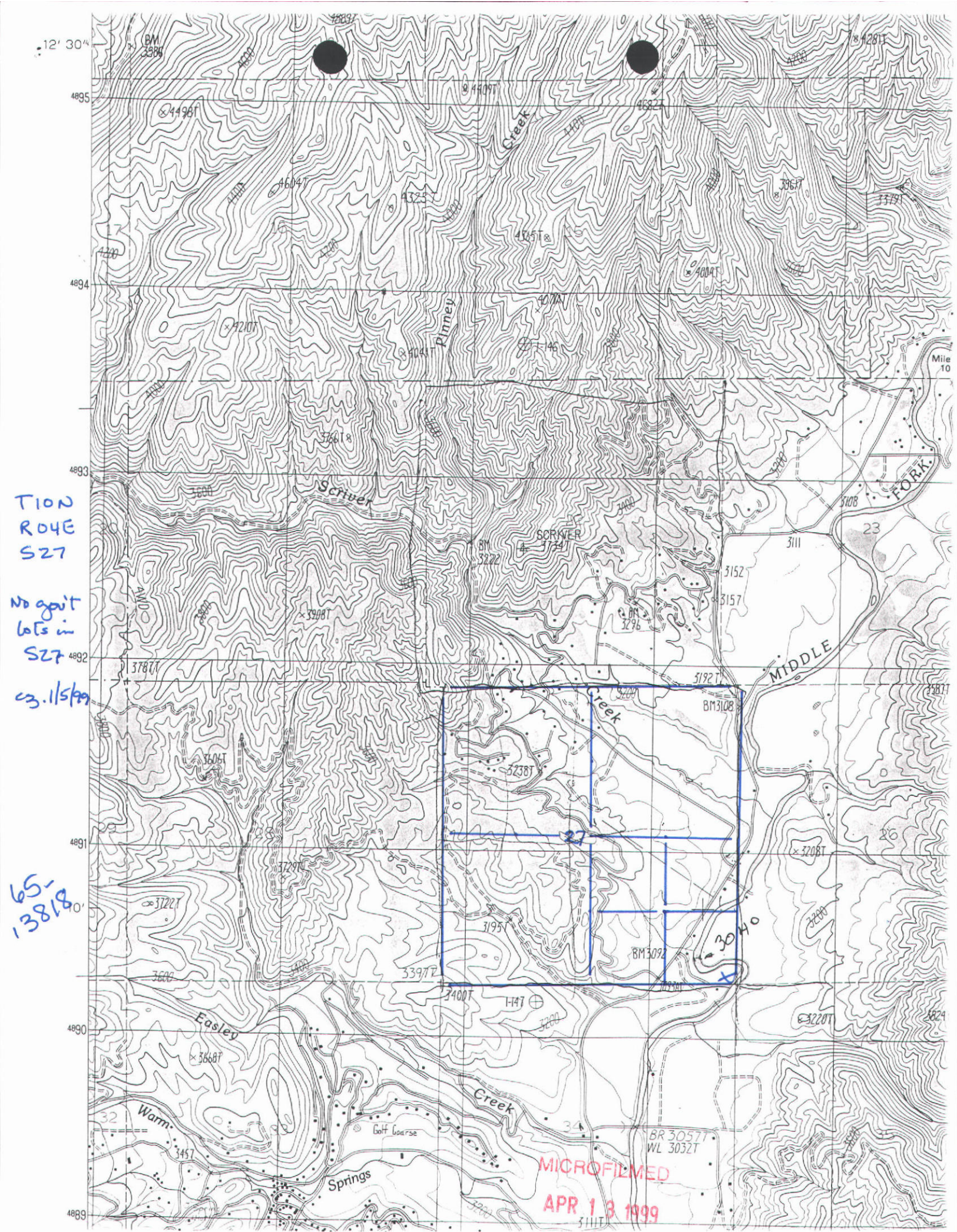


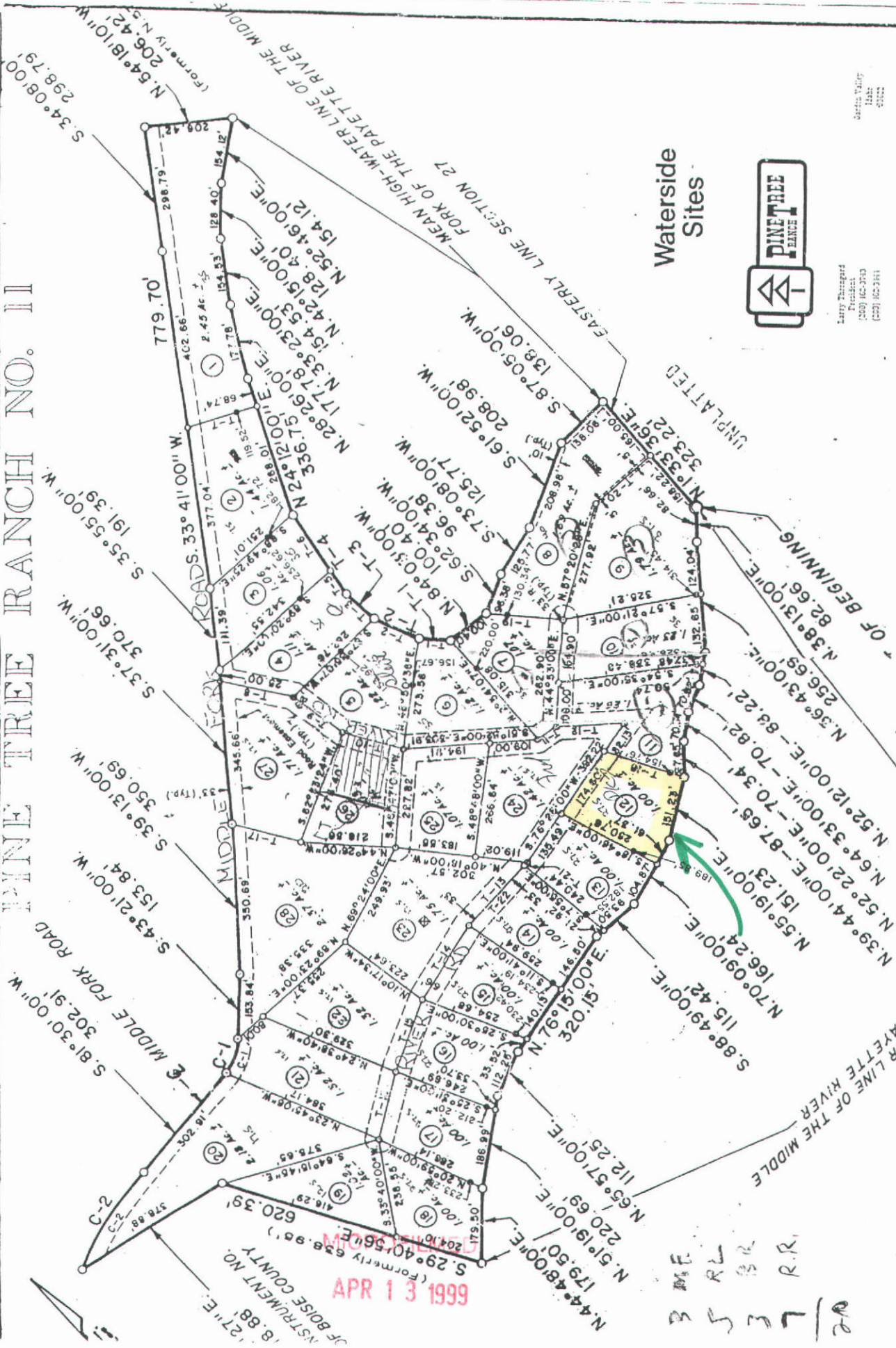


PINE TREE RANCH NO. II

3 R.F.
5 R.L.
3 R.R.
7 R.R.
—
20



14C-291 (60%)
CHC-291 (60%)
typical
redwood heart



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.

1. Permit No. 65-13818 Telephone No. 208-462-2405

2. Name of Permit Holder(s) RICHARD DICK SIMON

3. Mailing Address. 23 RIVER ROAD

City GARDEN VALLEY ID State ID Zip 83622

4. Source of Water. PAYETTE RIVER
MIDDLE FORK If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____

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

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

Irrigation (No. of acres): _____ Other _____

6. Total rate of diversion and/or volume for which proof is submitted: 1.0 cfs OR _____ acre-feet

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

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

Measuring Device: Is a measuring device required?

Yes _____ or No ✓

Has the measuring device been installed?

Yes _____ or No ✓

8. Fee Enclosed. \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: RICHARD DICK SIMON Telephone Number: _____

Address: 23 RIVER ROAD

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

Signature of permit holder. Richard Dick Simon Date 3-11-01
(include your title, if on behalf of company or organization)

MICROFILMED

MAR 23 2001

RECEIVED

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

Department of Water Resources

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 65-13818
Name(s) of Permit Holder DICK SIMON
Address: 23 RIVER ROAD City GARDEN VALLEY State UT Zip 83622
Telephone No. _____ Date Proof is Due: 4-1-00

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".)

