

12' 30"

BM 3386

4583

4281

4895

4496T

4409T

4682T

4281

4894

4604T

4325T

485T

3967T

3379T

4893

4210T

4804T

4070T

4004T

3664T

Mile 10

4892

3787T

3908T

BM 3222

BM 3296

3152

MIDDLE

3587T

4891

3722T

3729T

3238T

3192T

BM 3108

3208T

26

10'

3600

3397T

3400T

3195T

BM 3092

3040

3200

3220T

3824

4890

Easley

3668T

32

Warm

3457

Golf Course

Springs

Creek

MICROFILMED
JUN 09 1999

BR 3057T

WL 3032T

4889

3111T

TION
RO4E
S27

No govt
lots in
S27
eq.
1/5/99

65-
13820

65-13820

PINE TREE RANCH NO. 11



Waterside
Sites



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JUN 09 1999

Larry Thompson
President
(208) 462-3713
(208) 462-3111

Outlets: T-101
T-102
T-103

RECEIVED
MAR 20 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 65-13820 Telephone No. (208) 462-3720
2. Name(s) of Permit Holder(s): STEVE HERRON
3. Mailing Address: 7 RIVER RD. GARDEN VALLEY, ID 83622
4. Source of Water: RAYETTE RIVER, MIDDLE FORK If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____
- a. Well Driller: _____ Drilling Permit Number: _____ - _____ - _____ - _____
- b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 1.0 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: .03 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 <u>✓</u> |
| | Has the measuring device been installed? | Yes _____ | or | No <u>✓</u> |
| Flow Measurement Port: | Is a flow measurement port required? | Yes _____ | or | No <u>✓</u> |
| | Has the measurement port been installed? | Yes _____ | or | No <u>✓</u> |
8. Fee Enclosed: \$ 50⁰⁰ (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: STEVE HERRON Telephone Number: (208) 462-3720
Address: 7 RIVER RD GARDEN VALLEY, ID 83622

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

Signature of permit holder: Steven R. Zimm Date: Jan 28/06
(include your title, if on behalf of company or organization)

MICROFILMED

Mar 23 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No 65-13820
Name(s) of Permit Holder: STEVE HERRON
Address: 7 River Rd. City Garden Valley State ID Zip 83622
Telephone No. 208 462-3920 Date Proof is Due: MAY 1, 2000

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

All materials have been purchased. Pump and feed line are in place
Trenches have been dug and some sprinkler line is in place.

Costing \$ 1,500.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Person installing sprinkler system fell down a flight of stairs and will
be unable to finish job for about two weeks.

Permit holder(s) request an extension to MAY 1, 20 01.

Steve Herron
(Signature)*

*If other than permit holder, Power of Attorney must be supplied

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use is extended
to May 1, 2001.

Signed this 9th day of May, 2000

L. Glen Saxton
L. Glen Saxton, Chief
Water Allocation Bureau

MICROFILMED

MAR 29 2001

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 65-13820

Proposed Priority: January 5, 1999 Maximum Diversion Rate: 0.03 CFS

This is to certify, that **STEVE HERRON**
7 RIVER RD
GARDEN VALLEY ID 83622

has applied for a permit to appropriate water from:
PAYETTE RIVER, MIDDLE FORK 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	04/15 to 10/15	0.03 CFS
------------	----------------	----------

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	SESE , Sec. 27, Township 10N, Range 04E BOISE County
---	---

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	04E	27	SESE	1.0		1.0

Total number of acres irrigated: 1.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 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 3.5 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.

MICROFILMED

JUN 04 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13820

CONDITIONS OF APPROVAL AND REMARKS

7. Water shall not be diverted under this right when flows in the Payette River are below established minimum stream flows.
8. 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.
9. Point of diversion and place of use are located within Lot 5, Pinetree Ranch No. 11.

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

21 day of April, 1999.


for Karl J. Dreher, Director

MICROFILMED
JUN 09 1999

(Internet)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR PERMIT

JAN 05 1999

To appropriate the public waters of the State of Idaho

Department of Water Resources

JAN 06 1999

WATER RESOURCES
WESTERN REGION

1. Name of Applicant STEVEN HERRON Phone 208-462-3720
Mailing address 7 RIVER ROAD GARDEN VALLEY, ID. 83622 *
2. Source of water supply MIDDLE FORK ^{SEC 6 R61W} which is a tributary of PAYETTE RIVER
3. Location of point of diversion is Township 10N Range 4E Sec. 27 in the 14,
SE 14, SE 14, Govt. Lot , B.M., BOISE County;
additional points of diversion if any:
4. Water will be used for the following purposes:
Amount .03 CFS for IRRIGATION purposes from 4/15 to 10/15 (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)
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) .03 and/or (b)
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source 3 HP DITCH PUMP
b. Height of storage dam N/A feet; active reservoir capacity acre-feet; total
reservoir capacity acre-feet
c. Proposed well diameter is N/A inches; proposed depth of well is feet
d. Is ground water with a temperature of greater than 85°F being sought?
e. If well is already drilled, when? ; Drilling firm
Well was drilled for (well owner) ; Drilling Permit No.
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 in 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.

