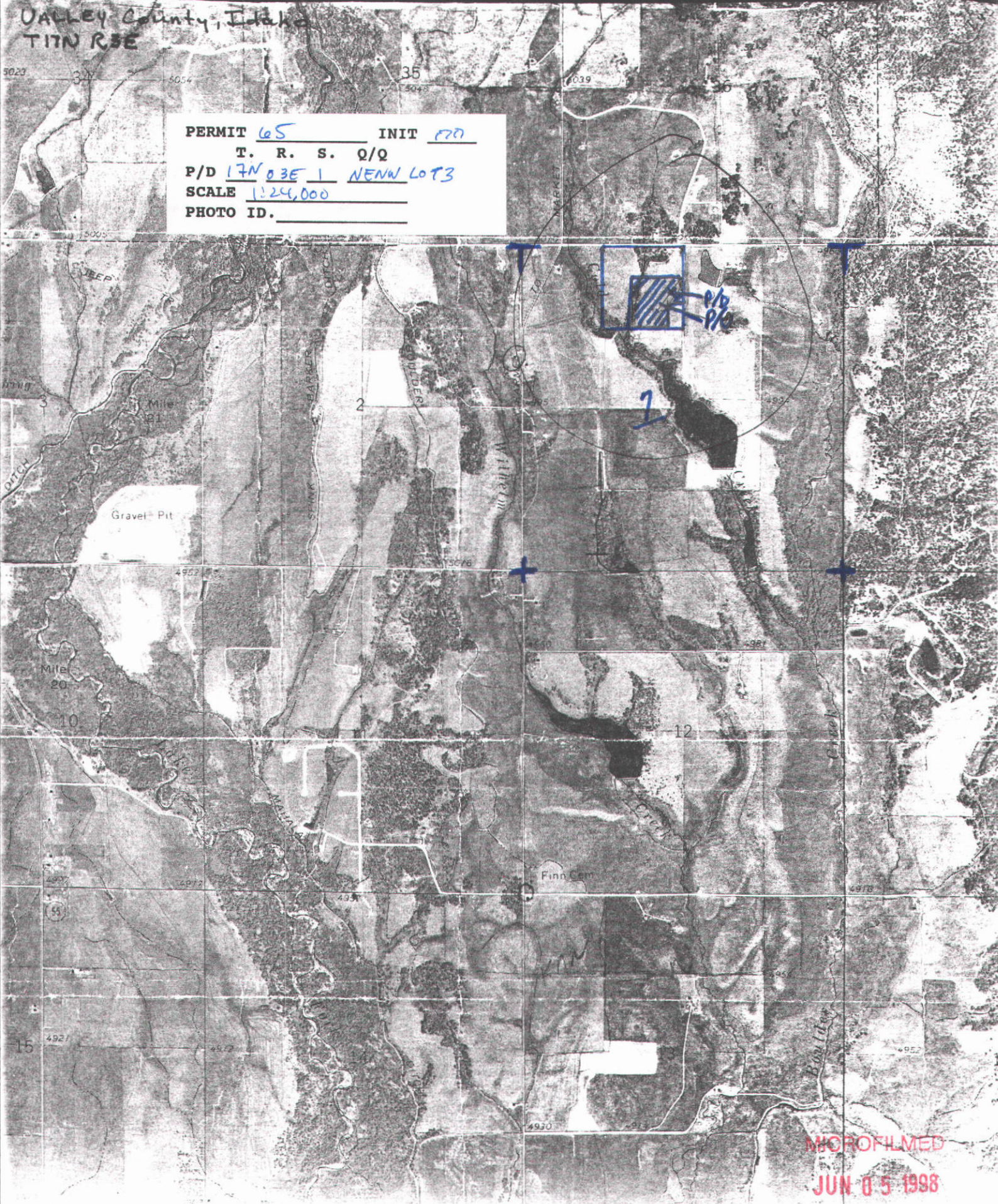


Valley County, Idaho
T17N R3E

PERMIT 65 INIT 870
T. R. S. Q/Q
P/D 17N 03E 1 NENW LOT 3
SCALE 1:24,000
PHOTO ID. _____

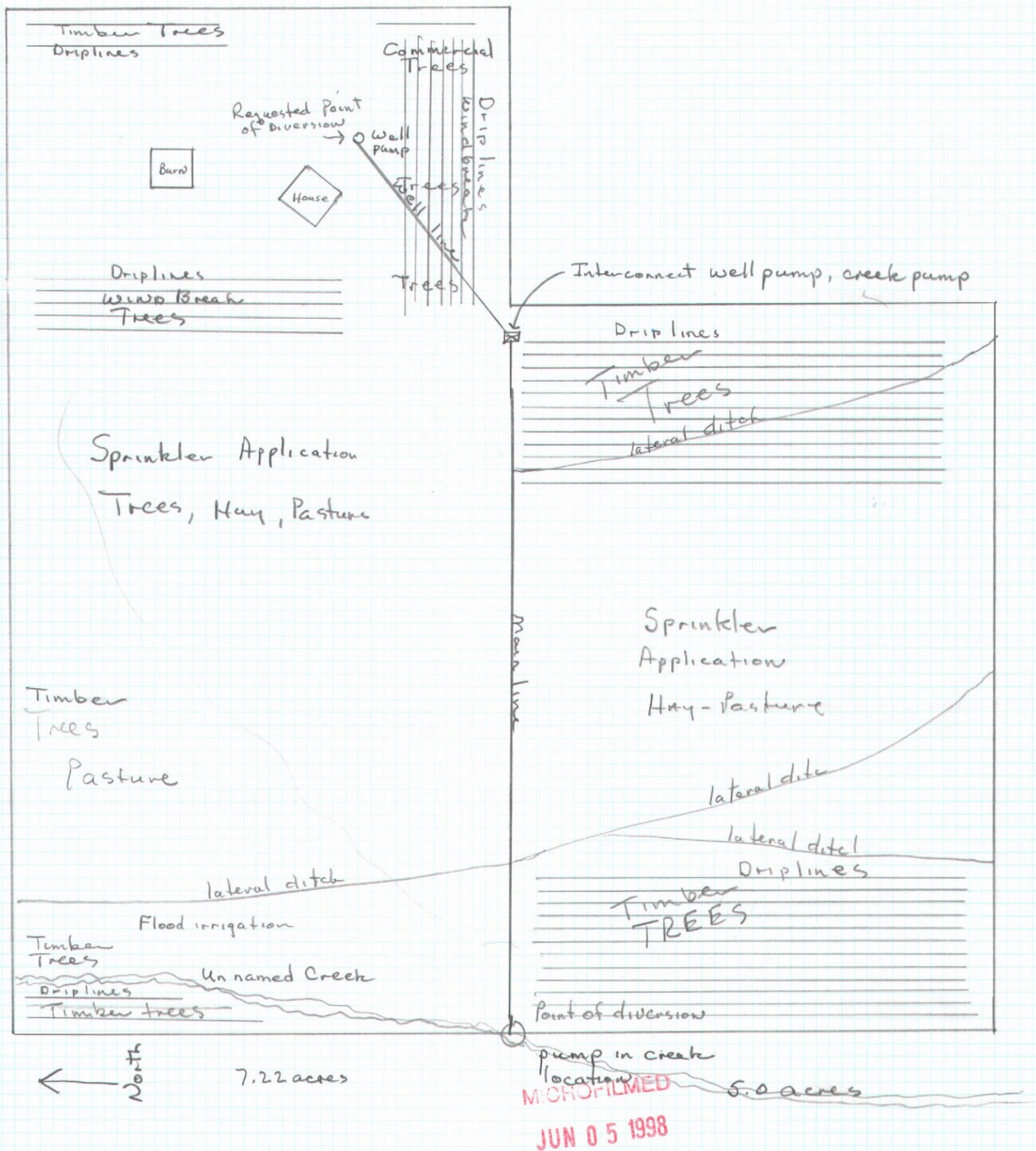


MICROFILMED
JUN 05 1998

Layout of land hunt property
Total acreage 12.22 acres

T17N R3E S51

NE 1/4 NW 1/4 Valley County, Idaho



Meridian

Lockhart
65-

GOVT PLAT
TIAN ROSE
S. 1 LOT 2
(1899)

