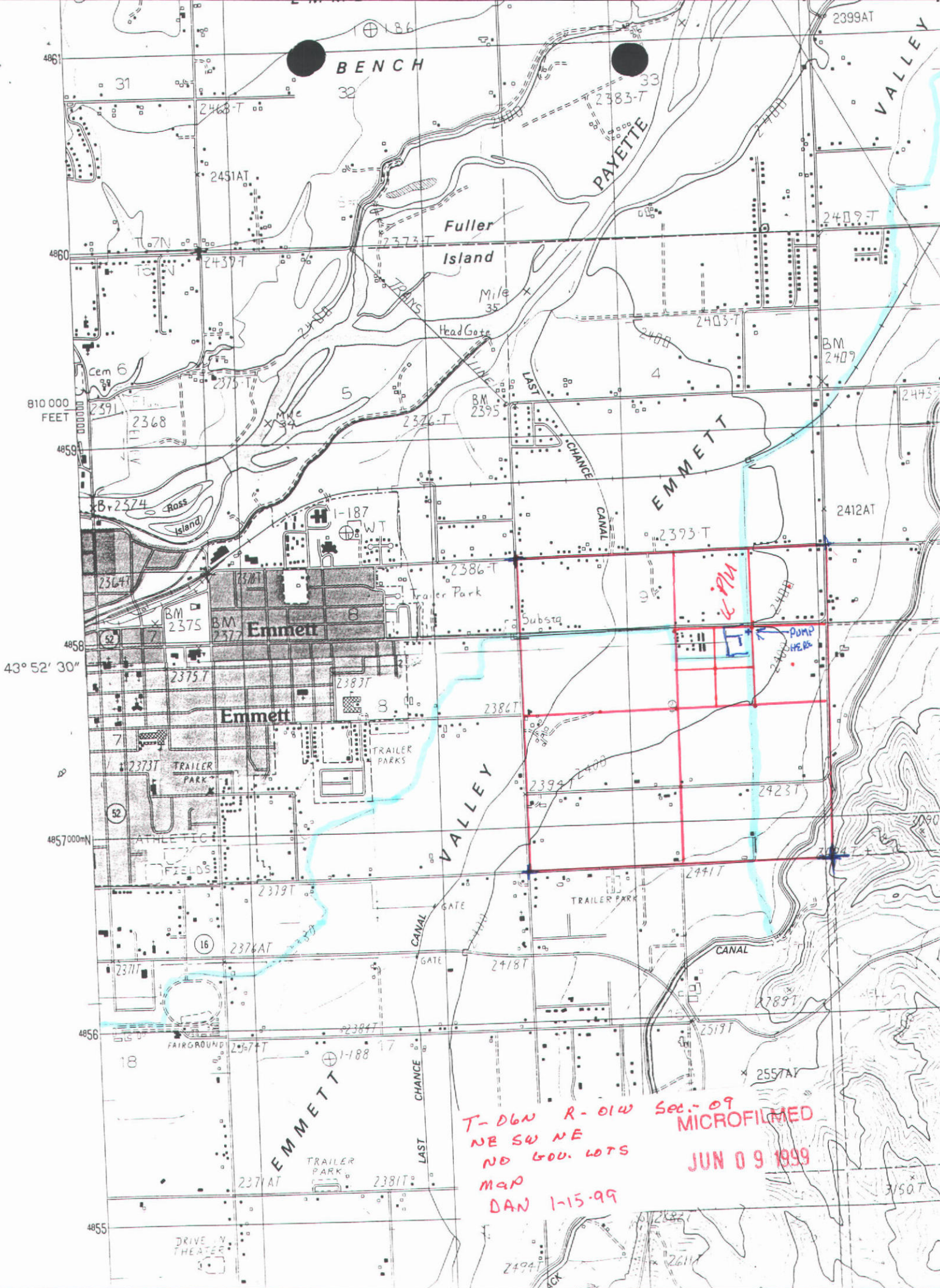




County Road

MAIN STREET

9 heads
300' 1 1/2" pipe

2" gate valve
pump
1 1/2' hose
5' center
90'

Drain Ditch

Property line

210'

4 heads

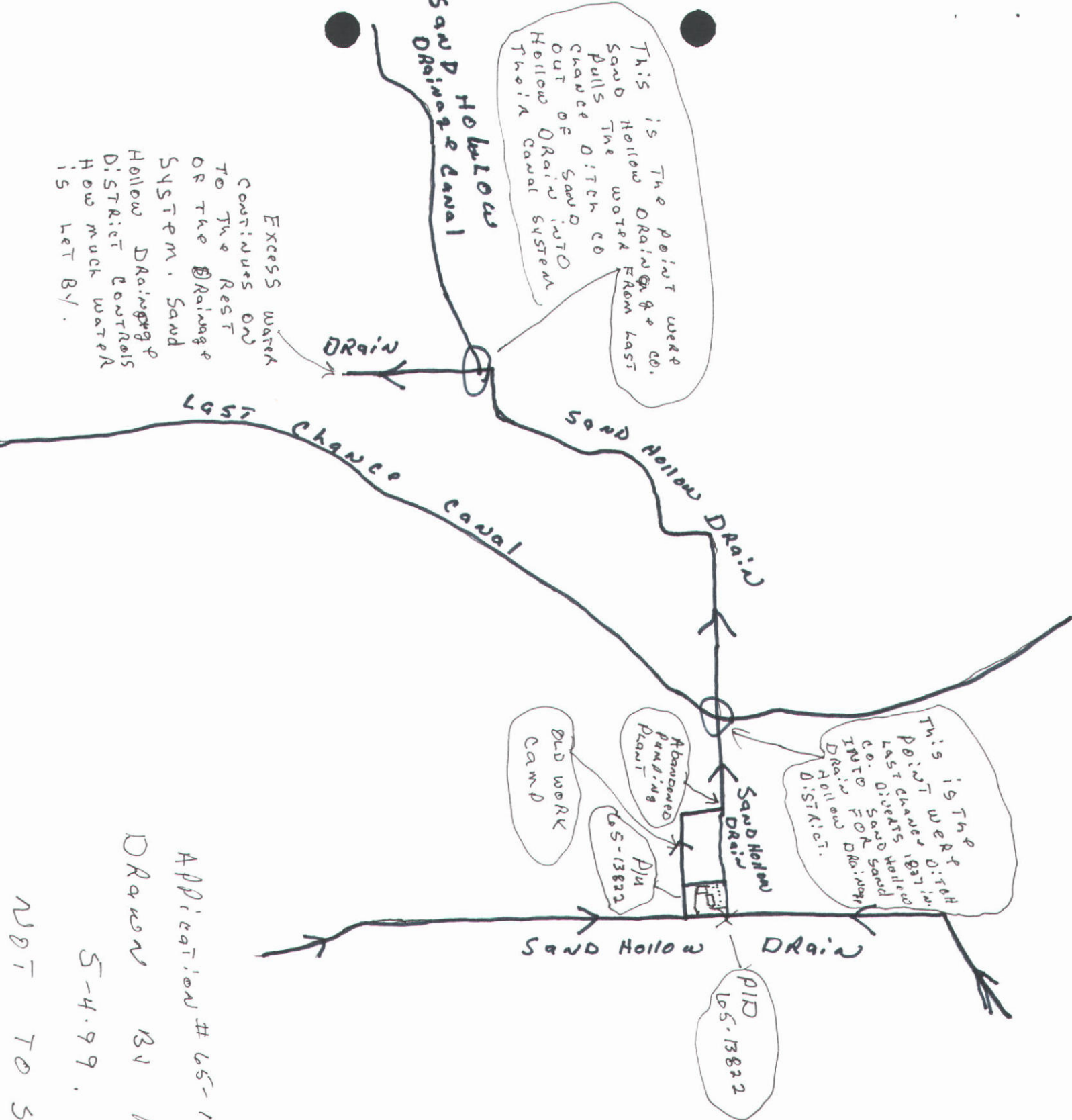
WALTER KANS
House

MICROFILMED
JUN 09 1999

This is the point where
SAND HOLLOW DRAINAGE CO.
pulls the water from last
craze ditched
out of sand
Hollow Drain into
Hollow Canal system

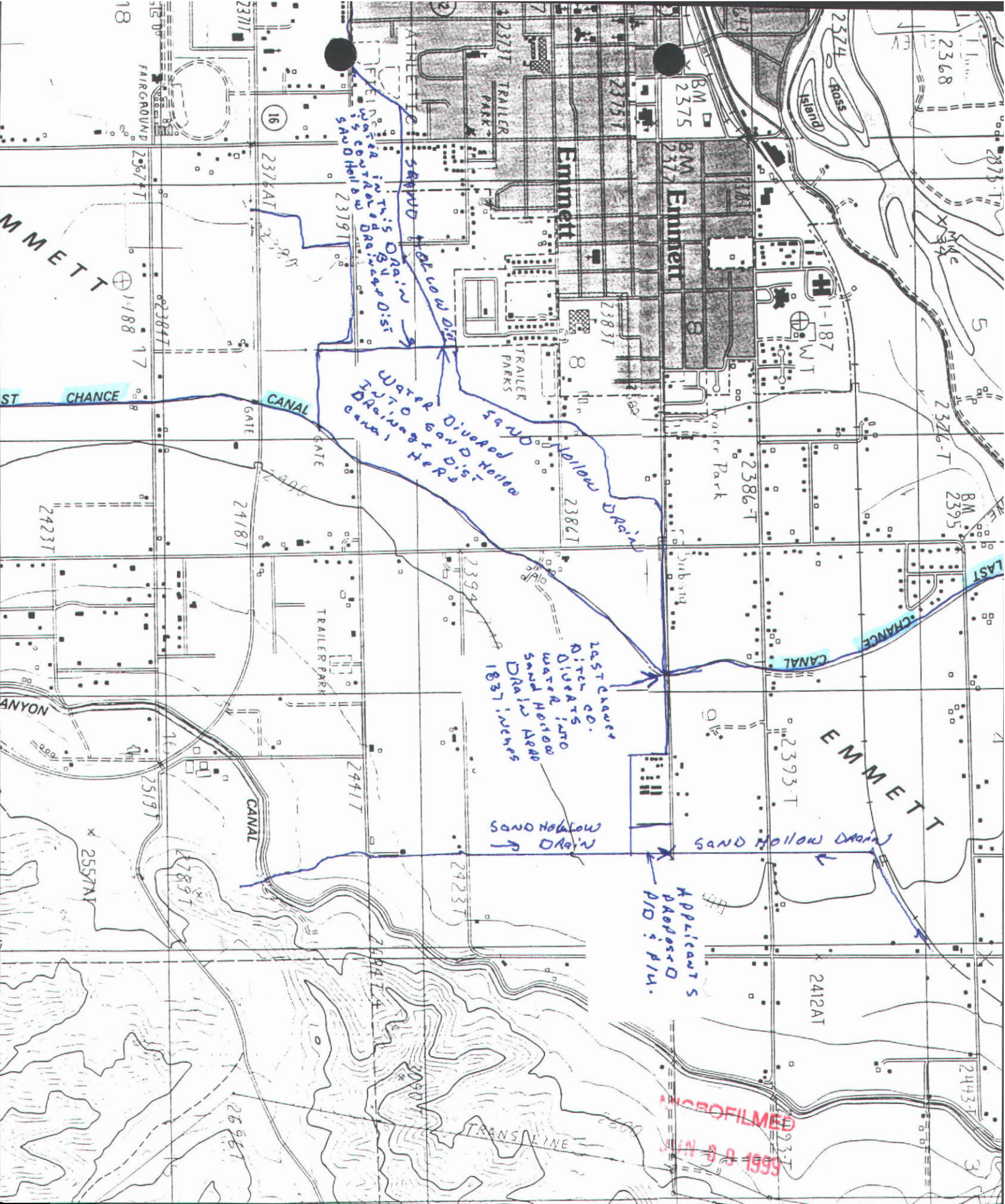
Hollow
SAND DRAINAGE Canal

EXCESS WATER
CONTINUES ON
TO THE REST
OF THE DRAINAGE
SYSTEM. SAND
HOLLOW DRAINAGE
DISTRICT controls
How much water
is let by.



Application # 65-13822.
Drain 131 Daniel A. Moore
5-4-99.
NOT TO SCALE

MICROFILMED
JUN 09 1999





PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 4/30/1999
FILE NO. AND LEGAL DESCR. 65-13822

MICROFILMED
JUN 8 9 1999



These photos are of the applicants front yard. The owner plans to irrigate the trees that run through the middle of the front yard and along the driveway. They have a single sprinkler line running through the middle of the trees. The owner does not currently plan to irrigate the rest of the yard and does not have any sprinklers installed for the rest of the yard. However, I foresee the possibility of future owners believing that they could irrigate the entire yard in the future.



PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 4/30/1999
FILE NO. AND LEGAL DESCR. 65-13822

MICROFILMED
JUN 09 1999



These photos are of the applicants back yard. The owner plans to irrigate the green patch of lawn from the house well under their domestic right. The owner does not currently plan to irrigate the rest of the yard and does not have any sprinklers installed for the rest of the yard. However, I foresee the possibility of future owners believing that they could irrigate the entire yard in the future.



PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 4/30/1999

FILE NO. AND LEGAL DESCR. 65-13822

DIP TO OLD Pump system



The photo on the left is of the end of the pipe from the sprinkler line to Sand Hollow Drain. This pipe is not connected to any pumping system. The picture on the right is of the old pumping plant from this place of use. According to the applicant this pump station was used to irrigate the workers camp (including his property). However, the previous owner of the applicant's property and the property west of the applicant, neglected to file a claim in the Payette River Adjudication or the Snake River Basin Adjudication. Therefore, any right to divert water from this older system has long since been abandoned.

MICROFILMED
JUN 09 1999



PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 4/30/1999
FILE NO. AND LEGAL DESCR. 65-13822

Abandoned
Diversion From
Sand Hollow
Drain.



OLD WORK CAMP

SAND HOLLOW DRAIN

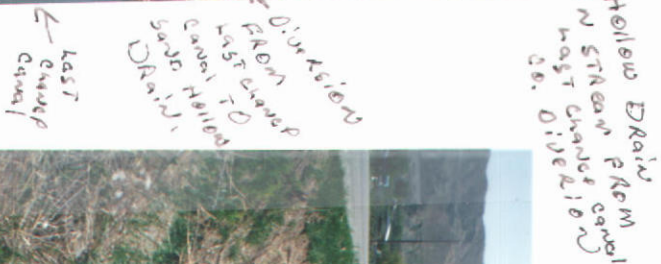
LAST CLAYTON CANAL DIVERSION

This photo shows the water available from the sand hollow drain. This water comes from run off, irrigation return flows from Black Canyon Canal Company, and high water table seepage. In the background you can see the old work camp (now a storage facility) and an abandoned diversion from the Sand Hollow Drain. I was told that this pumping plant has not operated in the last 10 years. There is still a water right held for this point of diversion even though it has not been used. The applicants place of use is on the other side of the old work camp.

