

#65-13667

Red #2

Red #1

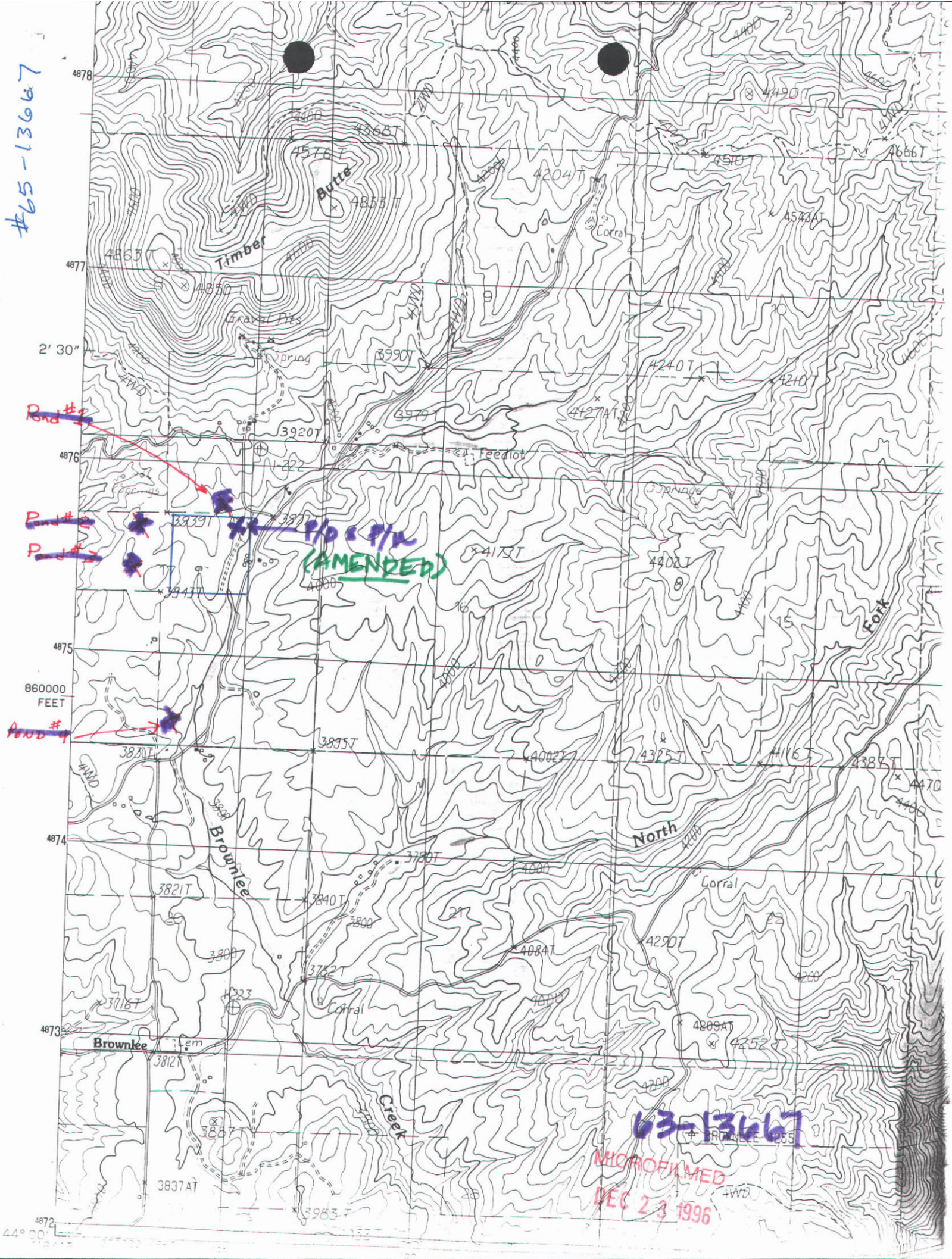
Red #3

Red #4

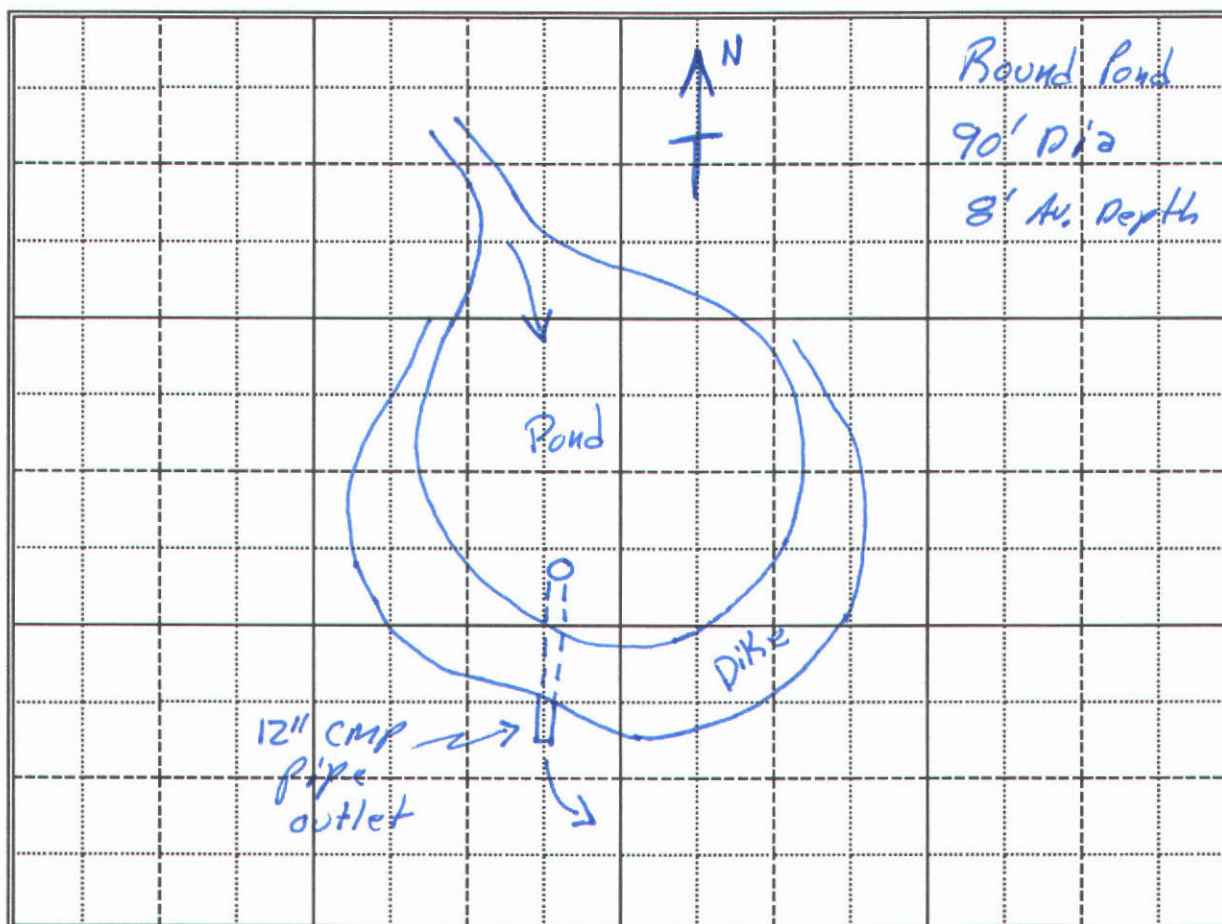
P/O & P/A
(AMENDED)

63-13667

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DEC 23 1996



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 was dry at time of exam.
No flow in intermittent stream.