Mean
Post

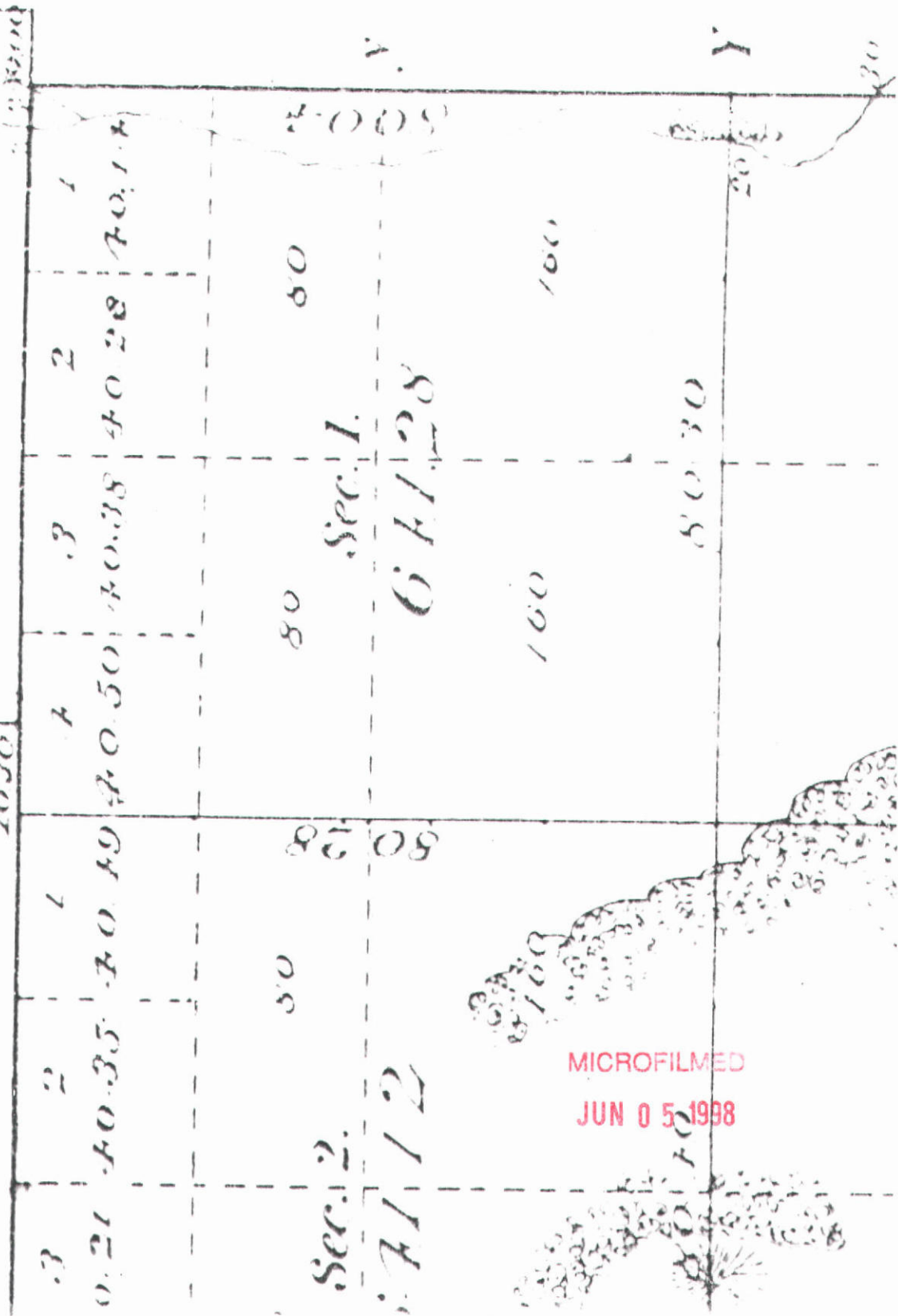
Rec

b B 11 A

Sec. 35

Sec. 30

with.



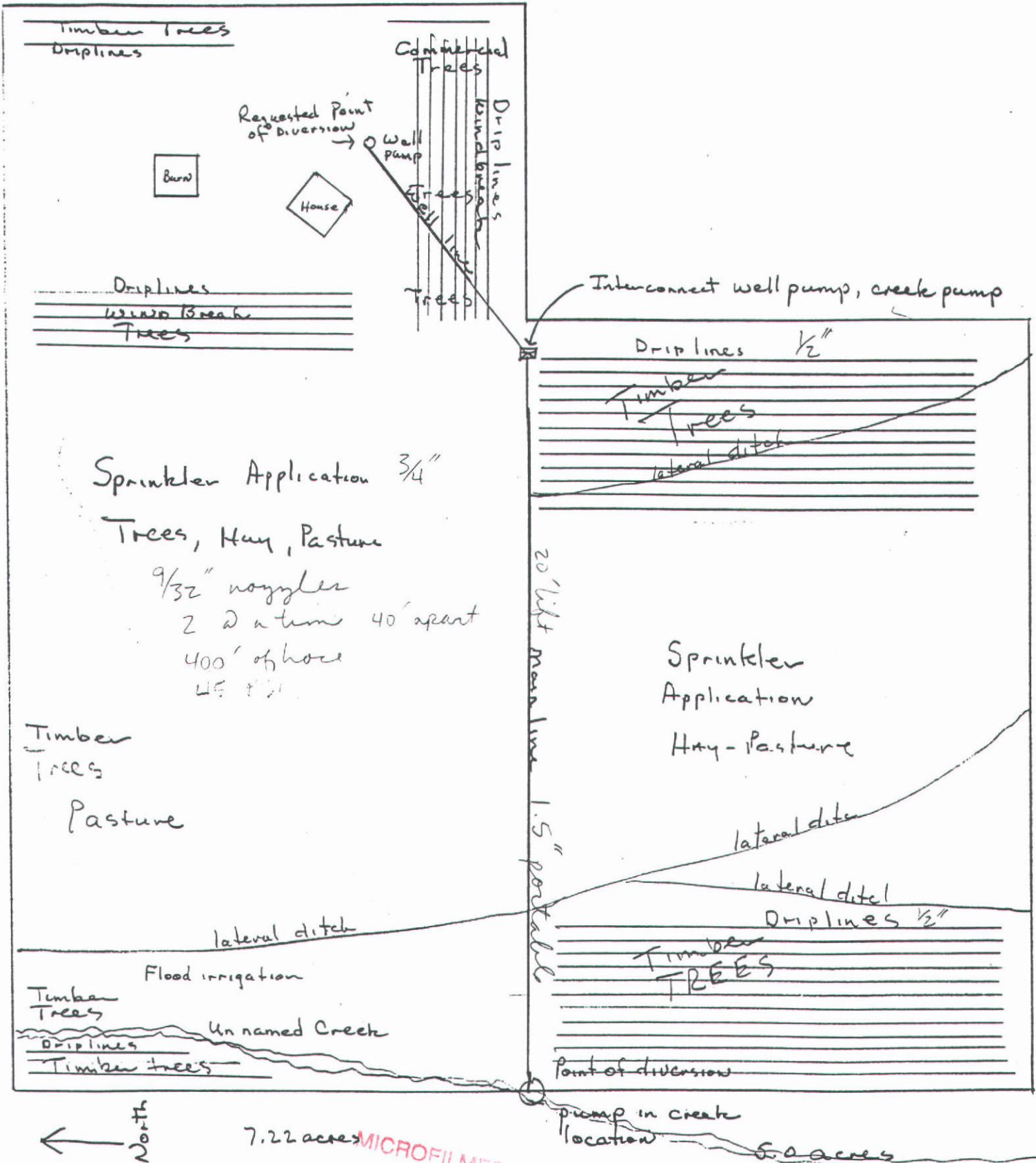
MICROFILMED
JUN 05 1998

Layout of huerfano property
Total acreage 22 acres

T17N R15E

NE 1/4 NW 1/4

Valley County, Idaho



Sprinkler Application 3/4"

Trees, Hay, Pasture

9/32" nozzles

2 2 a time 40' apart

400' of hose

45 PSI

Timber
Trees

Pasture

Sprinkler
Application

Hay - Pasture

lateral ditch

lateral ditch

Drip lines 1/2"

Timber
TREES

Point of diversion

pump in creek
location

5.0 acres

7.22 acres MICROFILMED
DEC 29 1999

Meridian

b B

11

1

Sec. 35

Sec. 36

1030

1030

Meridian

Posts

0.21 40.35 40.40 40.50 40.58 40.28 40.14

2

1

4

.3

2

1

Sec. 2.

71/2

50

80

80

Sec. 1.

