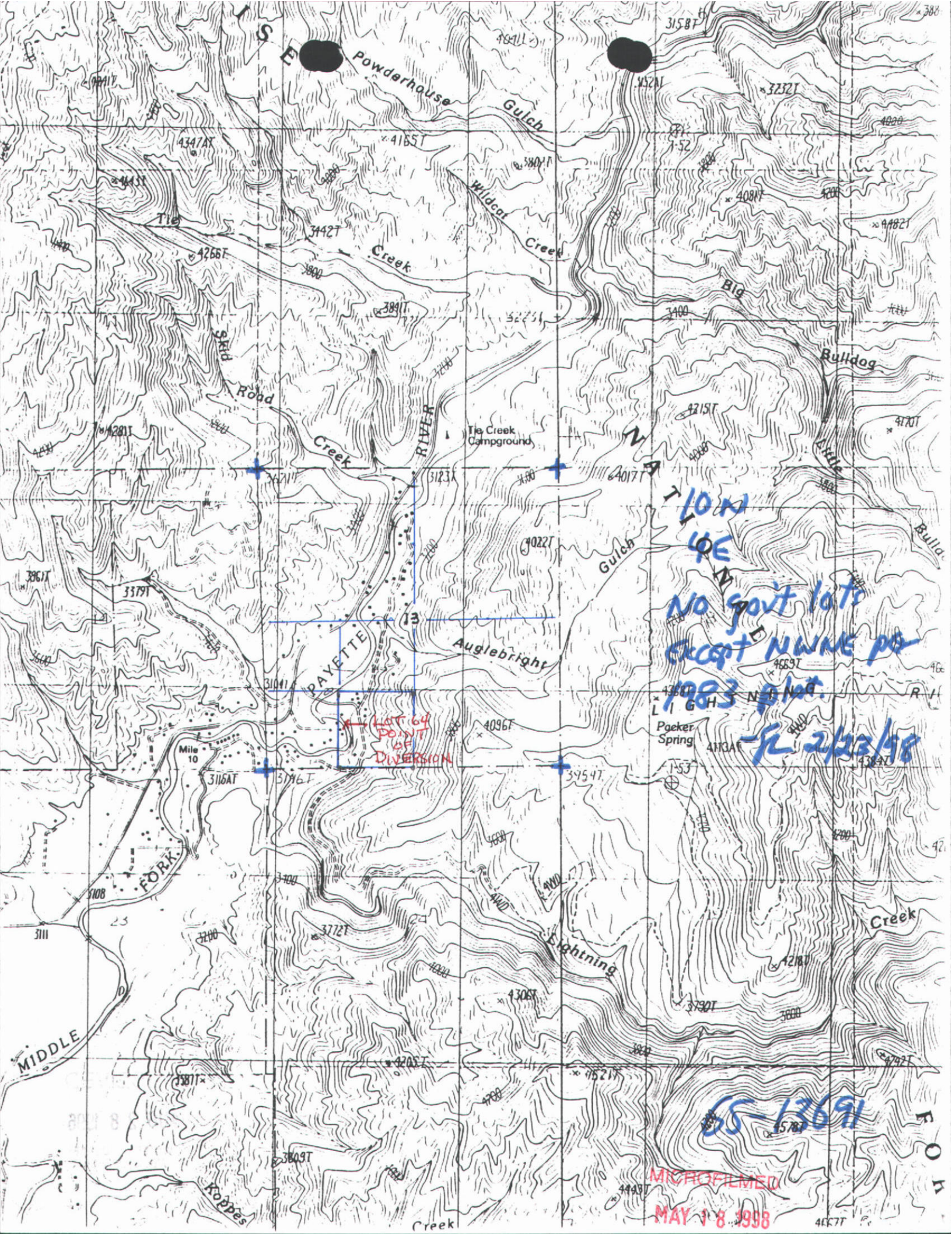




Powderhouse Gulch

Wildcat Creek

Tie Creek

Big

Bulldog

Tie Creek Campground

Gulch

Aulebright

Paeker Spring

Lightning

Creek

Skid Road

Creek

PAYETTE

MIDDLE FORK

Mile 10

MIDDLE

Koppes

MICROFILMED

MAY 18 1998

10N
4E
No govt lots
