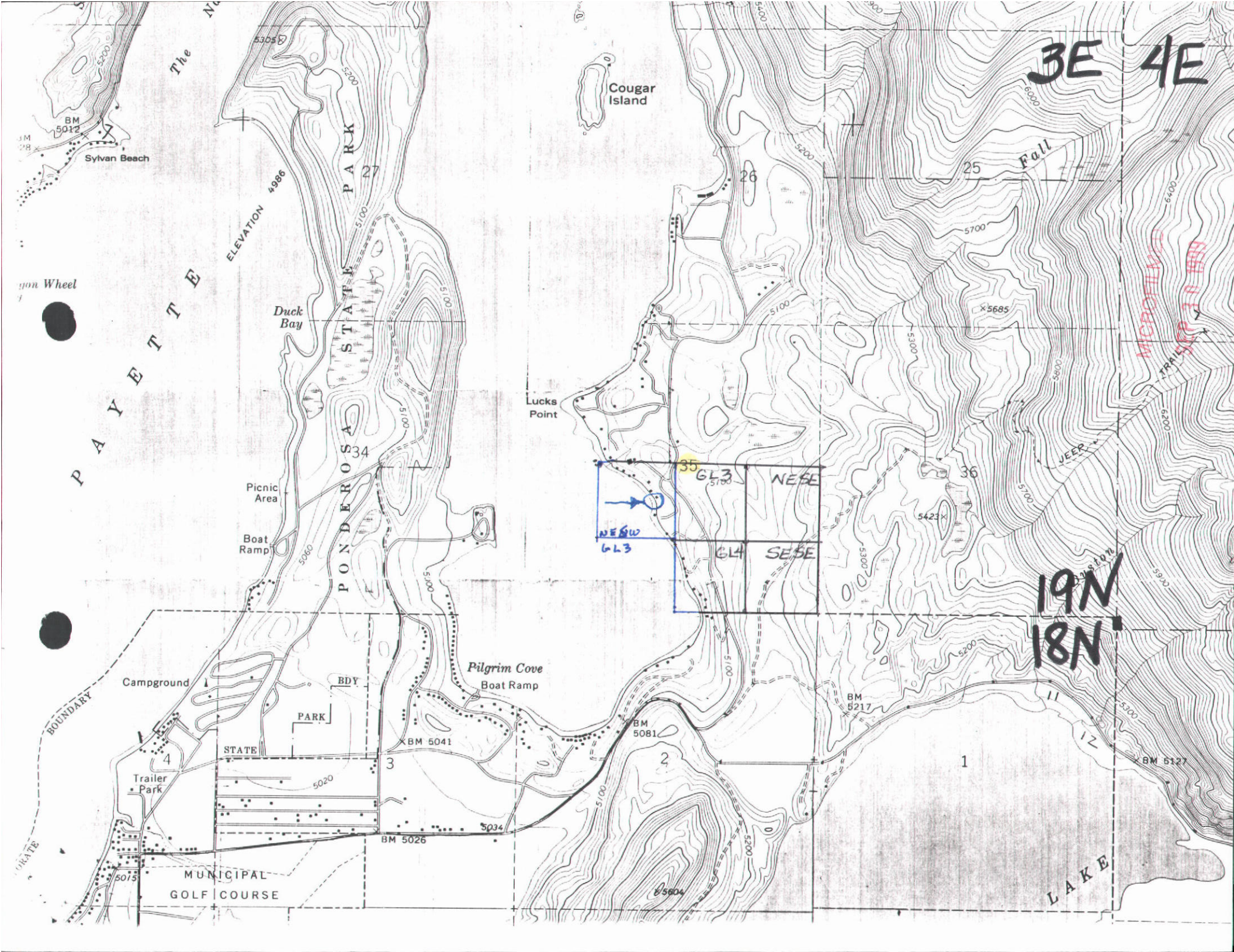
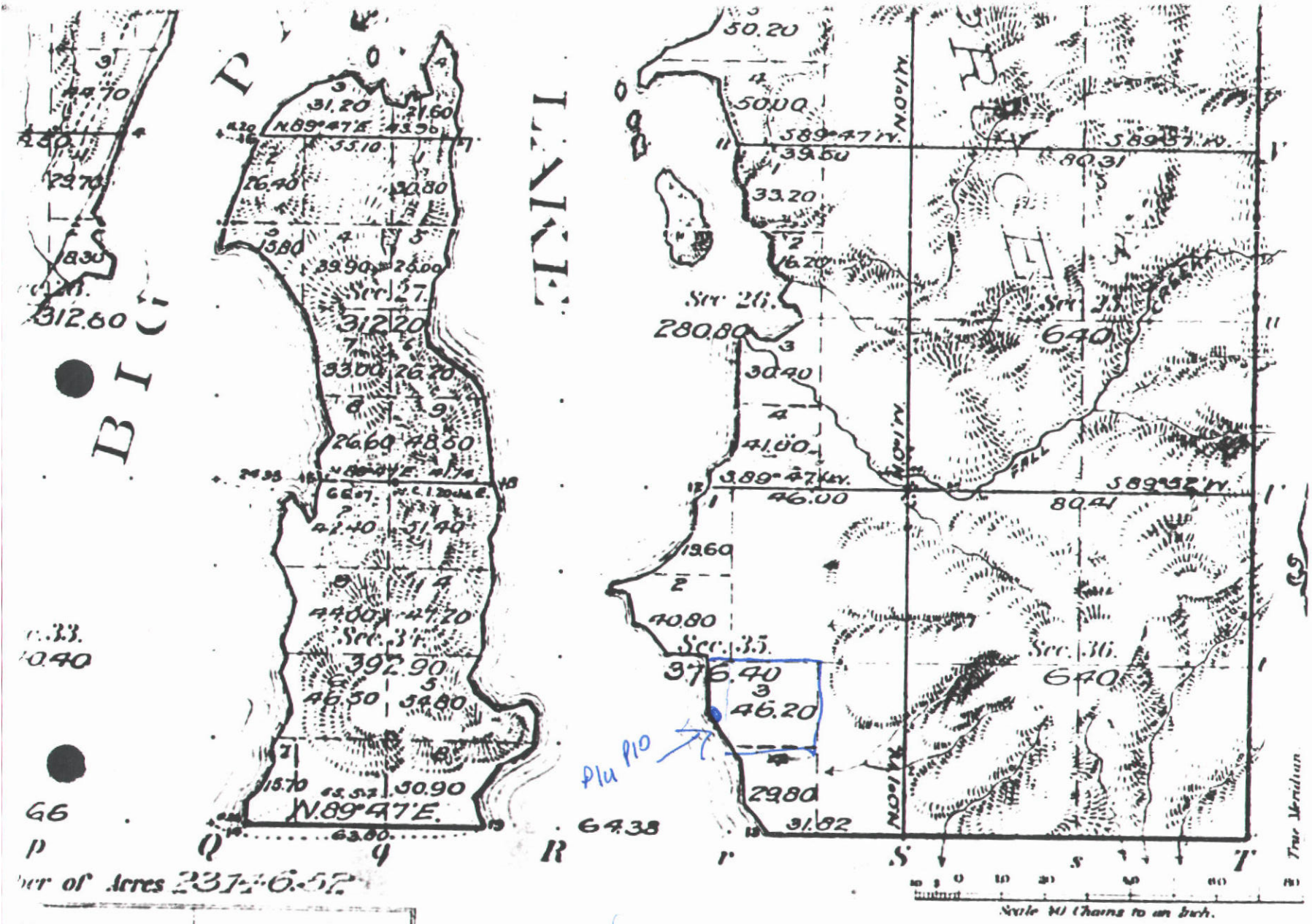

3E 4E
19N
18N
Cougar Island
Sylvan Beach
BM 5012
PAYETTE
ELEVATION 4986
PONDEROSA STATE PARK
Duck Bay
Lucks Point
Picnic Area
Boat Ramp
Pilgrim Cove
Boat Ramp
Campground
BDY
PARK
STATE
BOUNDARY
Trailer Park
MUNICIPAL
GOLF COURSE
BM 5026
BM 5041
BM 5081
BM 5217
BM 5127
LAKE
Fall
TRAIL
JEEP
GL3
NESE
GL4
SESE
NESW
GL3
MICROFILMED



