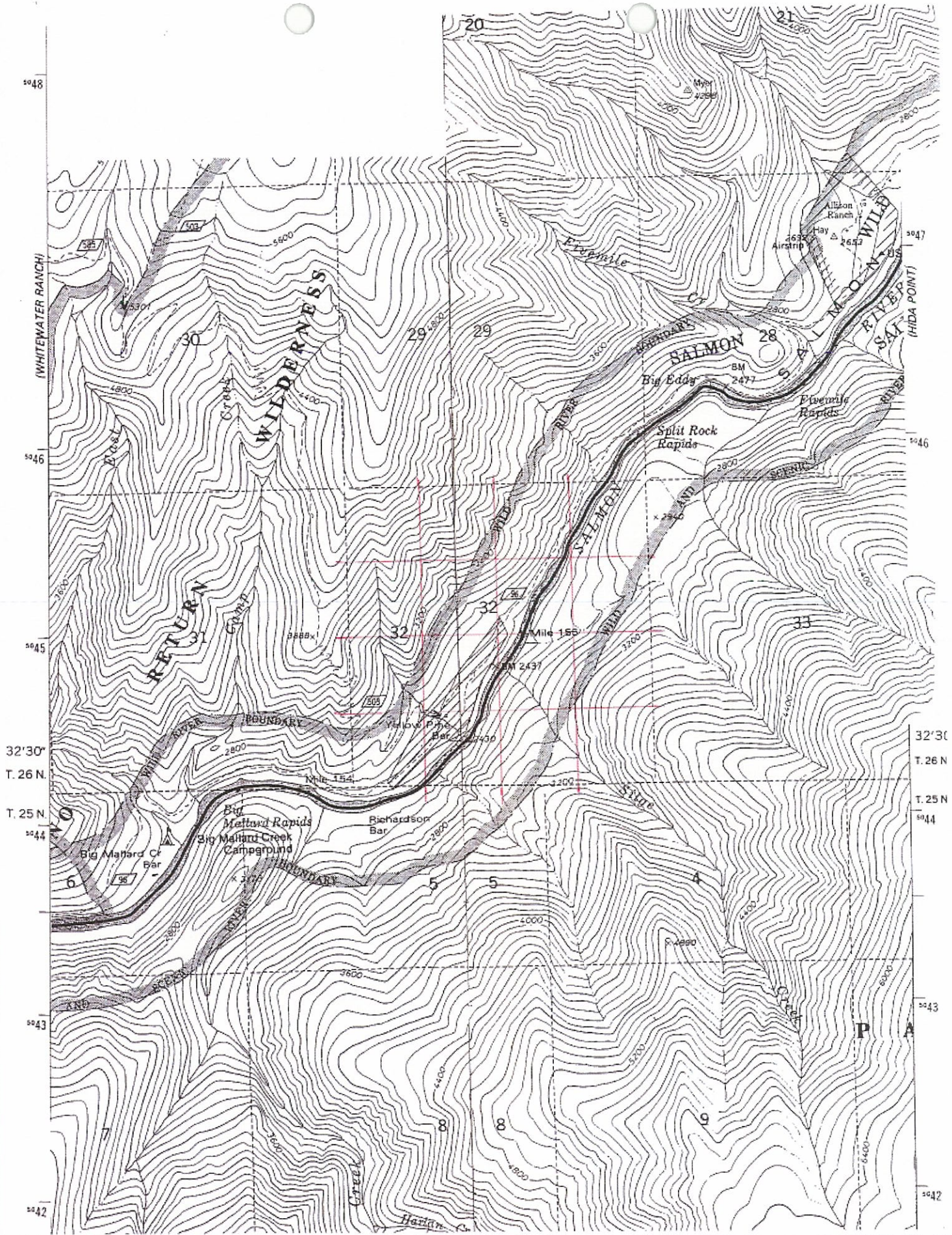
12

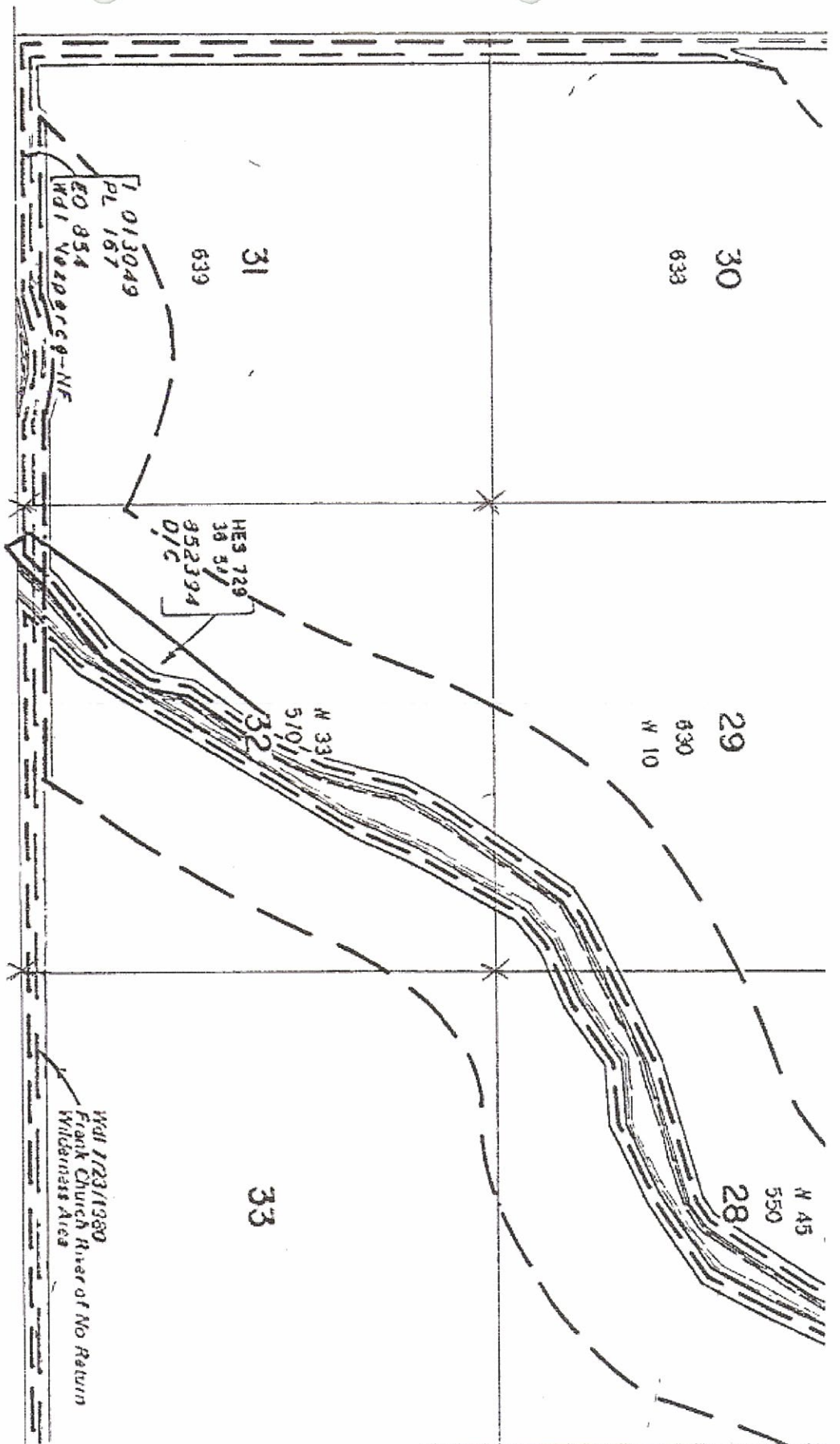
T. 24 N. 115° 15' 00"

R. 9 E. 500000m E.

115° 22' 30"

114° 30' 114° 15' 114° 00'

