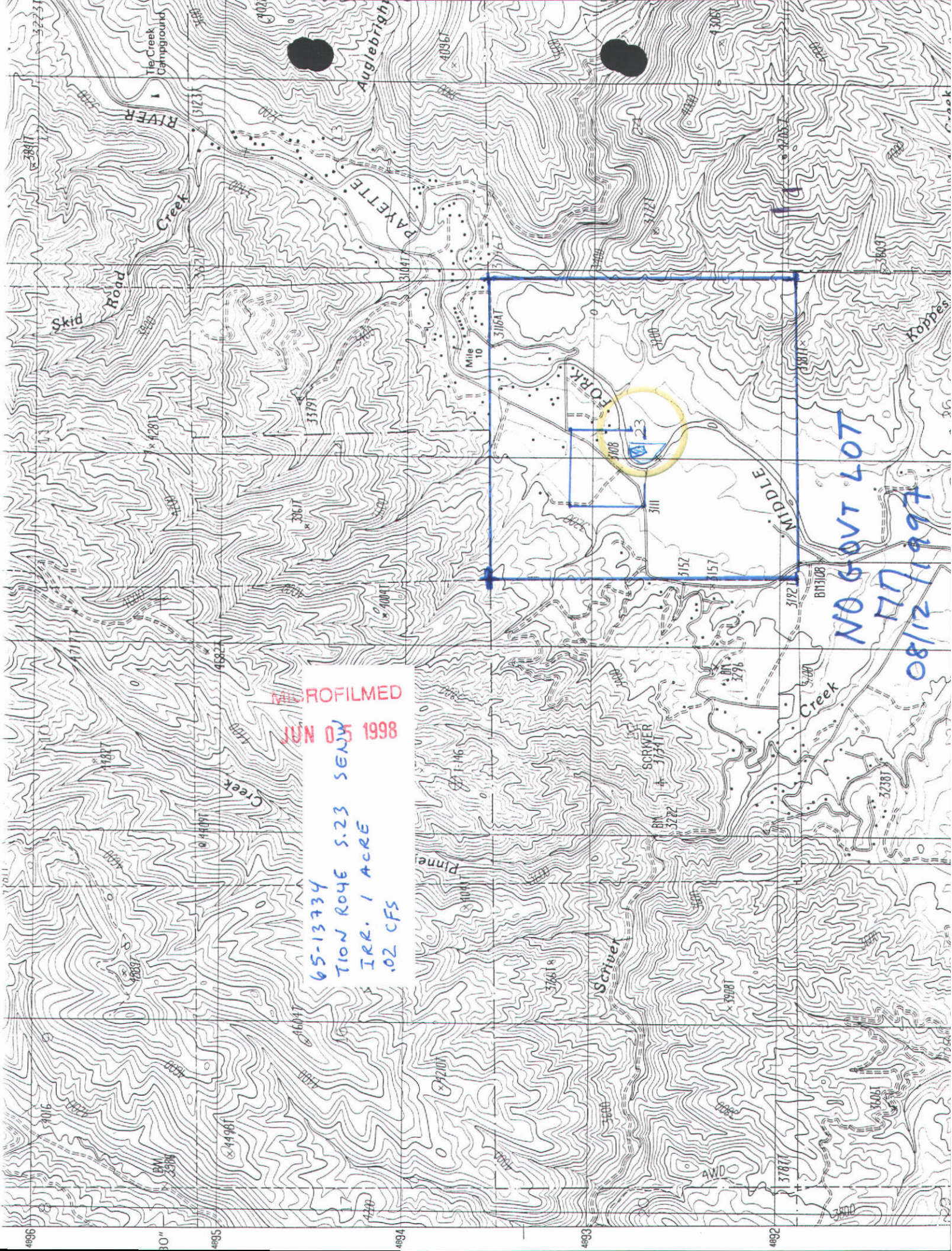


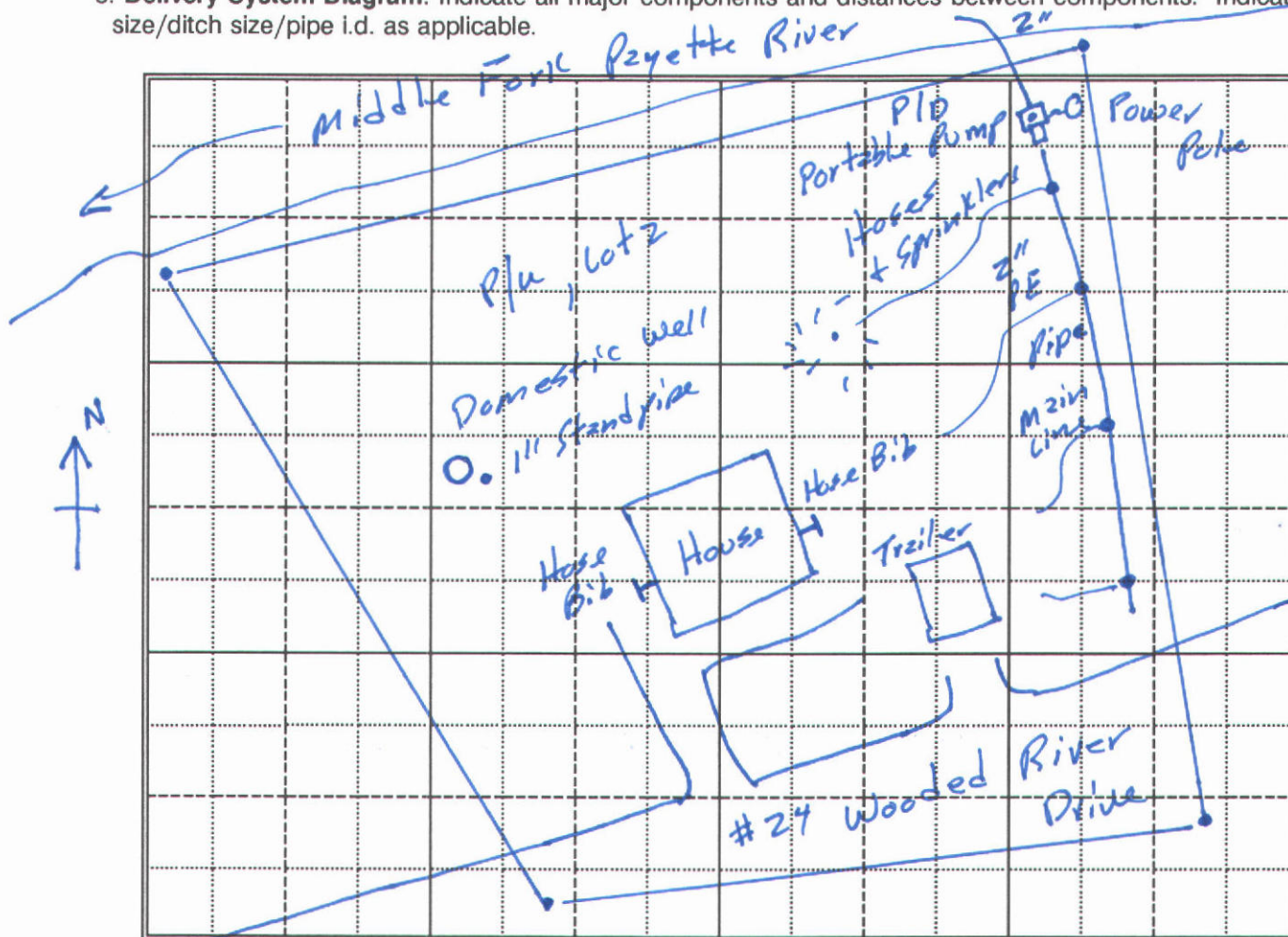


MICROFILMED
JUN 05 1998

65-13734
TION ROYE S.23 SEANW
IRR. 1 ACRE
.02 CFS

NO GOVT LOT
177
08/12/1997

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



Scale: 1" = None

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

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
<u>River Pump</u>	<u>GE Motors</u>	<u>2</u>	<u>RLJ120046</u>	<u>Myers</u>	<u>986 0596</u>
			<u>Mod. SKCR</u>		<u>CAT. # QP20</u>
			<u>39UN 27050X</u>		

