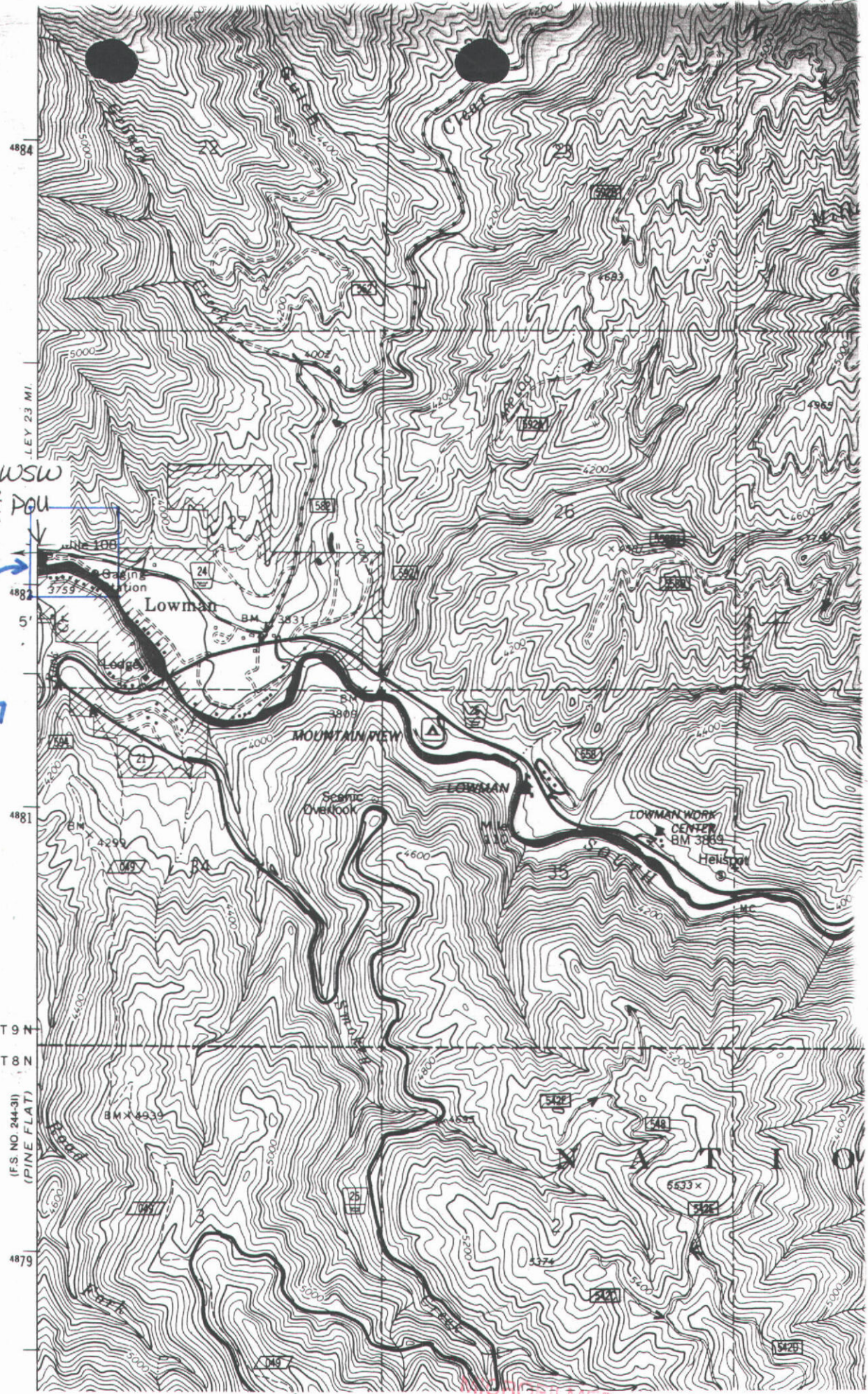


T9N R7E S:27 NWSW
FS#0088

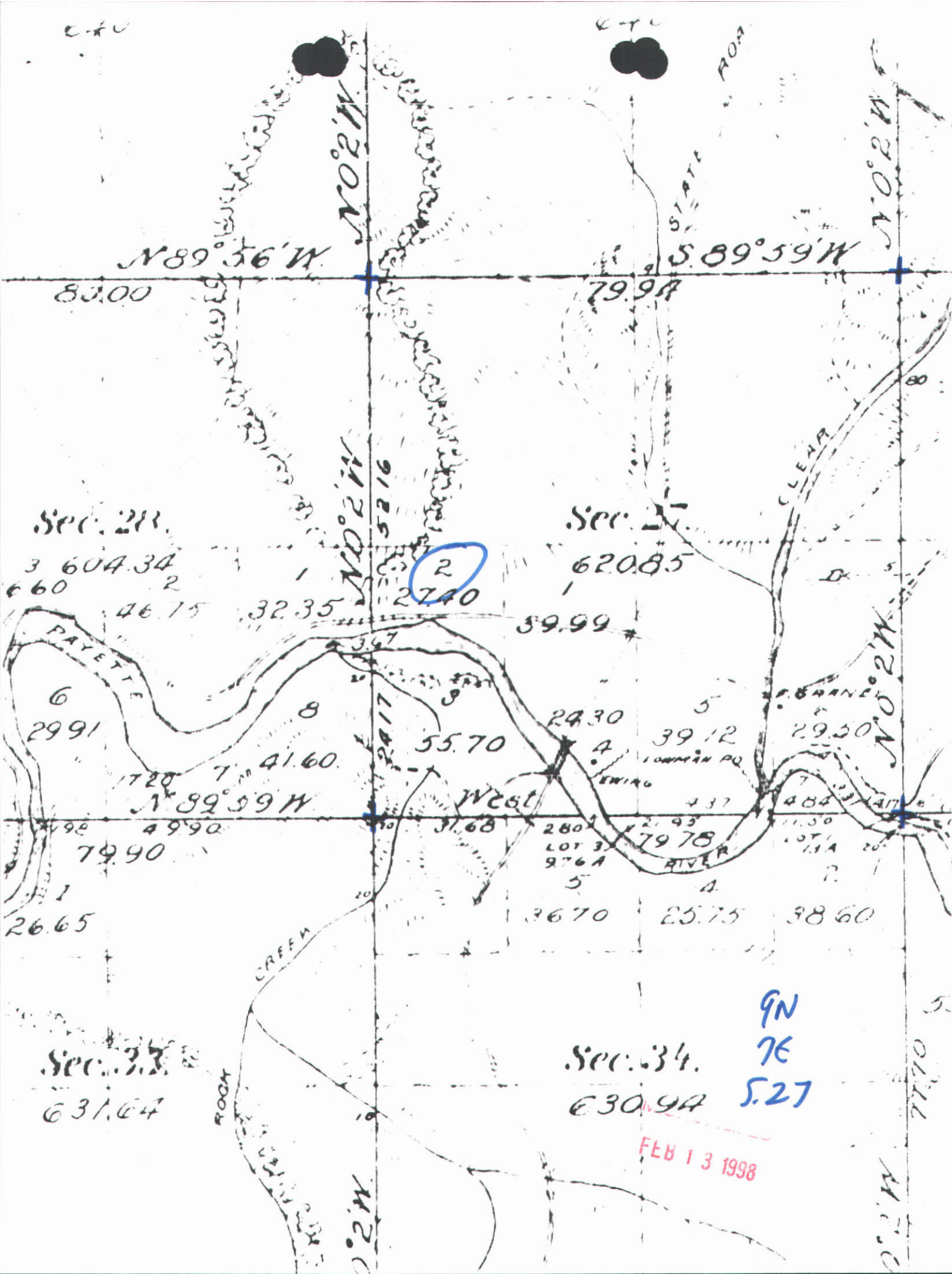
POD & POH

gov't lot 2
NWSW

-R 11/19/97



REPROFILMED
FEB 13 1998



Sec. 21.

Sec. 25.

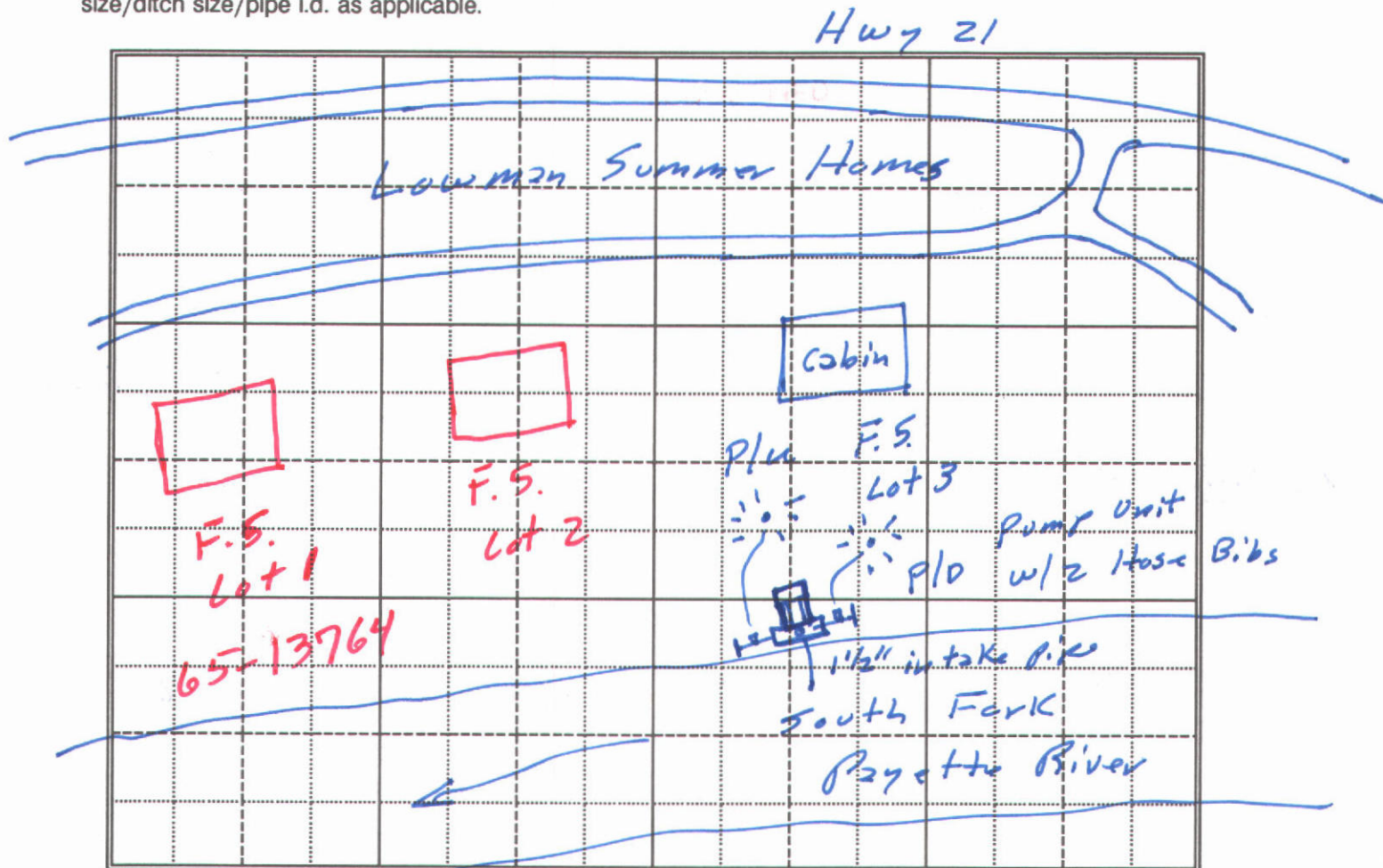
Sec. 33.

Sec. 34.

9N
7E
5.27

FEB 13 1998

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	^{model} Motor Serial No.	Pump Make	^{model} Pump Serial No. or Discharge Size
River Pump	G.E. Motors	1	5KC385N 2959AX	Diamond	LSP 10

*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 - owner was not on exam.

