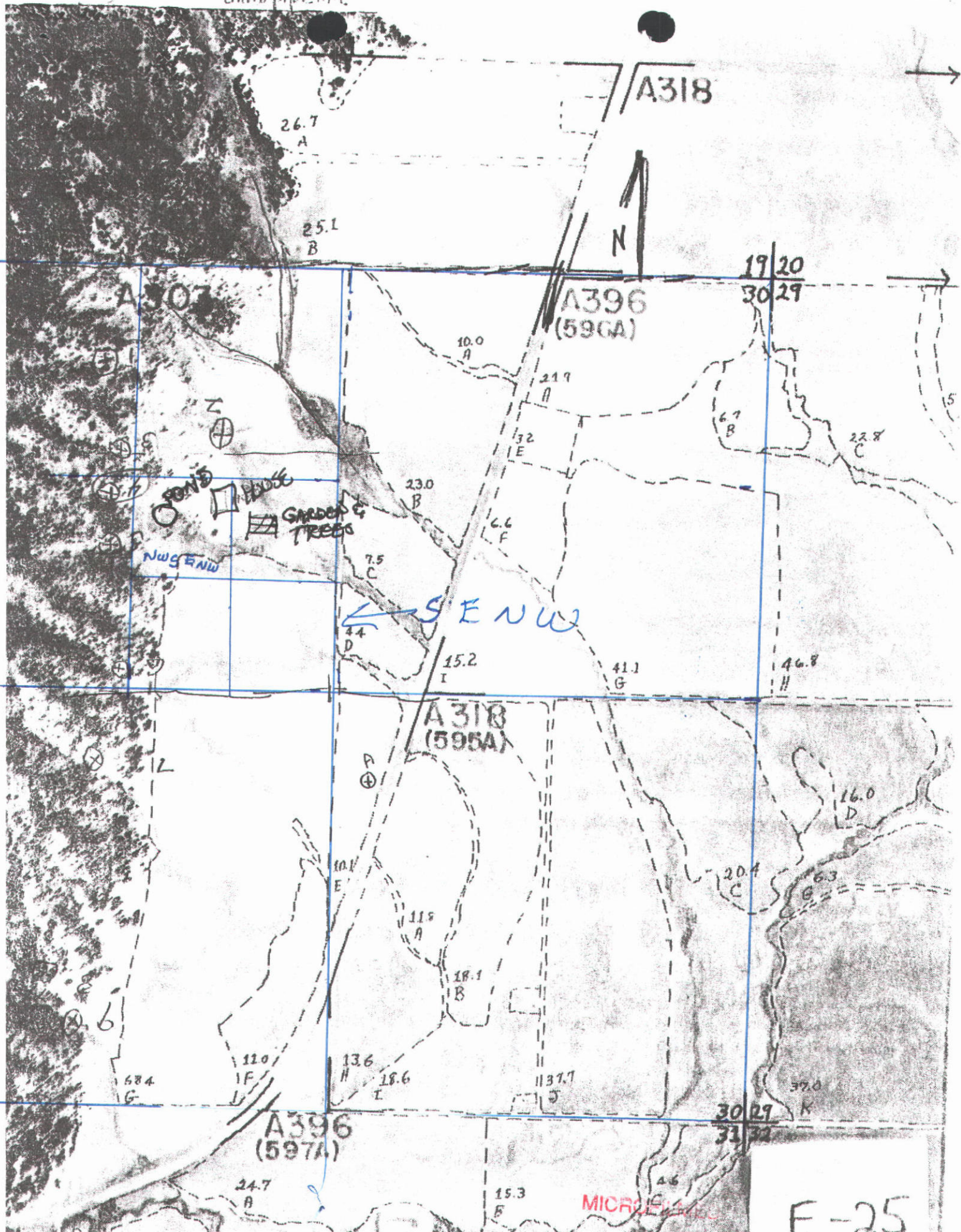




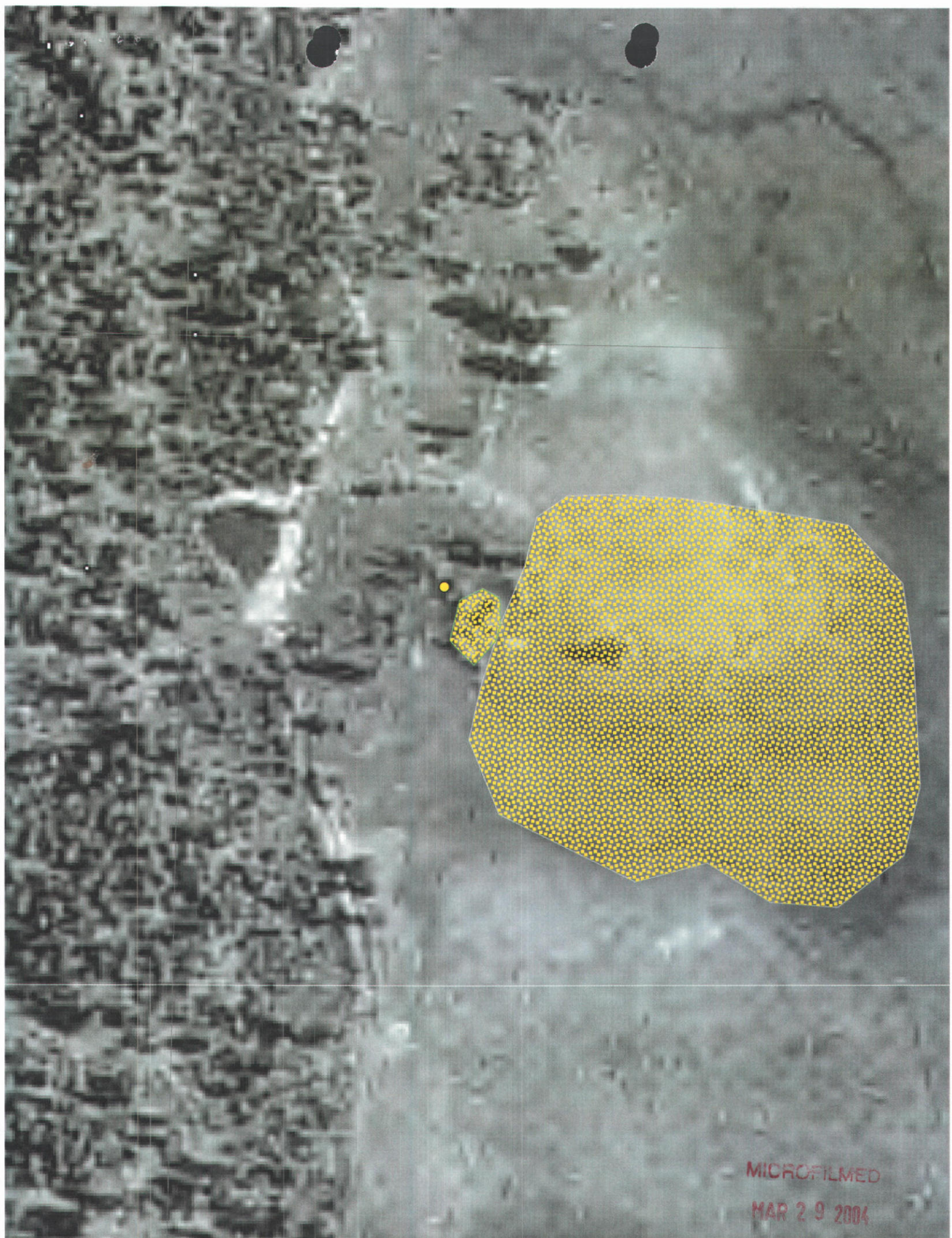
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MAR 29 2004

