

PAYETTE LAKE
(Pilgrim Cove)

TOTAL 4.1 acres
• 8 acres

3.3 acres
LOT 3

HARRIS COVE SUBD.

BRIGHTWATER I

(See Detail this page)

GLENCOVE

SHADY BEACH COMMUNITY

SHADY BEACH SUBD.

FOREST

COVE RD

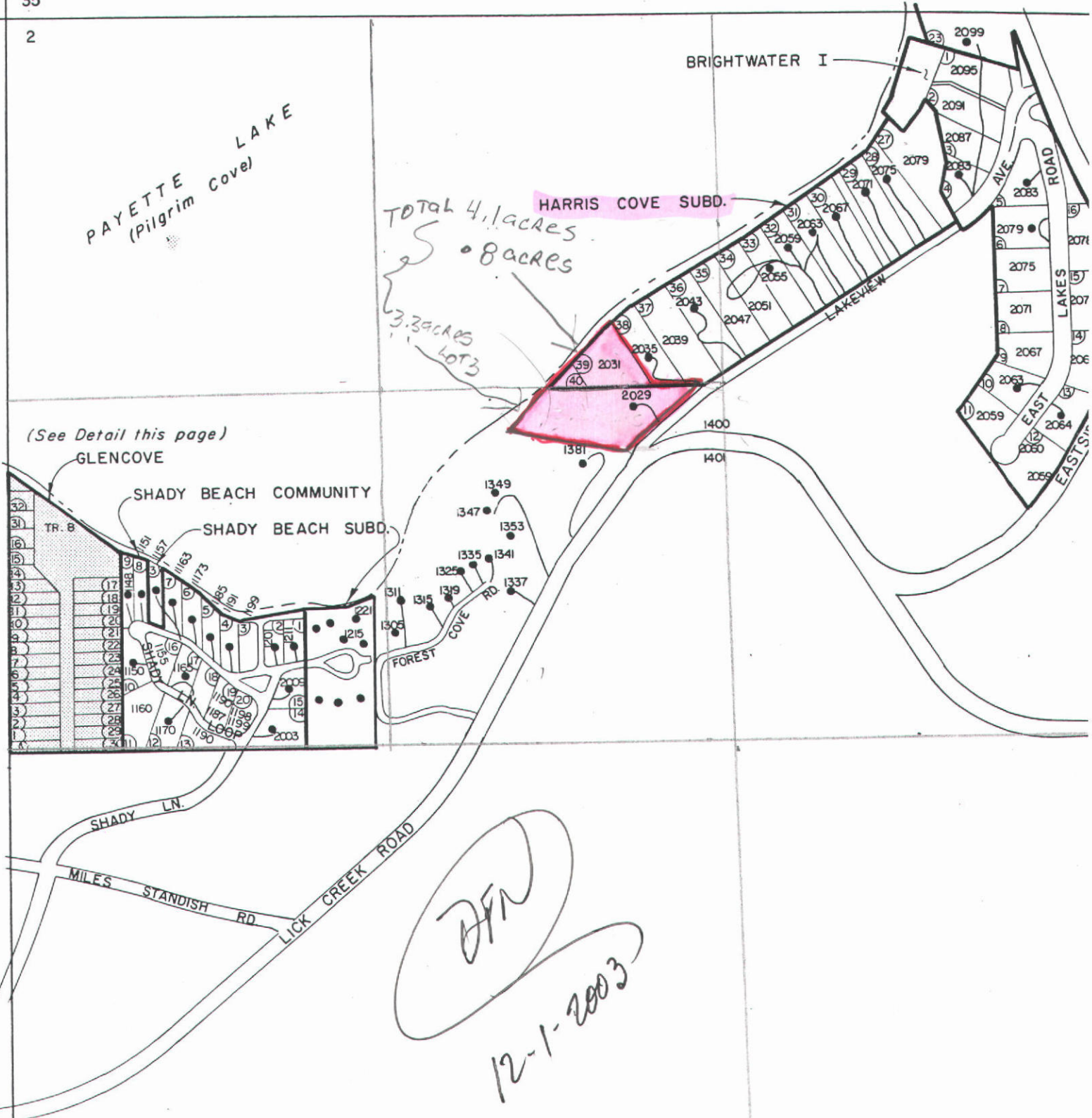
SHADY LN.

