

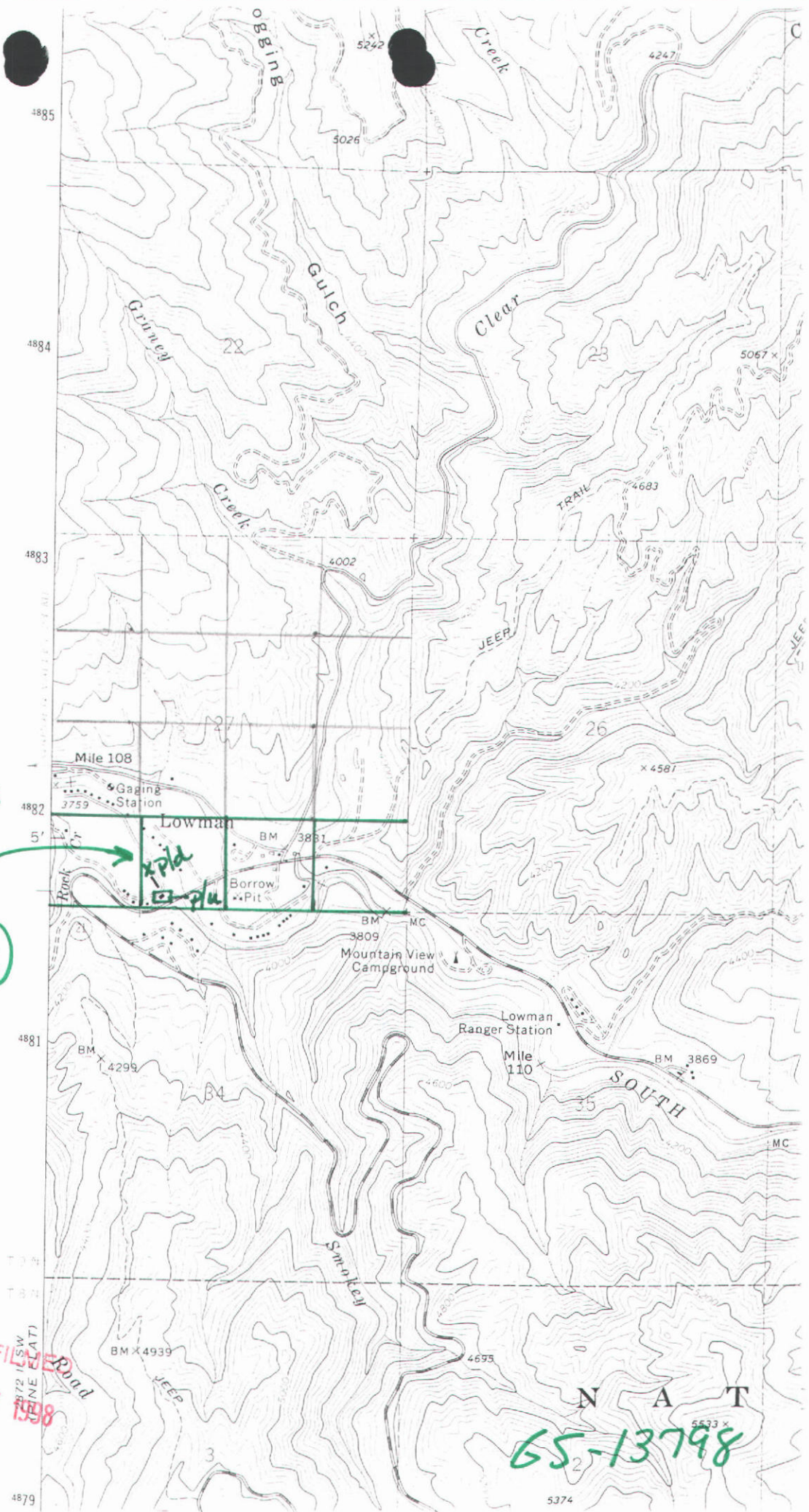
West of river:
gov't lot 3
(per exam
of 65-13642)

-82 7/28/98

T9N
R7E

MICROFILMED
NOV 27 1998

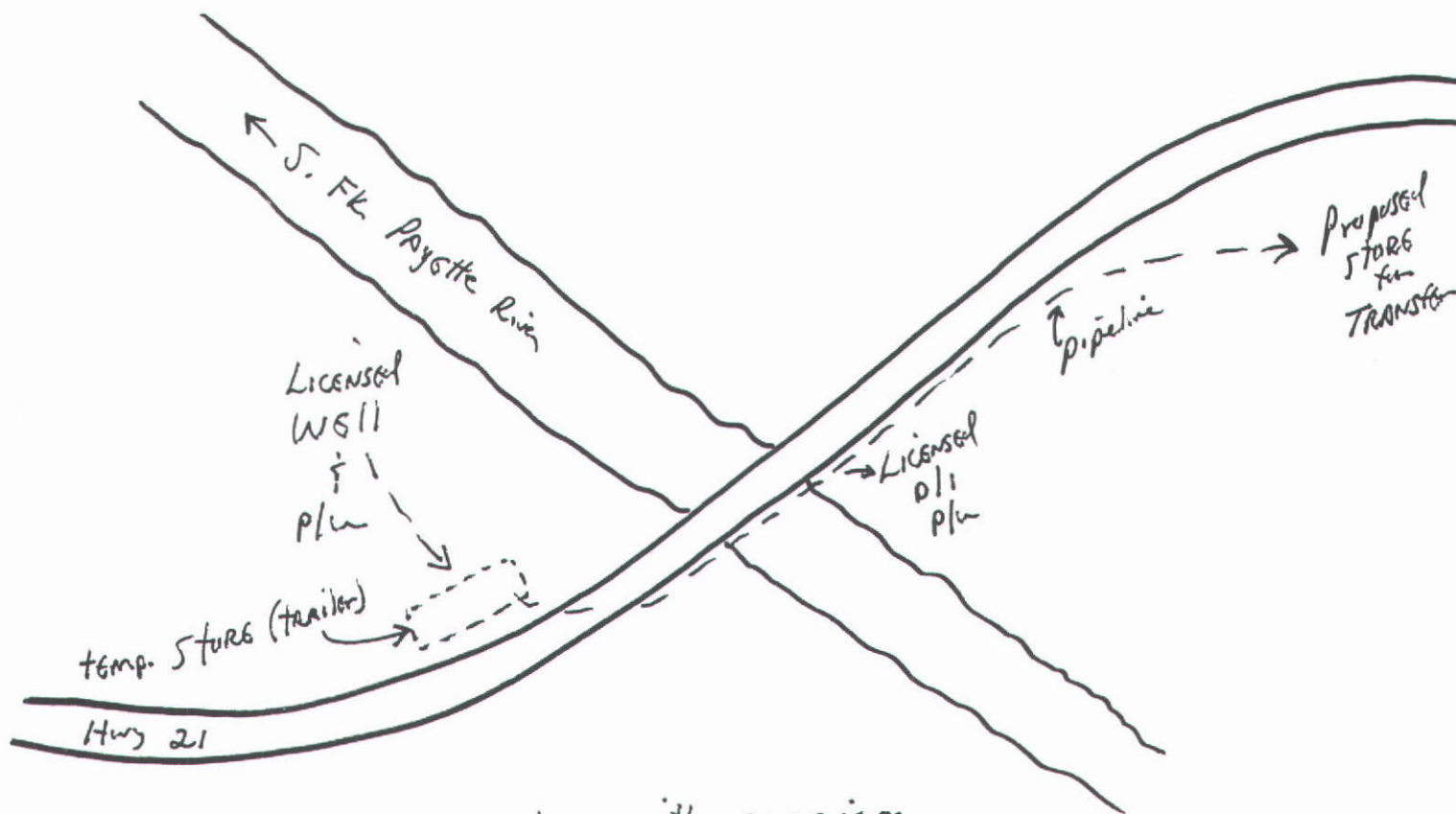
65-13798



Downey Proposals - Transfer & New Permit

SL
7/28/98

↑
N
↓



Remove temp. store, replace with convenience store across river. (Transfer 65-13642)

