



SECTION 7 T. 7 N., R. 3 W. BOISE MERIDIAN

MICROFILMED
MAY 09 2001



HOLLADAY ENGINEERING CO.

ENGINEERS • CONSULTANTS

32 N. MAIN P.O. BOX 235 PAYETTE, ID 83681
(208) 642-3304 • FAX (208) 642-2150
EMAIL: holladay@mlron.net

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HOLLADAY ENG. CO.

PAYETTE COUNTY CLAY PEAK LANDFILL WATER RIGHTS

JOB NO.	040900B
DATE	10/9/00
REVISION	
PLANNED BY	10/9/00
DESIGNED BY	EGD
CHECKED BY	MEH

POINT OF REDIVERSION—WATER
TO BE PUMPED INTO TANKER
FOR USE AT CLAY PEAK LANDFILL



SECTION 17 T. 8 N., R. 4 W. BOISE MERIDIAN

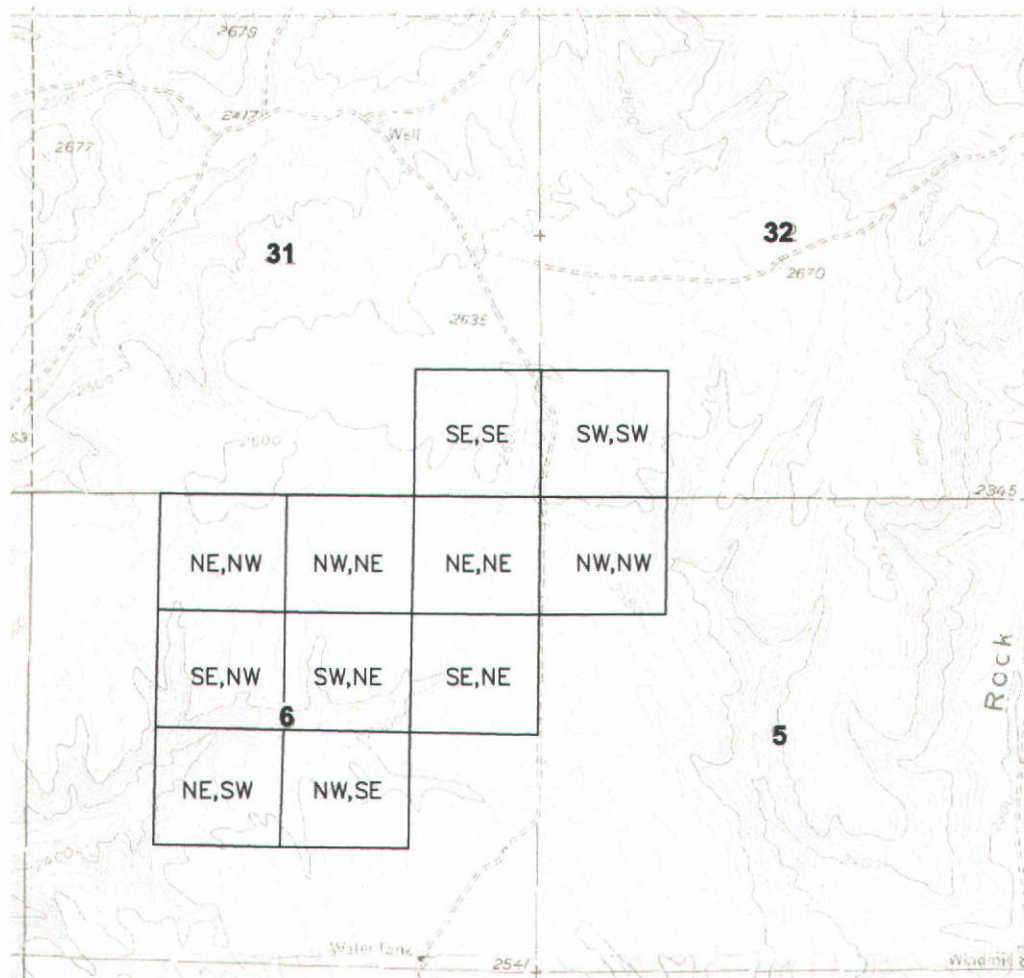
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MAY 09 2001

H **HOLLADAY ENGINEERING CO.**
ENGINEERS • CONSULTANTS
32 N. MAIN P.O. BOX 235 PAYETTE, ID 83661
(208) 642-3304 • FAX (208) 642-2159
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**PAYETTE COUNTY
CLAY PEAK LANDFILL
WATER RIGHTS**

JOB NO: 040900
DATE: 10/9/00
REVISION:
PROJECTED: 10/9/00
DESIGNED BY: EGD
CHECKED BY: MEH



SECTION 5 T. 8 N., R. 4 W. BOISE MERIDIAN
 SECTION 6 T. 8 N., R. 4 W. BOISE MERIDIAN
 SECTION 31 T. 9 N., R. 4 W. BOISE MERIDIAN
 SECTION 32 T. 8 N., R. 4 W. BOISE MERIDIAN

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MAY 09 2001



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**PAYETTE COUNTY
 CLAY PEAK LANDFILL
 WATER RIGHTS**

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 CHECKED BY MEH

6

T7N R3W SEC 7

LOT 5
NWNW

NENW

NWNE

NENE

LOT 4
SWNW

LOT 3
SENW

SWNE

SENE

LOT 2
NWSE

LOT 1
NESE

NWSW
LOT 6

NESW
LOT 7

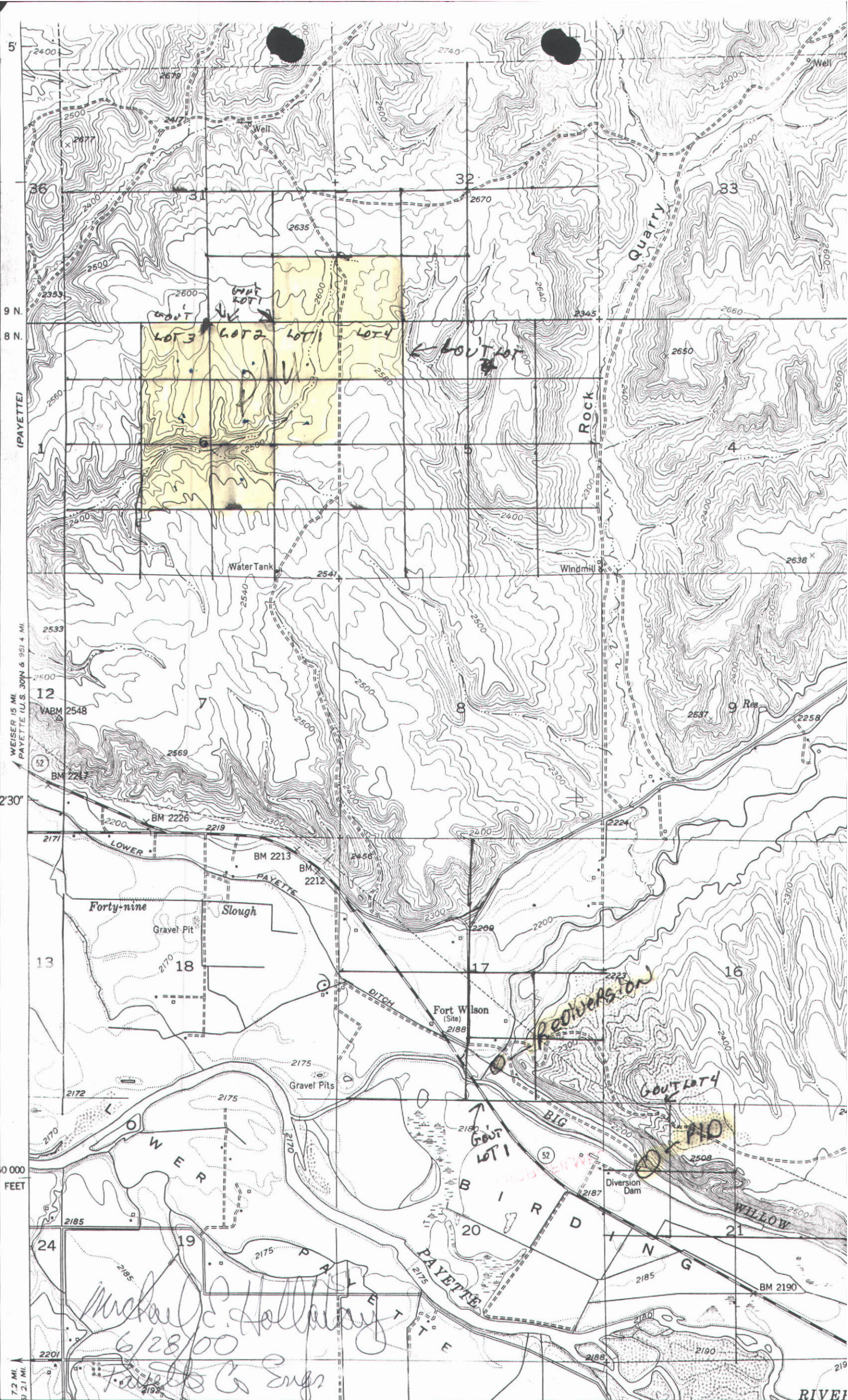
SWSW
LOT 8

SESW

SWSE
LOT 9

SESE
LOT 10

MIL



(PAYETTE)

WEISER 15 MI.
PAYETTE (U.S. 30N & 95) 4 MI.

2'30"

0 000
FEET

7.2 MI.
5.2 MI.

Forty-nine
Gravel Pit

Slough

Fort Wilson
(Site)
2188

REDUCTION

GOUT LOT 4
P.O. DIV

Diversion Dam

WILLOW

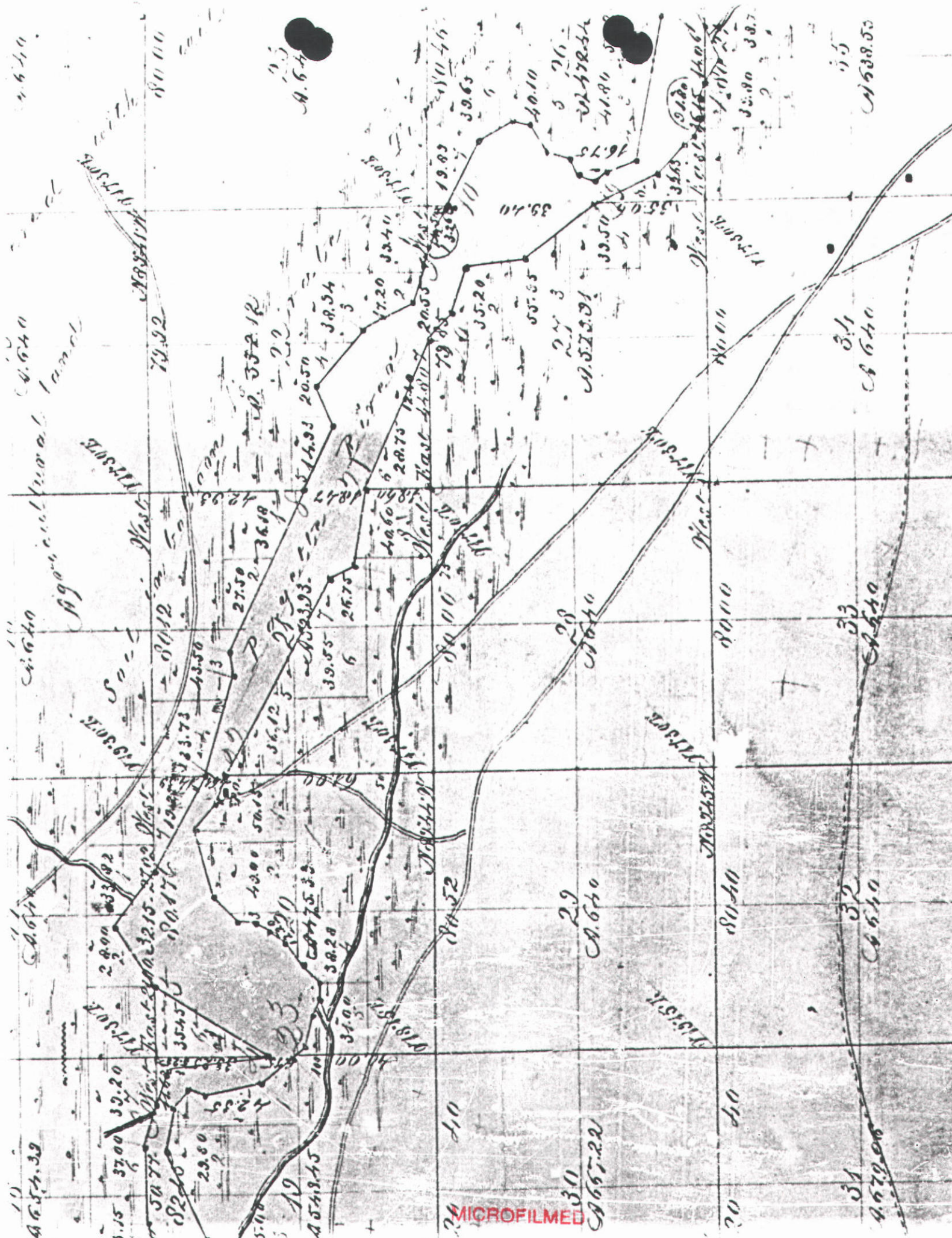
Michael C. Halliday
6/28/00
Payette Co. Engs

