

RECEIVED

FEB 23 1998

WATER RESOURCES
WESTERN REGION

T7N

gov't lot #

L.2
SWNW

L.3
NWSW

P/O 5.25 NESE

P/L 5.30 SWNW & NWSW

R1E

R2E

p/d - gem co.
p/l - Boise Co.

notes 1/13/98

-SL

This is APPLICANT'S

2/23/98 map, shows correct p/d & p/l

-SL 9/8/98

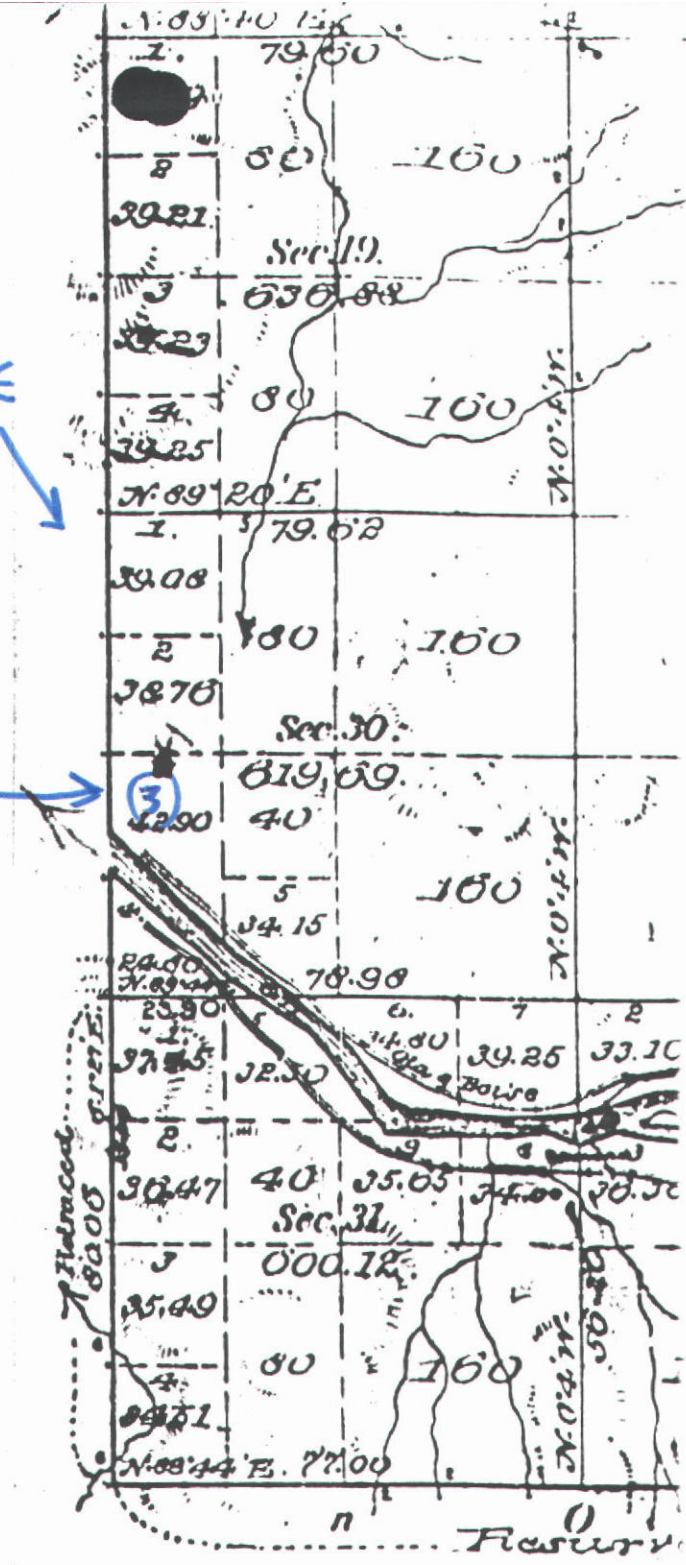
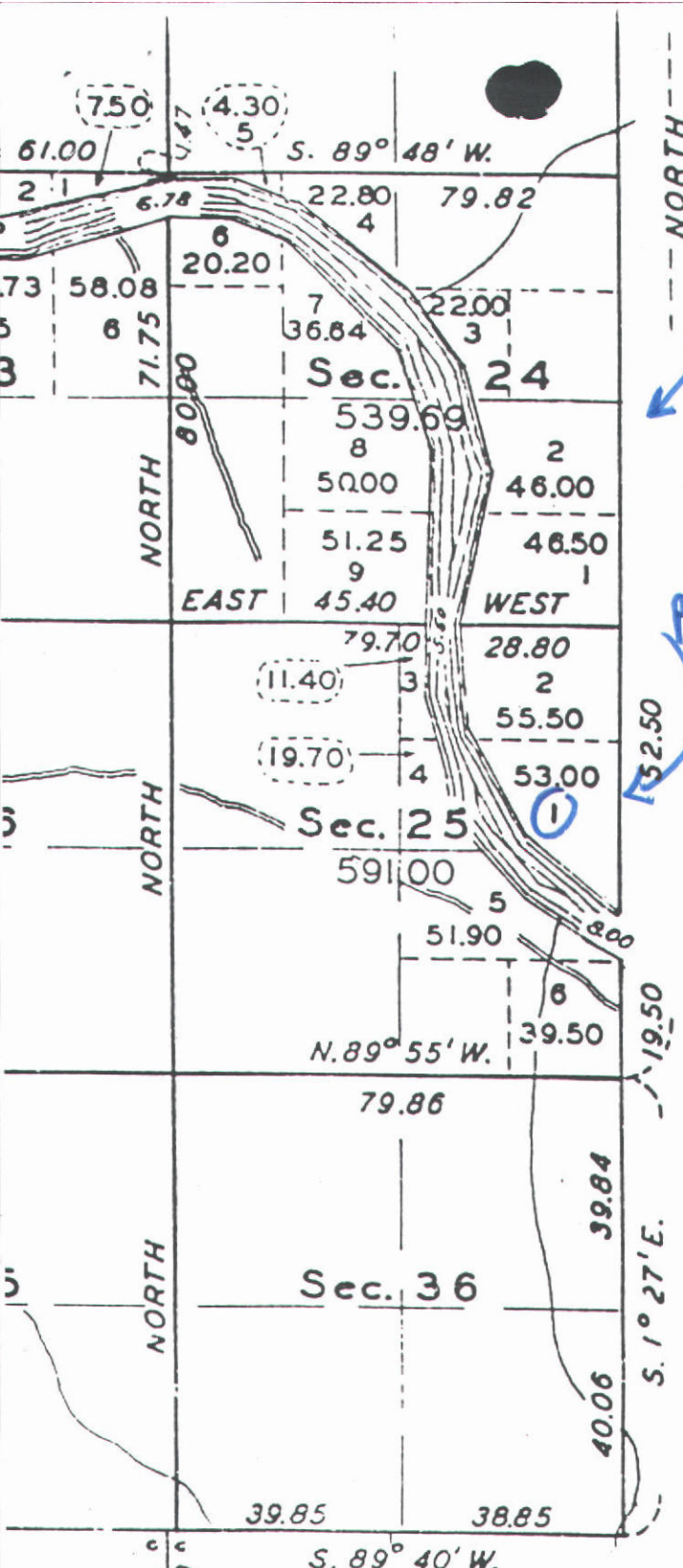
MICHO FILMED

