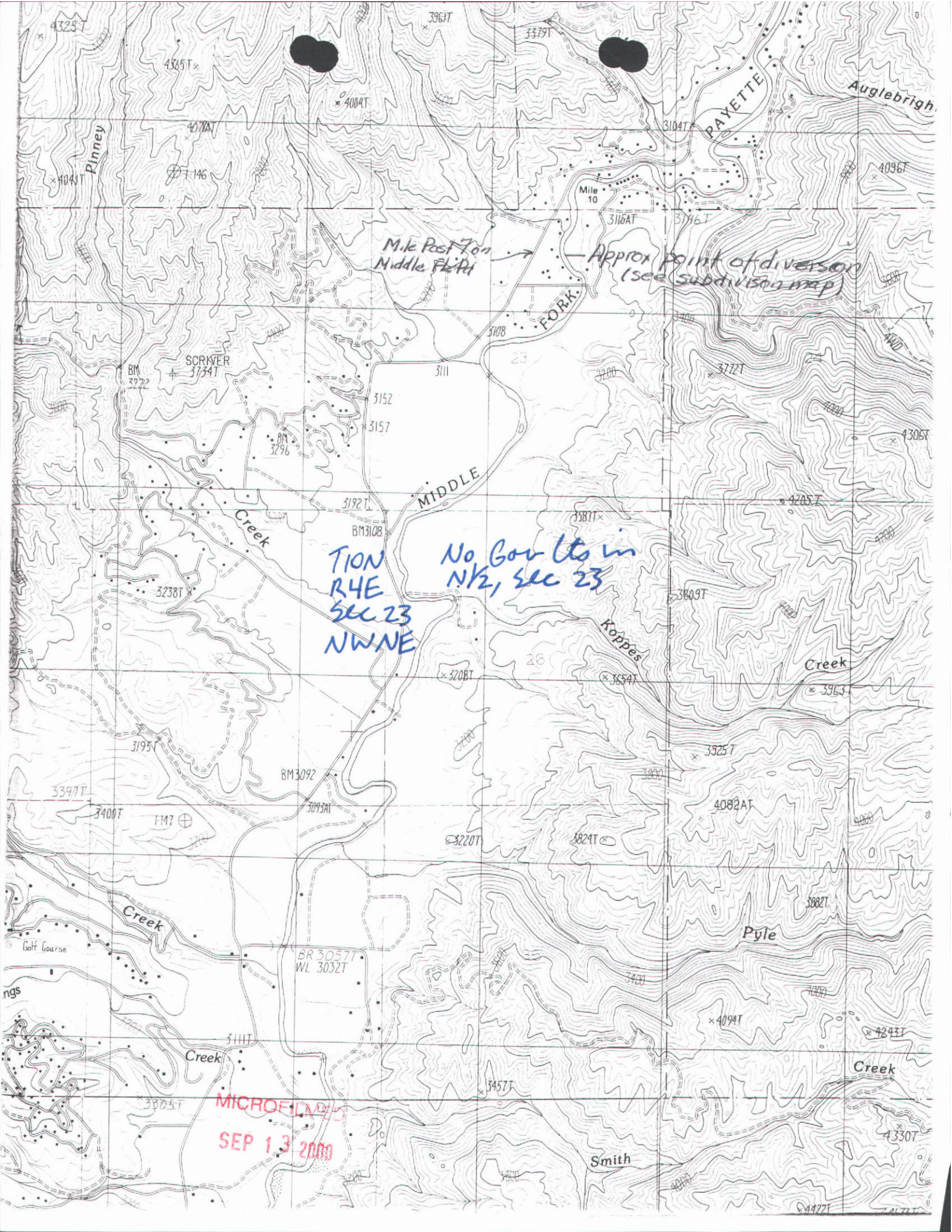




4325T

4385T

4004T

3967T

3379T

3104T

Anglebrigh

4096T

Mile 10

3116AT

3116T

Mile Post 7 on Middle Fork

Approx point of diversion (see subdivision map)