Number of Acres 2372.52

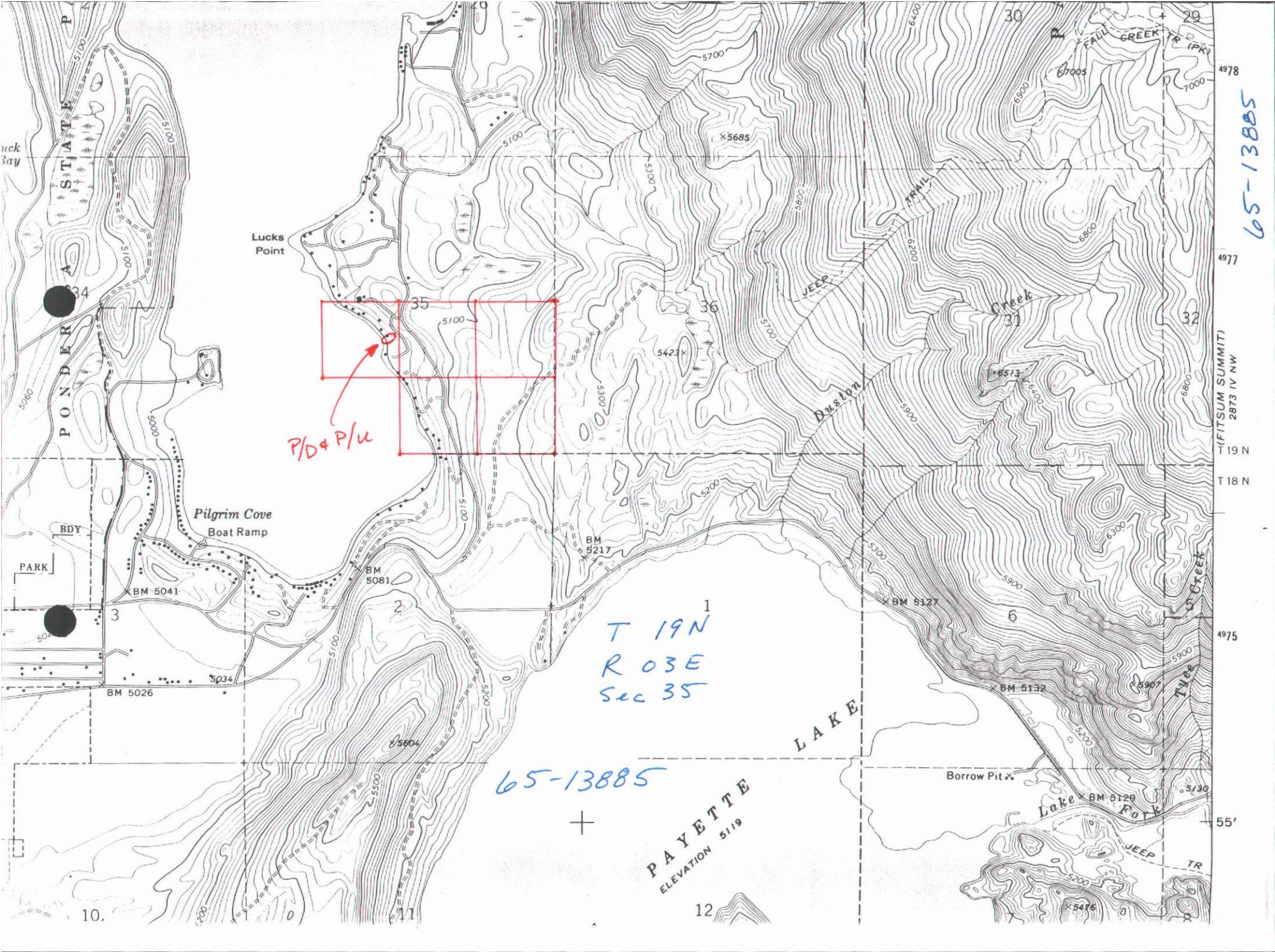
When Surveyed	Mean Declination
[illegible]	

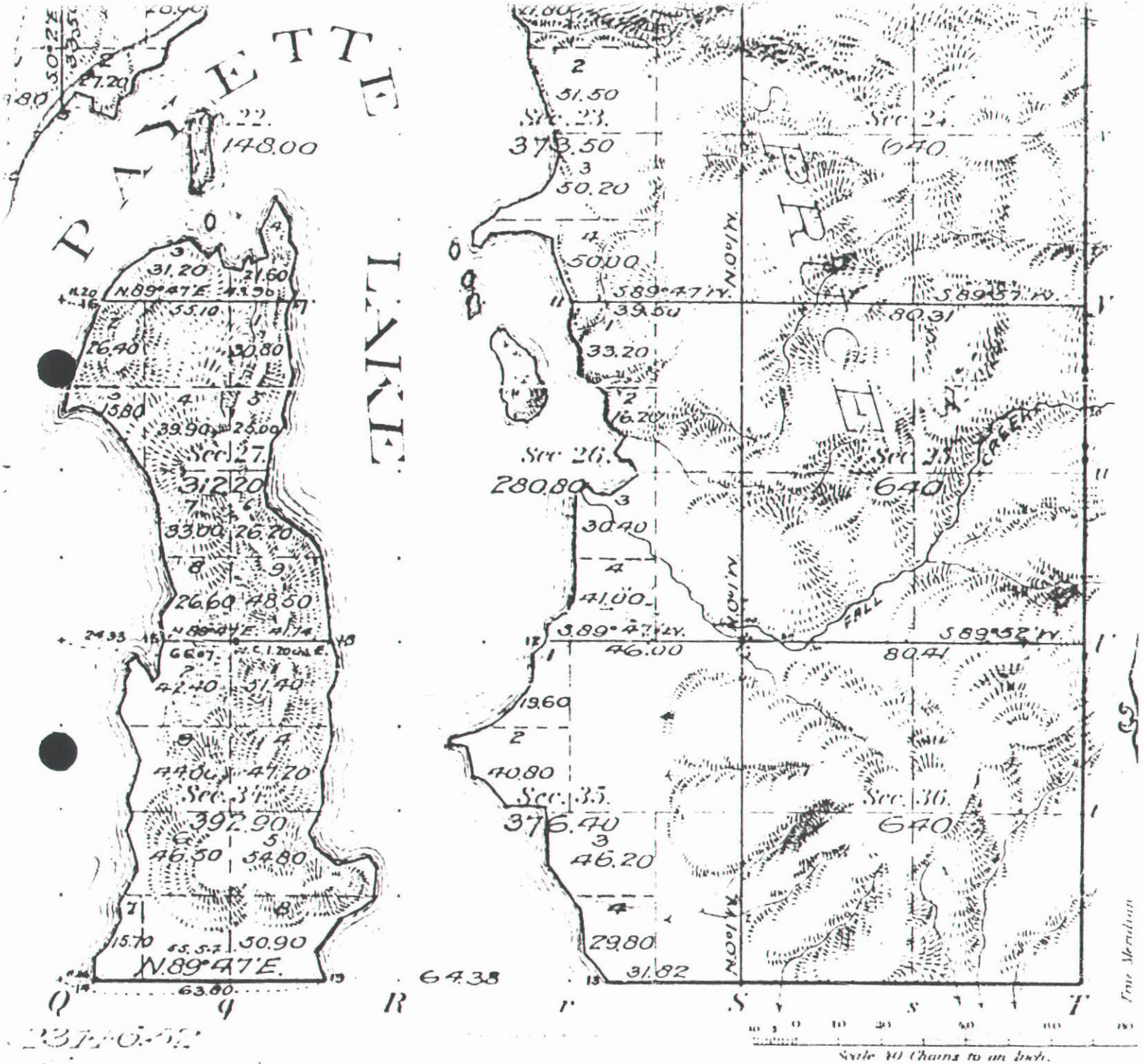
The above Map of Township No. 19 North of Range No. 3
Boise Meridian Idaho is strictly conformable to the surveys thereof on file in this Office which have been examined and approved.

Surveyor General's Office
Boise City, Idaho.

Joseph G. Sh[illegible]

MICROFILMED
SEP 30 1999


Lucks Point
P/D & P/U
Pilgrim Cove
Boat Ramp
BDY
PARK
PONDERA STATE
BM 5041
BM 5026
BM 5081
BM 5217
BM 5127
BM 5132
BM 5120
Borrow Pit
Lake
Fork
Creek
Duston
JEEP TRAIL
FALL CREEK TR (PK)
(FITSUM SUMMIT)
2873 IV NW
T 19 N
T 18 N
T 19N
R 03E
Sec 35
65-13885
65-13885
PAYETTE LAKE
ELEVATION 5119
JEEP TR



T 19 N
R 03 E
Sec 35

65-13885

Mean Declination

The above Map of Township 19 North of Range 3 East

P/U

System

65-13885

27
26
35
26
25
35
36
LUCK'S POINT SUBDIVISION
EORD DR.
THE CRUTCH
LOOKOUT LN.
NORTH SHORE DR.
RIDGE LN.
BEACH WY.
BEACH WAY
PINEHURST BLVD.
EDGEMERE LN.
LAKEVIEW AVENUE
EASTSIDE DRIVE
NOKONDO SUBD.
WILSON EAST PRONG SUBD.
HARRIS COVE SUBD.
PAYETTE LAKE
Camp Morrison
2306
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2113
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0 250 500
SCALE IN
1815
1800
PAGE
1819

Form No. 217
7/94

FOR OFFICE USE ONLY
Amt. of Fee $: 50 -
Receipt No. W025859
Receipt By: DR
Date Receipted: 10-27-99

RECEIVED
OCT 29 1999
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
OCT 27 1999
WATER RESOURCES
WESTERN REGION

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has 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 who has been appointed by the department.

