

**STARTING
LEFT
SIDE OF
FILE**

505 1000

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-23060

Priority: June 20, 2006

Maximum Diversion Rate: 0.02 CFS

This is to certify, that ALLAN R MARION And/Or
PATRICIA P MARION
25 RIVER RD
GARDEN VALLEY ID 83622

has applied for a permit to appropriate water from:

Source: MIDDLE FORK PAYETTE RIVER **Tributary:** PAYETTE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 10/31	0.02 CFS

LOCATION OF POINT OF DIVERSION:

MIDDLE FORK PAYETTE RIVER NE¼ NE¼ Sec. 34, Twp 10N, Rge 04E, B.M. BOISE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE			NW			SW			SE			Totals
	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	
10N 04E 34	1.0												1.0

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2008**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
5. The right holder shall contact the watermaster by June 15 each year for authorization to continue diverting and using water. The right holder shall not divert water after June 15 each year unless the watermaster authorizes continued diversion and use of water under this water right. When the watermaster informs the right holder that water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-23060

6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 27th day of March, 2007.

Shelly W. Keen
for DAVID R. TUTHILL, JR., Interim Director

JUN 20 2006

JAN 02 2007

Ident. No. 65-23060

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF
WATER RESOURCES

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

TEMP: 462-4022

- Name of Applicant ALLAN R. & PATRICIA P. MARION Phone FALL '06: 462-5058
Mailing address 25 RIVER RD. GARDEN VALLEY, ID 83622
- Source of water supply MIDDLE FORK PAYETTE RIVER which is a tributary of SOUTH FORK PAYETTE RIVER
- Location of point of diversion is Township 10N Range 4E Sec. 34, in the NE $\frac{1}{4}$,
NE $\frac{1}{4}$, Govt. Lot _____, B.M., BOISE County;
additional points of diversion if any: NA
- Water will be used for the following purposes:
 Amount .02 cfs for IRRIGATION purposes from APR 1 to OCT 31 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per annum)
- Total quantity to be appropriated is (a) .02 and/or (b) _____
 cubic feet per second acre feet per annum
- Proposed diverting works:
 a. Describe type and size of devices used to divert water from the source 1 1/2 HP CENTRIFUGAL PUMP
 b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total
 reservoir capacity NA acre-feet
 c. Proposed well diameter is NA inches; proposed depth of well is NA feet
 d. Is ground water with a temperature of greater than 85°F being sought? NA
 e. If well is already drilled, when? NA; Drilling firm NA;
 Well was drilled for (well owner) NA; Drilling Permit No. NA
- Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
- Description of proposed uses (if irrigation only, go to item 9): →
 a. Hydropower; show total feet of head and proposed capacity in kW. _____
 b. Stockwatering; list number and kind of livestock. _____
 c. Municipal; show name of municipality. _____
 d. Domestic; show number of households. _____
 e. Other; describe fully. _____

3. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	4E	34	1																1

Total number of acres to be irrigated 1

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

11. a. Who owns the property at the point of diversion? APPLICANT
- b. Who owns the land to be irrigated or place of use? APPLICANT
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: NA

12. Remarks: _____

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Scott Mann
Signature of Applicant (and title, if applicable)

Received by SL Date 8/20/06 Time 3:45 Preliminary check by SC
 Fee \$ 100 Receipted by SL # 6034355 Date 8/20/06
 Publication prepared by DR Date 11-29-06 Published in IDAHO WORLD 12-6 + 13, 2006
 Publication approved DB Date 12-27-06

