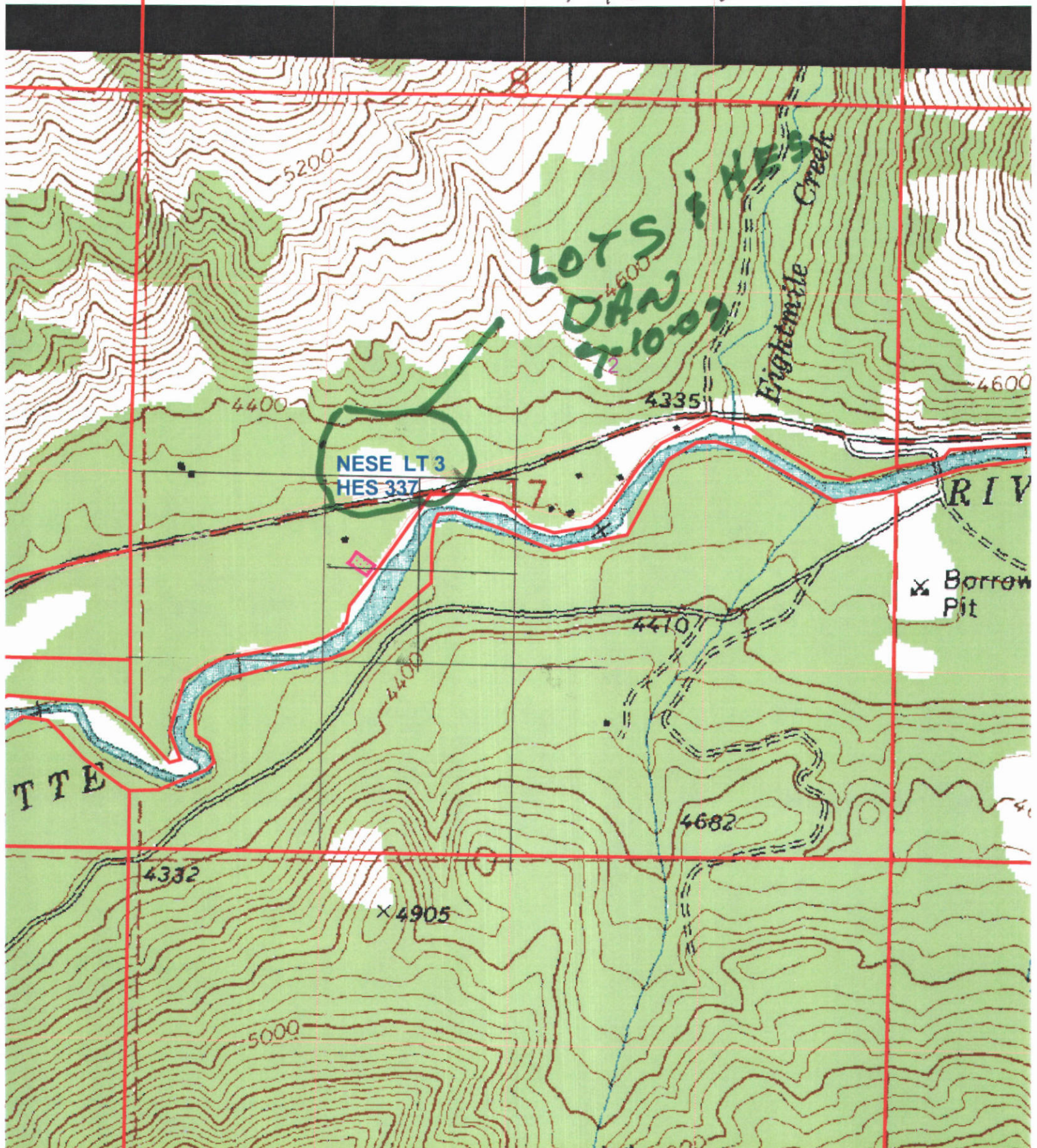


T9N R-9E



A PART OF SECTION 17, T.9N., R.9E., B.M.
BOISE COUNTY, IDAHO.