* Source = PAYETTE RIVER, middle fork
per IDWR standards & map.
-SL 1/27/99

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APR 07 1999

DEPARTMENT OF WATER RESOURCES

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

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

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	4E	27																1	1

Total number of acres to be irrigated 1

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

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

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

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

12. Remarks: Plu also known as Pinetree Ranch 11 Lot 5

Comments:

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

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2 x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

X Steven Herron
Signature of Applicant (and title, if applicable)

Received by CJ Date 1/5/99 Time 1:35 pm Preliminary check by SL
Fee \$ 50.00 2007 Received by CJ # 6044267 Date 1/5/99
Publication prepared by SL Date 1-27-99 Published in Idaho World 2-3-10-99
Publication approved KL Date 2/25/99

* per Idaho Standards & Response form, attached.
-SL 1/27/99

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JUN 09 1999

12' 30"

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10'

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4889

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S27

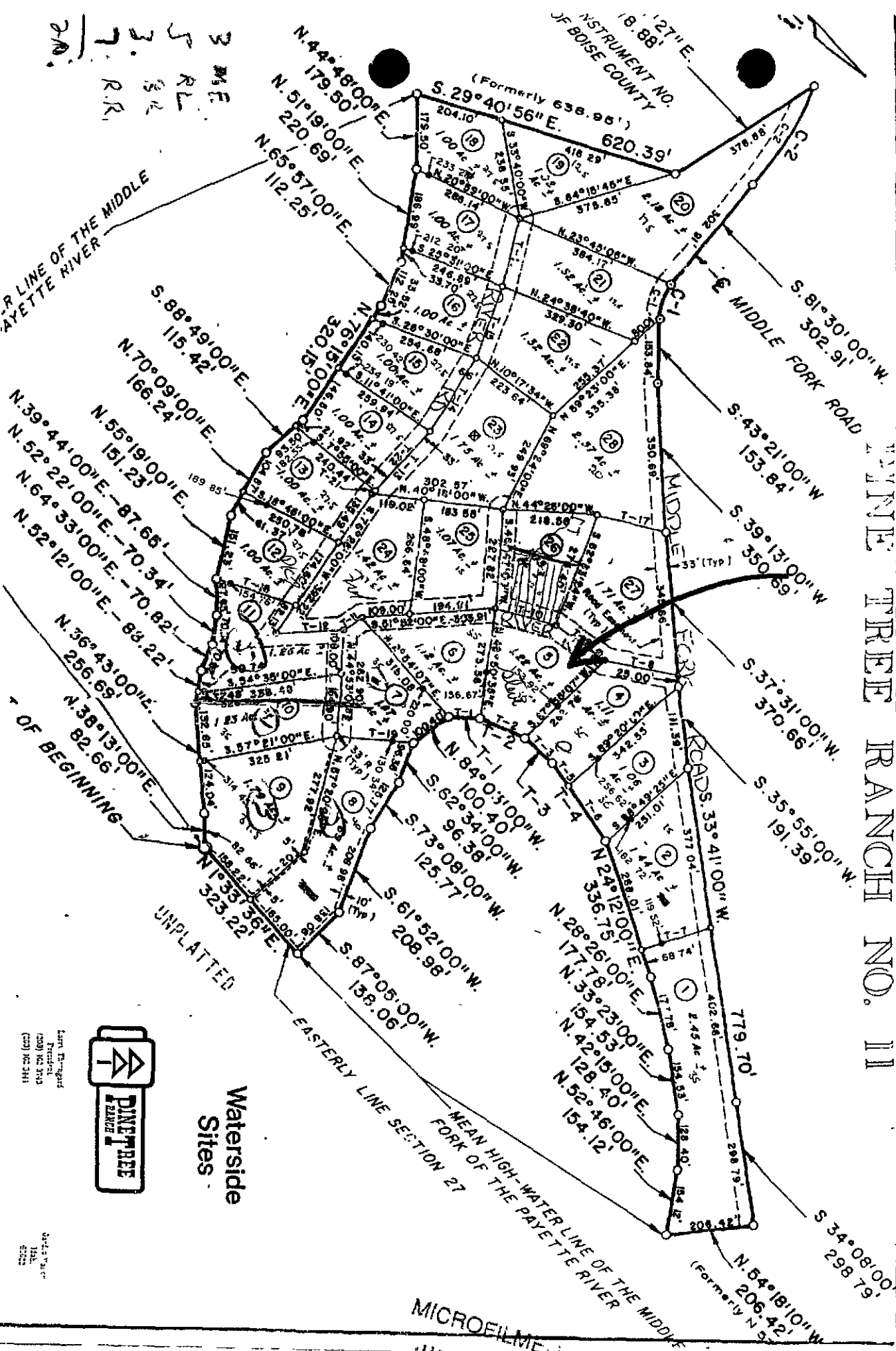
No govt
lots in
S27
ex.
11549

65-
13820

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JAN 09 1993
BR 30577
DWL 3032T

65-13820

PINE TREE RANCH NO. 11



MICROFILMED
JUN 03 1993



Waterside
Sites

Survey
Record
(200) 100 3113
(200) 100 3111

Water District No. 65

Payette River Basin, State of Idaho

102 North Main Street

Payette, Idaho 83661

Phone (208) 642-4465

Fax (208) 642-1042

E-Mail wd65@primenet.com

*Watermaster
Mark Limbaugh*

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APR 30 2001

Department of Water Resources

April 26, 2001

Mr. Fred Schuman
Mr. Dick Simon
Mr. Steve Herron
16 River Road
Garden Valley, ID 83622

Re: Permit Numbers 65-13819; 65-13818; and 65-13820

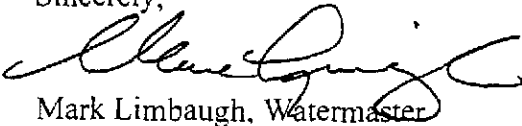
Dear Sirs:

I have received your requests for a waiver from the lockable controlling device requirement on your water right permits. You stated in your letter that the reason you want a waiver from this requirement is that the diversions are for the irrigation of lawns on your property

Due to the fact that the diversion is small in quantity and it would be unlikely Water District No. 65 would need to lock this diversion in order to control the permit, I am recommending that the installation of a lockable controlling works for these diversions be waived by the Idaho Department of Water Resources

If you have any additional questions regarding the administration of your water right permits, please do not hesitate to call on me.

Sincerely,



Mark Limbaugh, Watermaster

✓ cc: Deborah J. Gibson, Admin. Asst, IDWR



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

