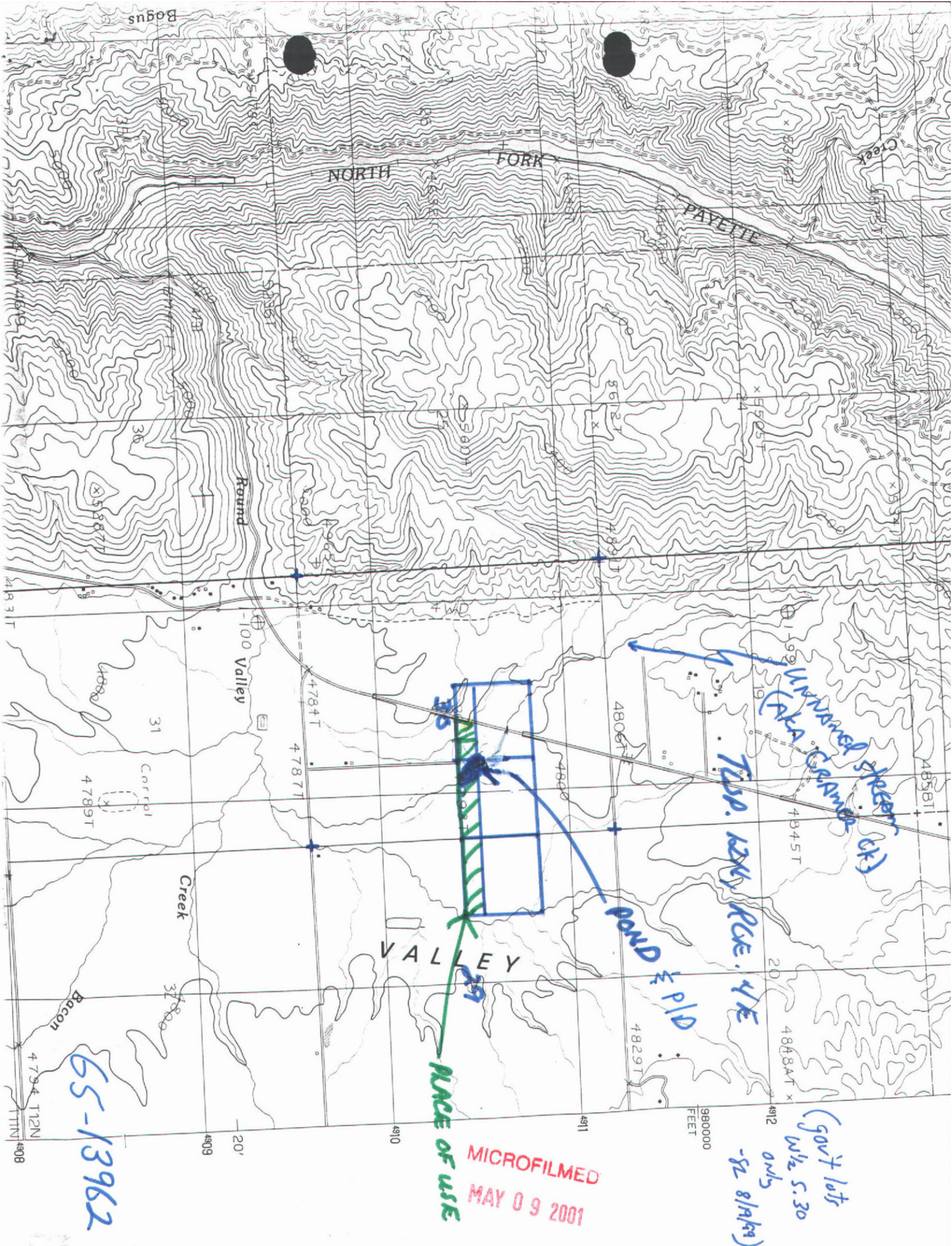




NORTH

FORK

PAYETTE

Round

Valley

31

Corral

Creek

VALLEY

PLACE OF USE

TSP. RLY. RCE. 4/E

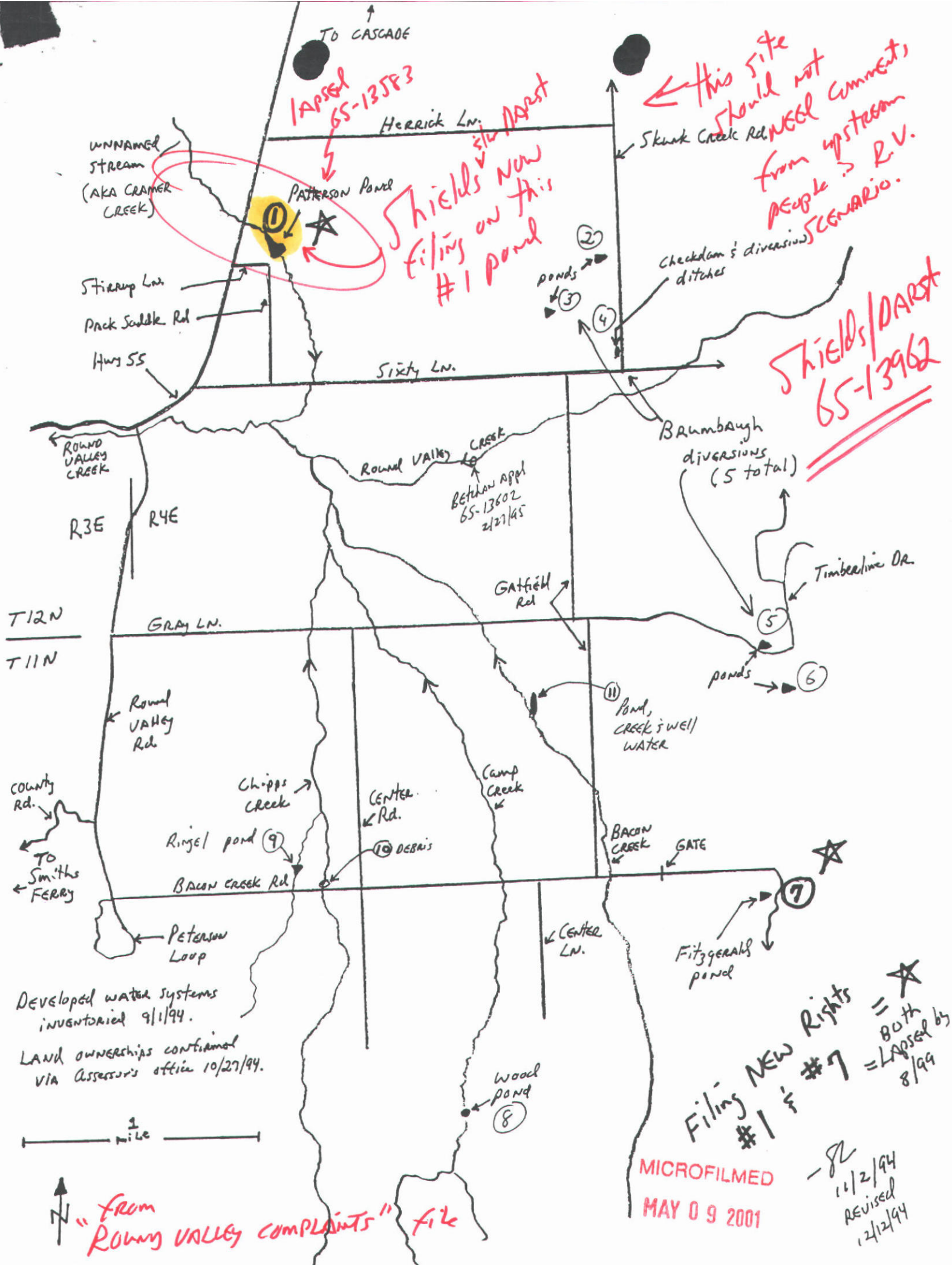
POND & D/D

(gov't lots
w/ 1/2 5.30
only
-82 8/14/89)

MICROFILMED
MAY 09 2001

65-13962

960000
FEET



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No 65-13962
Name(s) of Permit Holder: TIM SHIELDS PENNY LARST
Address: 44 STIRUP LN City CASCADE State ID Zip 83411
Telephone No (208) 859-9671 Penny Date Proof is Due: _____

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

WE HAVE COMPLETED 7 ACRES AS OF 2-23-04
AND HAVE THE OTHER 2 ACRES UNDER DEVELOPMENT
ROWS HAVE BEEN DUG. WE NEEDED TO EXTEND THE
TWO INCH PIPE FROM THIS POINT

Costing \$ 10,000
ALREADY INVESTED

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

THE INVESTMENT IN TIME AND MONEY TO
COMPLETE THE OTHER 2.3 ACRES IS TAKING
LONGER, WE ARE DOING THIS IN PHASES.

Permit holder(s) request an extension to

MARCH, 20 09
Tim Shields
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be
APPROVED and the time within which to submit proof of beneficial use is extended to
March 1, 2009. IT IS FURTHER ORDERED that the permit holder is not authorized to
assign ownership of the permit to another party without prior approval of the department.

Signed this 3rd day of March, 2004

Gary Spackman
GARY SPACKMAN

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-13962

Priority: 07/12/1999

Maximum Diversion Rate: 0.60 CFS

This is to certify, that TIM SHIELDS
44 STIRRUP LN
CASCADE ID 83611

And/Or

PENNY DARST
44 STIRRUP LN
CASCADE ID 83611

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: ROUND VALLEY CREEK

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>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/31	0.60 CFS	
IRRIGATION STORAGE	01/01 to 12/31		20.0 AF
IRRIGATION FROM STORAGE	04/15 to 10/31		20.0 AF
AESTHETIC STORAGE	01/01 to 12/31		20.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM	SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 30, Twp 12N, Rge 04E, B.M.	VALLEY County
UNNAMED STREAM	SE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 30, Twp 12N, Rge 04E, B.M.	VALLEY 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	
12N 04E 29							16.0										16.0
12N 04E 30			4.0	10.0													14.0

Total Acres 30

