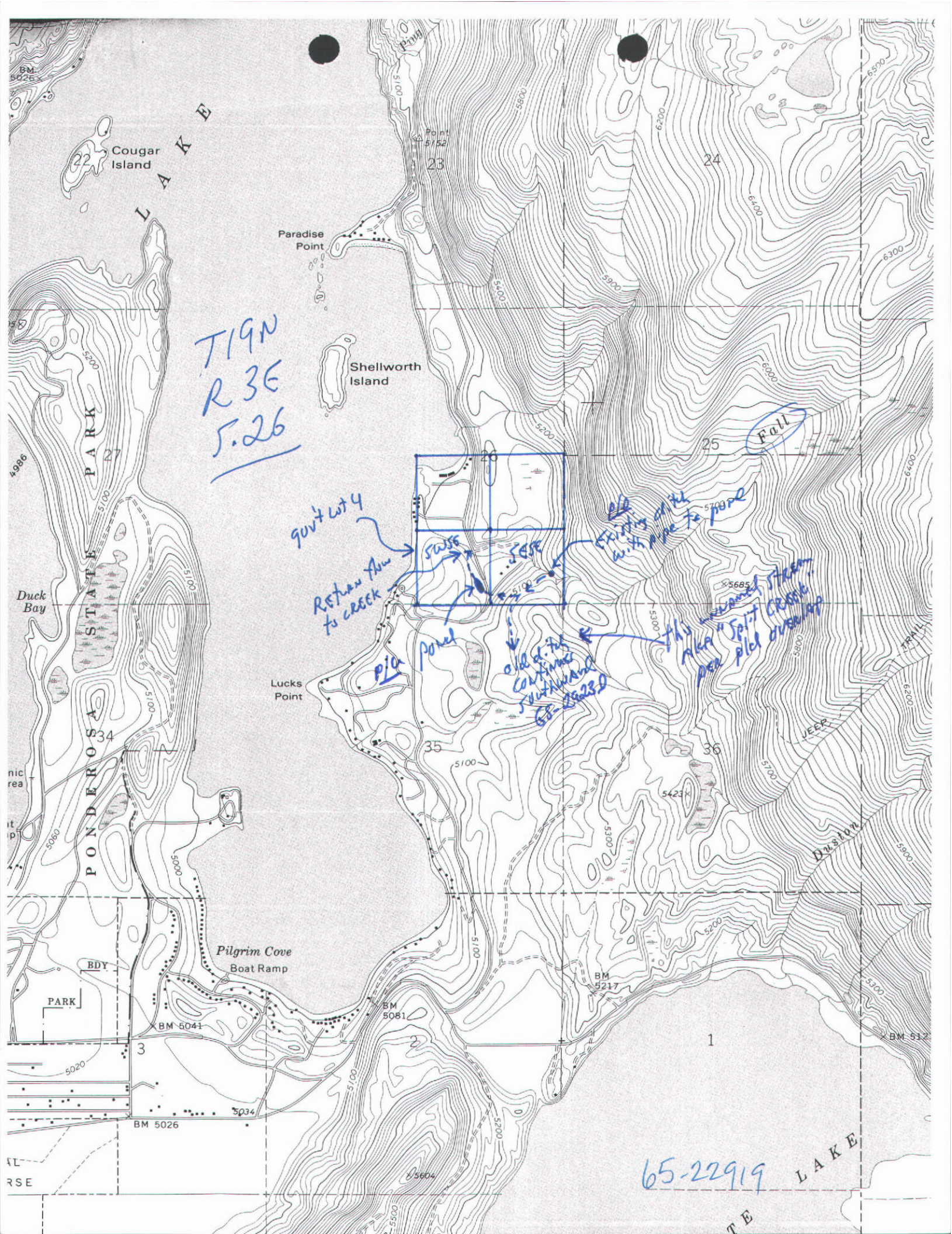




TIGN
R 3E
5.26

gov't lot 4

Return flow
to creek

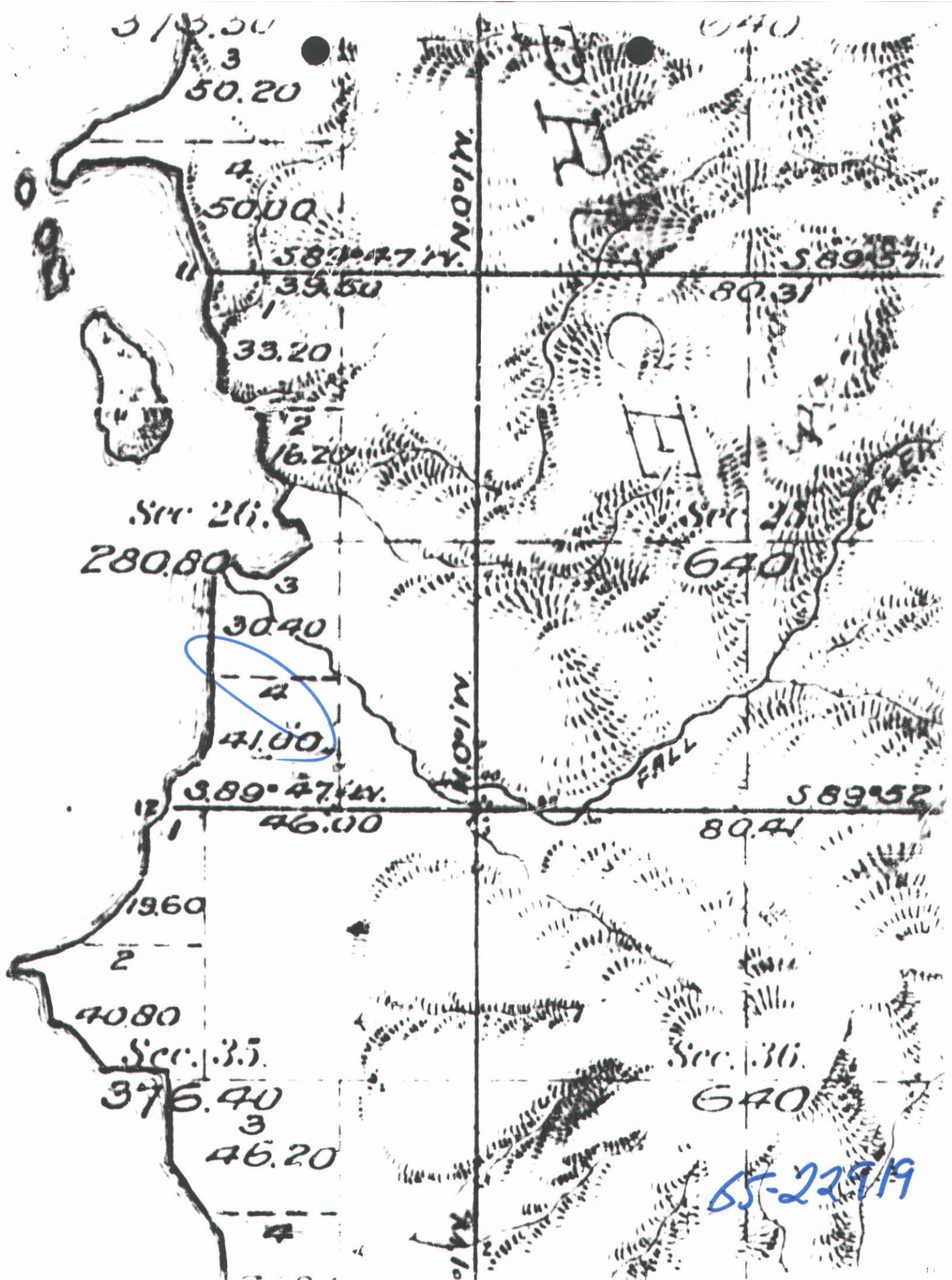


old pit continued
southward
65-22919

