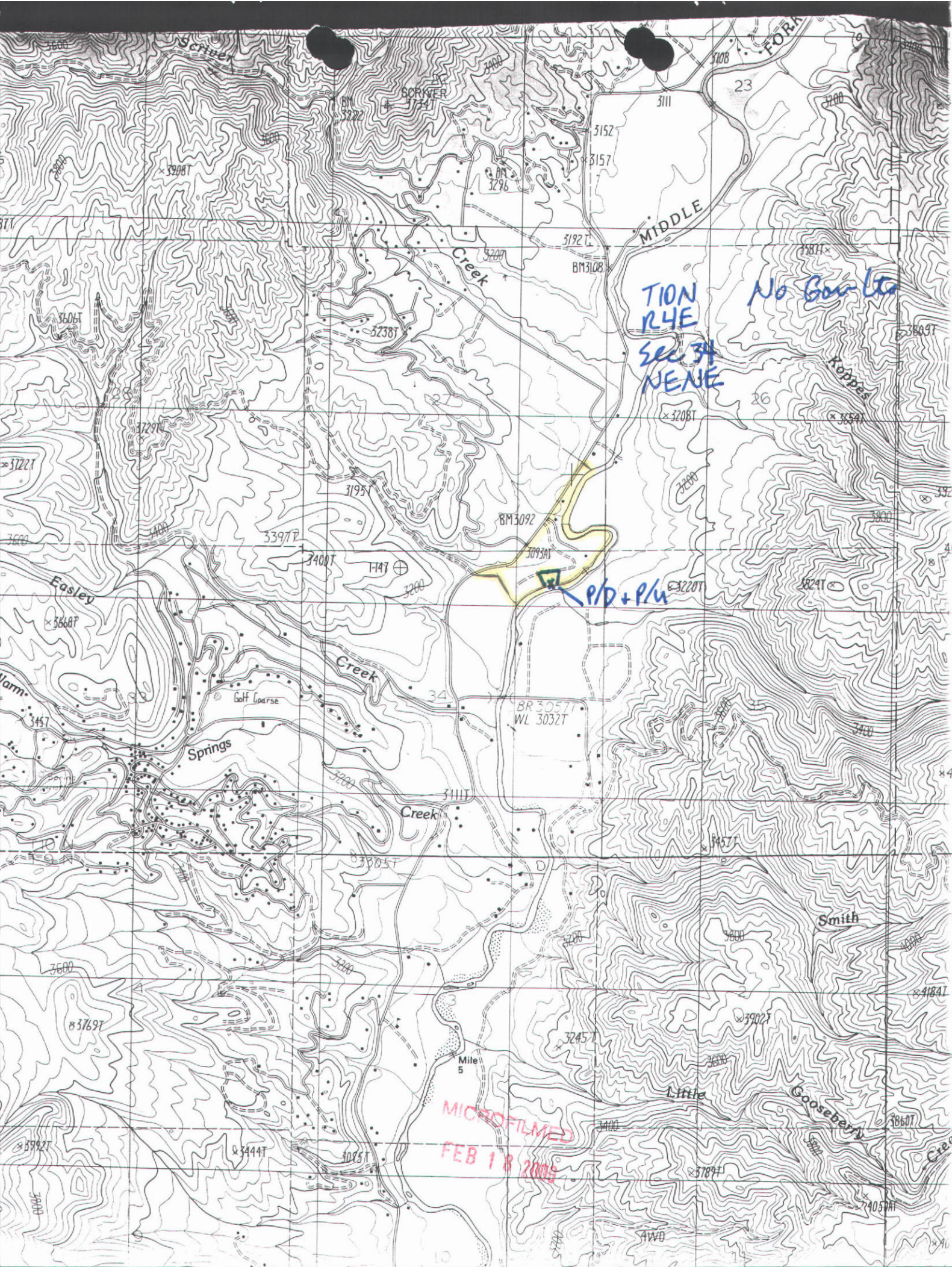




TION
R4E
Sec 34
NENE

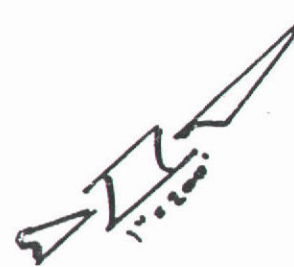
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P/D + P/M