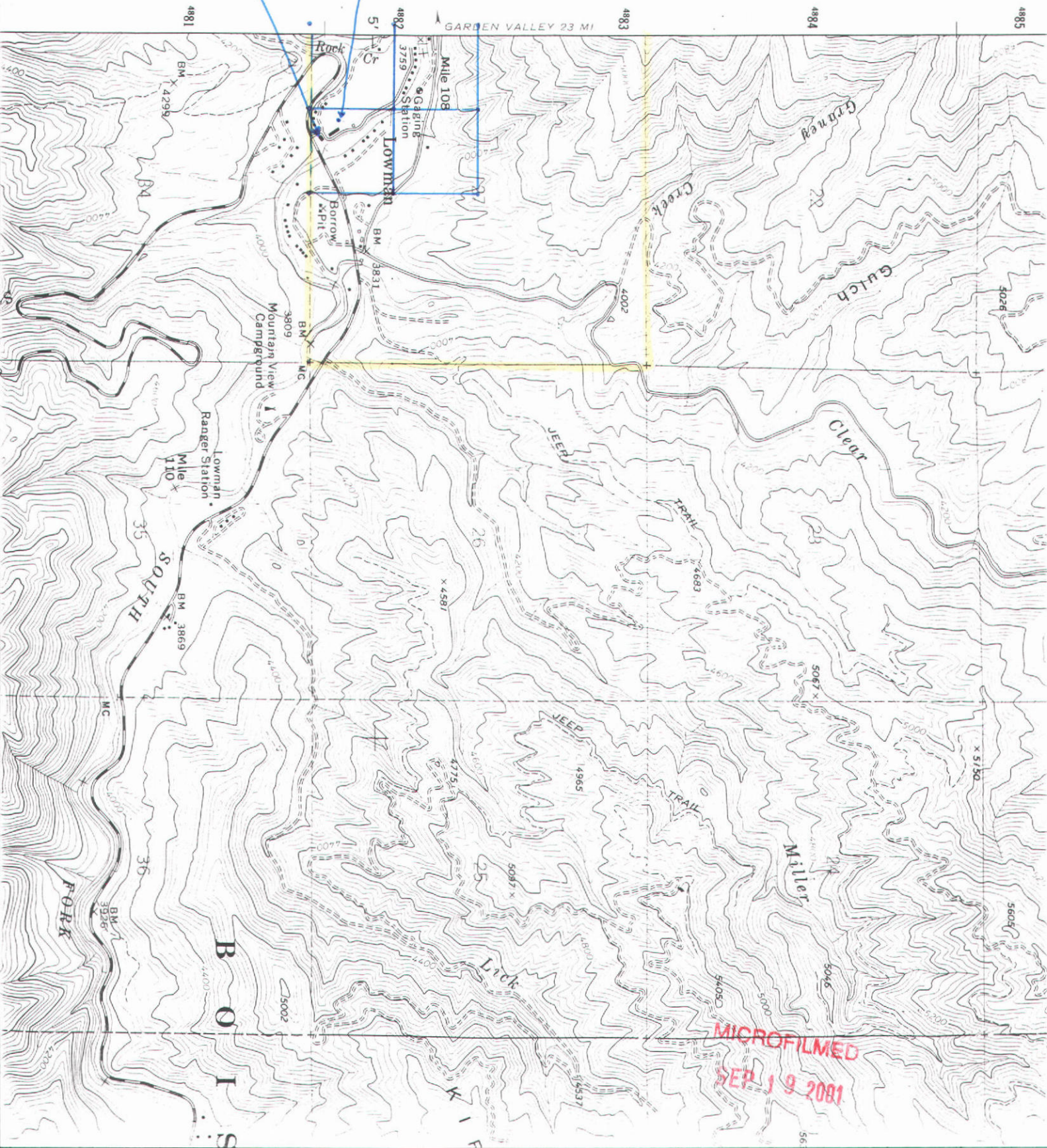
Build new restaurant e site of temp. store to ± restore the South Fork Lodge operation. (Appl. 65-13798).

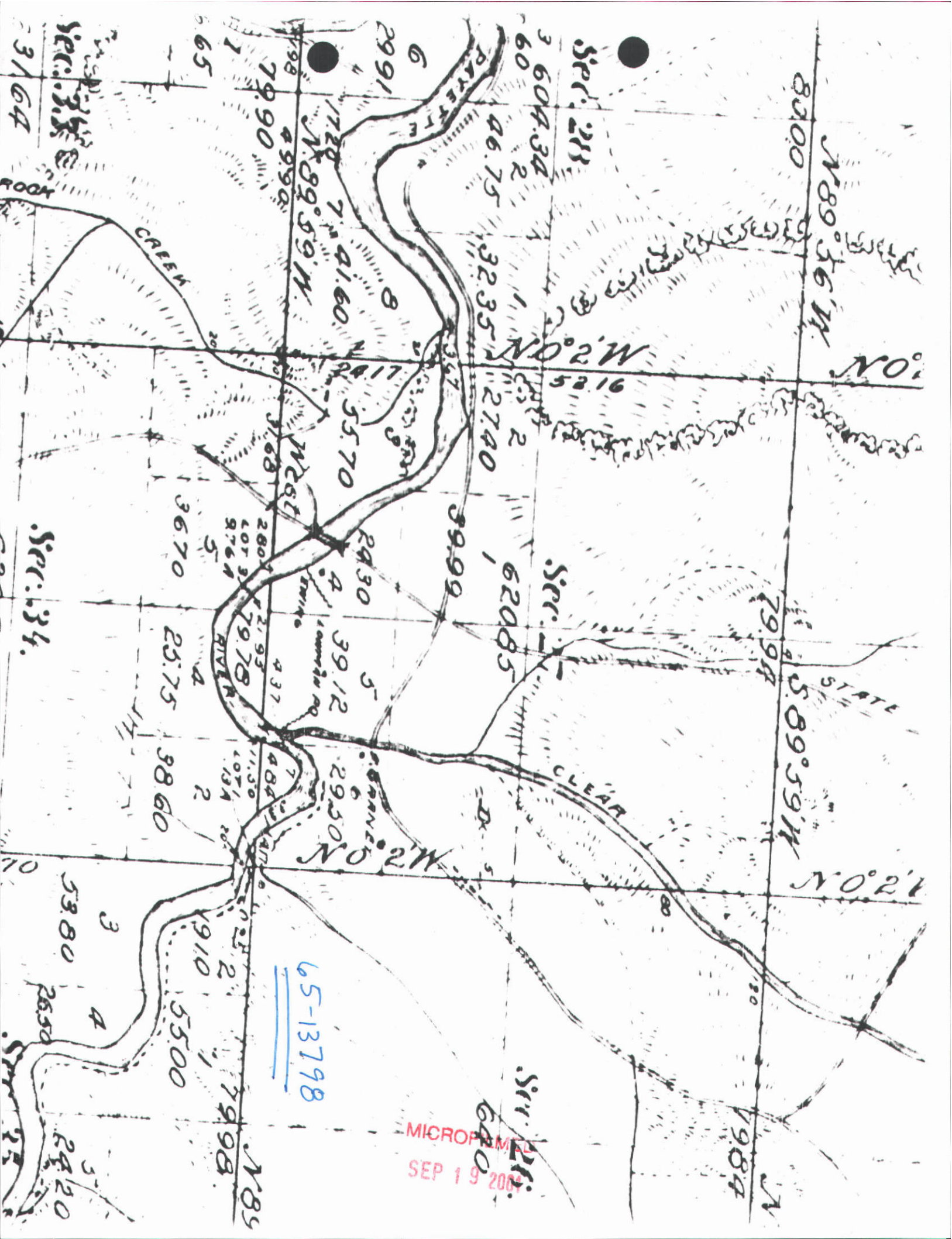
Same well will serve licensed & proposal permit uses. Well drilled under w.o. 65-95-C-0327-000 (\$200 paid).

Does not appear that "future mitigation" for restaurant use in new permit will be needed. SRBA N/A. Appears both filings are approved. NOV 27 1998

MICROFILMED
SEP 19 2001

605-13798





N 89° 56' W
8000
N 0° 2' W
5216

Sec. 21

N 0° 2' W

Sec. 34

STATE
N 89° 59' W
N 0° 2' W

Sec. 21

MICROFILMED
SEP 19 2004

65-13798

Sec. 35
3164

Sec. 34

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100



P/D



P/u

MICROFILMED
SEP 19 2001

65-13798

The Idaho World

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

RECEIVED

AUG 26 1998

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 Aug 5, 1998 and ending with the issue of Aug 12, 1998.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 20 day of August in the year 1998, 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.

Deanne E. Caughlin

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 6/26/2001

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13798

DOWNEY, ROBERT
7236 HWY 21
PO BOX 33006
LOWMAN, ID 83637

Source: GROUNDWATER

Diversion Pt: SESW Sec 27 T 09N R 07E in BOISE County.

Use: COMMERCIAL (0.070 CFS)
Total Diversion: (0.070 CFS)

Date Filed: 4/13/1998

In: BOISE County
T09N R07E S27 Lot 3 (SESW)

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 AUGUST 24, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in The Idaho World August 5 and 12, 1998

MICROFILMED

NOV 27 1998

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13798

Priority: May 20, 1998

Maximum Diversion Rate: 0.07 CFS
Maximum Diversion Volume: 1.5 AF

It is hereby certified that ROBERT DOWNEY
7236 HWY 21
LOWMAN ID 83637-3006 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 13, 1998; and has
submitted Proof of Beneficial Use on December 08, 1999. An examination indicates that the works have
a diversion capacity of 0.07 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.07 CFS	1.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L3 SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, Twp. 09N, Rge 07E, B.M., BOISE County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N 07E 27												X					
												L3					

CONDITIONS OF APPROVAL

- 1 Commercial use is for a restaurant and bar also known as South Fork Lodge.
- 2 Right 65-13642 is also diverted through the point of diversion described above.
- 3 Rights 65-13642 and 65-13798 when combined shall not exceed a total diversion rate of 0.07 cfs.
- 4 When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is 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 right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

MICROFILMED

SEP 19 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13798

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources

Signed and sealed this 21st day of June, 2001.