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

D. FLOW MEASUREMENTS

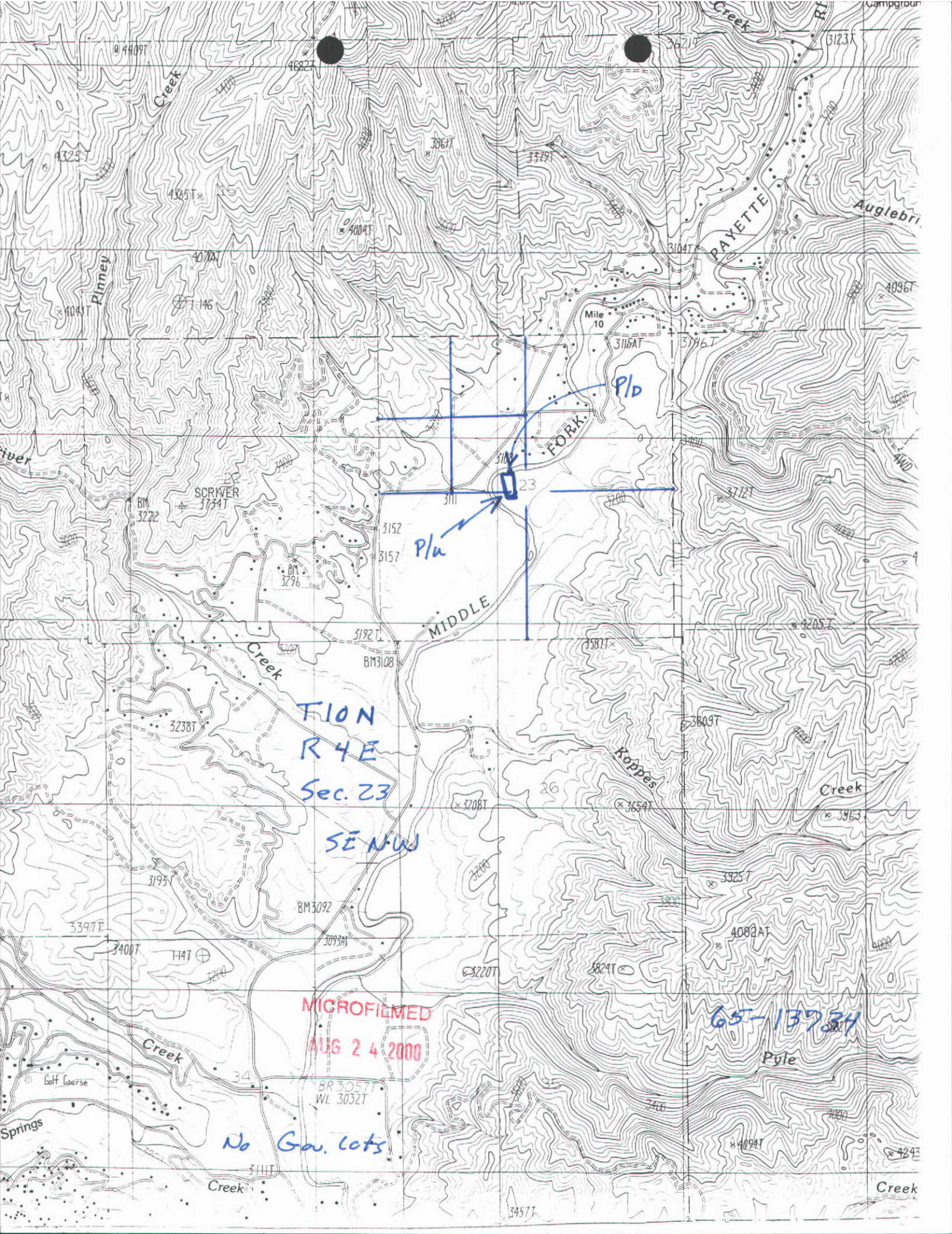
1.