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MAY 18 1998

T8N
R2E
Sec. 17

2' 30"

P/D, P/u
65-13671

P/D, P/u
65-13667

P/D, P/u
65-13670

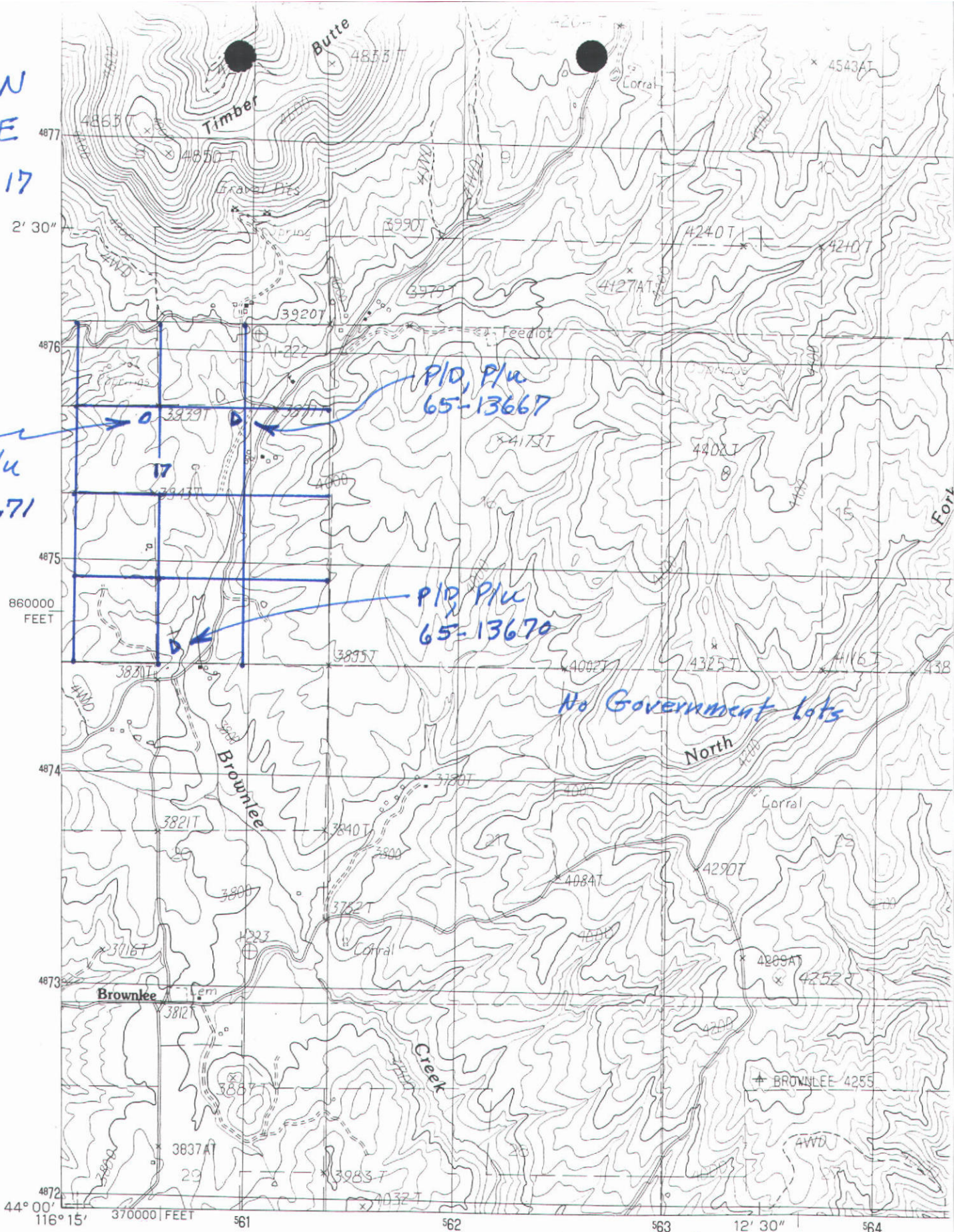
No Government lots

44° 00' 116° 15'

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
To place on the predicted North American Datum of 1983.

