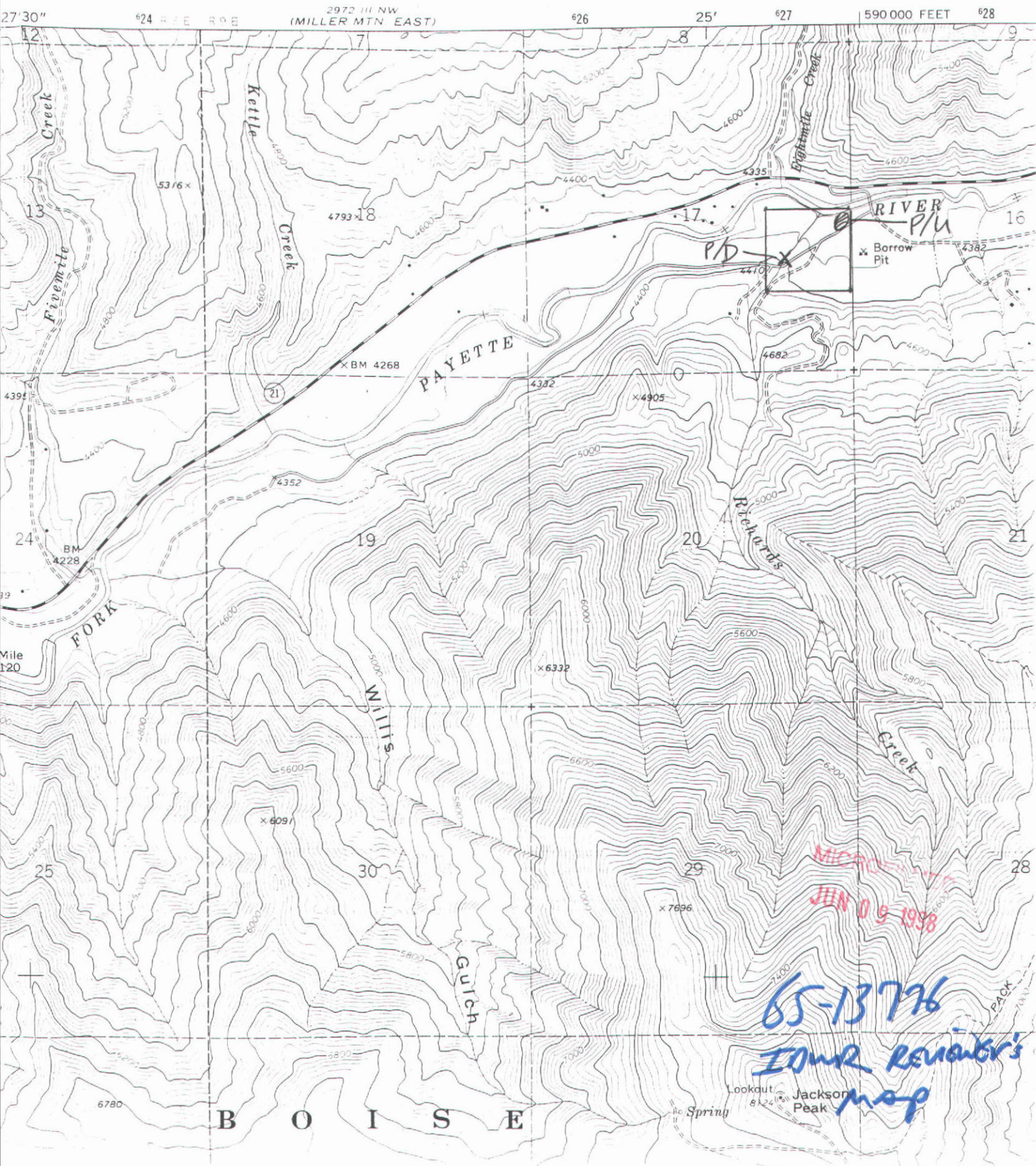
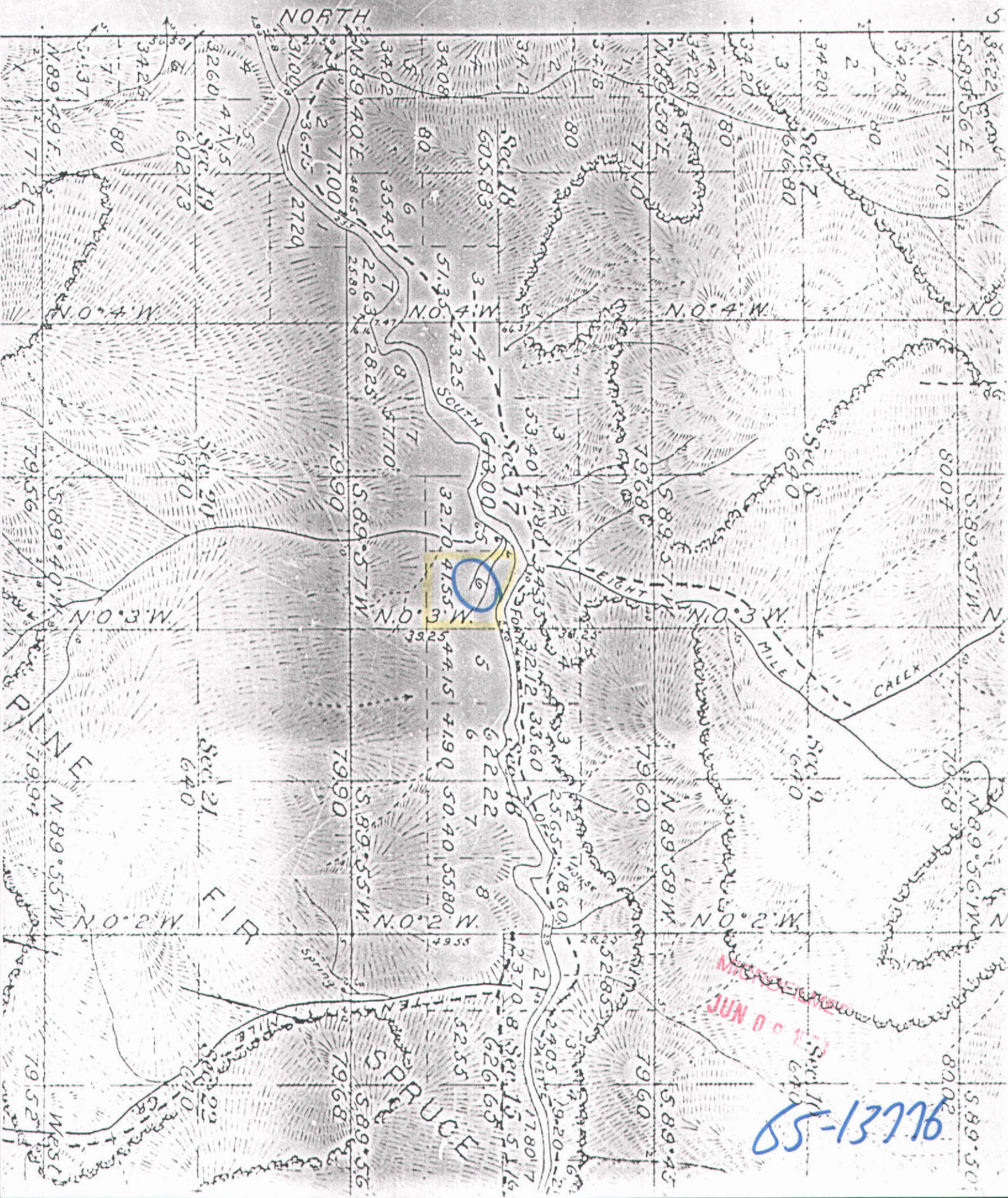