115°59.000' W

115°58.000' W

115°57.000' W

WGS84 115°56.000' W

44°11.000' N

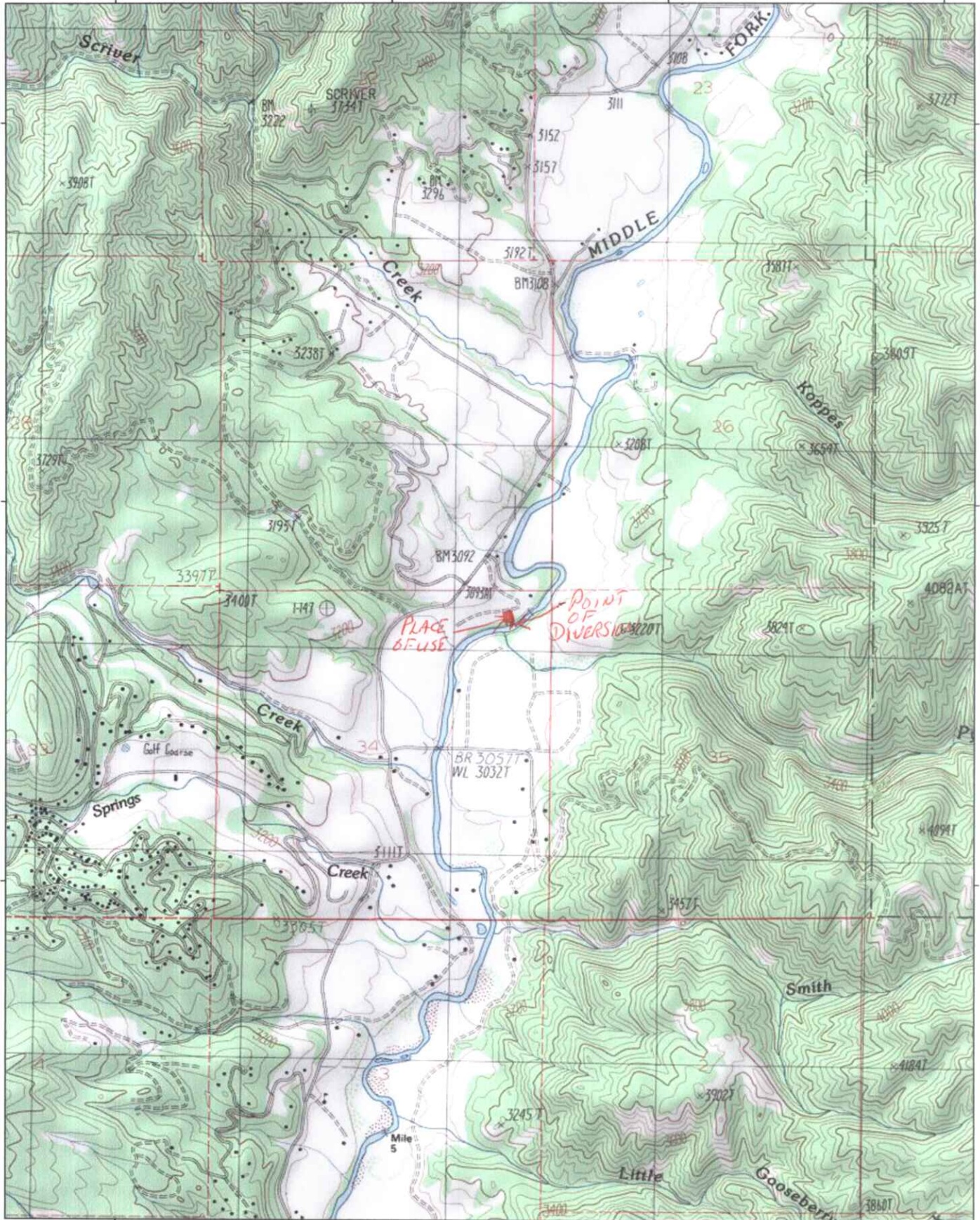
44°11.000' N

44°10.000' N

44°10.000' N

44°09.000' N

44°09.000' N



115°59.000' W

115°58.000' W

115°57.000' W

WGS84 115°56.000' W



0 1000 FEET 0 500 1000 METERS

Printed from TOPO! ©2000 National Geographic Holdings (www.topo.com)

65-23060



PLACE
OF USE

POINT
OF
DIVERSION

65-23060

**NOW
STARTING
RIGHT
SIDE OF
FILE**

3/06

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

RECEIVED

APR 17 2007

DEPARTMENT OF
WATER RESOURCES

Application No: 65-23060

Applicant's Name: Allan R. & Patricia P. Marion

Watermaster's Recommendation:

RECEIVED

FEB 06 2007

WATER RESOURCES
WESTERN REGION

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

 X No water shall be diverted under this right after June 15* of each year without prior approval of the watermaster. New rights are curtailed each year based on the water supply (seniority system). Use of a new right can continue during water shortages if the new right is mitigated with a lease of storage water from the Watermaster.

Other conditions: Under control of Watermaster, Water District No. 65

Subject to annual assessment and local rental pool fees, however diversion rates less than .04 cfs are not included in state accounting system at this time.

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

- d) Additional comments: _____

Dated this 5th day of February, 2007

Water District No: 65

Ron Shultz
Watermaster's signature

* Watermaster provided copy of this recommendation to the applicant regarding 6/15 curtailments.

Use reverse side of page if you need more space.

SCANNED



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 29, 2007

ALLAN R MARION
PATRICIA P MARION
25 RIVER RD
GARDEN VALLEY ID 83622

RE: Permit No. 65-23060

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

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

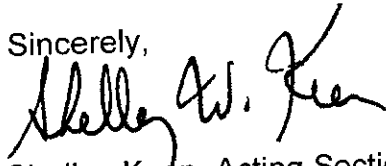
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley Keen, Acting Section Manager
Water Right Permits Section

Enclosures

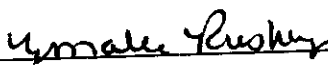
CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the persons listed below:

RE: WATER RIGHT NO.