65-13667
65-13670
65-13671
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PROVISIONAL MAP



1 of 1



P/D, P/u

Stock-
water

Pond

View
Looking
North



P/D, P/u

Stock-
water

Pond

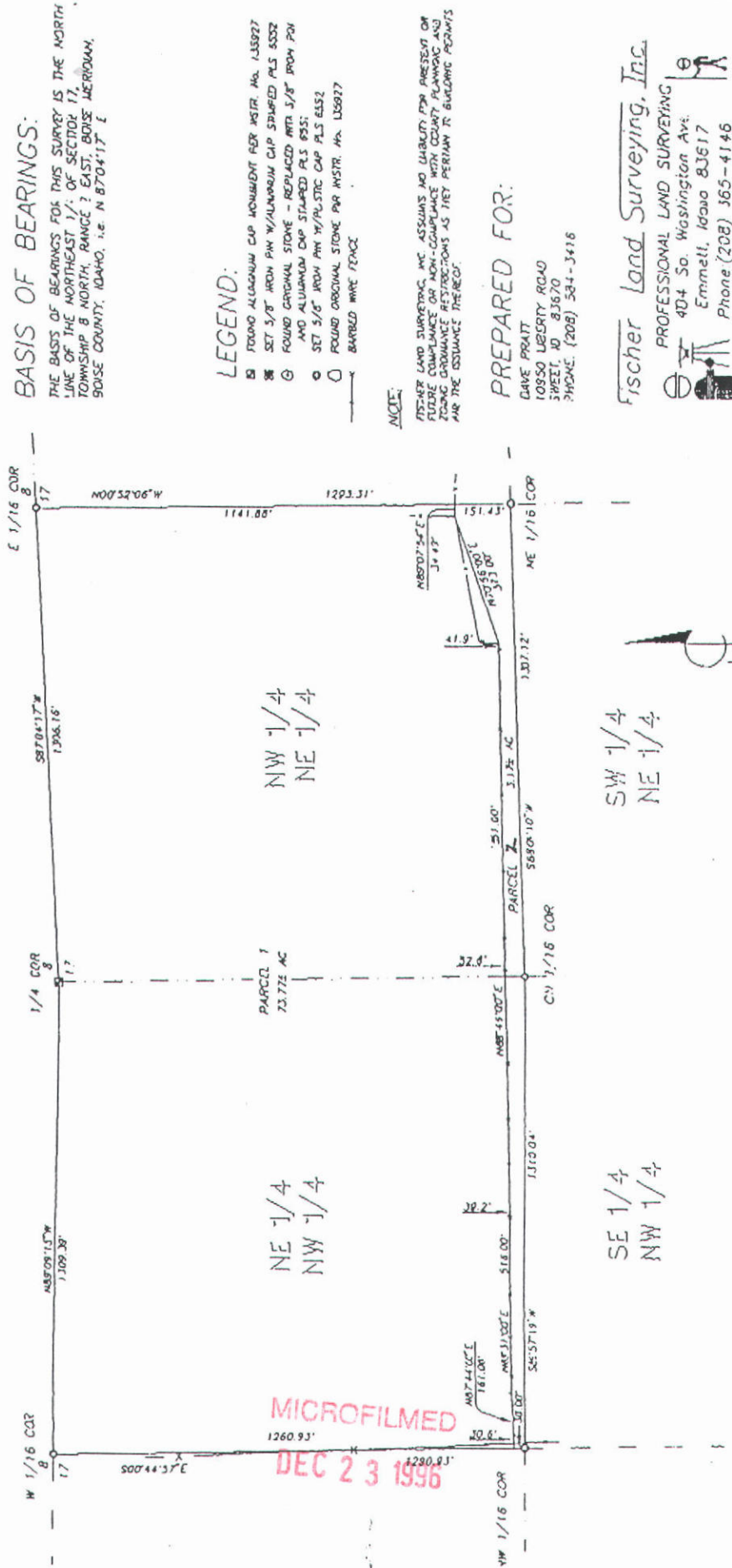
View
Looking
South

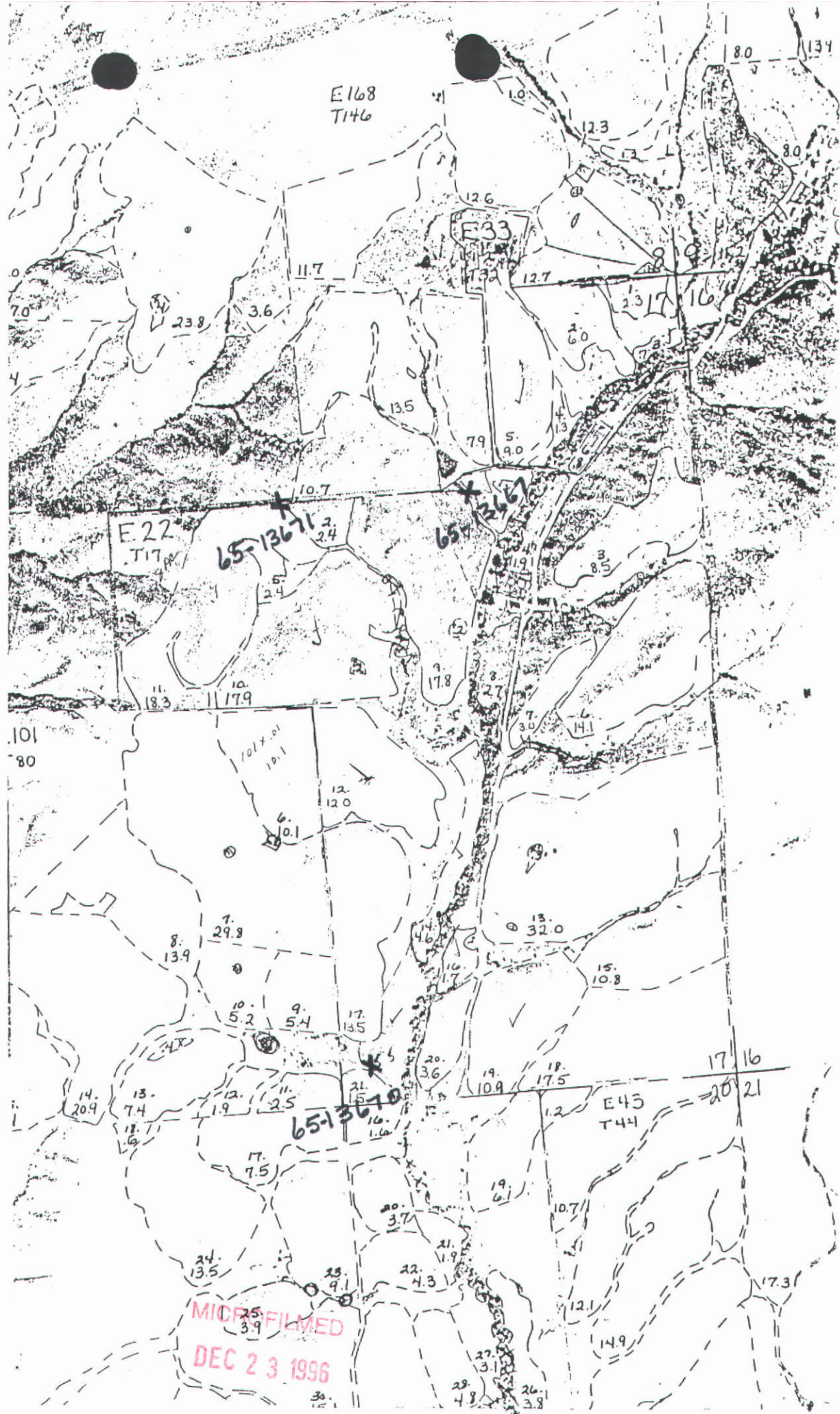
MICROFILMED
MAY 18 1998

65-13667

PLAT TO ACCOMPANY A LEGAL DESCRIPTION

IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE
NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17,
TOWNSHIP 8 NORTH, RANGE 2 EAST, BOISE MERIDIAN,
BOISE COUNTY, IDAHO







MICROFILM
DEC 23



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-13667

Priority: May 23, 1996

Maximum Diversion Rate:

0.03 CFS

Maximum Diversion Volume:

1.9 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 May 23, 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		0.7 AF
	Totals	0.03 CFS	1.9 AF

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: STOCKWATER STORAGE

TWN RGE SEC

08N 02E 17

SWNE

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.
5. Use of water under this right may be affected by an agreement between the protestant and the right holder.

