

T8N  
R1E  
Sec 1

Pl diversion

Place of  
use

plu

plu

Springs

Liberty Mine

Spring

Corral

Timber

Creek

No gov 4 lot  
R 1/2/03

65-22750

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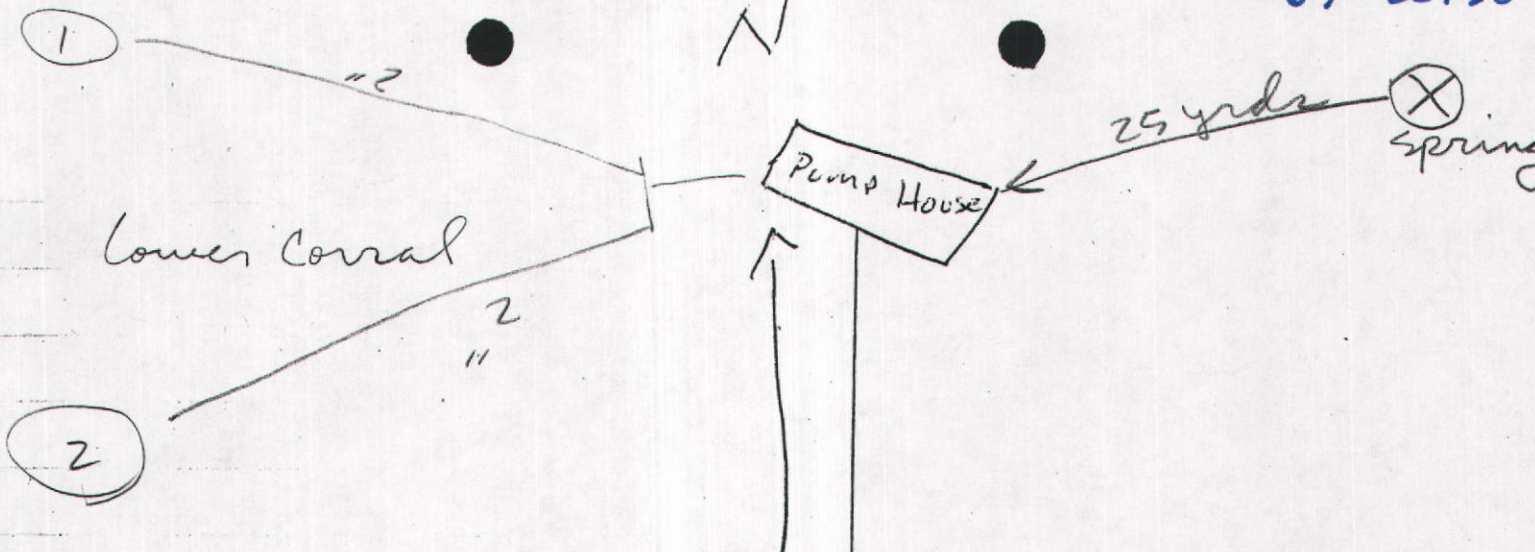
MAR 20 2007

S W E T



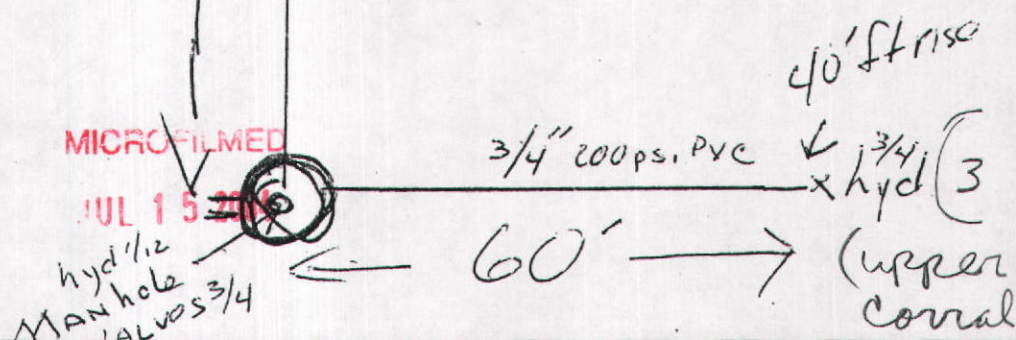
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JUL 15 2004

N



SYSTEM  
DIAGRAM  
65-22750

221'  
1 1/2" 200ps. PVC



65-22750



Submerged pump  
inside 1000 gallon  
buried tank used  
to collect spring  
water  
(pumps water up to  
upper corral in NWSW  
S1)

trough in  
SWNW S1  
(where meas-  
urement was  
made)



\* Spring pt. of diversion appears to  
be center of 4 1/4-1/4 parcels:

SW SW NW  
SE SW NW  
NE NW SW  
NW NW SW



gov't lots in  
N 1/2 N 1/2 Sec. 1 but  
not in east of  
Section

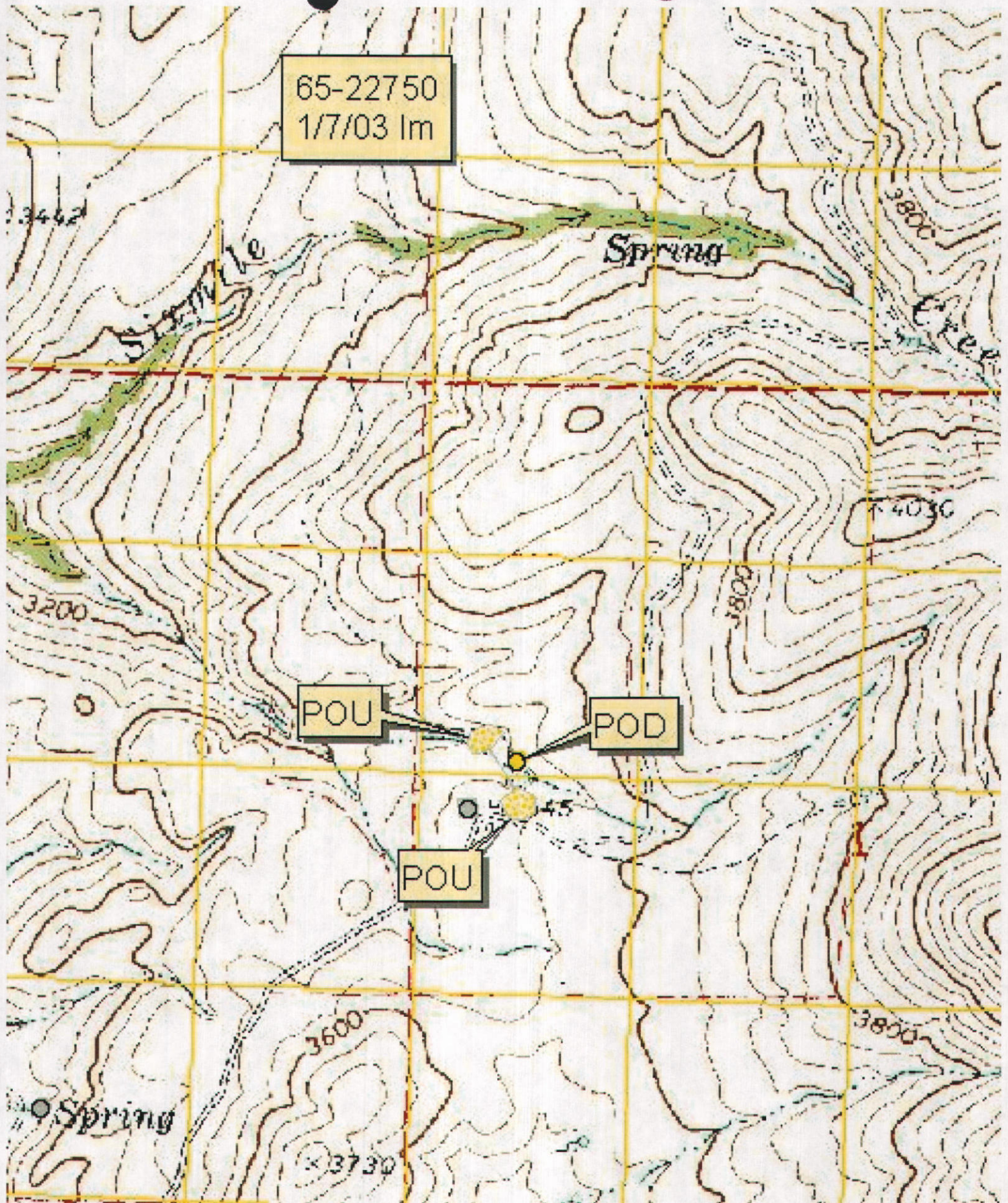
\* Assume SW SW NW per current  
standards - R 2/12/03

T8N

R1E

SL 12/16/02

65-22750  
1/7/03 lm



RECEIVED

JAN 22 2003

WATER RESOURCES  
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO )  
 ) SS.  
County of Gem )

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

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

65-22750

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

Point(s) of Diversion SWSWNW S1 T08N R01E  
GEM County Source SPRING  
Tributary To SIXMILE CREEK

Point(s) of Diversion SESWNW S1 T08N R01E  
GEM County Source SPRING  
Tributary To SIXMILE CREEK

Point(s) of Diversion NENWSW S1 T08N R01E  
GEM County Source SPRING  
Tributary To SIXMILE CREEK

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

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 S1 SWNW NWSW

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.