Acting for **KARL J. DREHER**
Director

MICROFILMED
SEP 19 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 65-13798)
IN THE NAME OF ROBERT DOWNEY)
_____)

**ORDER OF
REINSTATEMENT**

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before November 1, 1999; and,

WHEREAS, the Department notified the permit holder on August 31, 1999 by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and,

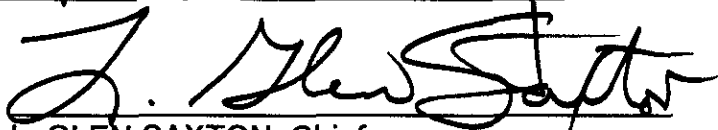
WHEREAS, the Department sent the permit holder a lapse notice on November 29, 1999, since the department had not received an acceptable proof of beneficial use statement or extension of time; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on December 8, 1999;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 65-13798 is **REINSTATED** with an advance in priority to **May 20, 1998**.

DATED this 21st day of January, 2000.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED
JAN 31 2000

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. 65-13798 Telephone No. (208)259-3350
2. Name(s) of Permit Holder(s): Robert Downey
3. Mailing Address: 7236 Hwy 21, Lewman, ID 83637
4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____
a. Well Driller: SOS Well Drilling Drilling Permit Number: ____ - ____ - ____
b. OPTIONAL:
Pump Horsepower: 5 Pressure (psi): ____ Dynamic pumping level (ft): 425'

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

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

Irrigation (No. of acres): ____ Other: Commercial

6. Total rate of diversion and/or volume for which proof is submitted: 0.07 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: \$ 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: ~~Per~~ Right Holder Telephone Number: ____

Address: ____

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: Robert Downey Date: 12-8-99
(include your title, if on behalf of company or organization)

MICROFILMED

IAN 3 1 2000

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13798

Proposed Priority: April 13, 1998

Maximum Diversion Rate:

0.07 CFS

This is to certify, that ROBERT DOWNEY

7236 HWY 21

PO BOX 33006

LOWMAN ID 83637-3006

has applied for a permit to appropriate water from: GROUNDWATER

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>
COMMERCIAL	01/01 to 12/31	0.07 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 3(SESW), Sec. 27, Township 09N, Range 07E
BOISE County

PLACE OF USE: COMMERCIAL

TWN RGE SEC

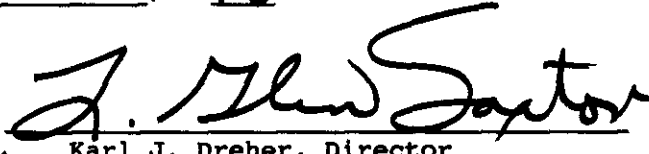
09N 07E 27 Lot 3(SESW)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1999.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. 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.
5. Commercial use is for a restaurant and bar.

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 November, 1998.


for Karl J. Dreher, Director

MICROFILMED

NOV 27 1998

RECEIVED

NOV 04 1998

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No.

65-13798

RECEIVED

APR 21 1998

WATER RESOURCES
WESTERN REGION

1. Name of Applicant Robert Downey Phone 208-259-3350
Mailing address 7236 Hwy 21 Louisa ID P.O. Box 33006 83637
2. Source of water supply well which is a tributary of _____
3. Location of point of diversion is Township 9N Range 7E Sec. 27 in the _____ 1/4,
SE 1/4, SW 1/4, Govt. Lot 3, B.M., Boise County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .07 for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
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) .07 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 5 hp pump & pipeline
 - b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 8" inches; proposed depth of well is 440 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? _____; Drilling firm S.O.S. Well Drilling;
Well was drilled for (well owner) Robert Downey; Drilling Permit No. 65-95-C-0327-000
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. 2
 - e. Other; describe fully. Restroom & Bar to be built in 1998

MICROFILMED

NOV 27 1998

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

use below. See instructions for standard symbols.

[illegible]

Total number of acres to be irrigated

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?

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

b. Who owns the land to be irrigated or place of deposit?
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make

:ဝိဇ္ဇာနိဒ္ဒါ

12. Remarks:

The well to be used to supply water for this commercial

Remarks: The well to be used is the same well under Rt. 65-13642 w/ South-Fork Lodge

a capacity of 30 gpm (0.7 cfs).

The lodge burnt down in 1997, new owners purchased property in 1995 and drilled a well in 1996 for the uses identified in license 65-13642. The lodge (restaurant & bar) is to be re-built in 1998 and added to the system.

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.)

of the State of Idaho as herein set forth.

ate the public waters

8661 12 NOV 1998

Signature of Applicant (and title, if applicable)

Date 4/13/98 Time 9:48 am Preliminary check by #11533

Fee \$ 50.00

Publication prepared by:

Date

DATE

9/15/98

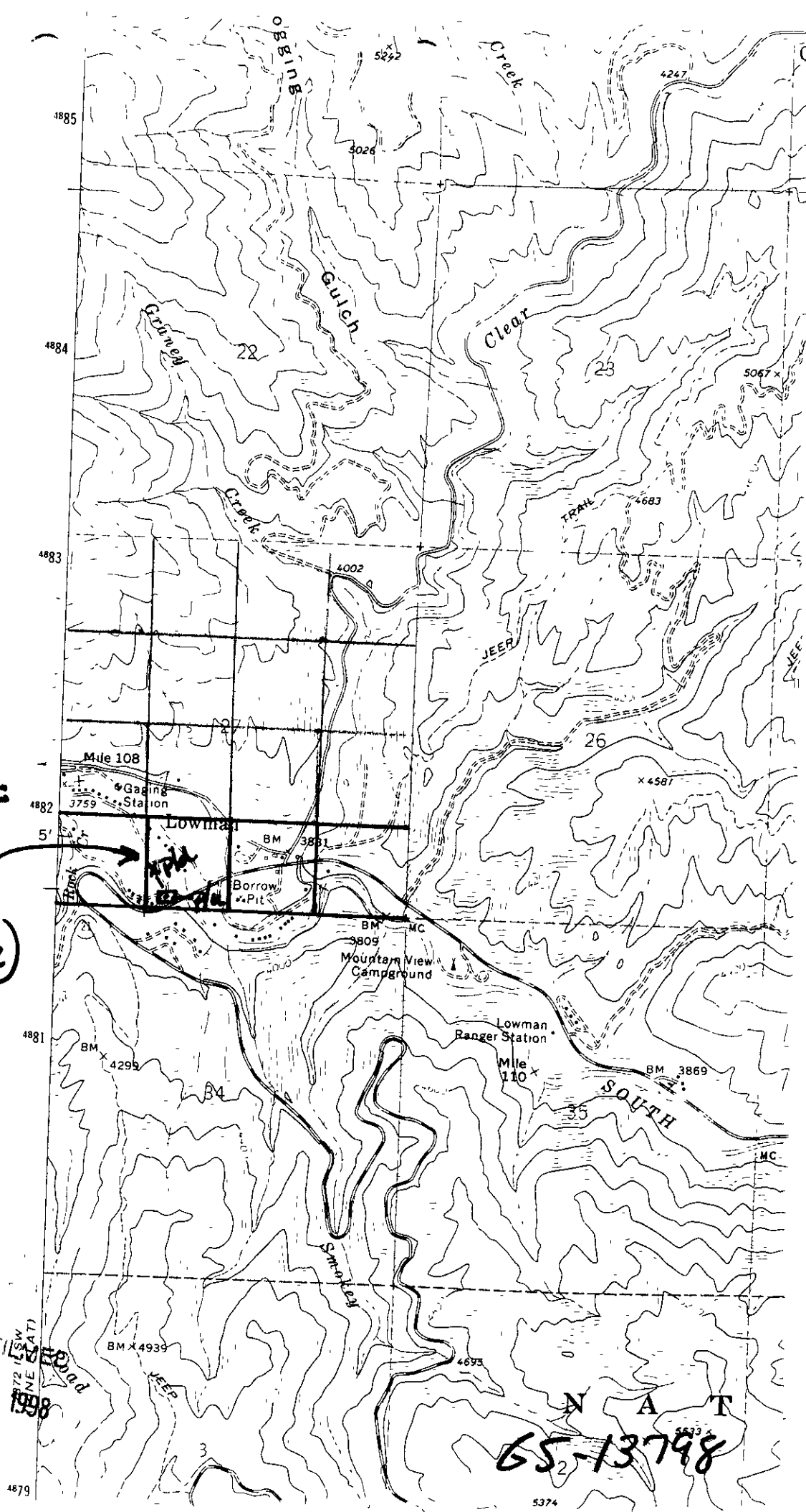
Publication approved.

