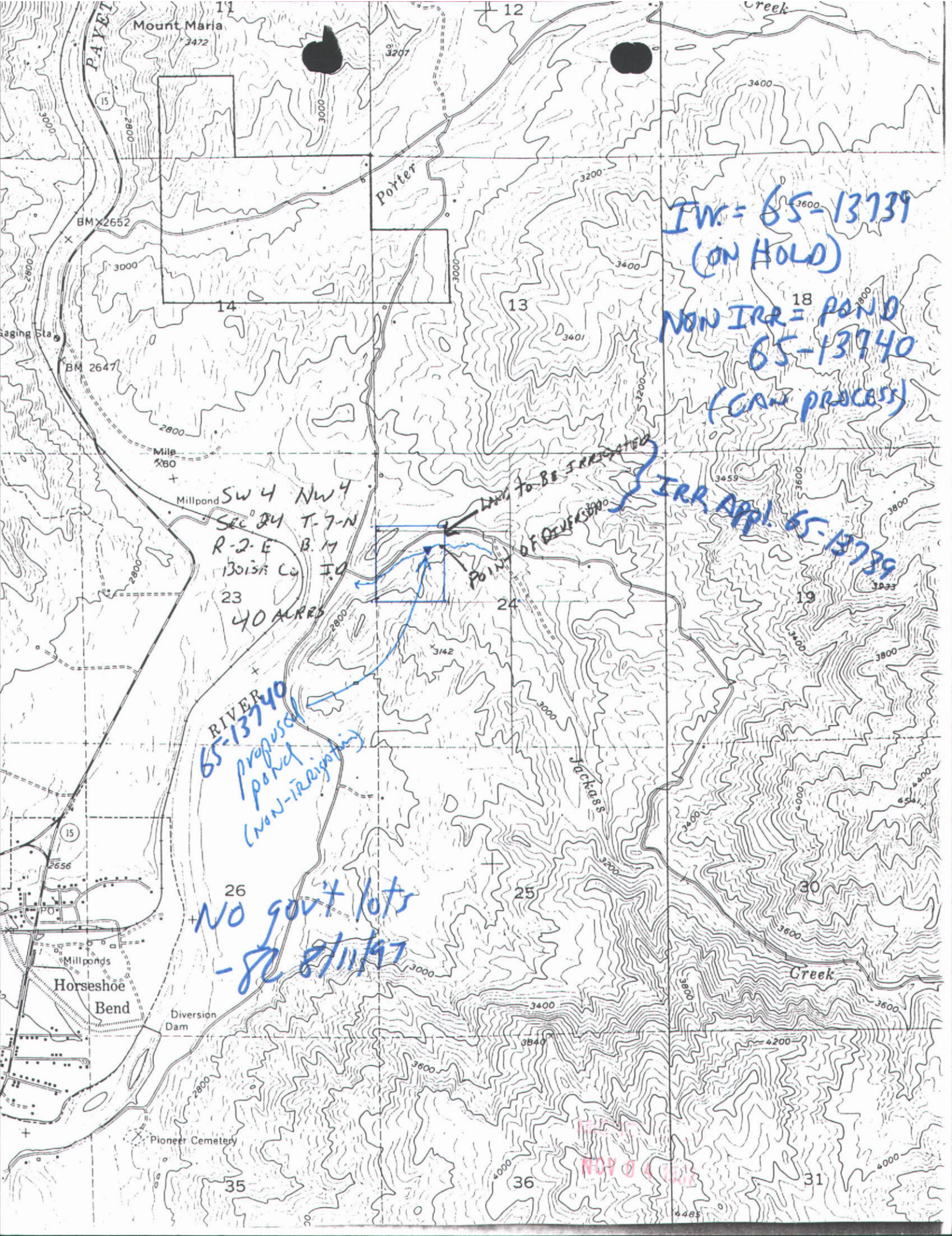




Mount Maria
3472

Porter

IRW = 65-13739
(ON HOLD)

NON IRR = POND
65-13740
(CAN PROCESS)

IRR Appl. 65-13739

SW 4 NW 4
SEC 24 T. 7-N
R-2-E B. M
Bois Co. I.D.
40 ACRES

RIVER
65-13740
proposed
pond
(NON-IRRIGATING)

