

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69956

This is to certify that: ROD FRISBY And/Or MAUREEN FRISBY
6208 SE 8TH AVE
CALDWELL ID 83607
(208)459-0875

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Total Acres</u>	<u>Source</u>
63-10785	AJC/License	11/28/1977	1.7 cfs	824.7 af	292.0 GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-10785	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Total Acres</u>
63-10785	63-10785	1.7 cfs	824.7 af	292.0
COMBINED				
TOTALS		1.7 cfs	824.7 af	292

Detailed Water Right Description(s) attached

Dated this 22nd day of December, 2003

SCANNED
SEP 20 2006


Chief, Water Allocation Bureau

SCANNED
DEC 29 2003

MICROFILMED
FEB 10 2004

WATER RIGHT NO. 63-10785
As Modified by Transfer No. 69956

In accordance with the approval of Transfer No. 69956, Water Right No. 63-10785 is now described as follows.

Right Holder: ROD FRISBY AND/OR MAUREEN FRISBY
 6208 SE 8TH AVE
 CALDWELL ID 83607

Priority Date: November 28, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to 11/15	1.70 CFS	824.7 AF
		1.70 CFS	824.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNW Sec. 20 Twp 06N Rge 03W PAYETTE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 03W 19	35.0	35.0															70.0
06N 03W 20		35.0	35.0		39.0	37.0	37.0	39.0									222.0

Total Acres: 292

SCANNED
 DEC 29 2002

MICROFILMED

FEB 10 2004

WATER RIGHT NO. 63-10785
As Modified by Transfer No. 69956

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right 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.

Dated this 22nd day of December, 2003


Chief, Water Allocation Bureau

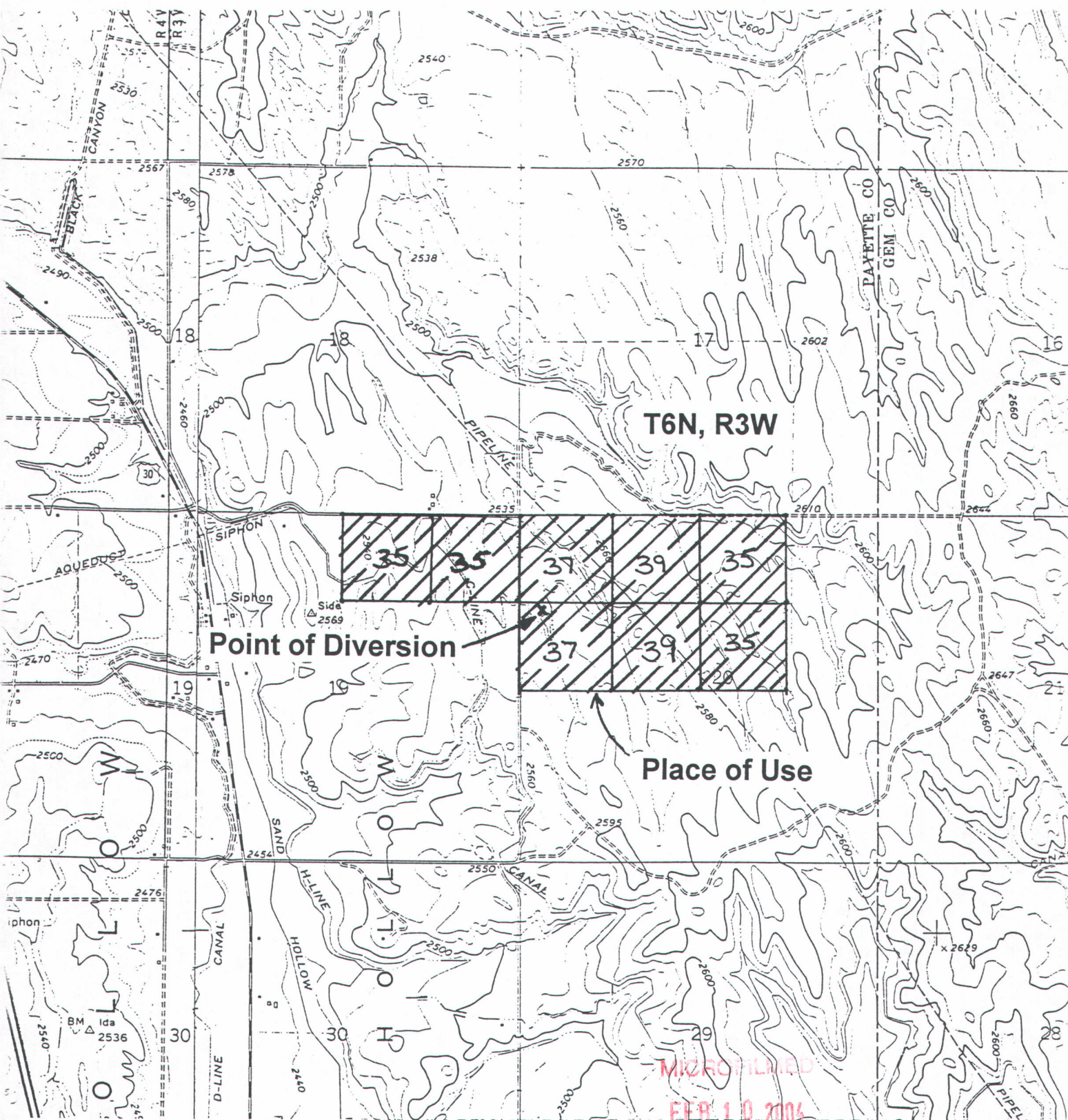
MICROFILMED
FEB 10 2004

SCANNED
DEC 29 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

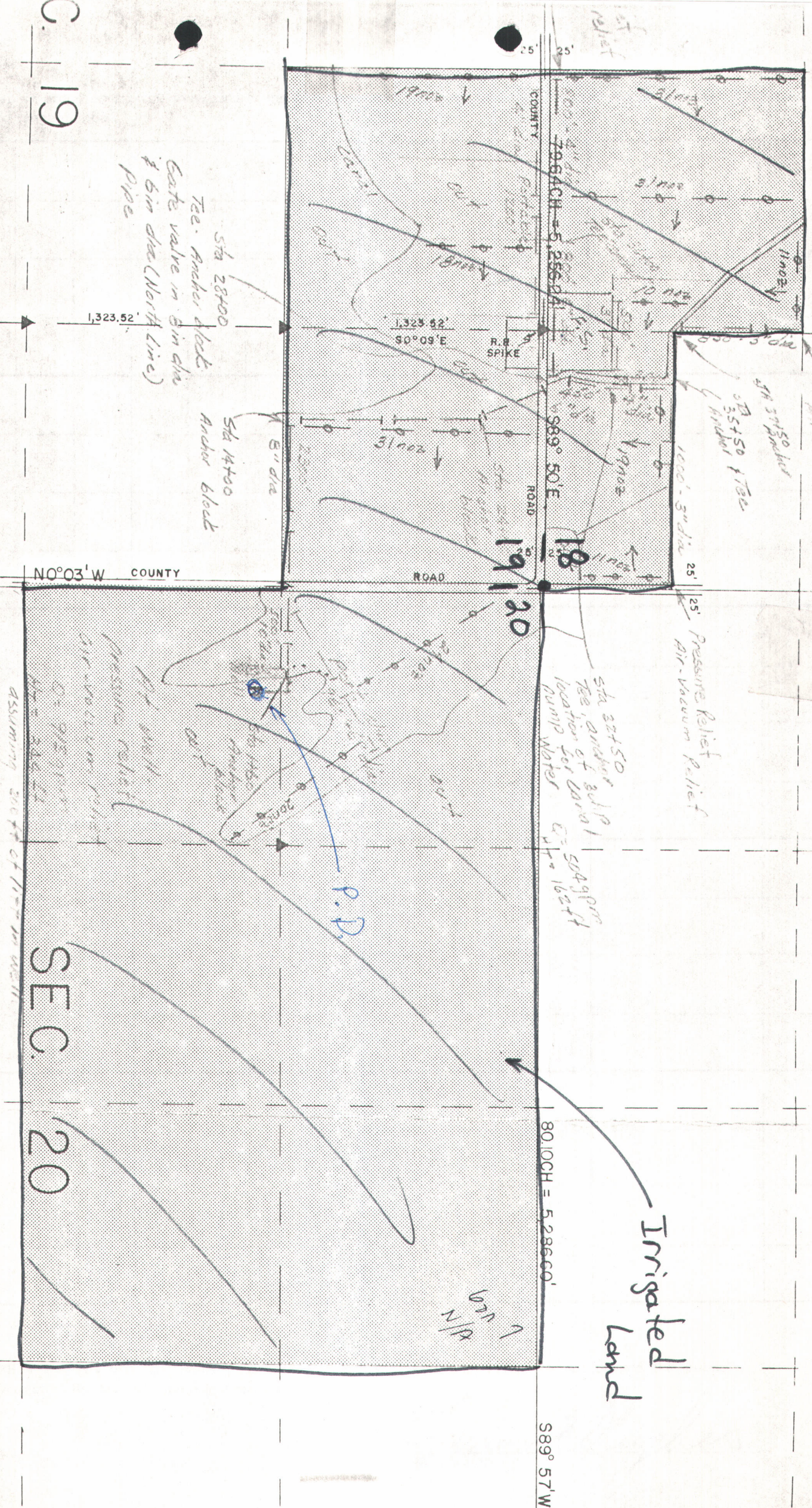
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



SEC. 20

Irigated
Land



2000 Photo

7

8

18

17

1

19

20

2

30

29

28

FEB 10 2004



Page **RECEIVED**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 69956**MAY 06 2002**WATER RESOURCES
WESTERN REGION**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant Maureen Frisby and Rod Frisby Phone 208-459-0875Post Office address 6208 SE 8th Avenue, Caldwell, ID 83607**RECEIVED****A. PURPOSE OF TRANSFER****AUG - 5 2002**

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

Department of Water Resources

2. Describe the reason for the proposed changes Consolidate groundwater use on lands not irrigated with water from Black Canyon Irrigation District

3. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
63-10785	11/28/1977	1.70/824.7	irrigation	3/15 to 11/15
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 1.70 cubic feet per second and/or 824.7 acre-feet per annum.