1. Permit No. 65-13885 Telephone No. 208/343-2140

2. Name(s) of Permit Holder(s): DONALD C McCARTER & KAY McCARTER

3. Mailing Address: 1324 CANDLERIDGE DR BOISE, ID 83712

4. Source of Water: Payette Lake If **GROUNDWATER** (well), Date Drilled: mo._____ / yr._____

a. Well Driller: _____ Drilling Permit Number: ____ - ____ - ____ - ____

b. *OPTIONAL:*
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 2 Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.04 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 X
	Has the measuring device been installed?	Yes ____	**or**	No X
Flow Measurement Port:	Is a flow measurement port required?	Yes ____	**or**	No X
	Has the measurement port been installed?	Yes ____	**or**	No X

8. Fee Enclosed: $ 50 (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: D.C. McCARTER Telephone Number: 208/343-2140

Address: 1324 Candleridge Dr. Boise, Id 83712

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

Signature of permit holder: _____ Date: 10/25/99
(include your title, if on behalf of company of organization)

MICROFILMED
JAN 31 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13885

Priority: June 9, 1999 Maximum Diversion Rate: 0.04 CFS

This is to certify, that **DONALD C MC CARTER**
B KAY MC CARTER
1324 CANDLERIDGE DR
BOISE ID 83712
has applied for a permit to appropriate water from:
PAYETTE LAKE tributary of **PAYETTE RIVER, NORTH FORK**

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NESW), Sec. 35, Township 19N, Range 03E
VALLEY County

PLACE OF USE: DOMESTIC

TWN	RGE	SEC	
19N	03E	35	Lot 3(NESW)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **September 1, 2000.**
2. Subject to all prior water rights.
3. 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.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
5. The availability of water for this right is subject to all prior water rights of Lake Reservoir Co.
6. The Director retains jurisdiction to limit diversion of water to in-house uses only.
7. The issuance of this right does not grant any right-of-way or easement across the land of another.
8. Water shall not be diverted under this right when flows in the North Fork Payette River are below established minimum stream flows.
9. Domestic use is for 2 homes.
10. Place of use is located within Lot 1, Harris Cove Subdivision and Lot 3, Nokondo Subdivision.

[illegible]

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13885

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this
9th day of September, 1999.

Karl J. Dreher, Director
for

RECEIVED

SEP 0 3 1999

FORM 202
1/96

RECEIVED
JUN 0 9 1999
WATER RESOURCES
WESTERN REGION

Department of Water Resources

Ident. No. 65-13885

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Donald C. &/or B. Kay McCarter Phone 208-343-2140
   Post Office address 1324 Candleridge Dr., Boise, ID 83712
2. Source of water supply Payette Lake which is a tributary of Payette River, North Fork
3. Location of point of diversion is _____ 1/4 of ~~NW~~ NE 1/4 of ~~SE~~ SW 1/4, Govt. Lot 3 *
   Sec. 35 Township 19N Range 3E B.M. Valley County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
   Amount 0.04 for domestic purposes from 1/1 to 12/31 (both dates inclusive)
   (cfs ~~or acre-feet per annum~~)
   Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
   (cfs or acre-feet per annum)
   Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
   (cfs or acre-feet per annum)
   Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
   (cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 (cubic feet per second) and/or (b) _____ (acre feet per annum)
6. Proposed diverting works:
   a. Description of ditches, flumes, pumps, headgates, etc. submerged well pump at end of 500' pipe extending into lake.
   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? _____
   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. 1 home to be expanded to two
   e. Other; describe fully. _____

* corrected Legal per map, DAN 6-23-99

SEP 10 1999

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	
19N	3E	35									GLS D					~~GLS~~ ~~D~~			

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. spring water for yard irrigation

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

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

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

12. Remarks: This use was developed in June of 1956. Right was not included in Payette River Adjudication and claim submitted in SRBA may not be allowed.

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

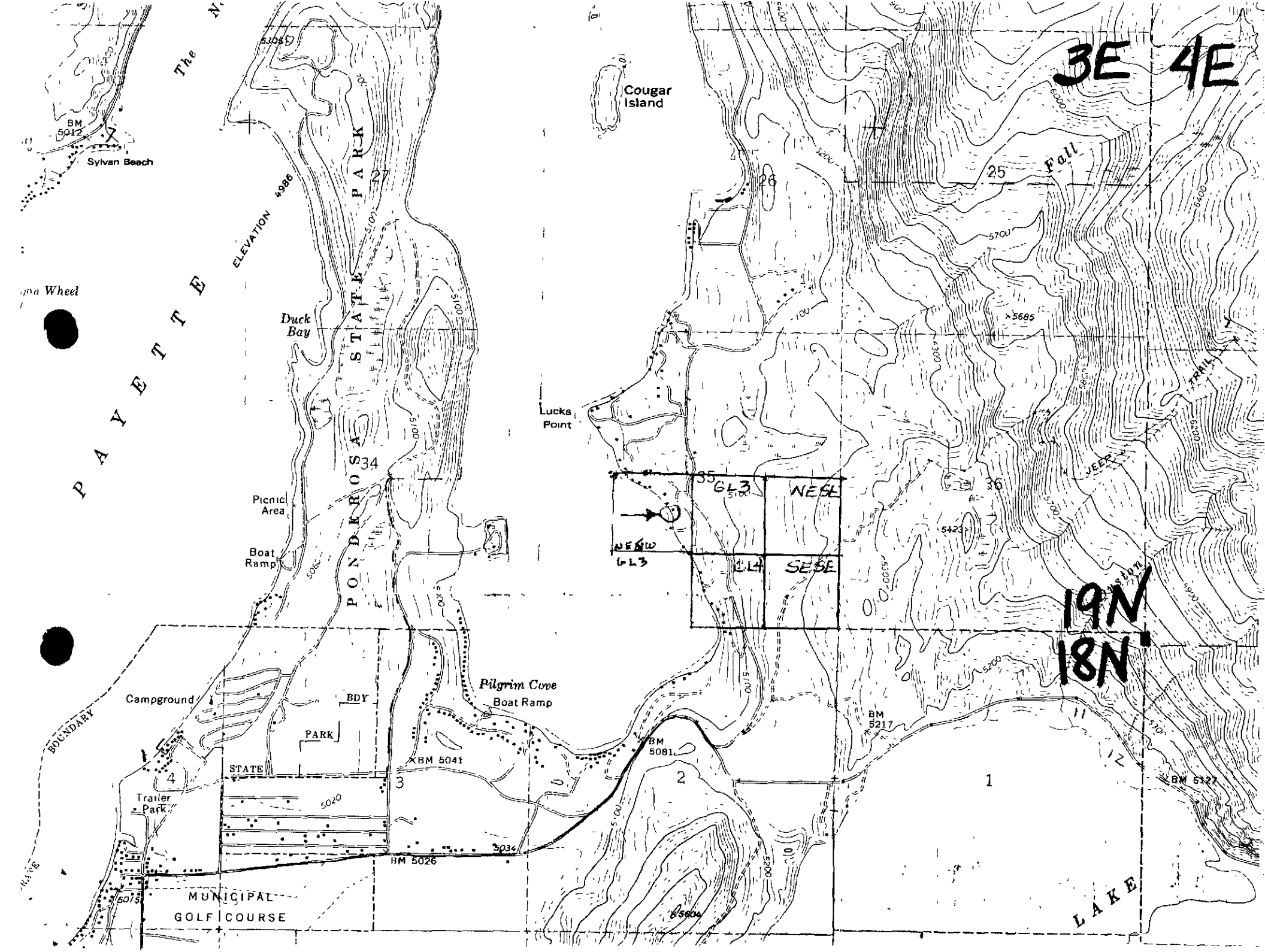
BE IT KNOWN *that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.*

X _____
(Applicant)

Received by KG Date 6/9/99 Time 11 38 Preliminary check by DAN
Fee $ 50.00 Receipted by KG # W025309 Date 6/9/99
Publication prepared by AT Date 7-7 & 14-99 Published in Star News
Publication approved AT Date 8-31-99

