

115°30" 44°07'30" 621000m E. 622 623 27'30" R8E

4886000m N

4885

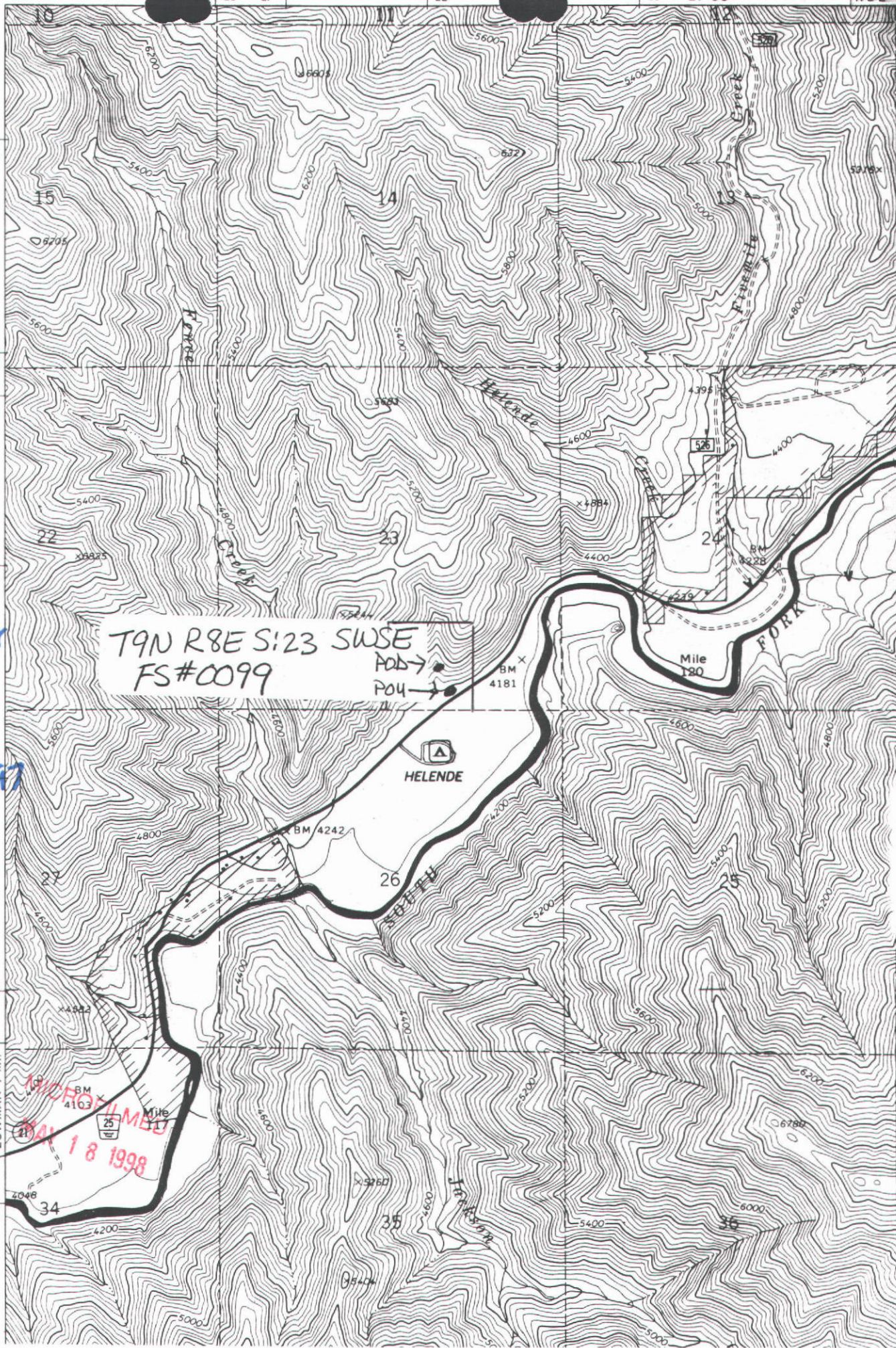
4884

4883

5'

IDAHO CITY 47 MI.
LOWMAN 7 MI.

4881



T9N R8E S123 SWSE
FS#0099

POB →
PO4 →

HELENDE

Mile 180

1/8/1998

gov't lots
E 1/2 SE 1/4
only
-R 11/19/97

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 65-13765

Owner Type Name and Address
 Current Owner UNITED STATES OF AMERICA ACTING THROUGH
 USDA FOREST SERVICE
 550 W FORT ST MSC 033
 BOISE, ID 83724
 (208)387-0835

Also Known As USFS
 , MT

Also Known As US DEPT OF AGRICULTURE
 FOREST SERVICE
 324 25TH STREET
 OGDEN, UT 844012394
 (801)625-5360

Priority Date: 11/06/1997
 Basis: Permit
 Status: Active

Source Tributary to
 SPRING SOUTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	4/01	10/31	0.02 CFS		

Total Diversion			0.02 CFS		
-----------------	--	--	----------	--	--

Location of Point(s) of Diversion:

SPRING	SWSE	Sec. 23	Township 09N	Range 08E	BOISE County
--------	------	---------	--------------	-----------	--------------

Place(s) of use:

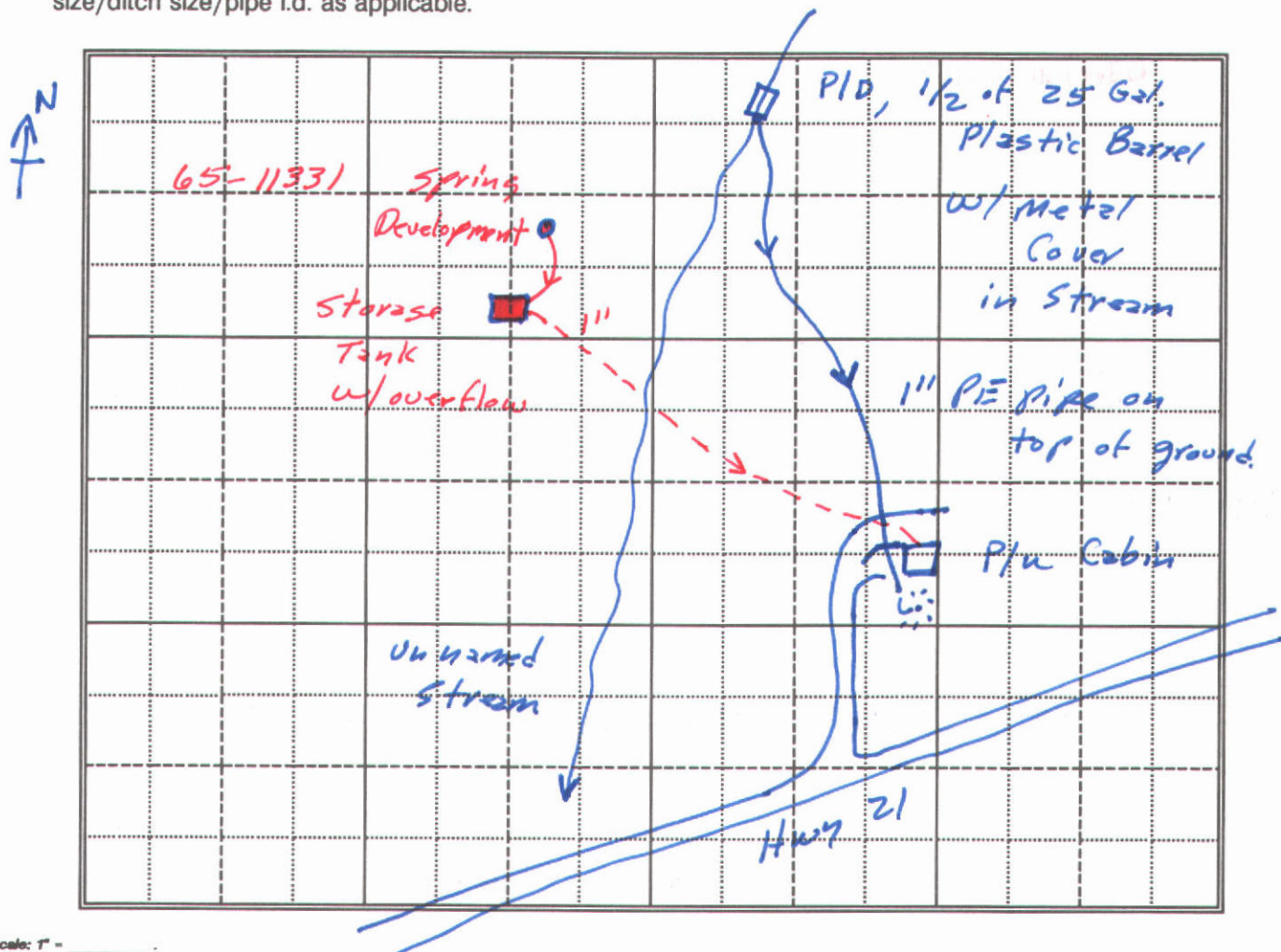
Place of Use Legal Description: DOMESTIC	BOISE County
--	--------------