except NW 1/4 po
1983 plat.
FL 2/23/98

Lot 64
Point of
Diversion

65-13691

RECORDERS PLAT
LIGHTNING CREEK SUBDIVISION #1

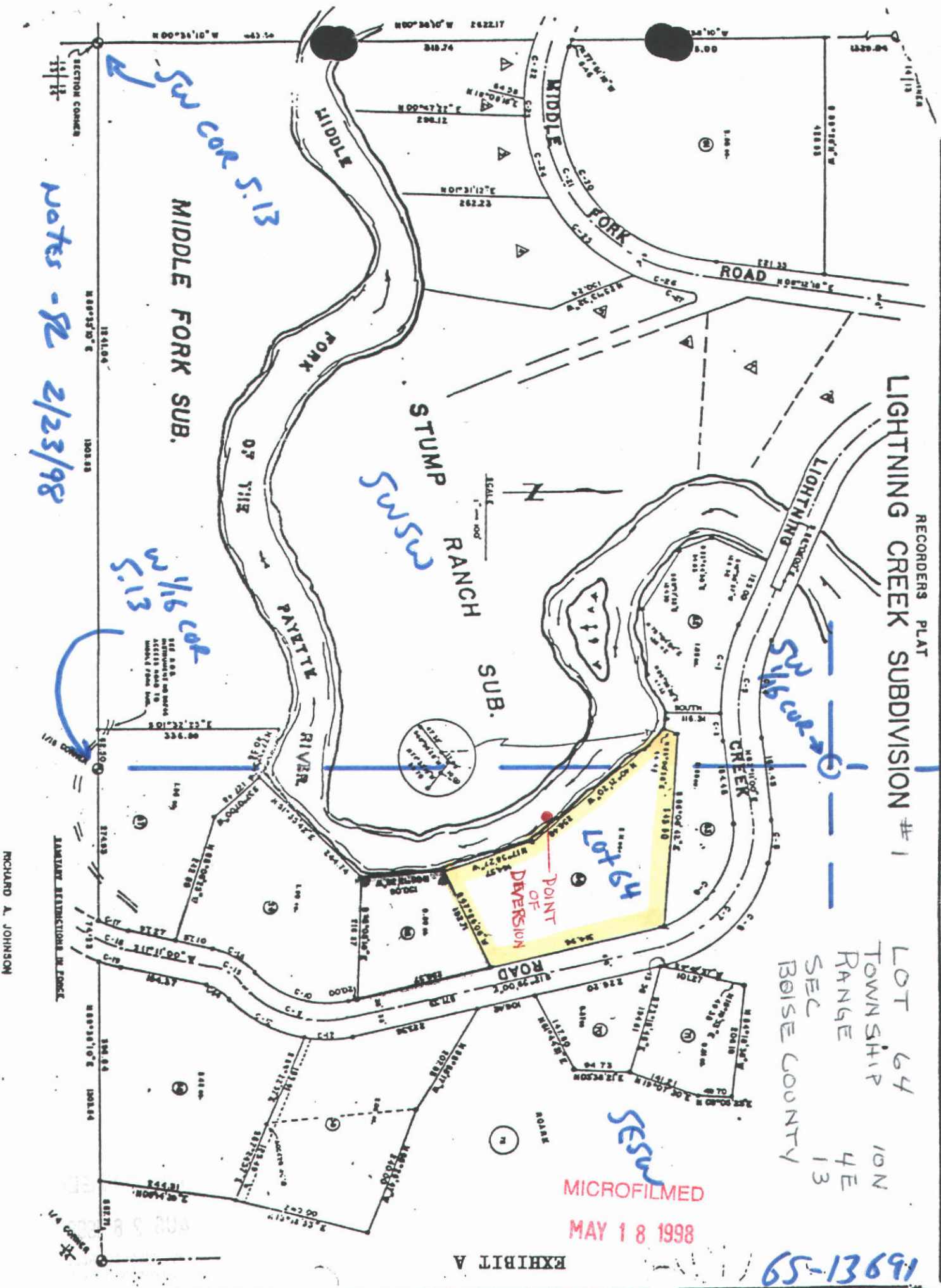
LOT 64
TOWNSHIP 10N
RANGE 4E
SEC 13
BOISE COUNTY

1993-55

MICROFILMED

MAY 18 1998

EXHIBIT A



MIDDLE FORK SUB.