* CORRECTED LEGAL PER MAP DRW 6-23-99

Please circle location of your house


3E
4E
19N
18N
Cougar Island
Sylvan Beach
BM 5012
PAYETTE
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Duck Bay
Lucks Point
Picnic Area
Boat Ramp
Pilgrim Cove Boat Ramp
Campground
BDY
PARK
STATE
BOUNDARY
Trailer Park
MUNICIPAL GOLF COURSE
BM 5026
BM 5041
BM 5081
BM 5217
BM 5127
LAKE
Fall
JEEP TRAIL
GL3
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NESW
GL4
SESE
25
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34
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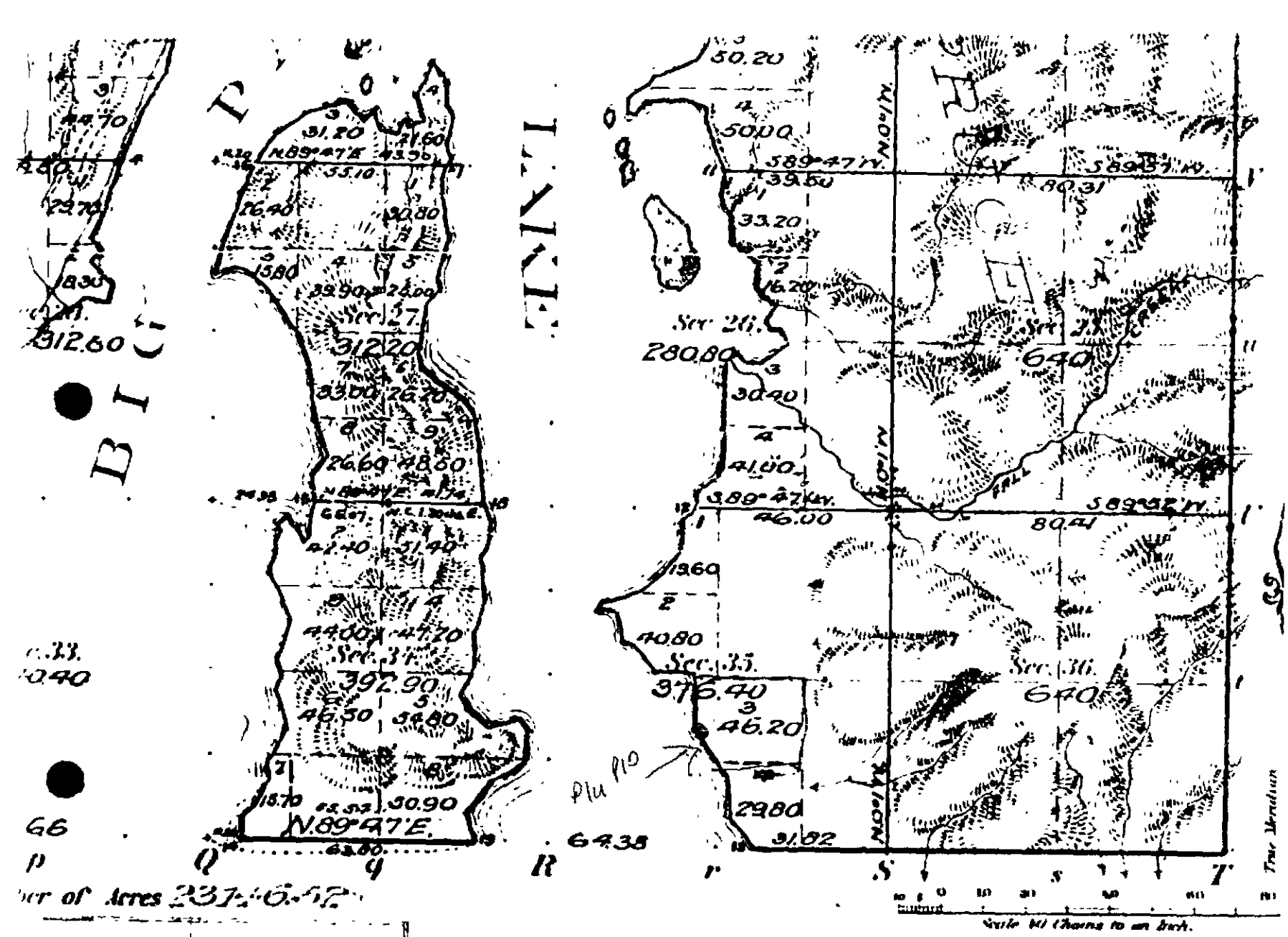
12

Ident. No. 65-13885

Comments: Date: 6/24/1999 User-ID: DNELSON

Subject: ADDITONAL INFORMATION

Domestic use is for 2 house holds also known as lot 1, Harris Cove Subdivision and Lot 3, Nokondo Subdivision. Use was developed in June of 1956, but right was not included in Payette River Basin Adjudication resulting in a Disallowal recommendation in Snake River Basin Adjudication. This application to replace the SRBA claim # A65-17820. Adjudication claim A65-08111 also used on same place of use.



...ber of Acres 237.46.47

When Surveyed	Mean Declination
...	...

...The above Plat of Township No. 19 North of Range No. ... Boise Meridian Idaho is strictly compiled from the notes of the survey thereof on file in this Office which have been examined and approved.

Surveyor General's Office
Boise City, Idaho.

Joseph G. Sh...

Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
OCT 17 2000
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-13885

1. Owner: Donald C. and B. Kay McCarter Phone No. (208) 343-2140

   Current Address: 1324 Candleridge Drive, Boise, ID 83712

2. Accompanied by: Donald C. McCarter Exam Date: 07/18/2000

   Address: 1324 Candleridge Drive, Boise, ID 83712 Phone No. (208) 343-2140

   Relationship to Permit Holder: Owner

3. Source: Big Payette Lake tributary to Payette River, North Fork

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 65-08111

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No	Govt Lot	1/4	1/4	1/4	SEC	TWP	RNG	County	Method of Determination/Remarks
	3		NE	SW	35	19N	03E	Valley	USGS Topographic Map

2. Place(s) of Use: Indicate Method of Determination: USGS Topographic Map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	03E	35									Lot 3 D								

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

SEE ATTACHED SHEET.

_X_ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres).

_X_ *Photo of Diversion and System Attached*

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Submersible	Unknown	¼	Unknown	Unknown	Unknown

Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calibration Date
N/A						

2. Measurements: None. It was not possible to make a measurement.

E. NARRATIVE/REMARKS/COMMENTS

The point of diversion and place of use are located in Government Lot 3 (NESW) of Section 35, Township 19N, Range 03E Also known as Lot 1 of the Harris Cove Subdivision. The permit is for 2 homes, but the permit holders drilled a well for the home located in Lot 3 of the Nokondo Subdivision

They do not use the water for drinking water. Internal domestic uses include showers, toilets, and dishes. Less than one half acre is irrigated per visual inspection.

The system consists of a ¼-hp submersible pump, located in Big Payette Lake approximately 200 feet from the shore The water is pumped through a 1½-inch mainline to a pressure tank located in the crawl space of the home There is a control valve and a pressure gauge

The crawl space entrance is a door in the foundation, which is located under the deck The system can be turned off and the door to the crawl space can be locked There is no other way to access the crawl space This meets the condition of approval that requires a lockable device

The permit holders used water from a spring (65-08111) to water their lawn They no longer use water from the spring because it does not reach their property This is due to alterations made to an irrigation ditch above their property

The Department received a letter from the Idaho Department of Lands that required McCarter obtain an encroachment permit. At the time of the exam this permit had not been obtained I recommend that McCarter and the Department of Lands come to an agreement before licensing this permit

When this permit is licensed the remarks should reflect that domestic use is for 1 home and that the place of use is located within Lot 1 of the Harris Creek Subdivision

I recommend that this permit be licensed for 0.02 cfs with an annual volume of 0 6

Have the conditions of permit approval been met? X YES ___ NO

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measurement Method: *Theoretical*

Assuming 20 psi and 20 feet of lift. Q = [8.8 x .25-hp x 0.70] / [20 ft + (2.31 x 20 psi)] = 0.023 cfs

Permit is for 2 homes with a diversion rate of 0.04 cfs, which is 0.02 cfs for each home. Water is used for 1 home. Allow 0.02 cfs.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: N/A

V_{IR} = (Acres Irrigated) x (Irrigation Requirement) = _____

$V_{D.R}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____

V = Smaller of $V_{IR.}$ and $V_{D R.}$= _____

2. Volume Calculations for Other Uses:

Allow 0.6 AFA because water is used for 1 home, not 2 homes as indicated on the permit.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (AFA)
Domestic	01/01	12/31	0.02	0.6
		Totals:	0.02 cfs	0.6 AFA