this is a "split creek"
per pld overlapp

Fall

65-22919



SUB TRITON SYSTEM

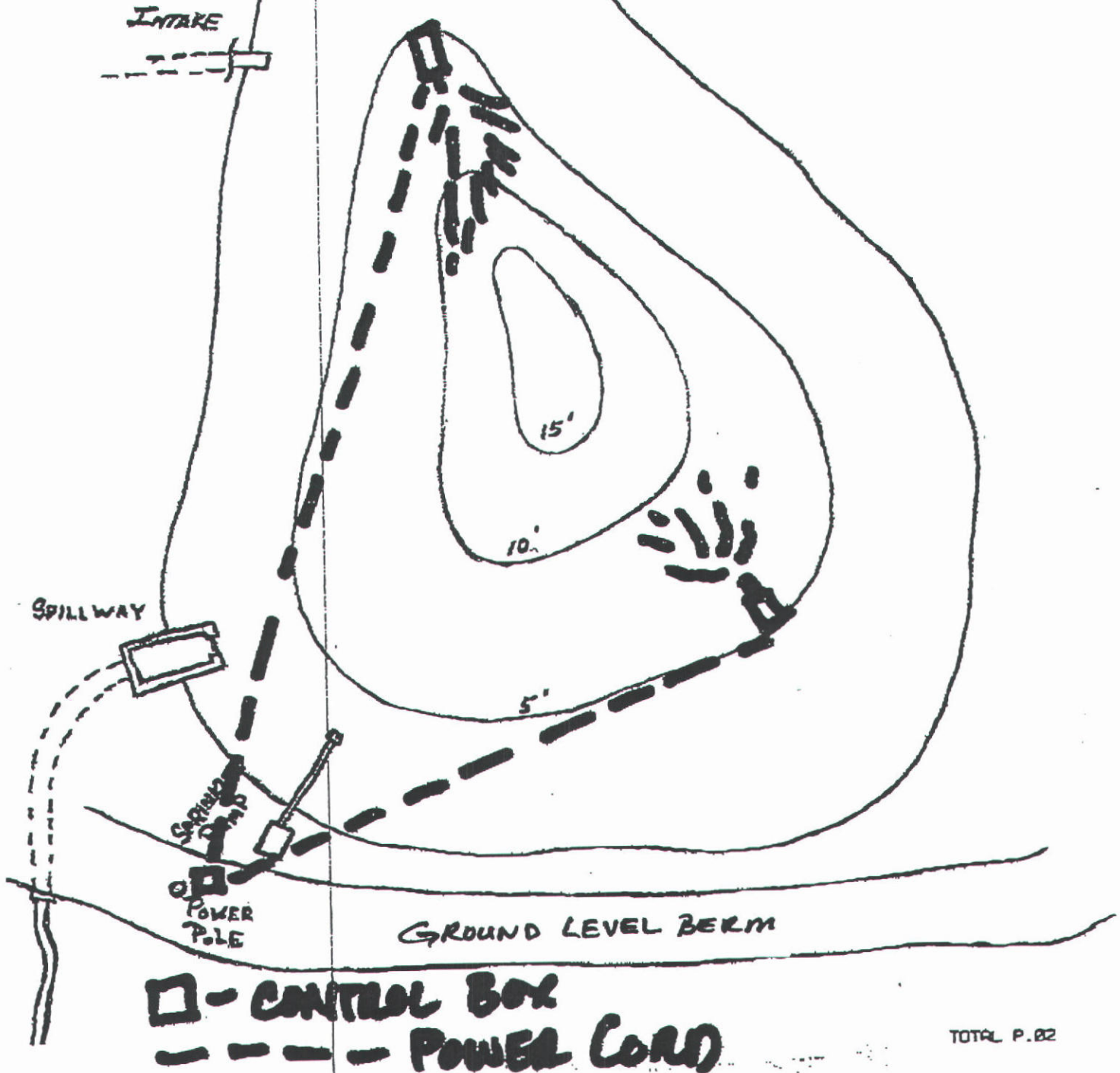
JOE SCOTT POND

AREA 4 AC.

DEPTH 15 FT MAX

WATER VOLUME... 10000 CU. FT.

