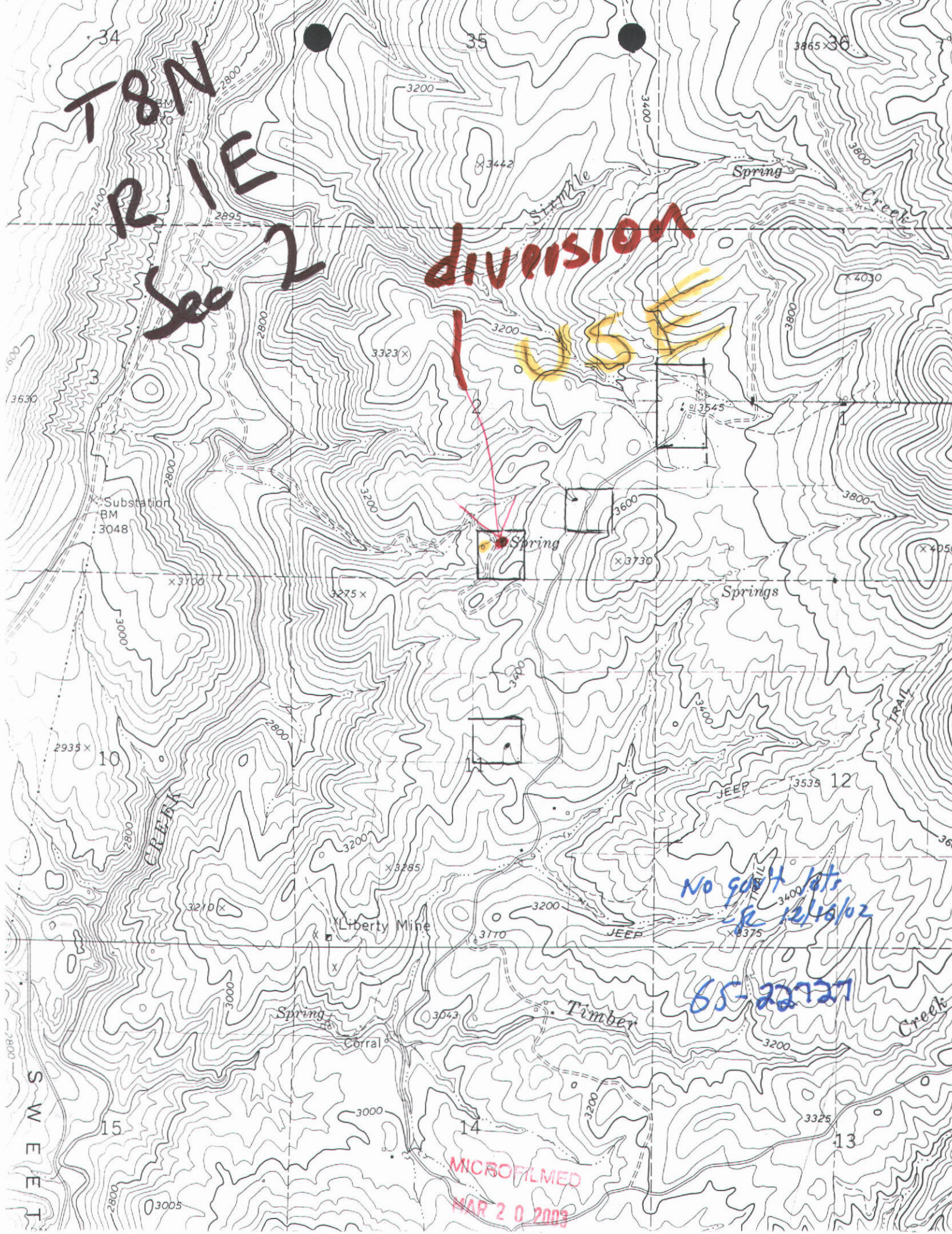


T8N
R1E
Sec 2

diversion

USE

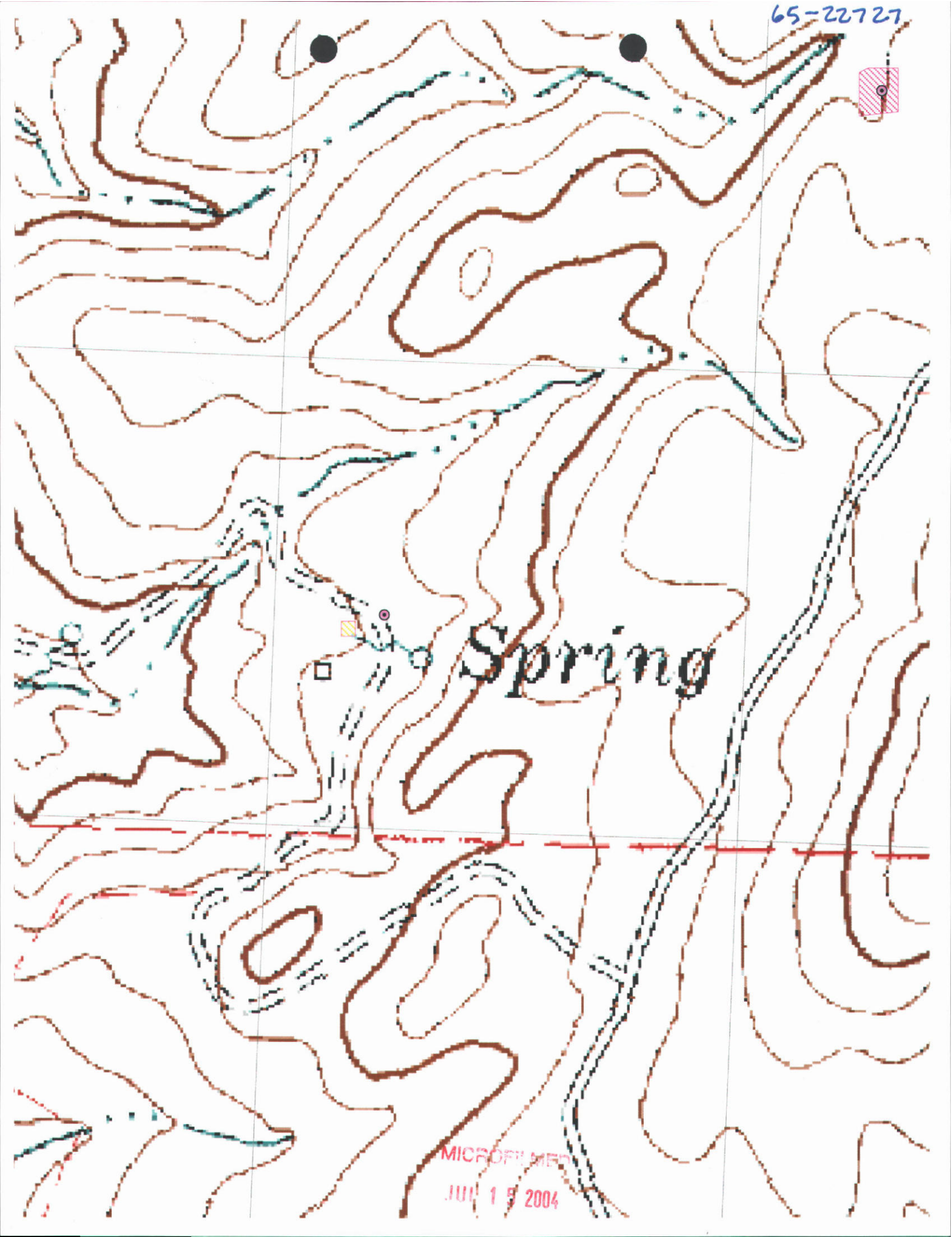


No good lots
-R 12/16/02

65-22727

MICROFILMED
MAR 20 2003

65-22727



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JUL 15 2004

65-22727



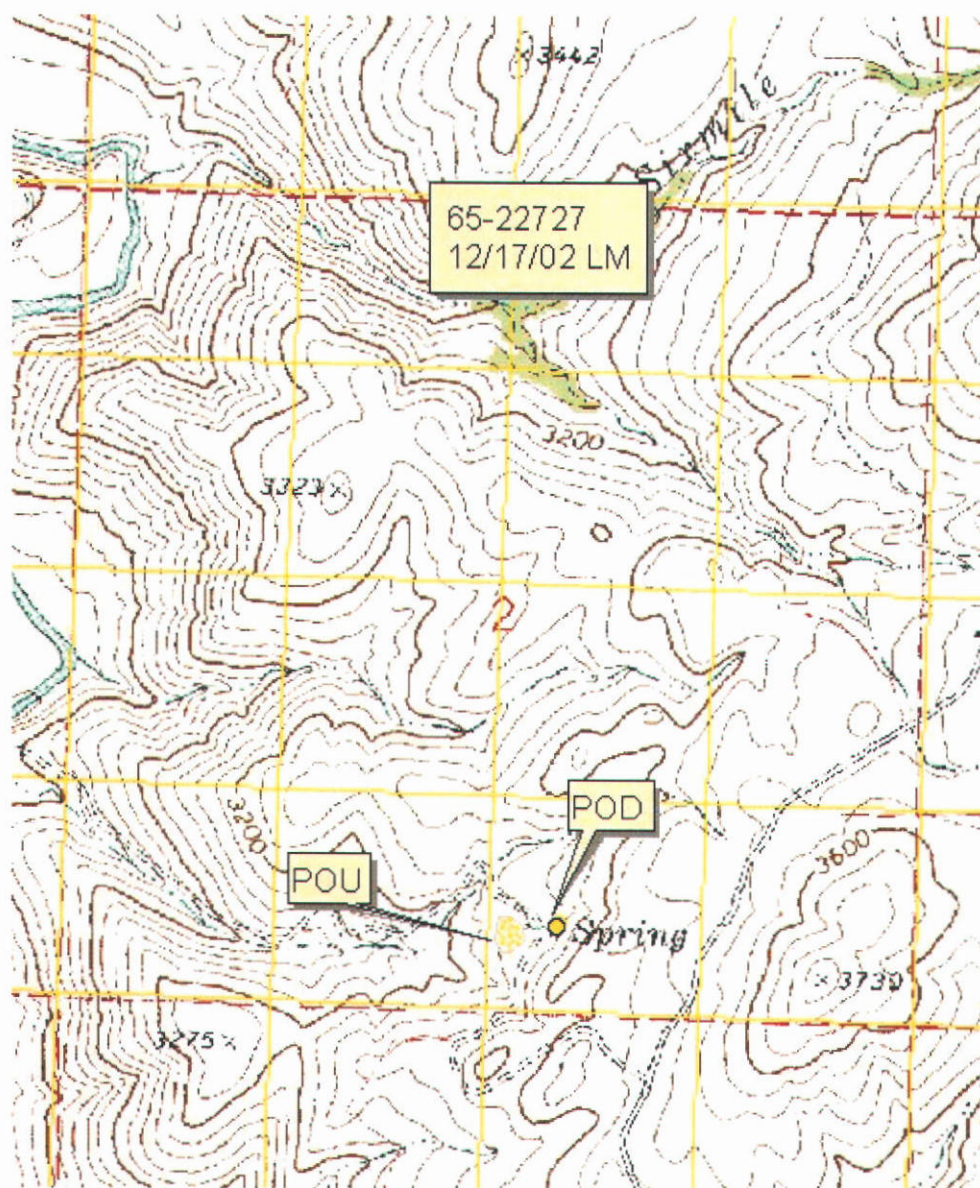
P/D: spring
+ concrete
box

20' x 3' x 1' trough
100' west of spring



MICRO ME

001 F 200



RECEIVED

JAN 09 2003

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Gem)

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

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

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

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

4. That said notice was published the following:
January 1, 8, 2003

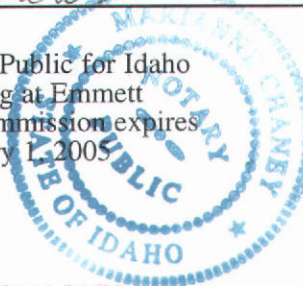
Anthony M. Clark

STATE OF IDAHO)
County of Gem)

On this 8th 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.

Marianne Chaney

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:

65-22727

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

Point(s) of Diversion	SWSWSE	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 SWSE

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 January 21, 2003. The protestant must also send a copy of the protest to the applicant.

