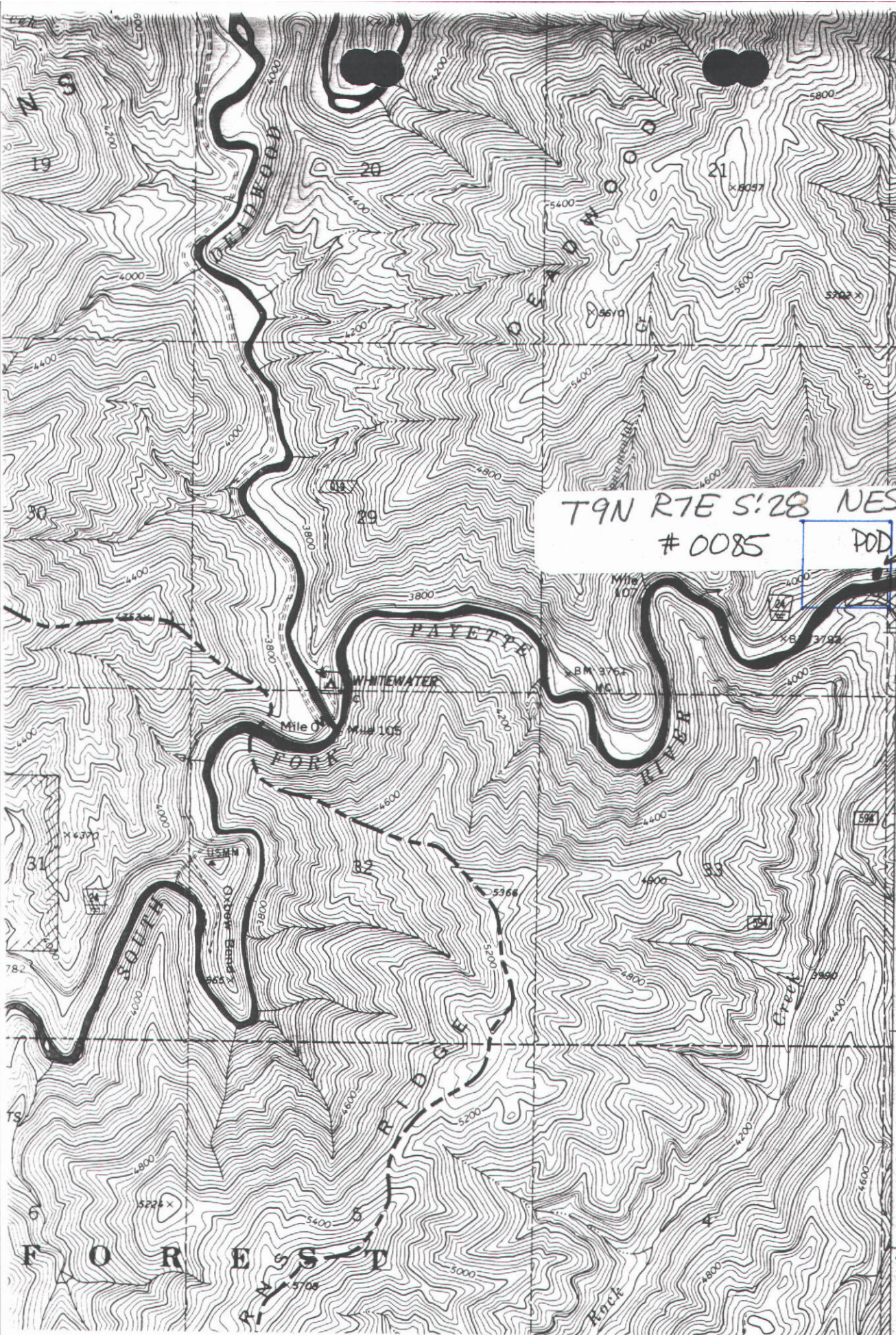




T9N R7E S:28 NESE

#0085

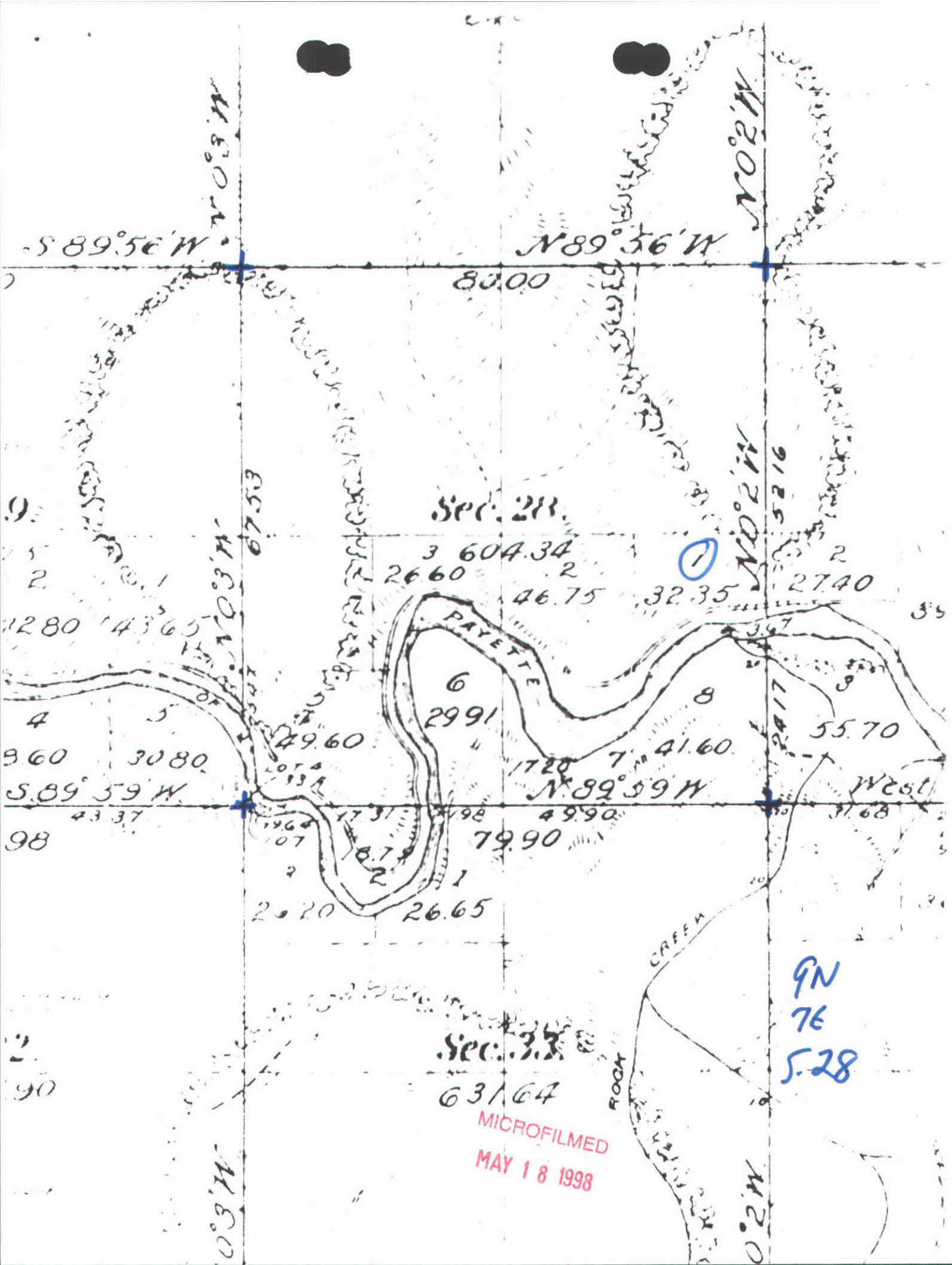
POD & POU

gov't
lot 1
NESE

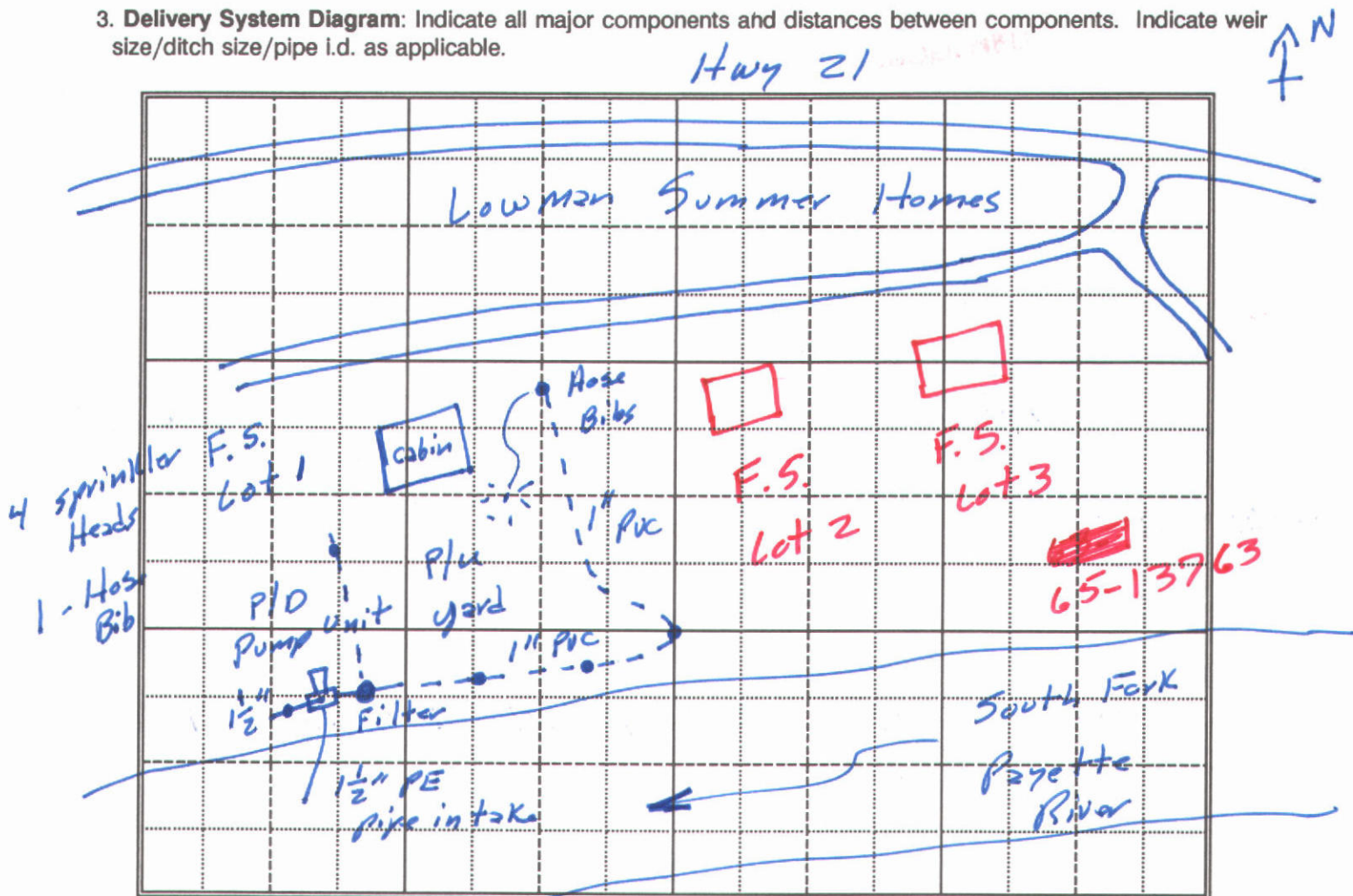
82
11/19/97

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



Scale: 1" = None

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