March 22, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

STEVE HERRON
7 RIVER RD
GARDEN VALLEY ID 83622

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13820

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and license examination fee submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

According to paragraphs 3 and 4 of the Conditions of Approval and Remarks, on your permit, refer to a lockable controlling works for the use by the watermaster of State Water District No. 65. Therefore, a lockable device must be installed on the diverting works, which meet the department's requirements, and that will provide the watermaster with suitable control. If you have not installed this lockable device, I suggest you contact your watermaster about this requirement and install this device prior to the department's field examination. You may request a waiver of the condition in writing, *stating your reasons for the request, with a letter of agreement from the watermaster.* If you have installed this means of measurement, please disregard this reminder, and acknowledge it to your field examiner when they come to inspect your diversion.

Additionally, this permit allocates water for irrigation purposes. According to your Proof you declare that it is for one home for domestic use and for one acre of irrigation. Please be aware that this is not an appropriate use of this water. If you have been using this water for domestic use for 1 home, you need to contact the regional office and notify them of this change.

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.

MAR 29 2001

Page 2

If you have questions concerning the field examination or the lockable controlling works condition, please contact the **WESTERN** Regional Office of the department in Boise at (208) 334-2190. Any questions regarding the Proof process you may contact me at (208) 327-7953.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson".

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

c: IDWR - Region

MICROFILMED
MAR 29 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No. 65-13820

Reviewed By dgibson

Date: March 22, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C052821	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		
Are the water uses correct?		X	Measure device waiver requested?		

Priority Calculation

Date proof received		03/20/2001
Date proof due	-	05/01/2001
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	01/05/1999
New priority date	=	01/05/1999

Deficiencies of Actions Items

Acknowledge proof. Notify permit holder of correct use of water and lockable controlling works

February 28, 2001

STEVE HERRON
7 RIVER RD
GARDEN VALLEY, ID 83622

PROOF DUE NOTICE

RE: PERMIT NO. 65-13820

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

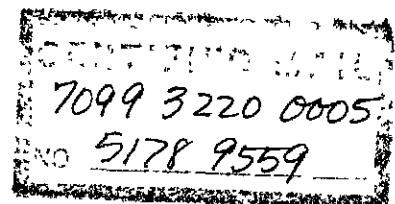
Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

MAY 23 2001





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

May 9, 2000

KARL J. DREHER
DIRECTOR

STEVE HERRON
7 RIVER RD
GARDEN VALLEY ID 83622

RE: PERMIT NO. 65-13820

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use of water to **May 1, 2001**.

