

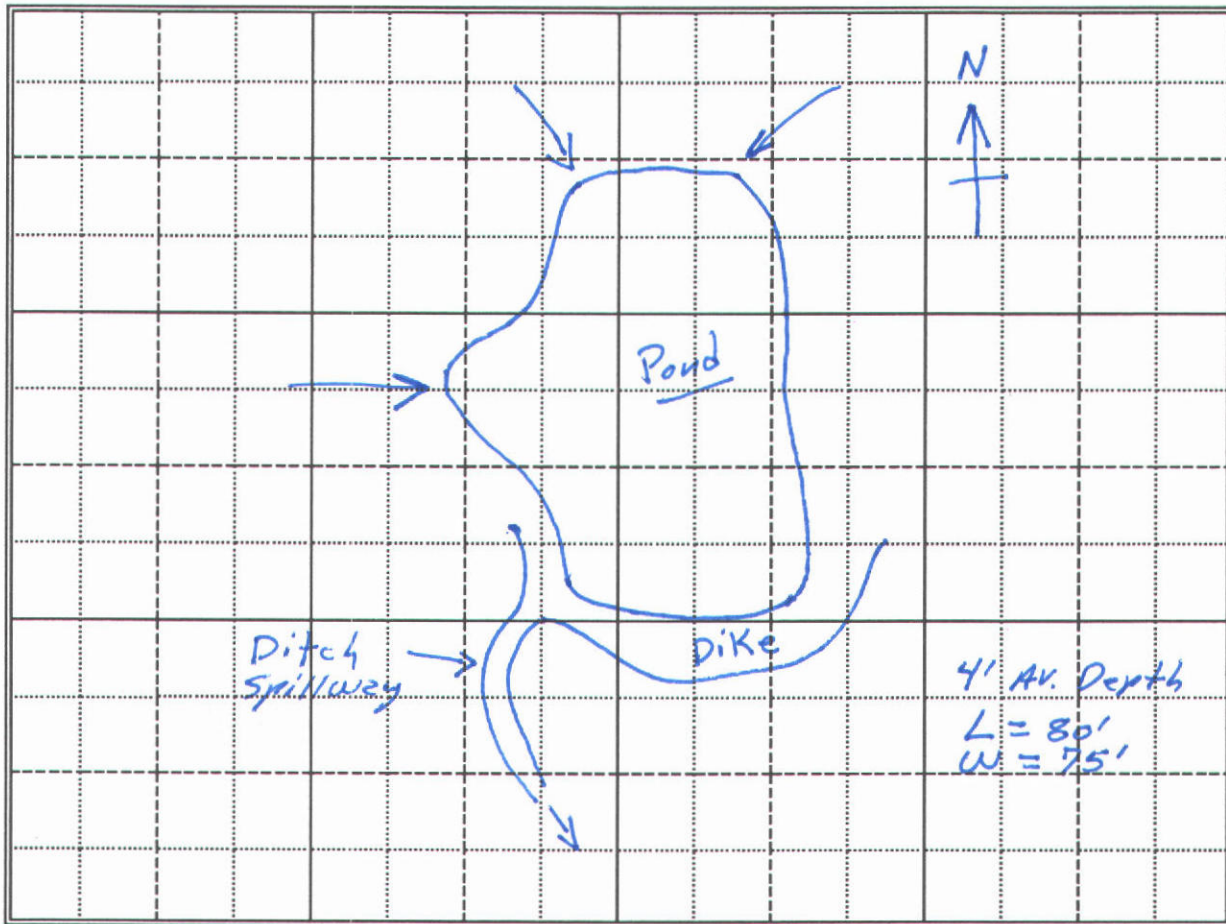
E22
T17

P.D.
PLACE OF
W.S.

MICROFILMED
DEC 23 1996

65-13671

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



Scale: 1" = No Scale

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

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

☒ Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: None - pond and intermittent streams were dry.

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MAY 18 1998

T8N
R2E
Sec. 17

P10, P1u
65-13671

2' 30"

860000
FEET

44° 00'

116° 15'

370000

FEET

561

562

563

12' 30"

564

PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
CONTROL BY USGS, NOS/NOAA
COMPILED FROM AERIAL PHOTOGRAPHS TAKEN 1980
FIELD CHECKED 1981 MAP EDITED 1985
PROJECTION TRANSVERSE MERCATOR
GRID: 1000-METER UNIVERSAL TRANSVERSE MERCATOR ZONE 11
10,000-FOOT STATE GRID TICKS IDAHO, WEST ZONE
UTM GRID DECLINATION 0°34' EAST
1985 MAGNETIC NORTH DECLINATION 17°30' EAST
VERTICAL DATUM NATIONAL GEODETIC VERTICAL DATUM OF 1929
HORIZONTAL DATUM 1927 NORTH AMERICAN DATUM