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

☐ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
River Pump	GE Motors	3/4	TJS 230418	Water Ace	1"
			model		
			SKC33MN		

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

270 BX

D. FLOW MEASUREMENTS

1.

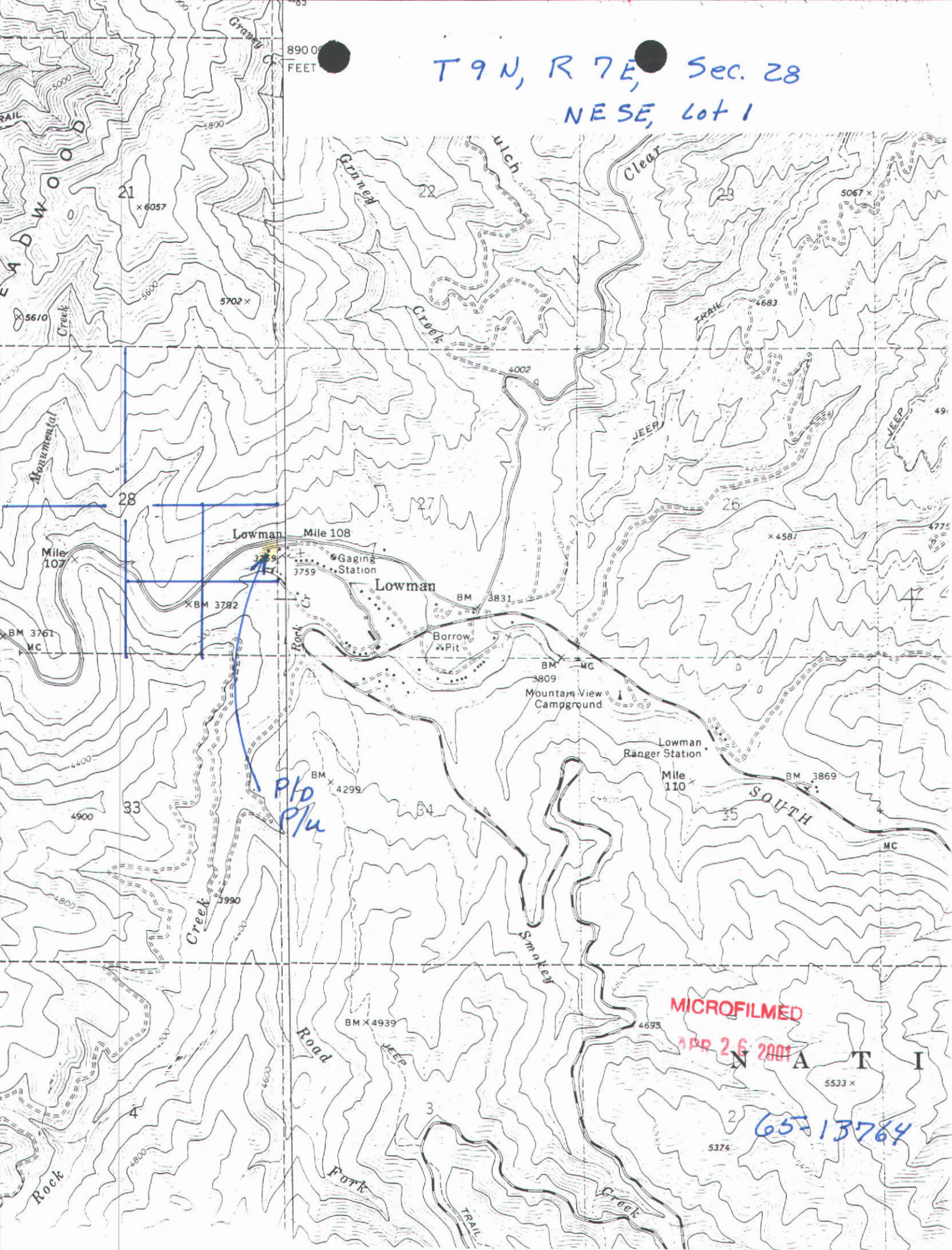
Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