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

2. Measurements: None - Pump off - owner not there

MICROFILMED

AUG 24 2000



T10N
R4E
Sec. 23
SE 1/4

MICROFILMED
AUG 24 2000

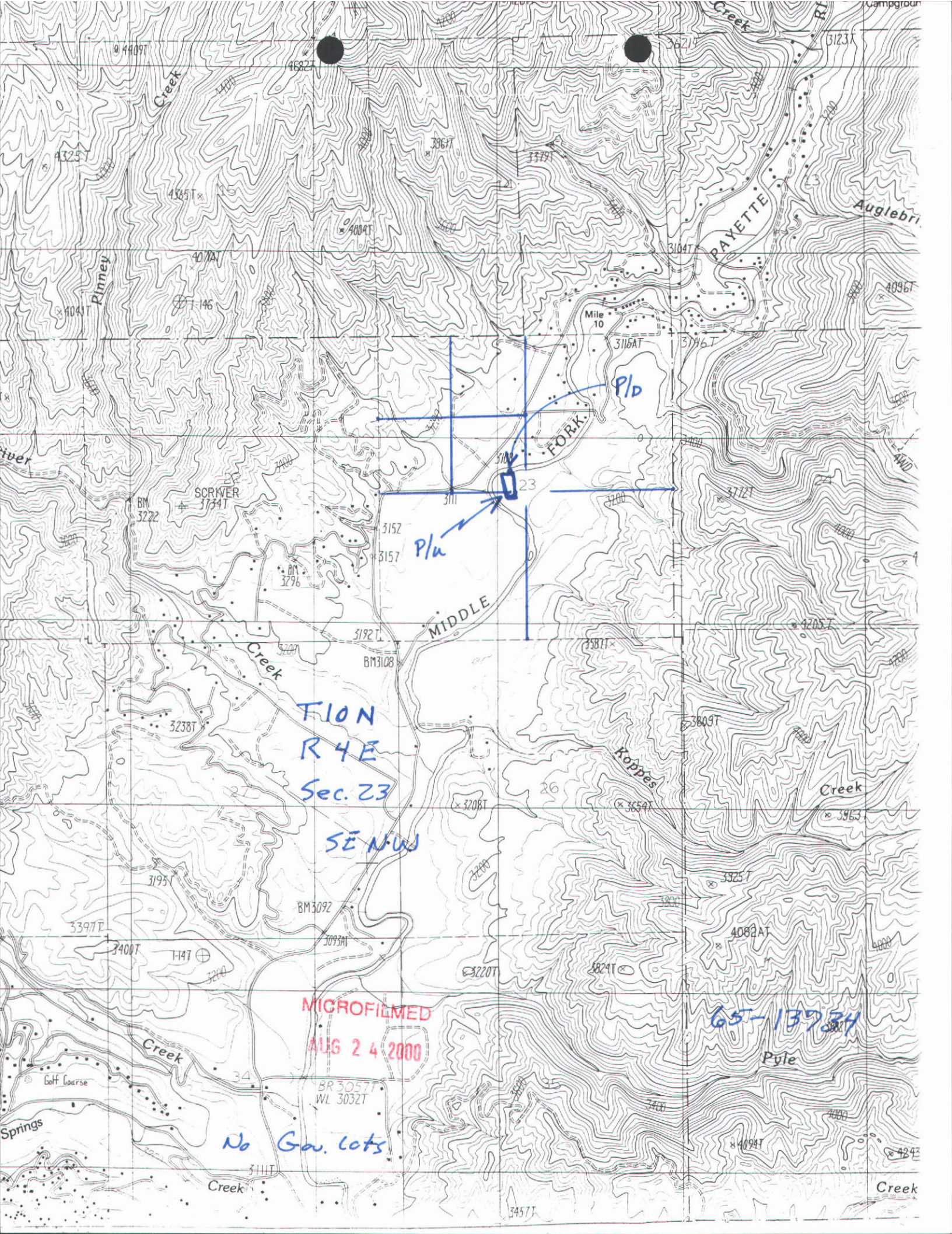
65-13734

No Gov. lots

P/d

P/u

No. 146



WOODED RIVER SUBDIVISION

SITUATE IN SECTION 23, T10N, R4E, BM, BOISE COUNTY, IDAHO

T10N
R4E
S23

1990

DIVERSION
P/L, lot 2

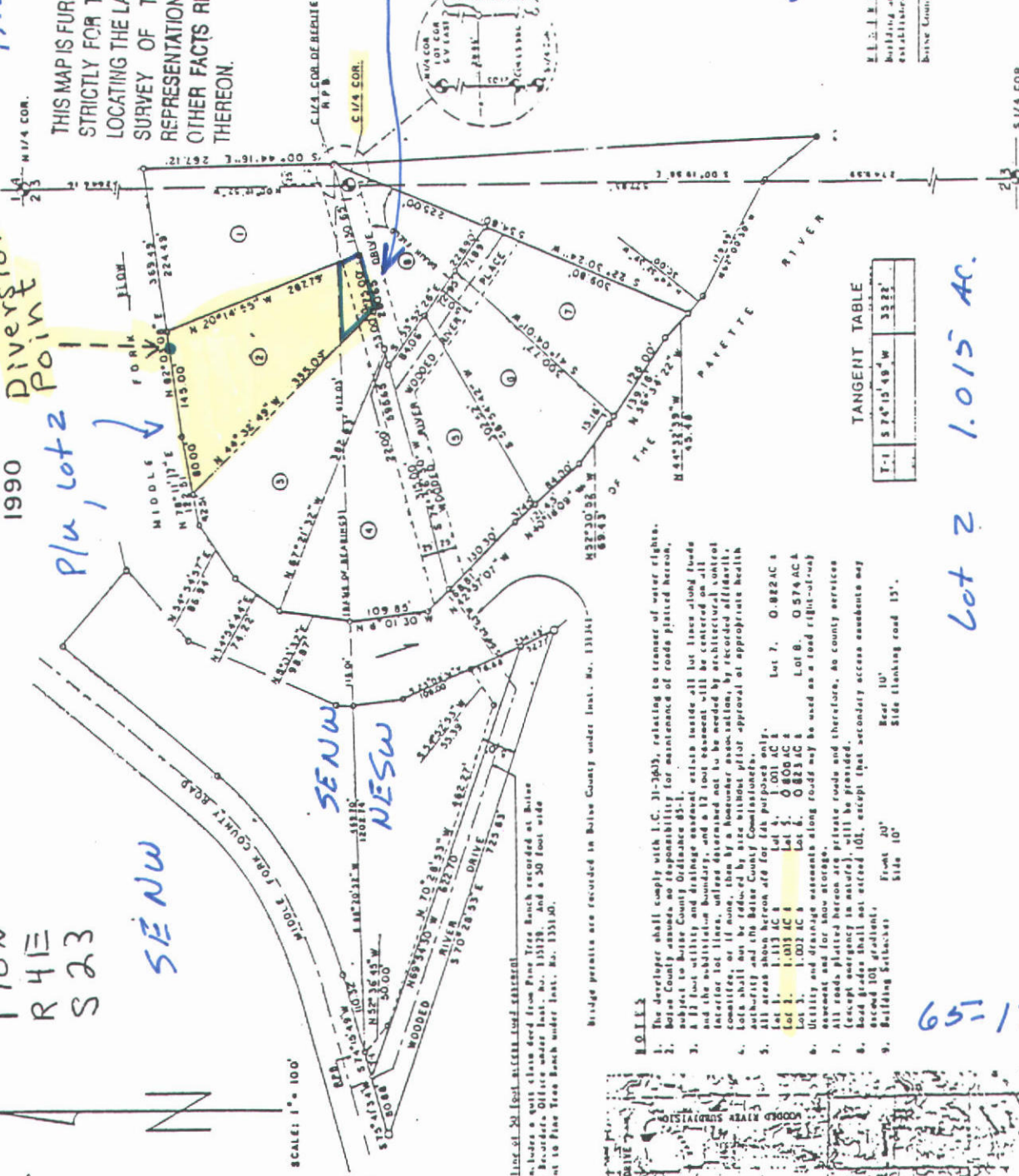
PLO, Pump 2nd
River

THIS MAP IS FURNISHED AS AN ACCOMMODATION, STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. IT DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREON.

A very small portion of lot 2 would be in N.E.S.W. This portion is

LEGEND
BRASS CAP
1/2" PIN & PLASTIC CAP
LOT CORNER
5/8" PIN & PLASTIC CAP
driveway, end is not irrigated.

RELATIVE TO THE BUILDING AND INCLUDING SMALL CONTIGUOUS TO THE BUILDING, ESTABLISHED BY THE SURVEYOR'S RECORDS AS FILED IN THE PUBLIC RECORDS OF BOISE COUNTY, IDAHO, ON INSTRUMENT NO. 133140.

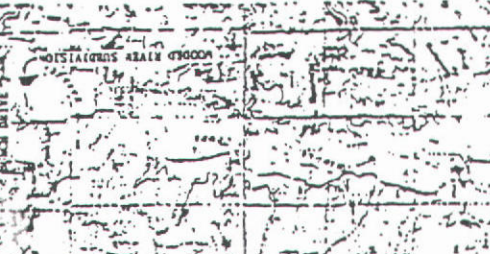


TANGENT TABLE

T=1	57°15'48" W	32.25'
T=2	57°15'48" W	32.25'
T=3	57°15'48" W	32.25'

Lot 2 1.015 AC.

- The developer shall comply with I.C. 31-3403, relating to transfer of water rights.
- Boise County assumes no responsibility for maintenance of roads platred herein.
- A 12 foot utility and drainage easement exists inside all lot lines along the river and the subdivision boundary, and a 12 foot easement will be centered on all interior lot lines, unless determined not to be needed by architectural control committee, or if none, then by a homeowner association, by recorded affidavit.
- Lot 2 shall not be reduced by size without prior approval of appropriate health authority and the Boise County Commission.
- Lot 2 shall not be reduced by size without prior approval of appropriate health authority and the Boise County Commission.
- Lot 7, 0.8824 AC
- Lot 8, 0.574 AC
- Lot 9, 0.823 AC
- Lot 10, 0.800 AC
- Lot 11, 0.800 AC
- Lot 12, 0.800 AC
- Lot 13, 0.800 AC
- Lot 14, 0.800 AC
- Lot 15, 0.800 AC
- Lot 16, 0.800 AC
- Lot 17, 0.800 AC
- Lot 18, 0.800 AC
- Lot 19, 0.800 AC
- Lot 20, 0.800 AC
- Lot 21, 0.800 AC
- Lot 22, 0.800 AC
- Lot 23, 0.800 AC
- Lot 24, 0.800 AC
- Lot 25, 0.800 AC
- Lot 26, 0.800 AC
- Lot 27, 0.800 AC
- Lot 28, 0.800 AC
- Lot 29, 0.800 AC
- Lot 30, 0.800 AC
- Lot 31, 0.800 AC
- Lot 32, 0.800 AC
- Lot 33, 0.800 AC
- Lot 34, 0.800 AC
- Lot 35, 0.800 AC
- Lot 36, 0.800 AC
- Lot 37, 0.800 AC
- Lot 38, 0.800 AC
- Lot 39, 0.800 AC
- Lot 40, 0.800 AC
- Lot 41, 0.800 AC
- Lot 42, 0.800 AC
- Lot 43, 0.800 AC
- Lot 44, 0.800 AC
- Lot 45, 0.800 AC
- Lot 46, 0.800 AC
- Lot 47, 0.800 AC
- Lot 48, 0.800 AC
- Lot 49, 0.800 AC
- Lot 50, 0.800 AC
- Lot 51, 0.800 AC
- Lot 52, 0.800 AC
- Lot 53, 0.800 AC
- Lot 54, 0.800 AC
- Lot 55, 0.800 AC
- Lot 56, 0.800 AC
- Lot 57, 0.800 AC
- Lot 58, 0.800 AC
- Lot 59, 0.800 AC
- Lot 60, 0.800 AC
- Lot 61, 0.800 AC
- Lot 62, 0.800 AC
- Lot 63, 0.800 AC
- Lot 64, 0.800 AC
- Lot 65, 0.800 AC
- Lot 66, 0.800 AC
- Lot 67, 0.800 AC
- Lot 68, 0.800 AC
- Lot 69, 0.800 AC
- Lot 70, 0.800 AC
- Lot 71, 0.800 AC
- Lot 72, 0.800 AC
- Lot 73, 0.800 AC
- Lot 74, 0.800 AC
- Lot 75, 0.800 AC
- Lot 76, 0.800 AC
- Lot 77, 0.800 AC
- Lot 78, 0.800 AC
- Lot 79, 0.800 AC
- Lot 80, 0.800 AC
- Lot 81, 0.800 AC
- Lot 82, 0.800 AC
- Lot 83, 0.800 AC
- Lot 84, 0.800 AC
- Lot 85, 0.800 AC
- Lot 86, 0.800 AC
- Lot 87, 0.800 AC
- Lot 88, 0.800 AC
- Lot 89, 0.800 AC
- Lot 90, 0.800 AC
- Lot 91, 0.800 AC
- Lot 92, 0.800 AC
- Lot 93, 0.800 AC
- Lot 94, 0.800 AC
- Lot 95, 0.800 AC
- Lot 96, 0.800 AC
- Lot 97, 0.800 AC
- Lot 98, 0.800 AC
- Lot 99, 0.800 AC
- Lot 100, 0.800 AC



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AUG 24 2000

L of 2

P10

Pump
unit
on
river
bank

View
Looking
North



P14

Typical
Hose Bib
on 2" PE pipe
mainline



MICROFILMED
AUG 24 2000

65-13734



2 of 2

Plu

2" main-
line +
hoses
by
house +
trailer.

View
Looking
NW.



Plu

Domestic
well and
standpipe.

House in
background

View Looking
East.

RE-FILMED

SEP 24 2000

65-13734

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13734

Priority: July 15, 1997

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

3.5 AF

This is to certify, that BARRY E BOYDSTUN
NURALIMA BOYDSTUN

6061 N FOUNTAIN LN

BOISE ID 83714

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 15, 1997; and has submitted Proof of Beneficial Use on May 21, 1999. An examination indicates that the works have a diversion capacity of 0.150 cfs of water from:

PAYETTE RIVER, MIDDLE FORK

tributary to PAYETTE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 10/31	0.02 CFS	3.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 23, Township 10N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	04E	23	SENW	1		1

Total number of acres irrigated: 1

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

MICROFILMED

AUG 24 2000

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 65-13734

CONDITIONS OF APPROVAL AND REMARKS

4. Water shall not be diverted under this right when flows in the Payette River are below established minimum stream flows.
5. 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.
6. Point of diversion and place of use are located within Lot 2, Wooded River Subdivision.

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 28th day of

JUNE, 2000.