3. Source of water ground water tributary to NA

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NW	20	6N	3W	Payette	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	3W	19	35	35															70
		20		35	35		39	37	37	39									222

Total Acres 292

PART 1

6. General Information:

a. Description of diversion system well with turbine pump and pipelines to sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Overlap with Black Canyon Irrigation District water use will be eliminated.
No change in total irrigated area is proposed, but commingling of District
and groundwater sources will be eliminated.

d. Remarks:
See companion applications for permit.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And the said application is hereby _____, subject to the following conditions:

Vitness my hand this _____ day of _____, 20 _____.

For the Director

MICROFILMED
FEB 10 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

(Attach one copy for each right)

DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:
 - a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
 - b. License No. 63-10785 issued by the Idaho Department of Water Resources.
 - c. Claim No. _____ on file with the Idaho Department of Water Resources.
 - d. Transfer No. _____ which produced this right.
2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice
 ☐ Warranty Deed
 ☐ Other _____
3. Source of water ground water tributary to _____
4. Date or priority 11/28/1977
5. Water is used for the following purposes:

amount 1.70/824.7 for irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
6. Total amount of water under right 1.70 cubic feet per second and/or 824.7 acre-feet per annum.
7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NW	20	6N	3W	Payette	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	3W	18															35	17	52
		19	22	22															44
		20		40	40		39	13	24	40									196

Total Acres 292

Describe any other water rights used for the same purpose as described above Black Canyon Irrigation District

FEB 10 2008

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
no If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED
(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

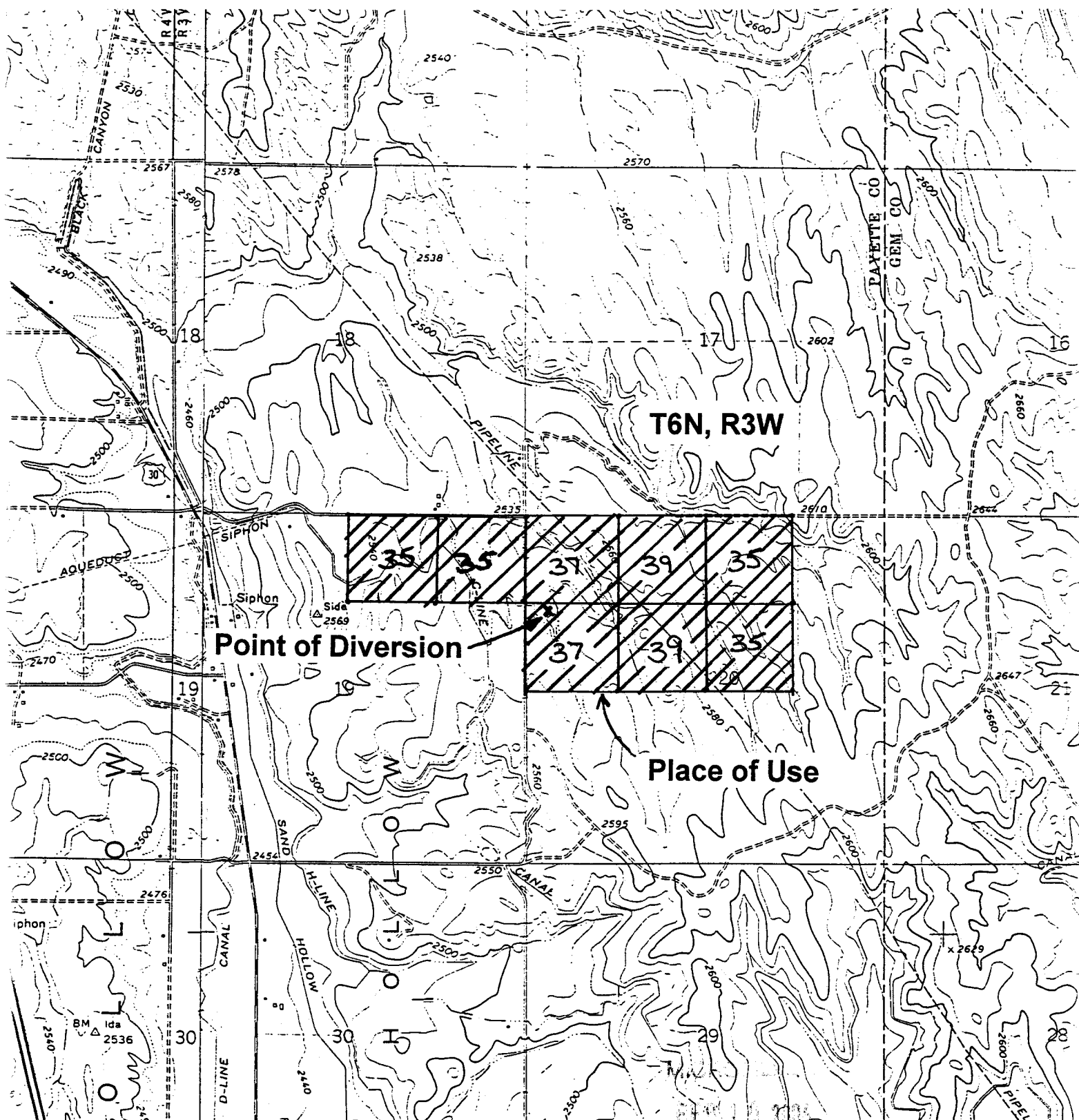
Total Acres _____

RECORDED
FEB 10 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

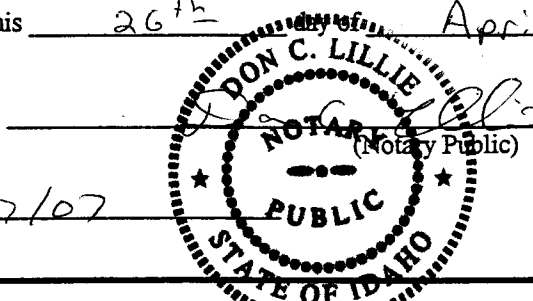
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



 (Signature of Applicant)

Subscribed and sworn to before me this 26th day of April, 2002.



My commission expires 10/17/07

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachments

Received by KG Date 5/10/02 Protest filed by _____

Prelim. Check by KG Fee \$250 W029149

Received by KG Date 5/10/02

Published in INDEPENDENT ENTERPRISE Copies of protest forwarded by _____

Pub. Dates 7-3 & 10-02 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

MICHAEL L. LILLIE
FEB 10 2004

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-10785

Priority: November 28, 1977

Maximum Diversion Rate:
Maximum Diversion Volume:¹

1.70 CFS
824.7 AF

This is to certify, that HARMON E. HUGHES
RT. 5

CALDWELL, ID 83605 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 28, 1977; and has submitted Proof of Beneficial Use on February 15, 1983. An examination indicates that the works have a diversion capacity of 1.700 cfs of water from a **GROUNDWATER** 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>
IRRIGATION	03/15 to 11/15	1.70 CFS	824.7 AF

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 20, Township 06N, Range 03W
PAYETTE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	03W	18	SWSE 35	SESE 17		52
		19	NENE 22	NWNE 22		44
		20	NWNE 40	SWNE 40	NENW 39	
			NWNW 13	SWNW 24	SENE 40	196

Total number of acres irrigated: 292

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

MICROFILMED

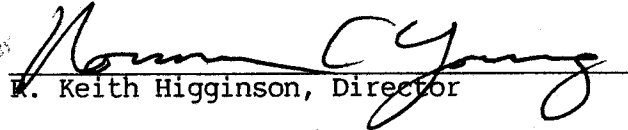
SEP 22 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-10785

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 29TH
day of AUGUST, 1989.


R. Keith Higginson, Director



RECEIVED
JUL 29 1989

SEP 12 1989

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING)
DEVICE REQUIREMENT FOR PERMIT NO. 65-12063)

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows:

"The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

Glen Saxton

GLEN SAXTON
Chief, Operations Bureau

Identification No. _____
Application No. ~~65-12063~~ **63-10785**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Harmon E. Hughes Phone: 459-3811
post office address Route 5 Caldwell Idaho
2. Source of water supply Groundwater which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 20 Township 6N
Range 3W B.M. Payette County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 5.0 for irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 5.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well & pump

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 16 inches; proposed depth of well is 250 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

REPROFILING

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

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	
6N	3W	18															40	20	60
		19	40	40															80
		20	~~40~~	40	40	~~40~~	40	40	40	40									240

Total number of acres to be irrigated 380

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

Black Canyon water for 56 acres

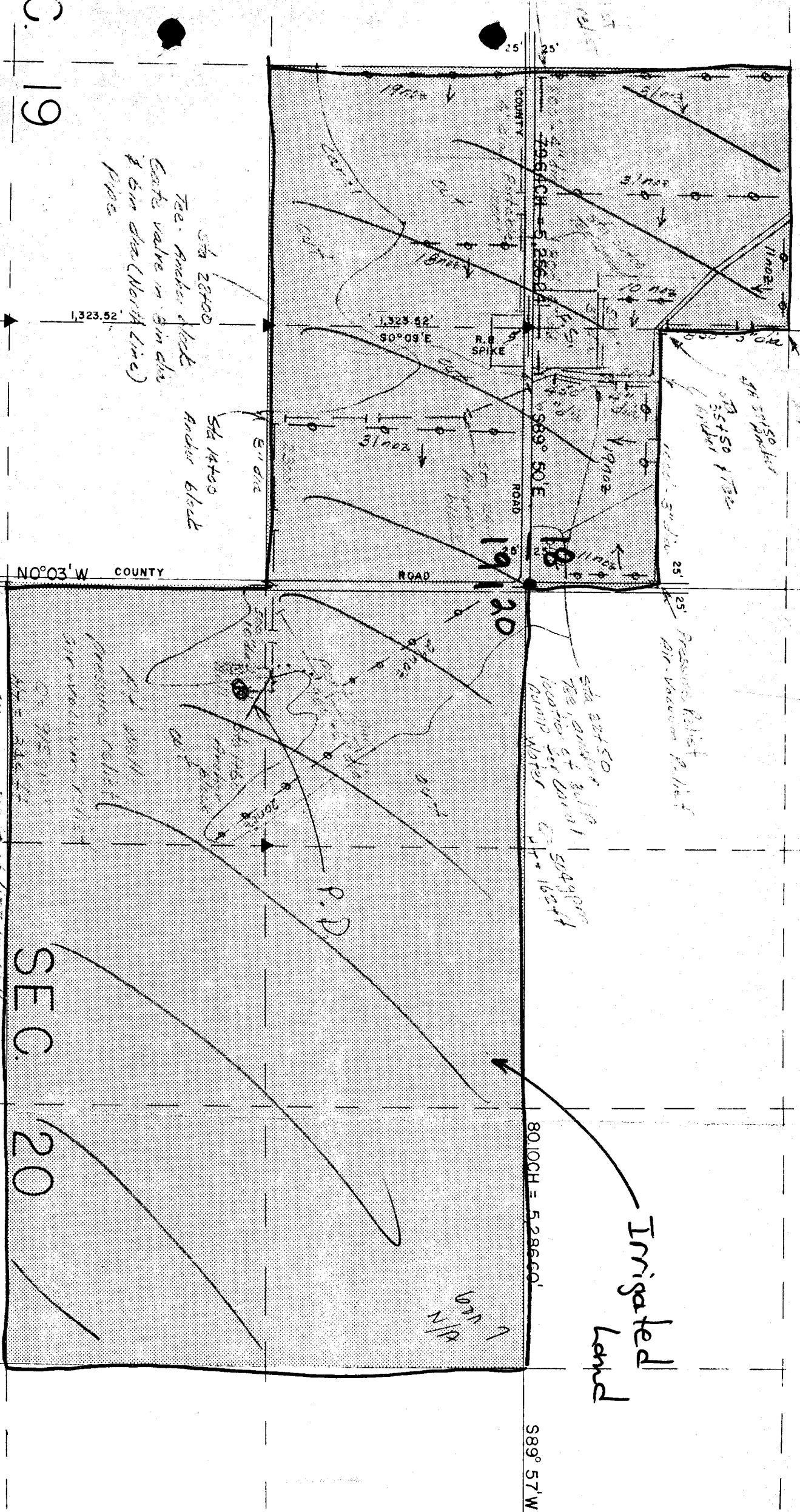
9. a. Who owns the property at the point of diversion applicant