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above __X__ None

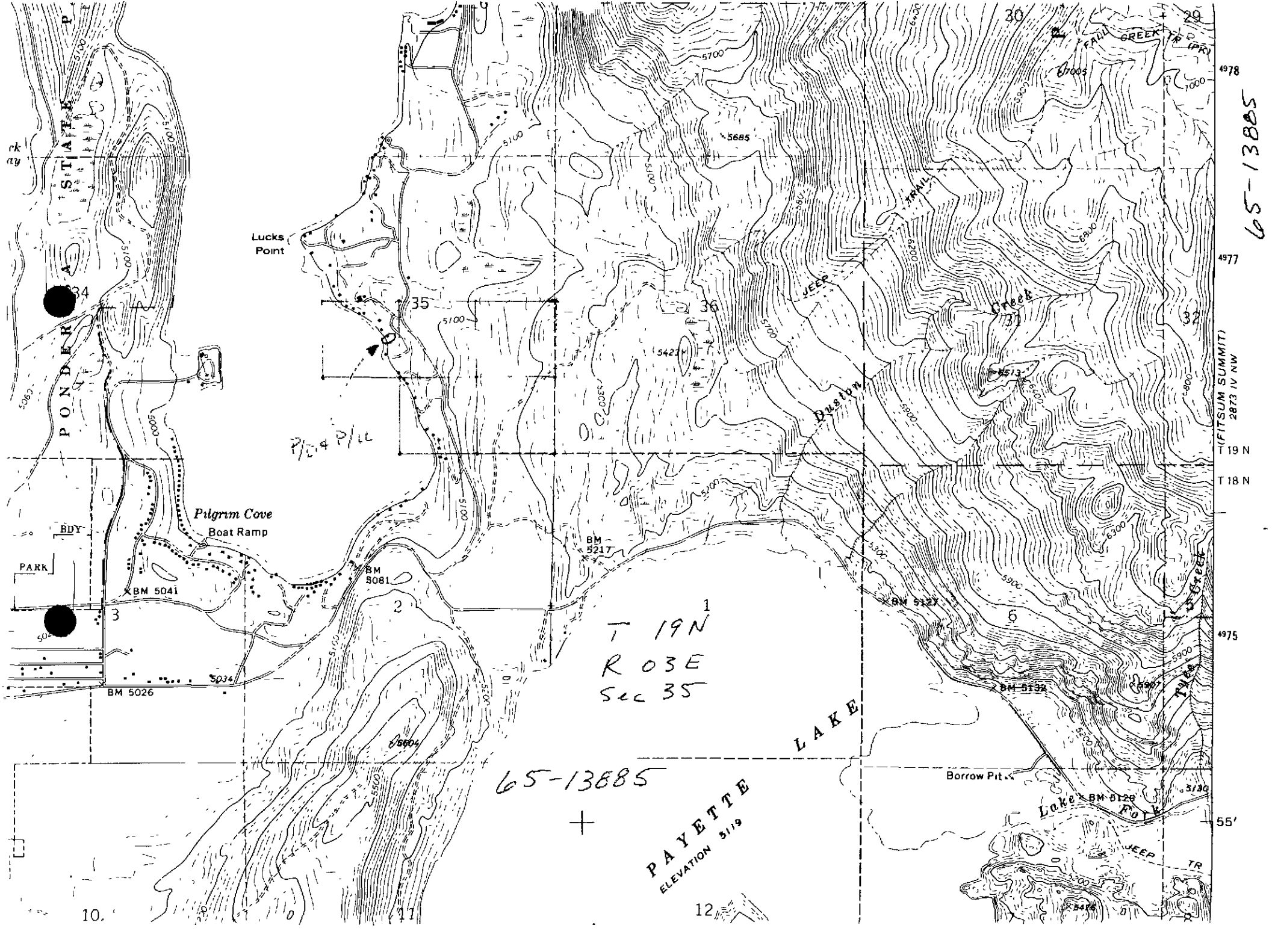
___ Change P.U. as reflected above ___ Add P.U. as reflected above _____ Other

I. AUTHENTICATION

Richard D. Hansen – Field Examiner

Field Examiner's Name Richard D Hansen Date: 7/19/2000

Reviewer _____ Date: _____ seal


PONDERA STATE PARK
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BM 5041
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BM 5217
BM 5127
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BM 5120
Borrow Pit
Lake
FALL CREEK TR (PR)
TRAIL
JEEP
Dutton
Creek
T 19 N
T 18 N
(FITSUM SUMMIT)
2873 IV NW
T 19N
R 03E
Sec 35
65-13885
PAYETTE LAKE
ELEVATION 5119
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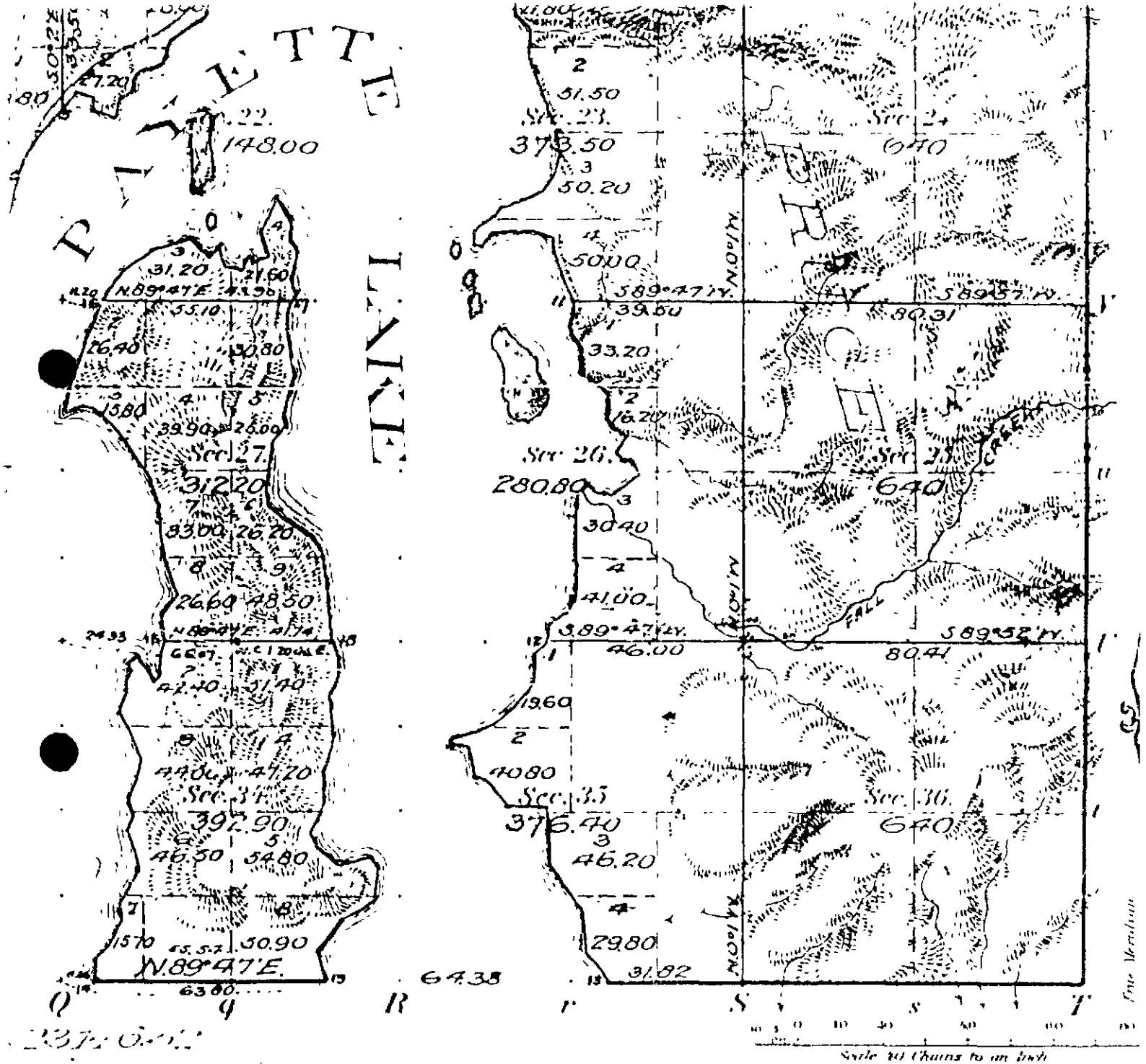