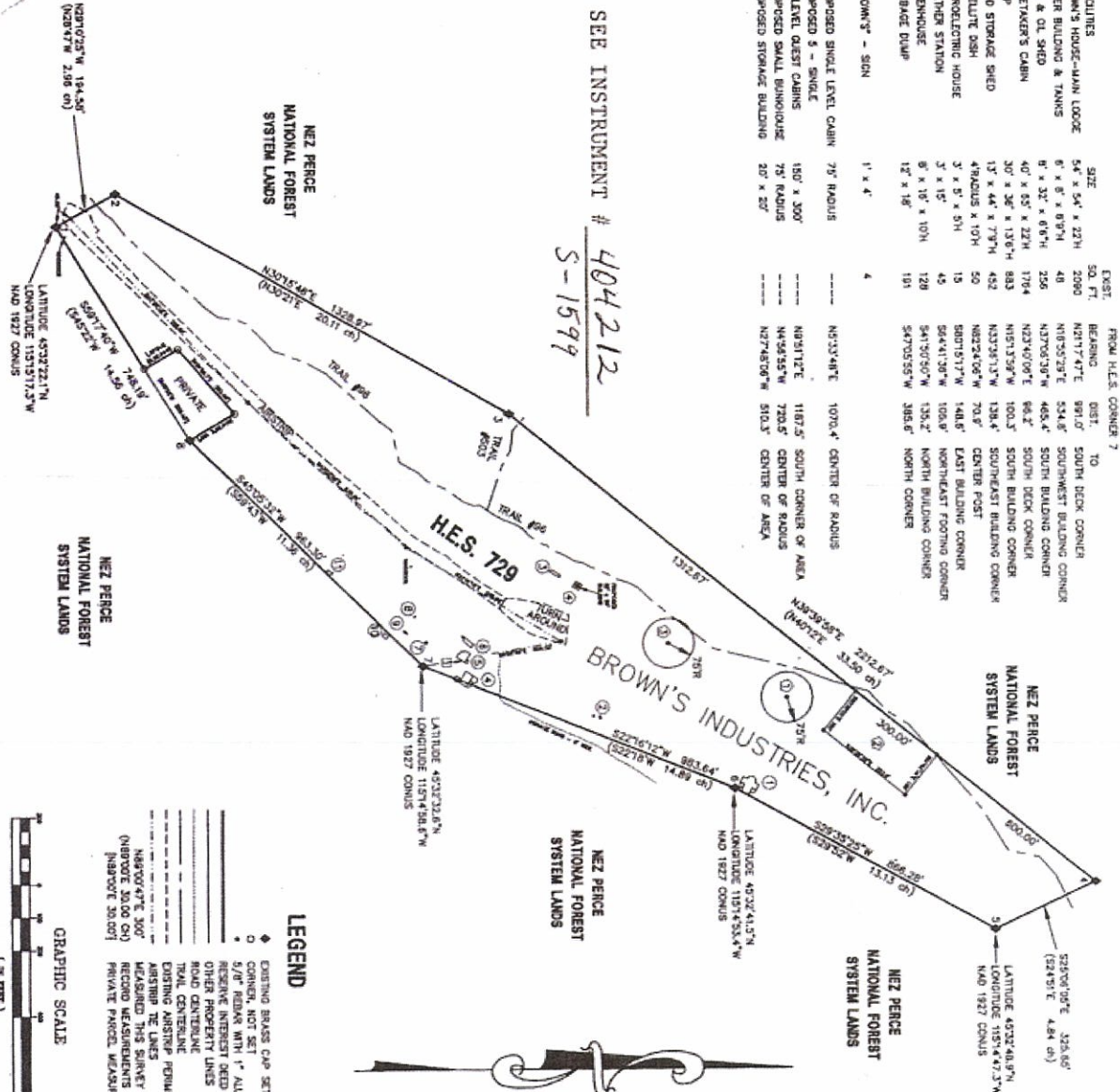




SCALE 11
10 5 0 10 20
m

FACTILITIES	SIZE	SO. FT.	BEARING	TO
1 BROWN'S HOUSE-MAIN LODGE	54' x 54' x 22'	2000	N217°47'E	SOUTH DECK CORNER
2 POWER BUILDING & TANKS	6' x 8' x 8' 3/4"	40	N105°23'E	SOUTHWEST BUILDING CORNER
3 OAS & OL SHED	8' x 32' x 8' 3/4"	256	N170°38'W	SOUTH BUILDING CORNER
4 CATERER'S CABIN	40' x 62' x 22'	1794	N23°40'09"E	SOUTH DECK CORNER
5 SHED	30' x 36' x 12' 3/4"	883	N151°39'W	SOUTH BUILDING CORNER
6 WOOD STORAGE SHED	13' x 44' x 7' 3/4"	432	N131°13'W	SOUTHWEST BUILDING CORNER
7 SATELLITE DISH	4' RADIUS x 10'	50	N82°40'09"W	70.8' SOUTH POOT
8 WATERELECTRIC HOUSE	3' x 5' x 5' 1/4"	15	N80°15'17"W	148.8' EAST BUILDING CORNER
9 WATER STATION	3' x 15'	45	N84°41'38"W	105.8' NORTHEAST FOOTING CORNER
10 GREENHOUSE	8' x 10' x 10'	120	N41°50'50"W	135.2' NORTH BUILDING CORNER
11 GARBAGE DUMP	12' x 16'	191	N47°05'55"W	285.6' NORTH CORNER