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

SEC. 20



Proposed priority 11-28-77

Received by W.H.M. Date 11-28-77 Time 1:45

Preliminary check by R.W.H. Fee \$ 65.00

Received by mb Date 11-28-77 # 9388

Publication prepared by M Date 12-2-77

Published in Independent Enterprise

Publication dates Dec 8 & 15

Publication approved Y.P. Date 12-28-77

Priority reduced to Y.P. Reason _____

Protests filed by: _____

Copies of protests forwarded by: _____

Hearing held by: _____ Date: _____

Recommended for approval denial by Y.H.

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. 65-12063, and said application is hereby APPROVED.

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 March 1, 1983.

c. Other: For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Witness my hand this 30TH day of March 1978.

Norman C. Young
Administrator

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

SS.

Copy of Notice

(First Copy)

Notice of Correction - Hughes 65-12063
TITLE OF PUBLICATION
Idaho Dept Water Resources
SPONSOR OR PLAINTIFF

PLAINTIFF OR LEGAL AGENT

Sharon A Swanson

duly sworn, deposes and says:

That he is the principal clerk
THE INDEPENDENT ENTERPRISE, a weekly newspaper published in the County of Payette and State of Idaho; that it has been and is in general circulation in the county aforesaid the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a two consecutive weeks in the regular and entire issue of the paper during the period and time of publication, and was in the newspaper proper and not a supplement; that said advertisement has been established and regularly published for more than seven consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with May 4, 19 78, and ending with the issue of May 11, 19 78.

Subscribed and sworn to before me this 11 day of May, 19 78.

Sharon A Swanson
Notary Public, Residing at Payette, Idaho.

My Commission Expires April 28, 19 80.

NOTICE OF CORRECTION

Notice is hereby given that notice of Application for Permit No. 65-12063 in the name of HARMON E. HUGHES was published in error on December 8 & 15, 1977.

The place of use was advertised as being within the S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 18; N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 19; E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ Sec 20 T6N-R3W B.M. WHEREAS, the actual place of use is within the S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 18; N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 19; W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ Sec 20 T6N-R3W B.M.

Any protests against approval of this application must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, ID on or before May 22, 1978.

C. STEPHEN ALLRED
Director

Published in the Independent Enterprise, Payette, Idaho on May 4 & 11, 1978.
No. 712

5-4-2tc

OK
5-16-78
JF

STATEMENT

Independent-Enterprise
PAYETTE, IDAHO

Number of Lines 16

Number of Insertions two

16 Lines @ 42 $\frac{1}{2}$... \$ 6.80

16 Lines @ 30 $\frac{1}{2}$... \$ 4.80

TOTAL COST
WILL BE \$ 11.60

Nº 712

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

SS.

Copy of Notice
(First Copy)

Notice of Correction - Hughes 65-12062
TITLE OF PUBLICATION
Idaho Dept Water Resources
SPONSOR OR PLAINTIFF

PLAINTIFF OR LEGAL AGENT

Sharon A Swanson, being
duly sworn, deposes and says:
That she is the principle clerk of
THE INDEPENDENT ENTERPRISE, a weekly newspaper published at
Payette, in the County of Payette and State of Idaho; that said paper
has been and is in general circulation in the county aforesaid, and in
the vicinity of Payette; that the advertisement, a copy of which is
attached hereto, was published in said newspaper once a week for
two consecutive weeks in the regular and entire issue of said
paper during the period and 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 adver-
tisement.

Such notice was published in the issue beginning with
May 4, 19 78, and ending with the issue
of May 11, 19 78.

Subscribed and sworn to before me this 11 day
of May, 19 78.

Mary Jane Lee
Notary Public, Residing at Payette, Idaho.

My Commission Expires April 28, 19 80.

STATEMENT

Independent-Enterprise
PAYETTE, IDAHO

Number of Lines 16 Jan li

Number of Insertions two

16 Lines @ 42 1/2 ... \$ 6.80

16 Lines @ 30 1/2 ... \$ 4.80

TOTAL COST
WILL BE \$ 11.60

NOTICE OF CORRECTION
that notice of Application for
name of HARMON E. HUGHES
number 65-12062.
advertised as being within the
E 1/4 NE 1/4, NW 1/4, Sec 20 T
actual place of use is with
1/4 Sec 19; W 1/4 NE 1/4, NW 1/4
approval of this application
of the Idaho Department of
ad, Boise, ID on or before
C. STEPHEN
Independent Enterprise, Payette, ID

OK
5-16-78
JY

MICROFILMED

Nº 712

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

SS.

Copy of Notice
(First Copy)

Notice for Application & Permit
TITLE OF PUBLICATION

Hughes
SPONSOR OR PLAINTIFF

Dep't. of Water Resources
PLAINTIFF OR LEGAL AGENT

I, Ann P. Curtis

duly sworn, deposes and says:

That *he* is the *principal cler*
THE INDEPENDENT-ENTERPRISE, a weekly newspaper
Payette, in the County of Payette and State of Idaho;
has been and is in general circulation in the county a
the vicinity of Payette; that the advertisement, a c
attached hereto, was published in said newspaper o
two consecutive weeks in the regular and en
paper during the period and time of publication, an
in the newspaper proper and not a supplement; tha
been established and regularly published for more t
consecutive weeks prior to the date of first publicati
tisement.

Such notice was published in the issue beginnir
December 5, 19*77*, and end
of *December 15*, 19*77*

Subscribed and sworn to before me this *16* day
of *December*, 19*77*

Mary Jane Lee
Notary Public, Residing at Payette, Idaho.

My Commission Expires *April 28*, 19*80*.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that HARMONE E. HUGHES, Route 5, Caldwell, ID has on November 28, 1977 submitted Application No. 65-12063 for a permit to appropriate 5.0 cubic feet per second of water from a groundwater source by means of well and pump within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 20 T6N-R3W B.M., Payette County to be used from March 15 to November 15 for irrigation of 380 acres within the S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 18, N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 19, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ Sec 20 T6N-R3W B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83705 on or before December 26, 1977.

C. STEPHEN ALLRED
Director

Published in the Independent Enterprise, Payette, ID on December 8, 1977 and December 15, 1977.

No. 551

12-8 2tc

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines *18 dan li*

Number of Insertions *two*

18 Lines @ *42 $\frac{1}{2}$* ... \$ *7.65*

18 Lines @ *30 $\frac{1}{2}$* ... \$ *5.49*

TOTAL COST
WILL BE \$ *13.14*

Nº 551

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

SS.

Copy of Notice

(First Copy)

notice for Application water permit
TITLE OF PUBLICATION
Hughes

65-12063

SPONSOR OR PLAINTIFF

Dept. of water Resources
PLAINTIFF OR LEGAL AGENT

I, Ann P. Curtis, being

duly sworn, deposes and says:

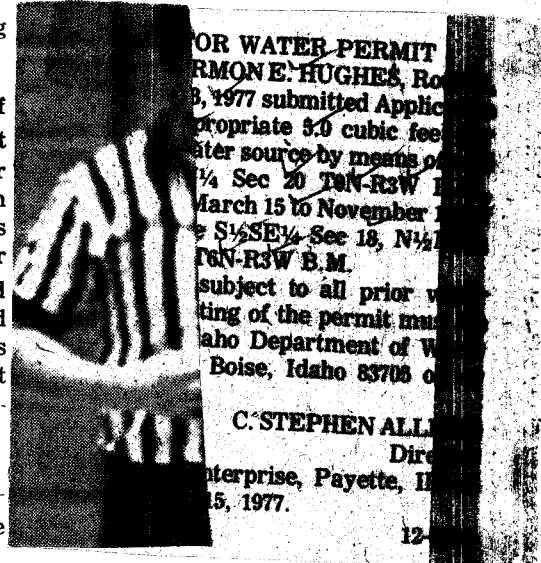
That he is the principal clerk of
THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at
Payette, in the County of Payette and State of Idaho; that said paper
has been and is in general circulation in the county aforesaid, and in
the vicinity of Payette; that the advertisement, a copy of which is
attached hereto, was published in said newspaper once a week for
two consecutive weeks in the regular and entire issue of said
paper during the period and 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 adver-
tisement.

Such notice was published in the issue beginning with
December 8, 1977, and ending with the issue
of December 15, 1977

Subscribed and sworn to before me this 16 day
of December, 1977

Mary Jane Lee
Notary Public, Residing at Payette, Idaho.

