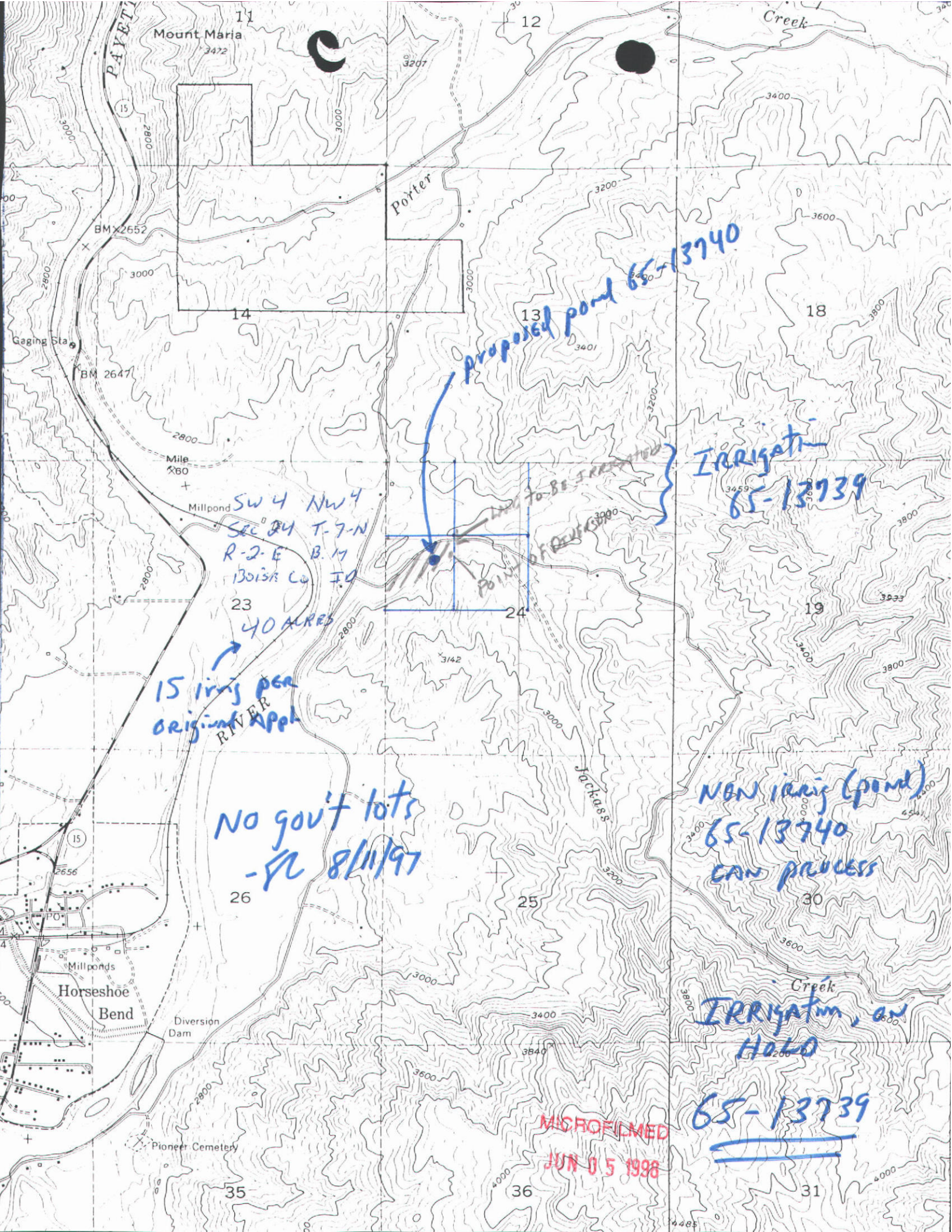




Mount Maria  
3472

Porter

Creek

BM X2652

BM 2647

Gaging Sta

Millpond

SW 4 NW 4  
SEC 24 T. 7-N  
R-2-E B. 17  
Bois Co. ID

40 ACRES

15 irrig per  
original App

No gov't lots  
- SL 8/11/97

Horseshoe  
Bend

Diversion  
Dam

Pioneer Cemetery

MICROFILMED  
JUN 05 1998

Irrigation

65-13739

New irrig (pond)