Pub: 1-15, 22, 2003

KARL J DREHER, Director

Legal Notice No. 4921  
Published in the Messenger Index

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 Chancy*

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



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MAR 20 2003

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 65-22750

Priority: November 26, 2002

Maximum Diversion Rate. 0.03 CFS  
Maximum Diversion Volume 4.6 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 March 18, 2003. An examination indicates that the works have a  
diversion capacity of 0.03 cfs of water from

**SOURCE**

SPRING

Tributary: SIXMILE CREEK

and a water right has been established as follows

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL<br/>DIVERSION VOLUME</u> |
|-----------------------|----------------------|-----------------------|------------------------------------|
| STOCKWATER            | 01/01 to 12/31       | 0.03 CFS              | 4.6 AF                             |

**LOCATION OF POINT(S) OF DIVERSION:**

SPRING SW¼ SW¼ NW¼ Sec. 1, 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 | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 08N 01E 1   |    |    |    |    |    |    | X  |    |    |    | 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
- 2 Rights 65-22727, 65-22728, 65-22729, 65-22730, 65-22731, 65-22733, 65-22734 and 65-22750 when combined shall not exceed a total annual maximum diversion volume of 4.6 af
- 3 Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion
- 4 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65-A.

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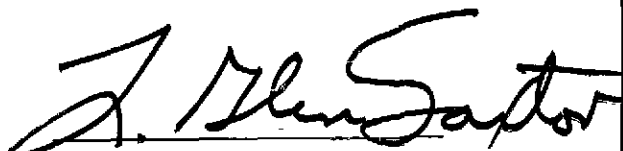
JUL 15 2004

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 65-22750

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 15<sup>th</sup> day of June, 2004

*for*   
KARL J. DREHER  
Director

MICROFILMED

JUL 15 2004

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

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

MAR 18 2003

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. GS 22750 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: Spring Drilling Permit Number: \_\_\_\_\_
5. Use(s) (as authorized by the water right permit).  
Domestic (No. of households): \_\_\_\_\_ Stockwater (No. and type of stock): 900 horses cattle  
Irrigation (No. of acres): \_\_\_\_\_ Other \_\_\_\_\_
6. Total rate of diversion and/or volume for which proof is submitted: 0.20 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: John 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: 3-15-03  
(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. 65-22750

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: SIXMILE CREEK

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 SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 1, 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 | 1   |    |    |    |    |    |    | X  |    |    |    | 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. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No 65-A
5. 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 5<sup>th</sup> day of March, 2003

  
KARL J DREHER, Director

MILGRO. LIVED

RECEIVED

DEC 31 2002

WATER RESOURCES  
WESTERN REGION

AMENDED

Ident. No. 65-22750

RECEIVED

NOV 26 2002

WATER RESOURCES  
WESTERN REGION

RECEIVED

FEB 14 2003

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 83670
2. Source of water supply Spring which is a tributary of Little Creek Spring
3. Location of point of diversion is Township 8N Range 1E Sec. 1 in the SW 1/4,  
SW 1/4, NW 1/4, Govt. Lot 60m B.M., 60m County;  
additional points of diversion if any: SE, SW, NW - NE NW SW and NW NW SW qpm
4. Water will be used for the following purposes:  
Amount 0.20 for Stock water purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount            for            purposes from            to            (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount            for            purposes from            to            (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount            for            purposes from            to            (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount            for            purposes from            to            (both dates inclusive)  
(cfs or acre-feet per annum)  
Amount            for            purposes from            to            (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.20 and/or (b)             
cubic feet per second acre feet per annum
6. Proposed diverting works:  
a. Describe type and size of devices used to divert water from the source Gravel, perforated pipe  
1000 gal Tank underground 2 freeflowing tanks, pump water lines to other  
b. Height of storage dam            feet; active reservoir capacity            acre-feet; total  
reservoir capacity            acre-feet  
c. Proposed well diameter is            inches; proposed depth of well is            feet  
d. Is ground water with a temperature of greater than 85°F being sought?             
e. If well is already drilled, when?           ; Drilling firm           ;  
Well was drilled for (well owner)           ; Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is 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. 900 cattle & horses  
c. Municipal; show name of municipality.             
d. Domestic; show number of households.             
e. Other; describe fully. water control for cattle  
in water area 90m

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MAR 10 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   |    |    |    |    |    |    | S  |    |    |    | S  |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated \_\_\_\_\_

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? Mac Grogan Land + Livestock LTD

