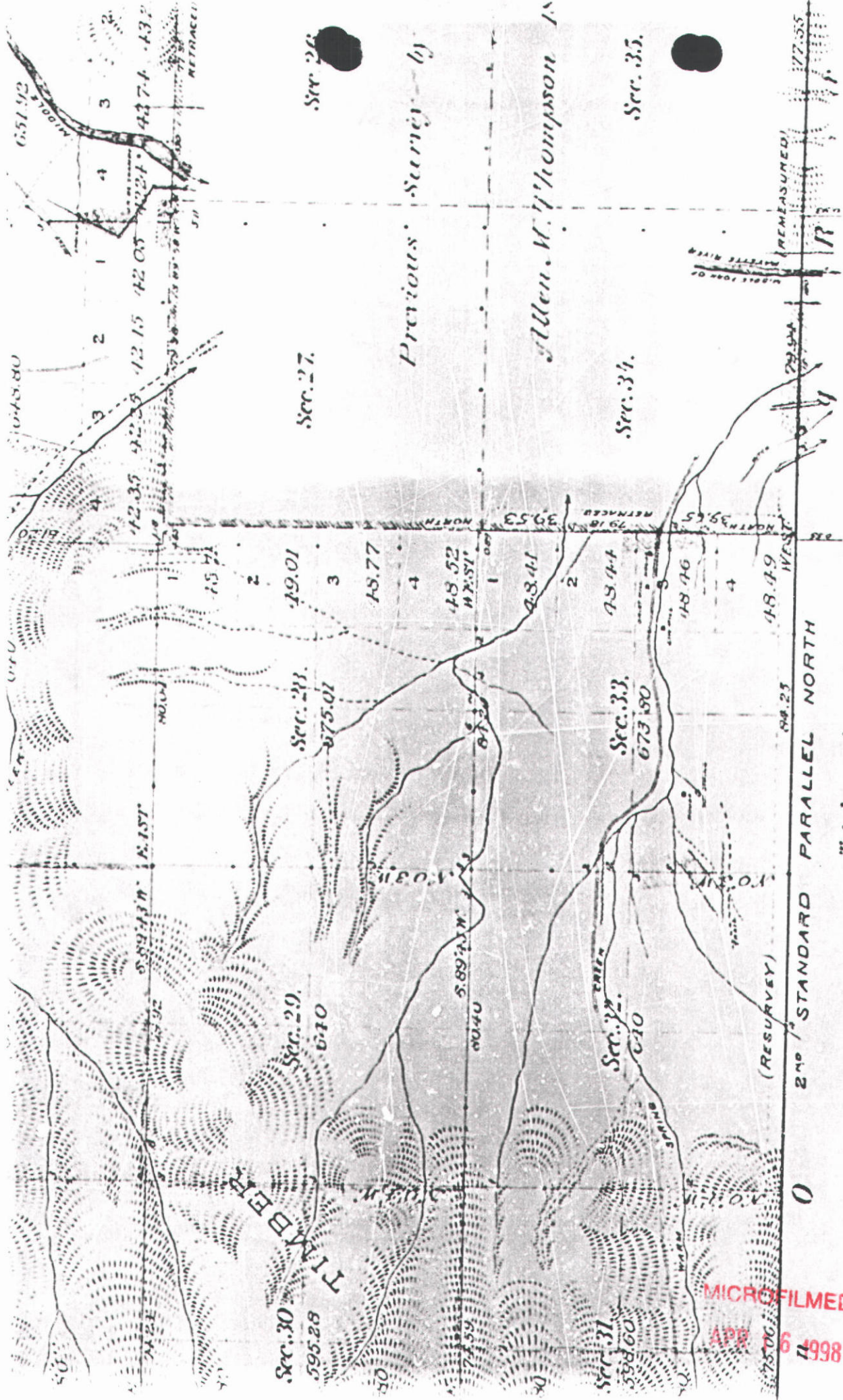




Total number of Acres 19058.92				
By Whom Surveyed.	Date of Contract	Amount of Surveys M. Ch. & Lks.	When Surveyed	Mean Declination
By whom Surveyed.	1908 February 13, 1899	5 7.1 58	July 1-9, 1899	20° 30' E.
.	.	40 61 59	July 9-29, 1899	
.	.	3 77 57	June 29-July 1, 1899	
.	.	1 77 49	June 30, 1899	
.	.	21 55	July 7-22, 1899	
.	.	1 77 03	July 26, 1899	