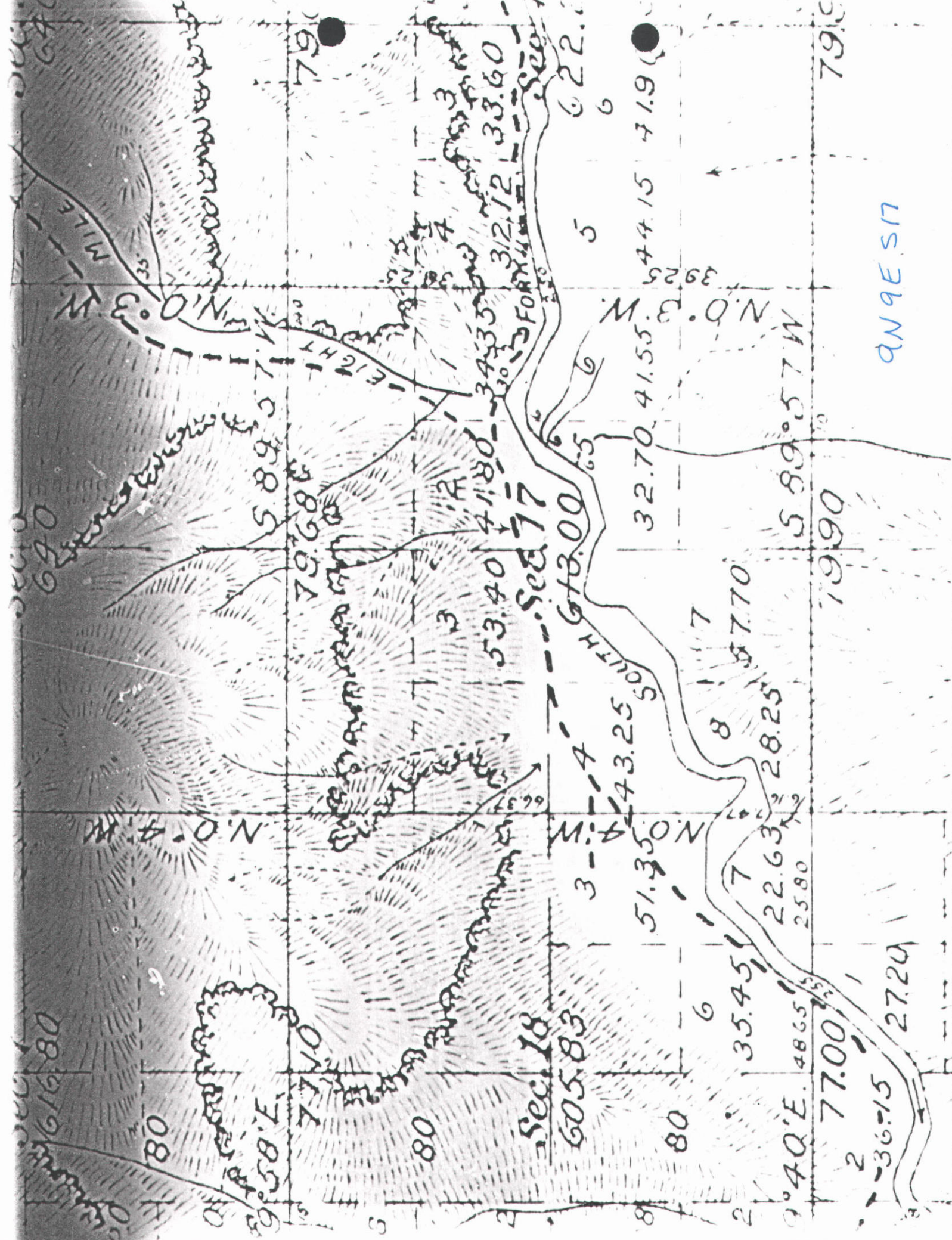
TOOTHMAN & ASSOCIATES

CONSULTING ENGINEERS

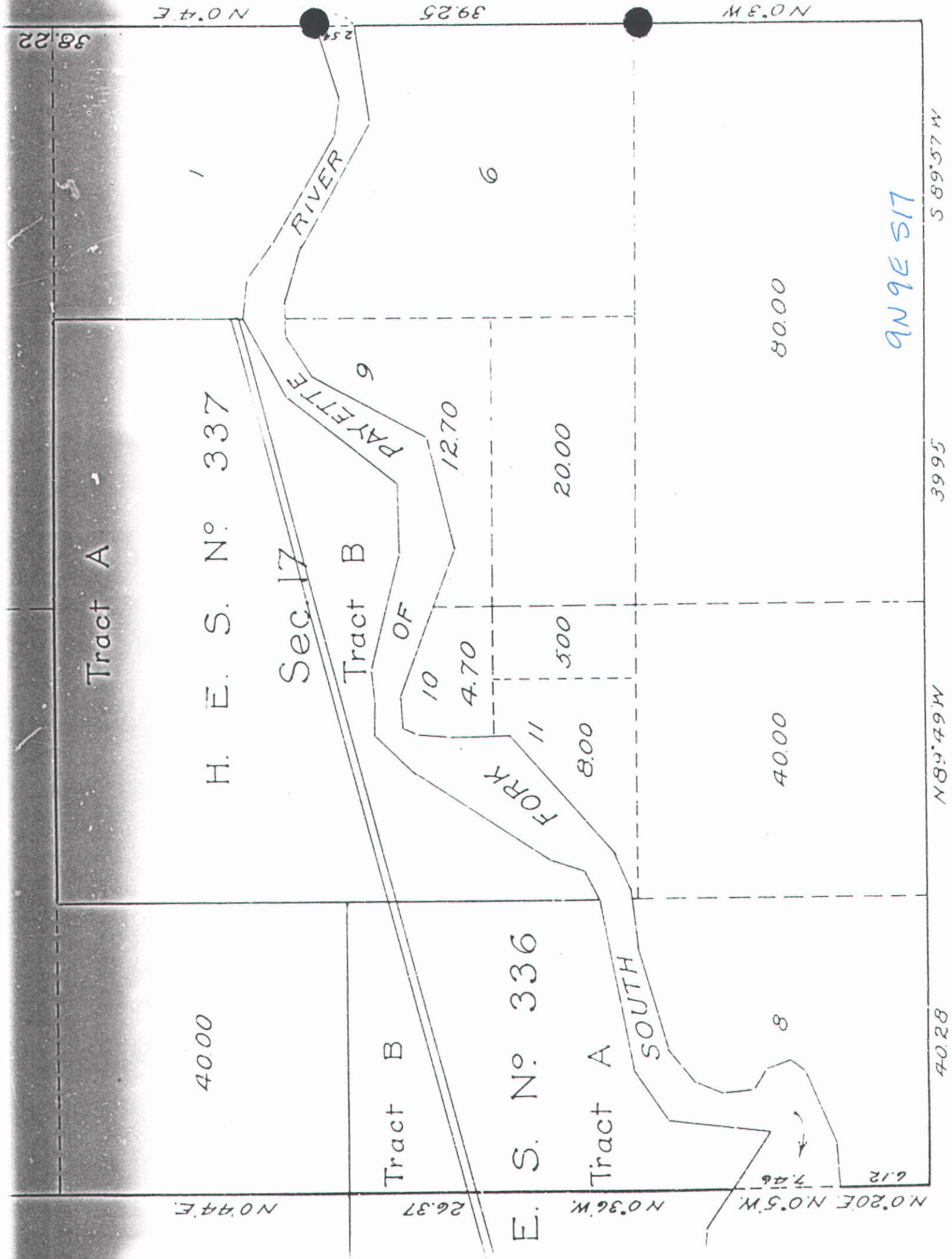
Building and occupancy shall conform to the standards established by the Restrictive Covenants as filed in Book _____ of Miscellaneous Records at Page _____, Boise County, Idaho.



While this flap is a photographic reproduction of a carbon file in either the recorder's or surveyor's office, the company assumes no liability for variation, if any, with another or re survey.



QW9ES17



9N9E517

S 89° 57' W

3995

N 89° 49' W

40.28

N 0° 3' W

39.25

N 0° 4' E

38.22

N 0° 20' E N 0° 5' W

N 0° 36' W

26.37

N 0° 44' E

6.12

7.46

4000

E. S. N° 336

H. E. S. N° 337

Tract A

Tract B

Tract B

Sec. 17

PAYETTE

RIVER

Tract A

SOUTH

20.00

500

8.00

4.70

12.70

80.00

40.00

80.00

M.E.O.N

S 89° 57' W

U. S. DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
PUBLIC SURVEY OFFICE

Boise, Idaho, March 3, 1927

This supplemental plat of Section 17, Township No. 9 North, Range No. 9 East of the Boise Meridian, Idaho, is made for the purpose of giving legal designations to portions of lots 5 and 7 of said section, (plat approved February 18, 1910) in order to accommodate Forest Homestead Entry Boise 026701 of Bendix Reimer, in accordance with letter Boise 026701 "E" RTH of the Assistant Commissioner of the General Land Office, dated February 23, 1927, and is hereby approved.