MILES STANDISH RD

LICK CREEK ROAD

DFN
12-1-2003

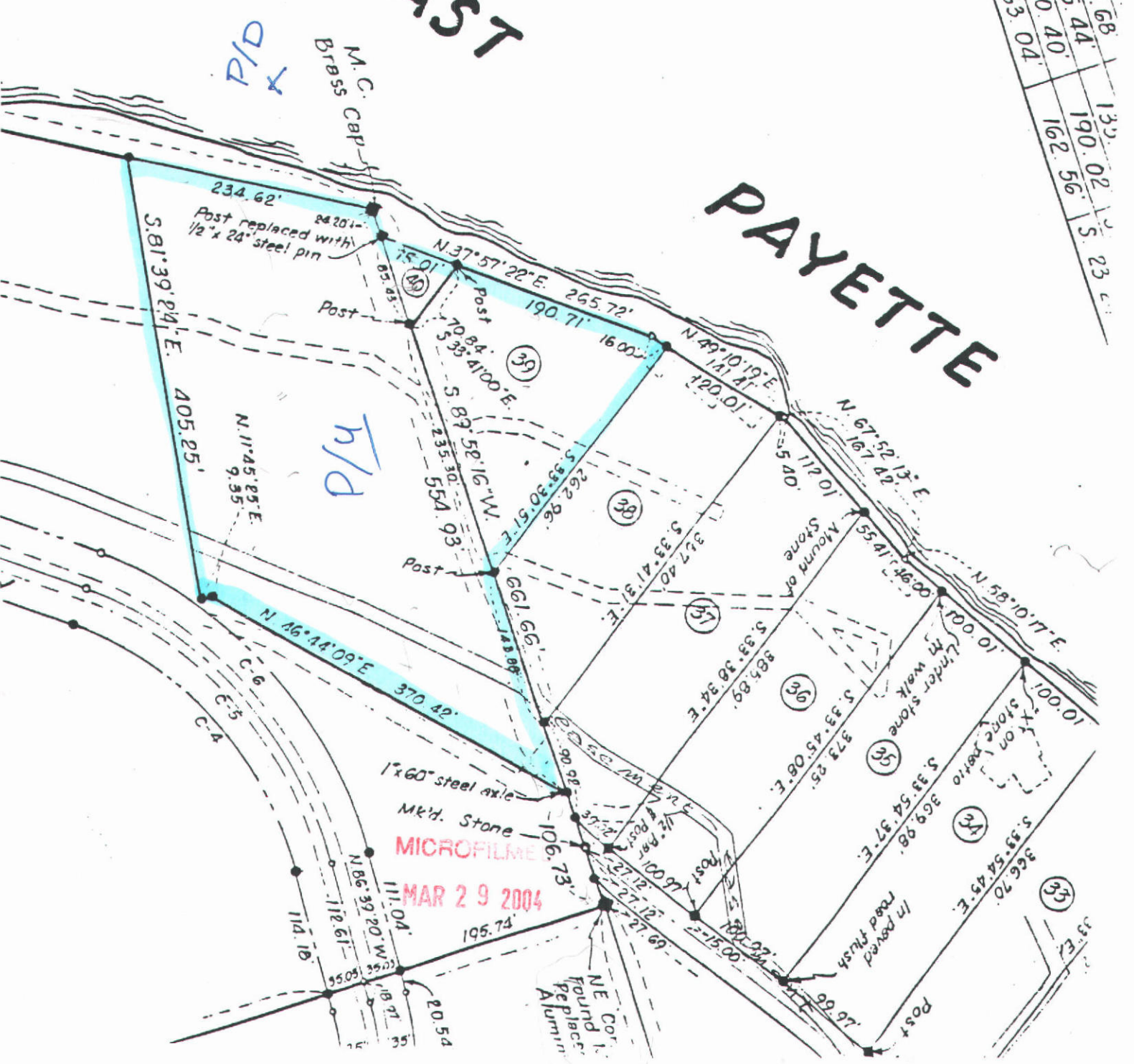
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MAR 29 2004