FORK

SCRIVER

BM 3222

3734T

3152

3157

BM 3296

MIDDLE

T10N
R4E
sec 23
NWNE

No Gov Lts in
NW 1/4, sec 23

Creek

3238T

3387T

3192T

BM 3108

3809T

4205T

Roppes

Creek

3963T

3208T

3654T

3925T

BM 3092

3093AT

3397T

3400T

1147

3220T

3824T

4082AT

Creek

Golf Course

BR 3057T
WL 3032T

Pyle

3882T

4094T

4243T

Creek

3805T

MICROFILMED

SEP 13 2000

3457T

Smith

Creek

4330T

3412T

4172T

SCOTT MOUNTAIN SUBDIVISION

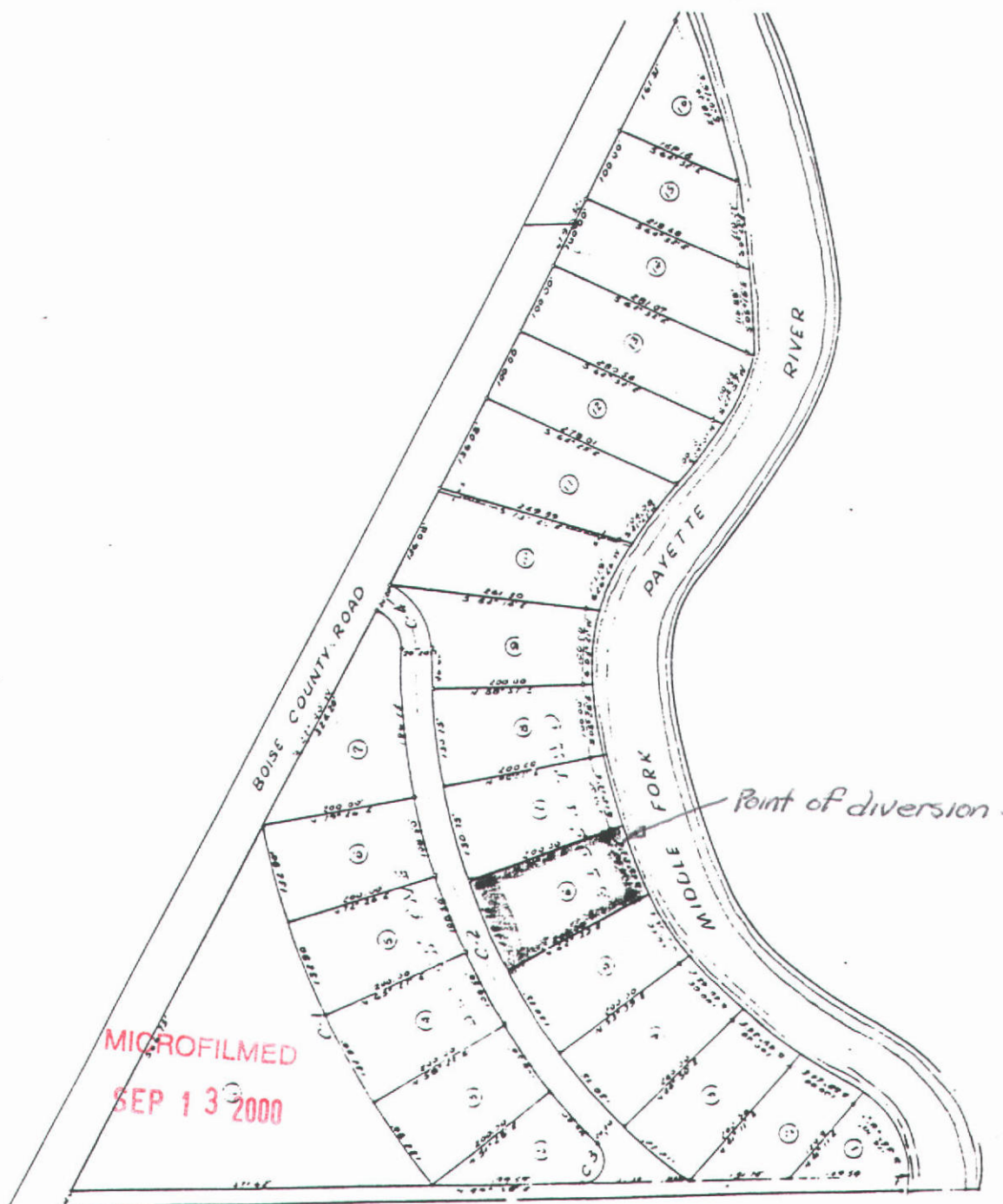
NO. 1

A PORTION OF
SW¹SE⁴S.14 AND NW⁴NE⁴S.23
T.10N, R.4E, B.M.
BOISE COUNTY, IDAHO

This sketch is for location purposes
only. The Company assumes no
liability for variations.