<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>
09N	08E	23		SWSE										

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. C18 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. SECTION 42-1412(6), IDAHO CODE.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. A01 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.

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

2. Measurements: None - Pipe was plugged w/ sand, etc.

MICROFILM

APR 26 2001

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

115°30'
44°07'30"

621000m E.

622

623 27'30"

624

4886000m N.

4885

4884

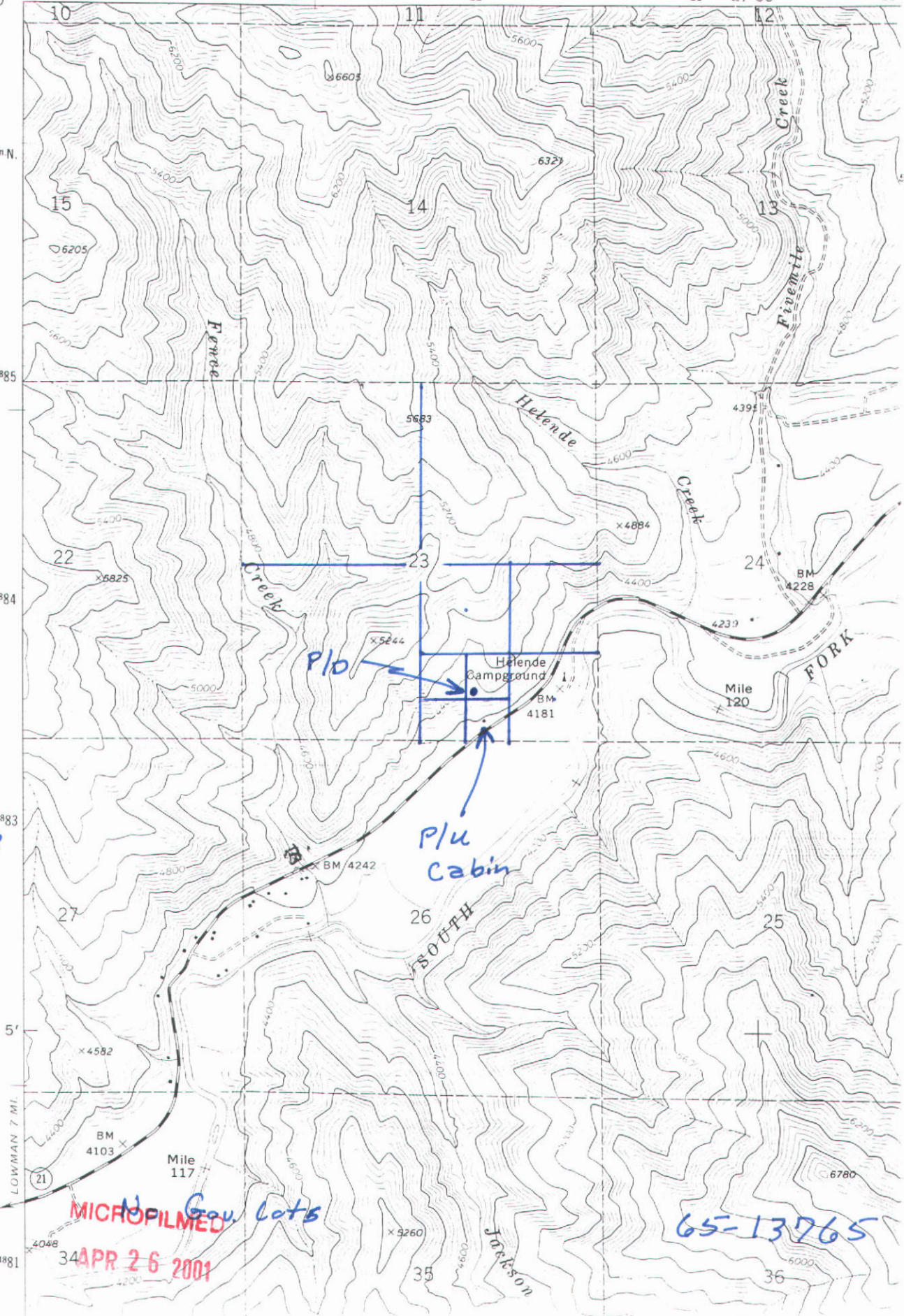
4883

5'

4881

LOWMAN 7 MI.

T 9 N
R 8 E
Sec. 23
SWSE



— Kunitz, I made this change to this map on this class

State ID:

Forest Service ID: 42 17050120 45 0099 0

RAMIS #:

Source: UNNAMED Spring — No; Stream! Trib: S.F. Payette

Purpose: domestic Diversion: Pipe

Priority Date: 02/25/75

Quantity 0.02 cfs

Livestock:

Allotment:

Claimed / Permitted

Quad ID: JACKSON Peak

Point of Diversion: T: 9N R: 8E S: 23 SWSE

GPS Used: Lat:

Long:

Point of Use: T: 9N R: 8E S: 23 SWSE

GPS Used: Lat:

Long:

Aerial Photo #:

Date:

65-13765

Description of Improvements: Pipe length, Trough Dimensions, Dam height/length, Ac.ft.

SHEET metal collector located in drain ABOVE CABIN. The first part of this line is iron pipe, the lower half is plastic pipe.

Remarks: This system is used to water the lawn at the KREMER RECREATIONAL RESIDENCE

Flow: GPM / CFS

Method:

Date Site Visited: 05/03/99

Photo Date: 05/03/99

Rob Metz

Who Visited Site

R. Metz

Responsible Official/Supervisor



MICROFILMED

APR 26 2001

Confidential: Attorney — Client and Work Product Privileged

irrigation system POD

1 of 3

P/O

1/2 of
plastic

Barrel

Collection

+ pipe

in un-

named

Stream



P/O

Sheet
metal

cover

over

barrel

in

Stream

bed.



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APR 26 2001

65-13765

2 of 3

P/u

1" PE
pipe
to yard
at Cabin,

[Water
Police
Dog
guards
pipe!]



P/u

yard
at
Cabin



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APR 26 2001

65-13765

3 of 3

Spring
Development
for
65-11331.

Internal
use
at
Cabin.



Storage
Tank
just
below
Spring.

65-11331.



