

2391

No Gov Lts in
NESE 54 T6N R2W

T06N, R02W
SEC 4, SWNESE
W6 TOPO

2380

MICROFILMED
SEP 23 2002

T06N, R02W
SEC 4, SWNESE
1997 NAPP



MID-CONTINENTAL
RIVER

FOR OFFICE USE ONLY
Amt of Fee \$ 50.00
Receipt No 0067592
Receipt By [Signature]
Date Received 2-26-03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 26 2003

PROOF OF BENEFICIAL USE

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. 65-22651 Telephone No. 208 365 2774
2. Name of Permit Holder(s): Sisler Family LLC c/o Joy R. Sisler
3. Mailing Address: 4455 Sunset Dr
City Emmett ID 83617 State ID Zip 83617
4. Source of Water Spring If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No. and type of stock): 80 Cows 5 horses
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.03 cfs OR 0 acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional** Please check either yes or no Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes _____ or No ✓
Has the measuring device been installed? Yes _____ or No _____
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name Joy or Maggie Sisler Telephone Number: 208 365 2776
Address 4455 Sunset Dr Emmett ID 83617
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: Joy R. Sisler c/o Sisler Family LLC Date: 2-22-03
(include your title, if on behalf of company/organization)

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MAR 1, 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22651

Priority: 12/14/2001

Maximum Diversion Rate: 0.03 CFS

This is to certify, that SISLER FAMILY LLC
C/O JOY R SISLER
4455 SUNSET DR
EMMETT ID 83617

has applied for a permit to appropriate water from.

Source: SPRING

Tributary: SINKS

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING SW¼NE¼SE¼ Sec. 4, Twp 06N, Rge 02W, B.M. GEM County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	02W	4														X			

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before April 1, 2003.
2. Subject to all prior water rights.
3. Stockwater use is for 80 range cattle and 5 horses.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 29th day of March, 2002


for KARL J DREHER, Director

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SEP 23 2002

Department of Water Resources

Ident. No. 65-22651

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of Applicant SISLER FAMILY LLC Phone 208-365-2776
Mailing address 110 JOY R SISLER 4455 SUNSET DR
2. Source of water supply SPRING which is a tributary of SINKS
3. Location of point of diversion is Township 6N Range 2W Sec. 4, in the SW $\frac{1}{4}$,
NE $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot _____, B.M., GEM County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.03 for STOCKWATER purposes from 01-01 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.03 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 SPRING Box, PIPED
AND OFF ROAD TO STOCK TANK
- 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. 80 RANGE CATTLE, 5 HORSES
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

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SEP 23 2002

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DEC 13 2001
WATER RESOURCES
WESTERN REGION

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	
6N	2W	4													5				

Total number of acres to be irrigated NA

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? APPLICANT

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

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: _____

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.

Jay R. Siler
Signature of Applicant (and title, if applicable)

Received by Rch Date 12-14-01 Time 10:23 Preliminary check by 6
 Fee \$ 100 Received by Rch # W02057 Date 12-14-01
 Publication prepared by HR Date 1-6-02 Published in MESSANGER INDEX
 Publication approved HR Date 3-6-02

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SEP 23 2002

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No Gov Lts in
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2380

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SEP 23 2002





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 5, 2003

SISLER FAMILY LLC
C/O JOY R SISLER
4455 SUNSET DR
EMMETT ID 83617

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-22651

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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MAR 11 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No. 65-22651

Reviewed By. dgibson

Date. March 4, 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.		W028572, C067592	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	02/26/2003
Date proof due	- 04/01/2003
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 12/14/2001
New priority date	= 12/14/2001

Deficiencies of Actions Items

Acknowledge proof.

January 31, 2003

SISLER FAMILY LLC
C/O JOY R SISLER
4455 SUNSET DR
EMMETT, ID 83617

PROOF DUE NOTICE

RE: PERMIT NO. 65-22651

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

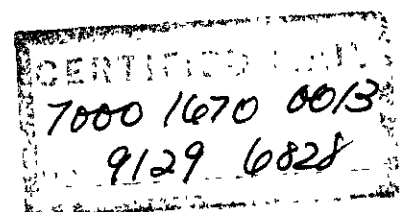
Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

APR 1 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

March 29, 2002

SISLER FAMILY LLC
C/O JOY R SISLER
4455 SUNSET DR
EMMETT ID 83617

RE. Permit No. 65-22651

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.