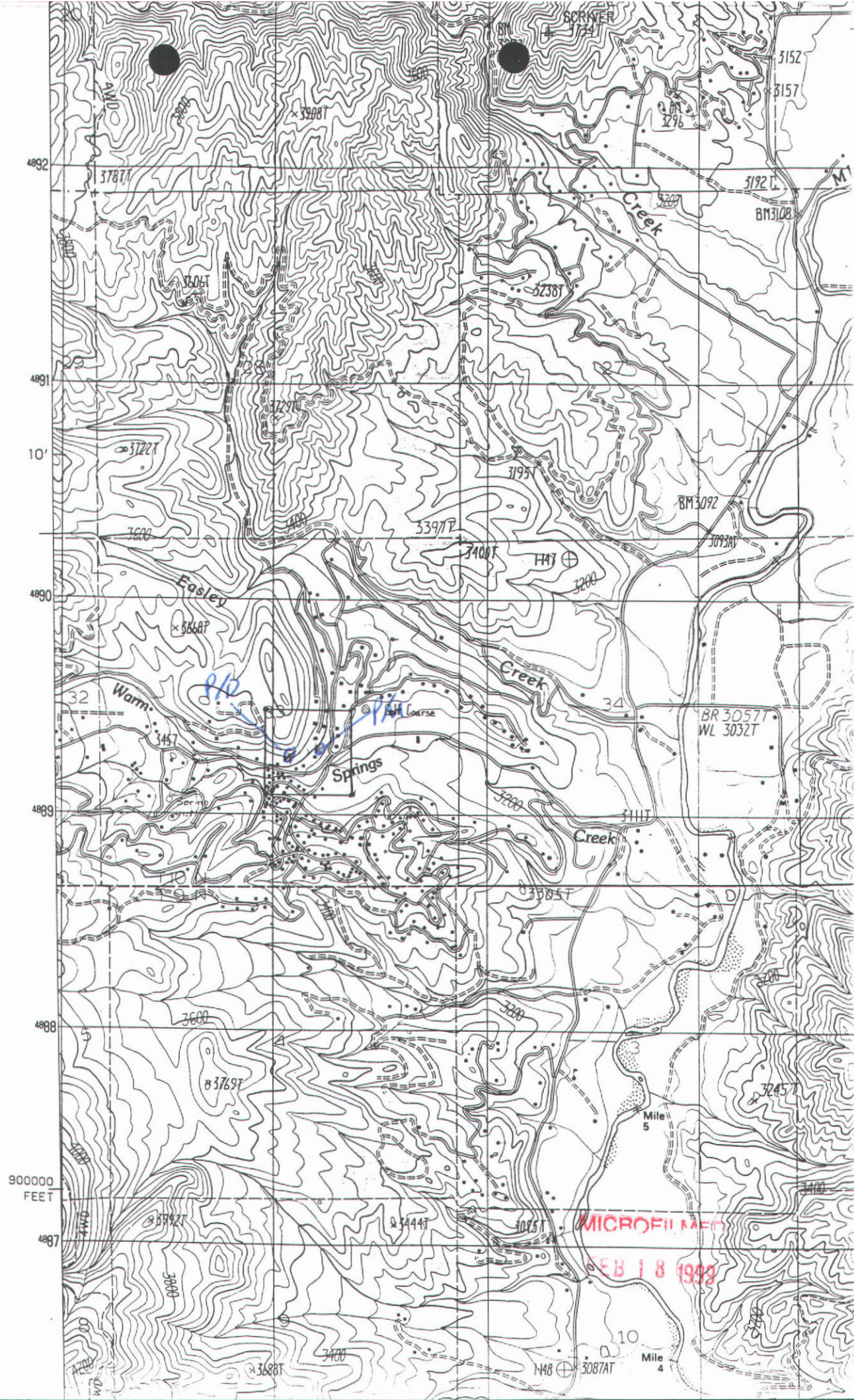
The above is
Boise
notes of the survey
Surveyor

10N
4E
Sec 33
NWSE

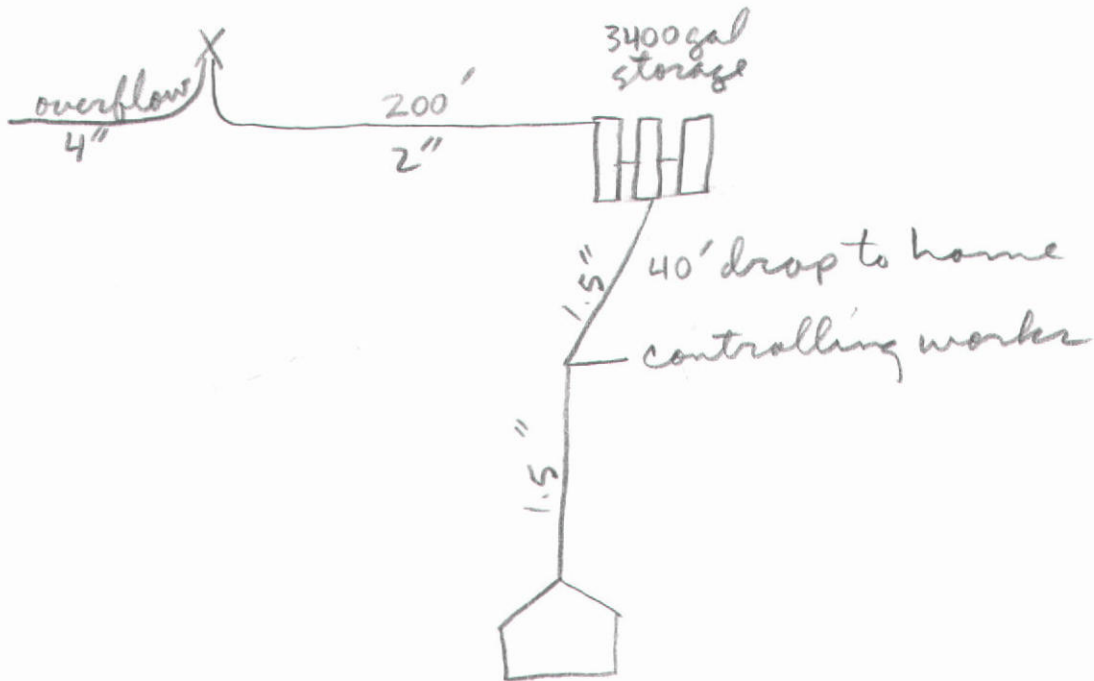
40' contour
intervals

Gov lots on
E $\frac{1}{2}$ E $\frac{1}{2}$

65-13737



W N
+
S E



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FEB 18 1999

65-13737



Controlling
- works

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FEB 18 1999

p/n -



65-13737

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NOV 19 1997

WATER RESOURCES
WESTERN REGION

The Idaho World

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

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 Nov 5, 1997 and ending with the issue of Nov 12, 1997.