MICROFILMED
JUN 09 1999



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JUN 09 1999



water
passing
under
water channel
General FARM
Sand Holes
DRAIN.

The photo on the left is the point where Last Chance Ditch Co. diverts 1837 inches of water into the Sand Hollow Drain for the Sand Hollow Drainage District. The picture on the right shows the water from Last Chance Ditch Co. flowing into the Sand Hollow Drain. The cement structure on the right is the culvert for the Sand Hollow Drain that flows under the Last Chance Canal. This is the point that the Last Chance Canal Co water and Sand Hollow Drain water commingle.



PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 4/30/1999

FILE NO. AND LEGAL DESCR. 65-13822

check Dam and
Drainage by
this controlled
Dam by Sand Hollow
Drainage Co.



These photos are of the point of diversion for Sand Hollow Drainage Company. The Sand Hollow Drainage Co controls the drain at this point. The water in the main drain comes from Last Chance Ditch Co. and almost entirely diverted into the Sand Hollow Drainage Co. canal. When excess water is available water is released and allowed to continue down the drainage system. Sand Hollow Drainage Co. often turns off all of the water in the drainage system except for leakage around the check dam. Last Chance Ditch Co. diverts 1837 inches of water into the Sand Hollow Drain for irrigation. All of this water is used by the Sand Hollow Drainage Co..

4/30/99
Sand Hollow
Drainage Co.
Last Chance
Ditch Co.

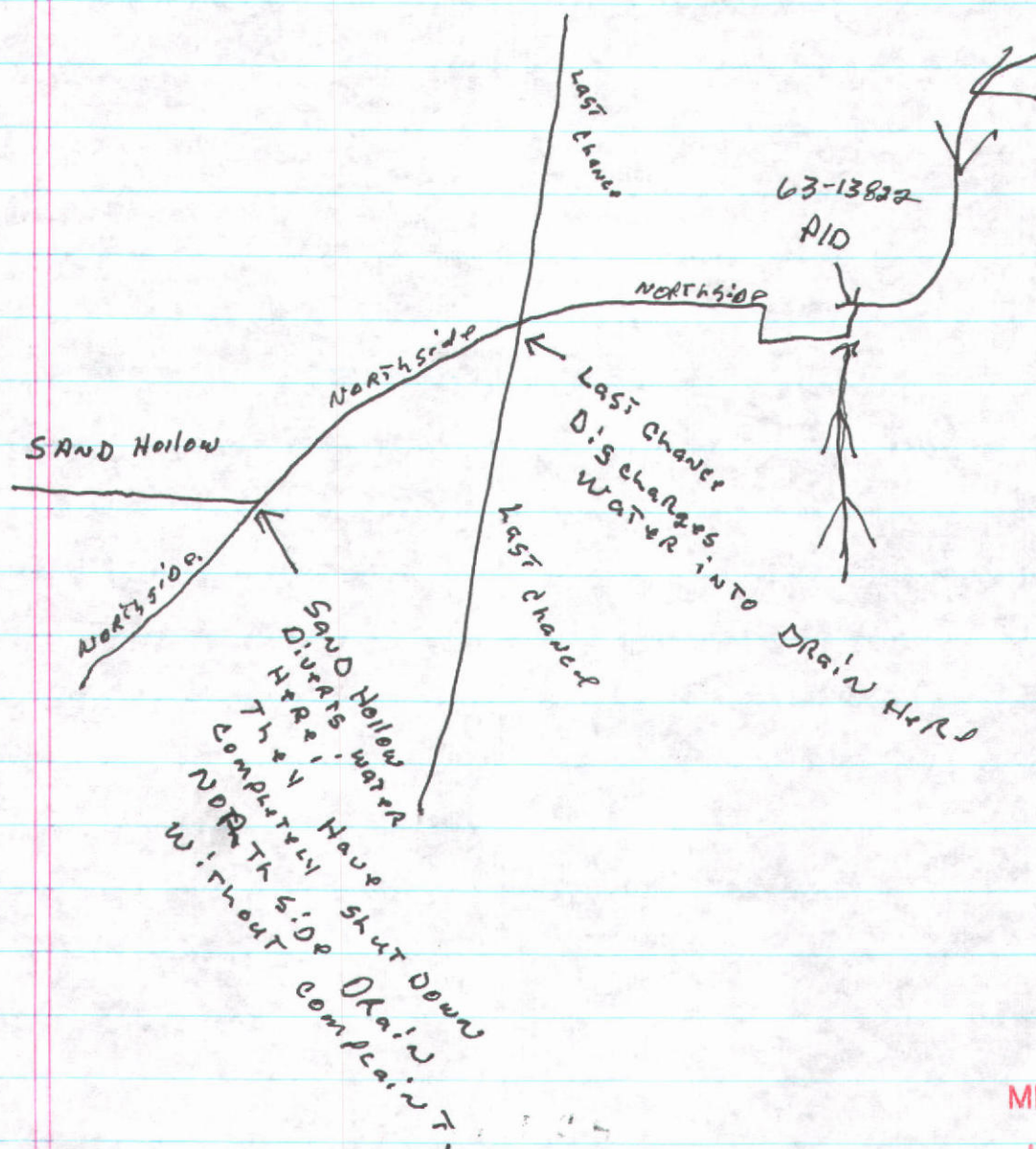
MICROFILMED
JUN 09 1999

Call CHARTERS

STAN

WATER FROM DRAIN COMES
FROM RUNOFF - IRRIGATION
RETURN FLOWS - HIGH WATER TABLE
See page.

PICTURE OF DRAIN



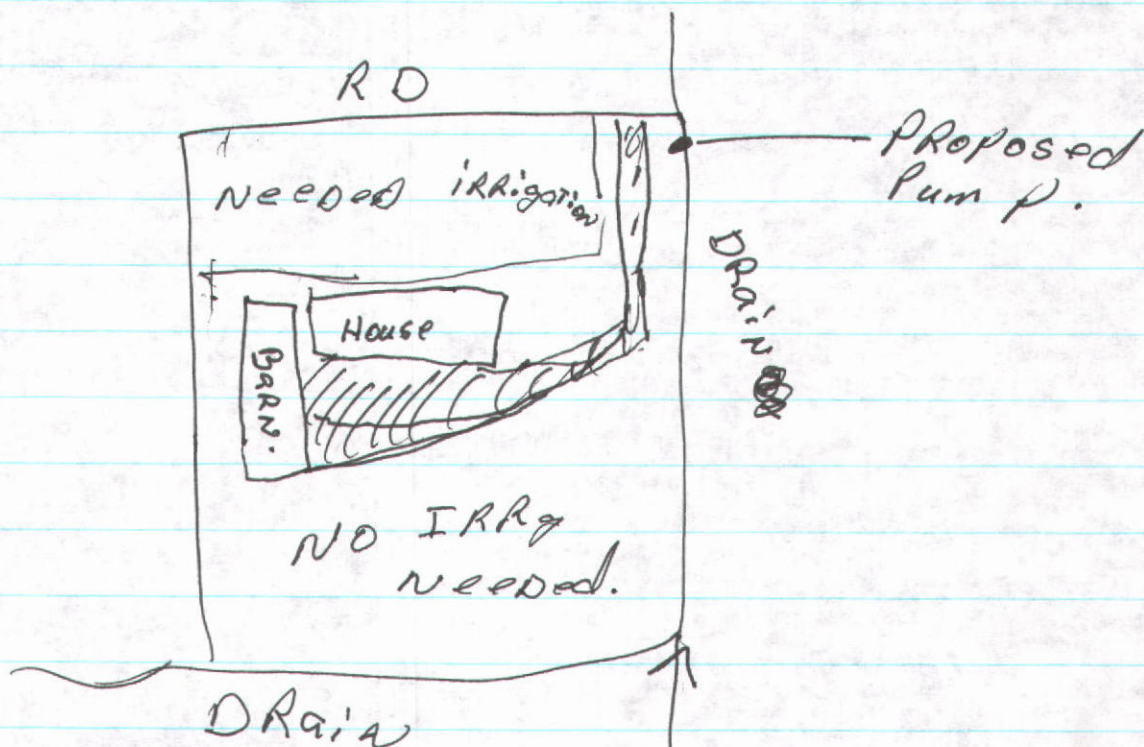
MICROFILMED

JUN 09 1999

Pump BY RD.

HAD pump in at ONE
TIME. FOR THE ENTIRE

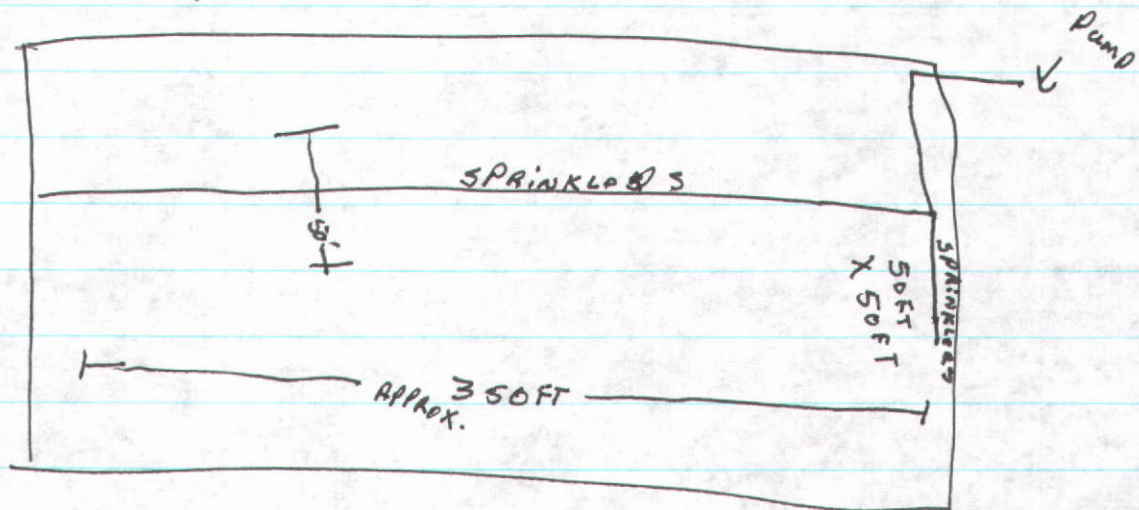
Willing TO CUT DOWN ~~TO~~
ACREAGE TO NEGOTIATE
USE OF WATER.



OWNER'S SAID
They may be willing
TO PAY FOR LAST
CHANCE FOR WATER
IF THE DIVERSION
AT SAND HOLLOW IS
COMPLETELY DIVERTED
TO SAND HOLLOW

HARDLY
ANY WATER
COMES
THIS
WAY
MICROFILMED
JUN 09 1999

FRONT YARD



The SPRINKLERS are Buried and only needed to irrigate TREES IN FRONT YARD.

The yard up FRONT is NOT irrigated & BACK YARD is NOT irrigated.

They & just have NO need FOR a big YARD they JUST want TO keep TREES Alive.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
ss.
COUNTY OF GEM,

Mary K. Black, being first
duly sworn, on her oath deposes and
says that she is the clerk of the Mes-
senger Index, a legal weekly news-
paper published at Emmett, in Gem
County, Idaho; that said newspaper
is in general circulation in said
county and has been published unin-
terruptedly and continuously for
more than 78 weeks prior to the
first publication of the annexed
document; and that the document
notice, process, or advertisement
hereunto annexed was published in
the regular edition of Messenger
Index for two

consecutive weekly issues thereof,
beginning with the issue of
February 3, 1999,

and ending with the issue of
February 10, 1999

Mary K. Black
Subscribed and sworn to me this

10th day of
February, 1999
Marianne Chaney

Notary Public

Residing at Emmett, Idaho

My Commission Expires 2-4-2005

RECEIVED

FEB 11 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:

65-13822 ✓

LYONS, WALTER H.
2645 E MAIN
EMMETT, ID 83617

Source: UNNAMED DRAIN

Tributary: PAYETTE RIVER

Diversion Pt NESWNE Sec 9 T 06N R 01W in GEM County.

Use: IRRIGATION (0.120 CFS)
Total Diversion: (0.120 CFS)

Date Filed: 12/ 1/1998

In: GEM County
T06N R01W S09 SWNE

4.0 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
on or before FEBRUARY 22, 1999. The protestant must also send a copy of the
protest to the applicant.

Pub.: 2 - 3, 10, 1999

KARL J. DREHER, Director

Legal Notice No. 3484
Published in the Messenger Index

MICROFILMED

JUN 09 1999

JAN 7 - 2000

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 0947669
Receipt By: AR
Date Received: 1-7-00

STATE OF IDAHO
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 who has been appointed by the department.

1. Permit No. 65-13822 Telephone No. 208-365-4010

2. Name(s) of Permit Holder(s): Walter H. or Ellen M. Lyons

3. Mailing Address: 2645 E. Main St., Emmett, Id 83617

4. Source of Water: Drainage Ditch If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____

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

b. OPTIONAL:
Pump Horsepower: 2 HP Pressure (psi): _____ Dynamic pumping level (ft): _____

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

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

Irrigation (No. of acres): 4 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 0.12 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes _____ or No ☒
	Has the measuring device been installed?	Yes _____ or No ☒
Flow Measurement Port:	Is a flow measurement port required?	Yes _____ or No ☒
	Has the measurement port been installed?	Yes _____ or No ☒

8. Fee Enclosed: \$ _____ (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: Walter H. or Ellen M. Lyons Telephone Number: 365-4010

Address: 2645 E. Main St. Emmett, Id. 83617

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: Walter H. Lyons Date: 1/4/2000
(include your title, or on behalf of company or organization)

MICROFILMED

JAN 31 2000

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13822

Proposed Priority: December 1, 1998 Maximum Diversion Rate: 0.12 CFS

This is to certify, that **WALTER H LYONS**
2645 E MAIN
EMMETT ID 83617

has applied for a permit to appropriate water from:
UNNAMED DRAIN tributary of PAYETTE RIVER

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

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

IRRIGATION	03/15 to 11/15	0.12 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 9, Township 06N, Range 01W
GEM 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>
06N	01W	9	SWNE	4.0		4.0

Total number of acres irrigated: 4.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 2000.
2. Subject to all prior water rights.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
4. 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.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
6. 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 needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary 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.
7. When water is not available to fill this right, the right holder shall cease diversion or shall rent water from the Payette River Rental Pool.

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JUN 09 1999

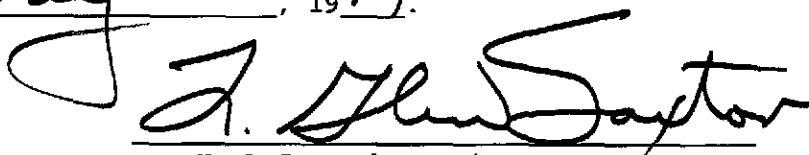
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13822

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

25th day of May, 1999.