205-10-1998



MAP #2

65-13749



LAT. 43'
LONG. 116°

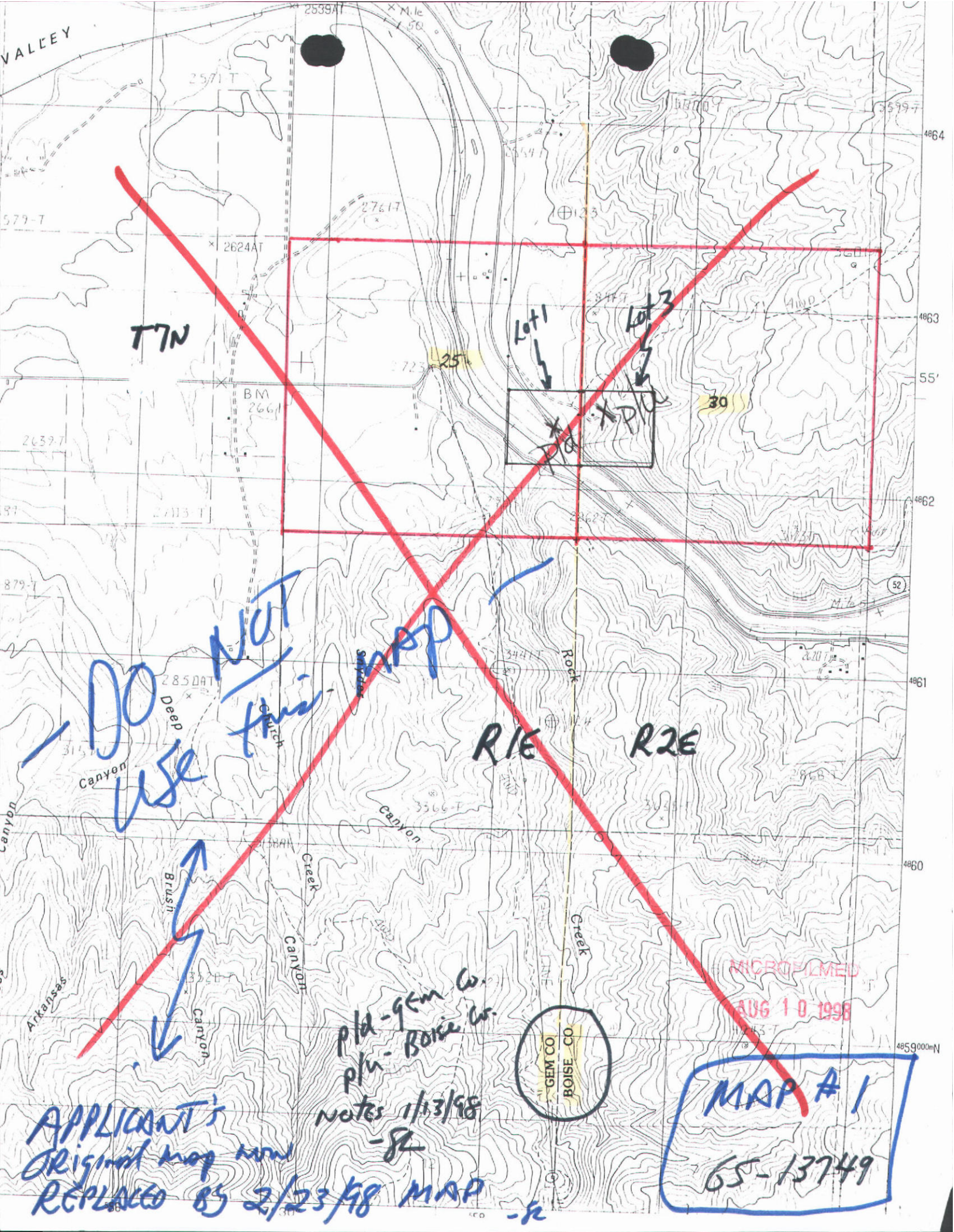
Designated	By Whom Surveyed	Date
ship lines reveys, divisions	Norman L. Hirsman et al.	
Teachers.		

Sec. 1
PUBLIC SURVEY OFFICE BOISE IDAHO

MICROFILMED
AUG 10 1998

T7N

65-13749



T7N

Lot 1

Lot 3

R1E

R2E

DO NOT
USE THIS MAP

pld - gem co.
plu - Boise Co.

Notes 1/13/98

-R

APPLICANT'S
Original map now
REPLACED BY 2/23/98 MAP

GEM CO
BOISE CO

MICROFILMED
AUG 10 1998

MAP #1

65-13749

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE)
MEASURING DEVICE CONDITION OF)
APPROVAL FOR PERMIT NO 65-13749)
IN THE NAME OF GERALD A BROWN)
AND/OR APRIL L BROWN)
_____)

ORDER

WHEREAS, the Department of Water Resources (department) has issued the above captioned water right permit with a condition of approval requiring the permit holder to install and maintain a measuring device and lockable controlling works as part of the diverting works, and

WHEREAS, the watermaster of Water District No 65 has advised the department that Water District No 65 is currently using power records to calculate diversion rates for water use and recommends that the department waive the requirement, and

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

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

Dated this 10th of August, 2001


L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED

100 0 3 1001

FOR OFFICE USE ONLY
Amt. of Fee \$ 50.00
Receipt No. 054385
Receipt By State
Date Received 6-29-01

RECEIVED

JUN 29 2001

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.

