

T18N,
R03E,
Sec. 2

Pilgrim Cove
Boat Ramp

POB. &
POD

gov't lot 4

PAYETTE
ELEVATION 5119

LITTLE

LAKE

Borrow Pit

Cruickshank Reservoir

Fork
Dam
Gaging Station

CANAL

x5191

TO MARKET

Corral Lake

ROAD 5036

65-22880

NW

410



"PILGRIM
Cove"
Camp"

PAYETTE

LAKE

T18N,
R03E,
Sec. 2

GOV'T LOT 4
17.20 ac

Shady Beach Sub
Lot 4

Shady Beach Sub
Lot #3

Easements
Bk. 10 Pg. 178
Bk. 10 Pg. 181

GOV'T LOT 3
30.20 ac

Survey 3-23
Survey 5-354

6 ft. Easement
Bk. 37 Pg. 485

Tax No. 50
2.805 ac

Surveys 1-31
2-93
3-7

Survey 3-210

GLENCOVE

SUBDIVISION

SHADY BEACH

COMMUNITY

SHADY BEACH
SUBDIVISION

COMMON AREA

LICK CREEK

17

W4

Easements
Inst. No. 191488
Inst. No. 256738

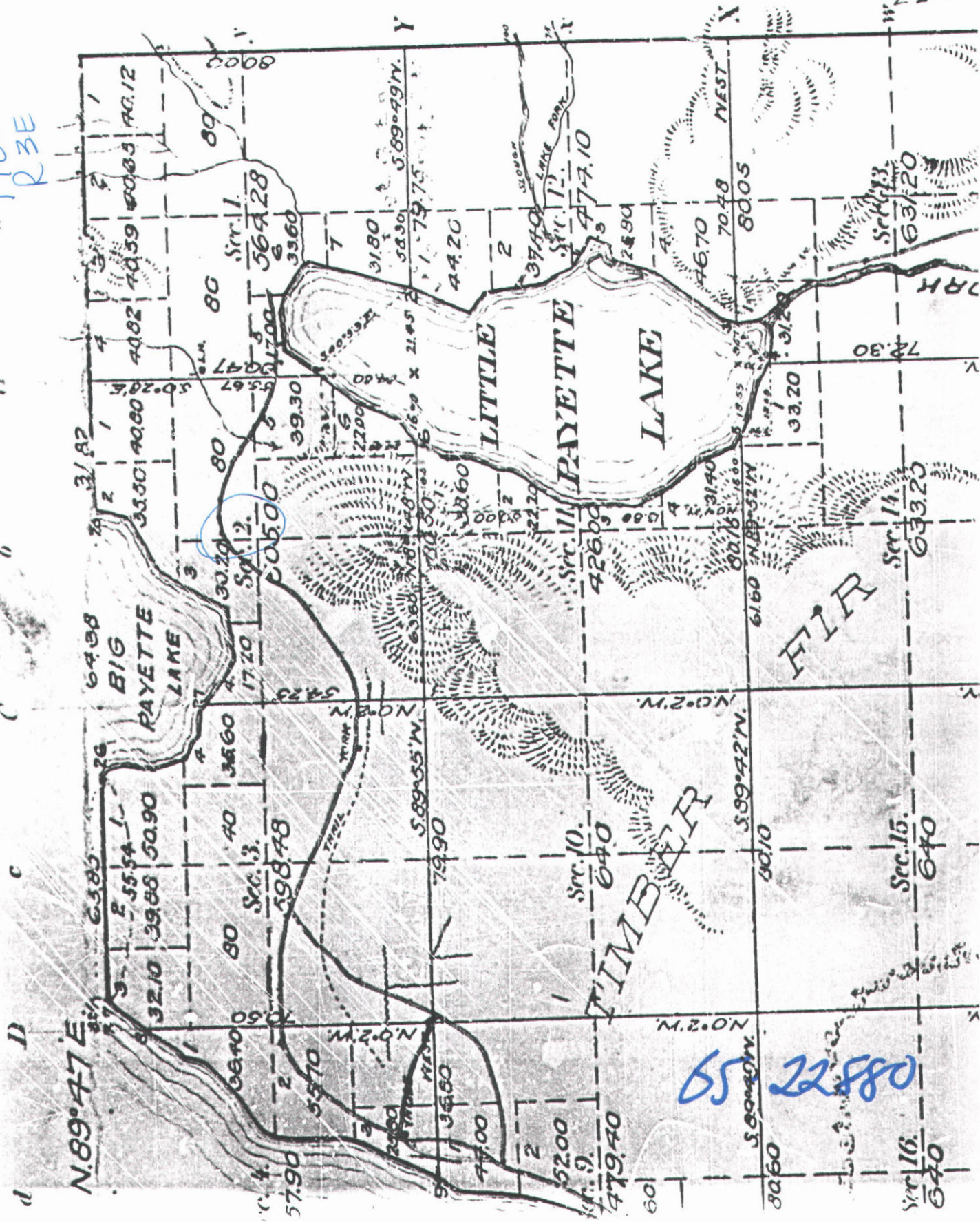
CREEK ROAD

65-22880

13481 of 13481

T8N
R3E

Meander
Picks
Contours



65 22580

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 June 17, 2004 and ended June 24, 2004.

Carol J. Wright

Subscribed and sworn before me this the 24th day of June, 2004.
STATE OF IDAHO

COUNTY OF VALLEY

}

On this 24th day of June, 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
JUN 28 2004
WATER RESOURCES
WESTERN REGION

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

65-22880
TERRY L. GUSTAVEL, 5532 RANDOLPH
DR., BOISE ID 83705
Point(s) of Diversion L4 (SWNW) S2
T18N R03E VALLEY County Source
PAYETTE LAKE
Tributary To NORTH FORK PAYETTE
RIVER
Use: IRRIGATION 06/01 To 10/01 0.02
CFS

Total Diversion: 0.02 CFS
Date Filed: 04/05/2004
Place Of Use: IRRIGATION
T18N R03E S2 SWNW Lot 4
Number of Acres: 0.3

Remark: 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 ap-
plication 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
07/06/2004. The protestant must also send a
copy of the protest to the applicant.
KARL J DREHER, Director 2/6/24

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22880

Priority. April 05, 2004

Maximum Diversion Rate 0.02 CFS

This is to certify, that TERRY L GUSTAVEL
5532 RANDOLPH DR
BOISE ID 83705

has applied for a permit to appropriate water from:

Source: PAYETTE LAKE

Tributary: NORTH FORK PAYETTE RIVER

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

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/15 to 10/31

RATE OF DIVERSION

0.02 CFS

LOCATION OF POINT OF DIVERSION:

PAYETTE LAKE L4 (SW¼NW¼) Sec 2, Twp 18N, Rge 03E, B M , VALLEY County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
18N	03E	2							.3										.3
									L 4										
Total Acres			0.3																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before July 01, 2005.
2. Subject to all prior water rights
3. Point of diversion and place of use are located within Lot 4, Shady Beach Subdivision.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
5. 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
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above
7. The availability of water for this right is subject to all prior water rights of Lake Reservoir Co
8. When water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate the depletion of water caused by this water use

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 65-22880

9. 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 29th day of July, 2004

Gary Spackman
for KARL J DREHER, Director

FORM 202
12/99

RECEIVED

APR 05 2004

WATER RESOURCES
WESTERN REGION

Ident No.

65-22880

RECEIVED
JUL 21 2004
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 TERRY L. GUSTAVEL Phone (208) 315-7338

Mailing address 5532 RANDOLPH DR. BOISE, IDAHO 83705

2. Source of water supply PAYETTE LAKE which is a tributary of PAYETTE RIVER

3. Location of point of diversion is Township 18 N Range 03 E Sec. 2, in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Govt Lot 4 17.2 AC, B.M., VALLEY County,

additional points of diversion if any: NONE

4. Water will be used for the following purposes.

Amount 02 CFS for SPRINKLING, WATERING LAWN (Irrigation) purposes from JUNE 1 to OCT. 1 (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) 0.02 CFS and/or (b) N/A
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 SMALL HYDRO PUMP PLACED IN LAKE - 2 H.P. JET TYPE PUMP - 1 1/2" PVC (SLICK WALL) PIPE

NA b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet

NA 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? NO

NA e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No _____

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

NA 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 _____

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.

