

CLUSTER CO.
BOISE CO.

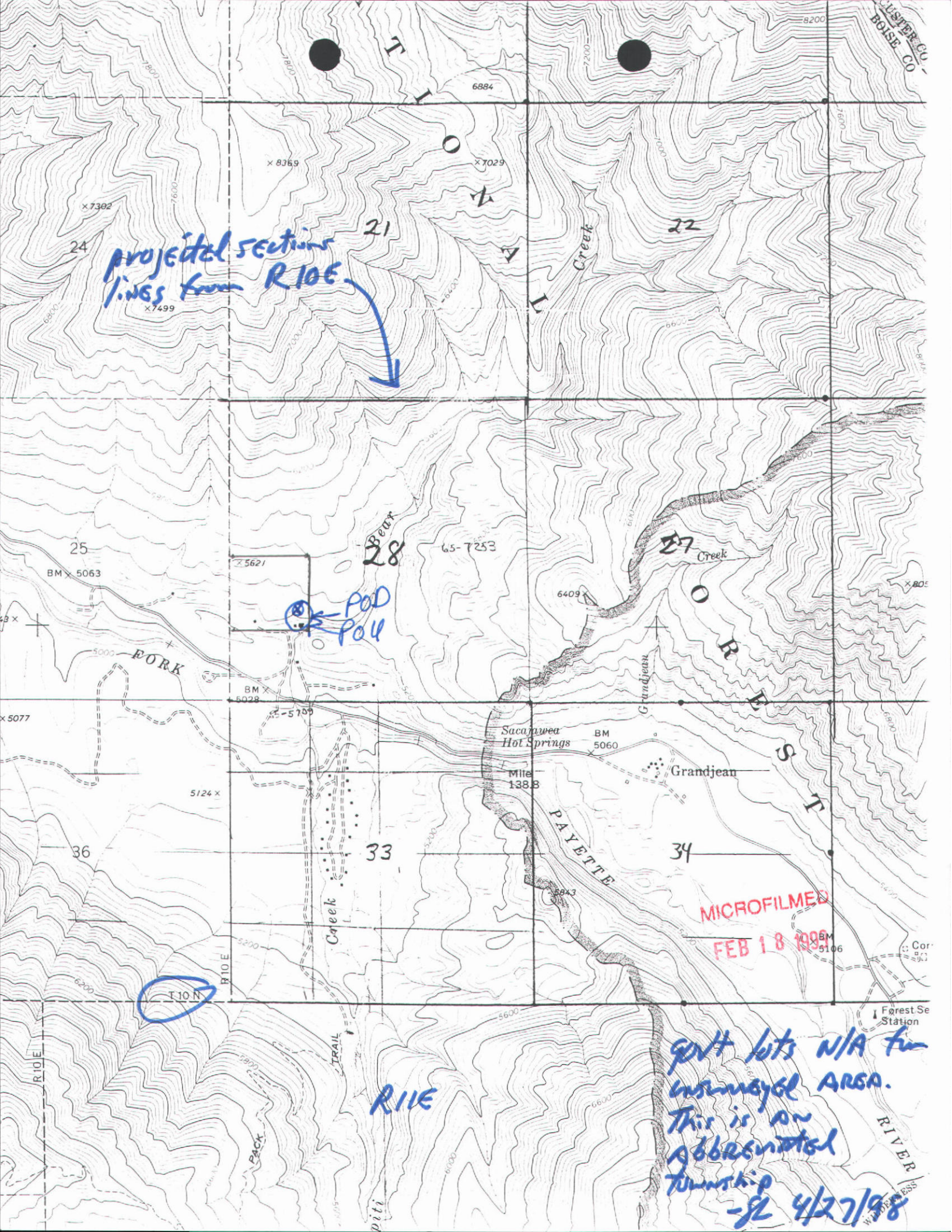
projected sections
lines from R10E

POD
PO4

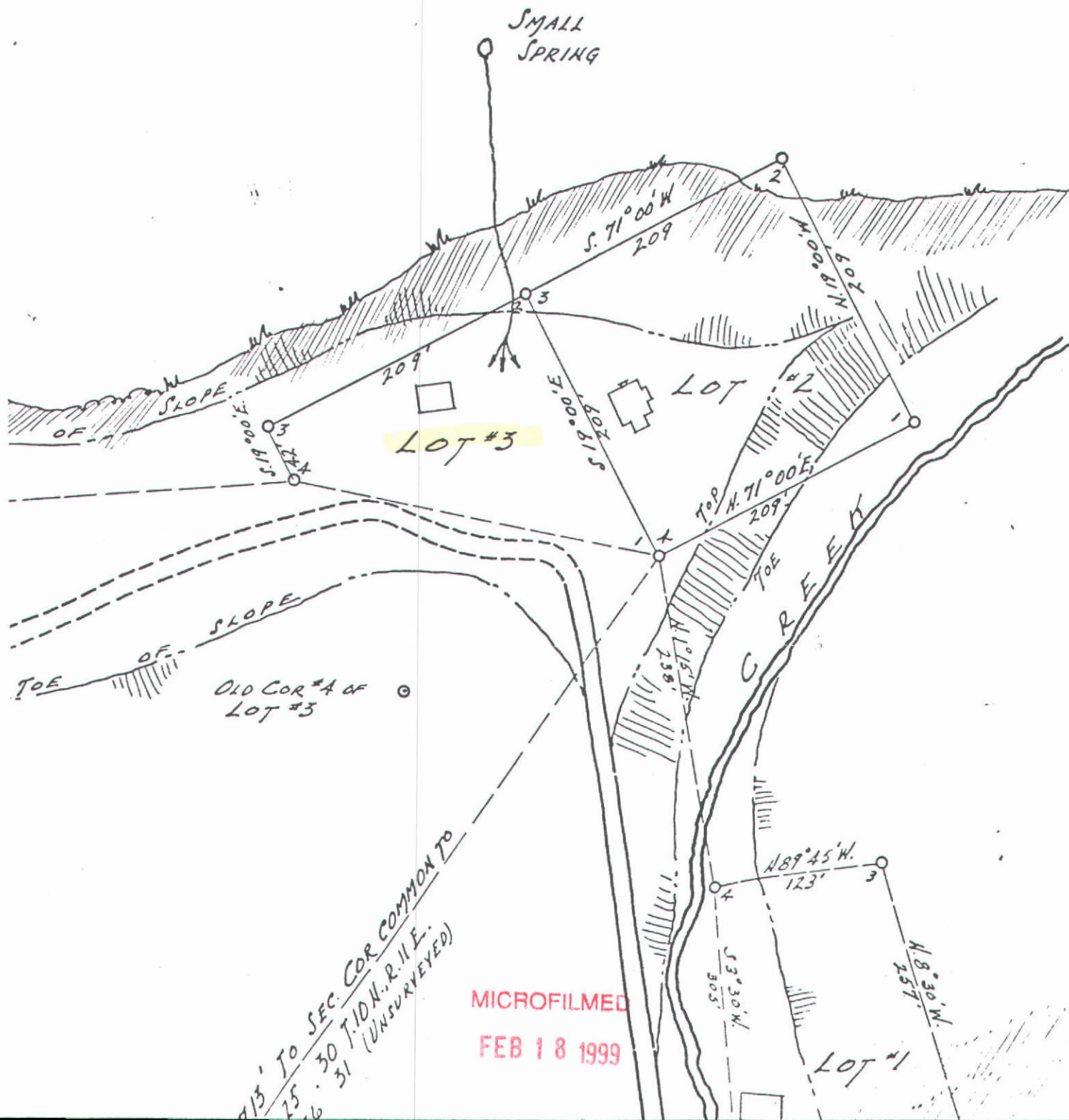
MICROFILMED
FEB 18 1999

R11E

govt lots N/A for
unmanned AREA.
This is an
abbreviated
Township
-SL 4/27/98



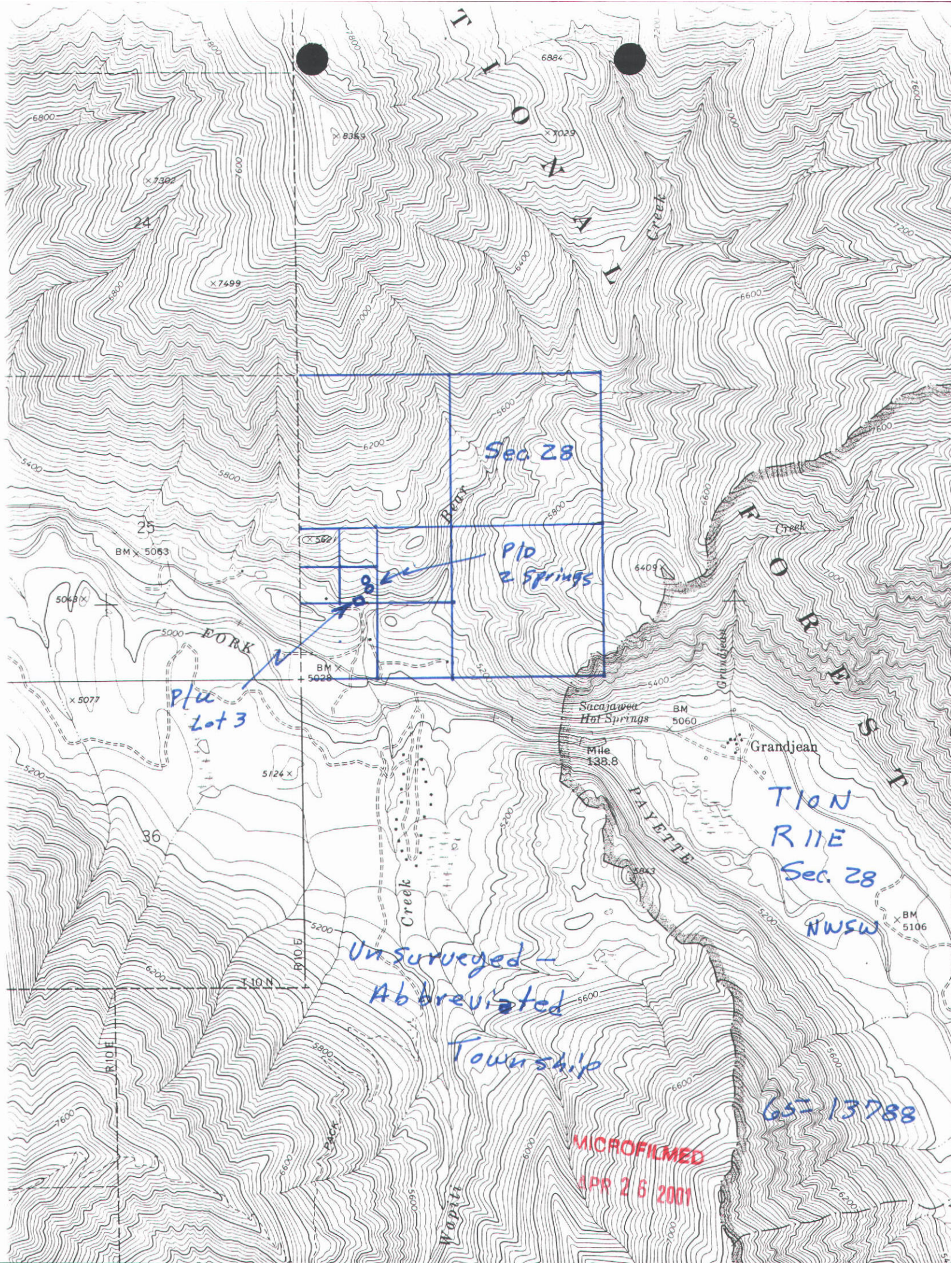
Scale $1" = 100 \text{ ft.}$



7. "No-trace can
it so others c
without evi
roots, ov
in; bur
soap



FEB 18 1999



Sec 28

P/a
2 Springs

P/a
Lot 3

T10 N
R11 E
Sec. 28

NWSW

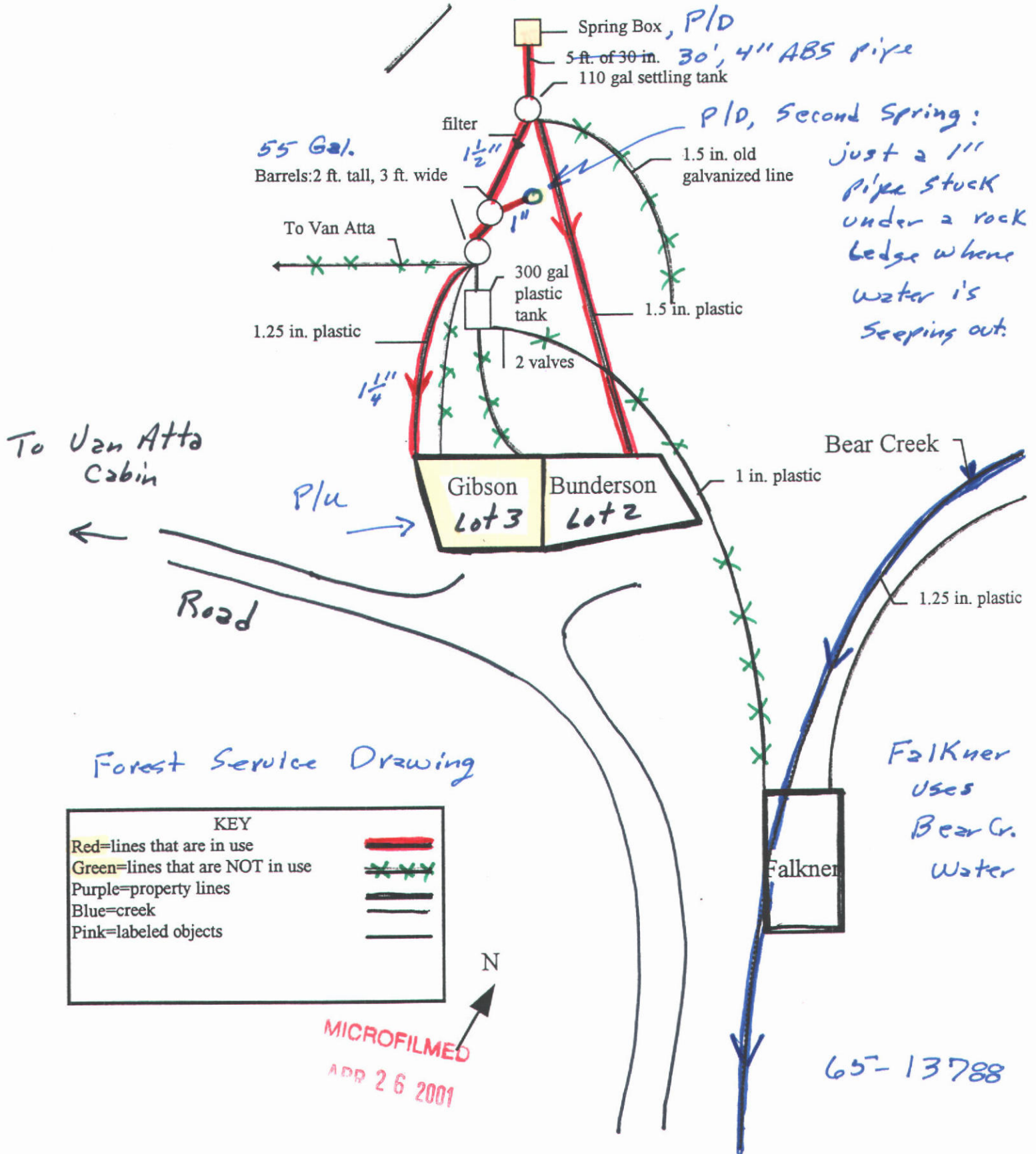
Unsurveyed -
Abbreviated
Township

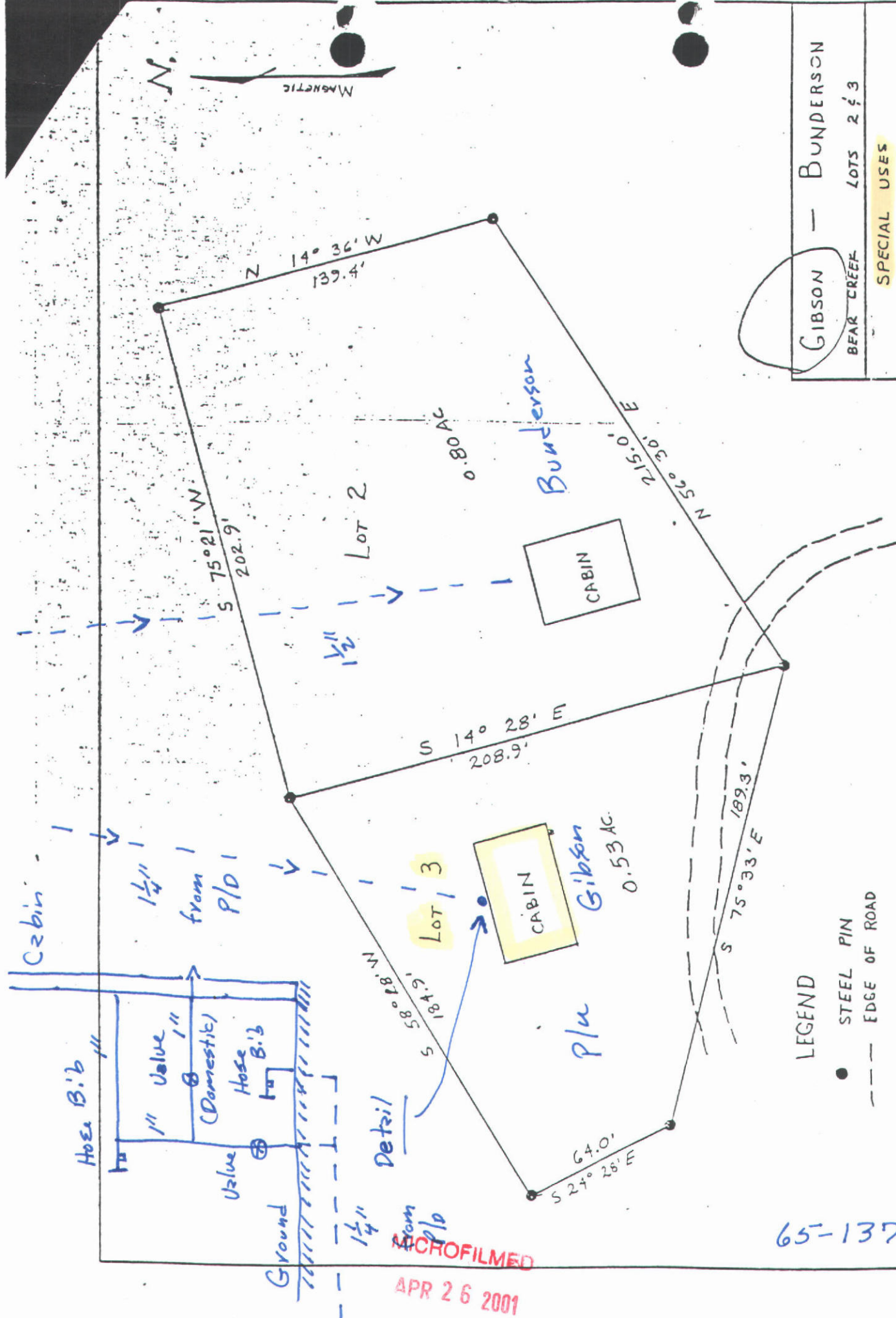
65-13788

MICROFILMED
APR 26 2001

Gibson, Bunderson, Falkner, and VanAtta
Water Transmission System
Bear Creek Summer Homes

Diagram:





GIBSON - BUNDERSON	
BEAR CREEK	LOTS 2 & 3
SPECIAL USES	
BOISE NATIONAL FOREST	
DATE 2-25-75	SURVEY E. DAVIS '73
SCALE 1" = 50'	BY UPR 0.80 AC LOT 2 0.50 AC LOT 1

LEGEND

- STEEL PIN
- EDGE OF ROAD

MICROFILMED
APR 26 2001

65-13788

1 of 3

P/D

old
Spring
box at

Upper
Spring.

The Second
Spring was
just a 1" pipe stuck
under a
rock ledge
where water
was seeping
out -
No photo.

P/D

110 Gal.

Settling
Tank.

4" ABS
Pipe from
Spring Box.



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APR 26 2001

65-13788

2 of 3

P/D

2-55
Gal. Barrels;

300 Gal.
plastic
Tank
(Green)
is no
longer
used.



P/u

Pipes at
Gibson's
Cabin
on
Lot 3



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APR 26 2001

65-13788

3 of 3

P/u

Gibson's
Cabin

on

lot 3



Bunderson
Cabin

on

lot 2.