RIVER

58.25 20	40	80	72	72
48.30				
47.22	11	20	21	21
47.53	49 670.82			
47.14				
58.24	20	80	76	76
23.38	40			
46.75				
46.57	30	29	28	28
46.38	4655.20			
46.10				
58.25	20	80	76	76
23.00	40			
46.00				
45.22	31	32	33	33
45.81	4543.42			
45.76				
22.84	20	40		
	102.84	100	100	100

at Salt Lake Territorial May 23 1844

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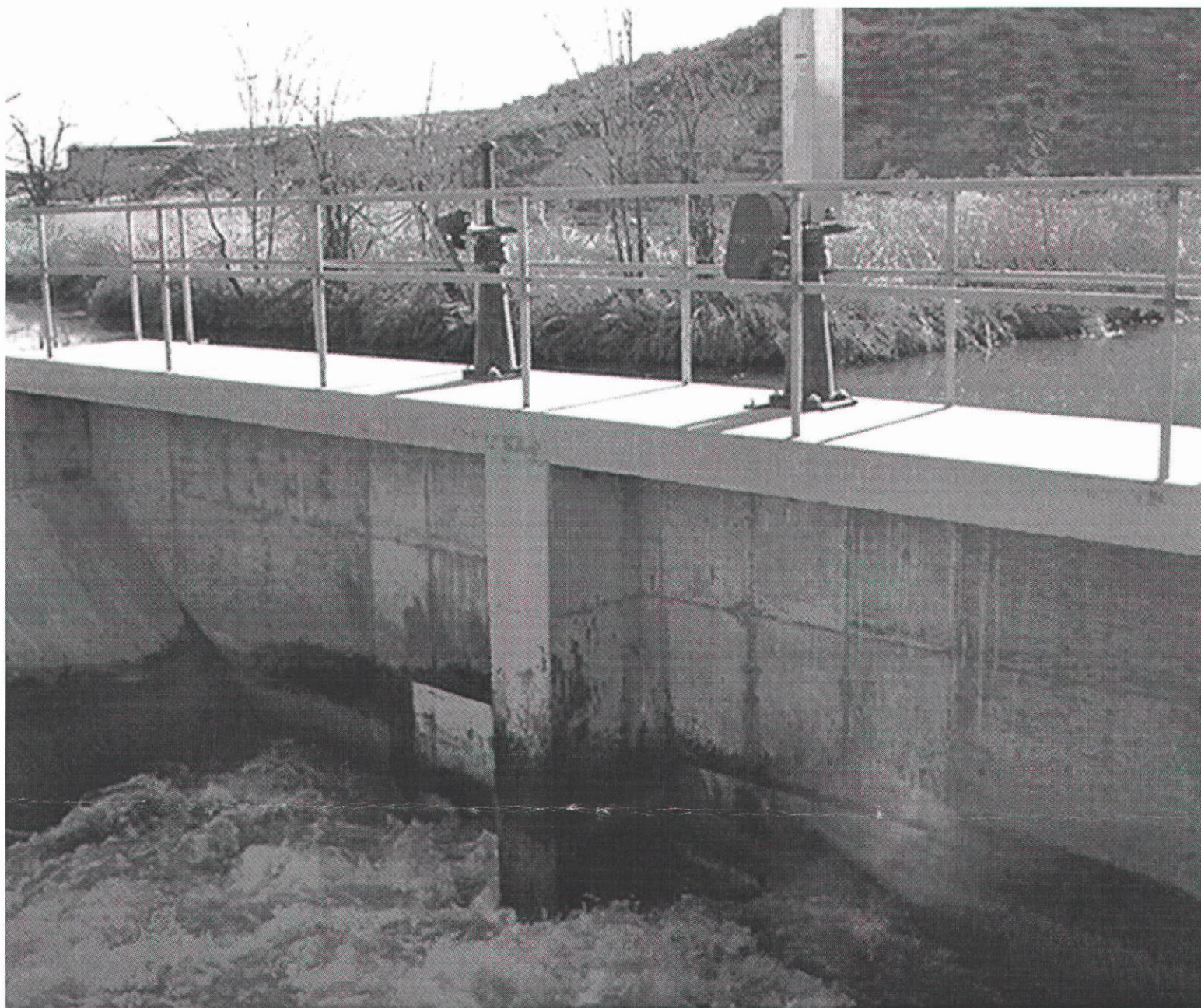


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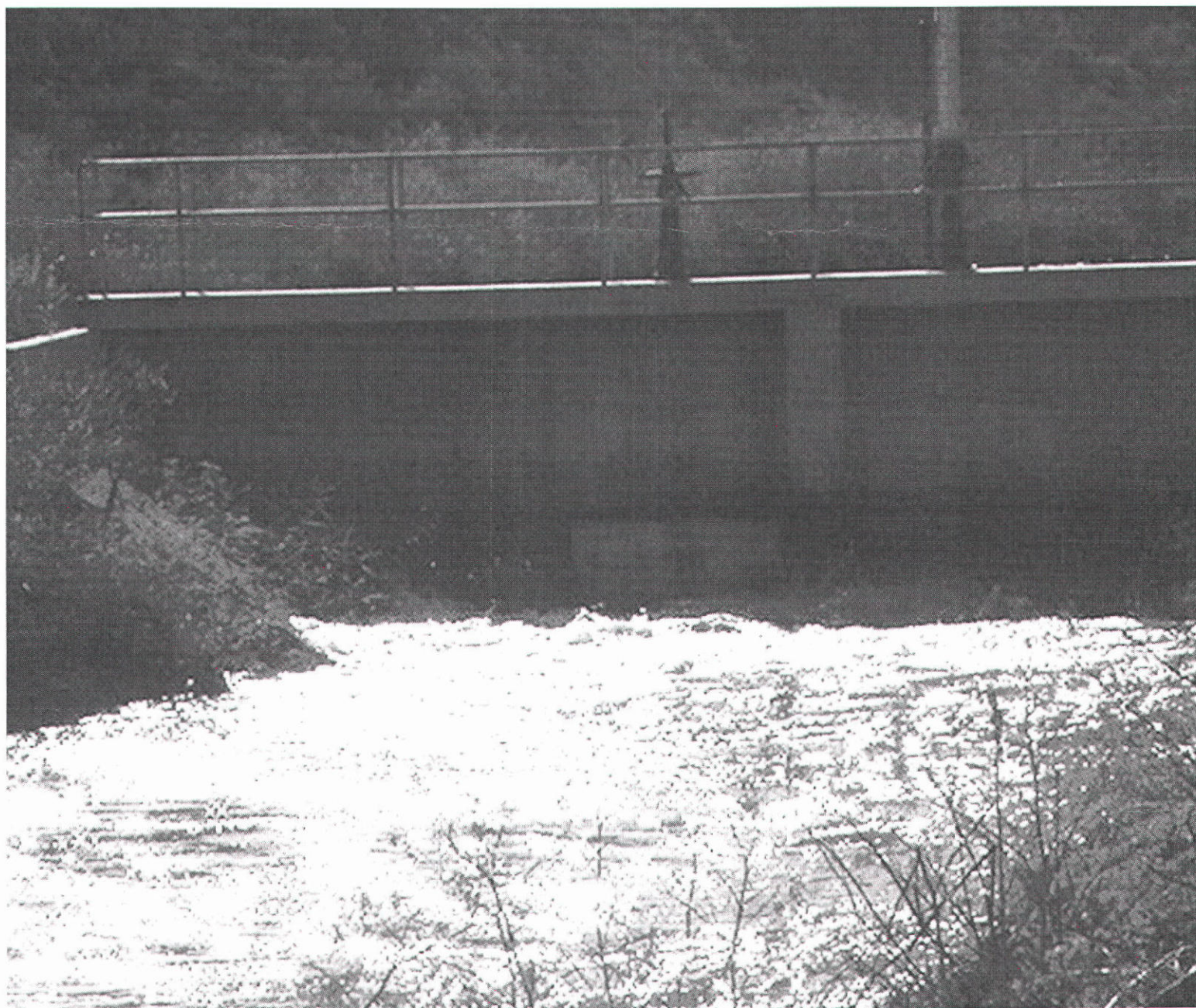
MAY 09 2001



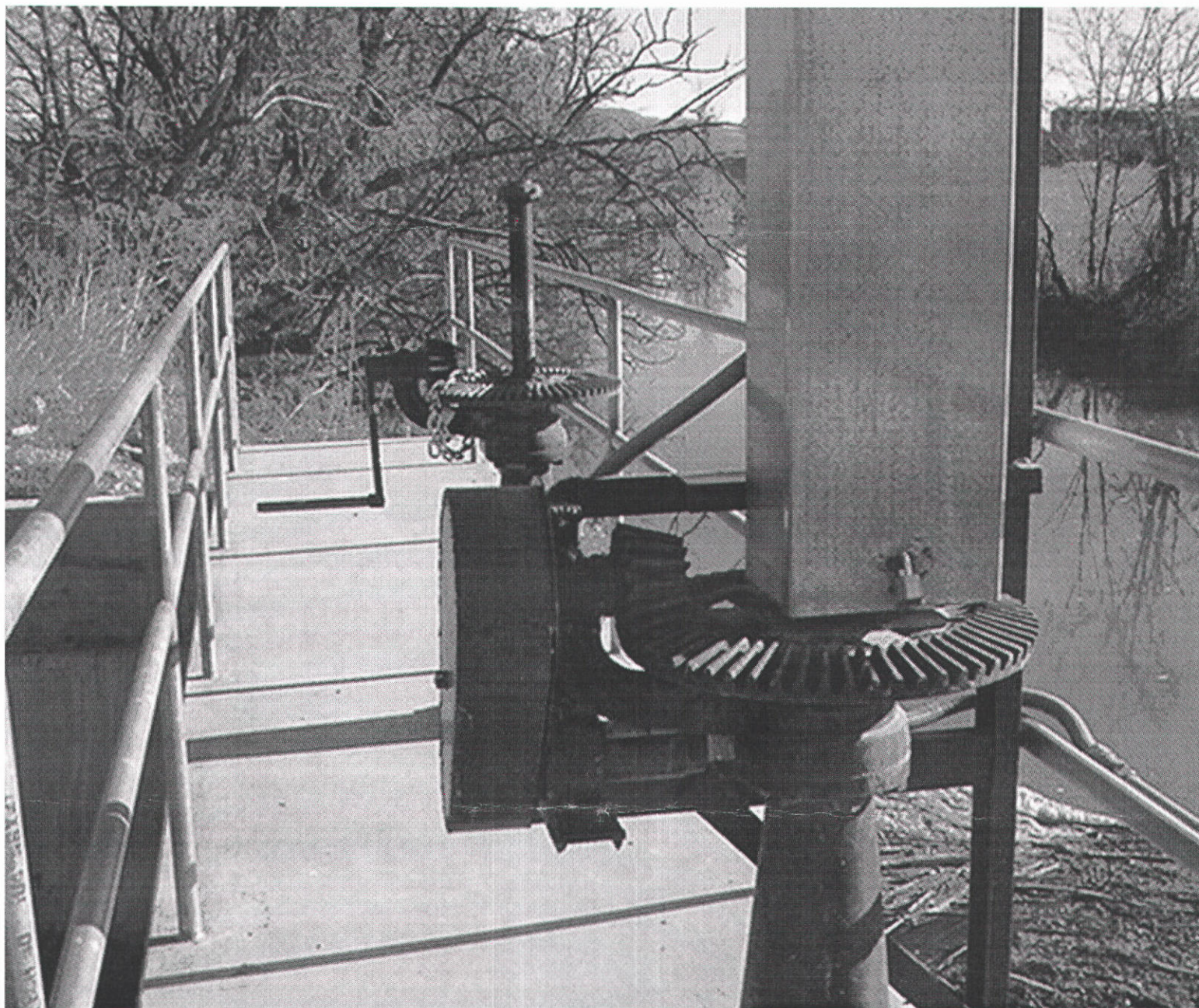
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JUL 10 2002



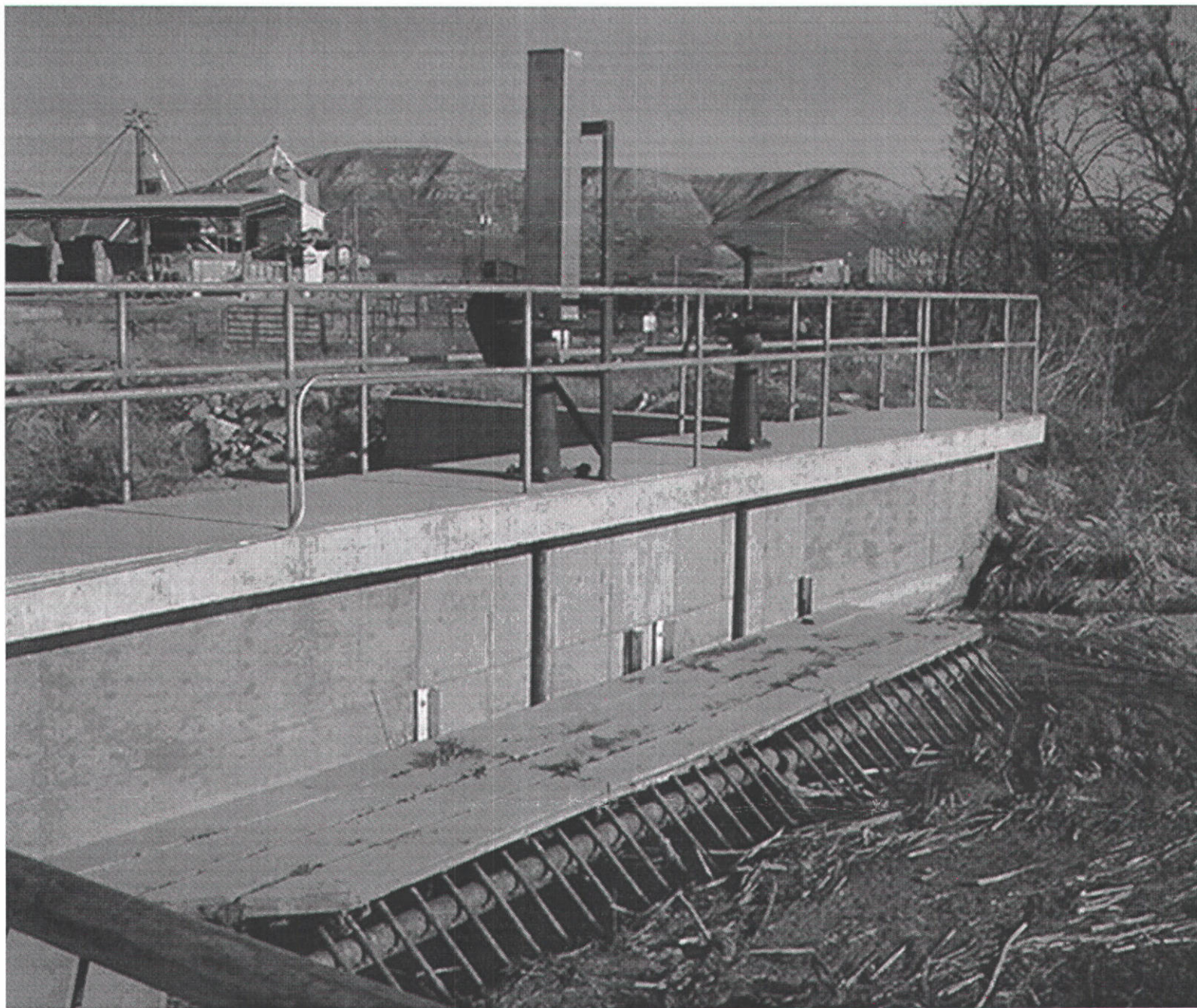
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JUL 10 2002