NO gov't lots
- 8/28/11/97

Jackass

Creek

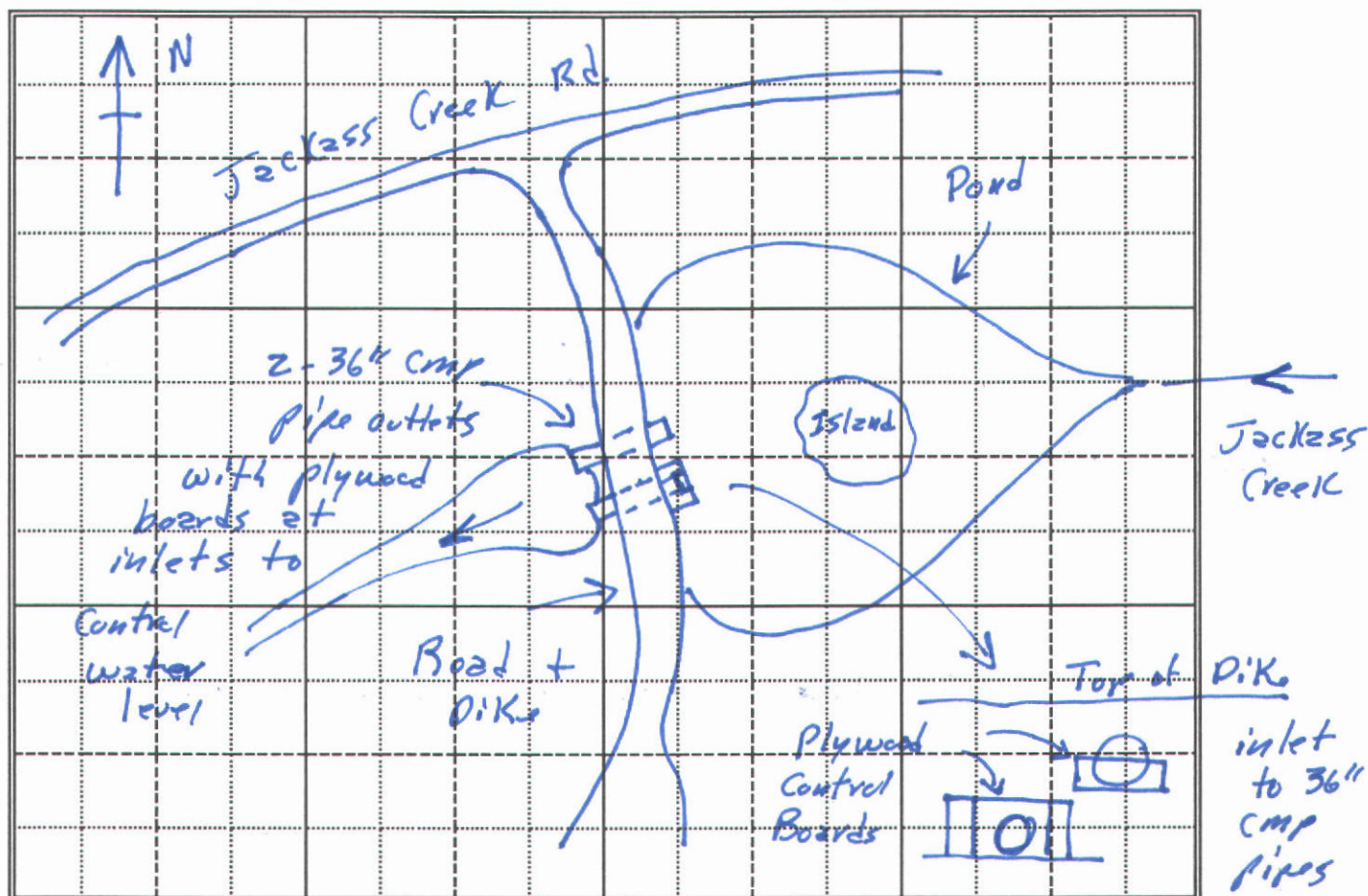
Horseshoe
Bend

Diversion
Dam

Pioneer Cemetery

NOV 10 1997

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



Scale: 1" = None

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

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

☒ Photo of Diversion and System Attached

4.

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

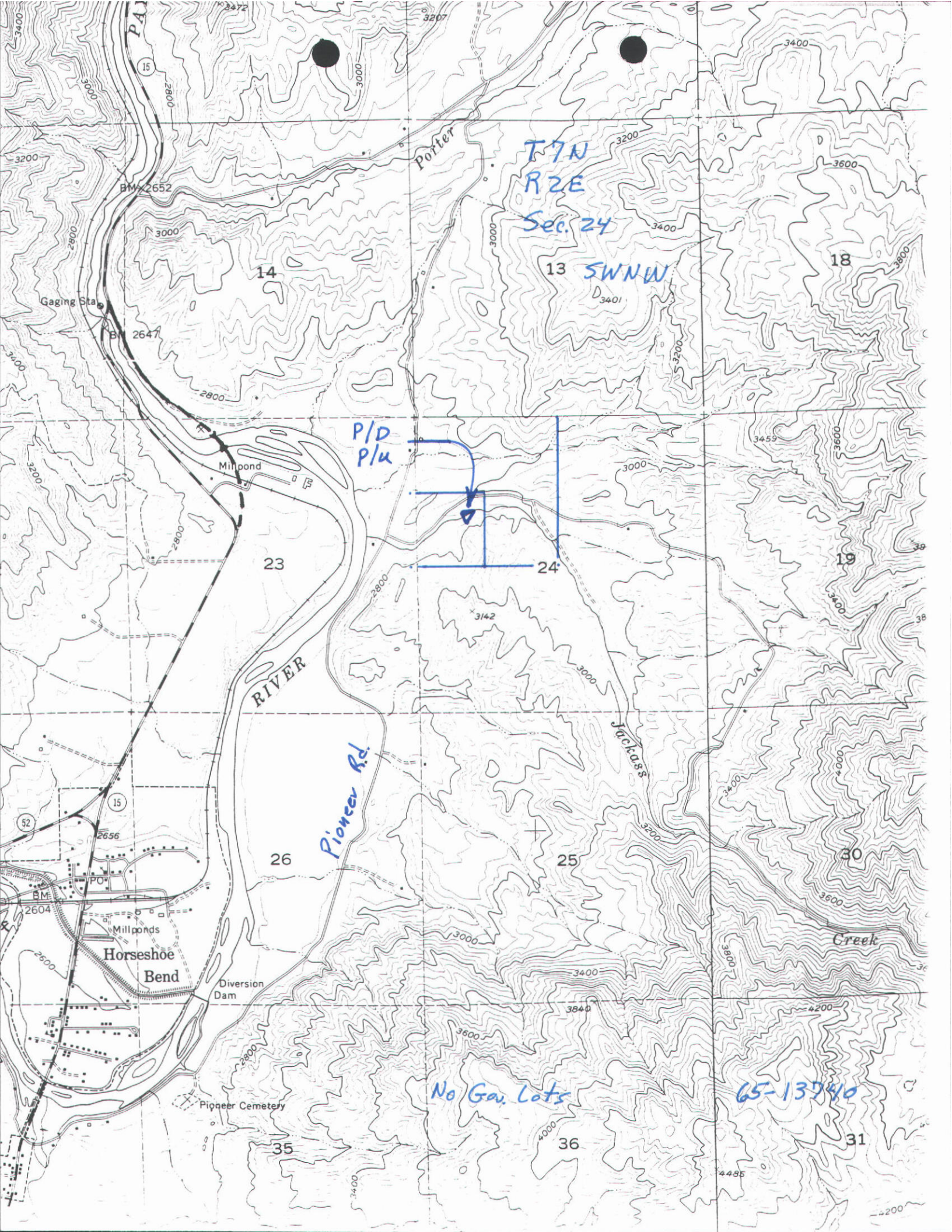
*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

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

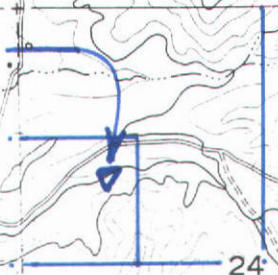
2. Measurements: None - Storage only



T7N
R2E
Sec. 24

SWNW

P/D
P/u



No Gas. Lots

65-13740

1 of 2

P/D
P/u

Pond.

View
Looking
Northwest



P/D
P/u
Pond

View
Looking
South-
West



65-13740

2 of 2



outlet
channel
from
pond.



Inlets
to the
two comp
pipes.

Note
plywood
checkboards
to control
water
level.

65-13740

The Idaho World

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

RECEIVED

SEP - 2 1997

WATER RESOURCES
WESTERN REGION

State of Idaho >
>
County of Boise >

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Aug 20, 1997 and ending with the issue of Aug 27, 1997.

Deanna Stevenson

State of Idaho >
>
County of Boise >

On this 29 day of August in the year 1997, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

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

My commission expires 6/26/2001

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13740 ✓

DRAKE, JOHN
DUTOIT, STEVE
2343 BLUE LAKE LN
BOISE, ID 83716

Source: JACKASS CREEK

Tributary: PAYETTE RIVER

Diversion Pt: SWNW Sec 24 T 07N R 02E in BOISE County.