My Commission Expires April 28, 1980



STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines 18 dan li

Number of Insertions two

18 Lines @ \$2 1/2 ... \$ 7.65

18 Lines @ 30 1/2 ... \$ 5.49

TOTAL COST
WILL BE \$ 13.14

Nº 551



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 23, 2003

ROD FRISBY
6208 SE 8TH AVE
CALDWELL ID 83607

RE: Transfer No.: 69956 - Water Right 63-10785 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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

MICROFILMED
FEB 10 2006

If you have any questions, please contact me at 208-327-7940.

Sincerely,



for

Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

cc: MIKE CREAMER, GIVENS PURSLEY LLP

MICROFILMED

FEB 1 8 2003

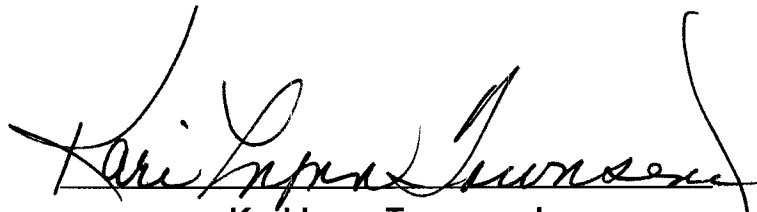
CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69956 - WATER RIGHT 63-10785

**ROD FRISBY
6208 SE 8TH AVE
CALDWELL ID 83607**

**GIVENS PURSLEY LLP
C/O MICHAEL C CREAMER
PO BOX 2720
BOISE ID 83701-2720**


**Kari Lynn Townsend
Secretary**

FEB 10 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

MICROFILMED
FEB 10 2004

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

RECEIVED
FEB 10 2006

MEMORANDUM

Date: December 8, 2003

To: Transfer File 69956

From: Jeff Peppersack

Re: Review of Transfer – Supplemental Water Question

I met with Lori Graves to discuss this transfer. Lori was involved in the initial review of this application at Western Region.

The water right involved in the transfer (63-10758) appeared to be a supplemental ground water right based on information in the file. The original application for permit noted a 56-acre overlap with Black Canyon Irrigation District water out of a total of 308 acres. However, the permit was approved with only 292 acres and no real indication in the file regarding the extent of any overlap with BCID. The field exam indicated that the ground water use was supplemental to BCID water, but it appears that the system was developed to co-mingle the ground water with BCID water and was not necessarily a supplemental source of water.

Lori recalled that when the transfer was filed, the intent was to remove the ground water under 63-10758 from lands covered under BCID. Any acres developed through water "spreading" were covered under new permits to avoid enlargement. In conclusion, the transfer will not result in additional acres beyond the total acres originally covered under BCID acres and the ground water right.

Per Gary 11/18/03

Transfer approval will not need conditions from stipulated agreement between BOR, BCID + applicant because the transfer was not part of the protest.

MIICAC/PLM/ED

FEB 10 2004

TRANSFER REVIEW SHEET

Trans # 69956

Date Reviewed 10-10-2002

Right No(s). * 63-10785

Split? Y N Y N Y N Y N Y N Y N

*AREA OF CONCERN: No/Yes

Separate Supplemental GW rt. from Black Canyon Irr. Dist. water P/U

PURPOSE OF TRANSFER FOR EACH RIGHT:

Change p/d Change use period Change p/u
Add p/d Change nature of use

RightID's of From & To records correct? Y N (resolve with State Office personnel)

Check for Partial Decree issuance, etc. since time of application's entry AJ Claim

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U Y N Y N Y N Y N Y N Y N

GROUNDWATER:

DRILLING PERMIT Existing IRR well/no change

All wells -046
DP upgrade req'd Y N (contact GW personnel)

WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

WMD - No MD
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres 01M or 01Q

SURFACE WATER:

WD - R05 (WD#) WM comments rec'd
≤ 0.20 cfs/others - R02, 01P or No MD
> 0.20 cfs - R43
WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON 3-1 to 11-15 (use X61 if extended season)

STANDARD VOLUME 4.5 af/ac

CONSUMPTIVE USE VOLUME 3.5 af/ac

US-2900 Black Canyon Irr. Dist overlap (Priority 4-10-1952)
Original app. identifies 50 acres BCID water same as
License Exam notes supplemental to BCID water
Transfer App. (Pg 3) confirms BCID water used on 292 Licensed acres.

USES:

POWER - 17H-17K (+uses)-025-106
MUNICIPAL
Restricted area - 022-075 RAFN - 007-109-X64
Irr., GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
- 27A (Payette River)
> 1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5

USES:

STORAGE - 18C-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (all BLM/USFS)
MINING - 054-106
FISH PROP - 029(70'S only)-007-122-106
HEAT/COOL - R07 (injection well)
FIRE PROT. - 077
DAIRY - 082 (zoning if a concern)-106-WD8

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T17 - measure all p/d's (used with WB4)
T18 - Special T17 & R43 combined - multiple pds in WD

Protested - 020-X19
Water Quality - 106-R07

X27 - Number of acres/season in ppu
X35 - Combined totals of multiple rts

X49 - measure p/d's (source chg'd to orig trib)
X51 - 2+ yrs to develop
X53 - Use ltd to orig. source availability
X54 - forfeited ac/rate (used rarely)
X55 - (transfer shrinks total water to less ac)
X57 - no right-of-way
X58 - pending claim (statutory or AJ b/u claim)
X61 - extended irr season
X62 - replaces N11 and N13
X63 - replaces C12
WB4 - + p/ds, cfs & afa (used with T17)
WD8 - land application of waste water
01Q - used instead of 01M when there's another meas. Cond (i.e. T17 & 01m)

Apply one to chg'd and unchg'd rts:

T09 - on-going SRBA (no Dir Rpt or Recomm yet)
T19 - replaces C18 (if at Recommendation or Partial Decree stage)
T20 - use instead of T09 where not ongoing in SRBA

OTHER CONDITIONS/REMARKS X61/Begin 3-1

COMMENTS

Database files updated Approval form printed Shape files created
Special Mailing Instructions (cc's, etc) Send copy to MikeCramer, Givens Puroley LLP
Final database update after approval *Comment to WR No(s). 63-10785

Final Review & Approval Updates
Completed by Jim Zakan 12-22-03

Skaggs, Pam

From: Graves, Lori
Sent: Monday, October 14, 2002 3:55 PM
To: Skaggs, Pam
Subject: Attachment A, Frisby x-fer

Hi Pam, Sue doesn't know where Attachment A went. Our file also doesn't have it. I checked via Arc View Tax Lots for Payette County and confirmed that Rod and Maureen Frisby and/or Frisby Family Trust owns the property listed on the transfer for the existing P/U and the proposed P/U. Let me know if you need further confirmation. lg

MICROFILMED
FEB 10 2004

AUG - 5 2002

Department of Water Resources
January 2002

Form 222a

IDWR WESTERN REGION TRANSFER ANALYSIS

Applicant Frishly Transfer No. 69956
 Reviewed by 6 Date 6/12/02
 Data entered by 6
 1. Right number(s) 63-10785

Caution
before processing: ☐ Partial Decree to WR ☐ Ownership Change filed & split completed

2. Type of right ☐ Decree ☒ License ☐ Stat. Claim ☐ BU Claim

3. Purpose of transfer ☐ Change P/D ☐ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Period ☐ Split Right
☐ Other: _____

4. Check Existing Right

☒	Source	☒	Priority	☒	Amount
☒	Purpose	☒	Period	☒	SRBA Claim
☒	Description of original point(s) of diversion				
☒	Description of original place of use				
☒	Overlapping rights for original P/D &/or P/U				

5. Check Proposed Right for amount of land &/or water transferred:

- a. ☒ Analysis memo – always include unless justify why not needed
- b. ☒ All of right
- c. N/A Part of right – Note: Part B should normally be completed only if part of right is owned by applicant
- d. ☒ Description of point(s) of diversion
- e. ☒ Description of place of use
- f. ☒ Map showing proposed P/D &/or P/U
- g. ☒ Correct notarized signature and fee – see Transfer Memo #23 about fees if necessary
- h. ☐ Proof of ownership of right &/or land from which water is transferred
- i. ☒ Expansion in use of right: check rate of flow, diversion volume and consumptive volume. Discuss in memo.
- j. N Surface water source: IDFG letter; notify Water Planning Bureau if protected river or minimum flow reach.

k. ☒ Overlapping rights for current & proposed scenarios

Current see memo

Proposed 63-31178, 63-31505

l. ☒ SRBA Claim(s) _____

m. ☒ Comment letters ☒ No ☐ Yes as follows:

_____ Water District # _____ IDFG _____ Other per attached

PUBLICATION REVIEW

1. Comment Letters

Watermaster comments requested on _____, received on _____

Other comment letters received ☐ Yes ☐ No

2. Affidavit of publication received: ☒ Yes

3. Published correctly: ☒ Yes ☐ No

If No, re-publication required: ☐ Yes ☐ No

4. Protests received: ☐ Yes ☐ No ☐ If yes, acknowledgement sent

RECOMMENDATIONS

1. ☒ Approve ☐ See attached memo

2. ☐ Deny due to _____

3. Conditions of Approval Two conditions set out in a stipulation signed

by the Bureau of Reclamation, Black Canyon Irr. & Frisbys must be
included in any approval. Gary S

4. Recommended by _____ Date 7/30/02

FORWARDING FILE TO S.O.

1. Copies made for Region file (see attached supplemental page):

Yes ☒

2. File forwarded to S.O. by AT

Date 8-2-02

MEMORANDUM

DATE: 6/12/2002

FROM: Lori Graves 5

TO: X-fer File No. 69956

Attachments

A. Ownership Documentation

Brief

Applicant proposes to consolidate ground water use on lands not irrigated with water from BCID. This application was filed with amended application 63-31178 and new application 63-31505. In combination, the three rights propose a total diversion rate of 6.04 cfs for 302 total acres. The applications were filed to allow the applicants to continue to irrigate their farm following recent changes in policy by the Bureau of Reclamation and BCID that now require them to separate their lands that are irrigated with ground water from their lands that are irrigated with surface water. The ground water is supplied by one existing well for all 302 acres.

The transfer and other two applications were prepared by Terry Scanlan.

Beneficial Use

The licensing field exam was conducted in 1989. Irrigation was still apparent on the 2000 arc view photo.