MICROFILMED
FEB 18 2009

PINE TREE RANCH NO. 11

UNPLATTED



S. 79° 07' 27" E.
378.88'
RECORDED IN INSTRUMENT NO. 1000
BOISE COUNTY

N. 44° 48' 00" E.
179.50'
N. 51° 19' 00" E.
220.69'
N. 65° 57' 00" E.
112.25'

MEAN HIGH-WATER LINE OF THE MIDDLE FORK OF THE PAYETTE RIVER

S. 81° 30' 00" W.
302.91'
MIDDLE FORK ROAD

S. 43° 21' 00" W.
153.84'

S. 39° 13' 00" W.
350.69'

S. 37° 31' 00" W.
370.66'

S. 35° 55' 00" W.
191.39'

S. 34° 08' 00" W.
298.79'

N. 54° 18' 10" W.
206.42'
(Formerly N. 54° 18' 10" W.)

MEAN HIGH-WATER LINE OF THE MIDDLE FORK OF THE PAYETTE RIVER

EASTERLY LINE SECTION 27

Waterside Sites

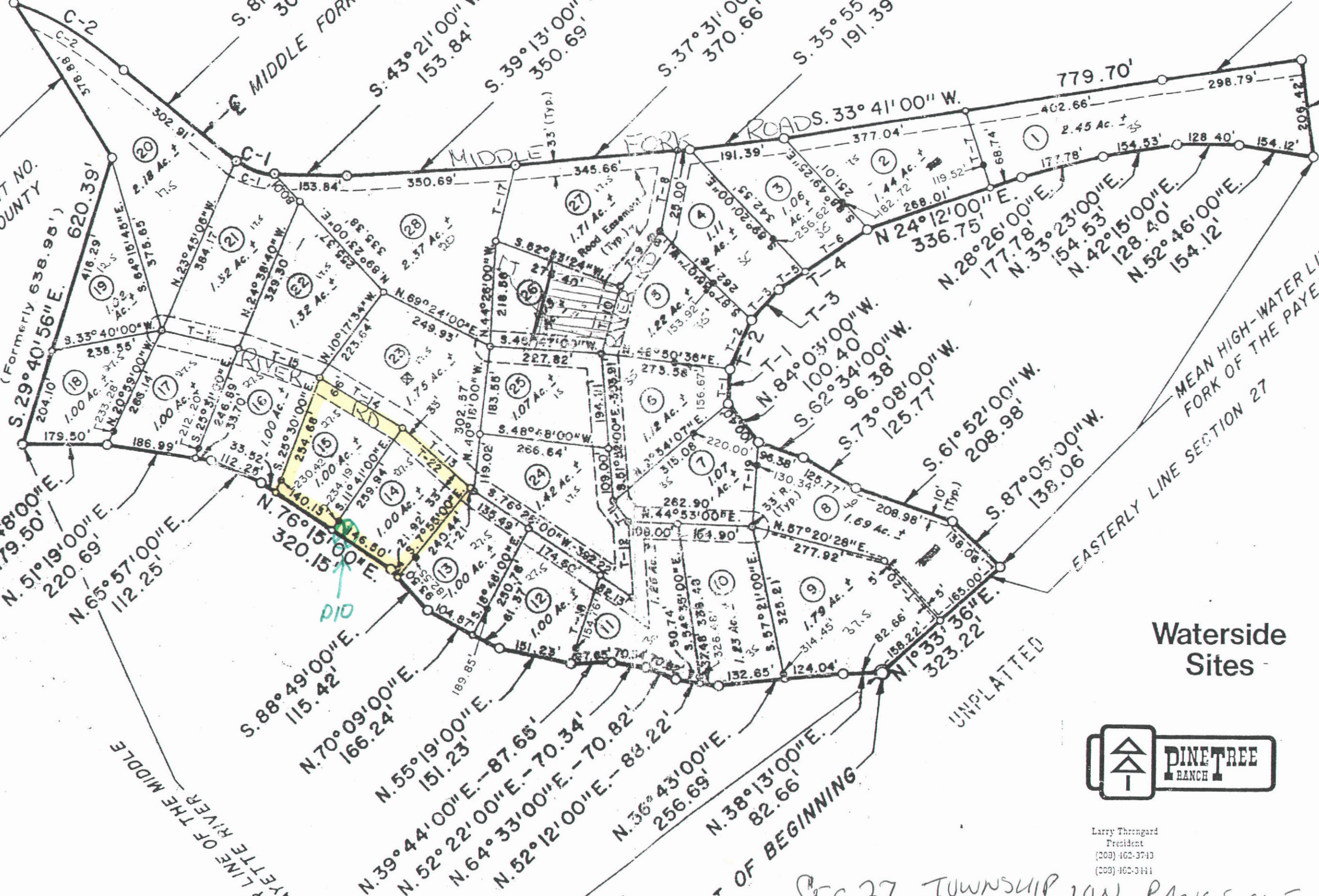


Larry Thengard
President
(208) 462-3743
(208) 462-3141

Garden Valley
Idaho
83622

OF BEGINNING

SEC 27, TOWNSHIP 10N RANGE 04E



The Idaho World

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

State of Idaho)
County of Boise)