Use: WILDLIFE STORAGE	(	1.00 AF)
AESTHETIC STORAGE	(	1.00 AF)
Total Diversion:	(	1.00 AF)

Date Filed: 8/ 5/1997

In: BOISE County
T07N R02E S24 SWNW

65-13741

WEAVER, CHARLES G
WEAVER, JOSEPHINE
TRUSTEES OF THE GLEN & JEAN
WEAVER REVOCABLE TRUST
115 RUTH LN
NAMPA, ID 83686

Source: SKID ROAD CREEK

Tributary: PAYETTE RIVER, NORTH FORK

Diversion Pt: NENW Sec 13 T 10N R 04E in BOISE County

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

Date Filed: 7/17/1997

In: BOISE County
T10N R04E S13 NENW

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 SEPTEMBER 8, 1997. The protestant must also send a copy of the protest to the applicant.
KARL J. DREHER, Director

Published in The Idaho World August 20 and 27, 1997

MICROFILMED

NOV 04 1997

RECEIVED

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

JUN 5 2000
DEPARTMENT OF WATER RESOURCES

WATER Right.
CHANGE IN ADDRESS OF ~~NOTICE OF CLAIM~~

[] Water Right Number(s)

65-13739
65-13791
65-13740

[] Claimant Name(s)

[] Old Mailing Address

JOHN S DRAKE / STEVEN L DUTOIT
2343 BLUE LAKE LN
BOISE ID 83716

[] New Mailing Address

JOHN S DRAKE / STEVEN L DUTOIT
PO BOX 369 (26 JACKASS CR RD)
HORSESHOE BEND ID 83625

Telephone Number

(208) 793-4300

[] Signature of Claimant(s)

Date 5-31-00

[Signature]
[Signature]

6-15-10

*John Drake phoned to confirm that all
WR's are in basin 65. He asked me to make
the correction on this form and proceed
with the database update. WR2 updated
Kare Lynn*

RECEIVED

SEP 25 1998

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 28 1998

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 65-13740 Telephone No 208-331-2340

2 Name(s) of Permit Holder(s) JOHN DRAKE - STEVE DRAKE

3 Mailing Address 2343 BLUE LAKE LN BOISE, ID 83716

4 Source of Water JAYKISS CREEK If GROUNDWATER (well) Date Drilled mo / yr

a Well Driller Drilling Permit Number - -

b OPTIONAL
Pump Horsepower Pressure (psi) Dynamic pumping level (ft)

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

Domestic (No. of households) Stockwater (No. and type of stock)

Irrigation (No. of acres) Other WILDLIFE & AQUATIC STORAGE

6 Total rate of diversion and/or volume for which proof is submitted cfs OR 1.0 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 \$ 50.00 (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 JOHN DRAKE Telephone Number 208 331-2340

Address 2343 BLUE LAKE LN BOISE, ID 83716

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

Signature of permit holder [Signature] Date SEP 25, 1998
(include your title, if on behalf of company or organization)

NOV 21 1998
MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE FLOW)
MEASUREMENT DEVICE CONDITION OF)
APPROVAL FOR PERMIT NO 65-13740 IN)
IN THE NAME OF JOHN DRAKE AND/OR)
STEVE DUTOIT)
_____)

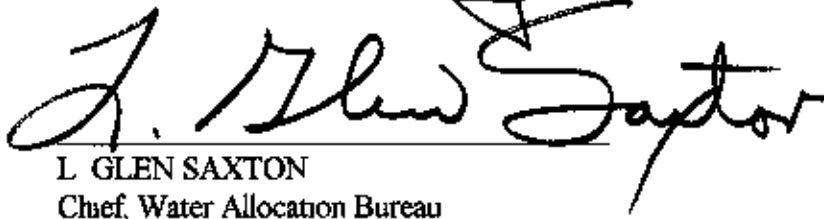
ORDER

On October 9, 1997 Department of Water Resources (department) issued the above captioned water right permit with a condition of approval requiring the permit holder to install measuring devices so that the amount of water entering and leaving the proposed reservoir can be measured

The department has since determined that due to the insignificant size of the proposed reservoir, the measuring devices are not necessary for regulation of the water right

IT IS THEREFORE HEREBY ORDERED that the condition of approval requiring the installation of measuring devices is **WAIVED** for permit 65-13740 The department retains jurisdiction to require the condition to be reinstated in the future upon a finding of need by the department

Dated this 29th day of January, 1998.


L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED

APR 16 1998

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13740

Proposed Priority: August 5, 1997

Maximum Storage Volume

1 0 AF

This is to certify, that JOHN DRAKE

STEVE DUTOIT

2343 BLUE LAKE LN

BOISE ID 83716

has applied for a permit to appropriate water from

JACKASS CREEK

tributary of PAYETTE RIVER

and a permit is APPROVED for development of water as follows

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		1 0 AF
AESTHETIC STORAGE	01/01 to 12/31		1 0 AF
	Totals		1 0 AF

LOCATION OF POINT(S) OF DIVERSION.

S1NW , Sec 24, Township 07N, Range 02E
BOISE County

PLACE OF USE, WILDLIFE STORAGE

TWN RGE SEC

07N 02E 24

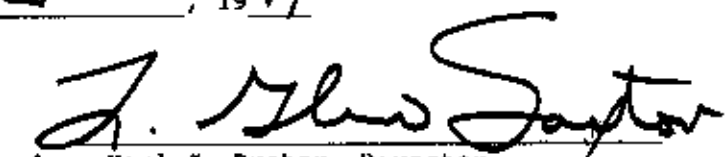
S1NW

CONDITIONS OF APPROVAL AND REMARKS

- 1 Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1998
- 2 Subject to all prior water rights.
- 3 Use of water under this water right will be regulated by the watermaster of State Water District No 65.
- 4 Permanent measuring devices must be installed/maintained in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured
- 5 This right authorizes an annual volume of water to fill the storage facility and the amount required to replace losses through evaporation and seepage
- 6 When water is not available to fill this right, the right holder shall cease diversion or shall rent water from the Payette River Rental Pool

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

9th day of October, 1997


for Karl J. Dreher, Director

Ident No 65-13740

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1 Name of Applicant John Drake s/w Steve Dutoit Phone 331-2340
Mailing address 2343 Blue Lake Ln Boise ID 83716

2 Source of water supply Jackson Creek which is a tributary of Payette River

3 Location of point of diversion is Township 7N Range 2E Sec 24 in the 1/4
SW 1/4, NW 1/4, Govt. Lot , B M, Boise County
additional points of diversion if any