Deanna Stevenson

State of Idaho >
>
County of Boise >

On this 17 day of Nov 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

MICROFILMED

APR 16 1998

NOTICE OF APPLICATION FOR WATER RIGHT

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

STOUT, WILLIAM MICHAEL
1605 DENVER AVE
BOISE, ID 83706

65-13737

Source: SPRING

Tributary: SINKS

Diversion Pt:

NENWSE Sec 33 T 10N R 04E in BOISE County.
NWNWSE Sec 33 T 10N R 04E in BOISE County.

Use: DOMESTIC (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 9/30/1997

In: BOISE County
T10N R04E S33

NWSE

65-13743

PRINCE, JAMES C
PRINCE, DOROTHY
9390 USTICK RD #64
BOISE, ID 83704

Source: PAYETTE RIVER, NORTH FORK Tributary: PAYETTE RIVER

Diversion Pt:

NWNE Sec 23 T 10N R 04E in BOISE County.

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

Date Filed: 9/3/1997

In: BOISE County
T10N R04E S23

NWNE

65-13752

HODGES, DEAN
HODGES, LAREE
PO BOX 514
GARDEN VALLEY, ID 83622

Source: SPRINGS

Tributary: PAYETTE RIVER, SOUTH FORK

Diversion Pt:

NWNE Sec 11 T 08N R 05E in BOISE County.
NENW Sec 11 T 08N R 05E in BOISE County.

Use: HEATING (0.170 CFS)
RECREATION STORAGE (1.00 AF)
DIVERSION TO STORAGE (0.170 CFS)
Total Diversion: (0.170 CFS)

Date Filed: 10/7/1997

In: BOISE County
T08N R05E S11

NWNE 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 NOVEMBER 24, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in The Idaho World November 5 and 12, 1997

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13737

Priority	September 30, 1997	Maximum Diversion Rate	0 02 CFS
		Maximum Diversion Volume	1 2 AF

This is to certify, that WILLIAM MICHAEL STOUT
1605 DENVER AVE
BOISE ID 83706

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated September 30, 1997, and
has submitted Proof of Beneficial Use on December 29, 1997. An examination indicates
that the works have a diversion capacity of 0 020 cfs of water from

SPRING tributary to SINKS

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>
DOMESTIC	01/01 to 12/31	0 02 CFS	1 2 AF

LOCATION OF POINT(S) OF DIVERSION NWNWSE, Sec 33, Township 10N, Range 04E
BOISE County

PLACE OF USE DOMESTIC
TWN RGE SEC
10N 04E 33 NWSE

CONDITIONS OF APPROVAL AND REMARKS

- 1 Rights 65-13562 and 65-13737 when combined shall not exceed a total diversion rate of 0 02 cfs
- 2 Right 65-13562 is also diverted through the point of diversion described above
- 3 Domestic use is for 1 home

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 4TH day of

FEBRUARY, 1999


Acting for KARL J. DREHER, Director

MICROFILMED

FEB 18 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 29 1997

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 65-13737 Telephone No 344-2128

2 Name(s) of Permit Holder(s) William Michael Stout

3 Mailing Address 1605 Deaver Ave Boise Idaho 83706

4 Source of Water Spring / Sink 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) 1 Stockwater (No. and type of stock)

Irrigation (No. of acres) Other

6 Total rate of diversion and/or volume for which proof is submitted 0.04 cfs OR acre feet

7 Measuring Device Requirement. (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly will be considered incomplete)

Measuring Device. Is a measuring device required? Yes or No X
Has the measuring device been installed? Yes or No X

Flow Measurement Port Is a flow measurement port required? Yes or No X
Has the measurement port been installed? Yes or No X

8. Fee Enclosed \$ (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 William Michael Stout Telephone Number 344 2128

Address 1605 Deaver Ave Boise, Id 83706

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 William Michael Stout Date 12/26/97
(include your title, if on behalf of company or organization)

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APR 16 1998

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 65-13737

Proposed Priority: September 30, 1997 Maximum Diversion Rate 0 04 CFS

This is to certify, that WILLIAM MICHAEL STOUT

1605 DENVER AVE

BOISE ID 83706

has applied for a permit to appropriate water from
SPRING tributary of SINKS

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

DOMESTIC	01/01 to 12/31	0 04 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION.

NENWSE , Sec 33, Township 10N, Range 04E

NWNWSE , Sec 33, Township 10N, Range 04E

BOISE County

PLACE OF USE: DOMESTIC

TWN RGE SEC

10N 04E 33 NWSE

CONDITIONS OF APPROVAL AND REMARKS

- 1 Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1998
- 2 Subject to all prior water rights
- 3 This right authorizes a single point of diversion
- 4 The issuance of this right does not grant any right-of-way or easement across the land of another
- 5 The domestic use authorized under this right shall not exceed 13,000 gallons per day
- 6 Any irrigation use occurring under this right is authorized only in connection with a domestic use.
- 7 Domestic use is for 1 home.