SEE INSTRUMENT # 404212
S-1599



LEGEND

- EXISTING BRASS CAP SET BY U.S. 2532-S
- CORNER, NOT SET
- 8/8" BEAM WITH 1" ALUMINUM OR PLASTIC CAP
- REMARKED BOUNDARY LINE
- OTHER PROPERTY LINES
- ROAD CENTERLINE
- TRAIL CENTERLINE
- EXISTING ANTI-SLIP PERMETER
- ASTRING TE LINES
- MEASURED THIS SURVEY
- RECORD MEASUREMENTS 1919
- PRIVATE PARCEL MEASUREMENTS

GRAPHIC SCALE
(IN FEET)

0 100 200 300 400 500 600 700 800 900 1000

NATURE AND PURPOSE OF SURVEY

THIS PLAT IS THE DRAFT FOR A RESERVE INTEREST DEED ON YELLOW PINE BAR, H.E.S. 729. THIS SURVEY WAS DONE AT THE REQUEST OF THE SALMON RIVER HANSEN DISTRICT.

HISTORY OF SURVEY

HANSEN DISTRICT SURVEY NO. 729 WAS ORIGINALLY SURVEYED IN 1919 BY GRANT HODGINS.

ALL DITCH CORNERS WERE RECONSTRUCTED IN 1987 BY U.S. 2532-S.

NOTES

THIS SURVEY WAS DONE IN APRIL, OF 1987 WITH A 6 SECOND TOTAL STATION INSTRUMENT.

ORIGIN OF BEARING IS A SOLAR OBSERVATION TAKEN ON APRIL 9, 1987.

THE LATITUDE AND LONGITUDE OF CORNERS 1, 5, 6, AND 7 WERE DETERMINED USING DIFFERENTIALLY CORRECTED, RESOURCE GRADE, GLOBAL POSITIONING EQUIPMENT.

SURVEYOR'S CERTIFICATE

I, DARYL K. MILLER, BEING A QUALY REGISTERED ENGINEER/LAND SURVEYOR, IN THE STATE OF IDAHO (P.E./L.S. 2034), DO HEREBY CERTIFY THAT THIS DRAFT CORRECTLY REPRESENTS A SURVEY MADE BY ME AND IS A TRUE AND CORRECT RECORD AS SHOWN.

DARYL K. MILLER
P.E./L.S. 2034

THIS SURVEY ACCURATELY REPRESENTS THE FACILITIES ON H.E.S. 729.

AUTHORIZED SIGNATURE OF DATE
BROWN'S INDUSTRIES, INC.

EXHIBIT A

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
NORTHWEST REGION

NEZ PERCE NATIONAL FOREST
RESERVE INTEREST DEED EXHIBIT
ON YELLOW PINE BAR, H.E.S. 729

LOCATED IN PERMANENT RECORD IN
T.M.M., L.H.M., BUREAU OF LANDS (GEOGRAPHIC)
FIELD OFFICE, IDAHO

By Date
APPROVED: J. T. MILLER, JR. 4/10/87
DARYL K. MILLER, JR. 4/10/87
CHECKED: J. T. MILLER, JR. 4/10/87
L.S. 2034

APPROVED: FOREST ENGINEER Date 1 of 1



Yellow Pine Bar
GL

RECEIVED
DEC 08 2003
NEZ PERCE
SALMON
FOREST

December 3, 2003

Mr. Jack Carlson, District Ranger
Nez Perce National Forest
HC 01 Box 70
Whitebird, Id 83554

Dear Jack:

Several years ago, about the time of the Scenic Easement work at Yellow Pine Bar, we all discussed the possibility of a small land exchange to clean up some property issues. You recently indicated I could send you a letter to start the process to see what could be done.