1 Permit No. 65-13749 Telephone No. 208-584-3442

2 Name of Permit Holder(s)
Gerald & April Brown

3 Mailing Address 12008 Hwy 52
City Horseshoe Bend State ID Zip 83629

4 Source of Water Payette River If GROUNDWATER (well) Date Drilled mo. / yr.
Well Driller Drilling Permit Number

5 Use(s) (as authorized by the water right permit)

* Domestic (No. of households) 1 Stockwater (No. and type of stock) 2 each either Cattle or lambs
Irrigation (No. of acres) 4 Other

6 Total rate of diversion and/or volume for which proof is submitted cfs OR 4 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 X
Has the measuring device been installed? Yes or No X

Water use is measured by power usage as per letter dated 3-21-95 from Sheryl Howe - State Hydrology Section

8 Fee Enclosed \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9 Person to contact to accompany the Department representative during field examination of the water system

Name April Brown or Gerald Brown Telephone Number 208-584-3442
Address 12008 Hwy 52 Horseshoe Bend, ID 83629

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

Signature of permit holder [Signature]
(include your title if on behalf of company or organization)

Date 6-28-01
MIL FOLMED

* Domestic right decreed under 65-18137 dg

JUN 28 2001

RECEIVED

JUL 3 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

Department of Water Resources
Bureau of Water Rights

PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204 Idaho Code in which to complete development of a water right

Permit No. 65-13749
Name(s) of Permit Holder GERALD & APRIL BROWN
Address 12008 Hwy 52 City Horseshoe Bend State ID Zip 83629
Telephone No. 208-584-3442 Date Proof is Due 7-1-2000

Describe what work has been completed toward the development of this water right
(This must be filled out! If no work has been completed, show "none".)

Pump is installed & pump to pond Pond fills
Pasture is irrigated over 50% thru a 3 inch
line

Costing \$

The permit holder(s) has been unable to complete the remainder of the work for the following reasons

We need to run an additional four inch line
to completely cover the ~~pasture~~ pasture area, that we
and plan to complete the project this summer

Permit holder(s) request an extension to 7-1, 2001

Glen Saxton
(Signature)

*If other than permit holder Power of Attorney must be supplied

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be
REINSTATED with the priority advanced to December 28, 1997 IT IS
FURTHER ORDERED that the time within which to submit proof of beneficial
use is extended to July 1, 2001.

Signed this 10th day of July, 2000

MICROFILMED

Glen Saxton
Glen Saxton, Chief
Water Allocation Bureau

10/13/2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
INSTRUCTIONS FOR EXTENSION OF TIME REQUEST
TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following.

Under the provisions of Section 42-204 Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may be granted one or more extensions of time even though no work has been accomplished:

- When there is a lack of a required consent or final approval from a federal government agency (evidence of delay must be submitted with the request), i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act
- When litigation related to title of the water has prevented development of the permit (evidence must be submitted with the request)
- When the water project is of a large scale -- storage of more than 10,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres
- When the water right permit is held by the United States of America (reason for request must be submitted)

A non-refundable filing fee of \$50.00 must accompany the Request for Extension of Time form.

NOTE that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect.

State of Idaho
Department of Water Resources

Proposed Priority	December 26, 1997	Maximum Diversion Rate	0.20 CFS
-------------------	-------------------	------------------------	----------

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

LOCATION OF POINT(S) OF DIVERSION Lot 1 (NESE), Sec 25, Township 07N, Range 01E
GEM Count.

PLACE OF USE STOCKWATER, same as IRRIGATION use

1 Proof of construction of works and application of water to
beneficial use shall be submitted on or before July 1, 2000
2 Subject to all prior water rights
3 Project construction shall commence within one year from the
date of permit issuance and shall proceed diligently to
completion unless it can be shown to the satisfaction of the
Director of the Department of Water Resources that delays were
due to circumstances over which permit holder had no control
4 Use of water under this water right will be regulated by the
master of State Water District No 65
5 Prior to diversion of water under this right, the right holder
shall install and maintain a measuring device and lockable
controlling works of a type acceptable to the Department as part
of the diverting works
6 This right when combined with all other rights shall provide no
more than 0.02 cfs per acre nor more than 4.5 afa per acre at the
field headgate for irrigation of the lands above

UNCLASSIFIED
MAY 10 1998

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 65-13749

CONDITIONS OF APPROVAL AND REMARKS

- 7 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
- 8 The issuance of this right does not grant any right-of-way or easement across the land of another.
- 9 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.
- 10 Stockwater use is for 20 sheep, horses, and range cattle.

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

22nd day of June, 1998


For Karl J. Dreher, Director

MICROFILMED

AUG 10 1998

Ident No. 65-13749

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JUN 17 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 26 1997

Department of Water Resources

APPLICATION FOR PERMIT

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

1. Name. GERALD A BROWN 208-584-3442
Address 12008 HIGHWAY 52
HORSESHOE BEND ID 83629
AND/OR
Name: APRIL L BROWN 208-584-3442
Address: 12008 HIGHWAY 52
HORSESHOE BEND ID 83629

2. Source PAYETTE RIVER Trib to: SNAKE RIVER
3 Location of Point of Diversion Lot 1(NESE), Sec. 25, Township 07N, Range 01E
GEM County

4. Water will be used for the following purposes.

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.200		
STOCKWATER	01/01	12/31	0.030		
			.02		

5. Total quantity to be appropriated is
0.200 CFS (and/or) AF

- 6 Proposed diverting works.
a. Description of ditches, flumes, pumps, headgates, etc.
PUMP, PIPELINE AND SPRINKLERS
b. Height of storage dam feet, active reservoir capacity
acre-feet, total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
c. Proposed well diameter is inches, proposed depth of well is
feet
d. Is groundwater with a temperature greater than 85F being sought? NO
e If well is already drilled, when?
Drilling Firm
Well was drilled for

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

MICROFILMED

AUG 10 1998

* d'laee upserte per Applicant 2/23/98 mto, can

note with d668

-82 4/8/98

8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
07N	02E	30	~~Lot 2 (SWNW) 02~~	Lot 3 (NWSW) ~~08~~		10
			Lot 2 (SWNW) 02	08		
Total number of acres irrigated:						10