Same
water
system



MICROFILMED

APR 26 2001

65-13788

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13788

Priority: April 24, 1998

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that US FOREST SERVICE
BOISE NATIONAL FOREST
1249 S VINNELL WY STE 200
BOISE ID 83706 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 24, 1998, and has
submitted Proof of Beneficial Use on March 23, 1999. An examination indicates that the works have a
diversion capacity of 0.04 cfs of water from:

SOURCE

SPRING

Tributary: BEAR CREEK

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>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, Twp 10N, Rge 11E, B.M., BOISE County

SPRING SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, Twp 10N, Rge 11E, B.M., BOISE County

PLACE OF USE: DOMESTIC

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	11E	28																	

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
2. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
3. The Director retains jurisdiction to limit diversion of water to in-house uses only.
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
APR 26 2001

RECEIVED

APR 05 2001

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

Department of Water Resources

(For Licensing Purposes)
WATER RIGHT NO. 65-13788

Date of Priority: April 24, 1998

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

Comes now US FOREST SERVICE
BOISE NATIONAL FOREST
1249 S VINNELL WY STE 200
BOISE ID 83706

and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the
State of Idaho No. 65-13788, and requests that the permit be changed as follows

Source: SPRINGS

Tributary: BEAR CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:SPRING SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, Twp 10N, Rge 11E, B.M., BOISE CountySPRING SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, Twp 10N, Rge 11E, B.M., BOISE CountyPLACE OF USE: DOMESTIC

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 11E 28											X						

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk. Signed this 4th day of April, 2001.


(Signature)

Hydrologist - per phone
con. 4/5/01
FW

MICROFILMED

APR 26 2001

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-13788

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = 50⁰⁰ Received by JB # C053066 Date 4/5/01

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 65-13788 with the following.

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No 65.
2. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion
3. The Director retains jurisdiction to limit diversion of water to in-house uses only
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.
5. Domestic use is for 1 home.
6. Place of use is located within Lot 3, Bear Creek Subdivision.
7. Water shall not be diverted under this right when flows in the South Fork of the Payette River are below established minimum stream flow amounts.

Witness my hand this 6TH day of April, 2001.


Acting for **KARL J. DREHER**
Director

MICROFILMED
APR 26 2001

RECEIVED

MAR 30 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 65-13788 Telephone No. 208 373-4100
2. Name(s) of Permit Holder(s): US Forest Service - Boise Nat'l Forest
3. Mailing Address: 1249 S. Vinnell Way - Suite 200, Boise, 83706
4. Source of Water: Spring If **GROUNDWATER** (well), Date Drilled: mo. / yr.
 - a. Well Driller: Drilling Permit Number: - -
 - b. **OPTIONAL:**
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock):
Irrigation (No. of acres): Other:
6. Total rate of diversion and/or volume for which proof is submitted: .04 cfs OR acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes <u> </u>	or	No <u>✓</u>
	Has the measuring device been installed?	Yes <u> </u>	or	No <u>✓</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes <u> </u>	or	No <u>✓</u>
	Has the measurement port been installed?	Yes <u> </u>	or	No <u>✓</u>
8. Fee Enclosed: \$ 5000 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Robin Metz Telephone Number: 208 259-3361
Address: Lowman Ranger District - 7359 Hwy 21 Lowman ID 83637
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: [Signature] MICROFILMED Date: 3/16/99
(include your title, if on behalf of company or organization)
OCT 15 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13788

Proposed Priority: April 24, 1998

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **US FOREST SERVICE**

BOISE NATIONAL FOREST

1249 S VINNELL WY STE 200

BOISE ID 83706

has applied for a permit to appropriate water from:

SPRING

tributary of **BEAR CREEK**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

DOMESTIC

01/01 to 12/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

**SENWSW , Sec. 28, Township 10N, Range 11E
BOISE County**

PLACE OF USE: DOMESTIC

TWN RGE SEC

10N 11E 28

NWSW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 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. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
5. The Director retains jurisdiction to limit diversion of water to in-house uses only.
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.

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FEB 18 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

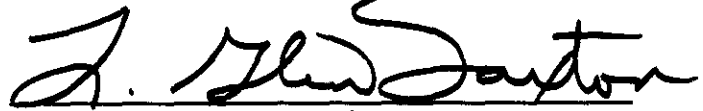
NO. 65-13788

CONDITIONS OF APPROVAL AND REMARKS

7. Water shall not be diverted under this right when flows in the Payette River, South Fork, are below established minimum 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. Place of use is located within Lot 3, Bear Creek Subdivision.
10. Domestic use is for 1 home.

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

21st day of December, 1998.



Karl J. Dreher, Director

for

MICROFILMED

FEB 18 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

I, TED GIBSON &/or HELEN GIBSON, hereby assign to U.S. FOREST SERVICE BOISE NATIONAL FOREST
of, 1249 S. VINNELL WAY SUITE 200, BOISE, ID 83706
(Full Address)

All my right, title, and interest in and to Application for Permit
No. 65-13788 to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Application for Application for Permit No. _____ to appropriate the public
waters of the State of Idaho.

Describe portion of the application assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.

Remark: Place of use is Bear Creek Subdivision
Lot no. 3.

Made this 27th day of October, 1990. 1998 KTH

Ted Gibson
Applicant
Helen G. Gibson

State of Idaho)

County of Ada) ss

On this 27th day of October, 1990. 1998 KTH, personally appeared before me the signer of the
above instrument, duly acknowledged to me that he (she) (they) executed the same.

Katherine Sheren Hanna
Notary Public
Residing in Boise, Idaho

seal

My commission expires: June 15, 2003

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FEB 18 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 65-13788
RECEIVED
DEC 14 1998
DEPARTMENT OF WATER RESOURCES

1. Name of Applicant Helen Gibson and/or Ted Gibson Phone 888-4434
Post Office address 1304 E 5th; Meridian ID 83642
2. Source of water supply Spring which is a tributary of Bear Creek
3. Location of point of diversion is SE 1/4 of NW 1/4 of SW 1/4, Govt. Lot —
Sec. 28 Township 10N Range 11E B.M. Boise County; additional points of diversion if any: —
4. Water will be used for the following purposes:
Amount .04 for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .04 and/or (b) 1.2
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Spring collects into small basin and then piped to a barrel then to the cabin.
 - b. Height of storage dam — feet; active reservoir capacity — acre-feet; total reservoir capacity — acre-feet; period of year when water will be diverted to storage: — to — inclusive.
 - c. Proposed well diameter is — inches; proposed depth of well is — feet.
 - d. Is ground water with a temperature of greater than 85°F being sought? —
 - e. If well is already drilled, when? —; Drilling firm —;
Well was drilled for (well owner) —
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity if KW. —
 - b. Stockwatering; list number and kind of livestock. —
 - c. Municipal; show name of municipality. —
 - d. Domestic; show number of households. One home
 - e. Other; describe fully. —

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FEB 18 1999

9. Description of place of use:

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

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

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	11E	28									D								

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 65-09873

11. a. Who owns the property at the point of diversion? USDA - USFS

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

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: Special Use Permit # 2720 - 5084-01

12. Remarks: Applicant holds USFS Permit # 2720 which has been in their family since 1960

This permit replaces right 65-02644 that was forfeited in the Payette River Adjudication. Right 65-09873 is separate spring for same home.

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

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

Property aka Lot 3, Bear Creek Summer Homes.

Therese P. Gibson
(Applicant)

Received by MTS Date 4-24-98 Time 9:50 Preliminary check by SL
Fee \$ 50 Receipted by MTS # W1023793 Date 4-24-98
Publication prepared by AT Date 4-30-98 Published in SL World
Publication approved AT Date 5-22-98 5-6413-98