65-23060

**ALLAN R MARION
PATRICIA P MARION
25 RIVER RD
GARDEN VALLEY ID 83622**



**Emalee Rushing
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 29, 2007

RON SHURTLEFF
102 N MAIN ST
PAYETTE ID 83661

RE: Water Right Permit # 65-23060

Dear Watermaster:

Enclosed is a copy of the recently issued Transfer for the above referenced water rights in the name of Alan R. and Patricia P. Marion.

If you have any questions, please call me at 208-287-4952.

Sincerely,

A handwritten signature in cursive script that reads "Emalee Rushing".

Emalee Rushing
Technical Records Specialist

Enclosure

MEMORANDUM

Date: March 26, 2007
To: Water Right File 65-23060
From: eretelle
Re: permit review

WD 65 - June 15 cutoff
No moratorium

No PoD overlaps
PoU - other irrigation uses in area, no overlaps

Recommend approval as suggested by IDWR Western

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3507

RECEIVED

DEC 15 2006

WATER RESOURCES
WESTERN REGION

State of Idaho)
)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Dec 6, 2006 and ending with the issue of Dec 13, 2006.

Deanna Steve

State of Idaho)
)
County of Boise)

On this 14 day of Dec in the year 2006, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tami Smith

Notary Public for Idaho
Residing at Garden Valley, Idaho

MY COMMISSION EXPIRES
February 13, 2011
BONDED TIRU NOTARY PUBLIC UNDERTAKING

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

65-23060

ALLAN R & PATRICIA P MARION
25 RIVER RD
GARDEN VALLEY ID 83622

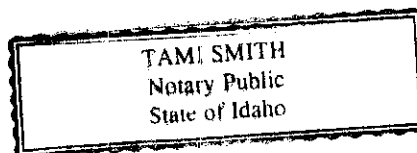
Point(s) of Diversion **NENE** S34 T10N R04E
BOISE County Source MIDDLE FORK PAYETTE RIVER
Tributary To PAYETTE RIVER
Use: IRRIGATION 04/01 To 10/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 06/20/2006
Place Of Use: IRRIGATION
T10N R04E S34 **NENE**
Number of Acres 1

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/26/2006. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director

Published in The Idaho World December 6 and 13, 2006

✓ DB 12/27/06



Buffington, Denise

From: Buffington, Denise
Sent: Friday, December 01, 2006 3:18 PM
To: 'waterdist65@srvinet.com'
Subject: Comment Letter



65-23060 WD65
comment letter.d...



65-23060.pdf

Thank You,

Denise Buffington
Western Region
Department of Water Resources

December 1, 2006

RON SHURTLEFF
WATERMASTER 65
102 N MAIN
PAYETTE ID 83661

Re: Application No(s). 65-23060

Dear Watermaster:

Attached are copies of one or more applications that may be of interest to you.

Please provide your Watermaster recommendations by 12-26-06.

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

Sincerely,

Denise Buffington
Administrative Assistant

Buffington, Denise

From: Buffington, Denise
Sent: Friday, December 01, 2006 2:48 PM
To: 'eleitzinger@idfg.idaho.gov'
Subject: Comment Letter



55-23060 comment
letter.doc



65-23060.pdf

Thank you,

Denise Buffington
Western Region
Department of Water Resources

December 1, 2006

ERIC LEITZINGER
ID DEPT FISH & GAME
PO BOX 25
BOISE ID 83707

Re: Water Right Application(s) 65-23060

Dear Mr. Leitzinger:

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

If your agency desires to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by 12-26-06.

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

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, November 29, 2006 1:44 PM
To: 'editor@idahoworld.com'
Subject: Legal Ad

Please run the attached legal ad, as requested. Feel free to contact me if you have any questions.



Boise Letter.RTF



65-23060 Ad.RTF

Thank You,

Denise Buffington
Western Region
Department of Water Resources

November 29, 2006

Legal Notice Department
IDAHO WORLD
PO BOX 99
GARDEN VALLEY ID 83622

RE: Application for Permit No. 65-23060

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/26/2006. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

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

65-23060

ALLAN R & PATRICIA P MARION
25 RIVER RD
GARDEN VALLEY ID 83622

Point(s) of Diversion NENE S34 T10N R04E BOISE County Source MIDDLE FORK PAYETTE RIVER
Tributary To PAYETTE RIVER

Use: IRRIGATION 04/01 To 10/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 06/20/2006

Place Of Use: IRRIGATION

T10N R04E S34 NENE

Number of Acres 1

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

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KARL J DREHER, Director

Published on 12-6 & 12-13-2006