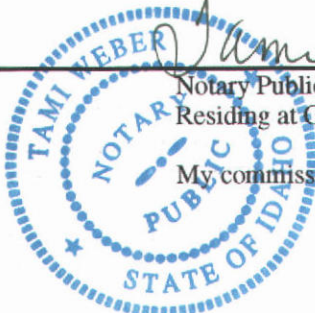
Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Dec 15, 1999 and ending with the issue of Dec 22, 1999.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 6 day of Jan in the year 2000, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tami Weber
Notary Public for Idaho
Residing at Garden Valley, Idaho
My commission expires 2/10/05



RECEIVED

JAN 10 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:

65-13910 ✓st

CROW, CANDICE
SEEHUSEN, ROBERT K
29 RIVER RD
GARDEN VALLEY, ID 83622

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER, SOUTH FORK

Diversion Pt: NENE Sec 34 T 10N R 04E in BOISE County.

Use: IRRIGATION (0.060 CFS)
Total Diversion: (0.060 CFS)

Date Filed: 9/28/1999

In: BOISE County
T10N R 04E S34 NENE

2.0 ACRES TOTAL

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

65-13915

HAMLIN, ROBERT G
HAMLIN, CAROL Z
2312 W BRISBANE CT
EAGLE, ID 83616

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER

Diversion Pt: NWNE Sec 34 T 10N R 04E in BOISE County.

Use: IRRIGATION (0.050 CFS)
Total Diversion: (0.050 CFS)

Date Filed: 10/18/1999

In: BOISE County
T10N R04E S34 NENE

1.5 ACRES TOTAL

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 JANUARY 3, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in The Idaho World December 15 and 22, 1999

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FEB 18 2000

RECEIVED

JUN 6 - 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner. (Home) 939 3838

1. Permit No. 65-13910 Telephone No. (Home) 462 2211 (Work) 344 7888

2. Name of Permit Holder(s): Robert K. Seehusen & Candice Crow

3. Mailing Address: 29 River Road

City Garden Valley State ID Zip 83622

4. Source of Water: Payette River - middle fork If GROUNDWATER (well), Date Drilled: mo _____ / yr. _____

a. 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): 2.0 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.06 cfs OR _____ acre feet

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

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

Measuring Device: Is a measuring device required?

Yes _____ or No ☒

Has the measuring device been installed?

Yes _____ or No ☒

8. Fee Enclosed: \$ 50.00 (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: Robert Seehusen Telephone Number (W) 343 7888 (H) 939 3838 (F) 462 2211

Address: 29 River Road Garden Valley

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature] Date: 5/10/00
(include your title, if on behalf of company or organization)

MICROFILMED

JUN 26 2000

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13910

Priority: September 28, 1999

Maximum Diversion Rate:

0.06 CFS

This is to certify, that **ROBERT K SEEHUSEN**
CANDICE CROW
29 RIVER RD
GARDEN VALLEY ID 83622

has applied for a permit to appropriate water from:

PAYETTE RIVER, MIDDLE FORK tributary of **PAYETTE RIVER, SOUTH FORK**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	03/15 to 10/31	0.06 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 34, Township 10N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N 04E 34	NENE 2.0			2.0

Total number of acres irrigated: 2.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **March 1, 2001**.
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. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 65A.
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.

MICROFILMED

SEP 13 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

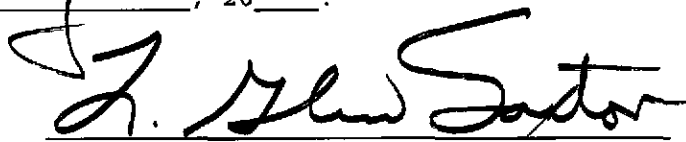
NO. 65-13910

CONDITIONS OF APPROVAL AND REMARKS

7. Water shall not be diverted under this right when flows in the South Fork of the Payette River are below established minimum stream flows.
8. Point of diversion is located within Lot 14, Pine Tree Ranch No. 11.
9. Place of use is located within Lots 14 and 15, Pine Tree Ranch No. 11.