MICROFILMED

FEB 18 1999

Comments

- per d'base
i Applicant's 4/27/98
tele call - SL

JUSTICE CO
BOISE CO

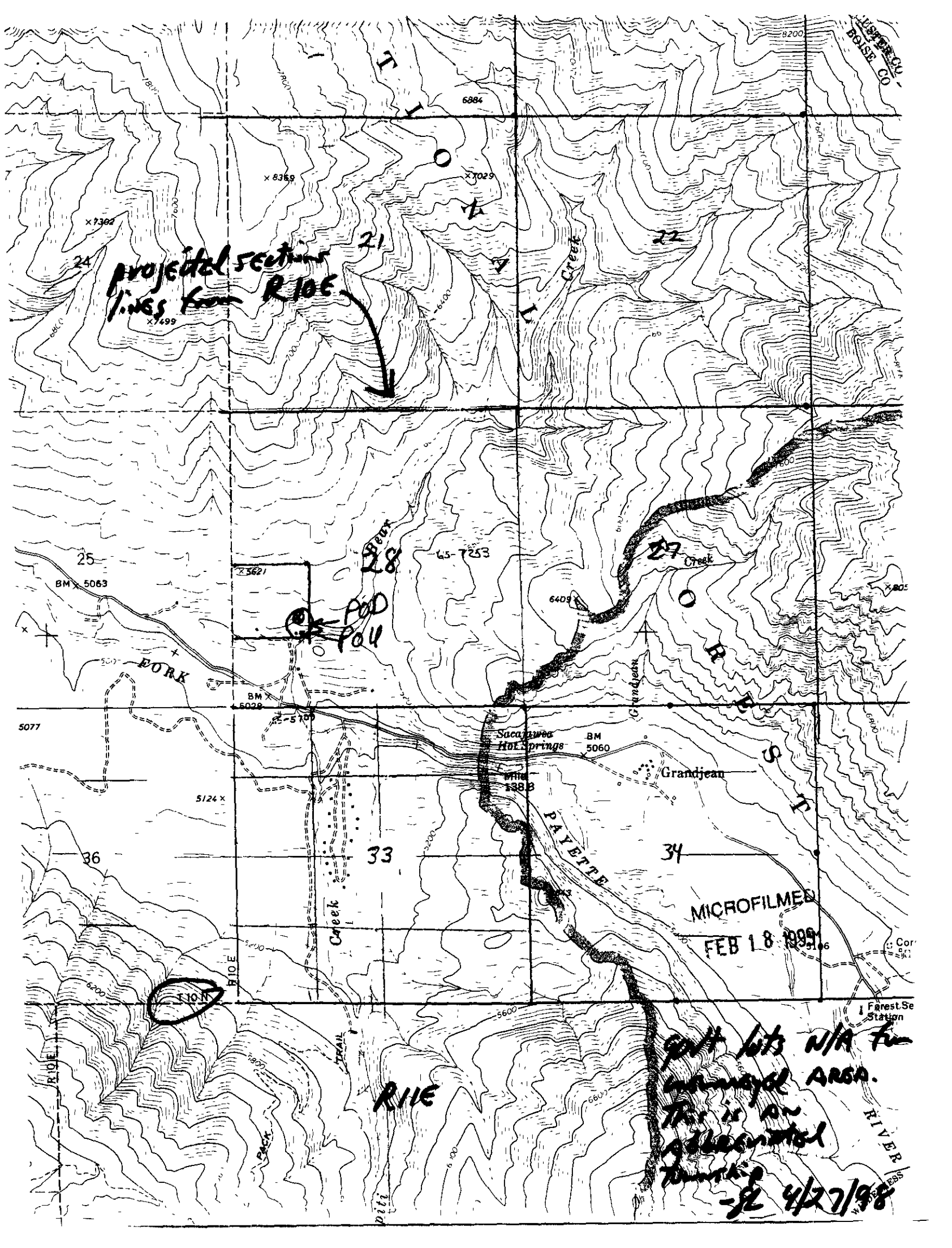
projected section
lines from R10E
↓

POD
PO4

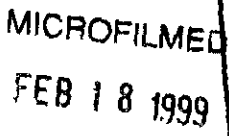
MICROFILMED
FEB 18 1999

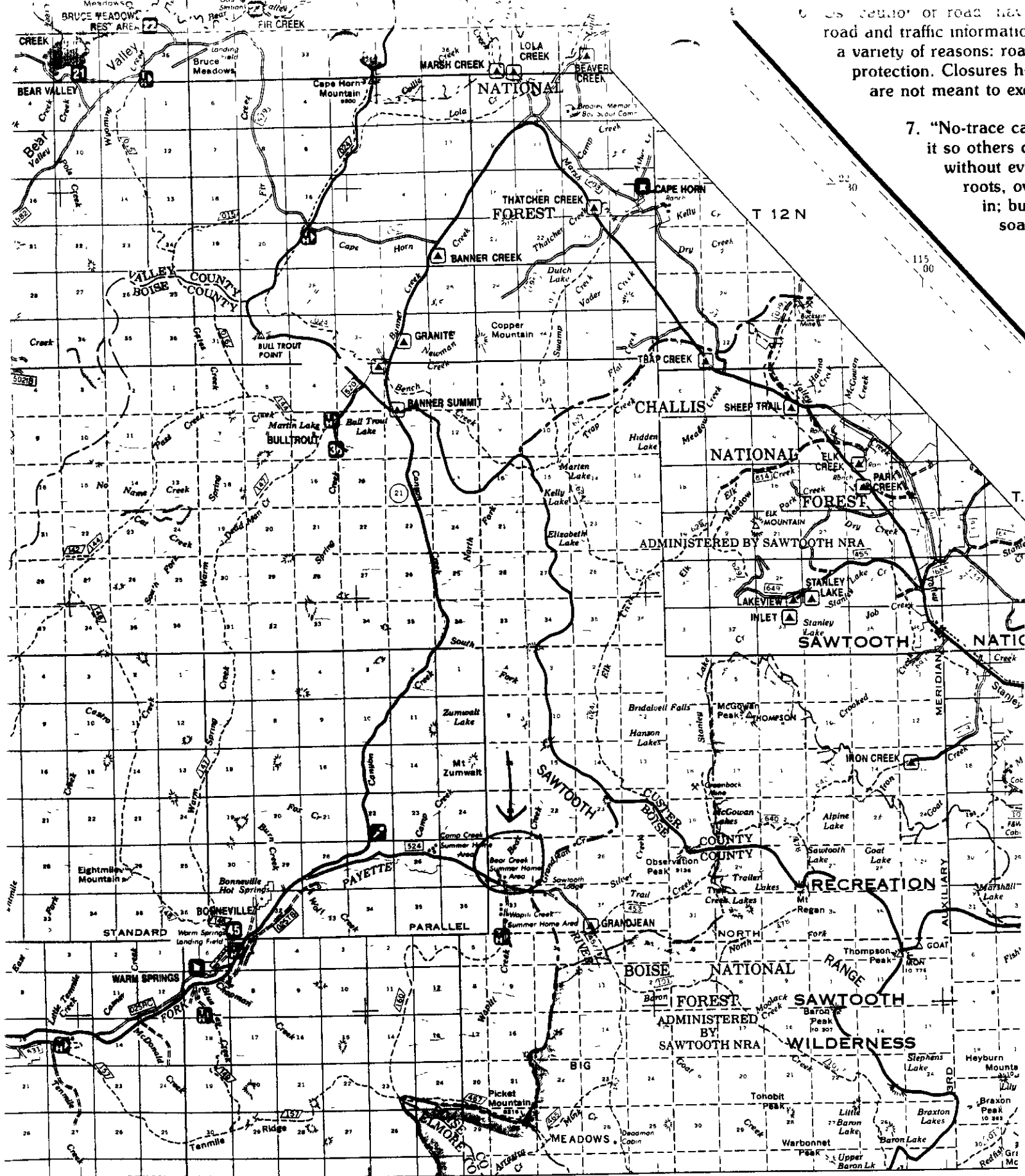
R10E

galt lots N/A for
unmanged AREA.
This is an
abandoned
township
-JL 4/27/98



Scale 1" = 100 ft.





US Section of road map
road and traffic information
a variety of reasons: road
protection. Closures h
are not meant to exc

7. "No-trace ca
it so others c
without evi
roots, ov
in; bu
soa

R 9 E R 10 E R 11 E R 12 E

MICROFILMED

FEB 18 1999

22 10' J 15 K 07 30' L 115 00

USDA - FOREST SERVICE BILL FOR COLLECTION		1. Date of Issue MARCH 16, 1998													
Please send money order, bank draft, or check payable to: USDA-FOREST SERVICE at the following address: COLLECTION OFFICER, FS, Intermountain Region P.O. BOX 60000, FILE NO. 61657 SAN FRANCISCO, CA 94160-1657 (A pre-addressed envelope is provided for your convenience)		2. Issuing office address Lowman Ranger District 7359 Highway 21 Lowman, ID 83637													
Helen C. Gibson 1304 E. 5th Street Meridian ID 83642 1770		FOR INFORMATION: Please call 208-259-3361 or write to the issuing office address. DO NOT send correspondence or change of address with your payment.													
-----> FOR PROPER CREDIT be sure to include a copy of this bill with your Payment <-----															
-----fold here-----															
3. Date or Period 05/01/98 to 04/30/99	4. Description 2720 SPECIAL USES 5084-01 LOWMAN RD RECREATION RESIDENCE Permit issued on 01/01/89 Description/Location: Bear Creek Lot 3 <i>pd 4-23-98</i> <i>chk # 1395</i>		5. Amount. \$407.00												
6. Bill Number 825079	7. Unit Number TP-02	8. Subunit/Contract Number 	9. Payment Due Date 05/01/98												
10. Amount Due \$407.00															
NOTE: Payments not received by the due date are subject to a LATE PAYMENT CHARGE at the rate published by the Department of the Treasury unless a different rate is prescribed by contract or agreement. Postmarks are not honored. ADMINISTRATIVE CHARGES may also be assessed. An additional 6% PENALTY will be charged for payments over 90 days past due. (Authority: Debt Collection Act of 1982.)															
11. REMARKS MICROFILMED FEB 18 1999		12. Forest Service Accounting Data <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 15%;">TRANS. CODE</th> <th style="width: 20%;">MANAGEMENT CODE</th> <th style="width: 20%;">OBJECT CLASS</th> <th style="width: 45%;">AMOUNT</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">A</td> <td style="text-align: center;">898402</td> <td></td> <td style="text-align: right;">\$407.00</td> </tr> <tr> <td colspan="3" style="text-align: center;">TOTAL -----></td> <td style="text-align: right;">\$407.00</td> </tr> </tbody> </table>		TRANS. CODE	MANAGEMENT CODE	OBJECT CLASS	AMOUNT	A	898402		\$407.00	TOTAL ----->			\$407.00
TRANS. CODE	MANAGEMENT CODE	OBJECT CLASS	AMOUNT												
A	898402		\$407.00												
TOTAL ----->			\$407.00												

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-13788

WATER RIGHT NUMBER 65-13788

Owner Type

Current Owner

Name and Address

US DEPT OF AGRICULTURE
FOREST SERVICE
1249 S VINNELL WY STE 200
BOISE, ID 83706

Priority Date 04/24/1998

Basis License

Status Active

Source

SPRING

Tributary

BEAR CREEK

Beneficial Use

DOMESTIC

From To

01/01 to 12/31

Diversion Rate

0 040 CFS

Annual Volume

1 20 AF

Total Diversion

0 040 CFS

1 20 AF

Location of Point(s) of Diversion

SPRING

SE1/4NW1/4SW1/4

Sec 28, Twp 10N, Rge 11E, B M

BOISE County

SPRING

SE1/4NW1/4SW1/4

Sec 28, Twp 10N, Rge 11E, B M.

BOISE County

Place of Use

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
10N 11E 28	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
										X							

Conditions of Approval

- 1 Place of use is located within Lot 3, Bear Creek Subdivision.
- 2 01P Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
- 3 103 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.
- 4 27A The Director retains jurisdiction to limit diversion of water to in-house uses only.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-13788

- 5 R05 Use of water under this water right will be regulated by the watermaster of State Water District No 65
- 6 WB9 Water shall not be diverted under this right when flows in the South Fork of the Payette River are below established minimum stream flow amounts
- 7 X01 Domestic use is for 1 home

RemarksComments

1 lharris 5/18/2001 License

Comment Basis of Claim amended per License approved 4/6/2001.

2 kwalker 3/2/2004 Status

Comment This right was decreed in SRBA based upon the permit License was issued 4/6/2001 which supercedes the decree All data entry is based upon license

Dates and Other Information

Licensed Date. 4/6/2001

Decreed Date 11/3/2000

Water Supply Bank Enrollment Accepted

Water Supply Bank Enrollment Removed

Enlargement Use Priority Date

Enlargement Statute Priority Date

State or Federal S

Owner Name Connector

Water District Number 65

Generic Max Rate Per Acre

Generic Max Volume Per Acre

Decree Defendant

Decree Plaintiff

Civil Case Number 39576

Judicial District FIFTH

Swan Falls Trust or Nontrust

Swan Falls Dismissed

DLE Act Number

Carey Act Number

Mitigation Plan False

Combined Use Limits

SRBA PARTIAL DECREE 65-13788

Issued on 11-03-2000.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS: USDA FOREST SERVICE
550 W FORT ST, MSC 033
OGDEN, UT 84401-2394
SOURCE: SPRING TRIBUTARY: BEAR CREEK
QUANTITY: 0.04 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.
PRIORITY DATE: 04/24/1998
POINT OF DIVERSION: T10N R11E S28 SENWSW Within Boise County
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Domestic 1 HOME 01-01 TO 12-31 0.04 CFS
Domestic Within Boise County
PLACE OF USE: T10N R11E S28 NWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION
IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION
OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS
SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL
BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY
IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).