PIONEER TITLE COMPANY
of Ada County

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



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 03 2001

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1 Permit No 65-13904 Telephone No 208 462 8092

2 Name of Permit Holder(s): James A. Passie

3 Mailing Address: 10 Scott Mtn. Rd.

City Garden Valley State Id Zip 83622

4 Source of Water Middle Fork 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): 0.7 Other: _____

6 Total rate of diversion and/or volume for which proof is submitted _____ 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?
Has the measuring device been installed?

Yes _____ or No ✓
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 James A. Passie Telephone Number: 208 462 8092

Address: 10 Scott Mtn. Rd. Garden Valley, Id 83622

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] (include your title, if on behalf of company or organization)

MICROFILMED

Date 4/1/01

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13904

Priority: August 13, 1999

Maximum Diversion Rate:

0.02 CFS

This is to certify, that **JAMES A PASSIE**

10 SCOTT MTN 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	0.02 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 23, Township 10N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	04E	23	NWNE	0.7		0.7

Total number of acres irrigated: 0.7

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **June 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. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
5. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
6. This right when combined with all other rights shall provide no more than 0.02 cfs nor more than 2.5 afa at the field headgate for irrigation of the land described above.
7. Point of diversion and place of use are located within Lot 6, Blk. 2, Scott Mountain Subdivision.

MICROFILMED

SEP 13 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13904

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

8th day of June, 2000.


Karl J. Dreher, Director
for

MICROFILMED

SEP 13 2000

RECEIVED

AUG 13 1999

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

MAY 26 2000

Department of Water Resources

1. Name of Applicant James A. Passie Phone 208 492 8092
Post Office address 10 Scott Mountain Rd., Garden Valley, ID 83622
2. Source of water supply Middle Fork Payette Riv. which is a tributary of So. Fork Payette Riv.
3. Location of point of diversion is SE 1/4 of SW 1/4 of NE 1/4, Govt. Lot
* Sec. 23 Township 10N Range 4E B.M. BOISE County; additional points of
diversion if any: SW 1/4 SE 1/4 S14 and NW 1/4 NE 1/4 S23 T10N R4E Boise Hed. Boise Co. Id.
4. Water will be used for the following purposes: LOT 6, Block 2 SCOTT MTN. SUBDIV. 1 (see Attach)
Amount 0.02 for irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.02 and/or (b)
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pump from Middle Fork of the Payette Riv
with 1 1/2 hp pump and PVC pipe sprinkling system
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.

MICROFILMED

SEP 13 2000

* Per attached maps. by 11/16/99

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	
10N	R4E	23		.7															

SEE ATTACHED SUBDIVISION MAP.

Total number of acres to be irrigated 0.7

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? James A. & Kathleen A. Passie