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APR 26 2001

T9N

R7E

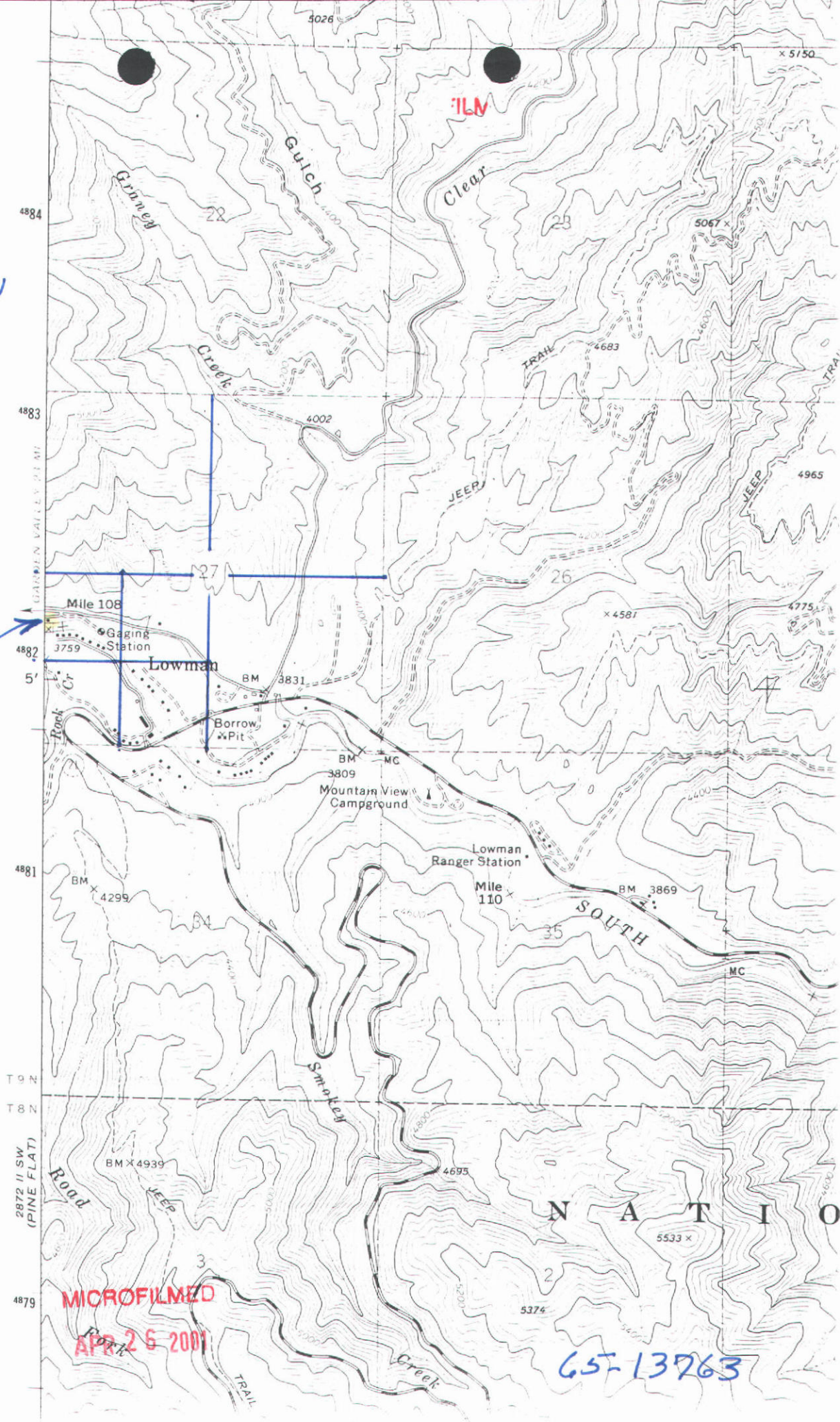
Sec. 27

NWSW

Lot 2

P/D

P/u



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APR 26 2001

65-13763

1 of 2

P/O

Pump
intake
line
in
river



P/O

1 HP
pump
unit
on river
bank



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APR 26 2001

65-13763

2 of 2



P/u

yard

lot 3

Note

Hoses

from

pumps



P/u

yard

lot 3

MICROFILMED

APR 26 2001

65-13763

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13763

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
1249 S VINNELL WY STE 200
BOISE ID 83709 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 December 31, 1998. An examination indicates that the works have
a diversion capacity of 0.07 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	05/01 to 10/31	0.02 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SOUTH FORK PAYETTE RIVER L2 NW¼SW¼ Sec. 27, 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 27										X							
										L 2							

CONDITIONS OF APPROVAL

- 1 Rights 65-02426 and 65-13763 when combined shall not exceed a total annual maximum diversion volume of 3.6 af
- 2 Use of water under this water right will be regulated by the watermaster of State Water District No. 65
- 3 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- 4 Domestic use is for external use for 1 home
- 5 Place of use is locally known as US Forest Identification No 04 02 17050120 49 0088

MICROFILMED
APR 26 2001

State of Idaho
Department of Water Resources
Water Right License

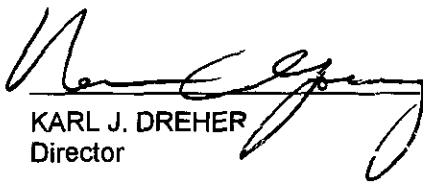
WATER RIGHT NO. 65-13763

6 The domestic use authorized under this right 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

RECEIVED

DEC 31 1998

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 04 1999

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. 65-13763 Telephone No. 208 373-4100

2. Name(s) of Permit Holder(s): U.S. Dept. of Agriculture-Forest Service

New Address: 1249 So. Vinnell Way, Suite 200 Boise, ID 83709

3. Mailing Address: _____

4. Source of Water: Payette River, South Fork 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 _____ or No <u>X</u>
	Has the measuring device been installed?	Yes _____ or No <u>X</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes _____ or No <u>X</u>
	Has the measurement port been installed?	Yes _____ or No <u>X</u>

8. Fee Enclosed: \$ -0- (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 -U.S. Forest Service Telephone Number: 208 259-3361

Address: 7359 Hwy 21, Lowman, ID 83637

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: [Signature] Date: 12/29/98
(include your title, if on behalf of company of organization)

MICROFILMED

MAY 03 1999

MICROFILMED

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 65-13763

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	05/01 to 10/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 2(NWSW), Sec. 27, Township 09N, Range 07E
BOISE County

PLACE OF USE: DOMESTIC
TWN RGE SEC
09N 07E 27 Lot 2(NWSW)

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 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. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
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. Place of use is located within Lot 3, Lowman Summer Homes.
7. Place of use is locally known as US Forest Identification No. 04 02 17050120 49 0088.
8. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
9. Domestic use is for external use for 1 home.