Alan R. McBride

Office Cadastral Engineer.



Small Aspen Trees



Lawn Area



Small Pine Trees



Pump in the River

The Idaho World

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

RECEIVED

AUG 21 2002

WATER RESOURCES
WESTERN REGION

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 Aug 7, 2002 and ending with the issue of Aug 14, 2002.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 16 day of Aug 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.

Dami 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:

65-22694

AILENE RUSSELL

13 BRANSON DR

LOWMAN ID 83637

Point(s) of Diversion L3 SWNESW

S17

T09N R09E BOISE County

Source SOUTH FORK PAYETTE RIVER

Tributary To PAYETTE RIVER

Use: IRRIGATION

04/01 To 10/31

0.02 CFS

Total Diversion:

0.02 CFS

Date Filed: 06/24/2002

Place Of Use: IRRIGATION

T09N R09E S17

NESW Lot 3

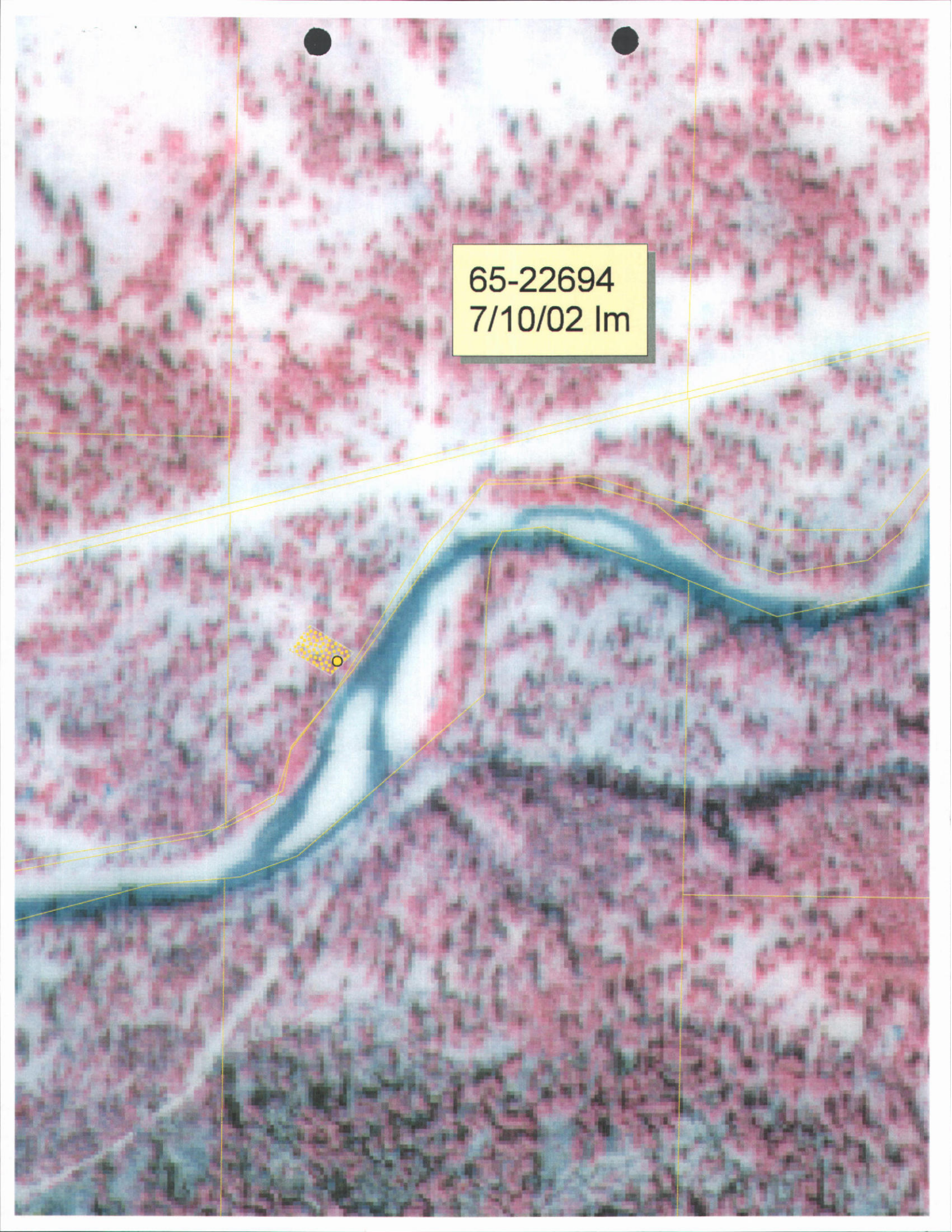
Number of Acres: 0.3

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 08/26/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in The Idaho World August 7 and 14, 2002

An aerial photograph of a river system, likely a tributary of the Amazon, showing a winding blue river through a dense, reddish-brown forest. Yellow lines delineate various land parcels or administrative boundaries. A small rectangular area on the left bank is highlighted with a yellow dotted pattern and contains a small black circle. A yellow text box in the upper center contains the text '65-22694' and '7/10/02 Im'. Two black circular punch holes are visible at the top of the page.

65-22694
7/10/02 Im

FOR OFFICE USE ONLY
Amt of Fee \$: 50.00
Receipt No. 0073971
Receipt By: mw
Date Received: 5/24/04

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

MAY 24 2004

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. 15-22694 Telephone No. 208-259-3589

2. Name of Permit Holder(s): AILENE RUSSELL

3. Mailing Address: 13 BRANSON DR.

City LOWMAN State Id Zip 83637

4. Source of Water: SO. FORK PAYETTE RIVER GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____

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

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

Irrigation (No. of acres): 0.3 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: .02 cfs OR _____ acre-feet

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

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

Measuring Device: Is a measuring device required?

Yes _____ or No /

Has the measuring device been installed?