↙ overflow
line

MICROFILMED
APR 26 2001

65-13765

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13765

Priority: November 06, 1997

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 0.6 AF

It is hereby certified 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 November 06, 1997, and has
submitted Proof of Beneficial Use on March 23, 1999. An examination indicates that the works have a
diversion capacity of 0.02 cfs of water from:

SOURCE

UNNAMED STREAM

Tributary: SOUTH FORK PAYETTE RIVER

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	04/01 to 10/31	0.02 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23, Twp 09N, Rge 08E, 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	
09N 08E 23																X	

CONDITIONS OF APPROVAL

- 1 Use of water under this water right will be regulated by the watermaster of State Water District No 65
- 2 The irrigation occurring under this domestic use shall not exceed 1/2 acre and is authorized only in connection with a domestic use
- 3 Domestic use is for external use for 1 home
4. Water shall not be diverted under this right when flows in the South Fork Payette River are below established minimum stream flows
- 5 Place of use is also known as US Forest Service Identification No 04 02 17050120 45 0099 0

MICROFILMED

APR 26 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13765

- 6 The domestic use authorized under this right, when combined with Right 65-11331, shall not exceed 13,000 gallons per day

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

Signed and sealed this 25th day of April, 2001

Acting for


KARL J DREHER
Director

MICROFILMED
APR 26 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 65-13765 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: 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: .02 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: Lawman Ranger District - 7359 Hwy 21 Lawman 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] Date: 3/16/99
(include your title, if on behalf of company of organization)

MICROFILMED

JUN 03 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13765

Proposed Priority: November 6, 1997 Maximum Diversion Rate: 0.02 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:
SPRING 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>
DOMESTIC	04/01 to 10/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSE , Sec. 23, Township 09N, Range 08E
BOISE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

09N 08E 23 SWSE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1999.
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. Water shall not be diverted under this right when flows in the Payette River, South Fork, are below established minimum stream flows.
5. 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.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
7. Any irrigation occurring under this domestic use shall not exceed 1/2 acre and is authorized only in connection with a domestic use.
8. Place of use is also known as US Forest Service Identification No. 04 02 17050120 45 0099 0.
9. Domestic use is for 1 home.

MICROFILMED

MAY 18 1998

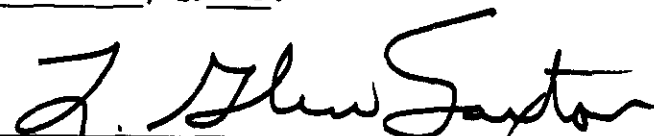
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13765

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

27 day of March, 1998.


Karl J. Dreher, Director
for

MICROFILMED

MAY 18 1998

MAR 20 1998

DEPARTMENT OF WATER RESOURCES

To appropriate the public waters of the State of Idaho

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 Unnamed Spring which is a tributary of S.F. Payette River

3. Location of point of diversion is Township T9N Range R8E Sec. 23 in the SW 1/4, SE 1/4, Govt. Lot —, B.M., Boise County;
additional points of diversion if any: —

4. Water will be used for the following purposes:
Amount .02 cfs for Domestic purposes from April 1 to Oct. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .02 cfs 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 Sheet metal collector located
in draw, then diverts water through pipe and is used for lawn watering
b. Height of storage dam — feet; active reservoir capacity — acre-feet; total
reservoir capacity — acre-feet
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) —; Drilling Permit No. —

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

8. Description of proposed uses (If irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW. —
b. Stockwatering; list number and kind of livestock. —
c. Municipal; show name of municipality. —
d. Domestic; show number of households. 1-residence
e. Other; describe fully. —

~~MICROFILMED~~
MAY 18 1988

Add to
Comments

-52 11/19/97

A. Baudouin

Forest Service ID number: 04 02 17050120 45 0099 0		
		to
	{ Spring located about in center of QQQ so QQQ not 1/178.	ts

_____ Total number of acres to be irrigated

[illegible]

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.

115°30' 44°07'30" 21 000m E 22 23 27'30" R 8 E

4886000m N

4885

4884

5

4881

IDAHO CITY 47 MI
LOWMAN 7 MI

gov't lots
E 1/2 SE 1/4
only
-R 11/19/97

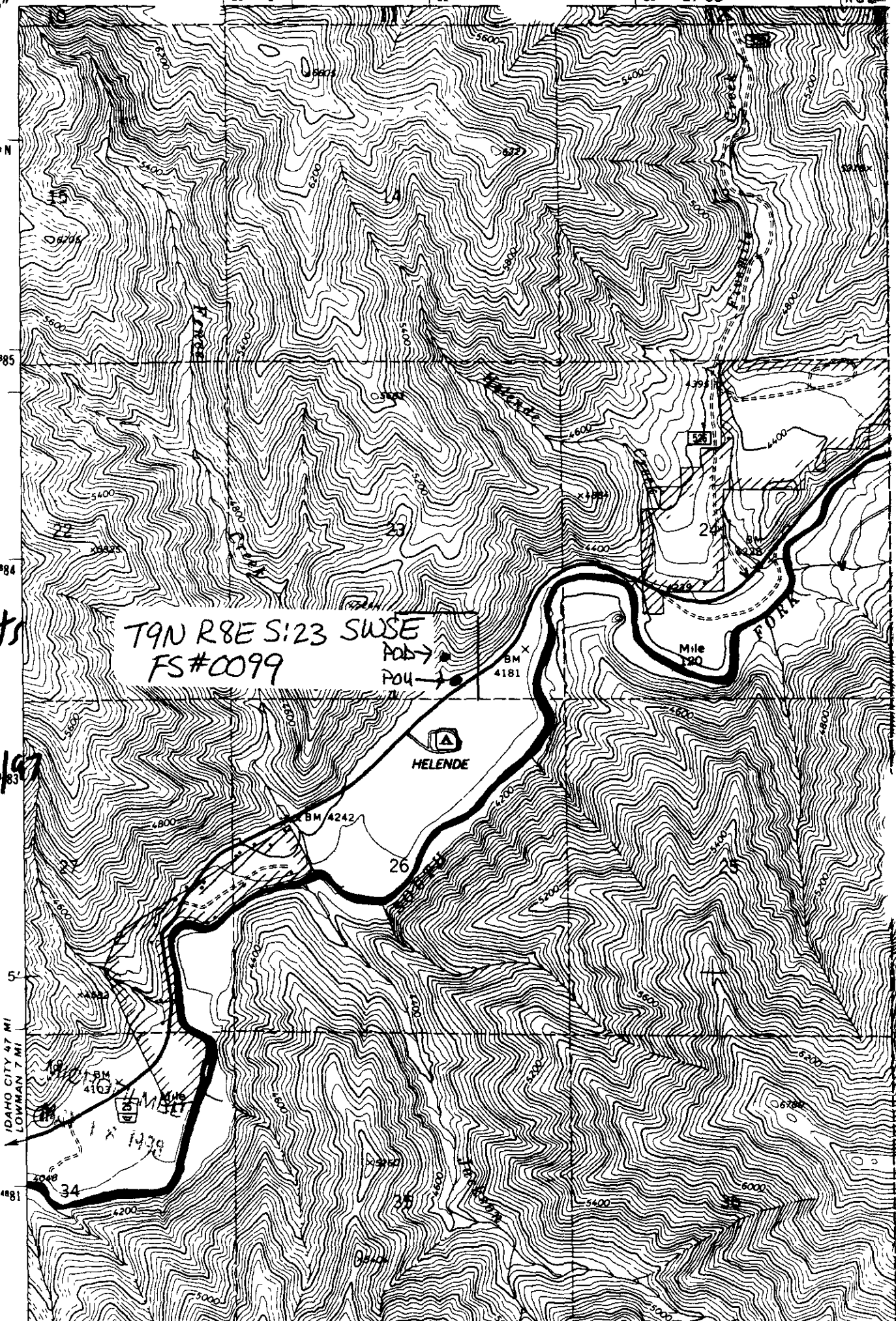
T9N R8E S123 SWSE
FS#0099

POB →
PO4 →

HELENDE

Mile 1.20

FORK



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-13765

WATER RIGHT NUMBER 65-13765

Owner Type Name and Address
 Current Owner US DEPT OF AGRICULTURE
 FOREST SERVICE
 380 E PARKCENTER BLVD STE 330
 BOISE, ID 83706

