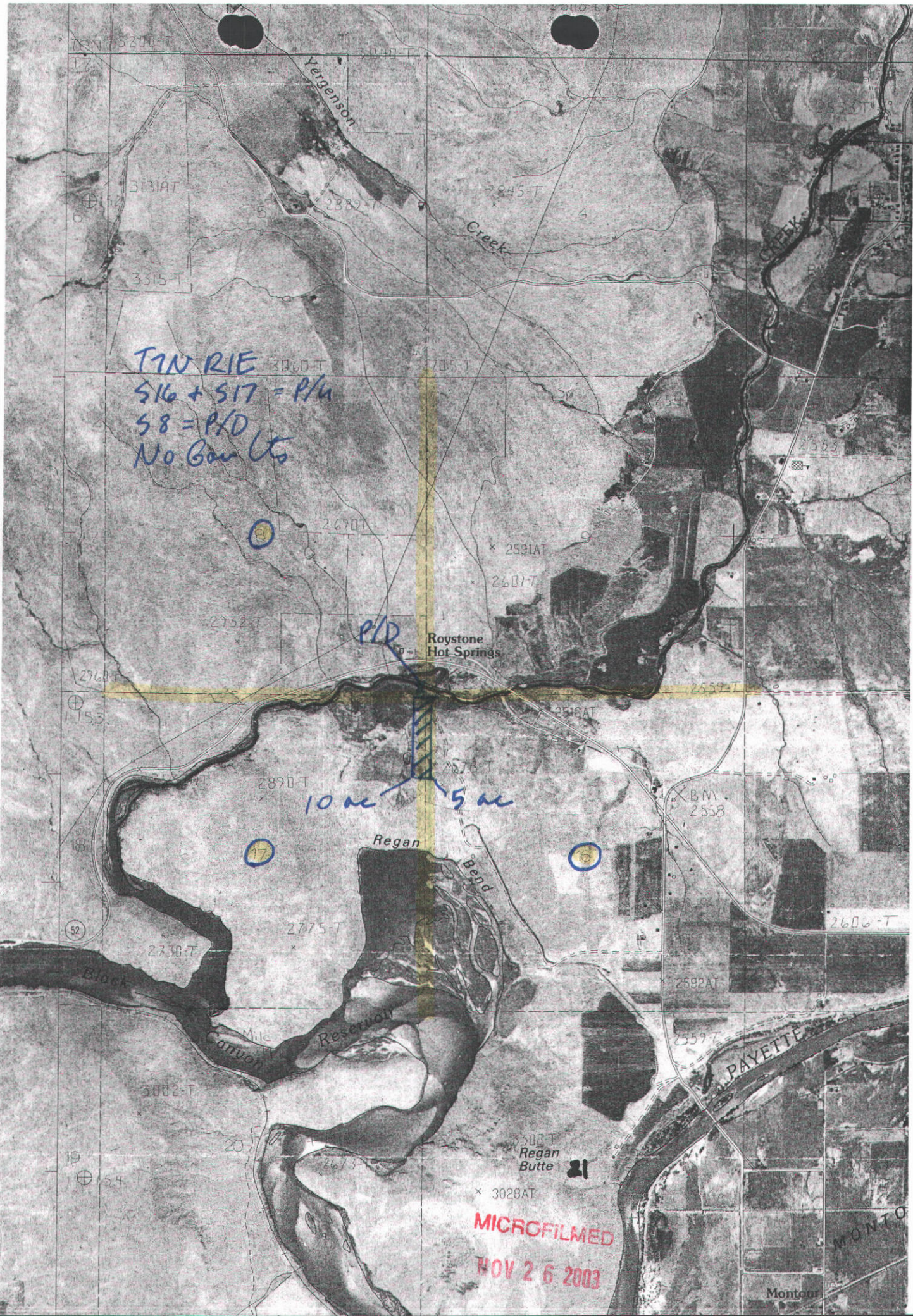




T1N R1E  
S16 + S17 = P/U  
S8 = P/D  
No Gas Lts

P/D

10 m 5 m

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NOV 26 2003

2671-T

**Roystone  
Hot Springs**

2678-T

**Regan**

**Bend**

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JUN 26 2003

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SEP 15 2003

WATER RESOURCES  
WESTERN REGION

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
 ) SS.  
County of Gem )