4 Water will be used for the following purposes

Amount 1.0 for Wildlife Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount for Aesthetic Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

5 Total quantity to be appropriated is (a) and/or (b) 1.0
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 constant 100' x 100' x 4' (avg)
downstream site, small checkdam with outlet structure

b Height of storage dam 5 feet; active reservoir capacity 10 acre-feet total
reservoir capacity 6.0 acre-feet

c Proposed well diameter is inches, proposed depth of well is feet

d Is ground water with a temperature of greater than 85°F being sought?

e If well is already drilled, when? , Drilling firm
Well was drilled for (well owner) , Drilling Permit No

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

8 Description of proposed uses (if irrigation only, go to item 9)

a Hydropower, show total feet of head and proposed capacity in KW

b Stockwatering, list number and kind of livestock

c Municipal, show name of municipality

d Domestic, show number of households

e Other, describe fully Misc Wildlife Use, personal aesthetic enjoyment

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	
7N	26	24							X										

Total number of acres to be irrigated _____

10 Describe any other water rights used for the same purposes as described above NONE

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

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

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 Application filed to help restore stream site per SLA violation
plus enhance new ~~to~~ home site.

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

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

Received by SL Date 8/5/97 Time 1:55 Preliminary check by _____
Fee \$ 50.00 Receipted by SL # W022895 Date 8/5/97
Publication prepared by SL Date 8/13/97 Published in DA World 8-13-20-97
Publication approved SL Date 9-12-1997

Mount Maiba

Porter

IRK = 65-13739
(ON HOLD)

NON IRR = POND
65-13740
(CAN PROCESS)

SW 4 NW 4
Sec 24 T. 7-N
R. 2 E B M
1315A Cw I.O.
23
40 ARES

RIVER
65-13740
proposed
pond
(non-irrigation)

26
No govt lots
- 8/8/11/97

IRR App! 65-13739

Horseshoe Bend

Diversion Dam

Pioneer Cemetery

Creek

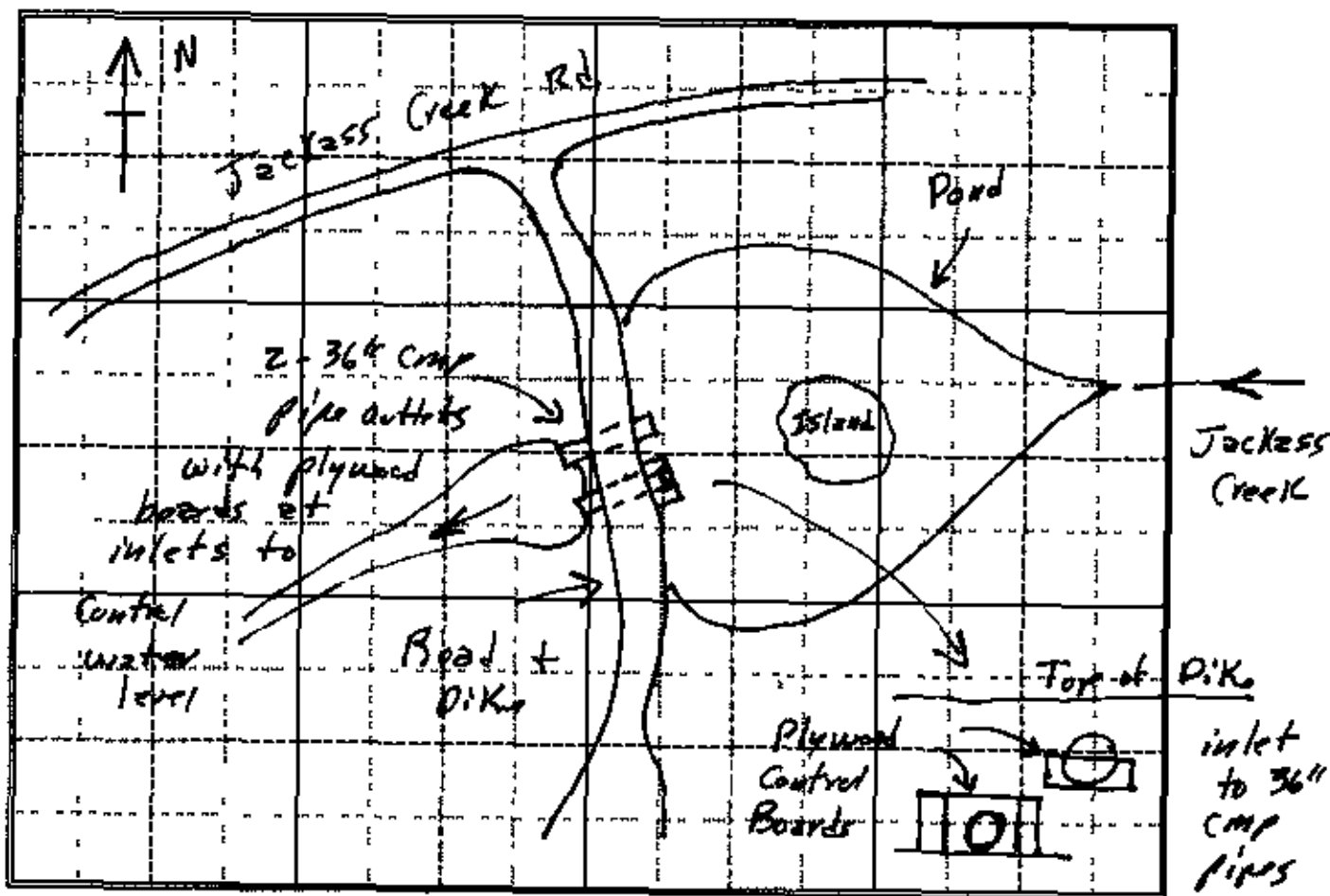
Ident. No 65-13740

Comments Date: 8/11/1997 User-ID SLESTER

Subject: ADDITIONAL INFORMATION

A small onstream pond @ 100'x100'x4' is planned as part of the required mitigation for SCA violation being handled by Regional SCA staff. Pond will be used for misc wildlife habitat and personal aesthetic enjoyment near new home. A small checkdam with an outlet structure is planned. Applicants may be required to mitigate this right due to Payette Water District issues @ senior downstream rights. A comment letter will be sent to water master for this reason. Regional SCA and dam safety staff will submit comments to this processable application. Another application by same owners has also been filed, 65-13739. That is for direct flow irrigation in same area, same source; but it cannot be processed now pending clarification in IDWR's ability to issue irrigation rights.

