



98-07769



pw



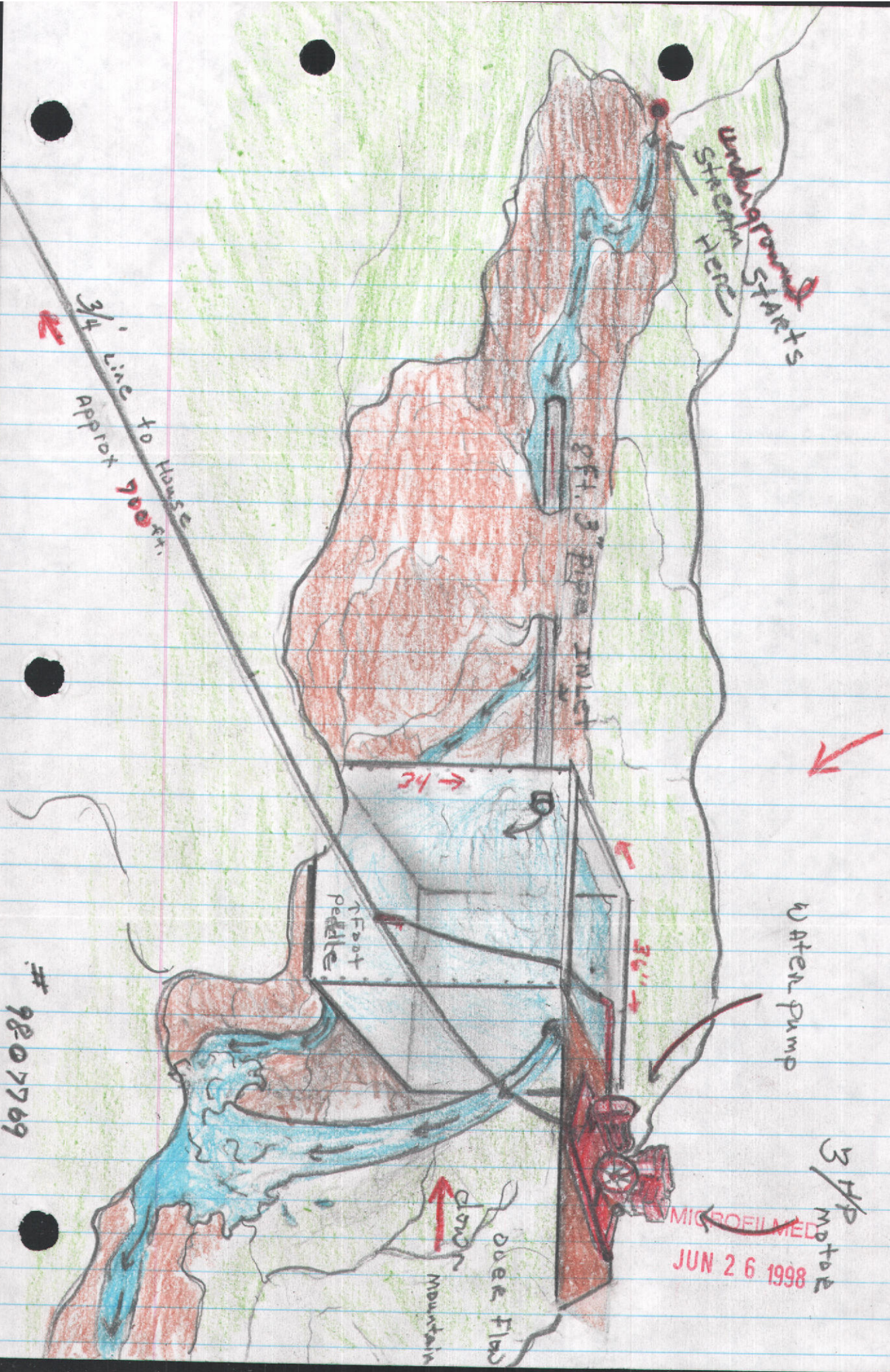
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MICROFILMED  
OCT 19 2001

Water Tank is 34" High  
And 36" Square



# 9807769

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 98-07769

Priority: March 15, 1996

Maximum Diversion Rate: 0.01 CFS  
Maximum Diversion Volume: 0.6 AF

It is hereby certified that MONTY MC CAY  
PO BOX 16  
COLBURN ID 83865-0016 has complied with the terms and  
conditions of the permit, issued pursuant to Application for Permit dated March 15, 1996; and has  
submitted Proof of Beneficial Use on April 29, 1998. An examination indicates that the works have a  
diversion capacity of 0.01 cfs of water from:

**SOURCE**

SPRING

Tributary: RUBY CREEK

and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL<br/>DIVERSION VOLUME</u> |
|-----------------------|----------------------|-----------------------|------------------------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.01 CFS              | 0.6 AF                             |

**LOCATION OF POINT(S) OF DIVERSION:**

SPRING NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 23, Twp 61N, Rge 01W, B.M., BOUNDARY County

**PLACE OF USE:** DOMESTIC

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 61N | 01W | 23  |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 7<sup>TH</sup> day of September, 2001.

Acting for   
KARL J. DREHER  
Director

MICROFILMED

OCT 1 9 2001

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 29 1998

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 98-07769 Telephone No. No phone Remote
2. Name(s) of Permit Holder(s): Monty McCay
3. Mailing Address: PO Box 116 Colburn ID. 838650016
4. Source of Water: underground water stream If GROUNDWATER (well), Date Drilled: mo. \_\_\_\_ / yr. \_\_\_\_
- a. Well Driller: No well needed Drilling Permit Number: \_\_\_\_ - \_\_\_\_ - \_\_\_\_
- b. OPTIONAL:  
Pump Horsepower: 3HP Pressure (psi): \_\_\_\_ Dynamic pumping level (ft): \_\_\_\_
5. Use(s) (as authorized by the water right permit):
- Domestic (No. of households): one Stockwater (No. and type of stock): \_\_\_\_
- Irrigation (No. of acres): \_\_\_\_ Other: \_\_\_\_
6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR 4.0 acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)  
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes \_\_\_\_ or No \_\_\_\_  
Has the measuring device been installed? Yes \_\_\_\_ or No \_\_\_\_