PUMP HOUSE DONE, PART OF ELECTRICAL WORK
DONE, PIPE'S DONE FROM RIVER TO
WORK STATION.

Costing \$ 1500⁰⁰

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

1. SNOW IN YARD SPRING OF 2000.
2. MOVING TREES & BUSHES FALL OF 1999
3. ELECTRICAL WORK BEING DONE SPRING 2000

Permit holder(s) request an extension to 7-1, 2000

[Signature]
(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 April 1, 2001.

Signed this 13th day of April, 2000
MICROFILMED

APR 18 2000

[Signature]
L. Glen Saxton, Chief
Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13818

Proposed Priority: January 5, 1999

Maximum Diversion Rate:

0.03 CFS

This is to certify, that DICK SIMON

23 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:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/15 to 10/15

0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 27, Township 10N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

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 April 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

APR 13 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13818

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 12, 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

12th day of April, 1999.

Karl J. Dreher
for Karl J. Dreher, Director

MICROFILMED

APR 13 1999

(Internet)

Ident. No. 65-13818

RECEIVED

JAN 06 1999

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JAN 05 1999

Department of Water Resources

1. Name of Applicant DICK SIMON

MAR 29 1999

Mailing address 23 RIVER ROAD GARDNER, ID. 83622 *2. Source of water supply MIDDLE FORK SEE Below which is a tributary of PAYETTE RIVER3. Location of point of diversion is Township 10N Range 4E Sec. 27 in the 1/4SE 1/4, SE 1/4, 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)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

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 PUMPb. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feetc. 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. _____ MICROFILMED

* standard irrigation season. 1/5/99. 03.

APR 13 1999

* source = PAYETTE RIVER, MIDDLE FORK per lower standards map. -sc 1/27/99

Location of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	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? DICK SIMON

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

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: PU also known as Pinture Ranch II, Lot 12
Comments:

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

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" 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.

Dick Simon
 Signature of Applicant (and title, if applicable)

Received by CS Date 1/5/99 Time 1:35 pm Preliminary check by SL
 Fee \$ 50.00 Received by CS # 2044266 Date 1/5/99
 Publication prepared by ME Date 1-27-99 Published in 2-3-10-99
 Publication approved KDA Date 2/25/99

* per IDWR standards & Response form, Attached. MICROFILMED JAMS Receipt used for
SL 1/27/99 3 1999 65-13818 & 13819
 2 \$50 each.