SCALE 1:30



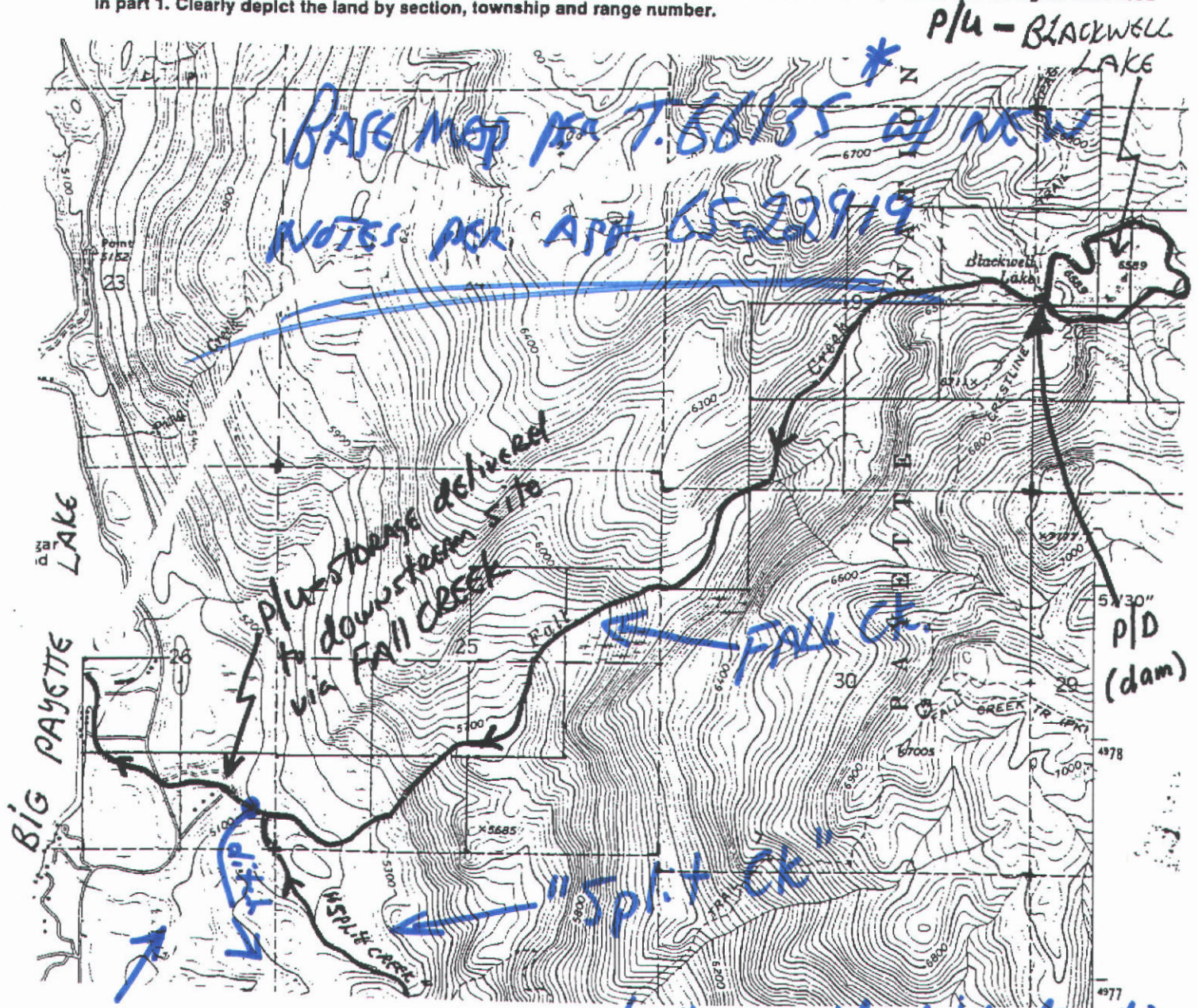
TOTAL P.02

65-22919

TOTAL P.03

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 rights described in part 1. Clearly depict the land by section, township and range number.



P/D 65-29230 "Split Ck" Actually an old d.t.d diverting
from FALL CK. but captures "Split Ck" flow just past
its mouth
P/D in SWNW S. 20
P/u in SWNW, SENW, NWSW S. 20 (Storage)
SESE S. 26 (use from storage)

INFO PER T. 66135 & APR. 65-13724 c JB Scott - FL 12/2/04

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22919

Priority: September 10, 2004

Maximum Diversion Rate: 0.20 CFS

This is to certify, that J B SCOTT
PO BOX 70001
BOISE ID 83707-0101

has applied for a permit to appropriate water from

Source: FALL CREEK

Tributary: PAYETTE LAKE

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>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
AESTHETIC STORAGE	01/01 to 12/31		3.5 AF
RECREATION STORAGE	01/01 to 12/31		3.5 AF

LOCATION OF POINT OF DIVERSION:

FALL CREEK SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 26, Twp 19N, Rge 03E, B.M., VALLEY County

PLACE OF USE: AESTHETIC STORAGE & RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
19N 03E 26															X		
															L 4		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2006**.
2. Subject to all prior water rights.
3. 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.
4. The availability of water for this right is subject to all prior water rights of Lake Reservoir Co.
5. Aesthetic & recreation storage purposes are for a small pond not to exceed 2.3 af in size.
6. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
7. 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 20th day of January, 2005


for KAREL J DREHER, Director

RECEIVED

SEP 10 2004

FORM 202
12/99

WATER RESOURCES
WESTERN REGION

Ident. No. 65-22919

RECEIVED

2005

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant J.B. Scott Phone (208) 424-3840

Mailing address PO Box 70001, Boise, Idaho 83707-0101

2. Source of water supply Fall Creek which is a tributary of Payette Lake

3. Location of point of diversion is Township 19N Range 3E Sec. 26, in the --- 1/4,
SE 1/4, SE 1/4, Govt. Lot ---, B.M., Valley County;

additional points of diversion if any: ---

4. Water will be used for the following purposes:

Amount 90gpm for diversion to storage purposes from 1/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 3.5 for aesthetic/recreation purposes from 1/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount --- for storage purposes from --- to --- (both dates inclusive)
(cfs or acre-feet per annum)

Amount --- for --- purposes from --- to --- (both dates inclusive)
(cfs or acre-feet per annum)

Amount --- for --- purposes from --- to --- (both dates inclusive)
(cfs or acre-feet per annum)

Amount --- for --- purposes from --- to --- (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 90gpm and/or (b) 3.5
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source diversion ditch to pipe to pond,
outlet for return flow to creek

b. Height of storage dam berm feet; active reservoir capacity 3.5 acre-feet; total
reservoir capacity 3.5 acre-feet

c. Proposed well diameter is --- inches; proposed depth of well is --- feet

d. Is ground water with a temperature of greater than 85°F being sought? ---

e. If well is already drilled, when? ---; Drilling firm ---;

Well was drilled for (well owner) ---; Drilling Permit No. ---

7. Time required for completion of works and application of water to proposed beneficial use is 01 years (minimum 1 year)

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

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

b. Stockwatering; list number and kind of livestock. ---

c. Municipal; show name of municipality. ---

d. Domestic; show number of households. ---

e. Other; describe fully. personal use of small pond developed about 1990

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	
19N	3E	26															X		
																	L.4		

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. none

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

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

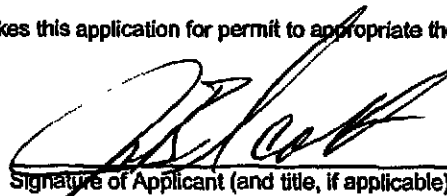
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: prior agreement for use of ditch in 65-2923 rights