ANTHONY M. CLARK  
of Emmett, Gem County, Idaho, being first duly sworn,  
deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Messenger Index, a weekly newspaper published in the City of Emmett in the County of Gem, State of Idaho; that the said newspaper is in general circulation in the said County of Gem, and in the vicinity of Emmett, and has been uninterruptedly published in said County during a period of fifty-two consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

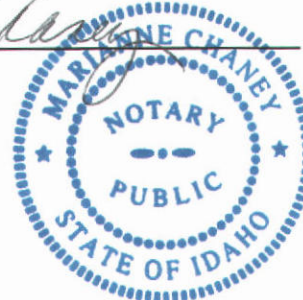
3. That the notice, of which the annexed is a printed copy, was published in the newspaper two times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following:  
September 3, 10, 2003

*Anthony M. Clark*  
\_\_\_\_\_  
STATE OF IDAHO )  
County of Gem )

On this 10th day of September in the year of 2003 before me a Notary Public, personally appeared. Anthony M. Clark 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 acknowledge to me that he executed the same.

*Marianne Chaney*  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at Emmett  
My Commission expires  
February 1, 2005



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

65-22818

BRENT BALDWIN  
8625 N HWY 52  
EMMETT ID 83617

SHARON BALDWIN  
8625 N HWY 52  
EMMETT ID 83617

Point(s) of Diversion SESE S8 T07N R01E  
GEM County Source SQUAW CREEK  
Tributary To PAYETTE RIVER

Use: IRRIGATION 03/01 To 11/15 0.3 CFS  
Total Diversion: 0.3 CFS

Date Filed: 07/07/2003

Place Of Use: IRRIGATION

T07N R01E S16 NWNW

T07N R01E S17 NENE

Number of Acres: 15

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 09/22/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