Flow Measurement Port: Is a flow measurement port required? Yes \_\_\_\_ or No \_\_\_\_  
Has the measurement port been installed? Yes \_\_\_\_ or No \_\_\_\_

8. Fee Enclosed: \$ \_\_\_\_ (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Monty McCay Telephone Number: No phone Remote

Address: P.O. Box 116 Colburn ID. 83865

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder:

Monty McCay  
(include your title, if on behalf of company or organization)

Date:

April 26, 1998

JUN 26 1998

State of Idaho  
Department of Water Resources  
**Permit To Appropriate Water**  
NO. 98-07769

Proposed Priority: March 15, 1996

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **MONTY MC CAY**  
PO BOX 16

COLBURN ID 83865-0016

has applied for a permit to appropriate water from:

**SPRING** tributary of **RUBY CREEK**

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

**BENEFICIAL USE**

**PERIOD OF USE**

**RATE OF DIVERSION**

DOMESTIC

01/01 to 12/31

0.04 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

NWSWNE , Sec. 23, Township 61N, Range 01W  
BOUNDARY County

**PLACE OF USE: DOMESTIC**

**TWN RGE SEC**

61N 01W 23

SWNE

**CONDITIONS OF APPROVAL AND REMARKS**

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1998**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Domestic use is for 1 home.

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

10<sup>th</sup> day of

May, 1996

*[Signature]*  
Karl J. Dreher, Director

*for*

RECORDED 45772

MAY 22 1996

RECEIVED  
MAY 06 1996

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

Ident. No. 98-7769

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of applicant MONTY McCAY Phone 263-8509  
Post office address Box 16, COLBURN, ID 83865
2. Source of water supply SPRING which is a tributary of RUBY CREEK
3. Location of point of diversion is NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , Govt. Lot 4  
Sec. 23 Township 61N Range 1W B.M. BOUNDARY County; additional  
points of diversion if any: \_\_\_\_\_
4. Water will be used for the following purposes:  
Amount 0.04 for DOMESTIC purposes from JAN 1 to DEC 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)
5. Total quantity to be appropriated is (a) 0.04 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc. SPRING BOX & PIPELINE  
TO PLACE OF USE
  - b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet; period of year when water will be diverted to storage:  
\_\_\_\_\_ to \_\_\_\_\_ inclusive.
  - 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) \_\_\_\_\_
7. Time required for the completion of the works and application of the water to be proposed beneficial use is  
2 years (minimum 1 year).

MAY 22 1996

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

a. Hydropower; show total feet of head and proposed capacity in kW.

b. Stockwatering: list number and kind of livestock.

c. Municipal; show name of municipality.

d. Domestic; show number of households.

e. Other; describe fully.

9. Description of place of use:

a. If water is for irrigation, I

b. If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding

ponding place of use below. See instructions for standard symbols.

[illegible]

Total number of acres to be irrigated

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

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

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

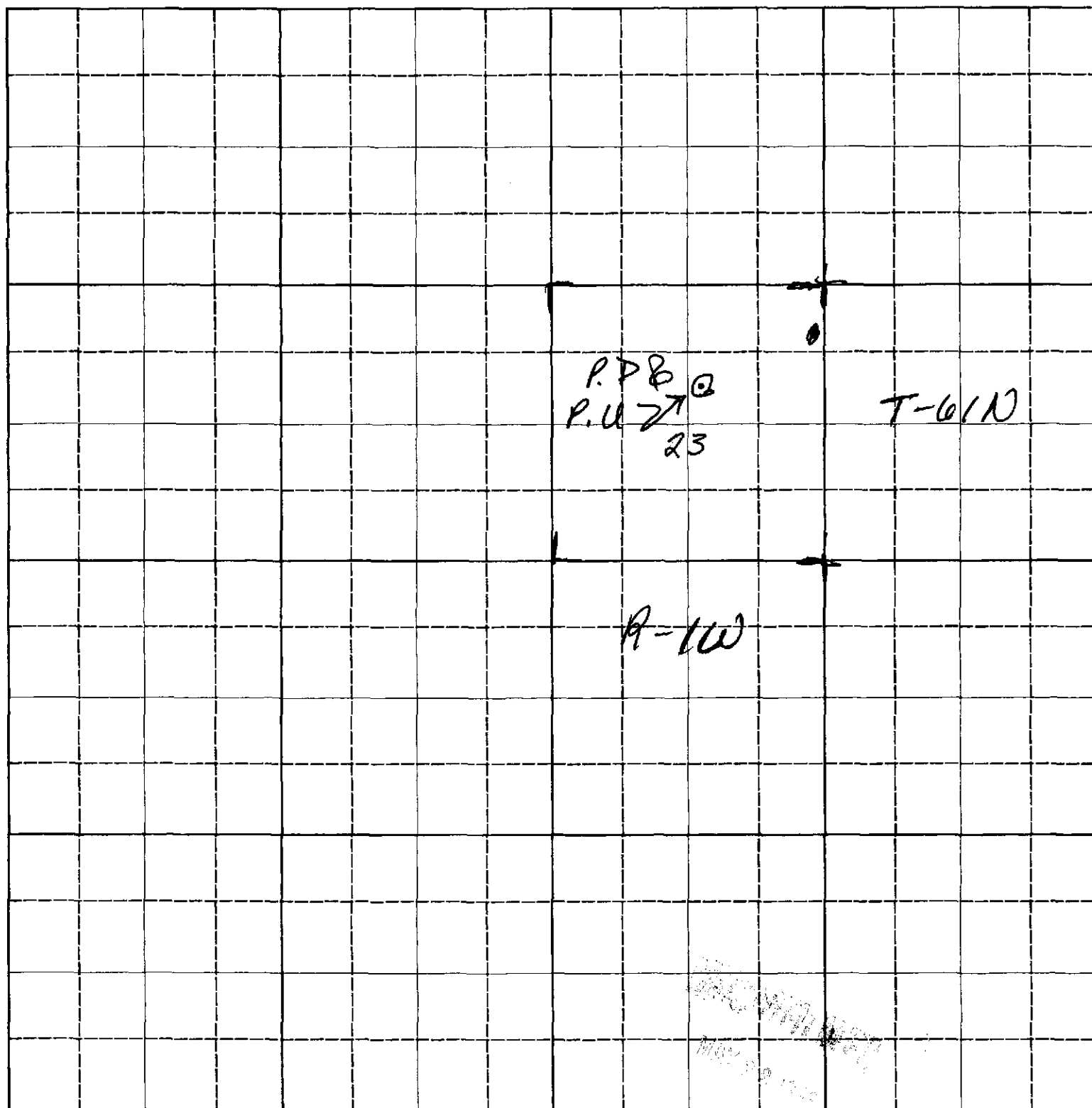
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

applicant to make this filing.