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



Scale: 1" = None

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

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

☐ Photo of Diversion and System Attached

4

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

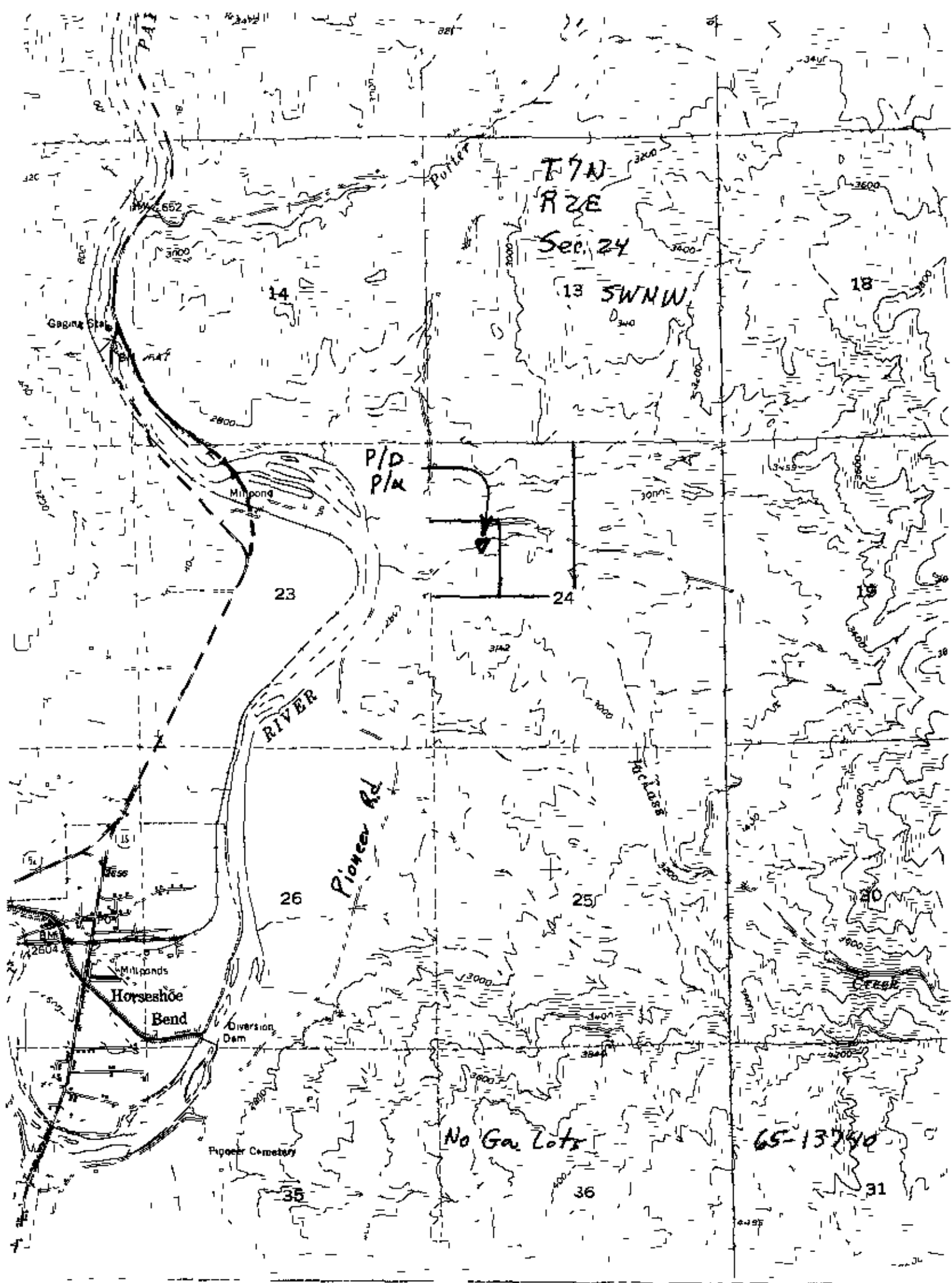
*Code to correspond with No. on map and aerial photo

D FLOW MEASUREMENTS

1

Measurement Equipment	Type	Make	Model No	Serial No	Size	Calib Date

2. Measurements None - Stores only



1 of 2.