Priority Date 11/06/1997

Basis License

Status Active

Source

UNNAMED STREAM

Tributary

SOUTH FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	04/01 to 10/31	0.020 CFS	0.60 AF
	<u>Total Diversion</u>	0.020 CFS	0.60 AF

Location of Point(s) of Diversion

UNNAMED STREAM

SW1/4SE1/4

Sec 23, Twp 09N, Rge 08E, 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	
09N	08E	23																X	

Conditions of Approval

- 1 Place of use is also known as US Forest Service Identification No 04 02 17050120 45 0099 0
- 2 070 The irrigation occurring under this domestic use shall not exceed 1/2 acre and is authorized only in connection with a domestic use
- 3 071 The domestic use authorized under this right, when combined with Right 65-11331, shall not exceed 13,000 gallons per day
- 4 R05 Use of water under this water right will be regulated by the watermaster of State Water District No 65
- 5 WB9 Water shall not be diverted under this right when flows in the South Fork Payette River are below established minimum stream flows
- 6 X01 Domestic use is for external use for 1 home

Remarks

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-13765

Comments

1 lharris 5/17/2001 License

Comment The Basis of Claim was changed to reflect the License issued 4/25/2001

2 kwalker 3/2/2004 Status

Comment This right was decreed in SRBA based upon the permit License was issued 4/25/2001 which supercedes the decree All data entry is based upon license

Dates and Other Information

Licensed Date 4/25/2001

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 65-13765

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: PAYETTE RIVER, SOUTH FORK
QUANTITY: 0.02 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.
11/06/1997
T09N R08E S23 SWSE Within Boise County
PRIORITY DATE:
POINT OF DIVERSION:
PURPOSE AND PERIOD OF USE: Domestic 1 HOME 04-01 TO 10-31 0.02 CFS
PLACE OF USE: Domestic T09N R08E S23 SWSE Within Boise County

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, P.O. Box 83720, Boise, Idaho 83720-0098

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

April 27 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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

RE License No. 65-13765 - Issuance of License

Dear Water Right Holder(s)

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

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

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

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

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK klt

Enclosure(s)

MICROFILMED

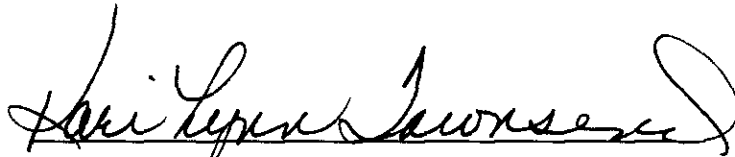
APR 26 2001

CERTIFICATE OF MAILING

I hereby certify that on April 27, 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. 65-13765

**US DEPT OF AGRICULTURE
FOREST SERVICE
380 E PARKCENTER STE 330
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.

LICENSE REVIEW CHECKLIST

Permit No 65-13765 Date 4-24-01 Reviewer Kay Walker

Change/OK

Name/Address OK

Source clarify
Point of Diversion AK

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

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

Place of Use OK

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

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps Right(s) 6511331-plu OL
File reviewed see below Profile reports printed see below

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

Rate of Diversion

Permitted rate 0.02 cfs
Fee Limit 0.20 cfs
Measured 0.02 cfs
Theoretical 0.02 cfs

Recommended Total Diversion Rate 0.02

Season of Use per new Standards

Water Uses OK

Change (P46)

Irrigation 0.02 cfs 0.02 af
Stockwater 0.02 cfs 0.02 af
Domestic 0.02 cfs 0.02 af
Total 0.02 cfs 0.02 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

0.02 cfs x 1 9835 x 1 days = 0.02 af (vs) 0.02 acres x 1 (FHR) = 0.02 af

Remarks

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

GW Dist? YES
Water Msmt Dist? YES
Cnt GWMA? YES
GWMA? YES
Government Lots? YES

Advance Priority? yes If yes, explain why below
no

SRBA Claim? YES - see recommendation below

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

S06

theoretical
quantity =
0.02

no
limit on
lic -
that right
for 0.01 cfs
or 0.5 AF -

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE 550 W FORT ST MSC 033 BOISE ID 83724 (208)387-0835

Also known As: US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH STREET
OGDEN, UT 844012394
t 801)625-5360

<u>Source</u> SPRING	<u>Tributary to</u> SOUTH FORK PAYETTE RIVER
-------------------------	---

Location of Point(s) of Diversion

Place(s) of use

Place of Use Legal Description DOMESTIC BOISE County

[illegible]

1 N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY
2 C18 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. SECTION 42-
1412(6) IDAHO CODE
3 N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE
4 A01 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.

Remarks

1	Purpose of Use	DOMESTIC USE FOR KREEGAN CABIN
2	Explanatory	FOREST SERVICE RECORD ID = 04 02 17050120 45 0099

Dates

Licensed Date	
Claim Received Date	02/01/2000
Enlargement Use Priority Date	
Enlargement Statute Priority Date	
Decreed Date	
Date Filed with Court	
Objection Filed Date	
SF5 Filed	
Special Master Recom Signed Date	

Other Information

Receipt Number(s)	X111111
State or Federal	S
Owner Name Connector	
Water District Number	65
Generic Max Rate per Acre	
Generic Max Volume per Acre	
Civil Case Number	
Old Case Number	
Decree Plaintiff	
Decree Defendant	
PresumptionFlag	
Notice of Error Flag	NONE RECEIVED
Swan Falls Trust or Nontrust	
Swan Falls Dismissed	
DLE Act Number	
Cary Act Number	
Mitigation Plan	False

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO 65-11331

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE 550 W FORT ST MSC 033 BOISE, ID 83724

Also Known As	US DEPT OF AGRICULTURE
Also Known As	USFS
	FOREST SERVICE
	550 W FORT ST MSC 033
	BOISE, ID 83724

Priority Date	06/01/1950
Basis	Decreed
Status	Active

<u>Source</u>	<u>Tributary to</u>
SPRING	SOUTH FORK PAYETTE RIVER

<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 01 CFS	0 5 AFA	
Total Diversion			0 01 CFS	0 5 AFA	

Location of Point(s) of Diversion

SPRING SWSE Sec 23 Township 09N Range 08E BOISE County

Place(s) of use

Place of Use Legal Description DOMESTIC BOISE County

[illegible]

