

T8N
R1E
Sec 2

USE

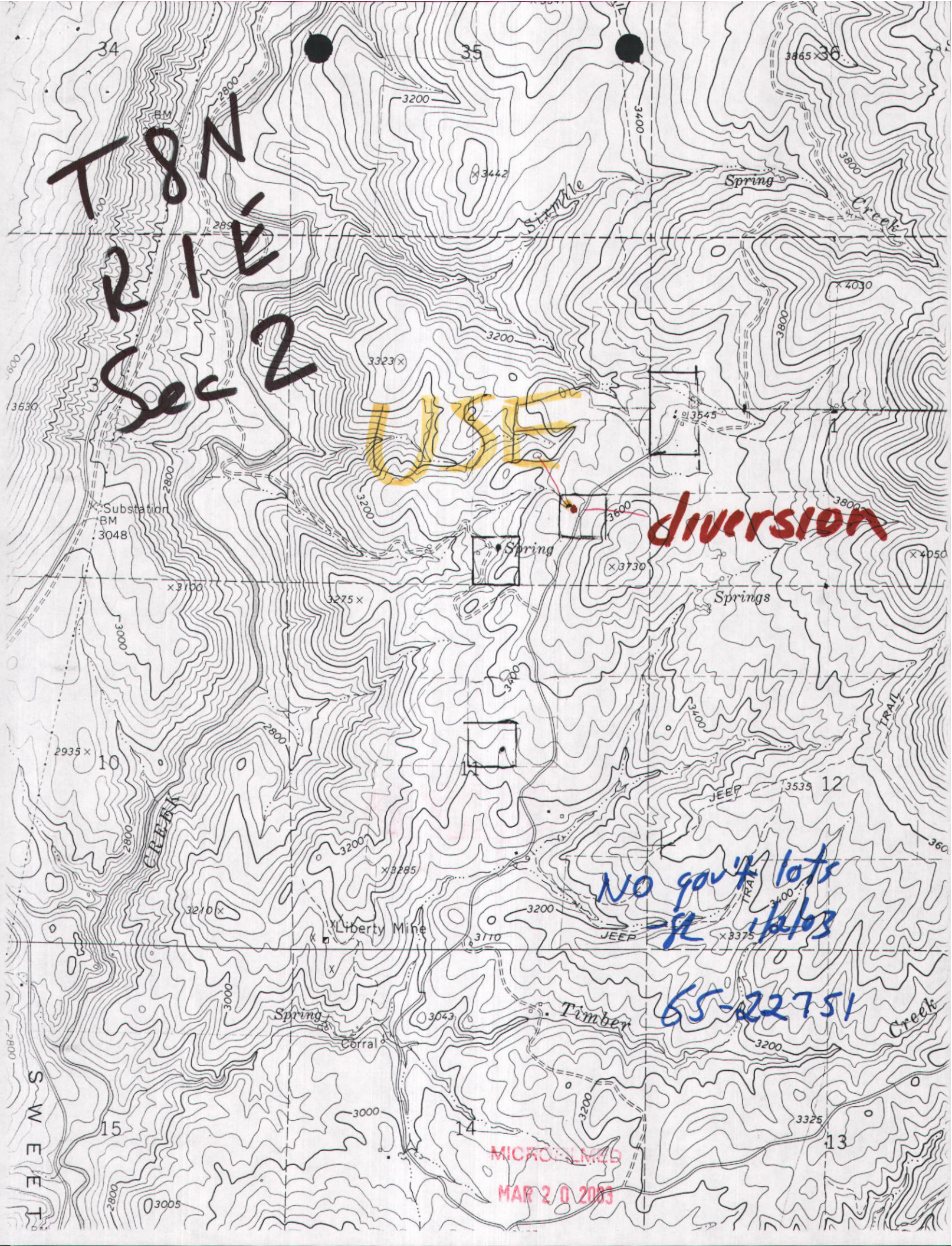
diversion

No gov't lots
-SE 1/4 1/2 1/3

65-22751

MICROFILMED

MAR 20 2003



65-22751

x 3442

Simile

3200

3323 x

2

3200

3600

Spring

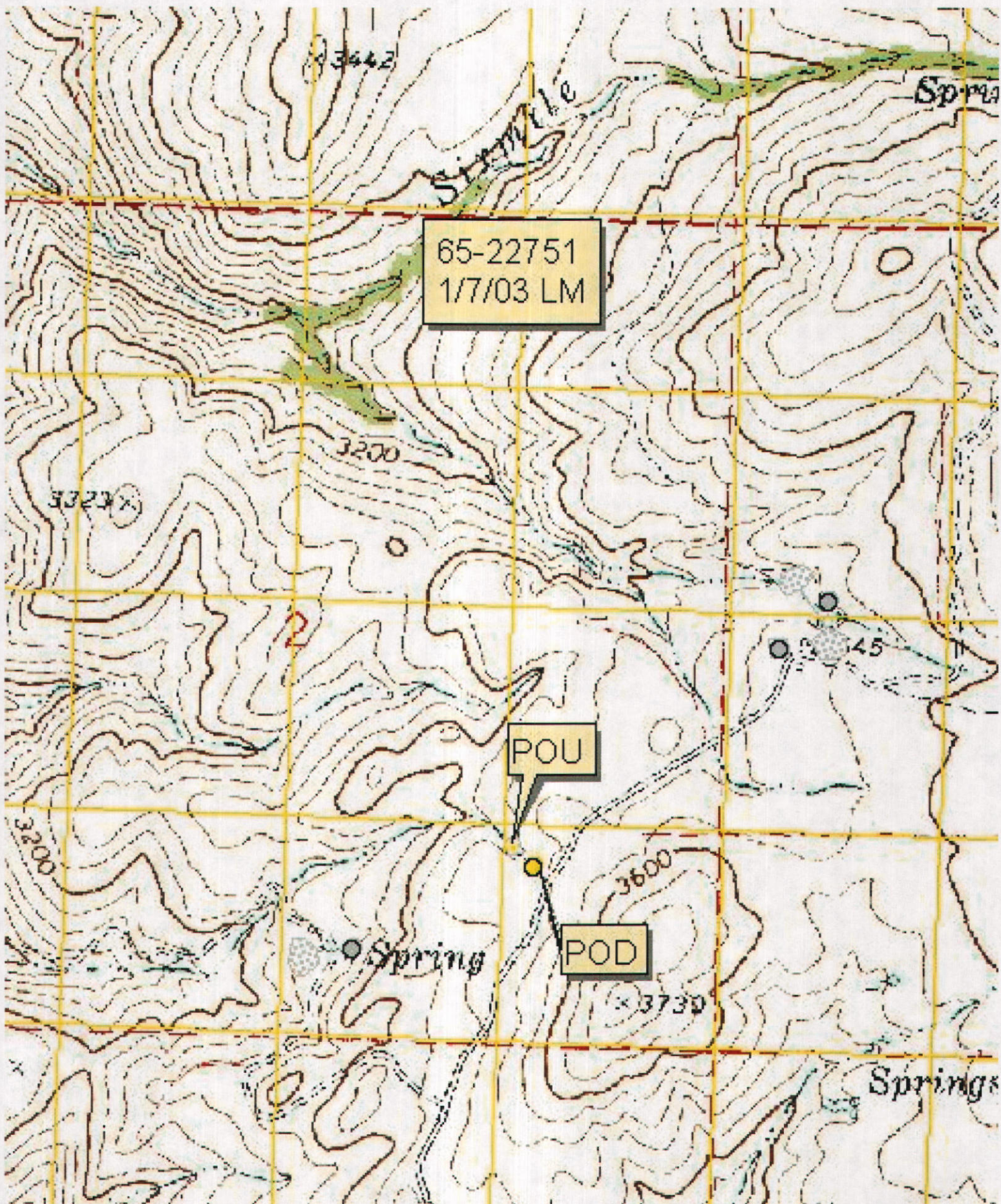
x 3730

3275 x

65-22751



spring / Pond
60' x 60' x 2'



AFFIDAVIT OF PUBLICATION

RECEIVED

JAN 22 2003

WATER RESOURCES
WESTERN REGION

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:
January 15, 22, 2003

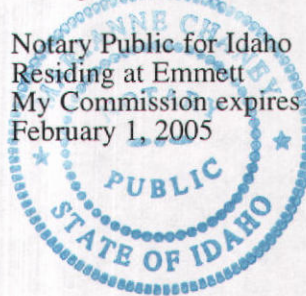
Anthony M. Clark

STATE OF IDAHO)
County of Gem)

On this 22nd day of January 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 she executed the same.