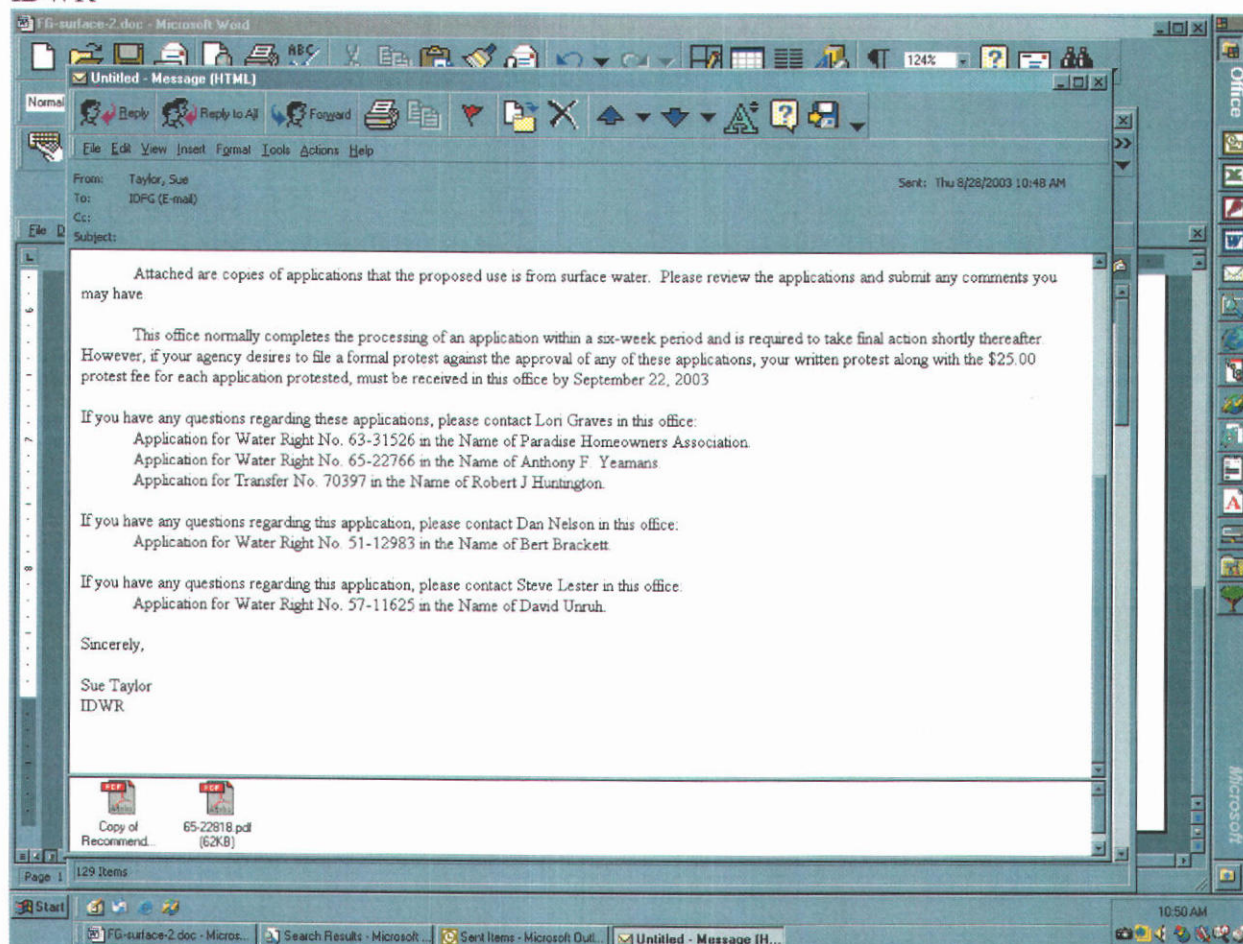
Pub: 9-3, 10, 2003

Legal Notice No. 5182  
Published in the Messenger Index

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State of Idaho

Department of Water Resources

Permit to Appropriate Water

NO. 65-22818

Priority: July 07, 2003

Maximum Diversion Rate

0.30 CFS

This is to certify, that BRENT BALDWIN And SHARON BALDWIN  
8625 N HWY 52  
EMMETT ID 83617

have applied for a permit to appropriate water from.

Source: SQUAW CREEK

Tributary: PAYETTE RIVER

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

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

RATE OF DIVERSION

0.30 CFS

LOCATION OF POINT OF DIVERSION:

SQUAW CREEK SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 8, Twp 07N, Rge 01E, B M., GEM 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 |        |
| 07N 01E 16  |      |    |    |    |    | 5.0 |    |    |    |    |    |    |    |    |    |    | 5.0    |
| 07N 01E 17  | 10.0 |    |    |    |    |     |    |    |    |    |    |    |    |    |    |    | 10.0   |

Total Acres. 15

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2008**.
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. 65A.
5. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

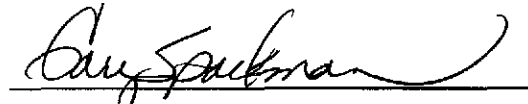
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NOV 26 2003

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 65-22818

7. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20<sup>th</sup> day of October, 20 03.

  
KARL J DREHER, Director

RECEIVED

OCT 19 2003

FORM 202  
12/99

Department of Water Resources

Ident. No. 65-22818

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

1. Name of Applicant Brent & Sharon Baldwin Phone (208) 584-3223  
Mailing address 8625 N Hwy 52 Emmett ID 83617

2. Source of water supply Spruce Creek which is a tributary of Payette River

3. Location of point of diversion is Township 7 N Range 1 E Sec. 8, in the SE  $\frac{1}{4}$ ,  
SE  $\frac{1}{4}$ , Govt. Lot gem, B.M., gem County;

additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 0.30 cfs for Irrigation purposes from 3-15 to 11-15 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.30 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 15HP pump and 4" Alum line to sprinkler system

b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet

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

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

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):

- Hydropower; show total feet of head and proposed capacity in 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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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 |        |
| 7N  | 1E  | 17  | 10 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 10     |
| 7N  | 1E  | 16  |    |    |    |    | 5  |    |    |    |    |    |    |    |    |    |    |    | 5      |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 15     |

Total number of acres to be irrigated 15

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? Baldwin

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

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: \_\_\_\_\_

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

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

Brent Baldwin  
Signature of Applicant (and title, if applicable)

Received by KLB Date 7-7-03 Time 1:34 Preliminary check by 6  
Fee \$ 250.00 Received by KLB # W030673 Date 7-7-03  
Publication prepared by alt Date 9-11-03 Published in \_\_\_\_\_  
Publication approved alt Date 9-17-03 **MESSANGER INDEX**