Conditions of Approval

1 N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY

2 N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE

Remarks

1 Explanatory FOREST SERVICE RECORD ID = 0402 17050120 45 0048 FENCE CREEK SUMMER HOMES

Dates

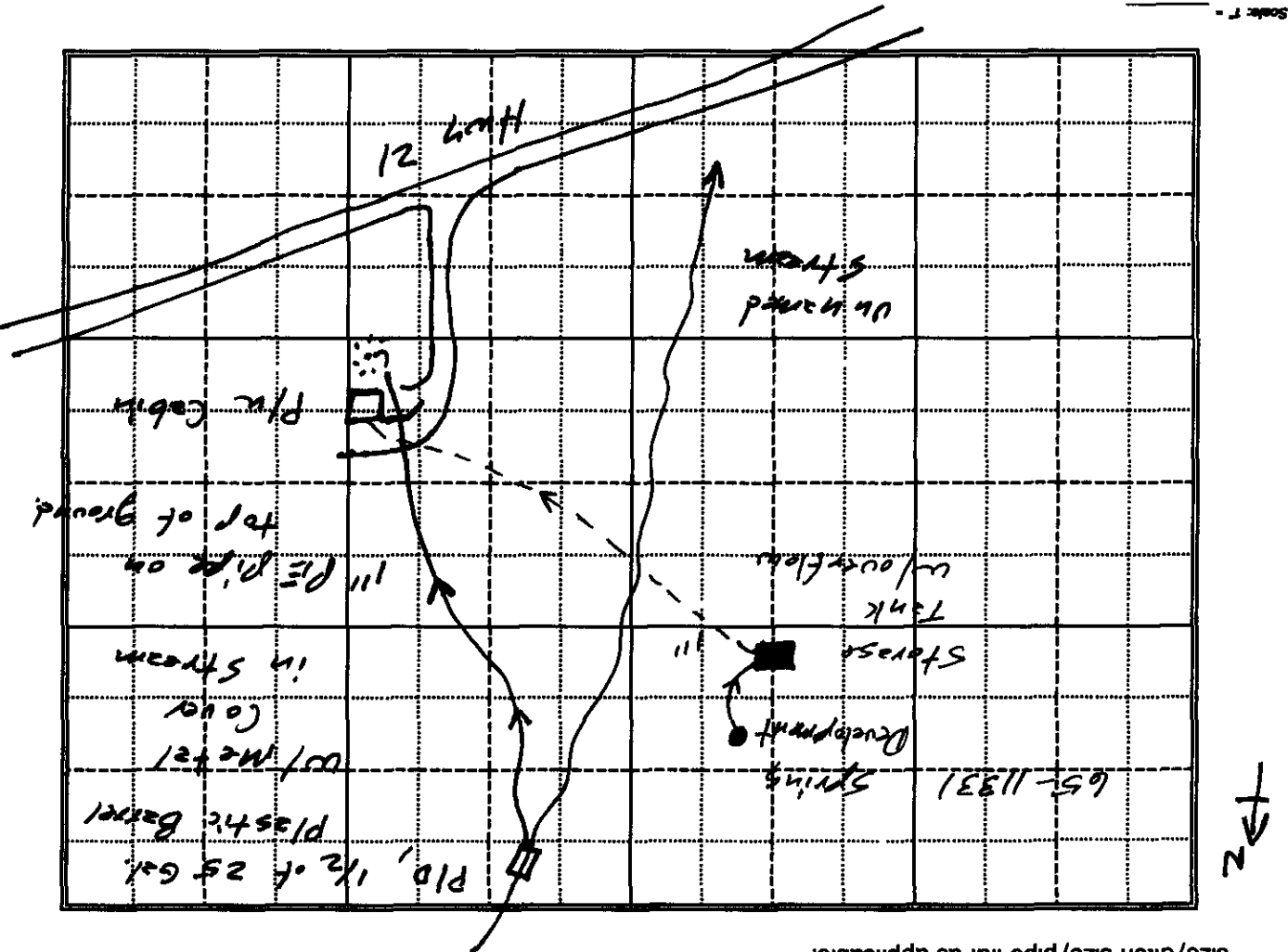
Licensed Date
Decreed Date 11/20/1998
Enlargement Use Priority Date
Enlargement Statute Priority Date
Application Received Date
Protest Deadline Date
Number of Protests 0

Other Information

Receipt Number(s)
State or Federal S
Owner Name Connector
Water District Number
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

2001

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



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

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

None - Pipe was plugged w/ sand etc.

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1992 5 2001

E. NARRATIVE/REMARKS/COMMENTS

1. This permit is for domestic water used for yard irrigation of a cabin lot. The source of the water is an unnamed stream above the cabin, and is not a spring as shown in the permit.

2. The lot is Forest Service property and is leased to Ronald + Margaret Kreeger under a Special Use Permit. The Forest Service ID # is 42 17050120 45 00990. The lot is in the Fence Creek Summer Homes tract.

3. Water is collected from the stream bed with a 25 Gal. plastic barrel cut in half. A 1" PE pipe is connected to the barrel spout and conveys the water to the yard at the cabin. The barrel is covered with some sheet metal. At the time of the exam, the pipe was plugged with sand, etc., and no water was being delivered to the cabin lot.

4. WR 65-11331 is a separate system that supplies internal domestic water for the cabin from a spring. This system has a storage tank just below the spring, and a 1" mainline to the cabin.

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

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APR 26 2001

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APR 26 2001

SEAL

Reviewer _____ Date _____

Field Examiner's Name _____

Date 12-12-99

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 ☒ _____

water source
is unnamed
stream, not a
spring.

2. Recommended Amendments

1. Recommended Amounts

H. RECOMMENDATIONS

Beneficial Use

Period of Use
From 04/01
To 10/31

Rate of Diversion
Q (cfs) 0.02

Annual Volume
V (af) 0.6

Totals:

0.02

0.6

2. Volume Calculations for Other Uses:

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

Measured Method: Non-plugged -
1" PE, 350' $H_f = \text{pipe friction}$
25' drop $H_a = \text{misc. loss} = 10\% H_f$
 $H_v = \text{vel. head} = v^2/2g$
 $H = H_f + H_a + H_v$

Theoretical Cal.

Assume Q	Head Loss	Actual Head
cfs	loss	Head
0.02	20.2'	25'
0.03	45.8'	25'
14		

The pipe can deliver 0.02 cfs if it is not plugged!

Additional Computation Sheets Attached

Using PE pipe tabs:

Exit from Domestic
and irrigation 0.6 AFM

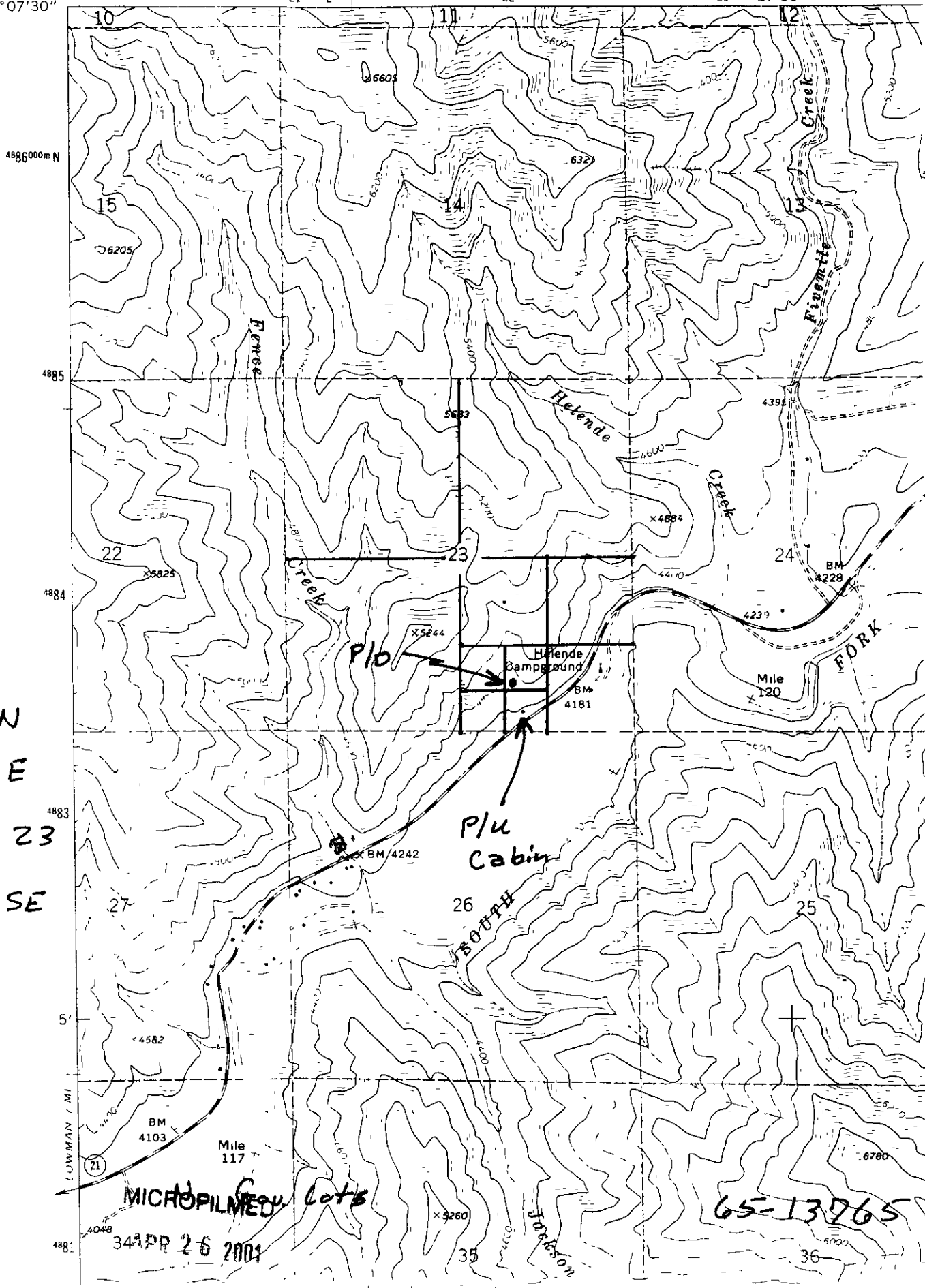
PMTN WEST)