12. Remarks: House will be built by hand and need 7 years to complete it.

MAY 22 1966

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Monty McCay  
(Applicant)

MAY 22 1996

6/12/96

e. Other:

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

19

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

1. Approval of said application is subject to the following limitations and conditions:

Idaho No. \_\_\_\_\_, and said application is hereby \_\_\_\_\_

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

# ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Publication approved by \_\_\_\_\_ Date \_\_\_\_\_

Publication prepared by \_\_\_\_\_ Date 3/26/96

Fee \$ 50.00 Received by \_\_\_\_\_ Date 3/15/96 Time 11:00

Preliminary check by \_\_\_\_\_ Date 3/15/96

Published in \_\_\_\_\_

4/24/96



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

September 7, 2001

MONTY MC CAY  
PO BOX 16  
COLBURN ID 83865-0016

RE: License No. 98-7769 - Issuance of License

Dear Water Right Holder(s):

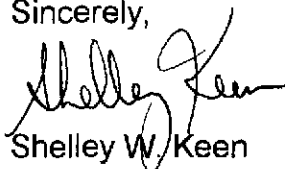
The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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 208-327-7946.

Sincerely,



Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

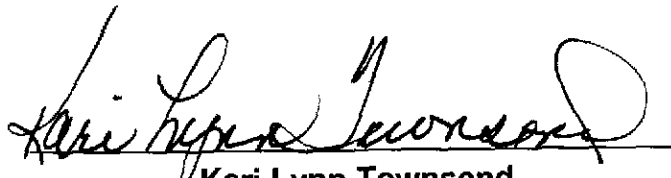
MICROFILMED  
OCT 18 2001

# **CERTIFICATE OF MAILING**

I hereby certify that on September 7, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

**RE: WATER RIGHT NO. 98-7769**

**MONTY MC CAY  
PO BOX 16  
COLBURN ID 83865-0016**

  
**Kari Lynn Townsend  
Secretary**

**MICROFILMED  
OCT 10 2001**

**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).

MICHAEL J. ROSS  
JUL 18 2007

### **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.

RECORDED  
INDEXED  
JUL 1 2004

## MEMORANDUM

TO: File 98-07769

FROM: KAY WALKER 

RE: License Recommendations

Date: September 4, 2001

.....

In review of this field examination, I am recommending that we allow the measured diversion rate of 0.01 cfs, rather than 0.03 cfs as recommended by examiner. Since the permit holder did not have water piped into his house, but uses the water when brought in by buckets, it was determined that we should allow a domestic use but for in-house use only. Therefore, I am recommending we license this right for 0.01 cfs and 0.6 afa.

MICROFILMED  
OCT 15 2001

LICENSE REVIEW CHECKLIST

Permit No. 98-7769

Date: 9-4-2001 Reviewer: Kay Walker

Change/OK

Name/Address

OK - fix phone number per exam

Source

Point of Diversion:

OK  
OK

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s):

File reviewed \_\_\_\_\_ Profile reports printed \_\_\_\_\_

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 0.04 cfs  
Fee Limit 0.20 cfs  
Measured 0.01 cfs  
Theoretical \_\_\_\_\_ cfs

Recommended Total Diversion Rate 0.01

*allow 0.01 as measured.*

Water Uses

Change (P46)

Season of Use per new Standards

Irrigation \_\_\_\_\_ cfs \_\_\_\_\_ af  
Stockwater \_\_\_\_\_ cfs \_\_\_\_\_ af  
Domestic 0.03 cfs 0.6 af  
\_\_\_\_\_ cfs \_\_\_\_\_ af  
\_\_\_\_\_ cfs \_\_\_\_\_ af  
Total 0.03 cfs 0.6 af

*limit volume to in house only since using buckets only.*

Irrigation - overlap (R58-R61, R62-R65, R66-R69)  
supp. Gw (WB7/065/104)  
overlap spec combined rts (W35)  
<1 acre (W31)  
Domestic (W01/wb5/070/071/075)  
Power (W42 or W43/025/027/R22 or R23)  
Fish (042)  
Fire (077)  
Water Quality (081/R07)  
Payette - (W22/047/27A)  
Stockwater for US (R37)

Volume Determination

\_\_\_\_\_ cfs x 1.9835 x \_\_\_\_\_ days = \_\_\_\_\_ af (vs) \_\_\_\_\_ acres x \_\_\_\_\_ (FHR) = \_\_\_\_\_ af

Remarks:

WB5

Additional Conditions

\_\_\_\_\_ Watermaster Control  
\_\_\_\_\_ GW Measurement/Measuring Device  
\_\_\_\_\_ Other  
Trust R55 - remove 051)  
Non-trust (048/049)

GW Dist? \_\_\_\_\_  
Water Msmt. Dist? \_\_\_\_\_  
Crit. GWMA? \_\_\_\_\_  
GWMA? \_\_\_\_\_  
Government Lots? \_\_\_\_\_

Advance Priority? yes  
no

If yes, explain why below.

SRBA Claim?