Acting for KARL J. DREHER, Director

RECEIVED

JUN 09 1999

FOR OFFICE USE ONLY

Amt. of Fee \$: 50 00

Receipt No. C045511

Receipt By: 5-21-99

Date Received: HW

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 65-13734 Telephone No. (208) 378-1412

2. Name(s) of Permit Holder(s): Barry E. and Nuralina Boydstun

3. Mailing Address: 6061 N. Fountain Ln. Boise ID 83714

4. Source of Water: Surface If **GROUNDWATER** (well), Date Drilled: mo. / yr.

a. Well Driller: _____ Drilling Permit Number: - - -

b. **OPTIONAL:**
 Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

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

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

Irrigation (No. of acres): 1 Other:

6. Total rate of diversion and/or volume for which proof is submitted: 0.02 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 ☒

Has the measuring device been installed? Yes or No

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

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

Name: Barry or Mari Boydston Telephone Number: 208-378-1412

Address: 6061 N Fountain Ln, Boise ID 83714

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: Nuralina Boydston MICROFILMED 10-7/99
(include your title, if on behalf of company or organization)

(include your title, if on behalf of company or organization)

MICROFILMED 6-7/90

AUG 09 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CHANGING THE)
LOCKABLE DEVICE CONDITION OF)
APPROVAL FOR PERMIT NO. 65-13734) **ORDER**
IN THE NAME OF BARRY E. AND NURALIMA)
BOYDSTUN)
_____)

WHEREAS, the Department of Water Resources (department) has issued the above captioned water right permit with a condition of approval requiring the permit holder to install a lockable device on the diverting works in a manner that will provide the watermaster suitable control of the diversion of water under this permit; and

WHEREAS, the department has determined that the lockable device is not presently needed to regulate the water in question; and

WHEREAS, the department has determined that the lockable device is not necessary for suitable control of the water; and

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

Dated this 15th of June, 1999.



L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED

AUG 04 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13734

Proposed Priority: July 15, 1997 Maximum Diversion Rate: 0.02 CFS

This is to certify, that **BARRY E BOYDSTUN**
NURALIMA BOYDSTUN
6061 N FOUNTAIN LN
BOISE ID 83714

has applied for a permit to appropriate water from:
PAYETTE RIVER, MIDDLE FORK 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	04/15 to 10/15	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION: SENW , Sec. 23, Township 10N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	04E	23	SENW	1.0		1.0

Total number of acres irrigated: 1.0

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 a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 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.

MICROFILMED

JUL 05 1998

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

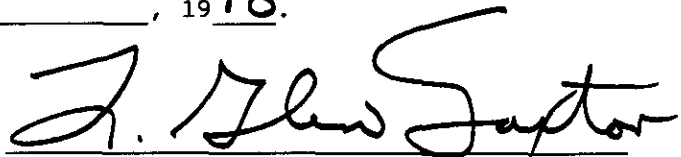
NO. 65-13734

CONDITIONS OF APPROVAL AND REMARKS

7. Water shall not be diverted under this right when flows in the Payette River are below established minimum stream flows.
8. 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.
9. Point of diversion and place of use are located within Lot 2, Wooded River Subdivision.

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

3rd day of June, 1998.



for Karl J. Dreher, Director

MICROFILMED

JUN 05 1998

Ident. No. 65-13734

RECEIVED

MAY 22 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Barry E & Nuralima Boydston Phone 208-378-1412
Mailing address 6061 N Fountain Lane Boise ID 83714
2. Source of water supply Middle Fork of Payette River which is a tributary of South Fork of Payette River
3. Location of point of diversion is Township 10 N Range 4 E Sec. 23, in the SE 1/4, NW 1/4, _____ 1/4, Govt. Lot _____, B.M., Boise County;
additional points of diversion if any: n/a
4. Water will be used for the following purposes:
Amount .02 cfs for Irrigation purposes from Mar 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) .02 cfs and/or (b) n/a
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 Electric pump 2 hp
b. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet; total reservoir capacity n/a acre-feet
c. Proposed well diameter is n/a inches; proposed depth of well is n/a feet
d. Is ground water with a temperature of greater than 85°F being sought? No
e. If well is already drilled, when? n/a; Drilling firm n/a
Well was drilled for (well owner) n/a; Drilling Permit No. n/a
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (If irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW. n/a
b. Stockwatering; list number and kind of livestock. n/a
c. Municipal; show name of municipality. n/a
d. Domestic; show number of households. n/a
e. Other; describe fully. n/a

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JUN 05 1998

* corrected to IDWR standards - 12/20/1997

Received by	7-15	Time	4:00P	Preliminary check by	7/7 08/12/1977
Fee \$	50.00	Received by	7-15	#	002804
Publication prepared by	AT	Date	7-15	Published in	AT, 1977
Publication approved by	AT	Date	7-15	Date	7-15-97

MICROFILMED
JUN 5 1983

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 7.5 minute topographic quadrangle map is preferred.)

12. Remarks: Applicant agrees to mitigate consequences in the future as needed.

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

11. a. Who owns the property at the point of diversion? Barry E. Nuralima Boydston
b. Who owns the land to be irrigated or place of use? Barry E. Nuralima Boydston

10. Describe any other water rights used for the same purposes as described above.

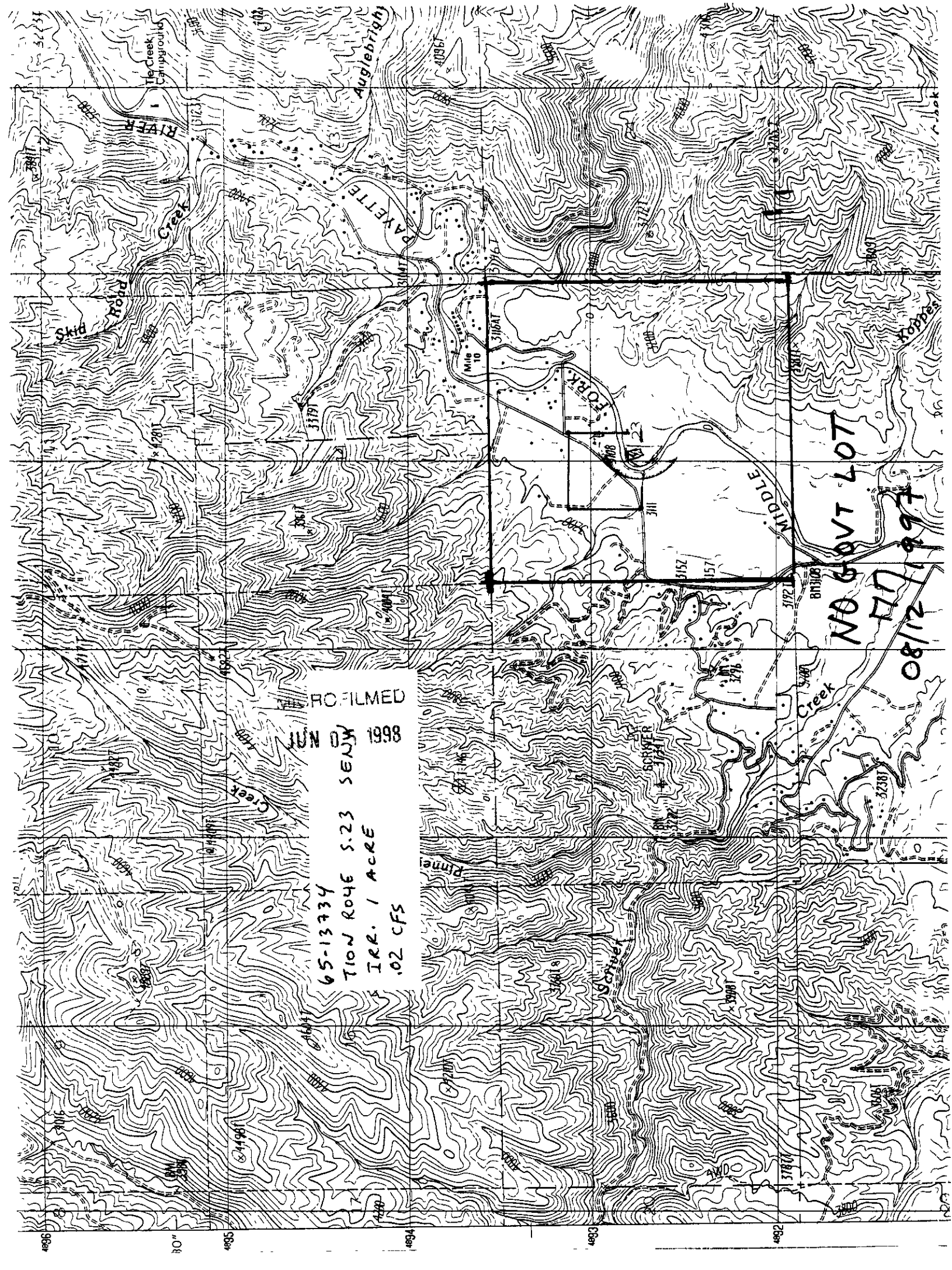
Total number of acres to be irrigated

[illegible]

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.