Chart pipeline



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TOWNSHIP 12 NORTH RANGE 4 EAST OF THE BOISE MERIDIAN, IDAHO

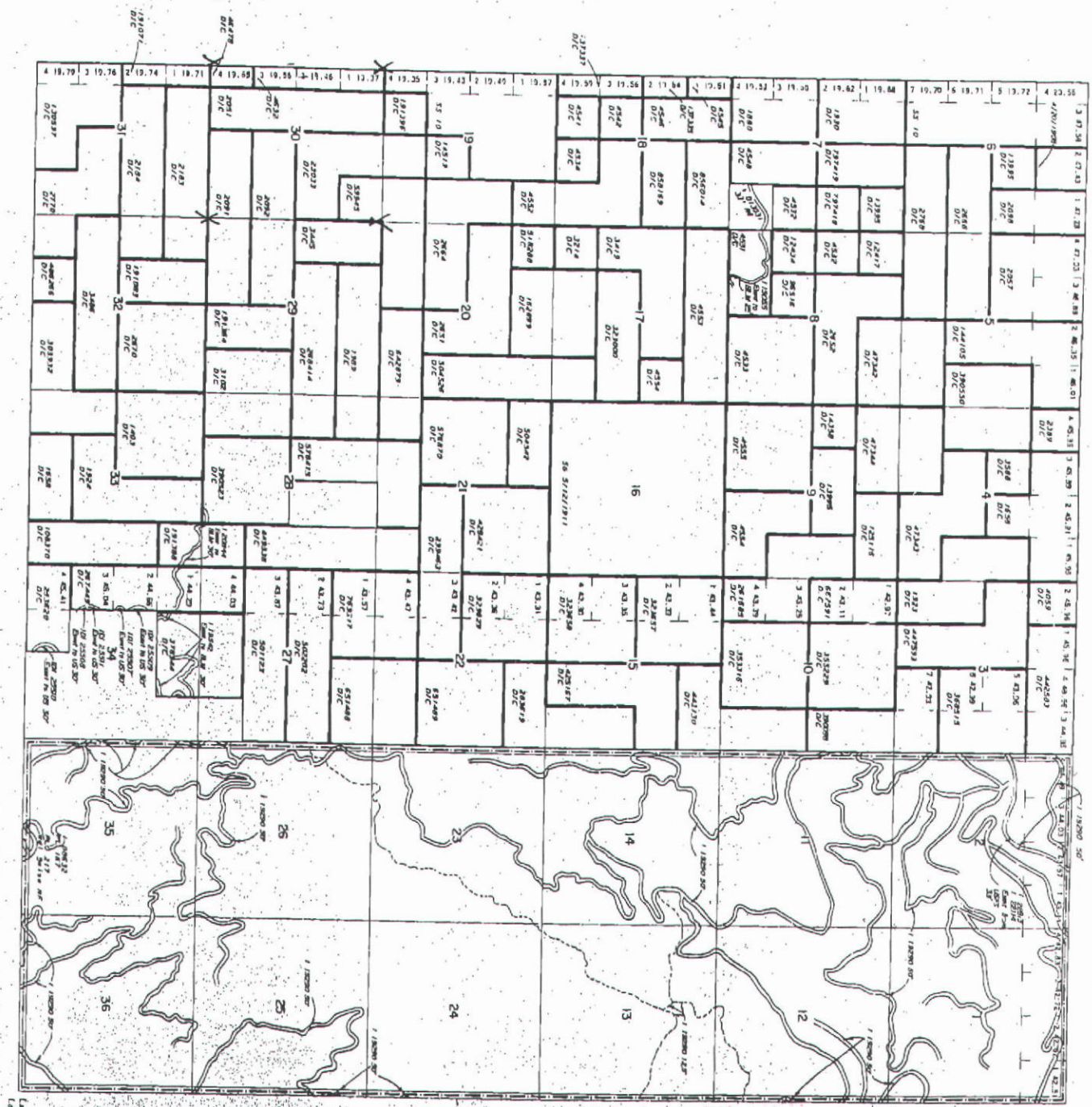
VALLEY COUNTY 085
BOISE DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	SEC.
1	4	12	36
2	4	12	35
3	4	12	34
4	4	12	33
5	4	12	32
6	4	12	31
7	4	12	30
8	4	12	29
9	4	12	28
10	4	12	27
11	4	12	26
12	4	12	25
13	4	12	24
14	4	12	23
15	4	12	22
16	4	12	21
17	4	12	20
18	4	12	19
19	4	12	18
20	4	12	17
21	4	12	16
22	4	12	15
23	4	12	14
24	4	12	13
25	4	12	12
26	4	12	11
27	4	12	10
28	4	12	9
29	4	12	8
30	4	12	7
31	4	12	6
32	4	12	5
33	4	12	4
34	4	12	3
35	4	12	2
36	4	12	1