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

16th day of December, 1997


Karl J. Dreher, Director
for

MICROFILMED

APR 16 1998

RECEIVED

OCT - 1 1997

FORM 202

1/96

WATER RESOURCES

Ident. No. 65-13737

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR PERMIT

SEP 30 1997

To appropriate the public waters of the State of Idaho

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

1 Name of Applicant William Mabels Taut Phone 208 341-2128Post Office address 1605 Denver Ave Boise, Idaho 837062 Source of water supply Spring which is a tributary of Sink3 Location of point of diversion is NW NE 1/4 of NW NW 1/4 of SE SE 1/4, Govt. Lot* Sec 33 Township 11 North Range 4 East B.M. Boise, County County, additional points of diversion if any None. Single point of diversion located in a near line between NENWSE & NWNWSE, Section 33, T10N, R04E

4 Water will be used for the following purposes

Amount 0.4 CFS for Domestic purposes from 9/1/01 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)5 Total quantity to be appropriated is (a) 0.4 and/or (b) _____
cubic feet per second acre feet per annum

6 Proposed diverting works

a Description of ditches, flumes, pumps, headgates, etc Pipes from Springs To Tanksb Height of storage dam _____ feet; active reservoir capacity _____ acre-feet, total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage
_____ to _____ inclusive

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

d Is 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) _____

7 Time required for completion of works and application of water to proposed beneficial use is 1 yrs 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 if KW _____

b Stockwatering, list number and kind of livestock _____

c Municipal show name of municipality _____

d Domestic, show number of households 1

e Other, describe fully _____

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APR 15 1998

* per map 19 10/20 77

APR 16 1998

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	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	4E	33													D				

Total number of acres to be irrigated _____

10 Describe any other water rights used for the same purposes as described above No

11 a Who owns the property at the point of diversion? BILL STOUT (Farmer)

b Who owns the land to be irrigated or place of use? William Michael Stout

c If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing BILL STOUT is Authorizing use of the spring

12 Remarks _____

13 MAP OF PROPOSED PROJECT ATTACHED _____ Show clearly the proposed point of diversion, place of use, section number, township and range number

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

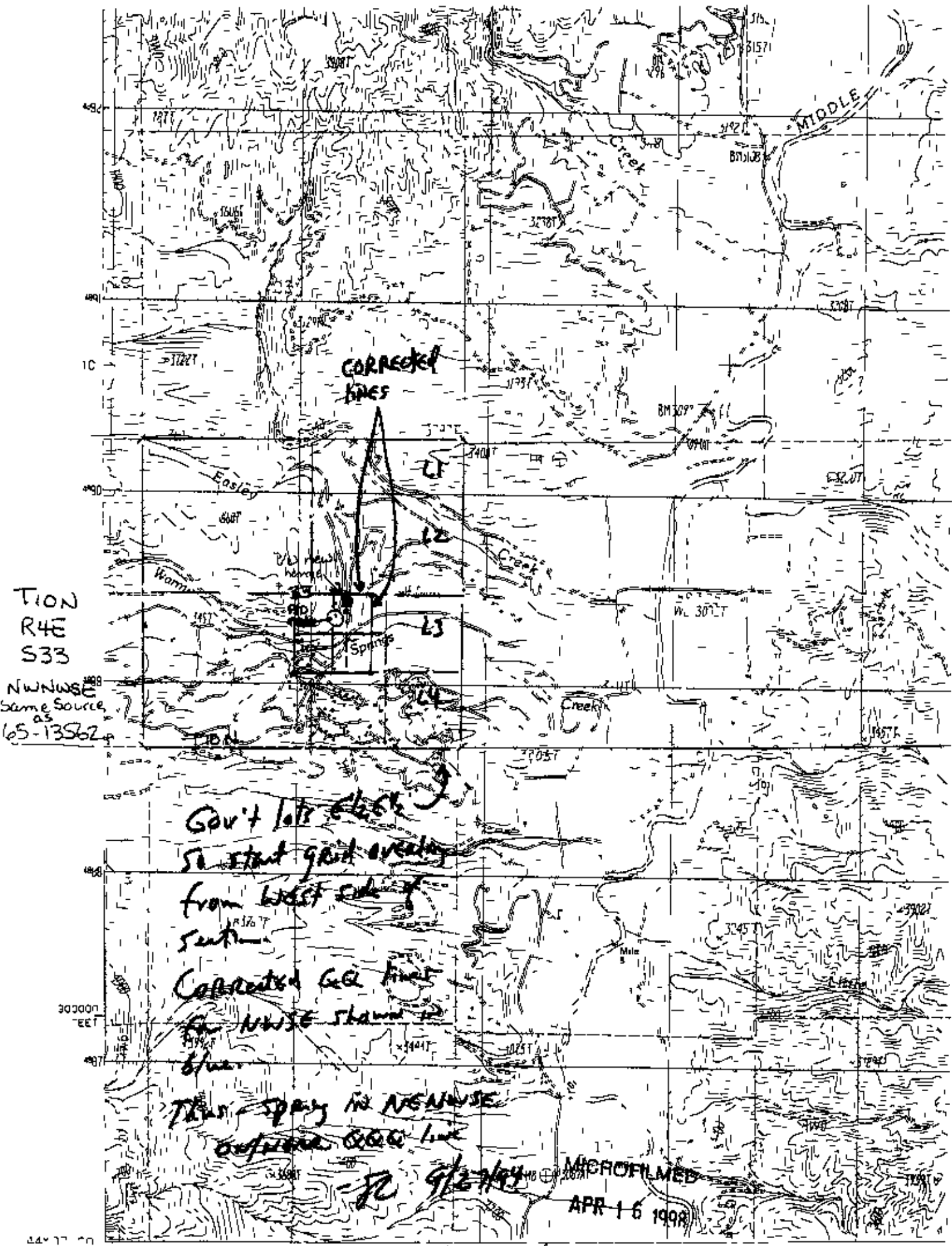
William Michael Stout
(Applicant)