641.28

80

40.08

40

100

50.30

100

2030

Y

Govt Plat
TIAN 203E
S. 1 4072
(1899)

Lockhart
65-

MICROFILMED 1999
DEC 29 1999



P/D

system





Domestic



system

MICROFILMED
DEC 20 1999

Publisher's Affidavit of Publication

STATE OF IDAHO

.SS

County of Valley

I, Leslie S. Freyer, being duly sworn and say, I am the receptionist of The Central Idaho Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the NOTICE OF APPLICATION FOR WATER RIGHT, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number thereof during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began April 2, 1998 and ended April 9, 1998.



Subscribed and sworn before me this the April 9, 1998.

STATE OF IDAHO

COUNTY OF VALLEY

On this 9th day of April, in the year of 1998, before me, a Notary Public, personally appeared Leslie S. Freyer, 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.



Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires: 1999

RECEIVED

APR 28 1998

WATER RESOURCES
WESTERN REGION

NOTICE OF APPLICATION FOR

WATER RIGHT

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

65-13745

LOCKHART, JERALD N., P.O. BOX 1441, MCCALL, ID 83638

Source: Groundwater

Division Pt: LOT 3 (NENW) Sec 1 T 17N R 03E in VALLEY County.

Use: IRRIGATION(0.240 CFS)

DOMESTIC (0.240 CFS)

STOCKWATER (0.240 CFS)

Total Diversion: (0.240 CFS)

Date Filed: 9/17/97. In: VALLEY County. T17N R03E S01 Lot 3 (NENW) 12.0 ACRES TOTAL

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

77-07368

CHATWOOD, GERALD L. & CHATWOOD, MYRA G. P.O. BOX 613, MARIANNA, FL 32447

Source: SALMON RIVER, SOUTH FORK, Tributary: SALMON RIVER

Division Pt: LOT 2 (NWNENE) Sec 2 T 21N R 07E in VALLEY County. NENWNE

Sec 2 T 21N R 07E in VALLEY County.

Use: DOMESTIC (0.040 CFS)

FIRE PROTECTION(0.040 CFS)

Total Diversion: (0.040 CFS)

Date Filed: 2/9/1998. In: VALLEY County. T21N R07E S02 Lot 2 (NENE) Lot 2 (NWNENE).

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 pro

test fee of \$25.00 on or before APRIL 20, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director. 2/4/9

MICROFILMED
JUN 05 1998

RECEIVED
APR 27 1998

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO 65-13745

Priority October 21, 1997

Maximum Diversion Rate
Maximum Diversion Volume

0 06 CFS
24 5 AF

This is to certify, that JERALD N LOCKHART
PO BOX 1441

MC CALL ID 83638-1441 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated September 17, 1997, and
has submitted Proof of Beneficial Use on July 5, 1999. An examination indicates
that the works have a diversion capacity of 0 060 cfs of water from a GROUNDWATER
source, and a water right has been established as follows

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/31	0 06 CFS	23 8 AF
STOCKWATER	01/01 to 12/31	0 02 CFS	0 1 AF
DOMESTIC	01/01 to 12/31	0 02 CFS	0 6 AF
	Totals	0 06 CFS	24 5 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 3 (NENW), Sec 1, Township 17N, Range 03E
VALLEY County

<u>PLACE OF USE</u>	<u>IRRIGATION</u>				
<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>	
17N 03E 1	Lot 3 (NENW) 12			12	
	Total number of acres irrigated			12	

PLACE OF USE
STOCKWATER, same as IRRIGATION use

PLACE OF USE:
DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

- 1 This right when combined with all other rights shall provide no more than 0 02 cfs per acre nor more than 3 0 afa per acre at the field headgate for irrigation of the lands above
- 2 After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department

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DEC 29 1999

State of Idaho
Department of Water Resources**Water Right License**

WATER RIGHT NO. 65-13745

CONDITIONS OF APPROVAL AND REMARKS

- 3 When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
- 4 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
- 5 Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
- 6 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
- 7 Rights 65-12657 and 65-13745 when combined shall not exceed a total annual maximum diversion volume of 36 af at the field headgate, and the irrigation of 12 acres.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 13th day of

DECEMBER, 1999


KARL J. DREHER, DirectorMICROFILMED
DEC 29 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO 65-13745	)	ORDER OF
	)	
IN THE NAME OF JERALD N LOCKHART	)	REINSTATEMENT
_____	)	

WHEREAS the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before June 1 1999, and,

WHEREAS, the Department notified the permit holder on March 31, 1999 by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request and,

WHEREAS, the Department sent the permit holder a lapse notice on June 25, 1999, since the department had not received an acceptable proof of beneficial use statement or extension of time, and,

WHEREAS Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on July 5, 1999

IT IS THEREFORE, HEREBY ORDERED that Permit No 65-13745 is **REINSTATED** with an advance in priority to **October 21, 1997**.

DATED this 29th day of October 1999



L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

DEC 29 1999

JUL 1999

FOR OFFICE USE ONLY
 Amt of Fee \$ 50
 Receipt No W035458
 Receipt By 4
 Date Received 7/13/99
 Date Paid 7/13/99

STATE OF IDAHO Department of Water Resources
 DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

- 1 Permit No 65-13745 Telephone No 634-8275
- 2 Name(s) of Permit Holder(s) JERALD LOCKHART
- 3 Mailing Address PO BOX 1441 McCall 83438-1441
- 4 Source of Water GW If GROUNDWATER (well), Date Drilled mo / yr 85
 - a. Well Driller MENASCO Drilling Permit Number
 - b. **OPTIONAL**
 Pump Horsepower 1.5 Pressure (psi) 50 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) 12 Other
- 6 Total rate of diversion and/or volume for which proof is submitted .06 cfs OR acre feet
- 7 Measuring Device Requirement (refer to the approval conditions on your permit and respond accordingly)
 (This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device	Is a measuring device required?	Yes <u> </u>	or	No <u> </u>
	Has the measuring device been installed?	Yes <u> </u>	or	No <u> </u>
Flow Measurement Port	Is a flow measurement port required?	Yes <u> </u>	or	No <u> </u>
	Has the measurement port been installed?	Yes <u> </u>	or	No <u> </u>
8. Fee Enclosed \$ 50 (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 SAME AS ABOVE Telephone Number

Address

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

Signature of permit holder

J. Lockhart
 (Include your title, if on behalf of company or organization)

Date

7/5/99

DEC 29 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13745

Proposed Priority September 17, 1997 Maximum Diversion Rate 0 24 CFS

This is to certify, that JERALD N LOCKHART

PO BOX 1441

MCCALL ID 83638-1441

has applied for a permit to appropriate water from GROUNDWATER

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>
IRRIGATION	04/15 to 10/15	0 24 CFS
STOCKWATER	01/01 to 12/31	0 02 CFS
DOMESTIC	01/01 to 12/31	0 02 CFS
Totals		0 24 CFS

LOCATION OF POINT(S) OF DIVERSION Lot 3(NENW), Sec 1, Township 17N, Range 03E
VALLEY County

PLACE OF USE IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
17N	03E	1	Lot 3(NENW)	12 0		12 0

Total number of acres irrigated 12 0

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

- 1 Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1999.
- 2 Subject to all prior water rights.
- 3 After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- 4 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code
- 5 This right when combined with all other rights shall provide no more than 0 02 cfs per acre nor more than 3 0 afa per acre at the field headgate for irrigation of the lands above

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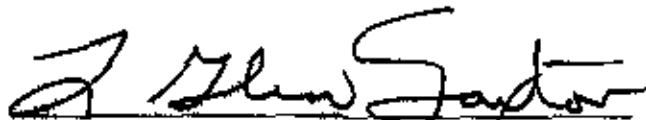
JUN 05 1998

State of Idaho
Department of Water Resources**Permit To Appropriate Water**
NO. 65-13745CONDITIONS OF APPROVAL AND REMARKS

- 6 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
- 7 The right holder shall use the full allotment of appurtenant irrigation surface water rights in conjunction with groundwater diverted for irrigation purposes under this right.
- 8 This right shall not be used if the irrigation surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
- 9 Stockwater use is for 2 horses.
- 10 Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

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

3rd day of June, 1998


Karl J. Dreher, Director

for

MICROFILMED

JUN 05 1998

Ident. No. 65-13745

RECEIVED

MAY 22 1998

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

SEP 17 1997

WATER RESOURCES
WESTERN REGION

- 1 Name of Applicant Jerald N. Lockhart Phone 234-8275
Mailing address PO Box 1441 McALL 83638
- 2 Source of water supply GROUND WATER which is a tributary of _____
- 3 Location of point of diversion is Township 17N Range 3E Sec 1 in the NE 1/4, NW 1/4, Govt. Lot 3, B.M., VALLEY County _____
additional points of diversion if any _____
- 4 Water will be used for the following purposes
- | |
|---|
| Amount <u>.24</u> for <u>IRRIG</u> purposes from <u>* 4/15</u> to <u>10/15</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| * Amount <u>104.02</u> for <u>DOM</u> purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>.02</u> for <u>STOCK</u> purposes from <u>1/1</u> to <u>12/31</u> (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) .24 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 well pump
sprinklers
- 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 65°F being sought? _____
- e If well is already drilled, when? 1985, Drilling firm Memphis
Well was drilled for (well owner) Jerald Lockhart, 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 2 horses
- c Municipal, show name of municipality _____
- d Domestic, show number of households 1 home MICROFILMED
- e Other, describe fully _____ JUN 05 1998

* max allowable for in-house domestic 6/1/98 cfs.