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

16th day of February, 2000.


for
Karl J. Dreher, Director

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FEB 18 2000

RECEIVED

FEB - 2 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name of Applicant Robert K Seehusen and/or Candice Crow ^{and/or (RND)} Phone Eagle - 939 3838
Garden Valley 462 2211
 Post Office address 29 River Road Garden Valley ID 83622 ^{work - 344 7888}
2. Source of water supply Middle Fork Payette River which is a tributary of Payette R, S FK
3. Location of point of diversion is 1/4 of NE 1/4 of NE 1/4, Govt. Lot
 Sec. 34 Township 10N Range 4E B.M. Boise County; additional points of diversion if any:
4. Water will be used for the following purposes:
 Amount .06 for irrigation purposes from 3/15 to 10/31 (both dates inclusive)
 (cfs or acre-feet per annum) April 15 to Oct. 15
 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) .06 and/or (b)
 cubic feet per second acre feet per annum
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. 3 HP electric pump + 1" pipe
6 rotating sprinkler heads and 6 pop up sprinklers
 b. Height of storage dam N/A 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 N/A inches; proposed depth of well is 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)
7. Time required for completion of works and application of water to proposed beneficial use is 1 month 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.

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FEB 18 2000

✓

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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	4E	34	2																2

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. In house use
from River at Pine Tree homeowners association

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

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

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

12. Remarks: will applicant agree to mitigate consumptive
use in the future as necessary

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

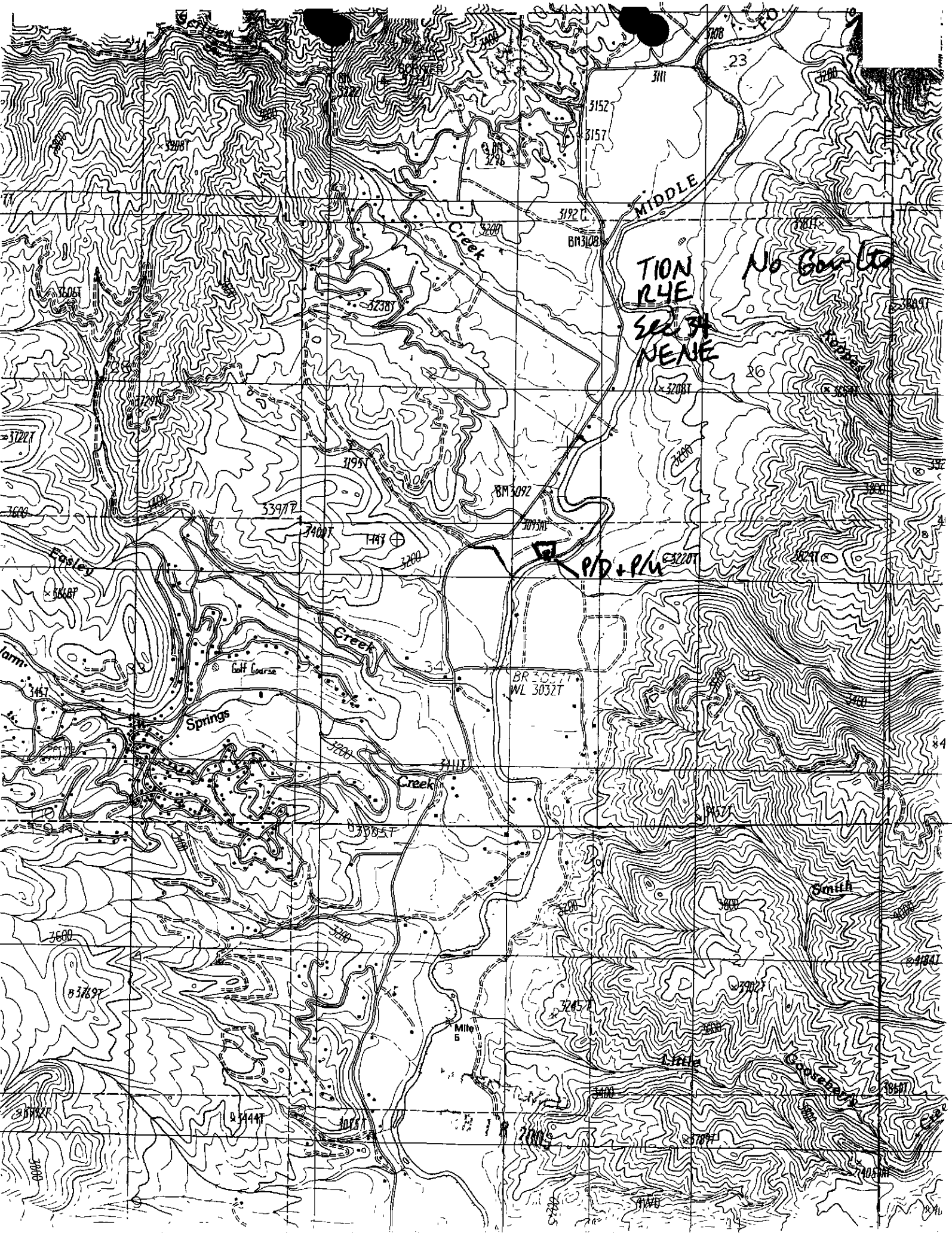
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Robert K. Schuch
(Applicant)