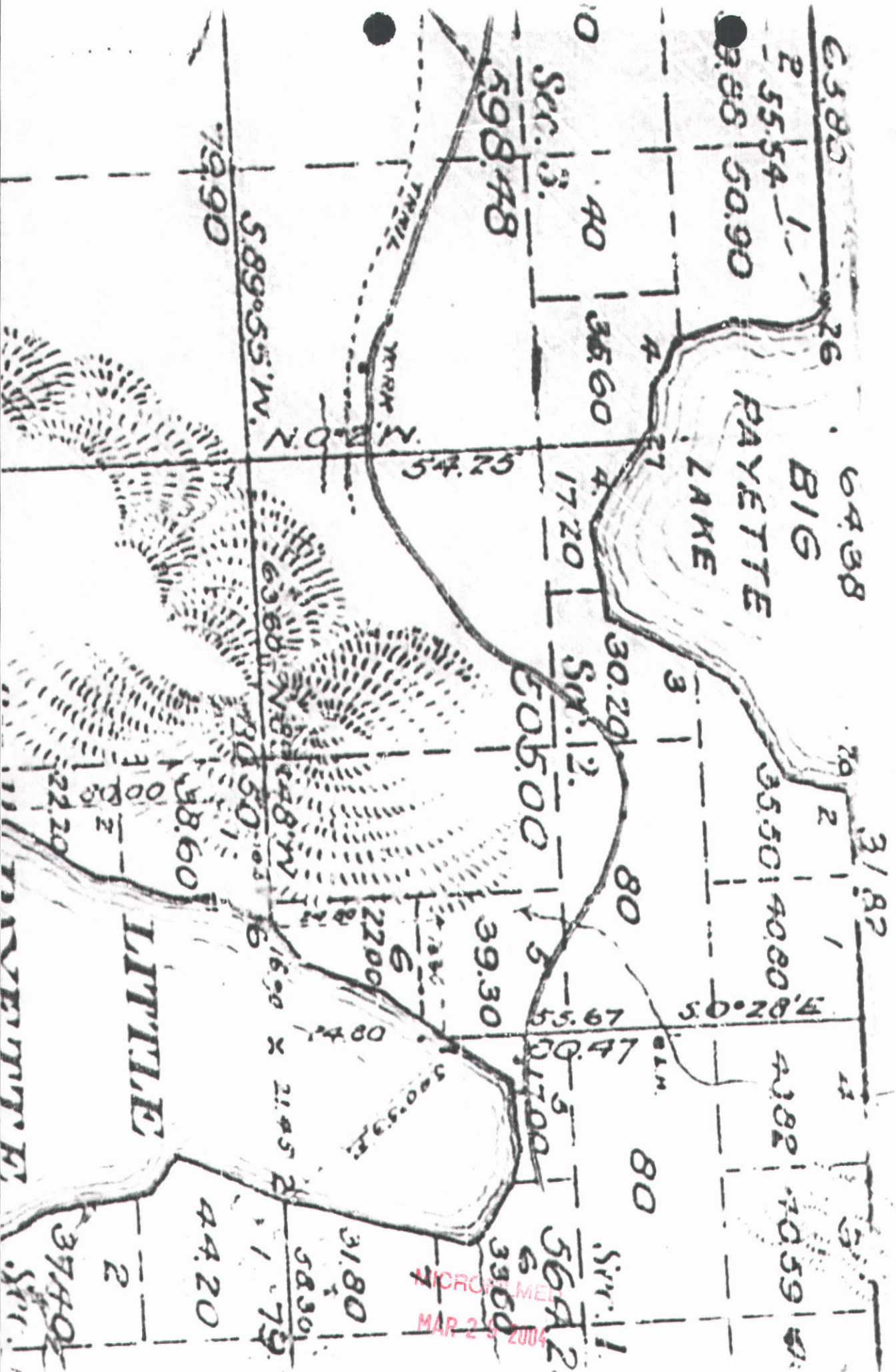


32	685.00	247.43	280	133
28	935.00	150.78	267.68	190.02
5'00"	235.00	173.73	135.44	162.56
37'10"	307.84	67.86	190.40	5.23
11'30"	165.00	95.59	163.04	
57'10"	865.00	82.00		
5'58'18"	865.00			
8'36'42"	615.00			
15'11'21"				

EAST

PAYETTE





Publisher's Affidavit of Publication

STATE OF IDAHO

County of Valley

} .ss

I, Carol J. Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began December 18, 2003 and ended December 24, 2003.

Carol J. Wright

Subscribed and sworn before me this the 24th day of December, 2003.
STATE OF IDAHO

COUNTY OF VALLEY
}

On this 24th day of December, in the year of 2003, 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

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

DALE F NAGY, 4977 N HOLLOW LN,
BOISE ID 83702
Point(s) of Diversion L3 (SENW) S2
T18N R03E VALLEY County S o u r c e
PAYETTE LAKE
Tributary To NORTH FORK PAYETTE
RIVER
Use: IRRIGATION 04/15 To 10/31 0.12
CFS
Total Diversion: 0.12 CFS
Date Filed: 08/12/2003
Place Of Use: IRRIGATION
T18N R03E S2 NENW Lot 2 SENW
Lot 3
Number of Acres 4
Remark: Applicant agrees to mitigate con-
sumptive use in the future as needed.
Permits will be subject to all prior water
rights. Protests may be submitted based on the
criteria of Sec 42-203A, Idaho Code.
Any protest against the approval of this
application must be filed with the Director,
Dept. of Water Resource, Western Region,
2735 Airport Wy, Boise ID 83705 together
with a protest fee of \$25.00 for each application
on or before 01/05/2004. The protestant must
also send a copy of the protest to the applicant,
KARL J DREHER, Director. Published in
the Star News on December 18 and 25, 2003.
2tc12/24

WATER RESOURCES
WESTERN REGION

JAN 06 2004

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MAR 29 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22843

Priority August 12, 2003

Maximum Diversion Rate 0.12 CFS

This is to certify, that DALE F NAGY
4977 N HOLLOW LN
BOISE ID 83702

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

0.12 CFS

LOCATION OF POINT OF DIVERSION:

PAYETTE LAKE L3 (SE $\frac{1}{4}$ NW $\frac{1}{4}$) 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					8			32									40
							L2			L3									
Total Acres			4																

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before **February 01, 2006**.
- 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 Water shall not be diverted under this right when flows in the North Fork Payette River are below established minimum flow amounts
- 5 This right does not grant any right-of-way or easement across the land of another
- 6 The availability of water for this right is subject to all prior water rights of Lake Reservoir Co
- 7 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
- 8 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.

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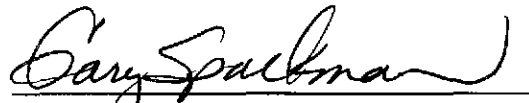
MAR 23 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22843

9. 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.
10. Place of use is located within Lots 39 & 40, Harris Cove Subdivision.
11. 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.



KARL J DREHER, Director

MICROFILMED

MAR 29 2004

8-12-03

Ident. No. 65-32843

RECEIVED

FEB 17 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

1. Name of Applicant DALE F. NAGY Phone 336-1205

Post Office address 4977 N. HOLLOW LANE BOISE, ID. 83702

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

3. Location of point of diversion is 1/4 of 1/4 of 1/4 of Govt. Lot 3

Sec. 2 Township 18 N Range 3 E B.M. VALLEY County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.12 for IRRIGATION purposes from 4/15 to 10/31 (both dates inclusive);
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive);
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive);
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive);
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.12 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. ELECTRIC SUBMERSIBLE PUMP
IN PAYETTE LAKE WITH SPRINKLER SYSTEM

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

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

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

e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

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

- Hydropower; show total feet of head and proposed capacity if KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

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MAR 29 2004

9. 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	
18N	3E	2								4/1-3									
							.8			3.2									4.
							L2			L3									

Total number of acres to be irrigated 4

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

11. a. Who owns the property at the point of diversion? STATE OF IDAHO

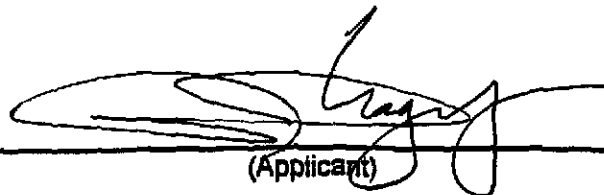
b. Who owns the land to be irrigated or place of use? DALE & KATHY NAGY

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: _____

12. Remarks: _____

13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

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.