Please note that the department granted this extension based on **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

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. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please feel free to contact the department if you have questions.

Sincerely,

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

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MAR 25 2001

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 65-13820 Reviewed by D. Ellis Date 5/9/00

BASIC INFORMATION

5/1/00 Date stamp received
Yes Extension received timely
Yes Fee received and receipted
Yes Name and signature same as permit
No Address Change

BASIS FOR EXTENSION REQUEST

Yes Has adequate work been completed to demonstrate due diligence?
_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Approve Extension to 5/1/2001.

PRIORITY CALCULATION

Date extension received	<u>5/1/00</u>	=	_____
Proof due date	<u>5/1/00</u>	=	_____
Number of days late	<u>0</u>	=	_____
Priority date	<u>/</u>	=	_____
New Priority Date	<u>/</u>	=	_____

DATA ENTRY

New Address No
Change Proof Due Date Yes 5/1/2001
Change Priority Date No

February 28, 2000

STEVE HERRON
7 RIVER RD
GARDEN VALLEY ID 83622

PROOF DUE NOTICE

RE: PERMIT NO. 65-13820

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 2000.

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

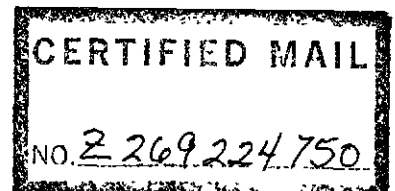
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures





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

April 22, 1999

STEVE HERRON
7 RIVER RD
GARDEN VALLEY ID 83622

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13820

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.

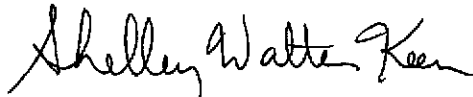
Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

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.

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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 W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

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JUN 09 1999

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of April, 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. 65-13820

STEVE HERRON
7 RIVER RD
GARDEN VALLEY ID 83622



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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JUN 09 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Sten*No.: 65-13820 Name: Herron Date: 4/19/99 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 (✓ WDC3) - 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: 2/4/99 - OK

IN ABOVE MSF (✓ MAP)

IN-STREAM DEVELOPMENT

WD (✓ MAP & LISTING)

- > 0.20 cfs - P52 (stream channel alteration)
- ≤ 0.20 cfs - 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 (FERG), 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:

- ① WB9 ② W22 ③ W60

BENEFICIAL USE DUE:

- 5/1/2000

COMMENTS:

APR 07 1999

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

INITIAL REVIEW BY: RL DATE: 1/27/99 APPLICATION: 65-13820

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:

N P/D
P/U

ADDITIONAL INFORMATION

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

N/A T FLAG CHANGED TO P FLAG

YES NO

N/A *minor use*
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.
N/A 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

NOTE - ALL D'ENTRY HAS BEEN COMPLETED

Date Requested ✓ Date Response Received ✓

PROCESSING

APP. NO.

6-13820

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 _____

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, R04 (65, Payette River)

See below for additional information

Recommended Date or Priority 1-5-1999 52
Recommended by: Guy L Date: 4/5/99

ADDITIONAL INFORMATION:

3 NEIGHBORS filed separate similar apps., each for
own pump for 1 Acre irrigation in subd lots:

65-13818 Simon Lot 12 } in Pinetree Ranch #11.
- 13819 Schuman Lot 24 }
☒ - 13820 Heron Lot 5

All require future miti. plus local W.D. #65 conditions
of approval

The Idaho World

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

RECEIVED

FEB 17 1999

WATER RESOURCES
WESTERN REGION

State of Idaho)
County of Boise)

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Feb 3, 1999 and ending with the issue of Feb 10, 1999.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 15 day of Feb in the year 1999, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Diane Caughlin

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 6/26/2001

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FEB 17 1999

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12476

KNAPP, KAY IRENE
967 E PARKCENTER BLVD # 281
BOISE, ID 83705

Source: SPRINGS Tributary: SINKS
Source: UNNAMED STREAM Tributary: MORES CREEK

Diversion Pt: SESE Sec 13 T 05N R 04E in BOISE County.
SESESE Sec 13 T 05N R 04E in BOISE County.
NENE Sec 24 T 05N R 04E in BOISE County.
NENENE Sec 24 T 05N R 04E in BOISE County

Use: STOCKWATER (0.020 CFS)
DOMESTIC (0.060 CFS)
Total Diversion: (0.080 CFS)

Date Filed: 10/14/1998

In: BOISE County
T05N R04E S13 Lot 1 (SESE)
S24 Lot 1 (NENE)

65-13818

SIMON, DICK
23 RIVER RD
GARDEN VALLEY, ID 83622

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER

Diversion Pt: SESE Sec 27 T 10N R 04E in BOISE County.