* standard in. season 6/1/98 cfs

9 Description of place of use

a If water is for irrigation, indicate acreage in each subdivision in the tabulation below

b If water is used for other purposes, place a symbol of the use (example D for Domestic) in the corresponding place of use below See instructions for standard symbols

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	3E	1					12												12
							5												
							D												

Total number of acres to be irrigated 12

10 Describe any other water rights used for the same purposes as described above 65-12657 -

surface water

11 a Who owns the property at the point of diversion? applicant

b Who owns the land to be irrigated or place of use? A

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

12. Remarks: applicant agrees to mitigate consumptive

use in the future as needed.

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 1/2 minute topographic quadrangle map is preferred.)

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

MICROFILMED
JUN 05 1998

[Signature]
Signature of Applicant (and title, if applicable)

Received by DS Date 9-17-97 Time 12:30 AM Preliminary check by TCT
Fee \$ 100 Received by DS # W023071 Date 9-17-97
Publication prepared by ST Date 3-25-98 Published in Star News 4-24-98
Publication approved ST Date 5-6-98

* added 3/24/98

PERMIT 65 INIT 170
T. R. S. Q/Q
P/D 17N 0.3E 1 NENN LOT 3
SCALE 1:24,000
PHOTO ID.

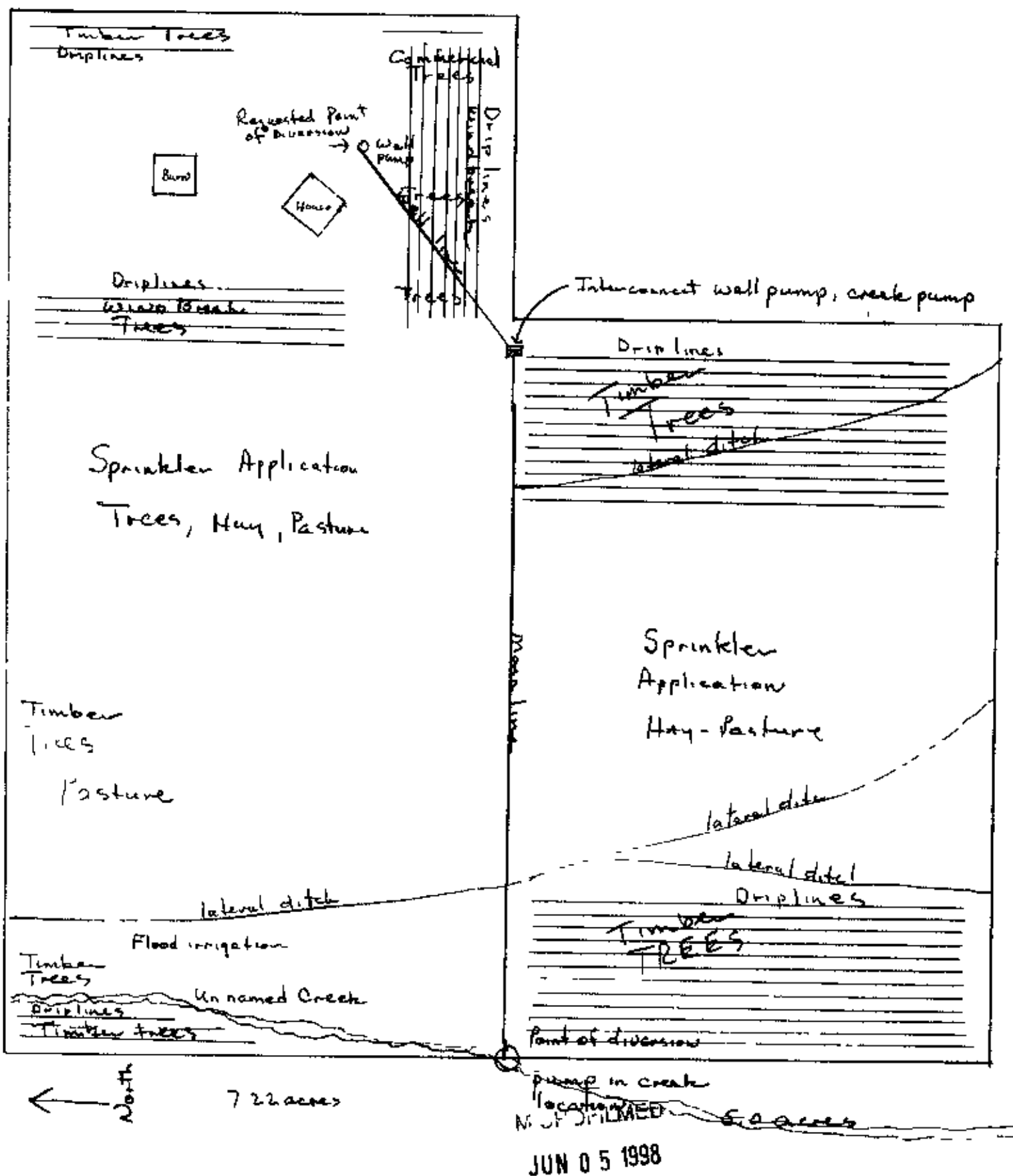
Graves Pit

NO FILMED
JUN 8 1988

Layout of land property
Total acreage 12.22 acres

T170 R. 51

NE 1/4 NW 1/4 Valley County, Idaho



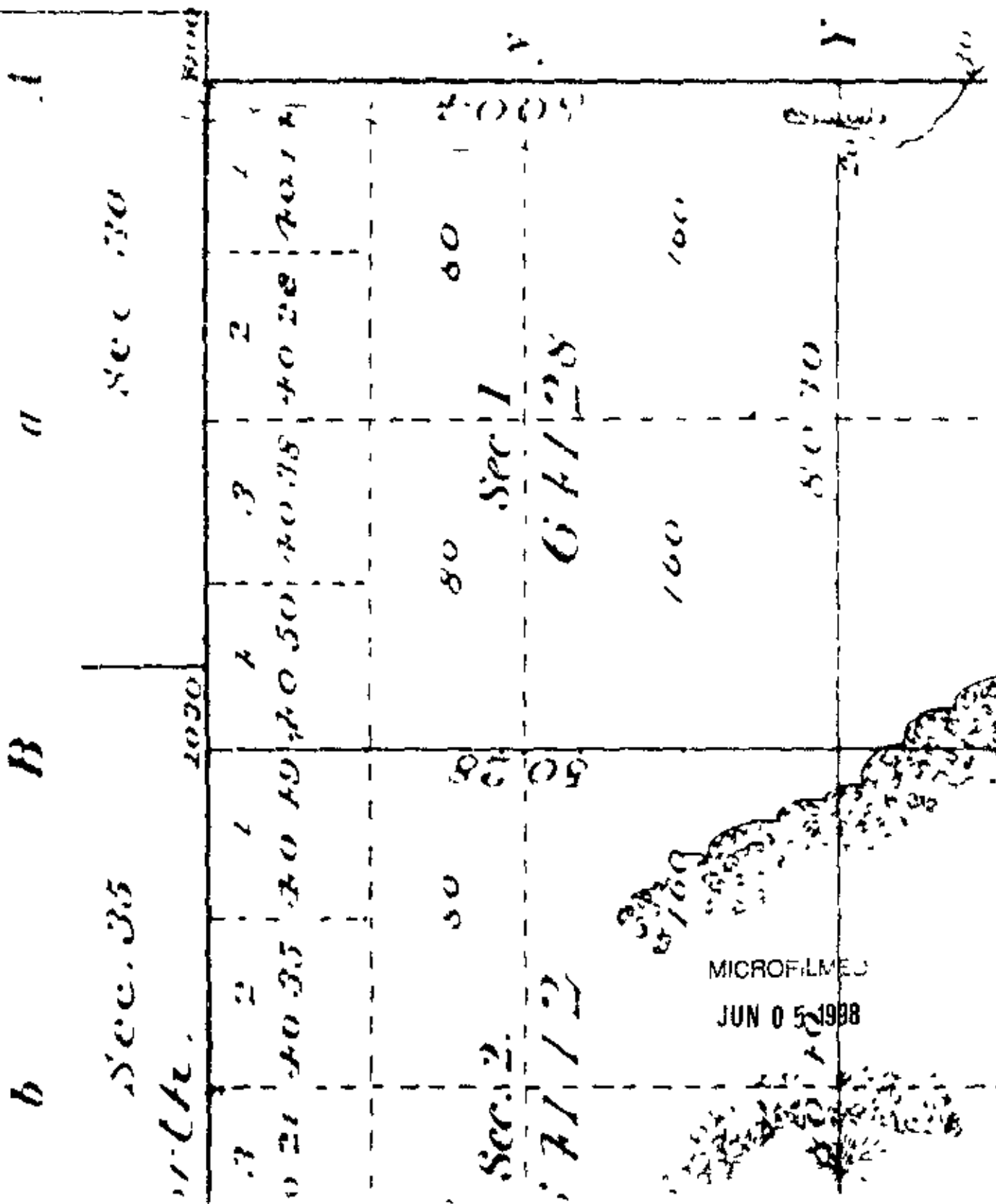
Meridian

Lockhart
65-

GOVT PLAT
TIAN ROSE
S. 1 LOT 2
(1899)

Mean
Rivers

Ac



MICROFILMED
JUN 05 1988



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

December 13, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

JERALD N LOCKHART
PO BOX 1441
MC CALL ID 83638-1441

RE WATER RIGHT NO 65-13745

Dear Water Right Holder(s)

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

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

Sincerely,

Shelley Keen
Water Rights Supervisor

SK klt

Enclosure

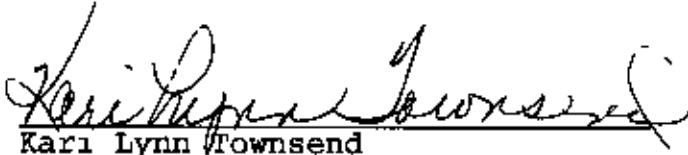
MICROFILMED
DEC 29 1999

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of December, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below

Water Right No 65-13745

JERALD N LOCKHART
PO BOX 1441
MC CALL ID 83638-1441


Kari Lynn Townsend
Secretary

MICROFILMED
DEC 29 1999

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.

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DEC 29 1999

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.

ICAO FILMED
DEC 29 1999

LICENSE REVIEW CHECKLIST

Permit No 65-13745 Date 11/10/99 Reviewer Kay Walker

Change/OK

Name/Address OK

Source OK
Point of Diversion OK

Does change clarify original intended source? If no, void permit
Change (P38/P47) Add (P45/P42) Feds (P43)

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

Place of Use OK

Change (P41/P47) Add (P41/P42) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps Right(s) 65-12657
File reviewed ✓ Profile reports printed also in lic. process
P/D & P/U amend (P37) Feds (P48)

Rate of Diversion

Permitted rate 0.24 cfs
Fee Limit 0.20 cfs
Measured 0.06 cfs
Theoretical 0.06 cfs

Recommended Total Diversion Rate 0.06

Water Uses OK

Change (P46)

Irrigation 0.06 cfs 21.9 af 23.8
Stockwater 0.02 cfs 0.1 af
Domestic 0.02 cfs 0.10 af
Total 0.10 cfs 22.0 af 24.5

Irrigation - overlap (R56-R61 R62-R65 R66-R69) R62
supp Gw (WB7/R65/079)
overlap spec combined rts (W35) x100 WB7, 065, 079
>1 acre (W31)
Domestic (WD1/W65/070/071/075) WB5
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (081/R07)
Payette - (W22/R11/274)

Volume Determination

0.06 cfs x 1 9835 x 300 days = 23.8 af (vs) 12 acres x 3 (FHR) = 36.0 af