12. Remarks: _____

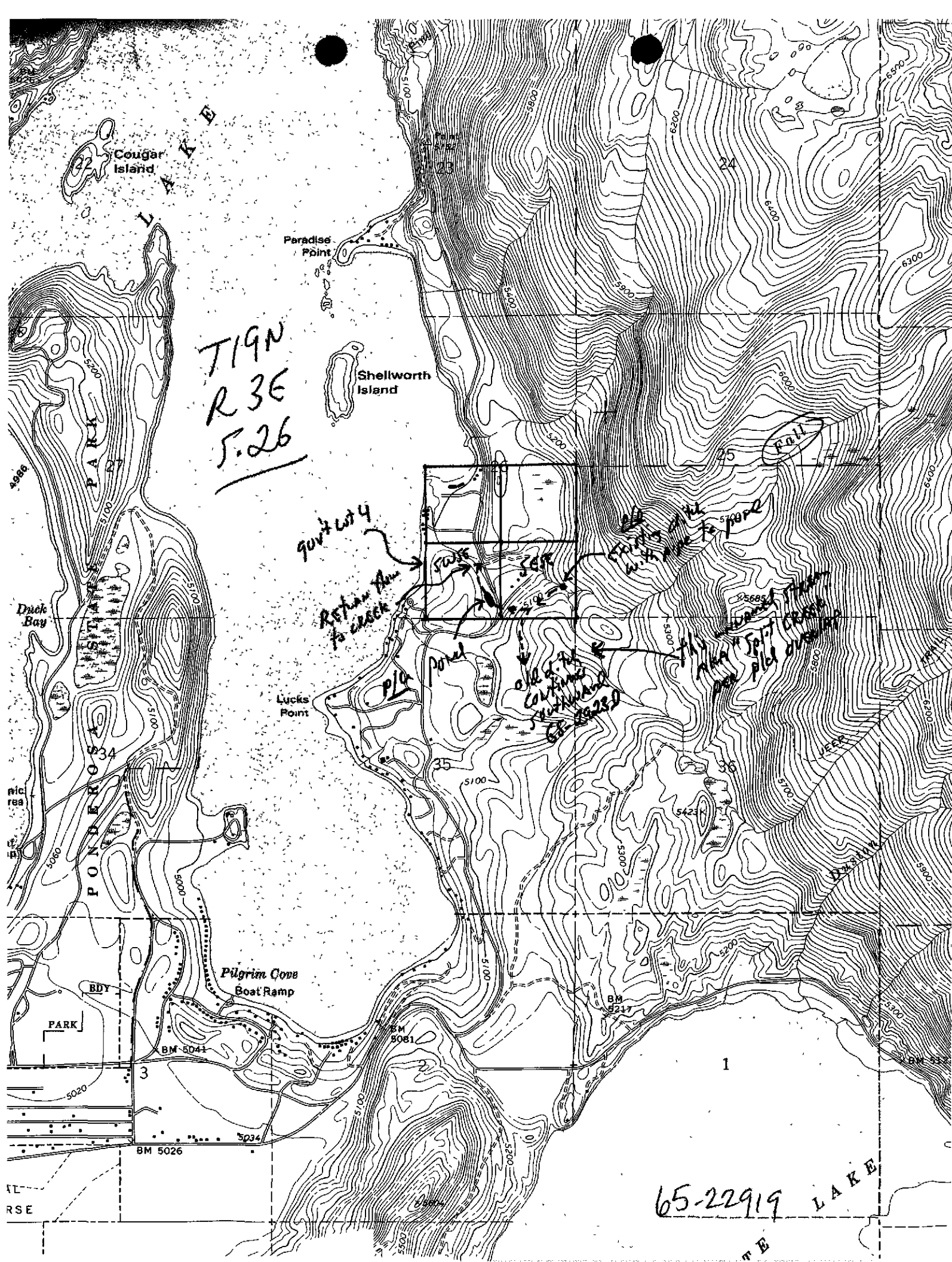
Pond covers .5 acre, about 7' average depth. Return flow to creek
in SWSE Section 26.

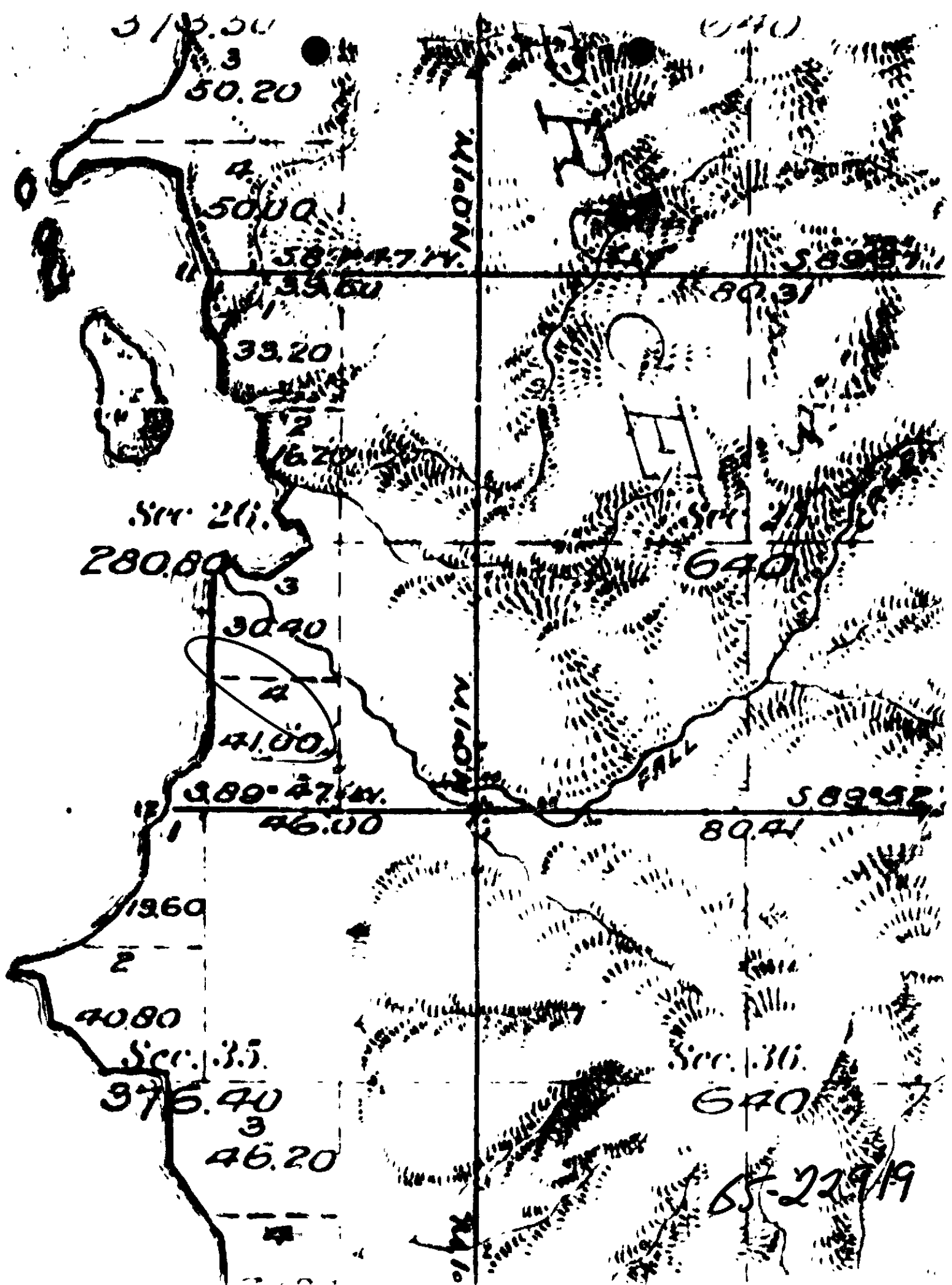
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.