b. Who owns the land to be irrigated or place of use? same as above

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: _____

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

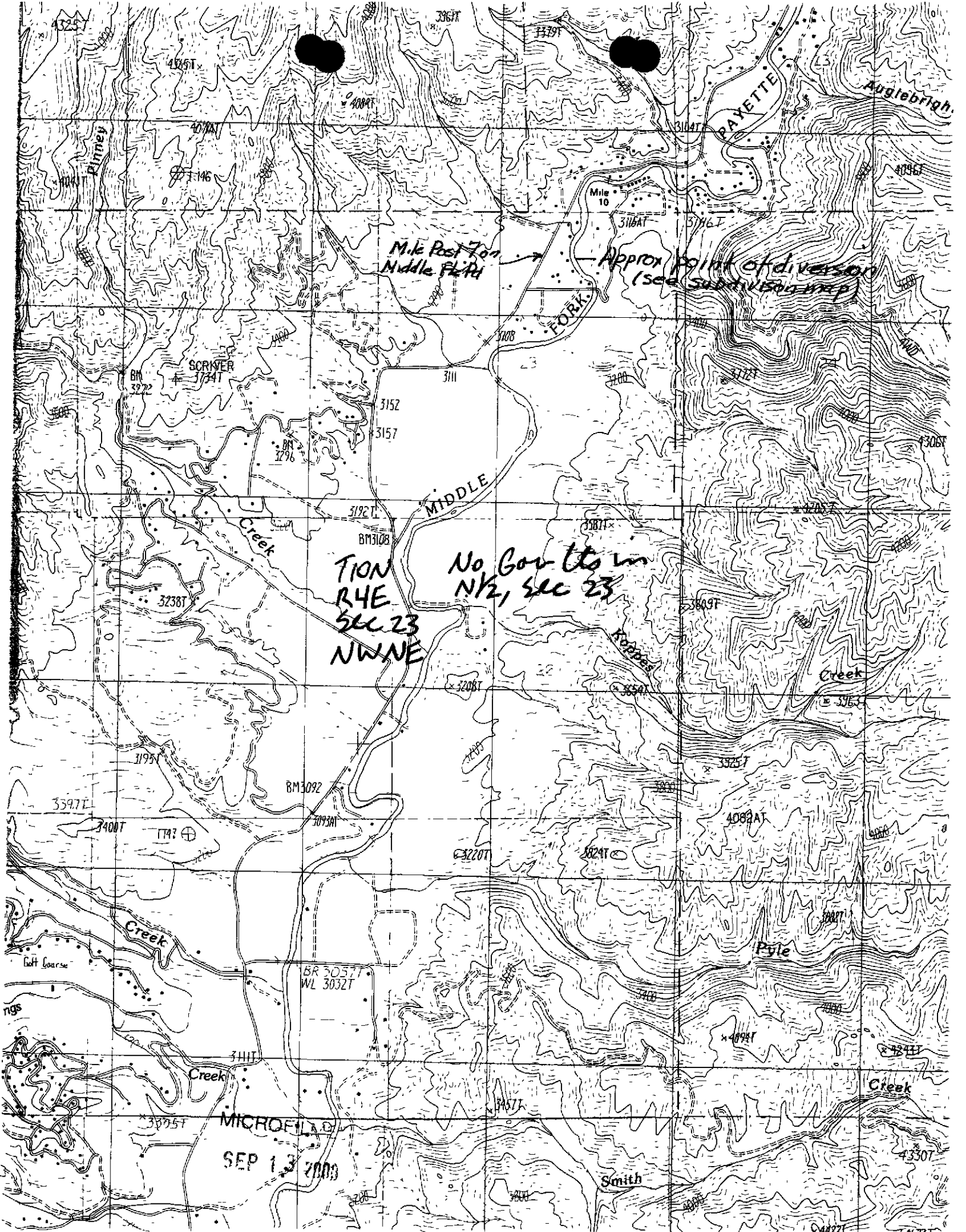
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

James A. Passie
(Applicant)

Received by DB Date 8-13-99 Time 11:00 AM Preliminary check by LG
 Fee \$ 50 - Receipted by DB # W025588 Date 8-13-99
 Publication prepared by ST Date 12-1-99 Published in Id. World
 Publication approved ST Date 12-23-99