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

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

12. Remarks: \_\_\_\_\_

Woods Stockwater Red Pump house

Single point of diversion at or near the intersection of 4 - 10 acre tracts

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. Miller  
Signature of Applicant (and title, if applicable)  
General Partner

Received by KG Date 11/26/02 Time 11:43 Preliminary check by AL  
Fee \$ 100.00 Receipted by KG # W02988 MESSENGER INDEX 11-26-02  
Publication prepared by AL Date 1-15-22-03 Published in \_\_\_\_\_  
Publication approved AL Date 2-5-03 MESSENGER INDEX

MILAC. JAMES

11-26-02

18N  
RIVE  
Sec 1

PE diversion  
PLACE  
USE



Substation  
BM  
3048

Spring

Springs

Liberty Mine

NO gov 4 lot  
R 1/2/03

65-22750

Timber

Creek

MICHA

MADE 2007



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 16, 2004

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

RE: License No. 65-22750 - 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

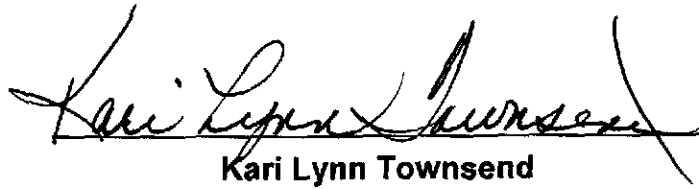
**CERTIFICATE OF SERVICE**

I hereby certify that on June 16, 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.**

**65-22750**

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

  
**Kari Lynn Townsend  
Secretary**

MICROFILMED

JUL 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  
11/15/2004

### 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.

MICROFILMED

JUL 15 2004

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

RECEIVED  
OCT 10 2003  
Department of Water Resources

**A. GENERAL INFORMATION**

Permit No. 65-22750

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 Sixmile Creek

**B. OVERLAP REVIEW**

- Other water rights with the same place of use: None
- 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 |
|-----------|-----------|-----|-----|-----|------|------|------|--------|---------------------------------|
|           |           | SW  | SW  | NW  | 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   |    |    |    |    |    |    | S  |    |    | S  |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

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OCT 10 2003

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 |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       |            |    |                  | submerged |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

\*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 |
|-----------------------|------|------|-----------|------------|------|-------------|
| 5 Gallon Bucket       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2. **Measurements: 5 gallons in 26 seconds**

#### E. NARRATIVE/REMARKS/COMMENTS:

A 4" buried perforated pipe is used to collect spring water, which then gravity flows 25 yards NW to a 1000 gallon storage tank inside a pump house. A submerged pump (inside the tank) is used to lift the stored water through 1.5 inch buried pipe 221 feet, with 50 feet of head, to a stock trough in the upper corral, which is located in the NWSW S1. When the storage tank is full, which is always according to the owner, the overflow can be diverted to two stock troughs in the SWNW S1 via 2 inch buried pipe and gravity flow. The storage tank was full at the time of the exam and a flow measurement was made on the overflow pipe valved to one of the two gravity fed troughs in the SWNW S1. The three stock troughs are approximately 5 to 6 ft in diameter. 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.

5 2004

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

#### F. FLOW CALCULATIONS

\_\_\_\_\_ Additional Computation Sheets Attached

Measured Method:

5 gallons x 60 sec/26 sec = 11.53 gpm = .03 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 stock x 12 gpd x 275 dys/325850 = 4.6 afa

Potential: .03 cfs x 365 dys x 1.9835 = 21.7 afa

#### H. RECOMMENDATIONS

1. Recommended Amounts

| Beneficial Use | Period Of Use |       | Rate Of Diversion<br>Q (CFS) | Annual Volume<br>V (AFA) |
|----------------|---------------|-------|------------------------------|--------------------------|
|                | From          | To    |                              |                          |
| Stockwater     | 1/1           | 12/31 | .03                          | 4.6                      |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
| <b>TOTAL</b>   |               |       | <b>.03 CFS</b>               | <b>4.6 AFA</b>           |