(Applicant)

Received by JFW Date 8/12/03 Time 4:00 PM Preliminary check by DAN
 Fee \$ 100.00 Received by JFW # W030826 Date 8/12/03
 Publication prepared by AT Date 12-18-25-03 Published in STAR NEWS
 Publication approved AT Date MICHAEL TAY

MAR 29 2004

PAYETTE LAKE
(Pilgrim Cove)

TOTAL 4.1 acres
• 8 acres

3.3 acres
Lot 3

HARRIS COVE SUBD.

BRIGHTWATER I

(See Detail this page)
GLENCOVE

SHADY BEACH COMMUNITY

SHADY BEACH SUBD.

FOREST COVE RD

LAKEVIEW

AVENUE

ROAD

LAKE

EAST

EAST

SHADY LN.

MILES STANDISH RD

LICK CREEK ROAD

DFN
12-1-2003

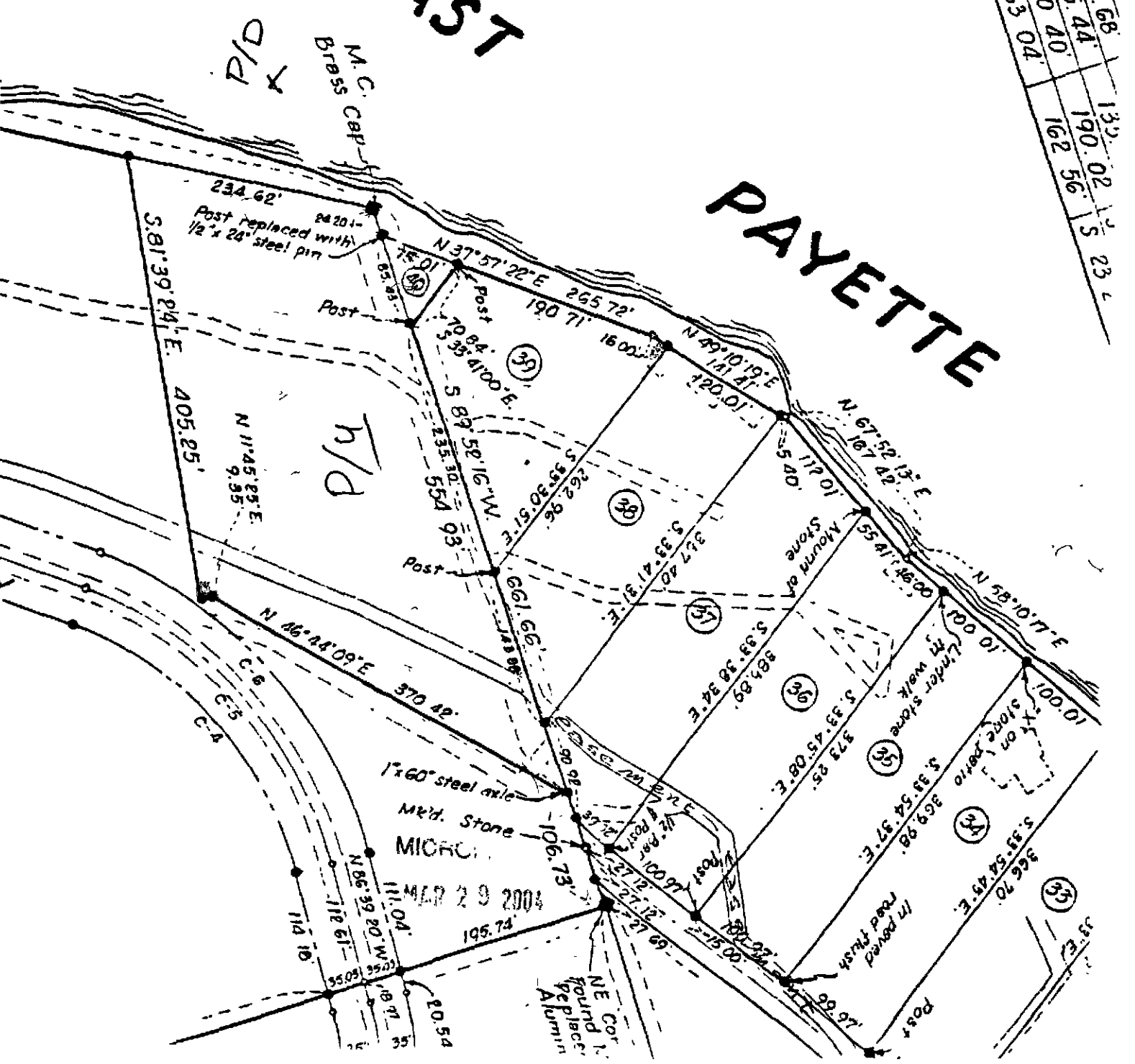
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32	685.00	110	280
28	935.00	247.43	267.68
5 00	235.00	150.78	135.44
37 10	307.84	173.73	190.40
37 30	165.00	67.86	163.04
11 30	165.00	95.59	
57 10	865.00	82.00	
3 58 18	865.00		
2 36 42	615.00		
15 11 21			

EAST

PAYETTE



REQUEST TO PROCESS

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

Name of Applicant

DALE F. NAGY

Mailing Address

4977 N. HOLLOW LANE

BOISE, IDAHO 83702

Application No.
(if known)