MICROFILMED  
NOV 25 2003

2686-T

3828

MICROFILMED

NOV 2 1968

## REQUEST TO PROCESS

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

Name of Applicant

Brent Baldwin

Mailing Address

8625 N Hwy 52

Emmett Id 83617

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

Brent Baldwin

Date

7-7-03

Please return this form to:

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

MICROFILMED

NOV 26 2003

## Name Affidavit

Before me appeared the undersigned, BRENT P BALDWIN  
sworn, states that he/she is one and the same person as  
BRENT BALDWIN

who, after first being

as set forth in all loan documents relative to the purchase/refinance of the home located at

8625 N HWY 52

EMMETT, ID 83617

Brent P Baldwin

Affiant BRENT P BALDWIN

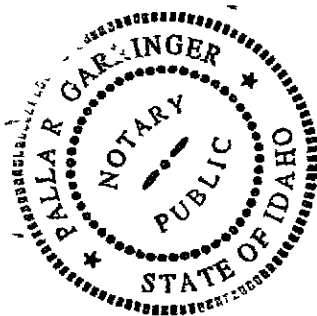
Sworn to and subscribed before me this the 2ND day of MAY, 2003.

Paul R. Garinger

Notary Public

My Commission Expires: 11-25-2008

NMFL 4315 10/98



MICROFILMED

NOV 2 5 2003

## Name Affidavit

Before me appeared the undersigned, SHARON H BALDWIN  
sworn, states that he/she is one and the same person as  
SHARON BALDWIN

who, after first being

as set forth in all loan documents relative to the purchase/refinance of the home located at

8625 N HWY 52

EMMETT, ID 83617

*Sharon H Baldwin*

Affiant SHARON H BALDWIN

Sworn to and subscribed before me this the 2ND day of MAY

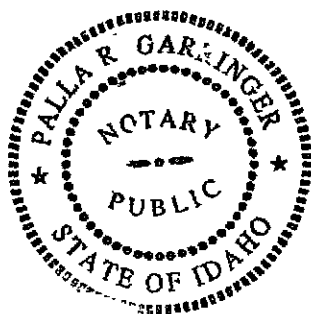
.2003.

*Palla R. Garringer*

Notary Public

My Commission Expires: 11-25-2008

NMFL 4315 10/98



MICRO  
2003



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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

October 20, 2003

BRENT BALDWIN  
SHARON BALDWIN  
8625 N HWY 52  
EMMETT ID 83617

RE: Permit No. 65-22818

**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.

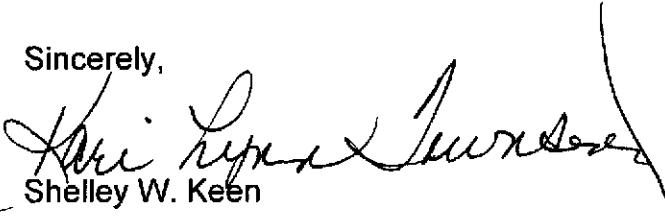
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OCT 26 2003

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

*for*   
Shelley W. Keen  
Water Rights Supervisor

SWK:klf

Enclosure(s)

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NOV 26 2003

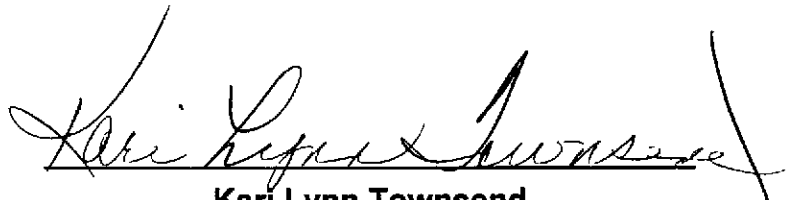
# **CERTIFICATE OF SERVICE**

I hereby certify that on October 20, 2003 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.**

**65-22818**

**BRENT BALDWIN  
SHARON BALDWIN  
8625 N HWY 52  
EMMETT ID 83617**

  
**Kari Lynn Townsend  
Secretary**

**MICROFILMED  
NOV 25 2003**

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

**PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

**EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

**REQUEST FOR HEARING**

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

**ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

**CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

**MICROFILMED  
NOV 26 2003**

### 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  
NOV 26 2003

IDAHO DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by 6 Date 8/26/03 Application # 65-22818