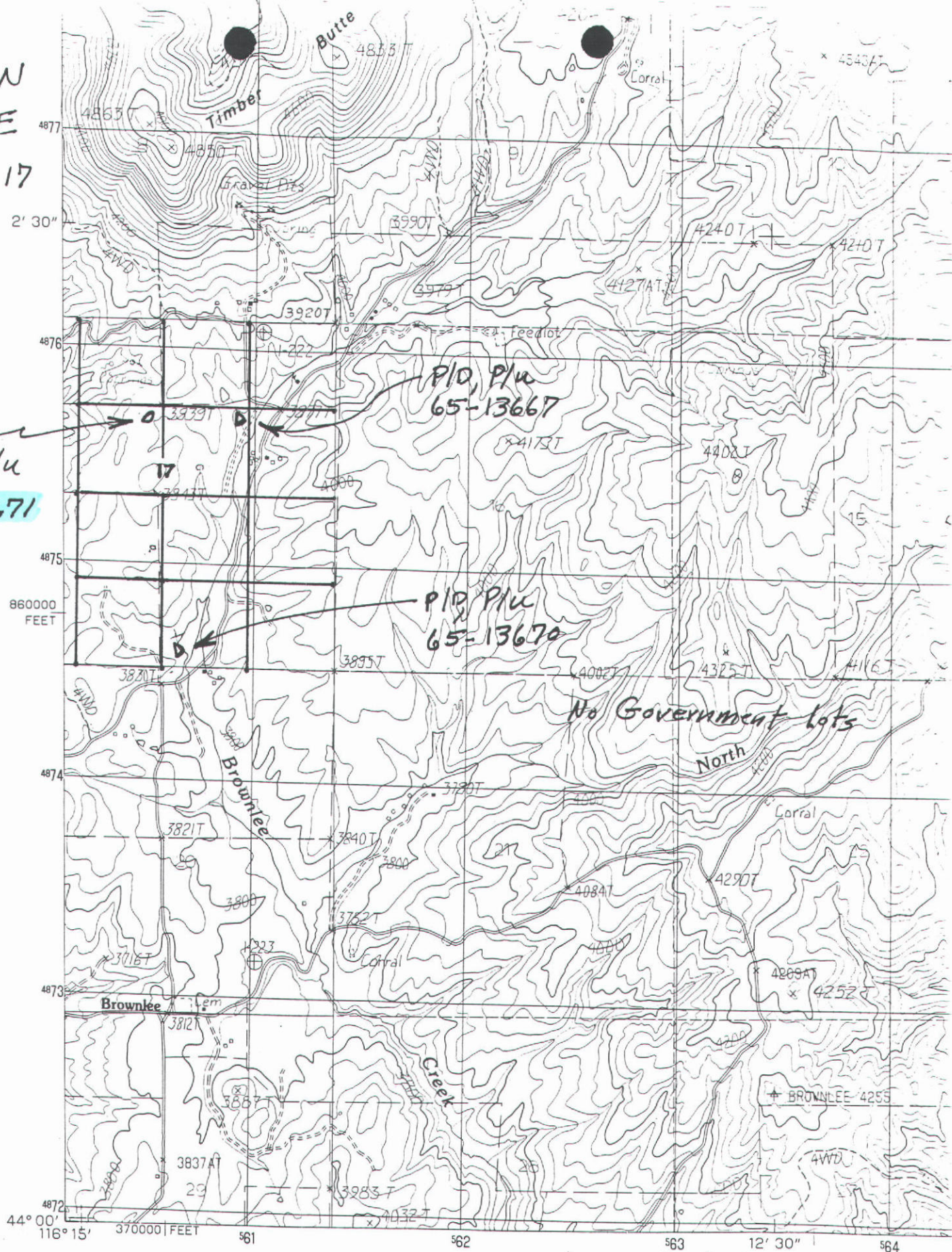
MICROFILMED
MAY 18 1998

65-13667

65-13670

65-13671

1000



1 of 1



Pld, Plu

Stock-
water
Pond

View
Looking
North



Pld, Plu

Stock-
water
Pond

View
Looking
South

MICROFILMED
MAY 18 1998

65-13671

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-13671

Priority: June 12, 1996

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

1.4 AF

This is to certify, that LESTER DAVIS
UNA DAVIS

7463 GRANDE VALLEJO DR
FRUITLAND ID 83619

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated June 12, 1996; and
has submitted Proof of Beneficial Use on September 23, 1997. An examination indicates
that the works have a diversion capacity of 0.030 cfs of water from:

UNNAMED STREAM tributary to BROWNLEE CREEK

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>
STOCKWATER	01/01 to 12/31	0.03 CFS	1.2 AF
STOCKWATER STORAGE	01/01 to 12/31		0.2 AF
	Totals	0.03 CFS	1.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SEnw , Sec. 17, Township 08N, Range 02E
BOISE County

PLACE OF USE: STOCKWATER STORAGE

TWN RGE SEC

08N 02E 17 SENW

PLACE OF USE:

STOCKWATER, same as STOCKWATER STORAGE use

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law. MICROFILMED
5. Use of water under this right may be affected by an agreement between the protestant and the right holder. MAY 18 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-13671

CONDITIONS OF APPROVAL AND REMARKS

6. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 4TH day of FEBRUARY, 1978.


Acting for KARL J. DREHER, Director

MICROFILMED
MAY 18 1998

Amt. of Fee \$: 50.00
Receipt No. 10002
Receipt By: SS
Date Received: 9/23/97

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
SEP 23 1997

PROOF OF BENEFICIAL USE

Department of Water Resources

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. 65-13671 Telephone No. 208-452-3275
2. Name(s) of Permit Holder(s): LESTER DAVIS & LUNA DAVIS
3. Mailing Address: 7463 GRANDE VALLEJO DR. FRUITLAND, ID 83619
4. Source of Water: RUN-OFF, WET SPRINGS 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): 3 HORSES
50 RANGE CATTLE
Irrigation (No. of acres): _____ Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 0.03 cfs OR 2.0 acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
- | | | | | |
|-------------------------------|--|-----------|----|-------------|
| Measuring Device: | Is a measuring device required? | Yes _____ | or | No <u>✓</u> |
| | Has the measuring device been installed? | Yes _____ | or | No <u>✓</u> |
| Flow Measurement Port: | Is a flow measurement port required? | Yes _____ | or | No <u>✓</u> |
| | Has the measurement port been installed? | Yes _____ | or | No <u>✓</u> |
8. Fee Enclosed: \$ 50⁰⁰ (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: BRYAN GILLIAM Telephone Number: 208-584-3410
Address: 222 DRY BACK Rd. SWEET, ID
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: Luna Davis Date: 9/19/97
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 65-13671

Proposed Priority: June 12, 1996

Maximum Diversion Rate:

0.03 CFS

This is to certify, that **LESTER DAVIS**
UNA DAVIS

7463 GRANDE VALLEJO DR
FRUITLAND ID 83619

has applied for a permit to appropriate water from:
SPRING tributary of **BROWNLEE CREEK**

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.03 CFS	
STOCKWATER STORAGE	01/01 to 12/31		2.0 AF
	Totals	0.03 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SENW , Sec. 17, Township 08N, Range 02E
BOISE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08N 02E 17

SENW

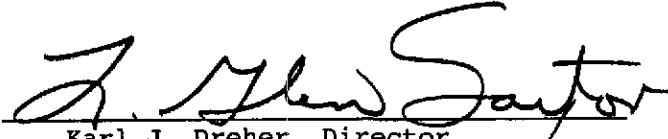
CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 1997.
2. Subject to all prior water rights.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. Use of water under this right is subject to control by the watermaster of State Water District No. 65.
5. The issuance of this right does not grant any right-of-way or easement across the land of another.
6. Stockwater use is for 50 range cattle and 3 horses.
7. This right authorizes an annual volume of water to fill the storage facility and the amount required to replace losses through evaporation.

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

19th day of November, 1996

MICROFILMED
NOV 1996


Karl J. Dreher, Director
for

RECORDED
NOV 07 1996

Ident. No. 65-13671

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: LESTER DAVIS 208-452-3275
Address: 7463 GRANDE VALLEY DR
FRUITLAND ID 83619
OR
Name: UNA DAVIS 208-452-3275
Address: 7463 GRANDE VALLEY DR
FRUITLAND ID 83619

2. Source: SPRING Trib. to: BROWNLEE CREEK
3. Location of Point of Diversion: SENW Sec. 17, Township 08N, Range 02E
BOISE County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
STOCKWATER	01/01	12/31	0.030		
STOCKWATER STORAGE	01/01	12/31	~~2.000~~		2.0

5. Total quantity to be appropriated is:
0.030 CFS (and/or) 2.00 AF

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc.
SPRING WITH POND, APPROX. 2' DEEP BY 1 ACRE.
b. Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
c. Proposed well diameter is inches; proposed depth of well is
feet.
d. Is groundwater with a temperature greater than 85F being sought? NO
e. If well is already drilled, when?
Drilling Firm
Well was drilled for

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 year(s).

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NOV 21 1996

8. Place of Use: STOCKWATER

TWN RGE SEC

08N 02E 17

SENW

9. a. Who owns the property at the point of diversion?