Remarks

Additional Conditions N Watermaster Control
Y GW Measurement/Measuring Device
Other
Trust (052/R55 - remove 051)
Non-trust (048/049)

Government Lots? YES

Advance Priority? yes If yes, explain why below
no

SRBA Claim? NO

Adjust memo

Amend Letters P87, S06 Second Amendment Notice P87, S06

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
OCT 20 1999
DEPARTMENT OF WATER RESOURCES

A GENERAL INFORMATION

Permit No 65-13745

1 Owner Jerald Lockhart Phone No 634-8275
Current Address PO Box 1441, McCall ID 83638-1441

2 Accompanied by Jerald EXAM DATE 07/05/1999

Address _____ Phone No _____

Relationship to Permit Holder _____

3 Source Groundwater tributary to _____

B OVERLAP REVIEW

1 Other water rights with the same place of use 65-12657

2 Other water rights with the same point of diversion None

C DIVERSION AND DELIVERY SYSTEM

1 Point(s) of Diversion

Ident No	Govt Lot	¼	¼	¼	Sec	Twp	Rge	County	Method of Determination/Remarks
	3		NE	NW	1	17N	3E	Valley	USGS Quad, GIS Map

2 Place(s) of Use

Indicate Method of Determination Same as above

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	3E	1					12												12

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10/7/99

- 3 **Delivery System Diagram** In te all major components and distances ween components Indicate weir size/ditch size/pipe id as applicable

SEE ATTACHED MAPS AND DIAGRAM

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

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

Y Photo of Diversion and System Attached

4

Well or Diversion Identification No *	Motor Make	Hp	Motor Serial No	Pump Make	Pump Serial No or Discharge Size
		1.5		Submersible	

* 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 Theoretical

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DEC 29 1999

E NARRATIVE/REMARKS/COMMENTS

A well equipped with a 1.5 hp submersible pump supplies water to 1 home and 12 acres via 1.5" portable mainline hose. The hose can flood irrigate, feed drip lines or two sprinklers which are used to irrigate the 12 acres. The acres consist of 3000 tree starts which include ponderosa, larch, lodge pole and spruce varieties. The trees are planted amongst pasture land used for horses. An unnamed stream (65-12657) is also used on the property. Applicant originally flood irrigated the acres, but switched to mostly drip and sprinkler irrigation due to the phosphate problems in Cascade Lake (the runoff is tributary to the unnamed stream tributary to Lake Fork Creek, which is tributary to Cascade Lake) No

other rights are used.

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

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DEC 2 1988

F. FLOW CALCULATIONS

Y Additional Computation Sheets Attached

Measured Method Theoretical

$$\frac{1.5 \times 8.8 \times 7}{50 + 45 \times 2.31} = 06 \text{ cfs}$$

(lift, pressure and pump hp per owner)

G VOLUME CALCULATIONS**1 Volume Calculations for Irrigation**

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 12 \times 3 = 36$$

$$V_{DR} = (\text{Diversion Rate (cfs)}) \times (\text{Days in Irrigation Season}) \times 1.9835 = .06 \times 184 \times 1.9835 = 21.9$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 21.9$$

2 Volume Calculations for Other Uses

Internal domestic use 6 afa

Stockwater use 2 horses x 0134 = 0268 (allow 1)

H RECOMMENDATIONS**1 Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume	
	From	To		V (afa)	
Domestic	1/1	12/31	04		6
Stockwater	1/1	12/31	02		1
<u>Irrigation</u>	<u>4/15</u>	<u>10/15</u>	<u>.06</u>		<u>21.9</u>
Totals			<u>06</u>		<u>22.6</u>

2 Recommended Amendments
☐ Change P D as reflected above ☐ Add P D as reflected above ☒ None

☐ Change P U as reflected above ☐ Add P U as reflected above ☐ Other
I AUTHENTICATIONField Examiner's Name Don E. G. [Signature] Date 9/13/99