Received by DAN Date 9-28-99 Time _____ Preliminary check by 6
Fee \$ 50.00 Receipted by DAN # W025267 Date 9-28-99
Publication prepared by ST Date 12-16-99 Published in IDAHO WORLD
Publication approved ST Date 10-25-00 STAFF NEWS

no rec'd - 82 10/1/99

FILED
FEB 18 2000



SD-0111
ADD COMMENT

Idaho Department of Water Resources
Comment Addition

Date: 11/22/99
Time: 11:23:56

Water Right Number: 65-13910

FIRST PAGE

Comment Date: 11/22/1999 User ID: LGRAVES

Subject: MISC

Per Applicant: P/U aka lts 14 and 15, Pine Tree Ranch No. 11.

(Enter=Add)

(GOLD4=Prev)

(GOLD5=Next)

MICRO
FEB 18 2000

PINE TREE RANCH NO. 11

UNPLATTED

S. 79° 07' 27" E.
378.88'
RECORDED IN INSTRUMENT NO. 1205 OF BOISE COUNTY

N. 44° 48' 00" E.
179.50'
N. 51° 19' 00" E.
220.69'
N. 65° 57' 00" E.
112.25'

LINE OF THE MIDDLE FORK OF THE PAYETTE RIVER

S. 81° 30' 00" W.
302.91'
MIDDLE FORK ROAD

S. 43° 21' 00" W.
153.84'

S. 39° 13' 00" W.
350.69'

S. 37° 31' 00" W.
370.66'

S. 35° 55' 00" W.
191.39'

S. 34° 08' 00" W.
298.79'

N. 54° 18' 10" W.
206.42'
(Formerly N. 54° 18' 10" W.)

MEAN HIGH-WATER LINE OF THE MIDDLE FORK OF THE PAYETTE RIVER

EASTERLY LINE SECTION 27

Waterside Sites



Larry Throngard
President
(203) 162-3743
(203) 162-3111

Garden Valley,
Idaho
83622

SEC 27, TOWNSHIP 10N RANGE 04E

UNPLATTED

OF BEGINNING

N. 39° 44' 00" E. - 87.68'
N. 52° 22' 00" E. - 70.34'
N. 64° 33' 00" E. - 70.82'
N. 52° 12' 00" E. - 88.22'
N. 36° 43' 00" E. - 256.69'
N. 38° 13' 00" E. - 82.66'

S. 88° 49' 00" E.
115.42'
N. 70° 09' 00" E.
166.24'
N. 55° 19' 00" E.
151.23'

N. 76° 15' 00" E.
320.15'

N. 76° 15' 00" E.
320.15'

N. 76° 15' 00" E.
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N. 76° 15' 00" E.
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N. 76° 15' 00" E.
320.15'

N. 76° 15' 00" E.
320.15'

MEMORANDUM

To: File 65-13910
From: L. Glen Saxton *LS*
RE: TELEPHONE CONVERSATION
Date: June 19, 2000

On this date I discussed the lockable controlling works condition with permit holder Robert K. Seehusen. I clarified that the requirement he needed to meet was to install a lockable device on the diversion to provide control for the watermaster. I also clarified that he was **not** required to install a measuring device as described in the department's letter to him dated June 14, 2000.

The permit holder advised that the power controls are such that they can be locked if control of the diversion is needed.