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

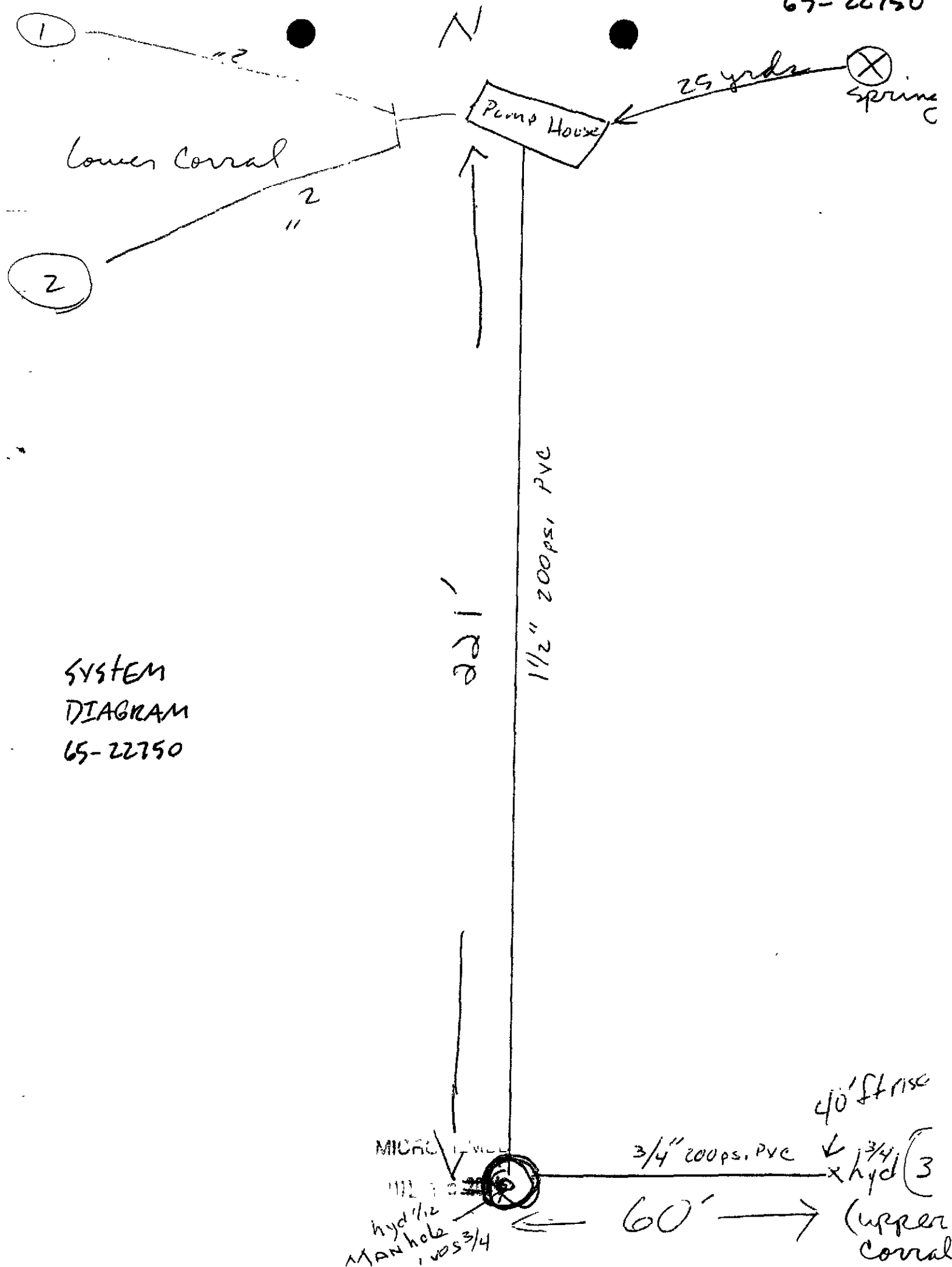
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SEP 15 2004



