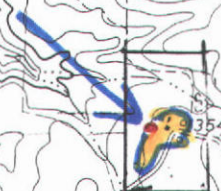


T8N
R1E
Sec 1

Pt diversion

Place USE



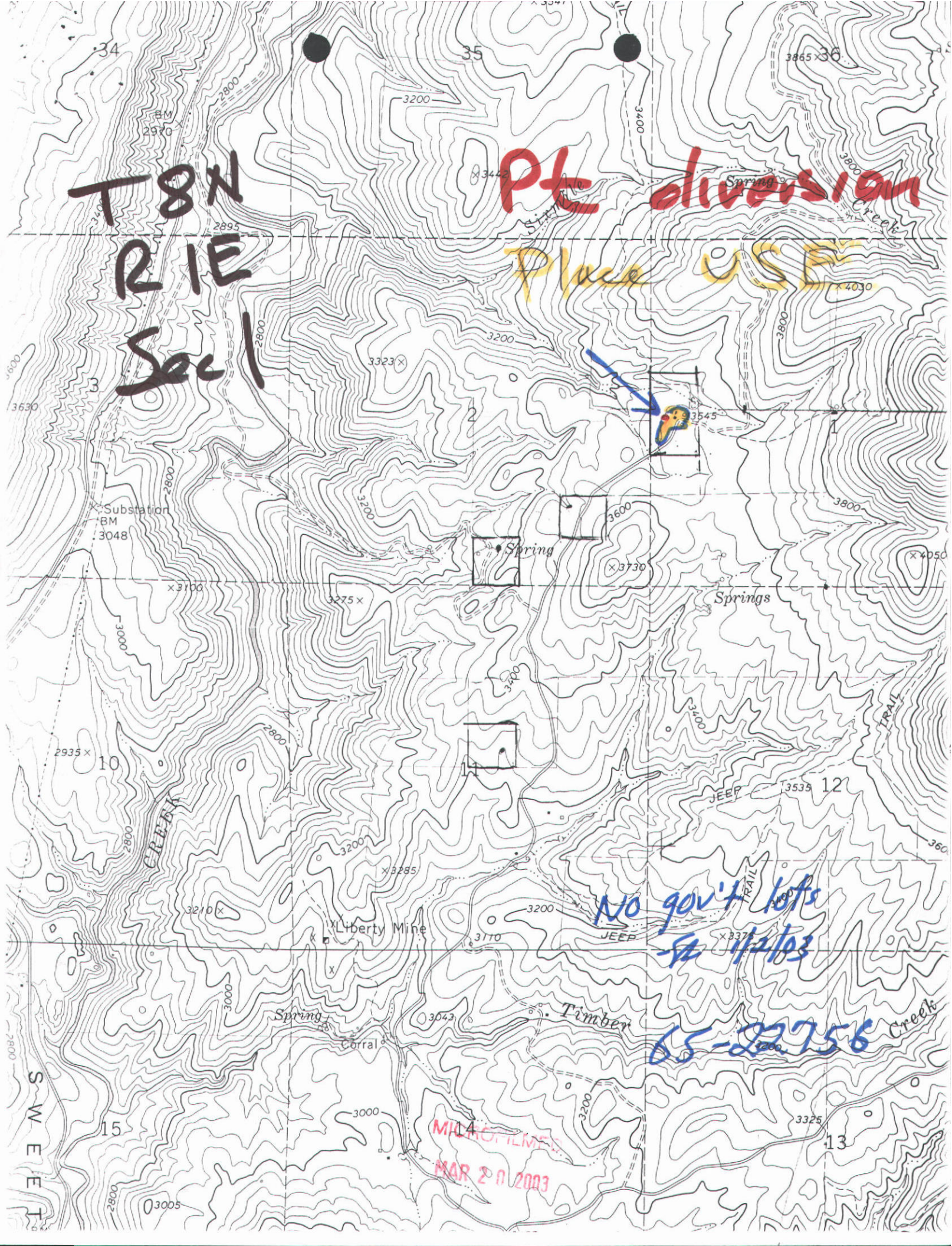
Spring

Springs

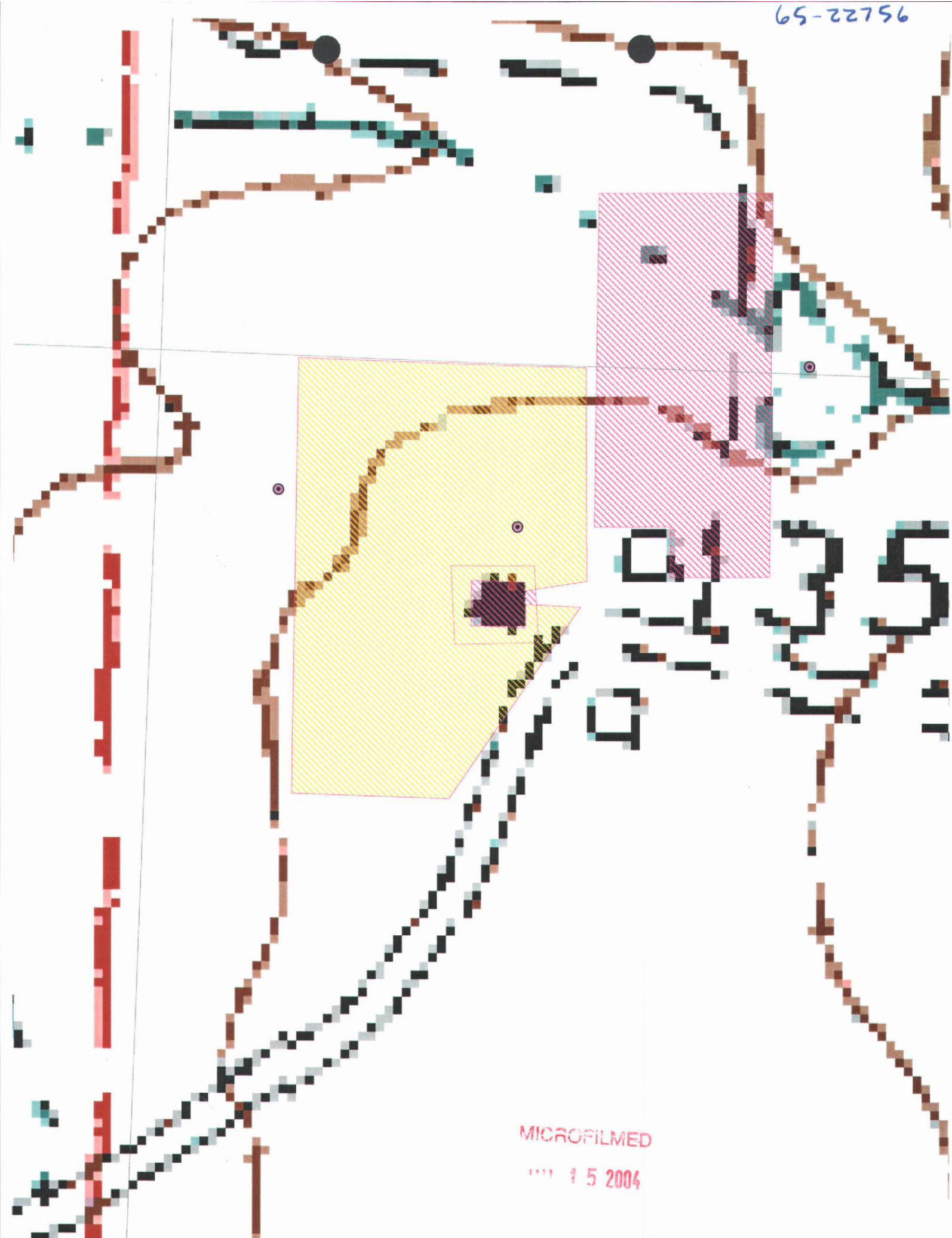
NO gov't lots
SA 1/2/03

65-22756 Creek

MILITARY
MAR 20 2003



65-22756



MICROFILMED

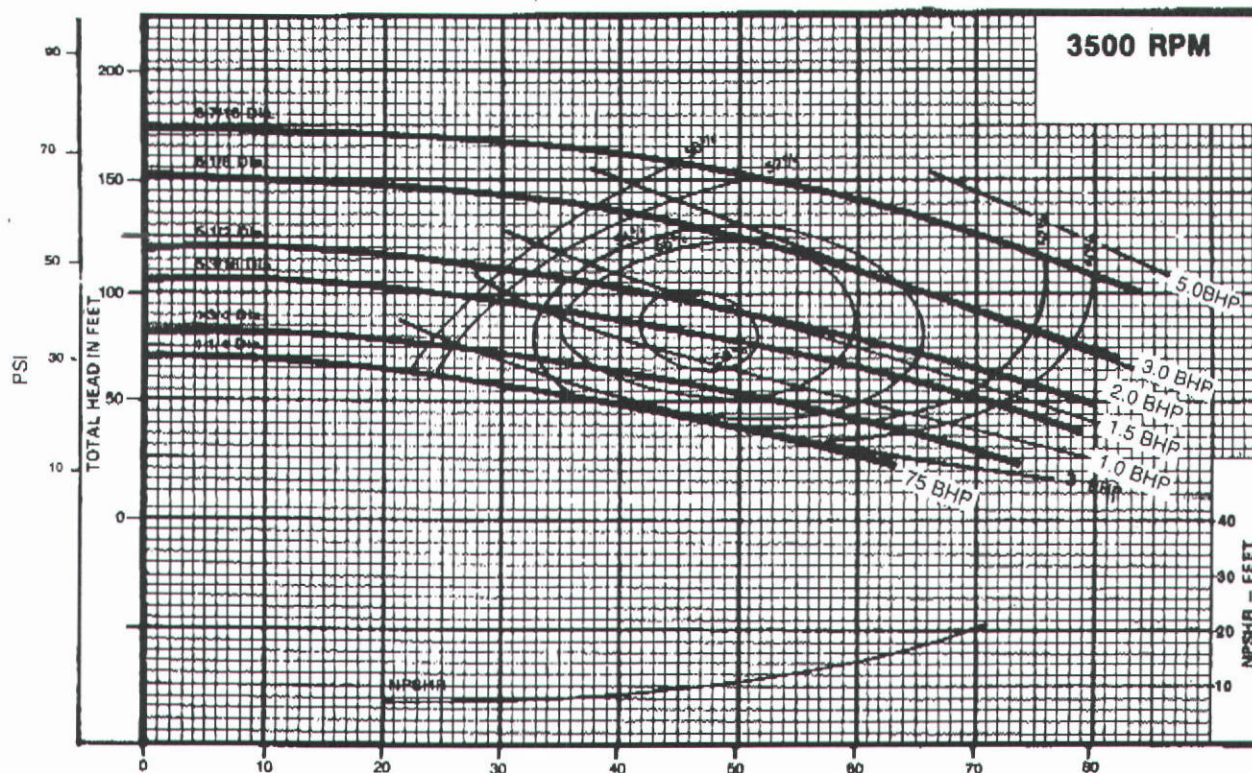
11 15 2004

65-22756

"The Most Trusted Name In Water"

Model DB1 Performance

1" Discharge x 1-1/2" Suction



Centrifugal

Performance Chart - 3500RPM

DB1 1" Discharge x 1-1/2" Suction			CAPACITIES GPM																	
			Total Head in Feet																	
Model	HP	Imp. Dia.	25	30	35	40	45	50	60	70	80	90	100	110	120	130	140	150	160	
7DB1	3/4	4-1/4"	61	58	54	49	46	41	29											
1DB1	1	4-3/4"			67	63	59	56	46	36	20									
15DB1	1-1/2	5-3/16"						72	65	58	50	39	28							
2DB1	2	5-1/2"							74	68	61	53	45	33	21					
3DB1	3	6-1/8"									78	73	67	61	54	46	37			
5DB1	5	6-7/16"												80	74	68	62	53	42	

Note: All performance data based on rated nameplate voltage.