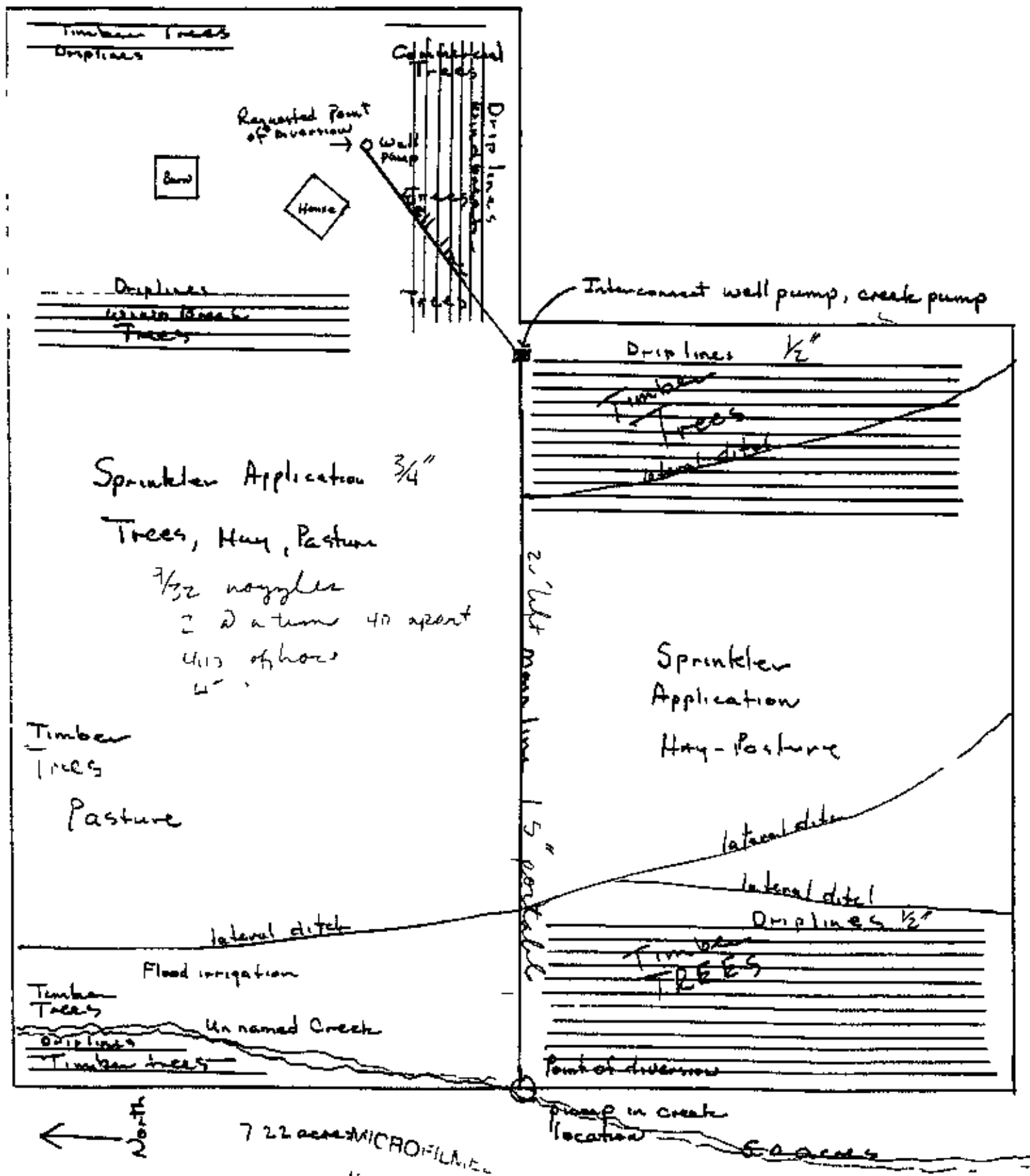
Reviewer _____ Date _____

SEAL

Layout of homestead property
Total acreage 22 acres

T170 R. ~ 51

NE 1/4 N 1/4 Valley County, Idaho

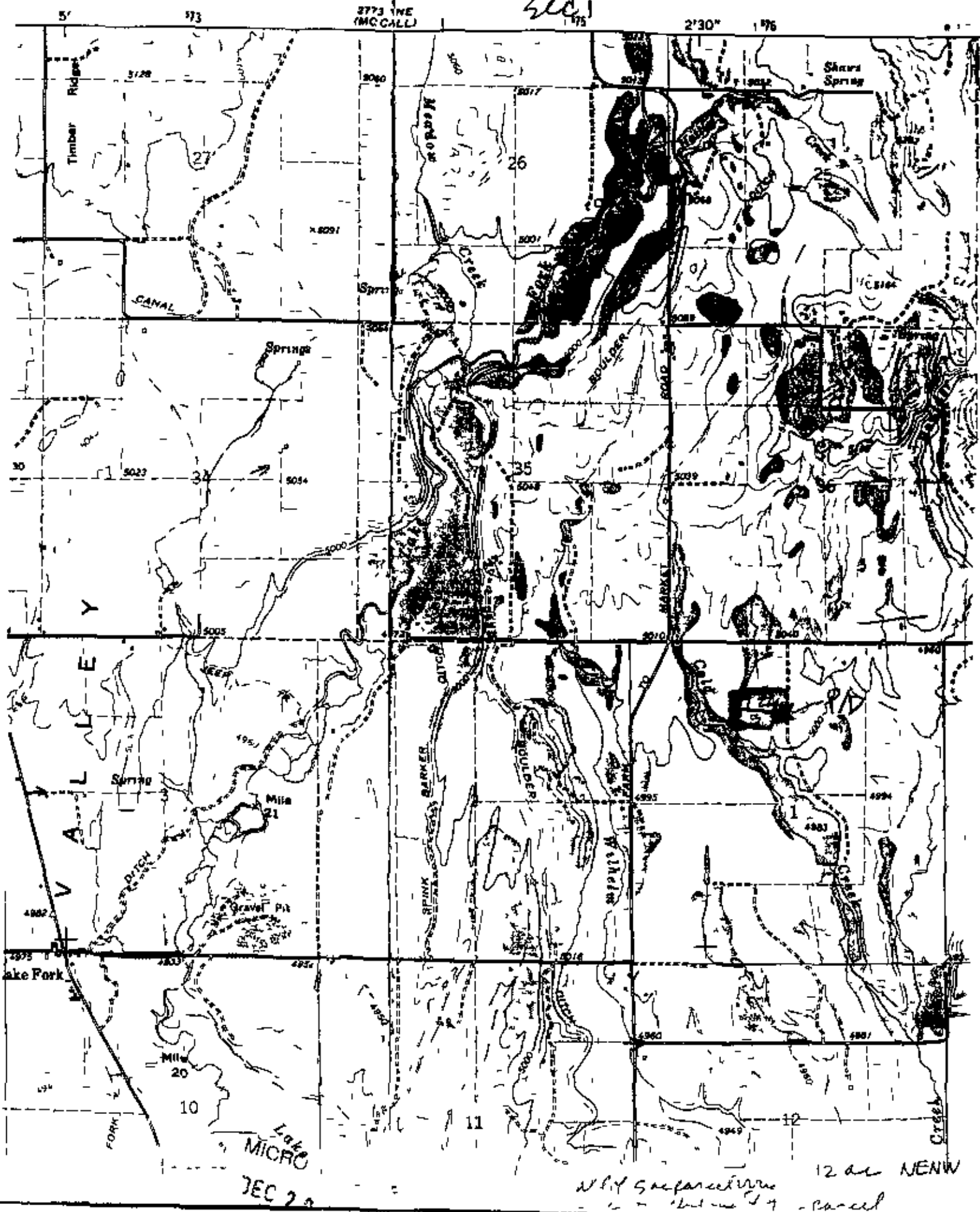


7 22 acres MICROFILMED

11-5 29 1999

20' contour interval

T17N NENW
R3E G0 Lt 3
SEC 1



Meridian

b B " .1

Dec. 35

Dec 30

11.42

1030

(1) 3000

0 21 40 35 40 40 40 50 40 38 40 28 40 14

Points

11.42

50

80

80

1000

Sec. 2.

Sec. 1.