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

April 9, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

US FOREST SERVICE
BOISE NATIONAL FOREST
1249 S VINNELL WY STE 200
BOISE ID 83706

RE License No 65-13788 - 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.

Also enclosed is a copy of your approved Application for Amendment.

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

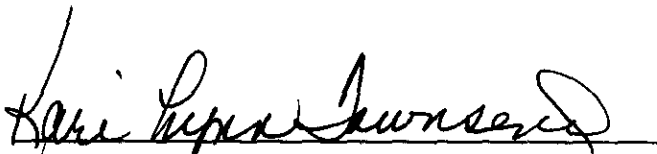
APR 26 2001

CERTIFICATE OF MAILING

I hereby certify that on April 9, 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. 65-13788

**US FOREST SERVICE
BOISE NATIONAL FOREST
1249 S VINNELL WY STE 200
BOISE ID 83706**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

APR 26 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).

**MICROFILMED
APR 26 2001**

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.



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 26, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

US FOREST SERVICE
BOISE NATIONAL FOREST
1249 S VINNELL WY STE 200
BOISE ID 83706

RE Water Right Permit No 65-13788

Dear Permit Holders:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

X **Point(s) of Diversion** – 2 springs were found developed instead of 1

 Place(s) of Use

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 30 days.

If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

MICROFILMED

APR 26 2001

LICENSE REVIEW CHECKLIST

Permit No 65-13788 Date 3-23-01 Reviewer: Kay Walker

topo V17

Change/OK

Name/Address *OK*

Source *OK*

Point of Diversion *add*

Does change clarify original intended source? If no, void permit

Change (P39/P48) Add (P45/P44) Feds (P40)

← permit for 1 spring; exam found 2

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) _____

File reviewed _____ Profile reports printed _____

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

Rate of Diversion:

Permitted rate 0.04 cfs

Fee Limit 0.20 cfs

Measured 0.04 cfs

Theoretical _____ cfs

Recommended Total Diversion Rate 0.04

Water Uses *OK*

Change (P46)

Season of Use per new Standards

Irrigation _____ cfs _____ af

Stockwater _____ cfs _____ af

Domestic 0.04 cfs 1.2 af

_____ cfs _____ af

_____ cfs _____ af

Total 0.04 cfs 1.2 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

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)

Fire (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 _____

Additional Conditions *YES* Watermaster Control

YES GW Measurement/Measuring Device

Other _____

Trust R55 - remove 051)

Non-trust (048/049)

GW Dist? _____

Water Msmt Dist? _____

Crit. GWMA? _____

GWMA? _____

Government Lots? _____

Advance Priority? *yes*

If yes, explain why below

SRBA Claim? *Not req'd*

Adjust memo _____

Amend Letters P45

P87, S06

Second Amendment Notice P44

S06

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

03/20/2001

WATER RIGHT NO 65-9873

Owner Type Name and Address
Current Owner RUTH K BUNDERSON
Current Owner TOM K BUNDERSON
6505 FAIRFIELD AVE
BOISE, ID 83709
(208)375-6078

Current Owner HELEN GIBSON
Current Owner TED GIBSON
1304 E 5TH ST
MERIDIAN, ID 836421770
(208)888-4434

Original Owner US DEPT OF AGRI
FOREST SERVICE
FEDERAL BLDG
324 25TH STREET
OGDEN, UT 84401

Priority Date 06/01/1933
Basis Decreed
Status Active

Source Tributary to
SPRING BEAR CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	1/01	12/31	0 09 CFS	3 AFA	
Total Diversion			0 09 CFS	3 AFA	

Location of Point(s) of Diversion
SPRING SESW Sec 28 Township 10N Range 11E BOISE County

Place(s) of use

Place of Use Legal Description DOMESTIC BOISE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
10N	11E	28		NWSW										

Conditions of Approval

- N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY
- N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE

Remarks

- Explanatory PARCEL NO LR 10N11E410020 A

Comments

Water Right 65-9873

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
CORR3	3/7/97	COPIED FROM REMARKS	BEAR CREEK SUMMER HOMES, LOTS 2 AND 3 20-YEAR LEASE FROM F S THE DESCRIPTION OF THE P/D AND P/U ARE ON UNSURVEYED LAND AND THE DESCRIPTIONS USED ARE CLOSE AND CLAIMANT SHOULD NOT BE CHARGED FOR A CHANGE IN DESCRIPTION ADDRESS CHANGE BY CLAIMANT LETTER 02/20/96 SS
DBUFFING	2/3/98	SPECIAL USE PERMIT	SPECIAL USE PERMIT # 70-04-02-05-2720-911-16-015-1

Dates

Licensed Date
 Decreed Date 10/23/1998
 Enlargement Use Priority Date
 Enlargement Statute Priority Date
 Application Received Date
 Protest Deadline Date
 Number of Protests 0

Other Information

Receipt Number(s)
 State or Federal S
 Owner Name Connector OR
 Water District Number 65
 Generic Max Rate per Acre
 Generic Max Volume per Acre
 Civil Case Number
 Old Case Number
 Decree Plaintiff
 Decree Defendant
 Swan Falls Trust or Nontrust
 Swan Falls Dismissed
 DLE Act Number
 Cary Act Number
 Mitigation Plan False

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
FEB - 7 2000
Department of Water Resources

A. GENERAL INFORMATION

U.S. Dept. of Agriculture
1. Owner: Forest Service; Boise N.F. Permit No. 65-13788
Phone No. (208) 373-4100
Current Address: 1249 S. Vinnell Way, Suite 200, Boise, ID 83706
2. Accompanied by: Robin Metz EXAM DATE: 7-20-99
Address: Lowman Ranger District, Lowman, ID Phone No. (208) 259-3361
Relationship to Permit Holder: Resource Manager
3. Source: Springs tributary to Bear Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None identified; maybe 65-09873
2. Other water rights with the same point of diversion: None identified; maybe 65-09873

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion: 2 Springs on System

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NW	SW	28	10N	11E	Boise	Site Visit, Maps, Drawings

2. Place(s) of Use:

Indicate Method of Determination Site Visit, Maps

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	11E	28									D								

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

See enclosed Forest Service									
1) Special User									
2) & Water Transmission									
System									
drawings									

Scale: 1" = None

✓ Copy of USGS Quadrangle 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

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5 Gal. Bucket						

2. Measurements: @ Gibson's Cabin: $Q = \frac{5 \text{ Gal}}{18 \text{ Sec.}} \times \frac{60 \text{ Sec.}}{1 \text{ min.}}$
 $= 17 \text{ GPM} = 0.0371 \text{ cfs}$
 $= 0.04 \text{ cfs}$

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APR 25 1974

E. NARRATIVE/REMARKS/COMMENTS

1. This permit is for domestic use from a spring for ~~a~~ a Cabin on Lot 3, Bear Creek Subdivision. Lot 3, Lot 2, and other lots in the subdivision are Forest Service Cabin lots being leased under Special Use Permits. Lot 3 is now leased by Helen C. Gibson, and has one Cabin on it.
2. The water system that provides water to this lot, Lot 3, and the adjacent Lot 2, has 2 developed springs, a 110 Gal. settling tank, 2 - 55 Gal. storage barrels, and pipelines to both lots. At one time this same system also served 2 other lots - Shown as Van Atta + Falkner on the drawings - but these 2 lines are no longer used.
3. There may be other water rights from these same springs, and to the same lots, but these rights were not identified.
4. The 1 1/4" line to Lot 3 provides domestic water for the Cabin and yard irrigation.

Have conditions of permit approval been met? ☒ yes ☐ no

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APR 26 2001

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: 5 Gal. Bucket at Cabin

$$Q = \frac{5 \text{ Gal}}{18 \text{ Sec.}} \cdot \frac{60 \text{ Sec.}}{\text{min.}} = 17 \text{ GPM}$$

$$= 0.0371 \text{ cfs}$$

$$= \underline{0.04 \text{ cfs}}$$

Although the flow at the Cabin is 17 GPM, the actual flow from both springs is unknown.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

Allow 0.04 cfs

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

Domestic; internal + External

1.2 AFA

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Domestic</u>	<u>01/01</u>	<u>12/31</u>	<u>0.04</u>	<u>1.2</u>
Totals:			<u>0.04</u>	<u>1.2</u>