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

12th day of January, 1998

MICROFILMED

FEB 13 1998

Karl J. Dreher
for Karl J. Dreher, Director

JAN 02 1998

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

Department of Water Resources

- Department of Water Resources

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

3. Location of point of diversion is Township 09N Range 07E Sec. 27, in the — 1/4, NW 1/4, SW 1/4, Govt. Lot 02, 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 May 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 submersible electric pump placed in river for lawn watering at Lowman Summer Home Lot #3

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. Lowman Summer Home, Lot #3 (1 residence)

e. Other; describe fully. —

Note gov't lot 2 is
pld & pln

-52 11/19/97

Adel to [unclear]
Comment # 13 1958

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.
b. Who owns the land to be irrigated or place of use? United States of America, Forest Service - Boise N.F.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make

DATE _____

Forest Service ID number: 04 02 17050120 49 0088 0

12. Remarks:

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

MICROFILMED

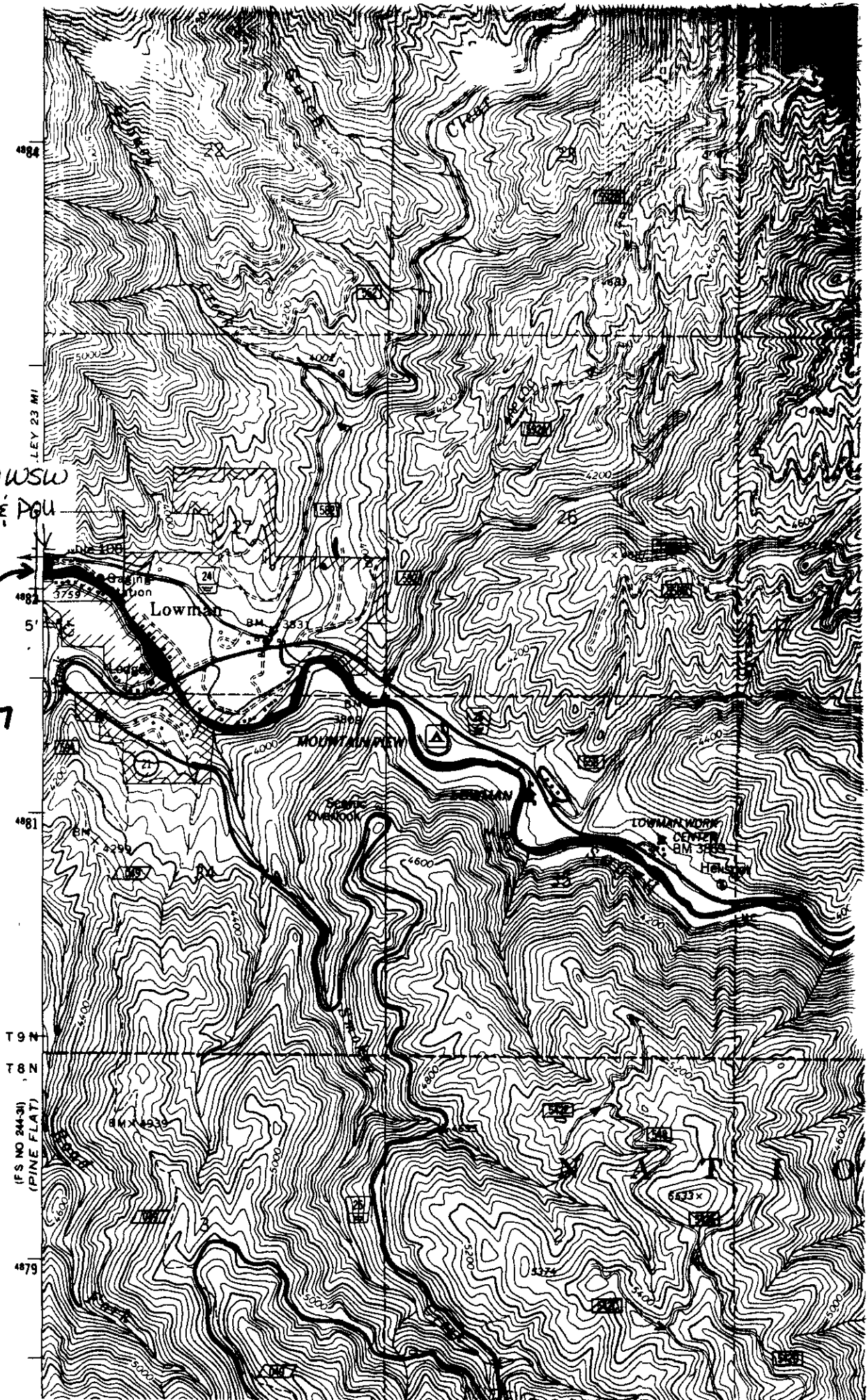
7EB 3 1998

Signature of Applicant (and title, if applicable)