The Creek
Campground

Paxette

Fork

Middle

Schuer

Pine

Creek

PRO FILMED
JUN 04 1998

65-13734
TION RO46 S.23 SE4W
IRR. 1 ACRE
.02 CFS

NO 6 OUT LOT

171
08/12/99

RYLE CREEK QUADRANGLE
IDAHO
7.5 Minute Series (Topographic)

T 10N
R 4E
S 23

MICROFILMED
JUN 05 1998

TION
R 4 E
S 23

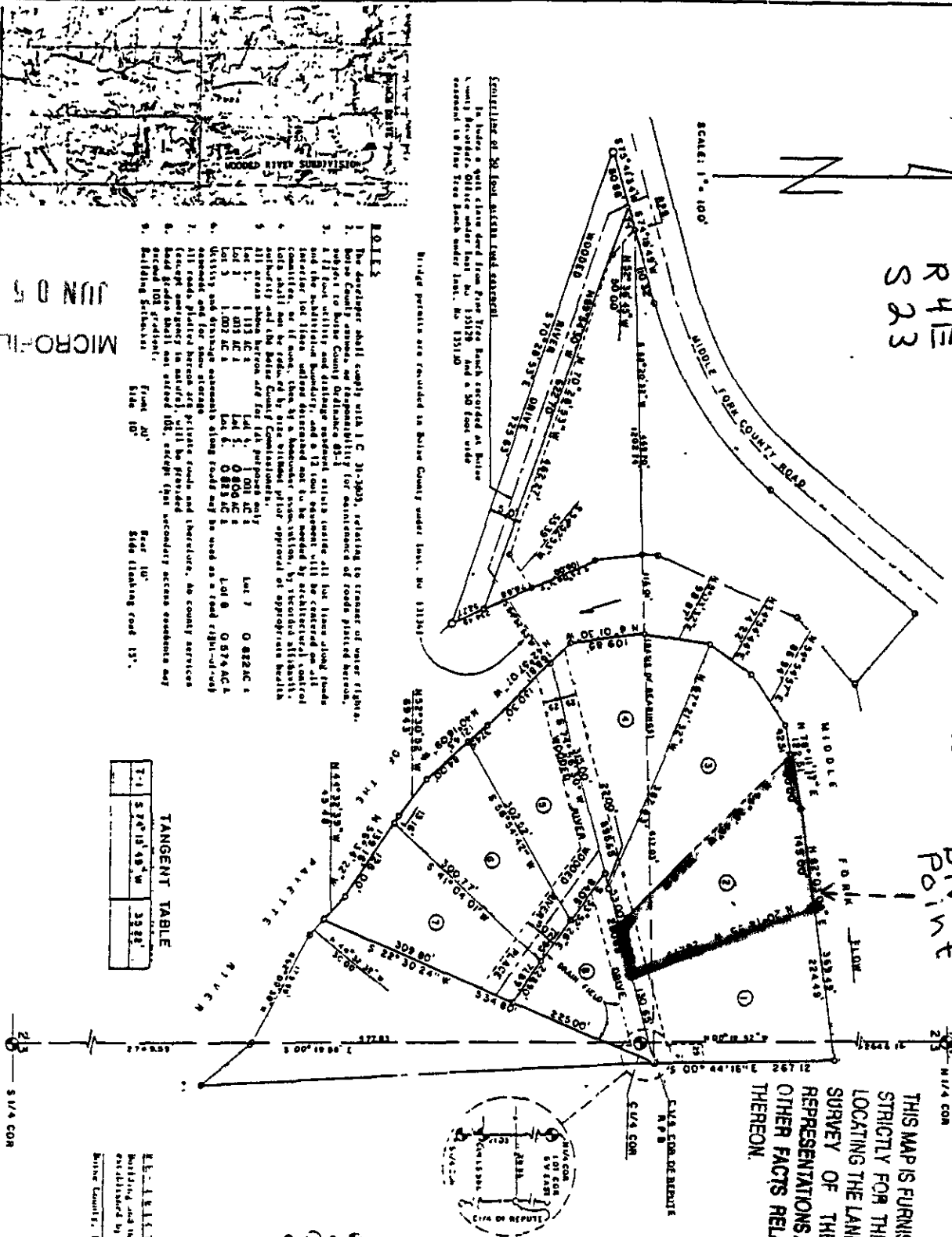
WOODED RIVER SUBDIVISION

SITUATE IN SECTION 23, TION, R. 4 E, B.M. BOISE COUNTY, IDAHO

1990

DIVERSION
POINT

THIS MAP IS FURNISHED AS AN ACCOMMODATION, STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. IT DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREON.



LEGEND

- BRASS CAP
- 1/2" PIN & PLASTIC CAP
- LOT CORNER
- 5/8" PIN & PLASTIC CAP

TANGENT TABLE

T-1	5 74° 13' 49" W	33.88'
-----	-----------------	--------

RELATIVE COORDINATES

Building and Occupancy would suit as to the size, area, and other facts related to the land shown thereon. It does not represent a survey of the land or imply any representations as to the size, area or any other facts related to the land shown thereon.

NOTES

1. The developer shall comply with I.C. 31-2803, relating to transfer of water rights.
2. Boise County assumes no responsibility for maintenance of roads platted herein.
3. A 12 foot utility and drainage easement exists inside all lot lines along roads and the subdivision boundary, and a 12 foot easement will be centered on all interior lot lines, unless determined not to be needed by architectural control committee, or if none, then by a homebuyer association, by recorded plat.
4. Lots shall not be subdivided by size without prior approval of appropriate health department.
5. All utility easements shall be for 12 foot easements.
6. Lot 1: 1.13 AC ± Lot 2: 1.013 AC ± Lot 3: 1.007 AC ± Lot 4: 0.883 AC ± Lot 5: 0.806 AC ± Lot 6: 0.874 AC ± Lot 7: 0.822 AC ± Lot 8: 0.574 AC ±
7. All roads platted herein are private roads and therefore, no county services (except emergency in nature) will be provided.
8. Road grades shall not exceed 10%, except that secondary access easements may exceed 10% gradient.
9. Building Setbacks: Front 20' Side 10' Rear 10' Side flanking road 15'.

VICINITY MAP
SCALE 1" = 62500'

JUN 0 5 1998
MICROFILMED



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 29, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BARRY E BOYDSTUN
NURALIMA BOYDSTUN
6061 N FOUNTAIN LN
BOISE ID 83714

RE: WATER RIGHT NO. 65-13734

Dear Water Right Holder(s):

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

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

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

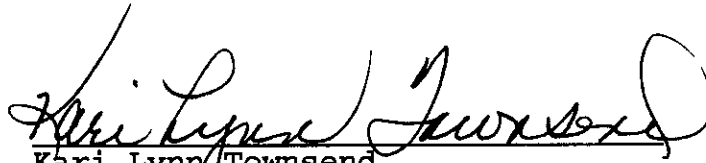
AUG 24 2000

CERTIFICATE OF MAILING

I hereby certify that on the **29th** day of **June, 2000**, 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. 65-13734

BARRY E BOYDSTUN
NURALIMA BOYDSTUN
6061 N FOUNTAIN LN
BOISE ID 83714


Kari Lynn Townsend
Secretary

MICROFILMED
AUG 24 2000

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document 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 of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 fourteen (14) 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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FINAL ORDER

The Director 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 Director 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.

SD-0420-2
ADD COMMENT

Ida Department of Water Resources
Modify Comment

Date: 06/28/00
Time: 11:03:05

Water Right Number: L65-13734

Comment Date: 6/28/2000 User ID: SKEEN

Subject: Licensing Review

Licensing review and data entry by S. Keen on 6/28/2000. Season
of use changed to new standard.

(Enter=Add) (Gold4=Prev) (Gold5=Next) (Gold7=Return to Comment Selection)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 26 1999

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-13734

1. Owner: Barry E. E. Nurulina Bogdstun Phone No. (208) 378-1412
Current Address: 6061 N. Fountain Lane, Boise, ID 83714 (Home)

2. Accompanied by: Called Barry and he said to EXAM DATE: 8-12-99

Address: do exam without him. (Phone No. Work 396-6486
Cell. 850-5940

Relationship to Permit Holder: Same @ House on Permit: 462-

3. Source: Payette River, Middle Fork tributary to Payette River 4059

B. OVERLAP REVIEW

1. Other water rights with the same place of use: Domestic Well on Lot 2.

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	NW	23	10N	4E	Boise	Site Visit, map