West of river:
gov't lot 3
(per plan
of 65-13642)

-82 7/28/98

T 9 N
R 7 E

MICROFILMED
NOV 27 1998

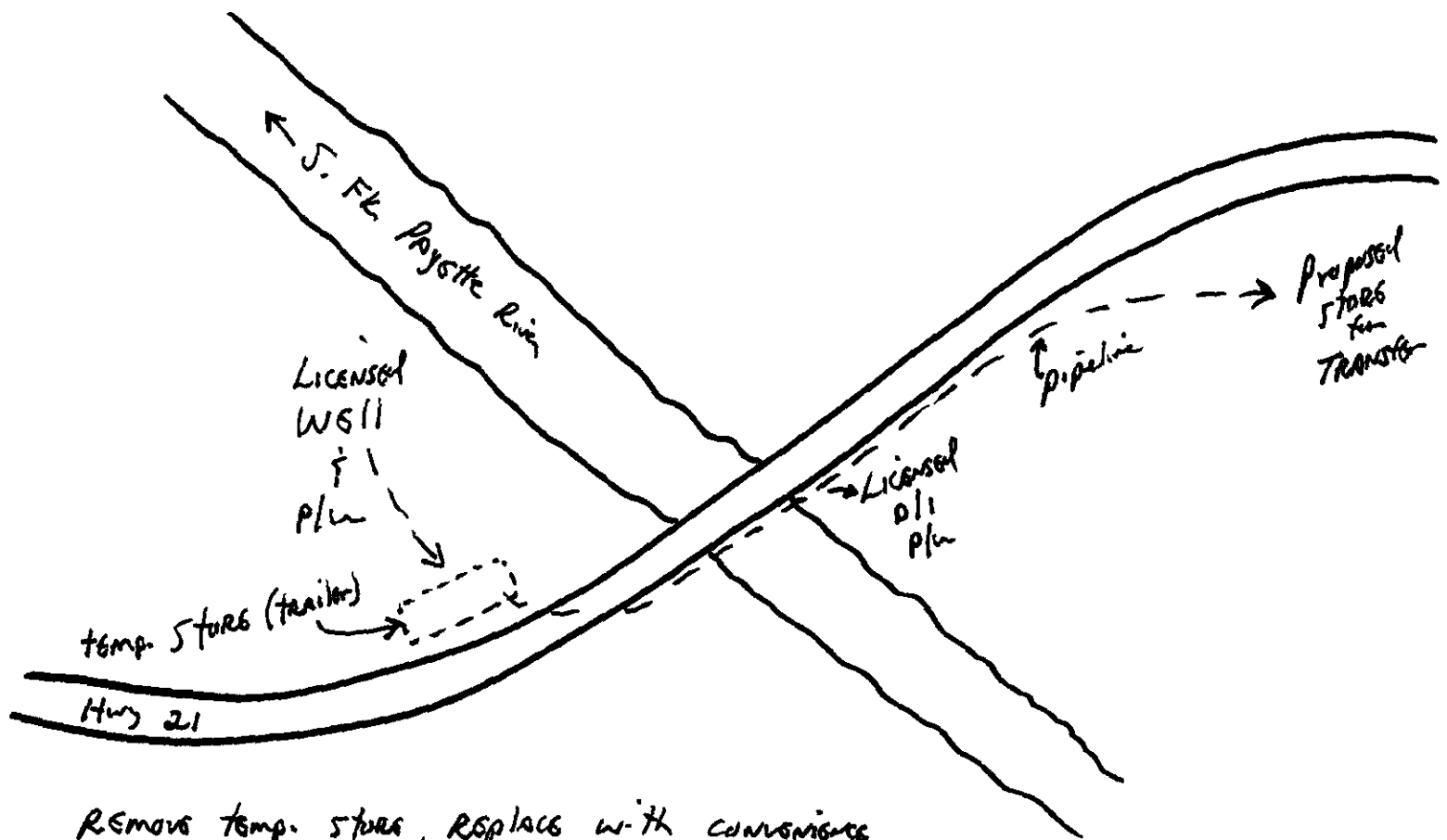


65-13798

Downey Proposals - Transfer & New Permit

JK
7/28/98

↑
N
↓



Remove temp. stores, replace with convenience
stores across river. (Transfer 65-13642)

Build new restaurant e side of temp. store to
± restore the South Fork Lodge operation. (Appl. 65-13798).

Same well will serve licensed & proposal permit uses.

Well drilled under W.O. 65-95-C-0327-000 (\$200 paid).

Does not appear that "future mitigation" for restaurant use
in new permit will be needed. ^{NOV 27 1998} FILMED ^{NOV 27 1998} IDA use, ± non-consumptive
SRBA N/A. Appears both filings ^{NOV 27 1998} approved.

Ident. No. 65-13798

Comments: Date: 7/29/1998 User-ID: STAYLOR

Subject: Well

The well to be used to supply water for this commercial use (Southfork Lodge) is the same well under wr no. 65-13642 with a capacity of 30 gpm (.07 cfs). The lodge burned down in 1994; new owners purchased property in 1995 and drilled a well in 1996 for the uses identified in license no. 65-13642. The lodge (restaurant & bar) is to be re-built in 1998 and added to the system.

MICROFILMED
NOV 27 1998



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 22, 2001

ROBERT DOWNEY
7236 HWY 21
LOWMAN ID 83637-3006

RE License No 65-13798 - Issuance of License

Dear Water Right Holder(s).

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet

Please note that water right owners are required to report any change of water right ownership and/or 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 forms and instructions

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK klt

Enclosure(s)

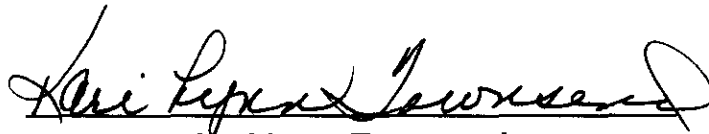
MICROFILMED
SEP 18 2001

CERTIFICATE OF MAILING

I hereby certify that on June 22, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 65-13798

**ROBERT DOWNEY
7236 HWY 21
LOWMAN ID 83637-3006**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
SEP 19 2001**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01 01302 and 37.01 01303 (Rules of Procedure 302 and 303).

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

LICENSE REVIEW CHECKLIST

Permit No 65-13798 Date 6-19-01 Reviewer Kay Walker

Change/OK

Name/Address OK

Source OK
Point of Diversion OK

Does change clarify original intended source? If no, void permit
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps. Right(s) 63-13642 - same pld diff use
File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion

Permitted rate 0.07 cfs
Fee Limit 0.20 cfs
Measured 0.07 cfs
Theoretical _____ cfs

Recommended Total Diversion Rate 0.07

Water Uses OK

Change (P46)

Season of Use per new Standards

Irrigation _____ cfs _____ af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
Comm 0.07 cfs 1.5 af
Total 0.07 cfs 1.5 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)
supp. Gw (W67/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fish (077)
Water Quality (081/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination

_____ cfs x 1 9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks W36(63-13642), W35, 103

Additional Conditions

☒ Watermaster Control
☒ GW Measurement/Measuring Device
☒ Other
Trust R55 - remove 051)
Non-trust (048/049)

GW Dist? _____
Water Mgmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes If yes, explain why below
no

SRBA Claim? not req'd

Adjust memo _____

Amend Letters _____

P87, S06

Second Amendment Notice _____

S06

WR5809NP
No. 65-13642

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/03/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EDITH DOWNEY	09/28/1995	COMMERCIAL	01/01 12/31	0.070 CFS	3.30 AFA
C	ROBERT DOWNEY		DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
TOTAL DIVERSION:					0.070 CFS	4.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 0.070 CFS

Point(s) of Diversion: T09N R07E S27 Lot 03(SESW)

BOISE County

Place of use Legal Description for: COMMERCIAL

NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
09N	07E	27	:									03-C	04-C	:			05-C	:

Place of use Legal Description for: DOMESTIC

09N	07E	27	:									04-D	:					:
-----	-----	----	---	--	--	--	--	--	--	--	--	------	---	--	--	--	--	---

Pou County: BOISE

Conditions of Approval:

- T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.

Remarks: GEN Commercial use is for a 9 unit motel, 7 cabins, a 9 unit
campground, a drive-in restaurant, a store, and a laundromat.
Domestic use is for 1 home.

Dates: App. Received: 09/05/1995 Priority Date: 09/28/1995 (Priority Date Advanced.)
Proof Due Date: 12/01/1997 Proof Made Date: 12/24/1997 (Proof Received Late.)
Exam Made Date: 04/09/1998 Exam Sent to S.O.: 04/10/1998
Licensed Date: 04/10/1998

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

Comments: Date: 07/29/1998 User-ID: STAYLOR Subject: TRANSFER 5310
Transfer 5310 changes the place of use under Right 65-13642.