P/O

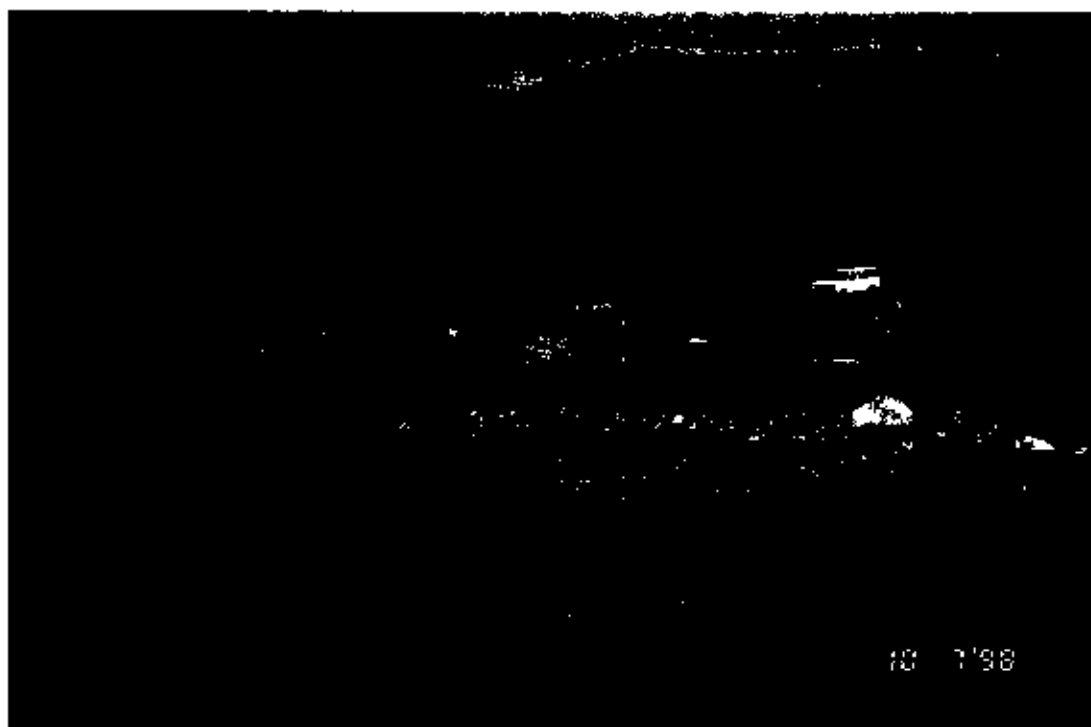
P/u

Pond

View

Looking

Northwest



P/O

P/u

Pond

View

Looking

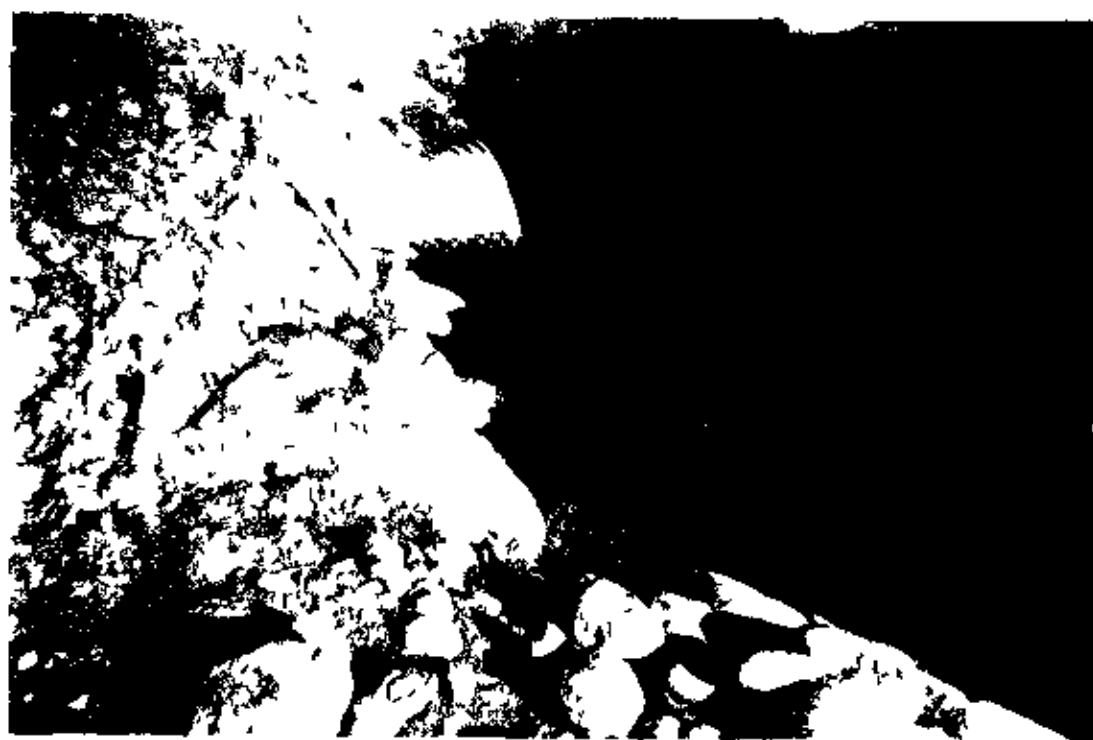
South
West



65-13740



outlet
channel
from
pond



Inlets
to the
two comp
pipes
Note
plywood
check boards
to control
water
level.

E NARRATIVE/REMARKS/COMMENTS

1. This permit is for storage in a single pond for Wildlife and Aesthetics. The pond was constructed at the private ~~the~~ road crossing of Jackass Creek for a new home site on the SE side of the creek.

2. The Dike for the pond is also the road crossing and has 2- 36" corr pipe outlets. The inlets to the pipes are controlled by plywood checkboards to regulate the elevation of the water in the pond. The outlet channel for the pipes has grouted riprap to control erosion. One 36" corr pipe is at the level of the stream bed, and the other is raised about 3' ~~start~~ above it to serve as an overflow when the pond is full. There is no constructed spillway for the pond.

3. There was no measuring devices to measure the inflow and outflow for the pond - Condition 4. Once the pond is full, the inflow and outflow would remain constant. The owner has requested that this requirement be removed from his water right, and this request is being considered (His letter of 11-13-97).

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

devices See owner's letter and

Inter-Dept memo and mail message in file on status of this requirement. Staff recommending to Glen that this req. be removed.

F FLOW CALCULATIONS

Measured Method

____ Additional Computation Sheets Attached

*No Div rate on permit - only storage***G VOLUME CALCULATIONS****1 Volume Calculations for Irrigation** $V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____**2 Volume Calculations for Other Uses***Pond Storage.*

$$Vol. = \left[\left(\frac{1}{2} \times 92' \right) (120') (50') \right] \frac{AF}{(66 \times 66 / 10) ft^3} = 0.63 AF$$

Allow the
1.0 AF.

H RECOMMENDATIONS**1 Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (af)
	From	To		
<i>Wildlife Storage</i>	<i>01/01</i>	<i>12/31</i>	_____	<i>1.0</i>
<i>Aesthetic Storage</i>	<i>01/01</i>	<i>12/31</i>	_____	<i>1.0</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals			_____	<i>1.0</i>

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 *LD Gammal* Date *11-20-98*

Reviewer _____ Date _____

SEAL

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No 65-13740 Reviewed by [Signature] Date 11-10-98

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below

TYPES OF USE

wooden - storage

Correct Uses? yes

SOURCE OF WATER

Surface Surface water source

Ground Ground water source

/ Drilling permit required?

/ Copy in the file? Drilling Permit No _____

/ Amount paid for permit _____ Correct?

/ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50 - Amount Submitted
yes Correct?

MEASURING DEVICE

NO Required?
/ Installed?
/ Waiver requested?

PRIORITY CALCULATION

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

/

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address [Signature] Proof Made 9-25-98



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

November 10, 1998

KARL J. DREHER
DIRECTOR

John Drake
Steve Dutoit
2343 Blue Lake Ln
Boise ID 83716

PROOF ACKNOWLEDGMENT LETTER

RE PERMIT NO 65-13740

Dear Permit Holder

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

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

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

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c IDWR - Regional Office

RECEIVED

NOV 11 1998

July 31, 1998

JOHN DRAKE
STEVE DUTOIT
2343 BLUE LAKE LN
BOISE ID 83716

PROOF DUE NOTICE

RE PERMIT NO 65-13740

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 October 1, 1998

(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.