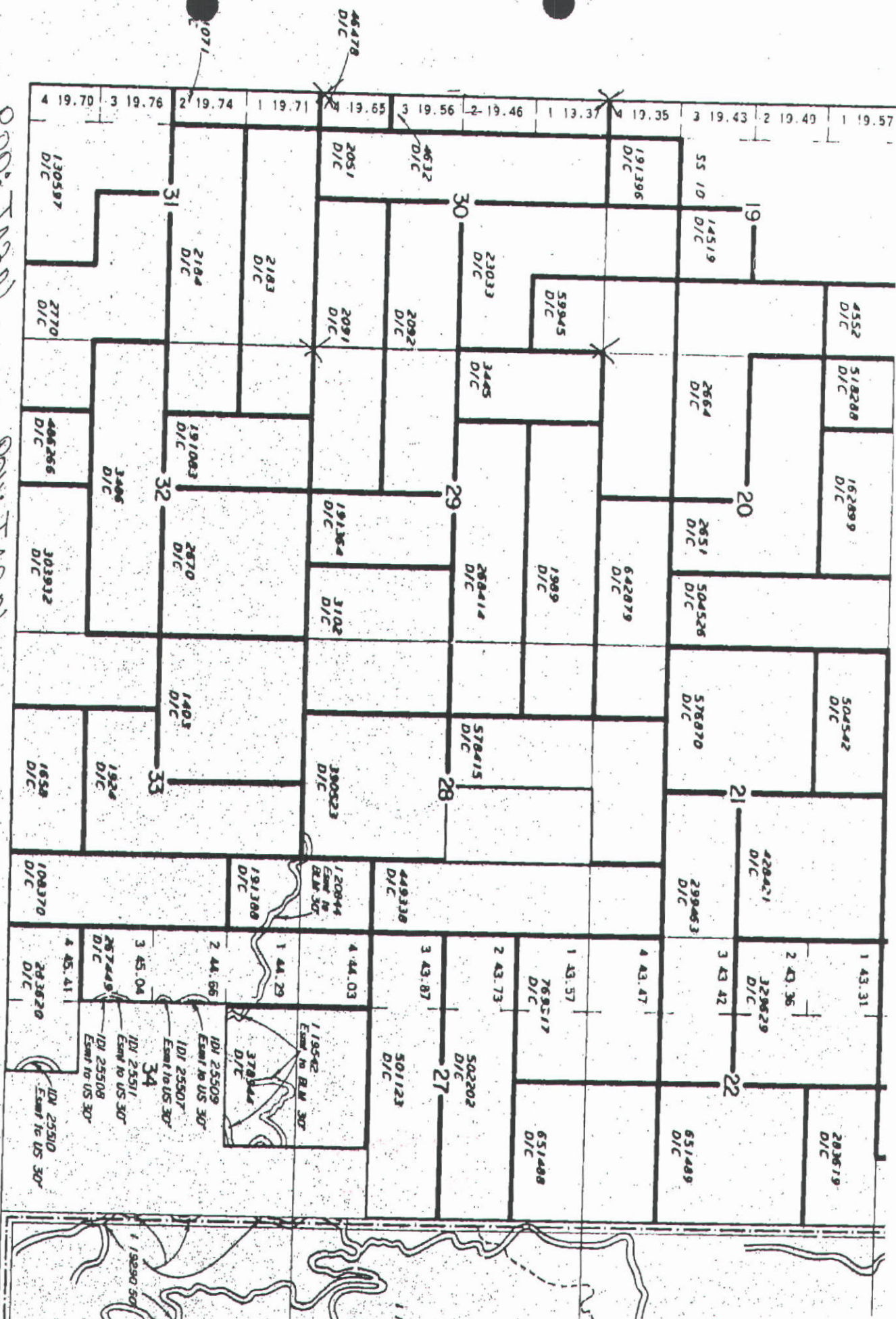
108-12-041 PL. 507 (ACT of Cong 7/23/1953)
COMBINED 12/19/1952. ALL PT SURFACE RIGHT B



SCALE in Chains
0 10 20 30 40

Lat. 44° 20' N
Long. 115° 55' W

INDEX TO SEGREGATED TRACTS			
TRACT NO.	T	R	SEC.
1	4	12	36
2	4	12	35
3	4	12	34
4	4	12	33
5	4	12	32
6	4	12	31
7	4	12	30
8	4	12	29
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17	4	12	20
18	4	12	19
19	4	12	18
20	4	12	17
21	4	12	16
22	4	12	15
23	4	12	14
24	4	12	13
25	4	12	12
26	4	12	11
27	4	12	10
28	4	12	9
29	4	12	8
30	4	12	7
31	4	12	6
32	4	12	5
33	4	12	4
34	4	12	3
35	4	12	2
36	4	12	1



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20/5/77

Don

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255222

Spence

SCALE in Chains

A vertical scale with markings at 0, 10, 20, 30, and 60. A horizontal line is drawn at the 10 cm mark.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22844

Priority. December 08, 2003

Maximum Diversion Rate 0.20 CFS

This is to certify, that CHARLES E LAMBERT And/Or SHERYL L LAMBERT
10535 RAYGOR RD
COLORADO SPRINGS CO 80908

have applied for a permit to appropriate water from

Source: UNNAMED SPRING Tributary: SINKS

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	
IRRIGATION STORAGE	01/01 to 12/31		1.0 AF
IRRIGATION	04/15 to 10/31	0.15 CFS	
IRRIGATION FROM STORAGE	04/15 to 10/31		1.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
FIRE PROTECTION	01/01 to 12/31	0.20 CFS	
FIRE PROTECTION FROM STORAGE	01/01 to 12/31		1.0 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		1.0 AF

LOCATION OF POINTS OF DIVERSION:

UNNAMED SPRING NW¼SE¼NW¼ Sec. 30, Twp 12N, Rge 04E, B M., VALLEY County

PLACE OF USE: DOMESTIC, FIRE PROTECTION & FIRE PROTECTION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N 04E 30								X									

PLACE OF USE: IRRIGATION STORAGE & FIRE PROTECTION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N 04E 30								X									

PLACE OF USE: IRRIGATION & IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N 04E 30								5.0									5.0