SRBA

Although the licensing exam wasn't conducted until 1989, proof of beneficial use was filed in 1983, thereby requiring an SRBA claim. The claim was filed slightly different than licensed, but for the same number of acres, flow rate and volume.

Recommendations

Approve the transfer as filed.

Limit irrigation to 1" and 4.5 afa/acre when combined with all other rights.

MICROFILMED
FEB 10 2004

Affidavit of Publication

Copy of Notice

STATE OF IDAHO,
COUNTY OF PAYETTE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 69956

ROD FRISBY
6208 SE 8TH AVE.
CALDWELL, ID 83607
MAUREEN FRISBY
6208 SE 8TH AVE.
CALDWELL, ID 83607, has filed Application No. 69956 for changes to the following water rights within PAYETTE County.

Right No. 63-10785

Priority 11/28/1977

Source GROUND WATER

Use Irrigation (355 acres)

1.70 CFS 824.7 AFA

Total Amount

1.70 CFS 824.7 AFA

Point(s) of Diversion SWNW S20 T06N R03W

Place of Use S18 T06N R03W

S19 T06N R03W

S20 T06N R03W

duly sworn, deposes and

That She is the

THE INDEPENDENT-ENT

at Payette, in the County

paper has been and in

aforsaid, and in the vic

a copy of which is at

newspaper once a week

the regular and entire i

time of publication, and

and not a supplement;

regularly published fo

weeks prior to the date

Remark: Applicant proposes to consolidate ground water use on lands not irrigated with water from Black Canyon Irrigation District in the N1/2NE S19 and the NW and W1/2NE 820 T6N R3W.

Protests may be submitted based on the criteria of Sec. 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705, together with a protest fee of \$25.00 for each application on or before July 22, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

No. 264

July 3, 10

Such notice was published in the issue beginning with
July 3, 2002, and ending with the issue
of July 10, 2002.

STATE OF IDAHO

COUNTY OF

On this 11th day of July in the year of 2002 before me,

a Notary Public, personally appeared Viola Hawkins

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 he executed the same.

Marilyn J. Rhinehart
Notary Public for Idaho

Residing at Idaho

My commission expires: 12-1-04

RECEIVED

JUL 26 2002

WATER RESOURCES
WESTERN REGION

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines 29 X 4 columns

Number of Insertions two (2)

29 Lines @ 2.38... \$ 69.02

29 Lines @ 2.04... \$ 59.16

TOTAL COST
WILL BE \$ 128.18

Nº 264

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF PAYETTE

ss.

Notice of Proposed Change of Water Right
TITLE OF PUBLICATION
(Fresby)

SPONSOR OF PLAINTIFF

Dept. of Water Resources
PLAINTIFF OR LEGAL AGENT

I, Viola M Hawkins, being
duly sworn, deposes and says:

That She is the principal clerk of
THE INDEPENDENT-ENTERPRISE, a weekly newspaper published
at Payette, in the County of Payette and State of Idaho; that said
paper has been and is in general circulation in the county
aforesaid, and in the vicinity of Payette; that the advertisement,
a copy of which is attached hereto, was published in said
newspaper once a week for two consecutive weeks in
the regular and entire issue of said paper during the period and
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
July 3, 2002, and ending with the issue
of July 10, 2002.
STATE OF IDAHO
COUNTY OF

On this 11th day of July in the year of 2002 before me,
a Notary Public, personally appeared Viola Hawkins
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 he executed the same.

Marilyn J. Rhinehart
Notary Public for Idaho
Residing at: Fruitland
My commission expires: 12-1-04

Independent-Enterprise
PAYETTE, IDAHO

Number of Lines 29 X 4 columns
Number of Insertions two (2)
29 Lines @ 2.38... \$ 69.02
29 Lines @ 2.04... \$ 59.16
TOTAL COST
WILL BE \$ 128.18

Copy of Notice



LICENSED IN
OREGON &
IDAHO

253 S.W. 4th Ave.
Ontario



889-1999

FIRECRACKER starter or 2 bdrm. rental home. Well maintained older home has been used as a rental with good rental history. \$39,500.

4TH OF JULY BARBEQUE in the nice large landscaped yard with covered patio and brick barbecue at this well maintained 3 bdrm. home. See it now for \$75,800.

WAVE THE FLAG from these parcels with a beautiful view of the valley. Just minutes from town, choose from 6 acres to 56 acres with building \$29,850 and up.

BEAUTIFUL CUSTOM HOME with lots of tile work and wood. Spacious with 4 bdrms. and 2 1/2 baths. Located in newer upscale Fruitland sub. on a beautiful landscaped lot for \$238,000.

WHOOPIE UP at this Eastern Oregon cattle ranch. Over 3,000 acres with additional BLM. Easy access but secluded. Call for details.

Bob Cook, Broker	889-1999
Rex Maag, Assoc. Broker	473-2237
Chris Tyler, Sales Assoc.	881-1771
Dan Coleman, Sales Assoc.	881-1710
Jerry Kurth, Sales Assoc.	889-6579
Eloise McDermott-Roe, GRI, Assoc. Broker	889-2603
Phil McDermott-Roe, Sales Assoc.	889-2603
Donna Bond, Office Mgr., Sales Assoc.	889-1999
Tom J. Miller, Sales Assoc.	741-0480

RECEIVED

JUL 26 2002

WATER RESOURCES
WESTERN REGION

MICROFILMED

FEB 10 2004

Nº 264

MEMORANDUM

DATE: 6/14/2002

FROM: Lori Graves 

TO: Gary Spackman

RE: Frisby Applications 63-31176, 63-31177, 63-31178

Applicants filed the above applications as a result of policy changes enacted by BCID regarding water spreading.

The first obstacle the applicants encountered regarding ground water applications 63-31177 and 63-31178 was the fact that they are located in basin 63 and therefore subject to the to the Boise River basin administrative hold. Terry Scanlan submitted supporting documentation that indicated that ground water flow at the existing and proposed well sites is towards the Snake River and Payette River where water is available for appropriation.

The second obstacle the applicants encountered was an objection filed by the US Bureau of Reclamation (USBOR). After much negotiation, a stipulation was filed to resolve the protests in which the applicants, USBOR and BCID agreed to inclusion of specific conditions on **any permit or license** that is issued to applicants by the Department in connection with the applications.

Obviously the parties involved were aware that an amendment to application no. 63-31178, new application 63-31505, and new application for transfer on license 63-10785 were in the works. The Department received these three new filings from the applicants May 6, 2002. The new filings were filed to consolidate ground water use from the existing well to lands not irrigated with BCID water. In combination, the three applications propose a total diversion rate of 6.04 cfs from the existing well for 302 acres irrigation.

Amended application no. 63-31178 did not require re-advertising because none of the application components were changed. The acres were consolidated to quarters that were part of the original advertised p/u. No increase in total acres or flow rate was proposed.

Applicants agreed to withdraw wastewater application 63-31176 because USBOR plans to retain control of said wastewater.

Both ground water applications 63-31177 and 63-31178 should be approved as filed and conditioned in accordance with the stipulation.

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FEB 10 2004

Application 63-31505 and transfer 69956 have been submitted to advertising. A copy of the stipulation was included in those files. Both these applications should also be conditioned in accordance with the stipulation.

MICROFILMED

FEB 10 2004

Michael C. Creamer (Idaho State Bar #4030)
GIVENS PURSLEY LLP
277 North 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701
Telephone: (208) 388-1200
Facsimile: (208) 388-1300
S:\clients\6327\1\Stipulation.doc

Attorneys for Applicant Frisby Family Limited Partnership

**BEFORE THE DIRECTOR OF THE
IDAHO DEPARTMENT OF WATER RESOURCES**

**IN THE MATTER OF APPLICATION
FOR PERMIT NOS. 63-31177 AND 63-
31178 IN THE NAME OF FRISBY
FAMILY LIMITED PARTNERSHIP**

STIPULATION

Applicant Frisby Family Limited Partnership ("Frisby") through its attorneys Givens Pursley LLP, Protestant United States Bureau of Reclamation, through J. William McDonald, Regional Director, Pacific Northwest Region ("USBOR"), and Intervenor Black Canyon Irrigation District ("BCID"), through its attorneys McDevitt & Miller, LLP (collectively the "Parties") stipulate as follows:

1. Frisby has filed the above-captioned applications for permit ("Applications") to appropriate ground water to supply water for irrigation use. The intended place of use of such water includes lands within the boundaries of the BCID.

2. USBOR delivers water for irrigation of lands within the boundaries of BCID pursuant to contract with BCID.

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FEB 10 2004

3. USBOR has protested ("Protests") the Applications.
4. BCID has intervened in the contested case resulting from the USBOR Protests.
5. To resolve the Protests Frisby, USBOR and BCID agree to inclusion of the following conditions in any permit or license that may be issued to Frisby by the Department in connection with the Applications:
 - a) This [permit/license] is for the use of ground water and is subject to administration as a water right from connected sources in the Snake River Basin in accordance with applicable law.
 - b) This [permit/license] for the use of ground water shall be junior to, and subject to, the water rights of the United States Bureau of Reclamation heretofore appropriated, including, as authorized by applicable law, reuse of water under such water rights.
6. Provided the Department will incorporate the above conditions in the form set forth herein in any permit or license issued in connection with the Applications, USBOR agrees to withdraw its Protests, and USBOR and BCID agree to the Department's further processing of the Applications without a hearing.
7. The Parties understand that the Department may include additional conditions in any permit or license as it deems appropriate, and provided such additional conditions are not inconsistent with the above conditions, they shall not negate the withdrawal of Protests effected by this Stipulation.
8. This Stipulation is the result of negotiations, and these negotiations involved written and oral communications between and among the Parties and their

attorneys. The Parties agree that all preceding and contemporaneous oral and written statements, understandings, representations, warranties, and promises of any kind whether consistent or inconsistent herewith, are agreed to be of no force or effect for any purpose whatsoever except as may be expressly stated in this Stipulation. This Stipulation represents the complete and final agreement of the Parties with respect to the subject matter hereof, and supersedes all prior and contemporaneous consistent and inconsistent statements, representations, warranties, understandings, negotiations, and agreements, if any among the Parties hereto. This Stipulation may not be supplemented, modified or amended by evidence, either oral or written, of any such matters or by course of dealing, but only by the written agreement of the Parties executed with the same formality of this Stipulation. The Parties hereto hereby acknowledge that the provisions contained in this Stipulation were expressly bargained for and that the plain meaning of those provisions memorializes the intent of the Parties hereto.