PLACE OF USE: IRRIGATION FROM STORAGE, same as Irrigation

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N 04E 30			X	X													

MICROFILMED

MAY 6 9 2199

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-13962

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. 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.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
5. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
7. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
8. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
9. Source is known locally as Cramer Creek.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 1st day of March, 2001.


for **KARL J DREHER, Director**

MICROFILMED

MAY 09 2001

RECEIVED

FEB 16 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Penny Darst and/or Tim Shields Phone 208-382-4515
Mailing address 44 Stierup Lane Cascade ID 83611
2. Source of water supply Unnamed stream which is a tributary of ROUND VALLEY CREEK
3. Location of point of diversion is Township 12 N Range 4 E Sec. 30 in the SW 1/4, NE 1/4, Govt. Lot Valley County;
additional points of diversion if any: SENE, S30, T12N, R 4E - SEE REMARKS
4. Water will be used for the following purposes:
Amount 20 for IRRIGATION FROM STOR. purposes from 4-15 to 10-31 (both dates inclusive)
(acre-feet per annum)
Amount 20 for STOR. FOR IRRIGATION purposes from 1-1 to 12-31 (both dates inclusive)
(acre-feet per annum)
Amount 20 for STOR FOR AESTHETICS purposes from 1-1 to 12-31 (both dates inclusive)
(acre-feet per annum)
Amount 100 cfs for IRRIGATION purposes from 4-15 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)
5. Total quantity to be appropriated is (a) .60 and/or (b) 20
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 pump in pond on our
Property with 2 inch plastic pipe - Pond is approx. 2 acres & 10' deep.
b. Height of storage dam APPROX 10 feet; active reservoir capacity 20 acre-feet; total
reservoir capacity 20 acre-feet
c. Proposed well diameter is NA inches; proposed depth of well is NA feet
d. Is ground water with a temperature of greater than 85°F being sought? No
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 3 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.

AMENDED

7/19/00 office visit
MICROFILMED
MAY 09 2001
MEMO.
-SL

8. 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.