Total Acres: 5

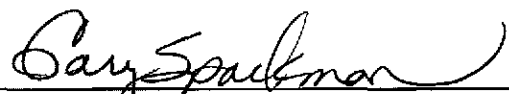
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MAR 22 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22844

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. 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. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
6. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire
7. 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.
8. 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 26th day of February, 2004


Acting for KARL J DREHER, Director

RECEIVED

FEB 17 2004

Ident. No. 65-22844

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: LAMBERT CHARLES E
10535 RAYGOR ROAD
COLORADO SPRINGS CO 80908
(719) 495-7426
AND/OR
LAMBERT SHERYL L
10535 RAYGOR ROAD
COLORADO SPRINGS CO 80908
(719) 495-7426

AMENDED
APPLICATION
FOR PERMIT

2. Source: UNNAMED SPRING Tributary to: SINKS

3. Location of Point of Diversion:

#1 UNNAMED SPRING NW1/4SE1/4NW1/4 Sec. 30, Twp 12N, Rge 04E, B.M.
VALLEY County

4. Water will be used for the following purposes:

Purpose	From	To	RATE OF DIVERSION	ANNUAL VOLUME
DOMESTIC	01/01	to 12/31	0.02 CFS	
IRRIGATION STORAGE	01/01	to 12/31		1.0 AF
IRRIGATION	04/15	to 10/31	0.15 CFS	
IRRIGATION FROM STORAGE	04/15	to 10/31		1.0 AF
DIVERSION TO STORAGE	01/01	to 12/31	0.20 ~~0.17~~ CFS <i>of 12/5/03</i>	
FIRE PROTECTION	01/01	to 12/31	0.17 ~~0.17~~ CFS <i>of 12/5/03</i>	
FIRE PROTECTION FROM STORAGE	01/01	to 12/31	0.20 ~~0.17~~ CFS	1.0 AF
FIRE PROTECTION STORAGE	01/01	to 12/31	0.20 ~~0.17~~ CFS <i>of 12/5/03</i>	1.0 AF

5. Total quantity to be appropriated is:

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: COLLECTION PIPES AT SPRING, HOLDING TANKS FOR DOMESTIC SUPPLY (1-HOME) AND LIVESTOCK (INCLUDED WITH DOMESTIC USE). MANMADE POND 100 FT X 100 FT X 4 FT / 43560 = 1 AFA FOR IRRIGATION OF 5 ACRES AND FIRE PROTECTION.

b. Height of storage dam 4 feet;
Active reservoir capacity 1.0 acre-feet;
Total reservoir capacity 1.0 acre-feet;

c. Proposed well diameter is N/A inches;
Proposed depth of well is N/A feet.

d. Is ground water with a temperature of greater than 85F being sought? N/A

e. If well is already drilled, when? N/A;
Drilling Firm N/A;
Drilling Permit No. N/A.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 year(s).

8.

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	
12N	04E	30								X									

PLACE OF USE: IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	04E	30								X									

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	
12N	04E	30								5.0									5.0

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
12N 04E 30	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	5.0

PLACE OF USE: DIVERSION TO STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
12N 04E 30	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

PLACE OF USE: FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
12N 04E 30	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

PLACE OF USE: FIRE PROTECTION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
12N 04E 30	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

PLACE OF USE: FIRE PROTECTION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
12N 04E 30	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

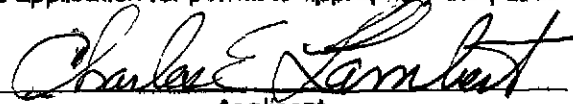
APPLICANT

10. Remarks:

Currently the springs are evidenced by vegetation and seepage from hillside. The trickle of water does not reach any tributaries or flow off the property during summer months. This filing is in anticipation of improved flow when the springs are developed. Applicant will pursue development as soon as possible. This is a refiling of an application on 7/11/1991, which lapsed due to the owners military service.

11. Map of proposed point of diversion and place of use attached? [XX]

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


Applicant

Received by DAN Date 12-8-03 Time 9:00 AM Preliminary check by DAN.

Publication prepared by AT Date 1-7-14-04 Published in

Publication approved sk Date 2-10-04 LONG VALLEY ADVOCATE

Receipt No. W031058

Date: 10/28/2003

Receipted by: KG

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MAR 29 2004



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MAR 2-8 2004

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DEC 08 2003

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 CHARLES E. &/OR SHERYL L. LAMBERT
Mailing Address 10535 RAYGOR ROAD
COLORADO SPRINGS, CO 80908
Application No. 65-22844
(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.

XXX **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

Charles E. Lambert

Date

12/05/2003

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
Attn: Dan Nelson
2735 Airport Way
Boise, ID 82705-5082

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OCT 28 2003

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Charles E. & Sheryl L. Lambert Phone (719) 495-7426
Mailing address 10535 Raygor Rd, Colorado Spgs, Co 80908
2. Source of water supply Unnamed Spring which is a tributary of dries up before leaving property
3. Location of point of diversion is Township 12N Range 4E Sec. 30, in the NE $\frac{1}{4}$,
SW $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot _____, B.M., Valley County;
additional points of diversion if any: _____
4. Water will be used for the following purposes
Amount 0.02 cfs for Domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.10 for Irrigation/Firefighting purposes from Jul 1 to Oct 1 (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) 0.12 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 collection pipes at Spring, holding tanks
for domestic supply, livestock and manmade pond for irrigation and firefighting
 - b. Height of storage dam 4 ft feet; active reservoir capacity minimal 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. ONE HOUSE
 - e. Other, describe fully. _____

ORIGINAL

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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	
12N	4E	30							50										

Total number of acres to be irrigated 5

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

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

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

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. Currently the springs are evidenced by vegetation & see page from the hillside. The trickle of water does not reach any tributaries or flow off the property during summer months. This filing is in anticipation of improved flow when the springs are developed. Applicant will pursue development as soon as possible. This is a refiling of an application on 7/11/91, which lapsed due to the owners military service.

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.

Sheryl L. Harbert
Signature of Applicant (and title, if applicable)

Received by KG Date 10/28/03 Time 1:41 Preliminary check by _____
Fee \$ 100.00 Receipted by KG # W031058 Date 10/28/03
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

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MAR 29 2004

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MAR 23 2004



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 26, 2004

CHARLES E LAMBERT
SHERYL L LAMBERT
10535 RAYGOR RD
COLORADO SPRINGS CO 80908

RE: Permit No. 65-22844

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.