Karl J. Dreher, Director

for

MICROFILMED

JUN 09 1999

12-1-98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

MAY 18 1999

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant WALTER H LYONS Phone 365-4010
Post Office address 2645 E MAIN, EMMETT, IDAHO 83617 * Payette River
2. Source of water supply NORTHSIDE DRAIN which is a tributary of TUNNEL #7 WASTEWAY
3. Location of point of diversion is NE 1/4 of SE SW 1/4 of NE 1/4, Govt. Lot _____
Sec. 9 Township 06 N Range 01 W B.M. GEM County; additional points of diversion if any: NONE
4. Water will be used for the following purposes:
Amount .12 CFS 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) .12 CFS and/or (b) 1800 A ^{NOT PERTINENT}
cubic feet per second acre feet per annum ^{DAN 1-27-99}
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. PULL WATER FROM NORTHSIDE DRAIN WITH A 1 1/2 HP PUMP THROUGH MAIN LINE WITH 13 RAINBIRD SPRINKLERS
b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet; period of year when water will be diverted to storage: N/A to N/A inclusive.
c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
d. Is ground water with a temperature of greater than 85°F being sought? N/A
e. If well is already drilled, when? N/A; Drilling firm N/A
Well was drilled for (well owner) N/A
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

JUN 09 1999

* Added Address Per Telephone call on 1-20-99, DAN 1-20-99
A changed source name per data entry standards ~~5-20-99~~ DAN 1-15-99

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	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	
06N	01W	09		4.4	4.4														4.4

Total number of acres to be irrigated 4

10. Describe any other water rights used for the same purposes as described above. NONE

DOMESTIC WELL USED FOR HOUSE + LAWN NOT INC. IN 4AC. DESCRIBED

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

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

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

12. Remarks: APPLICANT agrees to mitigate consumptive use in the future as needed. DAN 1-26-99

NEED TO WATER PLANTED TREES FOR ORNAMENTAL

USE.
DAN
1-26-99

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

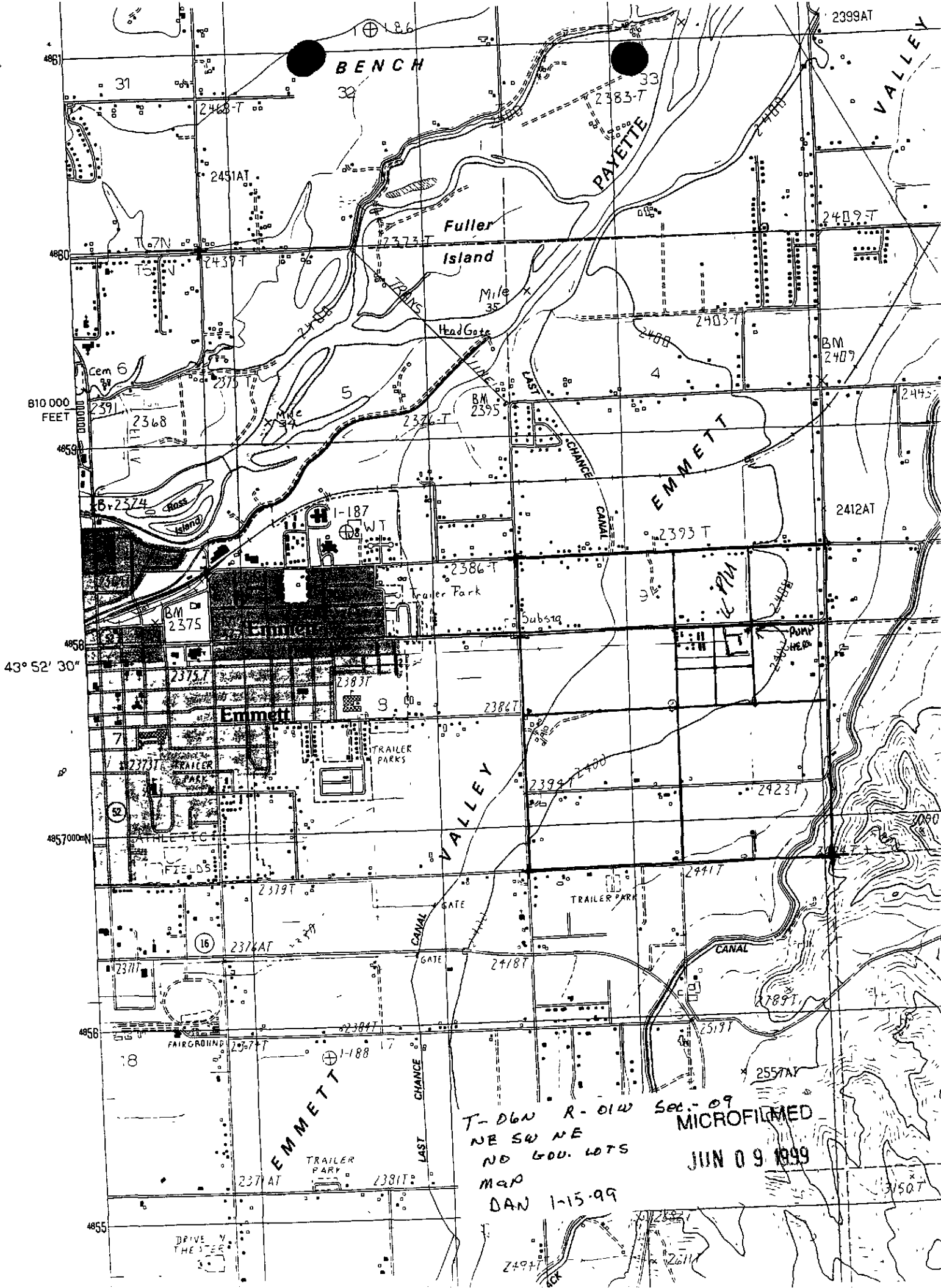
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Walter H. Lyons or Ellen M. Lyons
(Applicant)

MICROFILMED

JUN 09 1999

Received by Daniel A. Nelson Date 12-1-1998 Time 10:45 Preliminary check by DAN
Fee \$ 50.00 Receipted by Daniel A. Nelson # W024625 Date 12-1-1998
Publication prepared by At Date 1-27-99 Published in Messenger Index
Publication approved At Date 2-15-99 2-3+10-99



T-66N R-01W Sec-09
NE SW NE
NO GOV. LOTS
MAP
DAN 1-15-99

MICROFILMED
JUN 09 1999

County Road

MAIN STREET

9 heads

300' 1 1/2" pipe

90'

25'

2" gate valve

1 1/2" head

5' center

1 1/2" head

210'

4 heads

Drain Litch

Property line

WALTER K. KONS
1/21/74

MICROFILMED

JUN 09 1999

REQUEST TO PROCESS

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

Name of Applicant

WALTER H LYONS

Mailing Address

2645 E. MAIN ST

EMMETT, ID. 83617

Application No.
(if known)

65-13822 DAN 1-26-99

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

 PROPOSE MITIGATION NOW

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

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Walter H. Lyons

Date

1/20/99

Please return this form to:

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

RECEIVED

JAN 26 1999

MICROFILMED WATER RESOURCES
WESTERN REGION

JUN 09 1999

Comments: Date: 1/26/1999 User-ID: DNELSON

Subject: ADDITONAL INFORMATION

Owner stated that their domestic well is used for home and lawn irrigation and is not included in 4 acres to be irrigate out of the unnamed drain. The owners wish to irrigate ornamental trees with the water from this application. The owners also state that the local name for the unnamed drain is th Northside Drain tributary to Tunnel #7 Wasteway.

IDWR reveiw revealed that there are no overlapping water rights in the same 40 acre tract as this application. However, There are a number of water rights associated with the Northside Drain tributary to Tunnel #7 Wateway.

MICROFILMED
JUN 03 1999



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

January 18, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WALTER H LYONS
2645 E MAIN
EMMETT ID 83617

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13822

Dear Permit Holder:

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

Condition No. 4 of your water right permit requires that you install a lockable device on your diversion works to provide the watermaster suitable control of the diversion. Your proof submittal shows that you have not installed this device. Please be aware that your failure to have the device installed and operable at the time the department conducts the field examination may jeopardize the validity of the permit. You may request, in writing, a waiver of the condition by the department describing the reasons for the request.

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.

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. If you have questions concerning the field examination or the measurement device condition, please contact the **WESTERN** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

JAN 31 2000

c: IDWR - Region

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 65-13822 Reviewed by Yes Date 1-17-00

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

for - 40c

yes Address same as permit?

yes Proof timely received?

Correct Uses? _____

If not, complete calculation below.

SOURCE OF WATER

X 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

Lockable device Required?

_____ Installed?

_____ Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

- Spl ltr needed - install lockable device or request waiver w/reason

DATA ENTRY

New Address _____

Proof Made 1-07-00



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

May 26, 1999

WALTER H LYONS
2645 E MAIN
EMMETT ID 83617

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13822

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.

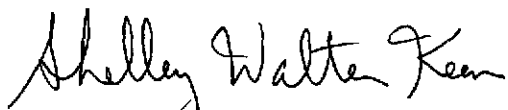
Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

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.

MICROFILMED
JUN 09 1999

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley Walter Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

FILED
JUN 09 1999

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of May, 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. 65-13822

WALTER H LYONS
2645 E MAIN
EMMETT ID 83617


Kari Lynn Townsend
Secretary

MICROFILMED

JUN 09 1999

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.

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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.

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APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy StenNo.: 65-13822 Name: Peyette Date: 5/24/99 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 or No MD (in-stream stock or power)

≤ 0 24 cfs/5 acres - 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/5 acres - 01M (report when notified)

≤ 0 24 cfs/5 acres - No MD

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated)

FISH & GAME CONTACTED - YES / NO, WHEN 1/28/99 RESPONSE OK

IN/ABOVE MSF (✓ MAP) - *WB9

IN-STREAM DEVELOPMENT - P52 (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/5 acres - 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/5 acres - 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), 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: - 0222BENEFICIAL USE DUE: - 6/1/2000

COMMENTS:

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED.
MAY 18 1999

Department of Water Resources

INITIAL REVIEW BY: DAN DATE: 1-15-99 APPLICATION: 65-13822

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:
NO P/D
NO P/U

ADDITIONAL INFORMATION

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

N/A T FLAG CHANGED TO P FLAG

YES NO

- ☐ ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☐ ☒ Overlapping point of diversion.
- ☐ ☒ Critical groundwater area:
- ☐ ☒ Groundwater management area:
- ☐ ☒ 1992 moratorium:
- ☒ ☒ Surface water source, IDFG letter needed.
- ☐ ☒ Bull trout impact area, IDFG letter needed
- ☐ ☒ 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

Need Request TO Process FORM.

Date Requested 1-15-1999 Date Response Received 1-26-1999

PROCESSING

APP. NO.

65-13822

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
☒ ☐ Other (1) Last Chance Ditch Co.
(2) Black Canyon Irrigation District
{ See Back of this
Sheet for addresses }
(3) Grem County Drainage
Commission.

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 2-22-99

☐ ☒ Protests received.

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☐ ☒ Water delivered by water master? District #

☒ ☐ Special conditions of approval or cover letter: 120

See below for additional information

Recommended Date or Priority 12/1/98

Recommended by: [Signature] Date: 5/11/99

ADDITIONAL INFORMATION:

- 1.) There are NO overlapping water rights for the same 40 acre tract for either ^{Place of Use} irrigation or point of diversion. However, there are a number of diversions on the north side drain tributary of Tunnel #7 waste way.
- 2.) unnamed drain also known as north side drain tributary to Tunnel #7 waste way.
- 3.) ~~water~~ water to be used to irrigate ornamental trees.

(5.) Black Canyon Irrigation District
C/O Roy Orr
P.O. Box 224
Notus, ID 83656

(1.) Last Chance Ditch Company
Bill Charters
1525 Jordan Ln
Emmett, ID 83617

(3.) Gen County Drainage Commission
ATTN: John Mason
2424 Schiller Rd.
Emmett, ID 83617

MEMORANDUM

TO: GARY SPACKMAN
FROM: DANIEL A NELSON
DATE: 5/4/99
SUBJECT: WALTER H. LYONS APPLICATION FOR PERMIT

This memo is the result of the field research I performed for the application for permit for Walter H. Lyons on 4/30/1999. During my field work, I spoke with Jon Mason who is the secretary for the Gem County Drainage Commission. I was also accompanied by their project manager - John. These gentlemen operate what is known locally as the Sand Hollow Drain and the Sand Hollow Drainage District. Since 1928 this organization has purchased 1837 inches of water from Last Chance Canal Company that is discharged into the Sand Hollow Drain. From the Last Chance diversion the water travels down the Sand Hollow drain to a canal system operated by Mr. Mason's organization. This water is then delivered to various users on the Sand Hollow Drain.

At the point of diversion for the Sand Hollow Drainage District canal diversion the water can be split or continue down the drainage system. At this point the Sand Hollow Drainage District has complete control of all of the water in the drain and at times divert all of the water available in the drain to their users. This allows them to divert more than the 1837 inches of water discharged into the drain from Last Chance Ditch Co.

There is water in the Sand Hollow Drain before Last Chance Ditch Co. puts water into the drain. No measurements were taken during my field visit, but I am told that the flow varies. The water in this drain comes from runoff, irrigation return flows, and seepage from a high water table. The irrigation return flows for this drain look as though they come from the Black Canyon Canal system.

The main concern of the Sand Hollow Drainage District is that they could be short of water on drought years or that the water may be needed for salmon recovery. They want to maintain the ability to supplement their canal shares with water from the drain. They are not concerned about this specific application, but are more concerned about the water that could be applied for in the future that could take away the excess water that they use.

I also reviewed the proposed place of use for the Walter H. Lyons application. In this review I discovered that the applicant wants to irrigate only a portion of their 5 acre lot with the drain water. The area that they wish to irrigate is 350 ft X 50 ft and another 50 ft X 50 ft area. This totals 20,000 sq ft or approximately 1/2 acre of ground. However, I do have concerns that if they sell the property the future owners may assume they could

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irrigate the entire 4 acres. This could cause a problem if the area irrigated is less than the total 4 acres even though the current owners state they have no need for such a big yard.

CONCLUSION:

In reviewing this application, I have come to the conclusion that the only entity that can show actual harm by this water right is the Sand Hollow Drainage District. Last Chance Canal Company does not use this drain for any purpose other than to deliver the 1837 inches of water to Sand Hollow Drainage District. Sand Hollow Drainage District has historically used this water in combination with the Last Chance Canal Co. water when needed since 1928. However, Sand Hollow Drainage District and Last Chance Canal Co. have not filed for any water rights on this water nor have they filed any adjudication claims for either the Payette River Basin Adjudication or the Snake River Basin Adjudication. In essence they have been using this water without a valid water right or claim of any kind. Since it does not look as though any of the water in the drain comes directly from Last Chance Canal Co. they can not claim this water as waste water from their system.

My interpretation of Idaho Code 42-2902 is that in order to use water from a drain such as the Sand Hollow Drain a valid water right is required. The only known users of this drain water is Sand Hollow Drainage District and they do not have a valid water right. They also use all of the water in the drain when needed without any complaints or calls on the drain. Therefore, I have concluded that the water the applicants have applied for is unappropriated.