Use: IRRIGATION (0.030 CFS)
Total Diversion: (0.030 CFS)

Date Filed: 1/5/1999

In: BOISE County
T10N R04E S27 SESE

1.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed

65-13819

SCHUMAN, FREDRICK J
16 RIVER RD
GARDEN VALLEY, ID 83622

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER

Diversion Pt: SESE Sec 27 T 10N R 04E in BOISE County.

Use: IRRIGATION (0.030 CFS)
Total Diversion: (0.030 CFS)

Date Filed: 1/5/1999

In: BOISE County
T10N R04E S27 SESE

1.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed

65-13820

HERRON, STEVE
7 RIVER RD
GARDEN VALLEY, ID 83622

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER

Diversion Pt: SESE Sec 27 T 10N R 04E in BOISE County.

Use: IRRIGATION (0.030 CFS)
Total Diversion: (0.030 CFS)

Date Filed: 1/5/1999

In: BOISE County
T10N R04E S27 SESE

1.0 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 83750 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.
KARL J. DREHER, Director

Published in The Idaho World February 3 and 10, 1999

01-99

State of Idaho
Department of Water Resources

RECEIVED

FEB 11 1999

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No: 65-13820

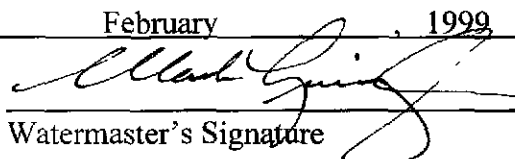
Applicant's Name: Steve Herron

Watermaster's Recommendation:

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

Dated this 9th day of February, 1999

Water District No. 65


Watermaster's Signature

Use reverse side of page if you need more space

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NOV 19 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

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JUN 03 1999

GS:st

Encl.

*Gary,
None of these applications will significantly affect fish or wildlife habitat. 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

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:

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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,

Gary Spackman

GS:st

Encl.

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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

MARK LIMBAUGH
WATER DISTRICT 65
102 N MAIN
PAYETTE ID 83661

Re: Application for Permit Nos. 65-13820, 65-13819, 65-13818, and 65-13822

Dear Sir:

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

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

Sincerely,

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

Gary Spackman

GS:st

Encl.

MICROFILMED

JUN 09 1999

RESPONSE FORM

COMPLETE THIS FORM ONLY IF YOU WANT
YOUR APPLICATION TO BE PROCESSED

Name of Applicant: STEVEN HERRON
Mailing Address: 7 RIVER ROAD
GARDEN VALLEY, IDAHO 83622
208-462-3720
Application No. 65-13820

Mitigation.

Yes, I agree to accept a condition of approval on my application that will require mitigation related to fishery resources based upon a finding by the Director of Idaho Dept. of Water Resources. I understand that mitigation is not needed now but may be needed in the future. I also understand that the Director will not invoke this condition until I have an opportunity to participate in the process by which mitigation is identified and quantified.

Signature:

Steven Herron

Date.

4-1-5-99

Please return this form to the nearest regional office:

Northern Region

Idaho Dept. of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene ID 83814 Tel. - 769-1450
FAX - 769-1454

Eastern Region

Idaho Dept. of Water Resources
900 N. Skyline Dr.
Idaho Falls ID 83401 Tel - 525-7161
FAX - 525-7177

Southern Region

Idaho Dept. of Water Resources
1341 Fillmore St., Suite 200
Twin Falls ID 83301 Tel. - 736-3033
FAX - 736-3037

→ Western Region

Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83701 Tel - 334-2190
FAX - 334-2348

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JUN 09 1999

65-13820

HERRON, STEVE
7 RIVER RD
GARDEN VALLEY, ID 83622

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

Diversion Pt: SESE Sec 27 T 10N R 04E in PAYETTE County.

```

Use:  IRRIGATION      (          0.030 CFS)
      Total Diversion: (          0.030 CFS)

```

Date Filed: 1/ 5/1999

In: PAYETTE County
T10N R04E S27 SESE

1.0 ACRES TOTAL

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

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JUN 09 1979