AESTHETIC STORAGE

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	4E	30			4	10													14
		29							16										16

Total number of acres to be irrigated ^{maximum of} 30

10. Describe any other water rights used for the same purposes as described above. NONE (REPLACES
Lapsed Right 65-13583)

11. a. Who owns the property at the point of diversion? we do (APPLICANTS)

b. Who owns the land to be irrigated or place of use? we do "

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: POND CROSSES BOTH 1/4'S LISTED - ON-STREAM STORAGE.

THE POND HAD ALREADY BEEN BUILT AND NOW IS A
20 ACRE POND

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.)

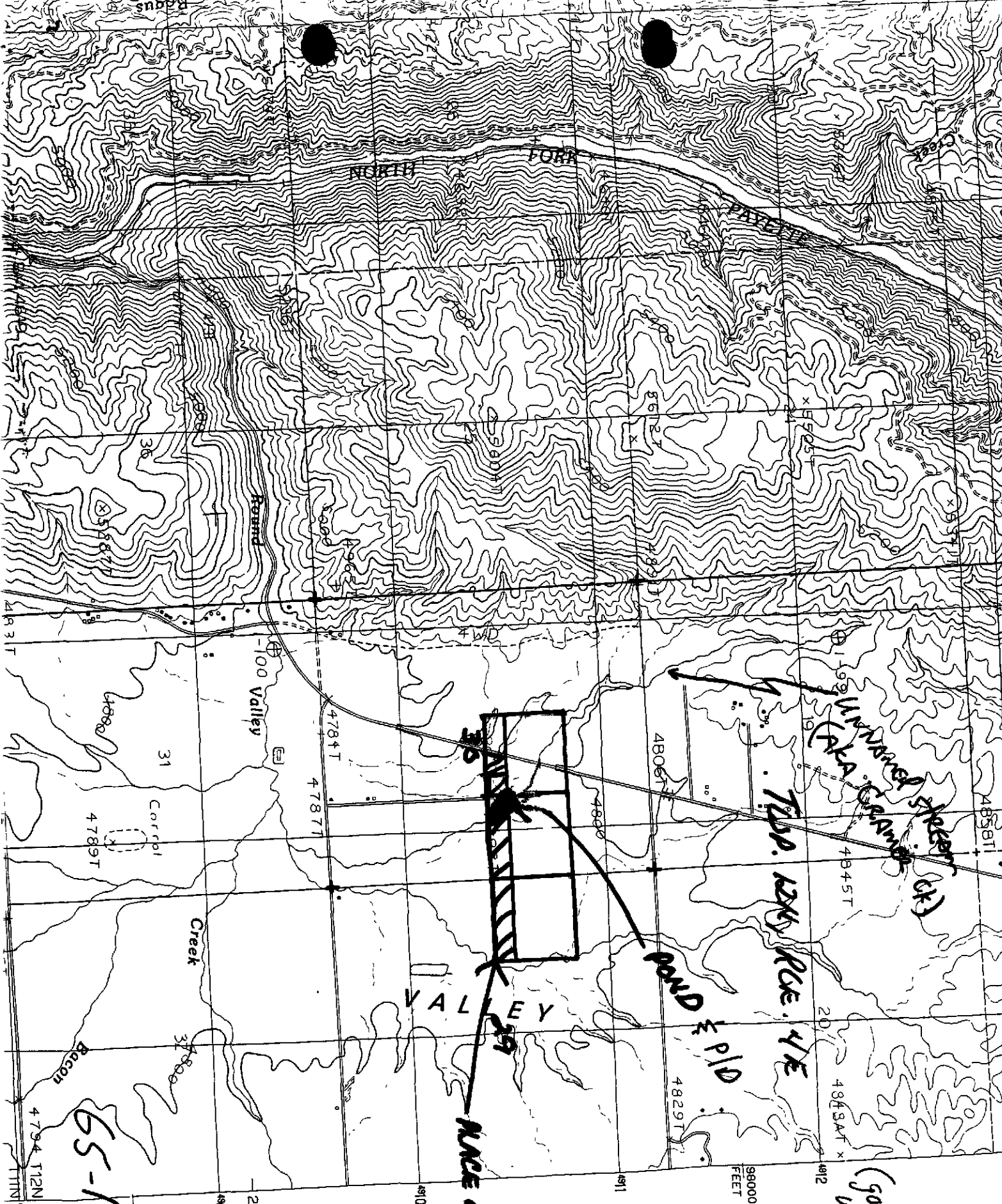
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Genny Dant

Signature of Applicant (and title, if applicable)

Received by [Signature] Date 7-12-99 Time 2:00 PM Preliminary check by [Signature]
Fee \$ 100 Receipted by [Signature] # W025450 Date 7-12-99
Publication prepared by [Signature] Date 12/27/00 Published in ONG VALLEY ADVOCATE
Publication approved [Signature] Date 2-15-01 1/3 & 10/2001

MICROFILMED
MAY 03 2001



VALLEY

NAME of use

Top. 12th RCE. 4E

Only 1/10

Speed OK
W. 1/2 5.30
only
- 12 8/14/14

MICROFILMED
MAY 9 9 2001

65-13962

980000
FEET

(gov't lot
W 1/2 5.30
only
- 12 8/14/14)

Memorandum

To: Water Right File No. 65-13962
From: Deborah Gibson
Date: April 9, 2004
Re: Request for waiver of measurement requirement

On 2/24/2004 Tim Shields filed a Request for Extension of Time for the above-referenced water right permit. Along with the request he filed a letter requesting waiver of the measurement requirement for the permit, along with supporting letters from the water master, Ron Shurtleff for Water District 65. The spring diversion delivers water to a pressurized drip irrigation system that the water master felt he would be able to accurately account for the rate of delivery.

Upon review of these letters and the request I found that the letters referred to the diversion point at the stream. However, after reviewing the permit and its conditions there are also measurement requirements on the reservoir, at both the inflow and outflow.

On 3/4/2004 I spoke to Tim Shields about the measurement requirements on the reservoir. He said he would talk to the water master about this measurement requirement.