WR5809NP
No. 65-13642

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/03/00
PAGE: 2

=====

Audit:	09/18/95 SLESTER	09/25/95 SCURTIS	11/01/95 CZIMMERM	11/16/95 CZIMMERM
	12/22/97 COMMENTS	12/29/97 COMMENTS	02/24/98 JYARBROU	04/07/98 SCURTIS
	04/08/98 SCURTIS	04/10/98 CZIMMERM	04/10/98 SCURTIS	04/10/98 CZIMMERM
	04/13/98 SCURTIS	07/29/98 STAYLOR	11/06/98 PSKAGGS	

WR5809WP
No. 65-10523

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/03/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
P	CLASSEN & CO.	06/01/1940	COMMERCIAL	01/01 12/31	0.040 CFS	6.80 AFA
C	LOWMAN ENTERPRISES INC.		DOMESTIC	01/01 12/31	0.040 CFS	16.80 AFA
TOTAL DIVERSION:					0.040 CFS	23.60 AFA

Water Source: PAYETTE RIVER, SOUTH FORK

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T09N R07E S27

SESW

BOISE County

Place of use Legal Description for: COMMERCIAL

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
09N	07E	27	:	:	:	:	:	:	:	:	C	:	:	:	:

Place of use Legal Description for: DOMESTIC

09N	07E	27	:	:	:	:	:	:	:	:	D	:	:	:	:
-----	-----	----	---	---	---	---	---	---	---	---	---	---	---	---	---

Pou County: BOISE

Remarks: GEN COMMERCIAL USE IS MOTEL AND LODGE FACILITIES.

Dates:	App. Received:	Priority Date:	06/01/1940
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 65 Field Exam Fee:

Audit: 04/24/87 04/30/88 CONVERT 07/14/89 CURTIS 08/05/92 NAME-ADD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

AUG - 3 2000

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-13798

1. Owner: Robert Downey Phone No. (208) 259-3350

Current Address: 7236 Highway 21, Lowman, ID 83637

2. Accompanied by: Robert Downey Exam Date: 06/29/2000

Address: 7236 Highway 21, Lowman, ID 83637 Phone No. (208) 259-3350

Relationship to Permit Holder: Owner

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 65-10523 and A65-10523B

2. Other water rights with the same point of diversion: 65-13642

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Govt. Lot	1/4	1/4	1/4	SEC	TWP	RNG	County	Method of Determination/Remarks
	3		SE	SW	27	09N	07E	Boise	USGS Quad Angle Map
									Previous field exam

2. Place(s) of Use: _____ Indicate Method of Determination: USGS Quad Angle Map
Previous field exam

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	07E	27												03-C					

MICROFILMED
JUL 19 2001

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

SEE ATTACHED SHEET.

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

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Well and pump have not changed since 1998 when they were examined for water right 65-13642. See field exam for 65-13642.					

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calibration Date
See field exam for 65-13642.						

2. Measurements:

E. NARRATIVE/REMARKS/COMMENTS

The point of diversion and place of use are located in government lot 3 or the SESW of Section 27, in Township 09N, Range 07E. The place of use is also known as the South Fork Lodge, which includes a restaurant and bar. The bar is located in the basement. There are approximately 50 seats in both the restaurant and the bar. The number of customers varies depending on the time of year. The lodge is only open Saturdays and Sundays for about eight months of the year. Restaurants with bars require 9-12 gallons per patron. The facilities are open approximately 200 days each year. On average there are about 200 patrons per day.

The well and pump are the same as when they were examined in 1998 (See field exam 65-13642). The system capacity is 30 GPM (0.07 cfs).

I recommend that the license be conditioned such that the diversion rate of water rights 65-13642 and 65-13798 when combined shall not exceed 0.07 cfs.

Have the conditions of permit been met? ☒ YES ☐ NO

MICROFILMED
SEP 13 2001

F. FLOW CALCULATIONS

Measurement Method:

Additional Computation Sheets Attached

See field exam for 65-13642

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: N/A

$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$

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

$V = \text{Smaller of } V_{LR} \text{ and } V_{D.R.} =$

2. Volume Calculations for Other Uses:

Restaurants with bars require 9-12 gallons per patron. The facilities are open approximately 200 days each year. On average there are about 200 patrons per day.

Volume required

$[12 \text{ gal/person}] \times [200 \text{ people/day}] = 2400 \text{ GPD}$

$2400 \text{ GPD} \times [1.9835 \text{ AFD} / 646,315 \text{ GPD}] = 0.0074 \text{ AFD}$

$0.0074 \text{ AFD} \times [200 \text{ days / year}] = 1.5 \text{ AF}$

Volume diverted

$0.07 \text{ cfs} \times 200 \text{ days} \times 1.9835 = 27.8 \text{ AF}$

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (AFA)
	From	To		
Commercial	01/01	12/31	0.07	1.5
Totals:			0.07 cfs	1.5 AFA