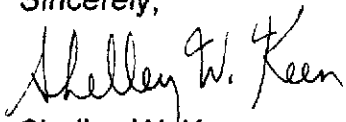
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MAR 29 2004

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,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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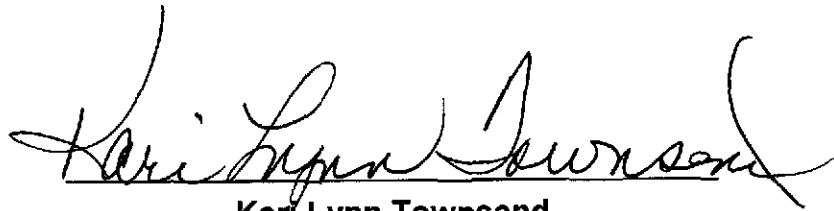
MAR 29 2004

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 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. 65-22844

CHARLES E LAMBERT
SHERYL L LAMBERT
10535 RAYGOR RD
COLORADO SPRINGS CO 80908

A handwritten signature in black ink, reading "Karl Lynn Townsend", written over a horizontal line.

Karl Lynn Townsend
Secretary

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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).

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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.

MILWAUKEE
MAR 29 2004

COMMENT
LETTERS.

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by DAW Date 12-4-03 Application # 65-22844

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) Government Lots
☒ Period of use NO P/D
☒ Nature of use (list details in appl. Item 8 if non-irrigation) NO P/U
☒ 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

ADDITIONAL INFORMATION

YES ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ ☒ P/D overlap (explain) 65-18195 unnamed stream - IN stream
☒ ☒ P/U overlap (explain) stock water right.
☒ ☒ Critical groundwater area (send letter) same shares. same P/U
☒ ☒ Ground water management area (send letter) BUT is owned by MR.
☒ ☒ Drilling concern area (send letter) Lambert for another
☒ ☒ 1992 moratorium (send letter) stream.
☒ ☐ 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

See 12-4-03 letter

Date Requested 12-4-03 Date Response Received 12-8-03

PROCESSING

APPLICATION # 65-22 B44

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 *rec'd 2-9-04 sk*
☐ ☒ Water Planning Bureau
☐ ☐ Other _____

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 1-26-04
☐ ☒ Protests received
☐ ☒ Recommendations attached
☐ ☒ Measuring device required
☒ ☐ Water delivered by water master? District # 65
☒ ☐ Special conditions of approval or cover letter

Standard Conditions.

Recommended Date of Priority December 5, 2003

Recommendation ☒ Approve ☐ Deny by Daniel A. Nelson Date 2-12-04

ADDITIONAL INFORMATION

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

☒ Shapefile completed (optional: attach with proof report)



APPLICATION FOR WATER RIGHTS

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

65-22844

LAMBERT CHARLES E
LAMBERT SHERYL L
10535 RAYGOR ROAD
COLORADO SPRINGS CO 80908

Point(s) of Diversion NESWNW
S30 T12N R04E VALLEY County
Source UNNAMED SPRING

Tributary To SINK

Use: IRRIGATION

04/15 To 10/31 0.15 CFS

Use: IRRIGATION STORAGE
01/01 To 12/31 1 AFA

Use: IRRIGATION FROM
04/15 To 10/31 1 AFA
STORAGE

Use: DOMESTIC
01/01 To 12/31 02 CFS

Use: FIRE PROTECTION
01/01 To 12/31 0.2 CFS

Use: FIRE PROTECTION
01/01 To 12/31 1 AFA
STORAGE

Use: FIRE PROTECTION FROM
01/01 To 12/31 1 AFA
STORAGE

Use: DIVERSION TO STORAGE
01/01 To 12/31 2 CFS

Total Diversion: 0.2 CFS

Date Filed: 12/08/2003

Place Of Use DOMESTIC

T12N R04E S30 SWNW

Place Of Use: IRRIGATION STORAGE

T12N R04E S30 SWNW

Place Of Use: IRRIGATION

T12N R04E S30 SWNW

Number of Acres 5

Place Of Use: IRRIGATION FROM
STORAGE

T12N R04E S30 SWNW

Number of Acres 5

Place Of Use: DIVERSION TO STORAGE
T12N R04E S30 SWNW

Place Of Use: FIRE PROTECTION
STORAGE

T12N R04E S30 SWNW

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 application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/26/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Published in the Long Valley Advocate
on January 7 and 14, 2004

Jan 11 A

Affidavit of Publication

STATE OF IDAHO COUNTY OF VALLEY

RECEIVED

FEB 09 2004

NATE RESOURCES
WESTERN REGION

I, Robin M. Simpson, being duly sworn deposes, and says, I am the Publisher of the McCall-Cascade Times Advocate, a weekly newspaper published at Cascade, in Valley County, Idaho, and having a general circulation therein and of legal status in said county

The App for Natl Rights, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement, and that publication of such notice began 1-7, 20 04, and ended 1-14, 20 04.

Robin M. Simpson

Robin M. Simpson

Signed this the 6 day of Feb, 20 04

STATE OF IDAHO)

:SS.

COUNTY OF VALLEY)

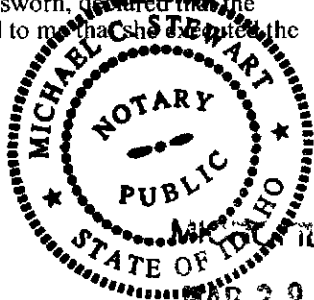
On this the 6th day of Feb, 20 04, before me, a Notary Public in and for said State, personally appeared Robin M. Simpson, known or identified to me to be the person whose name is subscribed to the within Instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Michael Stewart

Notary Public State of Idaho

Residing at: Cascade

Commission Expires: 10/30/04



FILED
MAR 29 2004

State of Idaho
Department of Water ResourcesRECEIVED
FEB 09 2004
WATER RESOURCES
WESTERN REGION**RECOMMENDATION OF WATERMASTER**Application No: 65-22844Applicant's Name: Charles E. and/or Sheryl L. Lambert

Watermaster's Recommendation:

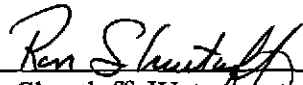
- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows: _____

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

- d) Additional Comment: _____

Dated this 5th day of February, 2004

Water District No. 65



Ron Shurtleff, Watermaster

Use reverse side of page if you need more space

FAX

January 6, 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. 65-22844, for Charles E. and Sheryl L. Lambert

Hi Sue:

Our office reviewed the above water right application for permit from the IDWR New Water Rights filing report dated December 22, 2003 (copy attached).