On 3/9/2004 the water master, Ron Shurtleff called me and we spoke about the requirement. He said he would look at the structure and see what he could recommend.

As of the date of this memo I have not heard from the water master. I will wait to hear from either Tim Shields or the water master about waiver of the storage reservoir before issuing a measurement waiver on the stream diversion. It is possible that measurement of the pond may not be waived.

Spoke to Penny Darst 4/9. She said Ron Shurtleff was on their property about 3 weeks ago, but they haven't heard from him since.

I will hold this matter for 2 weeks for a response from him. If no response, call him at that time.

Waiting for Watermaster recommendation after this exam of diversion.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF CHANGING THE)
MEASURING DEVICE AND LOCKABLE)
CONTROLLING WORKS CONDITION OF)
PERMIT NO. 65-13962, IN THE NAMES)
OF TIM SHIELDS AND/OR PENNY DARST)

ORDER

WHEREAS, the Department of Water Resources (department) has issued the above captioned water right permit with a condition of approval requiring that prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works; and

WHEREAS, the department has determined that the measuring device and lockable controlling works is not presently needed on the diverting works in question;

ORDER

IT IS THEREFORE HEREBY ORDERED that the condition of approval requiring the installation of a lockable ~~device~~ ^{controlling works} for the above captioned permit is **WAIVED**.

IT IS FURTHER ORDERED that the department retains jurisdiction to reinstate the condition in the future upon a finding of need by the department.

Dated this ____ of September, 2001.

L. GLEN SAXTON, Chief
Water Allocation Bureau

Gary Spackman

These people have a requirement for a permanent measuring device(s) on a reservoir. The watermaster did not address waiving this requirement too.

3/3/04 - Left message on Penny Darst's cell phone - 3/4 Jim called back. He'll talk to Watermaster re: reservoir measurement.

3/9/04 Pending response from water master re: draft measurement of inflow and outflow of pond. GJ



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 10, 2004

TIM SHIELDS
PENNY DARST
44 STIRRUP LN
CASCADE ID 83611

RE: PERMIT NO. 65-13962

Dear Permit Holder:

I have enclosed a copy of the approved Request for Extension of Time ("request") you submitted to the department in connection with the above referenced permit, which extends the time to submit proof of beneficial use to **March 1, 2009**. Please note that the department granted this extension based on evidence of **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed, since the department may not be able to grant an additional extension request based on this category.

This letter acknowledges your request for waiver of measurement requirement on your diversion and the watermaster's approval of this requirement. However, while reviewing the conditions of your permit, I found that other measurement requirements are placed on the storage structure at both the inflow and outflow sites. We spoke about this requirement by phone on March 4, 2004. The watermaster contacted me on March 9, 2004 about this second measurement requirement of your permit. He will be looking at your system again, specifically the pond, and will contact you about his suggestions. Please let me know what the outcome of your meeting is, and if you will be installing the measurement devices on the pond, or if they can be waived. If the watermaster believes he can measure the pond's inflow and outflow without installing measuring devices, I will need a letter from him stating that. I can issue an order allowing the waiver of measurement on the diversion structure, but I would prefer to wait until all of the measurement conditions at issue are resolved.

Mr. Shields
Ms. Darst
March 10, 2004
Page 2

Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Additionally, these forms can be found on our website at: www.idwr.state.id.us

If you have any questions regarding this matter, contact me at (208) 327-7953.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deborah J. Gibson".

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.: 65-13962

Reviewed By. dgibson

Date. March 3, 2004

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Request received timely?	X		Is delay by a government agency?		X
Appropriate fee	X		Is supporting documentation needed to support the file?		
Additional Amount Due:					
Receipt No :	W025450, C072793		Has the permit been involved in litigation?		X
Name and signature same as permit?	X		Is supporting documentation needed to support the file?		
Is address same as permit?	X		Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		
Has adequate work been completed to demonstrate due diligence?	X				

Priority Calculation

Extension request received	02/24/2004	New proof due date	03/01/2009
Date proof due	- 03/01/2004		
Lapse notice sent	-		
No. of days late	= 0		
Holiday allowance	+		
Priority date	+ 07/12/1999		
New priority date	= 07/12/1999		

Action Taken

Acknowledge extension, and extend proof deadline to 3/1/2009, based on due diligence. Request for waiver of measuring device filed, with watermaster approval. Prepare order waiving requirement

Dept of Water Resources

On the proof of Beneficial Use
I would like to request a
waiver for a water measuring
device; for the reason listed
on the attached correspondence
from Water District No 65

Jim Shels

65-13962

Water District No. 65

Payette River Basin, State of Idaho
102 North Main Street
Payette, Idaho 83661

Watermaster
Ron Shurtleff

Phone (208) 642-4465
Fax (208) 642-1042
E-Mail waterdist65@fntc.com

February 18, 2004

Penny Darst & Tim Shields
44 Stirrup Lane
Cascade, Idaho 83611

Dear Penny and Tim,

I have included a letter explaining why I did not see a need to require that you place a measuring device on your irrigation system. You may want to include a copy with your Proof of Beneficial Use Form to justify a (no) answer to section 7 of the form.

I hope this is of some help to you. Give me a call if you need further assistance.
208-642-4465 or 0230

Sincerely,



Ron Shurtleff
Water District 65

Water District No. 65

Payette River Basin, State of Idaho
102 North Main Street
Payette, Idaho 83661

Watermaster
Ron Shurtleff

Phone (208) 642-4465
Fax (208) 642-1042
E-Mail waterdist65@fintc.com

February 18, 2004

Penny Darst & Tim Shields
44 Stirrup Lane
Cascade, Idaho 83611

Dear Penny and Tim,

After my visit to your diversion site, I am satisfied that I will be able to account very accurately for the water that is diverted from the unnamed stream for your irrigation usage. Since water is delivered through a pressurized drip system it is a simple and accurate task to calculate the rate of delivery.

With the information that has been provided to me I have determined that your current diversion rate is .07 cfs. You have also provided a schedule of diversion which will allow me to accurately enter your information into the State's Water Accounting System.

In regards to this information I do not see any reason to recommend that you place a measuring device at your diversion site.