I would like to formally propose a small land exchange whereby our new property would extend to the high water line in the vicinity of the boat landing including land below the caretaker cabin and the main cabin which are now infringing on Federal property. We would also propose acquiring a piece of land on the opposite side of the property to include the spring pond and water line stretch. In return, we would convey to the Forest Service land of equal value to be taken from the upriver end of the property. I sketched out how this might be done on the enclosed map, subject to adjustments as needed.

When you have looked into this please advise if we might move forward or what else we would need to discuss. I appreciate your time and effort in this matter.

Sincerely,

Judd DeBoer, President

Buffington, Denise

From: Buffington, Denise
Sent: Tuesday, January 20, 2009 10:02 AM
To: 'rward@idfg.idaho.gov'
Subject: Comment Letter
Attachments: 77-14284 Comment letter to IDFG.doc; 77-14284 App.pdf

Please review the attached information and comment as necessary. Please contact me if you have any questions regarding the attached information.

Thank You,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

1/20/2009

January 20, 2009

RICK WARD
ENVIRONMENTAL STAFF BIOLOGIST
ID DEPT FISH & GAME SOUTHWEST REGION
3101 S POWERLINE RD
NAMPA ID 83686

Re: Water Right Application(s) 77-14284

Dear Mr. Ward:

Attached are copies of one or more applications that may be of interest to your agency. Please contact the applicant(s) if your agency has concerns about the application(s). It is not necessary to provide agency comments to the Idaho Department of Water Resources (IDWR), although your comments are welcome if you think IDWR would benefit from them.

If your agency desires to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by February 9, 2009.

Please contact this office at 334-2190 if you have any questions regarding the application(s).

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure

WorkCentre 7345

Transmission Report

G3 ID

Date/Time: 01/15/2009:04:57PM
Page: 1 (Last Page)

Local Name
Logo

Document has been sent.
Document Size 8.5X11"SEF

FAX Transmittal Cover Sheet

State of Idaho
Department of Water Resources
Western Region
Boise, ID
PH. (208) 334-2190
FAX NO. (208) 334-2348
Number of total pages: 3

Date: January 15, 2009
To: Idaho County Free Press
From: Denise Buffington
Fax: 208-983-1336

Attached please find (1) legal notice being submitted for publication. Please contact me if you have any questions or if you are not able to run the ad as scheduled.

Thank you,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

Total Pages Scanned: 3 Total Pages Sent : 3

No.	Doc.	Remote Station	Start Time	Duration	Pages	Mode	Contents	Status
1	7695	2089831336	1-15: 4:56PM	28s	3/ 3	SG3		CP

Note:

RE: Resend	MB: Send to Mailbox	BC: Broadcast	MP: Multi Polling	RV: Remote Service
PG: Polling	RB: Relay Broadcast	RS: Relay Send	BF: Box Fax Forward	CP: Completed
SA: Send Again	EN: Engaged	AS: Auto Send	TM: Terminated	

FAX Transmittal Cover Sheet

State of Idaho
Department of Water Resources
Western Region
Boise, ID

PH. (208) 334-2190
FAX NO. (208) 334-2348

Number of total pages: 3

Date: January 15, 2009

To: Idaho County Free Press

From: Denise Buffington

Fax: 208-983-1336

Attached please find (1) legal notice being submitted for publication. Please contact me if you have any questions or if you are not able to run the ad as scheduled.

Thank you,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, January 15, 2009 4:57 PM
To: ndonaldson@eaglenewspapers.com
Subject: Legal Notice
Attachments: Idaho County Ads - Cover Letter.RTF; 77-14284 Ad.RTF

Attached please find (1) legal notice being submitted for publication. Please contact me if you have any questions or if you are not able to run the ad as scheduled.

