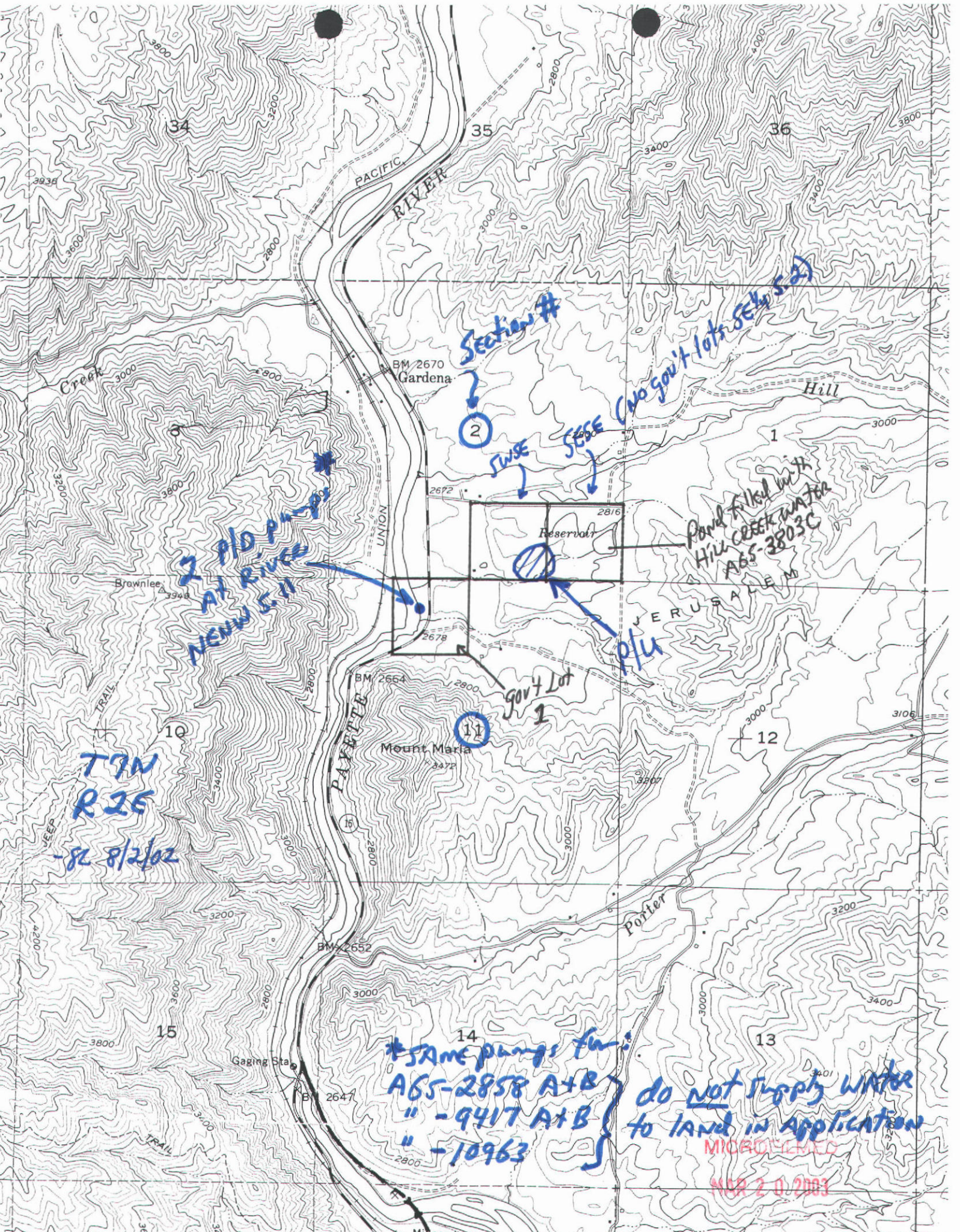




Section #

2

SWSE

SESE

(No gov't lots SE 1/4 S 2)

2 pld p...
AT RIVER
NEW E.A.

T7N
R2E

-82 8/2/02

Gov't Lot 1

P/U

Pond Filled with
Hill Creek water
A65-3803C

*Same pump for:

A65-2858 A+B
"-9417 A+B
"-10963

do not supply water
to land in Application

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77.00 77.90 (80)