If there are any significant changes in your diversion rate or method of diverting I would appreciate being notified so that I can make the necessary adjustments to the accounting of your water consumption.

Also keep in mind that other methods of water delivery may require the need to place a measuring devise in your system to account for accurate monitoring.

Thank you, for your assistance and if you have any questions do not hesitate to contact me by phone.

Sincerely,



Ron Shurtleff
Water District 65

December 31, 2003

TIM SHIELDS
PENNY DARST
44 STIRRUP LN
CASCADE, ID 83611

PROOF DUE NOTICE

RE: PERMIT NO. 65-13962

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 March 01, 2004. (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.

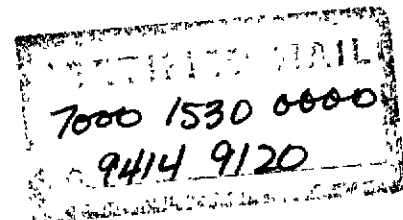
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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





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

March 1, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

TIM SHIELDS
PENNY DARST
44 STIRRUP LN
CASCADE ID 83611

RE: Permit No 65-13962

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

MICROFILMED

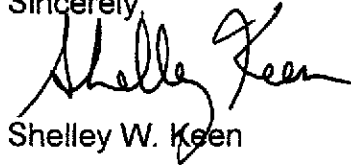
MAY 09 2001

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 Keen", written over the printed name.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

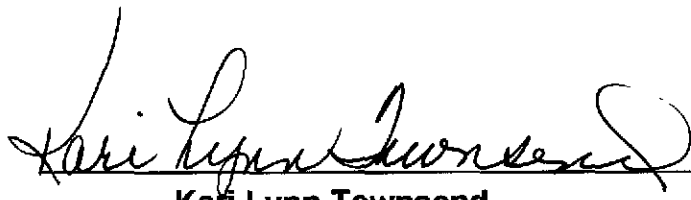
MICROFILMED
MAY 03 2001

CERTIFICATE OF MAILING

I hereby certify that on March 1, 2001 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. 65-13962

**TIM SHIELDS
PENNY DARST
44 STIRRUP LN
CASCADE ID 83611**



**Kari Lynn Townsend
Secretary**

**MICROFILMED
MAY 03 2001**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

MICROFILMED
MAY 09 2001

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.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 2/22/01

No. 65-13962 Name: Shields Corp. Officers N/A Ad ok ✓ Govt Lots

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

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 084 (if necessary)
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84
Swan Falls Flag -
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 10 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS)
MINING - 054-106(P10)
FISH PROP - 029(70'S only)-007-042-106 (P10)
HEAT/COOL - R07(injection well)
FIRE PROT. - 077

BENEFICIAL USE DUE: 3, 01, 12004

MISC CONDITIONS/REMARKS:

~~Protested~~ - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response No objection
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE
In-stream development - P52
WD - R04 (WD# 65)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

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

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake) N/A
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-106 (P10)
MUNICIPAL
Restricted area - 022,075
Irr, GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per ¼¼ - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
~~Single pd intended~~ - 076

IRRIGATION SEASON 4/15 - 10/31 (Per updated map)

IRR VOLUME/ACRE 3.0

OTHER CONDITIONS/REMARKS

COMMENTS No overlaps Sec 29

9/99

**IDaho DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

INITIAL REVIEW BY: JZ DATE: 8/2/00 APPLICATION: 65-13962
12/6/00

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

Gov't. Lots:

RECEIVED

FEB 16 2001

Department of Water Resources

P/D
P/U**ADDITIONAL INFORMATION**

yes **ADVERTISE REMARK(S)**
 (Reviewer identify which remarks)

N/A **T FLAG CHANGED TO P FLAG** *

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.
- ☐ 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

N/A since
 on stream storage
 & no detention
 return flows
 such as pipe or
 ditch back to
 source.

Date Requested

Date Response Received

Done 12/28/00
 * when process: Notify S.D. to re-post on weekly listing since
 P flag used 7/99 w initial d'entry.

PROCESSING

APP. NO.

65-13962

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

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☒ ☐ I.D. Fish & Game
☐ ☒ I.D. Lands

☐ ☒ 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 1/22/2001

☐ ☒ Protests received.

☐ ☐ Recommendations attached:

☐ ☐ Measuring device required:

☐ ☐ Water delivered by water master? District #

☐ ☐ Special conditions of approval or cover letter:

See below for additional information

Recommended Date or Priority

Recommended by:

Date:

ADDITIONAL INFORMATION:

Protestant in 65-13583 no longer owns nearby property
 so previous protestant not notified.

Lapsed permit 65-13583 was filed & cover disallowed 65-01887
 in PRBA Previous owner let permit lapse. New owners seek new
 (replacement) permit.

Comment letters to Round Valley, Complaint file N/A since site
 is downstream from previous complaint problems.

* SEE 12/6/00 memo, attached, for ~~the~~ more information

MEMORANDUM

TO: File 65-13962

FROM: Steve Lester 

DATE: December 6, 2000

RE : Recommendations

The application was filed on 7-12-99 with a \$100 fee for 20 af of storage. Processing was delayed due to field season demands, a typical pattern for non-urgent applications in Western Region for the past few years. The application should have been processed by late 1999.

Unfortunately things went awry and the application was overlooked until spring 2000. I verbally requested more information from the applicants around April of this year. I failed to document the request in the file. Although I asked them to reply to me and to make an appointment if they intended to visit the office, they made an unannounced office visit on 7-19-00 and dealt with someone unfamiliar with the situation. I was out of the office that day.

The applicants amended the filing on 7-19-00 by adding .60 cfs and making other clarifications. I sent them a letter on 7-28-00 in which the new fee structure was discussed. Additional payment was needed to increase the application from the minimum category of water to the next category (*from 20 af to 20 af plus .60 cfs*). Their verbal reply on 7-31-00 indicated the amount of water covered by a \$100 fee per the new schedule would be acceptable (.20 cfs and 20 af storage).