2. Recommended Amendments

Change P.D. as reflected above Add P.D. as reflected above ☒ None

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

I. AUTHENTICATION

Richard D. Hansen – Field Examiner

Field Examiner's Name Richard D. Hansen Date: 7/3/2000

Reviewer

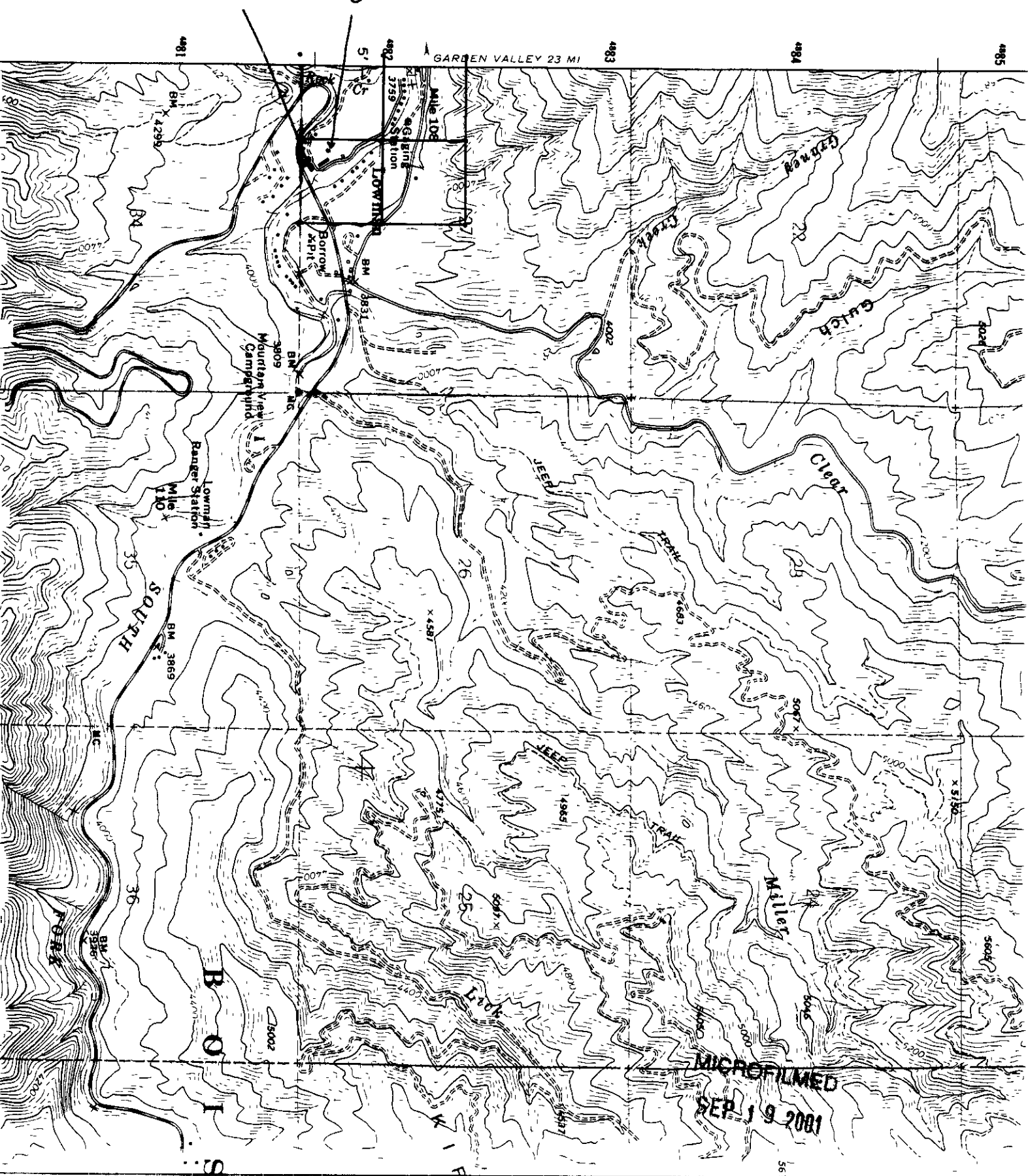
Date

seal

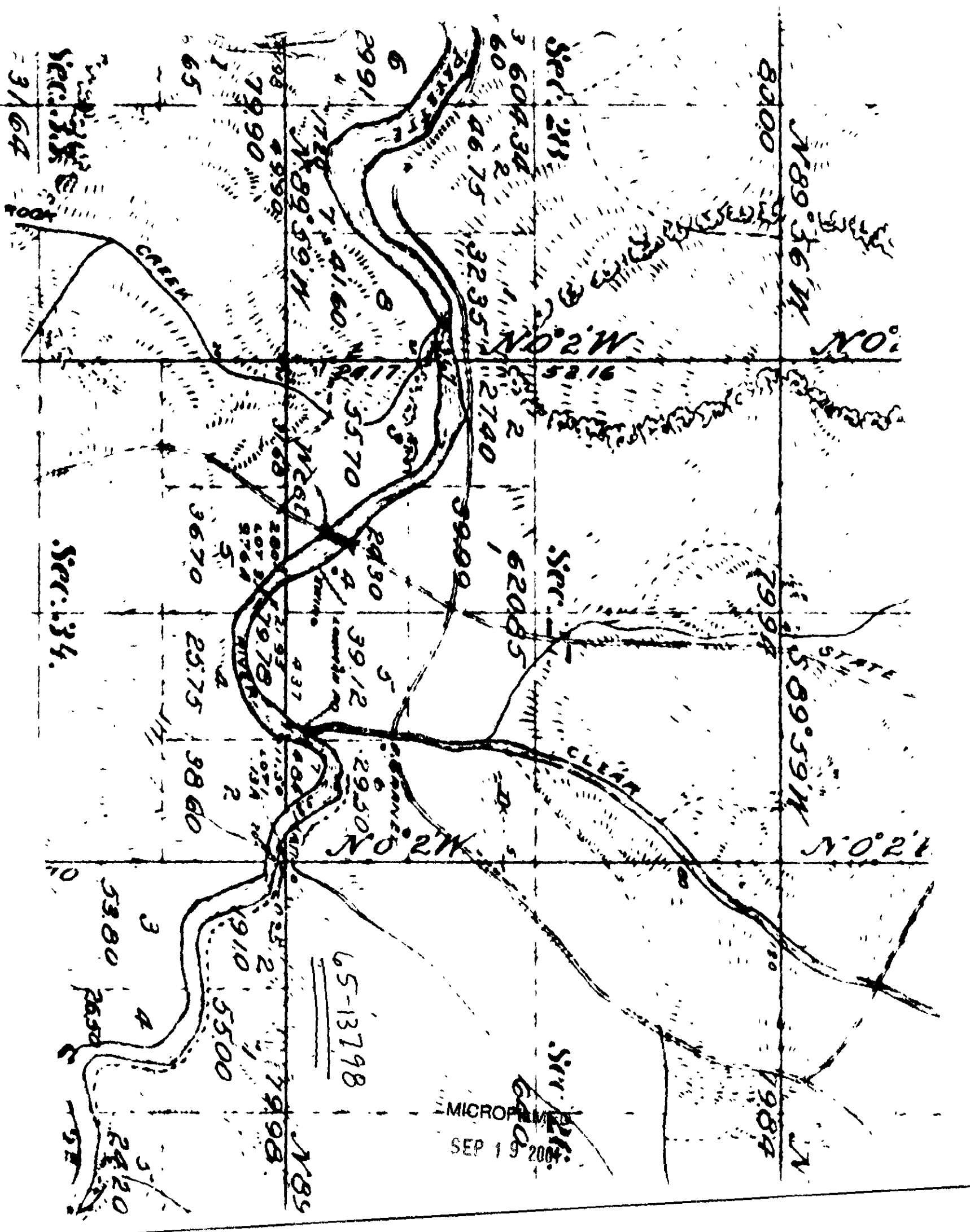
MICROFILMED
SEP 19 2001

T 09N
R 07E
(sec. 27

65-13798



MICROFILMED
SEP 19 2001



IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

1. DRILLING PERMIT NO: 65-95-C-0327-000 OTHER APPLICABLE NO: 65-13798

2. OWNER: Robert Downey Phone: (208) 259-3350
Address: 7236 HWY 21 PO BOX 33006 LOWMAN, ID 83637

3. WELL LOCATION: Twp 09N, Rge. 07E, Sec. 27, SE 1/4 SW 1/4
County Boise (Provide sketch map and photo on reverse.)

4. DRILLER: SOS Well Drilling Lic. No. _____
When Drilled? 1996

5. WELL CONSTRUCTION:

Casing Diameter 6 inches Water tight cap? ☒ Yes ☐ No Access Port: ☐ Yes ☐ No

Casing $\geq$ 12 inches above ground? ☒ Yes ☐ No - Describe _____

Depth of Casing _____ ft. Method Drilled _____

Condition of Well Casing: ☒ Good ☐ Fair ☐ Poor Describe _____

Control Valve? ☒ Yes ☐ No Pressure Gauge: ☐ Yes ☐ No

Condition of Piping and Valving Good

Auger to a depth of _____ ft. Evidence of Annular Seal ☐ Yes ☐ No

Are there obvious construction problems that may be a source for contamination or waste of water?
☐ Yes ☒ No (Describe in Remarks and Attach Photo - On Reverse)

6. HYDROLOGIC INFORMATION:

Depth to Static Water _____ ft. Water Temperature _____ °F

Flowing Artesian ☐ Yes ☐ No Pressure: 50 psi (psi)

Water Sample Taken? ☐ Yes ☒ No If yes, describe purpose _____

Water Quality Measurements/Observations (Describe) _____

7. WELL USE:

☐ Domestic

☐ Irrigation

☐ Stock

☐ Test

☐ Municipal

☐ Industrial

☐ Abandoned

☐ Waste Disposal/Injection

☐ Not Used

☒ Other: Commercial

MICROFILMED
SEP 19 2001

8. POSSIBLE CONTAMINATION SOURCES:

Is there evidence of Contamination? ☐ Yes ☒ No

If yes, is there a check-valve present? ☒ Yes ☐ No

Is there a possible source of contamination nearby? ☐ Yes ☒ No

If yes, what Type? _____

How far away from the well is this source? _____

9. REMARKS:

Richard D. Hansen - Field Examiner
Signature of Dept. Representative & Title

6-29-00
Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

RECEIVED

NOV 13 1996

WATER RESOURCES
WESTERN REGIONForm 732-7
3/95-C96IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only			
Inspected by	Twp	Rge	Sec
	1/4	1/4	1/4
Lat	:	Long	:

1. DRILLING PERMIT NO. 65-96-C-0327-000
Other IDWR No. 65-13642

2. OWNER:

Name Robert DowneyAddress HC 77 Hwy. 21 Box 3300CCity Lowman State ID Zip 83637

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location

N

W	E	S	Gov't lot	County	Boise	Twp. <u>9</u> North ☒ or South ☐
						Rge. <u>7</u> East ☒ or West ☐
						Sec. <u>27</u> 1/4 SW 1/4 SW 1/4

Lat. _____ Long. _____

Address of Well Site Southfork Lodge - Hwy 21City Lowman

(Give at least name of road + Distance to Road or Landmark)

Lat. _____ Bk. _____ Sub. Name _____

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☒ Other commercial

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Sacks or Pounds		
bentonite	0	160	77		overbore

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) _____Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	43	47	230	steel	☒	☐	☒	☐
6"	47	432	250	steel	☐	☒	☒	☐

Length of Tailpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☒ Perforations Method perforator☐ Screens Screen Type _____

From	To	Size	Number	Diameter	Material	Casing	Liner
275	415		1600	6"	steel	☐	☒
						☒	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

flow ft below ground

Depth flow encountered 235 ft

Artesian Pressure _____ lb

Describe access port or control

11. WELL TESTS:

☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Flowing Level	Time
25	315	315	15.5 hours

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments. _____

Depth first Water Encountered _____

12. LITHOLOGIC LOG: (Describe repair or abandonment)

Water

Bore Dia	From	To	Remarks: Lithology, Water Quality & Temp.	Y	N
12"	0	2	brown top soil	☒	☒
12"	2	5	brown sand & gravel	☒	☒
12"	5	13	brown sand & gravel & boulders	☒	☒
12"	13	21	brown clay	☒	☒
12"	21	25	brown sand & gravel	☒	☒
12"	25	45	brown decomposed granite	☒	☒
12"	45	56	gray clay	☒	☒
10"	56	78	gray clay	☒	☒
10"	78	84	gray/clear decomposed granite	☒	☒
10"	84	92	white decomposed granite	☒	☒
10"	92	104	broken brown & white granite	☒	☒
10"	104	145	brown & white decomposed granite	☒	☒
10"	145	208	brown granite	☒	☒
10"	208	218	white granite	☒	☒
8"	218	228	white granite	☒	☒
8"	228	235	brown & white granite	☒	☒
8"	235	236	crack 16 gpm	☒	☒
8"	236	265	brown granite	☒	☒
8"	265	267	cracks 26 gpm accum.	☒	☒
8"	267	285	brown granite	☒	☒
8"	285	287	cracks 36 gpm accum.	☒	☒
8"	287	291	brown & white granite	☒	☒
8"	291	307	white & black granite w/ cracks 5 gpm	☒	☒
8"	307	370	brown & white granite	☒	☒
8"	370	383	brown rock 6 gpm accum	☒	☒
8"	383	425	broken green & brown rock 20 gpm ac	☒	☒
8"	425	444	solid white & tan granite	☒	☒