Yes _____ or No _____

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

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

Name: Ailene or Bob Russell Telephone Number: 208-259-3589

Address: 13 Branson Lowman Id 83637

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: Ailene Russell Date: 5-24-04
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22694

Priority June 24, 2002

Maximum Diversion Rate. 0.02 CFS

This is to certify, that AILENE RUSSELL
13 BRANSON DR
LOWMAN ID 83637

has applied for a permit to appropriate water from:

Source: SOUTH FORK PAYETTE RIVER

Tributary: PAYETTE 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	04/01 to 10/31	0.02 CFS

LOCATION OF POINT OF DIVERSION:

SOUTH FORK PAYETTE RIVER L3 (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) Sec 17, Twp 09N, Rge 09E, B M., BOISE County

PLACE OF USE: IRRIGATION\

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09N 09E 17									3								3
									L 3								

Total Acres 0.3

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before **April 01, 2005**.
- 2 Subject to all prior water rights
- 3 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
- 4 Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion
- 5 Point of diversion and place of use are located within Lot 15, Blk 2, Bransons Eightmile Subdivision.
- 6 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above
- 7 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

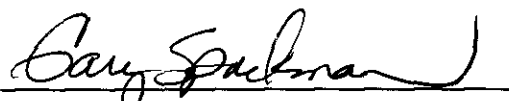
State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 65-22694

- 8 Water shall not be diverted under this right when flows in the South Fork Payette River are below established minimum stream flow amounts
- 9 New diversions for irrigation and other specified purposes shall be limited to pump installations that do not create an obstruction in the river
- 10 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

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 6th day of April, 2004


Acting for KARL J DREHER, Director

it. No. 65-22694

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

SEP - 1990

To appropriate the public waters of the State of Idaho

Department of Water Resources

1 Name of Applicant AILENE RUSSELL Phone 208-259-3589
Mailing address 13 BRANSON DR LOWMAN ID 83637

2. Source of water supply S FK Payette which is a tributary of Payette

3. Location of point of diversion is Township 9 N Range 9 E Sec. 17 in the SW $\frac{1}{4}$,
NE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot 3, B.M., Boise County,

additional points of diversion if any: N/A

4. Water will be used for the following purposes:

Amount 0.02 for Irrigation purposes from 4/1 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) 0.02 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 Small Portable Pump

b Height of storage dam N/A 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. _____

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	
9N	9E	17									0.3								0.3

Total number of acres to be irrigated 0.3

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? Claimant

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

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: Branson's Eightmile Sub BIR 2 Lot 15

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"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.

Delena M. Kinsler
Signature of Applicant (and title, if applicable)

Received by CS Date 6/24/02 Time _____ Preliminary check by DAN
Fee \$ 100 Receipted by CS # 62029362 Date 6/24/02
Publication prepared by dt Date 8-7-14-02 Published in _____
Publication approved dt Date 8-28-02 IDAHO WORLD

REQUEST TO PROCESS

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

Name of Applicant

AILENE M. RUSSELL

Mailing Address

13 BRANSON DR

LOWMAN ID 83637

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

Ailene M. Russell

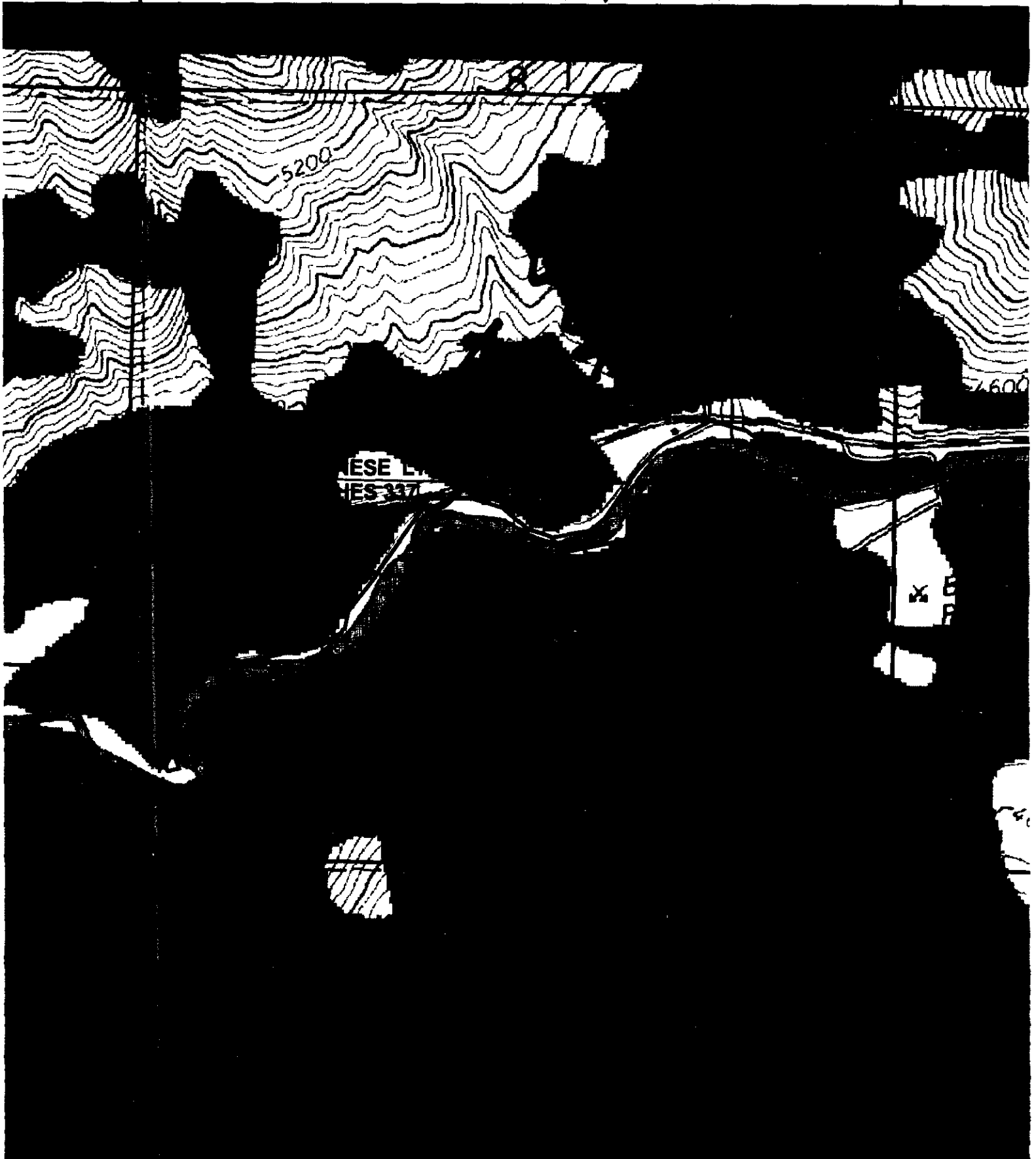
Date

6-24-02

Please return this form to:

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

T9N R-9E



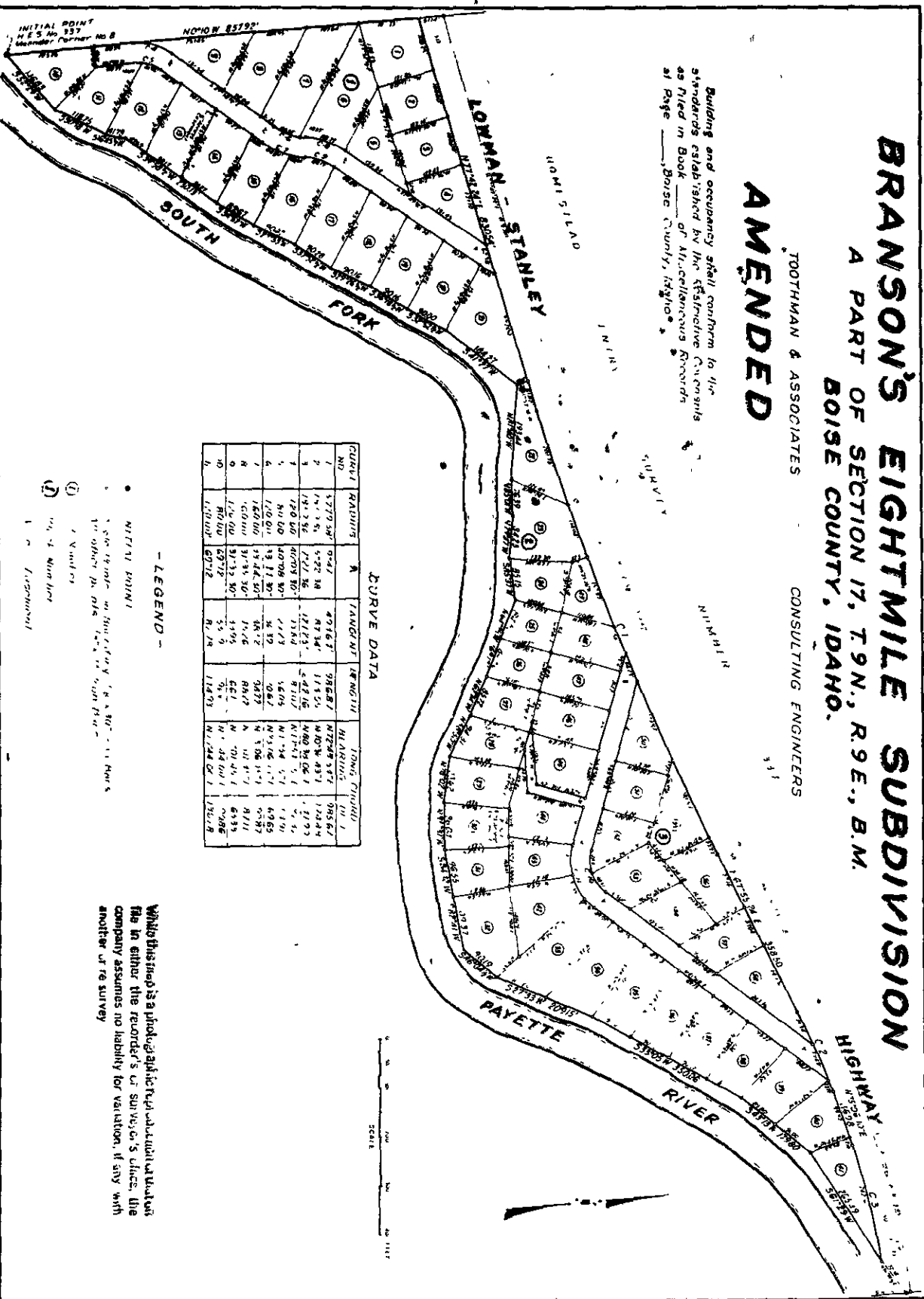
BRANSON'S EIGHTMILE SUBDIVISION

A PART OF SECTION 17, T.9N., R.9E., B.M. BOISE COUNTY, IDAHO.

AMENDED

TOOTHMAN & ASSOCIATES CONSULTING ENGINEERS

Building and occupancy shall conform to the standards established by the Statewide Standards as filed in Book _____ of Miscellaneous Records at Boise County, Idaho.