Margaret H. Hargis

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



MICROFILMED

MAR 20 2003

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

65-22751

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

Point(s) of Diversion NWSESE S2 T08N R01E
GEM County Source SPRING
Tributary To SINKS

Use: STOCKWATER 01/01 To 12/31 0.2 CFS
Total Diversion: 0.2 CFS

Date Filed: 11/26/2002
Place Of Use: STOCKWATER
T08N R01E S2 SESE

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 02/03/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Pub: 1-15, 22, 2003

Legal Notice No. 4922
Published in the Messenger Index

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-22751

Priority: November 26, 2002

Maximum Diversion Volume. 0.2 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 March 18, 2003. An examination indicates that the works have a
diversion capacity of 0.2 AF 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>ANNUAL DIVERSION VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31	0.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NW¼ NE¼ SE¼ Sec 2, Twp 08N, Rge 01E, B M GEM County

PLACE OF USE: STOCKWATER STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N 01E 2													X				

CONDITIONS OF APPROVAL

1. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.

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 26th day of July, 2004


for **KARL J. DREHER**
Director

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-22751

RECEIVED
JUL 07 2004
DEPARTMENT OF
WATER RESOURCES

Date of Priority: November 26, 2002

Maximum Diversion Volume. 0.2 AF

Comes now MAC GREGOR LAND & LIVESTOCK LTD PARTNERSHIP
PO BOX 107
SWEET ID 83670 and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No 65-22751, and requests that the permit be changed as follows:

Source: SPRING

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31	0.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NW¼ NE¼ SE¼ Sec 2, Twp 08N, Rge 01E, B M GEM County

PLACE OF USE: STOCKWATER STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N 01E 2													X				

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk Signed this 28 day of June, 2004


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-22751

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = ~~50.00~~ Received by M # C074602 Date 7.23.04

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No 65-22751 with the following:

CONDITIONS OF APPROVAL

1. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.

Witness my hand this 26th day of July, 2004.


for **KARL J. DREHER**
Director

FOR OFFICE USE ONLY
Amt of Fee \$ 50
Receipt No 6068048
Receipt By DMC
Date Received 3-18-03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

MAR 11 2003

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. 65-22751 Telephone No. 208 584 3484
- 2 Name of Permit Holder(s): MacGregor Land & Livestock Limited Partnership
- 3 Mailing Address: PO Box 107
City Suncoast 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): 900 (246, horses)
Irrigation (No. of acres). _____ 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 D MacGregor Telephone Number: 208 584 3484
Address PO Box 107 Suncoast 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: Jack D MacGregor Gen Partner Date: 03-15-03
(include your title, if on behalf of company of organization)

MICROFILMED
JUN 11 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22751

Priority November 26, 2002

Maximum Diversion Rate: 0 20 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.

BENEFICIAL USE

STOCKWATER

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0 20 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, Twp 08N, Rge 01E, B.M., GEM County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08N 01E 2																	X

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. Stockwater use is for 900 range cattle

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of March, 2003.


for
KARL J DREHER, Director

MICROFILMED

2003 11 20

RECEIVED

DEC 31 2002

WATER RESOURCES
WESTERN REGIONFORM 202
12/99

RECEIVED

NOV 26 2002

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No.

65-22751

1. Name of Applicant

Mac Group Land & Livestock Limited Partnership

Phone

208-584-3484

Mailing address

PO Box 107 Sweet ID 83670

2. Source of water supply

Spring

which is a tributary of

Sinks

3. Location of point of diversion is Township

8N

Range

1E

Sec.

2

in the

NW 1/4,SE 1/4, SE 1/4, Govt. Lot

B.M.,

Gem

County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount

0.20

for

Stockwater

purposes from

1/1

to

12/31

(both dates inclusive)

Amount

(cfs or acre-feet per annum)

for

purposes from

to

(both dates inclusive)

Amount

(cfs or acre-feet per annum)

for

purposes from

to

(both dates inclusive)

Amount

(cfs or acre-feet per annum)

for

purposes from

to

(both dates inclusive)

Amount

(cfs or acre-feet per annum)

for

purposes from

to

(both dates inclusive)

Amount

(cfs or acre-feet per annum)

for

purposes from

to

(both dates inclusive)

Amount

(cfs or acre-feet per annum)

for

purposes from

to

(both dates inclusive)

5. Total quantity to be appropriated is (a)

0.20

and/or (b)

only storage 90m

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

POND

b. Height of storage dam

10 ft

feet; active reservoir capacity

0.01

acre-feet; total

reservoir capacity 0.01 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 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.