STUMP RANCH SUB.

Notes - R 2/23/98

RICHARD A. JOHNSON

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES RECEIVED

APR 30 2002

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. 65-13691 Telephone No. 208-939-2525

2. Name(s) of Permit Holder(s): ROBERT & TERRI WRIGHT

3. Mailing Address: 651 LOS LUCEROS, EAGLE ID 83616

4. Source of Water: PAYETTE RIVER/MIDDLE FOR GROUNDWATER (well), Date Drilled: mo. NA / yr. NA

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

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

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

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

Irrigation (No. of acres): 2 Other: NA

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

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?	Yes <u>NA</u>	or	No <u>✓</u>
Has the measuring device been installed?	Yes <u>NA</u>	or	No <u>✓</u>
Flow Measurement Port: Is a flow measurement port required?	Yes <u>NA</u>	or	No <u>✓</u>
Has the measurement port been installed?	Yes <u>NA</u>	or	No <u>✓</u>

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

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

Name: BOB WRIGHT Telephone Number: 208-939-2525

Address: 651 LOS LUCEROS, EAGLE ID 83616

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

Signature of permit holder: [Signature] Date: 4/17/02
(include your title, if on behalf of company or organization)

RECEIVED
JUL - 8 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

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

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

Permit No. 65-13691

Name(s) of Permit Holder: ROBERT & TERRI WRIGHT

Mailing Address: 651 LOS LUCEROS EAGLE ID 83614

Date Proof is Due: 60 day FROM MAY 13, 1999 Telephone No. 208-939-2525

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Depend (Water) + electrical to the river

Costing \$ ~~27,000~~ ^{\$ 27,000}

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

Cost of the pumps, electrical connections & other miscellaneous work

Permit holder(s) request an extension to May 13, 1904

FEE: \$50.00

(Signature)* Robert A. Knight

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

M.C. REFILED

ACTION OF THE DEPARTMENT OF WATER RESOURCES

AUG 09 1999

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to **May 1, 2002.**

IT IS FURTHER ORDERED that the permit is REINSTATED with no advance in priority.

Signed this 21st day of July, 19 99

L. Allen Saxton
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 65-13691

Proposed Priority: August 28, 1996 **Maximum Diversion Rate:** 0.04 CFS

This is to certify, that **ROBERT WRIGHT**
TERRI WRIGHT
651 LOS LUCEROS
EAGLE ID 83616

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	0.04 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: SESW , Sec. 13, 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	13	SWSW 0.1	SESW 1.9		2.0

Total number of acres irrigated: 2.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 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.
7. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.

MICROFILMED
MAY 18 1998

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

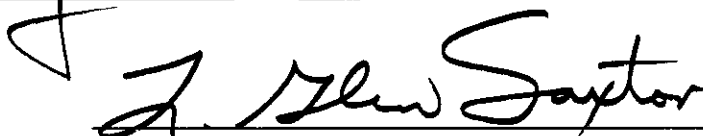
NO. 65-13691

CONDITIONS OF APPROVAL AND REMARKS

8. Water shall not be diverted under this right when flows in the Payette River are below established minimum stream flows.
9. 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.
10. Point of diversion and place of use are located within Lot 64, Lightning Creek Subdivision No. 1.

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

13 th day of May, 1998.


