

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 77-14238

Priority: March 26, 2006

Maximum Diversion Rate: 0.02 CFS

This is to certify, that CHARLES E GUESS
3872 MOSCOW MOUNTAIN RD
MOSCOW ID 83843-8113

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: SINKS

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>
FIRE PROTECTION	01/01 to 12/31	0.02 CFS

LOCATION OF POINT OF DIVERSION:

SPRING NE¼ SW¼ SE¼ Sec. 26, Twp 24N, Rge 03E, B.M. IDAHO County

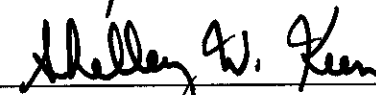
PLACE OF USE: FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N 03E 26																X	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2008**.
2. Subject to all prior water rights.
3. 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.
4. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 2nd day of February, 2007.


for DAVID R. TUTTILL, JR., Interim Director

#4 appl. from

RECEIVED

MAR 29 2006

Ident. No. 77-14238

WATER RESOURCES
STATE OF IDAHO REGION

RECEIVED

MAR 15 2006

IDWR/North

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- Name of Applicant Charles E Guess Phone 208-883-3346
Mailing address 3872 Moscow mtn. Rd. Moscow, Id. 83843
- Source of water supply Spring which is a tributary of to Sink
- Location of point of diversion is Township 24N Range 63E Sec. 26, in the NE $\frac{1}{4}$,
SW $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot _____, B.M., Idaho County;
additional points of diversion if any: _____
- Water will be used for the following purposes:
Amount 0.2 CFS for fire protection purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Total quantity to be appropriated is (a) 0.2 CFS and/or (b) 1.2 AF
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 Developed Spring
with perforated poly pipe flowing to Tank for storage
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
- 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. To Fill 10,000 Gallon Tank for
reserve water for fire protection.

RECEIVED

OCT 03 2006

Department of Water Resources

#4 application

3. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	3E	26												*			X		

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. 0

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

12. Remarks: _____

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

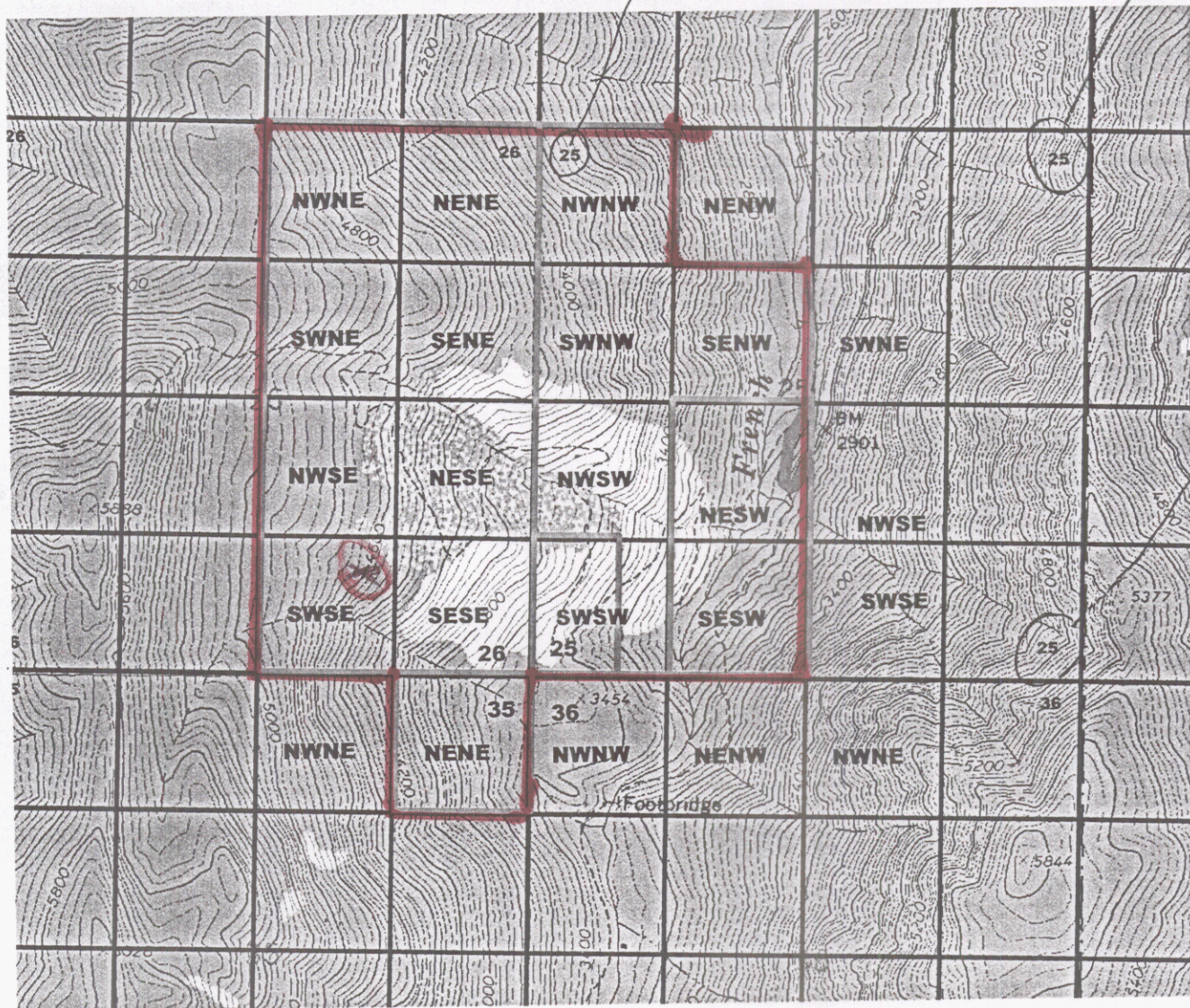
Charles S. Guess
 Signature of Applicant (and title, if applicable)