APPLICANT

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

APPLICANT

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

10. Remarks:

11. Map of proposed point of diversion and place of use attached? [X]

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

Uma B. Davis
Applicant

Received by Jr Date 6-12-96 Time 3:30 Preliminary check by _____

Fee \$ 50 Receipted by Jr # 4421015 Date 6-12-96

Publication prepared by st Date 6-26-96 Published in Id. World

Publication approved st Date 6-27-96

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DEC 1 1996

Ident. No. 65-1367

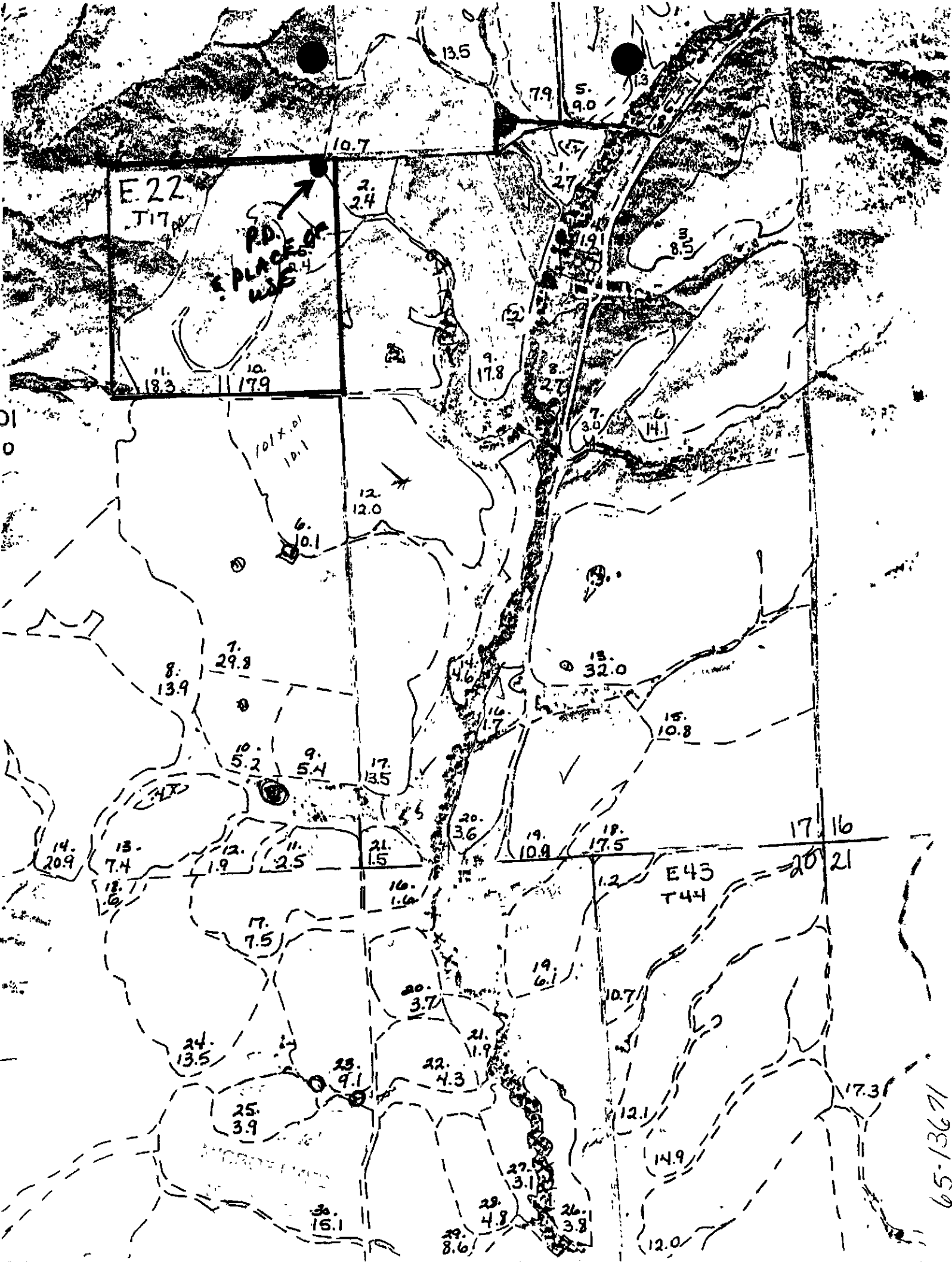
Comments: Date: 6/12/1996 User-ID: JSHURTE

Subject: APPLICATION INFO

Stockwater use is for 50 head cattle and 3 horses.
Applicants may also receive correspondence at Rt 1, Box 93A,
Sweet, ID ph 584-3410.

1405151000

1405151000



65-13671



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

February 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LESTER DAVIS
UNA DAVIS
7463 GRANDE VALLEJO DR
FRUITLAND ID 83619

RE: WATER RIGHT NO. 65-13671

Dear Water Right Holder(s):

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

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MAY 18 1998

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

- 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.

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

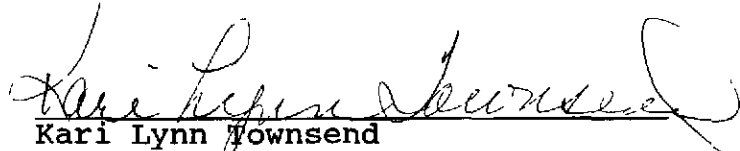
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 5th day of February, 1998, 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. 65-13671

LESTER DAVIS
UNA DAVIS
7463 GRANDE VALLEJO DR
FRUITLAND ID 83619


Kari Lynn Townsend
Secretary

MAY 18 1998

MEMORANDUM

TO: Files 65-13667, 65-13670 and 65-13671

FROM: Sharla

DATE: January 29, 1998

RE: Recommendation Adjustment(s)

The final license recommendations for Permit Nos 65-13667, 65-13670 and 65-13671 are based on the following:

65-13667:

H. RECOMMENDATIONS

Stockwater	1/1 - 12/31	0.03 cfs	1.2 afa
Stockwater Storage	1/1 - 10/31		0.7 afa
	TOTALS	0.03 cfs	1.9 afa

65-13670:

H. RECOMMENDATIONS

Stockwater	1/1 - 12/31	0.03 cfs	1.2 afa
Stockwater Storage	1/1 - 10/31		0.3 afa
	TOTALS	0.03 cfs	1.5 afa

65-13671:

H. RECOMMENDATIONS

Stockwater	1/1 - 12/31	0.03 cfs	1.2 afa
Stockwater Storage	1/1 - 10/31		0.2 afa
	TOTALS	0.03 cfs	1.4 afa

The storage volumes are based on the size of the ponds, no additional volume shown for replacement of losses from seepage, evaporation, etc. The stockwater volumes are based on 12 gpd/head.