2. Place(s) of Use:

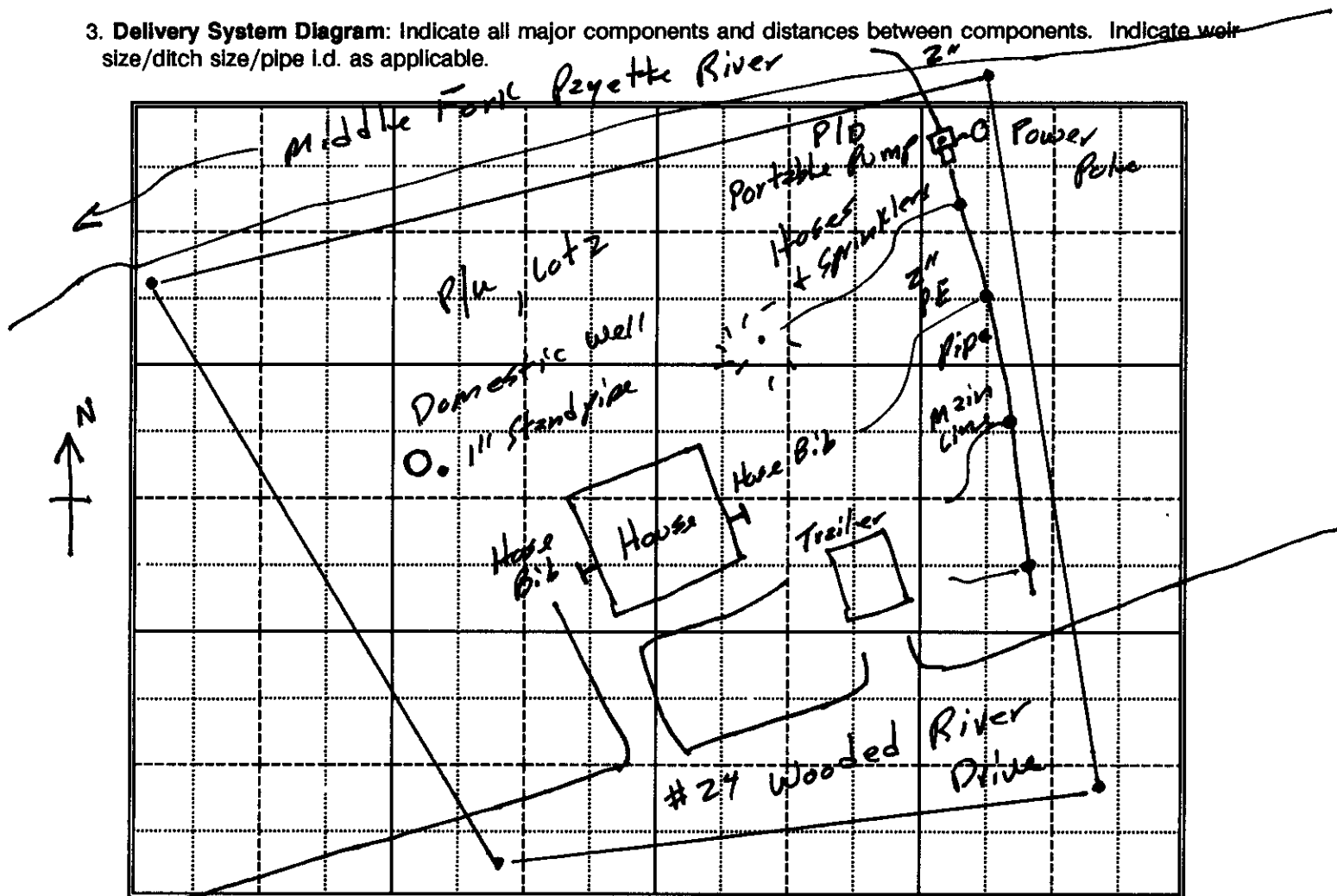
Indicate Method of Determination Site Visit Map

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	23								1.0									1.0 Ac.

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3116 24 2000

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



Scale: 1" = None

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

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
<u>River Pump</u>	<u>GE Motors</u>	<u>2</u>	<u>RLJ120046</u>	<u>Myers</u>	<u>9860576</u>
			<u>Mod 5KCR</u>		<u>CAT. # GP20</u>
			<u>39UN27050X</u>		

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: None - Pump off - owner not there

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E. NARRATIVE/REMARKS/COMMENTS

1. This permit is for 1.0 Ac. of irrigation on Lot 2, Wooded River Subdivision, from the Middle Fork of the Payette River. The lot has 1.015 Ac. Total, with a portion not irrigated - house, trailer, 2 lanes, and part of Wooded River Drive.
2. A 2 Hr portable pump unit is set on the river bank and supplies water to a 2" PE pipe mainline - on top the ground. The mainline has 4 hose bibb turnouts, and the lot is irrigated with hoses & sprinklers.
3. A domestic well; 65-98-W-0297-000 D0007513, supplies water to the house. A 1" standpipe at the well and 2 hose bibbs at the house are also used for irrigation.
4. The pump is removed each fall.
- ~~5. No lockable device, Cond. 4, but the pump supply could be disconnected or the pump removed to meet this requirement.~~
6. Lockable device was waived on 6/15/99.

Have conditions of permit approval been met? ☒ yes ~~no~~ ~~No lockable device.~~

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F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: None - owner had to work. Theoretical Cal.

$$Q = \frac{(8.8)(214\text{ ft})(702)}{4' + (35\text{ psi})\left(\frac{34'}{14.7\text{ psi}}\right)} = 0.15\text{ cfs} > \underline{0.02\text{ cfs}}$$

ok on 0.02 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (1.0)\left(\underline{3.5 \frac{\text{AFA}}{\text{Ac}}}\right) = \underline{3.5 \text{ AFA}}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days In Irrigation Season}) \times 1.9835 = (0.02)(231)(1.9835) = 9.16$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = \underline{3.5 \text{ AFA}}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Irrigation</u>	<u>3/15</u>	<u>10/31</u>	<u>0.02</u>	<u>3.5</u>
Totals:			<u>0.02</u>	<u>3.5</u>

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None 1) New irrigation season.
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Don Terrell Date 11-17-99

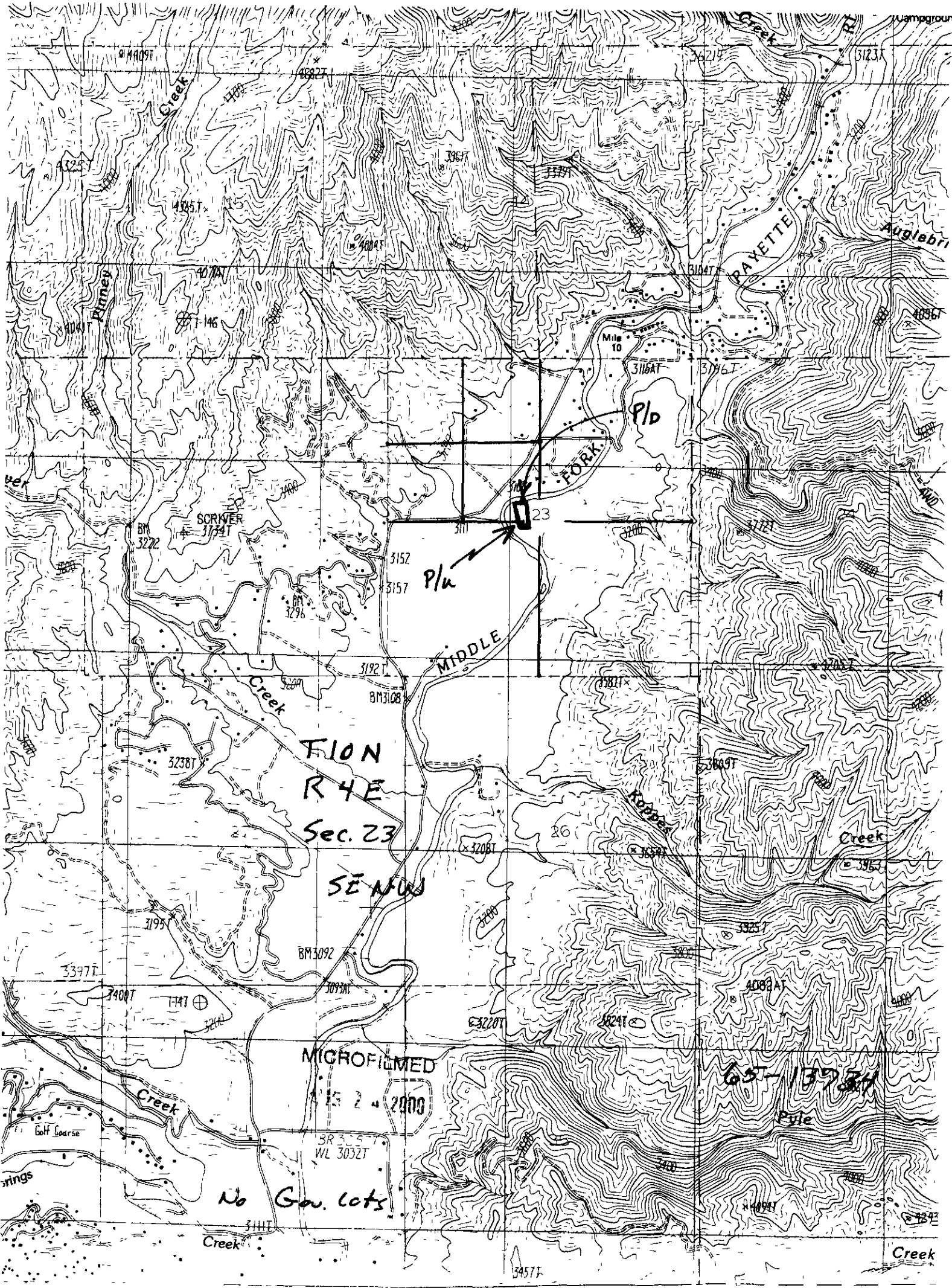
Reviewer _____ Date _____

SEAL 5 Ac.?