* Per Valley Pump Co. 4/24/03
MICROFILMED
11/15 2004

~27
GPM

65-22756



P/D : spring/
pond + 2 HP
pump

P/u + portable
mainline

MICROFILMED
JUL 15 2004



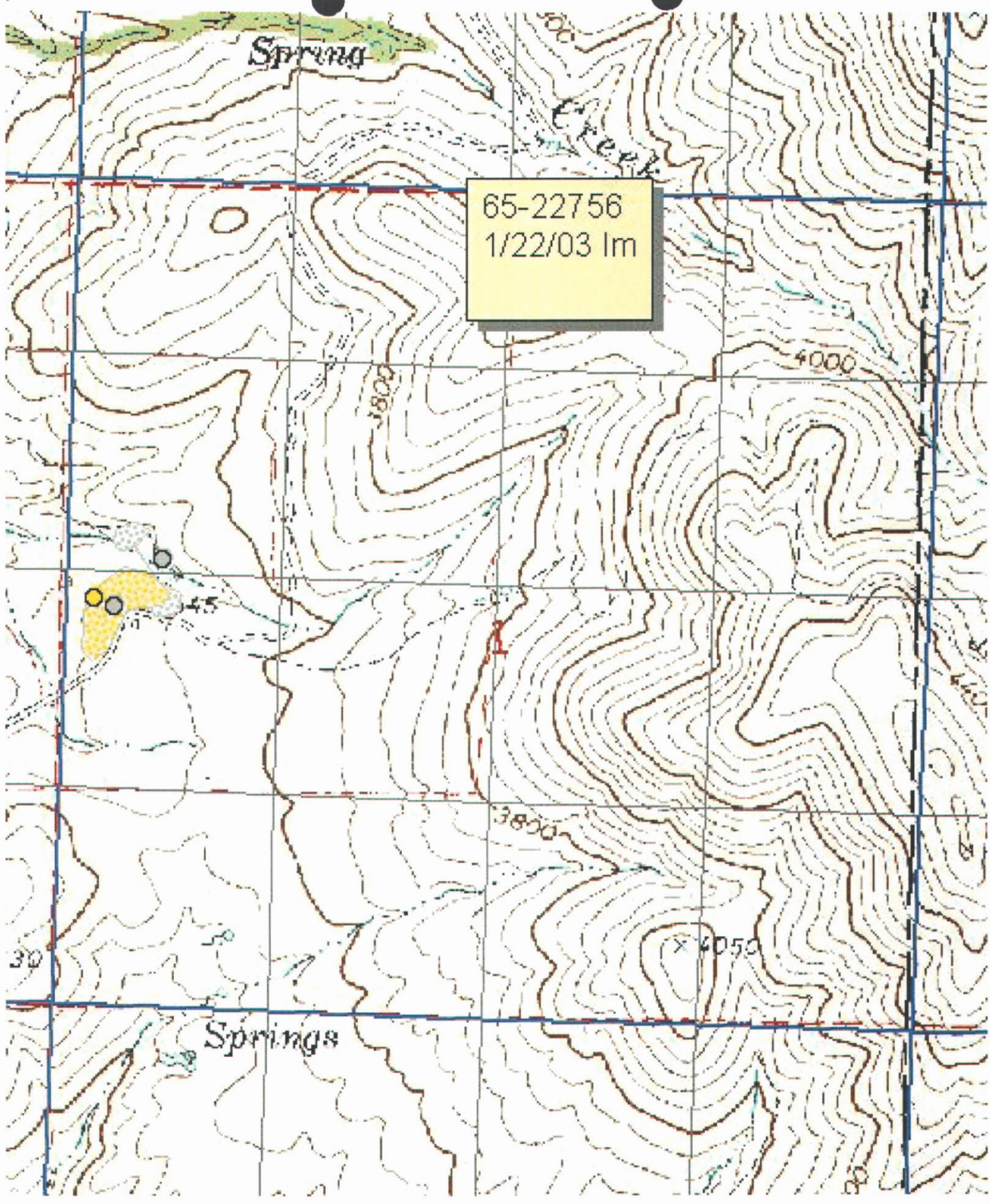
MICROFILMED
JUN 15

9 12 '03

Spring

65-22756
1/22/03 lm

Springs



RECEIVED

FEB 13 2003

WATER RESOURCES
WESTERN REGION

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

65-22756

MAC GREGOR LAND & LIVESTOCK LTD PARTNERSHIP
PO BOX 107
SWEET ID 83670

Point(s) of Diversion NWNWSW S1 T08N R01E
GEM County Source SPRING
Tributary To SINKS

Use: IRRIGATION	03/15 To 10/31	0.02 CFS
Use: IRRIGATION STORAGE	01/01 To 12/31	0.6 AFA
Use: IRRIGATION FROM STORAGE	03/15 To 10/31	0.6 AFA
Total Diversion:		0.02 CFS

Date Filed: 11/26/2002

Place Of Use: IRRIGATION

T08N R01E S1 NWSW

Number of Acres: 2

Place Of Use: IRRIGATION STORAGE

T08N R01E S1 NWSW

Place Of Use: IRRIGATION FROM STORAGE

T08N R01E S1 NWSW

Number of Acres: 2

Remark: Applicant agrees to mitigate consumptive use in the future as needed for a spring serving a small storage pond.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 02/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub: 2-5, 12, 2003

Legal Notice No. 4944
Published in the Messenger Index

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Gem) SS.

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:
February 5, 12, 2003

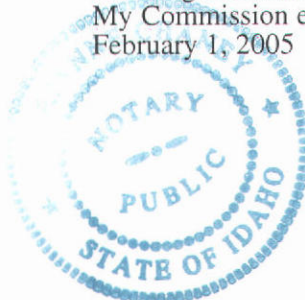
Anthony M. Clark

STATE OF IDAHO)
County of Gem)

On this 12th day of February 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 Clark

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



MICROFILMED

MAR 20 2003

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-22756

Priority: November 26, 2002

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 9.6 AF

It is hereby certified that MAC GREGOR LAND & LIVESTOCK LTD PARTNERSHIP
PO BOX 107
SWEET ID 83670 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated November 26, 2002, and has
submitted Proof of Beneficial Use on April 03, 2003. An examination indicates that the works have a
diversion capacity of .06 cfs of water from

SOURCE
SPRING

Tributary: SINKS

and a water right has been established as follows

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/15 to 10/31	0.02 CFS	9.0 AF
IRRIGATION STORAGE	01/01 to 12/31		0.6 AF
IRRIGATION FROM STORAGE	03/15 to 10/31		0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NW¼ NW¼ SW¼ Sec. 1, Twp 08N, Rge 01E, B M. GEM County

PLACE OF USE: IRRIGATION AND IRRIGATION FROM STORAGE

Twp Rge Sec	NE	NW	SW	SE	Totals
08N 01E 1	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	2.0

Total Acres: 2

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE	NW	SW	SE	Totals
08N 01E 1	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	X

MICROFILMED

JUL 15 2004

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-22756

CONDITIONS OF APPROVAL

- 1 When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is 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 right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
- 2 Rights 65-22726 and 65-22756 when combined shall not exceed the irrigation of 2 acres.
3. 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.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 11th day of June, 2004


for **KARL J. DREHER**
Director

MICROFILMED
JUL 15 2004

Amt. of Fee \$: 50.00
Receipt No: 068370
Receipt By: [Signature]
Date Received: 4-30-03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR - 3 2003

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 65-22756 Telephone No. 208 584 3484

2. Name of Permit Holder(s): MacGregor Land & Livestock Limited Partnership

3. Mailing Address: PO Box 107

City Sweet State ID Zip 83670

4. Source of Water: Spring If GROUNDWATER (well), Date Drilled: mo. / yr.

Well Driller: Drilling Permit Number:

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): Stockwater (No. and type of stock):

Irrigation (No. of acres): 2 Other:

6. Total rate of diversion and/or volume for which proof is submitted: 0.02 cfs OR acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes or No ✓
Has the measuring device been installed? Yes or No ✓

8. Fee Enclosed: \$ 50 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Jack MacGregor Telephone Number: 208 584 3484

Address: PO Box 107 Sweet ID 83670

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature] Date: 4-30-03
(include your title, if on behalf of company or organization)

MICROFILMED

JUN 05 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22756

Priority: November 26, 2002

Maximum Diversion Rate: 0.02 CFS

This is to certify, that MAC GREGOR LAND & LIVESTOCK LTD PARTNERSHIP
PO BOX 107
SWEET ID 83670

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: SINKS

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 10/31	0.02 CFS	
IRRIGATION STORAGE	01/01 to 12/31		0.6 AF
IRRIGATION FROM STORAGE	03/15 to 10/31		0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, Twp 08N, 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	
08N 01E 1																	2.0
Total Acres.																	2.0

PLACE OF USE: IRRIGATION FROM STORAGE and IRRIGATION STORAGE same as Irrigation

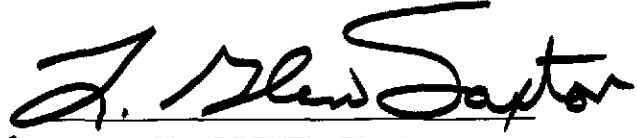
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2004**.
2. Subject to all prior water rights.
3. 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.
4. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 13th day of March, 2003

MICROFILMED

MAR 20 2003


for **KARL J DREHER, Director**

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DEC 31 2002

WATER RESOURCES
WESTERN REGION
FORM 202
(12/99)

RECEIVED

JAN 13 2003

WATER RESOURCES
WESTERN REGION

RECEIVED

NOV 26 2002

WATER RESOURCES
WESTERN REGION12-26-02
John M. 9-8

AMENDED

Ident. No.

65-22756

RECEIVED

FEB 28 2003

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant MacGregor Land & Livestock Limited Partnership Phone 208 584 3484
Mailing address PO Box 107 Sweet ID 836702. Source of water supply Spring which is a tributary of Snake3. Location of point of diversion is Township 8 N Range 1 E Sec. 1 In the NW 1/4,
NW 1/4, SW 1/4, Govt. Lot _____, B.M., Gem County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.02 for irrigation purposes from 3/15 to 10/31 (both dates inclusive) *

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

Amount 0.6 for irrigation storage purposes from 1/1 to 12/31 (both dates inclusive)

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

Amount 0.6 for irrigation turn off purposes from 3/15 to 10/31 (both dates inclusive)Amount _____ for Storage purposes from _____ to _____ (both dates inclusive)5. Total quantity to be appropriated is (a) 0.02 and/or (b) 0.6
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 Ponds for collection
Pump & water linesb. Height of storage dam 15 feet; active reservoir capacity prob 0.6 acre-feet; total
reservoir capacity 0.6 acre-feet QJM

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 1 years (minimum 1 year)

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

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

*
standalone season 3/15-10/31

MICROFILMED

MAR 20 2003

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	
8N	1E	1																	2

Total number of acres to be irrigated 2 90m

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

11. a. Who owns the property at the point of diversion? MacGregor Land & Livestock
b. Who owns the land to be irrigated or place of use? MacGregor Land & Livestock
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:

Wood Irrigation Pond

Pond is oblong shape 100 ft long and 50 ft wide
Average of 5 ft deep with 15 ft outer fill

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.