Examiner: Dan Tomich

Exam Date: October 28, 1997

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MAY 18 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 65-13671

DATE 1/28/98

REVIEWER: SHARLA

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>No</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change clarification of originally intended source? <u>Yes</u>
POINT OF DIV	<u>—</u>	<u>✓</u>	If not, prepare Notice of Intent to Void <u>—</u>
PLACE OF USE	<u>—</u>	<u>✓</u>	Amendment required <u>No</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U
Overlap file pulled & reviewed —

RATE OF DIV

Permitted Rate	<u>.03</u> cfs
Fee limit	<u>.20</u> cfs <u>\$5000</u>
Measured	<u>2</u> ~~cfs~~ <u>80 x 75 / 43,560 x 4 x .4 = .22</u>
Theoretical	<u>—</u> cfs
Recommended Total Div Rate <u>.22</u> cfs	

ANNUAL VOLUME/ NATURE OF USES

<u>✓</u>	Use <u>Stock Ponds</u> cfs	Volume Calc <u>.2</u> af
	<u>Stock</u> <u>.03</u>	<u>1.2</u> af
	<u>—</u>	<u>—</u> af
	<u>—</u>	<u>—</u> af
	SUBTOTAL <u>—</u>	<u>1.4</u> af

53 head .03 cfs @ 1/2

Flow rate — cfs X — days X 1.98 = — af
Total volume recommended — af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS

Ref Watermaster Control WD# 65
— GW Measurement/Measuring Device
— Overlap
— Use-specific conditions no

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed NA
Adjustment Memo use volume in stream

1st Amend Letter NA
2nd Amend Letter NA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 16 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-13671

1. Owner: Lester & Una Davis Phone No. (208) 452-3275

Current Address: 7463 Grande Vellejo Dr., Fruitland, ID 83619

2. Accompanied by: Bryan Gilliam EXAM DATE: 10-28-97

Address: 222 Dry buck Rd., Sweet, ID Phone No. (208) 584-3410

Relationship to Permit Holder: Son-in-law

3. Source Unnamed Stream tributary to Brownlee Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

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	17	8N	2E	Boise	Site Visit, Map

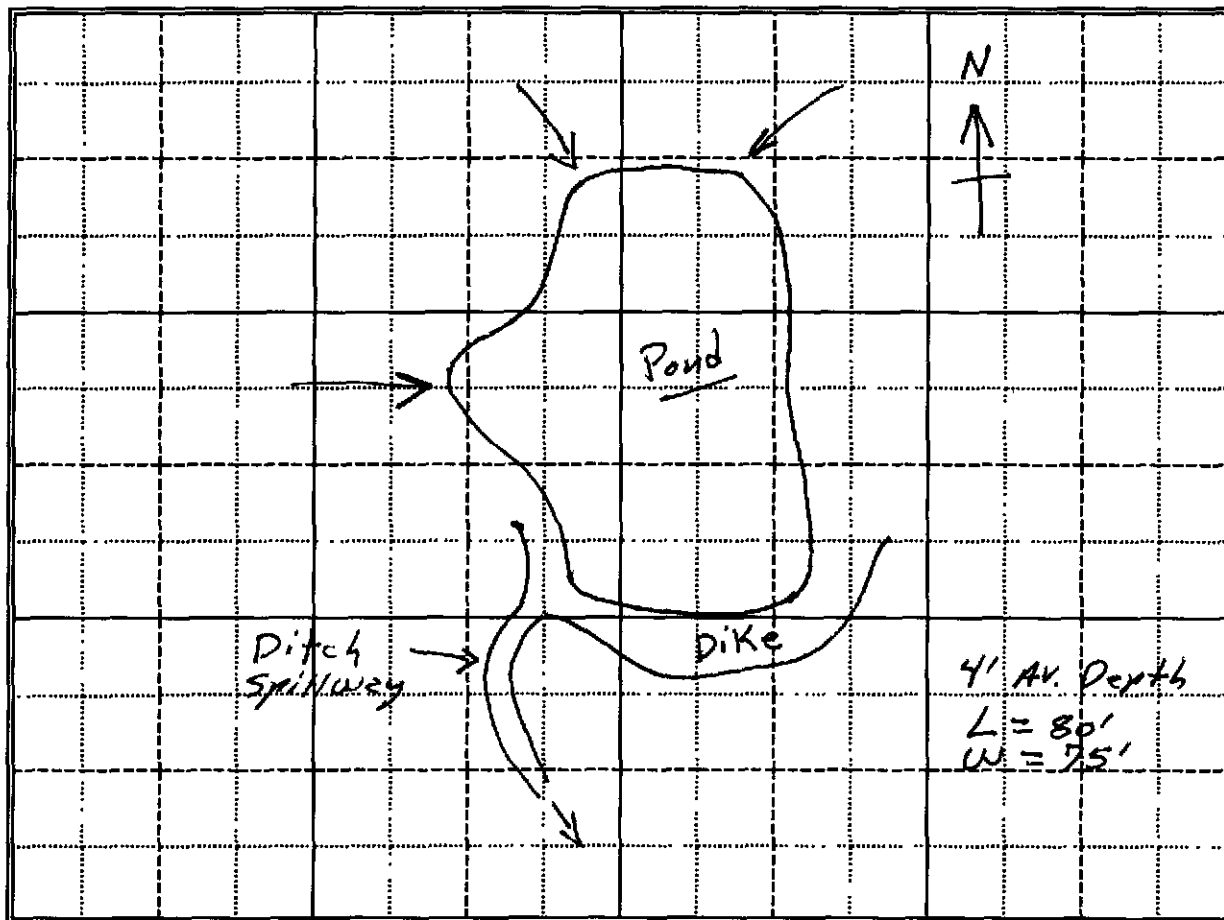
2. Place(s) of Use:

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	
8N	2E	17																	

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



Scale: 1" = No Scale

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

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

☐ Photo of Diversion and System Attached

4.

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

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

D. FLOW MEASUREMENTS

1

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

2. Measurements: None - pond and intermittent streams were dry.

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MAY 18 1988

E. NARRATIVE/REMARKS/COMMENTS

1. The permit shows the source of water as a spring. There was no evidence of a spring at the pond site. The pond is filled by runoff from snowmelt and rain from 3 small intermittent streams. The pond and streams were all dry at the time of the exam. The pond is located in a saddle and ^{at} the junction of the 3 small intermittent streams, so it is possible that it was a wet area before they excavated the pond. No spring or water was visible at the time of the exam, however.

2. The pond is in a fenced pasture, and the water is used 12 months/year by 50 cattle and 3 horses.

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

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MAY 18 1998

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method: NoneAllow 0.03 cfs for 53 head of stock.**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____2. Volume Calculations for Other Uses: stockwater

$$\text{Vol. pond} = (5')(55')(35') / (66)(66)(10) = 0.221 \text{ AF} \\ + \text{losses} \\ \approx \underline{2.0 \text{ AF (High)}}$$

Allow 1.4 AFA
for 53 head.**H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Stockwater</u>	<u>01/01</u>	<u>12/31</u>	<u>0.03</u>	<u>1.4</u>
<u>Stockwater storage</u>	<u>01/01</u>	<u>12/31</u>		<u>2.0 AF</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.03</u>	<u>2.0 AF</u>

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ Other

Source should
be changed
from Spring to
unnamed stream.**I. AUTHENTICATION**Field Examiner's Name Don Tomich Date 12-4-97

