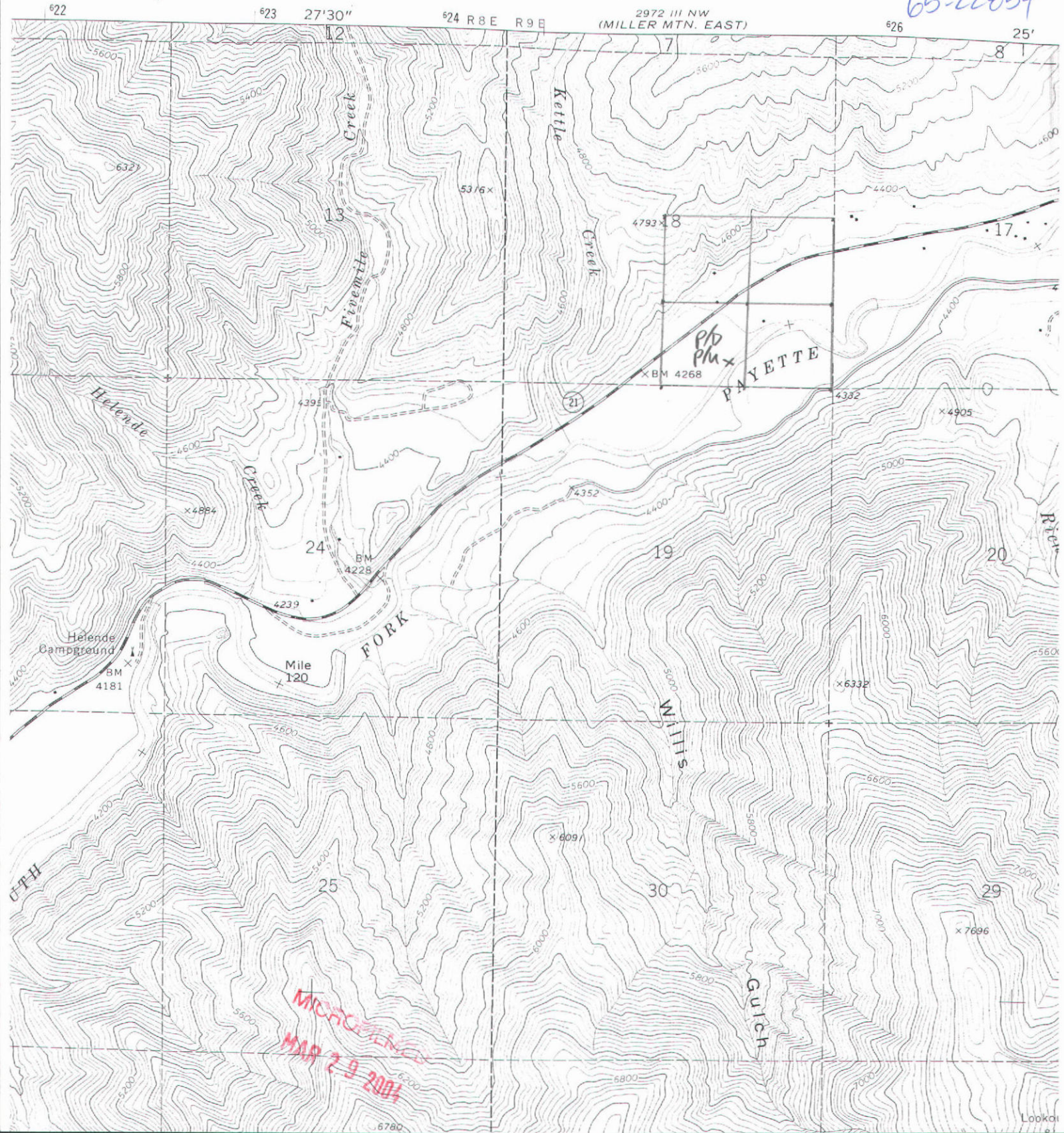


HES 336

T9N R9E
SWSE S18

65-22854





Leslie L Ank
Registered
going plat &
this tracing

STATE OF ID
COUNTY OF
Subscri
day of Jul

MICROFILMED
MAR 29 2004

65-22854

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3487

State of Idaho)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Jan 21, 2004 and ending with the issue of Jan 28, 2004.

Deanna Stevenson

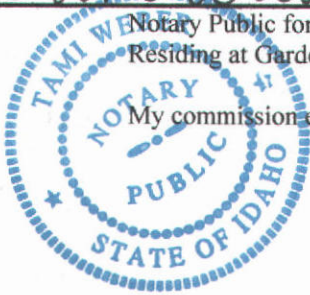
State of Idaho)
County of Boise)

On this 4 day of Feb in the year 2004, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tami Weller

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 2/10/05



RECEIVED

FEB 05 2004

WATER RESOURCES
WESTERN REGION

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

65-22854

THOMAS A CEROVSKI
4452 S RIMVIEW WAY
BOISE ID 83716

Point(s) of Diversion L6 (SWSE)

S18 T09N R09E

BOISE County

Source SOUTH FORK PAYETTE RIVER

Tributary To PAYETTE RIVER

Use: DOMESTIC 01/01 To 12/31

0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/28/2003

Place Of Use: DOMESTIC

T09N R09E S18 SWSE Lot 6

Remark: Domestic use is for 1 home located on Lot 11, Blk. 3, Scenic Properties Subdivision #3.

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 02/09/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho World on January 21 and 28, 2004.