Signature of Applicant (and title, if applicable)

Received by DB Date 9-10-04 Time 2:00 pm Preliminary check by JR
Fee \$ 100- Receipted by DB # W032217 Date 9-10-04
Publication prepared by sk Date 12-16-04 Published in STAR NEWS
Publication approved sk Date 1-6-05

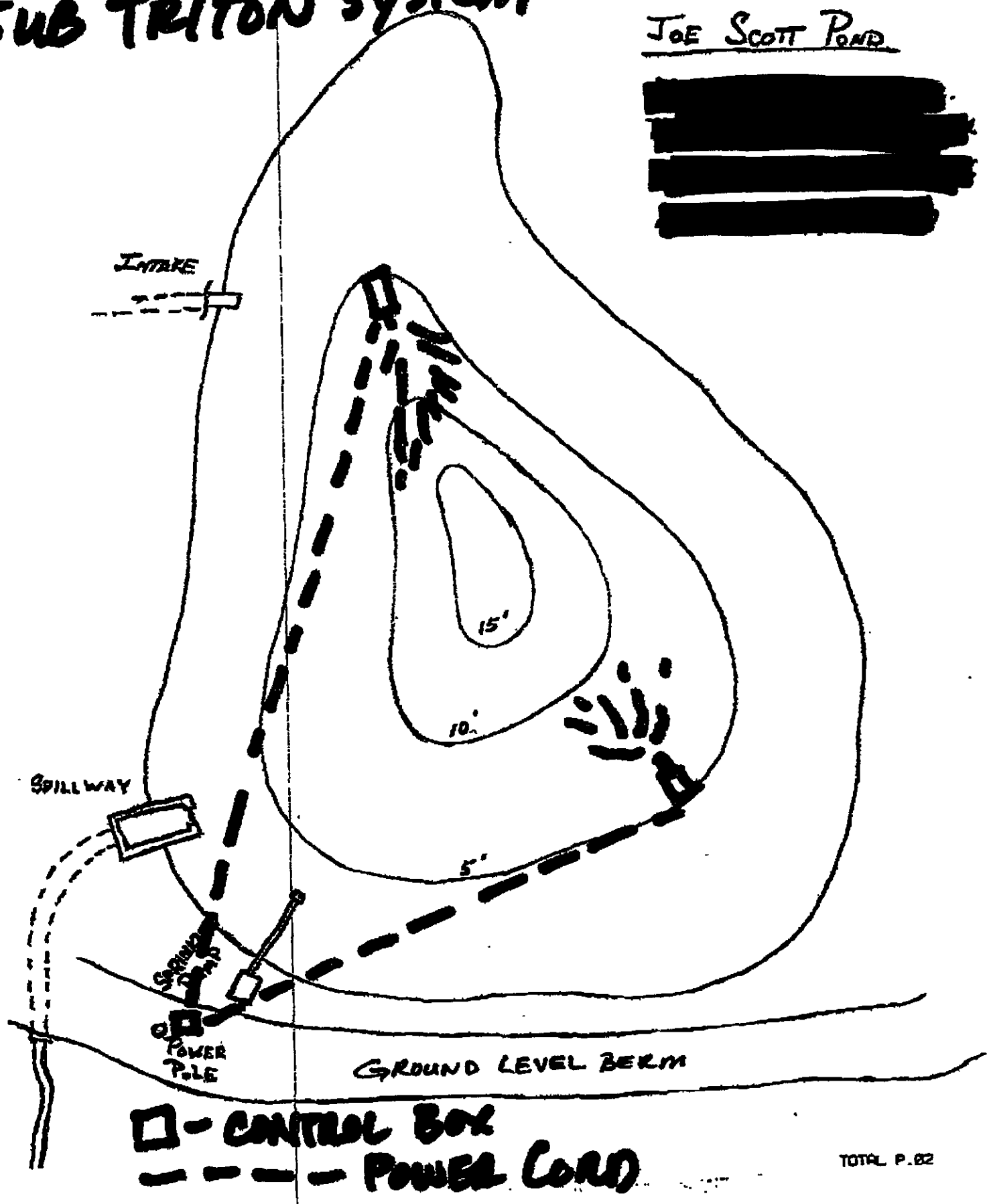




SUB TRITON SYSTEM

JOE SCOTT POND

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



TOTAL P.02

65-22919

TOTAL P.03

Report for
JOE SCOTT POND
McCall, Idaho

GENERAL OBSERVATIONS

Location: The pond is located on the along the county road on the East side of Payette Lake in Sections 26 and 35, T. 19 N., R. 3 E., BB&M.

Physical Dimensions:

Area - Water Surface 20,000 S.F. (0.4+ Ac.) maximum

Depth - 14 Ft. maximum

6-7 Ft. average

Water Volume - 100,000 Cubic Feet (2.3 Acre Feet)

History: The pond was constructed in 1990 by excavation of an area of high water table, using the material excavated to construct levee embankments. The pond was then filled by utilizing a gravity source, that entered the property at the pond site. As the water supply diminished and eventually ceased flowing, the pond level receded, and at some point in time reached equilibrium, probably at ground water level. That condition existed from winter until the present.

RECEIVED

SEP 10 2004

WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant J.B. Scott
Mailing Address PO Box 70001
Boise, Idaho 83707-0101
Application No. _____
(if known)

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

XX WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature



Date

9-2-04

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 21, 2005

J B SCOTT
PO BOX 70001
BOISE ID 83707-0101

RE: Permit No. 65-22919

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.

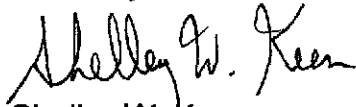
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

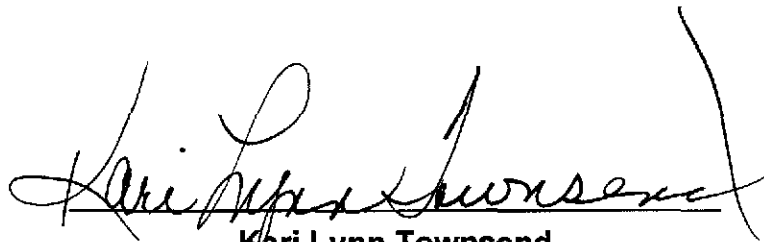
CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2005 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.

65-22919

**J B SCOTT
PO BOX 70001
BOISE ID 83707-0101**



**Kari Lynn Townsend
Secretary**

**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).

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.

Comment Report

65-22919

1. slester 12/2/2004 2:11:13 PM Additional Information Supporting Application

Comment:

Mitigation Plan or acceptance form: Attached

2. slester 12/2/2004 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed for an existing pond filled from an existing irrigation ditch. Development was completed about 1990.

3. slester 12/2/2004 Comment/Analysis

Comment: *If approved, allow 3.5 af of storage despite other notes in application suggesting a somewhat smaller pond. The requested amount is reasonable and allows for some margin of error in estimating such situations. The pond is filled by an existing irrigation ditch developed under older rights previously held by applicant and other owners. A pipe from the ditch carries water to the pond. Existing ditch information was documented several years ago in Transfer 66135 & Permit 65-13724 for same applicant. P/D overlap lists 65-2923D for other property & other owner. That right covers an unnamed stream locally known and listed in database as Split Creek. That source is tributary to Fall Creek - there is no constructed diversion from Split Creek to Fall Creek. The old ditch common to 65-2923D and 65-22919 diverts from Fall Creek. That is why it is reflected in database as 65-2923D from Split Creek and 65-22919 from Fall Creek. SCA approval may be needed for return flow to Fall Creek in 65-22919.*

4. kwalker 1/18/2005 Permit Review

Comment: This permit does not fall within any problem areas. The developed pond is around 2.3 af in size, permit includes additional volume so can refill if necessary. Recommend approval.