3 2 1
4 39.42 39.47 39.52

S.2 →

7N 2E

North 42.00

South

39.30 32.60
36.00 23.70
32.60 30.60

West 41.20 57.10
18.50 79.72

East

North 46.15

38.06

31.50

S.11 →

P/O L.1 NEW

28.22

30.40

30.50

41 4600.34

22.24 22.51

22.40 22.50

22.50 23.00

4

76.00 79.84

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MAR 20 2003

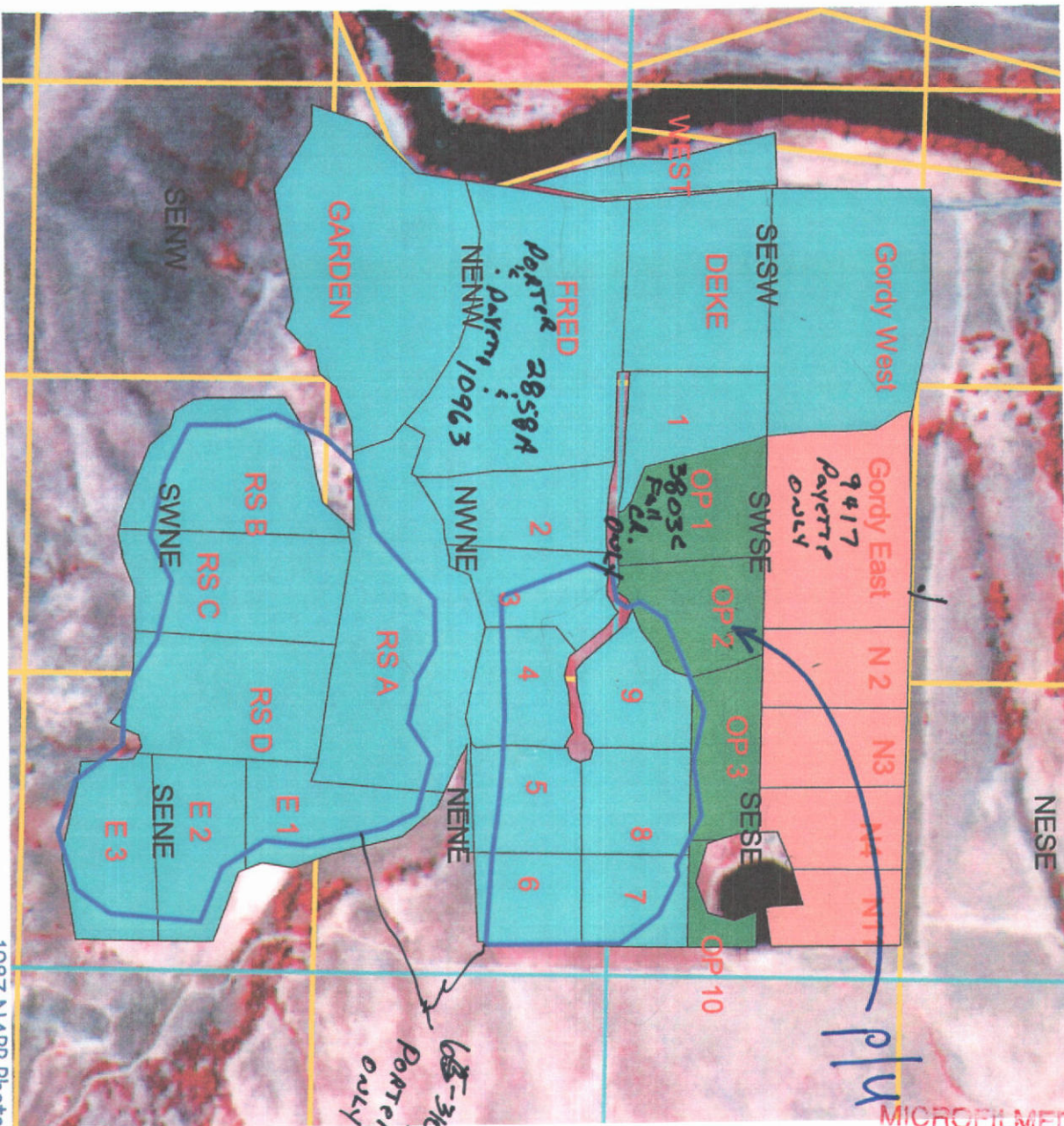
—

process

T07n02e.shp



65-2858A



MAR 20 2003

Pending recommendations for O/O Partnership re subdividing land o small tract subd. ... charges of ownership will follow - see 8/2/02



62-22713 shape updated
by DAN 11/7/2002

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3487

State of Idaho)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Nov 20, 2002 and ending with the issue of Nov 27, 2002.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 29 day of Nov in the year 2002, before me, a notary public, personally appeared Deanna Stevenson 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 acknowledged to me that she executed the same.

Tami Weber

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 2/10/05

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

65-22713

LONNIE DODD

PO BOX 565

HORSESHOE BEND ID 83629

KATHY DODD

PO BOX 565

HORSESHOE BEND ID 83629

Point(s) of Diversion L1 (NENW) S11 T07N R02E BOISE County
Source PAYETTE RIVER Tributary To SNAKE RIVER

Point(s) of Diversion L1 (NENW) S11 T07N R02E BOISE County
Source PAYETTE RIVER Tributary To SNAKE RIVER

Use: IRRIGATION 03/15 To 10/31 0.11 CFS

Total Diversion: 0.11 CFS

Date Filed: 08/02/2002

Place Of Use: IRRIGATION

T07N R02E S2 SWSE SESE

Number of Acres 5.5

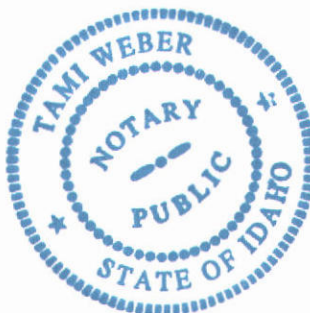
Remark: Applicant agrees to mitigate consumptive use in the future as needed.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/09/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in The Idaho World November 20 and 27, 2002