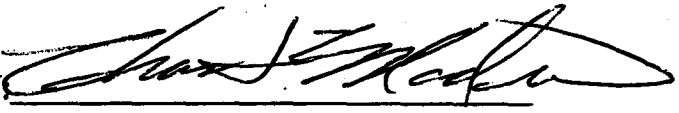
[End of text]

DATED this 24th day of May, 2002.

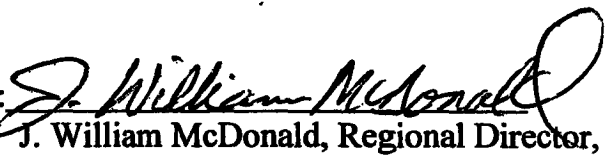
GIVENS PURSLEY LLP

BY: 
Michael C. Creamer
Attorney for Applicant Frisby Family
Limited Partnership

MCDEVITT & MILLER, LLP

BY: 
Charles F. McDevitt
Attorney for Intervenor Black Canyon
Irrigation District

UNITED STATES DEPARTMENT OF
INTERIOR, BUREAU OF RECLAMATION

BY: 
J. William McDonald, Regional Director,
Pacific Northwest Region

CERTIFICATE OF SERVICE

I hereby certify that on this 24 day of May, 2002, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Karl J. Dreher
Director
Idaho Department of Water Resources
1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098

☐ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☒ Hand Delivery

Gary Spackman
Western Regional Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

☐ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☒ Hand Delivery

Kathleen M. Carr
U.S. Department of the Interior
Office of the Field Solicitor
550 West Fort Street, MSC 020
Boise, ID 83724-0020

☐ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☒ Hand Delivery

Charles F. McDevitt
McDevitt & Miller, LLP
420 West Bannock Street
P.O. Box 2564
Boise, ID 83702

☐ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☒ Hand Delivery

Michael C. Creamer
Givens Pursley LLP
P.O. Box 2720
Boise, ID 83701-2720

☐ U.S. Mail
☐ Facsimile
☐ Overnight Mail
☒ Hand Delivery



MICHAEL C. CREAMER

FEB 20 2002

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

MAY 10 2002

WATER RESOURCES
WESTERN REGION

May 8, 2002

Lori Graves
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Fees for Water Right Applications – Frisby Family Limited Partnership

Dear Lori:

As a follow-up to our telephone conversation today, I have enclosed a check for \$540 to cover the filing fees for two of the three water right applications that I submitted to your office on behalf of the Frisby Family Limited Partnership on April 30, 2002. I understand that you determined the following.

- The filing fee for Application for Transfer of Water Right 63-10875 is \$250. In my April 30 letter, I did not include a filing fee for the transfer because the application does not propose irrigation in any $\frac{1}{4}$ $\frac{1}{4}$ sections that were not previously licensed under this water right. Since no other changes to the license are proposed, we assumed that the change could be accomplished administratively without legal notice. I understand that your office has determined that legal notice is required, and therefore a filing fee is necessary. – *For 52 acres affected by transfer (.30 cfs)*
- The filing fee for the new Application for Permit is \$290 rather than \$330 submitted with my letter of April 30. I understand that you are returning the \$330 check to me.
- The third application that I submitted was an amendment of Application for Permit 63-31178. I understand that the proposed changes to the application can be made administratively and that no filing fee is required.

Thanks for your help on this matter. Please contact me if you have any additional questions or comments.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Cc: Mike Creamer
Rod & Maureen Frisby

MICROFILMED

FEB 10 2004

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

MAY 06 2002

WATER RESOURCES
WESTERN REGION

April 30, 2002

Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Water Right Applications – Frisby Family Limited Partnership

Dear Gary:

On behalf of Frisby Family Limited Partnership, Scanlan Engineering is pleased to submit the following three water right applications.

- (1) Application for Transfer of Water Right 63-10785, which is intended to clarify the distribution of irrigated acres within the currently described place of use for this licensed water right. The diversion rate of 1.70 cfs for irrigation of 292 acres (the licensed diversion rate and total acres) will not be changed.
- (2) Amended Application for Permit 63-31178, which is intended to clarify the distribution of irrigated acres within the same $\frac{1}{4}$ $\frac{1}{4}$ s proposed in the original Application for Permit. The original request for a diversion rate of 2.42 cfs for irrigation of 121 acres has not been changed. The 121 acres proposed for irrigation under 63-31178 will overlap lands irrigated by 63-10785.
- (3) A new Application for Permit proposes diversion of 1.92 cfs for irrigation of 302 acres. This application seeks to appropriate supplemental water for the 292 acres of land irrigated under 63-10785 and 63-31178, and a primary supply for up to 10 acres of additional irrigated area.

In combination, the three water rights propose a total diversion rate of 6.04 cfs (2,711 gpm). This combined diversion rate will provide no more than 0.02 cfs/acre (9 gpm/acre) over the 302-acre irrigated area. The applications have been prepared to allow the Frisby's to continue to irrigate their farm following recent changes in policy by the US Bureau of Reclamation and the Black Canyon Irrigation District that now require them to separate their lands that are irrigated with groundwater from their lands that are irrigated with surface water supplied by the Bureau and Black Canyon Irrigation District.

I have enclosed a \$330.00 check for the filing fee associated with the new application for permit.

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Because the Amended Application for Permit 63-31178 does not propose irrigation in any $\frac{1}{4}$ $\frac{1}{4}$ sections that were not previously listed on the original application, and does not propose changes to the quantity, point of diversion, purpose or season of use originally applied for, we have assumed that this amendment can be accomplished administratively without the need for an additional filing fee or further legal notice. Thus, I have not included a filing fee with the application for to amend application for permit 63-31178.

Similarly, the Application for Transfer of water right 63-10785 does not propose irrigation in any $\frac{1}{4}$ $\frac{1}{4}$ sections that were not previously licensed under this water right. Since no other changes to the license are proposed, we assume that the change can be accomplished administratively without legal notice. Thus, I have not included a filing fee with the application for transfer.

Please contact me if you disagree with our assumptions or if you have any questions concerning these applications.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Cc: Mike Creamer
Rod & Maureen Frisby

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FEB 10 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-10785

WATER RIGHT NUMBER: 63-10785

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARMON E HUGHES RT 5 CALDWELL, ID 83605

*Reviews
Notes*

Priority Date: 11/28/1977

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.700 CFS	824.70 AF
	<u>Total Diversion:</u>	1.700 CFS	824.70 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 20, Twp 06N, Rge 03W, B.M.
PAYETTE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	03W	18															35.0	17.0	52.0
06N	03W	19	22.0	22.0															44.0
06N	03W	20		40.0	40.0		39.0	13.0	24.0	40.0									196.0

Total Acres: 292

Conditions of Approval:

1. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-10785

Dates and Other Information:

Licensed Date: 8/29/1989
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

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

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-10785

WATER RIGHT NUMBER: 63-10785

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HARMON E HUGHES RT 5 CALDWELL, ID 83605
Current Owner	ROD FRISBY 6208 SE 8TH AVE CALDWELL, ID 83607 (208)459-0875
Current Owner	MAUREEN FRISBY 6208 SE 8TH AVE CALDWELL, ID 83607 (208)459-0875

Priority Date: 11/28/1977

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.700 CFS	824.70 AF
	<u>Total Diversion:</u>	1.700 CFS	824.70 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 20, Twp 06N, Rge 03W, B.M.
PAYETTE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	03W	18															35.0	17.0	52.0
06N	03W	19	40.0	40.0			5.0			5.0									90.0
06N	03W	20		35.0	35.0		39.0	40.0	24.0	40.0									213.0

Total Acres: 292

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-10785

Remarks:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
Accomplished Transfer.
Amended claim per request. (acres added), Receipt no. W027936. DB 6/19/2001

Comments:Dates and Other Information:

Claim Received Date: 5/1/1995
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

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

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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2000 Photo

FEB 10 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 26, 2002

Legal Notice Department

Independent Enterprise

124 S MAIN

Payette ID 83661

RE: Transfer No. 69956
Water Right No(s). 63-10785
and
Application for Permit No. 63-31505

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find two legal notices 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 notices 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 07/22/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED
FEB 10 2004

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 69956

ROD FRISBY
6208 SE 8TH AVE
CALDWELL ID 83607
MAUREEN FRISBY
6208 SE 8TH AVE
CALDWELL ID 83607, has filed Application No. 69956 for changes to the following water rights within PAYETTE County:

Right No. 63-10785

Priority 11/28/1977

Source GROUND WATER

Use IRRIGATION (355 acres) 1.70 CFS 824.7 AFA

Total Amount 1.70 CFS 824.7 AFA

Point(s) of Diversion SWNW S20 T06N R03W

Place of Use S18 T06N R03W
S19 T06N R03W
S20 T06N R03W

Remark: Applicant proposes to consolidate ground water use on lands not irrigated with water from Black Canyon Irrigation District in the N1/2NE S19 and the NW and W1/2NE S20 T6N R3W.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before July 22, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Independent Enterprise on July 3 and 10, 2002.

MICROFILMED
FEB 10 2004

August 30, 1989

HARMON E. HUGHES
RT. 5
CALDWELL, ID 83605

RE: PERMIT NO. 63-10785

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

FILED
SEP 22 1989

August 2, 1989

HARMON E. HUGHES
RT. 5
CALDWELL, ID 83605

RE: PERMIT NO. 63-10785

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

SEP 22 1989

COMMUNICATION MEMORANDUM

Date 5-4-1989 File # 63-10785

NAME OF PARTY Tom Dobin - FHA

EMPLOYEE Kay Walker

RE license - FHA is

going to become the
owner of this right -

Please send a copy
of the license too?
done kw 8/30/89 when
issued

Farm Home Admin.

ATTN: Tom Dobin

1630 3rd Ave. South #3

Payette, ID 83661

POINT OF DIVERSION OVERLAP REVIEW

WR-NUMBER	TWP	RNG	SC	TRACT			LT	#SOURCE	#NAME
				1\4	1\4	1\4			
~~6512063~~ 63-10785	06N	03W	20		SW	NW		GROUNDWATER	HUGHES, HARMON

MICROFILMED

SEP 22 1989

RECEIVED

State of Idaho

MAR 05 1987

DEPARTMENT OF WATER RESOURCES

WATER RIGHT BENEFICIAL USE FIELD REPORT

Department of Water Resources

63-10785

~~65-12063~~

Permit No.