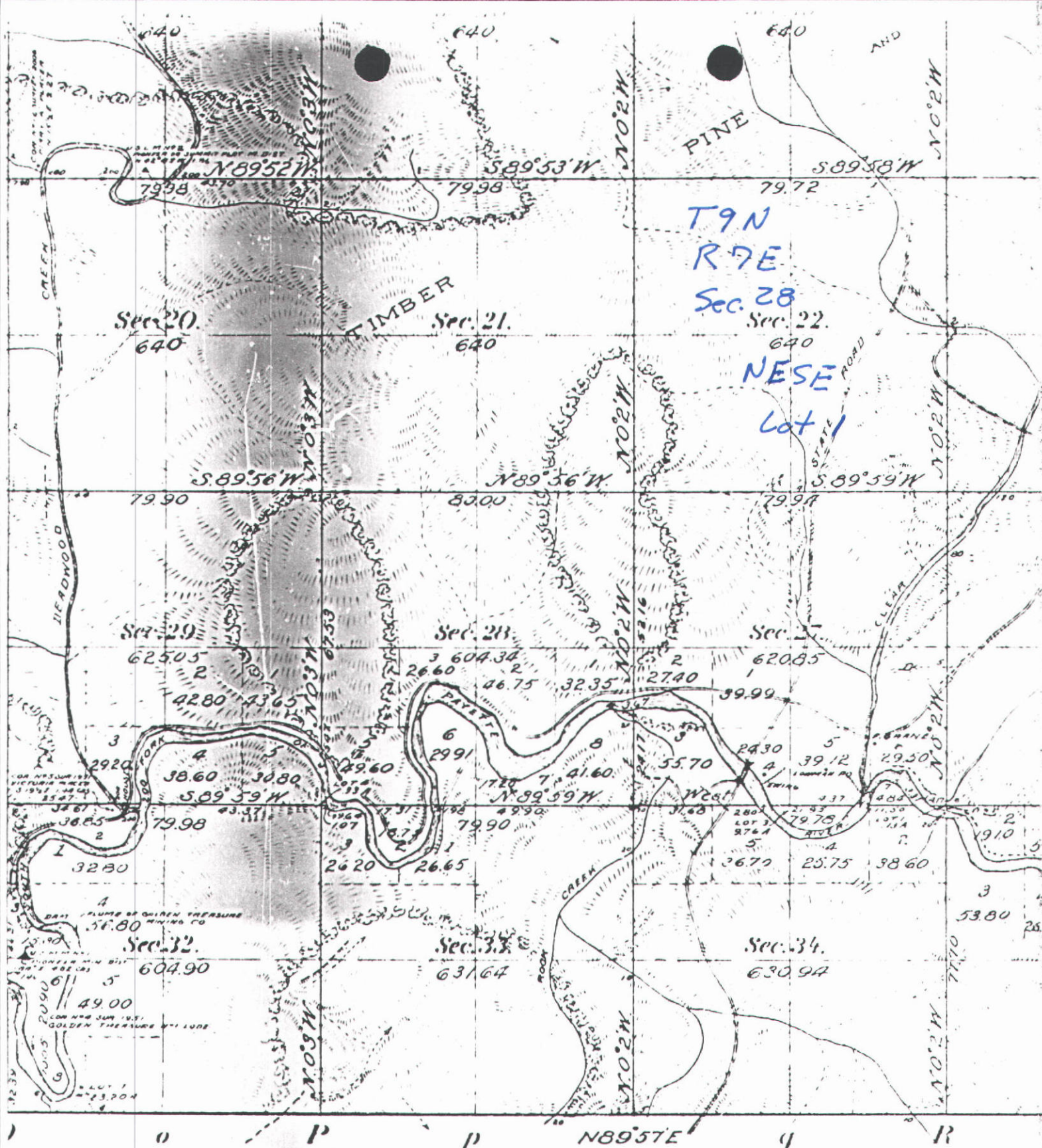
2. Measurements: None - Pump off - owner of Cabin not on exam.

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APR 26 2001

NE SE, Lot 1





Public Land 21323.03A. Total number of Acres 21486.47

65-13764

No.	Date of Contract	Amount of Surveys			When Surveyed	Mean Declination
		M.	Ch.	Ac.		
271	March 19, 1906	17	23	22	July 16-Sept 5, 1906	19° E
		57	73	81	Sept 8-Oct 11, 1906	
		18	63	76	October 13, 20, 1906	
		5	70	65	July 2-4, 1906	

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65-13764

1 of 2

P10

Pump
intake
line
in
River



P10

3/4 HP
pump
unit
on
Bank



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65-13764

2 of 2

P/u

yard

Pump
unit is
in brush
at far
end of
lawn.



P/u

yard



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65-13764

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lou*
 No.: 65-13764 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

WD (✓ MAP & LISTING)

- R04 (WD # 65)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 cfs

- 01H-P01 (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; ^{N/A} ~~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:**- ① WB9 ② 041 mod. ③ 071 mod. ④ 070 mod.**BENEFICIAL USE DUE:**- 4/1/ 2001**COMMENTS:**

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 65-2426

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GIVENS VICKERS & GANNON 10613 BOSWELL BLVD SUN CITY, AR 85351 (208)342-6571
Also Known As	USFS , MT
Also Known As	US DEPT OF AGRICULTURE FOREST SERVICE 324 25TH STREET OGDEN, UT 844012394 (801)625-5360
Original Owner	MAGUIREGIVENS WILLE WATERUSERS ASSOC 10613 BOSWELL BLVD SUN CITY, AR 85351
Original Owner	UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE 550 W FORT ST MSC 033 BOISE, ID 83724 (208)387-0835

Priority Date: 05/24/1938
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
SPRINGS	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	0.04 CFS	3.6 AFA	
Total Diversion			0.04 CFS	3.6 AFA	

Location of Point(s) of Diversion:

SPRINGS	SWNW	Sec. 27	Township 09N	Range 07E	BOISE County
SPRINGS	NWSW Lt 2	Sec. 27	Township 09N	Range 07E	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	07E	27	2	NWSW										
		28	1	NESE										

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 PROPERTY ALSO KNOWN AS, LOTS 1, 2, 3, LOWMAN SUMMER HOMES.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
SBOCK	1/14/98	DUPLICATE CLAIM	THIS CLAIM FILED ON TWICE. THE 65-02426A CLAIM HAS BEEN DISALLOWED. CLAIM 65-02426 SHOWS BOTH CLAIMANTS, THE FOREST SERVICE AND GIVENS, VICKERS, AND GANNON.
SBOCK	3/27/98	COPIED FROM REMARKS	FOREST SERVICE ID 040217050120490013 00 PROPERTY ALSO KNOWN AS, LOTS 1, 2, 3, LOWMAN SUMMER HOMES.

Dates:

Licensed Date:
Decreed Date: 08/28/1998
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: 65
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 65-13764

<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	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

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	7/01	10/31	0.02 CFS		
Total Diversion	0.02 CFS				

Location of Point(s) of Diversion:

PAYETTE RIVER	NESE Lt 1	Sec. 28	Township 09N	Range 07E	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	07E	28	1	NESE										

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.
3. 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.
4. 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.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13764

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 0.06 cfs of water from:

SOURCE

SOUTH FORK PAYETTE RIVER Tributary: 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	07/01 to 10/31	0.02 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SOUTH FORK PAYETTE RIVER L1 NE 1/4 SE 1/4 Sec. 28, Twp 09N, Rge 07E, B.M., BOISE County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09N 07E 28													X				L 1

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 The domestic use authorized under this right shall not exceed 13,000 gallons per day.
- 4 Water shall not be diverted under this right when flows in the South Fork Payette River are below established minimum stream flows.
5. Domestic use is for external use for 1 home

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APR 26 2001

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13764

- 6 Place of use is located within Lot 1, Lowman Summer Home Area.
- 7 Place of use is also known as US Forest Service Identification No. 04 02 17050120 49 0085 0.
8. Rights 65-02426 and 65-13764 when combined shall not exceed a total annual maximum diversion volume of 3.6 af.