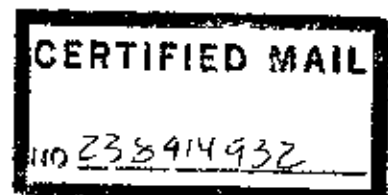
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

100-238414-932
JUL 31 1998





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

March 6, 1998

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

JOHN DRAKE
STEVE DUTOIT
2343 BLUE LAKE LN
BOISE ID 83716

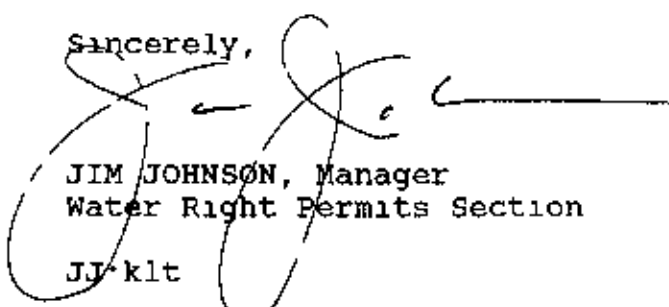
RE Permit 65-13740

Dear Permit Holder(s)

Enclosed please find an Order waiving the condition of approval requiring the installation of measuring devices which was issued on January 29, 1998 concerning the above mentioned permit

If you have any questions regarding this matter you may call me at 208-327-7947

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED

APR 16 1998

RECEIVED

NOV 21 1997

INTER-DEPARTMENT MEMO--1

FROM

Department of Water Resources

DATE

11/18/97

TO

Jim Johnson *Shelley S.K.*

Please look into and advise me. Thanks

SUBJECT

65-13740 MEAS DEVICE REQUIREMENT

Attached request formulated for your consideration. It may be more trouble than it's worth to have this condition. This is small on-stream pond in creek that usually is dry or ~~partially~~ almost dry by late summer in most years. Would SCA permit be needed to install in d. since it's not diversion works - I don't know?

Maybe could meet condition somehow as long as watermaster satisfied when water shortages would be ok

- 1) buys storage water as needed, and
- 2) visual inspection that amount leaving pond is at least same as amount entering pond

Wm 65 could delegate field check to Wm # **MICROFILMED** SIGNATURE
(after ok) since site is very close to a **APR 16 1998** monitor point. What do you think?
-82

JOHN DRAKE
2343 Blue Lake Lane
Boise Idaho 83716
(208) 331-2340

RECEIVED
NOV 18 1997
WATER RESOURCES
WESTERN DIVISION

November 13, 1997

RECEIVED
NOV 21 1997

Department of Water Resources

Idaho Department of Water Resources
1301 N Orchard Street
Boise, Idaho 83720

Attn Steve Lester

Re Permit No 65-13740

Dear Sirs

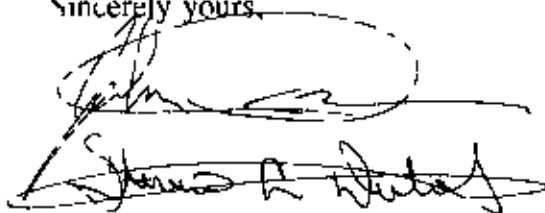
After reading the "Conditions of Approval and Remarks" portion of the Permit to Appropriate Water", I would like No 4 condition to be reconsidered

Condition No 4 requires measuring devices to be installed and maintained on the water entering and exiting our minor pond I believe our I O AF project on this stream should be exempt

Because of the very small nature of the pond and stream, it should be simple for the Watermaster to calculate waterflows

I hope this pond will not only be aesthetic to the people of Idaho but be beneficial to spawning trout watertowl, and extend water access to wildlife a bit longer into the dry season Unnecessary costs to build and maintain measuring devices would certainly hamper our efforts on this project

Sincerely yours,



John Drake Steve Dutoit

MICROFILMED
SEP 1 1997



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

October 9, 1997

JOHN DRAKE
STEVE DUTOIT
2343 BLUE LAKE LN
BOISE ID 83716

PERMIT APPROVAL NOTICE

RE: PERMIT NO 65-13740

Dear Permit Holder

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

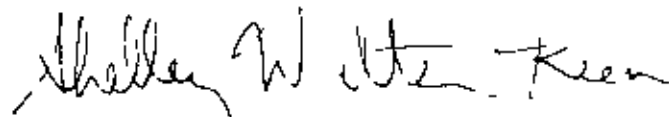
Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify 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 to obtain the proper reporting 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.

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

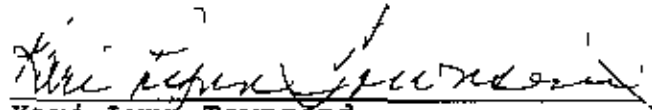
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of October, 1997, 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. 65-13740

JOHN DRAKE
STEVE DUTOIT
2343 BLUE LAKE LN
BOISE ID 83716


Kari Lynn Townsend
Secretary

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Clady Lee*No W-13740 Name Baker / Detroit Date 10/3/97 Ad OK? ✓ / Gvmt Lts ✓

AREA OF CONCERN

- No/Yes _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED

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

SYSTEM COMPLETED

1 year/no proof

- P16

>1 year

26A-P17

GROUNDWATER (✓ FLO-CH)

WMD (✓ MAP)

>0 24 cfs/5 acres

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

≤ 0 24 cfs/5 acres

- No MD

WMD >0 24 cfs

- 01M (report when notified)

>5 a

- 01M 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

≤ 0 24 cfs/5 acres

- No MD

DRILLING PERMIT

Existing well

- NA (pre 7/1/87 ✓ WDQ3)

Included w/permit

- Permit No _____ P99

No drilling permit?

- 046-46B-P23 (post 7/1/87)

Irr in WD

- P05 (new well location)

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

IN/ABOVE MIN STR FLOW (✓ MAP)

- 31A (modify remark *WB9)

WD (✓ MAP & LISTING)

- R04 (WD # 105) - 047-P04 (MD)

Pumped >0 20 cfs

- 01H-P01 (LD & MD) or No MD (in-stream stock)

WMD (✓ MAP)

> 0 24 cfs/5 acres

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

≤ 0 24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0 24 cfs/5 acres

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

≤ 0 24 cfs/5 acres

- No MD

RIVER BASINS (*Surface water)

Snake R (01)

- *W22 P04 NA

(02/03-irr)

- 007-P07 (w/ remark *WB9 if above Weiser) NA

Payette R (65)

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

Salmon R (70s)

- 029 (fish screens)

USE

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge) 27A (Payette River) NA

>1 in rest area

- 071-070-P53

Fish Propagation

- 029-007-042(req)-081-R07 (WQ)-P10 044 (N of 1000 Springs)

Irr ≤ 5 acres

- R49/R50/R51/R52 (0 03 cfs/acre +AF)

> 5 acres

- R29/R30/R31/R32 (0 02 cfs/acre +AF)

Mining

- 054(req)-081-R07-P10

Munl (in restricted areas)

- 022 075 004 (+memo?)