RECEIVED

OCT 10 2003

Department of Water Resources

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 ☒ P/D
- ☒ Nature of use (list details in appl. Item 8 if non-irrigation) ☒ 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

Y ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ ☐ P/D overlap (explain) *other sources +/or systems*
- ☒ ☐ P/U overlap (explain) *see comments*
- ☐ ☐ 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

*overlap info from " and Chechaule Ranch c/o RJ Hunter*

Date Requested 8/4/03 Date Response Received 8/11/03

**PROCESSING**

APPLICATION # 65-22818

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 # 65A  
☐ ☒ Water Planning Bureau  
☒ ☐ Other Cheehale Ranch

**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 9-22-03

- ☐ ☒ Protests received

- ☐ ☐ Recommendations attached

- ☒ ☐ Measuring device required

- ☒ ☐ Water delivered by water master? District # 65A

- ☐ ☒ Special conditions of approval or cover letter

standard WM conditions - see WM  
comments

Recommended Date of Priority 7/7/03

Recommendation ☒ Approve ☐ Deny by Jul F Hunter Date 9/29/03

**ADDITIONAL INFORMATION**

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

- ☒ Shapefile completed (optional: attach with proof report)

Roystone  
Hot Springs

2678-T

Regan

Bend

MICROFILMED  
NOV 26 2003

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**RECOMMENDATION OF WATERMASTER**

RECEIVED

OCT 07 2003

WATER RESOURCES  
WESTERN REGION

Application No: 65-22818

Applicant's Name: Brent & Sharon Baldwin

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: Applicant should understand that any water

available to pump after release is started from Sagehen reservoir in  
any given year will be waste water that has made it through the  
irrigators in the system above their point of diversion. There will be  
no storage water available for them to call for.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d) ☐ Additional Comment: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Dated this 6 day of October, 2003

Water District No: 65A

Brent Baldwin  
Watermaster's Signature

Use reverse side of page if you need more space.

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SEP 15 2003

WATER RESOURCES  
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
 ) SS.  
County of Gem )

ANTHONY M. CLARK  
of Emmett, Gem County, Idaho, being first duly sworn,  
deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action

2. That I am the Principal Clerk of the Messenger Index, a weekly newspaper published in the City of Emmett in the County of Gem, State of Idaho; that the said newspaper is in general circulation in the said County of Gem, and in the vicinity of Emmett, and has been uninterruptedly published in said County during a period of fifty-two consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in the newspaper two times in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following:  
September 3, 10, 2003

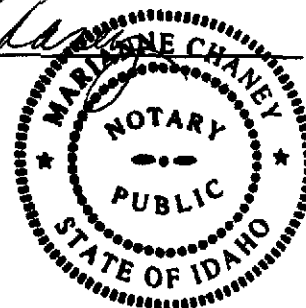
*Anthony M. Clark*

STATE OF IDAHO )  
County of Gem )

On this 10th day of September in the year of 2003 before me a Notary Public, personally appeared. Anthony M. Clark 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 acknowledge to me that he executed the same.

*Marianne Chaney*

Notary Public for Idaho  
Residing at Emmett  
My Commission expires  
February 1, 2005



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

65-22818

BRENT BALDWIN  
8625 N HWY 52  
EMMETT ID 83617

SHARON BALDWIN  
8625 N HWY 52  
EMMETT ID 83617

Point(s) of Diversion  
GEM County  
Tributary To PAYETTE RIVER

SESE S8 T07N R01E  
Source SQUAW CREEK

Use: IRRIGATION  
Total Diversion;  
Date Filed: 07/07/2003  
Place Of Use: IRRIGATION  
T07N R01E S16 NWNW  
T07N R01E S17 NENE  
Number of Acres: 15

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 09/22/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub: 9-3, 10, 2003

Legal Notice No. 5182  
Published in the Messenger Index

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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

August 28, 2003

CHEEHAOLE RANCH  
C/O RJ HUNTER  
PO BOX 98  
EMMETT ID 83617

Re: Water Right Application(s)

Dear Interested Party:

Enclosed is a copy of application(s) 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 you desire to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by September 22, 2003.