MICROFILMED
MAR 20 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
AUG 11 2003

Department of Water Resources

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

1. Permit No. 65-22713 Telephone No. 208 793-2850
 2. Name of Permit Holder(s): LENNIE & KATHY DODD
 3. Mailing Address: P.O. Box 565
City HORSESHOE BEND State ID Zip 83629
 4. Source of Water: PAYETTE RIVER If GROUNDWATER (well), Date Drilled: mo. NA / yr. NA
Well Driller: NA Drilling Permit Number: NA
 5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): NA Stockwater (No. and type of stock): NA
Irrigation (No. of acres): 5.5 Other: NA
 6. Total rate of diversion and/or volume for which proof is submitted: 11 cfs OR NA 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 NA or No X
Has the measuring device been installed? Yes NA or No NA
 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: LENNIE DODD Telephone Number: 208 860-7703 cell
Address: 22 DEKE LN. HORSESHOE BEND, 83629 (P.O. Box 565)
 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: 8-7-03
(include your title, if on behalf of company or organization)

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SEP 09 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22713

Priority August 02, 2002

Maximum Diversion Rate 0.11 CFS

This is to certify, that KATHY DODD And/Or
LONNIE DODD
PO BOX 565
HORSESHOE BEND ID 83629

has applied for a permit to appropriate water from

Source: PAYETTE RIVER

Tributary: SNAKE RIVER

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>
IRRIGATION	03/15 to 10/31	0.11 CFS

LOCATION OF POINT(S) OF DIVERSION:

PAYETTE RIVER L1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 11, Twp 07N, Rge 02E, B.M., BOISE County

PAYETTE RIVER L1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 11, Twp 07N, Rge 02E, B.M., BOISE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 02E 2															4.5	1.0	5.5
Total Acres:																5.5	

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 This right does not grant any right-of-way or easement across the land of another.
- 4 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
- 5 When water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate the depletion of water caused by this water use.
- 6 Prior to diversion of water under this right, the right holder shall install a lockable control valve on the branch line originating from the main water line, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the use of water under this right independent of the other water rights also diverted through the main water line.
- 7 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.
- 8 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

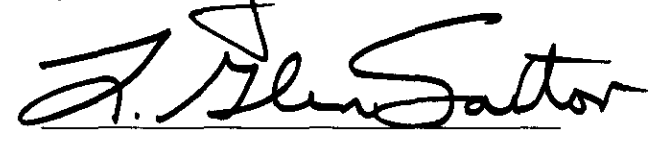
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JUL 1 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22713

9 Place of use is located within Lot OP2, Parcel # RP07N02E028850A, Faull Ranch Subdivision

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code Witness the signature of
the Director, affixed at Boise, this 19th day of February, 2003


for KARL J DREHER, Director

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MAR 20 2003

RECEIVED

FEB 3 - 2003

8-2-02

FORM 202
12/99

Department of Water Resources

Ident. No. 65-22713

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant LONNIE AND/OR KATHY DODD Phone 208 793-2850
Mailing address P.O. BOX 5165 HORSESHOE BEND, ID. 83629
2. Source of water supply PAYETTE RIVER which is a tributary of SNAKE RIVER
3. Location of point of diversion is Township TN Range 2E Sec. 11 in the — $\frac{1}{4}$,
NE $\frac{1}{4}$, NW $\frac{1}{4}$, Govt. Lot 1, B.M., BOISE County;
additional points of diversion if any: 2 points of diversion in same tracts (2 pumps)
4. Water will be used for the following purposes:
Amount .11 for IRRIGATION purposes from 3/15 to 10/31 (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) .11 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 2 existing pumps with
common pipelines, Applicant will tap into pipeline near Applicant property
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. —
c. Municipal; show name of municipality. —
d. Domestic; show number of households. —
e. Other; describe fully. —

N/A

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FILED - 3 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	
7N	26	2															4.5	1	5.5

Total number of acres to be irrigated 5.5

10. Describe any other water rights used for the same purposes as described above. A65-3803C Hill Creek

11. a. Who owns the property at the point of diversion? Oliver/Dobson Partnership

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Access via Homeowner Association Agreement with Partnership.

12. Remarks:

Property aka Parcel # RP07N02E028850A & as OP2 in
Frank Ranch local terminology.

Filing is made due to difficulties with Hill Creek supply.