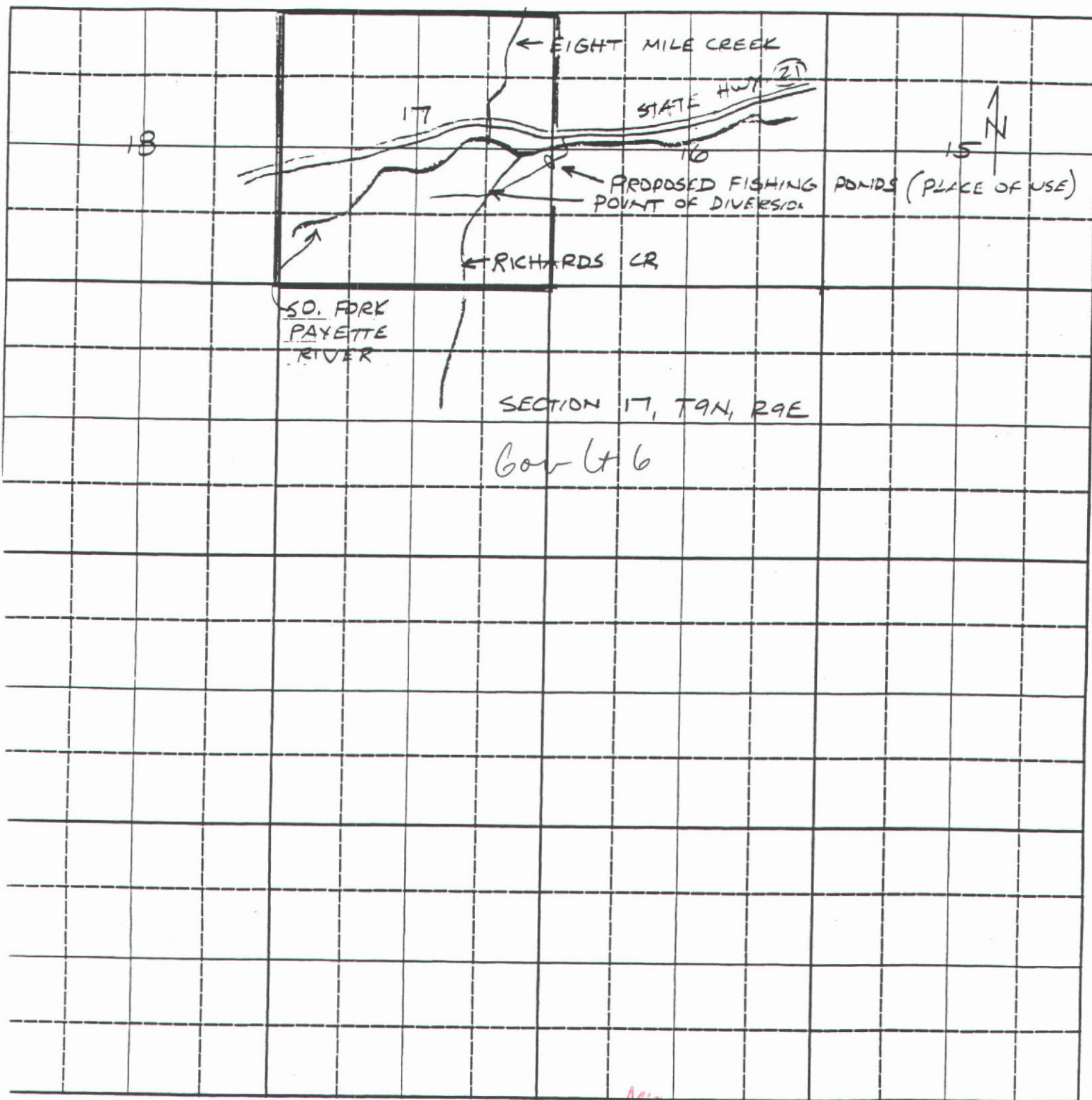
NESE
Gov Lt 6



qn
ac
5.17



13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

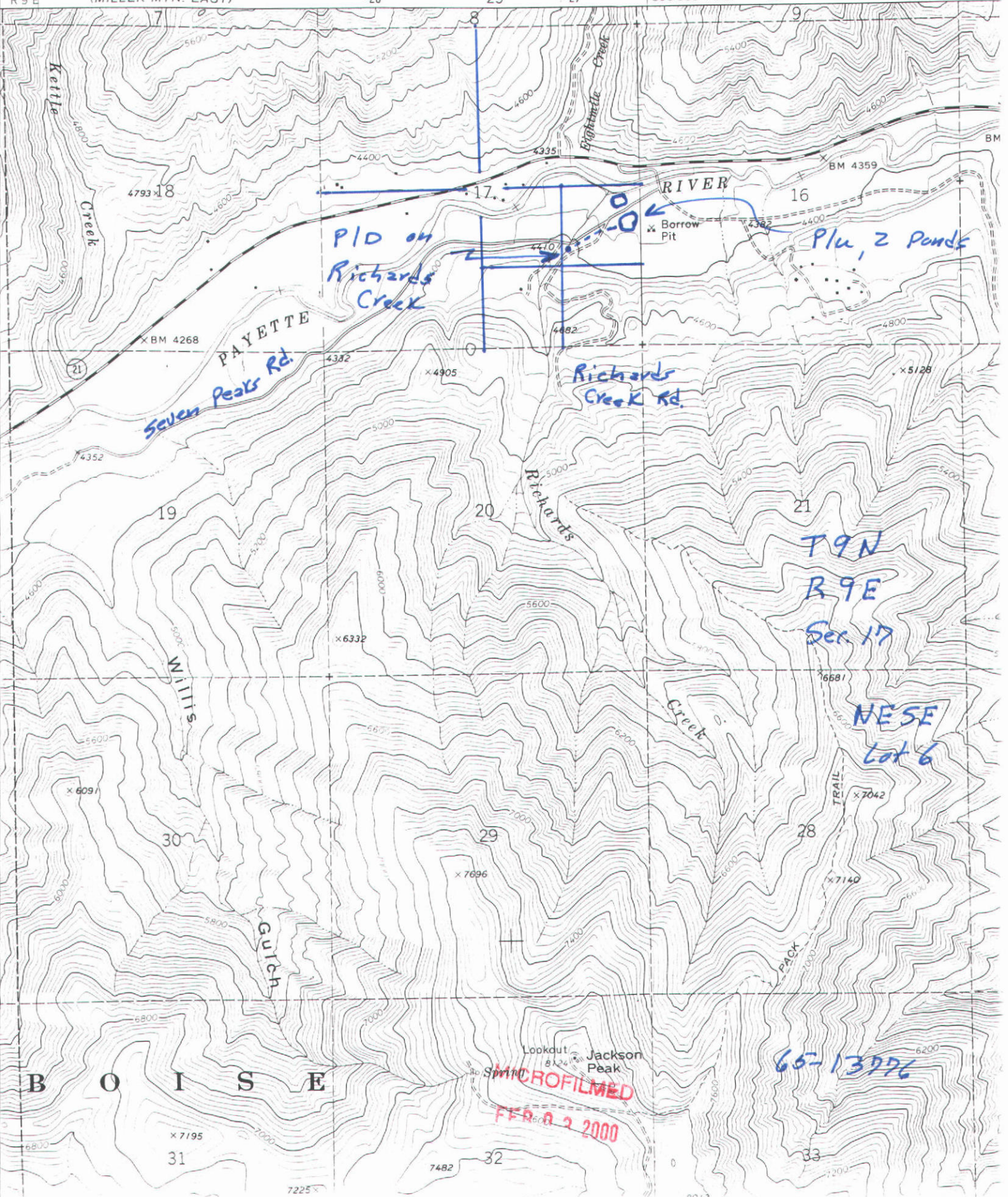
MICROFILM

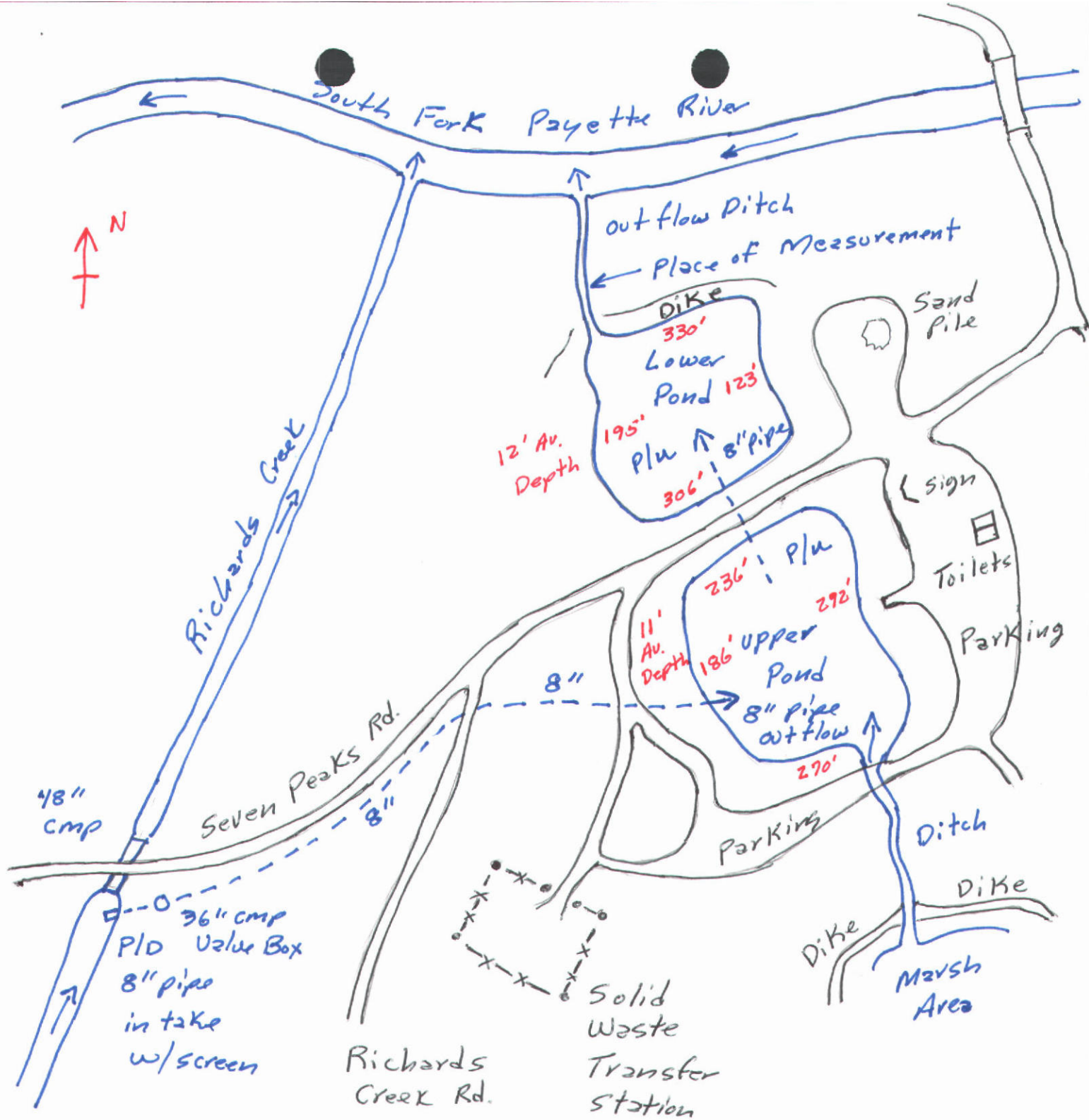
JUN

65-13776
Applicant's map

JACKSON PEAK
IDAHO-B
7.5 MINUTE SERIE

R 9 E 2972 III NW (MILLER MTN. EAST) 626 25' 627 590 000 FEET 628 629





Note: Diversion from Richards Creek
through 8" buried pipeline

Also small inflow from
marsh Area.

"Lowman Nature
Fishing Ponds"

MICROFILMED
FEB 03 2000

Site Plan

65-13776

T 9 N, R 9 E, Sec. 17

NESE
Lot 6

0.00

80.00

40.76

38.22

N 0° 4' E

2.54

34.25

N 0° 3' W

Tract A

H. E. S. N° 337

Sec. 17

Tract B

OF

10

4.70

500

20.00

9

PAYETTE

1270

6

FORK

11

8.00

40.00

80.00

MICROFILMED

FEB 03 2000

65-13776

N 89° 49' W

3995

S 89° 57' W

the retracement of the north boundary,
, west half of south boundary, and east

U. S. F. D.

1 of 4

P/D

8" Screened
Pipe intake
- in rocks,
Lower Rt.
Side - at

Richards
Creek

Note 36"
Cmp Valve
Box
w/ Lid



48" Cmp at Left;
Seven Peaks Rd. Culvert



P/D, P/U
8" pipe
in flow
to
Upper
Pond
from
Richards
Creek.

MICHOPIA
FEB 03 2000

65-13776

2 of 4



Ditch
from
Marsh
Area
Near
Upper
Pond



To upper Pond



Ditch from
Marsh
Area
entering
Upper
Pond,
P/u

Marsh Area in
Back ground

MICROFILMED
FEB 03 2000

65-13776

3 of 4

P/u

Upper +
Lower
Ponds.

View
Looking
North



P/u

Upper
Pond

View
Looking
North



MICROFILMED
FEB 03 2000

65-13776

4 of 4

P/u

Upper
Pond,

Richards
Creek Rd,

Lower
Pond



View Looking North

P/u

Lower
Pond,
and
out flow
Ditch.

View Looking
SE.