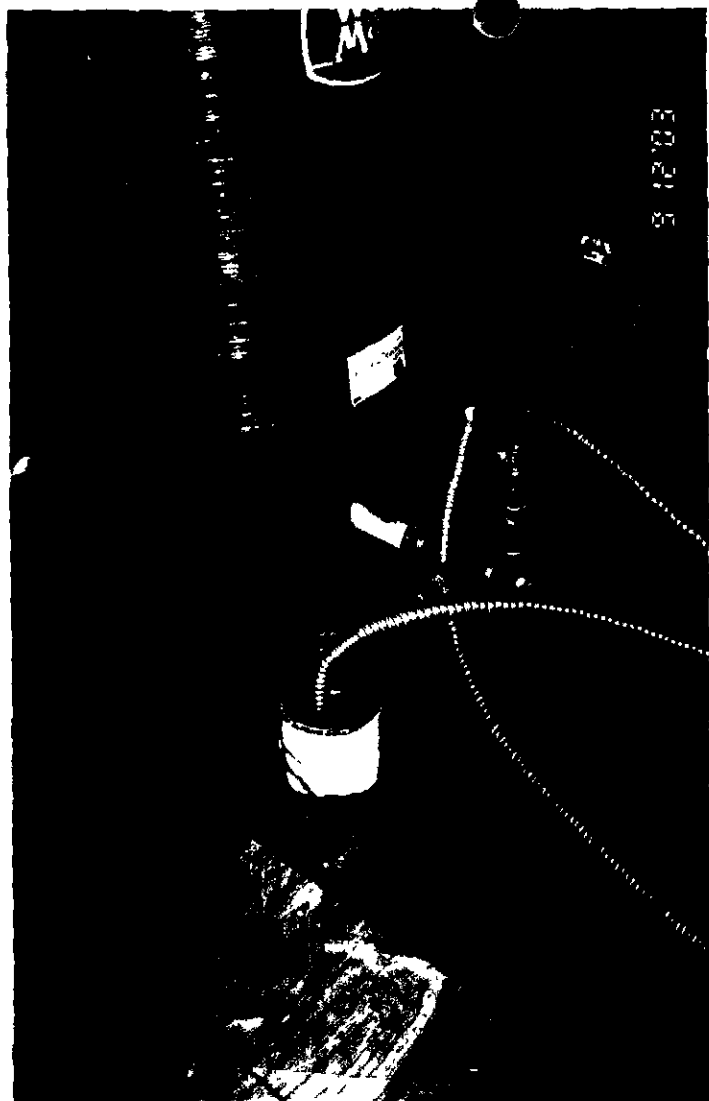
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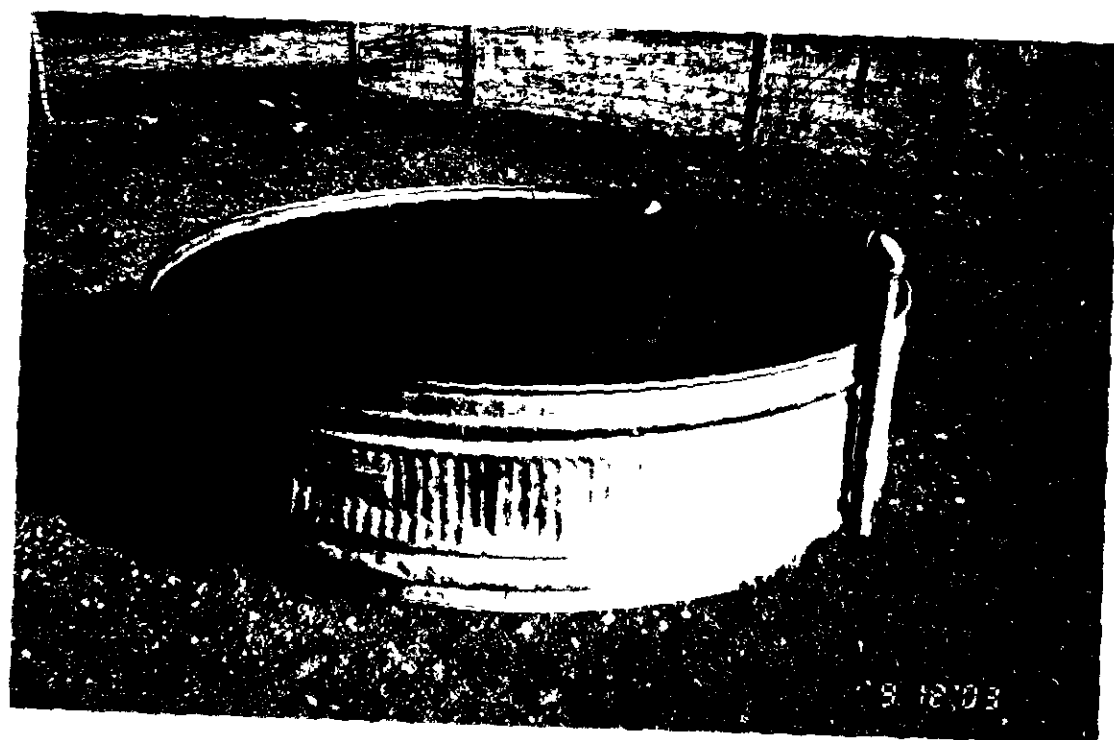
SYSTEM  
DIAGRAM  
65-22750

65-22750



Submerged pump  
inside 1000 gallon  
buried tank used  
to collect spring  
water

(pumps water up to  
upper corral in NWSW  
S1)



trough in  
NWSW S1  
(where mea-  
surement was  
made)



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

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

MICROFILMED  
APR 22 2003

## ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No : 65-22750

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,<br>C068048 | 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](http://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. 65-22750

**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.

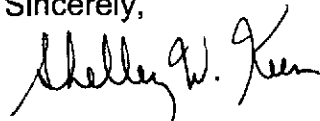
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APR 11 2003

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,



Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

MICROFILMED

1995 : 1997

## **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.                      65-22750**

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

  
\_\_\_\_\_  
**Deborah J. Gibson  
Administrative Assistant**

**RECORDED  
MAR 11 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.

MICHE

## 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 65-22750  
**From:** dgibson  
**Re:** Permit Review

---

Review of application found nothing new. Permit issued with one diversion point and for stockwater for 900 head of mixed cattle which consist of range cattle and horses.