CONTACT WITH PERMIT HOLDER

☐ Appointment letter mailed:

DATE _____

INITIALS

REMARKS

☒ Telephone call made

(List Telephone No. used)

☒ Appointment scheduled for:

(Date, time, location)

KEY POINTS

1-8-87

EXAMINATION

Date 7/15/83 Accompanied by HARMON HUGHES Total Q measured 1.7 CFS

Source B.W. Tributary to Supp. annubar measurement sheet used? YES

If source is surface water, estimate total flow of source

Methods of measurement ANNUBAR # 091434 Meets permit requirements?

ANNULAR # 091434 Meets per
EAGLE EYE METER # 091470

Measurement calculations:

See attached annubar meas. sheet

$$1.98 \times 245 \text{ days} \times 1.7 \text{ cfo} = 824.7 \text{ af/ann} < 4.5 \text{ AF} \times 292 \text{ AC} = 1314 \text{ AF/ANN.}$$
[illegible]

System Description Pump & motor into 10" pipeline w/ booster pump into 10" pipeline (booster can be shut-off & main used only) approx. 10' & underground to sprinkler systems. Booster pump was running at time of exam.

**Code with map on reverse side. Disregard code if only one.*

RECOMMENDED AMOUNTS

USE

IRRIGATION - 292 AC.

Irrigation requirement = 4.5 AFA/Acre

Q (cfs)

V (afa)

FROM

TO

1.7 CFS

824 7 AF

23/5

11/15

Total

17cfs

824 7AF

Remarks Supplemental to Black Canyon **MICROFILMED**

~~SEP 22 1989~~

MAP (Attach Aerial Photo)

[illegible]

(Include distance from pump to measuring device, if applicable.)

SCHEMATIC DIAGRAM OF SYSTEM

Point(s) of diversion: SW $1/4$ NW $1/4$, Sec. 20, Twp. 6N, Rge. 3W, S. 11.

Place(s) of Use

TWP.	RGE.	SEC.	NE%			NW%			SW%			NE%			NW%			SW%			TOTALS
14N	37E	18																		55	
		19																		14	
		20																		13	
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Recommended Amendments:

- ☐ Change P.D. as reflected above
- ☐ Change P.U. as reflected above

Examiner's Signature

Checked by

Approved by _____

☐ Add P.D. as reflected above

☒ None

☐ Other

Other ☐
None ☒

SEP 22 1989

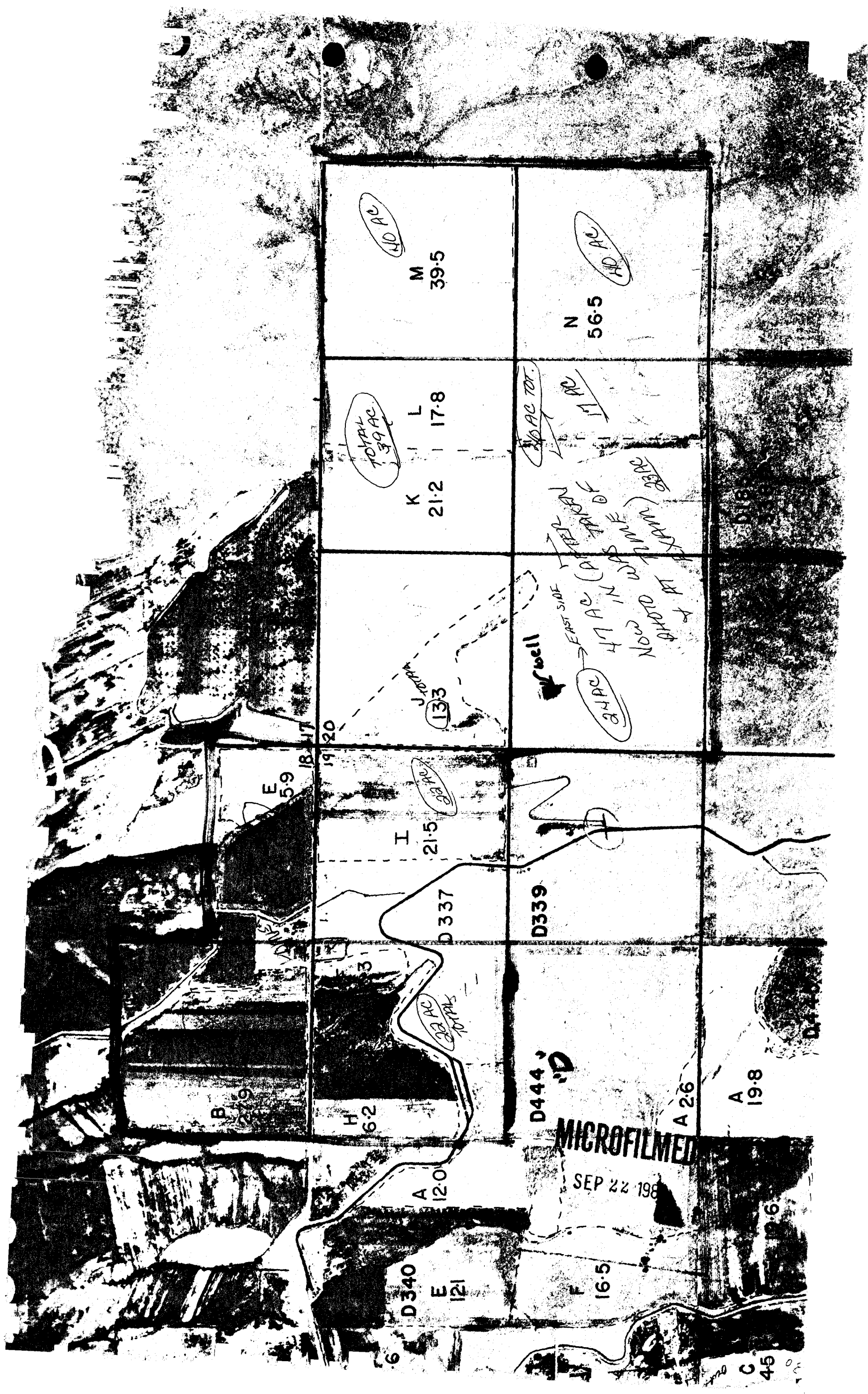
Date _____

Date _____

Date _____

For Grace
Dor
Kaplan Property
28/2/87

68/18/4
28/22/2
5/14/84



RECEIVED

MAR 05 1987

Form 219-Supp.
6/83

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Dep. Water Resources

Measured by: Jan Quiver
Owner: Harmon Hughes

Date 7/15/83
Permit No. 105-12063

Description of well &/or measuring site

- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

Pump & motor to Booster pump - approx.
5' apart to access port - 6.5' from booster
to elbow into ground - 4'.

Measured inside diameter of pipe in inches

(A) 9.75"

Size of Annubar used in test 10"

State ID No. 091434

Model No. of Annubar Meter Used 75
(Model No. = 75 for 6" and larger)
(Model No. = 73 for 4")

Size Eagle Eye Meter Used 0-10"

State ID No. 091470

Date of Last Calibration of Meter 4/27/83

Observed inches of H₂O read on Meter

(B) 5"

Flow Correction Factor (From Calibration Graph)
(Use 1 if Error is $\pm 2\%$ at observed pressure)

(K) .927

Select C based on Annubar Model No.

If Model No. = 75, then C = 3.85

If Model No. = 73, then C = 4.14

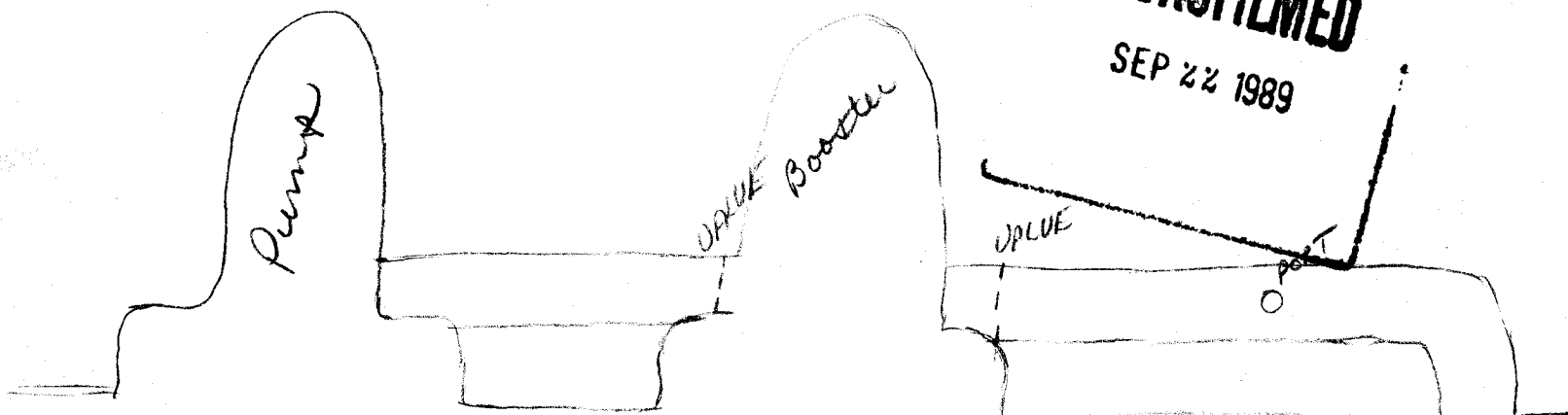
(C) 3.85

CALCULATION: $K \frac{(A^2)}{448.8} (\sqrt{B}) C = \frac{.927(95.1)(2.24)}{448.8} 3.85 = 1.7$ cfs measured

SKETCH (If not shown on Field Report):

MICROFILMED

SEP 22 1989



INTER-DEPARTMENT MEMO — 1

FROM D. SHAFF

DATE 4/25/83

TO 65-12063

SUBJECT BASIN CHANGE

THIS PERMIT MAY BE FOR A DIVERSION IN BASIN 63.

MICROFILMED

SEP 22 1989



SIGNATURE

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

MARCH 18, 1983

HARMON E. HUGHES
RT. 5 BOX 180
CALDWELL

ID 83605

RE: Permit No. 65-12063

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A condition of approval of your original permit required the installation of an access port which, according to the proof card submitted by you, has not been installed. An access port must be installed prior to the time a field examination is made.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 334-2190 or in person in the third floor State Towers Building, 450 West State Street, Boise.