Place of Use STOCKWATER, same as IRRIGATION use

9. a. Who owns the property at the point of diversion?
~~BEYONDED~~ HI-WAY RIGHT-OF-WAY (HIWAY 52)
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing
VERBAL AGREEMENT FOR EASEMENT

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

11. Map of proposed point of diversion and place of use attached? [X]

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

Sherald A. Brown
Applicant

SL for:

Received by DI Date 12/26/97 Time — Preliminary check by SL

Fee \$ 50.00 Receipted by AD # LD23336 Date 12-30-97

Publication prepared by AT Date 4-8-98 Published in Missoula Index

Publication approved (AD) Date 5/8/98 4-15-98 5-6-13-98

Proposed priority = 12/26/97. Applicant received then with check but receipted later (holiday period & d's case problems prevented receipting until later)
-SL 1/12/98

APPROVED

AUG 10 1998

* per topor, d's case update. Also d's case was not changed so previous acre values
** d's case update per applicant's 2/23/98 response form -SL 4/8/98

Comments: Date: 10/ 7/1997 User-ID: SCURTIS

Subject: ADDITIONAL INFORMATION

This application is being filed as a result of a re-exam on a previous right, 65-13040. When the examination was first made by a temporary examiner, the examiner recommended issuing a license for 8 acres of irrigation. The exam was made during a period of drought and the pumping from the river occurring at that time was only yielding .05 cfs. Licensing the right for 8 acres and 0.05 cfs was less than an inch/acre being used as the standard by the SRBA. I went out and took a look at the system on 9/30/97 and discovered that only the yard and associated landscape had been irrigated up to this point. The pipeline and associated equipment has mostly been purchased and the Brown's will probably begin irrigation next spring. I explained that we could only issue a license for the irrigation that had taken place up to the point proof of beneficial use was filed. The temporary examiner told them that as long as they had the diversion system in, the department would give them credit for their acres. If they had known that they had to actually be irrigating all the acres they had applied for, they would have asked for a longer extension of time. But because the extension was granted and proof was filed, the irrigation of lawn/landscape of approximately 0.5 acres will be licensed and the new application will cover the remaining area they hope to begin irrigating for some range cattle next spring. I told them they should include stockwatering under the new application as well. There is no department-issued moratorium in place and if the application is not going to be processed immediately, I told the Brown's that the region would notify them of the status.

Comments. Date: 4/ 8/1998 User-ID: SLESTER

Subject: IDWR PROCESSING UPDATE

This appl. was prepared in October 1997 but not filed until Dec. 26, 1997. Note that "immediate mitigation" will be needed for Payette River water district issues and "future mitigation" condition of approval (see Remarks) will be needed for long term fishery issues.

The application originally listed 10 acres (d'base revision did not occur despite lined-out info in P/U). The applicant's Feb. 23, 1998 info suggested that 9 acres will be irrigated. This reviewer left acres at 10. Let eventual field exam determine acre value. This option provides best coverage for applicant.

Stockwater is for 20 sheep, horses & range cattle.

also printed 4/8/98 JL

APR 10 1998

RECEIVED

FEB 23 1998

WATER RESOURCES
WESTERN REGION

T7N

quit lat #

L.2
SWNW

L.3
NWSEW

P/O 5.25 NESE
P/O 5.30 SWNW & NWSEW

R1E R2E

Arkansas

Brush

Canyon

Canyon

Creek

pk - 9km Co
pk - Boise Co

notes 1/13/98

-SL



2005 + 0 1998

MAP #2
65-13749

This is APPLICATION
2/23/98 map, same covered pk & pk
-SL 9/8/98

65-13749

DEED OF TRUST

THIS DEED OF TRUST Made this 27th day of May 1992
BETWEEN Gerald A. Brown and April L. Brown, husband and wife

herein called GRANTOR,
whose address is 12008 Hwy 52 Horseshoe Bend, Idaho 83629

The American Land Title Co. Inc. herein call TRUSTEE and
Farm Bureau Finance Company
P O Box 4848 Pocatello, Idaho 83205
herein called BENEFICIARY

WITNESSETH That Grantor does hereby irrevocably GRANT BARGAIN SELL AND CONVEY TO TRUSTEE IN TRUST WITH
POWER OF SALE that property in the County of Boise State of Idaho described as
follows and containing not more than twenty acres

~~Parcel #1~~
A parcel of land in Section 30, T 7 N., R 2 E., B.M., Boise County, Idaho
described as follows
Beginning at the Northwest corner of Section 30, Township 7 North, Range 2 East,
B 1, thence South 2816 16 feet to the True Point of Beginning, thence
East 500.00 feet, thence South 400.00 feet, thence South 68°42' West, 75.00 feet,
thence North 48°43' West, 572.70 feet, thence North 50.00 feet to the True Point
of Beginning
All in ~~lot 2~~ Section 30, T 7 N., R 2 E., B.M. - 301 Acres

~~Parcel #2~~
A parcel of land in Section 30, T 7 N., R 2 E., B.M., Boise County, Idaho
described as follows:
Beginning at the Northwest corner of Section 30, T. 7 N., R 2 E., B.M. (Boise
County) thence South 2316 1 feet to the True Point of Beginning, thence East
500 feet, thence West 500 feet, thence North 500 feet to the True Point of
Beginning
All in ~~lot 2 and 3~~ Section 30, T. 7 N., R 2 E., B.M. 5.74 Acres

CUSTOMERS

① List type & maximum # of animals for
stockwater Sheep, cattle & horse
Not over twenty total.

② Location location of 10 Acres to irrigate
a) your map shows water in NWSW 530
b) written app " " " ~~SUNW~~ (2) 5.30
NWSW (8) 5.30
total 9 acres
which is correct? a or b? b
See - Deed of Trust Attached

ACRES PER AGG - 566
APPL COMMENTS
ORIG APPL listed:
SUNW 2 } 10 ac
NWSW 8 }
above deed lists: 3 & 6
(rounded) in both lots combined.
Note to left lists:
SUNW 2 } 9
NWSW 7 }
Leave as 10 per original as
explained in comments.