N/A

Adjust memo

yes

Amend Letters

P87, S06

Second Amendment Notice

S06

*top is B7 B57*

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

RECEIVED

AUG 21 2001

Department of Water Resources

**A. GENERAL INFORMATION**

Permit No. 98-07769

1. Owner: Monty McCay Phone No. 898 660-1208

Current Address: PO Box 16 Collins, ID 83865-0016

2. Accompanied by: Monty McCay EXAM DATE: 6-29-01

Address: Same as above Phone No. \_\_\_\_\_

Relationship to Permit Holder: \_\_\_\_\_

3. Source: Spring tributary to Ruby Creek

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: \_\_\_\_\_

2. Other water rights with the same point of diversion: \_\_\_\_\_

**C. DIVERSION AND DELIVERY SYSTEM**

**1. Point(s) of Diversion:**

| Ident No. | Gov't Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County   | Method of Determination/Remarks |
|-----------|-----------|-----|-----|-----|------|------|------|----------|---------------------------------|
|           |           | NW  | SW  | NE  | 23   | 61N  | 01W  | boundary | USGS 7.5 min Quad               |
|           |           |     |     |     |      |      |      |          |                                 |
|           |           |     |     |     |      |      |      |          |                                 |
|           |           |     |     |     |      |      |      |          |                                 |

**2. Place(s) of Use:**

Indicate Method of Determination

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 61N | 01W | 23  |    |    | D  |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

MICROFILMED

2. Measurements:

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

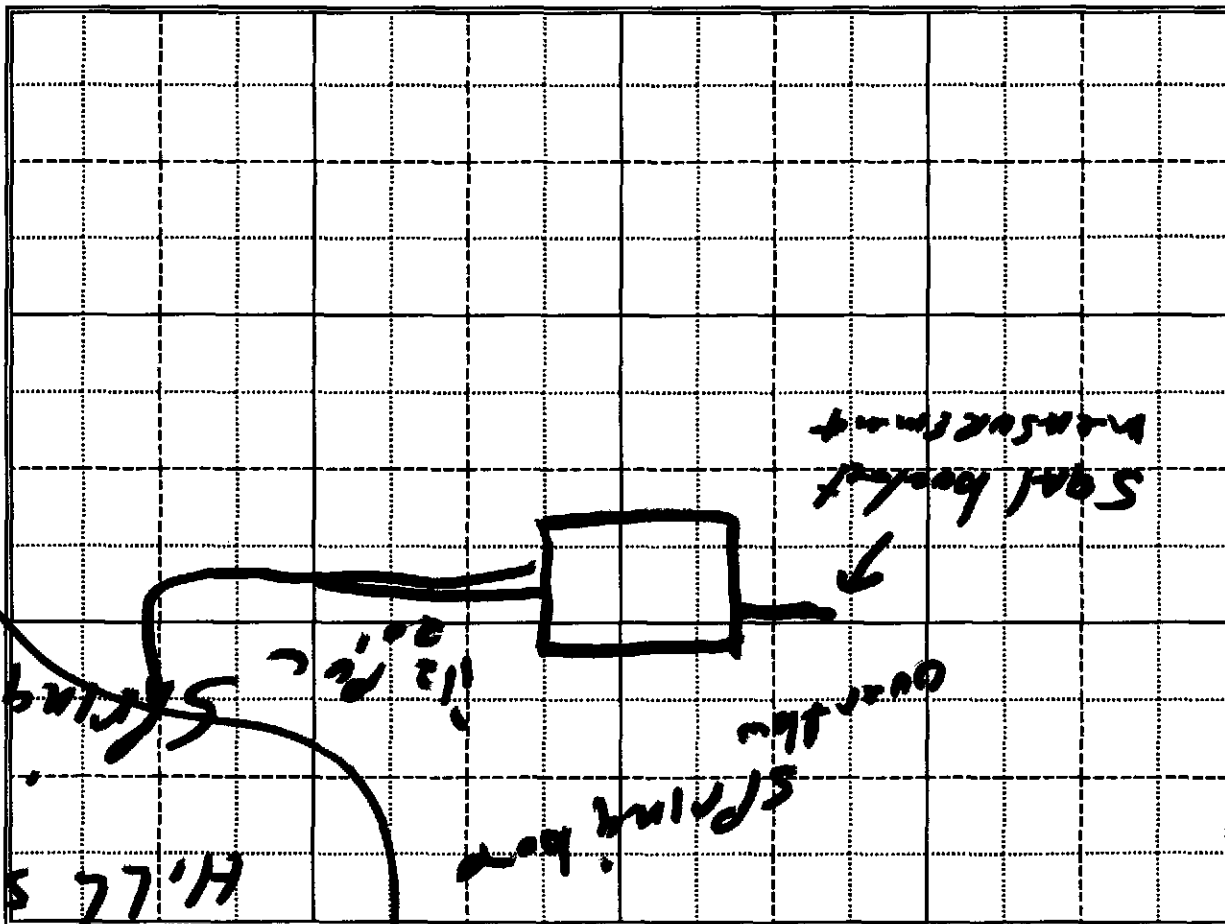
D. FLOW MEASUREMENTS

\*Code to correspond with No. on map and aerial photo

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

4.

Scale: 1" = \_\_\_\_\_  
 Copy of USGS Quadrangle Attached Showing location(s) of \_\_\_\_\_  
 point(s) of diversion and place(s) of use (required).  
 Aerial Photo Attached of \_\_\_\_\_  
 (required for irrigation of 10+ acres)  
 Photo of Diversion and System Attached \_\_\_\_\_



3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well size/ditch size/pipe l.d. as applicable.

E. NARRATIVE/REMARKS/COMMENTS

Spring comes out of hillside. A 1 1/2"  
Pvc pipe placed in water fills spring box  
at time of exam there was no  
delivery system from spring to house.  
Water was being transported to house  
in buckets (5 gal)

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED

NOV 10 2001

**Measured Method:**

5 gal bucket 5 gal in 60 sec = 5 gpm

$$df = 10 = \frac{29}{19881.45}$$

### 1. Volume Calculations for Irrigation:

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$V = \text{Smaller of } V_{iR} \text{ and } V_{D,R} =$

## 2. Volume Calculations for Other Uses:

## 1. Recommended Amounts

### Beneficial Use

Domestic

Period of Use

**From**

10

01-01 12-31

### Rate of Diversion

(c) 2

20

Annual Volume

(b)(7)(B)

5

## 2. Recommended Amendments

Change P.D. as reflected above

Change P.U. as reflected above

Add P.D. as reflected above

Add P.U. as reflected above

None

Other

**Totals:**

30

7

## I. AUTHENTICATION

Field Examiner's Name,

Date \_\_\_\_\_

**Reviewer**

SEAL

CONFIDENTIAL

EAST FILE CC

DN

RJOR

NAPLI  
MINUTE  
P.E.