Even though the water in this drain is unappropriated, the applicants should be held responsible for maintenance and care of the drain. Idaho Code 42-2902 also states that water from outside the district may use drainage water if they pay their proportionate share of the drainage assessments to help maintain the drain.

I would recommend approval of the application for permit with the condition that they pay the drainage district a proportionate share of their maintenance costs. I believe that this conclusion would benefit both the drainage district and the applicant. I do not feel that the applicant should be required to pay for canal shares from Last Chance Ditch Company because the canal company could not deliver water to the applicant if water was not in the drain. This would not be a fair solution to the applicant to be required to pay for water the canal company could not deliver when needed.

I believe this only applies to deliveries by the drainage district. Lyons should not have to pay district.

Gary S 5/11/99

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Idaho Statutes

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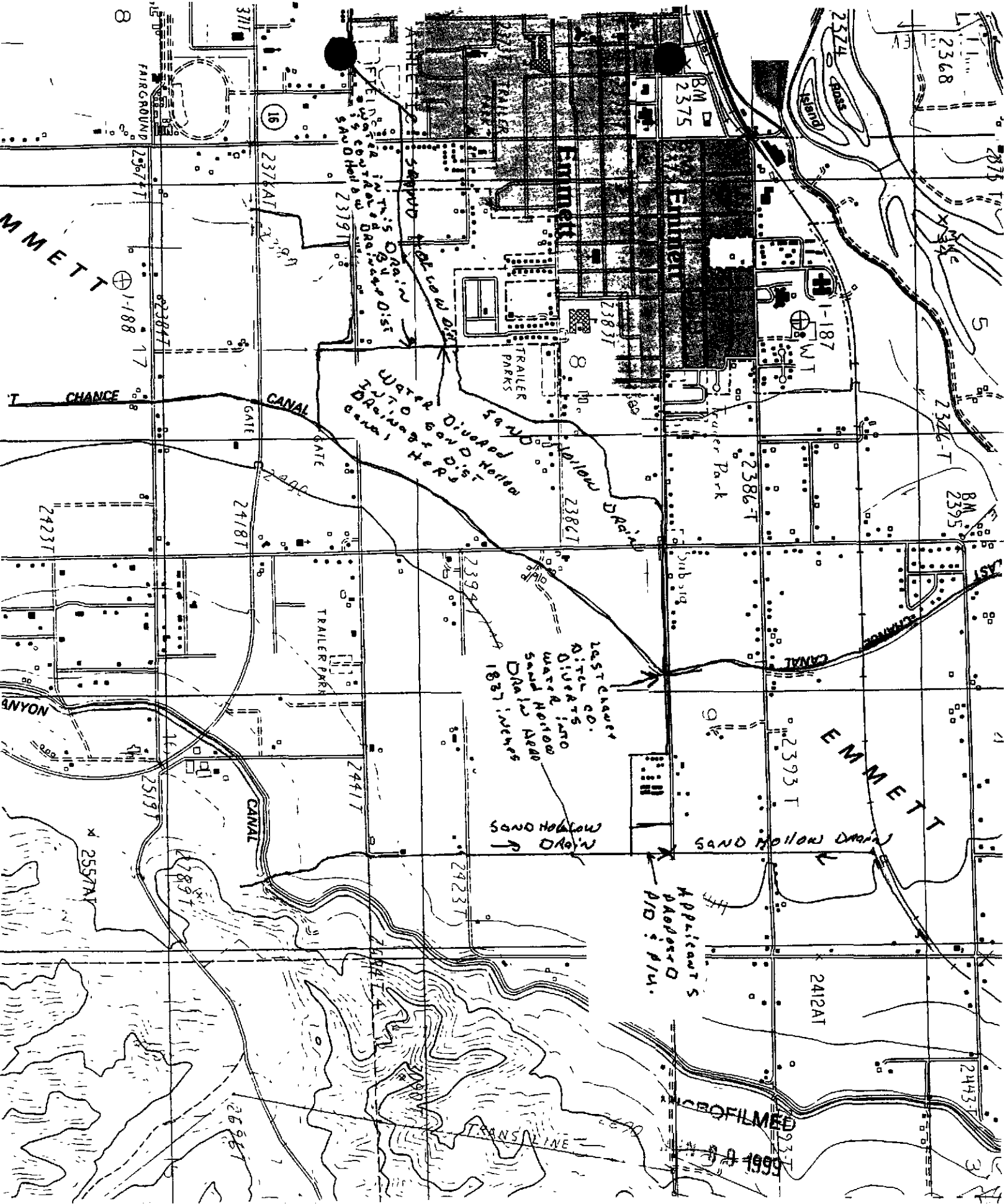
Available Reference: *Search Instructions*.

TITLE 42
IRRIGATION AND DRAINAGE -- WATER
RIGHTS AND RECLAMATION
CHAPTER 29
DRAINAGE DISTRICTS

42-2902. APPROPRIATION OF WATER AVAILABLE FOR IRRIGATION PURPOSES. The boards of commissioners of drainage districts are hereby authorized and empowered to file upon and appropriate in the manner provided by law, waters created or made available for irrigation purposes, by the construction of drainage works within such district, whenever the same can be applied to a beneficial use upon lands within the district, without impairing prior existing rights, which waters shall be equitably and ratably distributed in the manner provided by law to lands within the district which may beneficially use the same in the proportion that the assessment for drainage of each tract of said land bears to the whole assessment within the district: provided, that where lands within the district have an adequate water right and the water made available for irrigation by the construction of such works, may be beneficially used upon other lands within the district, the board of commissioners may supply such lands with water, upon their assuming to pay their proportionate share of the drainage assessments, and credit other lands within the district creating such water supply with their ratable proportion, of the actual cost of the delivery thereof.

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PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 4/30/1999
FILE NO. AND LEGAL DESCR. 65-13822

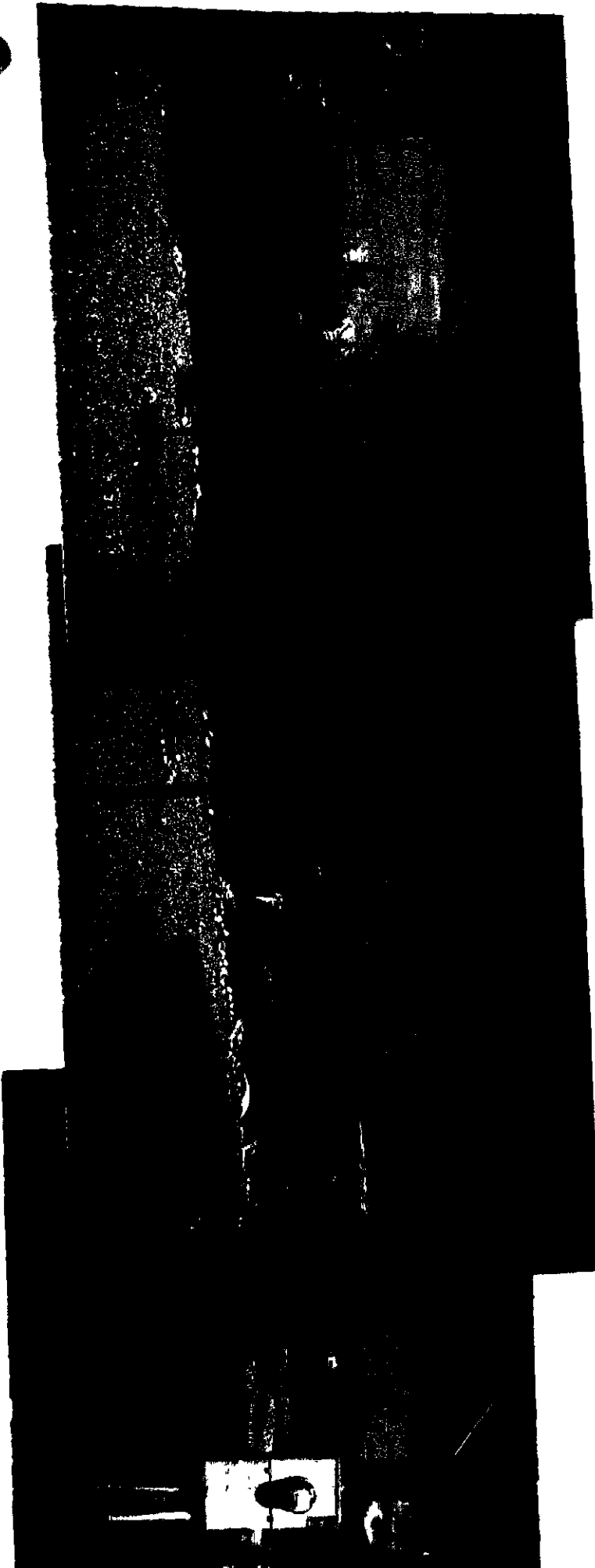
These photos are of the applicants front yard. The owner plans to irrigate the trees that run through the middle of the front yard and along the driveway. They have a single sprinkler line running through the middle of the trees. The owner does not currently plan to irrigate the rest of the yard and does not have any sprinklers installed for the rest of the yard. However, I foresee the possibility of future owners believing that they could irrigate the entire yard in the future.

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PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 4/30/1999
FILE NO. AND LEGAL DESCR. 65-13822

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These photos are of the applicants back yard. The owner plans to irrigate the green patch of lawn from the house well under their domestic right. The owner does not currently plan to irrigate the rest of the yard and does not have any sprinklers installed for the rest of the yard. However, I foresee the possibility of future owners believing that they could irrigate the entire yard in the future.



PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 4/30/1999

FILE NO. AND LEGAL DESCR. 65-13822

Pipe to old pump system



TS d
TO
Pump
4/2



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The photo on the left is of the end of the pipe from the sprinkler line to Sand Hollow Drain. This pipe is not connected to any pumping system. The picture on the right is of the old pumping plant from this place of use. According to the applicant this pump station was used to irrigate the workers camp (including his property). However, the previous owner of the applicant's property and the property west of the applicant, neglected to file a claim in the Payette River Adjudication or the Snake River Basin Adjudication. Therefore, any right to divert water from this older system has long since been abandoned.



PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 4/30/1999
FILE NO. AND LEGAL DESCR. 65-13822

Abandoned
Diversion Area
Sand Hollow
Drain.



← OLD WORK CAMP

← SAND HOLLOW DRAIN

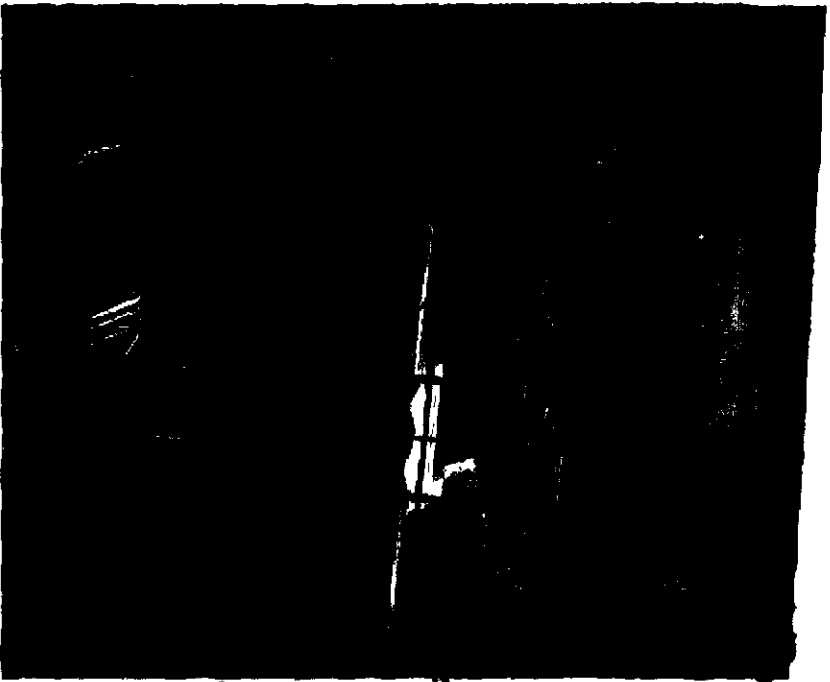
← LAET CLAUDE CANAL DIVERSION

This photo shows the water available from the sand hollow drain. This water comes from run off, irrigation return flows from Black Canyon Canal Company, and high water table seepage. In the background you can see the old work camp (now a storage facility) and an abandoned diversion from the Sand Hollow Drain. I was told that this pumping plant has not operated in the last 10 years. There is still a water right held for this point of diversion even though it has not been used. The applicants place of use is on the other side of the old work camp.

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PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 4/30/1999
FILE NO. AND LEGAL DESCR. 65-13822



Diversion
from
last camp
canal to
Sand Hollow
Drain
← last
camp
canal

Hollow Drain
from
N stream
last camp
canal
to
Diversion

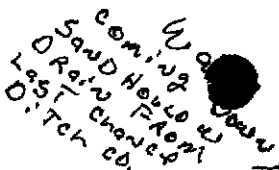


last camp canal
to
Diversion
SAND HOLLOW DRAIN

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LOCATION
OLD CAMP

water
passing
under
last camp
canal from
Sand Hollow
Drain

The photo on the left is the point where Last Chance Ditch Co. diverts 1837 inches of water into the Sand Hollow Drain for the Sand Hollow Drainage District. The picture on the right shows the water from Last Chance Ditch Co. flowing into the Sand Hollow Drain. The cement structure on the right is the culvert for the Sand Hollow Drain that flows under the Last Chance Canal. This is the point that the Last Chance Canal Co water and Sand Hollow Drain water commingle.



FILE NO. AND LEGAL DESCR. 65-13822

check Dan out to
Drainage by this controlled
Dan by drainage
SAND HOLLOW CO.

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FIELD NOTES

APPLICATION NUMBER 65-13822

PLEASE NOTE: These documents are for backup purposes only and are not apart of actual Beneficial Use Field Report.

4-30-99

Sec - JON MASON ?

Sand Hollow

Manager - JOHN ?

1837 Inches in Canal
and Drainage Ditch From
Last Chance.

STOCK WATER -

11-1

4-15

LAST CHANCE
NOT DELIVERED.
~~BEYOND~~ IRR. SEASON

When EVERY one is using
water the Sand Hollow Drain
is DRY ~~at~~ at the River.

Sand Hollow

ALLOWS 1 inch / acre

NOT a lot OF WATER
IN ~~at~~ Drain at this time.

Sand Hollow CONTROLS the Drain
at their Canal Diversion. Some Times
They STOP all water FROM going
DOWN the Drain at that Point.
EXCEPT FOR minor leakage. Sand Hollow
Has NO WATER RIGHTS at all. They
ONLY Have Canal Shares FROM Last
Chance Ditch Co.