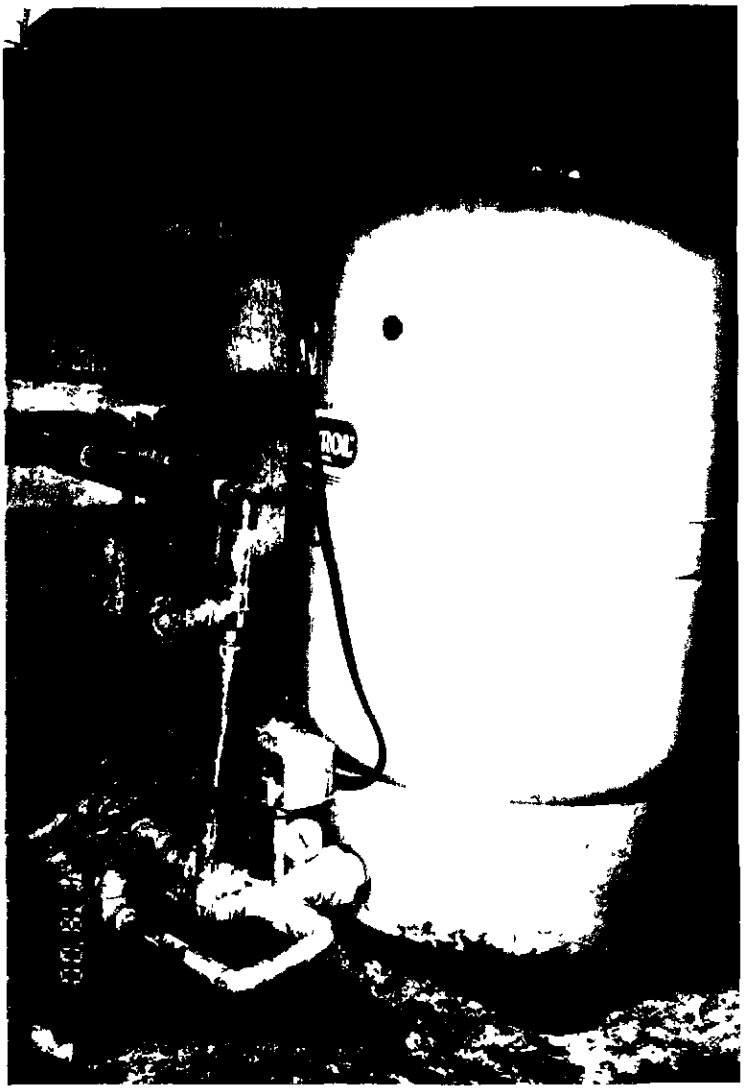
T 19 N
R 03 E
Sec 35

65-13885

Mean Declination

The above Map of Township 19 North of Range 3 East

P/u



System

65-13885

FIELD NOTES

65-13885

1½" main
control valve
pressure gage
pressure tank

submersible pump

½ hp
~200 ft per minute

- home

Harris Cove Subdivision Lot #1

lockable device → lock the door when turning off the water.

Do not use for drinking water
Use for toilets, showers, dishwashing, etc.

Wait for proof of encroachment permit.

No way to measure the diversion rate.

Used to get water from a spring, but it no longer reaches the property

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No 65-63885 Reviewed by JJ Date 12-17-99

GENERAL CONSIDERATIONS

Yes Name same as permit?

Yes Address same as permit?

Yes Proof timely received? Correct Uses? Yes
If not, complete calculation below.

TYPES OF USE

dom

SOURCE OF WATER

✓ Surface water source

____ Ground water source
____ Drilling permit required?
____ Copy in the file? Drilling Permit No ____
____ Amount paid for permit ____ Correct?
____ Well log in the file?

LICENSE EXAMINATION FEE

Yes Required?

50- Amount Submitted

Yes Correct?

MEASURING DEVICE

Yes Required?

NO Installed?

NO Waiver requested?

PRIORITY CALCULATION

Date proof received	____	____
Date proof due	____	____
No. of days late	____	____
Priority Date	____	____
New Priority Date	____	____

DEFICIENCIES OR ACTION ITEMS

Advise of location ~~meter~~ device requirement.
P-OOF Acceptable

DATA ENTRY

New Address ____ Proof Made 12-27-99

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

December 22, 1999

Donald and B Kay McCarter
1324 Candleridge Dr
Boise ID 83712

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13885

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 conduct a field examination to determine and confirm the use being made of the water.

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, please contact the **WESTERN** Regional Office of the department in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

MEMORANDUM

RECEIVED
DEC 22 1999
Department of Water Resources

To: File No. 65-13885, Donald McCarter

From: Gary Spackman

Re: State Lands Encroachment Permit

Date: December 17, 1999

Attached is a letter received from the Idaho Department of Lands (Lands) that responded to our inquiry about the McCarter application. Lands asked us to inform McCarter that before water was beneficially used, McCarter obtained an encroachment permit from the Department of Lands.

The date stamp on this letter shows it was received August 19, 1999. This coincided with the approximate time the application was sent to the state office for review. I notice in the data base that it was approved September 9, 1999. I also notice in the data base that a general condition informing the permit holder that our water right does not establish an easement was placed on the permit, but did not specifically refer to the encroachment permit required by Lands.

At the time of the licensing field exam, we should determine whether McCarter has obtained the necessary encroachment permit. A license should not be issued until he has.

CC: IDWR State Office
Western File

IDAHO DEPARTMENT OF LANDS

PAYETTE LAKES AREA OFFICE
555 Deinhard Lane
McCall, Idaho 83638-4801
Phone (208) 634-7125 FAX (208) 634-5117

STANLEY F HAMILTON - DIRECTOR

August 16, 1999

RECEIVED
AUG 19 1999
WATER RESOURCES
WESTERN REGION

Department of Water Resources, Western Region
C/O Gary Spackman
2735 Airport Way
Boise, Id. 83705-5082

RE: Application for Water Right No. 65-13885, Donald McCarter

Dear Gary,

Water use from Payette Lake for domestic purposes is common and this area has no concerns with that use. Our concern is with the method of diversion and transportation over the bed of Lake Payette. The state requires an encroachment permit for anything placed below the high watermark and our records indicate that Mr. McDonald does not have one. Please inform Mr. McDonald that before implementation of this water right is made they must see the Department of Lands office in McCall about an encroachment permit.

Thank you for allowing us to comment. If you have any questions, please call.

Sincerely,

Jay Sila
Lands Resource Supervisor

Jls/ms

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

September 28, 1999

Donald C McCarter
1324 Candleridge Dr
Boise ID 83712

RE: Request for Information

Dear Mr. McCarter:

I have enclosed a listing of Certified Water Right Examiners, per your request of Shelley Keen of September 27, 1999.

If you have any questions regarding the list, please contact me directly at (208)327-7953.

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH
Administrative Assistant
Water Allocation Bureau

Enclosure

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

September 10, 1999

DONALD C MC CARTER
B KAY MC CARTER
1324 CANDLERIDGE DR
BOISE ID 83712

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13885

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.

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.

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

Please be advised that there is insufficient natural flow available from the source identified on your right to provide water throughout the entire season. You may want to arrange for a supplemental supply from a different source.

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.

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

Sincerely,

Shelley Walter Keen

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the **10th** day of **September, 1999**, 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. 65-13885

DONALD C MC CARTER
B KAY MC CARTER
1324 CANDLERIDGE DR
BOISE ID 83712

Kari Lynn Townsend
Secretary

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.

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

by SCurtis

No.: 65-13885 Name: McCarter Date: 9/8/99 Ad OK? ✓ ✓ Gvmt Lts: ____

AREA OF CONCERN: - No/Yes ____ Mor / ____ GWMA / Trust / Non-trust

PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:
- > 1 year - ~~26A-P17~~
- ≤ 1 year/no proof - (P16)

GROUNDWATER: (✓ FLO-CH)
- DRILLING PERMIT
  - All wells (✓ WDQ3) - 046-**P23**
  - In Basin 34? - 085
  - Irr. within WD - **P05** (new well location)
- WMD (✓ MAP) - North / East / West
  - > 0.24 cfs/5 acres - 067
  - ≤ 0.24 cfs/5acres - No MD
- ~~WMD~~
  - Supp irr use only - 065-079 (if GW use SW)-(keep SW)-(GW not primary irr source)
  - Supp. irr + uses - 100-101
  - > 0.24 cfs/5acres - 01M (report when notified)
  - ≤ 0.24 cfs/5acres - No MD