APPLICANT'S 2/23/98 INTS used to REVERSE
map. See map # 2 for correct kgals. 10.28
4/18/98

VALLEY

T7N

Lot 1

Lot 2

Lot 3

~~DO NOT
USE THIS MAP~~

R1E

R2E

DO NOT
USE

Deep
Canyon

Canyon

Creek
Canyon

Creek

pld - Gen. C.
pld - Bore C.

note 1/3/98
-R



MAY 10 1998

APPLICANT'S
Original map now
REPLACED BY 2/23/98 MAP
-R

MAP #1
65-13749



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

August 10, 2001

GERALD A BROWN
APRIL L BROWN
12008 HWY 52
HORSESHOE BEND ID 83629

PROOF ACKNOWLEDGMENT LETTER

RE PERMIT NO 65-13749

Dear Permit Holder

Enclosed is an Order waiving the measuring device requirement for the above referenced water right. You will be notified if this order is revoked in the future, if the department determines that a measuring device is necessary for equitable distribution of 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, Idaho at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl
c IDWR - Regional Office

MICROFILMED

8/10/01

Water District No. 65

Payette River Basin State of Idaho
102 North Main Street
Payette Idaho 83661

Watermaster
Mark Limbaugh

Phone (208) 642-4405
Fax (208) 642-1042
E-Mail waist65@prime.net.com

August 1 2001

Gerald A. and April Brown
12008 Hwy 52
Horseshoe Bend, Ida 83629

Re Permit Number 65-13749

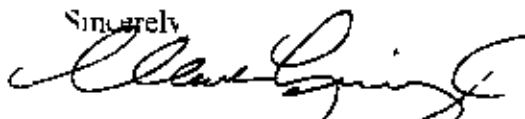
Dear Mr. and Mrs. Brown

I have received your request for a waiver from the measuring device requirement on your water right permits. You stated that the reason you want a waiver from this requirement is that your diversion is currently being measured using Idaho Power records and the power use coefficient.

Due to the fact that Water District No. 65 is currently using your power records to calculate your diversion rate, I am recommending that the requirement for installation of a measuring device for your diversion be waived by the Idaho Department of Water Resources.

If you have any additional questions regarding the administration of your water right permits, please do not hesitate to call on me.

Sincerely,



Mark Limbaugh, Watermaster

✓cc Deborah J. Gibson Admin Asst, IDWR

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AUG - 6 2001

Idaho Department of Water Resources

RECEIVED

AUG 03 2001

WATER RESOURCES
WESTERN REGION

MICROFILMED

AUG 03 2001



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

July 12, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GERALD A BROWN
APRIL L BROWN
12008 HWY 52
HORSESHOE BEND ID 83629

PROOF ACKNOWLEDGMENT LETTER

RE PERMIT NO 65-13749

Dear Permit Holder

The department is in receipt of the proof of beneficial use form submitted for the above referenced permit. Upon review of the proof I find that some of the information you provided does not match your permit. Therefore, I am enclosing a copy of your permit and the proof you filed and ask that you review this night. If you feel changes should be made to the proof you have filed, please return the proof with your changes.

The next step in the process of developing a water right is for the department to contact you and schedule a field examination to determine and confirm the uses being made of the water and that it meets the permitted beneficial use for licensing of this water right. The department then issues a license that reflects what you have developed and applied to a beneficial use.

Additionally, the requirement for a measuring device and lockable controlling works is not satisfied by power records, however you may request a waiver of this requirement in writing, and supported by written confirmation by your water master in which he agrees with waiver of this requirement. Upon receipt of these documents, and review by the department of they meet our requirements, I will issue you an order waiving this requirement.

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. If you wish to

MICROFILMED

JUL 12 2001

Page 2

change the proof, please send your revised proof, with the changes initialed, to my attention. I will put this file on hold for 10 days from the date of this letter to allow you to make any changes you may feel are necessary. If you have any questions, please contact me at (208) 327-7953.

Sincerely,



Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl

c IDWR - Regional Office

MICROFILMED
APR 05 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No 65-13749

Reviewed By dgibson

Date July 10, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No	W023336 C054585		Well driller's report filed?		X
Additional Amount Due			Measuring device required?	X	
Name and address same as permit?	X		Measuring device installed?	X	
Are the water uses correct?	X		Measure device waiver requested?		X

Priority Calculation

Date proof received	06/29/2001
Date proof due	- 07/01/2001
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 12/28/1997
New priority date	= 12/28/1997

Deficiencies of Actions Items

Acknowledge proof *Request waiver of measurement device, power records do not satisfy requirement per Kay Walker (Letter Sherry House sent them dated 3/21/95 re using power records is not available on her system any longer)*

April 30 2001

APRIL L BROWN
GERALD A BROWN
12008 HWY 52
HORSESHOE BEND, ID 83629

PROOF DUE NOTICE

RE PERMIT NO 65-13749

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 July 01, 2001 (See last page of your approval permit or your last approved extension request) Enclosed is a form which when accompanied by the license examination fee or a completed 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

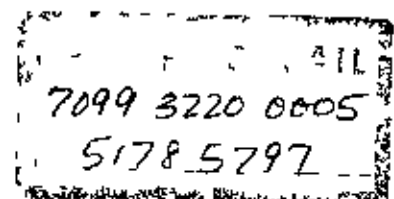
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date If neither is received, the department will send you a lapse notice Within sixty (60) days of the mailing of the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

Sincerely

Deborah J Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures

MICHO -
4/30/01





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

July 10 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GERALD A BROWN
APRIL L BROWN
12008 HWY 52
HORSESHOE BEND ID 83629

RE PERMIT NO 65-13749

Dear Permit Holder

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the proof due date to **July 1, 2001**. Please note that the approved request reinstates the permit, however, since your request was submitted after the proof due date the priority of the permit advances to March 2, 1998, as referenced in Section 42-218a, Idaho Code.

Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of the development during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

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. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please feel free to contact the department if you have questions.