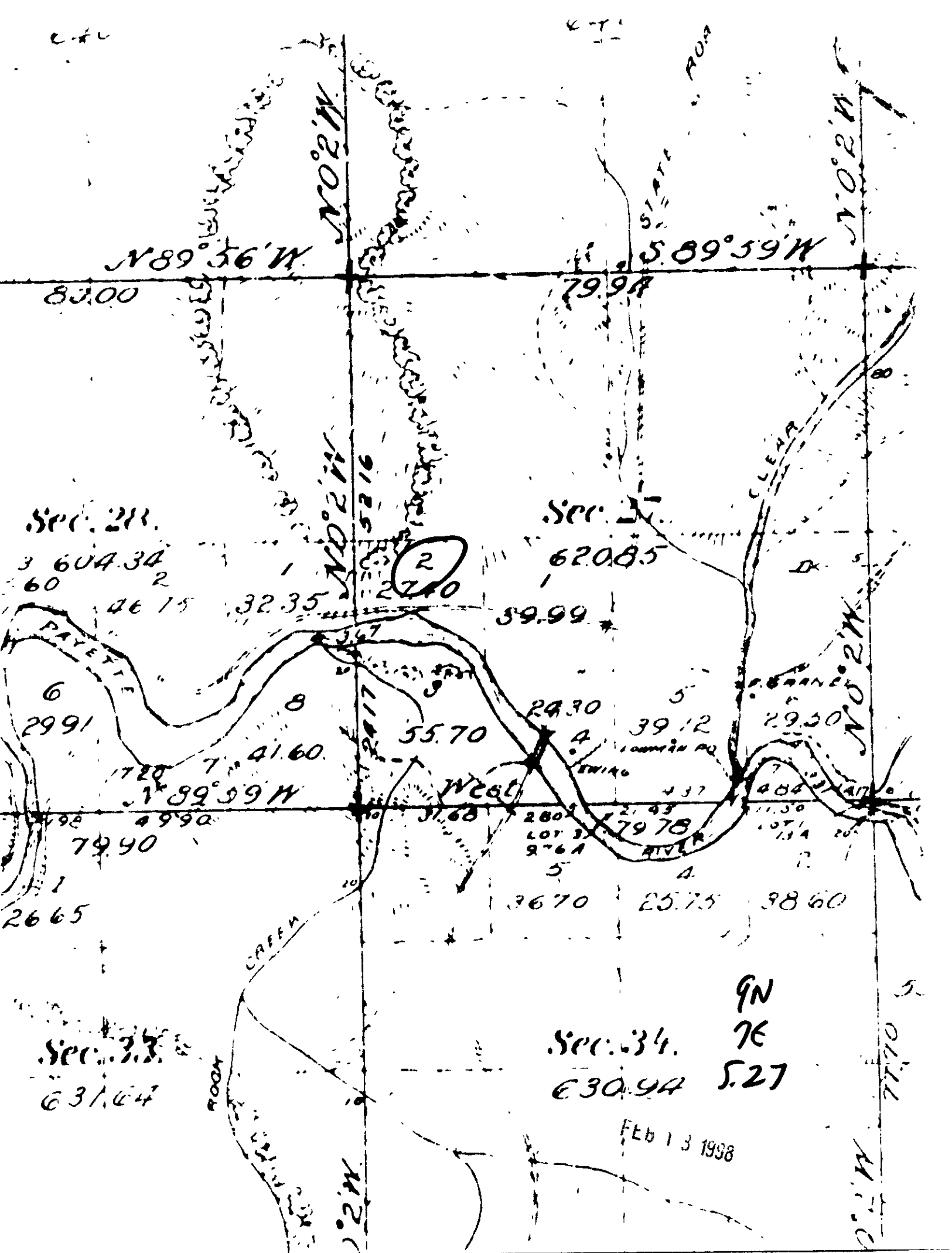
Received by	Date	Time	Preliminary check by	Date	Fee \$	Publication prepared by	Date	Publication approved by
KJ	11/6/97	11:45	W023019	12-4-97	50c	W023019	12-4-97	W023019

T9N R7E S:27 NWSW
FS#0088 PDD E POU

gov't lot 2
NWSW
-pc 11/19/97



FEF 1



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-13763

WATER RIGHT NUMBER 65-13763

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	US DEPT OF AGRICULTURE FOREST SERVICE 1249 S VINNELL WY STE 200 BOISE, ID 83709

Priority Date 11/06/1997

Basis LicenseStatus 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	05/01 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	L2 (NW1/4SW1/4)	Sec 27, 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	27									X								
											L 2								

Conditions of Approval

- 1 Rights 65-02426 and 65-13763 when combined shall not exceed a total annual maximum diversion volume of 3 6 af
- 2 Place of use is locally known as US Forest Identification No 04 02 17050120 49 0088
- 3 071 The domestic use authorized under this right shall not exceed 13,000 gallons per day
- 4 R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion
- 5 R05 Use of water under this water right will be regulated by the watermaster of State Water District No 65
- 6 X01 Domestic use is for external use for 1 home

Remarks

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-13763

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 SRBA decree was issued based upon permit License supercedes the decree Data base reflects license as issued 4/25/2001

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 65-13763

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.
11/06/1997
PRIORITY DATE: T09N R07E S27 LOT 2 (NWSW) Within Boise County
POINT OF DIVERSION:
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Domestic 1 HOME 05-01 TO 10-31 0.02 CFS
PLACE OF USE: Domestic Within Boise County
T09N R07E S27 LOT 2 (NWSW)

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION
IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION
OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS
SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL
BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY
IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 27, 2001

US DEPT OF AGRICULTURE
FOREST SERVICE
1249 S VINNELL WY STE 200
BOISE ID 83709

RE License No 65-13763 - 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. 65-13763

**US DEPT OF AGRICULTURE
FOREST SERVICE
1249 S VINNELL WY STE 200
BOISE ID 83709**

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.

MICROFILMED
APR 26 2001

LICENSE REVIEW CHECKLIST

Permit No 65-137623

Date 4-24-01

Reviewer Kay Walker

topo V64

Change/OK

Name/Address ☒

Source ☒

Point of Diversion ☒

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 ☒

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 ☒

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

Rate of Diversion

Permitted rate 0.02 cfs

Fee Limit cfs

Measured cfs

Theoretical 0.07 cfs

Recommended Total Diversion Rate 0.02

Water Uses ☒

Change (P46)

Season of Use per new Standards

Irrigation cfs af

Stockwater cfs af

Domestic 0.02 cfs 0.12 af

 cfs af

 cfs af

Total 0.02 cfs 0.12 af

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

supp Gw (WB7/065/104)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

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

Remarks R04, R02, W35, W01, 071, W60

Additional Conditions YES Watermaster Control

YES GW Measurement/Measuring Device

 Other

Trust R55 - remove 051)

Non-trust (048/049)

GW Dist?

Water Msmt Dist?

Crit GWMA?

GWMA?