2) why not 0.03 cfs/Ac for less than

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AUG 24 2000



WOODED RIVER SUBDIVISION
SITUATE IN SECTION 23, T10N, R4E, 8M, BOISE COUNTY, IDAHO

T10N
R4E
S23

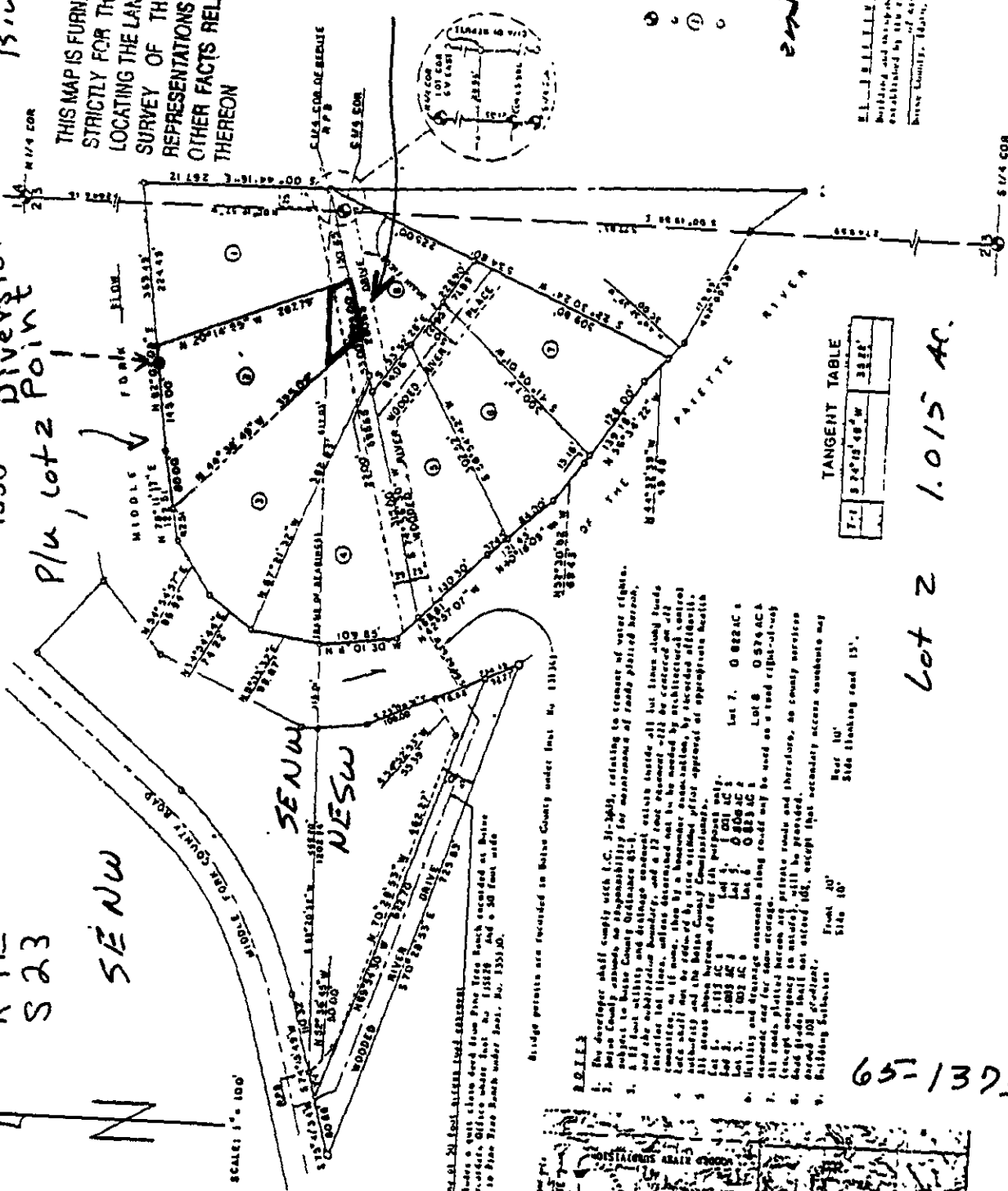
1990
P10, Pump at
Diverison
Point

P10, Pump at
River

THIS MAP IS FURNISHED AS AN ACCOMMODATION
STRICTLY FOR THE PURPOSES OF GENERALLY
LOCATING THE LAND. IT DOES NOT REPRESENT A
SURVEY OF THE LAND OR IMPLY ANY
REPRESENTATIONS AS TO THE SIZE, AREA OR ANY
OTHER FACTS RELATED TO THE LAND SHOWN
THEREON

A very small
portion of
lot 2 would
be in NESEW.
This portion is
LEGEND
BRASS CAP DRIVE and
1/2" PIN & PLASTIC CAP
LOT CORNER
5/8" PIN & PLASTIC CAP
drive, and
is not irrigated.

BRASS CAP DRIVE and
1/2" PIN & PLASTIC CAP
LOT CORNER
5/8" PIN & PLASTIC CAP
drive, and
is not irrigated.



TANGENT TABLE

1.015 AC	1.015 AC
1.015 AC	1.015 AC

Lot 2 1.015 AC.

- NOTES
- The developer shall comply with I.C. 31-3403, relating to transfer of water rights.
 - Boise County cannot assume responsibility for maintenance of roads platted herein.
 - A 1/2 foot utility and drainage easement shall be reserved for all lots shown along the road.
 - Plotted lot lines, unless determined otherwise, shall be centered on all roads shown.
 - Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

65-13734

MICROFILMED
2000

VICINITY MAP
SCALE 1:25000

L of 2

P10

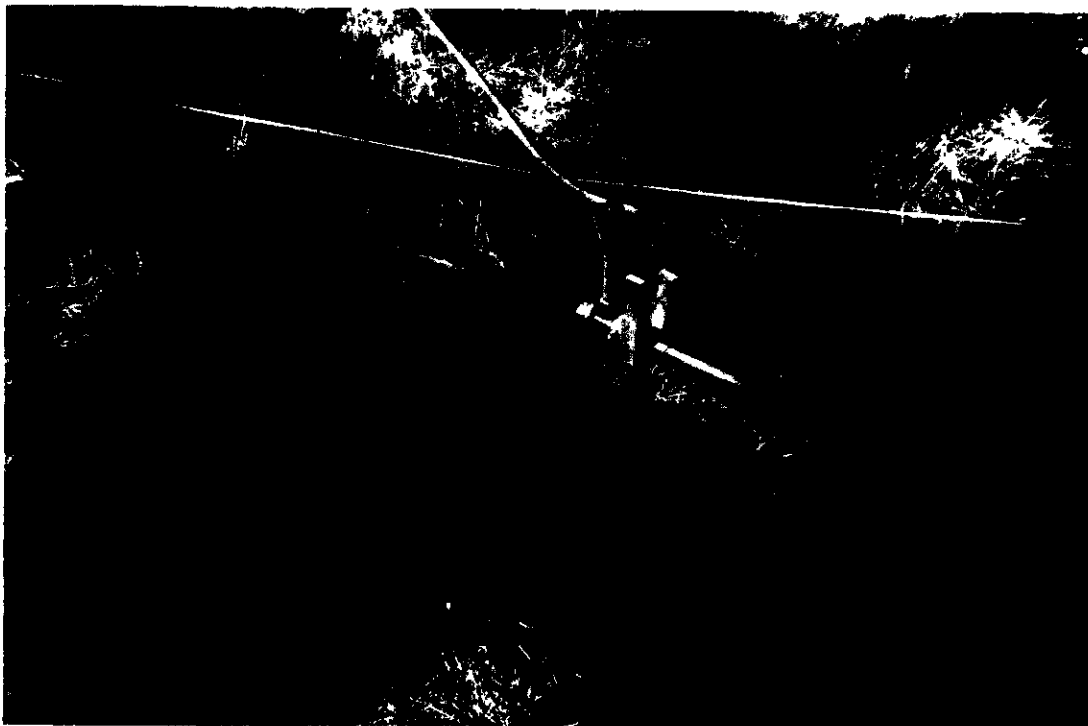
Pump
unit
on
river
bank

View
Looking
North



P14

Typical
Hose Bib
on 2"
PE pipe
mainline



DATE OF PHOTOGRAPH

1970

65-13734



2 of 2

Plu

2" main-
line +
hoses
by
house +
trailer.

View
Looking
NW.



Plu

Domestic
well and
standpipe.

House in
background

View Looking
East.

ML

65-13734

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 65-13734 Reviewed by Jr. Date 7-22-99

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

Jr.

yes Address same as permit?

yes ~~no~~ Proof timely received?

Correct Uses? yes

If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source

 Ground water source

 Drilling permit required?

 Copy in the file? Drilling Permit No.

 Amount paid for permit Correct?

 Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?

no Required? -waived

50 - Amount Submitted

 Installed?

yes Correct?

 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>	<u> </u>
Date proof due	<u> </u>	<u> </u>
No. of days late	<u> </u>	<u> </u>
Priority Date	<u> </u>	<u> </u>
New Priority Date	<u> </u>	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X Proof Made 5-21-99



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 22, 1999

Barry and Nuralina Boydston
6061 N Fountain Ln
Boise ID 83714

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13734

Dear Permit Holder:

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

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

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

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

c. IDWR - Regional Office

RECEIVED

JUL 24 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 15, 1999

Barry & Nuralima Boydston
6061 N Fountain Ln
Boise ID 83714

RE: Water Right Permit No. 65-13734

Dear Permit Holders:

I have enclosed an Order which waives the lockable measuring device condition from the permit referenced above. Please note that the department retains the right to reinstate the condition in the future upon a finding of need.