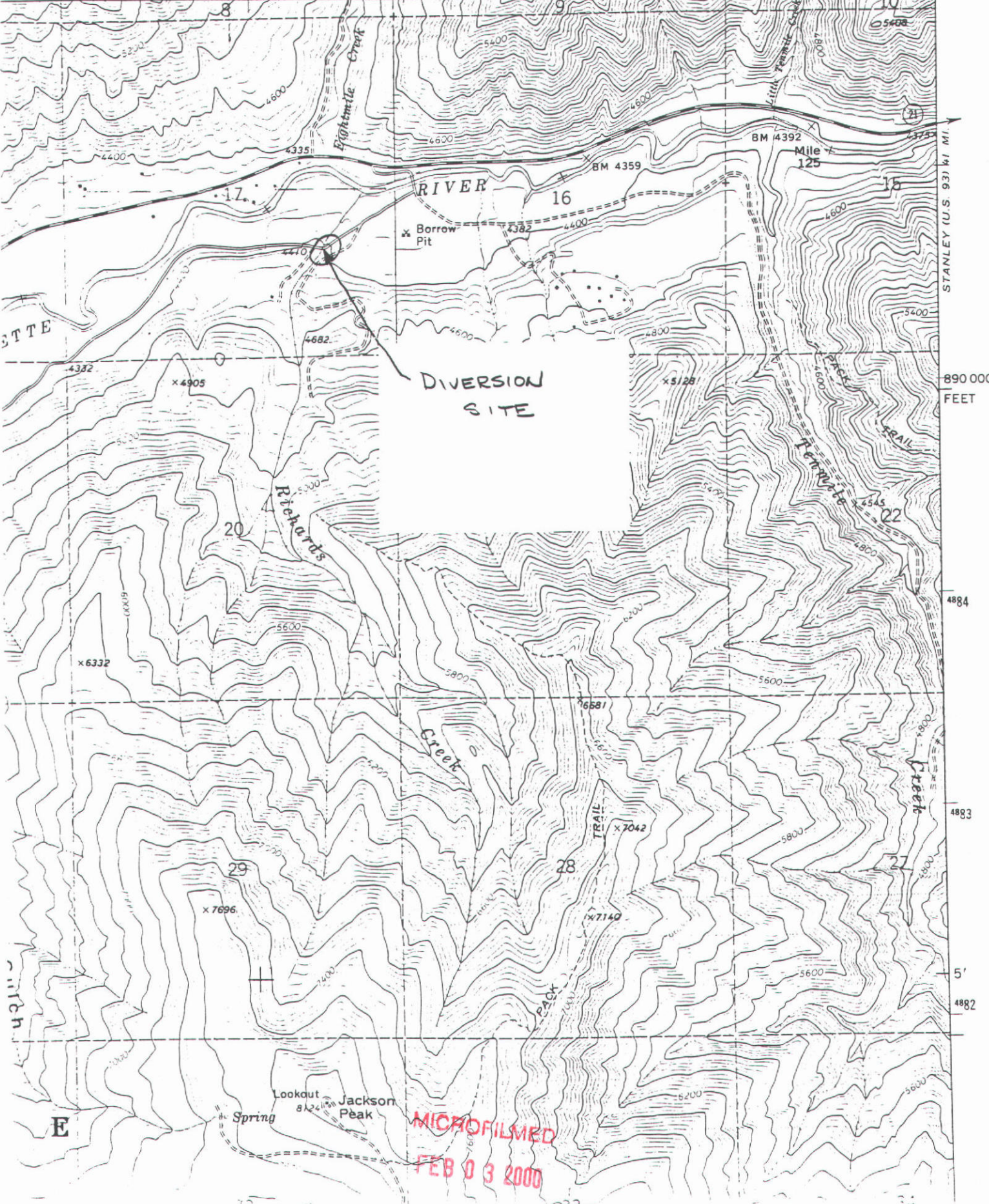
MICROFILMED
FEB 03 2000

65-13776

JACKSON PEAK QUADRANGLE
IDAHO-BOISE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

2972 III
EIGHTMIL

626 25' 627 590 000 FEET 628 629 115°22'30" 44°07'30"



RECEIVED

MAY 06 1998

WATER RESOURCES
WESTERN REGION

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 April 15, 1998 and ending with the issue of April 22, 1998.

Deanna Stevenson

State of Idaho >
>
County of Boise >

On this 8th 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

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13776 ✓st

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

Source: RICHARDS CREEK Tributary: PAYETTE RIVER, SOUTH FORK

Diversion Pt: LOT 6 (NESE) Sec 17 T 09N R 09E in BOISE County.

Use: FISH PROP. STORAGE	(	16.00 AF)
FISH PROPAGATION	(	1.500 CFS)
RECREATION STORAGE	(	16.00 AF)
RECREATION	(	1.500 CFS)
Total Diversion:	(	1.500 CFS)

Date Filed: 1/26/1998

In: BOISE County
T09N R09E S17 Lot 6 (NESE)

Div. to storage use
of 1.50 cfs not
advertised.
NOT FATAL.
Cm 6/4/98

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

65-13753

SHANKLIN, GARY
10202 MT GLEASON AVE
TJUNGA, CA 91042

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER

Diversion Pt: NENW Sec 10 T 09N R 04E in BOISE County.

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

Date Filed: 10/10/1997

In: BOISE County
T09N R04E S10 NENW

1.5 ACRES TOTAL

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 4, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in The Idaho World April 15 and 22, 1998

JUN 09 1998

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13776

Priority: January 26, 1998

Maximum Diversion Rate:

1.50 CFS

Maximum Diversion Volume:

1080.0 AF

This is to certify, that US DEPT OF AGRICULTURE

FOREST SERVICE

380 E PARKCENTER STE 330

BOISE ID 83706

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 26, 1998; and has submitted Proof of Beneficial Use on July 23, 1999. An examination indicates that the works have a diversion capacity of 3.000 cfs of water from:

RICHARDS CREEK

tributary to **PAYETTE RIVER, SOUTH FORK**

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION	01/01 to 12/31	1.50 CFS	1080.0 AF
RECREATION STORAGE	01/01 to 12/31		16.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.50 CFS	
	Totals	1.50 CFS	1080.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 6 (NESE), Sec. 17, Township 09N, Range 09E
BOISE County

PLACE OF USE: RECREATION

TWN RGE SEC

09N 09E 17 Lot 6 (NESE)

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
2. 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.
3. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.

MICROFILMED

1000

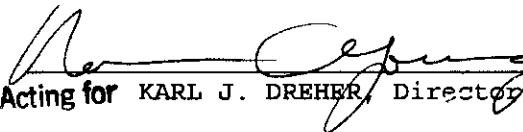
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13776

CONDITIONS OF APPROVAL AND REMARKS

4. Water shall not be diverted for storage purposes under this right when flows in the Payette River, South Fork, are below established minimum stream flows.
5. Place of use locally known as USFS #040217050120450080, Lowman Nature Fishing Ponds.
6. Recreation use and recreation storage use are for two off-stream fishing ponds.

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 administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 28TH day of JANUARY, 2000.


Acting for KARL J. DREHER, Director

MICROFILMED

52 JUL 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE)
MEASURING DEVICE CONDITION OF)
APPROVAL FOR PERMIT NO. 65-13776)
IN THE NAME OF U S. DEPT. OF)
AGRICULTURE)
_____)

ORDER

WHEREAS, the Department of Water Resources (department) has issued the above captioned water right permit with a condition of approval requiring the permit holder to install/maintain a measuring device to facilitate measurement of the amount of water entering and the amount of water being released from the reservoir; and

WHEREAS, the department has determined that the measuring device is not presently needed to regulate the water in question; and

IT IS THEREFORE HEREBY ORDERED that the condition of approval requiring the installation of a measuring device for the above captioned permit is **WAIVED**. The department retains jurisdiction to reinstate the condition in the future upon a finding of need by the department.

Dated this 29th of June, 1999.



L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED

JUN 30 1999

RECEIVED

JUL 23 1999

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 27 1999

PROOF OF BENEFICIAL USE

Department of Water Resources

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. 65-13776 Telephone No. 208 373-4100
2. Name(s) of Permit Holder(s): USDA-Forest Service - Boise Nat'l Forest
3. Mailing Address: New: 380 E Parkcenter, Suite 330 Boise, ID 83706
4. Source of Water: Richards Creek 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): — Stockwater (No. and type of stock): —

Irrigation (No. of acres): — Other: Fish propagation

6. Total rate of diversion and/or volume for which proof is submitted: 1.5 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: \$ 125.00 (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: — 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: [Signature] Date: 7/22/99
(include your title, if on behalf of company of organization)

MICROFILMED

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 65-13776

Proposed Priority: January 26, 1998 **Maximum Diversion Rate:** 1.50 CFS

This is to certify, that **US DEPT OF AGRICULTURE**
FOREST SERVICE
324 25TH ST
OGDEN UT 84401

has applied for a permit to appropriate water from:
RICHARDS CREEK tributary of **PAYETTE RIVER, SOUTH FORK**

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>	<u>ANNUAL VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	1.50 CFS	
FISH PROP. STORAGE	01/01 to 12/31		16.0 AF
RECREATION	01/01 to 12/31	1.50 CFS	
RECREATION STORAGE	01/01 to 12/31		16.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.50 CFS	
	Totals	1.50 CFS	

LOCATION OF POINT(S) OF DIVERSION: Lot 6(NESE), Sec. 17, Township 09N, Range 09E
BOISE County

PLACE OF USE: FISH PROPAGATION

TWN RGE SEC

09N 09E 17 Lot 6(NESE)

PLACE OF USE: RECREATION, same as FISH PROPAGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **June 1, 2000**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
5. The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

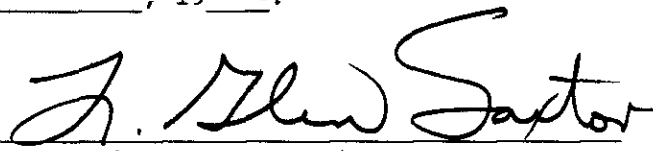
NO. 65-13776

CONDITIONS OF APPROVAL AND REMARKS

6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
7. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
8. The right holder shall provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
9. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
10. Water shall not be diverted for storage purposes under this right when flows in the Payette River, South Fork, are below established minimum stream flows.
11. 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.
12. Place of use locally known as USFS #040217050120450080, Ten Mile Fish Pond Project.
13. Fish propagation use and fish propagation storage use are for two off-stream recreational fishing ponds.

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

5th day of June, 1998.


for Karl J. Dreher, Director

RECEIVED

JAN 26 1998

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 65-13776

1. Name of Applicant United States of America, Forest Service Phone (801) 625-5360
Mailing address Federal Building, 324 25th Street, Ogden, Utah 84401

2. Source of water supply Richards Creek which is a tributary of So. Fork Payette River

3. Location of point of diversion is Township 9N Range 9E Sec. 17 in the SE 1/4,
NE 1/4, SE 1/4, Govt. Lot 6, B.M., Boise County;

additional points of diversion if any: N/A

4. Water will be used for the following purposes: div to stor

Amount 1.5 for fish rearing/holding (non-consumptive use) purposes from January 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 16 for fish prop stor purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1.5 for fish pup purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1.5 for Recreation purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 16 for Re. Storage 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) 1.5 c.f.s. 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 A concrete diversion sill and headwall
with sluice gate is proposed. Approximately 1300 L.F. of buried 8-inch diameter pvc pipe
will be used.

b. Height of storage dam N/A feet; active reservoir capacity 16 acre-feet; total
reservoir capacity 16 acre-feet

c. Proposed well diameter is N/A inches; proposed depth of well is feet

d. Is ground water with a temperature of greater than 85°F being sought? N/A

e. If well is already drilled, when? ; Drilling firm

Well was drilled for (well owner) ; Drilling Permit No.

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in KW.

b. Stockwatering; list number and kind of livestock.

c. Municipal; show name of municipality.

d. Domestic; show number of households.

e. Other; describe fully. To supply flow-through water for a public fishing pond. (Recreation)

(Comments)

* per appl.

* per attached plan: 2 acres total surface area x 8 ft
total depth = 16 ac ft 6/30/98

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.

[illegible]

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

if the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Special-Use permit pending with Idaho Dept. of Fish and Game

therefore, except for a small amount of evaporation, the water permit will be for non-consumptive use. Catchable size trout will be planted on an as-needed basis depending upon the amount of fishing pressure.

upon the amount of fishing pressure.

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.

of the State of Idaho as herein set forth.