900cattle and horses

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

MILRC

10/15/02

3. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	2																S	

Total number of acres to be irrigated _____

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

- Who owns the property at the point of diversion? MacGregor Land & Livestock
- Who owns the land to be irrigated or place of use? MacGregor Land & Livestock
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

Heavenly Hayfield stock water pond
25 ft in diameter 3 ft Deep average
10 ft fill 13 by 30 ft long

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.)

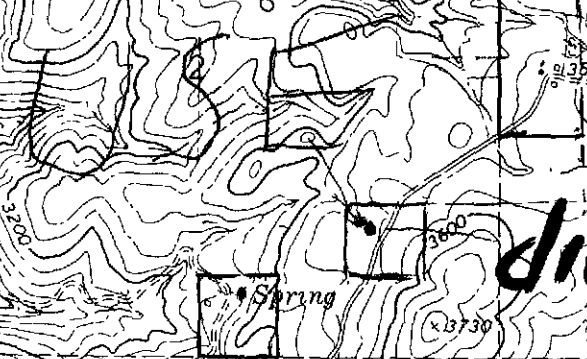
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Jack D MacGregor
General Partner
 Signature of Applicant (and title, if applicable)

Received by KL Date 11/26/02 Time 11:43 Preliminary check by JK
 Fee \$ 100.00 Receipted by KL # 10029887 Date 11/26/02
 Publication prepared by AF Date 1-15-22-02 Published in _____
 Publication approved _____ Date _____ **MESSANGER INDEX**