MICROFILMED

SEP 13 2000



SCOTT MOUNTAIN SUBDIVISION

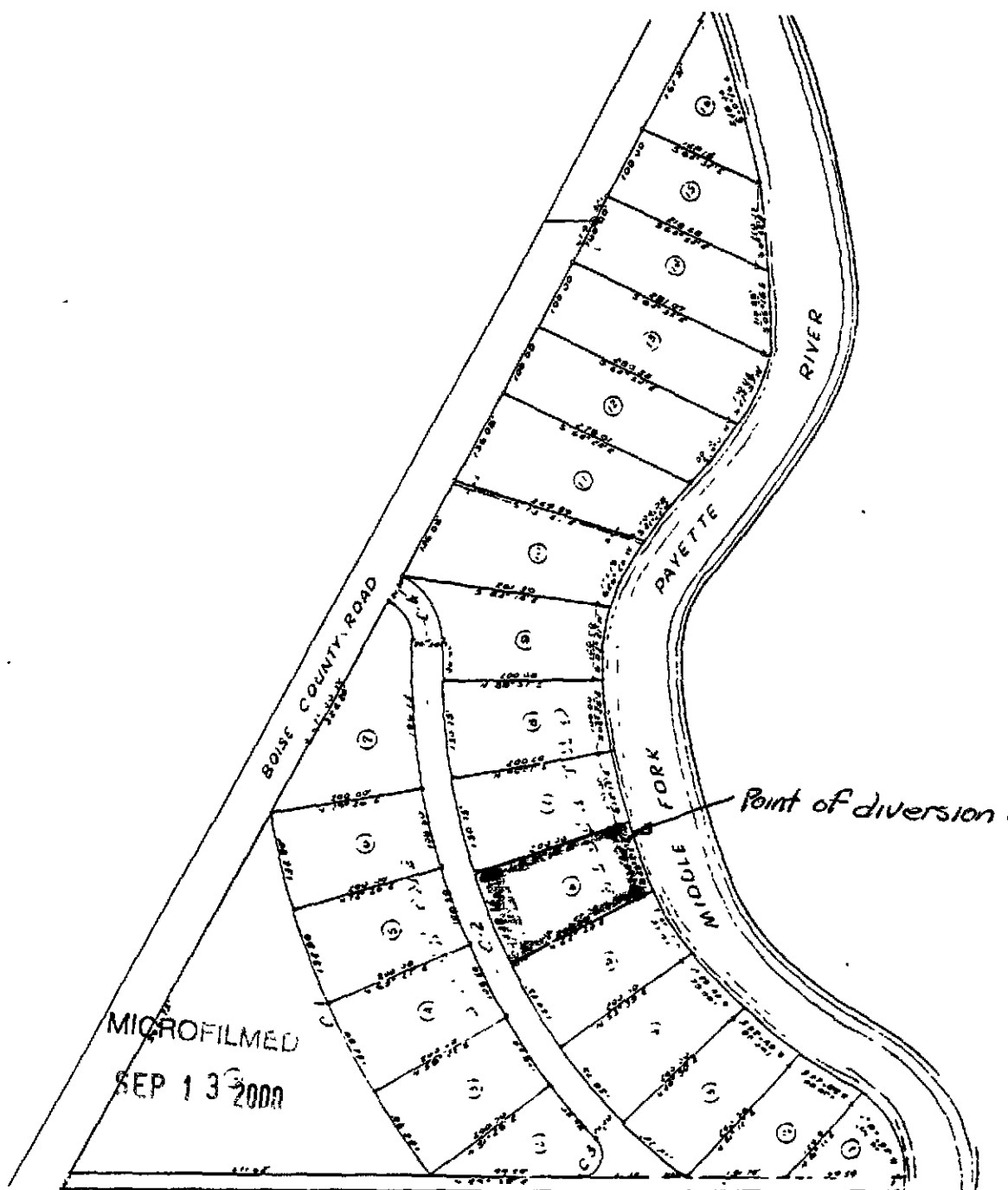
NO. 1

A PORTION OF
SW¹SE⁴S. 14 AND NW⁴NE⁴S. 23
T. 10N., R. 4E., B. 1M.
BOISE COUNTY, IDAHO

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PIONEER TITLE COMPANY
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SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 11/16/99
Time: 10:54:53

Water Right Number: 65-13904

Comment Date: 11/16/1999 User ID: LGRAVES

Subject: MISC _____

Per Applicant: p/u aka Lt 6, Blk 2, Scott Mtn Sub #1. _____

(Enter=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

MICROFILMED
SEP 13 2000



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

April 4, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JAMES A PASSIE
10 SCOTT MTN RD
GARDEN VALLEY ID 83622

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13904

Dear Permit Holder:

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

Please refer to paragraphs 4 and 5 in the Conditions of Approval and Remarks portion of your permit, which refer to a lockable controlling works for the use by the watermaster of State Water District No. 65. A lockable device must be installed on the diverting works, which meet the department's requirements, and provide the watermaster with suitable control. If you have not installed this lockable device, I suggest you contact your watermaster about this requirement and install this device prior to the department's field examination. However, you may request a waiver of the condition in writing, stating your reasons for the request, accompanied by a letter of agreement from the watermaster. If you have installed this means of measurement, please disregard this reminder, and acknowledge to your field examiner that you have completed this condition.

Please 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.