Reviewer _____ Date _____

SEAL

MICROFILMED

MAY 18 1998

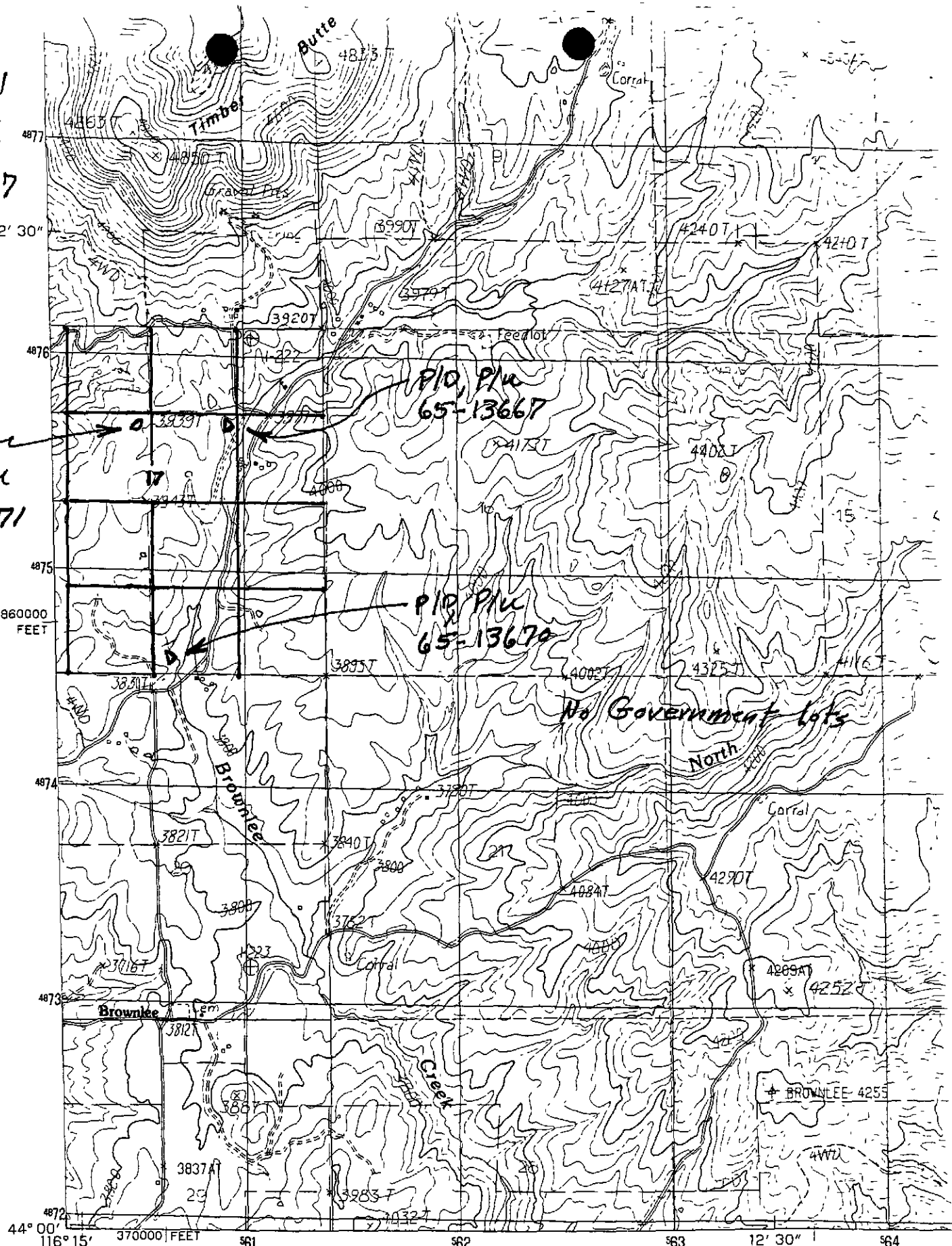
T8N
R2E
Sec. 17

P10, P1u
65-13671

P10, P1u
65-13667

P10, P1u
65-13670

No Government lots



PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
CONTROL BY USGS, NOS/NOAA
COMPILED FROM AERIAL PHOTOGRAPHS TAKEN 1980
FIELD CHECKED 1981 MAP EDITED
PROJECTION TRANSVERSE MERCATOR
GRID 1000-METER UNIVERSAL TRANSVERSE MERCATOR ZONE 11
10,000-FOOT STATE GRID TICKS IDAHO, WEST ZONE
UTM GRID DECLINATION 0°34' EAST
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VERTICAL DATUM NATIONAL GEODETIC VERTICAL DATUM OF 1929
HORIZONTAL DATUM 1927 NORTH

MAY 18 1998

65-13667
65-13670
65-13671



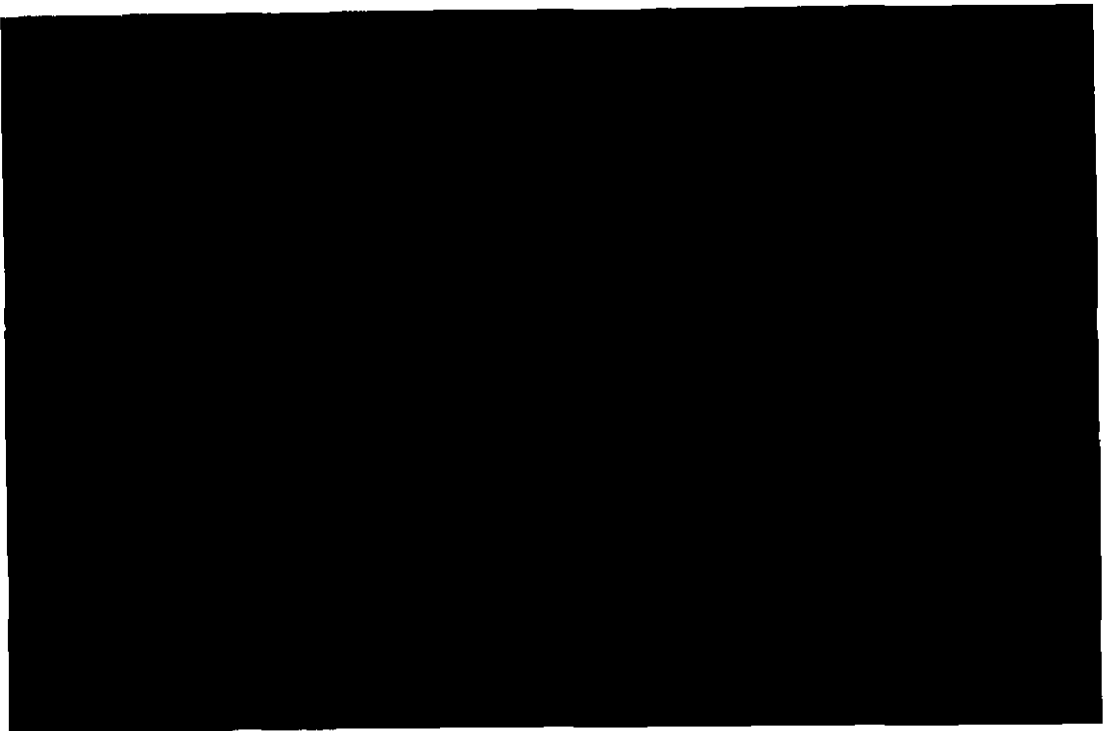
65-13671

MICROFILMED
MAY 18 1998

P/O, P/u
Stock-
water
Pond
View
Looking
South



P/O, P/u
Stock-
water
Pond
View
Looking
North



1 of 1

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 05-13671

Reviewed by [Signature]

Date 10-16-97

GENERAL CONSIDERATIONS

TYPES OF USE

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

stock
yes Correct Uses?