for Karl J. Dreher, Director

MICROFILMED

MAY 18 1998

RECEIVED

AUG 28 1996

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

MAY 05 1998

Department of Water Resources

1. Name of Applicant Robert &/or Terri Wright Phone 939-2525
Mailing address 651 Los Luceros Eagle, Idaho 83616
2. Source of water supply Payette River/Middle Fork which is a tributary of Payette River
3. Location of point of diversion is Township 10N Range 4E Sec. 13 in the NW 1/4 1/4, SW 1/4, — 1/4, Govt. Lot —, B.M. (Lot 64 Lightning Creek Sub) - Boise County, Idaho
additional points of diversion if any: See comments
4. Water will be used for the following purposes:
- | |
|---|
| Amount <u>.040 cfs</u> for <u>Irrigation</u> purposes from <u>4/15</u> to <u>10/15</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>—</u> for <u>—</u> purposes from <u>—</u> to <u>—</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>—</u> for <u>—</u> purposes from <u>—</u> to <u>—</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>—</u> for <u>—</u> purposes from <u>—</u> to <u>—</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>—</u> for <u>—</u> purposes from <u>—</u> to <u>—</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>—</u> for <u>—</u> purposes from <u>—</u> to <u>—</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
5. Total quantity to be appropriated is (a) .040 cfs and/or (b) 1.6 AF
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 2-2HP Centrifugal Pumps
220 Volt Single Phase. Delivery Piping 1 1/2" to 2".
- 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? N/A
- 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. —
- b. Stockwatering; list number and kind of livestock. —
- c. Municipal; show name of municipality. —
- d. Domestic; show number of households. —
- e. Other; describe fully. —

MICROFILMED

MAY 18 1998

* per topo & sub. plat. D'see warrants 2/27/96.

-SC

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	13						*					0.1	1.9					2.

Total number of acres to be irrigated 2

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

11. a. Who owns the property at the point of diversion? Robert & Terri Wright

b. Who owns the land to be irrigated or place of use? Robert & Terri Wright

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

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

Comments - property aka Lot 64, Lightning Creek Subd. #1. Need "immediate" mitigation & water district #65 issues plus "future" mitigation & fishing issues.

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.)