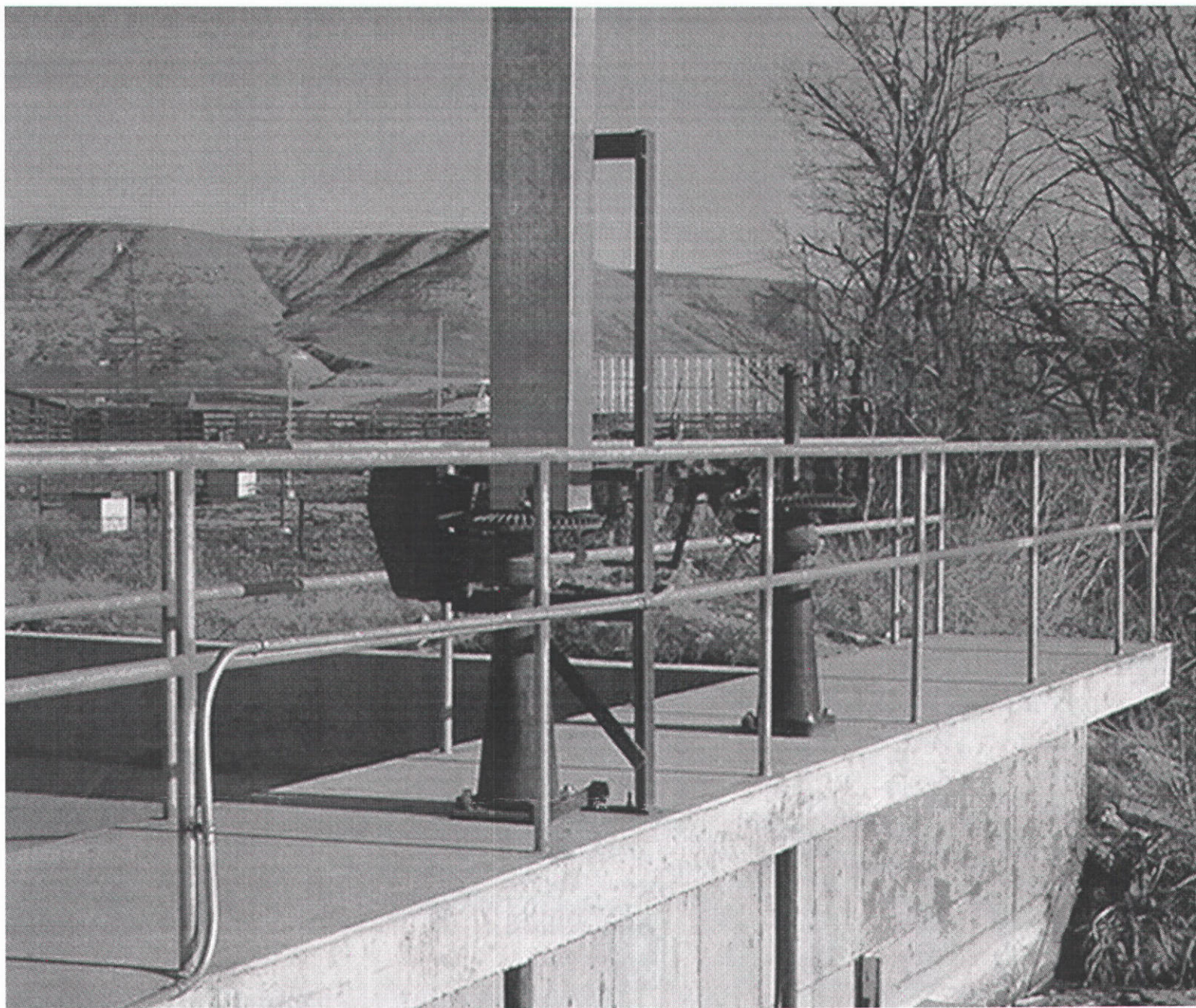
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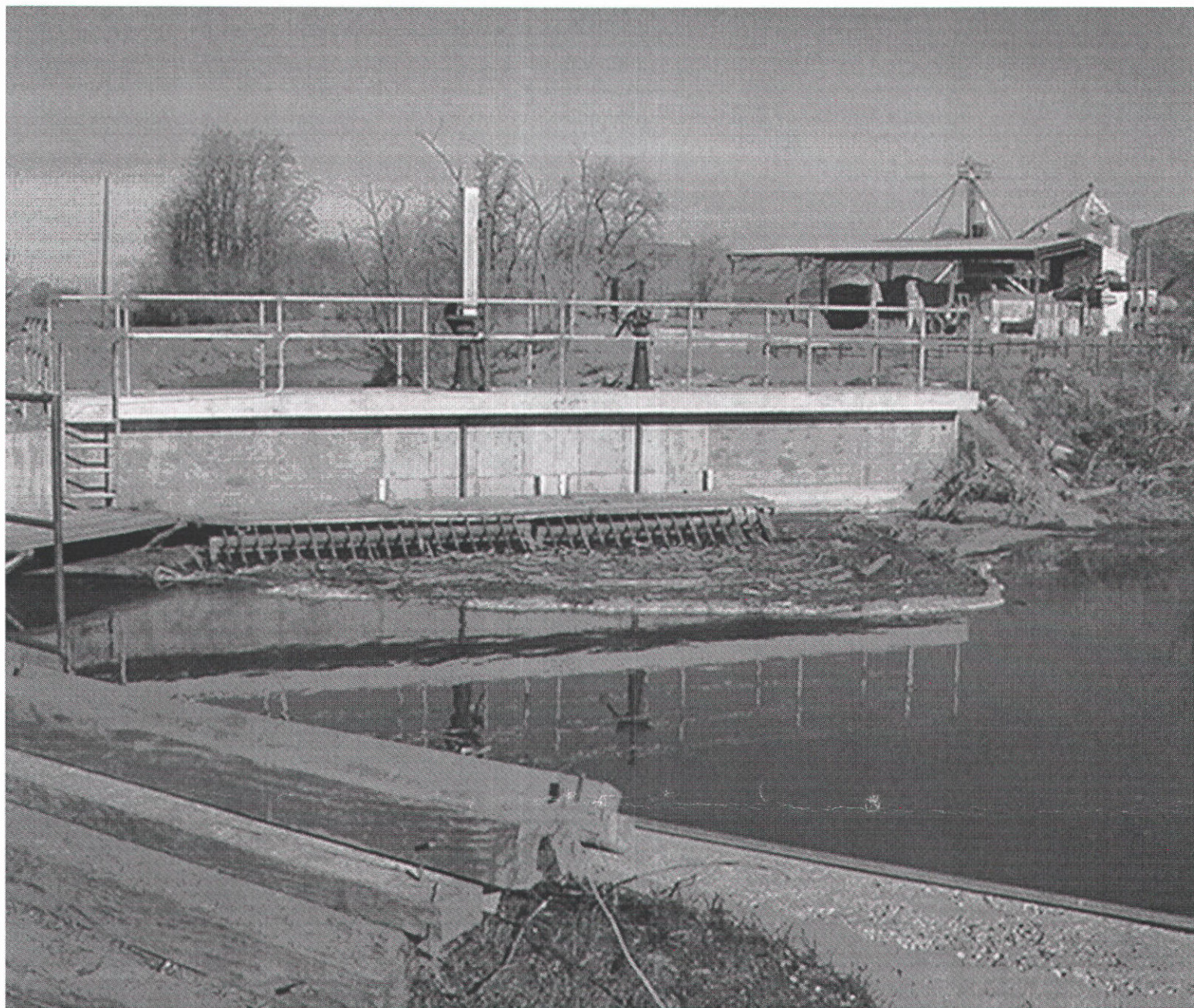
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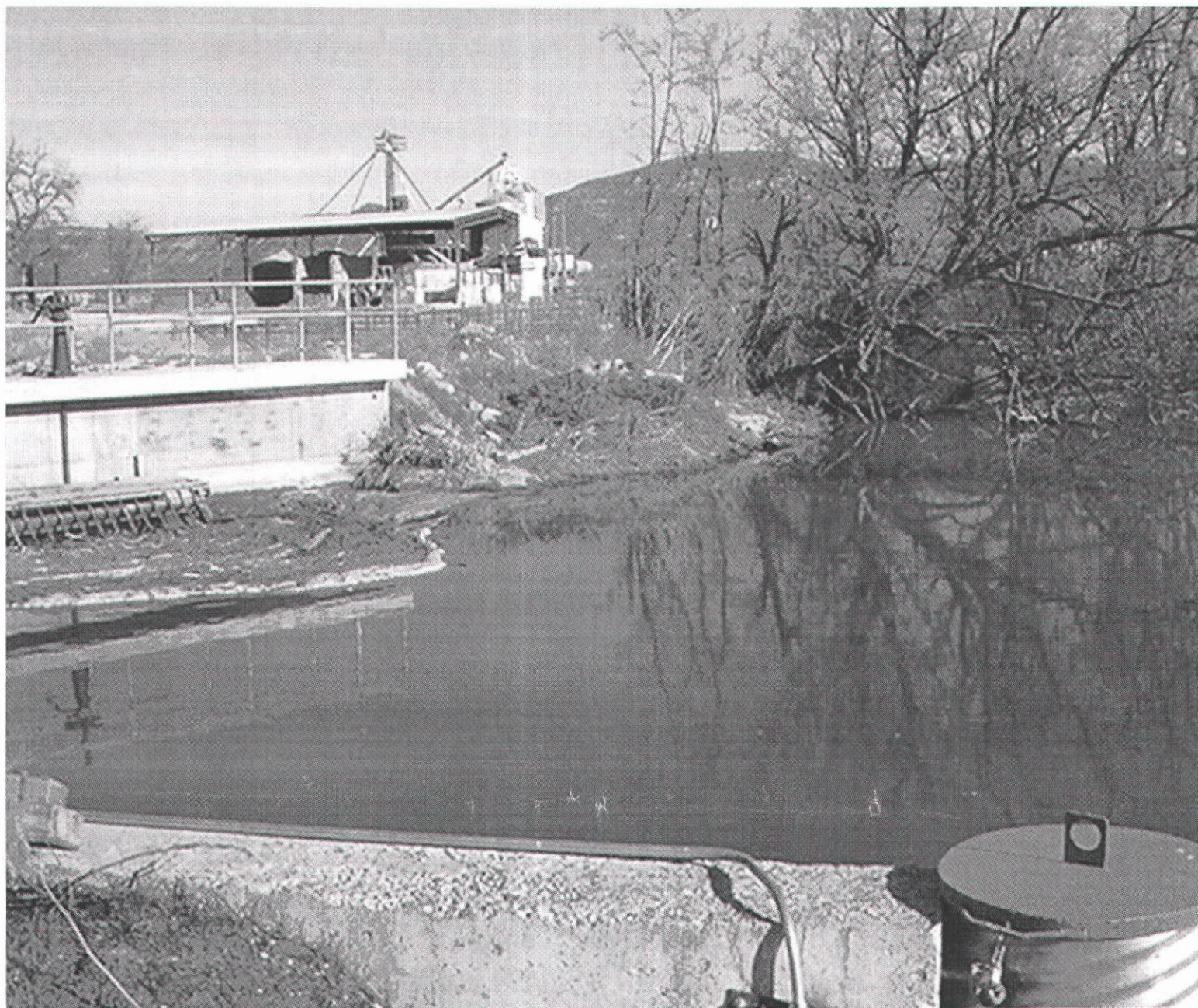
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JUL 10 2002



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JUL 10 2002

Affidavit of Publication

RECEIVED

MAR 02 2001

WATER RESOURCES
WESTERN REGION

Copy of Notice
(First Copy)

STATE OF IDAHO,
COUNTY OF PAYETTE

ss.

Notice for Amendment of Application
TITLE OF PUBLICATION

Dept. of Water Resources
SPONSOR OF PLAINTIFF
PLAINTIFF OR LEGAL AGENT

I, Viola M Hawkins, being

duly sworn, deposes and says:

That She is the principal clerk of

THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at Payette, in the County of Payette and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with Feb. 14, 2001, and ending with the issue of Feb. 21, 2001.

STATE OF IDAHO
COUNTY OF

On this 22nd day of Feb. in the year of 2001, before me, a Notary Public, personally appeared Viola Hawkins, 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 he executed the same.

Notary Public for Idaho

Residing at

My commission expires 12-1-04

STATEMENT

Independent-Enterprise
PAYETTE, IDAHO

Number of Lines

Number of Insertions (2) two

34 Lines @ 2.60 . . . \$ 88.40

34 Lines @ 2.24 . . . \$ 76.16

TOTAL COST
WILL BE \$ 164.56

NOTICE FOR AMENDMENT OF AN APPLICATION FOR PERMIT

The following application for permit has been amended as follows:

65-13955
COUNTY OF PAYETTE
PO DRAWER D
PAYETTE, ID 83661

Point(s) of Diversion
PAYETTE County
Source PAYETTE RIVER

L1 SESWSE S17 T08NR04W

Point(s) of Diversion
PAYETTE County
Source PAYETTE RIVER
Use: INDUSTRIAL

L3 SESENW S7 T07NR03W

1/01 to 12/31 0.2CFS 0 AFA
Total Diversion 0.2 CFS

Amendment Filed: 11/30/2000
Place of Use: INDUSTRIAL
T08N R04W S5 NWNW
T08N R04W S6 NENE NWNE SWNE SENE NENW SENW NESW NWSE
T09N R04W S31 SESE
T09N R04W S32 SWSW

The application was amended for a single point of diversion described above instead of NWNW S21 T8N R4W described in the original application. This original application was published in the Independent-Enterprise on 7/19/00 and 7/26/00.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Wy., Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before March 5, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
No. 494

Feb. 14, 21

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No 2061451
Receipt By: SM
Date Received 4-17-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 17 2002

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. 165-13955 Telephone No. 208-642-6000

2. Name of Permit Holder(s): County of Payette

3. Mailing Address: P.O. Drawer D

City Payette State ID Zip 83661

4. Source of Water: Payette River 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):

Irrigation (No. of acres): Other: Industrial

6. Total rate of diversion and/or volume for which proof is submitted: 0.20 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? (#6 on permit) Yes X or No

Has the measuring device been installed? see picture & letter Yes X 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: Cheryl Adams Telephone Number: 208)642-6036

Address: 2560 Hwy 52, Payette ID 83661

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: County of Payette
Juanita Stangle, Clerk Date: 4-9-02
(include your title, if on behalf of company or organization)

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APR 18 2002

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-13955

Priority 11/30/2000

Maximum Diversion Rate 0.20 CFS

This is to certify, that COUNTY OF PAYETTE
PO DRAWER D
PAYETTE ID 83661

has applied for a permit to appropriate water from:

Source: PAYETTE RIVER

Tributary: SNAKE RIVER

and a permit is APPROVED for development of water as follows

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

LOCATION OF POINT(S) OF DIVERSION:

PAYETTE RIVER L3 SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7, Twp 07N, Rge 03W, B.M. PAYETTE County

PLACE OF USE: INDUSTRIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N 04W 5						X											
08N 04W 6	X	X	X	X	X			X	X					X			
09N 04W 31																X	
09N 04W 32											X						

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2002**.
2. Subject to all prior water rights.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.