MICROFILMED

MAR 29 2004

BOISE COUNTY 015
BOISE DISTRICT

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

[illegible]

All Tps included in Vol 10 are MF EC 957

All Tps included in 108166 Del PL167 (Act of Congress 7/23/1955) completed 11/24/1961. All NF surface Mgmt by USFS

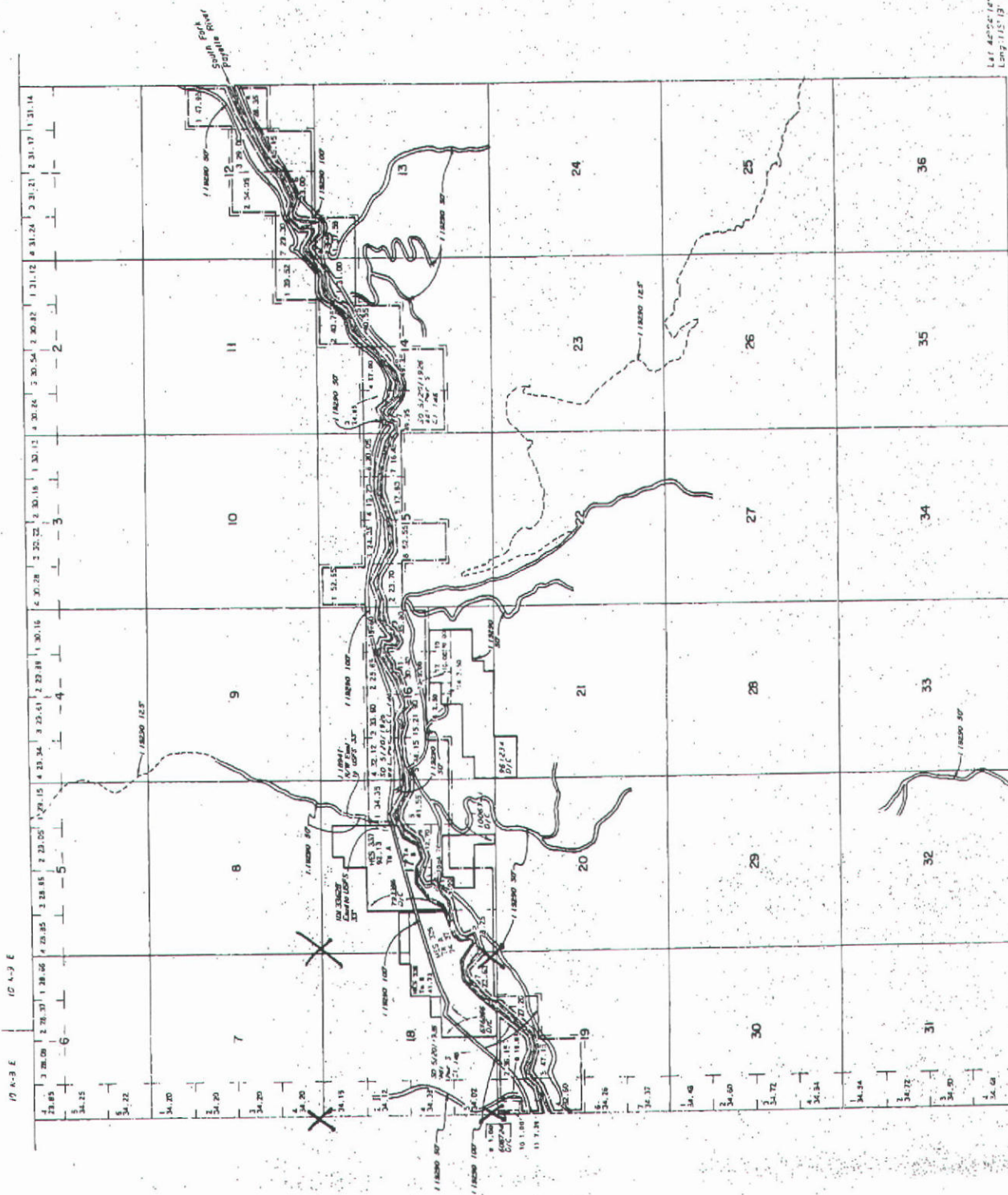
101 31242 QCD from USFS

Site 1A: Port of SE 1.5 acres

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

[illegible]