Sincerely,

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Enclosure

c IDWR - Regional Office

MICROFILMED

JUL 10 2001

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No 65-13749 Reviewed by L. E. Orr Date 7/6/00

BASIC INFORMATION

1/3/00 Date stamp received
7/6 Extension received timely
Yes Fee received and receipted
Yes Name and signature same as permit
No Address Change

BASIS FOR EXTENSION REQUEST

Yes Has adequate work been completed to demonstrate due diligence?
No Has the permit been involved in litigation?
 Is supporting documentation needed to complete the file? _____ Requested? _____
No Is delay by a government agency?
 Is supporting documentation needed to complete the file? _____ Requested? _____
No Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

② approve extension to 7/1/01 for due diligence & reinstatement
activity

PRIORITY CALCULATION

Date extension received	<u>1/3/00</u>	=	_____
Proof due date	<u>7/1/00</u>	=	<u>2</u>
Number of days late		=	<u>2</u>
Priority date	<u>12/26/97</u>	=	_____
New Priority Date	<u>12/28/97</u>	=	_____

DATA ENTRY

New Address No
 Change Proof Due Date 7/1/01
 Change Priority Date 12/28/97

April 30, 2000

GERALD A BROWN
APRIL L BROWN
12008 HWY 52
HORSESHOE BEND ID 83629

PROOF DUE NOTICE

RE PERMIT NO 65-13749

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 July 1, 2000

(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

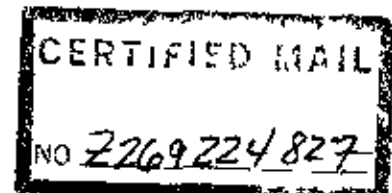
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code If you have been prevented from proceeding by a governmental 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,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures MICROFILM





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 22, 1998

GERALD A. BROWN
APRIL L. BROWN
12008 HWY 52
HORSESHOE BEND ID 83629

PERMIT APPROVAL NOTICE

RE PERMIT NO 65-13749

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.

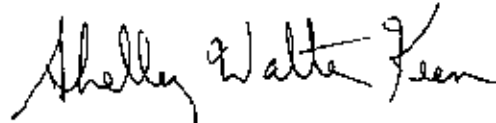
Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

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 report form.

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

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK klt

Enclosures

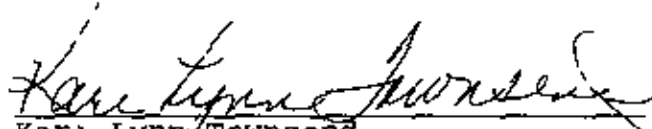
AUG 10 1998

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of June, 1998, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved Permit) to the person(s) listed below

Water Right No. 65-13749

GERALD A BROWN
APRIL L BROWN
12008 HWY 52
HORSESHOE BEND ID 83629


Kari Lynn Townsend
Secretary

MIC

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

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy Lou

No 65-13749 Name Brown Date 6/17/98 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-GH)

WMD (✓ MAP)

- > 0.24 cfs/5 acres - North / East / West
- ≤ 0.24 cfs/5 acres - 067 or No MD (in stream stock or power)

WMD Supplemental use

- > 0.24 cfs/5 acres - No MD
- ≤ 0.24 cfs/5 acres - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

DRILLING PERMIT

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

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

IN/ABOVE MIN. STR. FLOW (✓ MAP) - *WB9

WD (✓ MAP & LISTING) - 04 (WD # 65)

- > 0.10 cfs - 04 (WD # 65)
- ≤ 0.10 cfs - 01H-P01 (LD) 01P 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 (70s) 029 (fish screens) NA

USE

- Domestic surface >1 in rest area - *WB5 (Big Wood R or Boise R ↑ Star Bridge) 27A (Payette River) NA
- Fire Protection 071 070
- Fish Propagation 077
- Heating/Cooling 029-007-042 (req)-081 (WQ)-P10
- Irr ≤ 5 acres R07 (injection well)
- > 5 acres R66/R67/R68/R69 (0.03 cfs/acre + 3 0/3 5/4 0/4 5 AF)
- Mining R62/R63/R64/R65 (0.02 cfs/acre + 3 0/3 5/4 0/4 5 AF)
- Municipal 054 (req) -081-P10
- Power 022 075 004 (+memo?) NA (not in restricted area)
- Stockwater 17H/17K (+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons use)
- Storage (✓ 3 compo) 17G (FERC) or 17M (FERC) 19B-P09 >25 cfs-P18
- 18A in & out MD for on-stream storage 18B-P09 (>10 dam) NA

LOCATION

- 42-248 area - P84 (in 20/30/40/50/60/70/90 (87) basin)
- Boise Front LoGeo - 058 (<85 GW temp only)
- In-stream dev - P52 (stream channel alteration)
- Mitigation - 020
- 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 - 0022 0200/20

STANDARD REMARKS - 7/11/2000

BENEFICIAL USE DUE

COMMENTS

JUN 17 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY JE DATE 4/8/98 APPLICATION 65-13749

REQUIRED INFORMATION

Name (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included)
Address
Source (See USGS Quad for names of water sources)
Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County
Quantity (flow and/or volume)
Period of use
Nature of proposed use (Include description of use)
Description of diverting works
Time required for beneficial use of water
Place of use or acres irrigated
Map (show T, R, S, QQ &/or QQQ)
Subdivision plat (for > 1 home in restricted area $\geq$ 5 homes in non-restricted area)
Signature (If applicant is corp , partnership, or municipality, title of signatory is required)
Correct fee paid

Gov't Lots
4 P/D
7 P/U

ADDITIONAL INFORMATION

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

done T FLAG CHANGED TO P FLAG

YES NO

☒ ☐ Overlapping place of use (Describe source & relationship to present application on next page)
☒ ☐ Overlapping point of diversion
☐ ☒ Critical groundwater area
☐ ☒ Groundwater management area
☐ ☒ 1992 moratorium
☐ ☒ Bull trout impact area
☐ ☒ E-mail to SCA staff (perennial stream, non-pump diversion &/or any mining)
☐ ☒ E-mail to Dam Safety staff (for any storage)
☒ ☐ Mitigation plan Check any that apply
☐ ☒ immediate = acceptable plan required and submitted
☐ ☒ future = open areas, acceptance of condition of approval is in file
☐ ☒ Send power requirement letter
☐ ☒ Send fish farm requirement letter
☐ ☒ 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

NOTE: P/D = 96m Co P/U = Boise Co

advertise in Jan Co paper only - per dept. standards

Date Requested _____ Date Response Received _____

PROCESSING

APP NO

65-13749

YES NO

☒

In form for advertising

☒

Statewide advertising (> 10 cfs &/or 1000 af)

☒

Fee amount, receipt number and date recorded on application

SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USEDYES NOYES NO☐

I D Health & Welfare

☐

I D District Health

☐

I D Fish & Game

☐

I D Lands

☒

U S BLM

☒

U S Forest Service

☒

Water Dist #

65

☒

Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒

Affidavit of publication received

☒

Application published correctly If not, record action taken

☒

Publication dates and paper recorded on application

☒

Final date for protest

5-4-98

5-26-98

☒

Protests received

☒

Recommendations attached

☒

Measuring device required

☒

Measuring port required

☒

Water delivered by water master? District #

65

☒

Special conditions of approval or cover letter

OJT, W22, 120, R04

See below for additional information

Recommended Date or Priority 12/26/97

Recommended by Gary S

Date 6/15/98

STATE OFFICE REVIEW

See below for additional information By

Date

ADDITIONAL INFORMATION

Overlap -

Same owner has 65-13040 for uses not covered by this application.