VALLEY COUNTY RESIDENCE AT SHADY BEACH

SUBDIVISION

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	03E	2							.25										.25 ACRE
									.24										

Total number of acres to be irrigated .25

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? TERRY & PATRICIA GUSTAVEL

b. Who owns the land to be irrigated or place of use? TERRY & PATRICIA GUSTAVEL

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

12. Remarks: REQUESTING TO IRRIGATE WITH SPRINKLER SYSTEM
USING A SMALL HYDRO PUMP PLACED IN PAYETTE
LAKE.

PLACE OF USE IS ALSO KNOWN AS LOT 4-SHADY BEACH
SUBDIVISION

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

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

Terry Gustavel DRS
 Signature of Applicant (and title, if applicable)

Received by KG

Date 4/5/04

Time 11:49

Preliminary check by RZ

Fee \$ 100.00

Received by KG

00031481

Date 4/5/04

Publication prepared by AK

Date 5-6-04

Published in

STAR NEWS

Publication approved AK

6-17-04

Date

7-2-04

T18N,
R03E,
Sec. 2

Pilgrim Cove
Boat Ramp

POW.
POD

BM 5041

BM 5081

BM 5217

BM 5026

gov't lot 4

Borrow Pit

PAVETTA
RESERVOIR

Cruickshank Reservoir

CANAL

Dam

Coaling Station

Fork

X5191

ROAD

5036

65-22880

NW

40 Sp. 1 C

PAYETTE

LAKE

"PILGRIM
COVE"
CAMP

Shady Beach
Lots 3 & 3a

Survey 1-31

Easements
Bk. 10 Pg. 178
Bk. 10 Pg. 181

GOVT LOT 4
17.20 ac

GOVT LOT 3
30.20 ac

Survey 3-23
Survey 5-354

6 ft. Easement
Bk. 37 Pg. 485

Tex. No. 50
2,805 ac

Surveys 1-31
1-37
2-83
3-7

Survey 3-210

GLENCOVE

SHADY BEACH

SUBDIVISION

COMMUNITY

LICK CREEK

17

W4

Easements
Inst. No. 191488
Inst. No. 256738

REEK ROAD

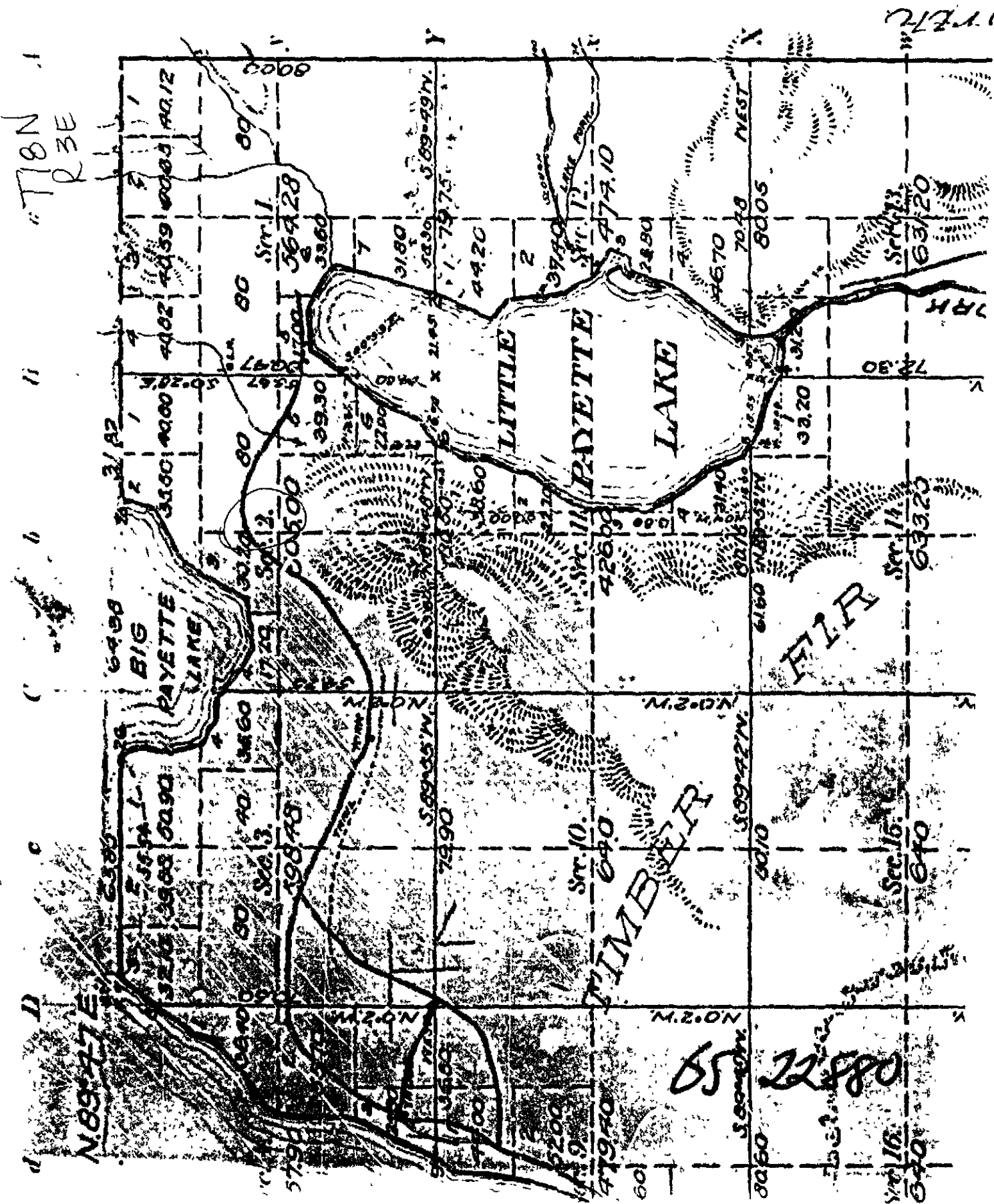
65-22880



T18N,
R03E,
Sec. 2

32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
Treat B																															
Treat A																															

Meander
Pace
Course



RECEIVED

APR 05 2004

WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS APPLICATION

Name of Applicant