1. 511:2057
N. 21.25.27 107



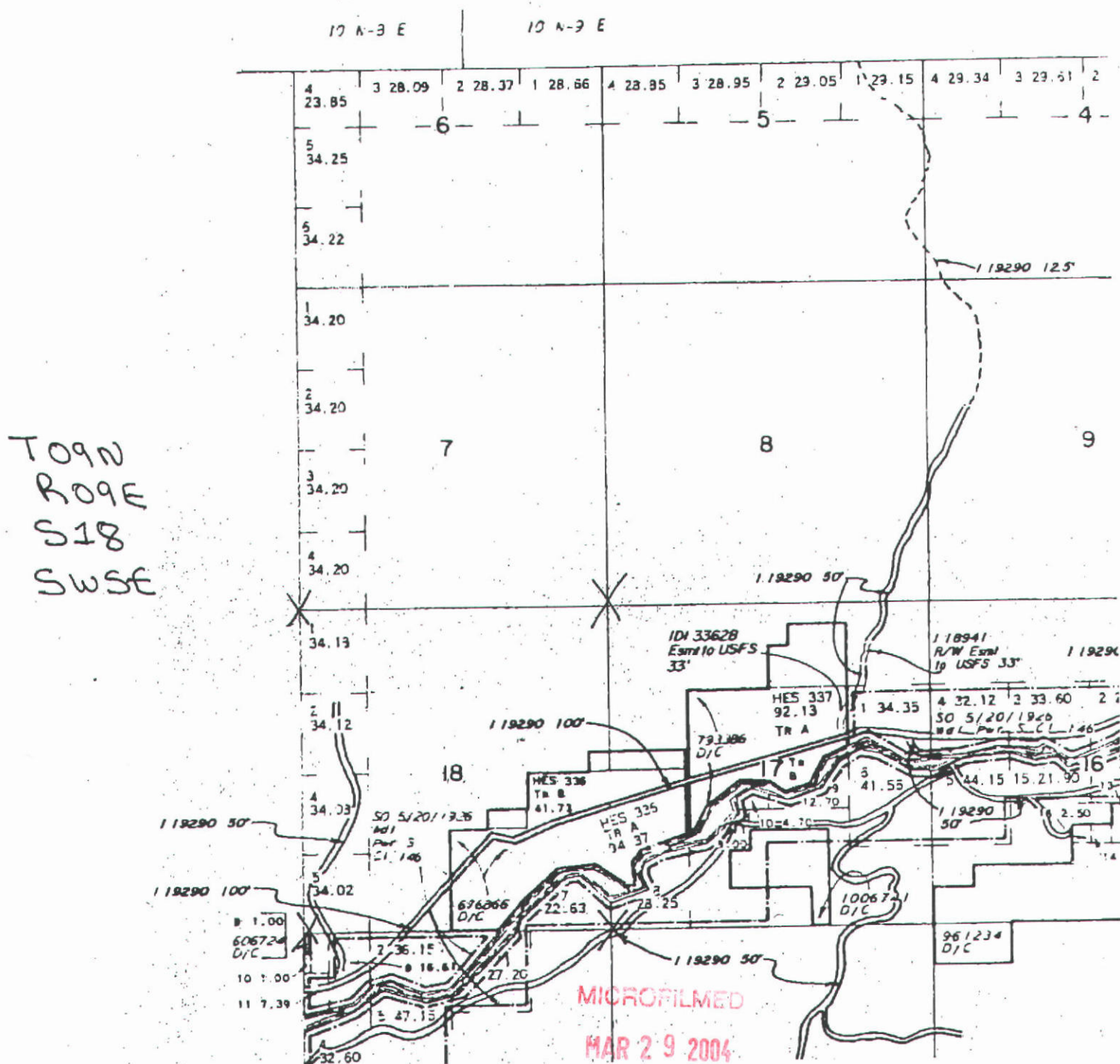
SCALE in Chains

DEVELOPING CHINA

Brine Mer

MICROFILMED
MAR 29 2004

TOWNSHIP 9 NORTH



State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22854

Priority: November 28, 2003

Maximum Diversion Rate: 0.04 CFS

This is to certify, that THOMAS A CEROVSKI
4452 S RIMVIEW WAY
BOISE ID 83716

has applied for a permit to appropriate water from

Source: SOUTH FORK PAYETTE RIVER

Tributary: PAYETTE RIVER

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

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.04 CFS

LOCATION OF POINT OF DIVERSION:

SOUTH FORK PAYETTE RIVER SW¼SE¼ Sec. 18, Twp 09N, Rge 09E, B.M., BOISE 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	
09N 09E 18																X	

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before **February 01, 2009**.
- 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 The Director retains jurisdiction to limit diversion of water to in-house uses only.
5. Domestic use is for 1 home.
6. Point of diversion and place of use are located within Lot 11, Blk. 3, Scenic Properties Subdivision #3
- 7 Property is located within Homestead Entry Survey (HES) No 336
- 8 Water shall not be diverted under this right when flows in the South Fork Payette River are below established minimum flow amounts
- 9 The pump installation shall not create an obstruction in the river.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 24th day of February, 2004

MICROFILMED
MAR 22 2004

Acting for


KARL J DREHER, Director

RECEIVED
FEB 20 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

Applicant THOMAS A. CEROVSKI Phone 208-336-6885

Mailing address 4452 S. RIMVIEW WAY BOISE, IDAHO 83716

2 Source of water supply SOUTH FORK PAYETTE RIVER which is a tributary of PAYETTE RIVER

3 Location of point of diversion is Township 9N Range 9E Sec 18, in the SW $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot _____, B.M., _____ BOISE County,

additional points of diversion if any: _____

4 Water will be used for the following purposes:

Amount .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)

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) .04 and/or (b) _____
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 ELECT. PUMP

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

c. Proposed well diameter is _____ inches, proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? NO

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 5 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 1

e. Other, describe fully _____

MICHO, LIMA
MAR 20 2004

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	
9N	9E	18															X		

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above 65-13931
65-1966 - COMMUNITY SYSTEM

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

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

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 PLACE OF USE AND POINT OF DIVERSION
ALSO KNOWN AS LOT 11 BLOCK 3 SEWER
PROPERTIES SUB # 3

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.

Thomas A. Crossli

Signature of Applicant (and title, if applicable)

Received by Ly Date 11/28/03 Time 9 AM Preliminary check by Ly
 Fee \$ 100 Receipted by Ly # 6031138 Date 11/28/03
 Publication prepared by sk Date 01-14-04 Published in Idaho World
 Publication approved sk Date 2-10-04