65-13740

can process

Irrigation, on

HOLO

65-13739

RECEIVED

JUN 5 2000

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES

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 83629

Telephone Number

(208) 793-4300

[ ] Signature of Claimant(s)

Date 5-31-00

6-15-10. John Drake phoned to confirm that all  
WR's are in haven 65. He asked me to make  
the correction on this form and proceed  
with the database update. *MICROFILMED*  
Karin [Signature]

## RECEIVED

JUN - 5 20F

Department of Water Resources

1 Permit No 45-13139 Telephone No 793-4300

2 Name of Permit Holder(s) STEVEN L DUTOIT / JOHN S DRAKE

3 Mailing Address PO Box 369

City HURSCHORE BENV State ID Zip 83629

4 Source of Water JACKASS CREEK PAYETTE RIVER TRIBUTARY  
If GROUNDWATER (well) Date Drilled mo \_\_\_\_\_ / yr \_\_\_\_\_

Well Driller \_\_\_\_\_ Drilling Permit Number \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

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

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

|                           |    |       |  |
|---------------------------|----|-------|--|
| Irrigation (No. of acres) | 15 | Other |  |
|---------------------------|----|-------|--|

6 Total rate of diversion and/or volume for which proof is submitted 30 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.)

|                         |                                          |     |    |    |                                     |
|-------------------------|------------------------------------------|-----|----|----|-------------------------------------|
| <b>Measuring Device</b> | Is a measuring device required?          | Yes | or | No | <input checked="" type="checkbox"/> |
|                         | Has the measuring device been installed? | Yes | or | No | <input checked="" type="checkbox"/> |

8. Fee Enclosed \$ 100<sup>00</sup> (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 STAGER L DWIGHT / JOHN S DEANE Telephone Number 308 793-4300

Address 26 JACKASS CREEK RD PO Box 369 HORSESHOE BEND 10 83629

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

Signature of permit holder Steven L. Smith Date 5-31-00  
(include your title if on behalf of company or organization)

1 - 51 MED

RECEIVED

JUN 6 1999

For Office Use Only  
\$50 Fee Received by 123  
Date 5-27-1999  
Receipt No 60322150

RECEIVED

Department of Water Resources

STATE OF IDAHO

MAY 27 1999

DEPARTMENT OF WATER RESOURCES

WATER RESOURCES  
WESTERN REGION

**REQUEST FOR EXTENSION OF TIME**

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

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

Permit No 65-13739

Name(s) of Permit Holder JOHN DRAKE & OR STEVE DUTCH

Mailing Address PO BOX 364, HOBBSHORE DENN, ID 83629

Date Proof is Due 6-1-1999 Telephone No 793-4300

Describe what work has been completed toward the development of this water right.

(This must be filled out! If no work has been completed, show "none")

PURCHASED PUMP, PIPELINE & RISERS

Costing \$ 2,500+

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

PLAN TO BEGIN ONCE HIGH WATER HAS RECED -  
WILL WORK THIS SUMMER & FALL TO INSTALL SYSTEM  
& PREPARE GROUND

Permit holder(s) request an extension to JUNE 1, 19 2000

FEE \$50.00

(Signature)

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

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to June 1, 2000

MICROFILMED

Signed this 16<sup>th</sup> day of June, 19 99

[Signature]  
Chief, Water Allocation Bureau

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 65-13739

Proposed Priority July 29, 1997 Maximum Diversion Rate 0 30 CFS

This is to certify, that STEVE DUTOIT

JOHN DRAKE

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> |
|-----------------------|----------------------|--------------------------|
|-----------------------|----------------------|--------------------------|

|            |                |          |
|------------|----------------|----------|
| IRRIGATION | 03/15 to 11/15 | 0 30 CFS |
|------------|----------------|----------|

|                                          |                                                        |
|------------------------------------------|--------------------------------------------------------|
| <u>LOCATION OF POINT(S) OF DIVERSION</u> | SWNW , Sec 24, Township 07N, Range 02E<br>BOISE Count, |
|------------------------------------------|--------------------------------------------------------|