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State of Idaho
Department of Water Resources

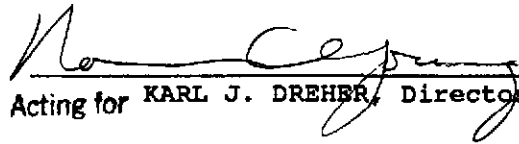
WATER RIGHT LICENSE

WATER RIGHT NO. 65-13667

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 2ND day of FEBRUARY, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED
MAY 18 1998

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. 65-13667 Telephone No. 208-452-3275
2. Name(s) of Permit Holder(s): LESTER DAVIS & LINA DAVIS
3. Mailing Address: 7463 GRANDE VALLEJO DR. FRUITLAND, ID 83619
4. Source of Water: RUN-OFF, WET SPRING 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 3.0 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 <u> </u> | or | No <u>✓</u> |
| | Has the measuring device been installed? | Yes <u> </u> | or | No <u>✓</u> |
| Flow Measurement Port: | Is a flow measurement port required? | Yes <u> </u> | or | No <u>✓</u> |
| | Has the measurement port been installed? | Yes <u> </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: BRYAN GILLIAM Telephone Number: 208-584-3410
Address: 222 DRYBUCK ROAD 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: Lina 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. 65-13667

Proposed Priority: May 23, 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:

UNNAMED STREAM

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		3.0 AF
	Totals	0.03 CFS	

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: STOCKWATER

TWN RGE SEC

08N 02E 17

SWNE

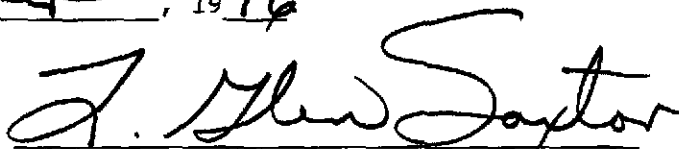
CONDITIONS OF APPROVAL AND REMARKS

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

RECORDED


for Karl J. Dreher, Director

RECEIVED
NOV 07 1996

Ident. No. 65-13667

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

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

2. Source: UNNAMED STREAM Trib. to: BROWNLEE CREEK
3. Location of Point of Diversion: SWNE 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			3.00

5. Total quantity to be appropriated is:
0.030 CFS (and/or) 3.00 AF

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc.
EXCAVATED POND ON DRAIN, .5 ACRE BY 5-6 FEET DEEP
- b. Height of storage dam feet; active reservoir capacity 3.00
acre-feet; total reservoir capacity 3.00 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 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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DEC 6 1996

8. Place of Use: STOCKWATER

TWN RGE SEC
08N 02E 17 SWNE

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? ☒

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.