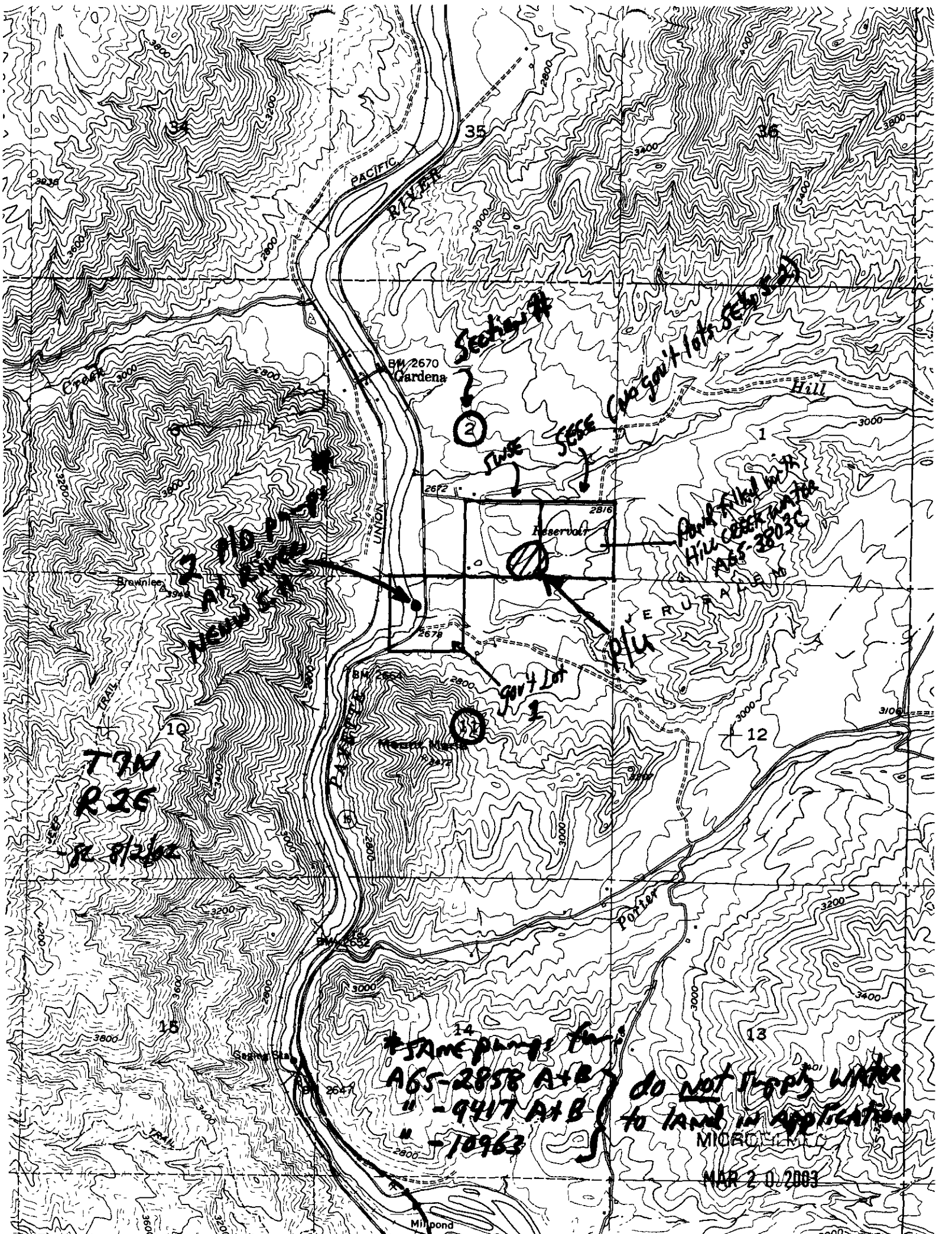
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

Louis Deel
Signature of Applicant (and title, if applicable)

Received by SE Date 8/2/02 Time 4:00 Preliminary check by DAN
Fee \$ 100.00 Receipted by SE # W029541 Date 8/2/02
Publication prepared by MF Date 11-20-02 Published in Idaho World - front matter
Publication approved MF Date 12-10-02

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MAY 20 2003



Section 1

2

True

SSSE

govt lot 2

Hill

1

Pond filled with Hill Creek water AGS-3803C

Reservoir

PLU

govt lot 1

1

12

T7N R2E

R 8/2/02

*same pump for:
AGS-2858 A+B
" - 9417 A+B
" - 10963

do not throw water to land in application

MICROFILM

MAR 20 2003

7N

S. 11

P/O L.I. NEWW

卷之四

04-40-3050-22

MICRO

MAR 20 2003

REQUEST TO PROCESS

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

Name of Applicant

Louise & Kathy Dodd

Mailing Address

P.O. Box 565 Horseshoe Bend ID 83629

Application No.
(if known)

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Louise Dodd

Date

8-2-02

Please return this form to:

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

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MAR 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 18, 2003

LONNIE DODD
KATHY DODD
PO BOX 565
HORSESHOE BEND ID 83629

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-22713

Dear Permit Holder:

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

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

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

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

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SEP 09 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.. 65-22713

Reviewed By: dgibson

Date: August 15, 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		W029541, C070405	Well driller's report filed?		
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	08/11/2003
Date proof due	- 03/01/2004
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 08/02/2002
New priority date	= 08/02/2002

Deficiencies of Actions Items

Acknowledge proof.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 19, 2003

KATHY DODD
LONNIE DODD
PO BOX 565
HORSESHOE BEND ID 83629

RE: Permit No. 65-22713

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.

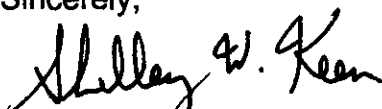
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed a least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

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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 black ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large, stylized 'S' and 'K'.

Shelley W. Keen

Water Rights Supervisor

Enclosure(s)

MICROFILMS -

MAR 20 2003

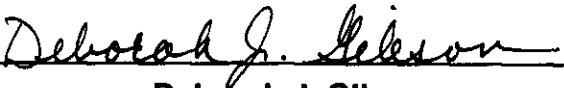
CERTIFICATE OF SERVICE

I hereby certify that on February 19, 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.