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

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APR 26 2001

RECEIVED

MAR 30 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

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

1. Permit No. 65-13764 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: South Fork Payette River 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: 102 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 or organization)

MICROFILMED
AUG 09 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13764

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:
PAYETTE RIVER, SOUTH FORK tributary of PAYETTE RIVER

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	07/01 to 10/31	0.02 CFS
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LOCATION OF POINT(S) OF DIVERSION: Lot 1(NESE), Sec. 28, Township 09N, Range 07E
BOISE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

09N 07E 28 Lot 1(NESE)

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, 2001.
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. Water shall not be diverted under this right when flows in the Payette River, South Fork, are below established minimum stream flows.
6. 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.
7. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
8. Any irrigation occurring under this domestic use shall not exceed 1/2 acre and is authorized only in connection with a domestic use.
9. Place of use is located within Lot 1, Loman Summer Home Area.
10. Place of use is also known as US Forest Service Identification No. 04 02 17050120 49 0085 0.
11. Domestic use is for 1 home.

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MAY 18 1998

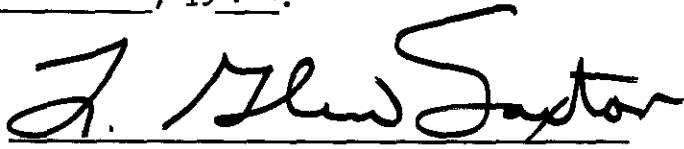
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13764

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

27th day of March, 1998.


Karl J. Dreher, Director
for

MICROFILMED

MAY 18 1998

RECEIVED

MAR 20 1998

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- Name of Applicant United States of America, Forest Service Phone (801) 625-5360
Mailing address Federal Building, 324 25th Street, Ogden, Utah 84401
- Source of water supply S.F. Payette River which is a tributary of Payette River
- Location of point of diversion is Township 09N Range 07E Sec. 28 in the 1/4
NE 1/4, SE 1/4, Govt. Lot 01, B.M., Boise County;
additional points of diversion if any: _____
- Water will be used for the following purposes:

Amount <u>.02</u> for <u>Domestic</u> purposes from <u>July 1</u> to <u>Oct. 31</u> (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
- Total quantity to be appropriated is (a) .02 and/or (b) _____
cubic feet per second acre feet per annum
- Proposed diverting works:
 - Describe type and size of devices used to divert water from the source 1 1/2" PVC pipe pumps water
out of river using 3/4 horsepower electric pump for lawn sprinkler system
 - Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - Is ground water with a temperature of greater than 85°F being sought? _____
 - If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
- Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)
- Description of proposed uses (If irrigation only, go to item 9):
 - Hydropower; show total feet of head and proposed capacity in KW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; show name of municipality. _____
 - Domestic; show number of households. Lowman Summer Home-Lot 1 (1 residence)
 - Other; describe fully. _____

NOTE Gov't lot 1 is pld's p/m MAY 18 1998
-R 11/19/97

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Add to Comments

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.

11. a. Who owns the property at the point of diversion? United States of America, Forest Service-Boise N.F.
United States of America, Forest Service-Boise N.F.
b. Who owns the land to be irrigated or place of use?
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make

DATE _____

12. Remarks:

Forest Service ID number: 04 02 17050120 49 0085 0

Red Comments

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8"x11" map clearly identifying the proposed point of diversion, place of use, section 8, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

of the State of Idaho as herein set forth.

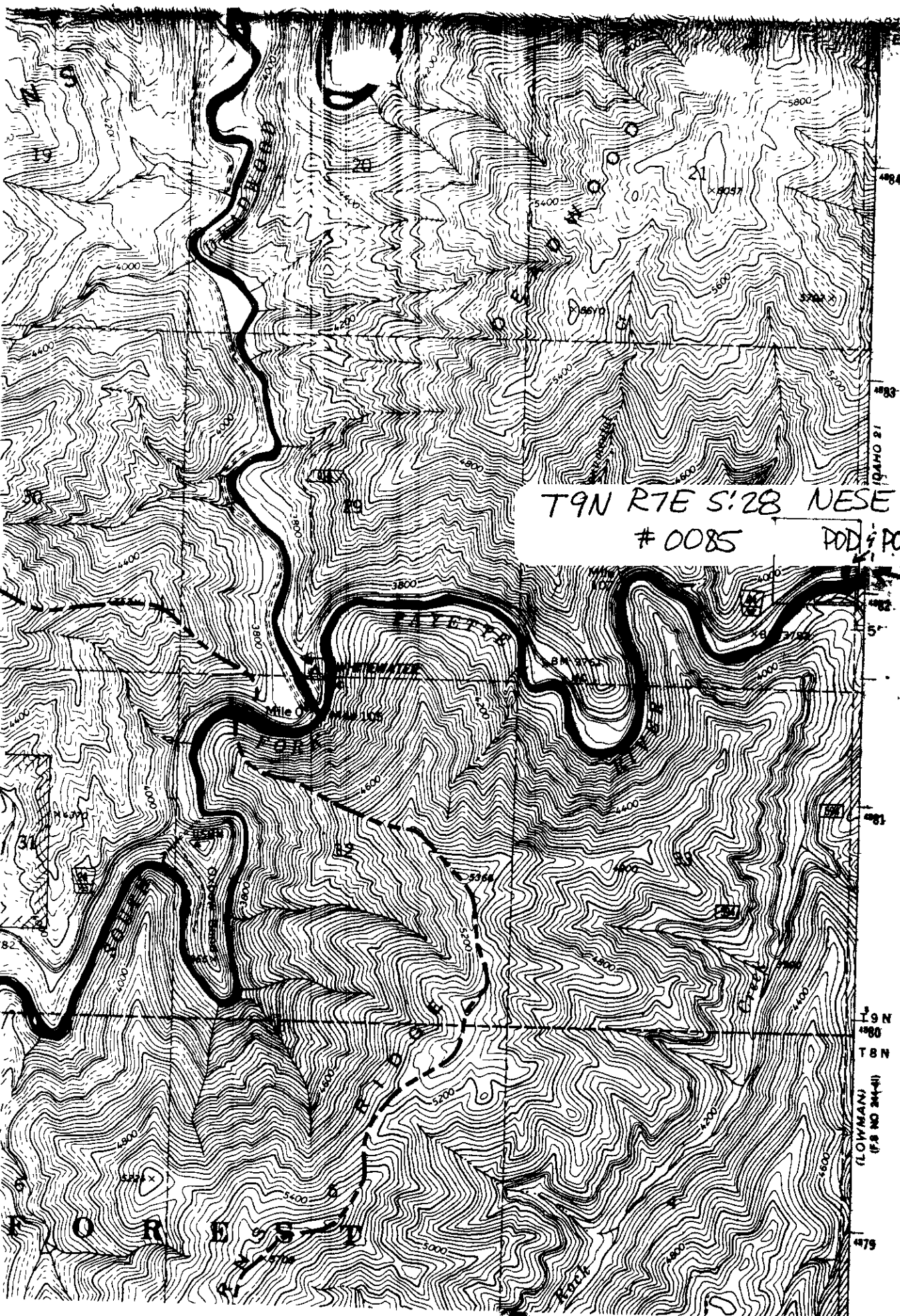
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters

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MAY 18 1998

Signature of Applicant (and wife, if applicable)

Received by	500	Fee \$	500
Date	11/16/97	Received by	11/25/97
Time	11:45	Published in	3-10-98
Preliminary check by	11/16/97	Date	3-10-98
		Publication prepared by	Publication approved by