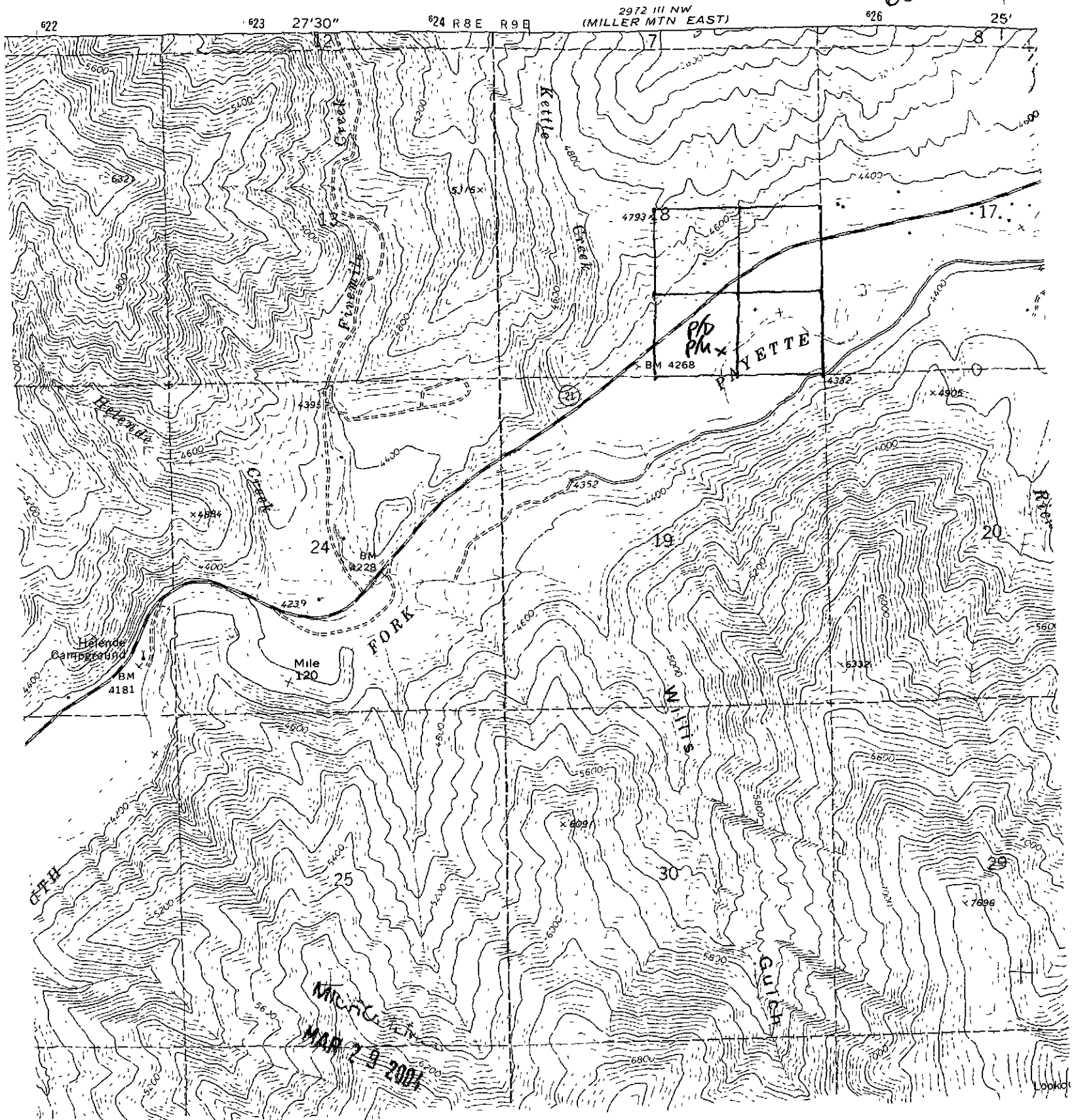
MILWAUKEE
 MAR 25 2004

HES 336

T9N R9E

SWSE S18

65-22854





Leslie L. Ark
Registered,
agent of
this holding

STATE OF
PENNSYLVANIA
SHERIFF
OF THE COUNTY OF

MILWAUKEE
MAR 29 2004

65-22854



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

February 25, 2004

THOMAS A CEROVSKI
4452 S RIMVIEW WAY
BOISE ID 83716

RE. Permit No. 65-22854

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.

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.

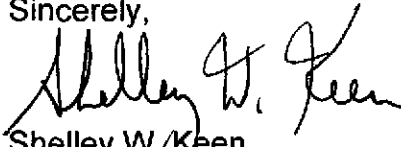
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least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

MICHAEL
MAR 29 2004

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,



Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
MAR 29 2004

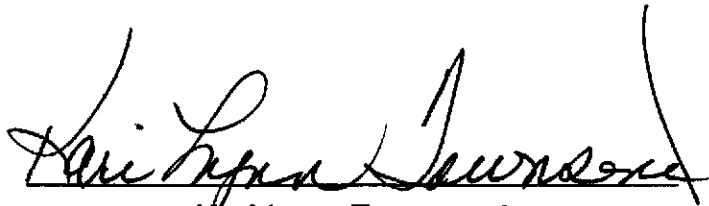
CERTIFICATE OF SERVICE

I hereby certify that on February 25, 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.

65-22854

**THOMAS A CEROVSKI
4452 S RIMVIEW WAY
BOISE ID 83716**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

MAR 29 2004

**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)

MICROFILMED
MAR 29 2004

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.

MICROFILMED
MAR 29 2004

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by g Date 12/31/03 Application # 65-22854

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)
☒ 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
P/D ☒
P/U ☒

RECEIVED
FEB 20 2004
Department of Water Resources

ADDITIONAL INFORMATION

N ADVERTISE REMARKS (Yes or No)

YES NO

☒ P/D overlap (explain)
☒ 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 done 1/6/04
☒ E-mail to Dam Safety staff (if any storage)
☒ Mitigation plan: "request to process form" in file: N/A - domestic use
☐ 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 # 65-22854

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
☐ ☒ District Health
☒ ☐ IDFG
☐ ☒ IDL

YES NO

☐ ☒ US BLM
☐ ☒ US Forest Service
☒ ☐ Water Dist # 65
☒ ☐ Water Planning Bureau done 1/6/04
☒ ☒ Other US Corp

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 2-9-04
☐ ☒ Protests received
☒ ☐ Recommendations attached
☒ ☐ Measuring device required
☒ ☐ Water delivered by water master? District # 65
☒ ☐ Special conditions of approval or cover letter

standard conditions - must adhere to US Corp permitting process (see attached US Corp letter dated 1/30/04) and IDWR Planning Bureau

Recommended Date of Priority 11/28/03

Recommendation ☒ Approve ☐ Deny by _____ Date _____

ADDITIONAL INFORMATION

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

☒ Shapefile completed (optional: attach with proof report)

conditions (see Bill Graham attached e-mail dated 1/15/04)