0017-226

Signature of Applicant (and title, if applicable) *Bals*

Preliminary check by

5/17/88

DATE

Publication prepared by

Date _____

41898

Date _____

86/9/5

Date _____

2075700 #

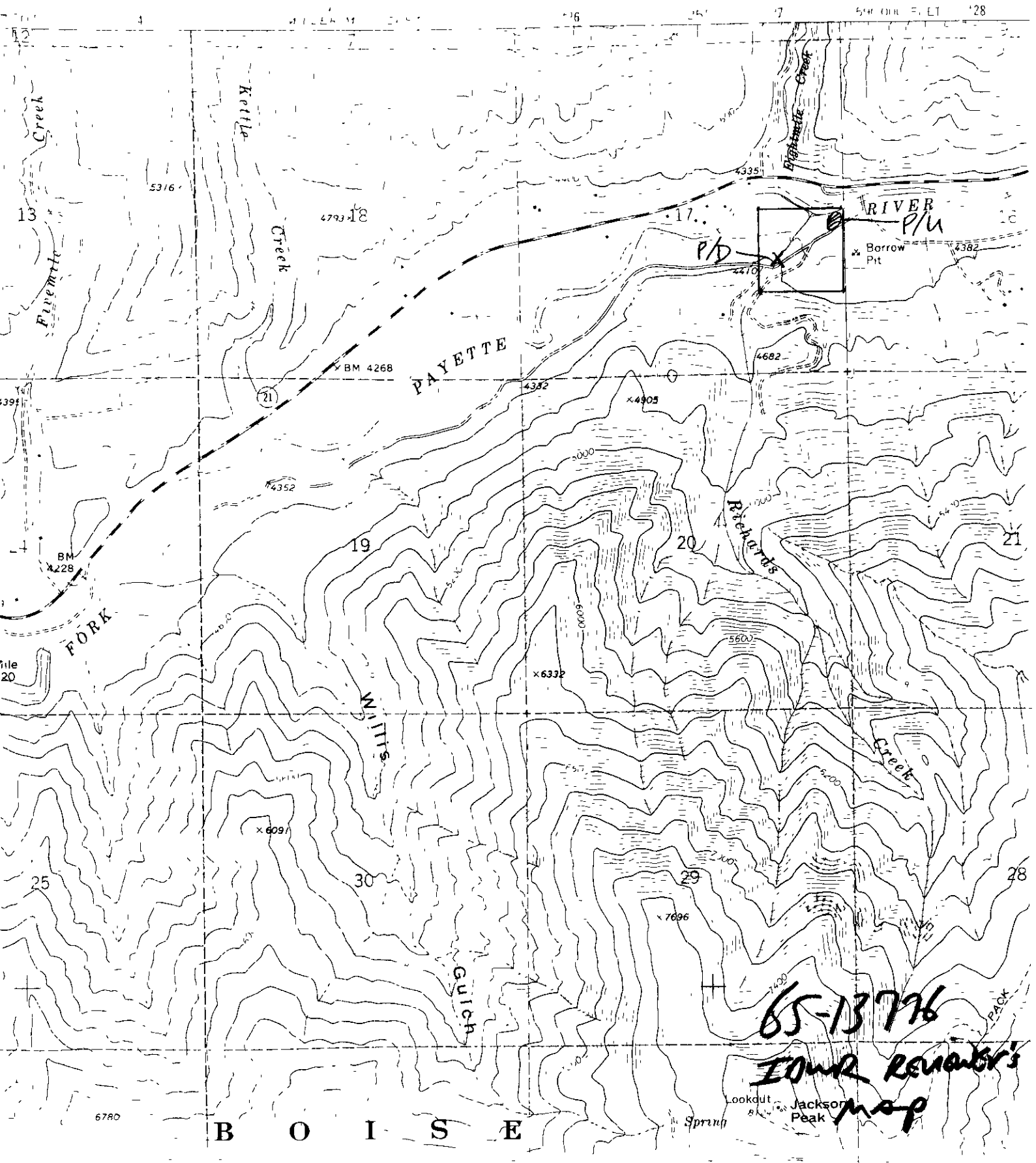
Received by _____

120027

1200

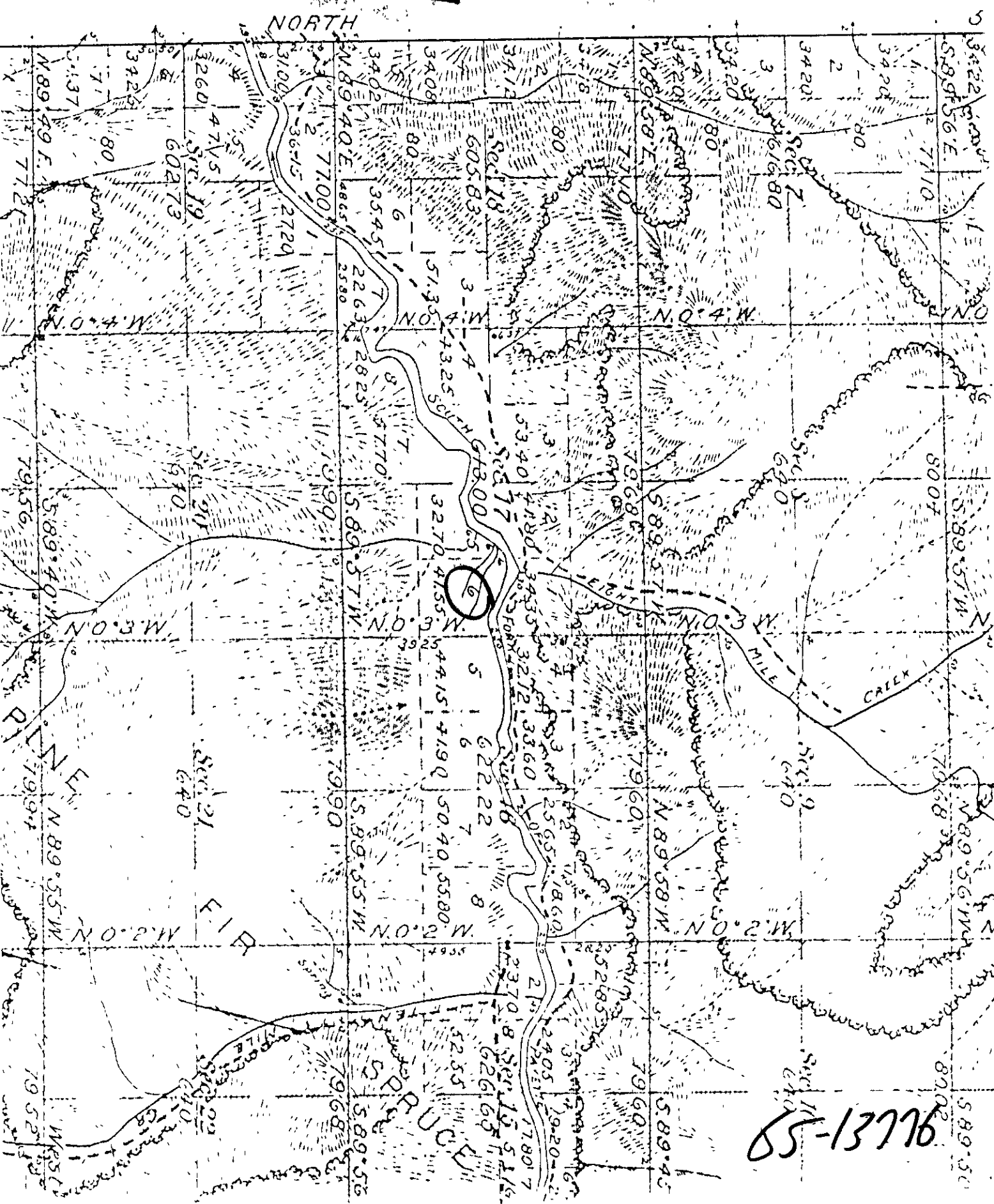
Received by

9m
11
600-116



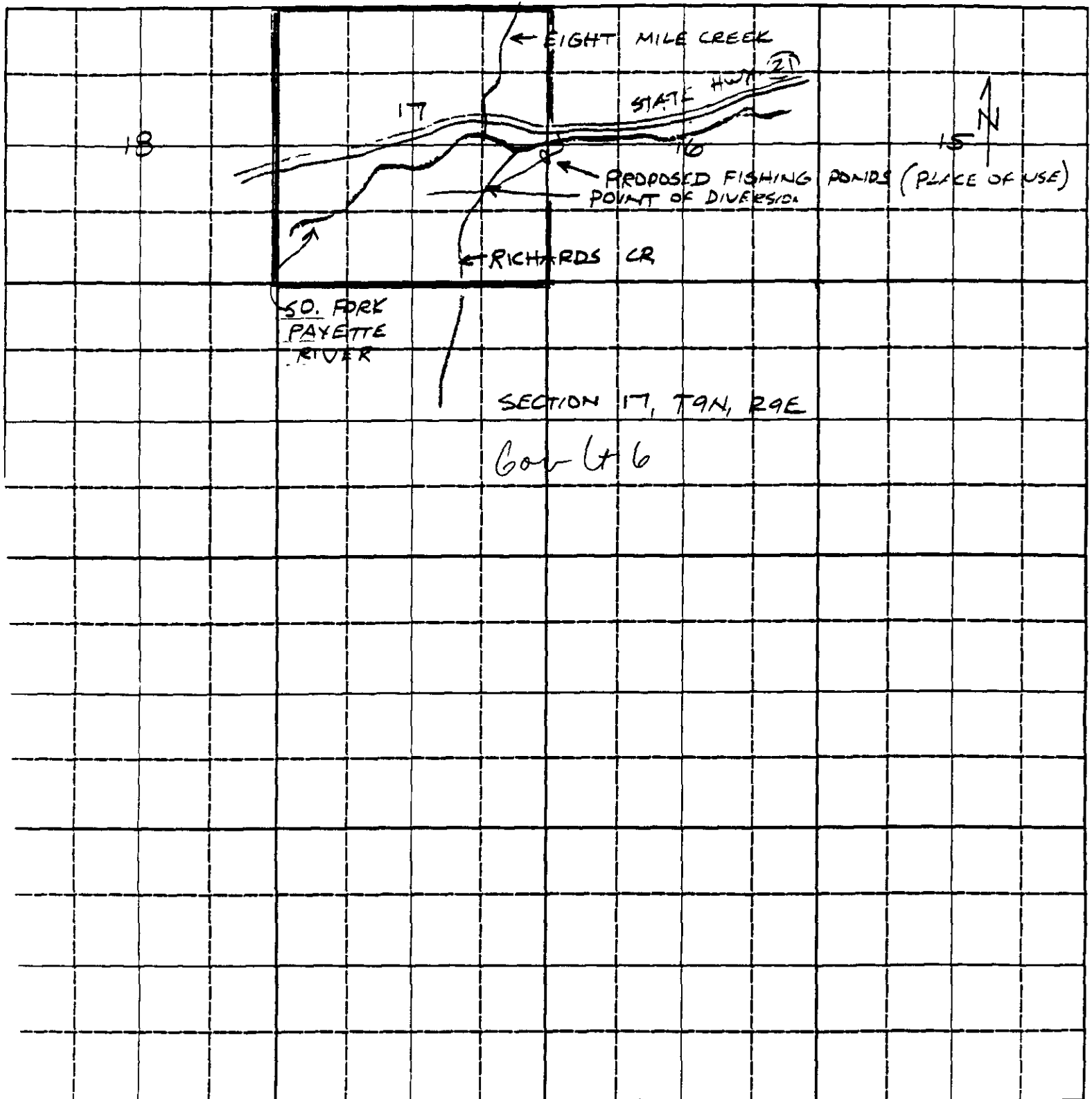
4

5.17



85-13776

13 Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale 2 inches equal 1 mile

65-13776
Applicant's map



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 31, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

US DEPT OF AGRICULTURE
FOREST SERVICE
380 E PARKCENTER STE 330
BOISE ID 83706

RE: WATER RIGHT NO. 65-13776

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. 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 of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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,

A handwritten signature in cursive script that reads 'Shelley Keen'.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

1 1 1 + 100

CERTIFICATE OF MAILING

I hereby certify that on the **31st** day of **January, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 65-13776

US DEPT OF AGRICULTURE
FOREST SERVICE
380 E PARKCENTER STE 330
BOISE ID 83706


Kari Lynn Townsend
Secretary

MICROFILMED

2001 11 28

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.