Publication was prepared for advertising in August 2000. Publication was derailed by my concern about the disconnect between the existing pond capacity and the application details: prior sites visits by IDWR documented a 5' dam with 2 af capacity; application stated 10' dam with 20 af capacity; applicants also verbally stated that an expansion of the dam and reservoir was not intended. In hindsight, I should have continued processing and addressed the amount of water and proposed beneficial use relationship later.¹ But the application was held once again.

Everything would have been fine if other tasks did not once again sidetrack me. The application was not published due to delays attributed to the following in

¹ Did the applicants cover the intended beneficial use or not? See the worksheet in my 7-28-00 letter to the applicants. An expansion of the reservoir plus the flow rate would cover 30 acres, but the current pond plus flow rate would cover about 27 acres.

MICROFILMED

MAY 09 2001

Application 65-13962
December 6, 2000

descending order of importance: my fault, IDWR responsibility due to the "field season hold" of 1999, and the applicants delay in supplying additional information.

Now what? My recommendations are listed below.

1. Advertise the application using the new database system at the earliest opportunity (first half of January 2001?). The ad should list .60 cfs and 20 af of storage for 30 *ACRES* ^{sl} plus aesthetic use.
2. Assuming no protests and probable approval of the application, allow .20 cfs and 20 af of storage based on the \$100 fee paid. The \$100 would have covered .60 cfs under the previous fee schedule but only allows an addition of .20 cfs to the filing after 6-30-00.
3. Although the applicants informally said that they do not plan to enlarge the dam or reservoir, they might decide otherwise during the development period of the right. Allow an expansion up to the described limits. Dam safety approval may be needed to enlarge the reservoir.
4. Although all indications point to an intended system capable of irrigating 27 acres, the owners might develop a system capable of fully irrigating 30 acres. Include 30 acres in permit approval. If the reservoir is not enlarged, the eventual field exam will limit the right based on beneficial use.
5. Priority should be advanced only by delays caused by the applicants. The only *documented* delay attributed to the applicants is the time between their 7-19-00 office visit and their 7-31-00 telephone reply to my 7-28-00 letter. Advance the priority by 12 days (7-31 minus 7-19). The recommended priority date is 7-24-99.
6. See the attached database Comments, John Westra's 8-10-00 memo, and a map from the Round Valley Complaint file.

Cc: John Westra

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MAY 09 2001

Comments: Date: 8/ 2/2000 User-ID: SLESTER

Subject: ADDITIONAL INFORMATION

APPLICANTS': Onstream storage for pond located in both P/D tracts. Existing pond has 10 ft. dam and holds 20 af (2 acre area times 10' depth). Pump in pond for 2" pipeline to acres.
IDWR'S: Replaces lapsed right 65-13583 (Patterson). See that file history for 2 af pond with dam safety concerns. See file memo for priority date/fee details. Irrigation storage P/U is same as aesthetic storage.

12/6/00
-82

MICROFILMED

MAY 09 2001

MEMORANDUM

Application #65-13962
Shields/Darst

From: J. Westra
Date: 8/10/00

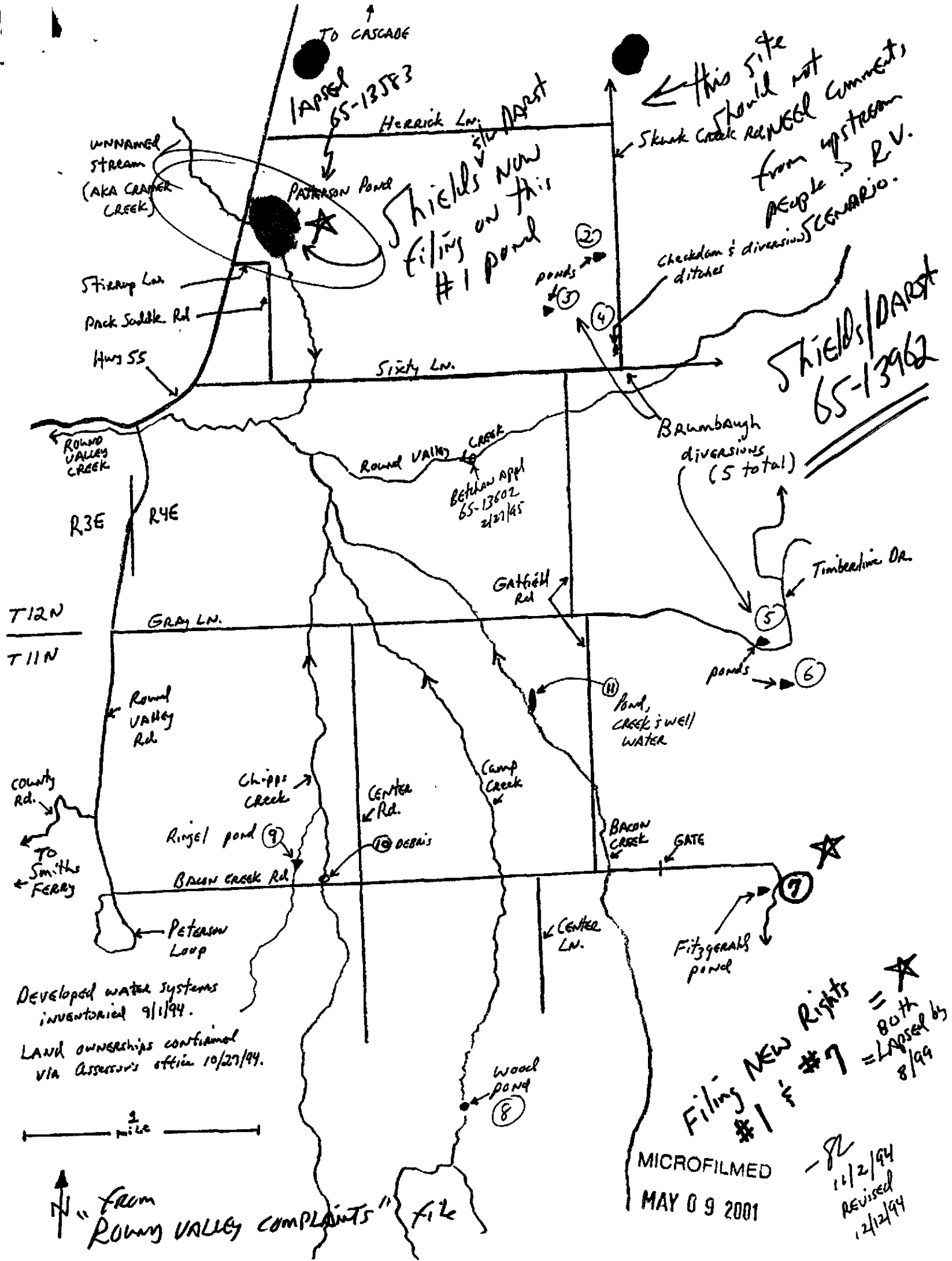
RE: Dam and Reservoir
Reference #65-13583 Patterson-lapsed