Jack D. MacGregor
Gen. Partner

Signature of Applicant (and title, if applicable)

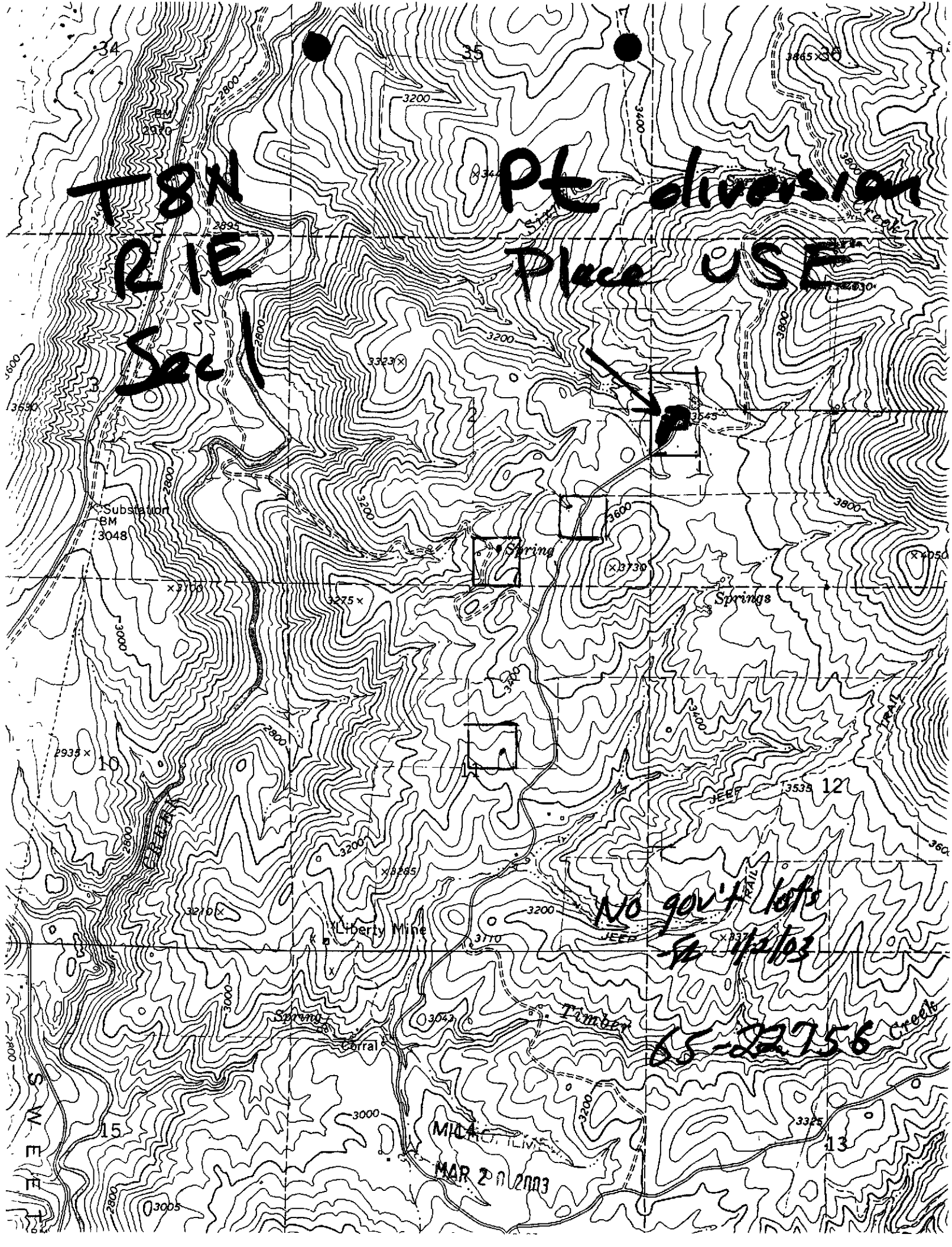
Received by KG Date 11/26/02 Time 11:43 Preliminary check by JA
Fee \$ 100.00 Received by KG # 02029537 Date 11/26/02
Publication prepared by AT Date 2-5-12-03 Published in Measuring Standard
Publication approved AT Date 2-24-03

MICROFILMED

MAR 20 2003

T8N
R1E
Sec 1

Pt diversion
Place USE



MAR 20 2003

REQUEST TO PROCESS

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

Name of Applicant Mallinger Land & Livestock Limited Partnership
Mailing Address PO Box 107
Sweet Jo 83670
Application No. 65-22756
(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.

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

John Mallinger

Date

12-26-02

Please return this form to:

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

RECEIVED
MAR 20 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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 14, 2004

MAC GREGOR LAND & LIVESTOCK LTD PARTNERSHIP
PO BOX 107
SWEET ID 83670

RE: License No. 65-22756 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license 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.

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

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED
JUN 15 2004

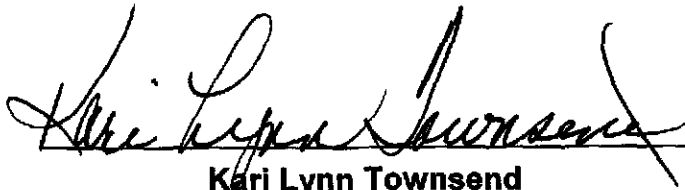
CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2004 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

65-22756

**MAC GREGOR LAND & LIVESTOCK LTD PARTNERSHIP
PO BOX 107
SWEET ID 83670**



**Kari Lynn Townsend
Secretary**

MICROFILMED

III 15 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

MICROFILMED
JUL 15 2004

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

OCT 10 2003

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-22756

1. Owner Mac Gregor Land & Livestock LTD Partnership Phone No. 208-584-3484

Current Address: PO Box 107 Sweet ID 83670

2. Accompanied by: Jock Mac Gregor EXAM DATE : 9/12/03

Address: _____ Phone No. _____

Relationship to Permit Holder: Owner

3. Source: Spring tributary to Sinks

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 65-22726

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NW	SW	1	8N	1E	Gem	GPS, USGS Quad

2. Place(s) of Use

Indicate Method of Determination same as above

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	1E	1									2								
											X								

MICROFILMED

JUL 15 2004

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

Y Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

N/A Aerial Photo Attached (required for irrigation of 10+ acres).

Y Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	AO Smith Corp Mexico	2	8K01	Jacuzzi	2DB1

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pressure Gage						
Pump Curve						

2. **Measurements:** Six 5/32" nozzles @ 40 psi = .06 cfs
(see 2F below)

E. NARRATIVE/REMARKS/COMMENTS

Water from a 100' x 50' x 5' pond, located on and fed by a spring, is diverted via 2 hp pump with a 1.5 inch intake and discharge. The water is lifted approximately 25 feet through portable mainline to handline sprinklers equipped with 5/32 inch nozzles. Applicant can operate six nozzles at 40 psi, which equates to .06 cfs. The system is primarily used to provide fire protection by keeping approximately 2 acres pasture irrigated surrounding the home. Because the system utilizes a portable mainline, irrigation of the two acres is done in rotation, limited by the capacity and distance provided by the six sprinkler nozzles. Water right 65-22726 is for a separate spring, which is used inside the house, and can also be used for irrigation of the immediate yard (<1/2 acre). No other rights are used.