65-22713

**KATHY DODD
LONNIE DODD
PO BOX 565
HORSESHOE BEND ID 83629**



**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.

MICROFILMED
MAR 20 2003

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
MAR 20 2003

MEMORANDUM

Date: February 19, 2003
To: Water Right File 65-22713
From: dgibson
Re: Permit Review

It appears that the applicant is going to continue use right no. A65-3803C diverted from Hill Creek to irrigate the same place of use.

A written agreement is on file which documents agreement with the applicants and the owners of the main line diversion for this subdivision, O&D Partnership, stating that a control valve will be installed on the branch line originating from the main line for this water right. This agreement includes W.R. No. 65-22725 in the name of Ken McKay, who also will tap into the main line for his water right.

This permit is being issued with the remark that it does not grant any right-of-way or easement across the land of another.

MICROFILMED

MAR 20 2003

FEB 2003

COMMENT
LETTERS

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by DAN Date 11-5-02 Application # 65-22713

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
YES P/D
NO P/U

ADDITIONAL INFORMATION

YES ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ Overlapping place of use (Describe source and relationship to present application on next page) 65-3803C OVERLAPS P/U, BUT FROM A DIFFERENT SOURCE.
- ☒ Overlapping point of diversion ALL OTHER OVER LAP INSIGNIFICANT.
- ☒ Critical groundwater area 65-2858 A38-65-9417 A38 and
- ☒ Ground water management area 65-10963 OVER LAP P/D, BUT NOT
- ☒ 1992 moratorium USED ON LANDS IN PERMIT.
- ☒ Surface water source, IDFG letter needed
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to SCA staff (perennial stream, non-pump diversion &/or any mining)
- ☒ E-mail to Dam Safety staff (for any storage)
- ☒ Mitigation plan Check any that apply
- ☒ 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

into e agreement/plan for control valve -82

Date Requested 1/9/03

Date Response Received 1/17/03

OK ✓

PROCESSING

APPLICATION # _____

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 # 65
☒ Water Planning Bureau
☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

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

☒ Publication dates and paper recorded on application

☐ Final date for protest 12-9-02

☒ Protests received

☒ Recommendations attached

☒ Measuring device required

☒ Water delivered by water master? District # 65

☐ Special conditions of approval or cover letter

O & O PARTNERSHIP
P.O. Box 366
Horse Shoe Bend, ID 83629.

Under control of watermaster. Water right holder must cease diversion or rent storage water when water can no longer be delivered because of priority cuts in delivery. Measuring device and controlling works at diversion, controlling valve at water right holder's connection to subdivision mainline.

Recommended Date of Priority

Priority: 8/2/02Recommendation ☒ Approve ☐ Deny by Bugs Date 1/30/03**ADDITIONAL INFORMATION**

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

☒ See attached shapefile

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 65-22713

WATER RIGHT NUMBER: 65-22713

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LONNIE DODD PO BOX 565 HORSESHOE BEND, ID 83629 (208)793-2850

Current Owner	KATHY DODD PO BOX 565 HORSESHOE BEND, ID 83629 (208)793-2850
---------------	---

Priority Date: 08/02/2002

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
PAYETTE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.110 CFS	
	<u>Total Diversion:</u>	0.110 CFS	

Location of Point(s) of Diversion

PAYETTE RIVER	L1 (NE1/4NW1/4)	Sec. 11, Twp 07N, Rge 02E, B.M.
BOISE County		
PAYETTE RIVER	L1 (NE1/4NW1/4)	Sec. 11, Twp 07N, Rge 02E, B.M.
BOISE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	02E	2															4.5	1.0	5.5

Total Acres: 5.5

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 65-22713

Comments:

1. dnelson 11/7/2002 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.

2. dnelson 11/7/2002 Comment/Analysis

Comment: The applicant proposes to use an existing irrigation system from water rights 65-2858A, 65-2858B, 65-9417A, 65-9417B, and 65-10963 to irrigate their property from the Payette River. The above water rights irrigate separate lots within the same subdivision, but does not supply water to the applicants property. The only water right currently used to irrigate their property is from Hill Creek under water right 65-3803C. The Hill Creek water is not sufficient to irrigate all of their property year round, so the applicant are requesting to tap into the Payette River system the borders their property. I have sent a comment letter to the subdivision to ensure that this use of their system is acceptable, but I recommend that the condition not granting an easement is incorporated into the permit conditions.

Dates and Other Information:

Application Received Date: 8/2/2002

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: AND/OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks: Property AKA parcel RP07N02E028850A and as OP2 in Faull Ranch local terminology. Filing is made due to difficulties with Hill Creek supply.