621 000 m F

622

 $^{623} \quad 27'30''$

624



MICROFILMED

34 APR 26 2004

65-13765

USDA - Forest Service TERM SPECIAL USE PERMIT For Recreation Residences Act of March 4, 1915, As Amended (Ref. FSM 2710)	Holder No. 5635 /01	Type Site 123	Authority 712
	Auth. Type 18	Issue Date / /96	Expir. Date 12/31/08
	Location Sequence No.		Stat. Ref.
	Latitude 44-05-31	Longitude 115-28-45	LOS Case

Ronald or Margaret Kreegar
(Holder Name)

(Billing Address - 1)

2462 N. Meadowglen Pl. 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 I through XII, on page(s) 2 through 9. This permit covers 0.5 acres.

Described as: (1) Lot _____ of the Fence Creek Summer Homes tract.
(A plat of which is on file in the office of the Forest Supervisor.)

OR (2) Sec. 26, T.9N., R.8E., BM 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:

Propane Tank Storage Shed for Wood/Car
Outdoor Toilet 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: Ronald or Margaret Kreegar Margaret Kreegar 3/18/97
DATE

APPROVED: **WALTER B. ROGERS Walter B. Rogers District Ranger 4/1/97
(AUTHORIZED OFFICER'S NAME AND SIGNATURE) TITLE DATE

**The approval of the Authorized Officer on this authorization is subject to modifications and deletions shown in Parts VI, IX, and X, made pursuant to the Assistant Secretary of Agriculture's decision of February 15, 1989.

MICROFILMED

APR 26 2001

65-13765

— K. W. H. I. I made this change to this map on this claim

State ID

Forest Service ID: 42 17050120 45 0099 0

RAMIS #: _____

Source: UNNAMED Spring - No; Stream: Tnb. S.F. Payette

Purpose: domestic Diversion: Pipe

Priority Date: 02/25/75

Quantity 0.02 cfs

Livestock:

Allotment:

Claimed / Permitted

Quad ID: JACKSON PEAK

Point of Diversion: T: 9N R: 8E S: 23 SWSE

GPS Used: Lat:

Long:

Point of Use: T: 9N

R: 8E

S: 23

SWSE

GPS Used: Lat:

Long:

Aerial Photo #: _____

Date: _____

65-13765

Description of Improvements: Pipe length/Trough Dimensions, Dam height/length, Ac.ft.

SHEET metal collector located in draw ABOVE CABIN. The first part of this line is iron pipe, the lower half is plastic pipe.

Remarks: This system is used to water the lawn at the Kreegan RESIDENTIAL RESIDENCE

Flow: _____ GPM / CFS

Method: _____

Date Site Visited: 05/03/99

Photo Date: 05/23/99

Rob Metz

Who Visited Site

R. Metz

Responsible Official/Supervisor



APR 25 2001

Confidential: Attorney - Client and Work Product Privileged

irrigation system POD

1 of 3



P/O

1/2 of
plastic

Barrel

Collection

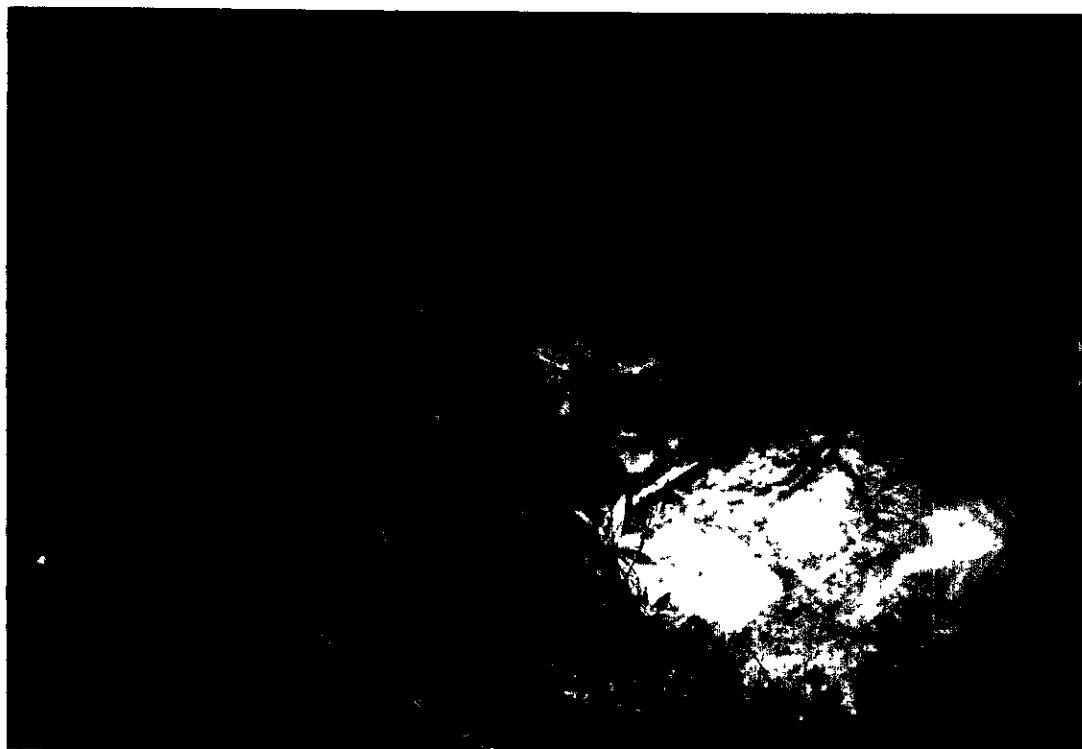
+ pipe

in un-

named

Stream

P/O



Sheet
metal

cover

over

barrel

in

Stream

bed.