Completed Depth 435

(Measurable)

Date: Started 09-06-96Completed 09-24-96

13. DRILLER'S CERTIFICATION

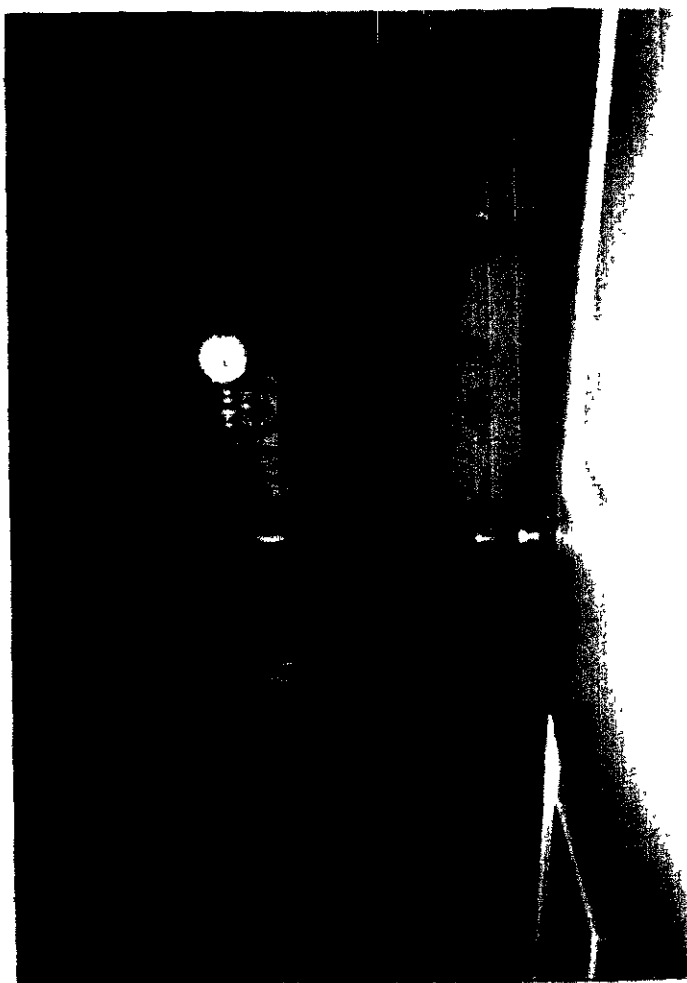
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name SOS Well Drilling & Pump CoFirm No. 111Firm Official Tom SchmittDate 10-2-96Supervisor or Operator Sam A. BlumDate 10-3-96

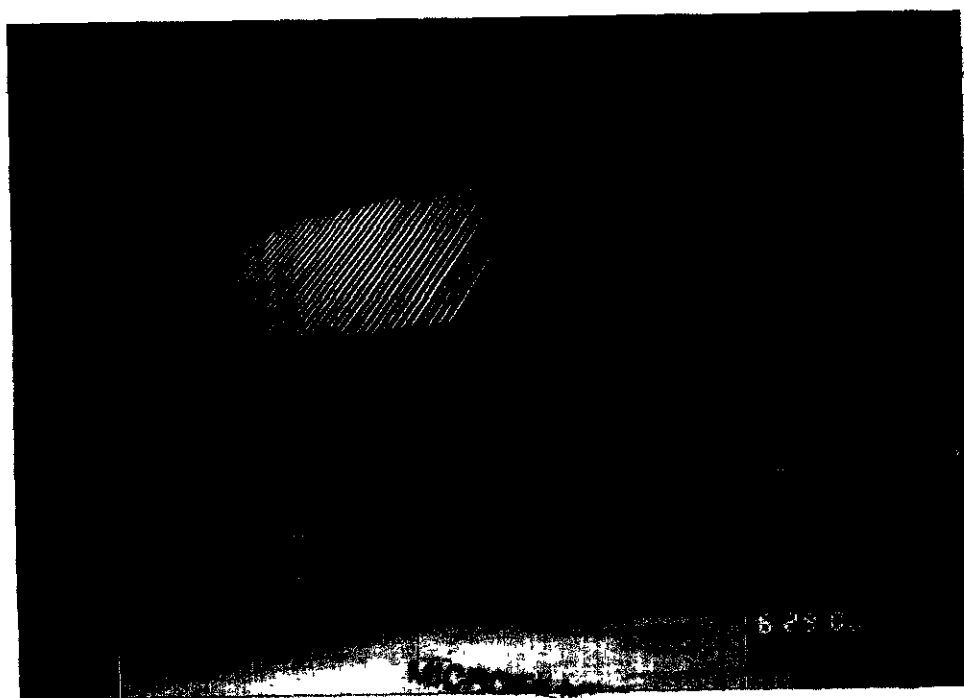
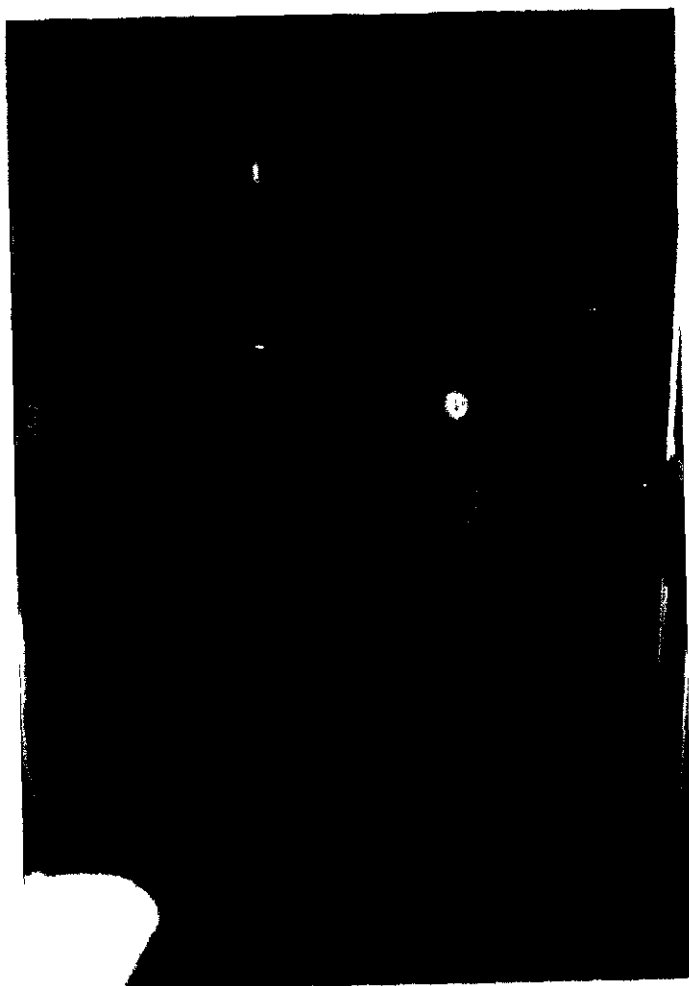
(Sign only if Firm Official & Operator)

Date: 09/20/96 Time: 12:42 PM

65-13798



P/D



P/u

FIELD REPORT NOTES

MICROFILMED
SEP 19 2001

65-13798

65-13798

Water is used for the
restaurant and a bar.

The bar is located in the basement.

The well and pump are the same
as when Sherla Curtis examined
them in 1998.

Restaurant 13x4 = 50 seats

Bar ≈ 50 seats

~ 200 customers per day

Open only on weekends for 8 months
of the year.

MICROFILMED

SEP 13 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

January 21, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ROBERT DOWNEY
7236 HWY 21
PO BOX 33006
LOWMAN, ID 83637-3006

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13798

Dear Permit Holder:

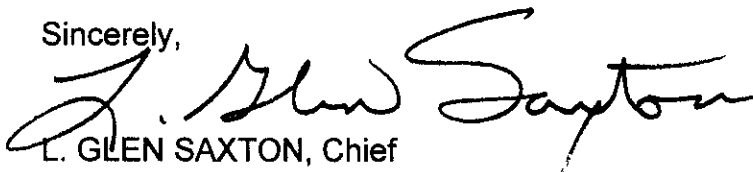
The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating the permit since proof was submitted after the proof due date. Please note that the priority date has been advanced to May 20, 1998, pursuant to Section 42-218a, Idaho Code.