Other Water Rights: A65-3803C Hill Creek

Time to Complete Works: 1

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

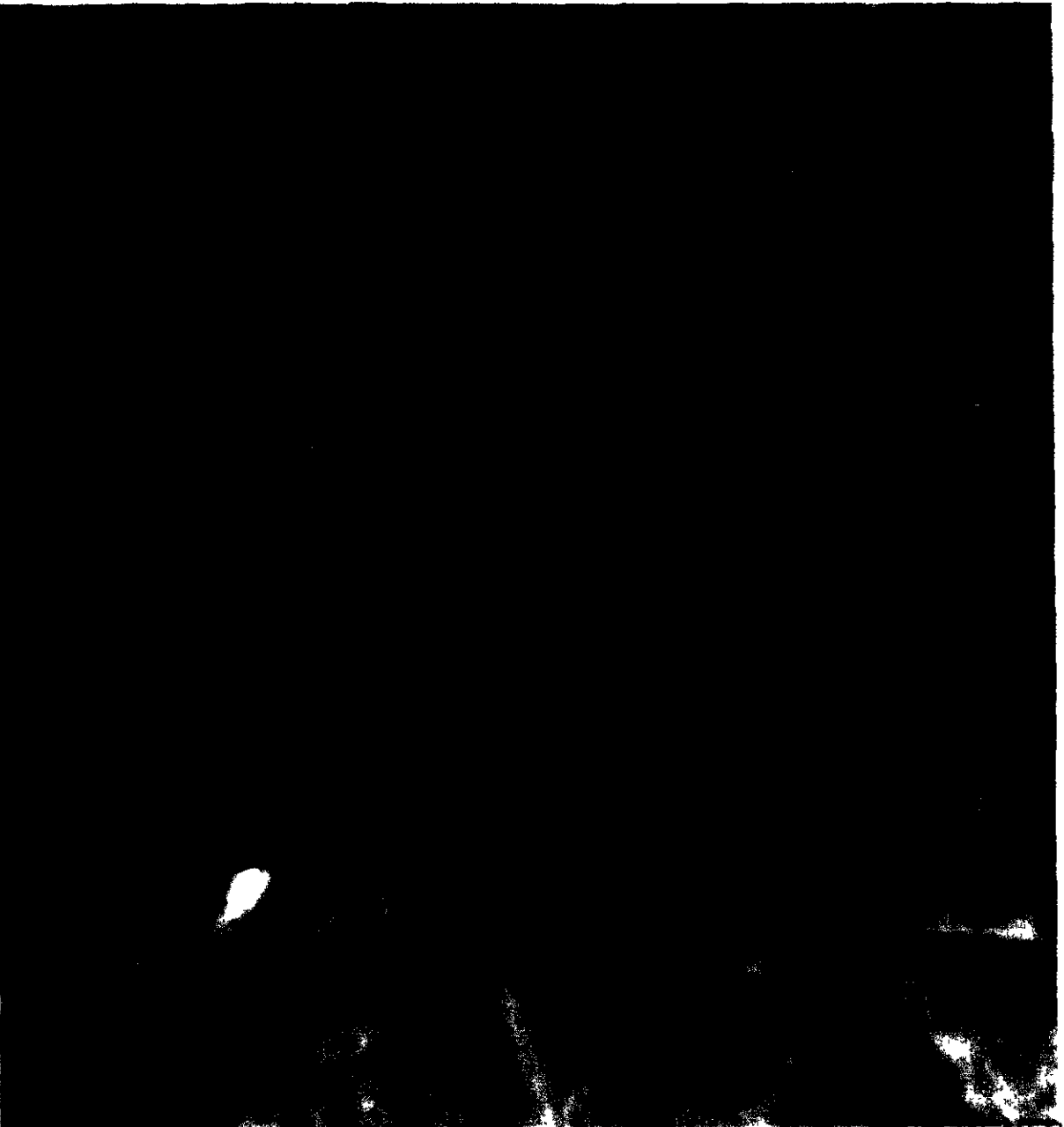
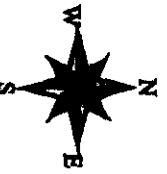
Carey Act Number:

Mitigation Plan: False

Idaho Dept. of Water Resources

GRSEN = land reserved by
Hill ck. water in
AGS-3803C. NO overlap
at this time.
OP = original parcel as
Full land sold.
process

Porter ck. water (AGS-31048)
does not show Hill ck. lands
Porter2.shp^{part}. 65-3104B
Od hill cr.shp^{part}-3803C
Od payette only.shp^{part}-94174
Od porter & pay.shp
S07n02e.shp 65-3858A
T07n02e.shp 3
65-10963



1987 NAPP Photo

Pending recommendations for O/O Partnership as including
land & Full land sold. ... change of ownership will follow
- SC 8/2/02

62-22713 shape updated
by DAN 11/7/2002

P O Box 565
Horseshoe Bend, Idaho 83629
208 793-2850

RECEIVED

FEB 3 - 2003

Department of Water Resources

Lonnie and Kathy Dodd

January 12, 2003

RECEIVED

JAN 17 2003

WATER RESOURCES
WESTERN REGION

Steve Lester
State of Idaho Department of Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Dear Mr Lester

I am writing in regards to your response to our application for a permit to divert water from the Payette River. A separate application was submitted by Lonnie and Kathy Dodd, and Ken McKay in the Fault Ranch Subdivision. The Dodd permit number is 63-22713, and the McKay permit number is 65-22725. I would like to explain how the water system will be regulated to both of our properties.