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> |
|------------|------------|------------|--------------|--------------|--------------|--------------|
| 07N        | 02E        | 24         |              | SWNW 15 0    |              | 15 0         |

|                                 |      |
|---------------------------------|------|
| Total number of acres irrigated | 15 0 |
|---------------------------------|------|

## 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 Use of water under this water right will be regulated by the watermaster of State Water District No 65
- 4 Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works
- 5 This right when combined with all other rights shall provide no more than 0 02 cfs per acre nor more than 4 5 afa per acre at the field headgate for irrigation of the lands above
- 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 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

MICROFILMED

' 7 11 498

State of Idaho  
Department of Water Resources

# Permit To Appropriate Water

NO. 65-13739

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

3<sup>rd</sup> day of June, 1998

*Karl J. Dreher*  
for Karl J. Dreher, Director

MICROFILMED

JUN 05 1998

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

To appropriate the public waters of the State of Idaho

1 Name of Applicant WINN DRAKE, Steve Dufrut Phone 208 331 2340  
Mailing address 2343 Blaine Lakes Blvd Boise 83716

2 Source of water supply WALKERS Cr which is a tributary of PAIUTE RIVER

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

4 Water will be used for the following purposes

Amount 3 cfs for IRRIGATION purposes from MARCH 15 to NOV 15 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5 Total quantity to be appropriated is (a) 3 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 PIPE LIFT IN RIVER  
gravity intake

b Height of storage dam N/A feet, active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet

c Proposed well diameter is 4 inches, proposed depth of well is \_\_\_\_\_ feet

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

e If well is already drilled, when? 3/4 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)

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 \_\_\_\_\_

NOT RECORDED

11/18 1988

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 use below See instructions for standard symbols

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTAL |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |       |
| 2N  | 2E  | 24  |    |    |    |    |    | 15 |    |    |    |    |    |    |    |    |    |    | 15    |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |

Total number of acres to be irrigated 15

10 Describe any other water rights used for the same purposes as described above N/A

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: N/A

12 Remarks:

13 MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range (A photocopy of a USGS 7 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 of Applicant (and title, if applicable)

Received by FL Date 7/29/97 Time 11:45 Preliminary check by LG  
 Fee \$ 100.00 Receipted by FL # WA22862 Date 7/29/97  
 Publication prepared by ST Date 3/25/98 Published in Idaho World 4/1+8/98  
 Publication approved ST Date 4/24/98

Mount Maria

Porter

proposed pond 65-13740

Irrigation  
65-13739

SW 4 NW 4  
SEC 24 T. 7 N  
R 2 E B M  
Boris C. J. 2  
23  
40 Acres

15 irrig pce  
original Apch

No gov't lots  
- 8/11/97

Non irrig (pond)  
65-13740  
can process

IRRIGATION and  
HOLD

65-13739

MICROFILMED

JUN 13 1998

Horseshoe  
Bend

Pi near Cemetery

35

36

31



**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

June 14, 2000

DIRK KEMPTHORNT  
GOVERNOR

KARL L DRFHER  
DIRECTOR

JOHN DRAKE  
STEVE DUTOIT  
PO BOX 369  
HORSESHOE BEND ID 83629

**PROOF ACKNOWLEDGMENT LETTER**

**RE PERMIT NO 65-13739**

Dear Permit Holder

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit

According to the Proof of Beneficial Use you filed with the department, you checked the "NO" boxes of question number 7 regarding Measuring Device Requirements. According to Conditions of Approval and Remarks nos 3 & 4 of your permit, you are required to have the Watermaster of State Water District No 65 regulate this water right and you are instructed to install and maintain a measuring device and a locking controlling works prior to diversion of water

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. Therefore, you may want to have the measuring device and controlling works installed before the department conducts the field examination in order to meet the licensing requirements

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

Please review your permit and call me if you have any questions regarding those conditions at (208)327-7953. If you have questions concerning the field examination please contact the Western Regional Office of the department in Boise at (208) 334-2190

Sincerely

*Deborah Drew-Ellis*  
MICROFILMED

Deborah Drew-Ellis  
Administrative Assistant  
Water Allocation Bureau

2000

ANALYSIS SHEET  
FOR  
PROOF OF BENEFICIAL USE

Permit No 05-13739 Reviewed by D. Ellis Date 6/4/00

**GENERAL CONSIDERATIONS**

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

**TYPES OF USE**

Irrigation

Correct Uses? Yes

**SOURCE OF WATER**

Yes Surface water source

No Ground water source

/ Drilling permit required?