MICRO - 11

11/11/03

IDAHO DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by JL Date 12/16/02 Application # 65-22750

**REQUIRED INFORMATION**

☒ Name (If applicant is a corporation or partnership, the names and addresses for the directors, 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

RECEIVED  
DEC 14 2003

Department of Water Resources

Government Lots

No P/D  
P/U

← dust control deleted so Revised  
use considered non-consumptive

**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  
☒ 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)

} see note ↑  
Nonconsumptive

☒ REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

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

Date Requested \_\_\_\_\_ Date Response Received \_\_\_\_\_

part of workflow to "Applicant" in such cases; document the file  
instead.

**PROCESSING**

APPLICATION #

65-22750

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 - 1 P/O authorized although exact locations might  
vary within 1 of 4 AGG tracts.

Recommended Date of Priority 11-26-2002 Amended before advertised & not  
Expanded, priority unchanged  
Recommendation ☒ Approve ☐ Deny by FL - Lester 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 processed 3 of these four, 65-22750 is 1 of them.

02/12/2003

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Application Report 65-22750

WATER RIGHT NUMBER: 65-22750

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

Priority Date: 11/26/2002

Basis

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| SPRING        | SIXMILE CREEK    |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <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 SW1/4SW1/4NW1/4 Sec 1, 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 | 1   |    |    |    |    |    |    | X  |    |    |    | X  |    |    |    |    |    |        |

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

Comment: See 12/17/02 comments in 65-22727 regarding numerous applications for same 900 range cattle & horses. Revised application proposes non-consumptive use. P/D is at exact center of 4 tracts so listing 4 locations but limiting approval to a single point is warranted in this case (confirmed by original 7 5 minute topo quad).

original d'base listed  
4 legs but now  
revised e new standards

Dates and Other Information

\* clarified e d'base 2/12/03 J2

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22750

Dates and Other Information.

Application Received Date 11/26/2002

Application Denied Date.

Last Date of Beneficial Use

Extension End Date

Protest Deadline Date 2/3/2003

Number of Protests: 0

Enlargement Use Priority Date

Enlargement Statute Priority Date

State or Federal

Owner Name Connector

Water District Number:

Generic Max Rate Per Acre

Generic Max Volume Per Acre:

Application Type. New Appropriation

**Applicant Remarks:** Woods stockwater Red Pumphouse. Single point of diversion at/near intersection of four 10 acre tracts: SWSWNW, SESWNW, NENWSW & NWNWSW.

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

all in 101d, assume  
SWSWNW, no fee if  
need to amend (claim)  
in other Regs  
fill even  
-JC

\* Spring pt. of diversion appears to  
be center of 4 1/4-1/4 parcels:

SW SW NW  
SE SW NW  
NE NW SW  
NW NW SW



gov't lots in  
N 1/2 NW Sec 1 but  
not in east of  
section

\* Assume SW SW NW per current  
standards - 12 2/12/03

82 12/16/02

RIE

65-22750  
1/7/03 lm

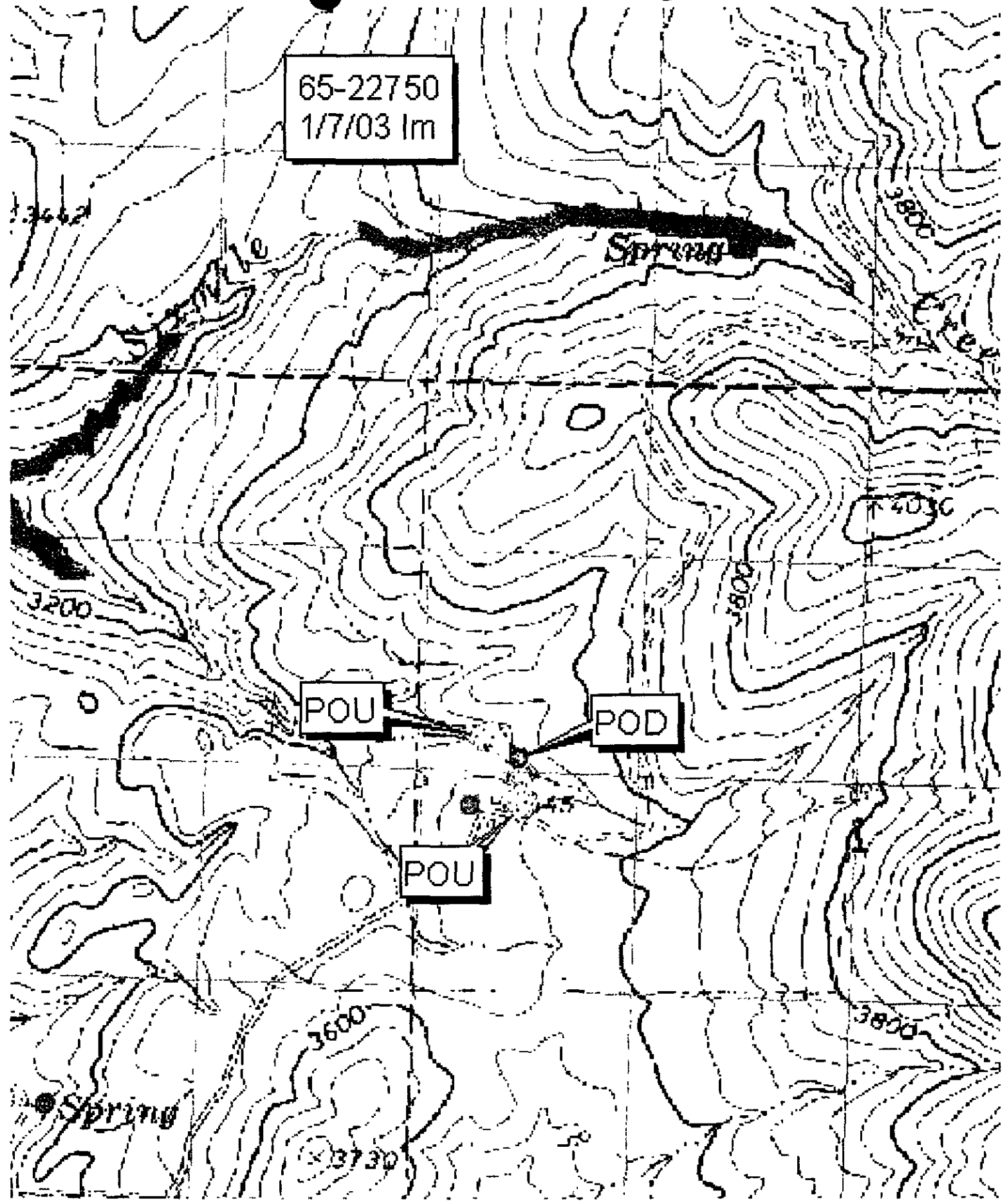
Spring

POU

POD

POU

Spring



# 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:

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

65-22750

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

Point(s) of Diversion SWSWNW S1 T08N R01E  
GEM County Source SPRING  
Tributary To SIXMILE CREEK

Point(s) of Diversion SESWNW S1 T08N R01E  
GEM County Source SPRING  
Tributary To SIXMILE CREEK

Point(s) of Diversion NENWSW S1 T08N R01E  
GEM County Source SPRING  
Tributary To SIXMILE CREEK

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

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 S1 SWNW NWSW

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

Pub: 1-15, 22, 2003

KARL J DREHER, Director

Legal Notice No 4921  
Published in the Messenger Index

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.

*Miranda Clark*

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



MICROFILMED

1-15, 22, 2003

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 Gregor Land & Livestock Limited Partnership

Watermaster's Recommendation:

- a) 7 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 19 day of January, 2003

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



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

MLC:G

JAN 17 2003

**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

MAIL ROOM

JAN 15 2003

12-26-02

RECEIVED

DEC 31 2002

WATER RESOURCES  
WESTERN REGION

Steve Lester

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 over the  
some 900 head of cattle.  
Thanks

John Morgan

This reply covers apps marked as

#(2, 3, 6 & 10

65-22750

in Appl. will  
follow, 65-22756

JL 1/2/03

MICR

DEC 31 2002



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

1/2/03  
Notes  
-sc

*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 = 65-22750

✓ 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

MICROFILMED

2003 2 11 3400

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  
Resubmit  
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

- ✓ 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.

MICRO. LIVED

12/31/02

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).

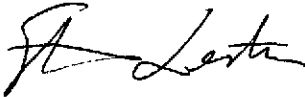
Application #10

✓ 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

MICHAEL J. LESTER

DEC 16 2002



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.

65-22750

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

Point(s) of Diversion SWSWNW S1 T08N R01E GEM County Source SPRING  
Tributary To SIXMILE CREEK

Point(s) of Diversion SESWNW S1 T08N R01E GEM County Source SPRING  
Tributary To SIXMILE CREEK

Point(s) of Diversion NENWSW S1 T08N R01E GEM County Source SPRING  
Tributary To SIXMILE CREEK

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

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 S1 SWNW NWSW

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.