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

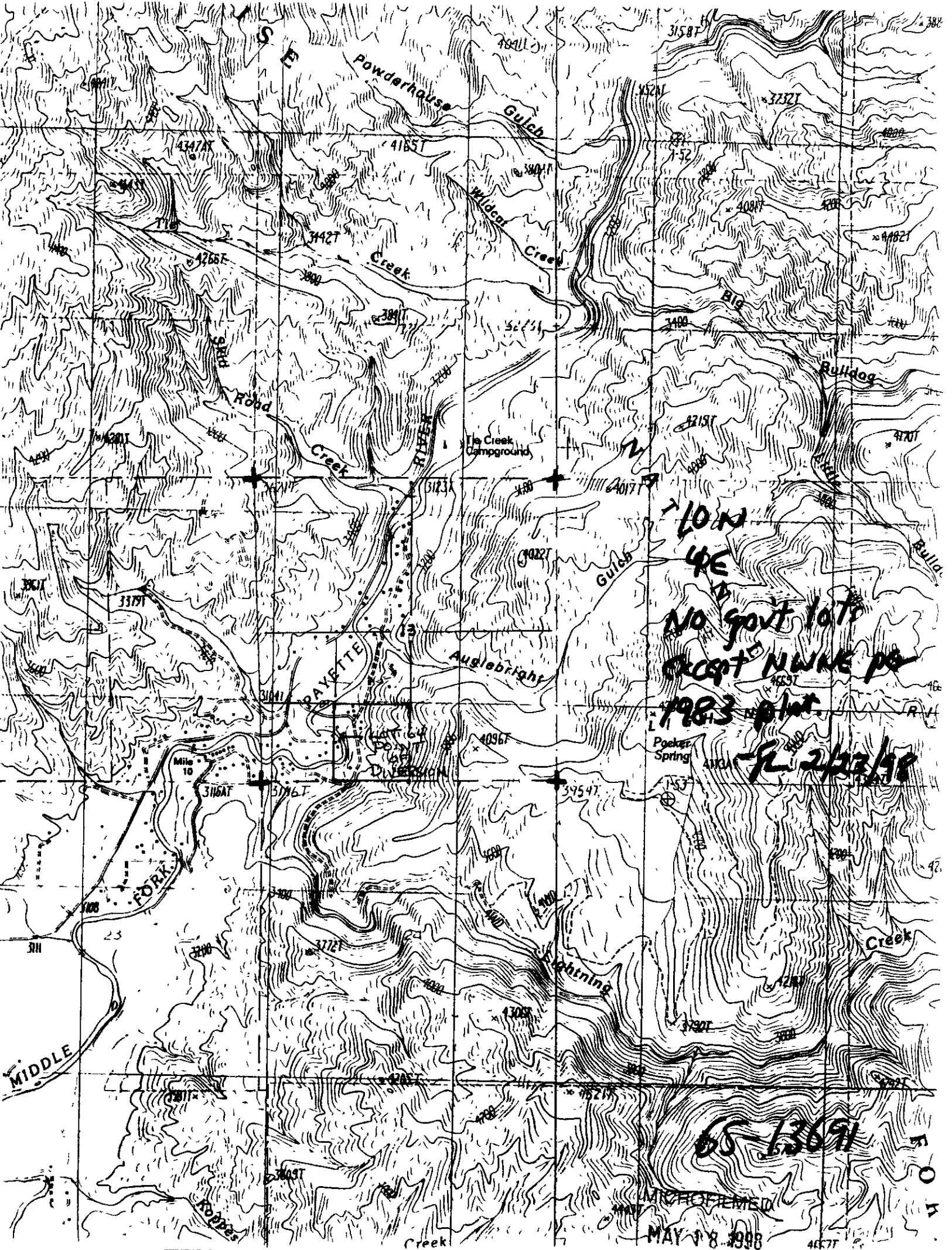
MICROFILMED

* D'base updated 2/23/98 per typ, subd. plat, applicant's 2/4/98 response form & dept. standards. -JR

MAY 18 1998

Robert A. Wright
Signature of Applicant (and title, if applicable)

Received by DRB Date 8-28-96 Time 11:00 AM Preliminary check by JR
Fee \$ 50- Received by DRB # W021414 Date 8-28-96
Publication prepared by DR Date 2-25-98 Published in Idaho World 3-4-11-9
Publication approved _____ Date _____



RECORDERS PLAT
LIGHTNING CREEK SUBDIVISION # 1

LOT 64
TOWNSHIP 10N
RANGE 4E
SEC 13
BOISE COUNTY

MICROFILMED
MAY 18 1998

EXHIBIT A

1993-59

MIDDLE FORK SUB.

STUMP
RANCH
SUB.

PAYETTE RIVER

POINT
OF
DIVERSION

Lot 64

1/6 cot
S.13

1/4 cor S.13

Notes - R 2/23/98



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 1, 2002

ROBERT WRIGHT
TERRI WRIGHT
651 LOS LUCEROS
EAGLE ID 83616

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13691

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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights 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, please contact the **Western** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED
JUL 10 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No. 65-13691

Reviewed By. dgibson

Date: May 1, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No		C061706	Well driller's report filed?		
Additional Amount Due.			Measuring device required?		X
Name and address same as permit?	X		Measuring device installed?		X
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	04/30/2002
Date proof due	- 05/01/2002
Lapse notice sent	-
No. of days late	= 0
Holiday allowance	+
Priority date	+ 08/28/1996
New priority date	= 08/28/1996

Deficiencies of Actions Items

Acknowledge proof.

February 28, 2002

TERRILYN H WRIGHT
ROBERT A WRIGHT
651 LOS LUCEROS
EAGLE, ID 83616

PROOF DUE NOTICE

RE: PERMIT NO. 65-13691

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 May 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

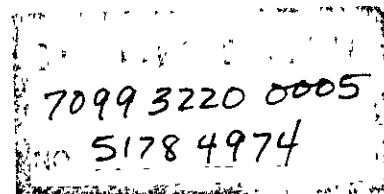
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

Sincerely,

Deborah J. Gibson, Admin. Assistant
Water Allocation Bureau

Enclosures

MICROFILMED
FEB 28 2002



ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 65-13691 Reviewed by Jy Date 8-21-99

BASIC INFORMATION

7-8-99 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
NO Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?

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

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

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

ACTION TAKEN *recommend extend to May 1, 2002, on basis of due diligence.*

Reinstate w/no advance in priority since permit holder may not have received proof due notice.