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MAY 09 2001

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-13955

- 6 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.
- 7 Use of water under this water right will be regulated by the watermaster of State Water District No. 65
8. Point of diversion is known as Lower Payette Ditch Companys gravity canal
9. Industrial use is for dust and fire control and composting facility at Clay Peak Landfill.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code Witness the signature of the Director, affixed at Boise, this 27th day of April, 2001.


for KARL J DREHER, Director

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MAY 9 3 2005

RECEIVED

NOV 30 2000

WATER RESOURCES
WESTERN REGION

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

AMENDED

1. Name of Applicant Payette County (Clay Peak Landfill) Phone (208) 642-6036
Post Office address P.O. Box 777
2. Source of water supply Payette River which is a tributary of Snake River
3. Location of point of diversion is SE 1/4 of SE 1/4 of NW 1/4, Govt. Lot
Sec. 7 Township 7N Range 3W B.M. Payette County; additional points of
diversion if any: NW 1/4 SW 1/4 SE 1/4, Sec. 17, T8N, R4W, B.M.
4. Water will be used for the following purposes:
Amount 0.20 for industrial purposes from 1/1 to 12/13 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.20 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. using pump to fill water tanker
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - 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) _____
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 if 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. Payette County, Clay Peak Landfill for dust and fire control and
composting facility

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NOV 30 2001

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	4W	6	I	I	I	I	I			I	I					I			
8N	4W	5						I											
9N	4W	31																I	
9N	4W	32										I							

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Lower Payette Ditch Co.

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

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: _____

12. Remarks: The water will be pumped from diversion point for Lower Payette Ditch Co. Canal into tanker and used for dust control, fire control and composting facility at Payette County Landfill

13. MAP OF PROPOSED PROJECT ATTACHED _____ Show clearly the proposed point of diversion, place of use, section number, township and range number.

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.

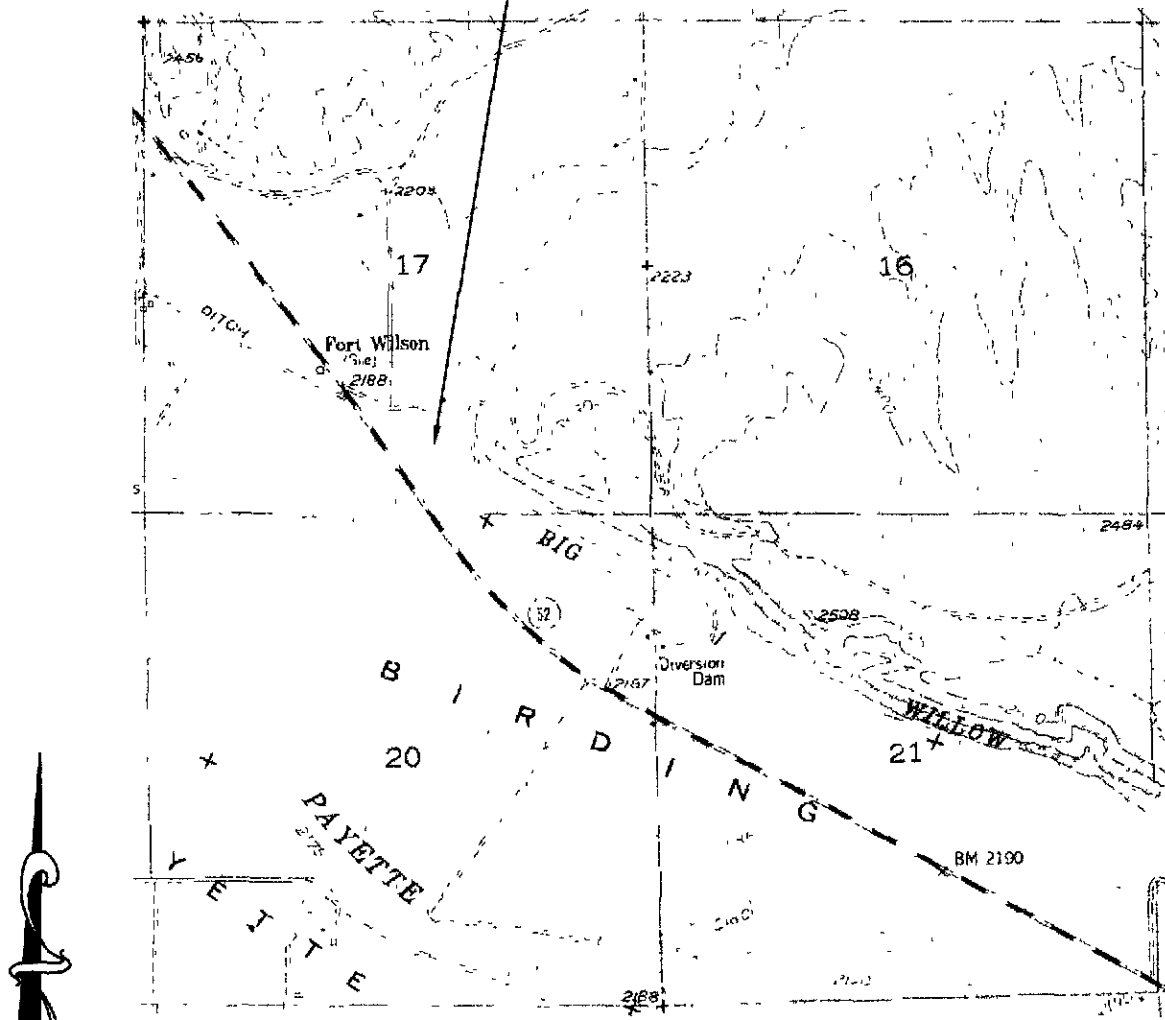
Michael E. Halliday
(Applicant)
County Engineer

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MAY 09 2001

Received by KG Date 11/30/00 Time 11:26 Preliminary check by DAV
Fee \$ 500 Received by KG # W027191 Date 11/30/00
Publication prepared by KG Date 2-7-01 Published in ENTERTAINMENT
Publication approved KG Date 3-5-01 Int. Ent.

POINT OF REDIVERSION-WATER
TO BE PUMPED INTO TANKER
FOR USE AT CLAY PEAK LANDFILL



SECTION 17 T. 8 N., R. 4 W. BOISE MERIDIAN



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MAY 09 2001

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**PAYETTE COUNTY
CLAY PEAK LANDFILL
WATER RIGHTS**

PROJECT NO.	040900
DATE	10/9/00
REVISION	
DATE	10/9/00
BY	EGD
CHECKED BY	MEH



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H E	HOLLADAY ENGINEERING CO.	REUSE OF DOCUMENTS THIS AGREEMENT AND THE TERMS HEREIN ARE A PART OF ANY CONTRACT OR AGREEMENT IN WRITING BETWEEN THE COMPANY AND THE CLIENT AND IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE EXPRESS WRITTEN PERMISSION OF HOLLADAY ENG. CO.	PAYETTE COUNTY CLAY PEAK LANDFILL WATER RIGHTS	DATE: 040900
	ENGINEERS • CONSULTANTS			TIME: 10/9/00
	32 N. MAIN P.O. BOX 225 PAYETTE, ID 83061			PROJECT: 10/9/00
	(208) 643-3364 • FAX (208) 643-5106			OWNER: EGD
	EMAIL: holladay@earthlink.net			DRAWN BY: MEH
				CHECKED BY:

Comments: Date: 6/29/2000 User-ID: DNELSON

Subject: ADDITIONAL INFORMATION

APPLICANT: Industrial use is for Payette County, Clay Peak Landfill for dust and fire control and for composting facility. The water will be pumped from diversion point for Lower Payette Ditch Company canal into a tanker. The water will then be transported to the landfill and used for dust control, fire control, and composting facility at the landfill.

IDWR: There are 2 points of diversion for this permit. The point where the water will be removed from the river and the redirection point where the water will be pumped into the tanker. The Lower Payette Ditch Company is the only overlap for the point of diversion. The Lower Payette Ditch Company also overlaps the place of use along with the 65-13585. 65-13585 is a groundwater license that supplies water to 2 homes, scales, shop, and landscape irrigation for the landfill. This right should interfere with this application, since they are for 2 different uses.

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MAY 03 2001

USE AGREEMENT

THIS AGREEMENT made between PAYETTE COUNTY, IDAHO, a political subdivision of the State of Idaho, herein The "County" and the LOWER PAYETTE DITCH COMPANY, herein the "Ditch Company."

THE PARTIES AGREE AS FOLLOWS:

1. USE OF PROPERTY: THE DITCH COMPANY hereby agrees to convey water for which THE COUNTY has a water right out of the Payette River, by way of THE DITCH COMPANY'S gravity canal system, from point of diversion to point of delivery.

State of Idaho Department of Water Resources, water rights number _____ for 0.20 cfs.

2. FEE: THE COUNTY agrees to pay THE DITCH COMPANY the sum of One Hundred Fifty Dollars (\$150.00) per year for conveying the water, payable on the 20th day of November of each year. If paid after the 20th day of November but before the 21st day of December, of each year, a late charge will be assessed. If the fee is not paid by the 21st day of December, this agreement shall terminate and become void without notice of any kind. No billing will be sent to THE COUNTY. The fee may be changed by THE DITCH COMPANY when it changes assessment for all share holders.

3. AGREEMENT DURATION: Subject to the termination right set out in paragraph 9, the original term of this agreement is for a five (5) year period. This agreement may be extended for up to three (3) successive five (5) year periods, subject to approval of THE DITCH COMPANY and the County Commissioners, provided written notice is given and action taken by the governing body. In the event no notice to renew is given and no action taken to renew or terminate, the agreement shall renew on a year to year basis.

4. USE: THE COUNTY represents that no member of the public shall be invited to the ditch,

travel over or along the ditch, the roadway along the ditch, or along any portion of the ditch right-of-way during the Agreement.

5. PURPOSE: THE COUNTY agrees to use THE DITCH COMPANY property solely for the lawful purposes for which such property was specifically made and for no other purpose. This agreement is an agreement to carry water only. It shall never be construed as having given any party any water right or any membership right in the Ditch Company.

6. SECURITY AND INDEMNIFICATION: THE COUNTY agrees not to allow any other person or agency to use the ditch and agrees to indemnify THE DITCH COMPANY against liability and loss and hold THE DITCH COMPANY harmless from any liability for any theft, property damage or personal injury claim of any description arising out of the use of said property by THE COUNTY, an employee of THE COUNTY, or an agent of THE COUNTY. THE COUNTY further agrees to hold THE DITCH COMPANY harmless from any theft, property damage or personal injury claim of any description caused to, or as a result of, THE COUNTY's equipment or use thereof. THE DITCH COMPANY agrees to indemnify THE COUNTY against liability and loss and hold THE COUNTY harmless from any liability for any theft, property damage or personal injury claim of any description arising out of the use of said property by THE DITCH COMPANY, an employee of THE DITCH COMPANY, an agent of THE DITCH COMPANY or any invitee of THE DITCH COMPANY. THE DITCH COMPANY further agrees to hold THE COUNTY harmless from any theft, property damage or personal injury claim of any description caused to, or as a result of, THE DITCH COMPANY'S equipment or use thereof by authorized agents or employees of THE DITCH COMPANY.

7. DUTY TO REPAIR: THE COUNTY shall, at its own expense, make all necessary repairs and replacements to THE DITCH COMPANY's property and equipment for damage caused by THE COUNTY, an employee of THE COUNTY, an agent of THE COUNTY, and/or THE COUNTY's equipment. THE DITCH COMPANY agrees to do all necessary repairs not caused by action of THE COUNTY, its agents or employees and maintain the ditch in a manner as determined by the Ditch Company Board or a vote of the share holders. THE COUNTY shall be

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MAY 03 2001

subject to the same guidelines as all other share holders, a copy of said guidelines is attached.

8. INTENDED USE OF WATER: THE COUNTY will pump water from the canal system into a water tanker at specific points or points that are approved by The Ditch Company. The water will be used at the Clay Peak Landfill in its composting program, dust control and fire suppression program.

9. TERMINATION: Notwithstanding any other provision herein either party may terminate this Agreement by ninety (90) days written notice of termination to the other party, however THE COUNTY shall not be entitled to or seek any refund or proration of rents paid for any year in which this Agreement is terminated.

10. COMPLIANCE WITH LAWS. THE COUNTY agrees to comply with all federal, state, and local laws, rules and regulations regarding the use of the rental property, including instances in which the rental property is used in conjunction with other equipment or is used to apply or is used in conjunction with any chemical or other substance.

THE DITCH COMPANY:

THE COUNTY:

By: _____

By: _____

Title _____

ATTEST:

Clerk of _____

Form and content approved by Gregory F. Frates, Prosecuting Attorney for Payette County.

Gregory F. Frates
MICROFILMED Payette County Prosecuting Attorney

MAY 09 2001

The Board of Directors of the Lower Payette Ditch Company has compiled this set of guidelines to provide a convenient reference concerning the operational management of the Lower Payette Canal. The Board feels that the guidelines accurately outline the responsibilities of the Ditch Company, the property owners, and the water users. Great care has been taken in preparing these guidelines, however the Board realizes the possibility that there may be inadvertent omissions and also realizes that there may be isolated instances when strict adherence to these guidelines would impose an unacceptable hardship, or not serve the best interests of the Ditch Company.

Therefore the Board does reserve the right, by a majority vote of the directors, to modify, add to, or waive parts of the guidelines which pertain to policy, and are not determined by law.

WATER MANAGEMENT

1. The general irrigation season will run from April 1 to November 1 of each year. These dates may be varied to meet existing conditions, and the needs of irrigators, as determined by the Board of Directors.