State of Idaho
Department of Water Resources

RECEIVED

FEB 17 2004

RECOMMENDATION OF WATERMASTER

WATER RESOURCES
WESTERN REGIONApplication No: 65-22854Applicant's Name: Thomas A. Cerovski

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 11th day of February, 2004

Water District No. 65

Ron Shurtleff
Ron Shurtleff, Watermaster

Use reverse side of page if you need more space

MICRO, LIMITED
MAR 23 2004

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3487

RECEIVED

FEB 05 2004

WATER RESOURCES
WESTERN REGION

State of Idaho)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Jan 21, 2004 and ending with the issue of Jan 28, 2004.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 4 day of Feb in the year 2004, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tami W. Hester



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

THOMAS A CEROVSKI
4452 S RIMVIEW WAY
BOISE ID 83716
Point(s) of Diversion L6 (SWSE) S18 T09N R09E
BOISE County Source SOUTH FORK PAYETTE RIVER
Tributary To PAYETTE RIVER
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 11/28/2003
Place Of Use: DOMESTIC
T09N R09E S18 SWSE Lot 6
Remark: Domestic use is for 1 home located on Lot 11, Blk. 3, Scentic Properties Subdivision #3.
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 02/09/2004. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director

Published in the Idaho Statesman on February 28, 2004.

MICROFILMED

MAR 29 2004



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
BOISE REGULATORY OFFICE
304 NORTH EIGHTH STREET, ROOM 140
BOISE IDAHO 83702-5820

January 29, 2004

Regulatory Division

SUBJECT: NWW No. 042100044

RECEIVED
JAN 30 2004
WATER RESOURCES
WESTERN REGION

Ms. Sue Kreger
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Dear Ms. Kreger:

This is in response to your January 14, 2004 letter requesting our comments on an Application for Permit, identification No. 65-22854 by Mr. Thomas Cerovski requesting a domestic water right from the South Fork Payette River. The South Fork Payette River is water regulated under Section 404. Section 404 of the Clean Water Act (33 U.S.C. 1344) requires a Department of the Army permit be obtained for the discharge of dredged or fill material into waters of the United States, including wetlands. Activities regulated under Section 404 include excavation and mechanized landclearing activities that result in the discharge of dredged material, and destroy or degrade waters of the United States. The term waters of the United States, includes rivers, lakes, streams (both perennial and intermittent), ponds, and wetlands.

The information provided, indicates the requested water right would be for domestic use; in this case a permit from us would be required if all or part of the water intake line is buried in the bank line and into the river. If the line is simply laid on top of the existing ground and river bottom then a permit from us would not be required, since there would have been no discharge of dredged or fill material into the river or adjacent wetlands if they exist.

Should a 404 permit be required from us, we would also have to consult under Section 7 of the Endangered Species Act with the US Fish and Wildlife Service (Service) since this reach of the South Fork Payette River is proposed for listing as Critical Habitat for bull trout and does provide migratory and over wintering habitat for adult bull trout. Consultation with the Service normally adds an additional 30 to 60 days on to our permit process.

If a permit is not required by us the applicant would still be obligated to consult with the Service under Section 10 of the Endangered Species Act.

MICROFILMED
MAR 29 2004

If you have any questions concerning these regulatory matters, please feel free to contact me at 208-345-2154 (fax 208-345-2968). A copy of this letter is being sent to: Mr. Thomas A. Cerovski, 4452 S. Rimview Way, Boise, Idaho 83716

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory J. Martinez". The signature is fluid and cursive, with the first name "Gregory" and last name "Martinez" clearly distinguishable.

Gregory J. Martinez
Regulatory Project Manager

MICROFILMED

MAR 29 2004



United States Department of the Interior

BUREAU OF LAND MANAGEMENT



January 26, 2004

To: Sue Taylor - IDWR - Western Regional Office - Fax # (208) 334-2348

From: Lin Buck - BLM - Idaho State Office - Fax # (208) 373-3839

Re: Application for Permit No. 65-22854, for Thomas A. Cerovski

Hi Sue:

Our office reviewed the above water right application for transfer from the IDWR New Water Rights filing report dated January 20, 2004 (copy attached).

Our MTP (copy attached) shows the POD and POU as described for this ¼ ¼ does not appear to have a lot number:

POD: T09N R09E S18 SWSE	Lot 6
POU: T09N R09E S18 SWSE	Lot 6

BLM does not have a problem with this claim; we are just providing this for your information.

Thank you.

Have a nice day!!

Pages: 4 (includes cover sheet)

cc: Bob Mallis - BLM - Boise Field Office - Fax # (208) 384-3326

MICROFILMED

MAR 20 2004

IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS

DATE: 01/20/04

Application for Permit No. 65-22854

Name: THOMAS A CEROVSKI

Diversion Pt L6 SWSE Sec 18 T 09N R 09E BOISE County

Source PAYETTE RIVER

Use: DOMESTIC

01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/28/2003

Place Of Use: DOMESTIC

T09N R09E S18

SWSE Lot 6

Remarks: Domestic use is for 1 home located on Lot 11, Blk. 3, Scenic Properties Subdivision #3.