27°30"

539

RIDGE

Mo

98-07769

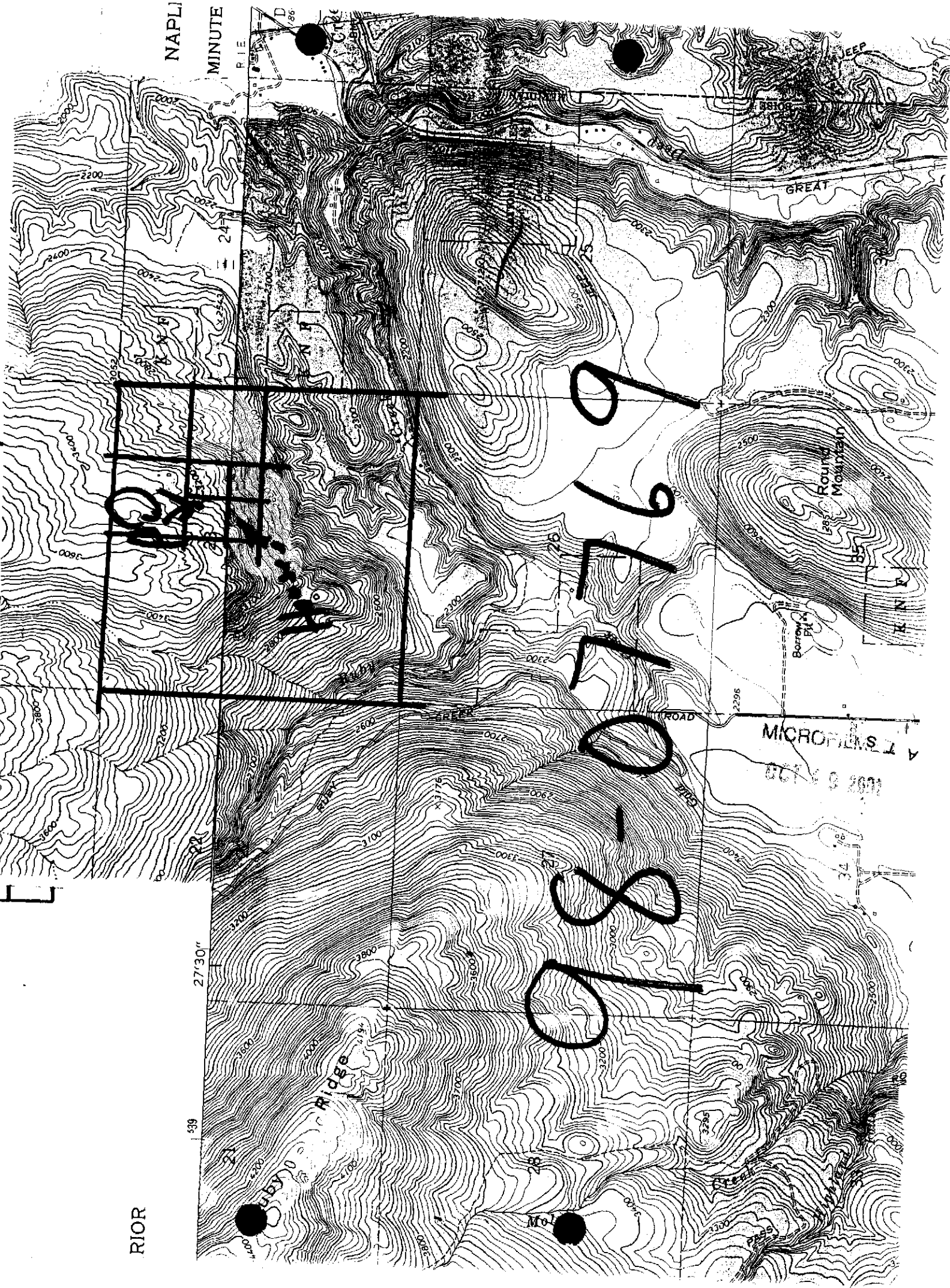
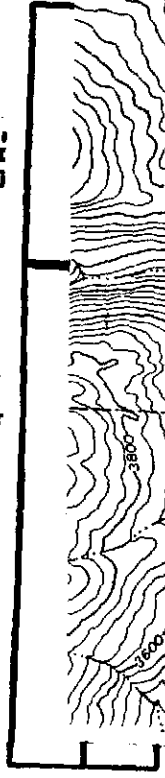
MICROFILMS  
A T 1000  
801 V 9 2001