/ Copy in the file?

/ Amount paid for permit

/ Well log in the file?

Drilling Permit No /

/ Correct?

**LICENSE EXAMINATION FEE**

Yes Required?

\$100 Amount Submitted

Yes Correct?

**MEASURING DEVICE**

Yes Required?

No Installed?

/ Waiver requested?

**PRIORITY CALCULATION**

Date proof received 5/31/00

Date proof due 6/1/00 - /

No. of days late / = /

Priority Date / + /

New Priority Date /

**DEFICIENCIES OR ACTION ITEMS**

Reimburse proof, reminder that measuring device is required.

**DATA ENTRY**

New Address 710 Proof Made 5/31/00

June 5, 2000

JOHN DRAVE  
STEVE DUTOIT  
P.O. BOX 369  
HORSESHOE BEND ID 83623

LAPSE NOTICE

RE PERMIT NO 65-1739

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, 2000. 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 SEXTON  
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that the enclosed letter was  
deposited in the mail at Boise, Idaho, on June 5, 2000, at the  
post office, and was addressed to the  
permit holder at the above address.

MICROFILMED

W 25 2800

March 31, 2000

JOHN DRAKE  
STEVE LUTOIT  
PO BOX 369  
HORSESHOE BEND ID 83629

PROOF DUE NOTICE

RE PERMIT NO 65-13719

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, 2000 (See last page of your approved permit or your last approved extension request). Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

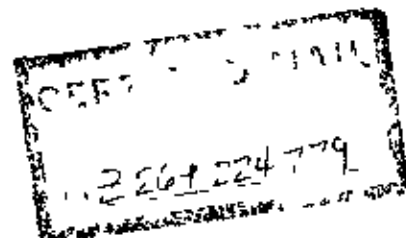
SINCERELY,

DEBORAH DREW-ELLIS  
Administrative Assistant

Enclosures

MICROFILMED

APR 1 1991



## ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No 65-3737 Reviewed by [signature] Date 6-16-99

### BASIC INFORMATION

56791 Date stamp received  
yes Extension received timely  
yes Fee received and receipted  
yes Name and signature same as permit  
no Address Change

### BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?

\_\_\_\_\_ Has the permit been involved in litigation?  
Is supporting documentation needed to complete the file? \_\_\_\_\_ Requested? \_\_\_\_\_

\_\_\_\_\_ Is delay by a government agency?  
Is supporting documentation needed to complete the file? \_\_\_\_\_ Requested? \_\_\_\_\_

\_\_\_\_\_ Is the project more than 25 000 acre feet for irrigation or 10 000 acre feet for a reservoir?

### ACTION TAKEN

Rec'd work extend to June 1 1999  
has met due diligence

### PRIORITY CALCULATION

|                         |       |   |       |
|-------------------------|-------|---|-------|
| Date extension received | _____ | = | _____ |
| Proof due date          | _____ | = | _____ |
| Number of days late     | _____ | = | _____ |
| Priority date           | _____ | = | _____ |
| New Priority Date       | _____ | = | _____ |

### DATA ENTRY

New Address PO Box 369, Hurricane Blvd 83629  
Change Proof Due Date 6-1-99  
Change Priority Date \_\_\_\_\_



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

June 17, 1999

John Drake  
Steve Dutilot  
PO Box 369  
Horseshoe Bend ID 83629

**RE Permit No. 65-13739**

Dear Permit Holder

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit, which extends the time within which to submit proof of beneficial use to **June 1, 2000**. Please note that the department granted the extension based on due diligence. It is important that you work diligently towards completion of this project since the department **will not** be able to grant additional extension requests based on due diligence.