Power

- 17H/17K(+uses)-08A-025-01N(P19)-028-081-R07(P10) 027 (if no other cons use)

Stock (BLM/USFS)

- R37

Storage (✓ 3 compo)

- 080 18A (In- & out-flow MD within district) 188-P09 (>10' dam)

LOCATION

42-248 area

- P84 (in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev

- P52 (stream channel alteration)

Irr Dist/Canal Co

023 (Twin Falls area)

SWAN FALLS FLAG (See Code Chart)

Trust

- 051 052-053 P74 (Consumptive Uses) NA

Non-Trust (1)

- 048-049 (Consumptive Uses) NA

OWNERSHIP

004 (PC/PU)

OTHER CONDITIONS

STANDARD REMARKS

BENEFICIAL USE DUE

10/1/1998

COMMENTS

6/97

RECEIVED

SEP 24 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY DD DATE 08/12/1997 APPLICATION 65-13740

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)
- ☐ Fee
- ☒ Yes ☐ No* In form to receipt

Gov't Lots
ND P/D
ND P/U

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

ADDITIONAL INFORMATION

N/A 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
- ☒ ☐ Copy to SCA staff (perennial stream, non-pump diversion &/or any mining)
- ☒ ☐ Copy to Dam Safety staff (for any storage)
- ☐ ☒ Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
- ☐ ☒ Send power requirement letter
- ☐ ☒ Send fish farm requirement letter
- ☐ ☒ Power residency affidavit
- ☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (If yes, attach Large Diversion supplementary analysis sheet)
- ☐ ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED

ADDITIONAL INFORMATION ON REVERSE SIDE.

YES NO

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

SEND COPIES TO

YES NO

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

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☒ ☐ Water Dist # 65 (See Appl Comments)
☒ ☒ 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 9-8-97
☐ ☒ Protests received
☐ ☒ Resolution of protest recorded on application
☐ ☒ Recommendations attached.
☐ ☒ Measuring device required
☐ ☒ Measuring port required
☒ ☒ Water delivered by water master? District # 65
☐ ☐ Special conditions of approval or cover letter (R04, #65 Payoff Letter)

See below for additional information

Recommended Date or Priority 8/5/97
 Recommended by Darys Date 9/21/97

STATE OFFICE REVIEW

See below for additional information By _____ Date _____

ADDITIONAL INFORMATION

08/13/1997. Overlap w/ ICR appl from same parties. Currently in Adv Delay TTD
Filed in conjunction with SCA Violation 65-5-575. TTD

The Idaho World

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

RECEIVED

SEP - 2 1997

WATER RESOURCES
WESTERN REGION

State of Idaho >
>
County of Boise >

Deanna Stevenson being duly sworn deposes and says that she is the Editor of THE IDAHO WORLD a weekly newspaper published at Idaho City in the County of Boise and the State of Idaho, the said paper has been and is in general circulation in the county aforesaid and in the vicinity of Idaho City, that the advertisement, a copy of which is hereto attached was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement, that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Aug 20, 1997 and ending with the issue of Aug 27, 1997

Deanna Stevenson

State of Idaho >
>
County of Boise >

On this 29 day of August in the year 1997 before me a Notary Public personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument and being by me first duly sworn declared that the statements therein are true and acknowledged to me that she executed the same

Aimee E. Coughlin
Notary Public for Idaho
Residing at Garden Valley Idaho

My commission expires 6/24/2001

NOTICE OF APPLICANTS' RIGHTS

The Following applications have been filed to appropriate the public waters of the State of Idaho

65-13740 ✓
DRAKE, JOHN
DUTOIT, STEVE
2343 BLUE LAKE LN
BOISE ID 83716

Source JACKASS CREEK Tributary PAYETTE RIVER
Diversion Pt SWNW Sec 24 T 07N R 02E in BOISE County
Use WILDLIFE STORAGE (1.00 AF)
AESTHETIC STORAGE (1.00 AF)
Total Diversion (1.00 AF)
Date Filed 8/5/1997

In BOISE County
T07N R02E S24 SWNW
65-13741
WEAVER, CHARLES G
WEAVER, JOSEPHINE
TRUSTEES OF THE GLEN & JEAN
WEAVER REVOCABLE TRUST
116 RUTH LN
NAMP, ID 83686

Source SKID ROAD CREEK Tributary PAYETTE RIVER, NORTH FORK
Diversion Pt NENW Sec 13 T 10N R 04E in BOISE County
Use DOMESTIC (0.020 CFS)
Total Diversion (0.020 CFS)
Date Filed 7/17/1997

In BOISE County
T10N R04E S13 NENW

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 SEPTEMBER 8, 1997. The protestant must also send a copy of the protest to the applicant.
KARL J. DREHER, Director

Published in The Idaho World August 20 and 27, 1997

APPLICATION FOR PERMIT FOR WATER RIGHT

NO 65 - 13740

RECEIVED

AUG 22 1997

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

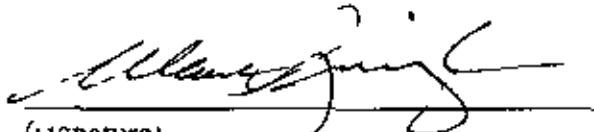
I, Mark Limbaugh, watermaster of the Payette River, of Water District No 65, County of Boise, State of Idaho whose address is 102 N. Main, Payette, Idaho 83661, have read the attached copy of the application for permit for a water right in the name of John Drake and/or Steve Dutot.

- 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 If water is diverted for storage in the pond during the regulated flow period of irrigation season when junior water rights are shut off or are renting storage water, mitigation will be required through the Water District No 65 Rental Pool I require that the Applicants notify the Watermaster of Water District No 65 prior to filling the pond

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 20th day of August, 1997


(signature)



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

August 18, 1997

MARK LIMBAUGH
102 N MAIN
PAYETTE ID 83661

Re: Application for Water Right No. 65-13740 in the Name of John
Drake &/or Steve Dutoit.

Dear Mark:

Enclosed is a copy of the above referenced application for
water right.

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

Sincerely,

GARY SPACKMAN

GS:st

Enclosure: Copy of Application

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 SEPTEMBER 8, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 8/~~13~~/1997 & 8/~~20~~/1997
20 27



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP F. BATT
GOVERNOR

KARI J. DREHER
DIRECTOR

AUGUST 13, 1997

Legal Notices Department
The Idaho World
PO Box 99
Garden Valley, ID 83622

Dear Legal Dept :

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 8, 1997.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13740

DRAKE, JOHN
DUTOIT, STEVE
2343 BLUE LAKE LN
BOISE, ID 83716

Source JACKASS CREEK

Tributary: PAYETTE RIVER

Diversion Pt SWNW Sec 24 T 07N R 02E in BOISE County.

Use: WILDLIFE STORAGE	(	1.00 AF)
AESTHETIC STORAGE	(	1.00 AF)
Total Diversion	(	1.00 AF)

Date Filed. 8/ 5/1997

In: BOISE County
T07N R02E S24 SWNW