TERRY L. & PATRICIA A. GUSTAVEL

Mailing Address

5532 RANDOLPH DRIVE
BOISE, IDAHO 83705

Check here if this is a new address. _____

Application No. _____

1. Processing options. Select one.

(A) _____ I do not wish to proceed with development of the water right as proposed in the application. I wish to withdraw my application. If my application was not advertised in the newspaper, please refund my application fee. (Be sure to sign below.)

(B) ☒ I wish to proceed with development of the water right as proposed in the application. I have completed the rest of this request form.

2. Mitigation options. Select one.

(A) ☒ I WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time. I will accept a condition of approval that will require mitigation should the Director 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.

(B) _____ I PROPOSE MITIGATION NOW

Yes, I want my application processed at this time. I will offer mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration. My mitigation plan is enclosed.

(C) _____ MY APPLICATION DOES NOT REQUIRE MITIGATION

Yes, I want my application processed at this time. I will provide documentation to demonstrate that mitigation is not required because my proposed appropriation protects and advances the local public interest, as determined by the Director, to a higher degree than anadromous fish migration considerations. My documentation is enclosed.

3. Ground Water applications only.

My application includes a ground water source. The water bearing zone to be appropriated is from _____ to _____ feet. (Do not complete item 3 if the water bearing zone is already described in your application.)

Signature

Tony L. Hunsaker DDS

Title (for organizations)

DDS

Date

4/1/04

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

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 30, 2004

TERRY L GUSTAVEL
5532 RANDOLPH DR
BOISE ID 83705

RE: Permit No. 65-22880

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.