Government Lots? YES

Advance Priority? YES

no

If yes, explain why below

SRBA Claim? YES - see recommendation below

Adjust memo

Amend Letters P87, S06

Second Amendment Notice S06

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	MAGUIRGIVENSVILLE 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	NFSE										

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

Author	Date	Subject	Comment
SBOCK	1/14/98	DUPLICATION 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
 CWA Act Number
 Mitigation Plan False

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO 65-13763

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

Also known As	USFS M1
---------------	------------

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	5/01	10/31	0.02 CFS		

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

Location of Point(s) of Diversion

PAYETTE RIVER	NWSW 1/4 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										

Conditions of Approval

- | | | |
|---|-----|--|
| 1 | N13 | THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY |
| 2 | N13 | THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE |
| 3 | 301 | 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 3, LOWMAN SUMMER HOMES**
FOREST SERVICE RECORD ID - 04 02 17050120 49 0088

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
SES Filed
Special Master Recom Signed Date

Other Information

Receipt Number(s) N111111
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
DIE Act Number
Carv Act Number
Mitigation Plan False

APR 26 2001

1

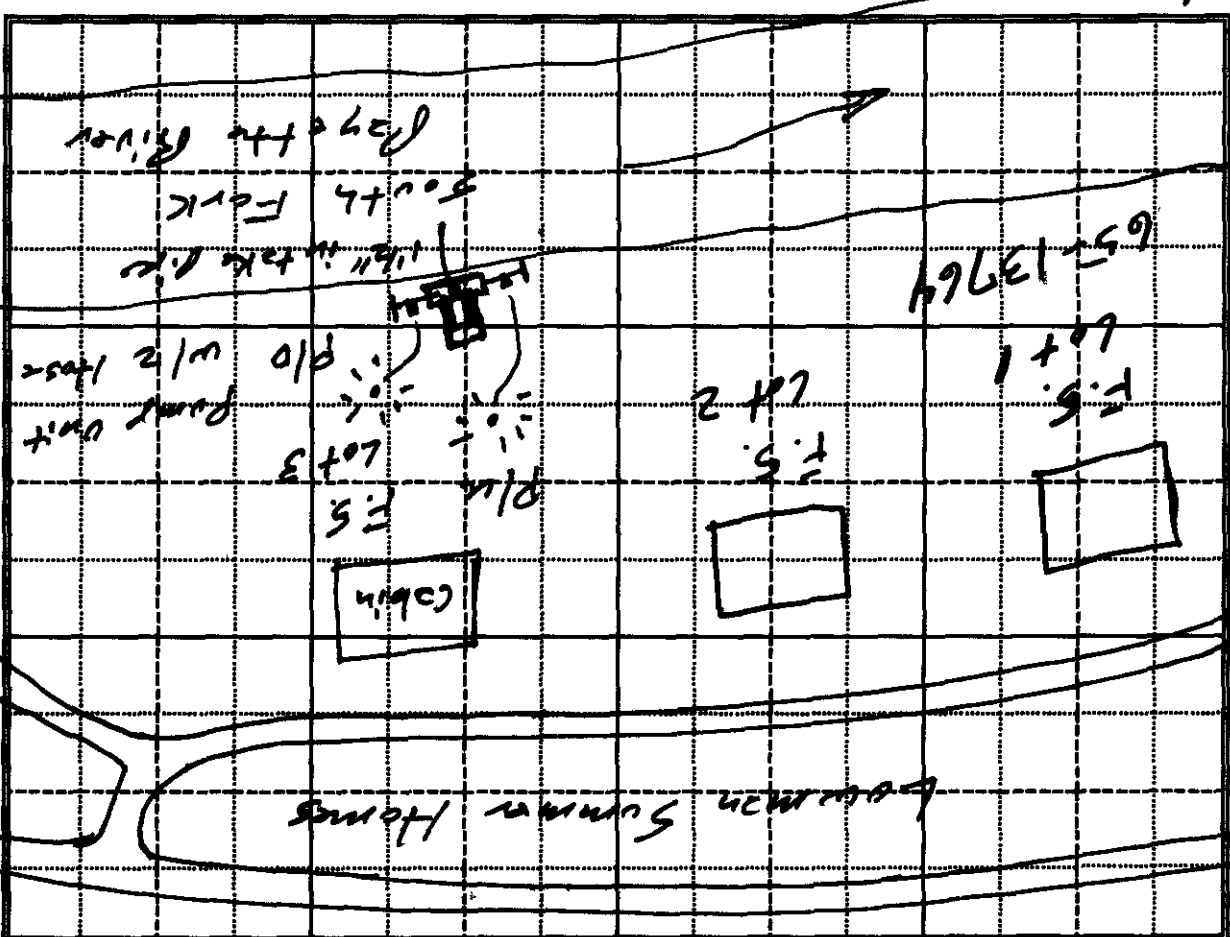
7

73p000

Photo of Diversion and System Attached

Hwy 21

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



2. Measurements: Norm - owner was not ok. Extra.

E. NARRATIVE/REMARKS/COMMENTS

1. This permit is for domestic water use for irrigation of the yard on Lot 3, Lawman Summer Homes. These lots are the property of the Forest Service and are leased under Special Use Permits. Lot 3 is presently being leased by Marvin & Frances Winegar. The Forest Service ID # is 42 17050120 49 0088.

2. A 1 HP Portable Pump unit is placed on the river bank and is equipped with 2 Hose bibs. The yard is sprinkler irrigated with hoses from the pump.