T9N R7E S:28 NESE

0085

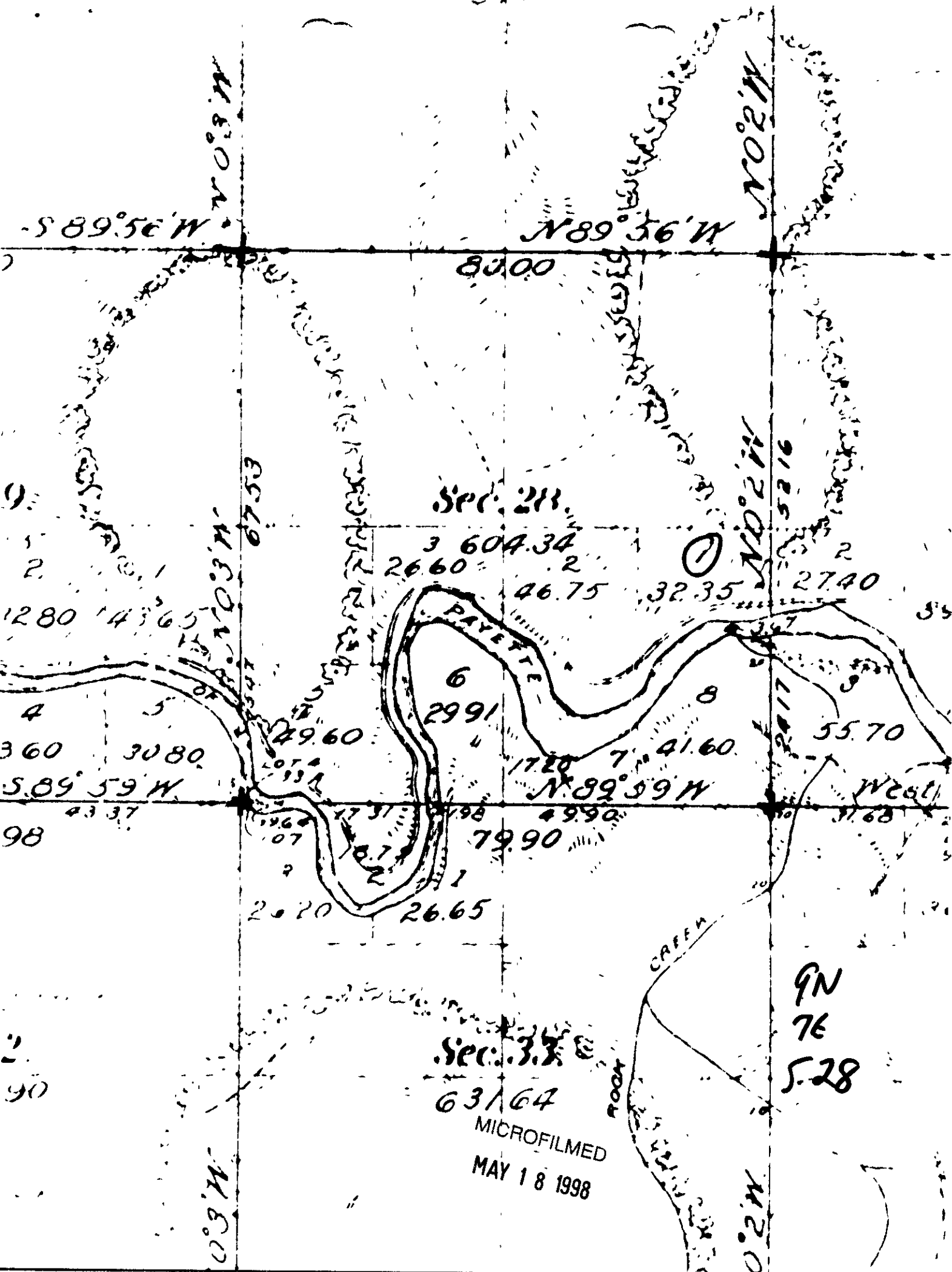
POD & POA

govt
lot 1
NESE

82
11/19/97

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MAY 18 1998



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-13764

WATER RIGHT NUMBER 65-13764

<u>Owner Type</u>	<u>Name and Address</u>
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

see comments

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	07/01 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

SOUTH FORK PAYETTE RIVER	L1 (NE1/4SE1/4)	Sec 28, Twp 09N, Rge 07E, 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	07E	28														X			
																L1			

Conditions of Approval

- 1 Rights 65-02426 and 65-13764 when combined shall not exceed a total annual maximum diversion volume of 3.6 af
- 2 Place of use is located within Lot 1, Lowman Summer Home Area
- 3 Place of use is also known as US Forest Service Identification No 04 02 17050120 49 0085 0
- 4 070 The irrigation occurring under this domestic use shall not exceed 1/2 acre and is authorized only in connection with a domestic use
- 5 071 The domestic use authorized under this right shall not exceed 13,000 gallons per day
- 6 R05 Use of water under this water right will be regulated by the watermaster of State Water District No 65
- 7 WB9 Water shall not be diverted under this right when flows in the South Fork Payette River are below established minimum stream flows
- 8 X01 Domestic use is for external use for 1 home

Remarks

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 65-13764

Comments

1 Iharns 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

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	3 6	

Combined Water Rights 65-2426 , 65-13764

SRBA PARTIAL DECREE 65-13764

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: PAYETTE RIVER, SOUTH FORK TRIBUTARY: PAYETTE RIVER
QUANTITY: 0.02 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.
PRIORITY DATE: 11/06/1997
POINT OF DIVERSION: T09N R07E S28 LOT 1 (NESE) Within Boise County
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Domestic 1 HOME 07-01 TO 10-31 0.02 CFS
Domestic Within Boise County
T09N R07E S28 LOT 1 (NESE)

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 27, 2001

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

RE License No. 65-13764 - 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

MICROFILMED

APR 26 2001

SWK kit

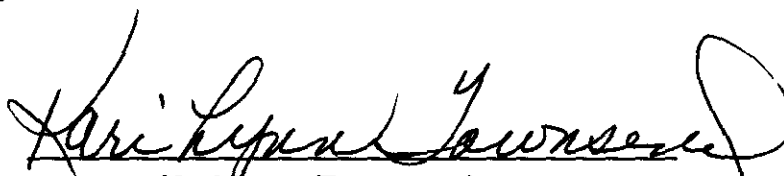
Enclosure(s)

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. 65-13764

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

A handwritten signature in black ink, 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)

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. 65-13764 Date 4-24-01 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK
Point of Diversion OK

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

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

Place of Use OK

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

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps. Right(s) 65-02426-
File reviewed 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 cfs
Theoretical 0.06 cfs

Recommended Total Diversion Rate 0.02

Water Uses OK

Change (P46)

Season of Use per new Standards

Irrigation cfs af
Stockwater cfs af
Domestic 0.02 cfs 0.06 af
 cfs af
 cfs af
Total 0.02 cfs 0.06 af

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

supp. Gw (W87/065/104)

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)

limit to 3.6 AF.
when combined
with 65-2426

Volume Determination

 cfs x 1.9835 x days = af (vs) acres x (FHR) = af

Remarks

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

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

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

04/24/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 65-2426

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GIVENS VICKERS & GANNON 10613 BOSWELL BLVD SUN CITY AR 85351 (208)342-6571
Also Known As	USFS MT
Also Known As	US DEPT OF AGRICULTURE FOREST SERVICE 324 25TH STREET OGDEN, UT 844012394 (801)625-5360
Original Owner	MAGUIREGIVENS WILLE WATERUSERS ASSOC 10613 BOSWELL BLVD SUN CITY, AR 85351
Original Owner	UNITED STATES OF AMERICA ACTING THROUGH USDA FOREST SERVICE 550 W FORT ST MSC 033 BOISE, ID 83724 (208)387-0835

Priority Date 05/24/1938
Basis Decreed
Status Active

<u>Source</u>	<u>Tributary to</u>
SPRINGS	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	0.04 CFS	3.6 AFA	
Total Diversion			0.04 CFS	3.6 AFA	