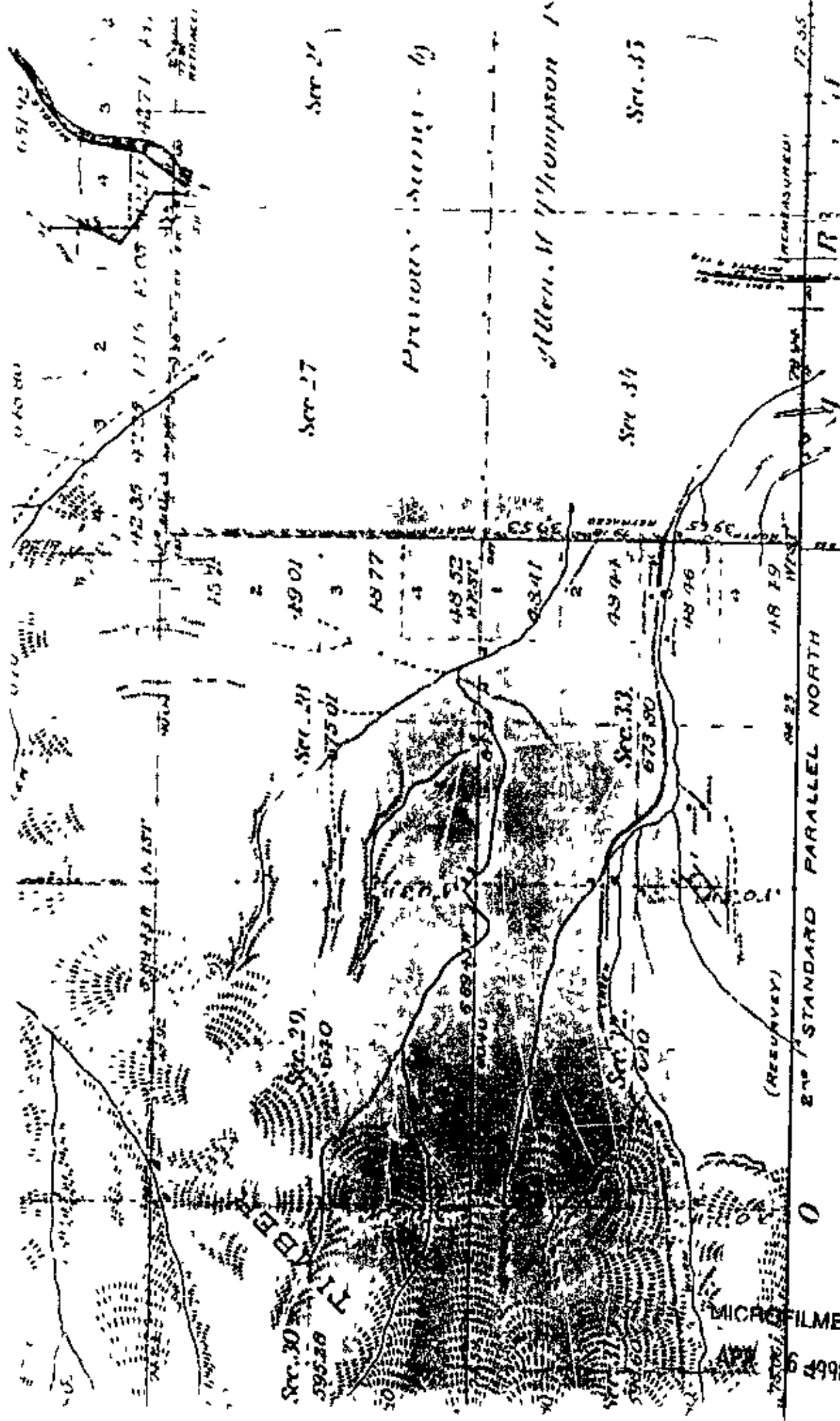
Received by _____ Date 9-30-97 Time 11:10 AM Preliminary check by 6
 Fee \$ 50.00 Received by [Signature] # 100000000 Date 9/30/97
 Publication prepared by AK Date 10-29-97 Published in Idaho World
 Publication approved _____ Date 12-3-97

MICROFILMED

APR 16 1998

TION
 R4E
 S33
 NWNWSE
 Same Source
 as
 105-13562







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

February 5, 1999

DIRK KEMPTHORNE
GOVERNOR

KARI J ORFIER
DIRECTOR

WILLIAM MICHAEL STOUT
1605 DENVER AVE
BOISE ID 83706

RE WATER RIGHT NO 65-13737

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 further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within 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 this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this 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.