The current water system for the entire subdivision is diverted through a pump system operated by Oliver-Dobson (O&D Partnership). This pump system supplies irrigation water to the existing homeowners, along with irrigation water to the land still in use for farming purpose only. Since there is only one diversion point for the entire subdivision, there is not any possibility for any individual homeowner to receive any water without a large portion of the system getting activated. This will also include the Dodd property, and the McKay property. Because of the single point of diversion for the subdivision, the Watermaster is able to regulate the diversion of water for the whole subdivision based on the availability of water.

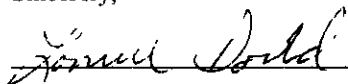
Upon approval of applications 63-22713 and 65-22725, a separate control valve will be installed on the branch line originating from the main line. This will be installed at the point where the branch line to our properties adjoins the main line to the river pumps. The valve shall remain closed except for periods when 65-22713 and 65-22725 are authorized for use.

With each of our applications, we understand that these new uses are subject to control of the Payette River Watermaster. This control can include curtailments of water based on the priority system. Diversion of water under 65-22713 and 65-22725 might continue after such curtailments if adequate mitigation (lease of storage water) has been obtained by the water users and approved by the Watermaster.

This agreement will be binding on all of the parties and any successors in interest.

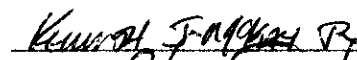
I hope this will help clarify the delivery system for irrigation water in the Fault Ranch Subdivision and how the Dodd and McKay properties will be added to the current system in place. If you have any questions regarding applications 65-22713 and 65-22725, please don't hesitate to call. I would be happy to answer any questions that might expedite these applications.

Sincerely,



Lonnie Dodd -- #65-22713

Dated 1-13-03



Ken McKay -- #65-22725

Dated 1-13-03



Steve Dobson -- O&D Partnership

Dated 1-15-03

.....
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JAN 17 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 9, 2003

LONNIE &/OR KATHY DODD
PO BOX 565
HORSESHOE BEND ID 83629

KENNETH J MCKAY
PO BOX 568
HORSESHOE BEND ID 83629

Re: Applications for Permit Nos. ~~65-22713~~ and 65-22725

Dear Applicants:

This letter is sent to you as applicants proposing similar uses from the existing Payette River diversion system owned by O & D Partnership. I understand a homeowners association for the subdivision is in the works but not yet ready to assume its duties with respect to shared irrigation systems and so forth.

The purpose of my letter follows a telephone conversation earlier today with Mr. Dodd. We discussed the department's letter of December 17, 2002, for the Dodd application, no. 65-22713. That letter requested written confirmation of an agreement and/or plan between the owners of the diversion works and the applicants to adequately control the use of river water on the applicants' property. The letter noted a thirty (30) day response to keep the application in good standing.

A similar letter was not sent to Mr. McKay for his application, no. 65-22725, although it probably should have been sent. Both applications propose separate branch lines from the main line served by the river system. Adequate control over the use of the proposed water rights would be assured with an adjustable control valve on each applicant's branch line. A separate flowmeter for each branch line should not be necessary.

An agreement reflecting the above idea and signed by all parties would suffice to demonstrate adequate control of, and responsibility for, the new uses. Something along the lines of the following might be helpful:

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1999

January 9, 2003

Page 2

The parties agree that approval of Applications 65-22713 and 65-22725 shall include installation of an adjustable control valve on each applicant's branch line originating from the main line served by the river pumps. Each valve shall be placed near the point where each branch line joins the main line. The valves shall remain closed except for periods when 65-22713 and 65-22725 are authorized for use.

The parties understand that these new uses are subject to control of the Payette River Watermaster. This control can include curtailments of water use based on the priority system. Diversion of water under 65-22713 and 65-22725 might continue after such curtailments if adequate mitigation (lease of storage water) has been obtained by the water users and approved by the Watermaster.

This agreement is binding on all the parties and any successors in interest.

The applicants and a person authorized to sign for O & D Partnership should sign such an agreement. You may wish to seek legal counsel's advice on any agreement before completing it. Please return a signed agreement, or a written request for up to six months of additional time to consider this matter, to this office by February 28, 2003. 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, and please give me a call at 334-2190 if I can provide any help.

Sincerely,



Steve Lester
Water Rights Supervisor

CC: O & D Partnership

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MAR 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 17, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

LONNIE AND KATHY DODD
PO BOX 565
HORSESHOE BEND ID 83629

**RE: APPLICATION FOR PERMIT 63-22713 TO DIVERT PAYETTE RIVER
WATER FOR LOT OP2 FAULL RANCH SUBDIVISION**

Dear Mr. and Ms. Dodd:

Your application for permit to divert water from the Payette River to Lot OP2 Faull Ranch Subdivision has completed advertising without protest. However, during the final review of the application with the Western Region Manager, Gary Spackman, raised concerns regarding how the water would be regulated once in the Subdivision's water system.

The watermaster regulates diversions on the Payette River based on availability of water and the date the water right was filed. However, the watermaster doesn't generally go into the subdivision to determine if you are irrigating if your water has been shut off. If your water right is not deliverable and the subdivision's diversion rate is reduced by the amount of this permit, you would be required not to irrigate your property with Payette River water. If you irrigate from the Payette River after the watermaster regulation, it would be considered an illegal use of water and you would be subject to possible penalties and fines. If the subdivision delivers your water they could be implicated in any illegal water use.