If you have questions concerning the field examination or the lockable controlling works condition, please contact the **WESTERN** Regional Office of the department in

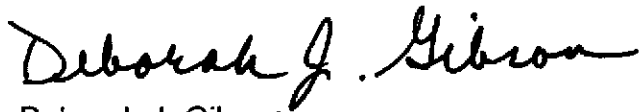
MICROFILMED

APR 23 2001

Page 2

Boise at (208) 334-2190. Any questions regarding the Proof process you may contact me at (208) 327-7953.

Sincerely,

A handwritten signature in black ink that reads "Deborah J. Gibson". The signature is written in a cursive style with a large, stylized "D" and "G".

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

c: IDWR - Region

MICROFILMED

MAR 29 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No · 65-13904

Reviewed By: dgibson

Date April 4, 2001

	<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 .		C053030	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		04/03/2001
Date proof due	-	06/01/2001
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	08/13/1999
New priority date	=	08/13/1999

Deficiencies of Actions Items

Acknowledge proof.

March 31, 2001

JAMES A PASSIE
10 SCOTT MTN RD
GARDEN VALLEY, ID 83622

PROOF DUE NOTICE

RE: PERMIT NO. 65-13904

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 June 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

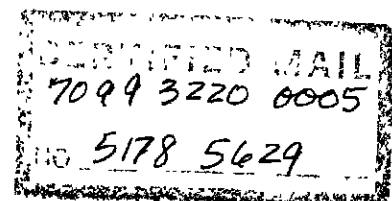
Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

MAR 31 2001





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

June 8, 2000

JAMES A PASSIE
10 SCOTT MTN RD
GARDEN VALLEY ID 83622

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13904

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.

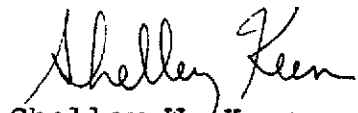
Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit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

NOT RECORDED

JUN 13 2000

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

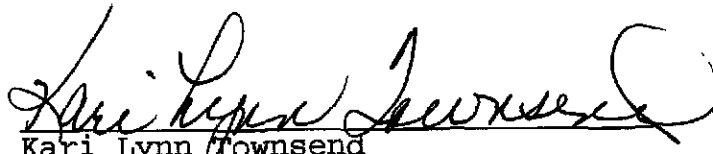
SEP 13 1988

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of June, 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. 65-13904

JAMES A PASSIE
10 SCOTT MTN RD
GARDEN VALLEY ID 83622


Kari Lynn Townsend
Secretary

MICROFILMED
SEP 13 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

MICROFILMED
SEP 13 2000

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 5/31/00

No. 65-13904 Name: Pasnie Corp. Officers N/A Ad ok ☒ Govt Lots _____

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

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 084
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 LoGee~~ - 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: 6/01/2001

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 REVIEW/RESPONSE _____
In-stream development - P52
WD - R04 (WD# 65)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

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

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02, 03) - 007 (w/ remark WB9 if above Weiser)
Payette R (45) - 047(P04) (Payette Lake)
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)

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

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

MAY 26 2000

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: ly DATE: 11/16/99 APPLICATION: 65-13904

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)

none 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. N/A
- ☒ 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. 65-13904

YES NO

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

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

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

YES NO

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

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:
☐ ☐ Final date for protest 12-20-99
☐ ☒ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☒ ☐ Water delivered by water master? District # 65
☐ ☒ Special conditions of approval or cover letter: Under WM control

☐ ☒ See below for additional informationRecommended Date or Priority 8/13/99Recommended by: Lee G. Bower Date: 5/24/00ADDITIONAL INFORMATION:

RECEIVED

MAY 26 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.

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MAY 13 2000

RECEIVED

APR 17 2000

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No: 65-13904

Applicant's Name: James A. Passie

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) X I do not oppose approval of this application if it is conditioned as follows: Under control of Watermaster for Water District No. 65
- c) _____ I oppose approval of this application for the following reasons:
- d) Additional Comment: _____

Dated this 10th day of April, 2000

Water District No. 65

Mark Limbaugh, Watermaster

Use reverse side of page if you need more space

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SEP 13 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

April 4, 2000

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

Re: Application for Permit No. 65-13905 in the Name of James A. Passie

Dear Sir:

Enclosed is a copy of the above-referenced application for permit that the proposed use is from surface water. Please review the application and submit any comments you may have within two weeks.

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

Sincerely,

Gary Spackman

Gary Spackman

GS:st

Encl.