50

64128

1000

7112

100

100

40

50 30

200

1

Lockhart
185-

Gout Plat
TIAN 203E
S. 1 1072
(1899)

MICROFILM 1999
6661 4 2

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

1 DRILLING PERMIT NO No log found OTHER APPLICABLE NO 65-13745

2 OWNER Gerald Lockhart Phone _____
Address McCall

3 WELL LOCATION Twp 17N, Rge 3E, Sec 1 NE 1/4 NW 1/4
County VALLEY (Provide sketch map and photo on reverse)

4 DRILLER W/K Lic No _____
When Drilled? _____

5 WELL CONSTRUCTION

Casing Diameter 6 inches Water tight cap? ☒ Yes ☐ No Access Port. ☒ Yes ☐ No
Casing $\geq$ 12 inches above ground? ☒ Yes ☐ No - Describe _____
Depth of Casing _____ ft Method Drilled _____
Condition of Well Casing ☒ Good ☐ Fair ☐ Poor Describe _____
Control Valve? ☐ Yes ☒ No Pressure Gauge ☐ Yes ☒ No
Condition of Piping and Valving _____
Auger to a depth of _____ ft Evidence of Annular Seal ☐ Yes ☒ No
Are there obvious construction problems that may be a source for contamination or waste of water?
☐ Yes ☒ No (Describe in Remarks and Attach Photo - On Reverse)

6. HYDROLOGIC INFORMATION

Depth to Static Water _____ ft Water Temperature cold °F
Flowing Artesian ☐ Yes ☒ No Pressure 45 (psi)
Water Sample Taken? ☐ Yes ☒ No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____

7 WELL USE

☒ Domestic ☒ Irrigation ☒ Stock
☐ Test ☐ Municipal ☐ Industrial
☐ Abandoned ☐ Waste Disposal/Injection ☐ Not Used
☐ Other MICRO

DEC 29 1999

8 **POSSIBLE CONTAMINATION SOURCES**

Is there evidence of Chemicals? ☐ Yes ☒ No

If yes, is there a check-valve present? ☐ Yes ☒ No

Is there a possible source of contamination nearby? ☐ Yes ☒ No

If yes, what Type? _____

How far away from the well is this source? _____

9 **REMARKS**



Signature of Dept Representative & Title

7/5/99

Inspection Date

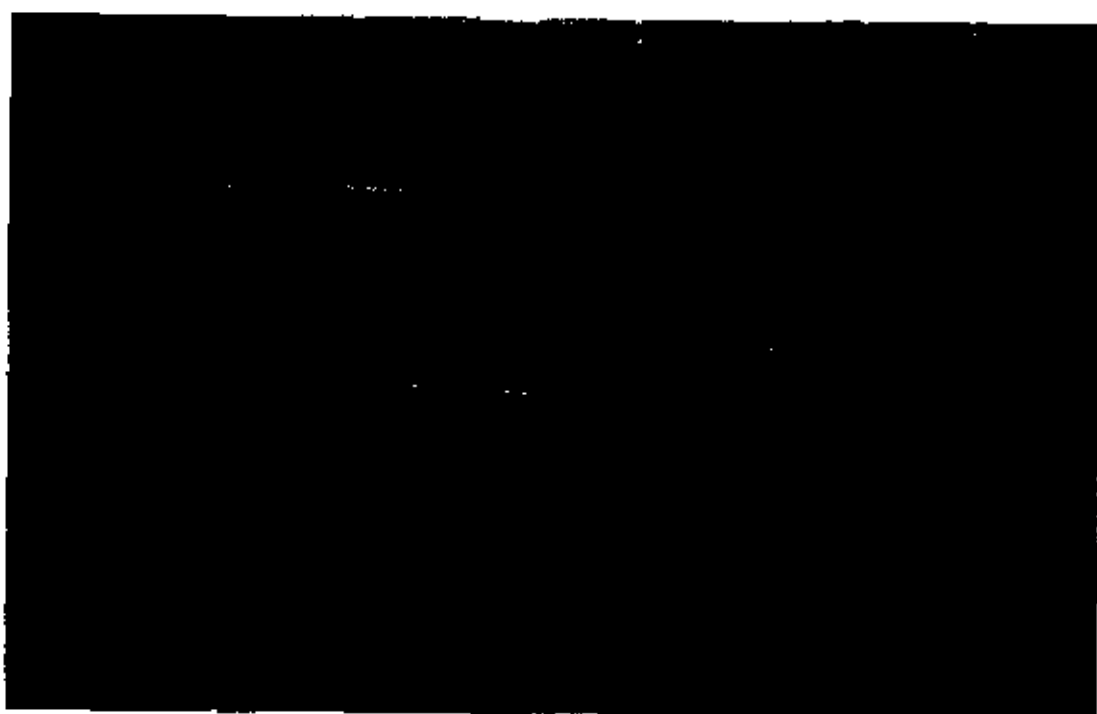
PHOTOS, DRAWINGS, OTHER ATTACHMENTS

MICROFILMED

DEC 29 1999



P/D



system -



Door etc



to gate --

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No 65-13745 Reviewed by [Signature] Date 10-28-99

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? dom, etc
yes Address same as permit?
no Proof timely received? Correct Uses? yes
If not, complete calculation below

SOURCE OF WATER

 Surface water source
✓ Ground water source
NO Drilling permit required? pre 87
 Copy in the file? Drilling Permit No
 Amount paid for permit Correct?
 Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50- Amount Submitted
yes Correct?
NO Required?
 Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u>7-5-99</u>	<u>186</u>
Date proof due	<u>6-1-99</u>	<u>- 152</u>
No. of days late	<u> </u>	<u>= 34</u>
Priority Date	<u>9-17-97</u>	<u>+ 260</u>
New Priority Date	<u>10-21-97</u>	<u>294</u>

710-21-97

DEFICIENCIES OR ACTION ITEMS

Reinstate + advance priority to Oct 21, 1997
Proof acceptable

DATA ENTRY

New Address X Proof Made 7-5-99



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

October 28, 1999

KARL J. DREHER
DIRECTOR

Jerald Lockhart
PO Box 1441
McCall ID 83638-1441

PROOF ACKNOWLEDGMENT LETTER

RE PERMIT NO 65-13745

Dear Permit Holder

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

Enclosed is an order reinstating the permit since proof was submitted after the proof due date. Please note that the priority date has been advanced to October 21, 1997, pursuant to Section 42-218a, Idaho Code.

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 review of the field examination, please contact Kay Walker at (208)327-7944.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

c IDWR - Regional Office

MC 7-10-99

DEC 24 1999

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED

June 25, 1999

JERALD N LOCKHART
PO BOX 1441
MCCALL ID 836381441

LAPSE NOTICE

RE PERMIT NO 65-12745

Dear Permit Holder

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated March 31, 1999. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 6/25/99
~~a copy~~/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above

MICRO FILMED

1999 2 - 1999

March 31, 1999

JERALD N LOCKHART
PO BOX 1441
MCCALL ID 836381441

PROOF DUE NOTICE

RE PERMIT NO 65-13745

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 June 1, 1999 (See last page of your approved permit or your last approved extension request). Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

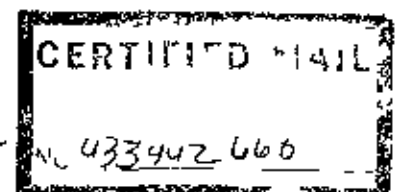
SINCERELY,

JULIE L YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

JUN 24 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

June 3, 1998

JERALD N. LOCKHART
PO BOX 1441
MCCALL ID 83638-1441

PERMIT APPROVAL NOTICE

RE PERMIT NO. 65-13745

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.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

MICROFILMED

JUN 11 1998

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

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK klt

Enclosures

MICROFILMED

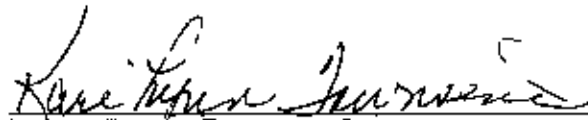
JUN 05 1998

CERTIFICATE OF MAILING

I hereby certify that on the 3rd 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. 65-13745

JERALD N LOCKHART
PO BOX 1441
MCCALL ID 83638-1441


Karl Lynn Townsend
Secretary

MICROFILMED

JUN 7 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

JUN 04 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by Cindy Lou

No 65-13745 Name Rockhart Date 6/1/98 Ad OK? ✓ Gvmt Lts

AREA OF CONCERN - No/Yes Mor / GWMA / Trust / Non-trust

PROTESTED 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED

- > 1 year - 26A-P17
- ≤ 1 year/no proof - P16

GROUNDWATER (✓ FLO-CH)

WMD (✓ MAP)

- > 0.24 cfs/5 acres - 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)
- 0111 (report when notified)
- No MD

DRILLING PERMIT

All wells (✓ WDQ3)

- In Basin 34? - 045-223
- Irr within WD - 085
- P05 (new well location)