2. Water will be delivered to the users headgate, which is owned and maintained by the property owner. Headgates must be kept in good operating condition.

3. OPERATION OF DITCH CHECKS

The water manager has authority to control all checks. Installing or removing check boards shall only be done by him, or with his knowledge, and permission.

4. QUANTITIES AVAILABLE

Water users will be allowed to take their fair share of water unless a water shortage occurs. At such times the Board of Directors will establish a rationing system to be administered by the Ditch Manager, and to be followed by all the users.

5. NOTICE FOR WATER DELIVERY

Water users using 150 inches or over may be required to give the water manager at least 24 hours advance notice of turn-on & turn-off.

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6. WASTING WATER

Water users shall not dump unneeded or excess water directly into any waste ditches, but must adjust their headgates to furnish the correct usable flow, and must close their headgates completely when not irrigating.

7. STOCK WATERING

The owner of the property on which livestock is watering directly from the canal will be held accountable for any damages caused to the ditch.

8. POLLUTION

There shall be no discharge or dumping of any sewage or other pollutants from any source into the Lower Payette Canal.

CONTROL OF ORGANIZATION WORKS

1. RIGHT-OF-WAY

The deeded right-of-way from the former brickyard to the Anderson spill is 50 feet from the center of the ditch on each side. The remainder of the canal has a right-of-way the width of the ditch plus the footage required for the maintenance operation and travel along each side.

2. BRIDGES & OTHER CROSSING STRUCTURES

A. Bridges must have at least five feet of clearance from the bottom of the canal, and sufficient distance between headwalls to not restrict the water flow. This distance to be determined by the ditch manager. Headwalls must be constructed of concrete not less than eight inches thick, reinforced with not less than half inch steel reinforcing bar on twenty four inch centers. Walls must have adequate concrete footings, and be winged back into the canal banks on both ends not less than two feet.

B. Landowners are solely responsible for bridge maintenance and repair costs.

3A. The bottom of all footbridges shall be 18 inches above the high water level.

3B. When cleaning and maintenance work is being performed on the canal, it is the responsibility of the property owner to remove and replace any structure used for foot traffic.

3C. Installation and maintenance of all footbridges used by the Idaho Power Company for the

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purpose of reading meters will be the responsibility of the Idaho Power Co.

4A. Landowners will be given notice of bridges or footbridges deemed potentially hazardous. If these structures are not repaired or removed within a reasonable period of time, THE DITCH COMPANY may remove them and the land owner will be liable for all removal expenses.

4B. Landowners shall be held liable for all damages caused by any structure placed over the canal.

4C. Any bridge or footbridge obstructing the flow of water or causing a hazard may be removed by the water manager at the owners expense.

5. FENCING AND CATTLE GUARDS

Bracer posts will be set 16 feet from the high water mark on either side of the ditch with a 16 foot panel extending to the canal bank.

6. ENCROACHMENT ON RIGHT-OF-WAY

Any obstructions on either side of the canal right-of-way will be removed at the owners expense.

7. DIVERSION AND DRAINAGE CHANNELS

A. When authorized by the Lake Reservoir Co. The Gospel Spill boards and gates will be under the control of the Lower Payette Ditch Company manager. All landowners will refrain from any operation of said spill.

B. Harper Lane Spill will be regulated and maintained in accordance with the easement agreement on file.

C. Lower Payette Ditch Co. Will have management responsibilities of the Mill Slough Drain from the canal through Kiwanis Park, with Drainage Ditch No. 9 paying one-half of the maintenance costs from their intersection to the Payette River.

D. Anderson Spill: Regulation, repair and maintenance is the responsibility of the Ditch Co.

E. Durham Spill: Regulation, repair and maintenance is the responsibility of the Ditch Co.

F. Buttermilk Spills 1 & 2 : Regulation and maintenance to be done by the Ditch Co.

8. OPERATING ROADS

The road along the right-of-way is only for the purpose of maintaining and operating the canal.

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Only Ditch Company personnel and water users engaged in the operation of headgates and pumps are allowed its use. Any person traveling this road and not specifically authorized to do so by THE DITCH COMPANY or it's manager will be considered to be trespassing and treated accordingly. Any damages or injuries incurred or caused by such persons trespassing on the right-of-way will be their sole responsibility and they shall be held liable. The canal right-of-way will be open at all times.

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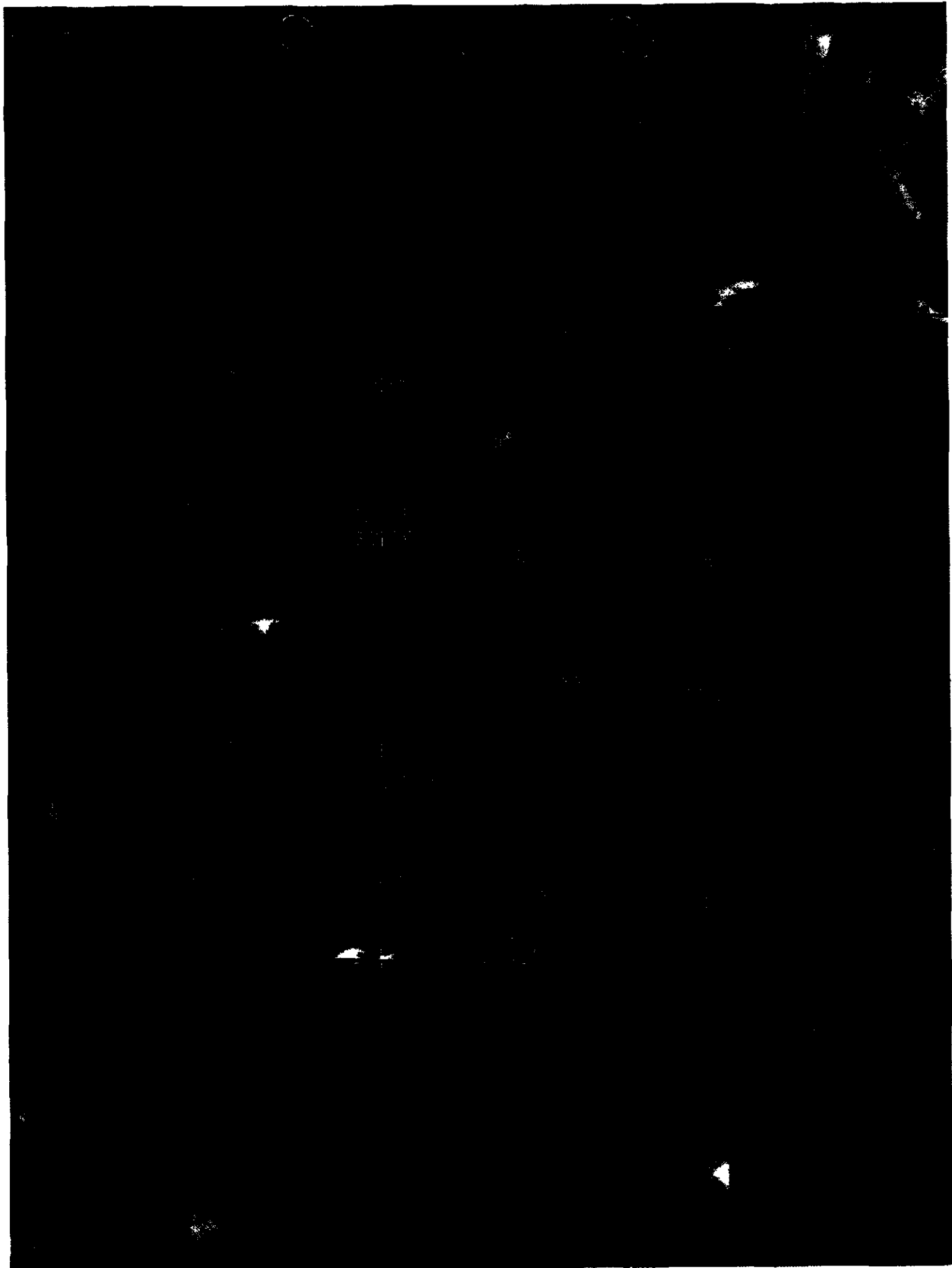
Lower Payette Ditch Company

This information is provided to answer several questions that have arisen during the irrigating season.

1. Lower Payette Ditch Company intends to have water at full level by April 1st each year. This means that water will be turned in Between March 20th - 25th. Water will be stopped by on or about October 20th.
2. Headgates, pumps, and pipelines from the canal are owned by the irrigators and it is their responsibility to keep them in good operating condition. However, installation of pipelines and headgates in the canal or across the canal bank must be approved and supervised by the ditch manager and must be completed during the off-season before March 20th.
3. The ditch right-of-way must be unobstructed. Its use is only for Ditch Company personnel and irrigators.
4. Checks, diversions, and spills are regulated by the ditch manager only. No one should adjust these without prior permission from the ditch manager.
5. As owners of Lower Payette Ditch Company, let's all keep trash from accumulating in and along the canal and encourage our neighbors not to use the canal as a dump.

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RECEIVED
MAY 16 2000
WATER RESOURCES
WESTERN REGION

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

1. Name of Applicant Payette County (Clay Peak Landfill) Phone (208) 642-6036
Post Office address P.O. Drawer D, Payette ID 83661
2. Source of water supply Payette River which is a tributary of Snake River
3. Location of point of diversion is NW 1/4 of SW 1/4 of SE 1/4, Govt. Lot
Sec. 17 Township 8N Range 4W B.M. Payette County; additional points of
diversion if any: NW 1/4 NW 1/4 SEC 21 WEN 6/28/00
SW 1/4, SW 1/4, SE 1/4, Sec. 2, Township 8N, Range 4W
4. Water will be used for the following purposes: MENT 6/28/00
Amount 0.20 ^{MENT} for INDUSTRIAL purposes from 1/1 to 12/13 (both dates inclusive)
(cfs or acre-feet per annum) Dust, fire & composting
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) ing
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.20 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. using pump to fill water tanker
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - 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) _____ MENT 6/28/00
7. Time required for completion of works and application of water to proposed beneficial use is 0 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 if 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. Payette County, Clay Peak Landfill for dust and fire control and
composting facility

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9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	4W	6	I	I	I	I	I			I	I					I			
8N	4W	5						I											
9N	4W	31																I	
9N	4W	32										I							

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Lower Payette Ditch Co.

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

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: _____

12. Remarks: The water will be pumped from diversion point for Lower Payette Ditch Co. canal into tanker and used for dust control, fire control and composting facility at Payette County Landfill.

13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

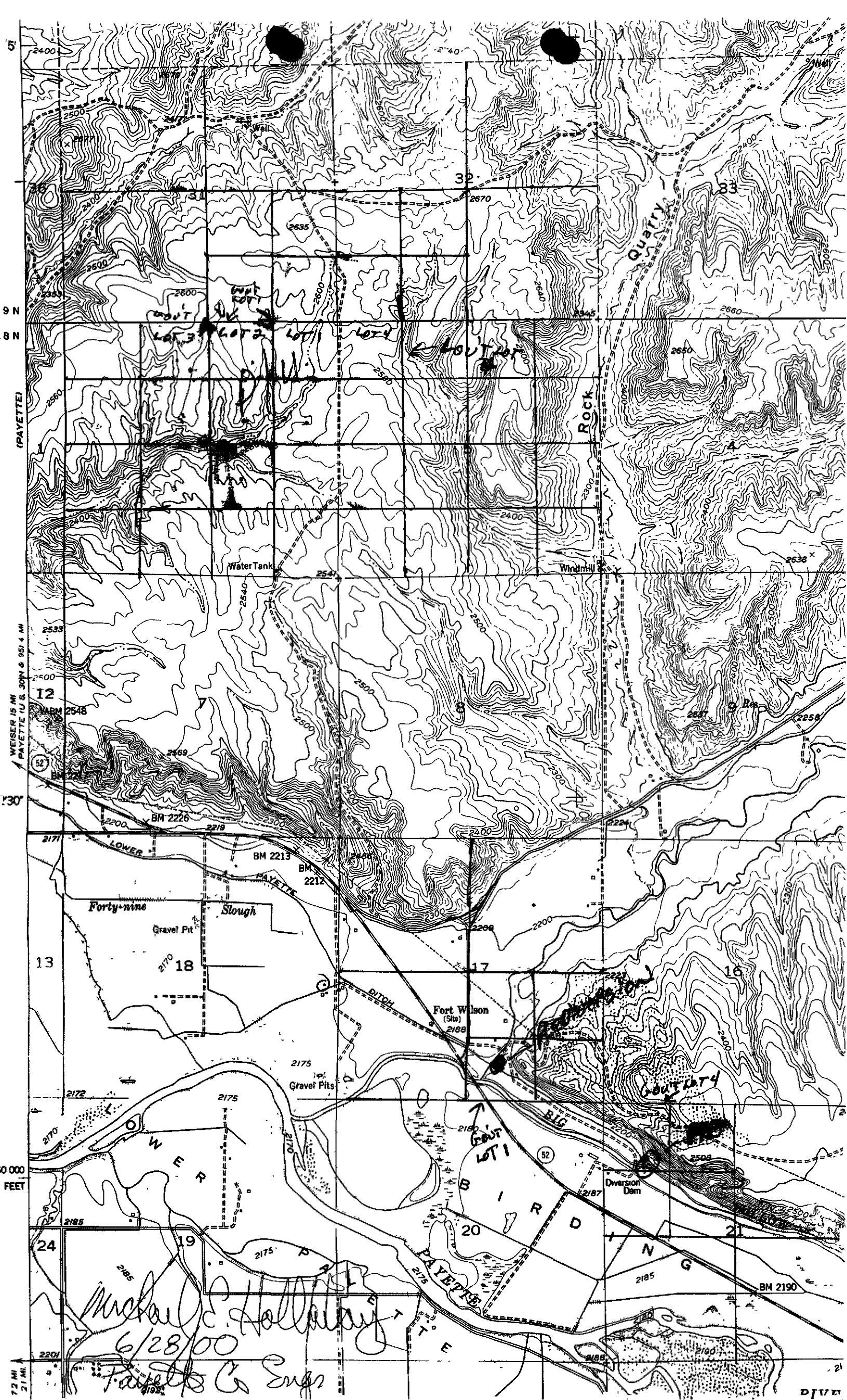
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