Gary -
The IDFB remains very concerned about the potential adverse cumulative effects of surface water withdrawals on bull trout habitat in the mainstem Middle Fork. This single application will have no effect, but these very well could be additive effects. Thank you.

[Signature]
4-7-2000
IDFB

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SEP 13 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

April 4, 2000

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

Re: Application for Permit No. 65-13905 in the Name of James A. Passie

Dear Sir:

Enclosed is a copy of the above-referenced application for permit that the proposed use is from surface water. Please review the application and submit any comments you may have within two weeks.

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.

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SEP 13 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

April 4, 2000

MARK LIMBAUGH
102 N MAIN
PAYETTE ID 83661

Re: Application for Permit No. 65-13904 in the Name of James A. Passie

Dear Watermaster:

Enclosed is a copy of the above-referenced application for amendment of a 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,

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

Gary Spackman

GS:st

Encl: Copy of Application
Recommendation of Watermaster Form

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SEP 13 2000

REQUEST TO PROCESS

RECEIVED

AUG 13 1999

WATER RESOURCES
WESTERN REGION

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

Name of Applicant James A. Passie
Mailing Address 10 Scott Mountain Rd.
Garden Valley, ID 83622
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

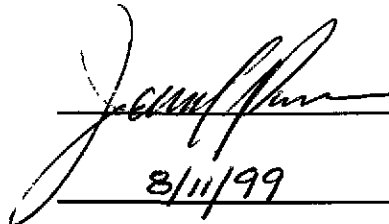
Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

✓ 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


8/11/99

Please return this form to:

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

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SEP 13 2000

The Idaho World

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

RECEIVED

DEC 20 1999

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.

65-13897

TANNER, PENNY
TANNER, CURTIS
PO BOX 254
HORSESHOE BEND, ID 83629

Source: SPRINGS

Tributary: SINKS

Diversion Pt: NESWNW Sec 8 T 07N R 03E in BOISE County.
SWSWNW Sec 8 T 07N R 03E in BOISE County.

Use: DOMESTIC (0.040 CFS)
(0.020 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 8/27/1999

In: BOISE County
T07N R03E S08

SWNW

65-13904

PASSIE, JAMES A
10 SCOTT MTN RD
GARDEN VALLEY, ID 83622

Source: PAYETTE R, MIDDLE FK Tributary PAYETTE R, SOUTH FK

Diversion Pt: NWNE Sec 23 T 10N R 04E in BOISE County.

Use: IRRIGATION (0.020 CFS)
Total Diversion (0.020 CFS)

Date Filed: 8/13/1999

In: BOISE County
T10N R04E S23

NWNE

0.7 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 DECEMBER 20, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in The Idaho World December 1 and 8, 1999

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 1, 1999 and ending with the issue of Dec 8, 1999.

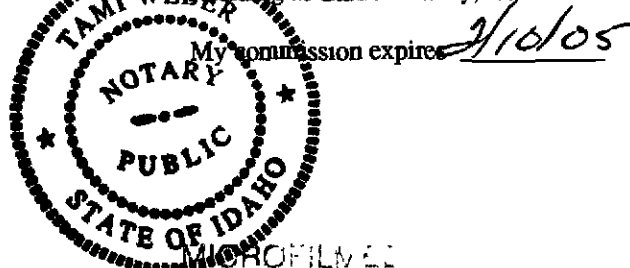
Deanna Stevenson

State of Idaho)
)
County of Boise)

On this 17 day of Dec in the year 1999, 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



SEP 13 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

November 25, 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 No. 65-13904 in the Name of James A. Passie

Dear Sir:

Enclosed is a copy of the above-referenced application for permit that the proposed use is from surface water. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by December 20, 1999.

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.

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SEP 13 2000

65-13904

PASSIE, JAMES A
10 SCOTT MTN RD
GARDEN VALLEY, ID 83622

Source: PAYETTE R, MIDDLE FK

Tributary: PAYETTE R, SOUTH FK

Diversion Pt: NWNE Sec 23 T 10N R 04E in BOISE County.

Use: IRRIGATION (0.020 CFS)

Total Diversion: (0.020 CFS)

Date Filed: 8/13/1999

In: BOISE County

T10N R04E S23

NWNE

0.7 ACRES TOTAL

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

MICROFILMED

SEP 13 2000