Section 42-248, Idaho Code which became effective on July 1, 1996 requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact me at (208)327-7953 if you have any questions regarding this matter.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant  
Water Allocation Bureau

Enclosure

c IDWR - Regional Office

MICROFILMED

11/1/99

March 31, 1999

JOHN DRAKE  
STEVE DUTOIT  
2343 BLUE LAKE LN  
BOISE ID 83716

PROOF DUE NOTICE

FE PERMIT NO 75-13739

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.

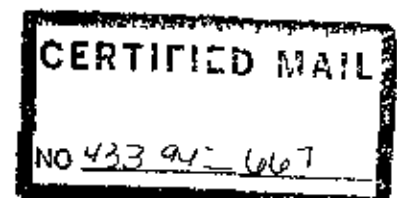
SINCERELY,

JULIE L. YARBROUGH  
Senior Secretary

Enclosures

RECORDED

MAY 2 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

JOHN DRAKE  
STEVE DUTOIT  
2343 BLUE LAKE LN  
BOISE ID 83716

PERMIT APPROVAL NOTICE

RE PERMIT NO 65-13739

Dear Permit Holder

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

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

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

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

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

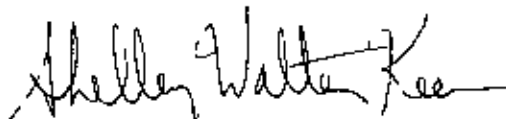
FILED

1998

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

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen  
Water Rights Supervisor

SK klt

Enclosures

MICROFILMED

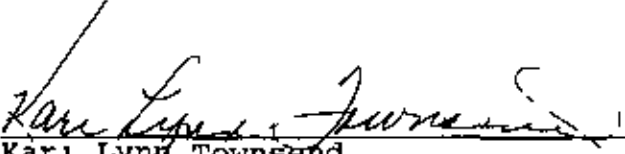
JUN 11 1988

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. 65-13739

STEVE DUTOIT  
JOHN DRAKE  
2343 BLUE LAKE LN  
BOISE ID 83716

  
Kari Lynn Townsend  
Secretary

RECORDED  
JUN 03 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.

MICROFILMED  
JUN 05 1998

### 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.

NOT RECORDED

APR 15 1998

# APPLICATION FOR PERMIT STATE OFFICE REVIEW

by Cindy Lee

No 65-13739 Name Snake/Dout Date \_\_\_\_\_ 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 - No MD
- > 0.24 cfs/5 acres - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- ≤ 0.24 cfs/5 acres - 01M (report when notified)
- No MD

**DRILLING PERMIT**

- All wells (✓ WDQ3) - 048 P23
- In Basin 34? - 085
- Irr within WD - 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)** - **R04 (WD # 165)**

- > 0.10 cfs - 01J-P08 (MD & LD)
- ≤ 0.10 cfs - 01H-P01 (LD) 01P or No MD (in-stream stock)

**WMD (✓ MAP)**

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

**SPRINGS/SINK/INACTIVE WD & REST OF STATE**

- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

**RIVER BASINS (\*Surface water)**

- Snake R (01) - \*W22-P04 NA
- (02/03-irr) - 007 (w/ remark \*WB9 if above Weiser) NA
- Payette R(65) - \*W22 (regulated uses) 047-P04 (Payette Lake) NA
- Salmon R (70s) - 029 (fish screens) NA

**USE**

- Domestic surface - \*WB5 (Big Wood P or Boise R ↑ Star Bridge), 27A (Payette River) NA
- >1 in rest area - 071-070
- Fire Protection - 077
- Fish Propagation - 029-007-042(req)-081 (WQ)-P10
- Heating/Cooling - R07 (injection well)
- Irr ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3 0/3 5/4 0/4 5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3 0/3 5/4 0/4 5 AF)
- Mining - 054(req)-081-P10
- Municipal - 022 075 004 (+memo?) NA (not in restricted area)
- Power - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons use)
- Stockwater - 17G (FERC) or 17M (FERC) 18B-P09 >25 cfs-P18
- Storage (✓3 compo) - R37 (BLM/USFS) NA
- 18A (in & out MD for on-stream storage) 18B-P09 (>10' dam) NA