MICROFILMED

APR 04 2006

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.

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 65-13776 Reviewed by WJA Date 01-03-00

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

Fish for ag.

NO Address same as permit?

yes Proof timely received?

Correct Uses? yes

If not, complete calculation below.

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

MEASURING DEVICE

yes Required?

yes Required?

125.00 Amount Submitted

NO Installed?

yes Correct?

yes Waiver requested?
and granted.

PRIORITY CALCULATION

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

 -
 =
 +

DEFICIENCIES OR ACTION ITEMS

- Data enter new address.
- Field report included in file - need to review & acknowledge

DATA ENTRY

New Address USDA - FS - Boise Natl Forest
350 E Parkcenter, Suite 330
Boise, ID 83706

Proof Made 7-23-99

RECEIVED

JUN 03 1999

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATIONPermit No 65-13776

U.S. Dept. of Agriculture
1 Owner: Forest Service

Phone No (208) 373-4100Current Address 1249 S. Vinnell Way, Suite 200, Boise, ID 837092. Accompanied by: None - Contact: Robin Metz EXAM DATE: 8-19-99Address: Lowman Ranger Dist., Lowman, ID Phone No. (208) 259-3361Relationship to Permit Holder: F.S. Employee 83637 Resource Manager3. Source: Richards Creek tributary to South Fork, Payette River**B. OVERLAP REVIEW**1. Other water rights with the same place of use: None2. Other water rights with the same point of diversion: None**C. DIVERSION AND DELIVERY SYSTEM**

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Method of Determination/Remarks
	6		NE	SE	17	9N	9E	Boise	Site Visit, May

2. Place(s) of Use:

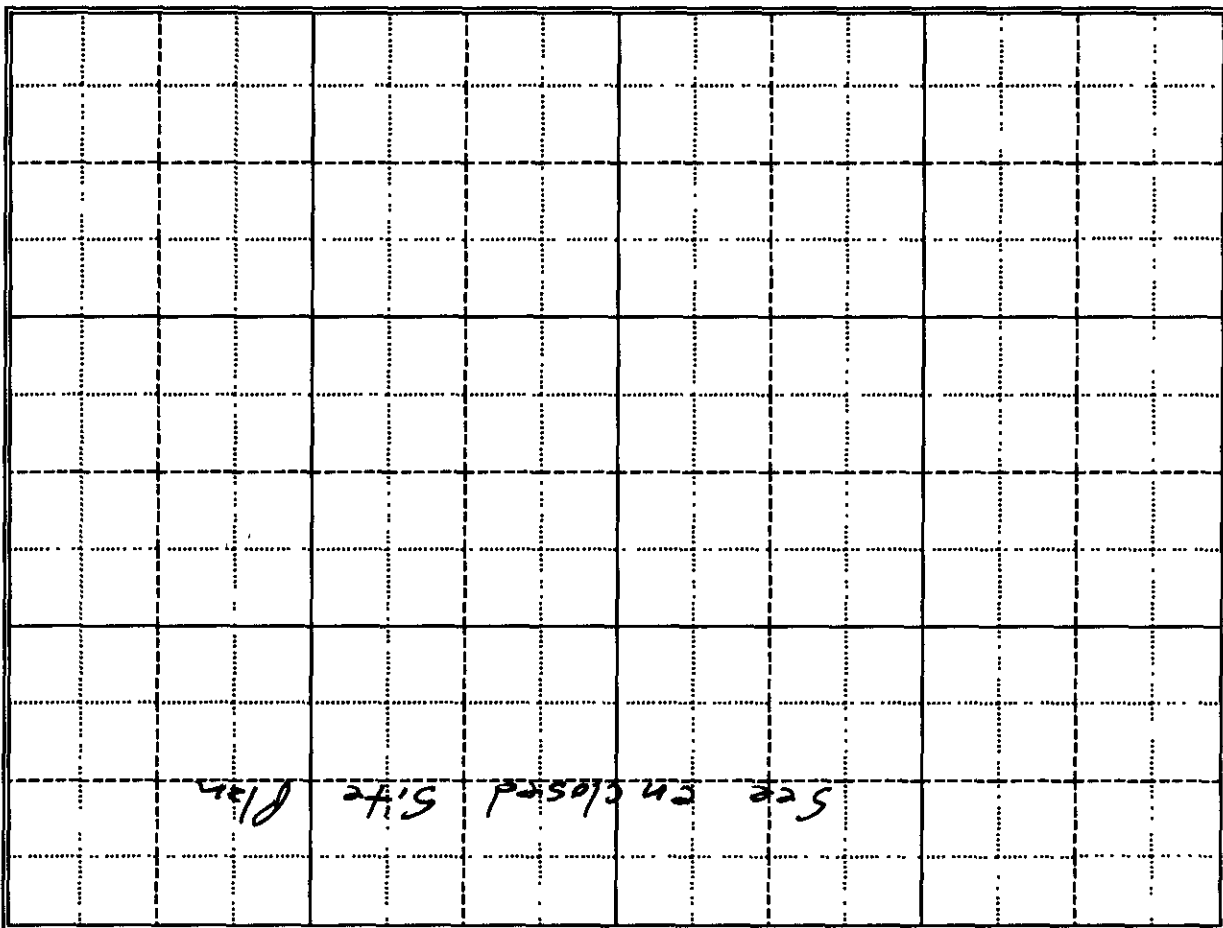
Indicate Method of Determination Site Visit May

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	9E	17																	

FISH
REC.
lot 6

MICROFILMED

3. Delivery System Diagram. Indicate all major components and distances between components. Indicate well size/ditch size/pipe l.d. as applicable.



Scale: 1" = _____
 ✓ 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
90° V-notch weir						

2. Measurements: Outflow from Lower Pond; 90° V-notch Weir:

$$H = 0.55', Q = 0.564 cfs$$

JUL 6 1996

E. NARRATIVE/REMARKS/COMMENTS

1. This permit is for two offstream recreational fishing ponds. Water is diverted from Richards Creek through a screened 8" pipe and conveyed to the upper pond. The diversion point is located just upstream of the Seven Peaks Rd., 48" corr. Culvert pipe, Crossing. From the upper pond, water is conveyed to the lower pond through another 8" pipe. The outflow from the lower pond returns to the South Fork Payette River through a rock lined overflow ditch. A small flow also enters the upper pond from a nearby marsh area.

2. There are no measuring devices installed either for the inflow or outflow. ~~Calculated~~ The outflow was measured at 0.564 cfs. The diversion rate, however, should be based on the capacity of the 8" pipe system since the creek was at a low flow at the time of the exam - See pipe flow cal.

3. The 2 ponds are normally kept full, and the inflow should equal the outflow. Fish are stocked and added to the ponds for recreational fishing. The ponds were built on Forest Service property by Fish and Game. The sign at the parking lot reads "Lowman

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

Nature

~~There are no measuring devices on inflow or outflow - Cond. 5:~~

Fishing

Ponds"

OK - Measuring devices waived, 6-29-99.

MICROFILMED

MICROFILMED
1 + 2008

SEAL

Field Examiner's Name Don Lemaire Date 10-25-99
Reviewer _____ Date _____

I. AUTHENTICATION

Change P.D. as reflected above _____
Change P.U. as reflected above _____
Add P.D. as reflected above _____
Add P.U. as reflected above _____
None ☒ Other _____

2. Recommended Amendments

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Fish Rec.	01/01 To 12/31	1.5	16.0 AF
Fish Rec. Storage	01/01 To 12/31	1.5	16.0 AF
Recreation	01/01 To 12/31	1.5	16.0 AF
Bec. Storage	01/01 To 12/31	1.5	16.0 AF
Div. to Storage	01/01 To 12/31	1.5	16.0 AF
Totals:			

1. Recommended Amounts
 Allow 16.0 AF in Permit

H. RECOMMENDATIONS

Vol. = $\left[\left(\frac{1}{2} \right) (236 + 270) \right] \left[\left(\frac{1}{2} \right) (186 + 292) \right] + \left[\left(\frac{1}{2} \right) (330 + 306) \right] \left[\left(\frac{1}{2} \right) (195 + 123) \right]$
 $\left[\frac{11.5' \text{ Ave. Depth}}{4.3} \right] \left[\frac{66 \times 66 (1.0)}{4.3} \right] = 29.31 \text{ AF}$

2. Volume Calculations for Other Uses:

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement})$
 $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$

1. Volume Calculations for Irrigation:

G. VOLUME CALCULATIONS

$H_v = \text{Velocity Head} = \frac{V^2}{2g}$
 $H_c = \text{Misc. Loss} = 1.09 H_f$
 $H_f = \text{Friction Loss, Pipe}$
 $\text{Total Head Loss} = H_f + H_c + H_v$

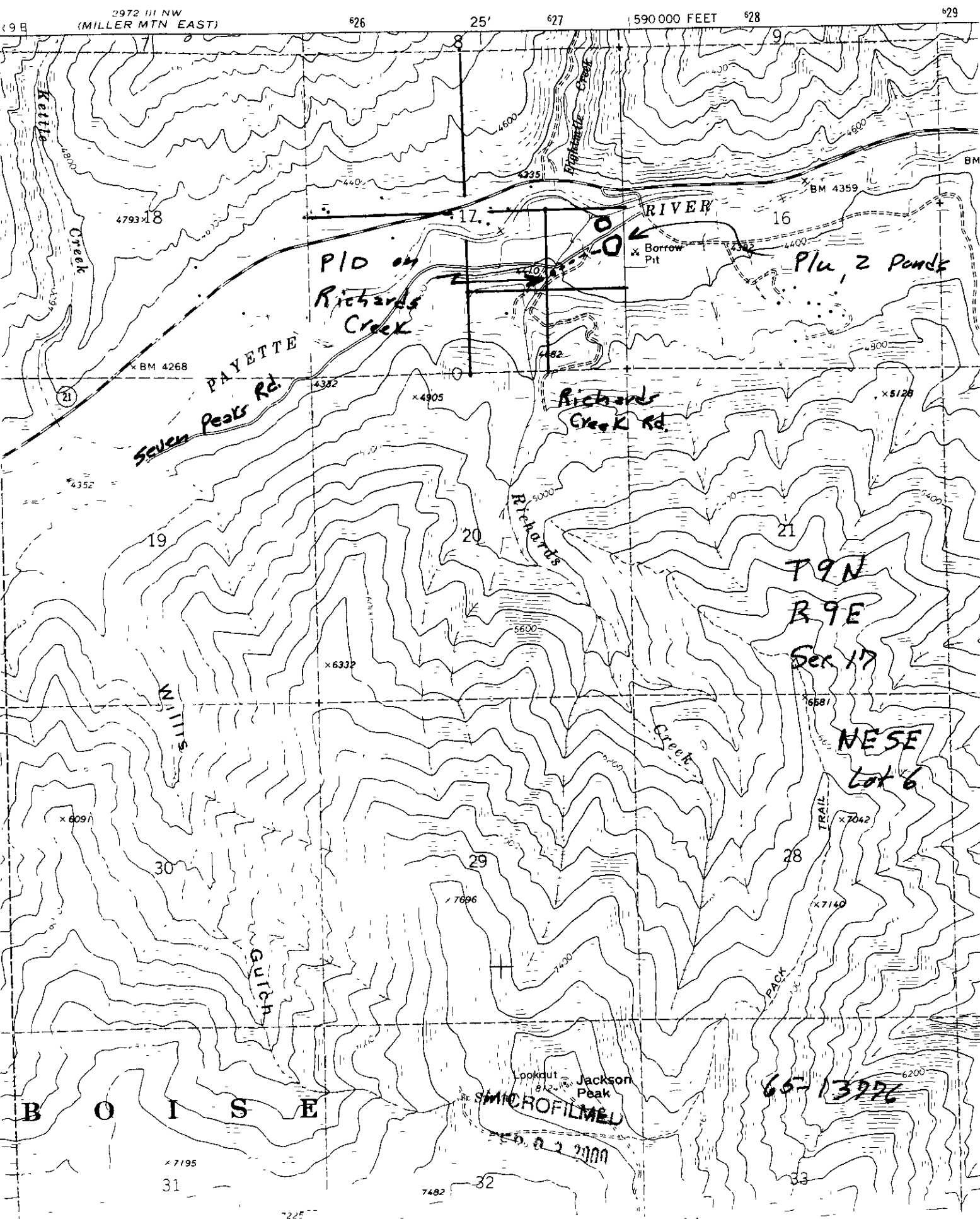
The pipe can divert up to 3.0 cfs or more. Allow 1.5 cfs in Permit.