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

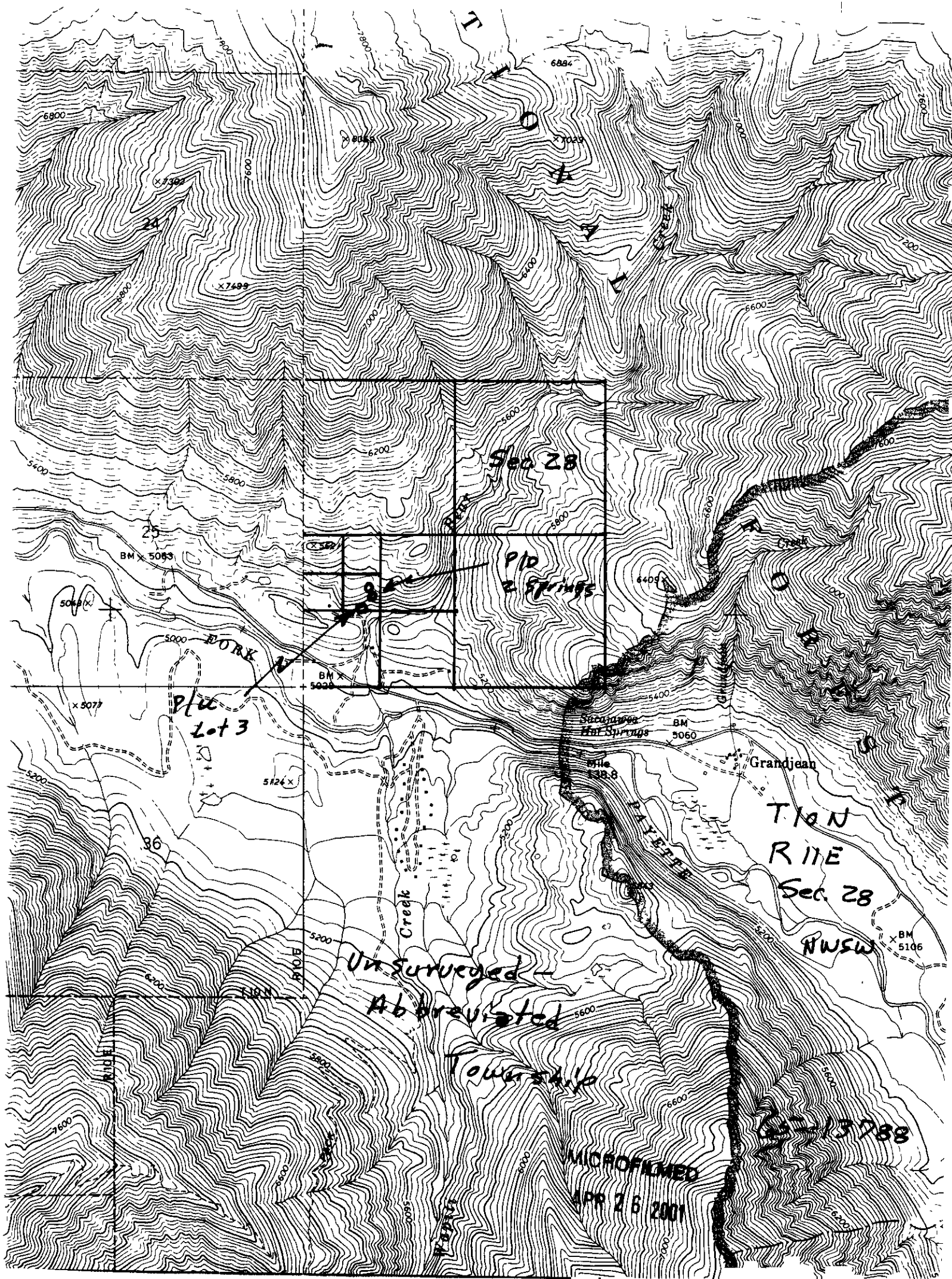
Field Examiner's Name Don Turner Date 12-15-99

Reviewer _____ Date _____

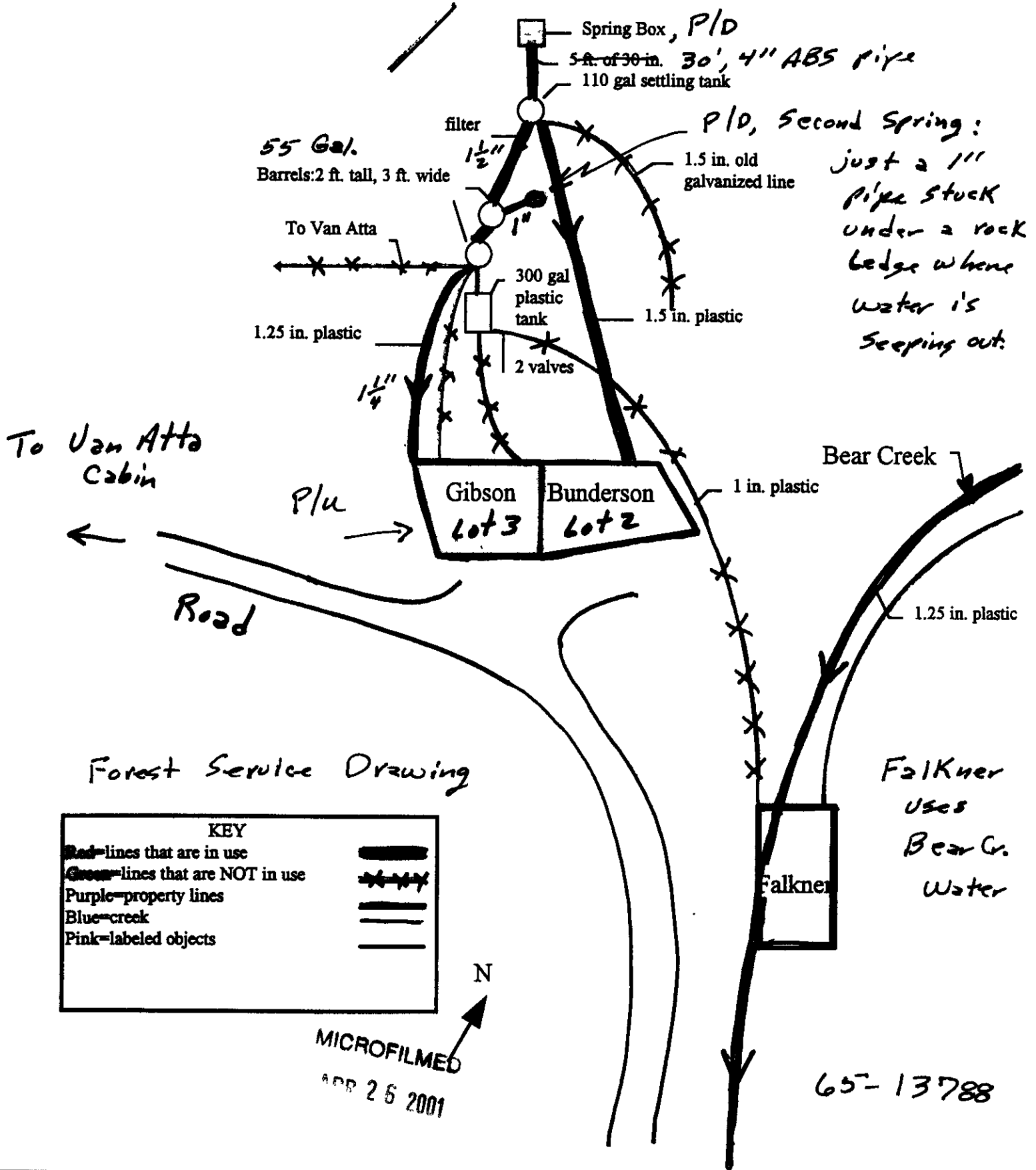
MICROFILMED

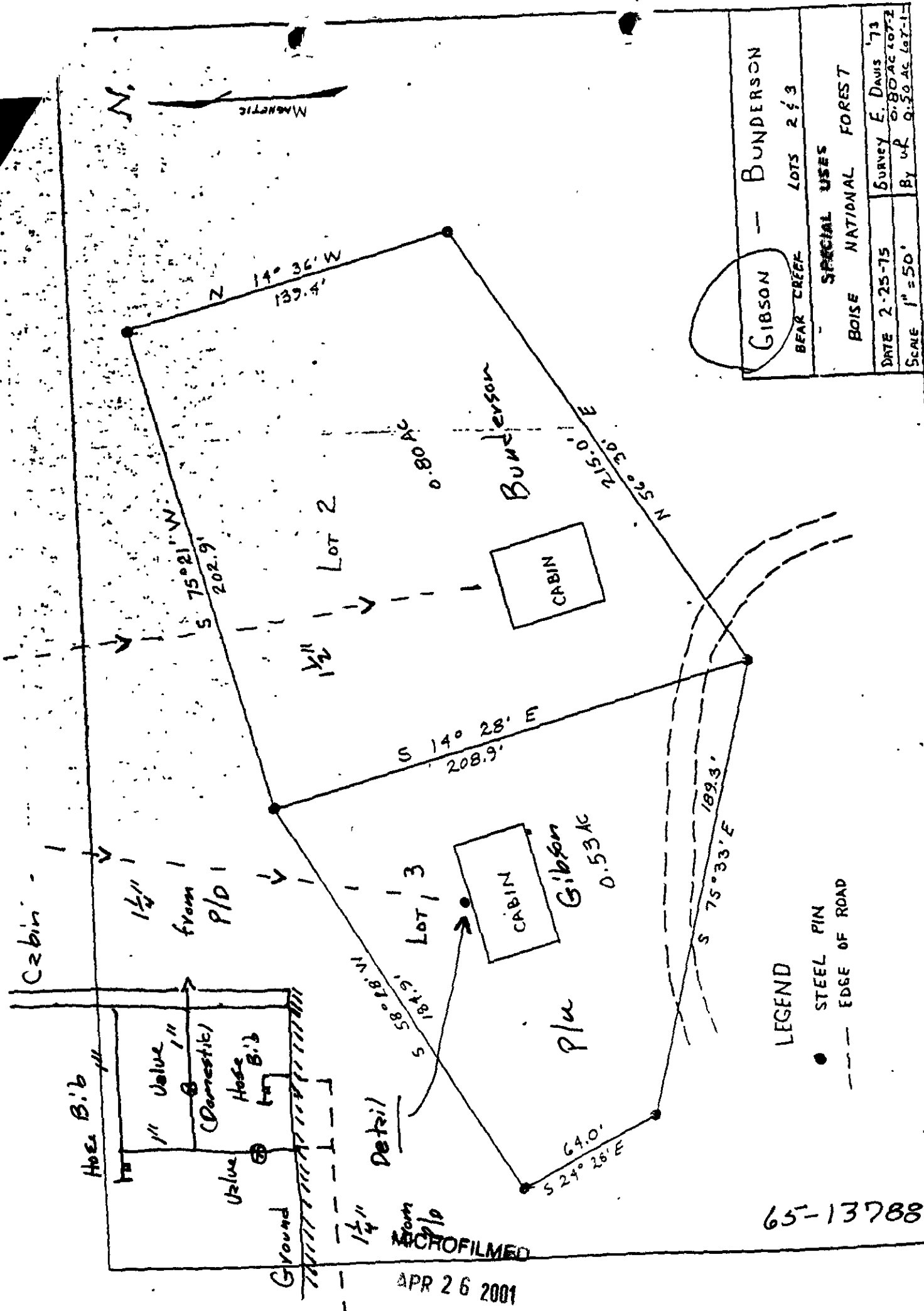
APR 26 2001

SEAL



Gibson, Bunderson, Falkner, and VanAtta
Water Transmission System
Bear Creek Summer Homes
Diagram:





GIBSON -- BUNDERSON	
BEAR CREEK	LOTS 2 & 3
SPECIAL USES	
BOISE NATIONAL FOREST	
DATE 2-25-75	SURVEY E. DAVIS '73
SCALE 1" = 50'	By W.P. 0.80 AC LOT 2
	0.50 AC LOT 1

65-13788

APR 26 2001

USDA Forest Service TERM SPECIAL USE PERMIT For Recreation Residences Act of March 4, 1915, As Amended (Ref. FSM 2710)	Holder No.	Type Site	Authority
	5084 / 01	123	712
	Auth. Type	Issue Date	Expir. Date
	18	01 / 01 / 89	12 / 31 / 08
	Location Sequence No.		Stat. Ref.
	Latitude	Longitude	LOS Case
	111-11-111	111-11-111	

Helen C. Gibson of 1335 E. 1st. 1304 E. 5th
 (Holder Name) (Billing Address - 1)

Meridian Idaho 83642
 (Billing Address - 2) (City) (State) (Zip Code)

(hereafter called the holder) is hereby authorized to use National Forest lands, for a recreation residence for personal recreational use on the Boise National Forest, subject to the provisions of this permit including items 1 through 12, on page(s) 2 through 9. This permit covers 1.0 acres.