MICROFILMED
JUN 26 2000



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

June 14, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ROBERT K SEEHUSEN
CANDICE CROW
29 RIVER ROAD
GARDEN VALLEY ID 83622

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13910

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

According to the Proof of Beneficial Use you filed with the department, you checked the "NO" boxes of question number 7 regarding Measuring Device Requirements. According to Conditions of Approval and Remarks nos. 5 & 6 of your permit, you are required to have the Watermaster of State Water District No. 65A regulate this water right, and you are instructed to install and maintain a ~~measuring device and a~~ locking controlling works prior to diversion of water.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. Therefore, you may want to have the measuring device and controlling works installed before the department conducts the field examination in order to meet the licensing requirements.

Be advised that 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. 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.

Please review your permit and call me if you have any questions regarding those conditions at (208)327-7953. If you have questions concerning the field examination, please contact the Western Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

MICROFILMED

JUN 26 2000

c: IDWR - Regional Office

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 65-13910 Reviewed by D. Ellen Date 6/14/00

GENERAL CONSIDERATIONS

Yes Name same as permit?
Yes Address same as permit?
Yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Irrigation

Correct Uses? Yes

SOURCE OF WATER

Yes Surface water source

No Ground water source

/ Drilling permit required?

/ Copy in the file? Drilling Permit No. /

/ Amount paid for permit

/ Well log in the file?

/ Correct?

LICENSE EXAMINATION FEE

Yes Required?

\$50 Amount Submitted

Yes Correct?

MEASURING DEVICE

Yes Required?

No Installed?

No Waiver requested?

PRIORITY CALCULATION

Date proof received 6/6/00

Date proof due 3/1/01 - /

No. of days late / = /

Priority Date / + /

New Priority Date /

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof & notify that measurement is required.

DATA ENTRY

New Address No Proof Made 6/6/00

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

LO49403

Date:

Time:

6/ 6/2000
14:11:20

Received

From:

SEEHUSEN ROBERT F

Type of Payment

Program Acct

Amount

BENEFICIAL USE # 65-13910

56104

229 21 1155

50.00

CHECK.

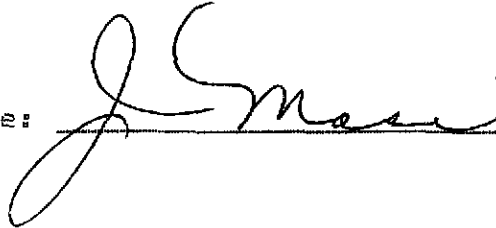
4325

Total

\$

50.00

Region: STATE

Signature: 

MICROFILMED
JUN 26 2000



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 16, 2000

CANDICE CROW
ROBERT K SEEHUSEN
29 RIVER RD
GARDEN VALLEY ID 83622

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13910

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

Please note that a separate stream channel alteration permit must be obtained from the IDWR 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 at 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 change of 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

MICROFILMED

CC 9 18 2000

homepage on the Internet to obtain the proper reporting form.
If you have any questions, please call me at 208-327-7946.

Sincerely,

for Kari Lynn Townsend
Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MOB...

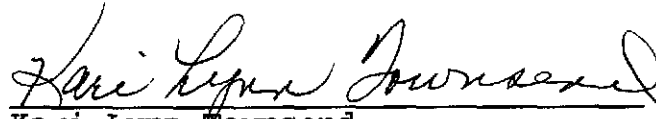
FEB 18 2023

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of February, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 65-13910

ROBERT K SEEHUSEN
CANDICE CROW
29 RIVER RD
GARDEN VALLEY ID 83622


Kari Lynn Townsend
Secretary

REC-111
FEB 18 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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.

Curtis, Sharla

From: Graham, Bill
Sent: Friday, February 11, 2000 5:24 PM
To: Curtis, Sharla
Subject: RE: MSF Reviews (65-13905, 65-13910, 65-13915, 97-07396, 97-07398, 97-07399)

Hello Sharla - I finally got around to reviewing these apps - I concur with approving the following with standard MSF language

65-13905
65-13910
65-13915
97-07396

The last two are for Wildlife Storage. Has IDFG indicated that these ponds would actually be beneficial to wildlife? Should some signoff by them be required? Just a concern on this beneficial use in general.

Other than that, I would also issue these the following with the standard MSF language:

97-07398
97-07399

Again, thanks for the opportunity to review and to speak my piece (for whatever it's worth) - Bill G.