1301 N. O.

TION
ROYE
SZ7

No govt
lots in
SZ7

03.11/5/99

65-
13818

MICROFILM

APR 13 1999

BR 30577
WL 30327

MIDDLE

Mile
10

FORK

Creek

Spring

Golf Course

Warm

Easier

F47

3040

BM3092

3195

33972

37227

37227

37877

37877

37877

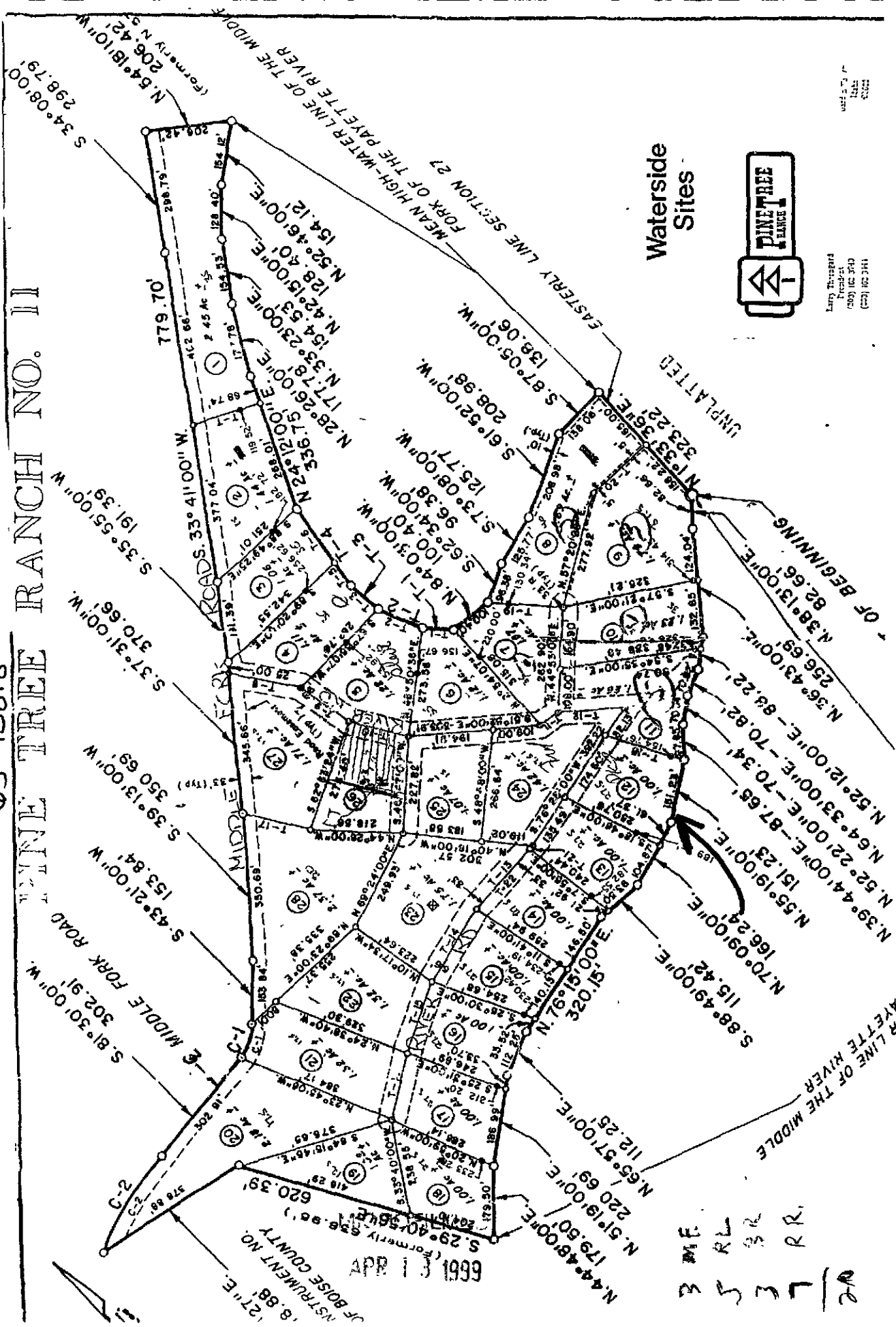
37877

37877

37877

65-13818

PINE TREE RANCH NO. II



Waterside Sites



Larry Thompson
President
2001 ICS 310
1141 001 (100)
(202) 100 3111

used 2 1/2" x 11" sheets

Water District No. 65

Payette River Basin, State of Idaho
102 North Main Street
Payette, Idaho 83661

Watermaster
Mark Limbaugh

Phone (208) 642-4465
Fax (208) 642-1042
E-Mail wdist65@primenet.com

RECEIVED

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

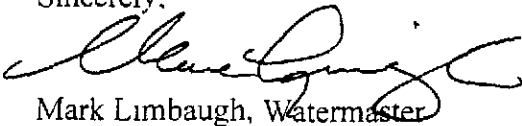
Dear Sirs:

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

DICK SIMON
23 RIVER ROAD
GARDEN VALLEY ID 83622

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13818

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, 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. However, if you have installed this means of measurement, please disregard this reminder.

Additionally, this permit allocates water for irrigation purposes. According to your Proof you declare that it is for two homes for domestic use. Please be aware that this is not an appropriate use of this water. If you have been using this water for domestic use for 2 homes, 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.

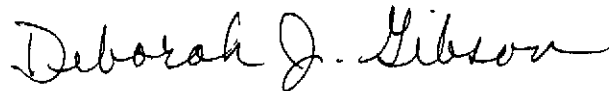
MICROFILMED

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 or 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.. 65-13818

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.:		C052820	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	-	04/01/2001
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	01/05/1999
New priority date	=	01/17/1999

Deficiencies of Actions Items

Acknowledge proof

January 31, 2001

DICK SIMON
23 RIVER RD
GARDEN VALLEY, ID 83622

PROOF DUE NOTICE

RE: PERMIT NO. 65-13818

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

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

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

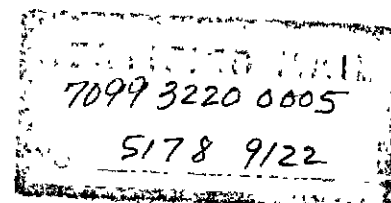
Sincerely,

Deborah J Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

MICROFILMED

MAR 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

April 14, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DICK SIMON
23 RIVER ROAD
GARDEN VALLEY ID 83622

RE: PERMIT NO. 65-13818

Dear Permit Holder:

I have enclosed 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 to **April 1, 2001**. Please note that the department granted the extension based on due diligence. It is important that you work diligently towards completion of the project since the department **will not** be able to grant future extension requests 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 this office or any regional 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 contact the department, if you have any questions regarding this matter.