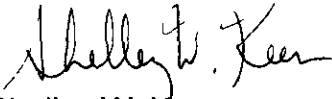
Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's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

MICROFILMED

SEP 23 2002

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

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

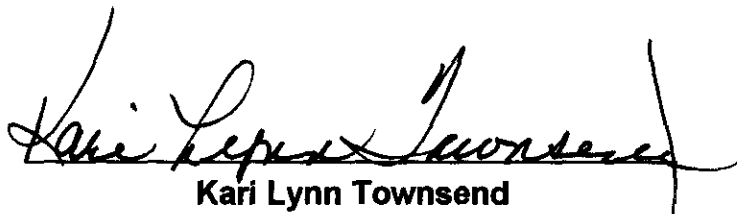
MICROFILMED
SEP 23 2002

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2002 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. 65-22651

**SISLER FAMILY LLC
C/O JOY R SISLER
4455 SUNSET DR
EMMETT ID 83617**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
SEP 23 2002**

**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.

Reviewed by Sharla Curtis on 3/22/02

AREA OF CONCERN: No/Yes _____ Moratorium YES ~~GWMA~~ TRUST/NON-TRUST

SURFACE WATER: (✓Flow Chart)

F&G contacted	- Yes/No	Response

In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
~~WD~~ - R04 (WD# 65)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, ~~IN~~ACTIVE WD or WD

≤ 0.24 cfs/5 acres	- No MD
>0.24 cfs/5 acres	- 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 0071 (W remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area	- 022,075
Irr , GW supp to SW	- 102
Future needs	- 007,109
FISH PROP	- 029 (70's only)-007-042-106
DOMESTIC	
Surface water	- WB5 (Big Wood/Boise above Star Bridge)
	- 27A (Payette R)
>1 in restricted area	- 070-071-075(no parks/common areas)
Irr separate or none allowed	- WB5
GW w/irrigation from SW evident	- 065-104
Moratorium approvable	- W03 (2500 gpd – meets domestic def 1 e D/convenience store)

BENEFICIAL USE DUE: 4 / 01 / 2003

Multiple pd's per ¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range, 5 horses
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON _____ (Per updated map) IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS _____

COMMENTS

SAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: 6 DATE: 1/4/02 APPLICATION: 65-22651

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, 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. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

RECEIVED Gov't. Lots:
MAR 20 2002 ☒ P/D
☒ P/U

Department of Water Resources

N ADVERTISE REMARK(S)
(Reviewer identify which remarks)

ADDITIONAL INFORMATION

YES NO

- ☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ ☐ Overlapping point of diversion.
- ☐ ☒ Critical groundwater area:
- ☐ ☒ Groundwater 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. *attached anyway*
- ☐ ☒ 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

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO.

-5-22651

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. Health & Welfare

I.D. District Health

I.D. Fish & Game

I.D. Lands

YES NO

☐ ☒
☐ ☒
☒ ☐
☐ ☒
☐ ☒

U.S. BLM

U.S. 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 ~~2-25-02~~ 3-11-02

Protests received:

Recommendations attached:

Measuring device required:

Water delivered by water master? District # 65

Special conditions of approval or cover letter:

conditions

standard um

See below for additional information

Recommended Date or Priority

12/14/01

Recommended by:

L. Oran

Date:

3/15/02

ADDITIONAL INFORMATION:

overlaps : 65-2405

-3311

} GW for domestic

-11264

Payette R for irrig

*-22393

"

"

"

stock

RECEIVED

RECOMMENDATION OF WATERMASTER

MAR 13 2002

WATER RESOURCES

Application Number: 65-22651

Applicant's Name: SISLER FAMILY LLC.

Watermaster's Recommendation:

a) I do not oppose approval of this application.

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

Livestock should be prevented from having direct access to the natural stream flow of the spring

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

d) Additional Comments: Even though this spring is a contributor to the Payette River water shed

The use of the spring to water livestock would not likely significantly impact the natural flow

MICROFILMED

MAR 13 2002

Dated this 11th day of March, 2002

Water District Number: 65 Watermaster's Signature Don A. Shurtliff



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

February 15, 2002

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

Re: Application for Water Right No. 63-31404 in the Name of David McDowell.
Application for Water Right No. 65-22638 in the Name of Jeff Brothers.
Application for Water Right No. 65-22651 in the Name of Sisler Family LLC.
Application for Transfer No. 69664 in the Name of James Martell &/or Shelby Richmond.

Dear Sir:

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 of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by March 11, 2002.

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

Sincerely,

Gary Spackman

GS:lm
Encl.