MICROFILM
 100-100000

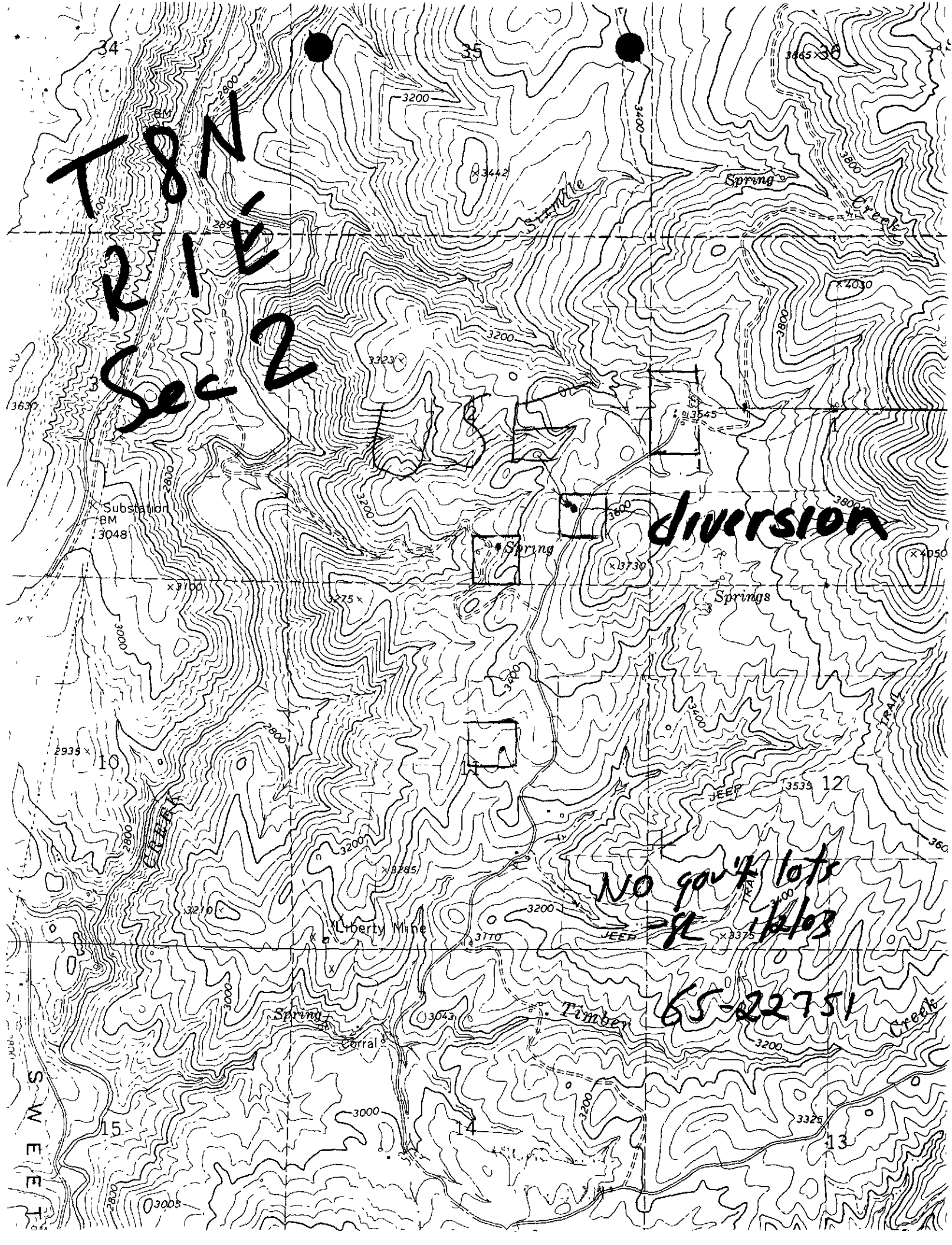
T8N
R1E
Sec 2



diversion

NO 90% lot
- 12/03

65-22751





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

July 26, 2004

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

RE: License No. 65-22751 - 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.

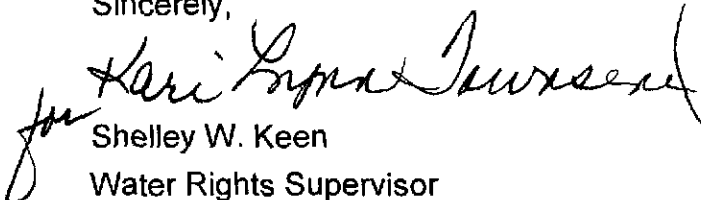
The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date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

Enclosed is a copy of the approved Application for Amendment.

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:klf

Enclosure(s)

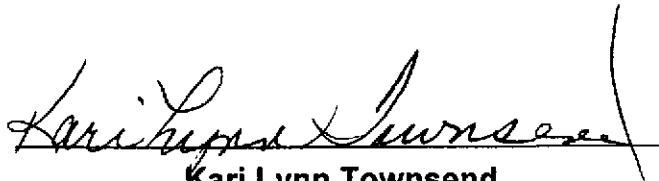
CERTIFICATE OF SERVICE

I hereby certify that on July 26, 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.

65-22751

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


**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37 01 01302 and 37 01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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



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

06/15/2004

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

RE: Water Right Permit No. 65-22751

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ Point(s) of Diversion

☒ Place(s) of Use

☒ Other

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please call me at (208) 327-5452.

Sincerely,

Erin Retelle
Water Resource Agent

Enclosure(s) 1

MEMORANDUM

Date: June 15, 2004
To: Water Right File 65-22751
From: ERetelle
Re: Reason for License Amendment

- 1 Location of (PoD/PoU) reported on permit differs from ground truth.
- 2 Beneficial use of water is storage rather than stockwater. Field examiner indicated a spring directly feeds the 2 af storage pond. There is no instream flow component to justify a stockwater right with a flow rate.

RECEIVED

OCT 10 2003

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-22751

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 : 9/26/03

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

C. DIVERSION AND DELIVERY SYSTEM

- 1. Point(s) of Diversion:**

[illegible]

2. Place(s) of Use:

Indicate Method of Determination same as above

[illegible]

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

Y Copy of USGS Quadrangle 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

*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

2. **Measurements:** Spring was flowing, but less than 9 gpm.

E. NARRATIVE/REMARKS/COMMENTS:

Water from a spring located at the bottom of a .2 af pond is collected for stockwater use. The pond was holding water at the time of the exam. There was no sign of overflow. Applicant stated that the water evaporates or sinks before reaching a tributary. The surrounding area was very dry. Applicant did not apply for storage because a flow rate of .20 cfs could fill the pond in 24 hours, but .02 cfs cannot, which is why I recommended a storage component be added to the license. The recommended storage volume is within the parameters of the original permit. The GPS reading located the spring and pond in the NWNESE S2 rather than the NWSESE S8.

Applicant stated that he has 4000 animal unit months (AUMs) when he combines his 11,000+ acres of private and leased ground. His operation generally runs March through November. Based on these numbers, ~450 range cows and 275 dys/yr were used to calculate total volume. Ten springs/water rights are currently used throughout the property (65-22727, 22728, 22729, 22730, 22731, 22733, 22734, 22750, 22751, 22752). When combined, they should be limited to 4.6 afa based on the AUM capacity of the lands.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

Spring could not be measured. Pond was not full at the time of the exam.