JUL 15 2004

Have conditions of permit approval been met? X yes ___ no

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

Pump Curve shows ~115' total head for this type of pump equates to ~27 gpm or .06 cfs

Six 5/32 inch nozzles at 40 psi = .06 cfs

(Permit limits applicant to .02 cfs)

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2 \times 4.5 = 9 \text{ afa}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .02 \times 231 \times 1.9835 = 9.2 \text{ afa}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 9 \text{ afa}$$

2. Volume Calculations for Other Uses:

Pond: 100 ft x 50 ft x 5 ft deep = .6 af

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period Of Use		Rate Of Diversion Q (CFS)	Annual Volume V (AFA)
	From	To		
Irrigation	3/15	10/31	.02	9.0
Irr Storage	1/1	12/31		.6
Irr from Stor	3/15	10/31		.6
TOTAL			.02 CFS	9.0 AFA

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Lori Graves - Senior Agent

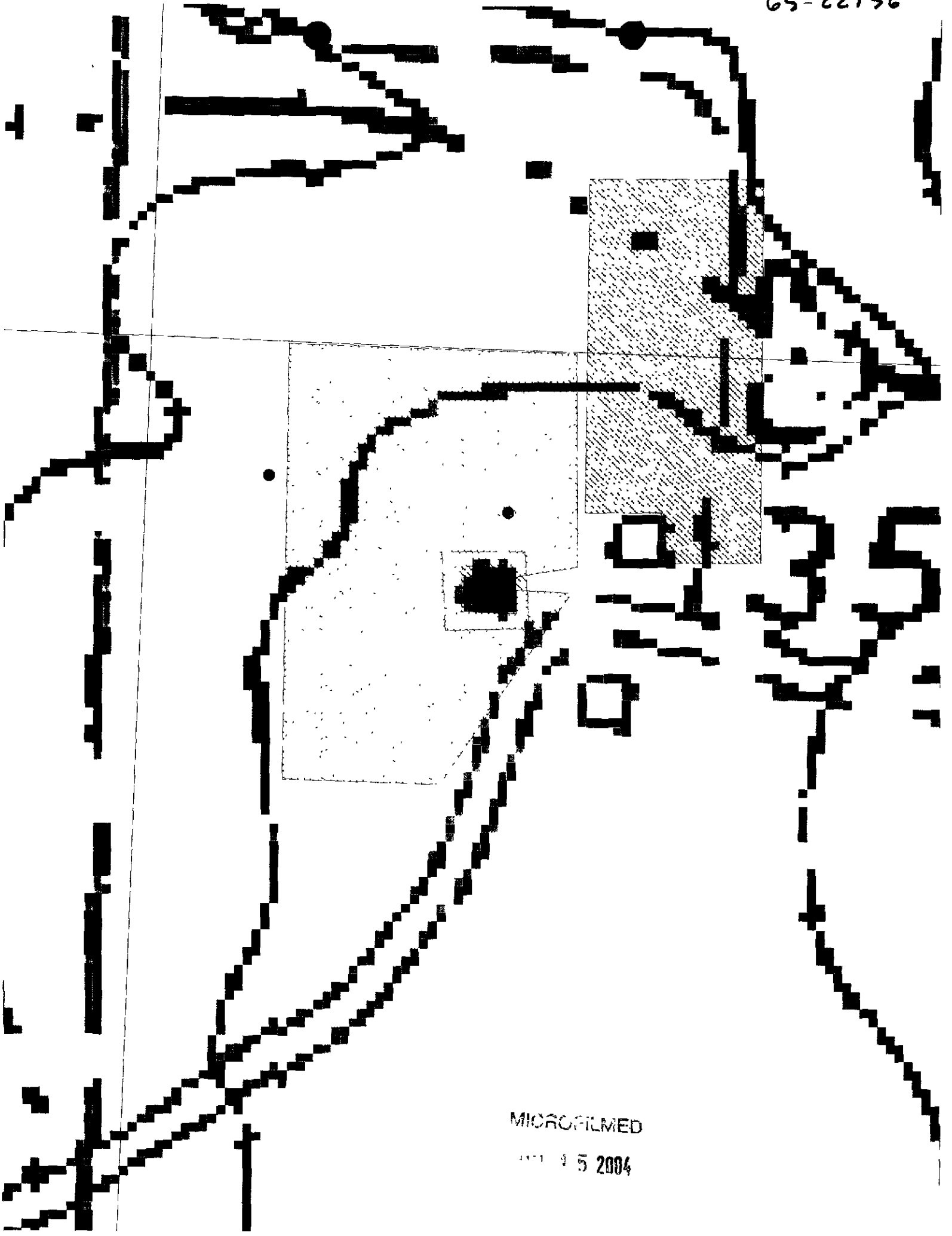
Field Examiner's Name Lori Graves Date 9/30/03

Reviewer _____ Date _____

SEAL

MICROFILMED

JUL 15 2004



MICROFILMED

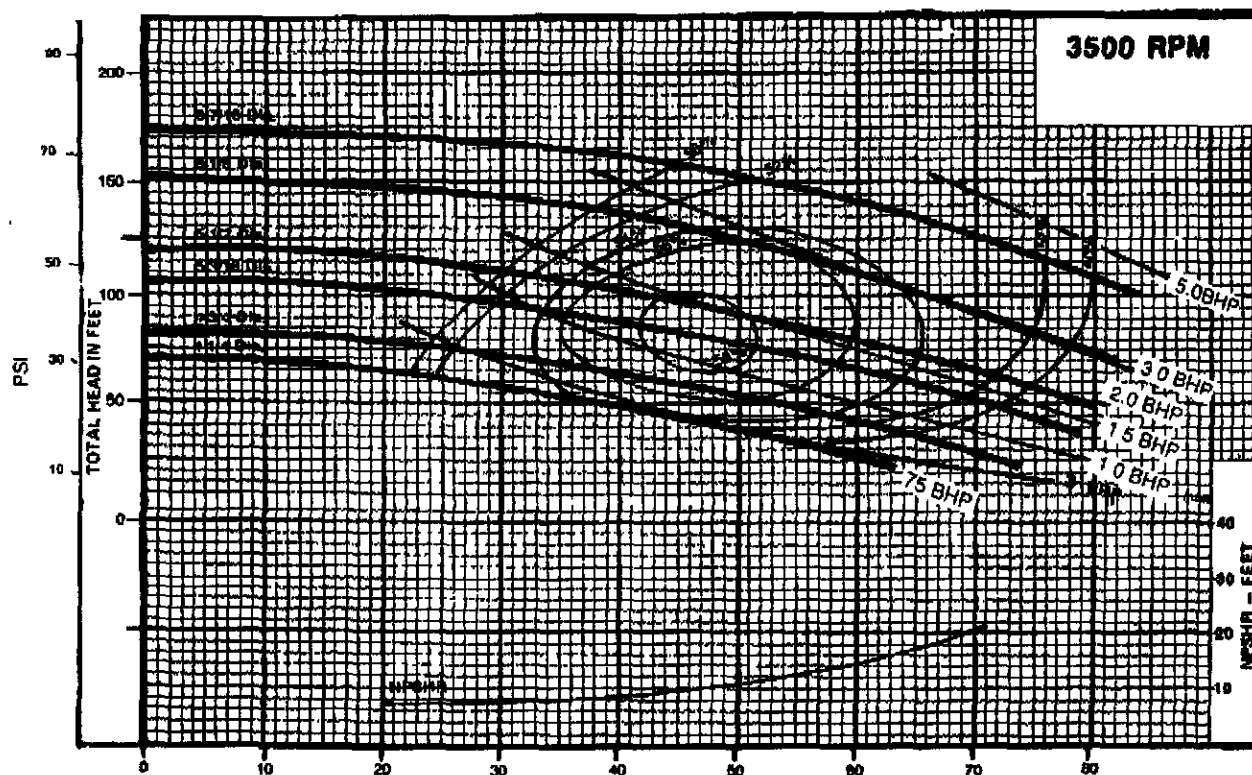
APR 5 2004

65-22756

"The Most Trusted Name In Water"