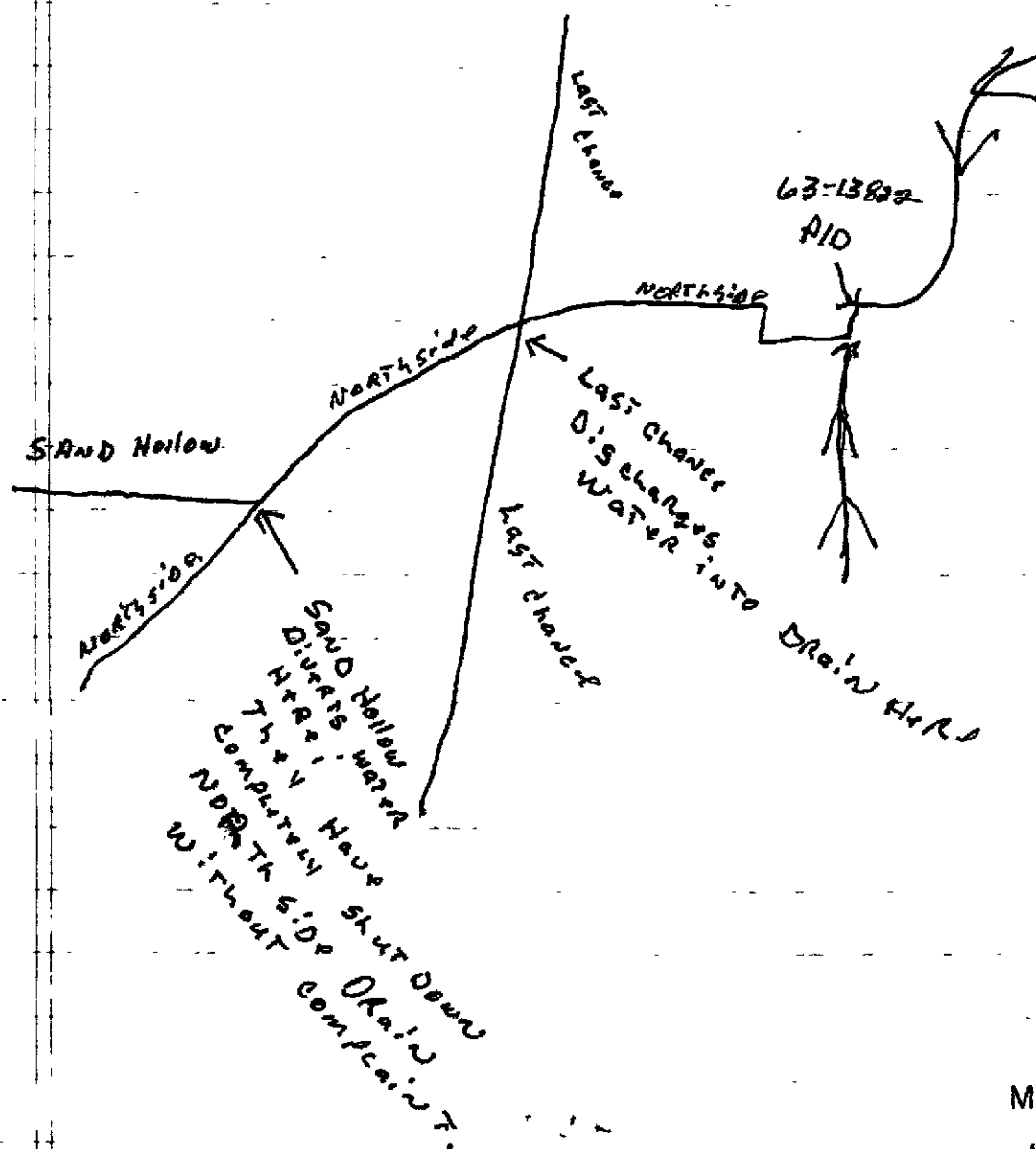
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Call CHARTERS

~~STAN~~

WATER FROM DRAIN COMES
FROM RUNOFF - IRRIGATION
RETURN FLOWS - HIGH WATER TABLE
See page.

PICTURE OF DRAIN



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SAND HOLLOW FOLKS ARE CONCERNED
THAT DURING DRY YEARS OR IF
SALMON FLUSH WATER IS REQUIRED
THAT MAY NEED THE WATER
FROM THE DRAIN TO SUPPLEMENT
CANAL SHARES ALL YEAR.

THEY DON'T SEEM CONCERNED
ABOUT THIS 4 AC DIVERSION, BUT
WOULD BE CONCERNED IF THERE
WERE A LARGE NUMBER OF
SMALL DIVERSIONS UPSTREAM
OF THEIR DIVERSION.

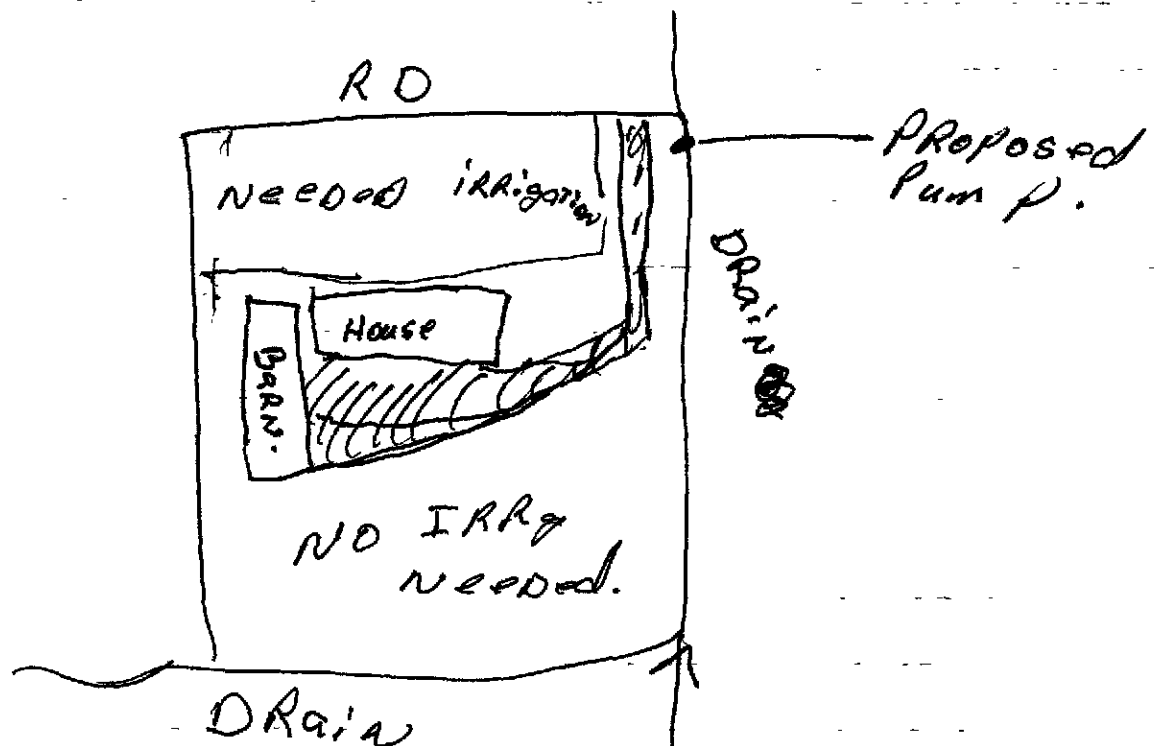
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Pump BY RD.

HAD PUMP IN AT ONE
TIME. FOR THE ENTIRE

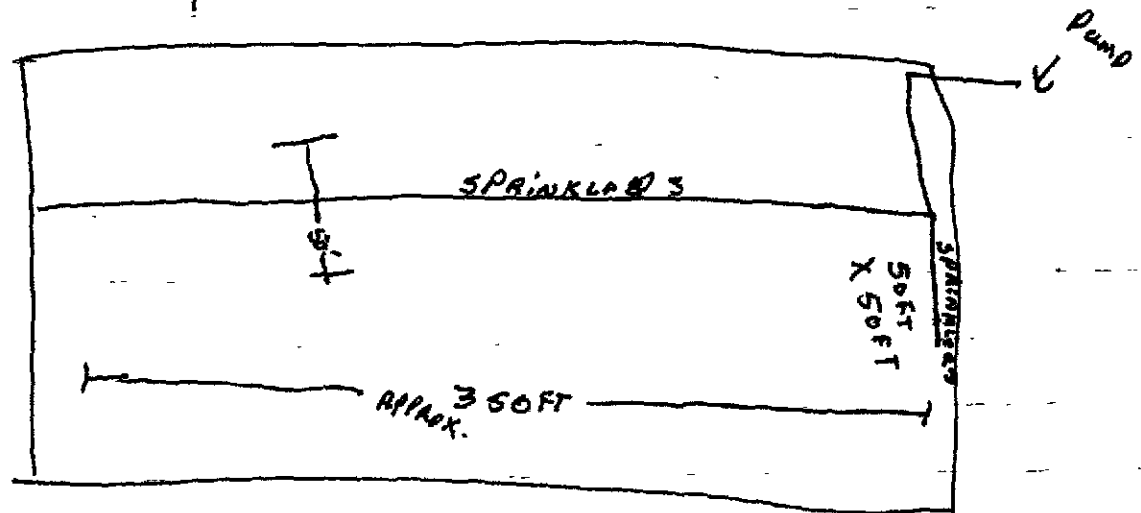
WILLING TO CUT DOWN ~~20~~
ACREAGE TO NEGOTIATE
USE OF WATER.



OWNER'S SAID
They may be willing
TO PAY FOR LAST
CHANCE FOR WATER
IF THE DIVERSION
AT SAND HOLLOW IS
COMPLETELY DIVERTED
TO SAND HOLLOW

HARDLY
ANY WATER
COMES
THIS WAY
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FRONT YARD



The SPRINKLERS are Buried and ONLY needed to irrigate TREES IN FRONT YARD.

The YARD up FRONT is NOT irrigated. BACK YARD is NOT irrigated.

They & just HAVE NO NEED FOR a big YARD. They JUST WANT TO keep TREES alive.

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WR5809NP
No. 65-13609

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/30/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAST CHANCE DITCH CO C/O W L CHARTERS 1525 JORDAN LN EMMETT ID 83617 (208) 365-2727	11/13/1994	IRRIGATION	03/15 11/15	10.000 CFS	
TOTAL DIVERSION:					10.000 CFS	

Water Source: UNNAMED DRAIN

Tributary to: PAYETTE RIVER

Stage: PERMIT

Point(s) of Diversion: T06N R01W S04 Lot 04(NWNW)

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUN
06N	01W	4	:	01-14	02-38							03-38	04-17	05-24				03	36	35	31										236.0	
06N	01W	5	:	10-35	09-35		01-29													04-45	03-44			37	02-33		32		31		321.0	
06N	01W	6	:																										13-06		6.0	
06N	01W	7	:	20			20																	22	10	09	21				102.0	
06N	01W	8	:	37	29	34	35			25	03							35	18	27	37		36	34	37	38				425.0		
06N	01W	9	:							22	35	38	38						04												137.0	
06N	01W	17	:		30	16				37	37	36	36					38	38	38	38				37	37				418.0		
06N	01W	18	:	34	26	35	25			29	01-38		17					32	03-35		16		38	39	38	37				476.0		
06N	01W	18	:			02-37																										
06N	01W	19	:	32	39	35	36			38	01-34	02-38	39						03-39	04-32	24		23	31	02					442.0		
06N	01W	20	:		27	20				37	38	39	39					10	20											230.0		
06N	02W	10	:															06-12			28		08-09	07-08		22	38			117.0		
06N	02W	11	:																05-11	38	06-15									64.0		
06N	02W	13	:		37	36	37			37	38	37	34					36	37	38	36		19	24	28	38				512.0		
06N	02W	14	:	37	39	37	35			34	39	39	39					34	40	34	38		16	28						489.0		
06N	02W	15	:	39	39	24	39			38			38					39	31	18	36		40	40	39	35				495.0		
06N	02W	16	:				09																11								20.0	
06N	02W	22	:	34	27	38	38			25																					162.0	
06N	02W	23	:	27	39	39	39																								144.0	
06N	02W	24	:	38	38	40	39			33			39					20					38	40	40	38				403.0		
06N	02W	25	:	26	37	01				02	10	03	05																		84.0	
06N	02W	26	:	23	02	09						02	07																		43.0	
07N	01W	27	:																10-07												7.0	
07N	01W	32	:																							04-37					37.0	
07N	01W	33	:	04-09		03-09	36												09-14	01-17			39	02-29		37	37			227.0		
07N	01W	34	:								01-25	02																			27.0	
TOTAL ACRES																														5624.0		

Pou County: GEM

Conditions of Approval:

- 005 - Use of water under this right is subject to control by the watermaster of State Water District No. 65.
- 01J - Prior to diversion of water under this right, the right holder

Conditions of Approval:

- shall install and maintain a measuring device and lockable
- controlling works of a type acceptable to the Department as part
- of the diverting works.
- 01M - After specific notification by the department, the right holder
- shall install a suitable measuring device or shall enter into an
- agreement with the department to determine the amount of water
- diverted from power records and shall annually report the
- information to the department.
- 03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.
- 004 - The issuance of this right does not grant any right-of-way
- or easement across the land of another.

Remarks: GEN Water shall not be diverted under this right until an easement or right-of-way with the owner of the drain is filed with the Department of Water Resources.