Pub: 1-1, 8, 2003

KARL J DREHER, Director

Legal Notice No. 4913
Published in the Messenger Index

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-22727

Priority: November 26, 2002

Maximum Diversion Rate: 0.01 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 0.01 cfs of water from:

SOURCE

SPRING

Tributary: SINKS

and a water right has been established as follows

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER	01/01 to 12/31	0.01 CFS	4.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING SW $\frac{1}{4}$ SW $\frac{1}{4}$ 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 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

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 15th day of June, 2004.


for
KARL J. DREHER
Director

MICROFILMED

JUN 15 2004

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. 65 22727 Telephone No. 208 584 3484
2. Name of Permit Holder(s): MacGregor Land and Livestock Limited Partnership
3. Mailing Address: PO Box 107
City Sweet State ID Zip 83670
4. Source of Water: Spring If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): 400 HDS CATTLE
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: \$ 50.00 (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: Jordan 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:

Jordan MacGregor General Partner
(include your title, if on behalf of company or organization)

Date: 3-15-03

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JUN 05 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22727

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:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING SW $\frac{1}{4}$ SW $\frac{1}{4}$ 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				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. 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

MAR 20 2003

FORM 202
12/99

Ident. No. 2 65-22727

RECEIVED

FEB 14 2003

NOV 26 2002

WATER RESOURCES
WESTERN REGION

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant MacGregor Land & Livestock Limited Partnership Phone 208 584 3484
Mailing address P.O. Box 107 Sweet Home 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 SW $\frac{1}{4}$,
SW $\frac{1}{4}$, SE $\frac{1}{4}$, 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 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 private well box
pipe line & trough
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. _____

MICRO FILMED
MAR 20 2003

3. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	1E	2															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? MacGregor Land & Livestock
- b. Who owns the land to be irrigated or place of use? MacGregor Land & Livestock
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: _____

Hearin Homestead water trough

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.

James D. MacGregor

General Partner

Signature of Applicant (and title, if applicable)

Received by K6 Date 11/26/02 Time 11:43 Preliminary check by SR
 Fee \$ 10000 Recelpted by K6 # 0029887 Date 11/26/02
 Publication prepared by AT Date 1-14-03 Published in MESSANGER INDEX
 Publication approved AT Date 1-28-03

MICROFILMED

MAR 20 2003

division
USE

No 5077 1st
3400
12/18/02

65-22727



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 16, 2004

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

RE: License No. 65-22727 - 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.

65-22727

**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
JUL 15 2004

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
1111 15 2004

MEMORANDUM

Date: June 15, 2004
To: Water Right File 65-22727
From: eretelle
Re: Change in allowable diversion capacity

Field report indicated flow of 1gpm (.002cfs) Field examiner recommended allowance of .02cfs .01cfs is a closer estimate of flow rate and still allows for significant variability in flow.

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. 65-22727

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:

Ident No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	SW	SE	2	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	2															S		

MICROFILMED
11/15 2004

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

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

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

Y Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*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:

A 5 ft buried concrete box, built by the CCs, is used to collect spring water, which is then diverted 100 ft west to a 20 ft x 3 ft x 1 ft deep stock trough via 1 inch pipe. The spring was flowing ~1 gpm at the time of the exam.

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? X yes ___ no

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

1 gpm

Allow .02 cfs

MICROFILMED

III 15 2004

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

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
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