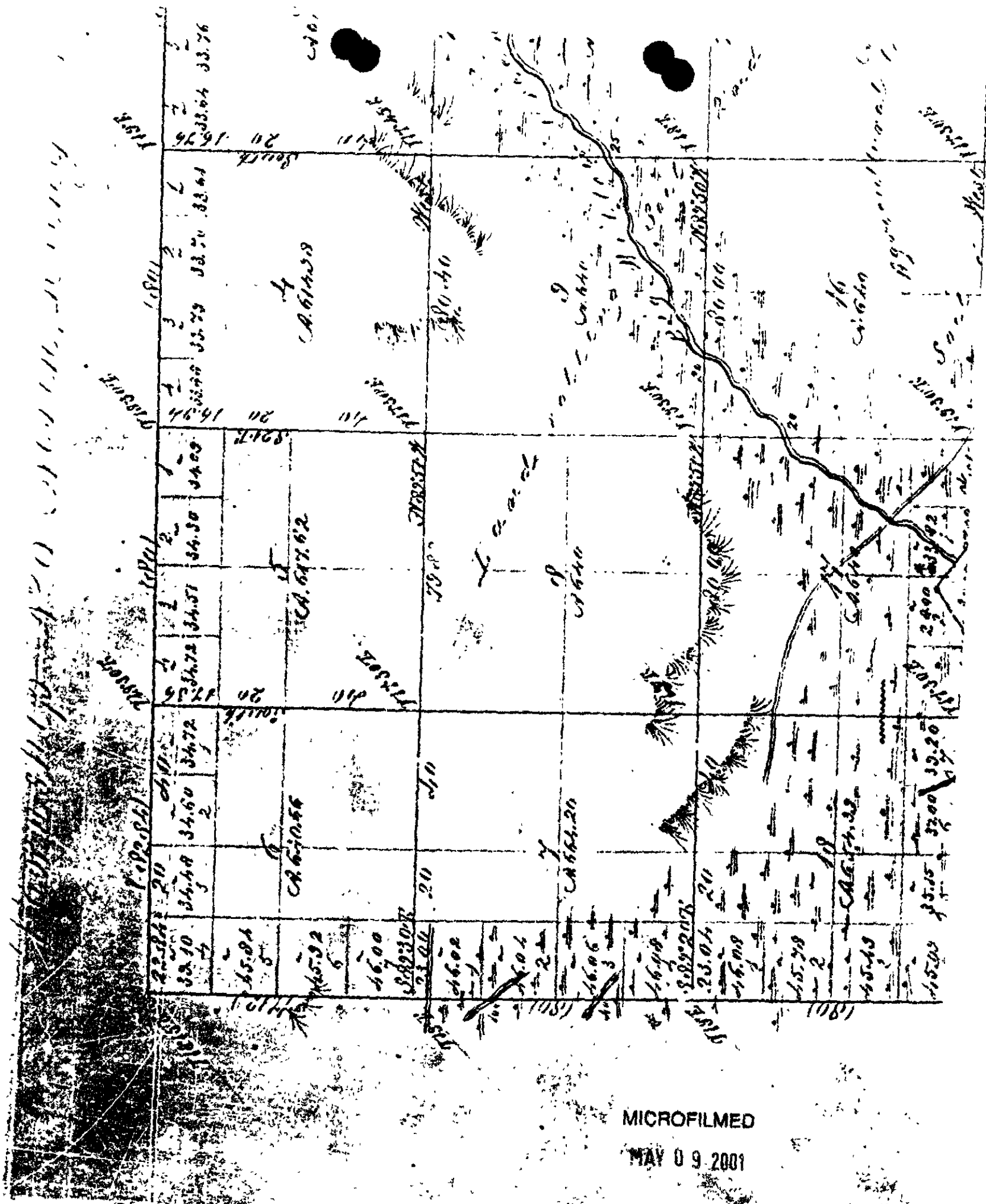
X Kenneth H. Hissel
(Applicant)

Received by KH Date 5/17/00 Time 11:12 Preliminary check by DAN
Fee \$ 5000 Received by KH # 110210459 Date 5/17/00
Publication prepared by alt Date 7-17-00 Published in _____
Publication approved _____ Date 8-10-00 IT ENTERPRISE

MICROFILMED

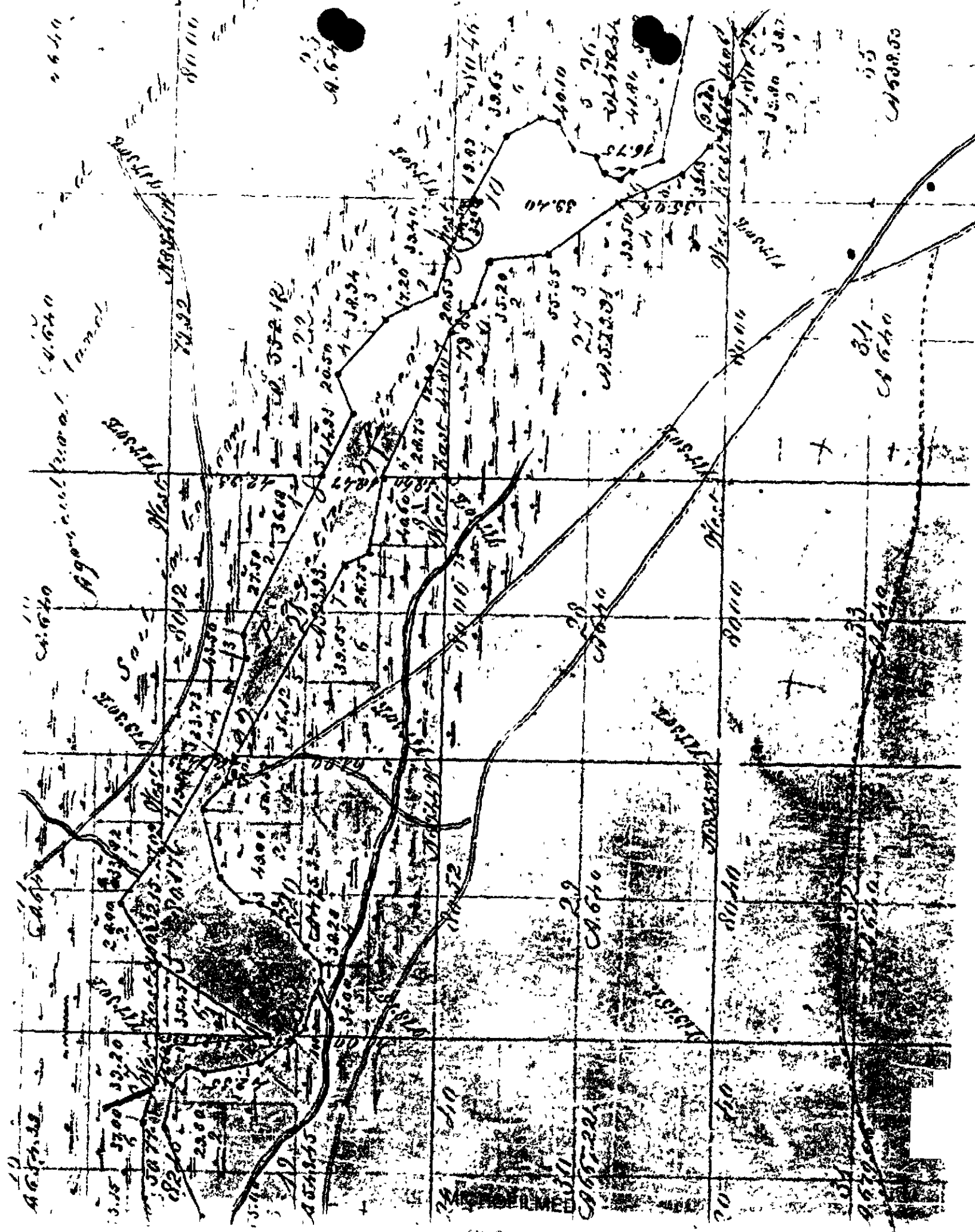
MAY 30 2001





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MAY 09 2001





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 19, 2002

COUNTY OF PAYETTE
PO DRAWER D
PAYETTE ID 83661

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13955

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 at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

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

MICROFILMED

JUN 10 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 65-13955

Reviewed By: dgibson

Date: April 18, 2002

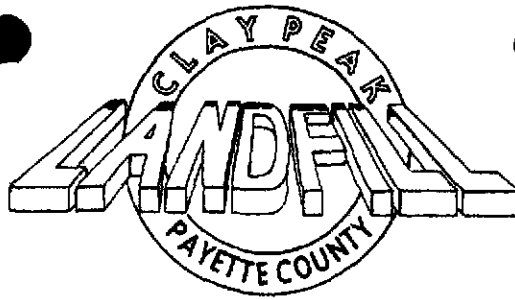
	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		W026459, C061451	Well driller's report filed?		X
Additional Amount Due.			Measuring device required?	X	
Name and address same as permit?	X		Measuring device installed?	X	
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	04/17/2002
Date proof due	- 05/01/2002
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 11/30/2000
New priority date	= 11/30/2000

Deficiencies of Actions Items

Acknowledge proof



RECEIVED

APR 17 2002

Department of Water Resources

April 1, 2002

Deborah Gibson
Water Allocation Bureau
Department of Water Resources
Boise, ID

Dear Ms. Gibson,

I am trying to address the concerns on form No. 217, Proof of Beneficial Use, for our water permit. We pump water from the Lower Payette Canal for Beneficial Use at the Payette County Landfill. We use the canal water for **watering compost** which we make from wood products and other materials diverted from being land filled, and for **dust control** at the landfill. The water has been successfully diverted from the Snake River by the Lower Payette Irrigation District and for lack of a technical description of the devices used to divert and measure usage by the Irrigation District, I am enclosing pictures of the diversion at the beginning of the canal in hopes this will be sufficient for the descriptions you are requesting in your form. If you need more than this please let me know and I will try to get a more technical description or the same description that the Irrigation District used. I am also enclosing a check for the fee required of \$50.00. Thank you for your assistance.