Dates: App. Received: 10/24/1994 Priority Date: 11/13/1994 (Priority Date Advanced.)
Proof Due Date: 06/01/1997 Proof Made Date: 06/12/1997 (Proof Received Late.)
Exam Made Date: 06/05/1998 Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee: R (Received)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAST CHANCE DITCH CO C/O W L CHARTERS 1525 JORDAN LN EMMETT ID 83617	02/28/1888	IRRIGATION	03-15 11-15	50.56 CFS	
					TOTAL DIVERSION:	50.56 CFS

Water Source: PAYETTE RIVER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T07N R01W S22 Lot07()

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
				NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
06N	01W	4	:					:					:	03	36	35	31	:						:	105.0	
06N	01W	5	:					:					:					:	37			32	31	:	100.0	
06N	01W	7	:	20			20	:					:					:	22	10	09	21		:	102.0	
06N	01W	8	:	37	29	34	35	:	25	03			:	35	18	27	37	:	36	34	37	38		:	425.0	
06N	01W	9	:					:	22	35	38	38	:		04			:						:	137.0	
06N	01W	17	:		30	16		:	37	37	36	36	:	38	38	38	38	:		37	37			:	418.0	
06N	01W	18	:	34	26	35	25	:	29			17	:	32			16	:	38	39	38	37		:	366.0	
06N	01W	19	:	32	39	35	36	:	38			39	:				24	:	23	31	02			:	299.0	
06N	01W	20	:		27	20		:	37	38	39	39	:	10	20			:						:	230.0	
06N	02W	10	:					:					:				28	:			22	38		:	88.0	
06N	02W	11	:					:					:			38		:						:	38.0	
06N	02W	13	:		37	36	37	:	37	38	37	34	:	36	37	38	36	:	19	24	28	38		:	512.0	
06N	02W	14	:	37	39	37	35	:	34	39	39	39	:	34	40	34	38	:	16	28				:	489.0	
06N	02W	15	:	39	39	24	39	:	38			38	:	39	31	18	36	:	40	40	39	35		:	495.0	
06N	02W	16	:				09	:					:					:	11					:	20.0	
06N	02W	22	:	34	27	38	38	:	25				:					:						:	162.0	
06N	02W	23	:	27	39	39	39	:					:					:						:	144.0	
06N	02W	24	:	38	38	40	39	:	33			39	:	20				:	38	40	40	38		:	403.0	
06N	02W	25	:	26	37	01		:	02	10	03	05	:					:						:	84.0	
06N	02W	26	:	23	02	09		:			02	07	:					:						:	43.0	
07N	01W	33	:				36	:					:					:	39			37	37	:	149.0	
07N	01W	34	:					:			02		:					:						:	2.0	
																							TOTAL ACRES	5624.0		

Lots Without 1/4 1/4 Description: IRRIGATION

							SUM	
06N	01W	4	01-14	02-38	03-38	04-17	05-24	131.0
06N	01W	5	01-29	02-33	03-44	04-45	09-35 10-35	221.0
06N	01W	6	13-06					6.0
06N	01W	18	01-38	02-37	03-35			110.0
06N	01W	19	01-34	02-38	03-39	04-32		143.0
06N	02W	10	06-12	07-08	08-09			29.0
06N	02W	11	05-11	06-15				26.0
07N	01W	27	10-07					7.0
07N	01W	32	04-37					37.0
07N	01W	33	01-17	02-29	03-09	04-09	09-14	78.0

AJ5809NP
No. A65-00054A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/30/99
PAGE: 2

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Lots Without 1/4 1/4 Descriptions: IRRIGATION
07N 01W 34 01-25

SUM
25.0

POU County: GEM

Remarks: GEN PLACE OF USE WITHIN LANDS OF LAST CHANCE DITCH COMPANY.
SEE RIGHT 65-0054X.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

06N 01W 4	01-14 02-38 03-38 04-17	05-24	131.0
06N 01W 5	01-29 02-33 03-44 04-45	09-35 10-35	221.0
06N 01W 6	13-06		6.0
06N 01W 18	01-38 02-37 03-35		110.0
06N 01W 19	01-34 02-38 03-39 04-32		143.0
06N 02W 10	06-12 07-08 08-09		29.0
06N 02W 11	05-11 06-15		26.0
07N 01W 27	10-07		7.0
07N 01W 32	04-37		37.0
07N 01W 33	01-17 02-29 03-09 04-09	09-14	78.0

AJ5809NP
No. A65-000548

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/30/99
PAGE: 2

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Lots Without 1/4 1/4 Descriptions: IRRIGATION
07N 01W 34 01-25

SUM
25.0

POU County: GEM

Remarks: GEN LANDS IRRIGATED BY LAST CHANCE DITCH COMPANY.
SEE RIGHT 65-0054X.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number: 65	Field Inspection Flag:	Presumption Flag:

AJ5809NP
No. A65-00054X

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/30/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LAST CHANCE DITCH COMPANY C/O W L CHARTERS 1525 JORDAN LANE EMMETT ID 83617 (208) 365-2727	11/26/1883	IRRIGATION	03-15 11-15	40.55 CFS	
TOTAL DIVERSION:					40.55 CFS	

Water Source: PAYETTE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T07N R01W S22 Lot07()

GEM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
06N	01W	4	:															03	36	35	31										105.0	
06N	01W	5	:																							37			32	31	100.0	
06N	01W	7	:		20				20																	22	10	09	21		102.0	
06N	01W	8	:		37	29	34	35		25	03							35	18	27	37				36	34	37	38		425.0		
06N	01W	9	:							22	35	38	38						04												137.0	
06N	01W	17	:			30	16			37	37	36	36					38	38	38	38						37	37			418.0	
06N	01W	18	:		34	26	35	25		29				17				32			16				38	39	38	37			366.0	
06N	01W	19	:		32	39	35	36		38				39							24				23	31	02				299.0	
06N	01W	20	:			27	20			37	38	39	39					10	20												230.0	
06N	02W	10	:																		28							22	38		88.0	
06N	02W	11	:																		38										38.0	
06N	02W	13	:			37	36	37		37	38	37	34					36	37	38	36				19	24	28	38			512.0	
06N	02W	14	:		37	39	37	35		34	39	39	39					34	40	34	38				16	28					489.0	
06N	02W	15	:		39	39	24	39		38				38				39	31	18	36				40	40	39	35			495.0	
06N	02W	16	:					09																		11						20.0
06N	02W	22	:		34	27	38	38		25																						162.0
06N	02W	23	:		27	39	39	39																								144.0
06N	02W	24	:		38	38	40	39		33				39				20							38	40	40	38				403.0
06N	02W	25	:		26	37	01			02	10	03	05																			84.0
06N	02W	26	:		23	02	09					02	07																			43.0
07N	01W	33	:					36																		39			37	37		149.0
07N	01W	34	:									02																				2.0
TOTAL ACRES																														5624.0		

Lots Without 1/4 1/4 Description: IRRIGATION

									SUM
06N	01W	4	01-14	02-38	03-38	04-17	05-24		131.0
06N	01W	5	01-29	02-33	03-44	04-45	09-35	10-35	221.0
06N	01W	6	13-06						6.0
06N	01W	18	01-38	02-37	03-35				110.0
06N	01W	19	01-34	02-38	03-39	04-32			143.0
06N	02W	10	06-12	07-08	08-09				29.0
06N	02W	11	05-11	06-15					26.0
07N	01W	27	10-07						7.0
07N	01W	32	04-37						37.0

AJ5809NP

No. A65-00054X

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

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Lots Without 1/4 1/4 Descriptions: IRRIGATION

07N 01W 33 01-17 02-29 03-09 04-09 09-14

07N 01W 34 01-25

SUM

78.0

25.0

POU County: GEM

Other Rights: A65-00054A, A65-00054B

Remarks: GEM DITCH COMPANY

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

MEMORANDUM

TO: GARY SPACKMAN
FROM: DANIEL A. NELSON
DATE: 4/6/1999

SUBJECT: PERMIT 65-13822 SUMMARY OF DOWNSTREAM WATER USERS.

Gary, you asked for a summary of the downstream water users for permit 65-13822. I have been looking into this subject and discovered that this water source could have anyone of 3 to 5 names. I have worked on the obvious names for this water source, Northside Drain, Gem County Drain, Unnamed Drain, and Tunnel # 7. I also looked under waste water, but could not determine if any of the waste water rights were in fact apart of this system without a great deal of research. Please let me know if you would like me to research these rights.

The following water rights may be effected by this application:

WATER RIGHT	SOURCE	CFS AMOUNT
65-02646	NORTHSIDE DRAIN	.800 CFS
65-02651A	NORTHSIDE DRAIN	.420 CFS
65-02651X	NORTHSIDE DRAIN	.900 CFS
65-04993	NORTHSIDE DRAIN	.160 CFS
65-05499	NORTHSIDE DRAIN	.020 CFS
65-07026	NORTHSIDE DRAIN	.400 CFS
65-07377	NORTHSIDE DRAIN	.800 CFS
65-00074	NORTHSIDE DRAIN	.670 CFS
65-01438	NORTHSIDE DRAIN	.360 CFS
65-01598	NORTHSIDE DRAIN	.020 CFS
65-01952	NORTHSIDE DRAIN	.100 CFS
65-01977	NORTHSIDE DRAIN	.760 CFS
65-02450	NORTHSIDE DRAIN	.760 CFS
65-02465	NORTHSIDE DRAIN	1.000 CFS
65-02468	NORTHSIDE DRAIN	1.600 CFS
65-02631	NORTHSIDE DRAIN	3.280 CFS
65-10532	NORTHSIDE DRAIN	.090 CFS
TOTAL CFS NORTHSIDE DRAIN		12.140 CFS
65-07423	TUNNEL #7 WASTEWAY	.300 CFS
TOTAL CFS TUNNEL #7 WASTEWAY		.300 CFS

MICROFILMED

JUN 04 1999

65-07660	UNNAMED DRAIN	1.320 CFS
65-07942	UNNAMED DRAIN	.060 CFS
TOTAL CFS UNNAMED DRAIN		1.380 CFS

PLEASE NOTE: Last Chance Ditch Co. have a permit (65-13609) for this drain, but their legal description shows the point of diversion is upstream of the application. However, this has not been verified and it looks as though this legal description could be below the point of diversion. My review also showed that water right # 65-13566 diverts out of this drain, but is upstream of the applicants point of diversion.

CONCLUSION:

With the information available it is difficult to determine if this application will harm other users. There is a large number of water users that use this drain and I could not find the amount of water that enters this drain from farms or the amount of water that is returned to the Payette River. This drain system covers approximately 26 sections and water obviously comes from many different sources (mainly farm and canal return flows).

Without any valid protests against this application, it will be difficult to determine the amount of harm this application could cause other users without a study of water use in this drain. I would like to see the Gem County Drainage Commission and Last Chance Canal Co. contact the applicants to work on an agreement to settle their concerns prior to approval of this application.

MICROFILMED

JUN 09 1999

SD-0602-2		Source: NORRINSIDE DRAIN		Basin: 65		STATE	
S	E	Water	Current Owner	S	Priority	# Records:	22
L	Right No.	Last, First	T	Date	Tributary	Total	Use
			G			Diversion	Code Desc
*	65-02637	HART, WALLACE R.	D	06/05/1958	TUNNEL NO.	0.800	
-	65-02646	WALDNER, GEORGE	D	07/31/1959	TUNNEL NO.	2.740	01 IRR
-							04 STOCK
-	65-02651A	CITY TRANSFER,	D	08/24/1959	TUNNEL NO.	0.420	01 IRR
-	65-02651X	VAUGHN, DAVID	D	08/24/1959	TUNNEL NO.	0.900	01 IRR
*	65-03277	HARPER, WAYNE FRE	D	04/01/1936	TUNNEL NO.	0.060	01 IRR
-	65-04993	SMITH, ALVIN L.	D	04/01/1953	TUNNEL NUMB	0.160	01 IRR
-	65-05499	ABEL, LINDLEY J.	D	04/01/1930	TUNNEL NO.	0.020	01 IRR
-		ABEL, JEAN					
-	65-07026	LITTLE, EST. OF M	D	03/13/1968	TUNNEL NUMB	0.400	04 STOCK
-							01 IRR
-	65-07377	EMMETT LIVESTOCK	D	06/21/1973	TUNNEL NO.	0.800	01 IRR
*	65-08803	PACKER, LAFE D.	D	04/01/1964	TUNNEL NUMB	0.020	01 IRR
-		PACKER, MARGIE L.					
*	65-09014	DECORDOVA, NORMAN	D	05/01/1942	TUNNEL NO.	0.260	01 IRR
-		DECORDOVA, ARLENE					

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

65-07423

130 CFS

UP STREAM DIVERSIONS

DOWN STREAM DIVERSIONS

* These points of diversion are DOWN
STREAM, BUT seem ~~TO~~ ~~BE~~ LIKE
they will NOT be affected by
this WATER USE.

SD-0602-2

Source: NORTHSIDE DRAIN

Basin: 65

STATE

S	E	L	Water Right No.	Current Owner Last, First	S	T	G	Priority Date	Tributary	# Records: 22	Total Diversion	Use Code	Desc
-	-	-	65-00074	COUNTY OF GEM,	-	D		01/01/1960	TUNNEL NO.		0.670	01	IRR
-	-	-			-							04	STOCK
-	-	-	65-01438	NICHOLSON, RAYMON	D		06/01/1970	TUNNEL NO.		0.360	01	IRR	
-	-	-		NICHOLSON, ELIZAB								04	STOCK
-	-	-	65-01598	CITY TRANSFER REA	D		03/01/1946	TUNNEL NO.		0.020	07	INDUST	
-	-	-	65-01658	LACQUEMENT, CLYDE	D		05/01/1965	TUNNEL NO.		0.020	01	IRR	
-	-	-	65-01952	HILL, JOHN C.	D		04/01/1936	TUNNEL NO.		0.100	01	IRR	
-	-	-		HILL, PHYLLIS									
-	-	-	65-01977	LITTLE, MYRN H.	D		04/01/1942	TUNNEL NO.		0.760	01	IRR	
-	-	-	65-02450	PROCTOR, ELLEN M.	D		08/26/1944	TUNNEL NO.		0.760	01	IRR	
-	-	-		PROCTOR, LOUIS									
-	-	-	65-02465	TRUE, HARLEY A.	D		03/13/1946	TUNNEL NUMB		1.000	01	IRR	
-	-	-		TRUE, WINIFRED L.									
-	-	-	65-02468	WIKLUND, GLADYS	D		05/20/1946	TUNNEL NO.		1.600	01	IRR	
-	-	-	65-02631	FULLER, LEWIS	D		01/10/1958	TUNNEL NO.		3.280	01	IRR	
-	-	-	~~65-02637~~	~~HART, ARTHUR B.~~	~~D~~		~~06/05/1960~~	~~TUNNEL NO.~~		~~0.800~~	~~01~~	~~IRR~~	

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

65- 13609

SD-0602-2

Source: NOR SIDE DRAIN

Basin: 65

STATE

S

S

Records: 22

E Water Current Owner T Priority

Total Use

L Right No. Last, First G Date Tributary Diversion Code Desc

65-10532 FULLER, LEWIS D 06/01/1960 TUNNEL NO. 0.090 04 STOCK

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

SD-0602-2

Source: UNNAMED DRAIN

Basin: 65

STATE

S	E	Water	Current Owner	S	Priority		# Records:	STATE
L	Right No.	Last, First	T	G	Date	Tributary	Total	Use
							Diversion	Code Desc
-	65-13566	CHARTERS, DEAN	P		10/24/1994	PAYETTE RIV	0.200	01 IRR
*	65-13609	LAST CHANCE DITCH	P		11/13/1994	PAYETTE RIV	10.000	01 IRR
-	65-07473	LAPPENS, CHARLES	L		03/10/1974	BOULDER CRE	0.580	01 IRR
-		LAPPENS, SHIRLEY						
-	65-07660	PULLEY, JERRY J.	L		10/01/1976	PAYETTE RIV	1.320	01 IRR
-		PULLEY, DONNA J.						
-	65-07942	STINSON, MARLENE	L		08/24/1977	PAYETTE RIV	0.060	01 IRR
-	65-12026	HARTSHORN, MARVIN	L		10/17/1977	PAYETTE RIV	0.460	01 IRR
-		HARTSHORN, ESTER						
-	65-12054	JASPER, VAUGHN E.	L		11/07/1977	CASCADE RES	0.600	01 IRR
-	65-12229	FINNEY, LAWRENCE	L		05/05/1979	PAYETTE RIV	8.50	01 IRR
-								05 STOC S
-								17 WILD S
-	65-12270	KANTOLA, JOHN W	L		08/02/1979	GOLD FORK C	0.020	01 IRR
-		KANTOLA, MARGARET						
-	65-12579	SMITH, SHARON R	L		10/15/1982	PAYETTE RIV	6.000	01 IRR

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

UP STREAM Diversions

NOT The same Drain ~~As~~ Legal

DOWN STREAM

* LAST CHANCE canal Diversion COULD BE
DOWN STREAM OF RID² legal is questionable.