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by JL Date 12/2/04 Application # 65-22919

REQUIRED INFORMATION

☒ Name (for corporation or partnership, names & addresses for director, officers, &/or other partners must be included)
☒ Address
☒ Source (see USGS quad for source names)
☒ P/D (10 acres for spring, lot & block descriptions for subdivisions, local name)
☒ County
☒ Quantity (flow & /or volume) List 90 gpm = .20 cfs, OK AS FILED
☒ Period of use
☒ Nature of use (list details in appl. Item 8 if non-irrigation)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ P/U
☒ Map (show T, R, S, QQ &/OR QQQ)
☒ Subdivision plat (if > 1 home restricted area ≥ 5 homes non-restricted area)
☒ Signature (if corporation, partnership, municipality, need title of signatory)
☒ Correct fee paid

RECEIVED
JAN 11 2005
IDAHO DEPARTMENT OF WATER RESOURCES
Government Lots
N P/D
y P/U

ADDITIONAL INFORMATION

ADVERTISE REMARKS

☒ YES ☐ NO

YES NO

☒ ☐ P/D overlap (explain) - see Comments e 65-2923D "Split Case"
☒ ☐ P/U overlap (explain)
☒ ☐ Critical groundwater area (send letter)
☒ ☐ Ground water management area (send letter)
☒ ☐ Drilling concern area (send letter)
☒ ☐ 1992 moratorium (send letter)
☒ ☐ Surface water source, IDFG comment letter
☒ ☐ Protected river or minimum flow reach, notify water planning bureau
☒ ☐ E-mail to Dam Safety staff (if any storage) - sent 12/2/04
☒ ☐ Mitigation plan: "request to process form" in file:
☒ ☐ Immediate = closed areas, acceptable plan required & submitted
☒ ☐ Future = open areas, plan not required
☒ ☐ Send power requirement letter &/or fish farm requirement letter
☒ ☐ Power residency affidavit
☒ ☐ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (if YES, attach large diversion supplementary analysis sheet)
☒ ☐ REQUEST ADDITIONAL INFORMATION FROM APPLICANT

Date Requested _____ Date Response Received _____

PROCESSING

APPLICATION # 65-22919

YES NO

☒ ☒ In form for advertising
☒ ☒ Statewide advertising (> 10 cfs &/or 1000 af)
☒ ☒ Fee amount, receipt number, & date recorded on application

COMMENT LETTERS

YES NO

☒ ☒ IDEQ } *no replies*
☒ ☒ IDFG
☒ ☒ IDL
☒ ☒ IDWR Water Planning Bureau

YES NO

☒ ☒ US BLM
☒ ☒ US Forest Service
☒ ☒ Water Dist # 65 *sent 12-10-04 need 12-13-04*
☒ ☒ Other - list here or attach information

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☒ Affidavit of publication received
☒ ☒ Application published correctly? If not, record action taken _____

☒ ☒ Publication dates & paper recorded on application

☒ ☒ Final date for protest 1-3-05

☒ ☒ Protests received

☒ ☒ Recommendations attached

☒ ☒ Measuring device required - *future, might be needed*

☒ ☒ Water delivered by water master? District # 65

☒ ☒ Special conditions of approval or cover letter

std. conditions - allow 1 year - controllable div. water - remains subject to MGRS.*

device requirement at P/O: below pump prior to return flow - " " " SCA approval

for return flow to Fall Creek - water dist 65 conditions - possible future mitigation also. ←

Recommended Date of Priority 9-10-2004

Recommendation ☒ Approve ☐ Deny by *[Signature]* Date 11/7/05

ADDITIONAL INFORMATION *plus: no new development authorized (sewage system)*

☒ See attached proof report, note Legal Notice Remarks &/or Comments

☒ Shapefile completed (optional: attach with proof report)

- fill/retill & pump → "div. to storage"

- storage not subject to dam safety certification.

* controllable = lockable/adjustable

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22919

WATER RIGHT NUMBER. 65-22919

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J B SCOTT PO BOX 70001 BOISE, ID 83707-0101 (208)424-3840

Priority Date: 09/10/2004

Basis.

Status: Active

<u>Source</u>	<u>Tributary</u>
FALL CREEK	PAYETTE LAKE

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DIVERSION TO STORAGE	01/01 to 12/31	0 200 CFS	
AESTHETIC STORAGE	01/01 to 12/31		3 50 AF
RECREATION STORAGE	01/01 to 12/31		3 50 AF
	<u>Total Diversion</u>	0 200 CFS	

Location of Point(s) of Diversion

FALL CREEK	SE1/4SE1/4	Sec 26, Twp 19N, Rge 03E, B M
VALLEY County		

Place of Use

AESTHETIC STORAGE, RECREATION STORAGE

both ←

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	03E	26															X		
																	L 4		

Comments.

1 slester 12/2/2004 2 11 13 P M Additional Information Supporting Application

Comment.

Mitigation Plan or acceptance form: Attached

2 slester 12/2/2004 Legal Notice Remarks

Comment Applicant agrees to mitigate consumptive use in the future as needed for an existing pond filled from an existing irrigation ditch. Development was completed about 1990.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22919

3 slester 12/2/2004 Comment/A nalysis

Comment: If approved, allow 3.5 af of storage despite other notes in application suggesting a somewhat smaller pond. The requested amount is reasonable and allows for some margin of error in estimating such situations. The pond is filled by an existing irrigation ditch developed under older rights previously held by applicant and other owners. A pipe from the ditch carries water to the pond. Existing ditch information was documented several years ago in Transfer 66135 & Permit 65-13724 for same applicant. P/D overlap lists 65-2923D for other property & other owner. That right covers an unnamed stream locally known and listed in database as Split Creek. That source is tributary to Fall Creek - there is no constructed diversion from Split Creek to Fall Creek. The old ditch common to 65-2923D and 65-22919 diverts from Fall Creek. That is why it is reflected in database as 65-2923D from Split Creek and 65-22919 from Fall Creek. SCA approval may be needed for return flow to Fall Creek in 65-22919.

Dates and Other Information

Application Received Date 9/10/2004

Application Denied Date

Last Date of Beneficial Use

Extension End Date

Protest Deadline Date:

Number of Protests 0

Enlargement Use Priority Date

Enlargement Statute Priority Date

State or Federal

Owner Name Connector

Water District Number: 65

Generic Max Rate Per Acre

Generic Max Volume Per Acre

Application Type New Appropriation

Applicant Remarks: Pond covers 0.5 acre, about 7 ft average depth. Return flow to creek in SWSE, S26.

Other Water Rights

Time to Complete Works 1

Transfer Affected Description

Transfer Affected Contracts

Old Transfer Number

Transfer Reason

Transfer Return Flows

Swan Falls Trust or Nontrust.