Allow .02 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$

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

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

2. Volume Calculations for Other Uses:

Required: $450 \text{ stock} \times 12 \text{ gpd} \times 275 \text{ dys} / 325850 = 4.6 \text{ afa}$

Potential: $.02 \text{ cfs} \times 365 \text{ dys} \times 1.9835 = 14.5 \text{ afa}$

Pond size: $60 \text{ ft} \times 60 \text{ ft} \times 2 \text{ ft average depth} / 43560 = .2 \text{ af}$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period Of Use		Rate Of Diversion Q (CFS)	Annual Volume V (AFA)
	From	To		
Stockwater	1/1	12/31	.02	4.6
Stock Storage	1/1	12/31		.2
TOTAL			.02 CFS	4.6 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 10/6/03

Reviewer _____ Date _____

SEAL

65-22751

X 3462

Sierra

3200

3323 X

2

3200

3600

Spring

X 3730

3275 X

00

65-22751



spring / pond
60' x 60' x 2'



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

April 22, 2003

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

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-22727 – 65-22734, and 65-22750 – 65-22752

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use forms submitted for the above referenced permits. I am enclosing copies of the proofs you filed, along with a receipt for the fees paid. 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 uses.

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 concerning the field examination, please contact the **Western Regional Office** of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

c: IDWR - Regional Office

RECEIVED
MAY 12 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No 65-22751

Reviewed By: dgibson

Date: April 21, 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, C069048	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		03/18/2003
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 6, 2003

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

RE: Permit No. 65-22751

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.

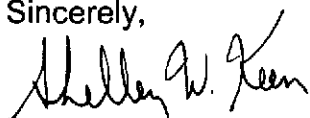
MICHAEL J. LIND

11:11 AM

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 written in a cursive style with a large initial 'S'.

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

MICROFILMED

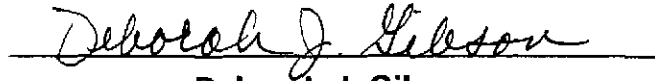
2004 11 10

CERTIFICATE OF SERVICE

I hereby certify that on March 6, 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. 65-22751

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


**Deborah J. Gibson
Administrative Assistant**

MAC GREGOR LAND

3/7/2003

**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.

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.

MEMORANDUM

Date: February 26, 2003
To: Water Right File 65-22751
From: dgibson
Re: Permit Review

Application and comments by region reviewed. Permit issued for stockwater use for 900 head of mixed stock, cattle and horses.

MICROFILMED

APR 10 1993

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by JL Date 12/16/02 Application # 65-22751

REQUIRED INFORMATION

☒ Name (If applicant is a corporation or partnership, the names and addresses for the directors, officers, and other partners must be included) ** for the director*
☒ 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
No P/D
P/U

ADDITIONAL INFORMATION

No ADVERTISE REMARKS (Yes or No)

YES NO *for minor use*

N/A { Overlapping place of use (Describe source and relationship to present application on next page)
☒ Overlapping point of diversion
☒ Critical groundwater area
☒ 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 } *NON-CONSUMPTIVE USE*
☒ 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

** See d'base Comment 65-22726 for partnership member data.
Suggest tower takes advantage of website data & avoid additional entry for corp. names/titles etc when we can.... don't use bottom*

Date Requested _____ Date Response Received _____
part of workflow tool "Applicant" in such cases, document the file instead.

PROCESSING

APPLICATION #

65-22751

YES NO

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

includes with
watermaster letter

SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USED

YES NO

☐ ☒ I.D. Environmental Quality
☐ ☒ I.D. District Health
☒ ☐ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

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

FINAL REGIONAL PROCESSING REVIEW

YES NO

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

Although these applications list springs that side and
are apparently not subject to watermaster control, the
number of filings and amounts of water might be of
concern to you.

☒ ☐ Publication dates and paper recorded on application
☐ ☐ Final date for protest 2-3-03
☐ ☒ Protests received
☐ ☒ Recommendations attached
☐ ☒ Measuring device required
☐ ☒ Water delivered by water master? District # 65A
☒ ☐ Special conditions of approval or cover letter

but comment letter since
multiple appls for multiple
springs filed jointly.

See 2/13/03 memo in 65-22726.

Also - development includes a small pond as part of
the diversion works.

Recommended Date of Priority

11-26-2002

Amended w/o expansion before
advertising, priority unchanged

Recommendation

☒ Approve☐ Deny

by

J.E. Latta

Date

2/13/03

ADDITIONAL INFORMATION☒ See attached proof report, note any Legal Notice Remarks &/or Comments☐ See attached shapefile

13 Appl's. filed for 13 springs 11-26-02:

9 processed now, all but 65-22726 cover same S/900.