___ IN LOCAL PUBLIC INTEREST

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

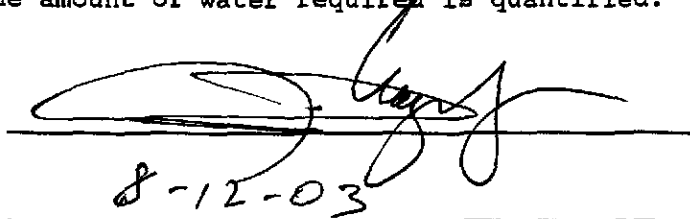
___ PROPOSE MITIGATION NOW

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

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature



Date

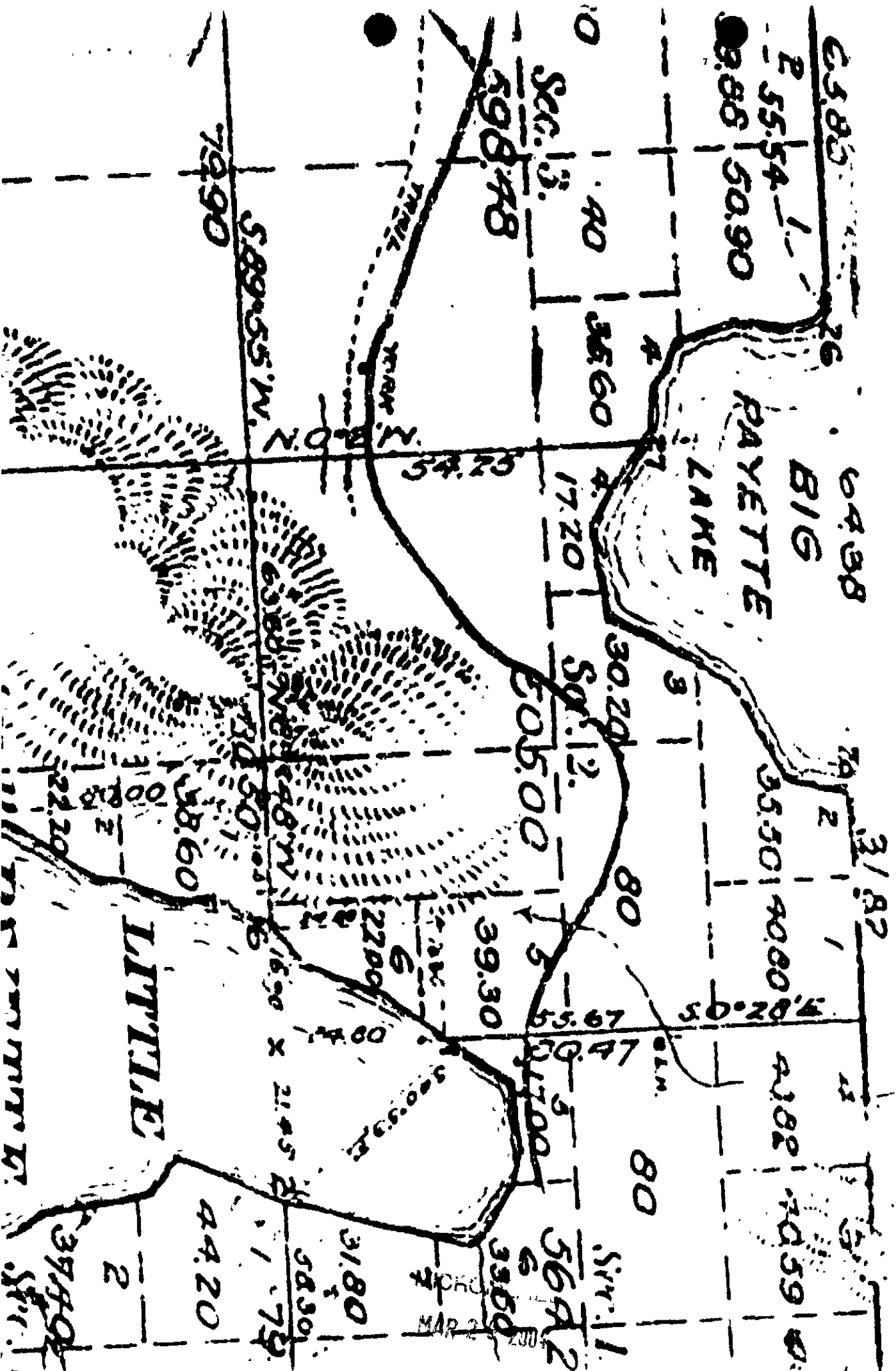
8-12-03

Please return this form to:

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

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MAR 29 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 27, 2004

DALE F NAGY
4977 N HOLLOW LN
BOISE ID 83702

RE. Permit No. 65-22843

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.

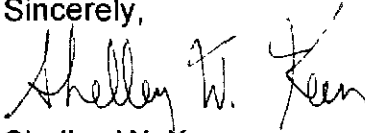
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at 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 black ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized 'S' and 'K'.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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MAR 22 2006

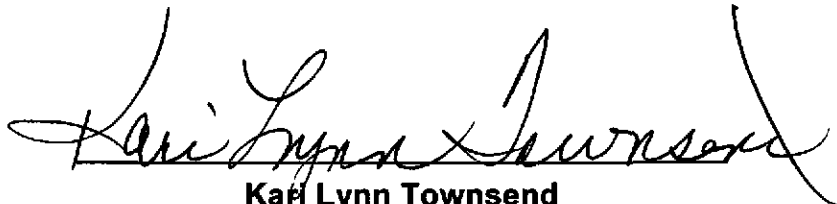
CERTIFICATE OF SERVICE

I hereby certify that on February 27, 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.