Sincerely,
s/Judy Pense
Secretary

MICROFILMED
SEP 22 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 14, 1984

U.S. Dept. of Agriculture
Farmers Home Administration
Attn: Thomas J. Newton
1630 - 3rd Ave. South, No. 3
Payette, ID 83661

Dear Mr. Newton:

As per your request in your letter dated June 7, 1984, the following provides information on the status of water rights.

Permit No. 65-7656 issued to Dell Ray &/or Rosalie Winegar - Field exam completed. Awaiting license processing.

Permit No. 65-7657 issued to Dell Ray &/or Rosalie Winegar - Awaiting field exam.

Permit No. 02-7232 (new number 03-7033) issued to Dell Ray &/or Rosalie Winegar - Awaiting field exam.

Permit No. 63-8211 issued to Dave &/or Carol Weaver - assigned to Thomas E. Limbaugh June 20, 1980 - Awaiting field exam.

Permit No. 65-12063 issued to Harmon E. Hughes - Proof of construction of works received February 2, 1983. Awaiting field exam.

If you have any further questions regarding the field exams, please contact our Western Region at 334-2190.

Sincerely,

Cheryl Wilson
Water Allocation Section

CW:c

Microfilm

SEP 22 1989



United States
Department of
Agriculture

Farmers
Home
Administration

1630 3rd Ave So., #3, Payette ID 83661

June 7, 1984

RECEIVED
JUN 8 1984

Department of Water Resources

Department of Water Resources
State of Idaho
State House
Boise ID 83720

Gentlemen:

Would you please provide information on the status of the following
Applications for Permit:

- #65-7656 issued to Dell Ray Winegar &/or Rosalie Winegar
(proof of construction due 11-1-81)
- #65-7657 issued to Dell Ray Winegar &/or Rosalie Winegar
(proof of construction due 11-1-81)
- #02-7232 issued to Dell Ray Winegar &/or Rosalie Winegar
(proof of construction due 4-1-82) New number #03-7033
- #63-8211 issued to David &/or Carol Weaver, assigned to
Thomas E. Limbaugh (proof of beneficial use was
due on 11-1-80)
- #65-12063 issued to Harmon E. Hughes (proof of construction
due 3-1-83)

Sincerely,

THOMAS J. NEWTON
County Supervisor

MICROFILMED

SEP 22 1989



DEPARTMENT OF WATER RESOURCES 65-12063

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. _____.

Name(s) of Permit Holder: Harmon E Hughes

Post Office Address: RT 5 Box 180 Caldwell
Idaho 83605 Tel. No. 459-3811

Source of Water: _____

Extent of Use: ☐ Domestic _____ (number of households)
☐ Stockwater _____ (number and type of stock)
☒ Irrigation 275 (acres)
☐ Other _____

Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Access Port: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

2-15-83
 Date

Harmon E Hughes
 Signature of Permit Holder

PLACE
13 CENT
STAMP
HERE



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138078

HUGHES, HARMON E.
RT. 5
CALDWELL, ID 83605

DECEMBER 31, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 65-12063 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MARCH 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

November 30, 1982

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocations Section

DRT:jg

Enclosures

NORTHERN REGION OFFICE
Route #5, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

August 13, 1982

U. S. Dept. of Agriculture
Farmers Home Administration
Attn: Thomas J. Newton
1630 - 3rd Ave. South, No. 3
Payette, ID 83661

Dear Mr. Newton:

As per your request in your letter dated July 23, 1982, the following provides information on the status of water rights.

Permit No. 65-7656 issued to Dell Ray &/or Rosalie Winegar -
Awaiting field examination.

Permit No. 65-7657 issued to Dell Ray &/or Rosalie Winegar -
Awaiting field examination.

Permit No. 02-7232 (new number 03-7033) issued to Dell Ray
&/or Rosalie Winegar - Awaiting field examination.

Permit No. 63-8211 issued to Dave &/or Carol Weaver - assigned
to Thomas E. Limbaugh June 20, 1980 - Awaiting field examination.

Permit No. 65-12063 issued to Harmon E. Hughes - Proof of
construction of works is due on March 1, 1983 - We have not
received this proof as of yet, a field examination will be
pending when the proof is received.

If you have any further questions on these water rights, please feel free to
contact our office.

Sincerely,

KAY WALKER
Sr. Clerk

KW:k

UNITED STATES DEPARTMENT OF AGRICULTURE

FARMERS HOME ADMINISTRATION
1630 - 3rd Avenue South, No. 3
Payette, Idaho 83661

RECEIVED

JUL 26 1982

Department of Water Resources

July 23, 1982

Department of Water Resources
State of Idaho
State House
Boise, ID 83720

Gentlemen:

Would you please provide information on the status of the following Applications for Permit:

- #65-7656 issued to Dell Ray Winegar &/or Rosalie Winegar (proof of construction due 11-1-81)
- #65-7657 issued to Dell Ray Winegar &/or Rosalie Winegar (proof of construction due 11-1-81)
- #02-7232 issued to Dell Ray Winegar &/or Rosalie Winegar (proof of construction due 4-1-82) New Number #03-7033
- #63-8211 issued to David &/or Carol Weaver, assigned to Thomas E. Limbaugh (proof of beneficial) use was due on 11-1-80).
- #65-12063 issued to Harmon E. Hughes (proof of construction due 3-1-83)

Sincerely,


THOMAS J. NEWTON
County Supervisor



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

May 26, 1978

Re: Permit No. 65-12063

Harmon E. Hughes
Route #5
Caldwell, ID 83605

Dear Mr. Hughes:

Your approved copy of Application for Permit No. 65-12063 is enclosed and we direct your attention to the conditions of approval on the fourth page.

Please note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. Enclosed is a letter describing the different types of measuring devices accepted by this Department.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit.

RECEIVED
MAY 29 1978
IDAHO DEPT. OF WATER RESOURCES

However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 65-

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) R.W.H. 11-30-77

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) R.W.H. 11-30-77

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no ☒

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use none
platted

(10) _____

Comments: _____

(11) if OK

Affidavit of Publication received(date) 5-16-78
12-28-77

(12) if OK

Final date for protests 12-26-77
5-22-78

Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

11-28-77 Proposed Priority

Reason for Reduction _____

☒ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District W

By WHA Date 1-30-78

RECEIVED

MAY 24 1978

Department of Water Resources



DEPARTMENT OF WATER RESOURCES

WESTERN REGION

John V. Evans
Governor

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

April 27, 1978

Re: Notice of Correction for Application for Permit No. 65-12063 - Harmon E. Hughes
Notice of Application for Water Permit No. 63-9143 -- Aubury H. Jones

Independent Enterprise
Box 520
Payette, ID 83661

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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due after allowing all just credits and that no part of the same has been paid."

(Signature of Claimant)

Please send the affidavit of publication and publication billing to this office before May 22, 1978.

Sincerely,

RITA FLECK
Secretary

Bill Submitted
5-16-78
J

NOTICE OF CORRECTION

Notice is hereby given that notice of Application for Permit No. 65-12063 in the name of HARMON E. HUGHES was published in error on December 8 & 15, 1977.

The place of use was advertised as being within the S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 18; N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 19; E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ Sec 20 T6N-R3W B.M. WHEREAS, the actual place of use is within the S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 18; N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 19; W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ Sec 20 T6N-R3W B.M.

Any protests against approval of this application must be filed with the Director of the Idaho Department of Water Resource, 92 S. Cole Road, Boise, ID on or before May 22, 1978.

C. STEPHEN ALLRED

Director

Published in the Independent Enterprise, Payette, Idaho on May 4 & 11, 1978.

DATE 4-24-78

FROM Rita Fleck

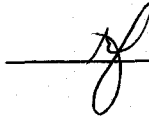
TO File 65-12063 - Harmon E. Hughes

SUBJECT Advertising

It appears this application went into staff review and was approved before anyone noticed that there was not an affidavit from the newspaper for the second notice (notice of correction). The newspaper seems to have no record of ever receiving or publishing the second notice.

On the hopes this application doesn't get protested, the application will be re-advertised as a notice of correction.

MICROFILMED



SIGNATURE

NOTICE OF CORRECTION

Notice is hereby given that notice of Application for Permit No. 65-12063 in the name of Harmon E. Hughes was published in error on December 8, 1977 and December 15, 1977.

The place of use was advertised as being within the S $\frac{1}{2}$ SE Sec 18, N $\frac{1}{2}$ NE Sec 19, E $\frac{1}{2}$ NE, NW $\frac{1}{4}$ Sec 20, T6N R3W B.M. WHEREAS, The actual place of use is within the S $\frac{1}{2}$ SE Sec 18, N $\frac{1}{2}$ NE Sec 19, W $\frac{1}{2}$ NE, NW $\frac{1}{4}$ Sec 20, T6N R3W B.M.

Any protest against approval of this application must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Rd., Boise, ID 83705 on or before January 23, 1977.

C. Stephen Allred
Director

Published in the Independent Enterprise, Payette, ID on
January 5, 1977 and January 12, 1977



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

John V. Evans
Governor

92 South Cole Road
Boise, Idaho 83705
(208) 384-2190

December 2, 1977

Re: Notice of Application for Water Permit No. 65-12063 -- Harmon E. Hughes

Independent Enterprise
Box 520
Payette, ID 83651

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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due after allowing all just credits and that no part of the same has been paid."

(Signature of Claimant)

Please send the affidavit of publication and publication billing to this office before December 26, 1977.

Sincerely,

RITA FLECK
Secretary

Bill submitted

12-28-77

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that HARMON E. HUGHES
Route 5, Caldwell, ID
has on November 28, 1977 submitted Application No. 65-12063
for a permit to appropriate 5.0 cubic feet per second ~~XXXXXX~~
~~per annum~~ of water from a groundwater source
by means of well and pump
within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 20 T6N-R3W B.M., Payette County

to be used from March 15 to November 15
for irrigation of 380 acres

within the S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 18, N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 19, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ Sec 20 T6N-R3W B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Director of the Idaho Department of Water Resources, 92 South Cole Road, Boise, Idaho 83705 on or before December 26, 1977.

C. STEPHEN ALLRED

Director

Published in the Independent Enterprise, Payette, ID
on December 8, 1977 and December 15, 1977.