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

Sincerely,  
Sue Taylor  
Senior Secretary

Encl. Copy of Application(s)

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State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

August 28, 2003

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

ERIC HERR  
8917 BUTTE RD  
SWEET ID 83670

Re: Application(s) for Water Right

Dear Watermaster:

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

Please review the application(s). 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,

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

Sue Taylor  
Idaho Department of Water Resources  
2735 Airport Way  
Boise ID 83705  
334-2190 phone  
334-2348 fax

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NOV 26 2003

**Taylor, Sue**

---

**From:** Taylor, Sue

**Sent:** Thursday, August 28, 2003 10:48 AM

**To:** IDFG (E-mail)

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

August 28, 2003

Eric Leitzinger  
Idaho Department of Fish & Game  
PO BOX 25  
BOISE ID 83707

Dear Mr. Leitzinger:

Attached are copies of applications that the proposed use is from surface water. Please review the applications 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 September 22, 2003

If you have any questions regarding these applications, please contact Lori Graves in this office:  
Application for Water Right No. 63-31526 in the Name of Paradise Homeowners Association.  
Application for Water Right No. 65-22766 in the Name of Anthony F. Yeamans.  
Application for Transfer No. 70397 in the Name of Robert J Huntington.

If you have any questions regarding this application, please contact Dan Nelson in this office:  
Application for Water Right No. 51-12983 in the Name of Bert Brackett.

If you have any questions regarding this application, please contact Steve Lester in this office:  
Application for Water Right No. 57-11625 in the Name of David Unruh.