Swan Falls Dismissed:

DLE Act Number

Carey Act Number

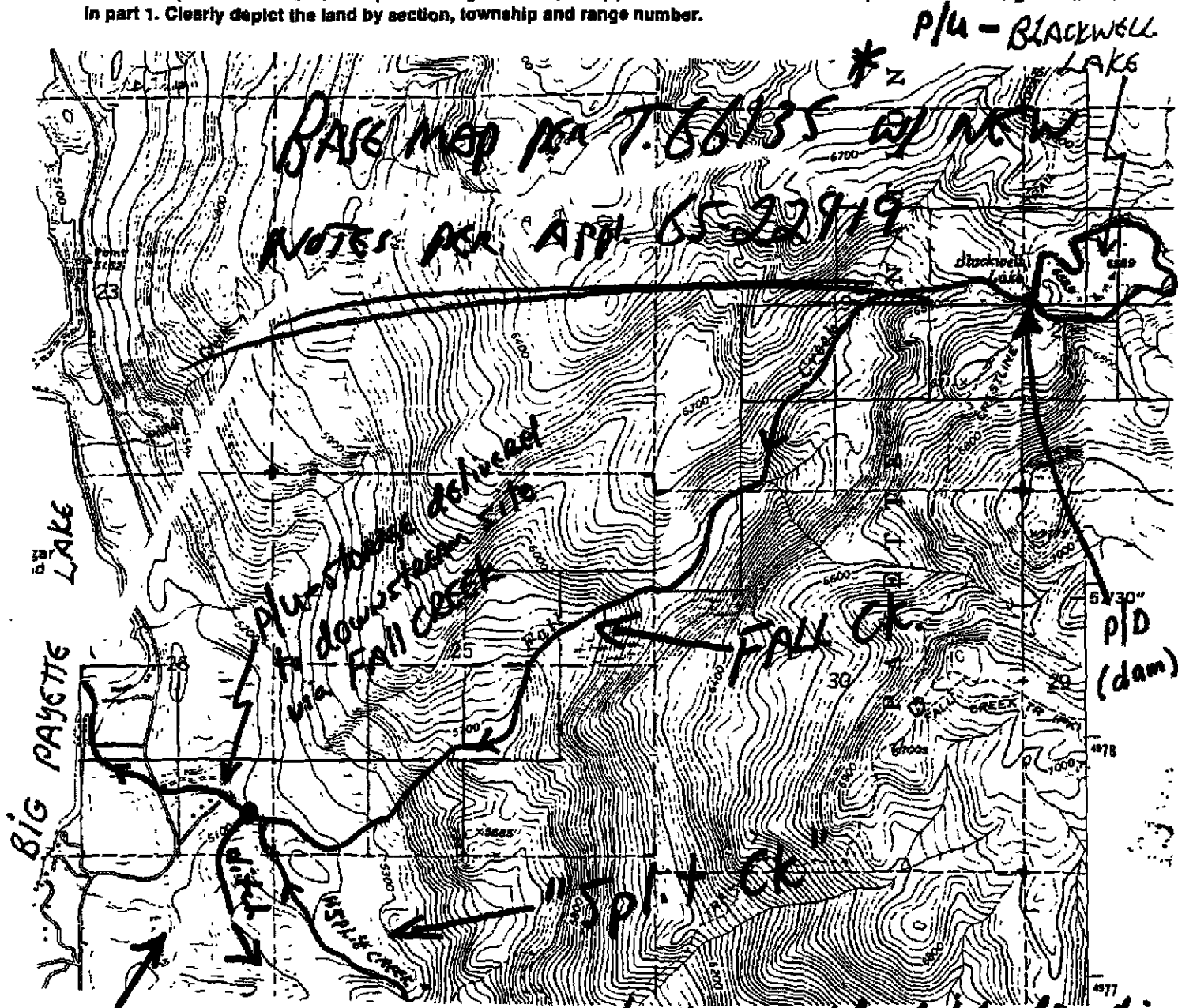
Mitigation Plan False

Combined Use Limits:

also see attached map
copied from T. 66135

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 rights described in part 1. Clearly depict the land by section, township and range number.



P/D 65-29230 "split ck" actually an old d.t. diverting from FALL CK. But captures "split ck" flow just past its mouth
P/D in SWNW S. 20

P/U in SWNW, SENW, NWSW S. 20 (Storage)

SESE S. 26 (use from storage)

INFO PER T. 66135 & APR. 65-13724 e JB Scott

-FL
12/2/64

Publisher's Affidavit of Publication

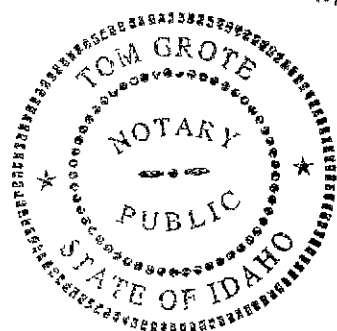
STATE OF IDAHO }
County of Valley } .SS

I, Carol J. Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho, that said newspaper is in general circulation in the county of afore said and is a legal newspaper, that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement, and that publication of such notice began December 16, 2004 and ended December 23, 2004

Carol J. Wright
Subscribed and sworn before me this the 23rd day of December, 2004
STATE OF IDAHO

COUNTY OF VALLEY }
}

On this 23rd day of December, in the year of 2004, before me, a Notary Public, personally appeared Carol J. Wright, 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



Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 2/8/06

RECEIVED

DEC 27 2004

WATER RESOURCES
WESTERN REGION

THE FOLLOWING APPLICATION(S) HAVE BEEN FILED TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO:

65-22911
WHITETAIL A CLUB FOR ALL SEASONS LLC, ONE MARKET PLACE 33RD FLOOR, SAN DIEGO CA 92101

Point(s) of Diversion SENE S12 T18N R02E VALLEY County Source GROUND WATER Point(s) of Diversion NWSE S12 T18N R02E VALLEY County Source GROUND WATER Point(s) of Diversion SENE S12 T18N R02E VALLEY County Source GROUND WATER

Use WILDLIFE STORAGE 01/01 To 12/31 60 AFA

Use RECREATION STORAGE 01/01 To 12/31 60 AFA

Use FIRE PROTECTION 01/01 To 12/31 60 AFA
STORAGE

Use AESTHETIC STORAGE 01/01 To 12/31 60 AFA

Use AESTHETIC FROM 01/01 To 12/31 60 AFA

STORAGE
Use DIVERSION TO STORAGE 01/01 To 12/31 1 CFS

Total Diversion: 1 CFS
Date Filed: 08/16/2004

Place Of Use FIRE PROTECTION STORAGE

T18N R02E S12 SENE
T18N R03E S7 SWNW Lot 2

Place Of Use WILDLIFE STORAGE
T18N R02E S12 SENE
T18N R03E S7 SWNW Lot 2

Place Of Use RECREATION STORAGE
T18N R02E S12 SENE
T18N R03E S7 SWNW Lot 2

Place Of Use AESTHETIC FROM STORAGE
T18N R02E S12 SENE
T18N R03E S7 SWNW Lot 2

Place Of Use AESTHETIC STORAGE
T18N R02E S12 SENE
T18N R03E S7 SWNW Lot 2

Remark Proposes to use 3 existing wells to fill Annie Lake and recirculate some of that water between Annie and Whitetail Lakes. Applicant agrees to mitigate consumptive use in the future as needed

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 01/03/2005. The protestant

must also send a copy of the protest to the applicant.

KARL J DREHER, Director
The following application(s) have been filed to appropriate the public waters of the State of Idaho.

65-22919
J B SCOTT
PO BOX 70001
BOISE ID 83707-0101

Point(s) of Diversion SESE S26 T19N R03E VALLEY County
Source FALL CREEK
Tributary To PAYETTE LAKE

Use RECREATION STORAGE 01/01

must also send a copy of the protest to the applicant.