It appears the application #65-13962 is for the same dam and reservoir constructed prior to the filing of #65-13583, see memorandum and inspection reports. The reservoir storage was estimated at 2 ac-ft. at that time. In driving near the reservoir along Hiway 55 over the past 5 years, I am not aware the facility has been increased in size.

The dam and reservoir are too small to be regulated by the Department. The facility continues to be in questionable condition with little freeboard (6+") or spillway capacity. I would recommend the permit be conditioned with the following:

-The dam shall meet the minimum dam safety requirement of an embankment crest width of 12 ft with 3 feet of freeboard. The spillway will have a width of 10 ft. at the crest tapered down to the channel. Fragile/eroded areas will be armored with rock riprap.

MICROFILMED
MAY 09 2001



TO CASCADE
Lapsed
65-13583

← This site should not be commented from upstream people's R.V. scenario.

Shields now filing on this #1 pond

Checkdam's diversion ditches

Shields/DART
65-13962

Brambaugh diversions (5 total)

Timberline Dr.

Pond, creek's well water

Fitzgerald's pond

Filing NEW Rights #1 & #7 = both Lapsed by 8/99

MICROFILMED
MAY 09 2001

-82
11/2/94
REVISED
2/12/94

Developed water systems inventoried 9/1/94.
LAND ownerships confirmed via Assessor's office 10/27/94.

1/2 mile

↑ "from Round Valley complaints" file

Affidavit of Publication

STATE OF IDAHO COUNTY OF VALLEY

I, Robin M. Simpson, being duly sworn deposes, and says, I am the Publisher of The Long Valley Advocate, a weekly newspaper published at Cascade, in Valley County, Idaho; and having a general circulation therein and of legal status in said county.

The App for Water Rights, a copy of which is attached hereto; was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began 1-3, 20 01, and ended 1-10, 20 01.

Robin M. Simpson

Robin M. Simpson

Signed this the 2nd day of Feb, 20 01.

RECEIVED

FEB 08 2001

WATER RESOURCES
WESTERN REGION

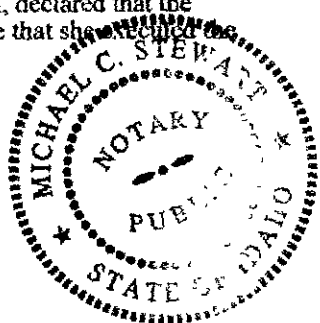
STATE OF IDAHO

COUNTY OF VALLEY

)
:SS.
)
MICROFILMED
APR 30 2001

On this the 2nd day of Feb, 20, 01, before me, a Notary Public in and for said State, personally appeared Robin M. Simpson, known or identified to me to be the person whose name is 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.

Michael C. Stewart
Notary Public State of Idaho
Residing at: Cascade
Commission Expires: 10/30/2004



APPLICATION FOR WATER RIGHTS

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

65-13962
PENNY DARST
TIM SHIELDS
44 STIRRUP LN
CASCADE ID 83611

Source: UNNAMED STREAM tributary to Round Valley Creek
Diversion Pt. SENE and SWNE
Sec 30 T 12 N R 04 E in VALLEY County

Use: IRRIGATION
(4/15 To 10/31 0.6 CFS 0 AFA)
Use IRRIGATION STORAGE
(1/01 To 12/31 0 CFS 20 AFA)
Use: IRRIGATION FROM STORAGE
(4/15 To 10/31 0 CFS 20 AFA)
Use AESTHETIC STORAGE
(1/01 To 12/31 0 CFS , 20 AFA)
Total Diversion: (0.6 CFS)
Date Filed: 7/12/99

PLACE OF USE: IRRIGATION
TWP 12N Rge 04E SEC 29 SWNW
TWP 12N Rge 04E SEC 30 SWNE SENE
Number of Acres: 30

Pond located in Sec 30. Applicant agrees to mitigate consumptive use in the future as needed from source locally known as Cramer Creek.

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, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 01/22/2001. The protestant must also send a copy of the protest to the applicant;
KARL J DREHER, Director

JAN 22 2001

WATER RESOURCES
WESTERN REGION

MAY 09 2001



IDAHO FISH AND GAME
555 Deinhard Lane
McCall, Idaho 83638
208/634-8137
208/634-4320 FAX

Dirk Kempthorne/Governor
Rod Sando/ Director

RECEIVED

JAN 23 2001

WATER RESOURCES
WESTERN REGION

January 16, 2001

Gene Gibson ✓
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Application for Permit No. 65-13962

Dear Mr. Gibson:

My staff has reviewed the referenced application. We have no concerns regarding the diversion and storage of 0.6 cfs from this tributary to Round Valley Creek.

Sincerely,

A handwritten signature in cursive script that reads "Don Wright".

Don Wright
Southwest Regional Supervisor

DW/ka

MICROFILMED

MAY 09 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 28, 2000

MARK LIMBAUGH
PAYETTE RIVER WATERMASTER
102 N MAIN
PAYETTE ID 83661

Re: Application for Permit No. 65-13962

Dear Mark:

Enclosed is a copy of an application for permit for your review. Please submit your comments by January 22, 2001. Let me know if you need more information.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Water Rights Supervisor

Enclosure

MICROFILMED

MAY 03 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 28, 2000

IDFG SOUTHWEST REGION
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Permit No. 65-13962

Dear Sir or Madam:

Enclosed is a 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 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 approval of the application, your written protest along with the \$25 protest fee must be received in this office by January 22, 2001.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester'.