PRIORITY CALCULATION

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

DATA ENTRY

New Address X _____

Change Proof Due Date 5-1-2002 _____

Change Priority Date X _____



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

July 21, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Robert and Terri Wright
651 Los Luceros
Eagle ID 83616

RE: Permit No. 65-13691

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use to **May 1, 2002**. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of the development during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

Be advised that since the extension request was received after the proof due date, it was necessary to reinstate the permit. However, the department has reason to believe you did not receive the proof due notice as required in Section 42-204, Idaho Code. Therefore, the permit was reinstated with no advance in the priority date.

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

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

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED
AUG 09 1999

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

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



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

June 28, 1999

KARL J. DREHER
DIRECTOR

Robert and Terri Wright
651 Los Luceros
Eagle ID 83616

LAPSE NOTICE

RE: Permit No. 65-13691

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218a of the Idaho Code, the above referenced permit has **lapsed**. No further construction or additional development is authorized under this permit unless it is reinstated.

On February 28, 1999, the department sent you a Proof Due Notice, by certified mail, informing you of the need to submit a Proof of Beneficial Use Statement or an Extension of Time. However, the department has reason to believe that you may not have received the notice as required by Section 42-2040, Idaho Code.

The permit can be reinstated with **no advance in priority** if you submit an acceptable proof of beneficial use statement or extension of time to the department within **sixty (60) days** of the date of mailing of this lapse notice. If nothing is received by the department, the permit will be void and of no further force or effect.

If you have any questions concerning this matter, please contact me directly at (208)327-7953.

Sincerely,

JULIE L. YARBROUGH, Administrative Assistant
Water Allocation Bureau

MICROFILMED

JUN 29 1999

CERTIFICATION OF MAILING

I hereby certify that on 6/28/99
~~a copy~~/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

February 28, 1999

ROBERT WRIGHT
TERRI WRIGHT
651 LOS LUCEROS
EAGLE ID 83616

PROOF DUE NOTICE

RE: PERMIT NO. 65-13691

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 May 1, 1999.

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

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

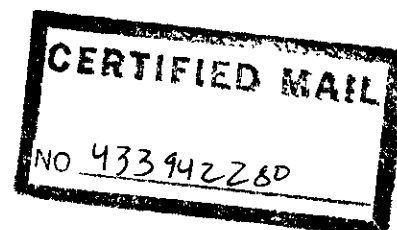
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
AUG 09 1999





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 13, 1998

ROBERT WRIGHT
TERRI WRIGHT
651 LOS LUCEROS
EAGLE ID 83616

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13691

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.

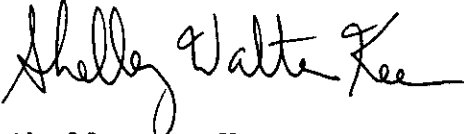
MICROFILMED

MAY 18 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". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

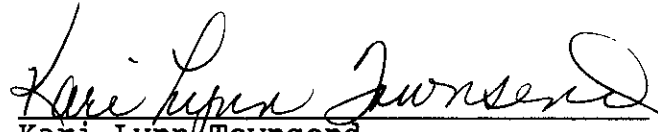
MICROFILMED
MAY 18 1998

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of May, 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. 65-13691

ROBERT WRIGHT
TERRI WRIGHT
651 LOS LUCEROS
EAGLE ID 83616


Kari Lynn Townsend
Secretary

MICROFILMED

MAY 18 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
MAY 18 1998

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by Cindy Lee

No.: 65 13691 Name: Wright Date: 5/11/98 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

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

≤ 0.24 cfs/5 acres

- No MD

WMD Supplemental use

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

> 0.24 cfs/5 acres

- 01M (report when notified)

≤ 0.24 cfs/5 acres

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046-P23

Included w/permit

- Permit No _____ - _____ - _____ - _____, P99

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 Payette R

WD (✓ MAP & LISTING)

- P04 (WD # 65)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 cfs

- 01H-P01 (LD) 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 (70's)

- 029 (fish screens), NA

USE:

Domestic surface

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

>1 in rest area

- 071-070

Fire Protection

- 077

Fish Propagation

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

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R66/R67/R68/R69 (0.03 cfs/acre + 3 0/3.5/4 0/4.5 AF)

> 5 acres

- R62/R63/R64/R65 (0 02 cfs/acre + 3 0/3.5/4.0/4 5 AF)