Model DB1 Performance

1" Discharge x 1-1/2" Suction



Centrifugal

Performance Chart - 3500RPM

DB1 1" Discharge x 1-1/2" Suction			CAPACITIES GPM																	
			Total Head in Feet																	
Model	HP	Imp. Dia.	25	30	35	40	45	50	60	70	80	90	100	110	120	130	140	150	160	
7DB1	3/4	4-1/4"	61	58	54	49	46	41	29											
1DB1	1	4-3/4"			67	63	59	56	46	36	20									
15DB1	1-1/2	5-3/16"						72	65	58	50	39	28							
(2DB1)	2	5-1/2"							74	68	61	53	45	33	21					
3DB1	3	6-1/8"									78	73	67	61	54	46	37			
5DB1	5	6-7/16"												80	74	68	62	53	42	

Note: All performance data based on rated nameplate voltage

NOT
GPM

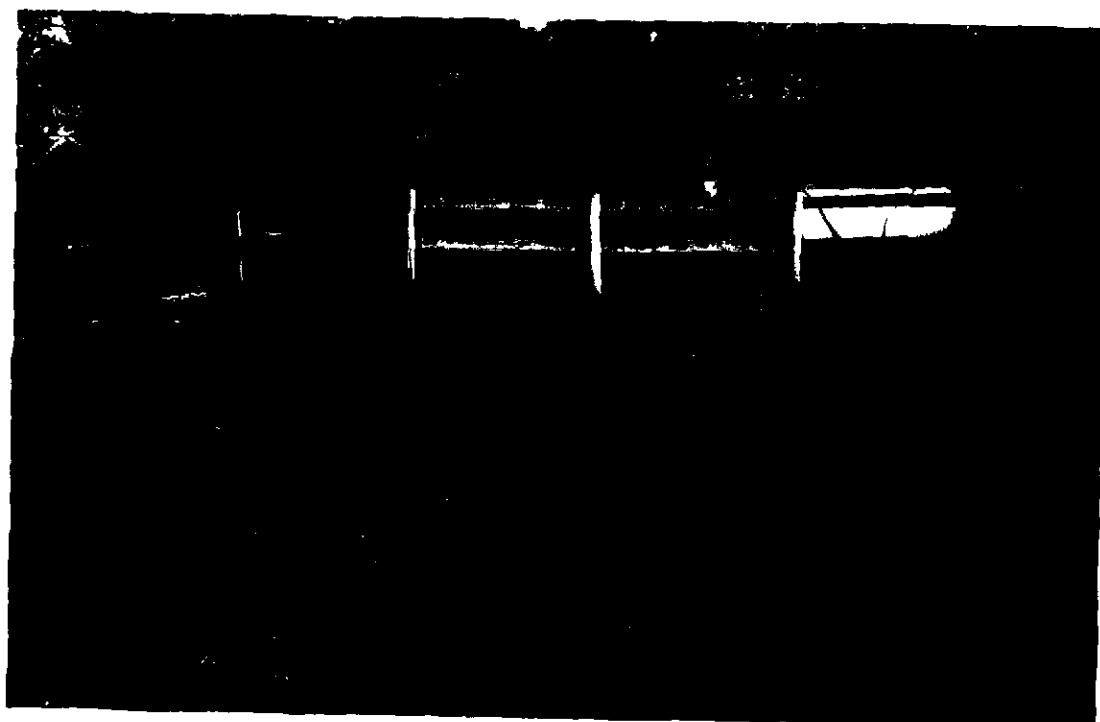
* Per Valley Pump Co. 6/24/03
MICROFILM
15 2004

65-20156



P/D : spring/
pond + 2 HP
pump

P/U + portable
mainline



MR. PORTER

JUL 15 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

May 2, 2003

MAC GREGOR LAND & LIVESTOCK LTD PARTNERSHIP
PO BOX 107
SWEET ID 83670

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-22756

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions, please contact the **Western** Regional Office of the department in Boise (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED

JUN 05 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 65-22756

Reviewed By. dgibson

Date: May 1, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No :		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		W029887, C068370	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		04/03/2003
Date proof due	-	03/01/2004
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	11/26/2002
New priority date	=	11/26/2002

Deficiencies of Actions Items

Acknowledge proof.



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

March 14, 2003

MAC GREGOR LAND & LIVESTOCK LTD PARTNERSHIP
PO BOX 107
SWEET ID 83670

RE: Permit No. 65-22756

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

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

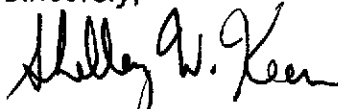
RECEIVED

MAR 17 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,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

MICROFILMED

MAR 20 2003

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 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.

65-22756

**MAC GREGOR LAND & LIVESTOCK LTD PARTNERSHIP
PO BOX 107
SWEET ID 83670**


**Deborah J. Gibson
Administrative Assistant**

MICRC

MAR 24 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

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 Water Resource 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.

MICROFILMED
MAY 20 2003

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.

FEB 28 2003

Form No 202a
November 2002

Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEETInitial review by SL Date 1/13/03 Application # 65-22756REQUIRED INFORMATION

Name (If applicant is a corporation or partnership, the names and addresses for the director, officers, and other partners must be included) *

Address

Source (See USGS Quad for names of water sources)

Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)

County

Quantity (Flow and/or Volume)

Period of use

Nature of proposed use (Include description of use)

Description of diverting works

Time required for beneficial use of water

Place of use or acres irrigated

Map (Show T, R, S, QQ &/OR QQQ)

Subdivision plat (for > 1 home in restricted area ≥ 5 homes in non-restricted area)

Signature (If applicant is corporation, partnership, or municipality, title of signatory is required)

Correct fee paid

Government Lots
☒ P/D
☐ P/U

ADDITIONAL INFORMATION
yes ADVERTISE REMARKS (Yes or No)

YES NO

☒ Overlapping place of use (Describe source and relationship to present application on next page) } CONCURRENT App's. 65-22726 & 65-22750

☒ Overlapping point of diversion } are different springs nearby for other uses,

☒ Critical groundwater area } SAME Applicant

☒ Ground water management area

☒ 1992 moratorium

☒ Surface water source, IDFG letter needed

☒ Protected river or minimum flow reach, notify water planning bureau

☒ E-mail to Dam Safety staff (for any storage)

☒ Mitigation plan Check any that apply

☒ N/A Immediate = acceptable plan required and submitted

☒ Future = open areas, acceptance of condition of approval is in file

☒ 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 THE APPLICANT

(Returned 12/16/02 & 1/2/03 to Applicant for corrections.)

Applicant resubmitted 12/31/02 & 1/13/03, OK.

Date Requested _____ Date Response Received _____

* See d'base comment in 65-22726 e PWS entry re: same & implications on our d'entry when results e Internet.