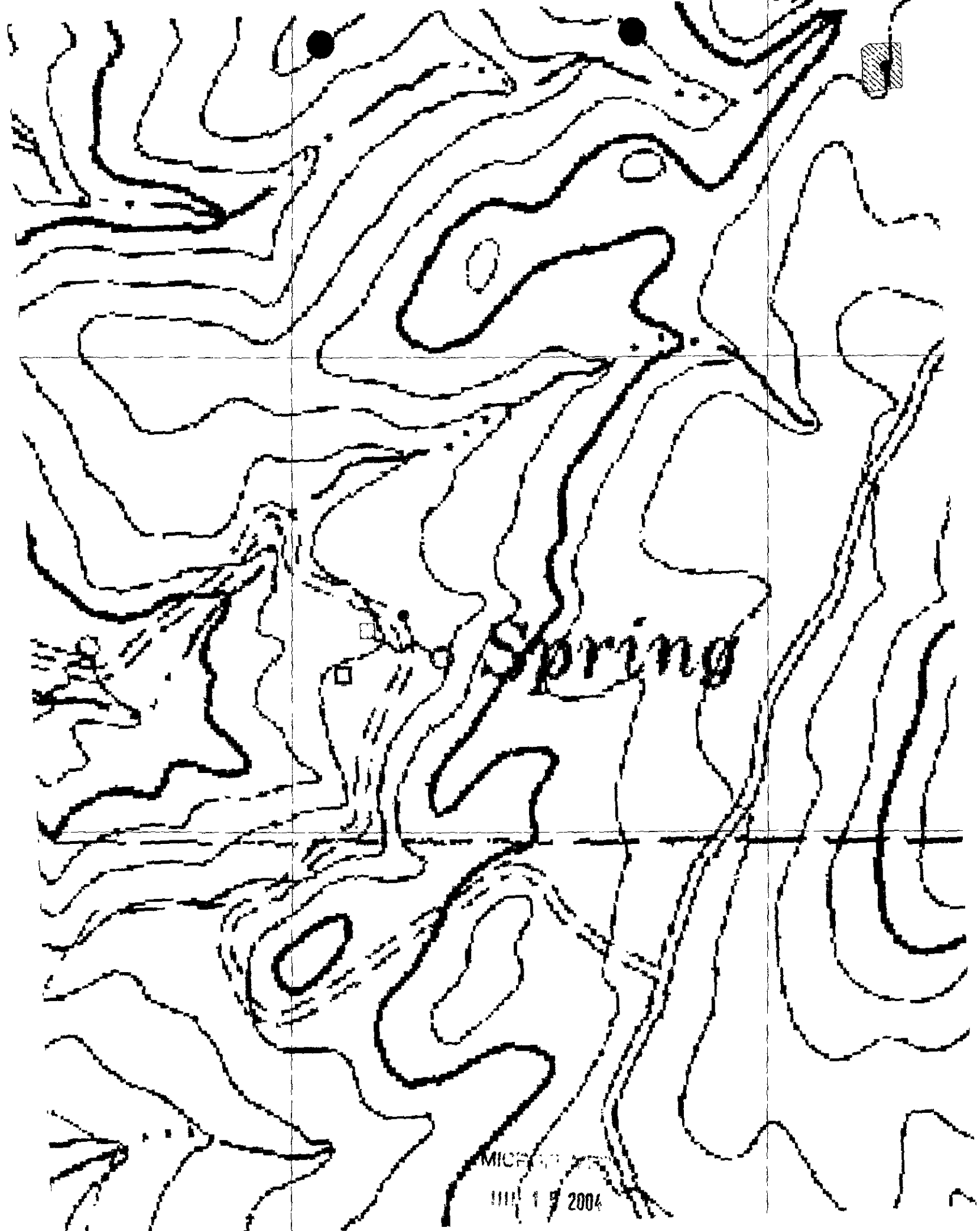
Field Examiner's Name Lori Graves Date 10/2/03

Reviewer _____ Date _____

SEAL

MICROFILMED
11/15/2004

65-22727



MICROFILMED

MAR 19 2004

65-22727



P/D: spring
+ concrete
box

20' x 3' x 1' trough
100' west of spring



MR: -



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

MICROFILMED

JUN 05 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No : 65-22727

Reviewed By: dgibson

Date: April 18, 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, 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.

*Proof states 0.02 cfs - permit states 0.20 cfs.
Ask to verify with field examiner.*



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. 65-22727

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.

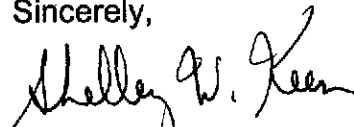
MICROFILMED

MAR 20 2003

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

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

MICRO...


MAR 20 2003

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. 65-22727

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



**Deborah J. Gibson
Administrative Assistant**

MICROFILMED
MAR 20 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 65-22727
From: dgibson
Re: Permit Review

Permit review resulted in issuance of permit for stockwater use, for 900 range cattle.

MICROFILMED

MAR 23 2003

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by FL

Date 12/16/02

Application # 65-22726

RECEIVED
FEB 27 2003
Department of Water Resources

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, the names and addresses for the director, officers, and other partners must be included) *
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County
- ☒ Quantity (Flow and /or Volume)
- ☒ Period of use
- ☒ Nature of proposed use (Include description of use)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map (Show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (for > 1 home in restricted area ≥ 5 homes in non-restricted area)
- ☒ Signature (If applicant is corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Government Lots
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
- ☒ 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 IOWR take advantage of website data & avoid adding d'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.