MIFF OFILME

APP 2 - 1961

65-13765

2 of 3

P/u

1" PE

pipe
to yard
at Cabin,

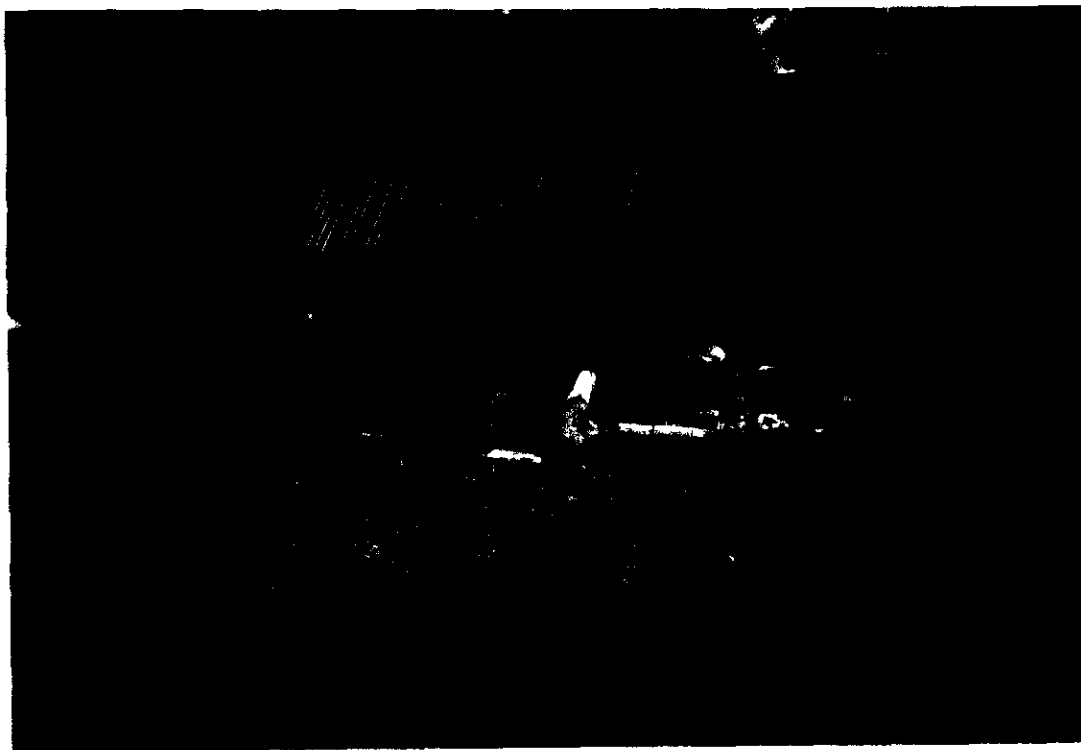
[Water
Police
Dog
guards
pipe!]



P/u

yard
at

Cabin



MICROFILMED

APR 25 2001

65-13765

3 of 3

Spring
Development
for
65-11331.

Internal
use
at
Cabin.



Storage
Tank
just
below
Spring.
65-11331.



← overflow
line

MICROFILMED
APR 26 2001

65-13765

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 65-13745 Reviewed by [Signature] Date 6-4-99

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? Dom
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 Correct?
 Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50- Amount Submitted
yes Correct?
no Required?
1 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>
Date proof due	<u> </u>
No. of days late	<u> </u>
Priority Date	<u> </u>
New Priority Date	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address 380 E. Parkcenter SEC 330 Proof Made 3-23-99
Boise 83706



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 8, 1999

USDA Forest Service
380 E Parkcenter STE 330
Boise ID 83706

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13765

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

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

JUN 04 1999

January 31, 1999

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

PROOF DUE NOTICE

RE: PERMIT NO. 65-13765

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 1, 1999.

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

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

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

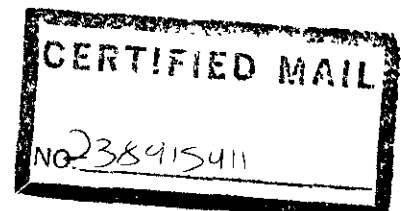
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

JUN 09 1999





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

March 31, 1998

PHILIP E. BATT
GOVERNOR

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

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13765

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
MAY 18 1998

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of **March, 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. 65-13765

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


Kari Lynn Townsend
Secretary

MICROFILMED
MAY 18 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

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

MICROFILMED
MAY 18 1998

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED

MAY 18 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lee*
 No.: 65-13765 Name: USFS Date: 3/25/98 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

- 26A-P17

≤ 1 year/no proof

- **P16****GROUNDWATER: (✓ FLO-CH)**

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

WMD Supplemental use

> 0.24 cfs/5 acres

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

≤ 0.24 cfs/5 acres

- 01M (report when notified)

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046-P23

Included w/permit

- Permit No _____ - _____ - _____ - _____, P99

irr in WD

- P05 (new well location)

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

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9 Payette R., SF

WD (✓ MAP & LISTING)

- R04 (WD # 065)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 cfs

- 01H ~~(MD & LD)~~ or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water)

Snake R (01)

- *W22 -P04, NA

(02/03-irr)

- 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R(70's)

- 029 (fish screens), NA

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge), ^{NA}~~27A~~ (Payette River); NA

>1 in rest area

- 071-070

Fire Protection

- 077

Fish Propagation

- 029-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R66/R67/R68/R69 (0 03 cfs/acre + 3.0/3.5/4 0/4.5 AF)

> 5 acres

- R62/R63/R64/R65 (0 02 cfs/acre + 3.0/3 5/4.0/4 5 AF)

Mining

- 054(req) -081-P10

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons use),
17G (FERC) or 17M (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)

Irr Dist/Canal Co

- 023 (Twin Falls area)

SWAN FALLS FLAG (See Code Chart)

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU) _____

OTHER CONDITIONS:

-

STANDARD REMARKS:- Same as 65-13769**BENEFICIAL USE DUE:**

- 4/1/1999

COMMENTS:

-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

MAR 20 1998

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: 82 DATE: 11/19/97 APPLICATION: 65-13765

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) *← note limited season*
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. ≥ 5 homes in non-restricted area)
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Correct fee paid

Gov't. Lots:
N P/D
P/U

ADDITIONAL INFORMATION

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

N/A T FLAG CHANGED TO P FLAG

YES NO

- N/A 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:
OK Bull trout impact area *OK to advertise but region * won't forward appl. until IDFG b.t. comments clarified*
Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
Copy to Dam Safety staff: (for any storage)
Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
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

** DONE - See next pg.*

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO.

65-13765

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:

YES NO

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

12/8/97
fax

YES NO

- ☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # 65
☐ ☒ Other

DONE
 DELAY sending comment
 letter, return file to
 Reviewer once
 advertised

FINAL REGIONAL PROCESSING REVIEW:

YES NO

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

non regulated source but
 may require rental pool
 cond. of approval for
 surface water use,
 w/ letter not
 needed

- ☒ ☐ Publication dates and paper recorded on application:

Final date for protest 12-22-97

- ☐ ☒ Protests received.

- ☐ ☒ Recommendations attached:

- ☐ ☒ Measuring device required:

- ☐ ☒ Measuring port required:

- ☐ ☒ Water delivered by water master? District #

☒ ☐ Special conditions of approval or cover letter: Domestic use not to exceed
 1/2 acre and diversion of 13,000 gal/day. 041

See below for additional information

Recommended Date or Priority 11/6/97

Recommended by: Gary Date: 3/18/98

STATE OFFICE REVIEW

See below for additional information. By Date

ADDITIONAL INFORMATION:

6 similar appls REC'd - 5 surface flow
 - 1 well

SEE Attached notes & common processing info.
 CLARIFY bull trout issues before forward for
 approval (N/A to well appl.)

SEE IDFG 12/10/97 comment letter reply - no impact & bull trout
 - JL 12/19/97

— 6 FS Apps. Rec'd 11/6/97 —

- ✓ All in Rs. 65 (1 is close to Rs 63 but is still 65)
- ✓ gov't lots, source names, trib. checked.
- ✓ Bull trout map, governor's plan:

- 1) 8N 7E S.12 Smokey Ck. "depressed" AREA *
 - 2) 9N 7E S.12 Long Ck. " " " "
 - { S.27 } S. Fk. Payette "documented present" reach
 { S.28 }
 - { 8E S.23 } Spring "depressed" AREA but very close to S. Fk. Payette "documented present" reach
 - 6) { 10E S.6 } well N/A
- appears should be clear Ck per FS topo

✓ 1 Receipt all apps. (7th Appl. withdrawn & \$50 Refund started).