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

Sincerely,


L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED

JAN 31 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 65-13798 Reviewed by VSA Date 1-13-00

GENERAL CONSIDERATIONS

Y Name same as permit?
Y Address same as permit?
N Proof timely received?
If not, complete calculation below.

TYPES OF USE

Com
Y
Correct Uses? Y

SOURCE OF WATER

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

LICENSE EXAMINATION FEE

Y Required?
50 Amount Submitted
Y Correct?

MEASURING DEVICE

 Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received 12-08-99 342
Date proof due 11-01-99 305
No. of days late = 37
Priority Date 4-13-98 103
New Priority Date 5-20-98 140

DEFICIENCIES OR ACTION ITEMS

Reinstated + advance priority

DATA ENTRY

New Address Proof Made 12-08-99

November 29, 1999

ROBERT DOWNEY
7236 HWY 21
PO BOX 33006
LOWMAN ID 836373006

LAPSE NOTICE

RE: PERMIT NO. 65-13798

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated August 31, 1999. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

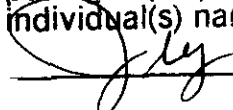
Enclosures

MICROFILMED

JAN 31 2000

CERTIFICATION OF MAILING

I hereby certify that on 11-29-99
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.



August 31, 1999

ROBERT DOWNEY
7236 HWY 21
PO BOX 33006
LOWMAN ID 836373006

PROOF DUE NOTICE

RE: PERMIT NO. 65-13798

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 November 1, 1999. (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.

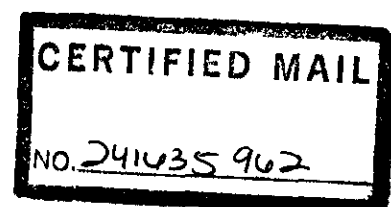
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

JAN 31 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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 13, 1998

ROBERT DOWNEY
7236 HWY 21
PO BOX 33006
LOWMAN ID 83637-3006

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13798

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.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

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.

NOV 27 1998

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED
NOV 27 1998

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of November, 1998, 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. 65-13798

ROBERT DOWNEY
7236 HWY 21
PO BOX 33006
LOWMAN ID 83637-3006


Kari Lynn Townsend
Secretary

MICRO FILMED

NOV 27 1998

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.

MICROFILMED

NOV 27 1998

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

 by Cindy
 LT3

 No.: 65-13798 Name: Downey Date: 11/10/99 Ad OK? ☒ Gvmt Lts: LT3

 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)

 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 Supplemental use - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
 > 0 24 cfs/5 acres - 01M (report when notified)
 ≤ 0 24 cfs/5 acres - No MD

DRILLING PERMIT:

 All wells (✓ WDQ3) - 046 P23
 In Basin 34? - 085
 Irr within WD - P05 (new well location)

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

 FISH & GAME CONTACTED - YES / NO, RESPONSE _____
 IN/ABOVE MIN STR FLOW (✓ MAP) - *WB9 _____
 WD (✓ MAP & LISTING) - R04 (WD # _____)
 > 0 10 cfs - 01J-P08 (MD & LD)
 ≤ 0 10 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:

 Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge), 27A (Payette River), NA
 >1 in rest area - 071-070
 Fire Protection - 077
 Fish Propagation - 029(70's only)-007-042(req)-081 (WQ)-P10
 Heating/Cooling - R07 (injection well)
 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)
 Mining - 054(req) -081-P10
 Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
 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
 Stockwater - R37 (BLM/USFS), NA
 Storage (✓3 compo) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

 42-248 area - P84 In 20/30/40/50/60/70/80 (87) basin
 Boise Front LoGeo - 058 (<85° GW temp only)
 In-stream dev - P52 (stream channel alteration)
 Mitigation - 120

SWAN FALLS FLAG (See Code Chart)

 Trust - _____
 Non-Trust (1) - 051-052-053-P74 (Consumptive Uses), NA
 - 048-049 (Consumptive Uses), NA
 - 004 (PD/PU) _____

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

 - Comm.

- 11/1/ 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

NOV 04 1998

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: RL DATE: 7/28/98 APPLICATION: 65-13798

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:

4 P/D
1 P/U

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

ADDITIONAL INFORMATION

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:
 Bull trout impact area
 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. *see next pg*
 Send power requirement letter:
 Send fish farm requirement letter:
 Power residency affidavit:
 Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
 *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested Date Response Received

PROCESSING

APP. NO. 65-13798

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. # _____
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

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

☒ ☐ Publication dates and paper recorded on application:
☐ ☐ Final date for protest 8-24-98
☐ ☒ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Measuring port required:
☐ ☒ Water delivered by water master? District # _____
☒ ☐ Special conditions of approval or cover letter: 046, 120

See below for additional information

Recommended Date or Priority 4/13/98
Recommended by: Bayes Date: 10/31/98

STATE OFFICE REVIEW _____

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

Should not require "future mitigation" for initial well use
for proposed restaurant setting (similar to in-house domestic idea).
Also see T. _____ for 65-13642. Same well: 65-13642 serves
other units c site while new permit will cover new So. Fork
lodge to be rebuilt. So same pld but serving ~~separate~~ facilities, all
for same owner. SEPARATE

The Idaho World

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

RECEIVED

AUG 26 1998

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 Aug 5, 1998 and ending with the issue of Aug 12, 1998.

Deanna Stevenson

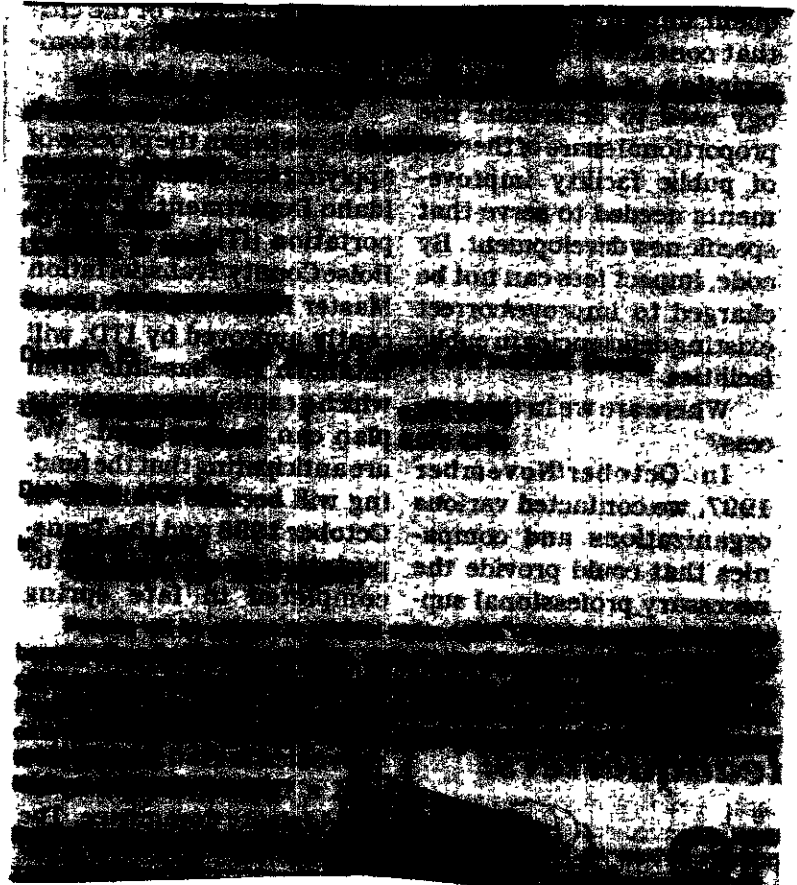
State of Idaho)
County of Boise)

On this 20 day of August in the year 1998, 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.

Shane E. Caughlin

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 6/26/2001



MICROFILMED

NOV 27 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JULY 29, 1998

Legal Notices Department
The Idaho World
PO Box 99
Garden Valley, ID 83622

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 24, 1998.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICRO-FILMED

NOV 27 1998

NOTICE OF APPLICATION FOR WATER RIGHT

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

MICROFILMED

NOV 27 1998

65-13798

DOWNEY, ROBERT
7236 HWY 21
PO BOX 33006
LOWMAN, ID 83637

Source: GROUNDWATER

Diversion Pt: SESW Sec 27 T 09N R 07E in BOISE County.

Use: COMMERCIAL	(	0.070 CFS)
Total Diversion:	(	0.070 CFS)

Date Filed: 4/13/1998

In: BOISE County
T09N R07E S27 Lot 3 (SESW)

MICROFILMED

NOV 27 1998

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 AUGUST 24, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 8/ 5/1998 & 8/12/1998

MICROFILMED

NOV 27 1998

FROM Sharla
TO Steve Lester *SL*

DATE 4/13/98

SUBJECT

Attached is a new app. for permit and a transfer app. to be processed. The uses are in Lowman on the property of the South Fork Lodge complex. I just did a field exam on the existing right 65 13642 and it was licensed last week. So if there are any questions or you need add'l background, give me a call.

MICROFILMED

NOV 27 1998

SIGNATURE