65-22843

DALE F NAGY
4977 N HOLLOW LN
BOISE ID 83702



Kari Lynn Townsend
Secretary

MICHAEL J. TOWNSEND

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).

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 DAN Date 11-28-03 Application # 65-22843

REQUIRED INFORMATION

RECEIVED

FEB 17 2004

Department of Water Resources

☒ 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 yes P/D
☒ Nature of use (list details in appl. Item 8 if non-irrigation) yes 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) NO SIGNIFICANT OVERLAP
☒ 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

LAKE IS
TRIBUTARY TO
NORTH FORK OF
PAYETTE.
SEE EMAIL

Date Requested _____ Date Response Received _____

PROCESSING

APPLICATION # 65-22843

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 → STATE

McCall OFFICE

YES NO

☐ ☒ US BLM
☐ ☒ US Forest Service
☒ ☐ Water Dist # 65
☐ ☒ Water Planning Bureau
☒ ☐ Other CONTACTED BILL GRAHAM

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 1-5-04
☐ ☒ Protests received
☐ ☐ Recommendations attached
☐ ☐ Measuring device required
☒ ☐ Water delivered by water master? District # 65 ROW SHURTLEF
☒ ☐ Special conditions of approval or cover letter

minimum Stream Flow condition

Basin 65 Annual Assessment: Rental Pool Fees.

Standard conditions

Recommended Date of Priority August 12, 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)

State of Idaho
Department of Water Resources

RECEIVED

FEB 12 2004

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No: 65-22843

Applicant's Name: Dave F. Nagy

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as follows: Under the control of Water District No. 65, and
subject to the Annual Assessments and Rental Pool fees.
- 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

MICROFILMED

427 2 5 2001

Nelson, Dan

To: waterdist65@fmtc.com
Subject: REQUEST FOR WATERMASTER COMMENT

Hello Ron,

I have a file that I am ready to send onto the State Office for licensing. However, I need to receive the watermaster comment on this file before I can send the file forward.

Could you please review application for permit 65-22843 and send me the watermaster comment for his filing. I would really appreciate it. Application for permit 65-22843 is for Dale Nagy. The original watermaster response request was sent to you on 12/10/2003 @ 4:42 pm. I sent a second email on 1/8/2004 at 12:18 pm. Please respond as soon as possible.

Thank you

Daniel A. Nelson
Senior Agent
Western Region
Idaho Department of Water Resources

MICRO

MAR 29 2004

Nelson, Dan

From: Nelson, Dan
Sent: Thursday, January 08, 2004 12:18 PM
To: 'waterdist65@fmtc.com'
Subject: WATERMASTER COMMENT FOR WATER RIGHT 65-22843

Hello Ron,

We haven't received the watermaster comments for water right 65-22843 for Dale Nagy, and it has completed advertisement and is ready to be sent on for final approval/denial. We can't send it onto the State Office until we receive the comments, so we would appreciate it if you could take a look at this one and send in your comments. Thank you for your time and effort. Have a great new year.

Daniel A. Nelson
Senior Agent
Western Region
Idaho Department of Water Resources

MICROFILMED
MAR 29 2004

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 December 18, 2003 and ended December 24, 2003

Carol J. Wright

Subscribed and sworn before me this the 24th day of December, 2003.
STATE OF IDAHO

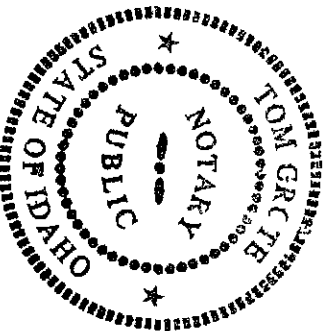
COUNTY OF VALLEY

}

On this 24th day of December, in the year of 2003, 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



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

DALE F NAGY, 4977 N HOLLOW LN,
BOISE ID 83702
Point(s) of Diversion L3 (SENW) S2
T18N R03E VALLEY County Source
PAYETTE LAKE
Tributary To NORTH FORK PAYETTE
RIVER
Use: IRRIGATION 04/15 To 10/31 0.12
CFS
Total Diversion: 0.12 CFS
Date Filed: 08/12/2003
Place Of Use: IRRIGATION
T18N R03E S2 NE1/4 Lot 2 SENW
Lot 3

Number of Acres 4
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 Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/05/2004. The protestant must also send a copy of the protest to the applicant
KARL J DREHER, Director Published in the Star News on December 18, and 25, 2003
2/12/24

RECEIVED

JAN 06 2004

WATER RESOURCES
WESTERN REGION

FILED
MAR 23 2004

DALE F. NAGY
7609 W. EMERALD
BOISE, IDAHO 83704

FACSIMILE TRANSMITTAL SHEET

TO DAN NELSON FROM DALE NAGY
COMPANY: ID. DEPT. WATER RESOURCES DATE 12-22-03
FAX NUMBER 334-2348 TOTAL NO. OF PAGES INCLUDING COVER (4)
PHONE NUMBER:

RE.

APPLICATION FOR PERMIT TO DIVERT WATER FROM PAVETTE LAKE

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

DAN,
PER YOUR REQUEST OF 12-2-03, I AM
FAXING COPY OF IDAHO DEPARTMENT OF LANDS
ENCROACHMENT PERMIT # L-65-S-563A.