Sincerely,

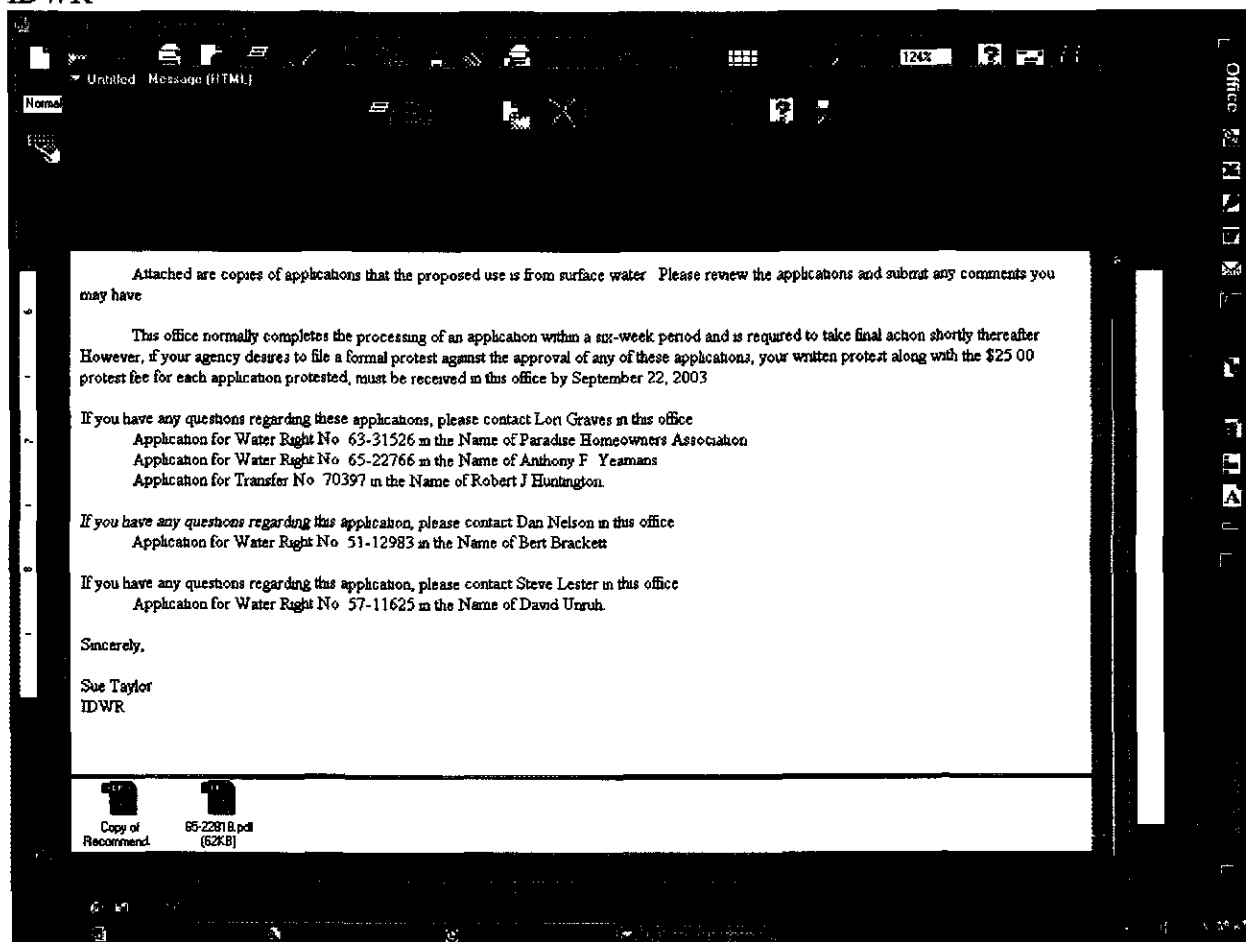
Sue Taylor  
IDWR

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NOV 25 2003

8/28/2003

IDWR



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

August 27, 2003

**Legal Notice Department**  
MESSENGER-INDEX  
PO BOX 577  
EMMETT ID 83617

RE: Application for Permit No. 65-22812 and 65-11818

**Dear LEGAL NOTICE DEPARTMENT:**

Enclosed you will find two legal notices 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 notices 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 09/22/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor  
Senior Secretary

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

65-22818

BRENT BALDWIN  
8625 N HWY 52  
EMMETT ID 83617  
SHARON BALDWIN  
8625 N HWY 52  
EMMETT ID 83617

Point(s) of Diversion SESE S8 T07N R01E GEM County Source SQUAW CREEK  
Tributary To PAYETTE RIVER

Use IRRIGATION 03/01 To 11/15 0.3 CFS  
Total Diversion 0.3 CFS

Date Filed: 07/07/2003

Place Of Use IRRIGATION

T07N R01E S16 NWNW

T07N R01E S17 NENE

Number of Acres 15

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 09/22/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Messenger Index on September 3 and 11, 2003.

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NOV 25 2003

CHEEHAOLE RANCH  
PO Box 98  
Emmett, ID 83617  
VIA FAX 208-584-3537  
11 July 2003  
*August*

8/12/03.  
Ma Hunter  
will be filing  
X-fer to clarify  
acres 69

RECEIVED  
AUG 11 2003  
WATER RESOURCES  
WESTERN REGION

Lori Graves  
State of Idaho  
Department of Water Resources  
2735 Airport Way  
Boise, ID 83705-5082  
Via FAX 334-2348

Dear Lori,

RE: Water right 65-13793

To clarify our place of use, our location should be:

2 Ac, NE1/4 NE1/4 Sec 17  
8 AC SE 1/4 SE 1/4 Sec 8

The two sections are split by Squaw Creek which makes it difficult to describe the place of us

Baldwin's application is for property due <sup>east</sup> ~~west~~ of our property in the NE 14 NE 14 Sec 17

CHEEHAOLE TRUST



R. J. Hunter.

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## IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 65-13793

WATER RIGHT NUMBER: 65-13793

|                   |                                                                                          |
|-------------------|------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                  |
| Current Owner     | CHEEHAOLE RANCH<br>C/O R J HUNTER<br>PO BOX 98<br>EMMETT, ID 83617-0098<br>(208)584-3579 |

Priority Date: 05/28/1998

Basis:

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| SQUAW CREEK   | PAYETTE RIVER    |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 3/15 to 11/15           | 0.200 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.200 CFS             |                      |

Location of Point(s) of Diversion

|             |            |                                 |
|-------------|------------|---------------------------------|
| SQUAW CREEK | SW1/4SW1/4 | Sec. 9, Twp 07N, Rge 01E, B.M.  |
| GEM County  |            |                                 |
| SQUAW CREEK | NW1/4NW1/4 | Sec. 16, Twp 07N, Rge 01E, B.M. |
| GEM 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 |        |
| 07N | 01E | 17  | 10.0 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 10.0   |

Total Acres: 10

Conditions of Approval:

1. 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
2. 076 This right authorizes a single point of diversion.
3. 120 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 needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary 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.