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

yes Required?
50- Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
1 Installed?
1 Waiver requested?

PRIORITY CALCULATION

Date proof received	_____
Date proof due	_____
No. of days late	_____
Priority Date	_____
New Priority Date	_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X

Proof Made 9-23-97



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 20, 1997

LESTER DAVIS
UNA DAVIS
7463 GRANDE VALLEJO DR
FRUITLAND ID 83619

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13671

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.

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

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

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

C: IDWR - Regional Office

August 31, 1997

LESTER DAVIS
UNA DAVIS
7463 GRANDE VALLEJO DR
FRUITLAND ID 83619

PROOF DUE NOTICE

RE: PERMIT NO. 65-13671

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 November 1, 1997. (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.

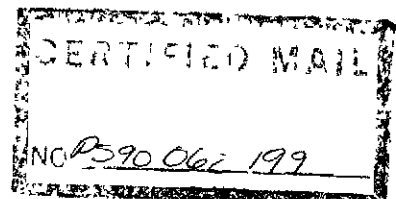
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental 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, Statehouse Mail, Boise, Idaho 83720-9000

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

November 19, 1996

PHILIP E. BATT
GOVERNOR

LESTER AND UNA DAVIS
7463 GRANDE VALLEJO DR
FRUITLAND ID 83619

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NOS. 65-13667, 65-13670 AND 65-13671

Dear Permit Holder:

Enclosed are copies of your approved applications for permit. Please be sure to thoroughly review the "Conditions of Approval and Remarks" listing on each permit.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosures

RECORDED
11/21/96

APPLICATION FOR PERMIT
STATE OFFICE REVIEW
by Cindy Zimmerman

No.: 65-13671 Name: Davis Date: 11/15/96 Ad OK? ☒ Gvmt Lts: ☒

AREA OF CONCERN?

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

PROTESTED:

- 020 (Protest Agr) or W19 (See Final/Prelim Order)

SYSTEM COMPLETED:

Yes/proof filed

- NA

1 year/no proof

- P16

+1 year

- 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs

- 01M

=/- 0.2 cfs

- No MD

=/+ 5 a.

- 01M, 065 (if GW use SW 1st)

DRILLING PERMIT:

Existing well

- NA (pre 7/1/87)

Included w/permit

- Permit No. _____, P99

No WD permit?

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

irr. in WD

- P05 (new well)

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

Water District (*dem*)

- 005 (*req*) WD # 65 <SEE MAP & LISTING>

+ 0.2 cfs

- 01J (meas dev)-P08

=/- 0.2 cfs

- 01H (lock dev)-P01 or No MD

In WD + 0.2 cfs

- 01M or No MD (in-stream)

- 0.2 cfs

- No MD

=/+ 5 a. irr.

- 01M

RIVER BASINS (*Surface water):

Snake R (01)

- 11A-P04, NA

(02/03-irr)

- 007-P07 (w/ remark WB9- Weiser), NA

Boise River (63)

- 05A (if WD), 11E (not 42-111 use), NA

Payette River (65)

- 064 (regulated uses), 047-P04 (Payette Lake), NA

USE:

Domestic (*surface*)

- *WB5 (Boise R above Star Bridge); 27A (Payette R); NA

Fish Propagation

- 07A-042 (*req*)-010/06A/09E (WQ)-P10; 044 (N 1000 Spr)

Irr <POU> =/- 5 a

- 057 (0.03 cfs/A)

+ 5 a

- 03A (0.02 cfs/A)

Mining

- 054 (*req*) & 06A/010/09E-P10

Power

- 08A-17K-025-027-028-01F(P19)-09E(P10);
+25 cfs-P18; 17G (FERC) or 17M (FERC); 18B-P09

Storage (✓3 compo.)

- 18A (multi MD in WD), 18B-P09 (+10' dam), W07

LOCATION:

42-248 area

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

Boise Front LoGeo

- 058 (-85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Irr Dist/Canal Co.

- 023 (Twin Falls area)

Swan Falls Flag

- _____ <SEE CODE CHART>

Trust

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

Non-Trust <1>

- 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-owner

- 004 (PD/PU) _____

OTHER CONDITIONS:

- _____

STANDARD REMARKS:

- 1) W02 2) W07

BENEFICIAL USE DUE:

- 11-1- 1997

COMMENTS:

- _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: igh DATE: 6.21.96 APPLICATION: 65-13671

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map: (show T, R, S, QQ &/or QQQ)
Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee:
Yes ☐ No* In form to receipt:

Gov't. Lots:
None P/D
P/U

RECEIVED
NOV 07 1996

ADDITIONAL INFORMATION

YES NO

Department of Water Resources

☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
☒ Overlapping point of diversion.
☐ Field check required: Field check by: _____
☐ Field report attached:
☒ Critical groundwater area:
☒ Groundwater management area:
☒ 1992 moratorium:
☒ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
☒ Copy to Dam Safety staff: (for any storage) done 6/21/96
☒ ~~Basin 63~~ 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:
☐ Power efficiency form:
☐ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
***REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT**

DATE REQUESTED

ADDITIONAL INFORMATION ON REVERSE SIDE:

PROCESSING

APP. NO. 65-13671

YES NO

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO:

YES NO

I.D. Health & Welfare

I.D. District Health

I.D. Fish & Game

I.D. Lands

Adjudication Bureau

YES NO

U.S. BLM

U.S. Forest Service

Water Dist. #

Other ProtestantsSee listFINAL REGIONAL PROCESSING REVIEW:

YES NO

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Protests received. Final date for protest 7-22-96

Protest dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District # unregulated trib. in WD #65

Special conditions of approval or cover letter:

allow 1 yr. & see conditions in agreement & protest withdrawalSee below for additional informationRecommended Date or Priority 6-12-1996Recommended by: Agree per attached conditions -R Date: 11/5/96

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)
PERMIT NOS. 65-13667, 65-13670 AND)
65-13671 IN THE NAME OF LESTER &/OR) AGREEMENT OF CONDITIONS
UNA DAVIS.) AND WITHDRAWAL OF PROTEST
_____)

We, the undersigned, agree that the above-referenced applications for permit will be subject to at least the following conditions and understand that the department reserves the right to add additional conditions of approval:

1. Subject to all prior water rights.
2. These rights will not convey rights-of-way or easement across private or public property.
3. Right nos. 65-13670 and 65-13671 are fully developed systems with bypasses to allow excess water to flow downstream to Brownlee Creek. No further development to either increase a rate of flow or increase storage capacity can occur at either site.
4. Right no. 65-13667 is not yet developed although plans are being prepared by the USDA-NRCS. Any development must be limited to no more than 3.0 acre-feet capacity, and the pond must have an ^{OVER}~~under~~flow pipe or other acceptable overflow &/or bypass conveyance to allow excess water to flow downstream to Brownlee Creek.
5. All of these rights are subject to control of the Watermaster, Payette River Water District #65.