HOPESFULLY THIS WILL ALLOW YOU TO COMPLETE
THE ABOVE APPLICATION.

IF YOU NEED ANYTHING ELSE, PLEASE DON'T
HESITATE TO CALL.

HAPPY HOLIDAYS

MICROFILMED

12/23/2004

D. NAGY



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 2, 2003

DIRK KEMPTHORNE
GovernorKARL J. DREHER
DirectorDALE F NAGY
4977 N HOLLOW LANE
BOISE ID 83702**RE: APPLICATION FOR PERMIT TO DIVERT PAYETTE LAKE WATER FOR IRRIGATION**

Dear Mr. Nagy:

During our office visit on 12/2/2003, I neglected to discuss with you part 11(c) on your application for permit to divert water from Payette Lake to irrigate your property. Section 11(c) states:

If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.

You have listed that the State of Idaho, Department of Lands own the land where the water will be diverted. You will need to contact this entity and get an approval or an easement to establish a point of diversion on their property and to run the piping from the diversion point to your property. All our office needs from you is a statement from you informing us that you have attained all the necessary approvals from the Department of Lands. The following is the Idaho Department of Lands office you will need to contact.

State of Idaho Department of Lands
555 Deinhard Lane
McCall, ID 83638
Telephone → (208) 634-7125
Fax → (208) 634-5117

In order to speed the processing of your application, I will continue to process and advertise your application. However, I will not be able to send this application to our State Office for approval/denial until this information has been received.

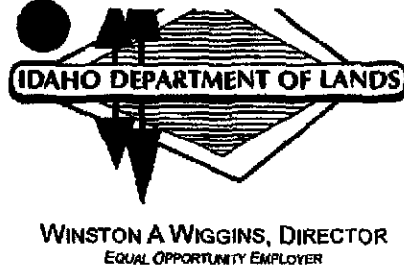
If you have any questions or concerns please contact me at the above address.

Respectfully,

Daniel A. Nelson
Sr. Water Right Agent

FAV
MICROFILMED
MAR 29 2004
634-5117
JAY SILA

PAYETTE LAKES
SUPERVISORY AREA
555 Deinhard Lane
McCall ID 83638
Phone (208) 634-7125
Fax (208) 634-5117



STATE BOARD OF LAND COMMISSIONERS
Dirk Kempthorne, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Keith L. Johnson, State Controller
Marilyn Howard, Sup't of Public Instruction

ENCROACHMENT PERMIT NO. L-65-S-563A

Permission is hereby granted to Dale Nagy of 4977 N Hollow Lane Boise, ID 83702 to install a water in take line to an electric pump approximately 100 feet into Payette Lake for purpose of providing water for irrigation sprinklers and fire protection. To be located adjacent to: Harris Cove Sub., Lots 39 & 40, Gov't Lot 3, Section 2, T19N, R3E, Valley County, B.M.,

1. All applicable provisions of the Rules of Regulation of Beds, Water, and Airspace over Navigable Lakes and Streams in the State of Idaho are incorporated herein by reference and made a part hereof.
2. Construction will follow details and specifications shown on the approved drawings, and data provided by the applicant. Should such information and data prove to be materially false, incomplete and/or inaccurate, this authorization may be modified, suspend, or revoked in accordance with the Administrative Procedures Act, Idaho Code title 67, chapter 52.
3. This permit does not convey the State's title to or jurisdiction or management of lands lying below the natural or ordinary high water mark.
4. Acceptance of this permit constitutes permission by the Permittee for representatives of the Department of Lands to come upon Permittee's lands at all reasonable times to inspect the encroachment authorized by this permit.
5. The Permittee assumes all liability for damages, which may result from the exercise of this permit.
6. This permit does not relieve the Permittee from obtaining additional local or federal permits as required.
7. **If the activity authorized herein is not completed on or before the 18th day of December, 2006 (three years from the date of issuance), this permit shall automatically expire unless it was previously revoked or otherwise extended.**
8. This permit supersedes and voids any permit previously issued for this property for this purpose. This permit is contingent upon removing any abandoned portions of the existing structure(s) from the lake.
9. The Permittee shall maintain the structure or work authorized herein in a good and safe condition and in accordance with the plans and drawings attached hereto.

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DEC 23 2004

ENCROACHMENT PERMIT

NO. L-65-S-563A

Page 2

10. Waterline shall be anchored to the bed of the lake with a nontoxic type of weight.
11. The water intake shall be screened in a manner that would create approach velocities of not more than 0.10 feet per second and a maximum screen diameter of one-quarter inch (1/4").
12. All construction shall be completed in accordance with descriptions and methods provided unless otherwise specified. Any changes shall be approved in writing by the department prior to construction.
13. All Department of Water Resources laws and policies must be in compliance.
14. As current EPA requirements dictate that disinfection and filtration systems be used for minimum treatment by surface water purveyors, the department recommends that small domestic surface water users do likewise.
15. The Permittee shall indemnify and hold harmless and free from liability the Permitter for any injuries to persons or damage to property occurring as a result of the use authorized under this permit.
16. **Idaho Code 58-1306(e) requires recordation of this permit in the records of the perspective county assessor's office as a condition of this permit.**

UPON TRANSFER OF THIS REAL PROPERTY, YOU ARE REQUIRED TO NOTIFY
THIS OFFICE OF THE SUBSEQUENT NAME CHANGE (SEE ENCLOSURE).

FOR THE DIRECTOR

By: Sheldon W. Keifer
SHELDON W. KEAFER (Area Supervisor)

Date: December 18, 2003

STATE OF IDAHO)
) ss
COUNTY OF VALLEY)

Subscribed and sworn to before me this 18 December, 2003.