Thank you,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

1/15/2009

January 15, 2009

Legal Notice Department
IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE ID 83530

RE: Application for Permit No. 77-14284

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 02/09/2009. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

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

77-14284

LEONARD M WALLACE
PO BOX 126
NEW MEADOWS ID 83654

Point(s) of Diversion SENWSW S32 T26N R10E IDAHO County Source SPRING
Tributary To SALMON RIVER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 09/06/2007

Place Of Use: DOMESTIC

T26N R10E S32 SWSW

Remark: This application proposes the diversion and use of water from a spring tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for domestic purposes.

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 02/09/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on January 21st & 28th, 2009

Memorandum

To: Debbie Allen

From: Kay Walker *Kay*

Date: January 12, 2009

Re: Request for Refund

.....

Please prepare a refund in the amount of \$100.00 for Application for Permit for No. 77-14284. A \$200.00 fee was submitted for SRBA Claim No. 77-14281 but the claim could not be processed due to the priority date claimed and therefore the claim was withdrawn and an application for permit was submitted instead. The application was filed for 0.04 cfs (\$100.00 filing fee) so the applicant should receive a \$100.00 refund of the fees submitted. The original receipt is under number C084636.

Refund should be mailed to:

Leonard M. Wallace
PO Box 126
New Meadows ID 83654

If you need more information, please let me know. Thanks!



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

November 14, 2008

LEONARD M WALLACE
PO BOX 126
NEW MEADOWS ID 83654

Re: Application for Permit 77-14284

Dear Mr. Wallace:

We are in the process of reviewing the application for permit you submitted and found we need more information before we can process the form. We have completed and enclosed an "Amended" application form based on the information that was found on adjudication claim 77-14281 (that you withdrew) and the application for permit form. Please review the "amended" application for permit form, complete Items 11a, b and c, sign the form and return it to my attention if you agree with this interpretation of the information contained on the form. If you want to change any of the information on the form, please line through the information, make the change and then initial and date the changes. Please note that we entered "1 year" under Item 7, which describes the time required to complete the system since the spring is already in use.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at (208)334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

12-18-08-
called Mr. Wallace-
left msg. on
answer machine. Ku
Susie Wallace called in
response to my voice msg.-
they will submit as soon
as they determine who
owns land @ pld.
call up 1 more
month-
Ku

RECEIVED

SEP 24 2007

WATER RESOURCES
WESTERN REGION

MEMORANDUM

DATE: September 21, 2007

TO: Steve Lester *Western*

FROM: Shelley W. Keen *swk*

RE: Fee for Leonard Wallace Application for Permit

Yesterday Sissy Wallace called to talk about Don Shaff's letter indicating that the filing fee for withdrawn claim 77-14287 would be refunded. She explained that Leonard Wallace filed an application for permit, and they want the unused claim fee to be applied to the application. Vicky found the application in your in-basket.

REFUND REQUEST

TO: P. Shaff S. Sherman to Log In
 FOR: G. Fritschle/D. Allen
 FROM: S. Sherman Date: 9-14-07
 SUBJ: Receipt No. C084636 (Please attach ARQ2 Receipt copy immediately behind blue form)

RE: PayOR Michael C. Wallace
 Address c/o Leonard M. Wallace
P.O. Box 126
New Meadows ID 83654

Claimant(s) if NOT Payor Leonard M. Wallace

Refund Amount \$ 200.- Claim Location (Region/Claimant)

Extension Filed? Y/N NA Copy Attached? Y/N NA

Late Fees Paid? Y/N NA Late Fee Receipt # C084636

S.O. Verified Ext. by - on - D.B. Query by -

Refund Generated By () Agent () Claimant (v) Sal

Refund Category:
 insufficient fees / claim incomplete (withdrawn) / o-pmt

Date of Last Correspondence (copy attached) _____

Claim No.	Use*	Fees Paid	Correct Fee	Rec't #
<u>77-14287</u>		<u>\$200.-</u>	<u>0</u>	<u>C084636</u>
		\$		
		\$		
		\$		
		\$		
Total		\$	\$	

*Incomplete claims or insufficient fees for irrigation use will generally NOT be refunded. D.E. claim in AJSP1 at minimum.

Detailed Reason(s) for Refund Attached Y (N)
claim withdrawn.