Mining

- 054(req) -081-P10

Municipal

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

Power

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

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

Stockwater

- R37 (BLM/USFS); NA

Storage (✓3 compo)

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

LOCATION:

42-248 area

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

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev

- P52 (stream channel alteration)

Mitigation

- 120

SWAN FALLS FLAG (See Code Chart)

Trust

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

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:**STANDARD REMARKS:**- WB59-60 / LT 64 Right of Way Sub #1 ① WB9 ② W22**BENEFICIAL USE DUE:**- 5/11 1999**COMMENTS:**

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

MAY 05 1998

DEPARTMENT OF WATER RESOURCES

INITIAL REVIEW BY: JE DATE: 2/24/98 APPLICATION: 65-13691

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:

N P/D
P/U

ADDITIONAL INFORMATION

yes ADVERTISE REMARK(S)
(Reviewer identify which remarks)

YES NO

N/A small systems

✓ T FLAG CHANGED TO P FLAG done 2/23/98

✓ 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 see comment letter section
✓ 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.

65-13891

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

NONregulated source in WO
#65 - no letter needed but
will need w/c cond. of approval

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

3-23-98

☐ ☒

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)

049, W22, 120

Bull trout issue - email sent to IDFG
2/24/98 so no add'l mailing needed

See below for additional information

Recommended Date or Priority

8/26/96

Recommended by: Gary S

Date: 4/28/98

STATE OFFICE REVIEW

See below for additional information. By

Date

ADDITIONAL INFORMATION:

2/9/98 Response from e future mitigation.

Will also need WO #65 "immediate mitigation" cond. of approval.

Note that similar Appl. 65-13890 is for separate system

in adjacent lot to different family members than applicant.

From: DWR06::"sgrunder@idwr.state.id.us" 10-MAR-1998 11:58:31.12
To: <slvester@idwr.state.id.us>
CC: <croberts@idfg.state.id.us> (CYNTHIA ROBERTSON)
Subj: Middle Fork Payette River Applications for Permit-Water Rights

I'm finally getting around to responding to your February 25 email regarding three pending water right applications on the Middle Fork Payette River. These are I assume minor applications of .02 or .04 cfs. Applications 65-13690 and 65-13691 both appear to be in the Middle Fork bull trout key watershed and so conditional approval of any water right is warranted in my opinion.

Application 65-13692 appears to be in the Scriver Creek drainage, which is not part of the key watershed. However, if they are removing water from the Middle Fork, that is a moot point. It is probably also advisable to have the water right conditionally approved.

Since the three applicants signed the response form that you faxed me for review, they assumed the responsibility for potential mitigation for fish flows. What concerns me is when do we know when we have reached a point where no further surface waters should be appropriated for consumptive use in order to protect fish and fish habitat? It always comes back to the need for licensing instream flows in key watersheds. Once we know what is designated for the fish, it becomes easier to sort these consumptive uses out.

It is the IDFG's opinion that these three applications can be issued conditionally. We will not protest these applications. However, we urge the IDWR to work with the IDFG in pursuing the appropriate instream flows for the Middle Fork Payette River drainage. Thank you for the opportunity to comment.

Scott A. Grunder
Natural Resources Biologist
IDFG-Southwest Region, Nampa

MICROFILMED

MAY 18 1998

IDFG Response c Bull Trout
issue

3/10/98
-82

The Idaho World

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

RECEIVED

MAR 20 1998

WATER RESOURCES
WESTERN REGION

State of Idaho >

County of Boise >

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for 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 Mar 4, 1998 and ending with the issue of May 11, 1998.

State of Idaho >

County of Boise >

On this 19 day of Mar 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.