Page 1 of 14

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MAR 29 2004

TOWNSHIP 9 NORTH RANGE 9 EAST OF THE BOISE MERIDIAN, IDAHO

BOISE COUNTY OIS
BOISE DISTRICTSTATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	SEC.
1	9	9	1
2	9	9	2
3	9	9	3
4	9	9	4
5	9	9	5
6	9	9	6
7	9	9	7
8	9	9	8
9	9	9	9
10	9	9	10
11	9	9	11
12	9	9	12
13	9	9	13
14	9	9	14
15	9	9	15
16	9	9	16
17	9	9	17
18	9	9	18
19	9	9	19
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21	9	9	21
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23	9	9	23
24	9	9	24
25	9	9	25
26	9	9	26
27	9	9	27
28	9	9	28
29	9	9	29
30	9	9	30
31	9	9	31
32	9	9	32
33	9	9	33
34	9	9	34
35	9	9	35
36	9	9	36

ALL Tracts included in Mt. Boise NF Sec. 32
6/25/1900

All Tracts included in 190165 Old PL 167 Act of
Cong. 723/1903 completed 11/24/1961 All NF
surface Mgmt by USFS

101 31242 QCD from USFS
Sec 18 Part of SE 1/4 Sec 18

1/18/2000 30'

1/18/2000 30'

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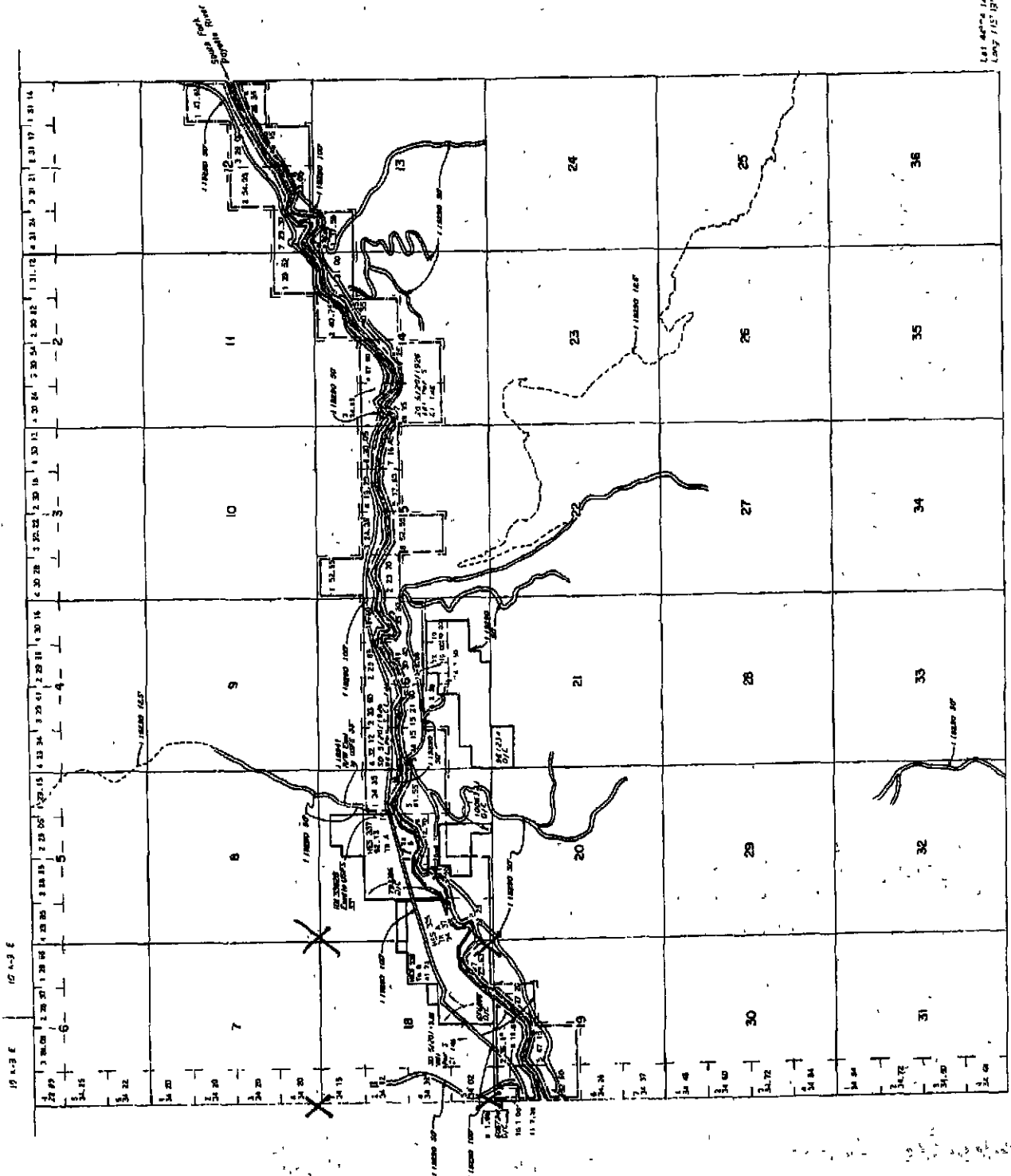
1/18/2000 30'

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1/18/2000 30'

1/18/2000 30'