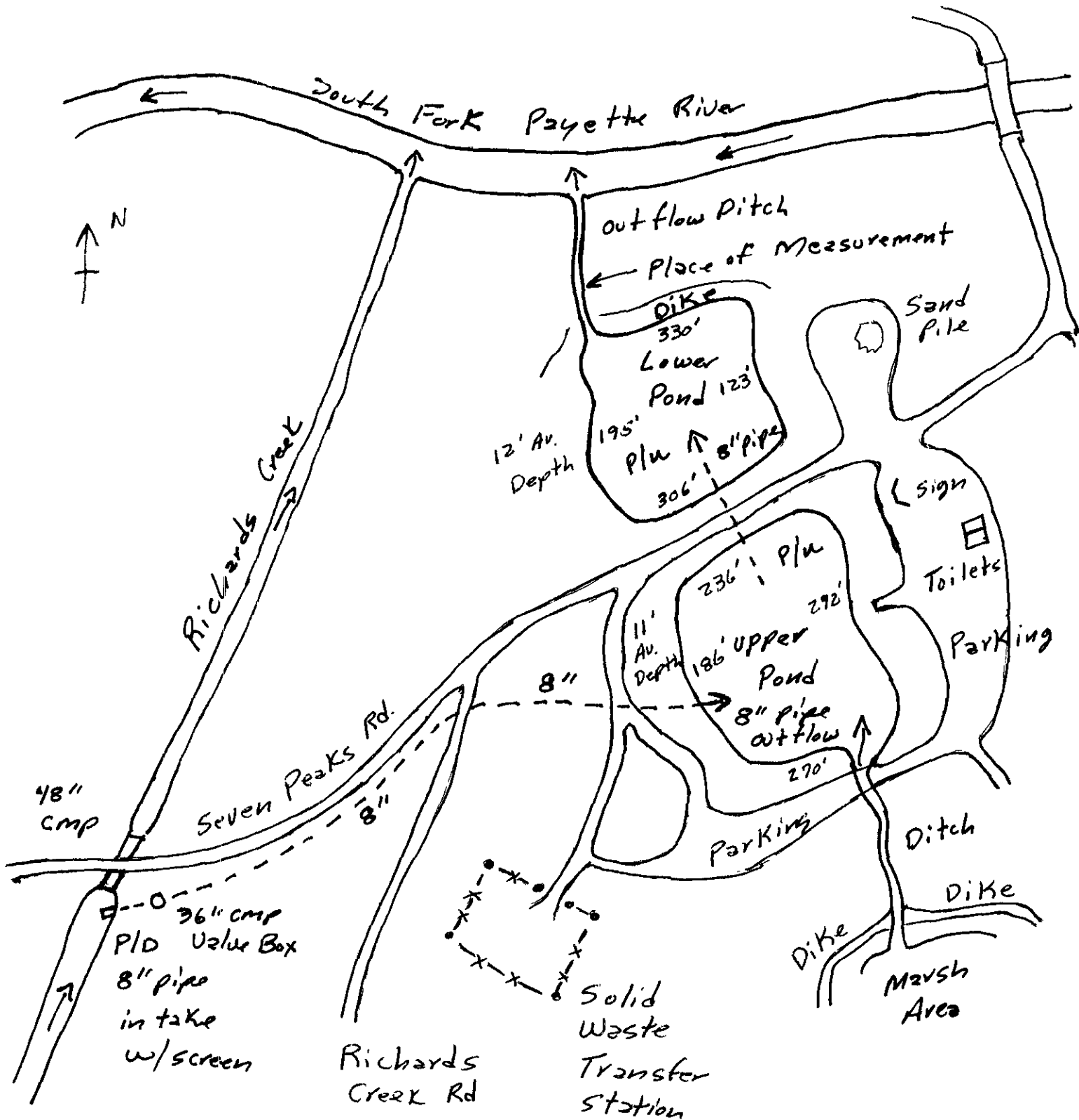
Assume ϕ	Velocity	Total Head	Available Head
1.0	4.9	3.6	50'
1.5	6.3	7.6	50'
2.0	7.9	13.2	50'
3.0	9.4	31.9	50'
4.0	12.8	53.6	50'

Using PVC pipe tables
 Gravity flow.

Measured Method: Theoretic Cal. for 8" PVC pipe, 50' Head, $L = 960'$
 Additional Computation Sheets Attached

JACKSON PEAK
IDAHO-B
7.5 MINUTE SERIE





Note: Diversion from Richards Creek
through 8" buried pipeline

Also small inflow from
marsh Area.

"Lowman Nature
Fishing Ponds"

MICROFILMED
SEP 21 1990

Site Plan

65-13776

T 9 N, R 9 E, Sec. 17

NESE
Lot 6

8000

40.76

38.22

N 0° 4' E

39.25

N 0° 3' W

Tract A

H. E. S. N° 337

Sec. 17

Tract B

OF

PAYETTE

9

RIVER

10

4.70

1270

6

FORK

11

800

500

2000

4000

8000

MICROFILMED

1974

65-13726

N 89° 49' W

39.95

S 89° 57' W

the retracement of the north boundary,
east half of south boundary, and east

U. S. T. T.

1 of 4

P/D

8" Screened
Pipe intake
- in rocks,
Lower Rt.
Side - at

Richards
Creek

Note 36"
Cmp Valve
Box
w/ Lid



48" Cmp at Left;
Seven Peaks Rd. Culvert

P/D, P/U

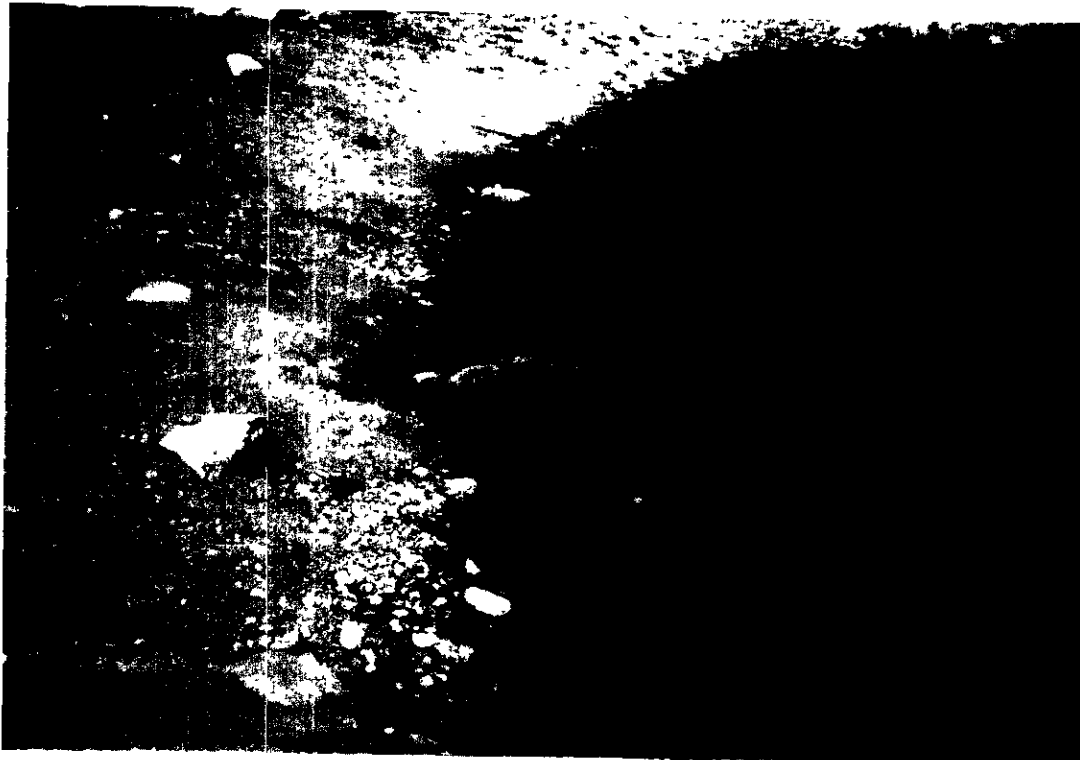
8" pipe
in flow
to

Upper

Pond

from

Richards
Creek.



65-13776

2 of 4

Ditch
from
Marsh
Area
Near
Upper
Pond



↓
To Upper Pond



Ditch from
Marsh
Area
entering
Upper
Pond,
P/u

Marsh Area in
Back ground

MIC-11

65-13776

3 of 4

P/u

Upper +
Lower
Ponds.

View
Looking
North



P/u

Upper
Pond

View
Looking
North



MICRO

7-11-66

65-13776

4 of 4

P/u

Upper
Pond,

Richards
Creek Rd,

Lower
Pond



View Looking North

P/u

Lower
Pond,
and
out flow
Ditch.

View Looking
SE.



65-13776



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 29, 1999

US Dept of Agriculture
Forest Service
7359 HWY 21
Lowman ID 83637

RE: In the Matter of Application for Permit No. 65-13776 in the name of
the U.S. Department of Agriculture

Dear Permit Holder:

I have enclosed a copy of the order waiving the measuring device
requirement, issued in connection with above referenced application for
permit.

If you have any questions concerning the enclosed document, please
contact me directly at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR Western

MICROFILMED

2000 7 1 1088



United States
Department of
Agriculture

Forest
Service

Lowman
Ranger
District

7359 Hwy 21
Lowman, ID 83637
(208) 259-3361

RECEIVED

File Code: 2600

Date: May 27, 1999

JUN - 1 1999

Subject: Water Right Permit Number 65-13776

Department of Water Resources

To: Shelley Keen
Water Rights Supervisor
Idaho Department of Water Resources
1301 N. Orchard
P.O. Box 83720
Boise, Idaho 83720-0098

Dear Shelley:

I received the "preliminary order" for the referenced permit last June, 1998. Construction of the diversion works on Richards Creek was completed last July, 1998. The ponds were also completed during July of 1998. We continue to work on the surrounding facilities such as landscaping, picnic shelters and other on-going needs.