SURFACE WATER: (✓FLO-CH) (Surface water that *doesn't sink* is regulated):
- FISH & GAME CONTACTED - YES / NO; WHEN 8/2/99 RESPONSE. No objections
- IN/ABOVE MSF (✓ MAP) - *WB9 ____
- IN-STREAM DEVELOPMENT - (P62 (stream channel alteration)
- WD (✓ MAP & LISTING) - R04 (WD # 65)
  - > 0.20 cfs - 01J-P08 (MD & LD)
  - ≤ 0.20 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP)
  - > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
  - ≤ 0.24 cfs/5acres - No MD
- SPRINGS/SINK, INACTIVE WD & REST OF STATE
  - > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
  - ≤ 0.24 cfs/5acres - No MD

RIVER BASINS: (*Surface water).
- Snake R (01) - *W22 -P04, NA
  - (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047 (P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087

USE:
- STORAGE (✓3 compo.) - 18A (in & out MD for on-stream storage)-01H-**P01** (LD)/01P, 18B-**P09** (>10' dam), NA
- IRR ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3 0/3 5/4 0/4 5 AF)
  - > 5 acres - R62/R63/R64/R65 (0 02 cfs/acre + 3 0/3.5/4.0/4 5 AF)
- STOCKWATER - R37 (BLM/USFS); NA
- MINING - 054(req) -081-**P10**
- FISH PROPAGATION - 029(70's only)-007-042(req)-081 (WQ)-**P10**
- HEATING/COOLING - R07 (injection well)
- POWER - 17H/17K(+uses)-08A-025(**P18**)-01N-028-081(**P10**)-027 (if no other cons use); 17G (FERC) or 17M (~~FERC~~); 18B-**P09**; >25 cfs-**P18**
- MUNICIPAL
  - In restricted area? - 022, 075, 004 (+memo?)
  - Irr., GW supp to SW? - 102
- DOMESTIC
  - Surface water - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
  - >1 in rest. area - 071-070
- FIRE PROTECTION - 077

LOCATION:
- BOISE FRONT LOGEO - 058 (<85° GW temp only)
- MITIGATION - 120
- 42-248 AREA - (P84 (in 20/30/40/50/60/70/80 (87) basin)
- SWAN FALLS FLAG (✓Code) - ____
  - Trust - 051-052-053-**P74** (Consumptive Uses), NA
  - Non-Trust (1) - 048-049 (Consumptive Uses), NA

OWNERSHIP: - 004 (PD/PU) ____

OTHER CONDITIONS: - ____

STANDARD REMARKS: - WSP Lots 3, Records Subd & Lot 1, Harris Cove Subd

BENEFICIAL USE DUE: - 9/1/2000

COMMENTS: - SRBA claim 65-CE111 is for Lot 1, Harris Cove Subd from a spring.

Form No. 202a.
9/98

RECEIVED
SEP 3 1999
DEPARTMENT OF WATER RESOURCES

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: DAN DATE: 6-23-1999 APPLICATION: 65-15085

REQUIRED INFORMATION

X Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
X Address:
X Source: (See USGS Quad for names of water sources)
X Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
X County:
X Quantity: (flow and/or volume)
X Period of use:
X Nature of proposed use: (Include description of use)
X Description of diverting works:
X Time required for beneficial use of water:
X Place of use or acres irrigated:
X Map: (show T, R, S, QQ &/or QQQ)
N/A Subdivision plat: (for > 1 home in restricted area. ≥ 5 homes in non-restricted area)
X Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
X Correct fee paid

Gov't. Lots:
Yes P/D
Yes P/U

NO ADVERTISE REMARK(S)
(Reviewer identify which remarks)

ADDITIONAL INFORMATION

Yes T FLAG CHANGED TO P FLAG

YES	NO	
X	___	Overlapping place of use: (Describe source & relationship to present application on next page.)
X	___	Overlapping point of diversion.
___	X	Critical groundwater area:
___	X	Groundwater management area:
___	X	1992 moratorium:
X	___	Surface water source, IDFG letter needed.
X	___	Bull trout impact area, IDFG letter needed
___	X	E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
___	X	E-mail to Dam Safety staff: (for any storage)
___	N/A	Mitigation plan: Check any that apply.
		___ immediate = acceptable plan required and submitted.
		___ future = open areas, acceptance of condition of approval is in file.
___	X	Send power requirement letter &/or fish farm requirement letter.
___	X	Power residency affidavit:
___	X	Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
___	X	*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____ Date Response Received _____

PROCESSING APP. NO. 65 - 13885

YES NO

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

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

YES	NO		YES	NO	
___	X	I.D. Health & Welfare	___	X	U.S. BLM
___	X	I.D. District Health	___	X	U.S. Forest Service
X	___	I.D. Fish & Game	X	___	Water Dist. # 65
X	___	I.D. Lands	___	X	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 8-23-99
___ ✓ Protests received.
___ X Recommendations attached:
___ X Measuring device required:
X ___ Water delivered by water master? District # 65
X ___ Special conditions of approval or cover letter: STANDARD WM CONTROLS 071, 0 STANDARD CONDITIONS, 004

X ___ See below for additonal information
Recommended Date or Priority 6-9-1999
Recommended by: Daniel A. Nelson Date: 9-1-99

ADDITIONAL INFORMATION:

The ONLY SIGNIFICANT OVERLAPPING WATER RIGHT is 63-08111. However, no adjudication claim has been Filed ON This RIGHT. This application FOR permit is TO Replace Adjudication claim 65-17820 which Has been Recomended FOR D.Sallowall in SRBA.

NOTICE OF APPLICATION FOR WATER RIGHT

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

78-07396
Kings Pines Estates, Inc.
P.O. Box 704,
McCall, Idaho 83638.
Source: GROUNDWATER.
Diversion Pt: NESW Sec 1 T18N R 02E in ADAMS County.
NWSW Sec 1 T18N R 02E in ADAMS County.
SWSW Sec 1 T18N R 02E in ADAMS County.
SESW Sec 1 T18N R 02E in ADAMS County
NWSE Sec 1 T18N R 02E in VALLEY County.
Use: IRRIGATION (0.290 CFS).
DOMESTIC (0.400 CFS).
Total Diversion: (0.690 CFS).
Date Filed: 6/14/1999 I
n: ADAMS County. T18N R02E S01 SWNW NESW NWSW SWSW. I
n: VALLEY County. SESW NWSE.
14.7 ACRES TOTAL.
Applicant agrees to mitigate consumptive use in the future as needed.
Domestic use is for 64 homes within King's Pines Estates III and IV.

65-13885
McCarter, Donald C.,
McCarter, B. Kay,
1324 Candleridge Dr ,
Boise, ID 83712.
Source: PAYETTE LAKE.
Tributary: PAYETTE RIVER, NORTH FORK.
Diversion Pt : LOT 3 (NESW) Sec 35 T19N R03E in VALLEY County.
Use DOMESTIC (0.040 CFS).
Total Diversion: (0 040 CFS).
Date Filed 6/9/1999.
In. VALLEY County.
T19N R03E S35 Lot 3 (NESW)

65-13892
KOCH, JONATHAN,
14050 Pioneer,
McCall, ID 83638
Source: UNNAMED STREAM
Tributary: LAKE FORK CREEK
Diversion Pt: SESE Sec 27 T 18N R 03E in VALLEY County.
Use: WILDLIFE STORAGE (2 00 AF)
Total Diversion: (2.00 AF).
Date Filed: 7/9/1999.
In: VALLEY County.
T18N R03E S27 SESE

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 23, 1999. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director 2tc/8/12

RECEIVED
AUG 18 1999
WATER RESOURCES
WESTERN REGION

Publisher's Affidavit of Publication

RECEIVED
AUG 17 1999

STATE OF IDAHO } .ss

County of Valley

I, Carol J. Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper, that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began August 5, 1999 and ended August 12, 1999

over →

Carol J. Wright

Subscribed and sworn before me this the 13th day of August, 1999.
STATE OF IDAHO

COUNTY OF VALLEY }

On this 13th day of August, in the year of 1999, before me, a Notary Public, personally appeared Carol J. Wright, 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

TOM GROTE NOTARY PUBLIC STATE OF IDAHO

Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 1999

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

August 2, 1999

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

Re: Application for Permit Nos. 77-07376 in the Name of Charles Guess, 65-13893 in the Name of Marjorie Gregg, 65-13885 in the Name of Donald C. McCarter, 67-08036 in the Name of John R. Schwenkfelder, and 65-13892 in the Name of Jonathan Koch.

Dear Sir:

Enclosed are copies of the above-referenced applications for permit which may be of interest to your agency. 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 these applications, your written protest along with the $25.00 protest fee must be received in this office by August 23, 1999.

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

Sincerely,

Gary Spackman

Gary Spackman

GS:st

Encl.