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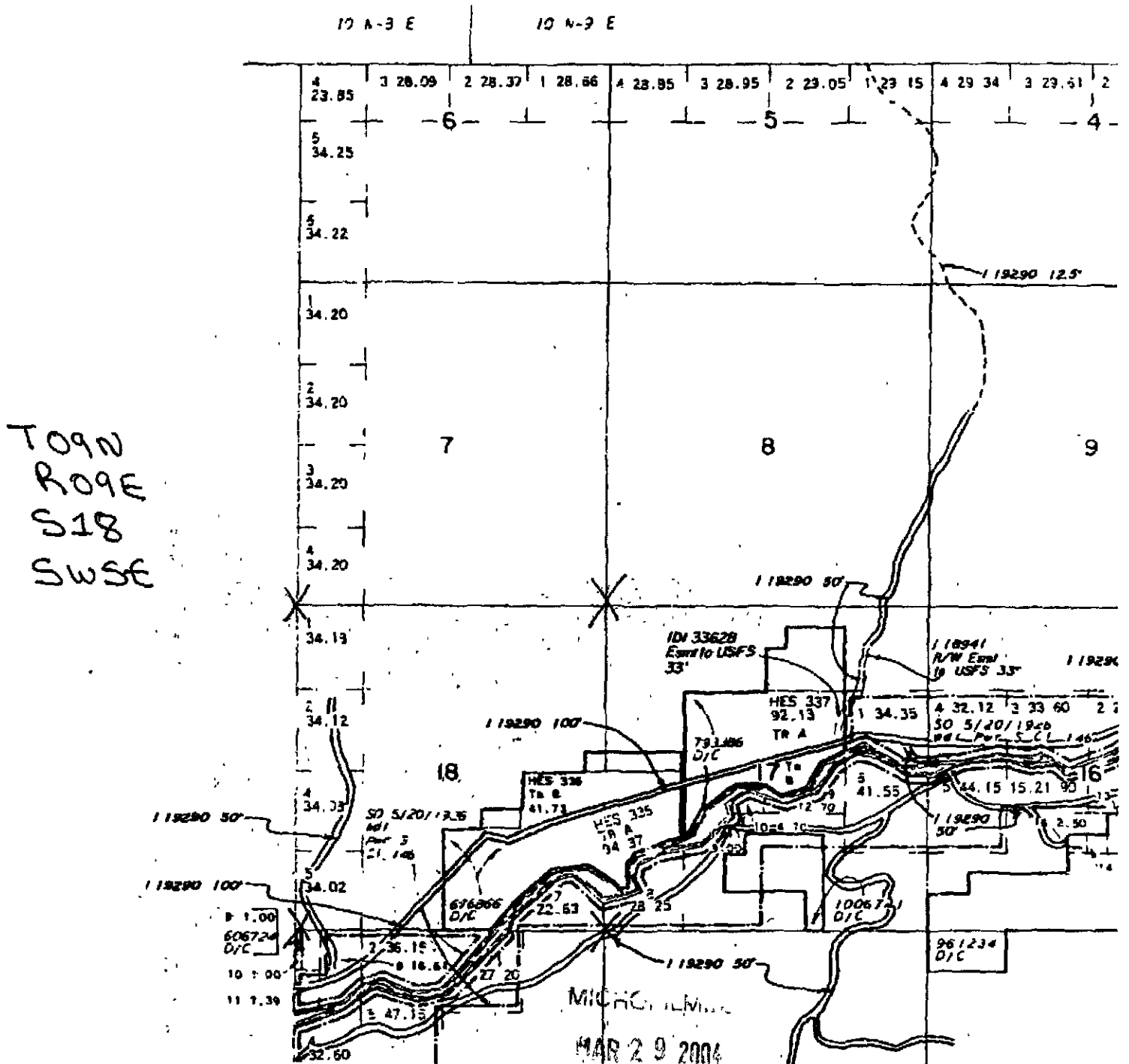
MAR 23 2004