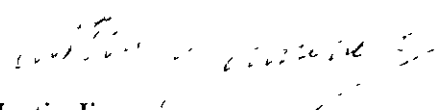
The main purpose of this letter is to ask for a waiver of one of the "Conditions of Approval and Remarks". Specifically Condition 5 - "install/maintain permanent measuring devices" for water entering and leaving the reservoir. It would be somewhat difficult and expensive to meter these flows in this remote area.

The point of diversion from Richards Creek is the lowest diversion of the creek. The water is diverted through a pipeline approximately 1200 feet and enters a lined recreational pond which spills back to the Payette River upstream of the confluence of Richards Creek and the Payette River (non-consumptive use). There is additional inflow to the pond from a natural seasonal drainage (April-July snowmelt). Because of the remoteness, difficulty, size of diversion, etc... I hope that you concur with a waiver of Condition No. 5.

If you have any questions or require additional information please call me at (208) 373-4250.

Thank you for your attention to this matter. I look forward to hearing from you in the near future.

Sincerely,


Justin Jimenez
Fisheries Biologist

MICROFILMED

SEP 14 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

August 4, 1998

Philip Jeppson
Dept. of Fish & Game
PO Box 25
Boise ID 83712

RECEIVED

AUG 06 1998

Department of Water Resources

RE: Richard Creek

Dear Mr. Jeppson,

The work described in your Joint Application for Permit does not require a Stream Channel Alteration permit from this office. All work described will fall under the maintenance of your water right, provided that such work remains within the limits of water right #65-13776 (see attached).

This determination is only applicable to the Idaho Department of Water Resources, it does not relieve you of the responsibility to obtain other Federal, state or local permits which may be required.

If you have any questions, please contact myself at (208) 334-2266 ext. 109.

Sincerely,

A handwritten signature in cursive script, reading 'M. Gene Gibson'.

M. Gene Gibson
Stream Channel Protection Specialist

MMG:kg

MICROFILMED

FEB 04 2000

WR5809NP
No. 65-13776

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 08/04/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	US DEPT OF AGRICULTURE FOREST SERVICE 324 25TH ST OGDEN UT 84401 (801) 625-5360	01/26/1998	FISH PROPAGATION FISH PROP. STORAGE RECREATION RECREATION STORAGE DIVERSION TO STORAGE	01/01 12/31 01/01 12/31 01/01 12/31 01/01 12/31 01/01 12/31	1.500 CFS 1.500 CFS 1.500 CFS	 16.00 AFA 16.00 AFA
TOTAL DIVERSION:					1.500 CFS	

Water Source: RICHARDS CREEK

Tributary to: PAYETTE RIVER, SOUTH FORK

Stage: PERMIT

Point(s) of Diversion: T09N R09E S17 Lot 06(NESE)

BOISE County

Place of use Legal Description for: FISH PROPAGATION

	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
09N 09E 17	:		:		:		:		:		:		:		:	
	:		:		:		:		:		:		:		:	

Place of use location for RECREATION is the same location as described for: FISH PROPAGATION

Pou County: BOISE

Conditions of Approval:

- 26A - Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
- 18A - The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
- 120 - 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.
- 029 - The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
- 042 - The right holder shall provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation

MICROFILMED

SEP 10 1998

Conditions of Approval:

- facility. Volume changes per hour shall be based upon actual
- fish production.
- 081 - Use of water under this approval shall comply with applicable
- water quality standards of the Division of Environmental Quality
- of the Idaho Department of Health and Welfare.

Remarks: GEN Water shall not be diverted for storage purposes under this right when flows in the Payette River, South Fork, are below established minimum stream flows.

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.

Place of use locally known as USFS #040217050120450080, Ten Mile Fish Pond Project.

Fish propagation use and fish propagation storage use are for two off-stream recreational fishing ponds.

Dates: App. Received: 01/26/1998 Priority Date: 01/26/1998
Proof Due Date: 06/01/2000 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Comments: Date: 04/01/1998 User-ID: STAYLOR Subject: DIVERSION DESCRIPTION

The two each one acre fishing ponds will be lined with a plastic liner to prevent seepage, therefore, except for a small amount of evaporation, the water permit will be for non-consumptive use. Catchable size trout will be planted on an as-needed basis depending upon the amount of fishing pressure.

Audit: 04/01/98 STAYLOR 04/06/98 SCURTIS 06/04/98 CZIMMERM 06/05/98 CZIMMERM

MICROFILMED
1998

RECEIVED

JUN 30 1998

JOINT APPLICATION FOR PERMIT
U.S. ARMY CORPS OF ENGINEERS
IDAHO DEPARTMENT OF WATER RESOURCES
IDAHO DEPARTMENT OF LANDS

FYI

Gene SC
Steve SC
Terry SC

The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. These laws require permits authorizing structures and work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et Seq. Idaho Code. This application will meet the requirements of the above agencies.

1 Corps of Engineers # _____ Date Received _____	2 State of Idaho # _____ Date Received _____ \$20 Rec'd By _____ Receipt # _____
---	--

PLEASE TYPE OR PRINT

3 Applicant <u>IDAHO DEPT OF FISH AND GAME</u> Mailing Address <u>P.O. BOX 25</u> <u>BOISE, IDAHO</u> Area Work Phone (208) <u>334-3730</u> Area Home () _____ Fax Number <u>(208) 334-2148</u>	4 Authorized Agent <u>PHILIP JEPSON</u> Mailing Address _____ Area Work Phone () _____ Area Home () _____
--	---

5 Location where proposed activity exists or will occur Waterway <u>RICHARD CREEK</u> <u>LOWMAN</u> <u>BOISE</u> <u>ID</u> In/near city or town County State Zip Code _____ Local jurisdiction (city or county) _____	Tributary of <u>S. FORK PAYETTE RIVER</u> Assessor's Desc (Tax No. Or Subdivision, Lot & Block No.) _____ * _____ * (See instructions) SW NE 17 9N 9E or 1/4 1/4 Section Township Range UTM Coordinate Grid _____ Zone Northing Easting
---	---

- 6 Describe the proposed activity. Provide a general description of the proposed work including all discharges of fill material and any structures such as piers, floats, boat lifts, bulkheads, and cofferdams.

THIS WORK ENTAILS THE CONSTRUCTION OF A DIVERSION STRUCTURE. THE WORK WILL REQUIRE MINOR EXCAVATION AND
PLACEMENT OF PIPE, CONCRETE, AND ROCK WITHIN RICHARDS CREEK.

Describe construction methods and equipment
EXCAVATION FOR DIVERSION WILL BE ACCOMPLISHED WITH BACKHOE

List all soil series located at project site, and indicate if any are on the county's hydric soils list

IN-STREAM SAND AND GRAVELS

Length of project along the stream or extension into lake or reservoir TEN FEET

Will material be placed waterward of ordinary high water mark? YES If yes, volume 10 (cubic yards)
(BOTH TEMPORARY AND PERMANENT)

Will material be placed in wetlands? NO If yes, total area _____

Type and composition of fill material CONCRETE/RIVER ROCK (i.e., sand, etc.) Material Source IMPORTED

Will excavation or dredging be required? YES If yes, volume 10 (cubic yards) Composition SAND/GRAVEL

Disposal site for excavated material UPLAND Method of excavation BACKHOE

Stream gradient 2 FT/FT

Method of controlling turbidity and/or sedimentation NONE

- 7 Size and flow capacity of proposed bridge or culvert and area of drainage served (sq. miles) (Idaho Department of Water Resources requirement)

MICROFILM
1998 1 2005

8 Preparation of drawings One set of original or good quality reproducible drawings must be attached to this application NOTE. DRAWINGS NO LARGER THAN 8-1/2 X 11 INCHES IN SIZE See the instruction pamphlet for instructions and a checklist for completing the drawings Include photographs of the project site mounted on 8-1/2 x 11 sheets.

9 Purpose and intended use Commercial _____ Public X Private _____ Other _____ Describe _____

Necessity and justification for project DIVERSION REQUIRED FOR WATER RIGHT ON RICHARDS CREEK

10 Proposed Starting Date _____ Estimated Duration 1 WEEK

11 If any portion of the activity is complete, indicate month and year of completion _____
Indicate the existing work on the drawings _____

12 Names, address, and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway

☐ Check here if the alteration is located on endowment lands administered by the Idaho Department of Lands

13 LEGAL OWNER IF OTHER THAN APPLICANT U.S. FOREST SERVICE - LOWMAN RANGER DISTRICT

Mailing Address 7359 HIGHWAY 21 City, State, Zip Code LOWMAN, IDAHO 83637

Area Phone Work (208) 373-4250 Home () Area

14 List other applications, approvals, or certifications from other Federal, interstate, state, or local agencies for any structures, constructions, discharges, deposits or other activities described in the application.

Issuing Agency	Type of Approval	Identification No	Date of Application	Date of Approval
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

15 Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? Yes _____ No _____
(If "Yes" explain) _____

16 Remarks or additional information THIS DIVERSION IS BEING USED TO SUPPLY WATER TOTWO NEW PUBLIC FISHING PONDS

17 Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed or completed work.

6/29/96 Date Signature of Applicant (ORIGINAL SIGNATURE REQUIRED)

19 If an authorized agent is to be designated, Item 4 and the following information should be completed.

I hereby designate _____ to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit.