✓ data enter 1 Appl, then clone rest & modify per Application.

✓ Contact person = Lisa Maloney.
 (FS & BLM Dist office)
~~32~~ 373-4100

* ok to process but include in Apps. where need IDFG clarification & b.t.

-82 11/19/97

The Idaho World

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

MAR 10 1998

WATER RESOURCES
WESTERN REGION

State of Idaho >
>
County of Boise >

NOTICE OF APPLICATION FOR WATER RIGHT

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

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 five (5) 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 Dec 3, 1997 and ending with the issue of Dec 10, 1997.

Deanna Stevenson

State of Idaho >
>
County of Boise >

On this 9 day of Mar 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 4/26/2001

65-13761

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

Source SMOKEY CREEK Tributary: PAYETTE RIVER, SOUTH FORK

Diversion Pt. SWSW Sec 12 T 08N R 07E in BOISE County

Use DOMESTIC (0.020 CFS)
Total Diversion (0.020 CFS)

Date Filed: 11/6/1997

In: BOISE County
T08N R07E S11SESE

65-13762

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

Source CLEAR CREEK Tributary: PAYETTE RIVER, SOUTH FORK

Diversion Pt NESW Sec 12 T 09N R 07E in BOISE County

Use DOMESTIC (0.020 CFS)
Total Diversion (0.020 CFS)

Date Filed: 11/6/1997

In: BOISE County
T09N R07E S12NESW

65-13763

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

Source: PAYETTE RIVER, SOUTH FORK Tributary: PAYETTE RIVER

Diversion Pt: LOT 2 (NWSW) Sec 27 T 09N R 07E in BOISE County

Use DOMESTIC (0.020 CFS)
Total Diversion (0.020 CFS)

Date Filed: 11/6/1997

In: BOISE County
T09N R07E S27 Lot 2 (NWSW)

65-13764

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

Source: PAYETTE RIVER, SOUTH FORK Tributary: PAYETTE RIVER

Diversion Pt: LOT 1 (NESE) Sec 28 T 09N R 07E in BOISE County

Use DOMESTIC (0.020 CFS)
Total Diversion (0.020 CFS)

Date Filed: 11/6/1997

In: BOISE County
T09N R07E S28 Lot 1 (NESE)

65-13765

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

Source: SPRING Tributary: PAYETTE RIVER, SOUTH FORK

Diversion Pt: SWSE Sec 23 T 09N R 08E in BOISE County

Use DOMESTIC (0.020 CFS)
Total Diversion: (0.020 CFS)

Date Filed: 11/6/1997

In: BOISE County
T09N R08E S23

SWSE
65-13766

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

Source: GROUNDWATER

Diversion Pt: NESE Sec 6 T 09N R 10E in BOISE County

Use DOMESTIC (0.020 CFS)
Total Diversion (0.020 CFS)

Date Filed: 11/6/1997

In: BOISE County
T09N R10E S06

NESE

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 DECEMBER 22, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER Director

Published in The Idaho World December 3 and 10, 1997

MICROFILMED

MAY 18 1998



IDAHO FISH & GAME

SOUTHWEST REGION
3101 South Powerline Road
Nampa, Idaho 83686

RECEIVED

DEC 17 1997

WATER RESOURCES
WESTERN REGION

Philip E. Batt / Governor
Stephen P. Mealey / Director

December 10, 1997

Steve Lester
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705-5082

RE: Water Right Applications

65-13761/US Dept. of Agriculture (Smokey Creek)
65-13762/US Dept. of Agriculture (Clear Creek)
65-13763/US Dept. of Agriculture (S. Fk. Payette River)
65-13764/US Dept. of Agriculture (S. Fk. Payette River)
65-13765/US Dept. of Agriculture (Spring to SF Payette)

Dear Mr. Lester:

The Idaho Department of Fish and Game has reviewed the above referenced water right applications and we offer the following comments for your consideration.

- ✓ 65-13761: Smokey Creek is a small sub-watershed situated within the South Fork Payette River key watershed for bull trout. It is a short, high gradient face drainage where a number of debris flows occurred this past winter. It has not been sampled for the presence or absence of fish. More than likely, if fish were present, they occurred at the extreme lower end where gradient is less severe. In similar drainages adjacent to Smokey Creek, the Forest Service has not documented any fish. We do not anticipate this minor application will have an adverse effect on fish or fish habitat.
- ✓ 65-13762: Clear Creek is situated within the South Fork Payette River key watershed. To date, it contains the only documented fluvial population of bull trout known in the South Fork drainage. It is classified as focal habitat and provides critical spawning and rearing for this species. We expect this sub-population will play an important role in population restoration in this key watershed. However, we do not anticipate this minor application will have an adverse effect on fish or fish habitat. The diversion of 0.02 cfs from Clear Creek from

MICROFILMED

MAY 18 1998

Providing Excellent Public Service and Healthy Sustainable Wildlife Through Partnerships and Sharing

Steve Lester, Page 2

April 1 to October 31 is from the very lowest reach and will not adversely affect critical habitat or fish passage. We are not familiar with the diversion structure or whether there is one. If warranted, it should be screened to prevent entrainment of fish. This sub-watershed warrants immediate and long-term protection and consideration should be given to establishing a licensed minimum streamflow.

- ✓65-13763: This section of the South Fork Payette River is situated within a bull trout key watershed. The mainstem river provides a migration corridor for fluvial adults. However, this minor application is not anticipated to adversely affect fish habitat.
- ✓65-13764: Same comment as for application 65-13763.
- ✓65-13765: This spring is situated within the South Fork Payette River key watershed for bull trout. We do not anticipate adverse effects to fish habitat.

Thank you for the opportunity to comment. Questions should be directed to Scott Grunder, Natural Resources Biologist.

Sincerely,



Al VanVooren
Regional Supervisor

AV:sag

cc: NRPB
IDHW-DEQ-BRO (Bob Steed)
Lowman Ranger District (Walt Rogers)

MICROFILMED
MAY 18 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

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE:

12/8/97

TO:

Scott Grunke
IDFG R3

FROM:

Steve Latta

fax 465-8467

"PROFILE REPORTS" -

DOCUMENT DESCRIPTION:

BULL TROUT COMMENTS & APPLICATIONS for
WATER RIGHT - similar to So. Fk. Salmon AREA Applications
RECENTLY FAXED to you. All ARE minor uses within AREAS
of CONCERN (RE: Bull Trout Classification MAP in Governor's plan).

TOTAL PAGES SENT:

9

+ COVER SHEET

CONTACT:

- AS ABOVE

NOTE

ARUNNY Murphy Hot Springs : 51-07361 - 07363 - 07366

See Appl. "Comments"

ARUNNY Lowman

: 65-13761

through

65-13765

MICROFILMED

all ARE Forest Service

MAY 18 1998

Is this an OK way to solicit comments or do you
prefer a letter with more complete copy of Applications?
- Celebrating Our Centennial Year of Service to Idaho 1895-1995 -

65-13765

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

Source: SPRING

Tributary: PAYETTE RIVER, SOUTH FORK

Diversion Pt: SWSE Sec 23 T 09N R 08E in BOISE County.

Use: DOMESTIC (0.020 CFS)
Total Diversion: (0.020 CFS)

Date Filed: 11/ 6/1997

In: BOISE County
T09N R08E S23 SWSE

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MAY 18 1998