**LOCATION**

- 42-248 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)
- Mitigation - 120
- 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** - 10-022-

**BENEFICIAL USE DUE** - 8/1/ 1999

**COMMENTS** \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPROPRIATION APPLICATION ANALYSIS SHEET DEPARTMENT OF WATER RESOURCES

MAY 22 1998

INITIAL REVIEW BY: lg DATE 3/24/98 APPLICATION 65-13737

**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)  $\rightarrow$  previously on same diversion area 65-13743
- ☒ ☐ 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

\*will need "immediate" (rental pool condition is WO #65) in signature.

Date Requested \_\_\_\_\_ Date Response Received \_\_\_\_\_

PROCESSING

APP NO. 125-1554

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

YES NO

- ☒ ☐ I.D. Health & Welfare  
☒ ☐ I.D. District Health  
☒ ☐ I.D. Fish & Game  
☒ ☐ I.D. Lands
- ☐ ☒ U.S. BLM  
☐ ☒ U.S. Forest Service  
☐ ☒ Water Dist. #  
☐ ☒ 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 # 65☒ ☐ Special conditions of approval or cover letter: R04 (65, Payette River)120, W22, D1J

See below for additional information

Recommended Date or Priority 7/29/97Recommended by Bay Date 5/20/98

STATE OFFICE REVIEW

See below for additional information By \_\_\_\_\_ Date \_\_\_\_\_

ADDITIONAL INFORMATION

P11 + P16 - 62-15740 same owner, same species,  
 separate uses - all  
 comments

\* APPLICANT is aware of that from several office visit discussions

Sent 3/24/98  
 re-regulated since it  
 was 65 so when  
 letter was sent  
 central part of  
 conditions  
 do apply \*  
 JL

IDEG notified via E-mail  
 comment letter N/A

# The Idaho World

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

VED  
APR 14 1998  
WATER RESOURCES  
WESTERN REGION

State of Idaho >  
>  
County of Boise >

Deanna Stevenson being duly sworn deposes and says that she is the Editor of THE IDAHO WORLD a weekly newspaper published at Idaho City in the County of Boise and the State of Idaho the said paper has been and is in general circulation in the county aforesaid and in the vicinity of Idaho City that the advertisement a copy of which is hereto attached was published in said newspaper once a week for 72 (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 April 1, 1998 and ending with the issue of April 9, 1998

Deanna Stevenson

State of Idaho >  
>  
County of Boise >

On this 13 day of Apr in the year 1998 before me a notary public personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument and being by me first duly sworn declared that the statements therein are true and acknowledged to me that she executed the same

Kenneth C. Campbell  
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

65-13686

BARNES, JON L  
PO BOX 2797  
BOISE, ID 83701

Source GROUNDWATER

Diversion Pt LOT 3 (NENW) Sec 2 T08N R 04E In BOISE County

Use IRRIGATION ( 0 150 CFS)  
Total Diversion ( 0 150 CFS)

Date Filed 8/9/1996

In BOISE County  
T08N R04E S02 Lot 2 (NWNE) Lot 3 (NENW) SENW

5.5 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed

65-13725

ALLUMBAUGH FRANK  
618 N RAYMOND  
BOISE, ID 83704

Source GROUNDWATER

Diversion Pt SENE Sec 34 T 10N R 04E In BOISE County

Use IRRIGATION ( 0 090 CFS)  
IRRIGATION STORAGE ( 4 00 AF)  
IRRIGATION FROM STORAGE ( 4 00 AF)  
Total Diversion ( 0 090 CFS)

Date Filed 2/9/1998

In BOISE County  
T10N R04E S34 SENE

3.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed for shallow ground water tributary to Middle Fork Payette River

65-13734

BOYDSTUN, BARRY E  
BOYDSTUN, NURALIMA  
6061 N FOUNTAIN LANE  
BOISE ID 83714

Source PAYETTE RIVER MIDDLE FORK Tributary PAYETTE RIVER

Diversion Pt SENW Sec 23 T 10N R 04E In BOISE County

Use IRRIGATION ( 0 020 CFS)  
Total Diversion ( 0 020 CFS)