Sincerely,

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

APR 18 2000

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 65-13818 Reviewed by D. Ellis Date 4/11/80

BASIC INFORMATION

3/23/80 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?
No Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____
No Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____
No Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Approve extension to April 1, 2001, based on due diligence.

PRIORITY CALCULATION

Date extension received	<u>3/23</u>	=	<u>/</u>
Proof due date	<u>4/1</u>	=	<u>/</u>
Number of days late	<u>/</u>	=	<u>/</u>
Priority date	<u>/</u>	=	<u>/</u>
New Priority Date	<u>/</u>	=	<u>/</u>

DATA ENTRY

New Address N/A
Change Proof Due Date 4/1/2001
Change Priority Date 2/1/A

January 31, 2000

DICK SIMON
23 RIVER RD
GARDEN VALLEY ID 83622

PROOF DUE NOTICE

RE: PERMIT NO. 65-13818

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 April 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.

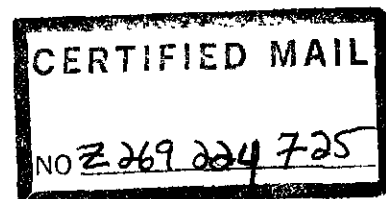
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
APR 18 2000





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 12, 1999

DICK SIMON
23 RIVER RD
GARDEN VALLEY ID 83622

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13818

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.

LMED

APR 13 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

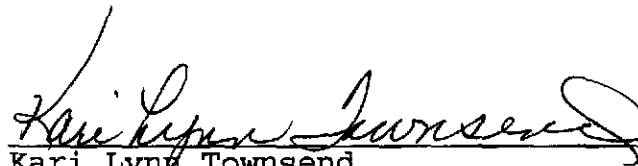
MICROFILMED
APR 13 1999

CERTIFICATE OF MAILING

I hereby certify that on the 12th 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. 65-13818

DICK SIMON
23 RIVER RD
GARDEN VALLEY ID 83622


Kari Lynn Townsend
Secretary

MICROFILMED

APR 13 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.

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.

NOT RECORDED
OCT 13 1999

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy*No.: 65-13818 Name: Simon Date: 4/7/99 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)

- > 0.24 cfs/5 acres - North / East / West
- ≤ 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- 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

ABOVE MSF (✓ MAP)

IN-STREAM DEVELOPMENT - P52 (stream channel alteration)

WD (✓ MAP & LISTING)

- > 0.20 cfs - R04 (WD # 65)
- ≤ 0.20 cfs - 01J-P08 (MD & LD)
- 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 W59/60

BENEFICIAL USE DUE:

- 4/1/2000

COMMENTS:

- _____

MAR 29 1999

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

INITIAL REVIEW BY: JL DATE: 1/27/99 APPLICATION: 65-13818**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 completedDate Requested ✓ Date Response Received ✓

PROCESSING

APP. NO.

65-13818

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 # 65

☒ ☐

Special conditions of approval or cover letter: R04 (65, Payette River)

See below for additional information

Recommended Date or Priority

1-5-1999

Recommended by: Dargis

Date: 3/19/99

ADDITIONAL INFORMATION:

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

65-13818 Simon Lot 12

- 13819 Schuman Lot 24

- 13820 Heron Lot 5

in Pinecrest Ranch #11.

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

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) has 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
Source: UNNAMED STREAM

Tributary: SINKS
Tributary: MORES CREEK

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

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

MICROFILMED

APR 13 1999

State of Idaho
Department of Water Resources

**WATER RESOURCES
WESTERN REGION**

APR 13 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

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.

RESPONSE FORM

RECEIVED

JAN 11 1999

WATER RESOURCES
WESTERN REGION

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

Name of Applicant:

DICK SIMON

Mailing Address:

23 RIVER ROAD

GARDEN VALLEY, ID. 83622

Application No.:

65-13818

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:

Dick Simon

Date:

1-6-99

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

MICROFILMED

APR 13 1999

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: C044266

Date: 1 / 5 / 1999
Time: 14:04:57

Received
From: SCHUMAN, FREDERICK/NANCY

Type of Payment	Program A cct	Amount
APPLICATION FOR PERMIT NO. 65-13818	56103 229 21 1155	50.00
APPLICATION FOR PERMIT NO. 65-13819	56103 229 21 1155	50.00
Total		\$ 100.00

CHECK 926

Region: STATE

Signature: Cindy Zimmerman

MICROFILMED
APR 13 1999

```

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

```

In: PAYETTE County
T10N R04E S27 SESE

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

APR 13 1999