Received by CP Date 3/26/06 Time 1:05 Preliminary check by SC
 Fee \$ 100.00 Receipted by CP # N017435 Date 3/26/06
 Publication prepared by RC Date 8/29/05 Published in FR66 PRSS 9/13/06
 Publication approved RC Date 9/28/06

Hq application -

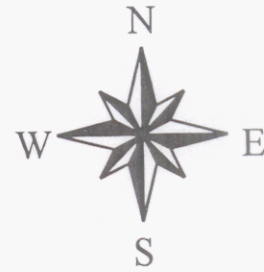
section numbers

77-14238



~~X~~
Diversion Site
from Spring

- ☐ Guess property.shp
- ☐ Sections
- ☐ QQ
- ☐ GCDB24N03E GCDB



**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

February 6, 2007

CHARLES E GUESS
3872 MOSCOW MOUNTAIN RD
MOSCOW ID 83843-8113

RE: Permit No. 77-14238

Permit Approval Notice

Dear Mr. Guess:

- 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.

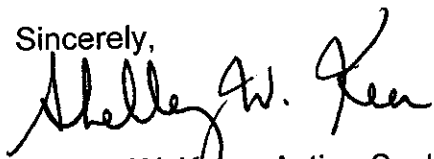
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 that reads "Shelley W. Keen". The signature is written in a cursive style with a large, looping "S" and a distinct "K".

Shelley W. Keen, Acting Section Manager
Water Right Permits Section

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

77-14238

**CHARLES E GUESS
3872 MOSCOW MOUNTAIN RD
MOSCOW ID 83843-8113**

A handwritten signature in cursive script, reading "Darla Block", is written over a horizontal line.

**Darla Block
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.

MEMORANDUM

Date: February 02, 2007
To: Water Right File 77-14238
From: eretelle
Re: permit review

No WD or moratorium

No protests or overlaps

Recommend approval as suggested by IDWR Western

RECEIVED

SEP 18 2006

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

OK
JR

STATE OF IDAHO
County of Idaho - ss.

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

77-14238

CHARLES E GUESS
3872 MOSCOW MOUNTAIN RD
MOSCOW ID 83843-8113

Point(s) of Diversion NESWSE
S26 T24N
R03E IDAHO County

Source SPRING

Tributary To SINKS

Use: FIRE PROTECTION
01/01 To 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 03/26/2006

Place Of Use: FIRE PROTECTION
T24N R03E S26 SWSE

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 Direc-
tor, 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
09/25/2006. The protestant must also
send a copy of the protest to the appli-
cant.

KARL J DREHER, Director
Published 9/6 & 9/13/2006

S6-13

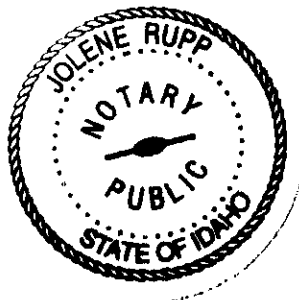
Andrew J. McNab, being first duly sworn, says he is the
Publisher of the IDAHO COUNTY FREE PRESS, a weekly news-
paper published and issued weekly at Grangeville, Idaho County,
State of Idaho, and is of general circulation in said county and
state, that the said legal notice, of which the one hereto attached
is a true copy, was published in said paper for two weeks, being
published two times, the first publication being on the 6th day of
September, 2006; and the last publication on the 13th day of
September, 2006; and that the said legal notice was published in
the newspaper proper and not a supplement; that said newspa-
per has been continuously and uninterruptedly published in said
county during a period of seventy-eight consecutive weeks prior
to the publication of said legal notice of advertisement.

Andrew J. McNab

STATE OF IDAHO)

COUNTY OF IDAHO)

On this 13th day of September in the year of 2006, before me a
Notary Public personally appeared Andrew J. McNab, 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.



Jolene Ruapp
Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 1-24-07

Lester, Steve

From: Lester, Steve
Sent: Friday, September 01, 2006 8:37 AM
To: 'eleitzinger@idfg.idaho.gov'
Subject: Application Comment Letters

September 1, 2006

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

Re: Applications for Permit

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 September 25, 2006.

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

Sincerely,

Steve Lester
Water Rights Supervisor
IDWR Western Region
tel 208.334.2190
fax 208.334.2348
steve.lester@idwr.idaho.gov



57-11688.pdf



63-32392.pdf



63-32395.pdf



65-23073.pdf



77-14235.pdf



77-14236.pdf



77-14237.pdf



77-14238.pdf



78-12292.pdf

Lester, Steve

From: Lester, Steve
Sent: Tuesday, August 29, 2006 1:15 PM
To: 'ndonaldson@eaglenewspapers.com'
Subject: Legal Ads

Please send confirmation that the notices will run Sept. 6 & 13. Thanks, SL.

August 28, 2006

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

RE: Application for Permit Nos. 77-14235, 77-14236, 77-14237, 77-14238

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find 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 09/25/2006. Your cooperation is appreciated.

Sincerely

Steve Lester
Water Rights Supervisor



77-14235
ugh 77-14238 ad

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

77-14238

CHARLES E GUESS
3872 MOSCOW MOUNTAIN RD
MOSCOW ID 83843-8113

Point(s) of Diversion NESWSE S26 T24N R03E IDAHO County Source SPRING

Tributary To SINKS

Use: FIRE PROTECTION 01/01 To 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 03/26/2006

Place Of Use: FIRE PROTECTION

T24N R03E S26 SWSE

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 09/25/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published 9/6 & 9/13/2006