SCALE: 1" = 1 Mile
0 1 2 3 4 5 6 7 8 9 10

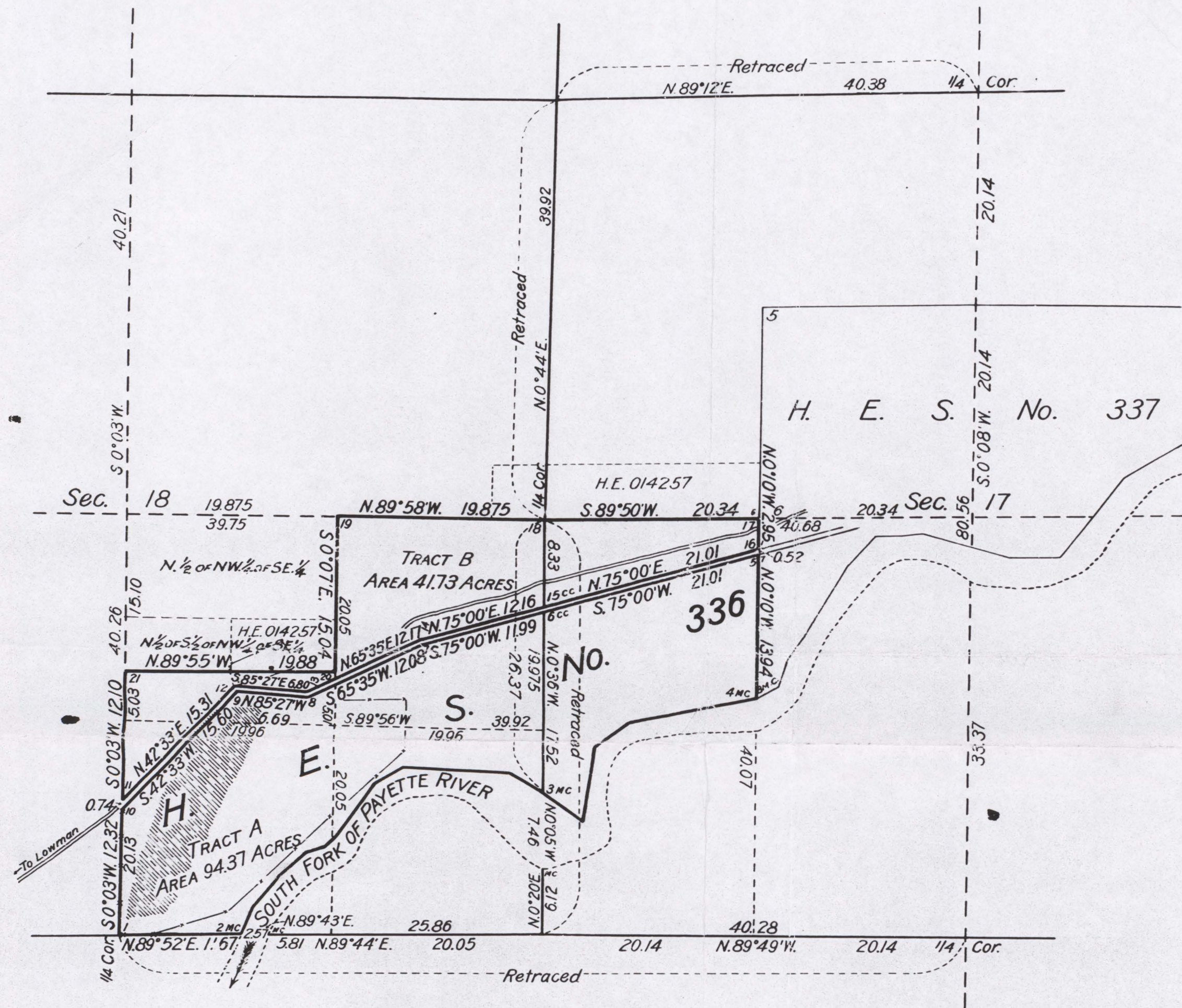
NAD 83 STATEMENT

BLM IAC
T 99

TOWNSHIP 9 NORTH



Submitted
by Steve
Spencer
USFS, 1/23/04



T.9 N., R.9 E.
Surveyed accepted

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MAR 29 2004

SCALE 10 chains to 1 inch

Surveys Designated	By whom Surveyed	Inst. Cont. Group No.	When Surveyed	Date of Approval
Subdivisions	Albinus K Kimmell	297	June 1, 1908	July 29, 1909
H.E.S. No. 336	Dana Parkinson	337	Mar. 27, 1915	June 22, 1915
H.E. Survey No. 336	Dana Parkinson	336	March 27, 1915	June 10, 1915
	Deputy Forest Supervisor		June 19, 1915	Dec. 9, 1916

H.E. Survey No. 336	Areas in Acres
Tract A. Sec. 17	30.20
Tract B. Sec. 17	11.47
Tract A. Sec. 18	64.17
Tract B. Sec. 18	30.26
Total	136.10

Act of June 11, 1906
List No. 4-1011
Latitude 44° 07' N.
Longitude 115° 26' W.
Mean Mag. Decl. 20° 19' E.
At Corner No. 1

Act of June 30, 1914.
Dated Sept. 4, 1912.

Plat of
**HOMESTEAD
ENTRY SURVEY**
No. 336
in the
**BOISE
NATIONAL FOREST**
in
Section 17, surveyed, T. 9 N., R. 9 E.
Section 18, surveyed, T. 9 N., R. 9 E.
of the
**BOISE BASE AND MERIDIAN
IDAHO**

This plat of Homestead Entry Survey
No. 336 State of Idaho is strictly
conformable to the field notes thereof
on file in this office, which have been
examined and approved.

U.S. Surveyor General's Office
Boise, Idaho
December 9, 1916.

Edward Hadden
U.S. Surveyor General

Graves, Lori

From: Graham, Bill
Sent: Thursday, January 15, 2004 1:34 PM
To: Graves, Lori
Cc: Walker, Kay
Subject: Application by T Cerovski for Permit to Appropriate Water.

Lori - The point of diversion is located in a state protected river (see pg 188, Payette River Basin Plan), and within a minimum stream flow reach. The permit should therefore contain the conditions to the following effect:

- 1) Water shall not be diverted from the South Fork Payette River when flows are below established minimum stream flows.
- 2) The pump installation should not create an obstruction in the river.

ASF

MP-2004-01-15
15 JAN 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 14, 2004

CORPS OF ENGINEERS
304 N 8TH ROOM 140
BOISE ID 83702-5820

Re: Water Right Application

Enclosed is a copy of an application(s) that may be of interest to you. Please review the application(s) 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 you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by February 9, 2004.

If you have any questions regarding the application, please contact this office.

Sincerely,

Sue Kreger
Administrative Assistant

Encl. Copy of Application

MICROFILMED
MAR 29 2004

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Wednesday, January 14, 2004 12:58 PM
To: 'waterdist65@fmtc.com'
Cc: Kreger (Taylor), Sue
Subject: comment letter

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

January 14, 2004

RON SHURTLEFF
WATER DISTRICT 65
102 N MAIN
PAYETTE ID 83661

Re: Application(s) for Water Right

Dear Watermaster:

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,

Sue Kreger
Administrative Assistant



65-22854.pdf



Copy of
commendation of Wa

MICROFILMED

MAR 29 2004

Kreger (Taylor), Sue

To: DGRUENHAGEN@IDL.STATE.ID.US
Cc: Kreger (Taylor), Sue
Subject: comment letter
Contacts: IDL

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

January 14, 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 February 9, 2004.

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

Sincerely,

Sue Kreger
ID Dept Water Resources
Western Region
334-2190



65-22854.pdf

MAR 23 2004

MAR 23 2004

Kreger (Taylor), Sue

To: eleitzin@IDFG.STATE.ID.US
Cc: Kreger (Taylor), Sue
Subject: comment letter
Contacts: Leitzinger, Eric

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

January 14, 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 February 9, 2004.

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

Sincerely,

Sue Kreger
ID Dept Water Resources



65-22854.pdf

MICROFILMED
MAR 29 2004

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

January 14, 2004

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

RE: Application for Permit No. 65-22854

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 02/09/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

Microfilm
MAY 10 2004

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

65-22854

THOMAS A CEROVSKI
4452 S RIMVIEW WAY
BOISE ID 83716

Point(s) of Diversion L6 (SWSE) S18 T09N R09E BOISE County Source SOUTH FORK PAYETTE RIVER
Tributary To PAYETTE RIVER

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/28/2003

Place Of Use: DOMESTIC

T09N R09E S18 SWSE Lot 6

Remark: Domestic use is for 1 home located on Lot 11, Blk. 3, Scenic Properties Subdivision #3.

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 02/09/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho World on January 21 and 28, 2004

MAILED

MAR 29 2004