Sincerely,

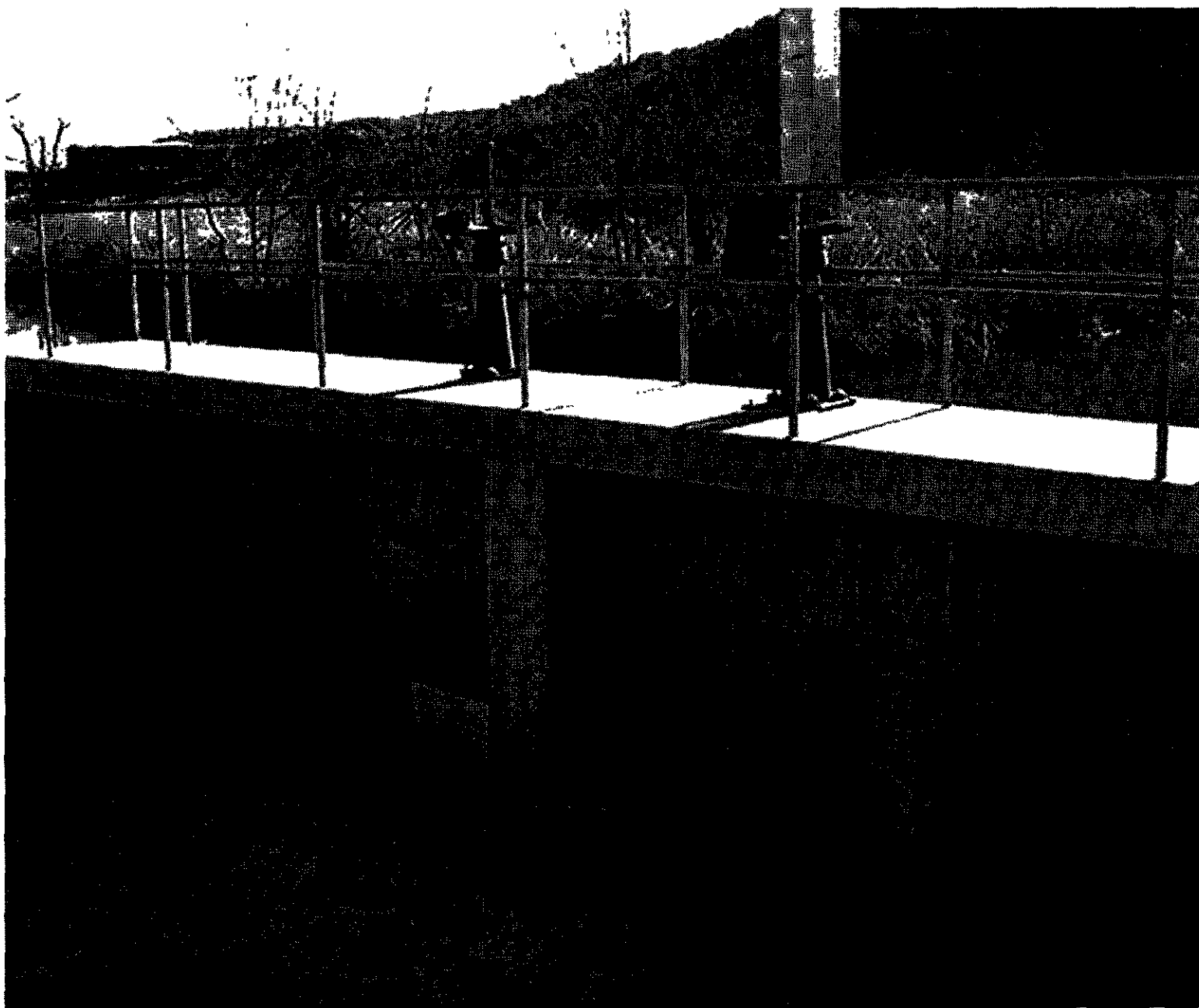
Cheryl M. Adams
Landfill Administrator

cma/enclosures

MICROFILMED
APR 17 2002



MICROFILMED
JUN 10 2002



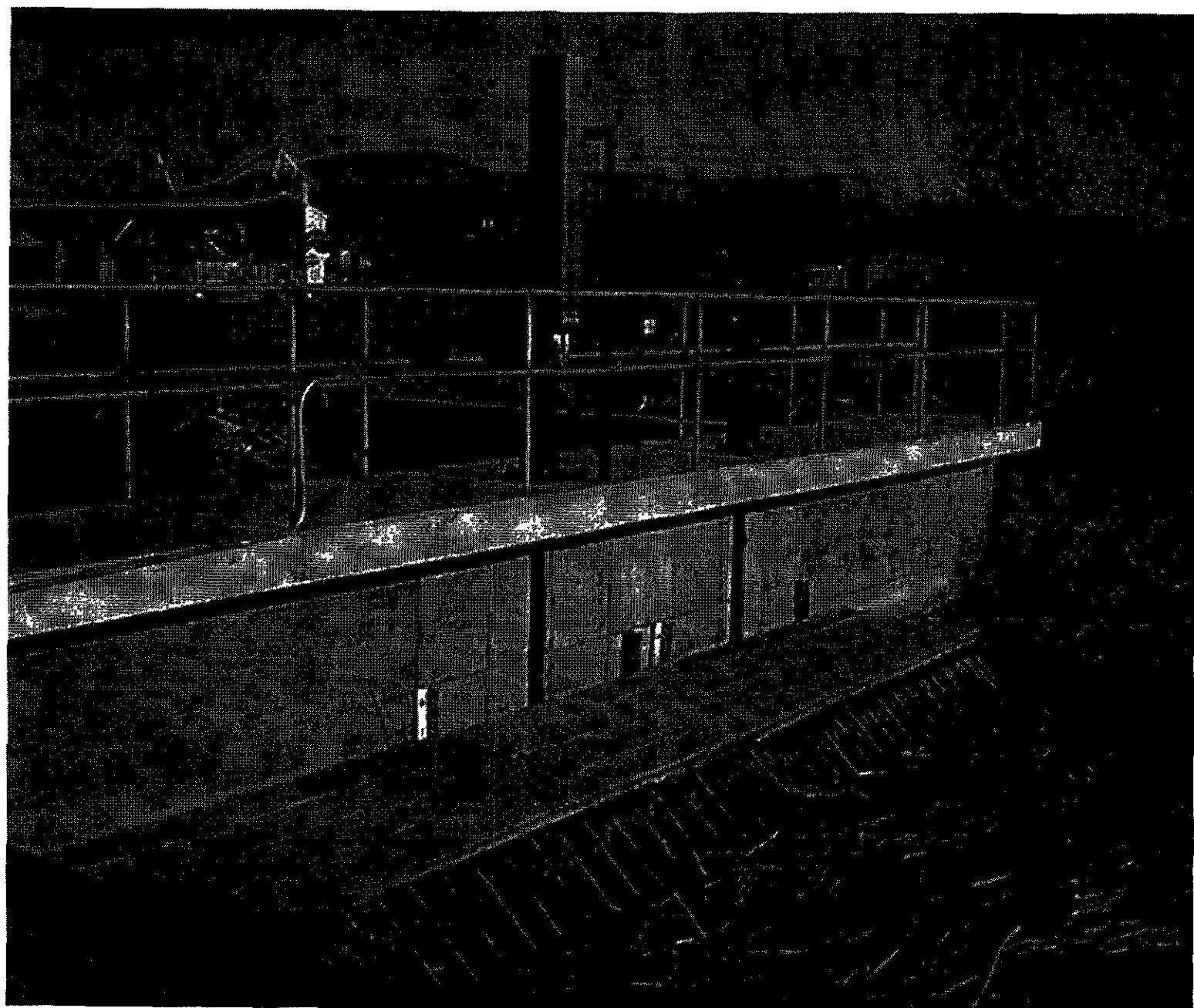
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JUN 10 2002



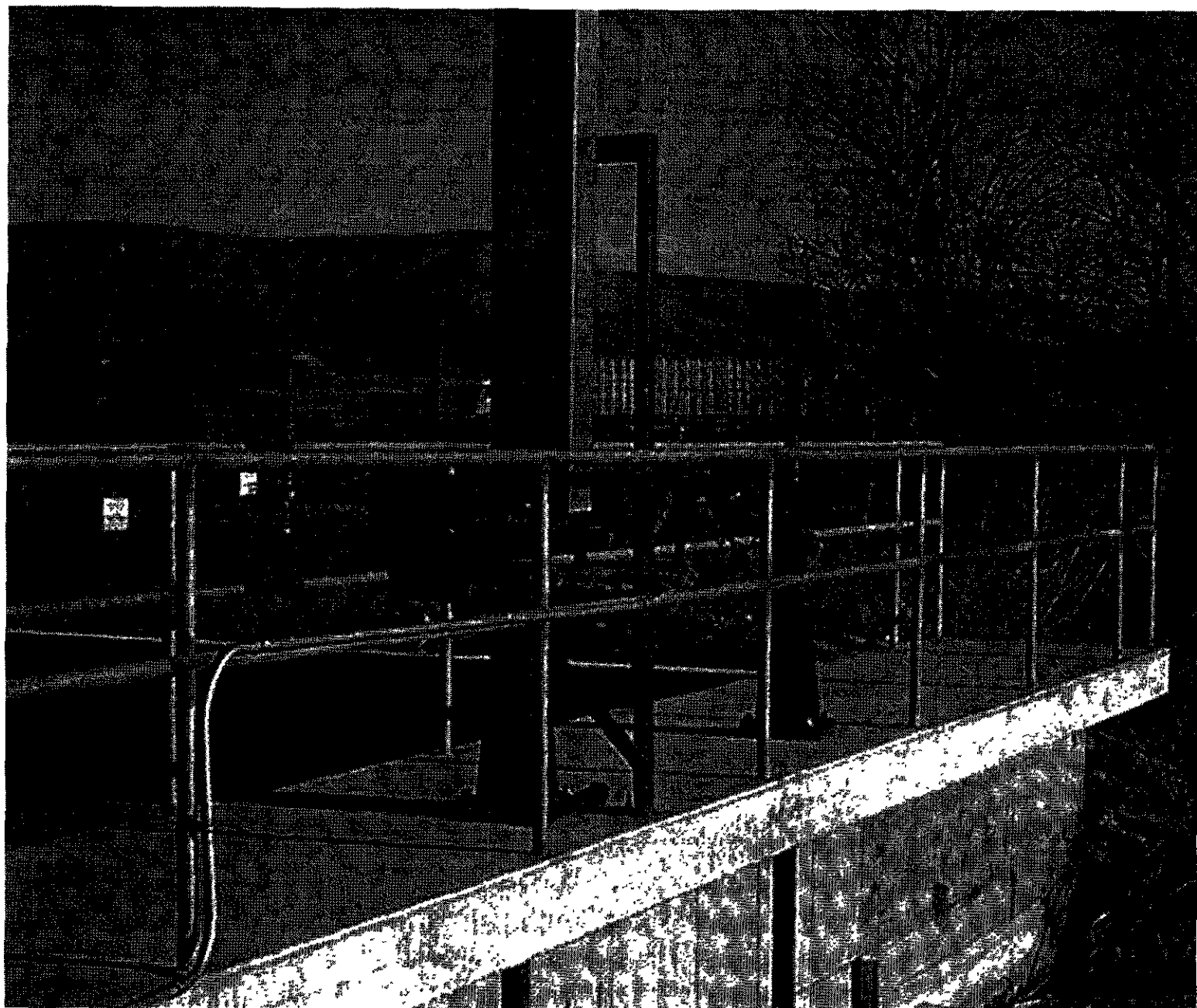
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JUN 10 2002



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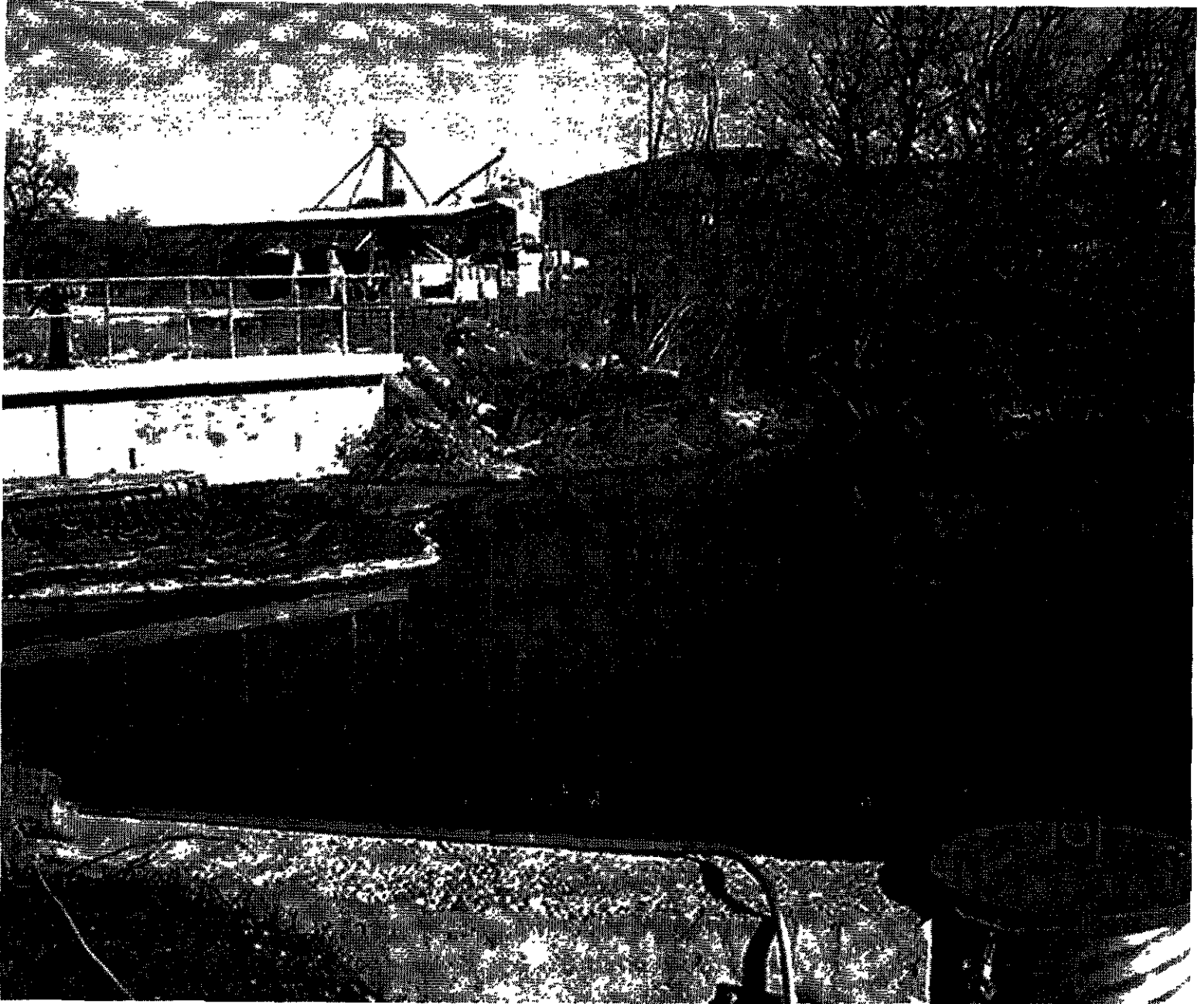
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JUL 10 2002



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JUL 10 2002



MICROFILMED
JUL 15 2002

February 28, 2002

COUNTY OF PAYETTE
PO DRAWER D
PAYETTE, ID 83661

PROOF DUE NOTICE

RE: PERMIT NO. 65-13955

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 May 01, 2002. (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.

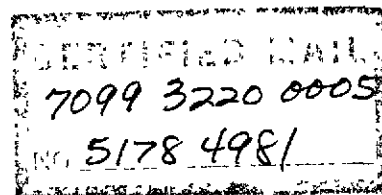
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED
JUN 18 2002





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

April 30, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

COUNTY OF PAYETTE
PO DRAWER D
PAYETTE ID 83661

RE Permit No 65-13955

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet

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

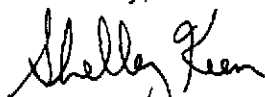
Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s) Applications for stream channel alteration permits must be filed a least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

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MAY 09 2001

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,



Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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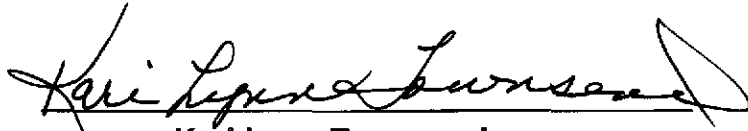
MAY 09 2001

CERTIFICATE OF MAILING

I hereby certify that on April 30, 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. 65-13955

**COUNTY OF PAYETTE
PO DRAWER D
PAYETTE ID 83661**


**Kari Lynn Townsend
Secretary**

MICROFILMED

MAY 09 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)

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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 4/25/01

No. 65-13955 Name. Payette Co. Corp. Officers _____ Ad ok ☒ Govt Lots _____

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

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
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

Trust - 051 (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons > 1.0 cfs)

USES:

STORAGE - 18A-01H-01P-18B-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/FS)
MINING - 054-106
FISH PROP - 029 (70's only)-007-042-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8

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(P01), 01P or No MD
> 0.20 cfs - 01J

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

USES:

POWER - 17H or 17K (+uses)-17G (not under FERC)
or 17M (FERC regulated >25 cfs or 500hp)
08A-025-027-01N-106-W13 (if dewatering stream)

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
or none allowed - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

BENEFICIAL USE DUE: 5/01/2002

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1 yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

Multiple pd's per 1/4 - 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 p/d intended - 076

IRRIGATION SEASON _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS _____

COMMENTS Agreement w/ Canal Co. already filed
removed re-div. pt from database - its a Canal

Ind/dust & fire control.
composting facility
@ Clay Peak
Landfill

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: DAN DATE: 6-22-00 APPLICATION: 65-13955

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)
- n/a 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:

yes P/D
yes P/U

APR 1 19 00

Department of Water Resources

ADDITIONAL INFORMATION

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

X 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. LOWER RAYETTE DITCH CO.
- ☐ ☒ 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

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO. 13955

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 Lower Payette Ditch Company102 MAIN STREETPAYETTE, ID 83661TELEPHONE # 642-3866

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 8-7-00

Protests received.

Recommendations attached:

Measuring device required:

Water delivered by water master? District # 65Special conditions of approval or cover letter: Standard conditionsWATER MASTER CONTROL, APPLICANTS WILL NEED TO SUPPLY A COPY OF SIGNED AGREEMENT PRIOR TO WATER BEING DIVERTED

See below for additional information

Recommended Date or Priority NOV. 30, 2000Recommended by: Donald Nelson Date: 4-9-01

ADDITIONAL INFORMATION:

WATER WILL BE TAKING WATER OUT OF
THE LOWER PAYETTE DITCH COMPANY CANAL.
THE LOWER PAYETTE DITCH COMPANY ALSO
COVERS THE PLACE OF USE. 65-13585 OVERLAPS
PLACE OF USE AND IS FOR 2 HOMES AND SHOP/STABLES
AND OFFICE. MINOR IRRIGATION IS ASSOCIATED WITH THIS
PERMIT LICENSE.