Date Filed 7/15/1997

In BOISE County  
T10N R04E S23 SENW

1.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed

65-13739

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 IRRIGATION ( 0 300 CFS)  
Total Diversion ( 0 300 CFS)

Date Filed 7/29/1997

In BOISE County  
T07N R02E S24 SWNW

15.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before APRIL 20, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in The Idaho World April 1 and 8, 1998

MICROFILMED

JUN 05 1998

From DWR06:."sgrunder( .g.state.id.us" 25-MAR-19 12:49:41 29  
To: <slvester@idwr.state.id.us>  
CC:  
Subj: Application 65-13739 (Jackass Creek); 77-07368 (S.Fk. Salmon )

Regarding Water Right Application 65-13739, this is not situated within a designated bull trout key watershed. However, we want to make sure that if it is a fish bearing stream, that the applicant is not permitted to divert surface water to the detriment of fish habitat. We need to be assured of a bypass flow I don't have any recommendations because I know nothing about Jackass Creek

Regarding the South Fork Salmon River domestic water right application, as with the previous minor applications, this one will probably not hurt the fish (salmon, steelhead, bull trout, cutthroat). However, we want to make very sure that we pursue minimum flows on this critical river system I suggest very soon. It would be too easy over the course of years to lose track of how much water we have permitted for use while losing sight of that necessary for fish.

About Cindy, you and I getting together.... my April calendar is looking real ugly I could do late morning on the 3rd, the 15th, 17th, 20-22nd, or 27-28th Let me know what works for you.

Scott

MICROFIL\* EC

JUN 05 1998

*IDFG Response to Application  
3/25/98*

65-13739

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: IRRIGATION ( 0.300 CFS)  
Total Diversion: ( 0.300 CFS)

Date Filed: 7/29/1997

In: BOISE County  
T07N R02E S24 SWNW

15.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as  
needed

FILED - 10

JUN 07 1998

From. DWR80::SLESTER 24-MAR-1998 13.44:28.95  
To: DWR06::"sgrunder@idfg.state id us"  
CC. SLESTER  
Subj: APPLICATION 65-13739

Scott

This email message seeks comments from IDFG regarding an irrigation water right application from Jackass Creek tributary to the Payette River just north of Horseshoe Bend. Comments regarding Bull Trout impacts are requested.

The application should appear on next week's weekly listing of water rights. The filing proposes either a gravity or pump diversion system to irrigate 15 acres. It will be advertised in the first half of April with a protest deadline of April 20, 1998

On a related matter, it appears that this pilot email system between our offices may need some fine tuning. Gary Spackman filled me in on the discussion you had with him awhile ago. How about if you, Cindy Robertson & I meet sometime soon to talk it over and see what's best from all our perspectives? Let me know if you and Cindy can meet in April sometime to talk it over.

Thanks for your assistance.

Steve Lester  
IDWR Western Regional Office

MICROFILMED  
JUN 05 1998

*Request for IDFG comments on Bull Trout*

# RESPONSE FORM

RECEIVED

FEB 13 1998

COMPLETE ONLY IF YOU WANT YOUR  
APPLICATION TO BE PROCESSED

WATER RESOURCES  
WESTERN REGION

Name of Applicant JOHN DRAKE AND/OR STEVE DETERT

Mailing Address 2343 BLUE LAKE LN

BOISE, IDAHO 83716

Application No. 65-13739

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

[Signature]

Date

2-13-98

Please return this form to.

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

MICROFILMED

JUN 05 1998



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

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

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JUN 05 1998

**APPLICATION WORKSHEET FOR  
"ADVERTISING DELAY"**

APPL. NO. 65-13239 Drake

DATE 7-97

T FLAG USED IN DATA ENTRY ✓

APPS.LIS UPDATED TO SHOW ✓  
~~FILE AT SL'S DESK~~

APPL. FOLDER PREPARED AND  
BAR CODE ENTRY COMPLETED       

FILE ROUTED TO SL       

MICROFILMED

JUN 05 1998