Location of Point(s) of Diversion

SPRINGS	SWNW	Sec 27	Township 09N	Range 07E	BOISE County
SPRINGS	NWSW 142	Sec 27	Township 09N	Range 07E	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	07E	27	2	NWSW										
		28	1	NFS										

Conditions of Approval

- 1 N15 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 PROPERTY ALSO KNOWN AS, ~~S,~~ **LOTS 1, 2, 3, LOWMAN SUMMER HOMES**

Comments

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
SBOCK	11-14-98	DUPLICATE CLAIM	THIS CLAIM FILED ON TWICE THE 65-02426A CLAIM HAS BEEN DISALLOWED CLAIM 65-02426 SHOWS BOTH CLAIMANTS. THE FOREST SERVICE AND GIVENS, VICKERS AND GANNON
SBOCK	3-27-98	COPIED FROM REMARKS	FOREST SERVICE ID 040217050120490013 00 PROPERTY ALSO KNOWN AS, LOTS 1, 2, 3 LOWMAN SUMMER HOMES

Dates

Licensed Date
 Decreed Date 08/28/1998
 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 65
 Generic Max Rate per Acre
 Generic Max Volume per Acre
 Civil Case Number
 Old Case Number
 Decree Plaintiff
 Decree Defendant
 Swan Falls Trust or Nontrust
 Swan Falls Dismissed
 DLE Act Number
 Cury Act Number
 Mitigation Plan False

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO 65-13764

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

Also Known As USFS
 NM

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
 SOUTH FORK PAYETTE RIVER PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	7'01"	10'31"	0.02 CFS		
Total Diversion			0.02 CFS		

Location of Point(s) of Diversion

PAYETTE RIVER NESE 1st Sec 28 Township 09N Range 07E 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	07E	28	1	NESE										

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
3. 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
4. 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

Remarks

1 Explanatory PROPERTY IS ALSO KNOWN AS LOT 1, LOWMAN SUMMER HOMES FOREST SERVICE RECORD ID = 04 02
17050120 49 0085 0

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB - 7 2000

Department of Water Resources

A. GENERAL INFORMATION

U.S. Dept. of Agriculture
1. Owner: Forest Service, Boise N.F. Permit No. 65-13764
Phone No. (208) 373-4100
Current Address: 1249 S. Vinnell Way, Suite 200, Boise, ID 83706
2. Accompanied by: Robin Metz EXAM DATE: 7-20-99
Address: Lowman Ranger District, Lowman, ID Phone No. (208) 258-3361
Relationship to Permit Holder: Resource Manager
3. Source: Payette River, South Fork tributary to Payette River

B. OVERLAP REVIEW

- Other water rights with the same place of use: Internal Domestic for Cabin
- 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
	1		NE	SE	28	9N	7E	Boise	Site Visit, Map

2. Place(s) of Use:

Indicate Method of Determination Site Visit, Map

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	7E	28													D lot				

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FEB 2001

E. NARRATIVE/REMARKS/COMMENTS

1. This permit is for domestic water use from the S. Fork, Payette River for yard irrigation of lot 1, Lowman Summer Homes. The lot has a cabin on it, and the internal domestic water source is unknown. The lot is Forest Service property and is leased under a Special Use Permit to Debbie Vickers.

2. A portable 3/4 HP pump unit with a 1 1/2" PE pipe river intake, pumps water into a buried pipe sprinkler system. The system has 4 sprinkler heads, and (1) hose bibs at the end of the 1" PVC buried mainline. The system is used to irrigate the yard around the cabin.

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

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APR 26 2001

SEAT

Date _____

Review

Field Examiner's Name

Date _____

1. 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

01

From

10/31

10/60

Totals:

Rate of Diversion

(S) 0

20.0

Annual Volume

9.0

9.0

1. Recommended Amounts

H. RECOMMENDATIONS

2. Volume Calculations for Other Uses:

V = Smaller of V_{LR} and V_{DR} =

$$V_{D,R} = [\text{Diversion Rate (cts)}] \times (\text{Day})$$
$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

Measured Method: Non - Theoretical (%) - 35% @ Pump

F. FLOW CALCULATIONS

Additional Computation Sheets Attached
(2) - 35 of 36

$$0.055 \text{ cfs} = \frac{(8.8)(3/4)(14)(702)}{(147.5)(3.4)(15.1)} + 1.3 = \phi$$

✓ All 0.020 200 545

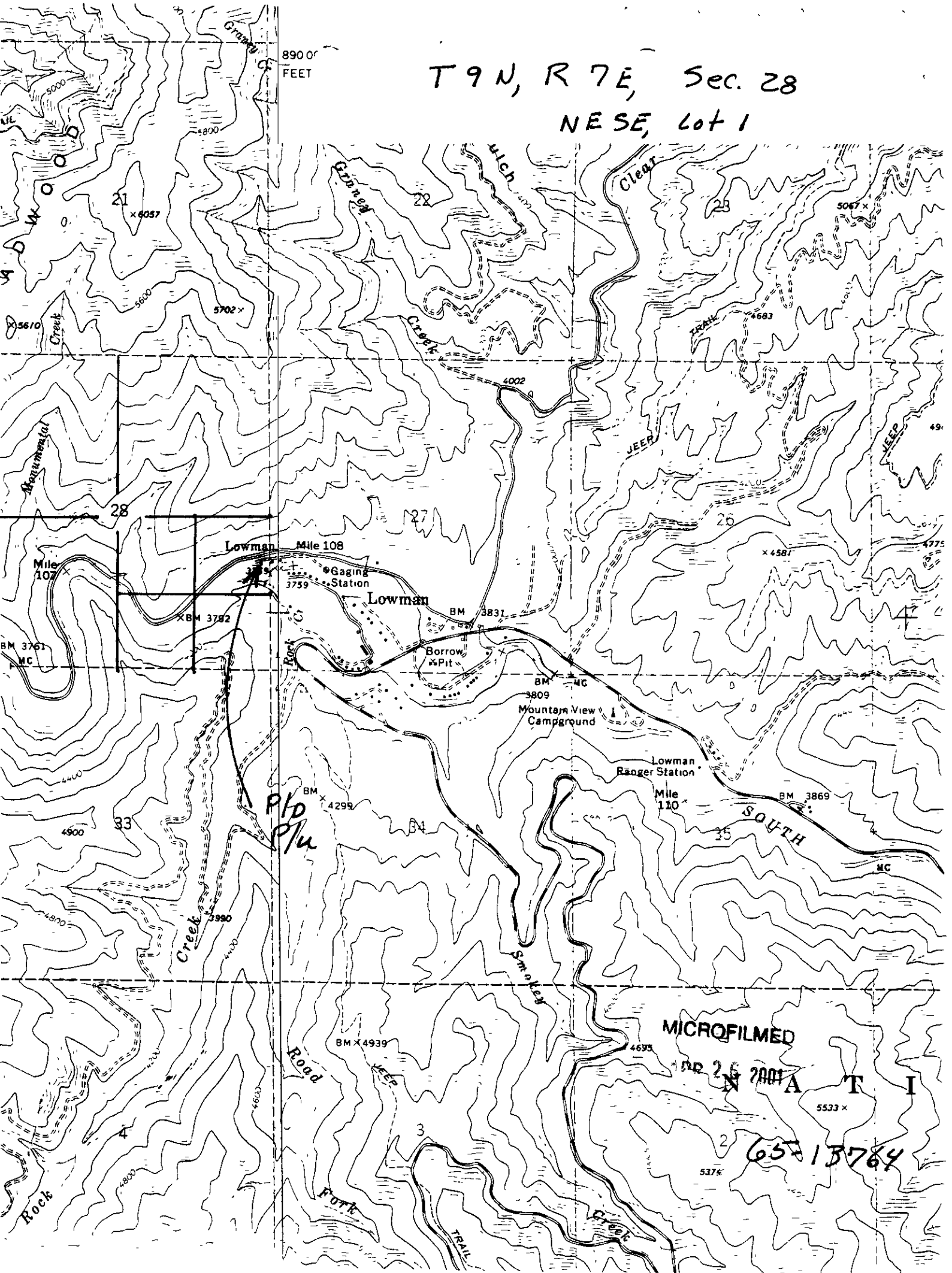
$\frac{L_x}{L_y} + \frac{L_z}{L_y} = \frac{L_x + L_z}{L_y}$