SD-0602-2

Source: UNNAMED DRAIN

Basin: 65

STATE

S

S

Records: 14

E Water Current Owner T Priority

Total Use

L Right No. Last, First G Date Tributary Diversion Code Desc

65-12579	SMITH, ROBERT A	L	10/15/1982	PAYETTE RIV	6.000	04	STOCK
						28	POWER
						19	FISH
65-12598	SMITH, ROBERT A	L	02/25/1983	PAYETTE RIV	8.000	19	FISH
						28	POWER
65-12717	SMITH, ROBERT A	L	06/13/1984	PAYETTE RIV	24.000	19	FISH
						28	POWER
65-13148	HERR, RODNEY H.	P	01/30/1990	SQUAW CREEK	1.700	01	IRR
	HERR, MARCIA H.						
65-13822	LYONS, WALTER H	A	12/01/1998	PAYETTE RIV	0.120	01	IRR

owner/applicant.

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

Water Right Number - 65-13609

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

LAST CHANCE DITCH CO

1 - C/O W L CHARTERS

2 - 1525 JORDAN LN

3 -

City- EMMETT

State- ID Zip- 83617

Phone - 208-365-2727

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
11/13/1994 14 WESTERN P - PERMIT

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
UNNAMED DRAIN PAYETTE RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

06N 01W 4 NW NW 4 (45) GEM

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 03/15 11/15 10.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
10.000 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

06N	01W	4	NE NE	1	14.0	01	IRRIGATION	(45) GEM
06N	01W	4	NW NE	2	38.0	01	IRRIGATION	(45) GEM
06N	01W	4	NE NW	3	38.0	01	IRRIGATION	(45) GEM
06N	01W	4	NW NW	4	17.0	01	IRRIGATION	(45) GEM
06N	01W	4	SW NW	5	24.0	01	IRRIGATION	(45) GEM
06N	01W	4	NE SW		3.0	01	IRRIGATION	(45) GEM
06N	01W	4	NW SW		36.0	01	IRRIGATION	(45) GEM
06N	01W	4	SW SW		35.0	01	IRRIGATION	(45) GEM
06N	01W	4	SE SW		31.0	01	IRRIGATION	(45) GEM
06N	01W	5	NE NE	10	35.0	01	IRRIGATION	(45) GEM
06N	01W	5	NW NE	9	35.0	01	IRRIGATION	(45) GEM
06N	01W	5	SE NE	1	29.0	01	IRRIGATION	(45) GEM
06N	01W	5	SW SW	4	45.0	01	IRRIGATION	(45) GEM
06N	01W	5	SE SW	3	44.0	01	IRRIGATION	(45) GEM
06N	01W	5	NE SE		37.0	01	IRRIGATION	(45) GEM
06N	01W	5	NW SE	2	33.0	01	IRRIGATION	(45) GEM
06N	01W	5	SW SE		32.0	01	IRRIGATION	(45) GEM
06N	01W	5	SE SE		31.0	01	IRRIGATION	(45) GEM
06N	01W	6	SE SE	13	6.0	01	IRRIGATION	(45) GEM
06N	01W	7	NE NE		20.0	01	IRRIGATION	(45) GEM
06N	01W	7	SE NE		20.0	01	IRRIGATION	(45) GEM

Water right number - 65-13609

Prefix Translation: WATER RIGHT

+ - - - - Place of Use - - - - - +									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
06N	01W	7	NE SE		22.0	01	IRRIGATION	(45)	GEM
06N	01W	7	NW SE		10.0	01	IRRIGATION	(45)	GEM
06N	01W	7	SW SE		9.0	01	IRRIGATION	(45)	GEM
06N	01W	7	SE SE		21.0	01	IRRIGATION	(45)	GEM
06N	01W	8	NE NE		37.0	01	IRRIGATION	(45)	GEM
06N	01W	8	NW NE		29.0	01	IRRIGATION	(45)	GEM
06N	01W	8	SW NE		34.0	01	IRRIGATION	(45)	GEM
06N	01W	8	SE NE		35.0	01	IRRIGATION	(45)	GEM
06N	01W	8	NE NW		25.0	01	IRRIGATION	(45)	GEM
06N	01W	8	NW NW		3.0	01	IRRIGATION	(45)	GEM
06N	01W	8	NE SW		35.0	01	IRRIGATION	(45)	GEM
06N	01W	8	NW SW		18.0	01	IRRIGATION	(45)	GEM
06N	01W	8	SW SW		27.0	01	IRRIGATION	(45)	GEM
06N	01W	8	SE SW		37.0	01	IRRIGATION	(45)	GEM
06N	01W	8	NE SE		36.0	01	IRRIGATION	(45)	GEM
06N	01W	8	NW SE		34.0	01	IRRIGATION	(45)	GEM
06N	01W	8	SW SE		37.0	01	IRRIGATION	(45)	GEM
06N	01W	8	SE SE		38.0	01	IRRIGATION	(45)	GEM
06N	01W	9	NE NW		22.0	01	IRRIGATION	(45)	GEM
06N	01W	9	NW NW		35.0	01	IRRIGATION	(45)	GEM
06N	01W	9	SW NW		38.0	01	IRRIGATION	(45)	GEM
06N	01W	9	SE NW		38.0	01	IRRIGATION	(45)	GEM
06N	01W	9	NW SW		4.0	01	IRRIGATION	(45)	GEM
06N	01W	17	NW NE		30.0	01	IRRIGATION	(45)	GEM
06N	01W	17	SW NE		16.0	01	IRRIGATION	(45)	GEM
06N	01W	17	NE NW		37.0	01	IRRIGATION	(45)	GEM
06N	01W	17	NW NW		37.0	01	IRRIGATION	(45)	GEM
06N	01W	17	SW NW		36.0	01	IRRIGATION	(45)	GEM
06N	01W	17	SE NW		36.0	01	IRRIGATION	(45)	GEM
06N	01W	17	NE SW		38.0	01	IRRIGATION	(45)	GEM
06N	01W	17	NW SW		38.0	01	IRRIGATION	(45)	GEM
06N	01W	17	SW SW		38.0	01	IRRIGATION	(45)	GEM
06N	01W	17	SE SW		38.0	01	IRRIGATION	(45)	GEM
06N	01W	17	NW SE		37.0	01	IRRIGATION	(45)	GEM
06N	01W	17	SW SE		37.0	01	IRRIGATION	(45)	GEM
06N	01W	18	NE NE		34.0	01	IRRIGATION	(45)	GEM
06N	01W	18	NW NE		26.0	01	IRRIGATION	(45)	GEM
06N	01W	18	SW NE		35.0	01	IRRIGATION	(45)	GEM
06N	01W	18	SW NE	2	37.0	01	IRRIGATION	(45)	GEM
06N	01W	18	SE NE		25.0	01	IRRIGATION	(45)	GEM
06N	01W	18	NE NW		29.0	01	IRRIGATION	(45)	GEM
06N	01W	18	NW NW	1	38.0	01	IRRIGATION	(45)	GEM
06N	01W	18	SE NW		17.0	01	IRRIGATION	(45)	GEM
06N	01W	18	NE SW		32.0	01	IRRIGATION	(45)	GEM
06N	01W	18	NW SW	3	35.0	01	IRRIGATION	(45)	GEM
06N	01W	18	SE SW		16.0	01	IRRIGATION	(45)	GEM
06N	01W	18	NE SE		38.0	01	IRRIGATION	(45)	GEM
06N	01W	18	NW SE		39.0	01	IRRIGATION	(45)	GEM

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

04/05/99 14:32:12

Page 3

Water right number - 65-13609

Prefix Translation: WATER RIGHT

+ - - - - Place of Use - - - - - +								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	01W	18	SW SE		38.0	01	IRRIGATION	(45) GEM
06N	01W	18	SE SE		37.0	01	IRRIGATION	(45) GEM
06N	01W	19	NE NE		32.0	01	IRRIGATION	(45) GEM
06N	01W	19	NW NE		39.0	01	IRRIGATION	(45) GEM
06N	01W	19	SW NE		35.0	01	IRRIGATION	(45) GEM
06N	01W	19	SE NE		36.0	01	IRRIGATION	(45) GEM
06N	01W	19	NE NW		38.0	01	IRRIGATION	(45) GEM
06N	01W	19	NW NW	1	34.0	01	IRRIGATION	(45) GEM
06N	01W	19	SW NW	2	38.0	01	IRRIGATION	(45) GEM
06N	01W	19	SE NW		39.0	01	IRRIGATION	(45) GEM
06N	01W	19	NW SW	3	39.0	01	IRRIGATION	(45) GEM
06N	01W	19	SW SW	4	32.0	01	IRRIGATION	(45) GEM
06N	01W	19	SE SW		24.0	01	IRRIGATION	(45) GEM
06N	01W	19	NE SE		23.0	01	IRRIGATION	(45) GEM
06N	01W	19	NW SE		31.0	01	IRRIGATION	(45) GEM
06N	01W	19	SW SE		2.0	01	IRRIGATION	(45) GEM
06N	01W	20	NW NE		27.0	01	IRRIGATION	(45) GEM
06N	01W	20	SW NE		20.0	01	IRRIGATION	(45) GEM
06N	01W	20	NE NW		37.0	01	IRRIGATION	(45) GEM
06N	01W	20	NW NW		38.0	01	IRRIGATION	(45) GEM
06N	01W	20	SW NW		39.0	01	IRRIGATION	(45) GEM
06N	01W	20	SE NW		39.0	01	IRRIGATION	(45) GEM
06N	01W	20	NE SW		10.0	01	IRRIGATION	(45) GEM
06N	01W	20	NW SW		20.0	01	IRRIGATION	(45) GEM
06N	02W	10	NE SW	6	12.0	01	IRRIGATION	(45) GEM
06N	02W	10	SE SW		28.0	01	IRRIGATION	(45) GEM
06N	02W	10	NE SE	8	9.0	01	IRRIGATION	(45) GEM
06N	02W	10	NW SE	7	8.0	01	IRRIGATION	(45) GEM
06N	02W	10	SW SE		22.0	01	IRRIGATION	(45) GEM
06N	02W	10	SE SE		38.0	01	IRRIGATION	(45) GEM
06N	02W	11	NW SW	5	11.0	01	IRRIGATION	(45) GEM
06N	02W	11	SW SW		38.0	01	IRRIGATION	(45) GEM
06N	02W	11	SE SW	6	15.0	01	IRRIGATION	(45) GEM
06N	02W	13	NW NE		37.0	01	IRRIGATION	(45) GEM
06N	02W	13	SW NE		36.0	01	IRRIGATION	(45) GEM
06N	02W	13	SE NE		37.0	01	IRRIGATION	(45) GEM
06N	02W	13	NE NW		37.0	01	IRRIGATION	(45) GEM
06N	02W	13	NW NW		38.0	01	IRRIGATION	(45) GEM
06N	02W	13	SW NW		37.0	01	IRRIGATION	(45) GEM
06N	02W	13	SE NW		34.0	01	IRRIGATION	(45) GEM
06N	02W	13	NE SW		36.0	01	IRRIGATION	(45) GEM
06N	02W	13	NW SW		37.0	01	IRRIGATION	(45) GEM
06N	02W	13	SW SW		38.0	01	IRRIGATION	(45) GEM
06N	02W	13	SE SW		36.0	01	IRRIGATION	(45) GEM
06N	02W	13	NE SE		19.0	01	IRRIGATION	(45) GEM
06N	02W	13	NW SE		24.0	01	IRRIGATION	(45) GEM
06N	02W	13	SW SE		28.0	01	IRRIGATION	(45) GEM
06N	02W	13	SE SE		38.0	01	IRRIGATION	(45) GEM

Water right number - 65-13609

Prefix Translation: WATER RIGHT

+ - - - - Place of Use - - - - - +									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
06N	02W	14	NE NE		37.0	01	IRRIGATION	(45)	GEM
06N	02W	14	NW NE		39.0	01	IRRIGATION	(45)	GEM
06N	02W	14	SW NE		37.0	01	IRRIGATION	(45)	GEM
06N	02W	14	SE NE		35.0	01	IRRIGATION	(45)	GEM
06N	02W	14	NE NW		34.0	01	IRRIGATION	(45)	GEM
06N	02W	14	NW NW		39.0	01	IRRIGATION	(45)	GEM
06N	02W	14	SW NW		39.0	01	IRRIGATION	(45)	GEM
06N	02W	14	SE NW		39.0	01	IRRIGATION	(45)	GEM
06N	02W	14	NE SW		34.0	01	IRRIGATION	(45)	GEM
06N	02W	14	NW SW		40.0	01	IRRIGATION	(45)	GEM
06N	02W	14	SW SW		34.0	01	IRRIGATION	(45)	GEM
06N	02W	14	SE SW		38.0	01	IRRIGATION	(45)	GEM
06N	02W	14	NE SE		16.0	01	IRRIGATION	(45)	GEM
06N	02W	14	NW SE		28.0	01	IRRIGATION	(45)	GEM
06N	02W	15	NE NE		39.0	01	IRRIGATION	(45)	GEM
06N	02W	15	NW NE		39.0	01	IRRIGATION	(45)	GEM
06N	02W	15	SW NE		24.0	01	IRRIGATION	(45)	GEM
06N	02W	15	SE NE		39.0	01	IRRIGATION	(45)	GEM
06N	02W	15	NE NW		38.0	01	IRRIGATION	(45)	GEM
06N	02W	15	SE NW		38.0	01	IRRIGATION	(45)	GEM
06N	02W	15	NE SW		39.0	01	IRRIGATION	(45)	GEM
06N	02W	15	NW SW		31.0	01	IRRIGATION	(45)	GEM
06N	02W	15	SW SW		18.0	01	IRRIGATION	(45)	GEM
06N	02W	15	SE SW		36.0	01	IRRIGATION	(45)	GEM
06N	02W	15	NE SE		40.0	01	IRRIGATION	(45)	GEM
06N	02W	15	NW SE		40.0	01	IRRIGATION	(45)	GEM
06N	02W	15	SW SE		39.0	01	IRRIGATION	(45)	GEM
06N	02W	15	SE SE		35.0	01	IRRIGATION	(45)	GEM
06N	02W	16	SE NE		9.0	01	IRRIGATION	(45)	GEM
06N	02W	16	NE SE		11.0	01	IRRIGATION	(45)	GEM
06N	02W	22	NE NE		34.0	01	IRRIGATION	(45)	GEM
06N	02W	22	NW NE		27.0	01	IRRIGATION	(45)	GEM
06N	02W	22	SW NE		38.0	01	IRRIGATION	(45)	GEM
06N	02W	22	SE NE		38.0	01	IRRIGATION	(45)	GEM
06N	02W	22	NE NW		25.0	01	IRRIGATION	(45)	GEM
06N	02W	23	NE NE		27.0	01	IRRIGATION	(45)	GEM
06N	02W	23	NW NE		39.0	01	IRRIGATION	(45)	GEM
06N	02W	23	SW NE		39.0	01	IRRIGATION	(45)	GEM
06N	02W	23	SE NE		39.0	01	IRRIGATION	(45)	GEM
06N	02W	24	NE NE		38.0	01	IRRIGATION	(45)	GEM
06N	02W	24	NW NE		38.0	01	IRRIGATION	(45)	GEM
06N	02W	24	SW NE		40.0	01	IRRIGATION	(45)	GEM
06N	02W	24	SE NE		39.0	01	IRRIGATION	(45)	GEM
06N	02W	24	NE NW		33.0	01	IRRIGATION	(45)	GEM
06N	02W	24	SE NW		39.0	01	IRRIGATION	(45)	GEM
06N	02W	24	NE SW		20.0	01	IRRIGATION	(45)	GEM
06N	02W	24	NE SE		38.0	01	IRRIGATION	(45)	GEM
06N	02W	24	NW SE		40.0	01	IRRIGATION	(45)	GEM