X Una B. Davis
Applicant

Received by gls Date 6/12/96 Time 4:15 Preliminary check by gls

Fee \$ 50.00 Receipted by JFW #W020908 Date 5/23/1996

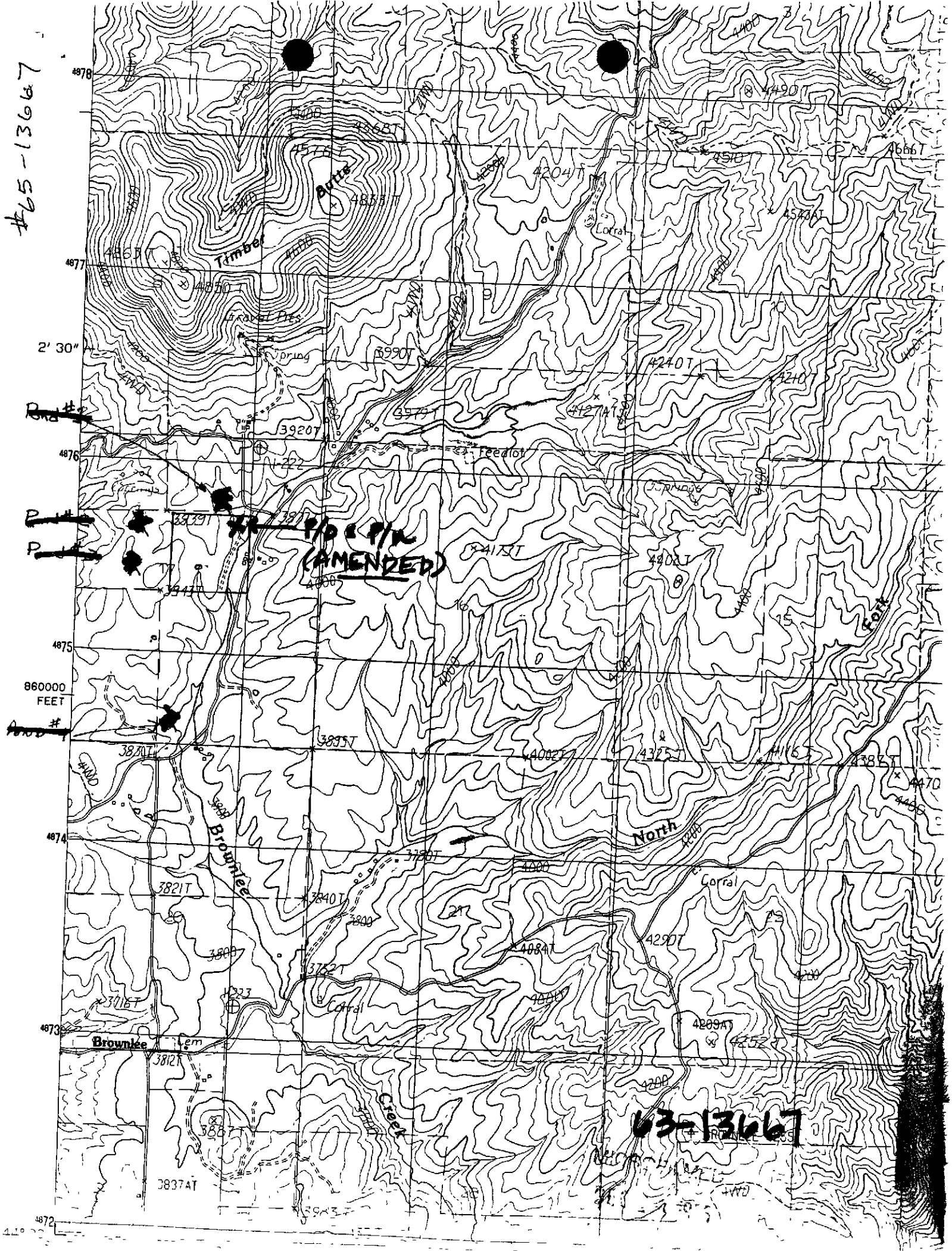
Publication prepared by gt Date 6-26-96 Published in Ad. World

Publication approved gt Date 7-26-96

MICROFILMED

1996

#65-13667



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 VALLEJO DR
 FRUITLAND ID 83619
 OR
 Name: UNA DAVIS 208-452-3275
 Address: 7463 GRANDE VALLEJO DR
 FRUITLAND ID 83619

2. Source: UNNAMED STREAMS Trib. to: BROWNLEE CREEK
 3. Location of Point of Diversion: NWN Sec. 17, Township 08N, Range 02E
 SENW Sec. 17, Township 08N, Range 02E
 SWSE 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			10.00

5. Total quantity to be appropriated is:
 0.030 CFS (and/or) 10.00 AF

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc.
 4 PONDS FOR STOCKWATER
- b. Height of storage dam feet; active reservoir capacity 10.00
 acre-feet; total reservoir capacity acre-feet; period of
 year when water will be diverted to storage: 1/01 to 12/31 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 2 year(s).