Our MTP (copy attached) shows the POD and the POU as described for application for permit may be missing a lot #:

POD: T12N R04E S30 NESWNW

POU: T12N R04E S30 SWNW

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 District Office - Fax # (208) 384-3326

IDAHO DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS

DATE: 12/22/03

Application for Permit No. 65-22844

Name: LAMBERT CHARLES E

LAMBERT SHERYL L

Diversion Pt	NESWNW	Sec 30 T 12N R 04E	VALLEY County	Source UNNAMED SPRING
Use:	DOMESTIC	01/01 To 12/31	0.02 CFS	
Use:	IRRIGATION STORAGE	01/01 To 12/31		1 AFA
Use:	IRRIGATION	04/15 To 10/31	0.15 CFS	
Use:	IRRIGATION FROM STORAGE	04/15 To 10/31		1 AFA
Use:	DIVERSION TO STORAGE	01/01 To 12/31	0.2 CFS	
Use:	FIRE PROTECTION	01/01 To 12/31	0.2 CFS	
Use:	FIRE PROTECTION FROM STORAGE	01/01 To 12/31		1 AFA
Use:	FIRE PROTECTION STORAGE	01/01 To 12/31		1 AFA

Total Diversion: 0.2 CFS

Date Filed: 12/08/2003

Place Of Use: IRRIGATION

T12N R04E S30 SWNW

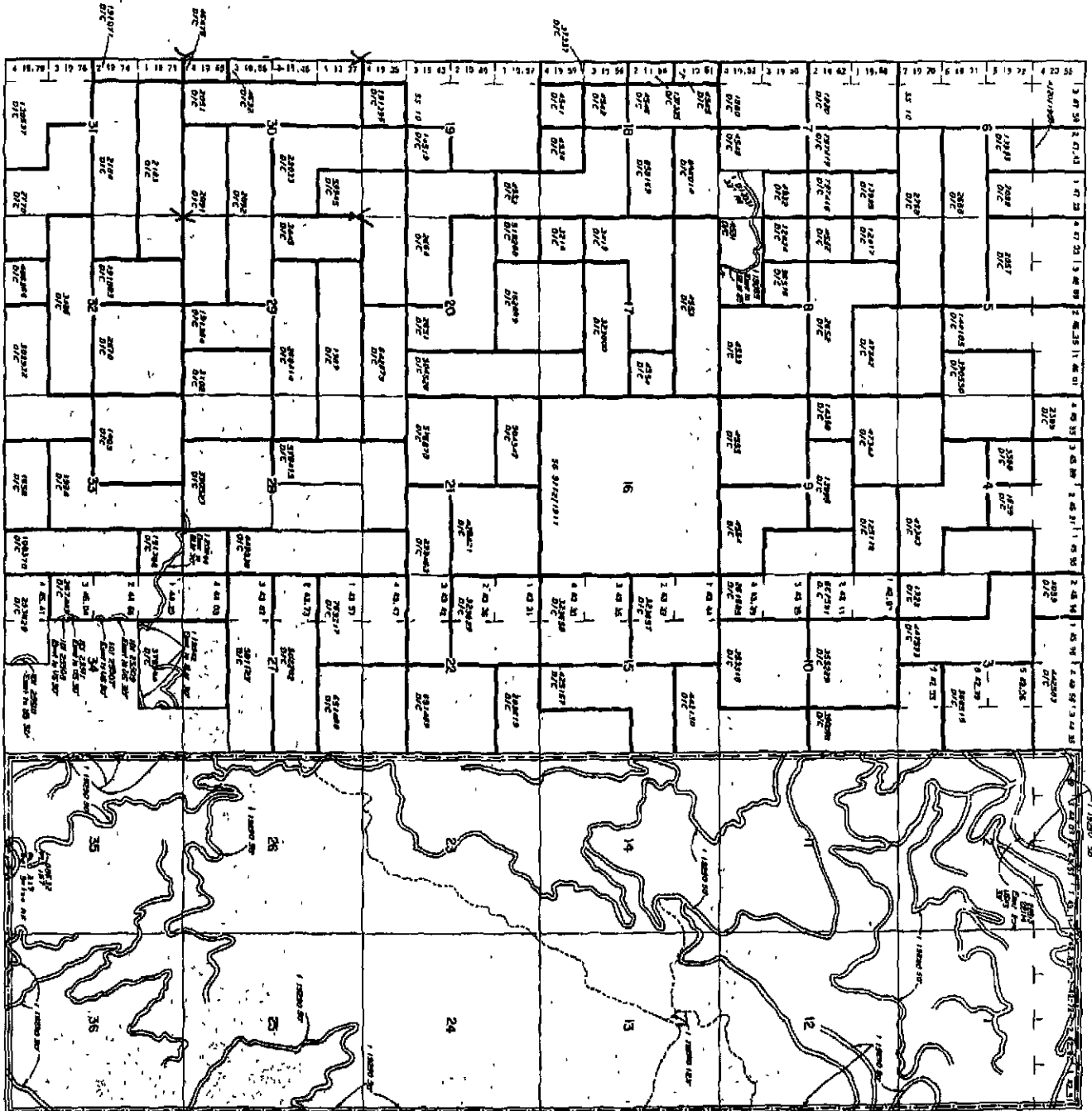
Number of Acres: 5

Place Of Use: DOMESTIC, IRRIGATION STORAGE, IRRIGATION FROM STORAGE, DIVERSION TO STORAGE, and FIRE PROTECTION STORAGE same as Irrigation