01-99

State of Idaho
Department of Water Resources

RECEIVED

APR 06 2001

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No: 65-13955

Applicant's Name: Payette County

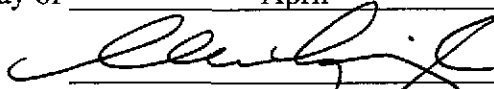
Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as follows: Under control of Watermaster for Water District
No. 65; must obtain permission from the Lower Payette Ditch
Co. for the use of their property, canal, or diversion works in
diverting water under this Permit; cannot interfere with the
Lower Payette Ditch Co. irrigation diversion or deliveries
- c) ☐ I oppose approval of this application for the following reasons:

- d) Additional Comment: _____

Dated this 2nd day of April, 2001

Water District No. 65


Mark Limbaugh, Watermaster

Use reverse side of page if you need more space

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

March 30, 2001

MARK LIMBAUGH
102 N MAIN
PAYETTE ID 83661

Re: Amended Application for Permit No. 65-13955 in the Name of Payette County

Dear Watermaster:

Enclosed is a copy of the above-referenced application for permit. Also enclosed is a form for your recommendation concerning this application.

Please review the application and return any comments you might have as soon as possible.

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

Sincerely,

Gary Spackman

GS:st

Encl: Copy of Application
Recommendation of Watermaster Form

MICROFILMED
MAY 09 2001

Affidavit of Publication

RECEIVED

MAR 02 2001

WATER RESOURCES
WESTERN REGION

Copy of Notice
(First Copy)

STATE OF IDAHO,
COUNTY OF PAYETTE } ss.

Notice for Amendment of Application
TITLE OF PUBLICATION

SPONSOR OF PLAINTIFF

PLAINTIFF OR LEGAL AGENT

Dept. of Water Resources
J. Nicola M. Hawkins, being

duly sworn, deposes and says:

That *She is the Principal Clerk* of

THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at Payette, in the County of Payette and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *two* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with *Feb. 14 2001*, and ending with the issue of *Feb. 21, 2001*.
STATE OF IDAHO
COUNTY OF

On this *23rd* day of *Feb.*, in the year of *2001*, before me, a Notary Public, personally appeared *Vilma S. Hawkins*, 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 he executed the same.

Notary Public for Idaho

Vilma S. Hawkins
My commission expires *12-1-04*

STATEMENT

Independent-Enterprise
PAYETTE, IDAHO

Number of Lines
Number of Insertions (2) two

34 lines @ *24c*... \$ *8160*

34 lines @ *2.24*... \$ *7616*

TOTAL COST
WILL BE \$ *16456*

34 lines @ 4 columns

68705
COUNTY OF PAYETTE
FO DRAWER D
PAYETTE, ID 83661

Payette County
Source PAYETTE RIVER

Payette County
Source PAYETTE RIVER

Amendment Filed: 11/30/2000

Place of Use: INDUSTRIAL

1/01 to 12/31 0.20 CFS 0 AFA
Total Diversion 0.2 CFS

1.3 SESENW

S7

TO7NRO3W

TO6N RO4W S5 NW/4W

TO6N RO4W S6 NE/4E NW/4E

TO6N RO4W S6 NE/4E NW/4E

TO6N RO4W S3 SE/4E

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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 6, 2001

WATER DIST 65B
HENRY BERNTSON
1553 SUNSET DR
EMMETT ID 83617

Re: Application for Water Right No. 65-13955 in the Name of Payette County (Clay Peak Landfill)

Dear Watermaster:

Enclosed is a copy of the above-referenced application for permit. Also enclosed is a form for your recommendation concerning this application.

Please review the application. We must have your comments within two weeks.

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

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:lm

Encl: Copy of Application
Recommendation of Watermaster Form

MICROFILMED

MAY 09 2001

January 31, 2001

Legal Notice Department
Independent Enterprise
PO Box 520
Payette ID 83661

RE: Application for Permit No. 65-13955

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 February 26, 2001. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED

MAY 09 2001

NOTICE FOR AMENDMENT OF AN APPLICATION FOR PERMIT

The following application for permit has been amended as follows

65-13955

COUNTY OF PAYETTE
PO DRAWER D
PAYETTE ID 83661

Point(s) of Diversion L1 SESWSE S17 T08N R04W PAYETTE County Source PAYETTE RIVER

Point(s) of Diversion L3 SESENW S7 T07N R03W PAYETTE County Source PAYETTE RIVER

Use. INDUSTRIAL 1/01 To 12/31 0.2 CFS 0 AFA

Total Diversion: 0.2 CFS

Amendment Filed 11/30/2000

Place Of Use: INDUSTRIAL

T08N R04W S5 NWNW

T08N R04W S6 NENE NWNE SWNE SENE NENW SENW NESW NWSE

T09N R04W S31 SESE

T09N R04W S32 SWSW

The application was amended for a single point of diversion described above instead of NWNW S21 T8N R4W described in the original application This original application was published in the Independent-Enterprise on 7/19/00 and 7/26/00.

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 February 26, 2001. The protestant must also send a copy of the protest to the applicant

KARL J DREHER, Director

Published on February 7 and 14, 2000.

MICROFILMED

MAY 09 2001



HOLLADAY ENGINEERING CO.

ENGINEERS • CONSULTANTS

32 N. Main P.O. Box 235 Payette, ID 83661
(208) 642-3304 • Fax # (208) 642-2159

RECEIVED

OCT 02 2000

WATER RESOURCES
WESTERN REGION

September 29, 2000

Daniel A. Nelson
Sr. Water Rights Agent
Dept. Of Water Resources, Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Payette County Clay Peak Landfill Water Rights Application, No. 65-13955,
Project No. 040900

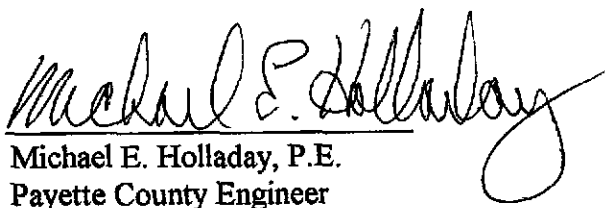
Dear Mr. Nelson:

This letter is to request that you allow Payette County a 60 day extension on the time frame involved with the application for the following reasons:

1. The County is negotiating an agreement with the Lower Payette Ditch Co. per Mark Limbaugh, the Water Master's request.
2. The County will most likely be modifying the application to allow for a different point of diversion than shown in the original application.

If you have any questions, please call.

Sincerely,
HOLLADAY ENGINEERING CO.

By: 
Michael E. Holladay, P.E.
Payette County Engineer

MEH/dq

cc: Payette County Commissioners
Laura Stigle, Payette County Clerk
Dennis McGehee, Clay Peak Landfill
Mark Limbaugh, Water Master
Bob Mink, Lower Payette Ditch Co.

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

9/5/2000

PAYETTE COUNTY
CLAY PEAK LANDFILL
PO DRAWER D
PAYETTE ID 83661

COPY

RE: APPLICATION FOR PERMIT 65-13955

Dear Applicant:

Your application has been advertised and completed the advertising without protest. However, the watermaster for your area, Mark Limbaugh, called our office and said that he had a problem with the permit and that you were going to amend the application. I then called your office and spoke with one of your employees about this permit. He told me that Mike Holladay was indeed working on an amendment per Mark Limbaugh's instruction.

In order to change the point of diversion for an application for permit, the permit will need to be re-advertised. There is a fee of \$ 50.00 required when an application for permit needs to be re-advertised. You will need to send this fee amount in with your amendment.

In order to process all of the applications in our office as efficiently as possible, I am required by Idaho Code § 42-204 to ask that this amendment be returned to my office within 30 days. Our office will be required to void the application for permit if this information is not returned. **Therefore, if the above information is not received by 10/6/2000 your applications for permit will be voided.** You will be able to send a written request for an extension of time if your wish to avoid losing this permit or you may allow the application to be voided and re-file this application with a later priority date.

Respectfully,

Daniel A. Nelson
Sr. Water Right Agent

MICROFILMED
MAY 09 2001

Affidavit of Publication

Copy of Notice
(First Copy)

STATE OF IDAHO,
COUNTY OF PAYETTE

ss.

Notice of Application for Water Right
TITLE OF PUBLICATION

SPONSOR OF PLAINTIFF

Department of Water Resources
PLAINTIFF OR LEGAL AGENT

I, Viola M Hawkins, being
duly sworn, deposes and says:

That She is the principal clerk of

THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at Payette, in the County of Payette and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with July 19, 2000, and ending with the issue of July 26, 2000.

STATE OF IDAHO
COUNTY OF

On this 27th day of July in the year of 2000 before me, a Notary Public, personally appeared Viola Hawkins, 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 he executed the same.

[Signature]
Notary Public for Idaho
Residing at [Signature]
My commission expires: 12-1-04

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines 4 col x 33

Number of Insertions (2) two

33 Lines @ 2.42 . . . \$ 79.86 **OFILMED**

33 Lines @ 2.04 . . . \$ 67.32 **100%**

TOTAL COST
WILL BE \$ 147.18

RECEIVED

JUL 28 2000

WATER RESOURCES
WESTERN REGION

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
65-13955

COUNTY OF PAYETTE
PO DRAWER D
PAYETTE, ID 83661

Source: PAYETTE RIVER

Tributary: SNAKE RIVER

Diversion Pt:

LOT 1 (SWSE)
LOT 4 (NWNW)

Sec. 17 T 08N R 04W in PAYETTE CO.
Sec 21 T 08N R 04W in PAYETTE CO.

Use: INDUSTRIAL

Total Diversion:

(0.200 CFS)
(0.200 CFS)

DATE FILED: 6/28/2000

In: PAYETTE County
T08N R04W

S05 Lot 4 (NWNW)
S06 Lot 1 (NENE)
Lot 3 (NENW)

Lot 2 (NWNE)
SENE

SWNE
NESW

SENE
NWSE

T09N R04W S31
S32

SESE
SWSW

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

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho, 83705 together with a protest fee of \$25.00 for each application on or before AUGUST 7, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
July 19, 2000

No. 205

Lower Payette Ditch Company
102 N Main
Payette, ID 83661
(208) 642-3866

RECEIVED

JUL 27 2000

WATER RESOURCES
WESTERN REGION

July 25, 2000

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

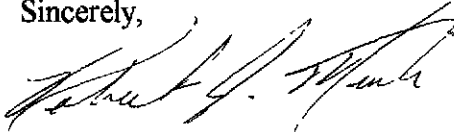
RE Application for Water Right No 65-13955 in the Name of the Payette County (Clay Peak Landfill)

Dear Mr. Spackman,

We received your letter concerning the application for Payette County (Clay Peak Landfill). We do not oppose the application if the following conditions are met. The point of diversion from the Payette River is the same as Lower Payette Ditch Co, which is in Section 7, T7N, R3W. Any additional points of diversion will be similar to the water rights of the Company. Secondly, the Company and Water District #65 will require an accurate record of water volumes diverted during irrigation season. The Lower Payette Ditch Co will enter into an agreement with Payette County (Clay Peak Landfill) for conveyance and they have contacted the Company concerning this matter.

If you have any questions please give us a call at 642-3866.

Sincerely,



Robert J Mink
President

MICROFILMED

MAY 09 2001

REQUEST TO PROCESS

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

Name of Applicant

Payette County

Mailing Address

P.O. Draw D

Payette Id 83661

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

Michael E. Holladay

Date

6/28/00

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way

MICROFILMED 83705-5082

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

July 18, 2000

LOWER PAYETTE DITCH COMPANY
102 MAIN ST
PAYETTE ID 83661

Re: Application for Water Right No. 65-13955 in the Name of the Payette County (Clay Peak Landfill)

Dear Sir or Madam:

Enclosed is a copy of the above-referenced application for permit.

Please review the application 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 "Gary Spackman". The signature is written in a cursive, flowing style.

Gary Spackman

GS:lm

Encl: Copy of Application

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

July 18, 2000

MARK LIMBAUGH
102 N MAIN
PAYETTE ID 83661

Re: Application for Water Right No. 65-13953 in the Name of John and/or Loretta Dale,
Application for Water Right No. 65-13957 in the Name of Bob and/or Shelly Albrecht,
and Application for Water Right No. 65-13955 in the Name of Payette County (Clay Peak
Landfill).

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. We must have your comments within two weeks.

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

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:lm

Encl: Copy of Application
Recommendation of Watermaster Form

UNRECORDED

MAY 19 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

July 18, 2000

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

Re: Application for Permit No. 65-13953 in the Name of John and/or Loretta Dale,
Application for Permit No. 63-12590 in the Name of Stanley and/or JoAnne Leigh,
Application for Permit No. 63-12588 in the Name of George Gabbard,
Application for Permit No. 63-12589 in the Name of Raymone Taylor Thurman
Application for Permit No. 65-13957 in the Name of Bob and/or Shelly Albrecht,
Application for Permit No. 65-13955 in the Name of Payette County (Clay Peak Landfill)

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 August 7, 2000.

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

Sincerely,

Gary Spackman

GS:lm

Encl.

MICROFILMED

MAY 30 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

JULY 12, 2000

Legal Notices Department
Independent Enterprise
P.O. Box 520
Payette, ID 83661

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 7, 2000.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

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JULY 13 2000

NOTICE OF APPLICATION FOR WATER RIGHT

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

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MAY 09 2001

65-13955

COUNTY OF PAYETTE
PO DRAWER D
PAYETTE, ID 83661

Source: PAYETTE RIVER

Tributary: SNAKE RIVER

Diversion Pt: LOT 1 (SWSE) Sec 17 T 08N R 04W in PAYETTE County.
LOT 4 (NWNW) Sec 21 T 08N R 04W in PAYETTE County.

Use: INDUSTRIAL (0.200 CFS)
Total Diversion: (0.200 CFS)

Date Filed: 6/28/2000

In: PAYETTE County

T08N R04W S05	Lot 4 (NWNW)			
S06	Lot 1 (NENE)	Lot 2 (NWNE)	SWNE	SENE
	Lot 3 (NENW)	SENE	NESW	NWSE
T09N R04W S31	SESE			
S32	SWSW			

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

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MAY 09 2001

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 for each application on or before AUGUST 7, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 7/19/2000 & 7/26/2000

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MAY 09 2001