See SC's 10/7/97 Comments

Few other odd'tl owner rights nearby but for other owners.

RECEIVED
MAY 14 1998
WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
COUNTY OF GEM,

Mary K Black, being first
duly sworn, on her oath deposes and
says that she is the clerk of the Mes-
senger Index, a legal weekly news-
paper published at Emmett, in Gem
County, Idaho, that said newspaper
is in general circulation in said
county and has been published unin-
terruptedly and continuously for
more than 78 weeks prior to the
first publication of the annexed
document, and that the document
notice process, or advertisement
hereunto annexed was published in
the regular edition of Messenger
Index for two

consecutive weekly issues thereof
beginning with the issue of
May 6, 1998,
and ending with the issue of
May 13, 1998

Mary K Black
Subscribed and sworn to me this

13th day of
May, 1998

Notary Public

Residing at Emmett, Idaho

MY COMMISSION EXPIRES
JUNE 18, 2003

My Commission Expires

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13731

GUILLE LE ROY
GUILLE, SHARLEEN
2577 STAR LN
EMMETT ID 83617

Source GROUNDWATER

Diversion Pt NWSW Sec 15 T 06N R 02W in GEM County

Use	IRRIGATION	(0.140 CFS)
	COMMERCIAL	(0.020 CFS)
	WILDLIFE	(0.020 CFS)
	WILDLIFE STORAGE	(5.00 AF)
	HEATING	(0.020 CFS)
	DOMESTIC	(0.020 CFS)
	DIVERSION TO STORAGE	(0.140 CFS)
	Total Diversion	(0.200 CFS)

Date Filed 8/30/1997

In GEM County
T06N R02W S15 NWSW

7.0 ACRES TOTAL

65-13740

BROWN GERALD A
BROWN, APRIL L
12008 HIGHWAY 52
HORSESHOE BEND ID 83629

Source PAYETTE RIVER Tributary SNAKE RIVER

Diversion Pt LOT 1 (NESE) Sec 25 T 07N R 01E in GEM County

Use	IRRIGATION	(0.200 CFS)
	STOCKWATER	(0.020 CFS)
	Total Diversion	(0.200 CFS)

Date Filed 12/26/1997

In BOISE County
T07N R02E S30 Lot 2 (SWNW) LOT 3 (NWSW)

10.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed

65-13767

BRUNER KAREN C
SUITE 515
960 BROADWAY AVE
BOISE ID 83706

Source GROUNDWATER

Diversion Pt SWSE Sec 27 T06N R01E in GEM County

Use	IRRIGATION	(0.150 CFS)
	DOMESTIC	(0.040 CFS)
	Total Diversion	(0.190 CFS)

Date Filed 11/14/1997

In GEM County
T06N R01E S27 SWSE

5.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed

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 83725 together with a protest fee of \$25.00
on or before MAY 26 1998. The protestant must also send a copy of the protest to
the applicant.

MICHAEL ME

Pub 5 8 13 1998

AUG 10 1998

KARL J DREHER, Director

Legal Notice No 3225
Published in the Messenger Index



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region 2735 Airport Way Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

April 10, 1998

MESSENGER-INDEX
PO BOX 577
EMMETT ID 83617

Re Ads for Applications for Permit Nos 65-13767, 65-13749 and 65-13731

Dear Legal Dept

Enclosed is a copy of a legal notice and a copy of the affidavit for the above-referenced applications for permit. You will notice that there are discrepancies between the two. The paragraph at the end of the three ads was published with the protest date of April 20, 1998 instead of May 4, 1998. The correct protest date will now be May 26, 1998.

Also, ad no 65-13731 in the name of Le Roy & Sharleen Guille was published with the heating cfs as 0 200 and should be 0 020.

Please republish the ads on May 6 and 13, 1998 with the above corrections and also with a heading that says "The following applications were advertised with the incorrect protest date and incorrect heating cfs in no 65-13731. They are now being readvertised with the correct information." (an example is enclosed)

An affidavit of the corrected publication should be submitted to the department by May 26, 1998, at which time I will forward the bill for the first publication to our accounting section.

Sincerely,

Sue Taylor
Senior Secretary

Enclosures

MIC C MEL

AUG 10 1998

NOTICE OF APPLICATION FOR WATER RIGHT

The following applications were advertised with the incorrect protest date and incorrect hearing

cfs in no. 65 13731 They are now being readvertised with the correct information.

65-13731

GUILLE, LE ROY
GUILLE, SHARLEEN
2577 STAR LN
EMMETT, ID 83617

Source GROUNDWATER

Diversion Pt NWSW Sec 15 T 06N R 02W in GEM County

Use	IRRIGATION	{	0.140 CFS)
	COMMERCIAL	{	0.020 CFS)
	WILDLIFE	{	0.020 CFS)
	WILDLIFE STORAGE	{	5.00 AF)
	HEATING	{	0.200 CFS)
	DOMESTIC	{	0.020 CFS)
	DIVERSION TO STORAGE	{	0.140 CFS)
	Total Diversion	{	0.200 CFS)

Date Filed 6/30/1997

In GEM County
T06N R02W S15 NWSW
7.0 ACRES TOTAL

➡ 65-13749

BROWN, GERALD A
BROWN, APRIL L
12008 HIGHWAY 52
HORSESHOE BEND ID 83529

Source PAYETTE RIVER Tributary SNAKE RIVER

Diversion Pt LOT 1 (NESE) Sec 25 T 07N R 01E in GEM County

Use	IRRIGATION	{	0.200 CFS)
	STOCKWATER	{	0.020 CFS)
	Total Diversion	{	0.200 CFS)

Date Filed 12/26/1997

In BOISE County
T07N R02E S30 Lot 2 (SWNW) LOT 3 (NWSW)
10.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed

65-13767

BRUNER, KAREN C
SUITE 315
960 BROADWAY AVE
BOISE ID 83708

Source GROUNDWATER

Diversion Pt SWSE Sec 27 T08N R01E in GEM County

Use	IRRIGATION	{	0.150 CFS)
	DOMESTIC	{	0.040 CFS)
	Total Diversion	{	0.190 CFS)

Date Filed 11/14/1997

In GEM County
T08N R01E S27 SWSE

5.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed

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 APRIL 20 1998. The protestant must also send a copy of the protest to the applicant.