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

TOWNSHIP 12 NORTH RANGE 4 EAST OF THE BOISE MERIDIAN, IDAHO

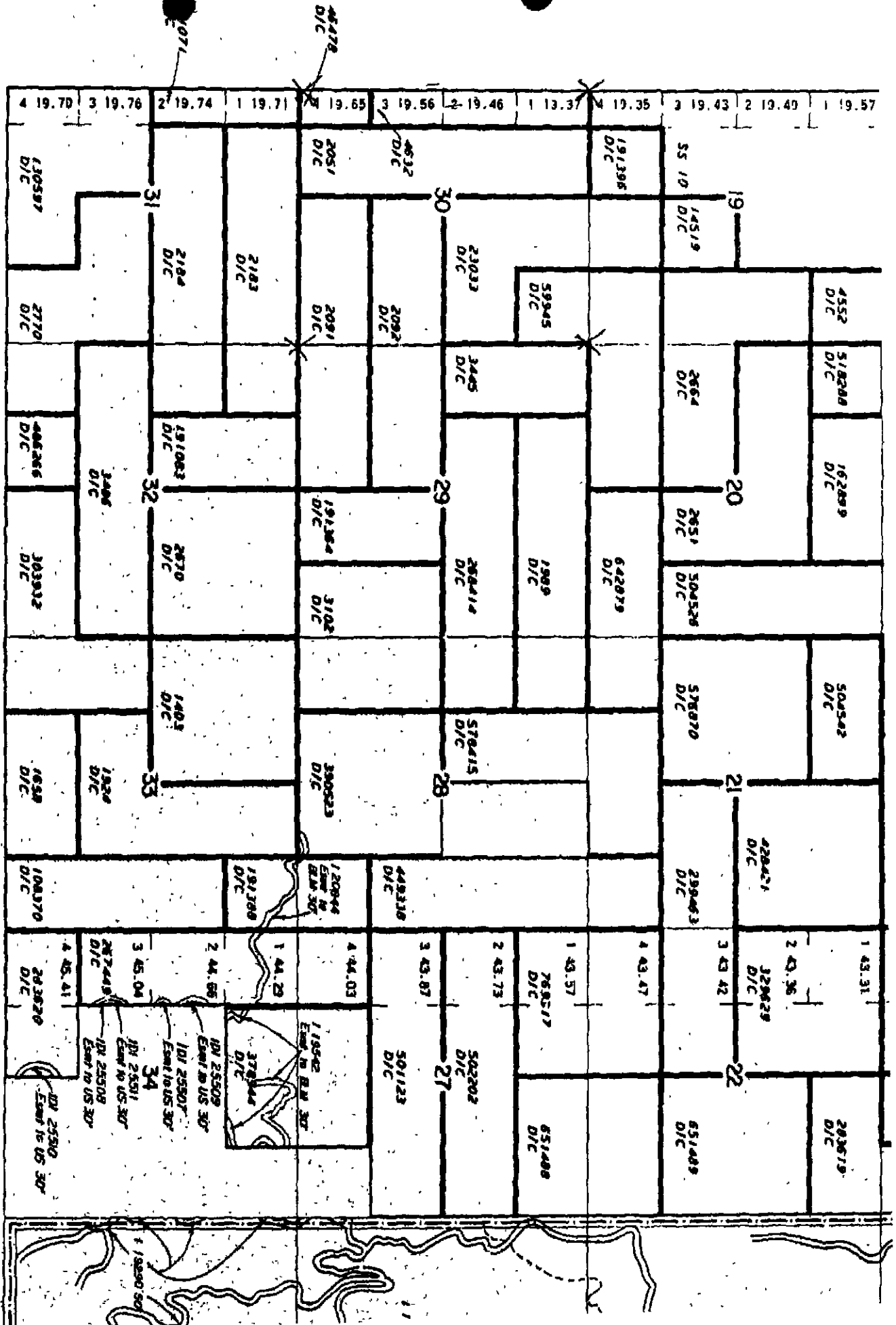
VALLEY COUNTY 085
BOISE DISTRICT SEC 3



MT PLAT

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

INDEX TO SEGMENTED TRACTS			
TRACT NO.	T	R	SEC.
1	12	4	1
2	12	4	2
3	12	4	3
4	12	4	4
5	12	4	5
6	12	4	6
7	12	4	7
8	12	4	8
9	12	4	9
10	12	4	10
11	12	4	11
12	12	4	12
13	12	4	13
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15	12	4	15
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29	12	4	29
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31	12	4	31
32	12	4	32
33	12	4	33
34	12	4	34
35	12	4	35
36	12	4	36



000.1220

000.1220

ROLL

ROLL

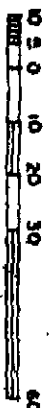
530

530

DESIGN

SHOWN

SCALE IN CHAINS



Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Wednesday, December 31, 2003 10:29 AM
To: 'eleitzin@IDFG.STATE.ID.US'
Cc: Kreger (Taylor), Sue
Subject: comment letters 1 @ 2 of 10

Contacts: Leitzinger, Eric

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

December 31, 2003

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

I will e-mail these two at a time. That seems to be the only way I can get them to you. There are ten all together.

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 26, 2004.

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

Sincerely,

Sue Kreger
ID Dept Water Resources



65-22844.pdf



65-22847.pdf

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Wednesday, December 31, 2003 10:04 AM
To: 'WATERDIST65@FMTC.COM'
Cc: Kreger (Taylor), Sue
Subject: comment letters

Contacts: WD65

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

December 31, 2003

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



65-22844.pdf



Copy of
commendation of Wa



65-22852.pdf

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

December 31, 2003

Legal Notice Department
LONG VALLEY ADVOCATE
PO BOX 1079
CASCADE ID 83611

RE: Application for Permit Nos. 65-22844 and 65-22846

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 01/26/2004. 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:

65-22844

LAMBERT CHARLES E
LAMBERT SHERYL L
10535 RAYGOR ROAD
COLORADO SPRINGS CO 80908

Point(s) of Diversion NESWNW S30 T12N R04E VALLEY County Source UNNAMED SPRING

Tributary To SINKS

Use: IRRIGATION	04/15 To 10/31	0.15 CFS	
Use IRRIGATION STORAGE	01/01 To 12/31		1 AFA
Use. IRRIGATION FROM STORAGE	04/15 To 10/31		1 AFA
Use DOMESTIC	01/01 To 12/31	0.02 CFS	
Use. FIRE PROTECTION	01/01 To 12/31	0.2 CFS	
Use. FIRE PROTECTION STORAGE	01/01 To 12/31		1 AFA
Use: FIRE PROTECTION FROM STORAGE	01/01 To 12/31		1 AFA
Use: DIVERSION TO STORAGE	01/01 To 12/31	0.2 CFS	
Total Diversion.		0.2 CFS	