Whereas the homeowners association may share in the responsibility of regulating your water right, our office will need some sort of agreement between you and the homeowners association to ensure they are aware of their possible liability, and that there is a plan in place to regulate your water use if necessary. Our office cannot continue processing this application until we receive a signed copy of this agreement.

I am required by Idaho Code § 42-204 to ask that this information be returned to my office within 30 days. Our office will be required to void the application for permit if this information is not returned. **Therefore, if the above information is not received by 1/21/2003 your application for permit will be voided.** You will be able to re-file this application, but it will have a later priority date.

If you have any questions or concerns please contact me at the above address.

Respectfully,

Daniel A. Nelson
Sr. Water Right Agent

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MAR 20 2003

The Idaho World

P.O. Box 99
Garden Valley, ID 83622
(208) 462-3487

State of Idaho)
)
County of Boise)

RECEIVED

DEC 03 2002

WATER RESOURCES
WESTERN REGION

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Nov 20, 2002 and ending with the issue of Nov 27, 2002.

Deanna Stevenson

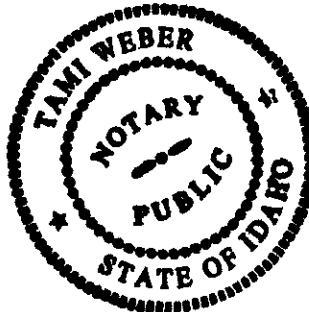
State of Idaho)
)
County of Boise)

On this 29 day of Nov in the year 2002, before me, a notary public, personally appeared Deanna Stevenson 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 acknowledged to me that she executed the same.

Tami Weber

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 2/10/05



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MAR 20 2003

11-02

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

RECEIVED
NOV 26 2002
WATER RESOURCES
WESTERN REGION

Application No: 65-22713

Applicant's Name: Lonnie &/or Kathy Dodd

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 Comment: _____

Dated this 25th day of November, 2002

Water District No. 65

Ron Shurtleff
Ron Shurtleff, Watermaster

Use reverse side of page if you need more space

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MAR 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

November 21, 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. 65-22700 in the Name of Benita &/or Alan Giltzow.
Application for Water Right No. 65-22713 in the Name of Lonnie &/or Kathy Dodd.
Application for Water Right No. 65-22715 in the Name of Daryl J. Sermersheim

Dear Sir or Madam:

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

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval 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 December 9, 2002.

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

Sincerely,

A handwritten signature in black ink that reads "Daniel A. Nelson". The signature is fluid and cursive, with the first name "Daniel" being the most prominent part.
Daniel A. Nelson

DN:lm

Encl: Copy of Applications

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MAR 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 21, 2002

RON SHURTLEFF
WATER DISTRICT 65
102 N MAIN
PAYETTE ID 83661

Re: Application for Water Right No. 65-22700 in the Name of Benita &/or Alan Giltzow.
Application for Water Right No. 65-22713 in the Name of Lonnie &/or Kathy Dodd.
Application for Water Right No. 65-22715 in the Name of Daryl J. Sermersheim

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,


Daniel A. Nelson

DN:lm

Encl: Copy of Applications
Recommendation of Watermaster forms

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MAR 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 21, 2002

O & D PARTNERSHIP
PO BOX 366
HORSESHOE BEND ID 83629

Re: Application for Water Right No. 65-22713 in the Name of Lonnie &/or Kathy Dodd.

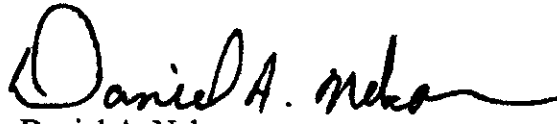
Dear Sir and/or Madam:

Enclosed is copy of the above-referenced application for permit which may be of interest to you. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if you desire to file a formal protest against the approval of this application, your written protest along with the \$25.00 protest fee, must be received in this office by December 9 2002.

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

Sincerely,


Daniel A. Nelson

DN:lm

Encl: Copy of Application

MICHEL LEMED
MAR 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 13, 2002

Legal Notice Department

Idaho World

PO Box 99

Garden Valley ID 83622

RE: Application for Permit No. 65-22713

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 12/09/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED
MAR 20 2003

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

65-22713

LONNIE DODD

PO BOX 565

HORSESHOE BEND ID 83629

KATHY DODD

PO BOX 565

HORSESHOE BEND ID 83629

Point(s) of Diversion L1 (NENW) S11 T07N R02E BOISE County Source PAYETTE RIVER

Tributary To SNAKE RIVER

Point(s) of Diversion L1 (NENW) S11 T07N R02E BOISE County Source PAYETTE RIVER

Tributary To SNAKE RIVER

Use: IRRIGATION 03/15 To 10/31 0.11 CFS

Total Diversion: 0.11 CFS

Date Filed: 08/02/2002

Place Of Use: IRRIGATION

T07N R02E S2 SWSE SESE

Number of Acres 5.5

Remark. Applicant agrees to mitigate consumptive use in the future as needed.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/09/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho World on November 20 and 27, 2002

MICRC

MAR 20 2003