PROCESSING

APPLICATION #

65-22756

YES NO

☒ ☐ In form for advertising
☐ ☒ Statewide advertising (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number, and date recorded on application

SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USED

YES NO

☐ ☒ I.D. Environmental Quality
☐ ☒ I.D. District Health
☒ ☒ I.D. Fish & Game *no reply*
☐ ☒ I.D. Lands

YES NO

☐ ☒ US BLM
☐ ☒ US Forest Service
☒ ☐ Water Dist # *65A*
☐ ☒ Water Planning Bureau
☐ ☒ Other

*2/19/03
Reply = ok***FINAL REGIONAL PROCESSING REVIEW**

YES NO

☒ ☐ Affidavit of publication received
☒ ☐ Application published correctly? If not, record action taken

☒ ☐ Publication dates and paper recorded on application☐ ☐ Final date for protest *2-24-03*☐ ☒ Protests received☐ ☒ Recommendations attached☐ ☒ Measuring device required☐ ☒ Water delivered by water master? District # *(65A)*☒ ☐ Special conditions of approval or cover letter

1 yr, future mitigation, Remains subject to watermaster control (in case turns out to be tributary), storage includes fill/refill, development aka Wood Irrigation Pond.

Recommended Date of Priority *11-26-2002* *(see d'base comments)*Recommendation ☒ Approve ☐ Deny by *St. Leta* Date *2/26/03***ADDITIONAL INFORMATION**☒ See attached proof report, note any Legal Notice Remarks &/or Comments☒ See attached shapefile

Applicant filed 13 apps. for 13 different springs. Most are for stock or domestic already processed recently. This is the final one of that group.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22756

WATER RIGHT NUMBER: 65-22756

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAC GREGOR LAND & LIVESTOCK LTD PARTNERSHIP PO BOX 107 SWEET, ID 83670 (208)584-3484

Priority Date: 11/26/2002

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.020 CFS	
IRRIGATION STORAGE	01/01 to 12/31		0.60 AF
IRRIGATION FROM STORAGE	03/15 to 10/31		0.60 AF
<u>Total Diversion:</u>		0.020 CFS	

Location of Point(s) of Diversion

SPRING	NW 1/4 NW 1/4 SW 1/4	Sec. 1, Twp 08N, 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	
08N	01E	1											2.0						2.0

IRRIGATION STORAGE & IRRIGATION FROM STORAGE Same as IRRIGATION

Conditions of ApprovalRemarks.

→ these items e plm: d'entered correctly
just edited report for convenience,
not a problem.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 65-22756

Comments

1. slester 1/13/2003 11:46:17 AM Additional Information Supporting Application

Comment:

Mitigation Plan or acceptance form: Attached

2. slester 1/13/2003 Legal Notice Remarks

Comment. Applicant agrees to mitigate consumptive use in the future as needed for a spring serving a small storage pond.

3. slester 1/13/2003 Comment/Analysis

Comment: Applicant made 13 filings in the same general area for 13 separate springs. Most serve the same 900 stock &/or limited domestic use. Application 65-22756 is the only irrigation filing. The pond will cover about 0.1 acre (50 x 100 ft or .115 acre) and hold about 0.6 af (0.115 acre x 5 ft average depth). Storage is needed per 24 hour fill guidelines (0.02 cfs x 2 yields 0.04 af/day). Application obviously describes a small pond to fill & maintain as needed (spring will be at bottom of pond). Priority remains unchanged since 12-26-02 and 1-13-03 revisions clarify overall use without expanding it. Although total storage estimate was increased, total acres were decreased. These revisions do not warrant advancing the priority since applicant appeared unsure of best way to estimate capacity and was also unaware of IDWR 24 hour guideline for storage issues.

Dates and Other Information:

Application Received Date: 11/26/2002

Application Denied Date

Last Date of Beneficial Use

Extension End Date:

Protest Deadline Date

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number: 65A

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks: **Aka Wood Irrigation Pond.** Pond is oblong shape about 100 x 50 x 5 ft. average depth with 15 ft. outer fill

Other Water Rights: none

Time to Complete Works: 1

Transfer Affected Description:

Transfer Affected Contracts

Old Transfer Number:

Transfer Reason

Transfer Return Flows

Swan Falls Trust or Nontrust:

Swan Falls Dismissed

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 65-22756

WATER RIGHT NUMBER. 65-22756

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAC GREGOR LAND & LIVESTOCK LTD PARTNERSHIP PO BOX 107 SWEET, ID 83670 (208)584-3484

Priority Date 11/26/2002

Basis:

Status Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0 020 CFS	
IRRIGATION STORAGE	01/01 to 12/31		0.60 AF
IRRIGATION FROM STORAGE	03/15 to 10/31		0.60 AF
<u>Total Diversion:</u>		0 020 CFS	

Location of Point(s) of Diversion

SPRING NW1/4NW1/4SW1/4 Sec. 1, Twp 08N, 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	
08N	01E	1																	2.0

IRRIGATION STORAGE & IRRIGATION FROM STORAGE: Same as IRRIGATION

Conditions of Approval.

Remarks

→ These items are plus: all entered correctly,
not capital report for convenience,
not a problem.

Spring

65-22756
1/22/03 lm

3800

4000

3850

4050

Springs

RECOMMENDATION OF WATERMASTER

RECEIVED

FEB 19 2003

WATER DISTRICT
ID-17

Application Number: 65-22756

Applicant's Name: MacGregor Land & Livestock Ltd Partnership

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:

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

d) Additional Comments:

Dated this 15 day of February 2003

Water District Number: 65A Watermaster's Signature: [Signature]

MICROFILMED
MAR 2 2003

RECEIVED

FEB 13 2003

WATER RESOURCES
WESTERN REGION

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

65-22756

MAC GREGOR LAND & LIVESTOCK LTD PARTNERSHIP
PO BOX 107
SWEET ID 83705

Point(s) of Diversion: NWNWSW S1 T08N R01E
GEM County Source SPRING
Tributary to RINKS

Use: IRRIGATION	03/15 To 10/31	0.02 CFS
Use: IRRIGATION STORAGE	01/01 To 12/31	0.6 AFA
Use: IRRIGATION FROM STORAGE	03/15 To 10/31	0.6 AFA
Total Diversion:		0.02 CFS

Date Filed: 11/26/2002

Place Of Use: IRRIGATION

T08N R01E S1 NWSW

Number of Acres: 2

Place Of Use: IRRIGATION STORAGE

T08N R01E S1 NWSW

Place Of Use: IRRIGATION FROM STORAGE

T08N R01E S1 NWSW

Number of Acres: 2

Remark: Applicant agrees to mitigate consumptive use in the future as needed for a spring serving a small storage pond

Permits will be subject to all prior water rights. Protests may be submitted based on the statute of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 02/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub: 2-5, 12, 2003

Legal Notice No. 4944
Published in the Messenger Index

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Gem) SS

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:
February 5, 12, 2003

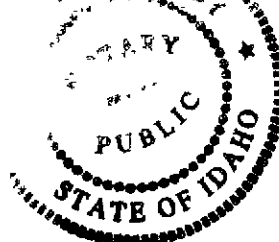
Anthony M Clark

STATE OF IDAHO)
County of Gem)

On this 12th day of February 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.

Marilee F. Long

Notary Public for Idaho
Residing at Emmett
My Commission expires
February 11, 2005



RECORDED

MAR 20 2003

Mattson, Lisa

To: eleitzi@idfg.state.id.us
Subject: Comment Letters

FEBRUARY 5, 2003

ERIC LEITZINGER
STATE OF IDAHO
DEPT OF FISH & GAME

Re: Application for Water Right No. 65-22715 in the Name of Daryl J Sermersheim.
Application for Water Right No. 77-14145 in the Name of Regents of the University of Idaho.
Application for Water Right No. 65-22756 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22757 in the Name of Ronald J Pascoe.
Application for Water Right No. 65-22753 in the Name of Brian Hagen.
Application for Water Right No. 65-22754 in the Name of Donald Lynn Dixon.
Application for Water Right No. 65-22755 in the Name of Roberta Marmon.
Application for Water Right No. 67-14405 in the Name of Kermit Wiggins.