3. The Cabin on the lot gets its internal domestic water from some other source.

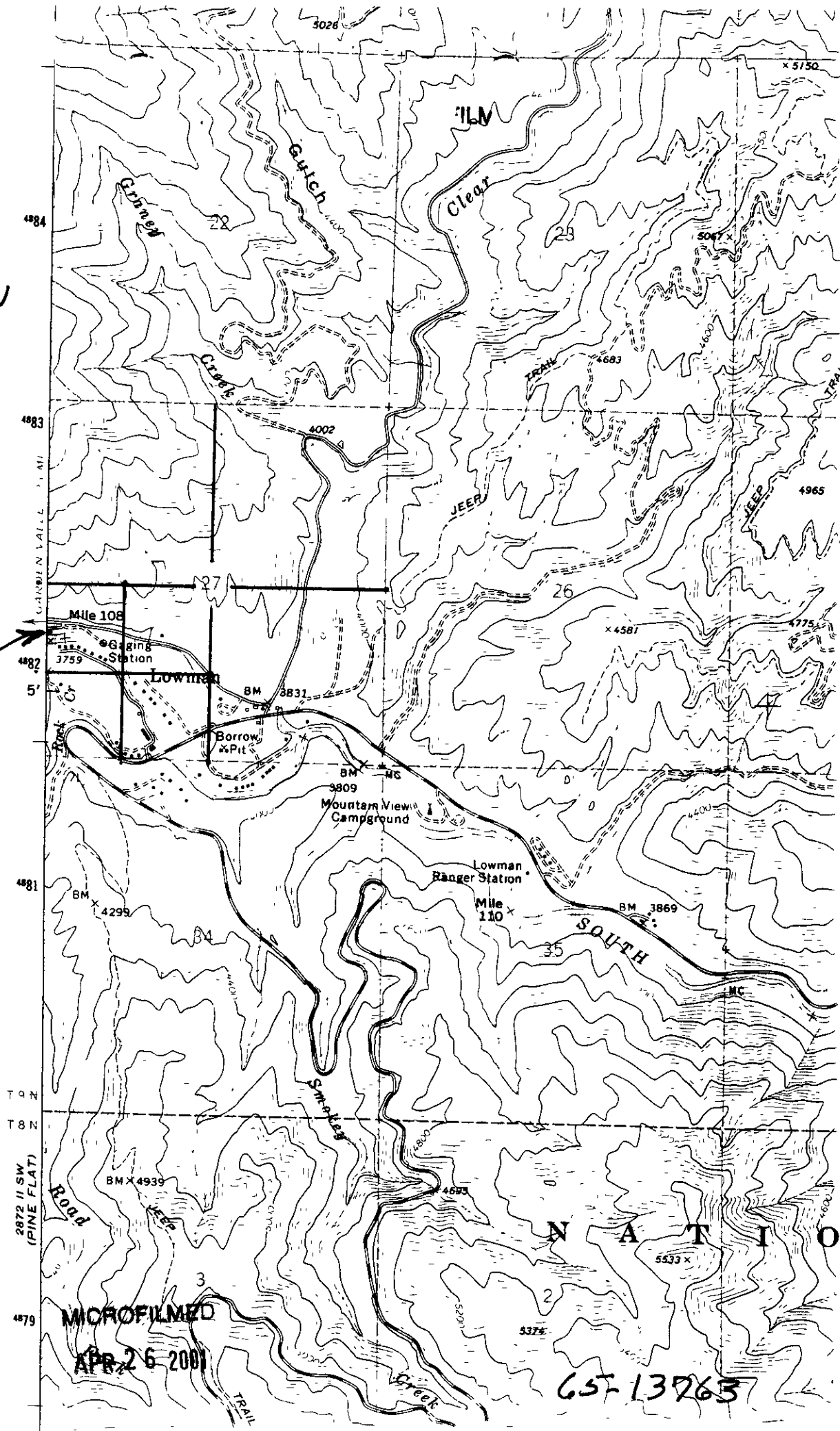
Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
APR 26 2001

F. FLOW CALCULATIONS

Lot 2

P/D
P/u



USDA - Forest Service TERM SPECIAL USE PERMIT For Recreation Residences Act of March 4, 1915, As Amended (Ref. FSM 2710)	Holder No.	Type Site	Authority
	5622/01	123	712
	Auth. Type	Issue Date	Expir. Date
	18	/ /95	12/31/08
	Location Sequence No.		Stat. Ref.
	Latitude	Longitude	LOS Case

Marvin & Frances Winegar

(Holder Name)

c/o Scott Winegar

(Billing Address - 1)

825 N. 21st

(Billing Address - 2)

1925 Tallwood LNBoise

(City)

ID

(State)

83702-83706

(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 0.8 acres.

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

OR (2) Sec. 27, 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:

Storage Shed Rail FenceFuel Oil Tank Outhouse 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: MARVIN/FRANCIS WINEGARDATEAPPROVED: **WALTER B. ROGERSDistrict Ranger(AUTHORIZED OFFICER'S NAME AND SIGNATURE)TITLEDATE

****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

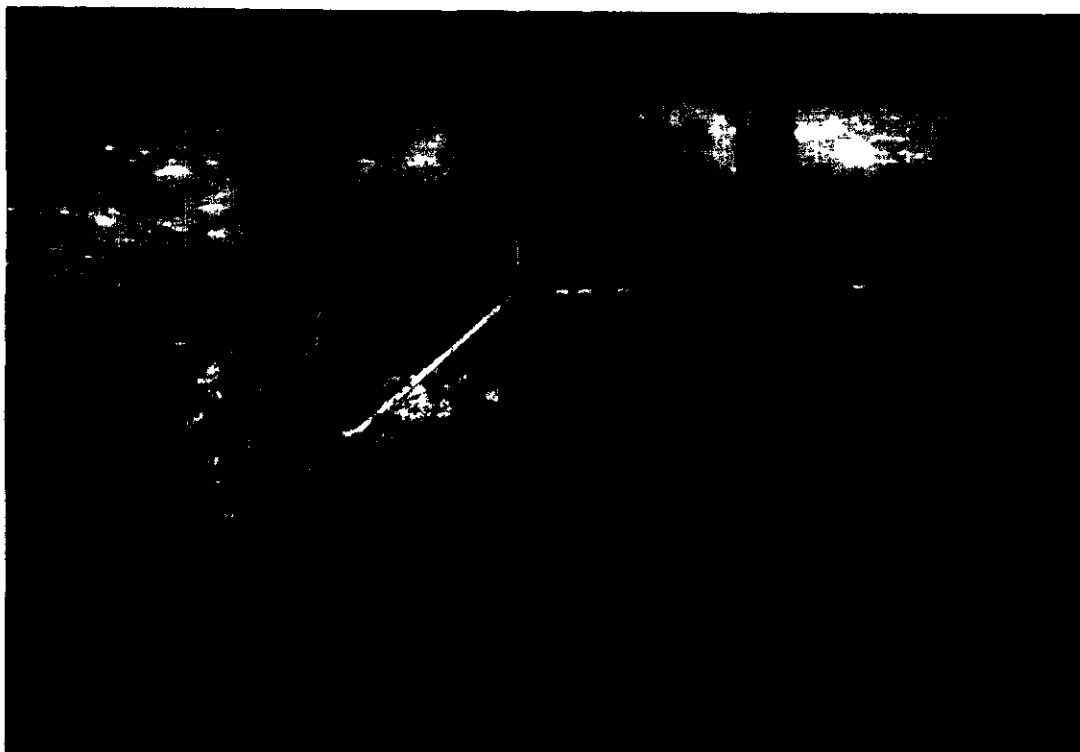
APR 26 2001

65-13763

1 of 2

P/O

Pump
intake
line
in
river



P/O

1 HP
Pump
unit
on river
bank



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APR 26 2001

65-13763

2 of 2



P/u

yard

lot 3

Note

Hoses

from

pumps



P/u

yard

lot 3

MICROFILMED

APR 26 2001

65-13763



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 19, 1999

US Dept of Agriculture
Forest Service
1249 S Vinnell Wy
STE 200
Boise ID 83709

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13763

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

MAY 03 1999

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 65-13163 Reviewed by Jy Date 1-5-99

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

yes Required?
0 Amount Submitted
no Correct?