Gary -
I have reviewed these and none of them should adversely affect fish or wildlife habitats.
8-6-99

01-99

State of Idaho
Department of Water Resources

RECEIVED
AUG 0 9 1999
WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No: 65-13895

Applicant's Name: Donald C. &/or B. Kay McCarter

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 5th day of August, 1999

Water District No. 65

Mark Limbaugh, Watermaster

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

KARL J. DREHER
DIRECTOR

August 2, 1999

MARK LIMBAUGH
WATER DISTRICT 65
102 N MAIN
PAYETTE ID 83661

Re: Applications for Permit Nos. 65-13885 in the Name of Donald C. McCarter and 65-13893 in the Name of Marjorie J. Gregg

Dear Sir:

Enclosed are copies of the above-referenced applications for permit within your district. Also, enclosed area forms for your recommendation concerning these applications for permit.

Please review the applications and submit any comments you may have within two weeks If you have any questions or need information, feel free to contact this office.

Sincerely,

Gary Spackman

Gary Spackman

GS:st

Encl.

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

August 2, 1999

ID DEPT OF LANDS
BUREAU OF NAVIGABLE WATERS
STATEHOUSE MAIL
BOISE ID 83720

Re: Application for Water Right No. 65-13885 in the Name of the Donald C. McCarter

Dear Interested Party:

Enclosed is an copy of the above-referenced application for water right which may be of interest to you.

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

A protest must be received with a $25.00 protest fee on or before August 23, 1999.

Sincerely,

Gary Spackman

Gary Spackman

GS:st

Encl.

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

August 2, 1999

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

Re: Application for Permit Nos. 77-07376 in the Name of Charles Guess, 65-13893 in the Name of Marjorie Gregg, 65-13885 in the Name of Donald C McCarter, 67-08036 in the Name of John R. Schwenkfelder, and 65-13892 in the Name of Jonathan Koch.

Dear Sir·

Enclosed are copies of the above-referenced applications for permit which may be of interest to your agency. 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 these applications, your written protest along with the $25.00 protest fee must be received in this office by August 23, 1999

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

Sincerely,

Gary Spackman

Gary Spackman

GS:st

Encl.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

6/24/1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DONALD C &/OR B. KAY MC CARTER
1324 CANDLERIDGE DR
BOISE, ID 83712

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM A65-08111 FILING

Dear Mr. and Mrs. McCarter,

We received your application for permit to divert Payette Lake water on 6/9/1999. In my review of your application for permit, I discovered that you have not filed a Snake River Basin Adjudication Claim (SRBA) for your spring water use (65-08111). I have enclosed the SRBA adjudication claim form for this water right. Please check and make sure that everything is correct. Then sign and notarize the claim and send it back to our office. If you do not have any changes other than the address, there will be no fees associated with this filing.

This should not affect your application for permit for water from Payette Lake, but you should submit this claim as soon as possible to avoid losing the right to divert water from the spring.

If you have any questions please contact me at the above address or telephone number.

Respectfully,

Daniel A. Nelson
Water Right Agent

PLEASE SEND COMPLETED FORM TO:

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
ATTN: DAN NELSON
2735 AIRPORT WAY
BOISE, ID 83705-5082

IN THE DISTRICT COURT OF THE JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF

Ident. Number: **A65-08111**
Date Received: / /
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER FEDERAL LAW

1. Name: B KAY MC CARTER
   Address: 6615 MORTON DRIVE
   BOISE ID 83704

2. Date of Priority: APR 1, 1959

3. Source: SPRING Trib. to: BIG PAYETTE LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
19N	03E	35	NE SW		VALLEY

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		1.20

7. Total Quantity Appropriated is:
   0.040 C.F.S. (and/or) 1.20 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
19N	03E	35	NE SW		DOMEST	

11. Place of use in counties: VALLEY

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

14. Remarks:
LOT 1, HARRIS COVE SUBDIVISION.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO
Decree Plaintiff

vs

A & C CORP., ET AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We *do* ____ *do not* ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day

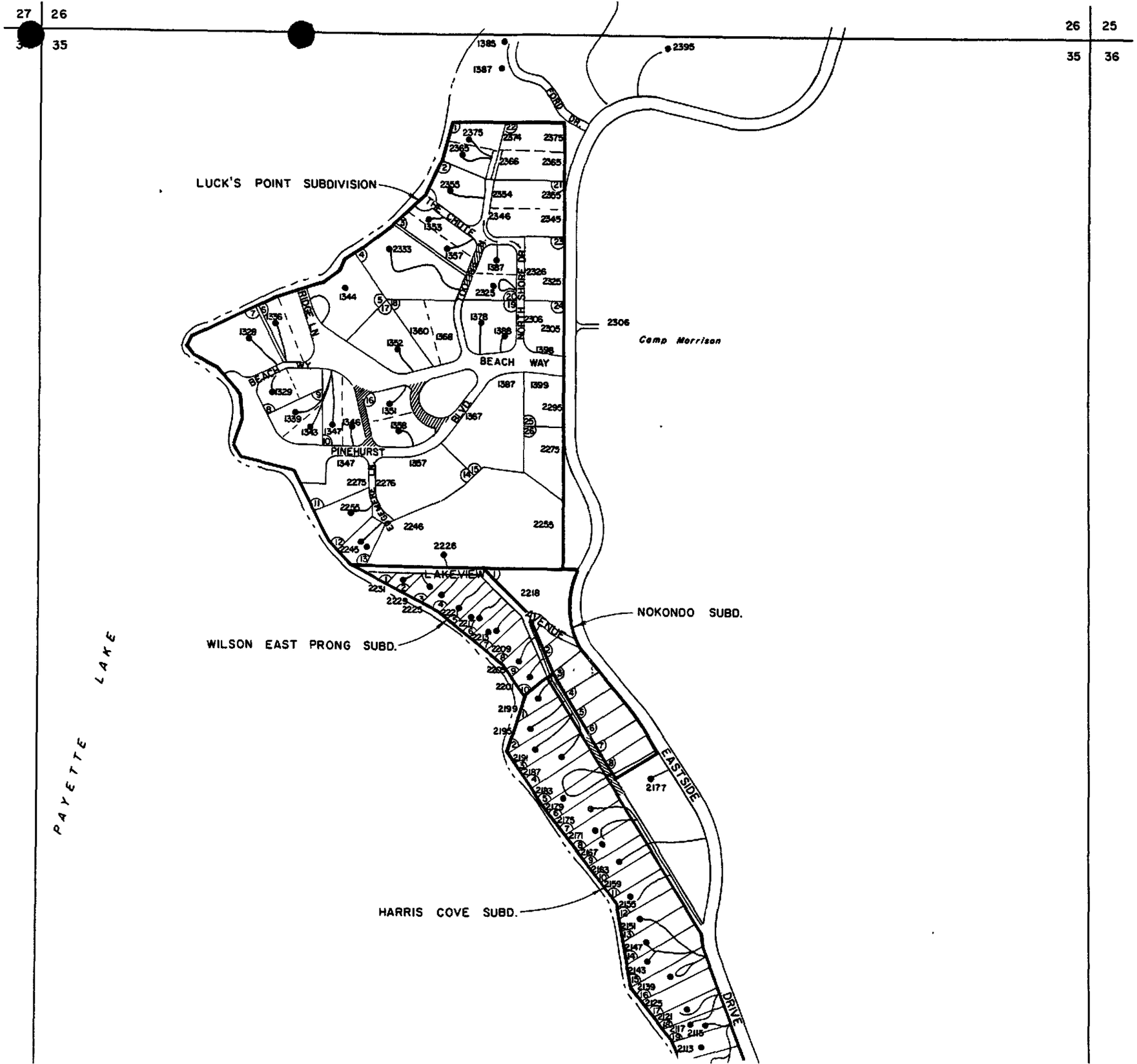
of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____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TYE CIRCLE
RIDGE LN.
BEACH WAY
NORTH SHORE DR.
PINEHURST
RIVER
LAKEVIEW
AVENUE
EASTSIDE
DRIVE
Camp Morrison
2306
NOKONDO SUBD.
WILSON EAST PRONG SUBD.
HARRIS COVE SUBD.
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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

JULY 28, 1999

Legal Notices Department
The Star News
PO Box 985
McCall, ID 83638

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 23, 1999.

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:

65-13885

MC CARTER, DONALD C
MC CARTER, B KAY
1324 CANDLERIDGE DR
BOISE, ID 83712

Source: PAYETTE LAKE Tributary: PAYETTE RIVER, NORTH FORK

Diversion Pt: LOT 3 (NESW) Sec 35 T 19N R 03E in VALLEY County.

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

Date Filed: 6/ 9/1999

In: VALLEY County
T19N R03E S35 Lot 3(NESW)

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 applicatio on or before AUGUST 23, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 7/ 7/1999 & 7/14/1999