Described as: (1) Lot 3 of the Bear Creek Summer Home tract.
 (A plat of which is on file in the office of the Forest Supervisor.)

OR (2) Sec. 28, T.10N., R.11E as shown on the attached map.
 (Legal Description)

The following improvements, whether on or off the site, are authorized in addition to the residence structure:

- * Generator House and Outdoor Toilet
- Propane Tank Septic System

This use shall be exercised at least 15 days each year, unless otherwise authorized in writing. It shall not be used as a full-time residence to the exclusion of a home elsewhere.

THIS PERMIT IS NOT TRANSFERABLE
 PURCHASERS OF IMPROVEMENTS ON SITES AUTHORIZED BY THIS PERMIT MUST SECURE A NEW PERMIT FROM THE FOREST SERVICE.

THIS PERMIT IS ACCEPTED SUBJECT TO ALL OF ITS TERMS AND CONDITIONS.

ACCEPTED:	<u>Helen C. Gibson</u>	<u>1-11-89</u>
	HOLDER'S NAME AND SIGNATURE	DATE
APPROVED:	<u>W. W. Waggoner</u> for FOREST SUPERVISOR	<u>1-24-89</u>
	AUTHORIZED OFFICER'S NAME AND SIGNATURE	TITLE DATE

MICROFILMED
 APR 26 2001

65-13788

1 of 3

P/D

old

Spring
box at

upper
Spring.

The Second
Spring was
just a 1" pipe stuck
under a
rock ledge
where water
was seeping
out -
No photo.

P/D

110 Gal.

Settling
Tank.

4" ABS
pipe from
Spring Box.

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APR 26 2001

65-13788

2 of 3

P/O

2-55
Gal. Barrels;

300 Gal.
plastic
Tank

(Green)
is no
longer
used.



P/u

Pipes at

Gibson's
Cabin

on

Lot 3



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APR 26 2001

65-13788

3 of 3

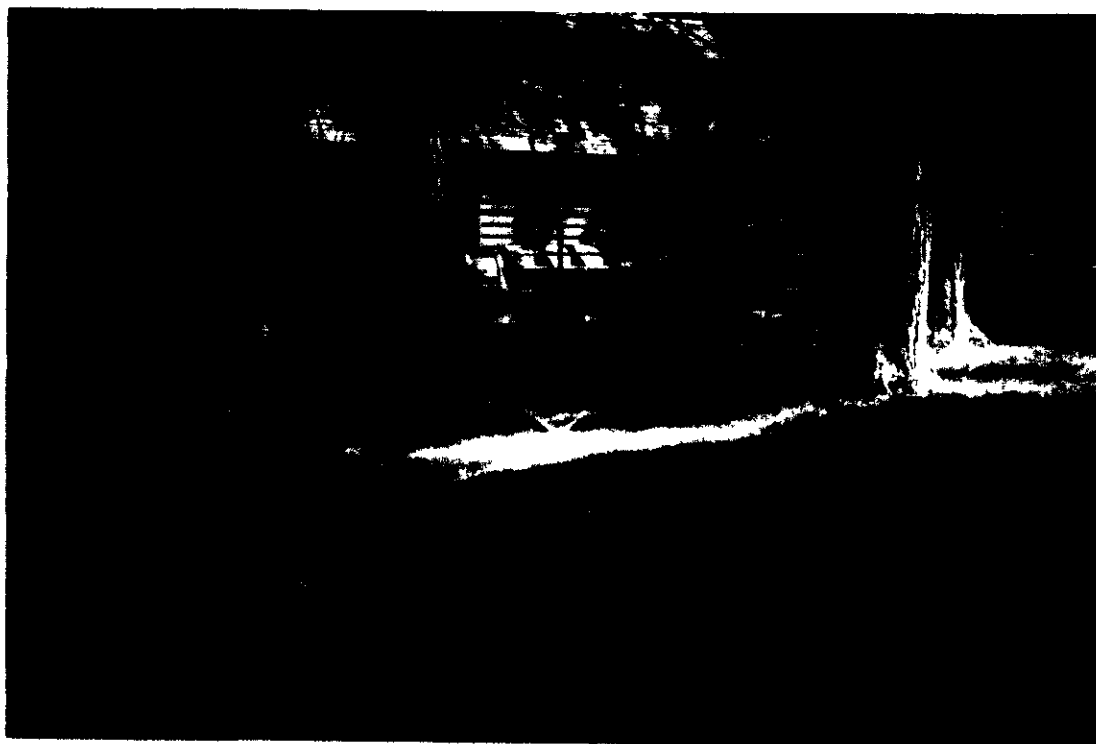
P/u

Gibson's

Cabin

on

Lot 3



Bunderson

Cabin

on

Lot 2.

same
water
system



MICROFILMED

APR 26 2001

65-13788



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

July 1, 1999

KARL J. DREHER
DIRECTOR

US Forest Service
Boise National Forest
1249 Vinnell Wy STE 200
Boise ID 83706

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13788

Dear Permit Holder:

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

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

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

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

OCT 15 1999

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 65-13788 Reviewed by [Signature] Date 7-1-99

GENERAL CONSIDERATIONS

yes Name same as permit?

yes Address same as permit?

yes Proof timely received?

If not, complete calculation below.

TYPES OF USE

dom.

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

☐ Well log in the file? _____ Correct?

LICENSE EXAMINATION FEE

\$ yes Required?

50- Amount Submitted

yes Correct?

MEASURING DEVICE

No Required?

☐ Installed?

☐ Waiver requested?

PRIORITY CALCULATION

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X

Proof Made 3-23-99



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 22, 1998

PHILIP E. BATT
GOVERNOR

US FOREST SERVICE
BOISE NATIONAL FOREST
1249 S VINNELL WY STE 200
BOISE ID 83706

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13788

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.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

MICROFILMED

FEB 18 1999

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of December, 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. 65-13788

US FOREST SERVICE
BOISE NATIONAL FOREST
1249 S VINNELL WY STE 200
BOISE ID 83706


Kari Lynn Townsend
Secretary

MICROFILMED

FEB 18 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.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy*No.: 05-13788 Name: Gibson Date: 12/15/98 Ad OK? ☒ / Gvmt Lts: ☒

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

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

SYSTEM COMPLETED:
- 26A-P17
- P16GROUNDWATER: (✓ FLO-CH)
WMD (✓ MAP)> 0.24 cfs/5 acres
≤ 0.24 cfs/5 acresWMD Supplemental use
> 0.24 cfs/5 acres
≤ 0.24 cfs/5 acres- North / East / West
- 067 or No MD (in-stream stock or power)
- No MD
- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- 01M (report when notified)
- No MD

DRILLING PERMIT:

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

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

FISH & GAME CONTACTED:

IN/ABOVE MIN. STR. FLOW (✓ MAP)

WD (✓ MAP & LISTING)

> 0.10 cfs
≤ 0.10 cfs

WMD (✓ MAP)

> 0.24 cfs/5 acres
≤ 0.24 cfs/5 acres- YES / NO: RESPONSE: None
- WB9 Payette R, SF
- 004 (WD # 0105)
- 01J-P08 (MD & LD)
- 01H-P01 (LD), MD or No MD (in-stream stock)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres
≤ 0.24 cfs/5 acres- 01M or No MD (in-stream stock or power)
- No MD

RIVER BASINS: (*Surface water).

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

USE:

Domestic surface
>1 in rest. area

Fire Protection

Fish Propagation

Heating/Cooling

Irr ≤ 5 acres
> 5 acres

Mining

Municipal

Power

Stockwater

Storage (✓3 compo.)

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); NA (Payette River), NA
- 071-070
- 077
- 029(70's only)-007-042(req)-081 (WQ)-P10
- R07 (injection well)
- R66/R67/R68/R69 (0.03 cfs/acre + 3 0/3.5/4.0/4 5 AF)
- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4 5 AF)
- 054(req) -081-P10
- 022, 075, 004 (+memo?), NA (not in restricted area)
- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons use);
17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- R37 (BLM/USFS); NA
- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area
Boise Front LoGeo
~~in stream~~
Mitigation- P84 in 20/30/40/50/60/70/80 (87) basin
- 058 (<85° GW temp only)
- stream channel alteration
- 000

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:

- 1 WMD 2 WMD 3 WB9 4 W22
- 12/1/2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
DEC 14 1998
DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: JK DATE: 4/27/98 APPLICATION: 65-13788

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/A P/D
P/U
Conservation Area

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

N/A T FLAG CHANGED TO P FLAG

ADDITIONAL INFORMATION

YES NO

- See next pg } 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.
- ☐ immediate = acceptable plan required and submitted.
- ☐ future = open areas, acceptance of condition of approval is in file.
- ☒ 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

RECEIVED
DEC 14 1998

Department of Water Resources

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO. 65-13788

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☒ YES ☐ NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
 * ☒ ☐ I.D. Fish & Game
☐ ☒ I.D. Lands

☐ ☒ U.S. BLM
☒ ☐ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Other _____

re: Bull Trout impact

letter for trib. spring O/I use in non-regulated part of W.O. 65 N/A

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 5-26-98
☒ ☒ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Measuring port required:
☐ ☒ Water delivered by water master? District # _____
☒ ☐ Special conditions of approval or cover letter: 120

See below for additional information

Recommended Date or Priority 4/24/98Recommended by: Gay Date: 12/9/98

STATE OFFICE REVIEW _____

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

Overlap normally N/A for O/I use but:Replaces forfeited right 65-62644 (Payette Adjud. Result).Same home but different spring than 65-09873 (that right serveshomes on L2 & L3, the latter being applicant's lot #).

* Bull Trout comment letter sent to IDB per b.t. impact map.