MEASURING DEVICE

yes Required?
no Installed?
no Waiver requested?

PRIORITY CALCULATION

Date proof received	_____
Date proof due	_____
No. of days late	_____
Priority Date	_____
New Priority Date	_____

DEFICIENCIES OR ACTION ITEMS

Request \$5000 license exam fee
2/12 Fee received / proof acceptable

DATA ENTRY

New Address 1249. S. Vinnell Wy. STE 200 Proof Made 12-31-98
Boise, 83709



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

January 12, 1999

USDA FOREST SERVICE
1249 S VINNELL WY
STE 200
BOISE ID 83709

RE: Permit No. 65-13763

Dear Permit Holder:

I have returned a copy of the Proof of Beneficial Use statement you submitted in connection with the above referenced water right permit. Before the department can accept the proof, it must be accompanied by the appropriate license examination fee. The license examination fee for a rate of diversion of 0.02 from a surface water source is \$50.00. I have enclosed a copy of the license examination fee schedule for your reference.

Please return the copy of the proof statement along with the \$50.00 license examination fee within **30 days** of receipt of this letter. **Please address your correspondence to my attention.**

If you have any questions regarding this matter, please contact me at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Enclosure

c: IDWR- Region

MICROFILMED

MAY 03 1999

October 31, 1998

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

PROOF DUE NOTICE

RE: PERMIT NO. 65-13763

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 January 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.

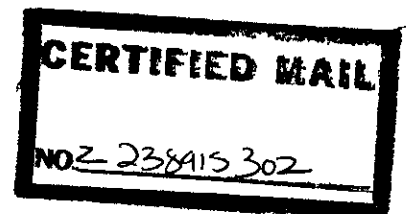
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
MAY 03 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

January 12, 1998

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

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13763

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.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

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.

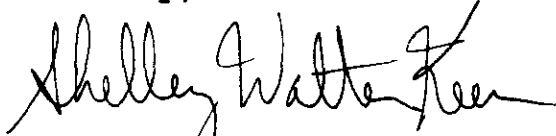
MICROFILMED

FEB 13 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 that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED
FEB 13 1998

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of January, 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. 65-13763

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


Kari Lynn Townsend
Secretary

MICROFILMED
FEB 13 1998

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MICROFILMED
FEB 13 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Clady Lou*
 No.: 65-13763 Name: USFS Date: 1/9/98 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~~ no proof- P16

>1 year

- 26A-P17

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

No drilling permit?

- (post 7/1/87)

irr. in WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):~~WMD~~ ABOVEGRND: STR. FLOW (✓ MAP)- ~~W00~~ ~~to domestic use.~~

WD (✓ MAP & LISTING)

- ~~R04~~ ~~01J-P08 (MD)~~

Pumped >0.20 cfs

- ~~01J-P08~~ LD & MD) 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

RAVER 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); ~~07A~~ (Payette River), NA

>1 in rest. area

- 071-070

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);

Stockwater

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

Storage (✓3 compo.)

- R37 (BLM/USFS); NA

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-246 area

- P04 (In 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream elev.

- P02 (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 W22 ② P060 ③ W01/1-leaver only**BENEFICIAL USE DUE:**

- 1/1/1999

COMMENTS:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

JAN 02 1998
DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: 82 DATE: 11/19/97 APPLICATION: 65-13763

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: Gov't. Lots: y P/D
Nature of proposed use: (Include description of use) P/U
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

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:
Bull trout impact area *OK*
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
- OK to advertise but Region won't forward appl. unt. I DFG's t. comments clarified**
- * Done - see next pg*

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO.

65-13763

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

sent 12/18/97 fax

YES ☒ NO

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

DON'T
Delay sending comment
letter, return file to
Reviewer once
advertiser

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

FINAL REGIONAL PROCESSING REVIEW:

YES NO

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

☒ Publication dates and paper recorded on application:

Final date for protest 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: 041, 11E

See below for additional information

Recommended Date or Priority 11/6/97

Recommended by: [signature] Date: 12/24/97

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 & comment processing info.

Clarify bull trout issues before forward for

approval (N/A to well appl.)

SEE IDFS 12/10/97 comment letter reply - no impact e bull trout
- SZ 12/19/97



— 6 FS Apps. Rec'd 11/6/97 —

- ✓ All in B. 65 (1 is close to B. 63 but is still 65).
- ✓ govt lots, source names, trib. checked.
- ✓ Bull trout map, governor's plan:

- 1) 8N 7E S. 12 Smoky Ck. "depressed" AREA *
- 2) 9N 7E S. 12 Long Ck. " " " "
- └ appears should be clear Ck per FS topo
- 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 apps. (7th Appl withdrawn & \$50 Refund started).
- ✓ data enter 1 Appl, then clone rest & modify per Application.

— Contract person = Lisa Maloney.
(FS & BLM Dist office)
~~373~~ 373-4100

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

-82 11/19/97

The Idaho World

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

RECEIVED
DEC 22 1997
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 19 day of Dec in the year 1997, 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.

Ray B. Brey
Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 2-20-03

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 S27Lot 2 (NWSW)

65-13764 MICROFILMED

US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST

FEB 13 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

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)

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FEB 13 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE:

12/8/97

TO:

Scott Grunke
IOFG R3

FROM:

Steve Lofte

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

AROUND MURPHY Hot Springs : 51-07361 - 07363 - 07366

See Appl. "Comments"

AROUND LOWMAN

: 65-13761

through

all ARE Forest Service

MICROFILMED
85-751462
FEB 13 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 -

65-13763

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)

MICROFILMED
FEB 13 1998