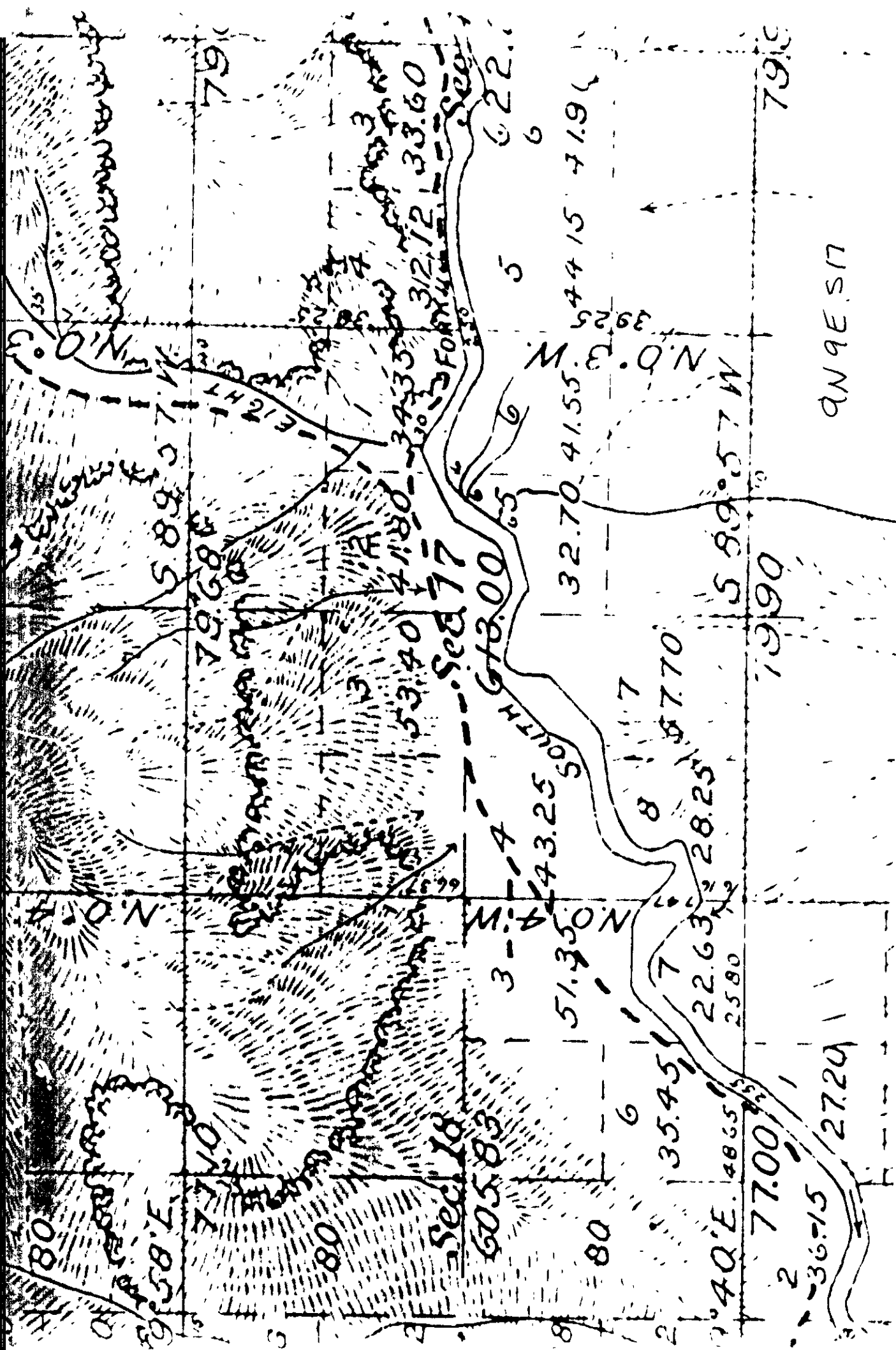
CURVE DATA

CURVE NO.	RADIUS	Δ	TANGENT	CHORD	ARC LENGTH	AREA
1	5379.24	0-42	4016.7	986.8	1774.8	1244.4
2	1711.8	5-32	1711.8	1711.8	1711.8	1711.8
3	1711.8	5-32	1711.8	1711.8	1711.8	1711.8
4	1711.8	5-32	1711.8	1711.8	1711.8	1711.8
5	1711.8	5-32	1711.8	1711.8	1711.8	1711.8
6	1711.8	5-32	1711.8	1711.8	1711.8	1711.8
7	1711.8	5-32	1711.8	1711.8	1711.8	1711.8
8	1711.8	5-32	1711.8	1711.8	1711.8	1711.8
9	1711.8	5-32	1711.8	1711.8	1711.8	1711.8
10	1711.8	5-32	1711.8	1711.8	1711.8	1711.8

LEGEND

- INITIAL POINT
- Survey Point
- Survey Line
- Survey Boundary

While this map is a plat of a subdivision, it is not a warranty of title. The company assumes no liability for variation, if any, with another or the survey.



Tract A

H. E. S. N° 337

Sec 17

Tract B

PAYETTE

RIVER

E. S. N° 336

Tract B

Tract A

SOUTH

FORK

OF

1270

4.70

20.00

500

8.00

8000

4000

9N9E517

S 89° 57' W

3995

N 89° 49' W

4028

N 0° 44' E

S 6° 37'

N 0° 36' W

N 0° 20' E N 0° 5' W

N 0° 44' E

S 9° 25'

N 0° 3' W

80.00

S 89° 57' W

U. S. DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
PUBLIC SURVEY OFFICE

Boise, Idaho, March 3, 1927

This supplemental plat of Section 17, Township No. 9 North, Range No. 9 East of the Boise Meridian, Idaho, is made for the purpose of giving legal designations to portions of lots 5 and 7 of said section, (plat approved February 18, 1910) in order to accommodate Forest Homestead Entry Boise 026701 of Bendix Reimer, in accordance with letter Boise 026701 "E" RMH of the Assistant Commissioner of the General Land Office, dated February 23, 1927, and is hereby approved.

Alvan P. McCord
Office Cadastral Engineer.

Return Service Requested

**PRESORTED
FIRST CLASS**

JAN 12 1955

FB METER
7140308

30278
U.S. POSTAGE

RECEIVED
JAN 18 1975
DEPARTMENT OF
INTERIOR RESOURCES
PB MEET
714030

65-22694

RUSSELL 130637Z0101804 06 01/14/05
RETURN TO SENDER
TEMPORARILY AWAY
RETURN TO SENDER

11

14-00000



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 12, 2005

AILENE RUSSELL
13 BRANSON DR
LOWMAN ID 83637

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-22694

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, or at the department's website at: www.idwr.state.id.us.

If you have questions about 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

Encl.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 24 2004

DEPARTMENT OF
WATER RESOURCES

PROOF OF BENEFICIAL USE

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. 65-22694 Telephone No. 208-259-3589

2. Name of Permit Holder(s): AILENE RUSSELL

3. Mailing Address: 13 BRANSON DR.

City LOWMAN State Id Zip 83637

4. Source of Water: SO. FORK PAYETTE RIVER GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____

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

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

Irrigation (No. of acres): 0.3 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: .02 cfs OR _____ acre-feet

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

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

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

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

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

Name: Ailene or Bob Russell Telephone Number: 208-259-3589

Address: 13 Branson Lowman Id 83637

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: Ailene Russell Date: 5-24-04
(include your title, if on behalf of company or organization)

Idaho Department of Water Resources Receipt

Receipt ID C073971

Payment Amount \$50.00 Date Received 5/24/2004 2:12:49 PM Region State Status
Payment Type Check Check Number 2826

Payer RUSSELL, ROBERT/AILENE

Comment BENEFICIAL USE #65-22694

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	BENEFICIAL USE	0229	21	56104	1155



Signature Line (Dept. Representative)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 12, 2005

AILENE RUSSELL
13 BRANSON DR
LOWMAN ID 83637

PROOF ACKNOWLEDGMENT LETTER

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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, or at the department's website at: www.idwr.state.id.us.