Mary H. Hill
Notary Public of Idaho
Residing at McCall, Idaho
Commission expires 11/20/2006



MICROFILMED

MAR 2 2004

Kreger (Taylor), Sue

From: Dave Gruenhagen [DGruenhagen@idl.state.id.us]
Sent: Thursday, December 11, 2003 12:45 PM
To: 'Kreger (Taylor), Sue'
Subject: RE: COMMENT LETTER

Sue,

Thanks for the information. The WR application did not involve state land.

Dave Gruenhagen

-----Original Message-----

From: Kreger (Taylor), Sue [mailto:skreger@idwr.state.id.us]
Sent: Thursday, December 11, 2003 8:37 AM
To: 'dgruenhagen@idl.state.id.us'
Cc: Kreger (Taylor), Sue
Subject: COMMENT LETTER

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

December 11, 2003

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

Dear Mr. Gruenhagen:

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

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by January 5, 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

MICROFILMED
MAR 29 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

December 11, 2003

ID DEPT OF LANDS
SHELDON KEAFER
555 DEINHARD LN
MCCALL ID 83638

Dear Mr. Keafer:

Enclosed 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 5, 2004.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue'.

Sue Kreger
ID Dept Water Resources
Western Region
334-2190

MICROFILMED

MAR 29 2004

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Thursday, December 11, 2003 8:37 AM
To: 'dgruenhagen@idl.state.id.us'
Cc: Kreger (Taylor), Sue
Subject: COMMENT LETTER

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

December 11, 2003

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

Dear Mr. Gruenhagen:

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

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by January 5, 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



65-22843.pdf

MICROFILMED
MAR 29 2004

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Wednesday, December 10, 2003 4:44 PM
To: WD65 (E-mail)
Cc: Kreger (Taylor), Sue
Subject: COMMENT LETTERS

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

December 10, 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



Copy of
commendation of Wa



65-22843.pdf



65-22845.pdf

MICROFILMED

MAR 29 2004

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Wednesday, December 10, 2003 4:42 PM
To: 'eleitzin@IDFG.STATE.ID.US'
Cc: Kreger (Taylor), Sue
Subject: 2 COMMENT LETTERS

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

December 10, 2003

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Sir:

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 5, 2004.

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

Sincerely,

Sue Kreger
ID Dept Water Resources



65-22845.pdf



65-22843.pdf

MICROFILMED

MAR 29 2004

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

December 10, 2003

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

RE: Application for Permit No. 65-22843

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 01/05/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

MICROFILMED
MAR 29 2004

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

65-22843

DALE F NAGY
4977 N HOLLOW LN
BOISE ID 83702

Point(s) of Diversion L3 (SENW) S2 T18N R03E VALLEY County Source PAYETTE LAKE
Tributary To NORTH FORK PAYETTE RIVER

Use. IRRIGATION 04/15 To 10/31 0.12 CFS

Total Diversion. 0.12 CFS

Date Filed: 08/12/2003

Place Of Use: IRRIGATION

T18N R03E S2 NENW Lot 2 SENW Lot 3

Number of Acres 4

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 Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/05/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Star News on December 18 and 25, 2003.

MICROFILMED

MAR 29 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 2, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DALE F NAGY
4977 N HOLLOW LANE
BOISE ID 83702

RE: APPLICATION FOR PERMIT TO DIVERT PAYETTE LAKE WATER FOR IRRIGATION

Dear Mr. Nagy:

During our office visit on 12/2/2003, I neglected to discuss with you part 11(c) on your application for permit to divert water from Payette Lake to irrigate your property. Section 11(c) states:

If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.

You have listed that the State of Idaho, Department of Lands own the land where the water will be diverted. You will need to contact this entity and get an approval or an easement to establish a point of diversion on their property and to run the piping from the diversion point to your property. All our office needs from you is a statement from you informing us that you have attained all the necessary approvals from the Department of Lands. The following is the Idaho Department of Lands office you will need to contact.

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555 Deinhard Lane
McCall, ID 83638
Telephone → (208) 634-7125
Fax → (208) 634-5117

In order to speed the processing of your application, I will continue to process and advertise your application. However, I will not be able to send this application to our State Office for approval/denial until this information has been received.

If you have any questions or concerns please contact me at the above address.

Respectfully,

Daniel A. Nelson
Sr. Water Right Agent

MICROFILMED

MAR 29 2004

Nelson, Dan

From: Graham, Bill
Sent: Monday, December 01, 2003 7:37 AM
To: Nelson, Dan
Cc: Skaggs, Pam
Subject: RE: Question on new Application Review

Dan - I believe Pam has a standard condition that goes on water rights junior to minimum stream flow water rights. Because of its later priority date, I don't need to see it. If it is a major consumptive use right, I doubt if it will pass muster with WD 65.

Thanks for the heads up - Bill G.

-----Original Message-----

From: Nelson, Dan
Sent: Friday, November 28, 2003 12:00 PM
To: Graham, Bill
Subject: Question on new Application Review

Hello Bill,

I have a new application for permit for Payette Lake, Tributary to the North Fork of the Payette River. The North Fork of the Payette River is a minimum stream flow segment (65-13528), so do you want to review this application when it is ready, or will you consider the lake as a separate water source from the river channel? I still need to contact the applicant to gain some details, so it will be awhile before I am ready to process this application and send you copy if needed.

Thank you

Dan Nelson
Western Region

For Reference Only!