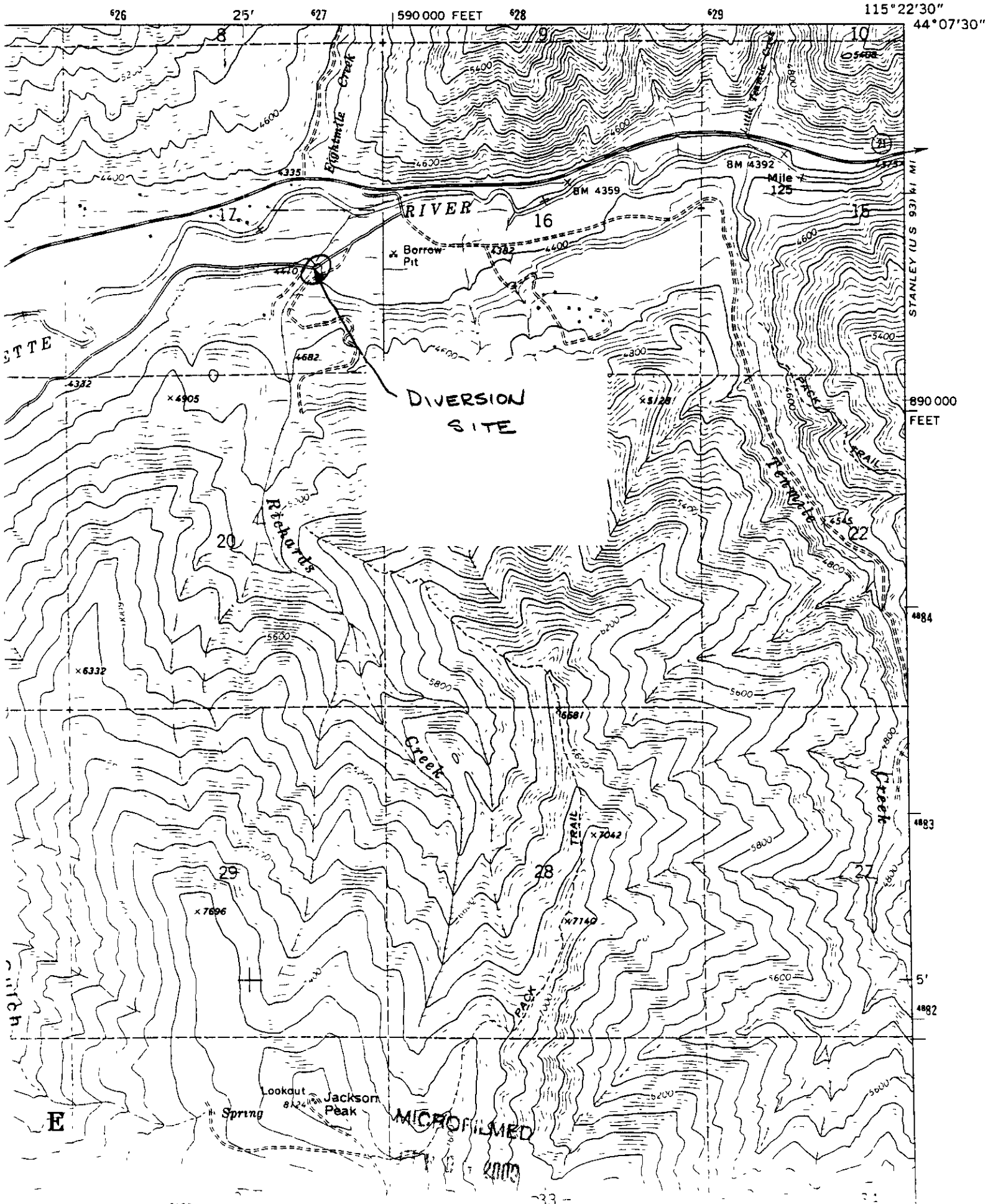
Date _____ Original Signature of Authorized Agent _____ Original Signature of Applicant _____

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both. Do not send a Federal permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.

DO NOT SEND FEDERAL PROCESSING FEE WITH APPLICATION

JACKSON PEAK QUADRANGLE
 IDAHO-BOISE CO.
 7.5 MINUTE SERIES (TOPOGRAPHIC)

2972 III
 (EIGHTMII)





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

June 8, 1998

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

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13776

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please be advised that water quality is subject to regulations of the Idaho Department of Health and Welfare. We suggest that you check with them before starting construction.

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.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

All construction activities shall be conducted in such a manner as to minimize turbidity and other water quality impacts.

Fuel, oil, and other hazardous materials shall be stored, and equipment refueled away from the stream in a centralized location that is constructed and maintained with underliners, to ensure that a spill cannot enter surface and/or ground waters.

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

Sincerely,

A handwritten signature in black ink, reading "Shelley W. Keen". The signature is written in a cursive, flowing style.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the **8th** day of **June, 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. 65-13776

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


Kari Lynn Townsend
Secretary

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.

MICHAEL J. LAMBL

APR 11 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lee*

No.: 47-13176 Name: USFS Date: 6/4/98 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN: - No/Yes _____ Mor / _____ GWMA / Trust / Non-trust
PROTESTED: - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED.

- > 1 year - 26AP17
- ≤ 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)

- IN/ABOVE MIN STR FLOW (✓ MAP) - *WB9 Pay to L, SF
- WD (✓ MAP & LISTING) - R04 (WD # 065)
- > 0 10 cfs use 18A - 01H-P01 (MD & LD)
- ≤ 0 10 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP) - 067 or No MD (in-stream stock or power)
- > 0 24 cfs/5 acres - No MD
- ≤ 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

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 - 029-067-042(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 (FERC), 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 - 051-052-053-P74 (Consumptive Uses), NA
- Non-Trust (1) - 048-049 (Consumptive Uses), NA

~~OWNERSHIP:~~- 001 (PD/PU)

OTHER CONDITIONS

STANDARD REMARKS:

- 1 WB9 2 W22 3 AKA 4 W01/FP/rec.

BENEFICIAL USE DUE:

- 6/1/ 2000

COMMENTS:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: lg DATE: 3/30/98 APPLICATION: 65-13776

REQUIRED INFORMATION

RECEIVED

MAY 22 1998

DEPARTMENT OF WATER RESOURCES

- ☒ 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:

☒ P/D

☒ P/U

ADDITIONAL INFORMATION

already done *yes* *data entry comment*
REVIEWER REMARKS
(Reviewer identify which remarks)

☒ 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.
- ☒ 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: *See next pg*
- ☒ 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. 65-65-13776

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. - ☒ Sent 4/8/98 SZ

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

Non regulated stream
in WD #65 so
letter N/A - still
requires
web. cons.
of
Approval

N/A - submitted to SL for Email
regarding Bull Trout.

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 5-4-98

☐ ☒ Protests received.

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☐ ☒ Measuring port required:

☒ ☐ Water delivered by water master? District # 65

☒ ☐ Special conditions of approval or cover letter: W38, R04 (65, Payette River)

Add conditions suggested by Gene as letter paragraphs.

See below for additional information

Recommended Date or Priority 1/26/98

Recommended by: Gary S Date: 5/9/98

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

Previously IDFG filed similar appl. but withdrew it. Then was replaced with this
USFS appl. for same project. Therefore, it is assumed that fish prop. standards
are met per IDFG specs. since FS + IDFG are working together on this. Also assumed
that Bull Trout impacts are N/A but sent email to IDFG to confirm.

- RZ 4/8/98

COMMENTS FROM STREAM CHANNEL PROTECTION PROGRAM

FROM: Gene Gibson

DATE: March 31, 1998

FILE: 65- 13776.

THIS PERMIT DOES NOT RELIEVE THE APPLICANT OF THE RESPONSIBILITY TO OBTAIN A SEPARATE PERMIT FROM THE U.S. ARMY CORPS OF ENGINEERS BEFORE STARTING THIS PROJECT. YOU SHOULD CONTACT THEIR OFFICE AT (208) 343-0671 TO OBTAIN ADDITIONAL INFORMATION ON PERMITTING REQUIREMENTS THAT MAY BE NEEDED FOR THIS PROJECT. A COPY OF THIS PERMIT HAS BEEN PROVIDED TO THE CORPS FOR THEIR REVIEW.

All construction activities shall be conducted in such a manner as to minimize turbidity and other water quality impacts.

Fuel, oil, and other hazardous materials shall be stored, and equipment refueled away from the stream in a centralized location that is constructed and maintained with underliners, to ensure that a spill cannot enter surface and/or ground waters.

Updated 4/8/98 SL:

Oversized maps - 1 shows outflow from ponds to
S. Fork Payette R. so JCA may apply
to that.

MICROFILMED
JUN 09 1998

RECEIVED

MAY 06 1998

WATER RESOURCES
WESTERN REGION

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 April 15, 1998 and ending with the issue of April 22, 1998.

Deanna Stevenson

State of Idaho >
>
County of Boise >

On this 8th 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

AGRICULTURE
DIVISION
OFFICE
BOISE, IDAHO 84401

Source: RICHARDS, RICHARD, PAYETTE RIVER, MIDDLE FORK
Division Pt. LOT 6 (NE 1/4) Sec 17 T 10 N R 9 E in BOISE County.

Use: FISH PRODUCE STORAGE
Total Division: (1.000000)
1/26/1998
County
NE 1/4 Sec 17 T 10 N R 9 E
Div. to storage use
of 1.50 acs not
advertised.
NOT FATAL.
CR 6/1/98

GARY
GLEASON AVE
CA, 91012

Source: PAYETTE RIVER, MIDDLE FORK
Division Pt. NE 1/4 Sec 10 T 10 N R 9 E in BOISE County.

Use: RECREATION (0.000000)
Total Division: (0.000000)
10/10/1997
County
NE 1/4 Sec 10 T 10 N R 9 E
1.5 ACRES TOTAL

JUN 09 1998

A

From: DWR06::"sgrunder@idfg.state.id.us" 17-APR-1998 08:56:40.48
To: <slester@idwr.state.id.us>
CC:
Subj: re: USFS APPLICATION FOR PERMIT 65-13776

Your assumptions are all correct. This is a cooperative venture.

Original Text

From slester@idwr.state.id.us, on 4/8/98 11:26 AM:
Scott, this new water right application covers the Richards Creek diversion of 1.5 cfs & 16 af storage for Forest Service Tenmile Fish Ponds project in Lowman area.

It is my understanding that FS application simply replaces the similar IDFG application that was recently withdrawn.

Since it is assumed that FS & IDFG are working together on this project, seems reasonable to assume that no adverse fishery impacts would occur re Bull Trout or other species.

Please let me know if these assumptions are not correct; otherwise this office will assume everything is okay. The application will be advertised in the last half of April with a protest deadline of May 4, 1998. If you need a copy of this one, let me know & I'll bring cc to our meeting next week.

Steve Lester
IDWR Western Region

MICROFILMED

JUN 09 1998

*IDFG Response
NO Adverse impacts*

From: DWR80::SLESTER 8-APR-1998 11:35:05.19
To: DWR06::"sgrunder@idfg.state.id.us"
CC: SLESTER
Subj: USFS APPLICATION FOR PERMIT 65-13776

Scott, this new water right application covers the Richards Creek diversion of 1.5 cfs & 16 af storage for Forest Service Tenmile Fish Ponds project in Lowman area.

It is my understanding that FS application simply replaces the similar IDFG application that was recently withdrawn.

Since it is assumed that FS & IDFG are working together on this project, seems reasonable to assume that no adverse fishery impacts would occur re Bull Trout or other species.

Please let me know if these assumptions are not correct; otherwise this office will assume everything is okay. The application will be advertised in the last half of April with a protest deadline of May 4, 1998. If you need a copy of this one, let me know & I'll bring cc to our meeting next week.

Steve Lester
IDWR Western Region

Assumes no impact e fishery resources

JUN 09 1998

*IDFG comments
solicited*

RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

Name of Applicant USDA, FOREST SERVICE

Mailing Address FEDERAL BUILDING

324 25th STREET

OGDEN, UTAH 84401

Application No. 65-13776

Mitigation

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

Signature 

Date 3/13/98

Please return this form to:

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

MICROFILM

JUN 09 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

APRIL 8, 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 **MAY 4, 1998**.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

RECEIVED

JUN 09 1998

NOTICE OF APPLICATION FOR WATER RIGHT

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

RECEIVED
JUN 09 1998

65-13776

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

Source: RICHARDS CREEK

Tributary: PAYETTE RIVER, SOUTH FORK

Diversion Pt: LOT 6 (NESE) Sec 17 T 09N R 09E in BOISE County.

Use: FISH PROP. STORAGE	(	16.00 AF)
FISH PROPAGATION	(	1.500 CFS)
RECREATION STORAGE	(	16.00 AF)
RECREATION	(	1.500 CFS)
Total Diversion:	(	1.500 CFS)

Date Filed: 1/26/1998

In: BOISE County
T09N R09E S17 Lot 6 (NESE)

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

MOVED
JUN 09 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 MAY 4, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 4/15/1998 & 4/22/1998

MYC 12

JUN 09 1998