Water right number - 65-13609

Prefix Translation: WATER RIGHT

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06N	02W	24	SW SE		40.0	01	IRRIGATION	(45) GEM
06N	02W	24	SE SE		38.0	01	IRRIGATION	(45) GEM
06N	02W	25	NE NE		26.0	01	IRRIGATION	(45) GEM
06N	02W	25	NW NE		37.0	01	IRRIGATION	(45) GEM
06N	02W	25	SW NE		1.0	01	IRRIGATION	(45) GEM
06N	02W	25	NE NW		2.0	01	IRRIGATION	(45) GEM
06N	02W	25	NW NW		10.0	01	IRRIGATION	(45) GEM
06N	02W	25	SW NW		3.0	01	IRRIGATION	(45) GEM
06N	02W	25	SE NW		5.0	01	IRRIGATION	(45) GEM
06N	02W	26	NE NE		23.0	01	IRRIGATION	(45) GEM
06N	02W	26	NW NE		2.0	01	IRRIGATION	(45) GEM
06N	02W	26	SW NE		9.0	01	IRRIGATION	(45) GEM
06N	02W	26	SW NW		2.0	01	IRRIGATION	(45) GEM
06N	02W	26	SE NW		7.0	01	IRRIGATION	(45) GEM
07N	01W	27	SW SW	10	7.0	01	IRRIGATION	(45) GEM
07N	01W	32	SE SE	4	37.0	01	IRRIGATION	(45) GEM
07N	01W	33	NE NE	4	9.0	01	IRRIGATION	(45) GEM
07N	01W	33	SW NE	3	9.0	01	IRRIGATION	(45) GEM
07N	01W	33	SE NE		36.0	01	IRRIGATION	(45) GEM
07N	01W	33	SW SW	9	14.0	01	IRRIGATION	(45) GEM
07N	01W	33	SE SW	1	17.0	01	IRRIGATION	(45) GEM
07N	01W	33	NE SE		39.0	01	IRRIGATION	(45) GEM
07N	01W	33	NW SE	2	29.0	01	IRRIGATION	(45) GEM
07N	01W	33	SW SE		37.0	01	IRRIGATION	(45) GEM
07N	01W	33	SE SE		37.0	01	IRRIGATION	(45) GEM
07N	01W	34	NW NW	1	25.0	01	IRRIGATION	(45) GEM
07N	01W	34	SW NW		2.0	01	IRRIGATION	(45) GEM

Total Acres: 5624.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +

GEN Water shall not be diverted under this right until an easement or right-of-way with the owner of the drain is filed with the Department of Water Resources.

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +

- 005 - Use of water under this right is subject to control by the
- watermaster of State Water District No. 65.
- 01J - Prior to diversion of water under this right, the right holder
- shall install and maintain a measuring device and lockable
- controlling works of a type acceptable to the Department as part

Water right number - 65-13609

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - - +

(Condition continued from previous page)

- of the diverting works.
- 01M - After specific notification by the department, the right holder
 - shall install a suitable measuring device or shall enter into an
 - agreement with the department to determine the amount of water
 - diverted from power records and shall annually report the
 - information to the department.
- 03A - The rate of diversion of water for irrigation under this right
 - and all other water rights on the same land shall not exceed 0.02
 - cubic feet per second for each acre of land.
- 004 - The issuance of this right does not grant any right-of-way
 - or easement across the land of another.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +

00/00/0000

+ - - - - Comments - - - - - +

Date: 03/28/1995 User Id: SLESTER Subject: SOURCE OF WATER, OTHER RIGHTS

A large drain delivers water into the Payette River just west of the area between the company canal and river in NWNW S.4. The drain runs under the canal, and the ditch company proposes to pump the drain water into their canal for distribution throughout the company service area. Due to some confusion on the part of the various delivery groups in the area regarding which entity impacts which other entities, comment letters are sent to the two local irrigation districts. It does not appear (see orthophoto) that this drain is used by irrigation districts at the proposed P/D point (proximity to the river). Payette R. rights for company: 65-00054A, B & X.

Date: 06/11/1996 User Id: SCURTIS Subject: Extension of Time Received
Extension of Time Received

+ - - Audit Fields - 03/28/95 CZIMMERM 04/03/95 SCURTIS 06/01/95 CZIMMERM 06/02/95 CZIMMERM 10/24/95 BCHAPMAN
06/11/96 COMMENTS 06/24/96 JYARBROU 09/03/97 SCURTIS 09/11/97 JYARBROU 08/12/98 KGALE

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 06/01/1997	Field Exam Made - 06/05/1998	Field Exam Fee - R
Approved/Denied - 06/05/1995	Protested Date - 00/00/0000	Swan Falls - B
Proof Made Date - 06/12/1997	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number - C039735	Water District - 65
Licensed Date - 00/00/0000	Appl Received - 10/24/1994	Transfer/Amended -
Presumption Flag -	Name Connector -	POU Ownership Flag- N
SRBA Decreed Flag -		



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 16, 1999

JOHN J. MASON
GEM CTY DRAINAGE COMMISSION
2424 SCHILLER RD
EMMETT ID 83617

Re: Application for Permit No. 65-13822 in the Name of Walter H. Lyons

Dear Mr. Mason:

The Idaho Department of Water Resources (IDWR) received your letter attempting to protest the above-referenced application for permit. Because the protest fee of \$25.00 was not enclosed, we cannot recognize your protest.

No one protested the application so there is no contested case before IDWR. We will consider the concerns raised in your letter as we process the application.

Please feel free to contact this office if you have any questions.

Sincerely,

Gary Spackman

GS:st

CC: Walter Lyons

MICROFILMED

JUN 09 1999

Gem County Drainage Commission
C/O John Mason
2424 Schiller Road
Emmett, Idaho 83617

RECEIVED

FEB 22 1999

WATER RESOURCES
WESTERN REGION

Mr. Gary Spackman
Department of Water Resources
IDWR
2735 Airport Way
Boise, Idaho

Dear Mr. Spackman.

This letter is in regard to the claim filed by a Mr. Lyons who lives on East Main Street in Emmett. I am in a position which I feel constitutes conflict of interest. I am the executive secretary for the Gem County Drainage Commission with the responsibility to maintain an unimpeded flow of drainage water, and other administrative duties as required.

I am also president of the Board of Directors for the Sand Hollow Ditch Company which uses approximately one mile of the Gem County drainage canal to convey water from the Last Chance ditch to the Sand Hollow ditch.

The Gem County Drainage canal begins upstream from the point where the Sand Hollow water is dumped from the Last Chance ditch into the drainage canal and continues down stream from the Sand Hollow headgate where Sand Hollow water is diverted into the Sand Hollow irrigation ditch. The Gem County Drainage canal flows downstream from the Sand Hollow headgate in a south and westerly direction for approximately four miles.

I would like to protest the approval of this claim pending a legal determination as to the process for removing water from the Gem County Drainage canal.

Sincerely,



JOHN J. MASON

President
Board of Directors
Gem Co. Drainage Commission

MICROFILMED

JUN 09 1999

RECEIVED
FEB 19 1999
WATER RESOURCES
WESTERN REGION

2-17-99

W.L.Charters

Last Chance Ditch Company

1525 Jordan Lane

Emmett, Idaho

Department of Water Resources

Att. Gary Spackman

Dear Sir

This letter is in regards to an application #65-13822 by Walter H. Lyon out of a unnamed drain This drain is the Sandhollow drain and was dug where the Sandhollow ditch was located by the county. The Sandhollow is a lateral for the Last Chance Ditch The Sandhollow ditch was to get water out of the drain for the use of their right of way In 1972 another water right application was applied for out of this drain, this application was handled by Dave Tutthill with your department. At that time they decided they would not issue a water permit, but instead the land owner would buy shares in the Last Chance Ditch to be delivered to Sandhollow to replace water pumped out of drain. This is still possible to day, and it would ensure that a new water right would not be taking water from a previously established water right.

Sincerely

W.L.Charters Secretary Last Chance Ditch Company

W.L.Charters 365-2727

MICROFILMED

JUN 09 1999

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
 ss.
COUNTY OF GEM,

Mary K. Black, being first
duly sworn, on her oath deposes and
says that she is the clerk of the Mes-
senger Index, a legal weekly news-
paper published at Emmett, in Gem
County, Idaho; that said newspaper
is in general circulation in said
county and has been published unin-
terruptedly and continuously for
more than 78 weeks prior to the
first publication of the annexed
document; and that the document
notice, process, or advertisement
hereunto annexed was published in
the regular edition of Messenger
Index for two

consecutive weekly issues thereof,
beginning with the issue of
February 3, 1999,
and ending with the issue of
February 10, 1999
Mary K. Black

Subscribed and sworn to me this
10th day of
February, 1999
Marianne Chaney

Notary Public
Residing in Emmett, Idaho



RECEIVED

FEB 11 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.

65-13822 ✓

LYONS, WALTER H
2645 E MAIN
EMMETT, ID 83617

Source. UNNAMED DRAIN

Tributary: PAYETTE RIVER

Diversion Pt NESWNE Sec 9 T 06N R 01W in GEM County.

Use: IRRIGATION
Total Diversion { 0.120 CFS
0.120 CFS

Date Filed: 12/ 1/1998

In. GEM County
T06N R01W S09 SWNE

4.0 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
on or before FEBRUARY 22, 1999. The protestant must also send a copy of the
protest to the applicant.

Pub : 2 - 3, 10, 1999

KARL J. DREHER, Director

Legal Notice No. 3484
Published in the Messenger Index

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FEB 11 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 28, 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 Nos. 65-13820, 65-13819, 65-13818, 63-12476, 65-13822, 65-13821, and 61-07747

Dear Sir:

Enclosed are copies of the above-referenced applications for permit which may be of interest to your agency. The proposed use of application nos. 65-13820, 65-13819, 65-13818, and 63-12476 is from a source in the bull trout impact area. The proposed source of application nos. 65-13822, 65-13821, and 61-07747 is surface water. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by February 22, 1999.

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

Sincerely,

From Scott Grunder
2-4-99

Gary Spackman

Gary Spackman

MICROFILMED

JUN 09 1999

GS:st

Encl.

Gary,
None of these applications will significantly affect fish or wildlife habitats. There needs to be some accounting of domestic and ag. diversions from the Middle Fork Payette River so we can assess potential cumulative effect.

State of Idaho
Department of Water Resources

**WATER RESOURCES
WESTERN REGION**

JUN 09 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

January 28, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ROY ORR
BLACK CANYON IRRIG DIST
PO BOX 226
NOTUS ID 83656

Re: Application for Water Right No 65-13822 in the Name of Walter H. Lyons

Dear Mr. Orr:

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

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 you desire 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 February 22, 1999

Sincerely,

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

Gary Spackman

GS:st

Encl.

MICROFILMED

JUN 09 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

January 28, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BILL CHARTERS
LAST CHANCE DITCH COMPANY
1525 JORDAN LN
EMMETT ID 83617

Re: Application for Water Right No. 65-13822 in the Name of Walter H. Lyons

Dear Mr. Charters:

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

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 you desire 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 February 22, 1999.

Sincerely,

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

Gary Spackman

GS:st

Encl.

MICROFILMED

JUN 09 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

January 28, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN MASON
GEM COUNTY DRAINAGE COMMISSION
2424 SCHILLOR RD
EMMETT ID 83617

Re: Application for Water Right No. 65-13822 in the Name of Walter H. Lyons

Dear Mr. Mason:

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

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 you desire 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 February 22, 1999.

Sincerely,


Gary Spackman

GS:st

Encl.

MICROFILMED

JUN 09 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

1/15/1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WALTER H. LYONS
2645 E. MAIN
EMMETT, ID 83617

RE: APPLICATION FOR PERMIT TO DIVERT WASTE WATER FROM NORTHSIDE DRAIN

Dear Mr. Lyons,

In the telephone conversation we had on 1/15/1999, I informed you that I neglected to have you fill out a Request to Process Form. I have enclosed this form with an accompanying letter. Please read the letter and mark one of the options on the first page and return it to our office. Until we receive this form we can not advertise your application.

I would also like to verify your address. On the application form you neglected to write down the town and zip code where you live. I assume it is in Emmett, Idaho 83617, but I would like to have confirmation that this address is correct.

In our telephone conversation I told you that we would need to send a letter to the two following entities to ensure that the water that you are going to be using is not associated with their companies. You may want to contact them and determine if it will be a problem with them if you use the water before we advertise your application. If it looks as though you will not be able to get the water, we can withdraw the application and refund your money if the withdrawal is done before the application is advertised.

Black Canyon Irrigation District
C/O Roy Orr
P.O. Box 226
Notus, Idaho 83656

Last Chance Ditch Company
C/O Bill Charters
1525 Jordan Lane
Emmett, Idaho 83617

If you have any questions please do not hesitate to contact me at the above address or telephone number.

Respectfully,

Daniel A. Nelson
Water Right Agent

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JUN 03 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

JANUARY 27, 1999

Legal Notices Department
Messenger-Index
P.O. Box 577
Emmett, ID 83617

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 FEBRUARY 22, 1999.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICROFILMED

JUN 04 1999

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

JUN 09 1999

65-13822

LYONS, WALTER H.
2645 E MAIN
EMMETT, ID 83617

Source: UNNAMED DRAIN

Tributary: PAYETTE RIVER

Diversion Pt: NESWNE Sec 9 T 06N R 01W in GEM County.

Use: IRRIGATION (0.120 CFS)

Total Diversion: (0.120 CFS)

Date Filed: 12/ 1/1998

In: GEM County
T06N R01W S09 SWNE

4.0 ACRES TOTAL

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

MICROFILMED

JUN 09 1999

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KARL J. DREHER, Director

Published: 2/ 3/1999 & 2/10/1999

UNRECORDED
FEB 09 1999