GREAT

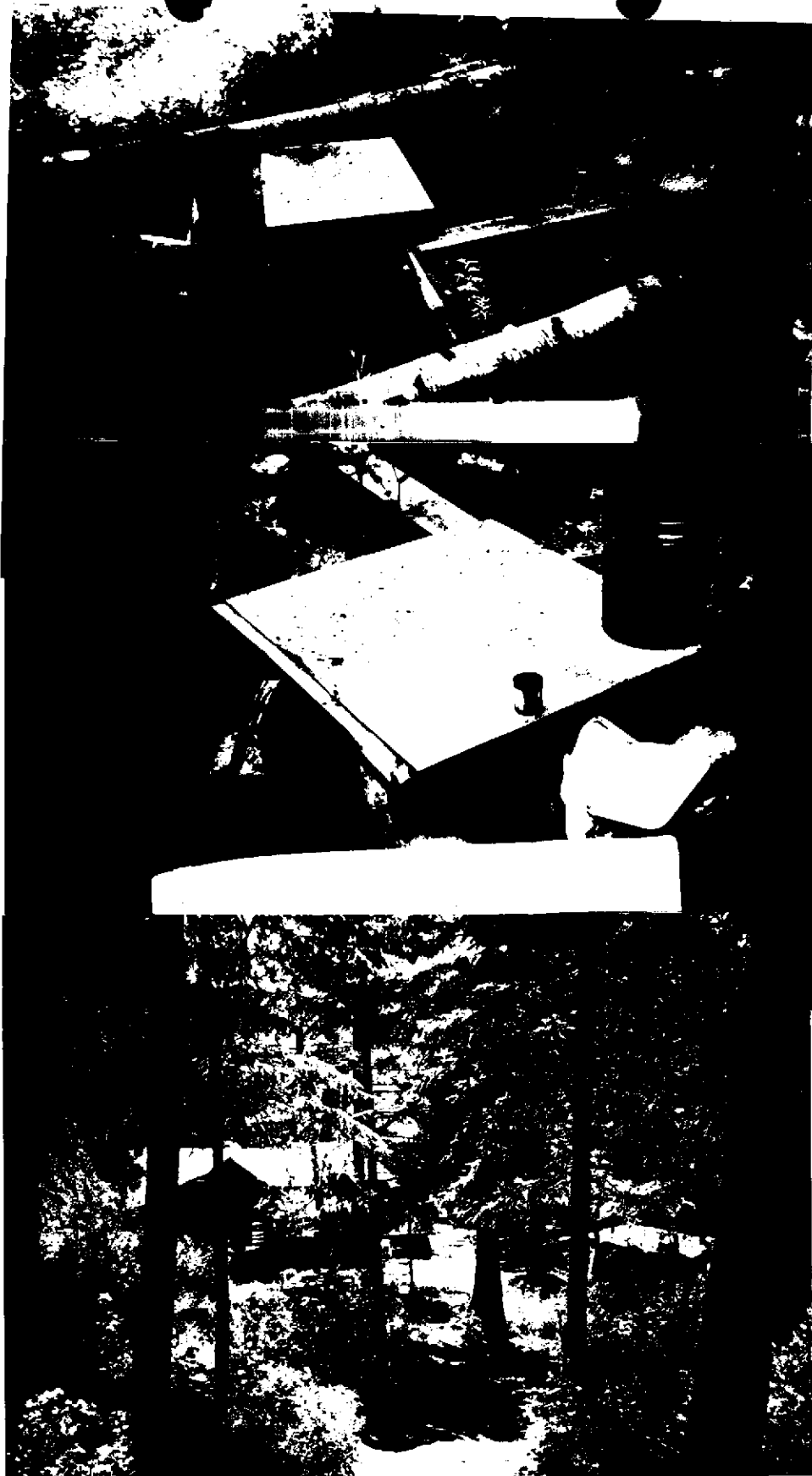
Round Mountain

Borrow Pit

DEEP



98-07769



pu

pu

pu

MICROFILMED

OCT 19 2001



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

June 16, 1998

Monty McCay  
PO Box 16  
Colburn ID 83865

**PROOF ACKNOWLEDGMENT LETTER**

**RE: PERMIT NO. 98-07769**

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the department's **NORTHERN** Regional Office in Coeur d'Alene at (208)769-1450.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

JUN 26 1998

**ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE**

Permit No. 98-07769 Reviewed by Jy Date 6-12-98

**GENERAL CONSIDERATIONS**

yes Name same as permit?  
yes Address same as permit?  
yes Proof timely received?  
If not, complete calculation below.

**TYPES OF USE**

dom.

Correct Uses? yes

**SOURCE OF WATER**

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. \_\_\_\_\_

☐ Amount paid for permit

☐ Well log in the file?

\_\_\_\_\_ Correct?

**LICENSE EXAMINATION FEE**

yes Required?  
50- Amount Submitted  
yes Correct?

**MEASURING DEVICE**

NO Required?  
/ Installed?  
/ Waiver requested?

**PRIORITY CALCULATION**

|                     |       |
|---------------------|-------|
| Date proof received | _____ |
| Date proof due      | _____ |
| No. of days late    | _____ |
| Priority Date       | _____ |
| New Priority Date   | _____ |

**DEFICIENCIES OR ACTION ITEMS**

Proof acceptable

**DATA ENTRY**

New Address X Proof Made 4-29-98

April 26, 1998

State of Idaho  
Department of Water Resources

Re: Water Appropriation Application  
No. 98-07769

Dear Sirs:

We apologize for our delay. It has taken us two full spring and summer seasons, for two years to build our cabin. Our first winter here, upon before last, was a bit more than we had anticipated. We were unable to work on our stream at all.

The work on the stream has now been completed. We did very little work actually, most was already done by nature.

The water comes from an underground stream, that comes out on our property from underneath a giant boulder, the small stream gradually runs down hill, and drops slightly into a small <sup>L.E.W. depth is maybe a foot.</sup> (4' x 3') natural pool, where it drops again over a small fall. This is where we put our 34" high, 36.5 x 36.5 tank to collect the water through a <sup>3"</sup> pipe we placed in the pool.

We have a cap for the tank on which our 3HP Briggs & Stratton gas engine & our Sears Roam Pump sits on (Model # 254551). I forgive me for not knowing exactly what the P.S.I. is and such, it's a 1909. We placed a foot pedal in the tank, and have to pump the water nearly 700' <sup>using a 3/4" water line.</sup> up to the house. We did not have to dig or drill a well of any kind, we simply caught the water before it went back into the ground. The tank does have an overflow valve.

Our water is year around. During spring thaw and up until approx. the middle of Aug. the water flow is more than 18 gal./minute, but doubt seriously if it is 2,500 gal./day, during the latter part of Aug. to the latter part of Feb. it is a very slow trickle with maybe 3 to 5 gallons/minute.

Again we are sorry for the delay. My husband tries to take care of such matters, after re-reading your letter dated March 26, 1996 he realizes now it was a serious oversight on his part, and that we could have had all of this resolved a year ago.