-----Original Message-----

From: Curtis, Sharla
Sent: Wednesday, February 09, 2000 1:25 PM
To: Graham, Bill
Subject: MSF Reviews (65-13905, 65-13910, 65-13915, 97-07396, 97-07398, 97-07399)

Bill, I have a slug of new apps I'm reviewing and the files mentioned above are either within or above minimum stream flows. It doesn't appear that the regions forwarded copies to you for your review. So here you go - as before, please send me a mail message with your comments.

Thanks, Bill!!!!

<< File. msf-review.doc >>

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 2/4/CC

No. 65-135110 Name: Schurman/Crow 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 - 085
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 (20s-70s, 81-86)
Swan Falls Flag -
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons > 1.0 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 - 054-081(P10)
FISH/PROP - 029(70'S only)-007-042-081(P10)
HEAT/COOL - R07(injection well)
FIRE PROT - 077

BENEFICIAL USE DUE: 3/01/2001

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26A(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 081-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response No objection
In/Above MSF - WB9
PLANNING SECTION REVIEW/RESPONSE OK w/
In-stream development - P52 standard
WD - R04 (WD# 654) lang.
≤ 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-081(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)

IRRIGATION SEASON 3/15 - 10/31 (Per updated map)

OTHER CONDITIONS/REMARKS

COMMENTS

OK means dev cond
OK 2nd par 9/28/99 memo
OK 2nd par 11/11/99
map for plus lots

FEB 2 2000

IDA DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: Ly

DATE: 11/21/99

APPLICATION: 65-13910

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:
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

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

done T FLAG CHANGED TO P FLAG

YES NO

- N/A ☐ Overlapping place of use: (Describe source & relationship to present application on next page.) small system
- ☐ ☒ 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

Date Requested _____ Date Response Received _____

APP. NO.

6-13910

☒ ☐ form for advertising:
☒ ☐ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

YES NO

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

YES NO

☐ ☐ U.S. BLM
☐ ☐ U.S. Forest Service
☒ ☐ Water Dist. # 65A
☐ ☐ Water Planning Bureau
☐ ☐ Other

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 - 3 - 00

☒ Protests received.

Recommendations attached:

Measuring device required:

Water delivered by water master? District # 65A

Special conditions of approval or cover letter: *standard*

See below for additional information

Recommended Date or Priority 9/28/99

Recommended by: Jon Ganner Date: 1/28/00

ADDITIONAL INFORMATION:

RECEIVED

FEB - 2 2000

Department of Water Resources

FILE PRESENTATION

This application was processed prior to the January 12, 2000 memo "Changes to Water Right Applications." The old technique of making application changes was used.

To avoid additional processing delay, the file is forwarded as "one in the pipeline" with respect to that memo. The regional office anticipates that this will be acceptable for this limited group of applications.

MICROFILMED
FEB 18 2000

RECEIVED

JAN 10 2000

WATER RESOURCES
WESTERN REGION

The Idaho World

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

State of Idaho)
)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Dec 15, 1999 and ending with the issue of Dec 22, 1999.

Deanna Stevenson

State of Idaho)
)
County of Boise)

On this 6 day of Jan in the year 2000, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tami Weber
Notary Public for Idaho
Residing at Garden Valley, Idaho
My commission expires 2/10/05

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13910 ✓

CROW, CANDICE
SEEHUSEN, ROBERT K
29 RIVER RD
GARDEN VALLEY, ID 83622

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER, SOUTH FORK

Diversion Pt NENE Sec 34 T 10N R 04E in BOISE County

Use: IRRIGATION (0 060 CFS)
Total Diversion (0 060 CFS)

Date Filed 9/28/1999

In BOISE County
T10N R 04E S34 NENE

2.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed

65-13915

HAMLIN, ROBERT G
HAMLIN, CAROL Z
2312 W BRISBANE CT
EAGLE, ID 83616

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER

Diversion Pt: NWNE Sec 34 T 10N R 04E in BOISE County.

Use: IRRIGATION (0 050 CFS)
Total Diversion (0 050 CFS)

Date Filed 10/18/1999

In BOISE County
T10N R04E S34 NENE

1.5 ACRES TOTAL

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 JANUARY 3, 2000. The protestant must also send a copy of the protest to the applicant.
KARL J. DREHER, Director

Published in The Idaho World December 15 and 22, 1999

RECEIVED

JAN 10 2000

MEMORANDUM

TO: APPLICATION

FROM: DANIEL A. NELSON

DATE: 9/28/1999

SUBJECT: PLACE OF USE AND POINT OF DIVERSION FOR SEEHUSEN
APPLICATION FOR PERMIT.