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

November 9, 1998

TED &/OR HELEN GIBSON
1304 E 5TH
MERIDIAN ID 83642

Re: Application for Permit No. 65-13788

Dear Mr. & Mrs. Gibson:

This letter is to acknowledge the assignment of the above-referenced application for water right to the U.S. Forest Service, Boise National Forest.

The protest is considered withdrawn and the department will now continue to process the application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

Gary Spackman

GS:st

CC: U.S. Forest Service

MICROFILMED

FEB 18 1999

IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY, BOISE, IDAHO 83705

Conducted by: Gary Spackman

NAME

ADDRESS

~~Alma~~ Lisa Maloney 1249 S Vinnell Wy Suite 200 83709
Robin Metz Lowman Ranger District 7359 Hwy 21 Lowman ID 83642
TED Gibson 11940 W. Clover Meadows Boise 83713
John Gibson 1304 E 5th N. Idaho Falls 83402

MICROFILMED

~~FEB 18 1999~~

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-13788 IN THE)
NAME OF TED &/OR HELEN GIBSON)**
_____)

**NOTICE OF PREHEARING
CONFERENCE**

On April, 24, 1998, Ted &/or Helen Gibson filed with the Department of Water Resources (department) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by the Boise National Forest.

The department has scheduled a conference for the protest to be held on Tuesday, October 27, 1998, at 10:00 a.m. at the Idaho Department of Water Resources, upstairs conference room C, 1301 N. Orchard, Boise Idaho 83706. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

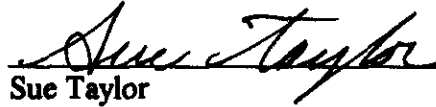
The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 25th day of September, 1998.



Gary Spackman

I hereby certify that on the 28th day of September 1998, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

TED &/OR HELEN GIBSON
1304 E 5TH
MERIDIAN ID 83642

LISA MALONEY
BOISE NATIONAL FOREST
1249 VINNELL WY STE 200
BOISE ID 83709

MICROFILMED
FEB 18 1999

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

MICROFILMED
FEB 18 1999

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

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FEB 18 1999



United States
Department of
Agriculture

Forest
Service

Boise
National
Forest

1249 S. Vinnell Way, Suite 200
Boise, ID 83709

File Code: 2540

Date: SEP 11 1998

Mr. Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED

SEP 14 1998

WATER RESOURCES
WESTERN REGION

Dear Mr. Spackman:

We reviewed the faxed copy of the assignment of application for permit No. 65-13788, received September 1 for the above-mentioned permit. Following is a list of concerns we would like discussed with Ted and Helen Gibson in order to resolve the May 26 protest we submitted to you. We request:

1. Ted and Helen Gibson assign to the Forest Service all this right, title, and interest in permit No. 65-13788. It is our policy to acquire water rights in the name of the United States for water used on the National Forest by permittees.
2. The information on this application listed under 9(a) and 9(b) reflect the Forest Service as the property owner at the Point of Diversion and Point of Use.
3. The application clarifies that this water will be used on lot No. 3 of the Bear Creek summer home area.
4. To be given the same priority date as would have been given to Ted and Helen Gibson on this application for permit.

We look forward to working with you and the Gibson's in resolving this protest as soon as possible. If a conference is needed to discuss any of these issues or to resolve this matter, please contact Terry Hardy at 373-4313.

Sincerely,

DAVID D. RITTENHOUSE
Act. Forest Supervisor

cc:
W.Rogers, Lowman RD

MICROFILMED

FEB 18 1999





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

May 27, 1998

TED &/OR HELEN GIBSON
1304 E 5TH
MERIDIAN ID 83642

Re: Application for Permit No. 65-13788

Dear Applicant:

Enclosed is a protest filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant and attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest have been resolved, the matter will be scheduled for a conference. The following are the criteria the Department must consider (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,


Gary Spackman

GS:st

Enclosure: Copy of protest(s)

MICROFILMED
FEB 18 1999



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

May 27, 1998

DAVID D RITTENHOUSE
BOISE NATIONAL FOREST
1249 S VINNELL WY STE 200
BOISE ID 83706

Re: Application for Permit No. 65-13788 in the Name of Ted &/or Helen Gibson

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. The following are the criteria the Department must consider in either approving or denying an application or permit (Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,


Gary Spackman

GS:st

CC: W. Rogers
Lowman Ranger District
7359 Hwy 21
Lowman ID 83659

MICROFILMED

FEB 18 1999



United States
Department of
Agriculture

Forest
Service

Boise
National
Forest

1249 S. Vinnell Way, Suite 200
Boise, ID 83709

File Code: 2540

W023924 Kb

Date: MAY 26 1998

RECEIVED

MAY 26 1998

WATER RESOURCES
WESTERN REGION

Mr. Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Dear Mr. Spackman:

We are formally protesting the application for permit 65-13788 to appropriate the public waters of the State of Idaho to Ted and/or Helen Gibson. Information on this application indicates in 9(a) and 9(b) the applicants own the property at the point of diversion and the place of use. This is incorrect. The point of diversion and place of use are on National Forest System land. Information accompanying the application also indicates water right 65-09873 is for a separate spring for lots 2 and 3 of the Bear Creek summer home area. We understand this to mean that a water right for this use already exists and question the need for multiple water rights for one domestic home.

Ted and Helen Gibson have a special-use permit issued by the Forest Service for a recreation residence on lot 3 of the Bear Creek summer home area. They do not have authorization for a water development or water system. It is our policy to acquire water rights in the name of the United States for water used on the National Forest by permittees, contractors, and other authorized users. Because of this, the United States would be the correct owner for this new water use on the National Forest.

If you have any questions regarding this manner, please contact Terry Hardy at 373-4313.

Sincerely,

DAVID D. RITTENHOUSE
Forest Supervisor

cc:
W.Rogers, Lowman RD

MICROFILMED

FEB 18 1999



The Idaho World

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

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 May 6, 1998 and ending with the issue of May 13, 1998.

Deanna Stevenson

State of Idaho)
County of Boise)

On this 15 day of May 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.

Diane E. Caughlin

Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 6/26/2001

MICROFILMED
RECEIVED
FEB 18 1999

MAY 18 1998

WATER RESOURCES
WESTERN REGION

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12315

NELSON, JAMES T
4150 KINGSWOOD DR
BOISE, ID 83704

Source: UNNAMED STREAM

Tributary: CANYON CREEK

Diversion Pt: SENE Sec 28 T 07N R 04E in BOISE County.

Use: STOCKWATER (0.020 CFS)
STOCKWATER STORAGE (2.00 AF)
FIRE PROTECTION STORAGE (2.00 AF)
Total Diversion: (0.020 CFS)

Date Filed: 2/8/1996

In: BOISE County
T07N R04E S28 SENE

Mitigation is proposed for consumptive losses from existing pond.

65-13778

BENNIG, OTTO
BENNIG, MARY
11 RIVER MEADOW DR
GARDEN VALLEY, ID 83622

Source: GROUNDWATER

Diversion Pt: SENE Sec 34 T 10N R 04E in BOISE County.

Use: IRRIGATION (0.050 CFS)
DOMESTIC (0.020 CFS)
Total Diversion: (0.070 CFS)

Date Filed: 4/8/1998

In: BOISE County
T10N R04E S34 SENE

1.5 ACRES TOTAL

65-13788

GIBSON, TED
GIBSON, HELEN
1304 E 5TH
MERIDIAN, ID 83642

Source: SPRING Tributary: BEAR CREEK

Diversion Pt: SENWSW Sec 28 T 10N R 11E in BOISE County.

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

Date Filed: 4/24/1998

In: BOISE County
T10N R11E S28 NWSW

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 MAY 26, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in The Idaho World May 6 and 13, 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

May 8, 1998

DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401

Re: Application for Permit No. 65-13788 in the Name of Ted &/or Helen Gibson

Dear Sir:

Enclosed is a copy of the above-referenced application for permit which may be of interest to your agency. Please review the application 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 May 26, 1998

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

Sincerely,


Gary Spackman

GS:st

Encl.

MICROFILMED
FEB 18 1999

AJ5809NP
No. A65-09873

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/27/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RUTH K BUNDERSON	06/01/1933	DOMESTIC	01-01 12-31	0.09 CFS	3.00 AFA
C	HELEN GIBSON					
C	TED GIBSON			TOTAL DIVERSION:	0.09 CFS	3.00 AFA
C	TOM K BUNDERSON					

Water Source: SPRING

Tributary to: BEAR CREEK

Stage: DECREED

Point(s) of Diversion: T10N R11E S28 SESW BOISE County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
10N	11E	28	:	:	:	:	:	:	:	:	:	:	:	:	:

POU County: BOISE

Non-Irrigation Uses: DOMESTIC 2 HOMES

Other Rights: NONE

Remarks: GEN BEAR CREEK SUMMER HOMES, LOTS 2 AND 3. 20-YEAR LEASE FROM F.S.
THE DESCRIPTION OF THE P/D AND P/U ARE ON UNSURVEYED LAND AND THE
DESCRIPTIONS USED ARE CLOSE AND CLAIMANT SHOULD NOT BE CHARGED
FOR A CHANGE IN DESCRIPTION.
ADDRESS CHANGE BY CLAIMANT LETTER 02/20/96 SS.

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

*This right is separate spring from one in
new appl. filed by gibson on 4/24/98-
per telegram w/ Mrs. gibson 4/27/98
-J*

MICROFILMED
FEB 18 1999

SD-4113-2

Idaho Department of Water Resources
Water Right Inquiry Selection

Date: 04/27/98
Time: 08:51:00

Water Right Number: 65-02644 - FORFEITED

- Office:

Loc:

- Desc:

Date: / /

- Names

- Total Div. Rate & Volume, Non-Irrigation Uses, & Other Rights

- Sources & Tributaries

- Point of Diversion

- Water Uses

- Places of Use

- Remarks

- Approval Conditions

- Civil Case No., Stage, Status, Report Filing Date, etc.

- Audit Information

(Enter=Continue) (GOLD6=Select All) (GOLD7=Ad Hoc Reports) (GOLD8=Cancel)

MICROFILMED
FEB 18 1999

65-13788

GIBSON, TED
GIBSON, HELEN
1304 E 5TH
MERIDIAN, ID 83642

Source: SPRING

Tributary: BEAR CREEK

Diversion Pt: SENWSW Sec 28 T 10N R 11E in BOISE County.

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

Date Filed: 4/24/1998

In: BOISE County	
T10N R11E S28	NWSW

MICROFILMED

FEB 18 1999