RECEIVED
APR 16 1998
WATER RESOURCES
WESTERN REGION

APPLICATION FOR PERMIT FOR WATER RIGHT

NO 65-13749

RECOMMENDATION OF WATERMASTER

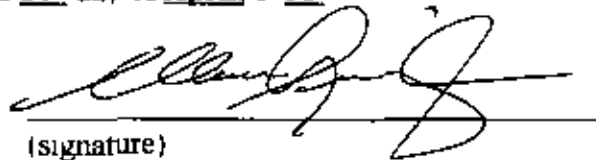
I, Mark Limbaugh, watermaster of the Payette River, of Water District No 65 County of Gem, State of Idaho, whose address is 102 N Main, Payette, Idaho 83661, have read the attached copy of the application for permit for a water right in the name of Gerald &/or April Brown

- A I hereby endorse the above numbered application and recommend that the Director of the Department of Water Resources approve the application subject to the following conditions This diversion will be under the control of the Watermaster for
Water District No 65

OR

- B I do not endorse approval of the above numbered application for water right as requested for the following reasons _____

Dated at Payette, Idaho this 14th day of April, 1998


(signature)

W R

106 11 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 10, 1998

MARK LIMBAUGH
WATER DISTRICT 65
102 N MAIN
PAYETTE ID 83661

Re Applications for Permit No 65-13749 in the Name of Gerald A. &/or April L. Brown

Dear Sir

Enclosed is a copy of the above-referenced application for permit within your district. Also, enclosed is a form for your recommendation concerning this application for permit.

Please review the application and submit any comments you may have within two weeks. If you have any questions or need information, feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS st

Encl

APR 10 1998

RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

RECEIVED

FEB 23 1998

WATER RESOURCES
WESTERN REGION

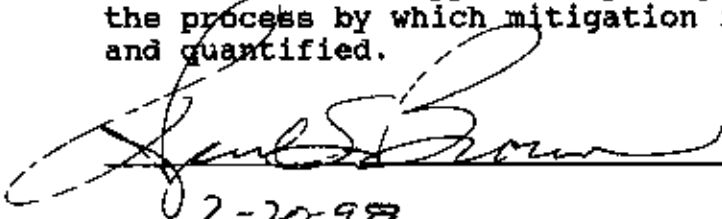
Name of Applicant GERALD + APRIL BROWN

Mailing Address 12008 Hwy 52

Horseshoe Bend, ID 83629

Application No 65-13749

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

Signature 

Date 2-20-98

Please return this form to

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

100-100000



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

February 13, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DRFHER
DIRECTOR

GERALD &/OR APRIL BROWN
12008 HWY 52
HORSESHOE BEND ID 83629

RE: APPLICATION FOR PERMIT NO. 65-13749

Dear Applicants:

You recently filed the above referenced application for permit that includes a consumptive use. Your proposed development might impact the water supply related to fishery resources sometime in the future.

Applications that include consumptive use can be processed if applicants are willing to accept a condition of approval that can require mitigation at a later date if the need for mitigation is clearly documented. Mitigation can include steps such as purchasing storage water to offset adverse impacts to fishery resources.

Enclosed is a response form to be completed and returned if you are willing to accept this condition of approval. Please note that mitigation is not required at this time but might be in the future.

Additionally, please confirm the type and number of stock plus the location of the acres to be irrigated (see attached copy of your map). Please let me know if you have any questions about your application.

Also enclosed is a withdrawal form to be completed and returned if you are not willing to accept the mitigation condition at this time. You will receive a refund for the filing fee if you withdraw the application.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

Feb 13 1998

From: DWR03: SCURTIS 24-DEC-1997 09 47 49 25
To: DWR80: SLESTER
CC:
Subj: 65-13749 (Brown)

Steve, I got the copy of your letter you sent to Gerald and April Brown
It just so happened that April called me on Monday and said she was
just getting around to getting the application signed and sent to
Western, so you should be getting it soon.

Sharla



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region 2735 Airport Way, Boise Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 23, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GERALD &/OR APRIL BROWN
12008 HWY 52
HORSESHOE BEND ID 83629

RE: APPLICATION FOR PERMIT NO 65-13749

*VOID if not
filed by 2/2/98-
conclude w
SC & S.O.*

Dear Applicants.

According to records of the Idaho Department of Water Resources (IDWR), the above referenced application for permit was prepared for your consideration in early October of this year. It appears that you were provided the original of the application for review prior to submitting the completed application to IDWR for processing.

IDWR records indicate that you have not yet filed the application, which would include submitting it to an IDWR office with the \$50 filing fee. A computer printout of the application information is included for your convenience.

Please let me know if you intend to proceed with the application process to establish a new water right. You may send the signed application and filing fee to this regional office within 30 days. If I do not hear from you within that time frame, it will be assumed that you do not want to proceed with the application process and IDWR will void application no 65-13749.

Please contact me at your convenience if you have any questions.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

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3,66 11 10,3

65-13749

BROWN, GERALD A
BROWN, APRIL L
12008 HIGHWAY 52
HORSESHOE BEND, ID 83629

Source: PAYETTE RIVER

Tributary: SNAKE RIVER

Diversion Pt: LOT 1 (NESE) Sec 25 T 07N R 01E in GEM County.

Use	IRRIGATION	(	0.200 CFS)
	STOCKWATER	(	0.020 CFS)
	Total Diversion	(	0.200 CFS)

Date Filed: 12/26/1997

In: BOISE County
T07N R02E S30 Lot 2 (SWNW) Lot 3 (NWSW)

10.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed

MAY 10 1998

Attn:
Steve Hester

The app form will
be sent to you by the
applicant along w/ the
fee - the priority and
app rec'd date will have
to be changed in database
Wanted you to have this
to attach to app and to
provide an explanation
of the circumstances
Let me know if I can
provide add'l info

Sharla