4 held until clarified, 3 cover same S/900 as other 9.

now 3 processed, 65-22751 is 1 of them.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22751

WATER RIGHT NUMBER 65-22751

<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>
STOCKWATER	01/01 to 12/31	0.200 CFS	
	<u>Total Diversion:</u>	0.200 CFS	

Location of Point(s) of Diversion

SPRING	NW1/4SE1/4SE1/4	Sec. 2,	Twp 08N,	Rge 01E, B M.
GEM County				

Place of Use

STOCKWATER

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	2																	X

Conditions of Approval:Remarks:Comments.1. slester 1/2/2003 Comment/Analysis

Comment. See Comments in 65-22750. A small pond will capture spring water for the same 900 range cattle & horses in several other MacGregor filings. Pond estimated at 0.01 acre surface area & 0.03 af capacity, less than daily storage provided at requested rate of flow. Storage also is below minimum size recognized by IDWR standards (0.1 af minimum). Therefore storage is a detail of the system but not a water use.*Circular pond will be about 25 ft. in diameter and average of 3 ft deep with a 10 ft. dam. Non-consumptive use since pond area does not exceed 1/2 acre

*not a beneficial use

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22751

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: Heavrin Hayfield stockwater pond, 25 ft. diameter, average 3 ft deep with 10 ft by 30 ft fill

Other Water Rights:

Time to Complete Works: 1

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

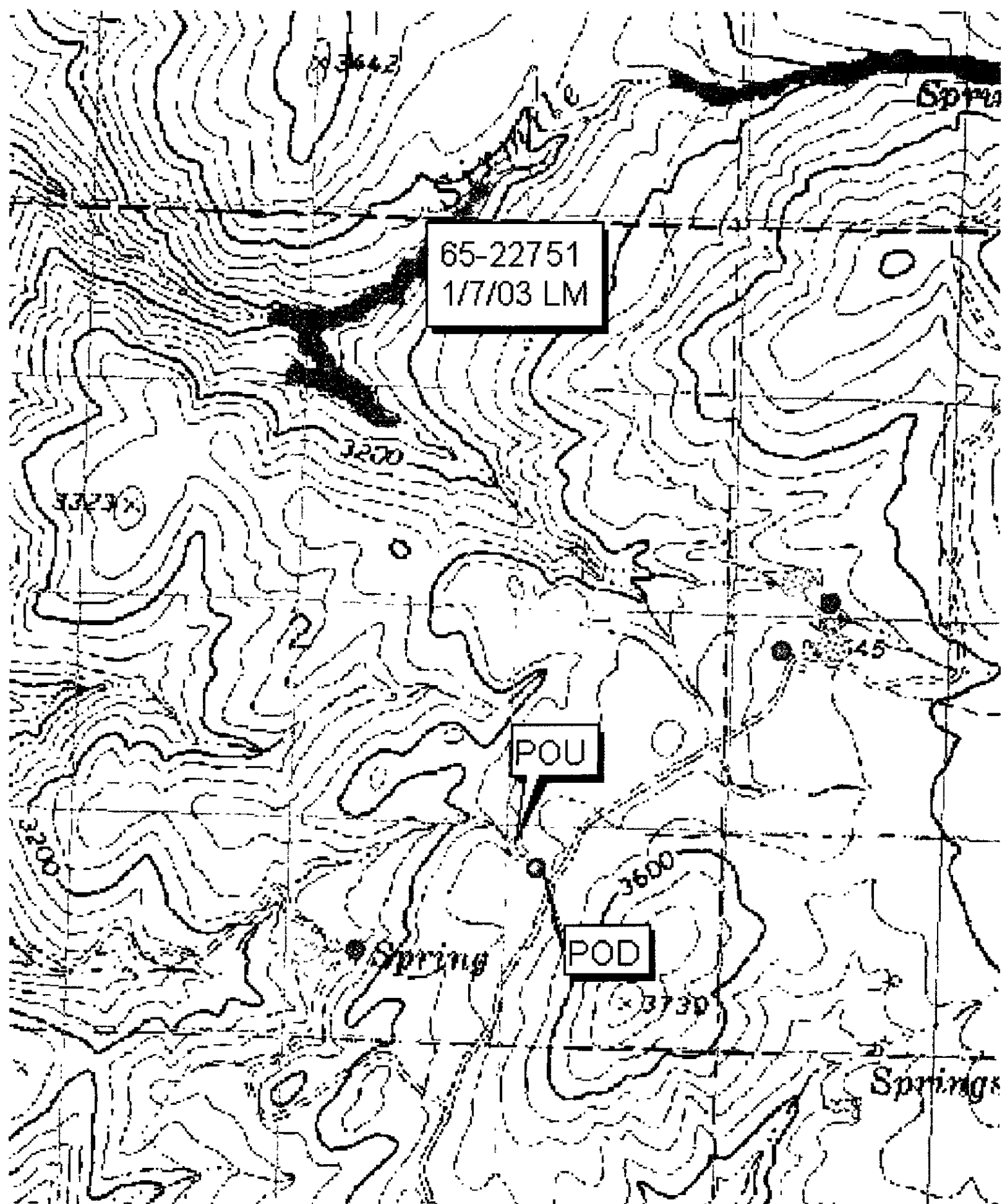
Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan False