Dear Mr. Leitzinger,

Enclosed are copies of the above-referenced 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 February 24, 2003.

If you have any questions regarding the application, please contact this office at 334-2190. Contact the following agents for questions on a specific permit:

Lori Graves

Application for Water Right No. 65-22753 in the Name of Brian Hagen.
Application for Water Right No. 65-22754 in the Name of Donald Lynn Dixon.
Application for Water Right No. 65-22755 in the Name of Roberta Marmon.
Application for Water Right No. 67-14405 in the Name of Kermit Wiggins.

Dan Nelson

Application for Water Right No. 65-22715 in the Name of Daryl J Sermersheim.
Application for Water Right No. 77-14145 in the Name of Regents of the University of Idaho.

Steve Lester

Application for Water Right No. 65-22756 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22757 in the Name of Ronald J Pascoe.



65-22753 2-03.pdf 65-22754 2-03.pdf 65-22755 2-03.pdf 67-14405 2-03.pdf

Scanned Applications
2/10/03
APP



65-22715 2-03.pdf 77-14145 2-03.pdf



65-22756 2-03.pdf 65-22756 2-03.pdf



Sincerely,

Lisa Mattson
Water Resources Agent
Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705
334-2190 phone
334-2348 fax

MICROFILMED
MAR 20 2003

12-26-02

Steve Lester

RECEIVED

DEC 31 2002

WATER RESOURCES
WESTERN REGION

Thank you for your communication
of Dec 16, 02. IT was very
helpful. I have revised the
applications as per your suggestion.
I hope I have them right but
if not, don't give up on me.
the stock water applications cover the
same 900 head of cattle.
Thanks

John M. M. Jr.

This reply covers apps marked as

2, 3, 6 & 10

SS-22756

1/2/03
MICHE
7/10 - 11/2003



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 16, 2002

JOCK D MAC GREGOR
MAC GREGOR LAND & LIVESTOCK LTD PARTNERSHIP
PO BOX 107
SWEET ID 83670

Re: Multiple Applications for Permit

Dear Mr. MacGregor:

The Idaho Department of Water Resources (IDWR) received thirteen applications for permit from you several weeks ago. The applications as received were noted as numbers 1 through 13, with a unique number listed in pencil in the upper left corner on each form.

Applications numbers 1, 4, 5, 7-9, and 11-13 are being processed. The other filings – numbers 2, 3, 6 and 10 – are returned for clarification.

First, please confirm that eleven applications describing stockwater cover the same 900 cattle and horses described in the filings. = yes

Application #2

✓ Point of diversion – The topo map suggests the spring is at/near the intersection of four ten-acre tracts and that the application should list all four sites plus a remark stating that a single diversion point at/near the intersection is proposed. See the copy of a topo map I included with this application. If the preceding is correct, list all four ten-acre tracts in item 3 of the application. Clarify the single point in item 12 of the filing. This method can prevent a future amendment to correct the water permit record, saving you \$50 over the life of the permit.

✓ Water use – List stockwater in the first underlined space in item 4.

✓ Request to Process form – Although stockwater is generally non-consumptive, inclusion of dust control per item 8e constitutes a consumptive use. The enclosed form should be used for this application. Most applicants choose the third alternative on the form, "possible future mitigation." The form is needed in this case to allow processing to continue.

DEC 17 2002

65-22756

December 16, 2002

Page 2 of 3

15-22756
Application #3

✓ Request to process form is needed for an irrigation use.

✓ Beneficial use - No irrigation records can be found for the proposed site. A new irrigation right would be expected to provide a flow rate of at least 0.01 cubic feet per second (cfs) per acre - or ½ miner's inch - or up to the maximum allowed for five acres or less, which is 0.03 cfs/acre. Therefore, the application should describe between 0.05 and 0.15 cfs from the spring to serve five acres. Anything less than the minimum flow rate of 0.05 cfs for five acres would not be considered a beneficial use and most likely would be denied.

If the source only produces 0.02 cfs (1 inch), you could reduce the acres to the maximum associated with an inch of water, which is two acres.

OK
12/31/02
Resubmit
Needs
Following
details from
e 1/13/03
Re-submit
Storage use - In either irrigation scenario, water storage associated with a pond holding less than 0.1 acre foot (af) would not be listed as a water use in application items 4 or 5. Two general rules of thumb are used for storage issues as follows:

1. Storage capacity less than 0.1 af is listed as a detail in application remarks (item 12) but is not listed as a water use in items 4 and 5; only a rate of flow is described in items 4 and 5 in such a case.
2. Storage capacity greater than 0.1 af is not listed as a storage use in items 4 and 5 if the rate of flow can fill the storage capacity within 24 hours. To determine this latter step, multiply cfs by two to find total af produced per day, e.g., 0.10 cfs x 2 yields 0.2 af/day. If an application included 0.10 cfs and a pond holding less than 0.2 af, storage would not apply in application items 4 and 5. Instead, the applicant would describe the pond and estimate its dimensions in application item 12, remarks.

The above principles are applied even if a pond captures water from a spring or seep at the bottom of the pond where it appears a rate of flow would not apply.

Application #6

✓ Storage use - Pond factors similar to application #3 are found. In this case, 0.20 cfs x 2 yields 0.4 af/day. The proposed pond holds less than this amount and less than 0.1 af; storage is n/a to items 4 and 5. Strike the "only storage" reference in item 5.

Describe the proposed pond dimensions in remarks. The details should outline how you estimated the total capacity of the pond, including the surface area of the pond.

MICHAEL J. JONES

December 16, 2002

Page 3 of 3

N/A

Request to process form - Include this form if the pond will cover more than one-half acre of surface area. In that case, stockwater use becomes consumptive due to the evaporative loss from the pond (too minor to worry about if the pond covers less than ½ acre).

Application #10

✓ Storage use - Same scenario as application #6. Strike "only storage" in item 5 and describe the pond in remarks. Include the request to process form if necessary as in application #6.

All the application can be revised as needed. Please initial and date the front page of each revised application to authenticate any changes. The applications can be processed when returned to this office. Please submit the above requested information within sixty (60) days of the date of this letter. If the information is not timely submitted, the applications will be removed from the records of this agency. Thank you for your attention to these matters.

Please contact me at 334-2190 if you have any questions or problems.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure - 4 original applications and related information

MICROFILMED

MAR 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 29, 2003

Legal Notice Department

Messenger-Index

PO BOX 577

EMMETT ID 83617

RE: Application for Permit No 85-22715 + 56

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 02/24/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

NOT RECORDED

JAN 31 2003

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

65-22756

MAC GREGOR LAND & LIVESTOCK LTD PARTNERSHIP
PO BOX 107
SWEET ID 83670

Point(s) of Diversion NWNWSW S1 T08N R01E GEM County Source SPRING
Tributary To SINKS

Use: IRRIGATION	03/15 To 10/31	0.02 CFS	
Use: IRRIGATION STORAGE	01/01 To 12/31		0.6 AFA
Use: IRRIGATION FROM STORAGE	03/15 To 10/31		0.6 AFA

Total Diversion: 0.02 CFS

Date Filed: 11/26/2002

Place Of Use: IRRIGATION

T08N R01E S1 NWSW

Number of Acres 2

Place Of Use: IRRIGATION STORAGE

T08N R01E S1 NWSW

Place Of Use: IRRIGATION FROM STORAGE

T08N R01E S1 NWSW

Number of Acres 2

Remark: Applicant agrees to mitigate consumptive use in the future as needed for a spring serving a small storage pond.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 02/24/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Messenger Index on February 5 and 12, 2003.

MINOR REVISION

MAR 27 2003