PROCESSINGAPPLICATION # 65-22727

YES NO

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

SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USED

YES NO

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

YES NO

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

*includes with
watermaster letter***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 1-21-03
☒ ☒ 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 re 65-22726.

Recommended Date of Priority 11-26-2002Recommendation ☒ Approve ☐ Deny by FE Lester Date 2/13/03**ADDITIONAL INFORMATION**☒ See attached proof report, note any Legal Notice Remarks &/or Comments☒ See attached shapefile

13 App's. f. to l. for 13 springs 11-26-02:

9 processed now, all but 65-22726 cover same 5/900.

4 held until clarified, 3 cover same 5/900 as other 9.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22727

WATER RIGHT NUMBER 65-22727

<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	SW1/4SW1/4SE1/4	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	

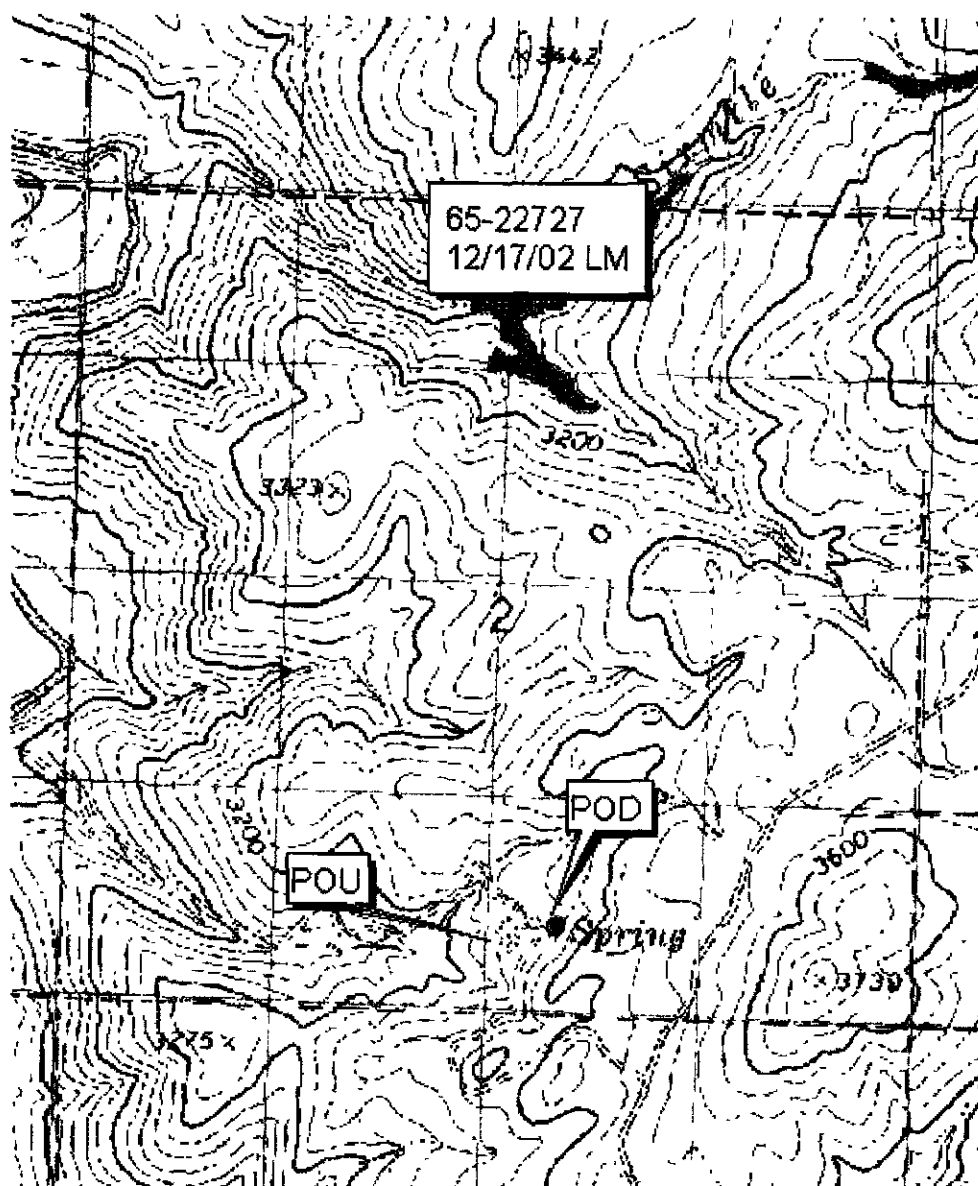
Conditions of ApprovalRemarks:Comments:1 Imattson 12/17/2002 **Comment/Analysis**