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M.C.N.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Permit Report 65-13793

4. 26A 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.
5. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Remarks:

1. General When water is not available to fill this right, the right holder shall cease diversion or shall rent water from the Payette River Rental Pool

Comments:

## 1. SLESTER 8/19/1998 IDWR ADDITIONAL INFORMATION

Comment: Single existing P/D on/near line between SWSW S9 & NWNW S16. This pump also serves applicant's land in 65-13269B (split right per Transfer 5135 approved in late 1997). New right is for 10 more acres beyond the 22.5 acres in NENE S17 in 65-13269B. See today's conv memo & file research information about why another transfer to clarify minor point about pump location (shown only as NWNW S16 in older right) is n/a. No other creek diversions are found downstream except same owner's P/D in NESW S17, also per T5135. It is assumed that lower reach of creek has adequate return flow to allow this new use for the full irrigation season. Note that creek is considered a "dry tributary" to river per Payette Decree so impact on river rights is n/a.

## 2. VAULT 9/6/2000 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

Dates and Other Information:

Permit Proof Due Date: 8/1/2000  
Permit Proof Made Date: 7/31/2000  
Permit Approved Date: 8/26/1998  
Permit Moratorium Expiration Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Field Exam Date:  
Date Sent to State Office:  
Date Received at State Office:  
State or Federal:  
Owner Name Connector:  
Water District Number: 65A  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

NOV 25 2003

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-13269B

WATER RIGHT NUMBER: 65-13269B

Owner Type                      Name and Address  
 Current Owner                  CHEEHAOLE RANCH  
                                          C/O R J HUNTER  
                                          PO BOX 98  
                                          EMMETT, ID 83617-0098  
                                          (208)584-3579

Priority Date: 03/09/1990

Basis: License

Status: Active

Source                                      Tributary  
 SQUAW CREEK                              PAYETTE RIVER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 3/15 to 11/15           | 0.520 CFS             | 180.00 AF            |
|                       | <u>Total Diversion:</u> | 0.520 CFS             | 180.00 AF            |

Location of Point(s) of Diversion

|             |            |                                 |
|-------------|------------|---------------------------------|
| SQUAW CREEK | NW1/4NW1/4 | Sec. 16, Twp 07N, Rge 01E, B.M. |
| GEM County  |            |                                 |
| SQUAW CREEK | NE1/4SW1/4 | Sec 17, Twp 07N, Rge 01E, B.M.  |
| GEM County  |            |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE                | NW                | SW                | SE                | Totals |
|-----|-----|-----|-------------------|-------------------|-------------------|-------------------|--------|
| 07N | 01E | 9   | NE   NW   SW   SE | NE   NW   SW   SE | NE   NW   SW   SE | NE   NW   SW   SE | 10.0   |
| 07N | 01E | 16  |                   | 3.0               |                   |                   | 3.0    |
| 07N | 01E | 17  | 22.5              | 15.0              | 9.0               |                   | 46.5   |

Total Acres: 59.5

*sewerment  
area to  
pump house  
separates by  
S. 2.0000000000000000*

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. & DISTRICT.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

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## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 65-13269B

4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks:

1. General The total instantaneous diversion of water from all points of diversion under Right 65-13269B shall not exceed 0.52 cfs, nor total combined annual volume of 180.0 af.  
Right 65-13269B is limited to the irrigation of 400 acres in the place of use described above in a single irrigation season.

Comments:

1. VAULT 11/6/1992 Lapse Notice Sent  
Comment: Lapse Notice Sent

2. PSKAGGS 11/26/1997 TRANSFER NO. 5135  
Comment: Transfer 5135 adds points of diversion & changes the place of use to reflect two separate ownerships under Parts A & B.

Dates and Other Information:

Licensed Date: 5/6/1995  
 Decreed Date:  
 Water Supply Bank Enrollment Accepted:  
 Water Supply Bank Enrollment Removed:  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 State or Federal:  
 Owner Name Connector:  
 Water District Number: 65A  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Decree Defendant:  
 Decree Plaintiff:  
 Civil Case Number:  
 Judicial District:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

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