Steve Lester
Water Rights Supervisor

Enclosure

MICROFILMED

MAY 8 9 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

✓
FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 12/28/00

TO: Long Valley Advocate
Legal Notice Dept.
for 208-382-6728

FROM: Steve Lester

DOCUMENT DESCRIPTION: Legal notice for water right application.

TOTAL PAGES SENT: 2 + COVER SHEET

CONTACT: _____

MICROFILMED
MAY 03 2001



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

12/27/2000

Long Valley Advocate
PO Box 1079
Cascade ID 83611

RE: Application for Permit No. 65-13962

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 January 22, 2001. Your cooperation is appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sue Taylor'.

Sue Taylor
Secretary/Office Coordinator

Enclosure

MICROFILMED

MAY 03 2001

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

65-13962

PENNY DARST
TIM SHIELDS
44 STIRRUP LN
CASCADE ID 83611

Source: UNNAMED STREAM tributary to Round Valley Creek

Diversion Pt: SENE and SWNE Sec 30 T 12N R 04E
in VALLEY County

Use: IRRIGATION	(4/15 To 10/31	0.6 CFS	0 AFA	)
Use: IRRIGATION STORAGE	(1/01 To 12/31	0 CFS	20 AFA	)
Use: IRRIGATION FROM (4/15 To 10/31 STORAGE		0 CFS	20 AFA	)
Use: AESTHETIC STORAGE	(1/01 To 12/31	0 CFS	20 AFA	)
Total Diversion:	(		0.6 CFS	)

Date Filed: 07/12/1999

PLACE OF USE: IRRIGATION

Twsp 12N Rge 04E Sec 29 SWNW

Twsp 12N Rge 04E Sec 30 SWNE SENE

Number of Acres 30

Pond located in Sec 30. Applicant agrees to mitigate consumptive use in the future as needed from source locally known as Cramer Creek.

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, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 01/22/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on January 3 and 10, 2001.

MICROFILMED

MAY 13 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

✓
FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 8/11/00

TO: Long Valley Advocates
Cascade

FROM: Steve Lester

Fax 208-382-6728

tel 208-334-2190

Fax 208-334-2348

DOCUMENT DESCRIPTION: URGENT Request to halt publication
of legal notice for water right appl. # 65-13962
in name of P. Darrst & T. Shields. This office
mailed notice on 8/9/00 to you for next
week's paper but need to cancel notice asap.

TOTAL PAGES SENT: 0 + COVER SHEET

CONTACT: Steve Lester or Sue Taylor

I left phone message today about this. PLEASE
confirm at earliest chance that will NOT
publish this notice. It needs revising so
we can re-submit when correct.

MICROFILMED

MAY 09 2001

Thanks! - Steve Lester

✓ 8/14/00 → Robin & paper confirmed that not canceled, not published.



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 28, 2000

TIM SHIELDS &/OR PENNY DARST
44 STIRRUP LN
CASCADE ID 83611

Re: Application for Permit, "Cramer Creek"

Dear Applicants:

I understand that you visited this office on July 19 and amended your application to add 0.60 cfs (about 270 gpm) for thirty acres of irrigation. That step makes a more complete proposal for the runoff stream and pond.

The \$100 fee that you paid covered up to 1.00 cfs (about 450 gpm) and 20 af of storage when you originally filed in July 1999. But a fee increase took effect July 1, 2000. The new fee structure allows up to 0.20 cfs (about 90 gpm) for \$100. An additional \$150 is required to add 0.60 cfs to the filing on or after July 1, 2000.

However, you can limit the rate of flow added to your water right application to 0.20 cfs, the amount now covered by the fee paid in 1999. Thirty acres can be adequately irrigated by diverting 0.20 cfs plus the 20 af of storage water; it is not necessary to divert at the higher 0.60 cfs rate from the source. See the attached page for details.

Please submit \$150 if you want your application to include 0.60 cfs for irrigation. A reply is not necessary if you want the additional amount of water in your application to be limited to 0.20 cfs. If I do not hear from you within thirty (30) days of the date of this letter, the latter option will be used. Please contact me at 208-334-2190 if you have any questions about your application.

Sincerely,

Steve Lester
Water Rights Supervisor

*Penny D. called 7/31/00 ...
OK to limit added rate
to .20 cfs.*

MICROFILMED

AUG 12 2000

WORKSHEET FOR 30 ACRES OF IRRIGATION IN ROUND VALLEY

Prepared by Steve Lester, IDWR Western Region

July 28, 2000

Annual volume of water required to fully irrigate the land:

$$30 \text{ acres} \times 3 \text{ af/acre} = 90 \text{ af}$$

Annual volume of water provided by 0.20 cfs diversion from stream:

$$.20 \text{ cfs} \times 200 \text{ days in irrigation season} \times 1.9835 \text{ conversion factor} = 79.3 \text{ af}$$

Add 20 af of storage volume from pond:

$$79.3 \text{ af} + 20 \text{ af} = 99.3 \text{ af}$$

Result:

~~.20 cfs and pond provide adequate volume to fully irrigate 30 acres.~~
expanded

12/6/00 update

$$79.3 \text{ af} + 2 \text{ af} = 81.3 \text{ af}, \text{ enough water for:}$$

w/ no expansion of pond

$$\frac{81.3 \text{ af}}{3 \text{ af/acre}} \approx 27 \text{ acres}$$

-SL

MIN. OF LIME

11.1.01 2001

RECEIVED

JUL 19 1999

WATER RESOURCES
WESTERN REGION

REQUEST TO PROCESS

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

Name of Applicant

Penny Darst and/or Tim Shields

Mailing Address

44 Stirrup Lane
Cascade ID 83611

Application No.
(if known)

65-13962

 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

Penny Darst

Date

7-14-99

Please return this form to:

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

MICROFILMED

MAY 03 2001