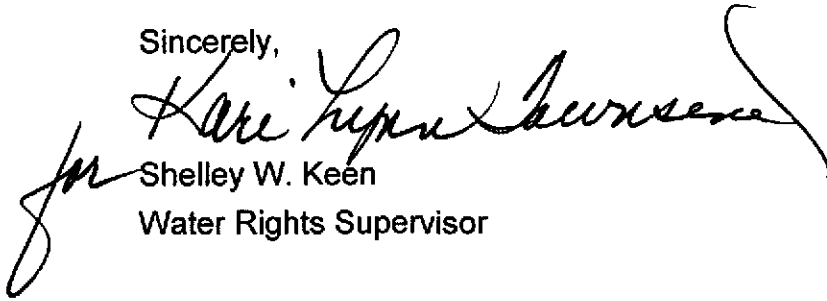
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 208-327-7946.

Sincerely,

for Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

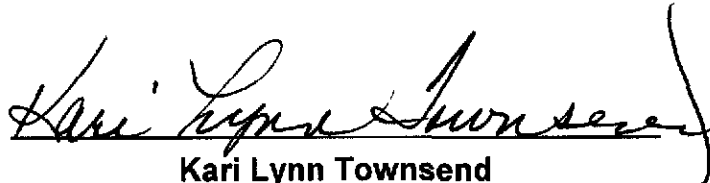
CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2004 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.

65-22880

**TERRY L GUSTAVEL
5532 RANDOLPH DR
BOISE ID 83705**


**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

65-22880

1. scurtis 4/27/2004 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.

2. scurtis 4/27/2004 Comment/Analysis

Comment: Also known as Lot 4, Shady Beach Subdivision.

3. kwalker 7/28/2004 Permit Review

Comment: Recommend standard irrigation season of use for this permit even though applicant chose a smaller season. Recommend approval per regional review.

RECEIVED
JUL 21 2004

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by [Signature] Date 4/27/04 Application # 65-22880

REQUIRED INFORMATION - See notes e bottom next page

☐ 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)
☐ 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

Government Lots
4 P/D
 P/U

ADDITIONAL INFORMATION

ADVERTISE REMARKS

X YES NO

YES NO

☐ ☒ P/D overlap (explain) } None for this property
☐ ☒ 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)
☒ ☐ 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 # 65-22880

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 REPLY*
☒ ☒ IDFG
☒ ☒ IDL
☒ ☒ IDWR Water Planning Bureau

YES NO

☒ ☒ US BLM
☒ ☒ US Forest Service
☒ ☒ Water Dist # 65 *rec'd 5-6-04*
☒ ☒ 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 5-24-04 7-6-04
☒ ☒ Protests received
☒ ☒ Recommendations attached
☒ ☒ Measuring device required
☒ ☒ Water delivered by water master? District # 65
☒ ☒ Special conditions of approval or cover letter

Approve as shown in d'base = proper meaning of original appl. info.
5th. conditions including WD #65 controls with possible meas. device if needed
in future, possible future mitigation, Property AKA Lot 4 Shady Beach Subd.

Recommended Date of Priority 4/5/2004

Recommendation ☒ Approve ☐ Deny by *[Signature]* Date 7/19/04

ADDITIONAL INFORMATION

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

☒ Shapefile completed (optional: attach with proof report)

Limit of irr. season requested - OK
Actual in c. .25 acre but OK treat as 0.3 acre per
standards.
Tributary correct in density - don't need to correct on Appl.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22880

WATER RIGHT NUMBER. 65-22880

Owner Type Name and Address
 Current Owner TERRY L GUSTAVEL
 5532 RANDOLPH DR
 BOISE, ID 83705
 (208)375-7338

Priority Date 04/05/2004

Basis.

Status: Active

Source Tributary
 PAYETTE LAKE * NORTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
* IRRIGATION	06/01 to 10/01	0.020 CFS	
	<u>Total Diversion</u>	0.020 CFS	

Location of Point(s) of Diversion

PAYETTE LAKE L4 (SW1/4NW1/4) Sec. 2, Twp 18N, Rge 03E, B.M
 VALLEY County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW *				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	03E	2							.3										3
									L 4										

Remarks:Comments:

1. scurtis 4/27/2004 Legal Notice Remarks
 Comment: Applicant agrees to mitigate consumptive use in the future as needed.