If you have questions about 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

Encl.

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

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.. 65-22694

Reviewed By dgibson

Date. January 11, 2005

	<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		W029362, C073971	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		05/24/2004
Date proof due	-	04/01/2005
Lapse notice sent	-	
No of days late	=	0
Holiday allowance	+	
Priority date	+	06/24/2002
New priority date	=	06/24/2002

Deficiencies of Actions Items

Acknowledge proof



Small Aspen Trees



Small Pine Trees



Lawn Area



Pump in the River



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 7, 2004

AILENE RUSSELL
13 BRANSON DR
LOWMAN ID 83637

RE: Permit No. 65-22694

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.

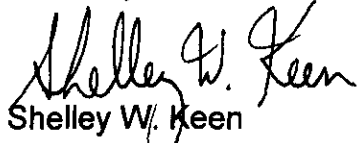
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should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

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

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

Sincerely,

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

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

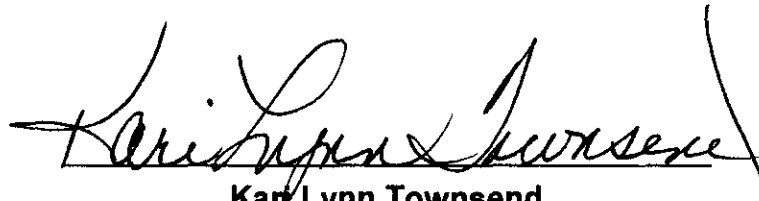
CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2004 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.

65-22694

**AILENE RUSSELL
13 BRANSON DR
LOWMAN ID 83637**

A handwritten signature in black ink, appearing to read 'Karl Lynn Townsend', is written over a horizontal line.

**Karl Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

RECEIVED

SEP - 3 2002

COMMENT
LETTERSForm No 202a
January 2002IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEETInitial review by DAN Date 7-9-02 Application # 65-22694REQUIRED 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/Dyes P/UADDITIONAL INFORMATIONyes ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ 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 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

NO SIGNIFICANT OVERLAP

Date Requested _____ Date Response Received _____

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 done
☒ 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 9-26-02
☒ Protests received
☒ Recommendations attached see Bill Graham's 7-10-02 Email
☒ Measuring device required
☒ Water delivered by water master? District # 65 - Row Shurtleff
☒ Special conditions of approval or cover letter

Standard conditions, watermaster control
Payette CSWP conditions, minimum stream flow, standard
Payette River conditions.

Recommended Date of Priority 6-24-02Recommendation ☒ Approve ☐ Deny by Daniel A. Nelson Date 9-29-02**ADDITIONAL INFORMATION**

see Planning Email

☐ See Attachment(s) ... always include application proof report

The Idaho World

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

RECEIVED

AUG 21 2002

WATER RESOURCES
WESTERN REGION

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 Aug 7, 2002 and ending with the issue of Aug 14, 2002.

Deanna Stevenson

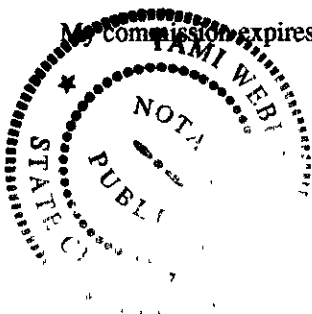
State of Idaho)
County of Boise)

On this 16 day of Aug 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.

Jami Wilson

Notary Public for Idaho
Residing at Garden Valley, Idaho

My Commission expires 2/10/05



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

AILENE RUSSELL
13 BRANSON DR
LOWMAN ID 83637

Point of Diversion: UPSTREAM

S17

TOWN & BOISE County

Source: SOUTH FORK PAYETTE RIVER

Flowing to: FOR FISH

Diversion: 0.02 CFS

Total Diversion:

Date Filed: 08/26/2002

Purpose of Use: IRRIGATION

Term: 517

NEED FOR

Number of Acres: 0.2

For the purpose of securing water rights, the following is submitted based on the facts stated above. This is a copy.

For the purpose of securing approval of this application, the following is submitted, together with a payment fee of \$10.00 for each application as required by law. The proposed work shall be done in accordance with the regulations. The proposed work shall be done in accordance with the regulations.

Published in the Idaho State Register for the year 2002.

Taylor, Sue

Russell, Ailene

From: Graham, Bill
Sent: Thursday, August 15, 2002 2:06 PM
To: Taylor, Sue
Cc: Curtis, Sharla
Subject: Application for Permit #65-22694

Hello Sue -

This application proposes to divert water from the Payette River in a reach that is designated as a state Recreational River and has a minimum stream flow. As such, the approved permit should contain the standard subordination to minimum stream flow condition, and should be conditioned to require diversion by pump installation that does not create an obstruction in the river (see pg 188 of the Payette Basin Plan).

Thanks for the opportunity to comment - BG

State of Idaho
Department of Water Resources

RECEIVED

AUG 07 2002

WATER RESOURCES
WESTERN REGION**RECOMMENDATION OF WATERMASTER**Application No 65-22694Applicant's Name: Ailene Russell

Watermaster's Recommendation:

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

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

- d) Additional Comment: _____

Dated this 5th day of August, 2002

Water District No. 65


Ron Shurtleff, Watermaster

Use reverse side of page if you need more space



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

August 1, 2002

RON SHURTLEFF
WATER DISTRICT #65
102 N MAIN
PAYETTE ID 83661

Re: Application for Water Right No. 65-22694 in the Name of Aileen Russell
Application for Water Right No. 65-22696 in the Name of ID Dept. of Fish & Game

Dear Watermaster:

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

Please review the applications and return any comments you might have within two weeks.

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

Sincerely,

A handwritten signature in black ink that reads "Daniel A. Nelson". The signature is fluid and cursive, with a long horizontal flourish at the end.