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FEB 18 1999

ORAL ARGUMENT

If the Department grants a petition to review the 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 the 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

- 1 A hearing was held,
- 11 The final agency action was taken,
- 111 The party seeking review of the order resides, or
- 1v The real property or personal property that was the subject of the agency action is located

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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.

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SF klt

Enclosure

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FEB 18 1993

CERTIFICATE OF MAILING

I hereby certify that on the 5th day of **February**, 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. 65-13737

WILLIAM MICHAEL STOUT
1605 DENVER AVE
BOISE ID 83706


Kari Lynn Townsend
Secretary

MICROFILMED

FEB 18 1999

MEMORANDUM

TO Files 65-13562 and 65-13737

FROM Sharla

DATE February 1, 1999

RE Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permits 65-13562 and 65-13737 are as follows

C DIVERSION AND DELIVERY SYSTEM

- 1 Point of Diversion
T10N R4E, S33 - NWNWSE

In a phone conversation with the examiner, Shelley Keen discussed the amendment of the point of diversion noted by Lon. Because the point of diversion is on a hill and was so close to $\frac{1}{4}\frac{1}{4}$ lines the point of diversion will remain as the NWNWSE and no amendment will be required for either right.

Examiner Lon Graves
Exam Date May 29 1998

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FFB 1 8 1999

LICENSE REVIEW CHECKLIST

PERMIT NO

65-13737

DATE

1/26/99

REVIEWER SHARLA

NAME

Change/OK

Address

SOURCE

Does change clarify orig intended source? If no Void permit

POINT OF DIV

chg Change (P39/P47)

Add (P45/P42)

Feds - P40

W32 (multiple in 1/4)

W36 (overlap)

W59 (subd desc)

Overlaps

Right(s)

65-13562

File reviewed

Profile reports printed

PLACE OF USE

OK Change (P41/P47)

Add (P41/P42)

Feds - P43

W60 (subd desc)

W27 (ppu acre limit)

Overlaps

Right(s)

File reviewed

Profile reports printed

PD & PU amend (P37) Feds - P48

RATE OF DIV

Permitted Rate 04 cfs

Fee limit 20 cfs \$50.00

Measured 02 cfs

Theoretical cfs

Recommended Total Div Rate 02 cfs

WATER USES

OK

Change (P46)

Dom

02 cfs

12 af

Irrig -

overlap (R58 R61 R62 R65 R66-R69)

supp gw (W87/065/079)

overlap spec combined rts (W35)

<1 acre (W31)

Domestic (W01/W05/070/071/075)

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

Fish (042) Fire (077) Wtr Quality (081/R07)

TOTALS

02 cfs

12 af

Flow rate 02 cfs X 365 days X 1.98 = 145 af

REMARKS

ADD L CONDITIONS

Watermaster Control WD#

GW Measurement/Measuring Device

Others Trust (052/R55 - remove 051)

Non trust (048/049)

Advance Priority 041 071 yes ☒ no

SRBA Claim NA

Adjust Memo

Amend letters

P39 P38

P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 02 1998

Department of Water Resources

A GENERAL INFORMATION

Permit No 65-13737

1 Owner William Michael Stout Phone No 344-2128

Current Address 1805 Denver Ave, Boise ID 83706

2 Accompanied by Bilt Stout EXAM DATE 6/2/98

Address HC 76 Box 4354 Garden Valley ID 83622 Phone No 462-3389

Relationship to Permit Holder Father

3 Source Spring tributary to Sinks

B OVERLAP REVIEW

1 Other water rights with the same place of use See remarks

2 Other water rights with the same point of diversion 65-13562

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
		SW	NW	SE	33	10N	4E	Boise	USGS Quad

2 Place(s) of Use

Indicate Method of Determination USGS Photo

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	4E	33														D			

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DEC 1 1998

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

SEE ATTACHED SHEET

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

N 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

*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
1 Gallon Bucket/Stopwatch						

2 Measurements Timed Flow

E NARRATIVE/REMARKS/COMMENTS

A spring is diverted and gravity fed into a 3400 gallon buried storage tank via 2" pvc. When not used to fill storage, the spring water can be directed through a 4" alternate pvc pipe where it sinks into the adjoining hillside. From the storage tank, the water is gravity fed into the domestic system. Terrace Lakes water rights are used primarily for internal domestic use. The spring is used for external domestic use and as a back-up source for inside the home. No other rights are used. William's Father also uses the spring for a separate home 65-13562...see that file for additional photos of diversion system.