Region AJ Spvsr. Approval - S.O. AJ Spvsr. Approval -
G. Fritschle Approval - Hold - To Fiscal 9-17-07
P. Shaff Logged 9-14-07
 Data Base Modified? (Y) NA A &/or R Records By ms on 9-14-07
13

Navigation Tools

Receipt Details for C084636

Status	Adjustment Type	Version
		1

General Information

Date Received	Date Deposited	Region	Total Amount	Payment Type
7/25/2007 2:26:23 PM	7/25/2007 2:35:04 PM	STATE	\$200.00	Check
Payer	WALLACE MICHAEL C			
IPG Transaction ID	0			

Account Information:

Check Number:	2803
----------------------	------

Comment

77-14281

Fee Details:						
Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$200.00	ADJUDICATION FILING FEE	41503	0337			1155

RECEIVED

JUL 25 2007

DEPARTMENT OF
WATER RESOURCES

Form No. 42-1409 (2) a 1/89 (Internet)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number 77-14281
Date Received 7-25-07
Receipt Number 0084636

Copy

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (a) Leonard M. Wallace Phone (208) 347-2946
Mailing Address PO. BOX 124, New Meadows, Id Zip 83654

2. Date of Priority (Only one (1) per claim) Oct 1978

3. Source of water supply (a) Spring
which is tributary to (b) Salmon River

4. a. Location of existing point of diversion is: Township 21N Range 10E Section 32.
1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of Idaho

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____ . 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____ . 1/4 of _____ 1/4 of _____

1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc).
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Spring runs into collection
Box then is piped to house.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/01 to 12/31 amount .040 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .040 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic

10. 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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	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	
<u>21N</u>	<u>10E</u>	<u>32</u>											X						

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Idaho

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks:

Last Name Wallace Ident No. _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Leonard M Wallace Date 6-15-07

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of Adams) ss.

Subscribed and sworn (or affirmed) before me this

15 day of June 2007

Notary Public Eulla Sissy Wallace

Residing at Adams

My Commission Expires 2/20/08

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

**GENERAL AFFIDAVIT
BEFORE NOTARY**

I, PAUL RICHARDSON ("Declarant"), am a resident of
McCall, County of Valley, State of
IDAHO, and do hereby certify, swear or affirm, and
declare that I am competent to give the following declaration based on my personal
knowledge, unless otherwise stated, and that the following facts and things are true and
correct to the best of my knowledge (insert facts):

*I went to yellow Pine bar in October, 1978 as a
caretaker for Warren Brown. While there, I worked
for Warren Brown and built a ditch with the bob cat
down to Warren Browns house and Mett + Leonard
Wallaces house to install the water pipe.*

WITNESS my signature this 15 day of June, 2007 (year and month).

Paul F. Richardson
Signature of Declarant

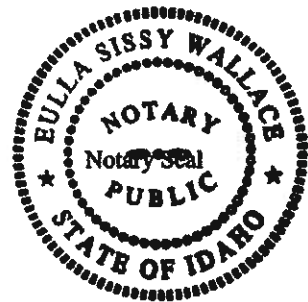
State of Idaho)
County of Valley)

On June 15, 20 07, Paul Richardson
personally came before me and, being duly sworn, did state that he or she is the person described in the
above document and that he or she signed the above document in my presence.

Eulla Sissy Wallace
Signature of Notary Public

Notary Public, In and for the County of Valley
State of Idaho

My commission expires: 2/20/2008



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

)

Subcase 77-14281

)

(Insert water right number)

)

Case 39576

)

STANDARD FORM 4

)

)

MOTION TO FILE:

)

☒ **LATE NOTICE OF CLAIM**

)

☐ **AMENDED NOTICE OF CLAIM**

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in ***SRBA Administrative Order 1, Rules of Procedure*** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is Leonard M. Wallace

My address is PO. Box 126 New Meadows Id 83654

My phone number is: Work _____ Home 208-347-2446

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

Never filed, because we new the owner, and ^{now} ~~preently~~ they have deceased. We are now worried about the property being sold. So we would like to ^{still} have ~~still~~ water to our property.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on September 18, 2007, 1:30 pm
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☒ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Adams

Leonard M. Wallace, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.



Leonard M. Wallace
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on June 15, 2007
(Insert Date)

Eulla Sissy Wallace
Notary Public for _____
Residing at: Adams
My Commission expires: 2/20/08

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on July 20, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Diana Sissy Wallen
Signature of person or attorney mailing the form