Dan Nelson

DN:st

Encl: Copy of Application
Recommendation of Watermaster Form

✓*JK*

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

65-22696

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

Point(s) of Diversion L1 NWNENE S22 T07N R01E GEM County
Source **PAYETTE RIVER** Tributary To **SNAKE RIVER**

Use: WILDLIFE STORAGE	01/01 To 12/31	10 AFA
Use: DIVERSION TO STORAGE	01/01 To 12/31	0.2CFS
Total Diversion		0.2CFS

Date Filed: 07/03/2002

Place of Use: **DIVERSION TO STORAGE**
T07N R01E S22 NESW SESW NWSE

Place of Use: **WILDLIFE STORAGE**
T07N R01E S22 NESW SESW NWSE

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

Any protests 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 08/26/2002. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Pub: 8-7, 14, 2002

Legal Notice No. 4744
Published in the Messenger Index

Sue

*Please PROOF & FAX back
with any changes. 365-6068*

*Thanks,
Tony*



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

July 31, 2002

Legal Notice Department

Idaho World
PO Box 99
Garden Valley ID 83622

RE: Application for Permit No 65-22694 and 65-22695

Dear LEGAL NOTICE DEPARTMENT:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 08/26/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

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

65-22694

AILENE RUSSELL
13 BRANSON DR
LOWMAN ID 83637

Point(s) of Diversion L3 SWNESW S17 T09N R09E BOISE County Source SOUTH FORK PAYETTE RIVER

Tributary To PAYETTE RIVER

Use: IRRIGATION 04/01 To 10/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 06/24/2002

Place Of Use IRRIGATION

T09N R09E S17 NESW Lot 3

Number of Acres 0.3

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 08/26/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho world on August 7 and 14, 2002.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 25, 2001

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

Re: Application for Permit No. 63-31515 in the Name of Sylvan Williamson &/or Howell-Kiser Development Corp
Application for Permit No. 65-22694 in the Name of Ailene Russell
Application for Permit No. 65-22695 in the Name of Howard Goul
Application for Permit No. 65-22696 in the Name of ID Dept of Fish & Game

Dear Sir:

Enclosed are copies of the above-referenced applications for permit that the proposed use is from surface water. 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 your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by August 26, 2002.

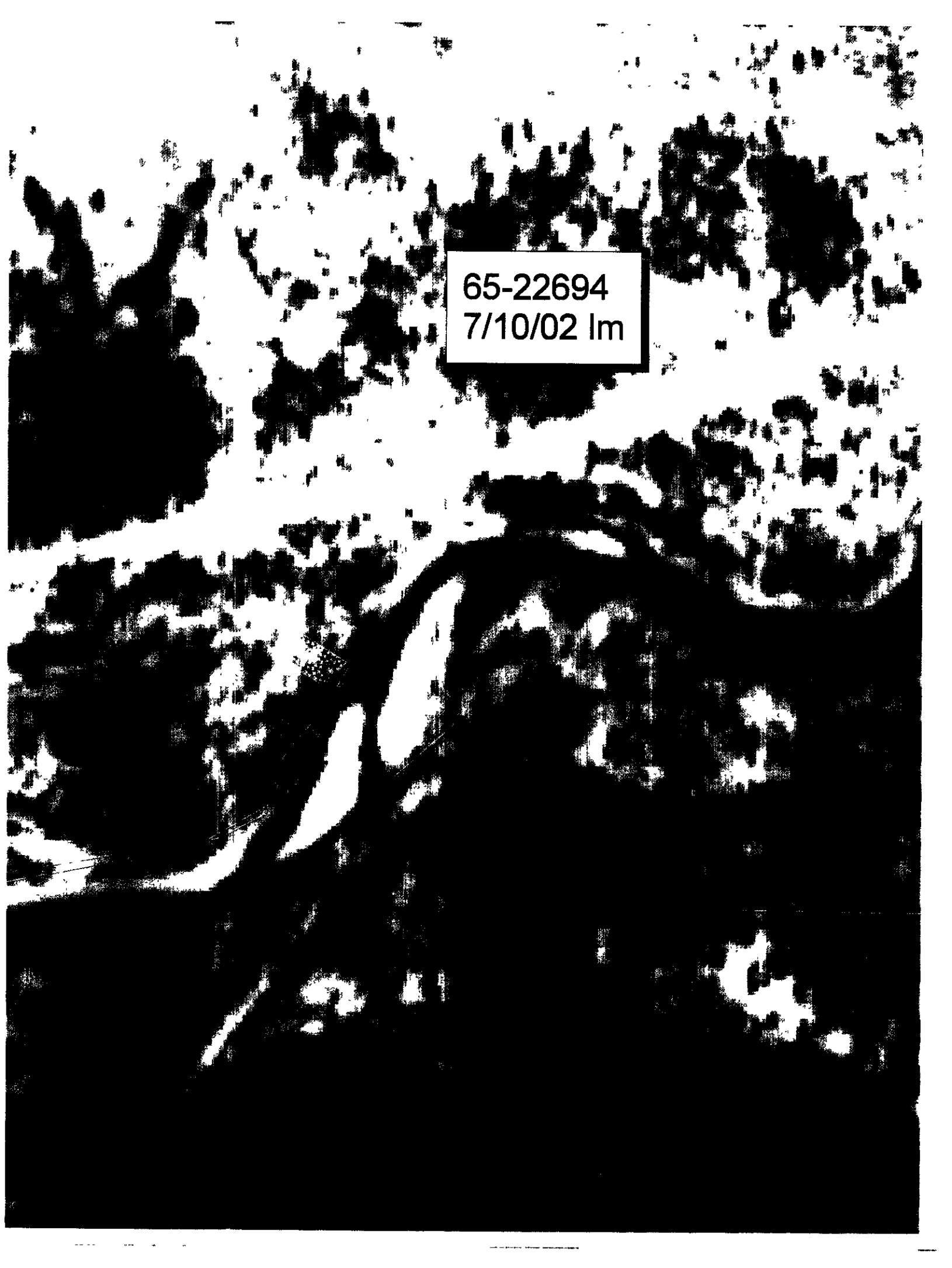
If you have any questions regarding the applications, please contact this office.

Sincerely,

Dan Nelson

DN:st

Encl.



65-22694
7/10/02 lm

Nelson, Dan

From: Graham, Bill
Sent: Wednesday, July 10, 2002 4:27 PM
To: Nelson, Dan
Cc: Curtis, Sharla
Subject: Application for Permit of Appropriate Water #65-? in the name of Ailene Russell

The Russell application is in both state protected and minimum streamflow reaches. As such, it should carry the standard "junior to minimum streamflow" condition (Shelley or Sharla have the language). It must also be conditioned in accordance with the Payette CSWP as follows:

New diversions for irrigation and other specified purposes shall be limited to pump installations that do not create an obstruction in the river.

Thanks - Bill G.