Mr. Seehusen called today because he was concerned about the legal description for his application for permit. He completed this application for permit with my help and I was unsure from the information that he supplied which section the two lots he owns are in. The map he had states that the subdivision is located in both section 27 and section 34, but does not show any section lines or section corner. Mr. Seehusen was not sure which section his lots were in. In a quick review of the maps it looks as though the lots belonging to Mr. Seehusen were located in section 34. I told Mr. Seehusen that he could mark down section 34 for now but he should see if he could determine the exact section that his lots are in.

I told Mr. Seehusen that he should check his deed when he got home and see if the deed tells which section his lots were in. In the telephone call today, Mr. Seehusen told me that the deed only refers to the map and that he still is not sure which section his lots are located. The review of this application should recheck the maps and other water rights in this subdivision for clues as to where the section lines are located on this plat map.

Taylor, Sue

From: Lester, Steve
Sent: Monday, December 20, 1999 1:48 PM
To: Taylor, Sue
Subject: FW: Numerous Water Right Applications

Sue:

Please file a copy in each of the applications listed in Scott's message.

thanks,

Steve

-----Original Message-----

From: SCOTT GRUNDER [mailto:sgrunder@IDFG.STATE.ID.US]
Sent: Monday, December 20, 1999 1:22 PM
To: slester@idwr.state.id.us
Cc: CECE MANN; TERRY VERNHOLM
Subject: Numerous Water Right Applications

Dear Mr. Lester,

The Idaho Department of Fish and Game has reviewed the following applications for permit for a water right and we do not anticipate significant adverse effects to fish or wildlife habitats as a result of granting permits:

51-07371/BLM
51-07370/BLM
51-07369/BLM
65-13912/MacGregor
65-13914/Nuzzo
65-13908/Rasmussen
77-07380/Pyle
67-08044/Stippich
55-07463/BLM
65-13907/BOR
65-13909/Herbel
65-13915/Hamlin
65-13911/Charles
63-12545/Atkeson
65-13919/McCumber
65-13916/Vlasach
65-13910/Seehusen/Crow
67-08043/Ferrel
63-12548/McGrew

We have a concern with application for permit 63-12550 by Richard Porter and Robert Horowitz. Those comments will be in a separate letter signed by the regional supervisor. Thank you for the opportunity to comment on these applications.

Scott Grunder
Environmental Staff Biologist
IDFG-SW Region Office, Nampa
465-8465

22
DEC 23 1999

RECOMMENDATION OF WATERMASTER

JAN 11 2000

WATER RESOURCES
WESTERN REGION

Application No:

65-13910

Applicant's Name:

R. Seehusen / C. Crow

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as

follows: _____

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

- d) Additional Comment : _____

_____Dated this 7th day of Jan, 2000.

Water District No:

65AEileen Herr
Watermaster's Signature

Use reverse side of page if you need more space.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

December 16 1999

KARL J. DREHER
DIRECTOR

ERIC HERR
WATER DISTRICT 65A
8917 BUTTE RD
SWEET ID 83670

Re: Application for Water Right No. 65-13910 in the Name of Robert Seehusen &/or Candice Crow

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 within two weeks.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

November 15, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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

Re: Application for Permit

Dear Sir:

Enclosed are copies of applications for permit 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 January 3, 2000

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

Sincerely,

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

Gary Spackman

GS:st

Encl.

REQUEST TO PROCESS

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

Name of Applicant

Robert K Seehusen

Mailing Address

1361 Irwin St
Eagle ID 83616

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.

☒ 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



Date

9/28/99

Please return this form to:

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

6/27/2000



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 8, 1999

Legal Notices Department
The Idaho World
PO Box 99
Garden Valley, ID 83622

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 JANUARY 3, 2000.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13910

CROW, CANDICE
SEEHUSEN, ROBERT K
29 RIVER RD
GARDEN VALLEY, ID 83622

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER, SOUTH FORK

Diversion Pt: NENE Sec 34 T 10N R 04E in BOISE County.

Use: IRRIGATION (0.060 CFS)
Total Diversion: (0.060 CFS)

Date Filed: 9/28/1999

In: BOISE County
T10N R04E S34 NENE

2.0 ACRES TOTAL

Applicant agrees to mitigate counsumptive 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 JANUARY 3, 2000. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 12/15/1999 & 12/22/1999