Have conditions of permit approval been met? X yes no

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FEB 18 1999

F FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method

$$1 \text{ Gallon} \times 60 \text{ Seconds} / 7 \text{ Seconds} = 8.6 \text{ gpm} = .02 \text{ cfs}$$

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

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{O.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{O.R.} = \underline{\hspace{2cm}}$$

2 Volume Calculations for Other Uses

$$\text{Domestic Use} = 1.2 \text{ afa}$$

H RECOMMENDATIONS**1 Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	1/1	12/31	.02	1.2
Totals			.02	1.2

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 AUTHENTICATION**Field Examiner's Name Joe G. Grew Date 11/27/98

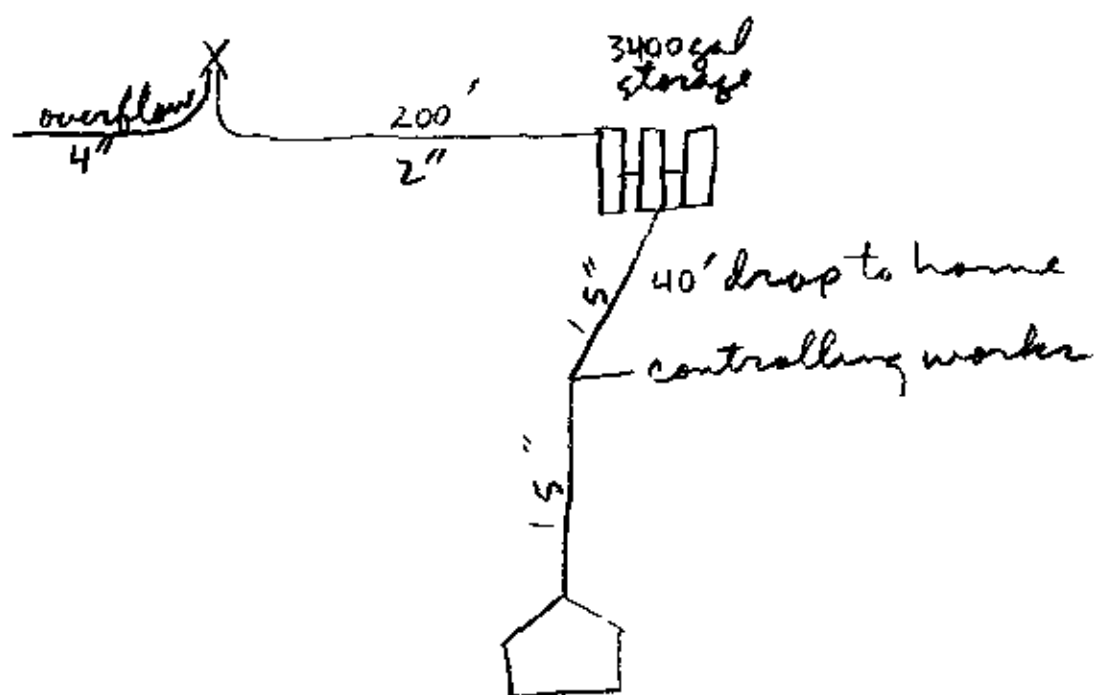
Reviewer _____ Date _____

SEAL

MICROFILMED

FEB 18 1999

W N
+
S E



MICROFILMED
FEB 18 1999

65-13737



Controlling
- worker

MICROFIL MED

1971



12/61 -

13737

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No 65-13737 Reviewed by [Signature] Date 2-19-98

GENERAL CONSIDERATIONS

YLS Name same as permit?

YLS Address same as permit?

YLS Proof timely received?
If not, complete calculation below

Correct Uses? YLS

TYPES OF USE

dom

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No _____

☐ Amount paid for permit

☐ Well log in the file?

_____ Correct?

LICENSE EXAMINATION FEE

YLS Required?

0 Amount Submitted

no 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

Request \$50.00 exam fee
Fee waived - Proof acceptable

DATA ENTRY

New Address [Signature] Proof Made 12/9/97



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

March 20, 1998

KARL J. DREHER
DIRECTOR

William Michael Stout
1605 Denver Ave
Boise ID 83706

PROOF ACKNOWLEDGMENT LETTER

RE PERMIT NO 65-13737

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 department's WESTERN Regional Office in Boise at (208)334-2190.

Sincerely

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c IDWR Regional Office

MICROFILMED

SEP 11 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

PHILIP F. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 24, 1998

William Michael Stout
1605 Denver Ave
Boise ID 83706

RE Permit No 65-13737

Dear Permit Holder

I have returned a copy of the Proof of Beneficial Use statement you submitted in connection with the above referenced water right permit. The proof as filed is not acceptable since it was not accompanied by the required \$50.00 license examination fee. Permits which divert 0.04 cfs or less from a ground water source are exempt from the filing fee, however, you are diverting water from a surface water source (spring/sinks) and are not exempt from the fee.

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

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Enclosure

c IDWR Western Region

MICROFILMED

APR 1 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

December 17, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM MICHAEL STOUT
1605 DENVER AVE
BOISE ID 83706

PERMIT APPROVAL NOTICE

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 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 W. Keen
Water Rights Supervisor

SK klt

Enclosures

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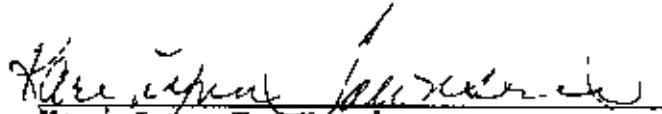
APR 16 1998

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of December, 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. 65-13737

WILLIAM MICHAEL STOUT
1605 DENVER AVE
BOISE ID 83706


Kari Lynn Townsend
Secretary

MICROFILMED
APR 10 1978

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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APP 15 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.

MICROFILMED

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cludy Lou*No 13737 Name Trent Date 12/15/97 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

- 25A-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/5 acres

- 01M (report when notified)

Supplemental use

- 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 ✓ WDAQ3)

Included w/permit

- Permit No - - - - P99

No drilling permit?