2. scurtis 4/27/2004 Comment/Analysis
 Comment: Also known as Lot 4, Shady Beach Subdivision

* don't need corrections on orig. appl. this date -
 - intent is clear
 - dept. standards used
 - gl

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22880

Dates and Other Information:

Application Received Date. 4/5/2004

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:

Generic Max Rate Per Acre

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks Requesting to irrigate with sprinkler system using a small hydro pump placed in Payette Lake.

Place of use is also known as Lot 4, Shady Beach Subdivision

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:

65

Base updated 4/28/04

Publisher's Affidavit of Publication

STATE OF IDAHO

.ss

County of Valley

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 June 17, 2004 and ended June 24, 2004.

Carol J. Wright

Subscribed and sworn before me this the 24th day of June, 2004
STATE OF IDAHO

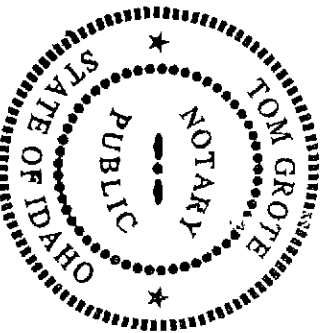
COUNTY OF VALLEY

}

On this 24th day of June, 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

JUN 28 2004

WATER RESOURCES
WESTERN REGION

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

65-22880
TERRY L GUSTAVEL, 5532 RANDOLPH
DR, BOISE ID 83705
Point(s) of Diversion L4 (SWNW) S2
T18N R03E VALLEY County Source
PAYETTE LAKE
Tributary To NORTH FORK PAYETTE
RIVER

CFS Use IRRIGATION 06/01 To 10/01 0.02

Total Diversion: 0.02 CFS

Date Filed 04/05/2004

Place Of Use IRRIGATION

T18N R03E S2 SWNW Lot 4

Number of Acres 0.3

Remark 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 ap-
plication 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
07/06/2004. The protestant must also send a
copy of the protest to the applicant.

KARL J DREHER, Director 2/6/24

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

June 15, 2004

Legal Notice Department
STAR NEWS
1000 1ST ST
MC CALL ID 83638

RE: Application for Permit No. 65-22880

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 07/06/2004. 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:

65-22880

TERRY L GUSTAVEL
5532 RANDOLPH DR
BOISE ID 83705

Point(s) of Diversion L4 (SWNW) S2 T18N R03E VALLEY County Source PAYETTE LAKE

Tributary To NORTH FORK PAYETTE RIVER

Use. IRRIGATION 06/01 To 10/01 0.02 CFS

Total Diversion. 0.02 CFS

Date Filed: 04/05/2004

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T18N R03E S2 SWNW Lot 4

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KARL J DREHER, Director

Published in the Star News on June 17 and 24, 2004.

State of Idaho
Department of Water Resources**RECOMMENDATION OF WATERMASTER**

RECEIVED

MAY 06 2004

WATER RESOURCES
WESTERN REGIONApplication No: 65-22880Applicant's Name: Terry L. Gustavel

Watermaster's Recommendation:

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

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

- d) Additional Comment: _____

Dated this 6th day of May, 2004

Water District No. 65



Ron Shurtleff, Watermaster

Use reverse side of page if you need more space.

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Wednesday, April 28, 2004 1:54 PM
To: 'eleitzin@idfg.state.id.us'
Cc: Kreger (Taylor), Sue
Subject: comment letters

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

April 28, 2004

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

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 May 24, 2004.

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
skreger@idwr.state.id.us



65-22880.pdf



79-14088.pdf



63-31878.pdf

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

April 28, 2004

Legal Notice Department
STAR NEWS
1000 1ST ST
MC CALL ID 83638

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Sincerely

Sue Kreger
Administrative Assistant

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5532 RANDOLPH DR
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KARL J DREHER, Director

Published in the Star News on May 6 and 13, 2004.