If you have any questions concerning the enclosed Order, please contact me at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILM

AUG 3 9 1999

Dept. of Water Resources
P O. Box 83720
Boise, ID 83720
Attn: Julie Yarbrough
June 07, 1999

Dear Ms. Yarbrough,

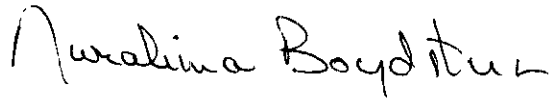
I would like to request a waiver of the requirement for a locking device to meet the requirements for our right to remove water from the Middle Fork of the Payette River.

1. It would be difficult for us to install one. Our pump has no mechanism for locking it and our wiring isn't set up to make it easy to lock, and we need to use the same plug-in for other things.
2. We divert very little water from the river. Also, if we were asked to not use river water it would be easy for us not to. We were fortunate enough to get a well with sufficient water to irrigate our one acre lot with if we need to.

I was told that a measuring device is not required because we divert so little water.

Thank you for your attention to this matter.

Sincerely,



Nuralima Boydston

JUN 10 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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 3, 1999

Barry Boydston
Nuralima Boydston
6061 N Fountain Ln
Boise ID 83714

RE: Water Right No. 65-13734

Dear Permit Holder:

I am in receipt of the Request for Extension of Time and \$50.00 filing fee you submitted in connection with the above referenced water right permit. Since you have completed development of the water right, it is not necessary to file for an extension, therefore, I am returning the extension request. I have enclosed a partially completed Proof of beneficial Use statement. Please complete the high-lighted areas on the form, and return it to my attention within **thirty (30) days** of receipt of this letter. The proof requires a \$50.00 license examination fee to be submitted. I will apply the \$50.00 filing fee you submitted with the extension request to the exam fee for the proof statement.

If you have any questions regarding this matter, please contact me at (208)327-7953 and I will be happy to assist you.

Sincerely,

JULIE L. YARBROUGH
Administrative Assistant, Water Allocation Bureau

Enclosures

c. IDWR - Regional Office

March 31, 1999

BARRY E BOYDSTUN
NURALIMA BOYDSTUN
6061 N FOUNTAIN LN
BOISE ID 83714

PROOF DUE NOTICE

RE: PERMIT NO. 65-13734

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.

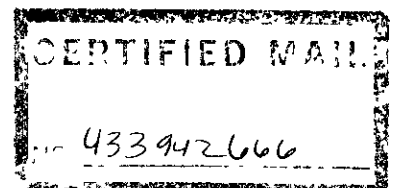
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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





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

BARRY E BOYDSTUN
NURALIMA BOYDSTUN
6061 N FOUNTAIN LN
BOISE ID 83714

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13734

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 lockable device that will provide the watermaster control on your 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.

MICROFILMED

JUN 11 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 cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MIFFO FILMED

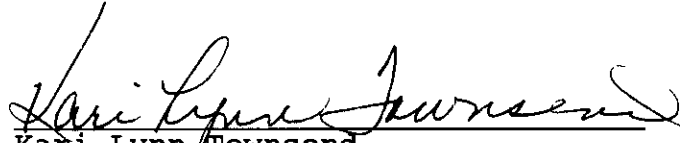
JUN 3 7 1998

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of **June, 1998**, I mailed
a true and correct copy, postage prepaid, of the foregoing
PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 65-13734

**BARRY E BOYDSTUN
NURALIMA BOYDSTUN
6061 N FOUNTAIN LN
BOISE ID 83714**


Kari Lynn Townsend
Secretary

MICROFILMED

JUN 05 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.

MICROFILMED

JUN 05 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lou*
 No.: 65-13734 Name: Boydston Date: 6/1/98 Ad OK? ☒ ☒ Gvmt Lts: ☒

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

 PROTESTED: ☐ - 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

 > 1 year ☐ - 26A-P17

 ≤ 1 year/no proof ☒ - P16

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0 24 cfs/5 acres

≤ 0 24 cfs/5 acres

WMD Supplemental use

> 0 24 cfs/5 acres

≤ 0 24 cfs/5 acres

DRILLING PERMIT:

All wells (✓ WDQ3)

In Basin 34?

Irr within WD

- 046-P23

- 085

- P05 (new well location)

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

IN/ABOVE MIN STR FLOW (✓ MAP)

WD (✓ MAP & LISTING)

> 0 10 cfs

≤ 0 10 cfs

WMD (✓ MAP)

> 0 24 cfs/5 acres

≤ 0 24 cfs/5 acres

- *WB9 Payette R.- R04 (WD # 608)

- 01J-P08 (MD & LD)

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

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

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0 24 cfs/5 acres

≤ 0 24 cfs/5 acres

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

- No MD

RIVER BASINS: (*Surface water)

Snake R (01)

(02/03-irr)

Payette R(65)

Salmon R (70's)

- *W22 -P04, NA

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

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

- 029 (fish screens), NA

USE:

Domestic surface

>1 in rest area

Fire Protection

Fish Propagation

Heating/Cooling

Irr ≤ 5 acres

> 5 acres

Mining

Municipal

Power

Stockwater

Storage (✓ 3 compo)

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

- 071-070

- 077

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

- R07 (injection well)

- R66/R67/R68/R69 (0 03 cfs/acre + 3 0/3 5/4 0/4 5 AF)

- R62/R63/R64/R65 (0 02 cfs/acre + 3 0/3 5/4 0/4 5 AF)

- 054(req)-081-P10

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

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons use),

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

- R37 (BLM/USFS), NA

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

LOCATION:

42-248 area

Boise Front LoGeo

In-stream dev

Mitigation

SWAN FALLS FLAG (See Code Chart)

Trust

Non-Trust (1)

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

- 058 (<85° GW temp only)

- P52 (stream channel alteration)

- 120

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

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU)

OWNERSHIP:

OTHER CONDITIONS

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

- 1 WB9 2 W22 3 SW59W60/U2

- 6/1/ 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED
MAY 22 1998
DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: DATE: 5/24/98 APPLICATION:

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Gov't. Lots:
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

☒ **ADVERTISE REMARK(S)**
(Reviewer identify which remarks)

☒ **T FLAG CHANGED TO P FLAG**

YES NO

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

PROCESSING

APP. NO. 7-12-15

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. # 82

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

See below for additional information

Recommended Date or Priority 7/15/97

Recommended by: Garys Date: 5/20/98

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

The Idaho World

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

RECEIVED

APR 14 1998

WATER RESOURCES
WESTERN REGION

State of Idaho >
>
County of Boise >

NOTICE OF APPLICATION FOR WATER RIGHT

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 April 1, 1998 and ending with the issue of April 8, 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.

Kiana E. Cunningham
Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 6/26/2001

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 T 08N 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

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

RECORDED
APR 15 1998

APPLICATION FOR PERMIT FOR WATER RIGHT

NO. 65-13734

RECOMMENDATION OF WATERMASTER

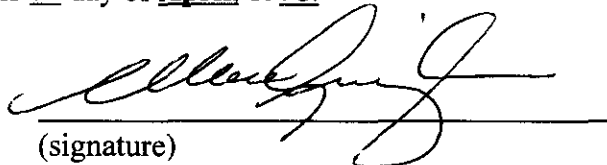
I, Mark Limbaugh, watermaster of the Payette River, of Water District No. 65, County of Boise, State of Idaho, whose address is 102 N. Main, Payette, Idaho 83661, have read the attached copy of the application for permit for a water right in the name of Barry and Nuralima Boydston.

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

OR

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

Dated at Payette, Idaho, this 7th day of April, 1998.


(signature)

MICROFILMED

JUN 10 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

March 27, 1998

MARK LIMBAUGH
WATER DISTRICT 65
102 N MAIN
PAYETTE ID 83661

Re: Applications for Permit Nos. 65-13775 in the Name of Gem County, 65-13734 in the Name of Barry &/or Nuralima Boydston and 65-13772 in the Name of Paul &/or Martha Oakes, Trust

Dear Sir:

Enclosed are copies of the above-referenced applications for permit within your district. Also, enclosed are forms for your recommendation concerning these applications for permit.

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

Sincerely,

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

Gary Spackman

GS:st

Encl

MICROFILMED

JUN 15 1998

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.

MICROFILMED

FIN JUL 1998

RECEIVED

FEB 09 1998

WATER RESOURCES
WESTERN REGION

RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

Name of Applicant

Garry E. + Auralina Boydston

Mailing Address

6061 N Fountain Ln.

Boise ID 83714

Application No.

LS-13734

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

Garry E. Boydston
Auralina Boydston

Date

Feb. 06, 1998

Please return this form to:

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

MICROFILMED

1998 FEB 10



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

MICRO-UMED

MAR 04 1998

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

WITHDRAWAL

TO WHOM IT MAY CONCERN:

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

Signed at _____
(location)

this _____ day of _____, 199__.

Signature of Applicant

Printed Name of Applicant

MICROFILMED

JUN 6 1998

RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

Name of Applicant _____

Mailing Address _____

Application No. _____

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

Signature _____

Date _____

Please return this form to:

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

MICRO FILM

11/11/88