0.6 $\checkmark$ $A=14$

8900' FEET

T 9 N, R 7 E, Sec. 28

NE SE, Lot 1



MICROFILMED

APR 26 2001

T I

65-13764

USDA - Forest Service TERM SPECIAL USE PERMIT For Recreation Residences Act of March 4, 1915, As Amended (Ref. FSM 2710)	Holder No. 5071 / 01	Type Site 123	Authority 712
	Auth. Type 18	Issue Date 01 /01/89	Expir. Date 12 /31/08
	Location Sequence No.		Stat. Ref.
	Latitude 111-11-111	Longitude 111-11-111	LOS Case

Debbie Vickers of 1120 Marshall Street
 (Holder Name) (Billing Address - 1)
Boise Idaho 83706
 (Billing Address - 2) (City) (State) (Zip Code)

(hereafter called the holder) is hereby authorized to use National Forest lands, for a recreation residence for personal recreational use on the Boise National Forest, subject to the provisions of this permit including items 1 through 12, on page(s) 2 through 9. This permit covers 0.7 acres.

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

OR (2) Sec. 28, T.9N., R.7E., 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:

- * Woodshed Storage Shed
- Outdoor Grill and Fireplace
- Septic Tank
- Fences & Gate River Wall

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.

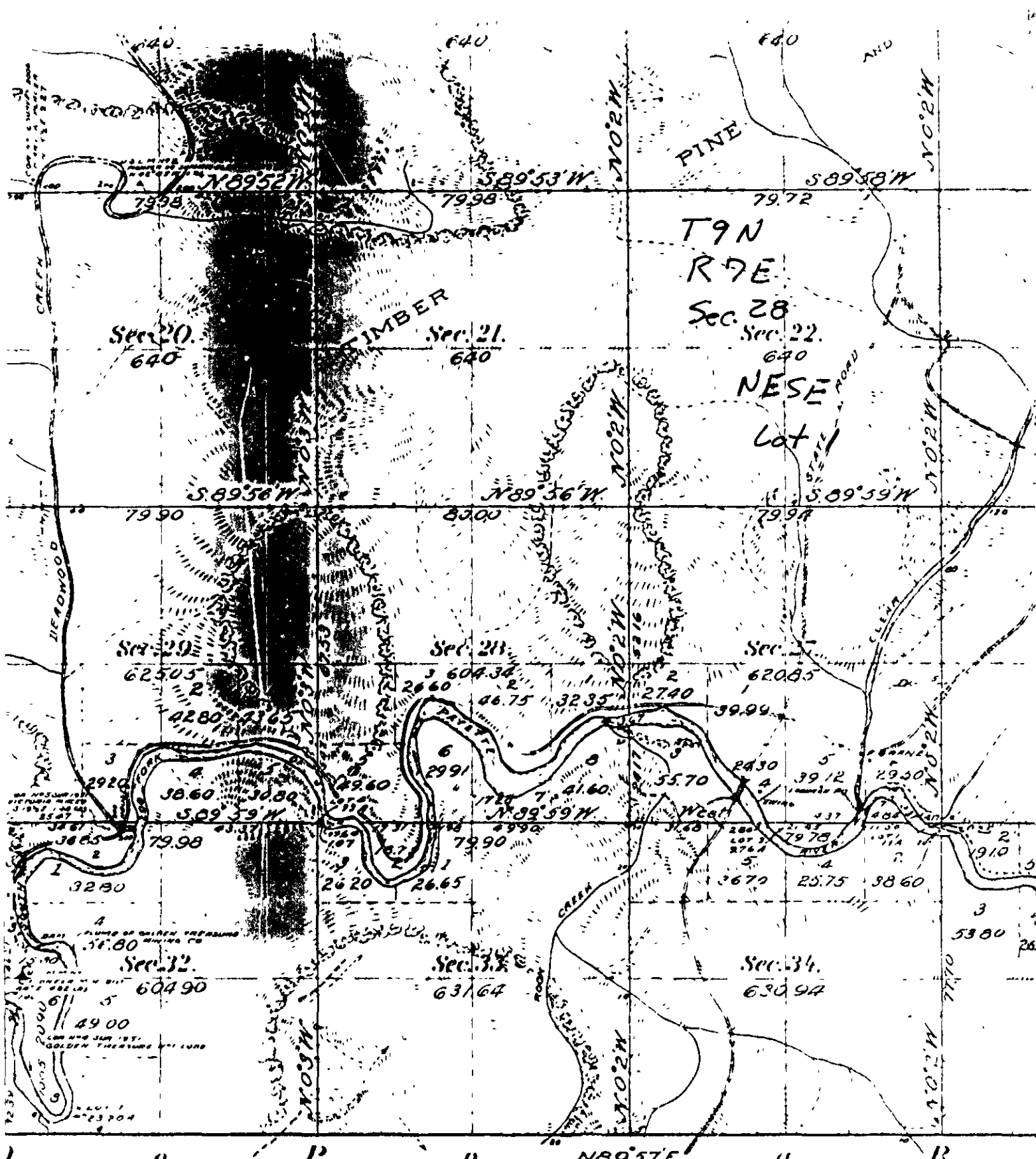
THIS PERMIT IS ACCEPTED SUBJECT TO ALL OF ITS TERMS AND CONDITIONS.

ACCEPTED: DEBBIE VICKERS Debbie Vickers 1-12-89
 HOLDER'S NAME AND SIGNATURE DATE
 APPROVED: W. Wagner Patton for FOREST SUPERVISOR 2/01/89
 AUTHORIZED OFFICER'S NAME AND SIGNATURE TITLE DATE

MICROFILMED

65-13764

APR 26 2001



Public Land 21323.03 A. Total number of Acres 21486.47

Date of Contract	Amount of Survey			When Surveyed
No.	M.	Ch.	Lk.	
271 March 19, 1906	17	23	22	July 16-Sept 5, 1906
	57	73	81	Sept 8-Oct 11, 1906
	18	63	76	October 13, 20, 1906
	5	70	65	July 2-4, 1906