~~Surface water~~ (✓ FLO-CH) (Surface water that doesn't sink is regulated)

IN/ABOVE MIN. STR. FLOW (✓ MAP) *WB9

WD (✓ MAP & LISTING)

- > 0.10 cfs - R04 (WD #)
- ≤ 0.10 cfs - 01J-P08 (MD & LD)
- 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)

- (02/03-Irr) *W22 P04 NA
- 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

- > 1 in rest. area *WB5 (Big Wood R or Boise R ↑ Star Bridge) 27A (Payette River) NA
- 071-070
- 077
- 029-007-042(req)-081 (WQ)-P10
- R07 (injection well)
- R66/R67/R68/R69 (0.03 cfs/acre + 3 0/3 5/4 0/4 5 AF)
- R62/R63/R64/R65 (0.02 cfs/acre + 3 0/3 5/4 0/4 5 AF)
- 064(req)-081-P10
- 022 075 004 (+memo?) NA (not in restricted area)
- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use)
- 17G (FERC) or 17M (FERC) 18B-P09 >25 cfs-P18
- R37 (BLM/USFS) NA
- 18A (in & out MD for on-stream storage) 18B-P09 (>10 dam) NA

Fire Protection

Fish Propagation

Heating/Cooling

Irr ≤ 5 acres

> 5 acres

Mining

Municipal

Power

Stockwater

Storage (✓ 3 compo)

LOCATION

42-248 area

- P84 in 20/30/40/50/60/70/80 (87) basin)
- 058 (<85° GW temp only)
- P52 (stream channel alteration)
- 120

Boise Front LoGeo

In-stream dev

Mitigation

SWAN FALLS FLAG (See Code Chart)

- Trust - 051-052-053-P74 (Consumptive Uses) NA
- Non-Trust (1) - 048-049 (Consumptive Uses, NA
- 004 (PD/PU)

OWNERSHIP

OTHER CONDITIONS

STANDARD REMARKS

BENEFICIAL USE DUE

COMMENTS

WB5/1 WB2/24
6/1/

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

MAY 22 1998

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY lg DATE 1, 24, 98 APPLICATION 63-1545

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
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

- ☒ ADVERTISE REMARK(S)
(Reviewer identify which remarks)
- ☒ T FLAG CHANGED TO P FLAG

YES NO

- ☒ Overlapping place of use (Describe source & relationship to present application on next page)
- ☒ Overlapping point of diversion
- ☒ Critical groundwater area
- ☒ Groundwater management area
- ☒ 1992 moratorium
- ☒ Bull trout impact area
- ☒ E-mail to SCA staff (perennial stream, non-pump diversion &/or any mining)
- ☒ E-mail to Dam Safety staff (for any storage)
- ☒ Mitigation plan Check any that apply
- ☒ immediate = acceptable plan required and submitted
- ☒ future = open areas, acceptance of condition of approval is in file
- ☒ Send power requirement letter.
- ☒ Send fish farm requirement letter
- ☒ Power residency affidavit
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (If yes, attach Large Diversion supplementary analysis sheet)
- ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO.

65-13745

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

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

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ 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 4-20-98

☐ ☒ Protests received.

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☐ ☒ Measuring port required:

☐ ☒ Water delivered by water master? District # _____

☒ ☐ Special conditions of approval or cover letter: 120, 046, 065,

See below for additional information

Recommended Date or Priority 9/17/97Recommended by: Days Date: 5/9/98STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

P/W: 65-02308- separate source

65-08700- " well + owner, GW source

65-12657- same owner, acres, separate source.

P/O: 65-08700, 65-12657

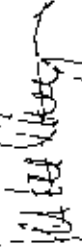
Publisher's Affidavit of Publication

STATE OF IDAHO

SS

County of Valley

I Leslie S. Freyer being duly sworn and say I am the receptionist of The Central Idaho Star News a weekly newspaper published at McCall in the County of Valley State of Idaho that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper that the NOTICE OF APPLICATION FOR WATER RIGHT a copy of which is enclosed hereto and is a part hereof was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number thereof during the period of time of publication and was published in the newspaper proper and not in a supplement and that publication of such notice began April 2 1998 and ended April 9 1998.



Subscribed and sworn before me this the April 9 1998
STATE OF IDAHO

COUNTY OF VALLEY

On this 9th day of April in the year of 1998 before me a Notary Public personally appeared Leslie S. Freyer 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



Tom Grute
Notary Public for Idaho
Residing at McCall Idaho
Commission Expires 1999

RECEIVED

APR 28 1998

WATER RESOURCES
WESTERN REGION

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-1745

BUCKHART JERALD N., P.O. BOX

1441, MCCALL ID 83638

Source: Groundwater

Diversion PL LOT 3 (NENW) Sec 17 N

R 03E in VALLEY County

Use: IRRIGATION (0.240 CFS)

DOMESTIC (0.040 CFS)

STOCKWATER (0.040 CFS)

Total Diversion (0.240 CFS)

Date Filed 9/17/97 Is VALLEY County

T11N R03E S01 Lot 3 (NENW) 12.0 ACRES

TOTAL

Applicant agrees to mitigate consumptive

use in the future as needed

77-407468

CHATWOOD GERALD L &

CHATWOOD MYRA G P.O. BOX 614

MARIANNA, FL 32447

Source: SALMON RIVER, SOUTH

FORK, Tributary SALMON RIVER

Diversion PL LOT 2 (NWNNE) Sec. 2 T

21N R 07E in VALLEY County NENWNE

Sec. 2 T 21N R 07E in VALLEY County

Use: DOMESTIC (0.040 CFS)

FIRE PROTECTION (0.040 CFS)

Total Diversion (0.040 CFS)

Date Filed 2/9/1998 In VALLEY County

T21N R07ES02 Lot 2 (NENE) Lot 2 (NWNNE)

Permits will be subject to all prior water

rights. Protests may be submitted based on the

contents 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 pen

protest fee of \$25.00 on or before APRIL 20

1998. The protestant must also send a copy of

the protest to the applicant.

KARL J. DREHER, Director 264/9

65-13745

LOCKHART, JERALD N
PO BOX 1441
MCCALL, ID 83638

Source: GROUNDWATER

Diversion Pt: LOT 3 (NENW) Sec 1 T 17N R 03E in VALLEY County

Use: IRRIGATION	(	0.240 CFS)
DOMESTIC	(	0.040 CFS)
STOCKWATER	(	0.020 CFS)
Total Diversion:	(	0 240 CFS)

Date Filed: 9/17/1997

In VALLEY County
T17N R03E S01 Lot 3 (NENW)

12.0 ACRES TOTAL

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

MICROFILMED

JUN 05 1998

1 1 1

Name of Applicant Terald N. Lockhart

Mailing Address P.O. Box 1441

McCall, Idaho 83638

Application No

65-13745

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

Gochhaus
21.10.08

Date _____

2/10/98

Please return this form to

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

P.S I noticed the total Diversion does not add up to the individual diversion uses. Is this correct?

 $\frac{1}{2} \pi$



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

February 4, 1998

DISTRIBUTION: Applicants whose water right applications were held without action pending fishery resources issues.

Dear Applicant:

You filed an application for permit to develop a water right that includes consumptive use (see attached profile report). This office was not been able to process such applications in your area until some water supply issues related to fishery resources were resolved.

A method to address these issues now exists. 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 that new water developments might cause.

Enclosed is a response form to be completed and returned if you want your application to be processed. To the extent possible given other factors, applications will be processed in the order in which they were filed.

Also enclosed is a withdrawal form. If you no longer have an interest in obtaining the water right outlined in your filing, please complete and return this form. You will receive a refund for the filing fee associated with the application.

Delays in processing due to department considerations such as those discussed in this letter do not affect the priority date of your application. Please contact this office at 334-2190 if you have any questions about your application.

Sincerely,

Western Region Allocation Staff

Enclosures: Profile Report, Response Form and Withdrawal Form
MICROFILMED

FEB 11 1998

~ Celebrating Our Centennial Year of Service to Idaho 1905-1995 ~

WITHDRAWAL

TO WHOM IT MAY CONCERN.

I hereby withdraw Application For Permit
to appropriate the Public Water of the State
of Idaho No. _____.

Signed at _____
(location)

this _____ day of _____, 199__.

Signature of Applicant

Printed Name of Applicant

MICRO FILM

JUN 15 1998

RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

Name of Applicant _____

Mailing Address _____

Application No. _____

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 _____

Please return this form to

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

MICROFILM

1998 05 1998