Date Filed: 12/08/2003

Place Of Use: DOMESTIC

T12N R04E S30 SWNW

Place Of Use IRRIGATION STORAGE

T12N R04E S30 SWNW

Place Of Use: IRRIGATION

T12N R04E S30 SWNW

Number of Acres 5

Place Of Use: IRRIGATION FROM STORAGE

T12N R04E S30 SWNW

Number of Acres 5

Place Of Use: DIVERSION TO STORAGE

T12N R04E S30 SWNW

Place Of Use: FIRE PROTECTION STORAGE

T12N R04E S30 SWNW

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 application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/26/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Long Valley Advocate on January 7 and 14, 2004.

Memorandum

~~RECEIVED~~

DEC 08 2003

WATER RESOURCES
WESTERN REGION

To: Mr. Dan Nelson
From: Charlie Lambert
Date: 12/5/2003
Re: Water Application 65-22844

Dear Dan:

Thank you for your help and patience walking me through the application and process. The photo clearly shows the location within the description you stated. I appreciate your help also in moving this through. Finding a dedicated professional like you is truly heartening in the modern world.

Sincerely,



Charles E. Lambert
10535 Raygor Road
Colorado Springs CO 80908
719-495-7426



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

FAX COVER SHEET

DATE: 12-4-03

FROM: Don Nelson

TO: Charles & Sheryl Lambert

RE: Enclosed is your Revised or
amended application for permit
I have also included a letter
of explanation. Please call me if

TOTAL PAGES SENT: 12 + cover sheet

You Have Questions.

INTERNET SEARCH OF IDWR INFORMATION:
WELL LOGS, WATER RIGHTS, SNAKE RIVER BASIN ADJUDICATION ETC.

You can search for IDWR records on the Internet at www.idwr.state.id.us

Look for "Top Picks" on the home page.

For Water Right &/or Adjudication information, click "Adjudication & Water Rights Search (text based)" for best results. The best starting point in your search is to use the "Where" tab under that site and enter the township, range, section (and maybe $\frac{1}{4}$ or $\frac{1}{4}$ of the section) for the property in question. Be sure to choose "Point of Diversion" or "Place of Use" depending on the information you need ("both" means diversion and use are within identical search parameters, not that either are within the parameters). It is better to do a broader search first instead of a narrow search. A narrow search would include a street address or person's name, for example, and might miss the information you are seeking.

For Well Log information, click "Well Construction Info Search." Again, use a broader search at first such as township, range and section. Results will list information about the $\frac{1}{4}$ $\frac{1}{4}$ location in a section. You can narrow your search after seeing the initial results. Many well logs have been scanned and are available on the Internet.

Forms, Rules and Statutes can be found under "Top Picks."

Whatever you are searching for, try a broad search first and narrow the search as needed. If you cannot find any information or have trouble interpreting the information, contact the IDWR staff person on duty each day. This person is called the "office day" person and is available to provide general assistance. Call the office day person at 208-334-2190 between the hours of 8 and 5 Monday through Friday.

Your cooperation in using the Internet is appreciated. Your help in asking for the "office day" person for general help instead of a particular IDWR staff member helps us improve our efficiency and provide better, more cost effective service to the public. Thank you.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 4, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CHARLES AND SHERYL LAMBERT
10535 RAYGOR RD
COLORADO SPRINGS CO 80908

RE: APPLICATION FOR PERMIT TO DIVERT SPRING

Dear Mr. and Ms. Lambert:

Enclosed with this letter is the amended application for permit that I discussed with Charles Lambert on 12/4/2003. There were quite a few changes from your original application. Therefore, please review the changes carefully before you sign the form and make sure you agree with everything on the amended form prior to returning the application.

I want to point out some of the things we discussed on the telephone that were placed on the amended application for permit. First of all you will notice all of the storage uses added to the application, because your pond was too large to be considered a part of your irrigation system. There will be storage for both irrigation and fire protection. With the storage component also comes irrigation and fire protection from storage, which will allow you to divert the storage water if needed. The next new use is the diversion to storage. This will allow you to divert from the spring to the pond.

The diversion rate for the irrigation use was also increased to 0.15 cfs for irrigation. You are allowed a maximum diversion of 0.03 cfs for up to five acres. The diversion rate for diversion to storage and fire protection was also increased to 0.17 cfs. This diversion rate will be the amount diverted to the pond, which will also be the amount diverted for fire protection when it is needed. The total diversion rate was calculated at the domestic rate plus the irrigation rate to get the total rate used for project. This increase in rate is still within the \$100.00 fee requirement, so no additional fee will be needed.

I included the pond dimensions you told me on the telephone of 100 feet long by 100 feet wide by 4 feet deep. When divided by 43560, this pond will hold approximately 1 acre-foot of water. Therefore, all of your storage is based on filling the 1-acre foot storage capacity. The pond information was added to section 6a and 6b.

The map you sent with your application did not show the location of the spring. Please clearly mark the spring location on your map. I have also included a copy of the United States Geological Survey Map and one of our aerial photos for your area. You may mark the spring on either map. From your map it looks as though the place of use and point of diversion are in the NWSEW.

I have also enclosed a copy of the request to process form that we spoke about. Please sign and date the form and return it with your application for permit. I have also enclosed an explanation sheet that will explain the request to process form.

The application has grown in size due to the added uses. Please check everything over very carefully and make any changes you feel are necessary. All changes should consist of a single line through the mistake on the form and the correct information placed above, below or to the side of the correction. Please initial and date any changes you make to the form. If you have any questions or concerns please contact me at the above address. If you disagree with anything on the application form, please do not sign it until we can get the application to meet all of your needs. This is your application, and I want to make sure that it will satisfy your needs.

If you agree with the application, please sign the application and mail it the above address. Once I receive the application, I will continue with the review process and get it to advertising as soon as possible.

Respectfully,

A handwritten signature in black ink that reads "Daniel A. Nelson". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Daniel A. Nelson
Sr. Water Right Agent