Thank you for your patience, we hope we do not have to begin the procedure all over again, I know were getting this in by the skin of our teeth, but still on time.

He has enclosed a sketch to better portray what I've tried to describe.

Thank you.

Ms. P. Penée McLaughlin

JUN 26 1998

WATER TANK is 34" High  
And 36" Square



Water Pump

3/4 HP Motor

underfoot streets  
street here

3/4 line to house  
approx 2000'

East  
Puddle

34"

36"

2000' Film

Long Mountain

MICROFILM  
JUN 26 1998

# 9807769

February 28, 1998

MONTY MC CAY  
PO BOX 16  
COLBURN ID 838650016

PROOF DUE NOTICE

RE: PERMIT NO. 98-07769

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1998.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

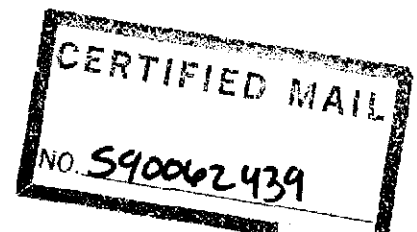
SINCERELY,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures

RECORDED

JUN 26 1998





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

May 10, 1996

MONTY MC CAY  
PO BOX 16  
COLBURN ID 83865-0016

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 98-07769

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Sincerely,

Shelley W. Keen  
Water Rights Supervisor

SK:rl

Enclosures

RECEIVED  
MAY 22 1996

**APPLICATION FOR PERMIT  
STATE OFFICE REVIEW**  
by Cindy Zimmerman

No.: 98-7769 Name: McCaig Date: 5/7/96 Ad OK? ☒  
Correct Fee? ☒ Receipt #: W9980 Priority: 3/15/96 ☒ Gvmt Lts: ☒

**AREA OF CONCERN?** - No/Yes \_\_\_\_\_ Mor \_\_\_\_\_ GWMA Trust/Non-trust  
**PROTESTED:** - 020(Protest Agr) or W19(See Final/Prelim Order)

**SYSTEM COMPLETED:**  
Yes/proof filed - NA  
1 year/no proof - **P16**  
+1 year - **26A-P17**

**GROUNDWATER:** <☒ FLO-CH>  
+ 0.2 cfs - 01M  
=/- 0.2 cfs - No MD  
=/+ 5 a. - 01M, 065(if GW use SW 1st)

Drilling Permit:  
Existing well - NA (pre 7/1/87)  
Included w/permit - Permit No. \_\_\_\_\_, **P99**  
No WD permit? - 046-46B-P23 (post 7/1/87)  
irr. in WD - **P05** (new well)

**SURFACE WATER** <☒ FLO-CH> (Surface water that doesn't sink is regulated):

Water District(~~dem~~) - 005 (req) WD # \_\_\_\_\_ <SEE MAP & LISTING>  
+ 0.2 cfs - 01J(meas dev)-**P08**  
=/- 0.2 cfs - 01H(lock dev)-**P01** or No MD  
~~In-WD~~ + 0.2 cfs - 01M or No MD (in-stream)  
- 0.2 cfs - No MD  
=/+ 5 a. irr. - 01M

**RIVER BASINS** (\*Surface water):

Snake R (01) - 11A-P04, NA  
(02/03-irr) - 007-P07 (w/remark WB9-↑ Weiser), NA  
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA  
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA

**USE:**

Domestic (surface) - 021(Boise R ↑ Star Bridge); 27A(Payette R); NA  
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-**P10**; 044(N 1000 Spr)  
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)  
+ 5 a - 03A (0.02 cfs/A)  
Mining - 054 (req) & 06A/010/09E-P10  
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);  
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09  
Storage(☒ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

**LOCATION:**

Boise Front LoGeo - 058 (-85° GW temp only)  
In-stream dev. - **P52** (stream channel alteration)  
Irr Dist/Canal Co. - 023 (Twin Falls area)  
Swan Falls Flag - Blk <SEE CODE CHART>  
Trust - 051-052-053-P74 (Consumptive Uses), NA  
Non-Trust <1> - 048-049 (Consumptive Uses), NA

**OWNERSHIP:** Non-land owner - 004 (PD/PU) \_\_\_\_\_

**OTHER CONDITIONS:** \_\_\_\_\_

**STANDARD REMARKS:** Q woi/1

**BENEFICIAL USE DUE:** 5-1-1998

**COMMENTS:** \_\_\_\_\_

APPLICATION # 98-7769

\*\*\*\*\* INITIAL REVIEW \*\*\*\*\*

APPLICANT: McCAy BY: AS DATE: 3/15/96

ITEM REQUIRED INFORMATION

1. (X) Name and Address
2. (X) Source
3. (X) Point of Diversion & County
4. (X) Quantity  
(X) Nature of Proposed Use  
(X) Period of Use
5. (X) Total Quantity
6. (X) Description of diverting works
7. (X) Time required for b/u
8. (X) Proposed use
9. (X) Place of use or acres irrigated
10. (X) Other Water Rights
11. (X) Ownership
13. (X) Map  
(X) Signature  
(X) Fee (Amt, recpt, acknowlegment)

\*\*\* Send info sheet Y( ) N( )

PROCESSING

Yes No PRIORITY DATE: 3/15/96  
X (Include Moratorium Remark)  
X Statewide Avertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: BOUNDARY County.