MICROFILMED

SEP 23 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

February 15, 2002

MARK LIMBAUGH
WATER DISTRICT 65
102 N MAIN
PAYETTE ID 83661

Re: Application for Water Right No. 65-22638 in the Name of Jeff Brothers.
Application for Water Right No. 65-22651 in the Name of Sisler Family LLC.

Dear Mr. Limbaugh:

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,

Gary Spackman

GS:lm

Encl: Copy of Application

MICROFILMED

FEB 23 2002

February 01, 2002

Legal Notice Department

Messenger-Index

PO Box 577

Emmett ID 83617

RE: Applications for Permit

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 02/25/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor

Senior Secretary

MICROFILMED

FEB 23 2002

RECEIVED

AFFIDAVIT OF PUBLICATION

FEB 28 2002

STATE OF IDAHO)
) SS.
County of Gem)

WATER RESOURCES
WESTERN REGION

DIXIE THOME
of Emmett, Gem County, Idaho, being first duly sworn,
deposes and says:

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

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

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

4. That said notice was published the following:
Feb. 20, 27, 2001

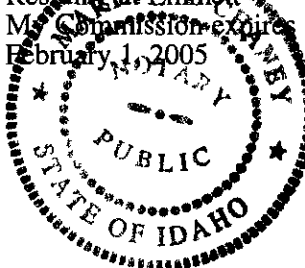
Dixie Thome

STATE OF IDAHO)
County of Gem)

On this 27th day of Feb. in the year of 2002 before me a Notary Public, personally appeared Dixie Thome known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that she executed the same.

Marianne Chasey

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



The following application(s) have been filed to appropriate the public waters of the State of Idaho:
65-22638

JEFF BROTHERS
11680 GATFIELD RD
MONTGOMERY ID 83617

Point(s) of Diversion L5 NESE 825 TO7N R01E GEM County
Source PAYETTE RIVER
Tributary To SNAKE RIVER

Use: IRRIGATION 03/01 To 11/15 0.14 CFS
Total Diversion 0.14 CFS
Date Filed 01/15/2002
Place Of Use. IRRIGATION
T07N R01E 825 NESE Lot 5 SESE Lot 6

Number of Acres 7

Remark. Applicant agree's to mitigate consumptive use in the future as needed.

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
65-22651

SISLER FAMILY LLC
C/O JOY R SISLER
4456 SUNSET DR
EMMETT, ID 83617

Point(s) of Diversion SWNESE S4 TO6N R02W Source PAYETTE RIVER
Tributary To SINKS

Use: STOCKWATER 01/01 To 12/31 0.03 CFS
Total Diversion 0.03 CFS
Date Filed: 12/14/2001
Place Of Use. STOCKWATER
T06N R02W S4 NESE

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2736 Airport Wy, Boise Id 83705 together with a protest fee of \$25.00 for each application on or before 03/11/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director
Pub: 2-20, 27, 2002

Legal Notice No. 4557
Published in the Messenger Index

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

65-22651

SISLER FAMILY LLC
C/O JOY R SISLER
4455 SUNSET DR
EMMETT ID 83617

Point(s) of Diversion SWNESE S4 T06N R02W GEM County Source SPRING
Tributary To SINKS

Use: STOCKWATER 01/01 To 12/31 0.03 CFS
Total Diversion. 0.03 CFS

Date Filed: 12/14/2001

Place Of Use: STOCKWATER

T06N R02W S4 NESE

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 02/25/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Messenger Index on February 16 and 23, 2002.

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SEP 23 2002

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

65-22651

SISLER FAMILY LLC
C/O JOY R SISLER
4456 SUNSET DR
EMMETT ID 83617

Point(s) of Diversion SWNESE S4 T06N R02W GEM County Source SPRING

Tributary To SINKS

Use STOCKWATER 01/01 To 12/31 0.03 CFS

Total Diversion 0.03 CFS

Date Filed: 12/14/2001

Place Of Use. STOCKWATER

T06N R02W S4 NESE

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 02/23/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Messenger Index on February 16 and 23, 2002.

3/11

20 27

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SEP 23 2002

REQUEST TO PROCESS

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

Name of Applicant

Sisler Family LLC

Mailing Address

c/o JAY R. SISLER 4433 SUNSET DR.
EMMETT, ID. 83617

Application No.
(if known)

65-

 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

Jay R. Sisler

Date

12-14-01

Please return this form to:

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

WRC-2002-001

SEP 23 2002