* Signing of this agreement certifies withdrawal of protests for any/all of these applications.

Signed this 8th day of October, 1996.

Gem County Courthouse, Idaho.

Lester A. &/or Una Davis, Applicants

Connie S. Morgan, Protestant

Prepared & Witnessed by:

Steve Lester
Deputy Regional Manager
Western Regional Office

MICROFILMED
OCT 27 1996

* Original Agreement and protest withdrawal with original
signatures are on file with IDWR
Steve Lester
Oct. 25, 1996

Before the Department of
Water Resources

IN THE MATTER OF APPLICATIONS FOR PERMIT) AGREEMENT OF CONDITIONS
NOS. 65-13669, 65-13670, and 65-13671) AND WITHDRAWAL OF PROTEST
IN THE NAME OF LESTER &/OR LINA DAVIS)

We, the undersigned, agree that the above-referenced applications for permit will be subject to at least the following conditions and understand that the department reserves the right to add additional conditions of approval:

1. Subject to all prior water rights.
2. These rights will not convey rights-of-way or easement across private or public property.
3. Right nos. 65-13670 and 65-13671 are fully developed systems with by-passes to allow excess water to flow downstream to Brownlee Creek. No further development to either increase a rate of flow or increase storage capacity can occur at either site.
4. Right no. 65-13667 is not yet developed although plans are being prepared by the ~~USDA-CFSA~~ USDA-NRCS. Any development must be limited to no more than 3.0 acre-foot capacity, and the pond must have an overflow pipe or other acceptable overflow ~~facility~~ ^{means} conveyance to allow excess water to flow downstream.

to Browster Creek.

5. All of these rights are subject to control of the Watermaster, Payette River Water District #65.

Signing of this agreement constitutes withdrawal of protests for any/all of these applications.

Signed this 8th day of October, 1946

At 9th County Courthouse, Idaho.

Lester A. Davis Una B. Davis
Applicants

Connie S. Morgan
protestants

Prepared & witnessed by :

John Latta
Deputy Regional manager
Western Regional office

2nd conf.
10/8/96

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES 2735 Airport Way, Boise, ID 83705

Re: Application for Transfer of Permits Nos. 65-13670, 65-13671
and 65-13667 in the Name of Lester &/or Una Davis

Place: Gem County Courthouse, 415 E. Main, Emmett, Idaho.

Date: Tuesday, October 8, 1996

Conducted by: Steve Lester

NAME

ADDRESS

Lester A. Davis	7463 Grande Vallejo Dr. Fruitland ID.
UNA DAVIS	" " " " "
Connie Morgan	P.O. Box 126 Horsehoe Bend Idaho 83629
Chuck Morgan	Box 126 HSB Ida.

Brian Adam called - agrees will withdraw permit -
found withdrawal form to him 10/8/96
before the meeting

JL

CONVERSATION MEMORANDUM

DATE 10/8/96

FILE 65-13667

NAME OF PARTY CONNIE & CHUCK MORGAN

65-13676

EMPLOYEE STEVE LESTER

65-13671

RE: REQUEST FOR MAILING

Would like CC of any of above
if permits issued.

Mail to PO Box 126
HORSESHOE BEND, ID 83629

(Connie M. was protestant, now withdrawn
per 10/8/96 Agreement in file)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS	)	
	)	
FOR PERMIT NOS. 65-13670 AND	)	NOTICE OF SECOND
	)	CONFERENCE
65-13671 AND AMENDED APPLICATION	)	
	)	
FOR PERMIT NO. 65-13667 IN THE	)	
	)	
NAME OF LESTER AND/OR UNA DAVIS.	)	
	)	
	)	

On May 23, 1996, Lester &/or Una Davis filed with the Department of Water Resources (Department) an application for pemrmit to appropriate the public waters of the State of Idaho. The application was protested by Connie Morgan, Brian Harm and David Pratt and on June 12, 1996, the applicants amended the application and filed two additional applications for permit. David Pratt withdrew his protest.

The conference held by the department on Friday, September 27, 1996, did not resolve the matter of protest. The department has scheduled the matter for a second conference to be held Tuesday, October 8, 1996, at 3:00 p.m. in the jury room at the Gem County Courthouse, 415 E. Main, Emmett, Idaho. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The Department will provide the opportunity for parties to the matter to respond and present information and argument on the issues involved.

Dated this 30th day of September, 1996.


STEVE LESTER
Deputy Regional Manager

I hereby certify that on the 30th day of September, 1996, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Secretary/Office Coordinator

LESTER &/OR UNA DAVIS
7463 GRANDE VALLEJO DR
FRUITLAND ID 83619

CONNIE MORGAN
PO BOX 126
HORSESHOE BEND ID 83629

BRIAN HARM
RURAL RT 1 90B
SWEET ID 83670

RECEIVED
SEP 27 1996

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS	)	
	)	NOTICE OF CONFERENCE
FOR PERMIT NOS. 65-13670 AND	)	
	)	
65-13671 AND AMENDED APPLICATION	)	
	)	
FOR PERMIT NO. 65-13667 IN THE	)	
	)	
NAME OF LESTER AND/OR UNA DAVIS.	)	

On May 23, 1996, Lester &/or Una Davis filed with the Department of Water Resources (Department) an application for pemrmit to appropriate the public waters of the State of Idaho. The application was protested by Connie Morgan, Brian Harm and David Pratt and on June 12, 1996, the applicants amended the application and filed two additional applications for permit. David Pratt withdrew his protest.

The Department has set the matter of protest for a conference to be held on Friday, September 27, 1996, at 10:00 a.m., at the Idaho Department of Water Resources, 1301 N. Orchard, Boise, Idaho 83706. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

NOTICE OF CONFERENCE

1

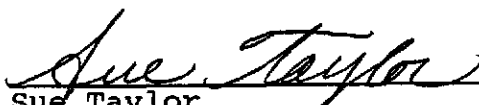
MICROFILMED
DEC 2 1 1999

The Department will provide the opportunity for parties to the matter to respond and present information and argument on the issues involved.

Dated this 11th day of September, 1996.


STEVE LESTER
Deputy Regional Manager

I hereby certify that on the 12th day of September, 1996, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Secretary/Office Coordinator

Certified Mail

LESTER &/OR UNA DAVIS
7463 GRANDE VALLEJO DR
FRUITLAND ID 83619

CONNIE MORGAN
PO BOX 126
HORSESHOE BEND ID 83629

BRIAN HARM
RURAL RT 1 90B
SWEET ID 83670

RECORDED
DEC 23 1996

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. the applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize

REV 2-8-83

themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file a petition for reconsideration, exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

RECORDED
JUL 21 1996



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

July 23, 1996

CONNIE MORGAN
PO BOX 126
HORSESHOE BEND ID 83629

Re: Applications for Permit Nos. 65-13670 and 65-13671 and Amended
Application for Permit No. 65-13667

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

Steve Lester
Deputy Regional Manager

SL/st

MICROFILMED

DEC 23 1996



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

July 23, 1996

BRIAN L HARM
RURAL RT 1 90B
SWEET ID 83670

Re: Application for Permit No. 65-13671 in the Name of Lester &/or
Una Davis

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

Steve Lester
Deputy Regional Manager

SL/st

MICROFILMED

DEC 14 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

July 23, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LESTER &/OR UNA DAVIS
7463 GRANDE VALLEJO DR
FRUITLAND ID 83619

Re: Applications for Permit Nos. 65-13670 and 65-13671 and Amended
Application for Permit No. 65-13667

Dear Applicant:

Enclosed are copies of protests filed against the issuance of permits pursuant to the above-referenced applications. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Also, enclosed is a copy of a protest withdrawal of amended application for permit no. 65-13667 from David W. Pratt.