Deanna Stevenson
Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 6/26/2001

NOTICE OF APPLICATION FOR WATER RIGHT

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

65-13690

WRIGHT, L L
WRIGHT, A J
288 AMANITA
EAGLE, ID 836165064

Source PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER

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

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

Date Filed: 8/28/1996

In BOISE County
T10N R04E S13 SESW

1.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed

WRIGHT, ROBERT
WRIGHT, TERRI
651 LOS LUCEROS
EAGLE, ID 83616

Source PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER

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

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

Date Filed: 8/28/1996

In BOISE County
T10N R04E S13 SWSW SESW

2.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed

MC DONALD, HELEN
MC DONALD, WAYNE
14 SCOTT MOUNTAIN RD
GARDEN VALLEY, ID 83622

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER

Diversion Pt: SWNE Sec 23 T 10N R 04E in BOISE County

Use: IRRIGATION (0.030 CFS)
Total Diversion: (0.030 CFS)

Date Filed: 8/6/1996

In BOISE County
T10N R04E S23 SWNE

1.6 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed

SWEIG, EARL T
PO BOX 752
GARDEN VALLEY, ID 836220752

Source: GROUNDWATER

Diversion Pt: SWNW Sec 35 T 10N R 04E in BOISE County

Use: IRRIGATION (0.060 CFS)
STOCKWATER (0.020 CFS)
DOMESTIC (0.020 CFS)
Total Diversion: (0.100 CFS)

Date Filed: 10/31/1996

In BOISE County
T10N R04E S35 SWNW

2.0 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 MARCH 23, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in The Idaho World March 4 and 11, 1998

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MAY 18 1998

From: DWR80::SLESTER 25-FEB-1998 08:35:18.70
To: DWR06::"sgrundel idfg.state.id.us"
CC: SLESTER
Subj: COMMENT LETTER @ APPLICATIONS FOR PERMIT

Dear Scott:

This email message seeks comments from IDFG regarding three water right applications that should appear in the weekly listing for the week of March 2, 1998. The filings will be advertised in the first two weeks of March with a protest deadline of March 23, 1998.

This office will retain the applications through at least early-mid April if IDFG does not want to protest but instead wants to provide guidance for conditions of approval regarding bull trout &/or other fishery issues. All three filings will divert water from Middle Fork Payette River (small pumps) for irrigation of 1-2 acres. The locations are marginally within the bull trout impact area according to the habitat map available at my office. The applicants will be required to lease rental pool water to offset impacts to senior rights in the Payette system whenever water supply is not sufficient to fill downstream senior rights (standard condition for new consumptive uses of surface water in Payette River basin).

The applications are:

65-13690, Lot 65 Lightning Creek Sub. #1

65-13691, Lot 64 " " " ; both on east side of river
near Lightning Creek

65-13692, Lots 2 & 4, Block 2 Garden Valley Estates #1 on west side
of river north of Scriver Creek.

All are north of Crouch near Middle Fork road.

All three applications include acceptance of a condition of approval that requires future mitigation for fishery resources based upon a finding by IDWR that mitigation is required (I will fax you a copy of the information we are providing to applicants @ future mitigation for fish flows -- these 3 applicants have signed the response form being faxed to you).

Please let me know if you need more information about these applications.

Thanks for your help.

Steve Lester, IDWR Western Region Office



MICROFILMED

MAY 18 1998

2/25/98

COMMENT LETTER (email) to IDFG

RECEIVED

FEB 09 1998

WATER RESOURCES
WESTERN REGION

RESPONSE FORM

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

Name of Applicant

ROBERT & TERRI WRIGHT

Mailing Address

251 LOS LUCEROS

EAGLE, ID 83616

Application No.

65-13691

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

Robert Wright

Date

2/6/98

Please return this form to:

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

MICROFILMED

MAY 18 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 4, 1998

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

Dear Applicant:

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

A method to address these issues now exists. Applications that include consumptive use can be processed if applicants are willing to accept a condition of approval that can require mitigation at a later date if the need for mitigation is clearly documented. Mitigation can include steps such as purchasing storage water to offset adverse impacts to fishery resources that new water developments might cause.

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

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

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

Sincerely,

Western Region Allocation Staff

Enclosures: Profile Report, Response Form and Withdrawal Form
MICROFILMED

MAY 18 1998

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

65-13691

WRIGHT, ROBERT
WRIGHT, TERRI
651 LOS LUCEROS
EAGLE, ID 83616

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER

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

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

Date Filed: 8/28/1996

In: BOISE County
T10N R04E S13 SWSW SESW

2.0 ACRES TOTAL

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

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MAY 18 1998