KARL J DREHER, Director
The following application(s) have been filed to appropriate the public waters of the State of Idaho:

65-22912
JUG MOUNTAIN RANCH LLC
C/O MILLEMANN PITTENGER
MC MAHAN & PEMBERTON
PO BOX 1066
MC CALL ID 83638

Point(s) of Diversion NESW S12 T17N R03E VALLEY County
Source WILHELM CREEK
Tributary To BOULDER CREEK

Use WILDLIFE STORAGE 01/01 To 12/31 100 AFA

Use RECREATION STORAGE 01/01 To 12/31 100 AFA

Use AESTHETIC STORAGE 01/01 To 12/31 100 AFA

Total Diversion: 100 AFA
Date Filed: 08/25/2004

Place Of Use: AESTHETIC STORAGE
T17N R03E S12 SWNW SENW NESW NWSW

Place Of Use WILDLIFE STORAGE
T17N R03E S12 SWNW SENW NESW NWSW

Place Of Use RECREATION STORAGE
T17N R03E S12 SWNW SENW NESW NWSW

Remark. Proposes non-consumptive uses of water already stored under an existing irrigation right for Jussila Bow

Reservoir Dam or reservoir expansion is not proposed.

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 01/03/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
The following application(s) have been filed to appropriate the public waters of the State of Idaho.

65-22919
J B SCOTT
PO BOX 70001
BOISE ID 83707-0101

Point(s) of Diversion SESE S26 T19N R03E VALLEY County
Source FALL CREEK
Tributary To PAYETTE LAKE

Use RECREATION STORAGE 01/01

✓ sk
over-

To 12/31 3.5 AFA

Use AESTHETIC STORAGE 01/01 To
12/31 3.5 AFA

Use DIVERSION TO STORAGE 01/01
To 12/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 09/10/2004

Place Of Use AESTHETIC STORAGE

T19N R03E S26 SWSE Lot 4

Place Of Use RECREATION STORAGE

T19N R03E S26 SWSE Lot 4

Remark Applicant agrees to mitigate
consumptive use in the future as needed for
an existing pond filled from an existing irrigation
ditch. Development was completed about
1990

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 01/03/2005. The protestant
must also send a copy of the protest to the applicant.

KARL J DREHER, Director

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

65-22922

LOU T SWINEHART

3120 CRESCENT RIM DR #201

BOISE ID 83706

BARBARA J BARSNESS

1197 N ELKRIVER WAY

EAGLE ID 83616

Point(s) of Diversion L4 (SENE) S3 T18N
R03E VALLEY County Source GROUND
WATER

Use DOMESTIC 01/01 To 12/31 0.08
CFS

Total Diversion 0.08 CFS

Date Filed 12/02/2004

Place Of Use: DOMESTIC

T18N R03E S3 SENE Lot 4

Remark: Domestic use is for 2 homes and
yards in Pilgrim Cove Subdivision

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 01/03/2005. The protestant
must also send a copy of the protest to the applicant.

KARL J DREHER, Director. 2tc12/23

12-04

State of Idaho
Department of Water Resources

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DEC 1 2004
WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No: 65-22919

Applicant's Name: J. B. Scott

Watermaster's Recommendation

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as follows: To be under control of Water District No. 65 and subject to Annual Assessments and Water Bank, Rental Pool Fees,
Since surface evaporation loss will constitute consumptive use.

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

d) Additional Comment: _____

Watermaster

Dated this 9th day of December, 2004

Water District No. 65

Ron Shurtleff
Ron Shurtleff, Watermaster

Use reverse side of page if you need more space

Kreger (Taylor), Sue

To: Waterdist65@srvinet.com
Subject: comment letters

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

December 10, 2004

RON SHURTLEFF
WATER DISTRICT 65
102 N MAIN
PAYETTE ID 83661

Re: Application(s) for Water Right

Dear Ron:

Attached are copies of one or more applications. Also attached is a form for your recommendation concerning these application(s).

Please review the application(s) that are in your area. We must have your comments within two weeks. If you have any questions or need information, feel free to contact this office at 334-2190.

Sincerely,



65-22903.pdf



65-22904.pdf



65-22919.pdf



Copy of
commendation of Wa

Sue Kreger
(208) 334-2190
Id Dept Water Resources
Sue.Kreger@idwr.idaho.gov

Kreger (Taylor), Sue

To: dgruenhagen@idl.state.id.us
Subject: comment letter

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

December 10, 2004

ID DEPT OF LANDS
DAVE GRUENHAGEN
PO BOX 83720
BOISE ID 83720

Dear Mr. Gruenhagen:

Attached are copies of one or more applications that may be of interest to you. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by January 3, 2005.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,

Sue Kreger
Administrative Assistant
(208) 334-2190
Id Dept Water Resources
Sue.Kreger@idwr.idaho.gov



65-22919.pdf

Kreger (Taylor), Sue

To: eleitzin@idfg.state.id.us
Subject: comment letters

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

December 8, 2004

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

Enclosed is a copy(s) of an application(s) for permit. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by January 3, 2005.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,

Sue Kreger
(208) 334-2190
Id Dept Water Resources
Sue.Kreger@idwr.idaho.gov



2-10264.pdf



63-32010.pdf



65-22903.pdf



65-22904.pdf



65-22919.pdf



67-14500.pdf

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

December 08, 2004

Legal Notice Department

STAR NEWS

1000 1ST ST

MC CALL ID 83638

RE: Applications for Permit No. 65-22911, 65-22912, 65-22919 and 65-22922

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 01/03/2005. Your cooperation is appreciated

Sincerely

Sue Kreger

Administrative Assistant

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

65-22919

J B SCOTT
PO BOX 70001
BOISE ID 83707-0101

Point(s) of Diversion SESE S26 T19N R03E VALLEY County Source FALL CREEK

Tributary To PAYETTE LAKE

Use RECREATION STORAGE 01/01 To 12/31 3.5 AFA

Use AESTHETIC STORAGE 01/01 To 12/31 3.5 AFA

Use DIVERSION TO STORAGE 01/01 To 12/31 0.2 CFS

Total Diversion. 0.2 CFS

Date Filed 09/10/2004

Place Of Use AESTHETIC STORAGE

T19N R03E S26 SWSE Lot 4

Place Of Use RECREATION STORAGE

T19N R03E S26 SWSE Lot 4

Remark Applicant agrees to mitigate consumptive use in the future as needed for an existing pond filled from an existing irrigation ditch. Development was completed about 1990.

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 01/03/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Star News on December 16 and 23 2004

J. B. SCOTT
501 BAYBROOK COURT
BOISE, IDAHO 83706

PO Box 70001 • BOISE, IDAHO 83707-0101
(208) 424-3840 • FAX (208) 424-3850

RECEIVED

SEP 10 2004

WATER RESOURCES
WESTERN REGION

September 9, 2004

Mr. Steve Lester
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

RE Application for Permit

Dear Steve

A short time back, you and I met to discuss a diversion to storage of water from Fall Creek for a pond on the JB Scott property in Valley County near McCall, Idaho.

Enclosed is the Application for Permit form along with the application fee of \$100.00. Please proceed with processing this application.

Thank you for your assistance in this matter. Please call me at 208-424-3865, if there are any questions.

Sincerely,


Dennis Moyer

enclosure

cc JBS
Jim Crawford