Sincerely,

Steve Lester
Deputy Regional Manager

SL:st

MICROFILMED

Enclosure: Copy of protest(s) and withdrawal

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for Permit 65-13671 (LESTER-DAVIS)
 2. Name of protestant CONNIE S. MORGAN
 3. Protestant's representative for service (If different than protestant)

 4. Service mailing address P.O. Box 126 HORESHOE Bend Id 83629
 5. Service telephone no. 793-2566
 6. Basis of protest (including statement of facts and law upon which the protest is based)
Not enough water in creek to fill our water rights
Needs
Permit 65-12536
- (additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? ONLY IF ENOUGH WATER

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 22 day of JULY, 19 96.

Connie S. Morgan
PROTESTANT

PROTESTANT'S REPRESENTATIVE

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by AW Date 7-22-96 Time 4:30 P
\$25.00 fee Receipted by AW # W021243 Date 7-22-96

RECEIVED
JUL 23 1996

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

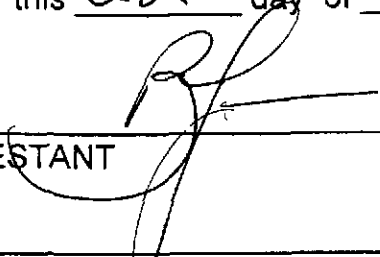
This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application 65-13671
2. Name of protestant Brian L. Harm
3. Protestant's representative for service (If different than protestant)

4. Service mailing address Rural Route 1-90B Sweet, ID 83670
5. Service telephone no. 208-336-5222 Day 208-584-3702 Eve
6. Basis of protest (including statement of facts and law upon which the protest is based)
The Spring & Pond requested in this Application is currently involved
in a property line litigation. Owner Dave Pratt and myself the
buyer of the property believe this Pond & most certainly the spring to be
on property owned by Dave Pratt and due to the aforementioned legal
action protest any request for rights (See Attached)
(additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? Settlement of property line dispute to determine rights
to pond or spring.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 22ND day of July, 19 96.


PROTESTANT

PROTESTANT'S REPRESENTATIVE

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
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 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by Ly Date 7/22/96 Time 3 PM
\$25.00 fee Receipted by Ly # W021242 Date 7/22/96

14751-1111

31

The Springs & Ponds in question are extremely small, they provide water for only a limited part of the year - all rights to it should go to the landowner who owns the ground it's on, and until this question is clarified. No rights should be granted

MICROFILMED

SEP 21 1965



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

July 5, 1996

DAVID W PRATT
9700 LIBERTY RD
SWEET ID 83670

BRIAN L HARM
RURAL ROUTE 1-90B
SWEET, ID 83670

Re: Applications for Water Right Nos. 65-13667, 65-13670 and
65-13671 in the Name of Lester &/or Una Davis

Dear Protestants:

Enclosed are copies of the above referenced applications for water rights. Application no. 65-13667 was protested, therefore the applicant amended the application. Enclosed is a copy of the amended application and a protest withdrawal form. If the amended application is satisfactory to you please sign and return the withdrawal form to this office.

Also, please review the other two applications filed by the same applicants. Please send any comments or protests you may have to this office no later than July 22, 1996.

Sincerely,

Steve Lester
Deputy Regional Manager

SL:st

Enclosure: Copy of Applications
Copy of Amended Application
Withdrawal Form

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

State of Idaho >
>
County of Boise >

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for 100 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 July 3, 1996 and ending with the issue of July 10, 1996

Deanna Stevenson

State of Idaho >
>
County of Boise >

On this 12 day of July in the year 1996 before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

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

My commission expires 6/26/2001

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho: 65-13667

DAVIS, LESTER
DAVIS, UNA
7463 GRANDE VALLEJO DR
FRUITLAND, ID 83619

Source: UNNAMED STREAM Tributary: BROWNLEE CREEK
Diversion Pt: SWNE Sec 17 T 08N R 02E in BOISE County.
Use: STOCKWATER (0.030 CFS)
STOCKWATER STORAGE (3.00 AF)
Total Diversion: (0.030 CFS) (3.00 AF)

Date Filed: 5/23/1996

In: BOISE County
T08N R02E S17 SWNE

65-13670

DAVIS, LESTER
DAVIS, UNA
7463 GRANDE VALLEJO DR
FRUITLAND, ID 83619

Source: UNNAMED STREAM Tributary: BROWNLEE CREEK
Diversion Pt: SWSE Sec 17 T 08N R 02E in BOISE County.
Use: STOCKWATER (0.030 CFS)
STOCKWATER STORAGE (2.00 AF)
Total Diversion: (0.030 CFS) (2.00 AF)

Date Filed: 6/12/1996

In: BOISE County
T08N R02E S17 SWSE

65-13671

DAVIS, LESTER
DAVIS, UNA
7463 GRANDE VALLEJO DR
FRUITLAND, ID 83619

Source: SPRING Tributary: BROWNLEE CREEK
Diversion Pt: SENW Sec 17 T 08N R 02E in BOISE County.
USE: STOCKWATER (0.030 CFS)
STOCKWATER STORAGE (2.00 AF)
Total Diversion: (0.030 CFS) (2.00 AF)

Date Filed: 6/12/1996

In: BOISE County
T 08N R02E S17 SENW

65-13673

WEILMUNSTER, DON K
WEILMUNSTER, LINDA
PO BOX 4
GARDEN VALLEY, ID 83622

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER
Diversion Pt: SENWSW Sec 15 T 09N R 04E in BOISE County.
Use: IRRIGATION (0.030 CFS)
Total Diversion: (0.030 CFS)

Date Filed: 6/10/1996

In: BOISE County
T09N R04E S15 NWSW

UNRECORDED

1.0 ACRES TOTAL

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 JULY 22, 1996. The protestant must also send a copy of the protest to the applicant.
KARL J. DREHER, Director

65-13671

DAVIS, LESTER
DAVIS, UNA
7463 GRANDE VALLEGO DR
FRUITLAND, ID 83619

Source: SPRING

Tributary: BROWNLEE CREEK

Diversion Pt: SENW Sec 17 T 08N R 02E in BOISE County.

Use: STOCKWATER	(	0.030 CFS)		
STOCKWATER STORAGE			(	2.00 AF)
Total Diversion:	(	0.030 CFS)	(	2.00 AF)

Date Filed: 6/12/1996

In: BOISE County
T08N R02E S17 SENW