AFFIDAVIT OF PUBLICATION

RECEIVED

JAN 22 2003

WATER RESOURCES
WESTERN REGION

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.

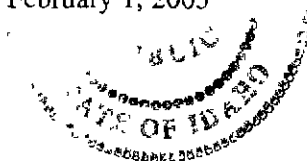
4 That said notice was published the following:
January 15, 22, 2003

Anthony M. Clark
STATE OF IDAHO)
County of Gem)

On this 22nd day of January 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 she executed the same.

Margaret Sharkey

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

65-22751

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

Point(s) of Diversion NWSESE S2 T08N R01E
GEM County Source SPRING
Tributary To SINKS

Use STOCKWATER 01/01 To 12/31 0 2 CFS
Total Diversion 0 2 CFS

Date Filed: 11/26/2002
Place Of Use STOCKWATER
T08N R01E S2 SESE

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 02/03/2003. The protestant must also send a copy of the protest to the applicant

KARL J DREHER, Director

Pub 1-15, 22, 2003

Legal Notice No. 4922
Published in the Messenger Index

State of Idaho
Department of Water Resources

RECEIVED

JAN 22 2003

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application Number: 65-22750 65-22751 65-22752

Applicant's Name: Mac Gargor Land & Livestock Limited Partnership

Watermaster's Recommendation:

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

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

- d) Additional Comments: _____

MICROFILMED

Dated this 19 day of January, 2003

Water District Number: 654 Watermaster's Signature: [Signature]

Mattson, Lisa

From: Mattson, Lisa
Sent: Tuesday, January 14, 2003 1:11 PM
To: 'eleitzin@idfg.state.id.us'
Subject: Comment letters

Eric,

Here is my first attempt at sending you three applications we would like you to comment on. If you do not get all three or have any problems, please let me know.

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 3, 2003.

Lisa



65-22750.pdf



65-22751.pdf



65-22752.pdf



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 15, 2003

ERIC HERR
WATER DISTRICT 65A
8917 BUTTE RD
SWEET ID 83670

Re: Application for Water Right No. 65-22750 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22751 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22752 in the Name of MacGregor Land & Livestock.

Dear Mr. Herr:

Enclosed are copies of the above-referenced applications for permit. Also enclosed are forms for your recommendation concerning these applications.

Although these applications list springs that sink and are apparently not subject to Watermaster control, the number of filings and amounts of water might be of concern to you.

Please review the applications. We must have your comments within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

Steve Lester

SL:lm

Encl: Recommendations of Watermaster Forms

12-26-02

Steve Lester

RECEIVED

DEC 31 2002

WATER RESOURCES
WESTERN REGION

Thank you for your communication
of Dec 16, 02. I T 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 over the
same 900 head of cattle.
Thanks

John Matzger

This Reply covers Apps marked as

2, 3, 6 & 10

-JZ 1/2/03

65-22751



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.

N/A
per
deletion
of
this use

December 16, 2002

Page 2 of 3

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.

12/31/02
Resubmittal
Needs following
✓ 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

= 65 - 22751

- ✓ 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.

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



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 08, 2003

Legal Notice Department

Messenger Index

PO Box 577

Emmett ID 83617

RE: Application for Permit Nos 65-22750 and 65-22751

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find 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 02/03/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

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

65-22751

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

Point(s) of Diversion NWSESE S2 T08N R01E GEM County Source SPRING
Tributary To SINKS

Use: STOCKWATER 01/01 To 12/31 0.2 CFS
Total Diversion 0.2 CFS

Date Filed: 11/26/2002

Place Of Use, STOCKWATER
T08N R01E S2 SESE

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 02/03/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Messenger Index on January 18 and 25, 2003.