Mean Declination 19° E
 MICROFILMED
 APR 26 2001

65-13764

1 of 2

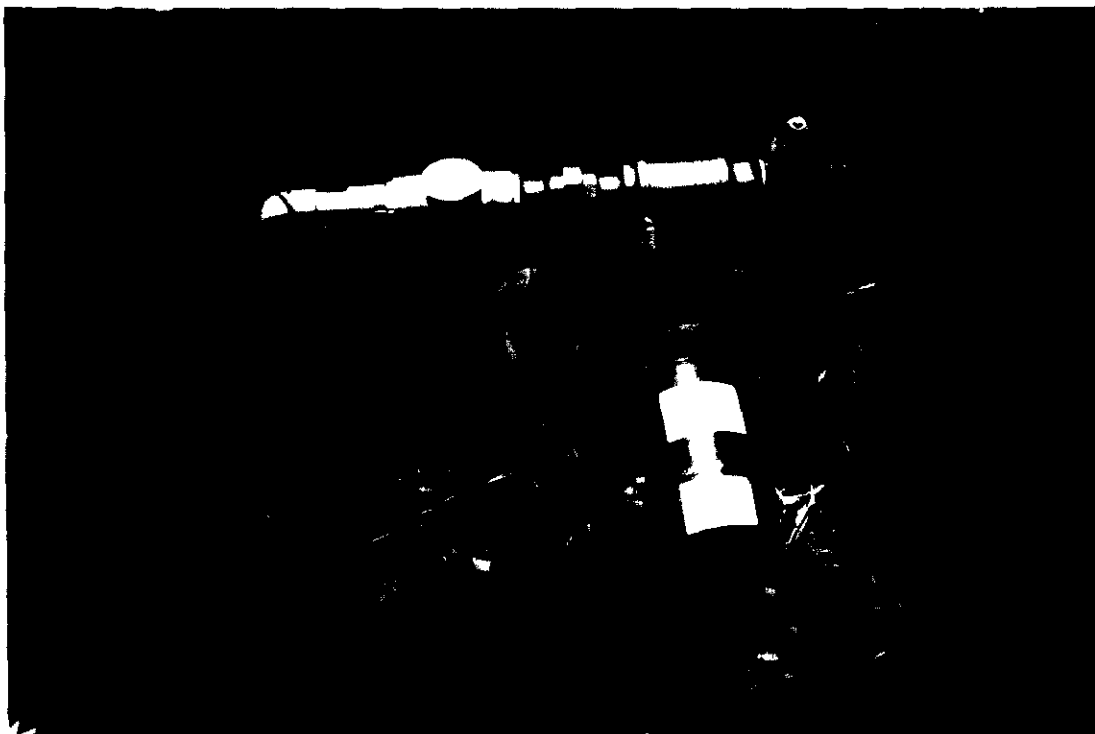
P/D

Pump
intake
line
in
River



P/D

3/4 HP
pump
unit
on
Bank



MICROFILMED

APR 26 2001

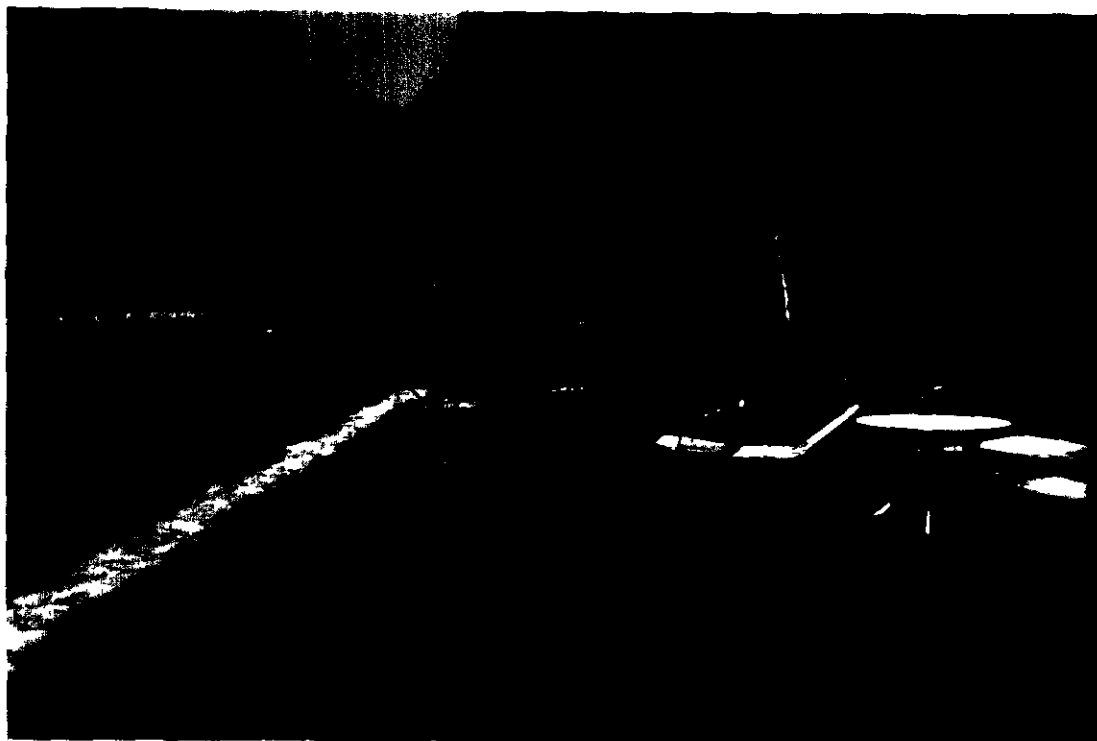
65-13764

2 of 2

P/u

yard

Pump
unit is
in brush
at far
end of
lawn.



P/u

yard



MICROFILMED

APR 26 2001

65-13764

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 6513764 Reviewed by [Signature] Date 7-1-99

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
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?
 / Installed?
 Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

DATA ENTRY

New Address 380 E Parkcenter stc 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

July 1, 1999

US FOREST SERVICE
BOISE NATIONAL FOREST
380 E Parkcenter STE 330
BOISE ID 83706

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13764

Dear Permit Holder:

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

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

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

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED
AUG 14 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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 31, 1998

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

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13764

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.

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.

MICROFILMED

MAY 18 1998

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.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

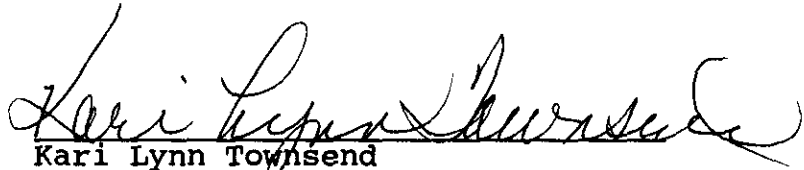
MAY 18 1998

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. 65-13764

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.

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by Cindy Lee
 No.: 65-13764 Name: USFS Date: 3/25/98 Ad OK? ☒ Gvmt Lts: ☒

AREA OF CONCERN: - No/Yes 7 Mor / _____ GWMA / Trust / Non-trust
PROTESTED: - 020 (Protest Agreement) or *W19 (Order)
SYSTEM COMPLETED:
 > 1 year - ~~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 - 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
 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
 WD (✓ MAP & LISTING) - ~~P04~~ (WD # 5)
 > 0.10 cfs - 01J-P08 (MD & LD)
 ≤ 0.10 cfs - ~~1H~~ (LD) or No MD (in-stream stock)
 WMD (✓ MAP) Sink
 > 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) N/A (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: - QWB9 041 mod. 071 mod. 070 mod.
BENEFICIAL USE DUE: - 4/1/2001
COMMENTS: _____

10/97

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

MAR 20 1998

INITIAL REVIEW BY: SL DATE: 11/19/97 APPLICATION: 65-13764

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. $\geq$ 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:
y 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: *ok to advertise but region **
Groundwater management area: *won't forward appl. until*
1992 moratorium: *IDFG b.t. comments clarified*
OK Bull trout impact area
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. 65-13764

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 ^{sent 12/8/97 for}
☐ ☒ I.D. Lands

YES ☒ NO

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

^{DONE}
DELAY sending comment letter, return file to Reviewer once Advertiser

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

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.
CLARITY bull trout issues before forward for
Approval (N/A to well appl.)

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

- 6 FS Appls. 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. " " " "
- 3) { S.27 } S. Fk. Payette "documented present" reach
- 4) { S.28 }
- 5) { 8E S.23 } Spring "depressed" AREA but very close to S. Fk. Payette "documented present" reach
- 6) { 10E S.6 } well N/A

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

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

✓ Contact person = Lisa Maloney.
(FS & BLM Dist office)
~~33~~ 373-4100

* ok to process but include in Appls. 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 >

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 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.

Dwight E. Caughlin
Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 4/26/2001

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13761
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

RECEIVED
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

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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

IOFG R3

fax 465-8467

FROM: Steve Legler

- SEE IOFG
12/10/97
letter to
B. 65
APB

"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"

ARUNNO LOWMAN : 65-13761 through 65-13765

all ARE Forest Service

MICROFILMED

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

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)

MICROFILMED

APR 2 1998