LETTERS SENT REQUESTING:

( ) Dam Information ( ) Fish Information  
( ) Power Information ( ) Other: N/A

INFORMATION RECEIVED:

( ) Dam Information ( ) Fish Information  
( ) Power Information ( ) Other: N/A

ADDITIONAL INFORMATION

Yes No

- X Field check: by \_\_\_\_\_  
X Field report attached  
X Analysis Supp. attached(>5cfs/500af)  
X Water delivered by water master?  
Water District # \_\_\_\_\_

\*\*\*\*\* GROUNDWATER SECTION \*\*\*\*\*

(Yes) (No)

Checked by: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Remarks: \_\_\_\_\_

- X Groundwater management area  
X Critical ground water area  
X Well Drilling Permit required  
X Well Drilling Application and Fees received  
X Well Drilling Application approved?  
Well Drilling Application Number \_\_\_\_\_

\*\*\*\*\* FINAL REGIONAL PROCESSING/REVIEW \*\*\*\*\*

(Yes) (No)

Notice of pending void order issued. Final order response date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Further information required from applicant

4/12 Affidavit of publication received

4/12 Application published correctly, If not, record action taken: \_\_\_\_\_

3/26 Publication dates and paper recorded on application | Sr. Agent initial AS

X Protests received. Final protest date: 4/22/96

X Measuring device required

X Measuring port required

X Special conditions: \_\_\_\_\_

X Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: AS

RECEIVED  
MAY 06 1996

Date: 4/22/96

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Boundary,

David Keyes being first duly sworn on oath

deposes and says that he/she is Publisher

of the Bonners Ferry Herald, a newspaper printed and published at Bonners Ferry, Boundary County, Idaho; that

the said newspaper has been continuously and uninterruptedly published in said Boundary County during

a period of 12 months prior to the first publication of the

hereto attached notice of publication in the case of:

Legal # 3281

as it was published in the regular and entire issue of the

said paper for a period of 2 consecutive weeks,

commencing on 3 day of April, 1996

and ending on the 10 day of April, 1996

and that said notice was published in said newspaper.

Dated: 4/11/96

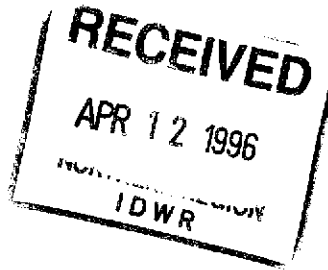
Subscribed and sworn to before me this 11 day

of April, 1996.

Kristy Johnson  
Notary Public for Idaho

Residing at Bonners Ferry

My Commission expires: 7-22-2000



NOTICE OF APPLICATION  
FOR WATER RIGHT

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

98-07769

Mc CAY, MONTY

PO BOX 16

COLBURN, ID 83865

Source: SPRING Tributary: RUBY CREEK

Diversion Pt: NWSWNE Sec 23 T 61N R 01W

in BOUNDARY County.

Use: DOMESTIC ( 0.040 CFS)

Total Diversion: ( 0.040 CFS)

Date Filed: 3-15-1996

In: BOUNDARY County

T 61N R 01W S 23 SWNE

98-07770

MISSION CREEK WATER

ASSOCIATION

HCR 60 BOX 249

PORTHILL, ID 83853

Source: GROUNDWATER

Diversion Pt: SWSWSW Sec 8

T 64N R 01E

in BOUNDARY County.

NESWNE Sec 17 T 64N R 01E

in BOUNDARY County.

Use: IRRIGATION ( 0.170 CFS)

COMMERCIAL ( 0.200 CFS)

DOMESTIC ( 0.200 CFS)

Total Diversion: ( 0.200 CFS)

Date Filed: 3-14-1996

In: BOUNDARY County

T 64N R 01E S 06 SWSW

SESW

S 07 SENE NESE SESE

S 08 NWNW SWSW

S 17 NENW SENW NESW

SWSE

S 18 NENE SWNE NENW

SENV

R 01W S 01 SESE

S 12 NENE

9.4 ACRES TOTAL

98-07771

US FISH AND WILDLIFE

SERVICE DOI

911 NE 11TH AVENUE

PORTLAND, OR 972324181

Source: KOOTENAI RIVER

Tributary: COLUMBIA RIVER

Diversion Pt: NWSWNE Sec 18

T 62N R 01E

in BOUNDARY County.

Use: WILDLIFE ( 6.990 CFS)

WILDLIFE

STORAGE ( 444.00 AF)

Total Diversion: ( 6.990 CFS)

( 444.00 AF)

Date Filed: 3-21-1996

In: BOUNDARY County

T 62N R 01E S 19 NWNW

SWNW SENW NESW

NWSW SWSW SESE

R 01W S 24

For additional information concerning the property location, call the Northern Regional Office at (208) 769-1450.

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814, together with a protest fee of \$25.00 on or before APRIL 22, 1996.

KARL J. DREHER, Director  
BFH#3281 April 3, 10, 1996

MAY 22 1996

98-07769

MC CAY, MONTY  
PO BOX 16  
COLBURN, ID 83865

Source: SPRING

Tributary: RUBY CREEK

Diversion Pt: NWSWNE Sec 23 T 61N R 01W in BOUNDARY County.

|                  |   |            |
|------------------|---|------------|
| Use: DOMESTIC    | ( | 0.040 CFS) |
| Total Diversion: | ( | 0.040 CFS) |

Date Filed: 3/15/1996

|                     |      |
|---------------------|------|
| In: BOUNDARY County |      |
| T61N R01W S23       | SWNE |

APR 22 1996



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615  
(208) 769-1450

Fax (208) 769-1454

March 26, 1996

PHILIP E. BATT  
Governor

Monty McCay  
Box 16  
Colburn ID 83865

KARL J. DREHER  
Director

Re: Water Appropriation Application No. 98-07769

Dear Mr. McCay:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application for Permit to appropriate the Public Waters of the State of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the local county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests. Normal processing time is approximately 3 to 4 months, if the application is not protested.

If the application is not protested, it will be forwarded to Boise to be considered for approval by the Director. State office personnel will then conduct a complete review, and you will be notified by mail of the outcome. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. All protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

You will receive your approved Application for Permit and instructions on filing the Proof of Beneficial Use from our State office in Boise.

If your source is groundwater, a Well Drilling Permit is required for all wells constructed after July 1, 1987.

A "Domestic" well drilling permit should be obtained for a rate of diversion of up to 18 gallons per minute (0.04 CFS) and a daily volume of up to 2,500 gallons per day. The cost for this permit is \$35.00. For any other use, including multiple homes, or municipal, etc., the Drilling Permit fee is \$200. It is possible to upgrade a Domestic Drilling Permit by submitting an additional \$165.00. These Permits can be obtained by your driller, also.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

ALLEN BEARDSLEE  
Senior Water Resources Agent