Comment: Applicant filed multiple applications in same general area for separate springs. Most of the filings serve the same stock (900 range cattle & horses), although 65-22726 covers domestic use at 1 home. Most of the filings are essentially non-consumptive and do not require the request to process form. See ID Secretary of State website for confirmation of current partnership names & addresses etc. This suggests such information does not need to be data entered in IDWR database since the data is easily obtained electronically if necessary.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 65-22727

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
Generic Max Rate Per Acre
Generic Max Volume Per Acre
Application Type: New Appropriation
Applicant Remarks Heavrin Homestead water trough.
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



State of Idaho
Department of Water Resources

RECEIVED

JAN 13 2003

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application Number: 65-22729, 65-22728, 65-22727, 65-22726
65-22734, 65-22733, 65-22731, 65-22730

Applicant's Name: Mac Gregor Land & Livestock Ltd. Partnership

Watermaster's Recommendation:

a) ☒ I do not oppose approval of this application.

b) ☐ I do not oppose approval of this application if it is conditioned as follows:

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

d) Additional Comments:

Dated this 7 day of January, 2003

Water District Number: 65A Watermaster's Signature: Eric Fern

AFFIDAVIT OF PUBLICATION

RECEIVED

JAN 09 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 1, 8, 2003

Anthony M. Clark

STATE OF IDAHO)
County of Gem)

On this 8th 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

MAR 20 2003

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

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

Point(s) of Diversion SWSWSE S2 T08N R01E
GEM County Source SPRING
Tributary To SINKS
Use: STOCKWATER 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 11/26/2002
Place Of Use: STOCKWATER
T08N R01E S2 SWSE

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 January 31, 2003. The protestant must also send a copy of the protest to the applicant.

Pub: 14, 8, 2003

KARL J DREHER, Director

Legal Notice No. 4913
Published in the Messenger Index



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 27, 2002

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

Re: Application for Water Right No. 65-22726 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22727 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22728 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22729 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22730 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22731 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22733 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22734 in the Name of MacGregor Land & Livestock.

Dear Mr. Herr:

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.

I have included the Recommendation of Watermaster forms that I failed to include with the copies of the applications that I sent yesterday. Please accept my apologies and review the applications in light of the comment above. Please submit any comments you may have. 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

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MAR 23 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 26, 2002

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

Re: Application for Water Right No. 65-22726 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22727 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22728 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22729 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22730 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22731 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22733 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22734 in the Name of MacGregor Land & Livestock.

Dear Mr. Shurtleff:

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

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: Copy of Applications
Recommendations of Watermaster Forms

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2015 7 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 26, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Water Right No. 65-22725 in the Name of Kenneth McKay.
Application for Water Right No. 65-22726 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22727 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22728 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22729 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22730 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22731 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22732 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22733 in the Name of MacGregor Land & Livestock.
Application for Water Right No. 65-22734 in the Name of MacGregor Land & Livestock.

Dear Sir or Madam:

Enclosed are copies of the above-referenced applications that the proposed use is from surface water. **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 and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval any of these applications, your written protest, along with the \$25.00 protest fee for each application protested, must be received in this office by January 21, 2003.

If you have any questions regarding the applications, please contact this office.

Sincerely,

Steve Lester

SL:lm

Encl: Copy of Application

MICROFILMED

DEC 28 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 24, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department

Messenger-Index

PO BOX 577

EMMETT ID 83617

RE: Application for Permit No. 65-22726, 65-22727 and 65-22728

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 01/21/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor

Senior Secretary

MICROFILMED

MAR 23 2003

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

65-22727

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

Point(s) of Diversion SWSWSE 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 SWSE

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 . The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on January 1 and 8, 2002.

MACGREGOR

APR 23 2003