- 046-468-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)

- *WB9

WD (✓ MAP & LISTING)

R04 (WD #) - 01J-P08 (MD)

Pumped >0 '0 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 (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 R or Boise R ↑ Star Bndge) 27A (Payette River) NA

>1 in rest area

071-070

Fish Propagation

- 029-007-042(reg)-081 (WQ)-P10

Heating/Cooling

P07 (injection well)

Irr ≤ 5 acres

- P66/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(reg)-081-P10

Municipal

- 022 075 004 (+memo?) NA (not in restricted area)

Power

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

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

Stock

- R37 (BLM/USFS) NA

Storage (✓ compo)

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

LOCATION

42 248 area

- P64 (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

- 020 (Twin Falls area)

SWAN FALLS FLAG (See Code Chart)

Trust

051-052-053-P74 (Consumptive Uses) NA

Non-Trust (1)

- 048-049 (Consumptive Uses) NA

OWNERSHIP- 004 (PD/PU) Father & daughter**OTHER CONDITIONS**- 041 071 076**STANDARD REMARKS**- well / 1**BENEFICIAL USE DUF**- 12/1/ 1998**COMMENTS**

DEC 08 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY 6 DATE 10/20/97 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 *comment letter delayed*
- ☒ ☐ Bull trout impact area
- ☒ ☐ 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 _____ Date Response Received _____

PROCESSING

APP NO

65-

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

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 11/24/97

☒ ☒ Protests received.

☒ ☒ Resolution of protest recorded on application

☒ ☒ Recommendations attached

☒ ☒ Measuring device required

☒ ☒ Measuring port required

☒ ☒ Water delivered by water master? District # _____

☒ ☒ Special conditions of approval or cover letter 041, 071,

See below for additional information

Recommended Date or Priority 9/30/97Recommended by Boys Date 12/3/97STATE OFFICE REVIEW

See below for additional information By _____ Date _____

ADDITIONAL INFORMATION

65-13562 - Father's permit on same agency.

RECEIVED

NOV 19 1997

WATER RESOURCES
WESTERN REGION

The Idaho World

P O Box 99
Garden Valley ID 83622
208 464-3487

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 thirty 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 Nov 5, 1997 and ending with the issue of Dec 2, 1997

Deanna Stevenson

State of Idaho >

County of Boise >

On this 11 day of Nov 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

Notary Public for Idaho
Residing at Garden Valley Idaho

My commission expires 6/24/2001

MICROFILMED

9-1-1-1997

NOTICE OF APPLICATION FOR WATER RIGHT

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

STOUT WILLIAM MICHAEL
1505 DENVER AVE
BOISE ID 83705

65-13737 ✓

Source SPRING

Tributary SINKS

Diversion Pt

NENWSE Sec 33 T10N R04E in BOISE County
NENWSE Sec 33 T10N R04E in BOISE County

Use DOMESTIC (0.040 CFS)
Total Diversion (0.040 CFS)

Date Filed 9/30/1997

In BOISE County
T10N R04E S33

NWSE

65-13743

PRINCE JAMES C
PRINCE DOROTHY
9390 USHLK RD #64
BOISE ID 83704

Source PAYETTE RIVER NORTH FORK Tributary FAYETTE RIVER

Diversion Pt

NWNE Sec 33 T10N R04E in BOISE County

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

Date Filed 9/3/1997

In BOISE County
T10N R04E S33

NWNE

65-13752

HODGES DEAN
HODGES LAREE
PO BOX 514
GARDEN VALLEY ID 83622

Source SPRINGS

Tributary PAYETTE RIVER SOUTH FORK

Diversion Pt

NWNE Sec 11 T08N R05E in BOISE County
NENW Sec 11 T08N R05E in BOISE County

Use HEATING (0.170 CFS)
RECREATION STORAGE (1.00 AF)
DIVERSION TO STORAGE (0.170 CFS)
Total Diversion (0.170 CFS)

Date Filed 10/7/1997

In BOISE County
T08N R05E S11

NWNE 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, 2733 Airport Way Boise, Idaho 83705 together with a protest fee of \$25.00 on or before NOVEMBER 24, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER Director

Published in The Idaho World November 5 and 12, 1997



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

November 5, 1997

STATE OF IDAHO
DEPT OF FISH & GAME
600 S WALNUT
BOISE ID 83707

Re: Application for Permit Nos. 65-13737 in the Name of WILLIAM
MICHAEL STOUT

Dear Sir:

Enclosed is a copy of the above-referenced application for permit which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if your agency desires to file a formal protest against the approval of this application(s), your written protest and the \$25.00 protest fee must be received in this office by November 24, 1997.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:st

Enclosure(s).

MICROFILMED

APR 16 1998

65-13737

STOUT, WILLIAM MICHAEL
1605 DENVER AVE
BOISE, ID 83706

Source: SPRING

Tributary: SINKS

Diversion Pt: NENWSE Sec 33 T 10N R 04E in BOISE County
 NWNWSE Sec 33 T 10N R 04E in BOISE County.

Use: DOMESTIC (0.040 CFS)
 Total Diversion (0.040 CFS)

Date Filed: 9/30/1997

In BOISE County
 T10N R04E S33 NWSE

MICROFILMED

APR 10 1998