MICROFILMED . .

DEC 2 1966

Original

8. Place of Use: STOCKWATER

TWN RGE SEC

08N 02E 17

NWNE

SENE

SWSE

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

DAVID PRATT

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

DAVID PRATT

c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.
BENEFICIAL USE OF EXISTING POND #1

10. Remarks:

11. Map of proposed point of diversion and place of use attached? ☒

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.

Una B. Davis
Applicant

Received by JFW Date 5/23/96 Time 11:00 AM Preliminary check by _____

Fee \$ 50 Receipted by JFW # W020908 Date 5/23/96

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

Secondary Address: Rt 1, Box 93A
Sweet ID.
584-3410

Note: Pond #1 - property owned by David Pratt
Ponds #2, #3, #4 - property owned by applicant.
All ponds are existing.

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DEC 2 - 1996



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

February 3, 1998

LESTER DAVIS
UNA DAVIS
7463 GRANDE VALLEJO DR
FRUITLAND ID 83619

RE: WATER RIGHTS 65-13667/65-13670

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed licenses confirming that water rights have been established in accordance with the permits referenced above. The licenses are preliminary orders issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders 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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1

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, reading "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

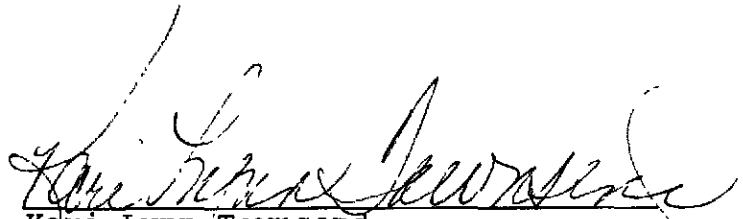
Enclosure

CERTIFICATE OF MAILING

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

WATER RIGHTS 65-13667/65-13670

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


Kari Lynn Townsend
Secretary

MICROFILMED

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. 65-13667

DATE 1/21/98

REVIEWER: SHARLA

NAME	Change	OK	Address Change
SOURCE			Is change clarification of originally intended source? <u> </u>
POINT OF DIV			If not, prepare Notice of Intent to Void <u> </u>
PLACE OF USE			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 and <u>3.0</u> af
Fee limit	<u>.20</u> cfs and <u>20.0</u> af \$50 ⁰⁰
Measured	<u> </u> cfs
Theoretical	<u> </u> cfs

Recommended Total Div Rate .03 cfs

**ANNUAL VOLUME/
NATURE OF USES**

<u> </u>	<u> </u>	Use <u>Stock Stor.</u> cfs	Volume Calc
<u> </u>	<u> </u>	<u>Stock</u> <u>.03</u>	<u>1.2</u> af
<u> </u>	<u> </u>	<u> </u>	<u>.7</u> af
<u> </u>	<u> </u>	<u> </u>	<u> </u> af
<u> </u>	<u> </u>	<u> </u>	<u> </u> af
<u> </u>	<u> </u>	SUBTOTAL	<u>1.9</u> af

53 head .03 cfs ok

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

REMARKS

CONDITIONS

R04 Watermaster Control WD# 65
 GW Measurement/Measuring Device
 Overlap
 Use-specific conditions 020

Advancement of Priority Date Required yes no

SRBA Claim Filed NA

Adjustment Memo NA

1st Amend Letter NA

2nd Amend Letter NA

NA volume (on stream)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 16 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-13667

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

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

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

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

Relationship to Permit Holder: Son-in-law

3. Source: Unnamed stream tributary to Browlee 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
			SW	NE	17	8N	2E	Boise	Site Visit, Map

2. Place(s) of Use:

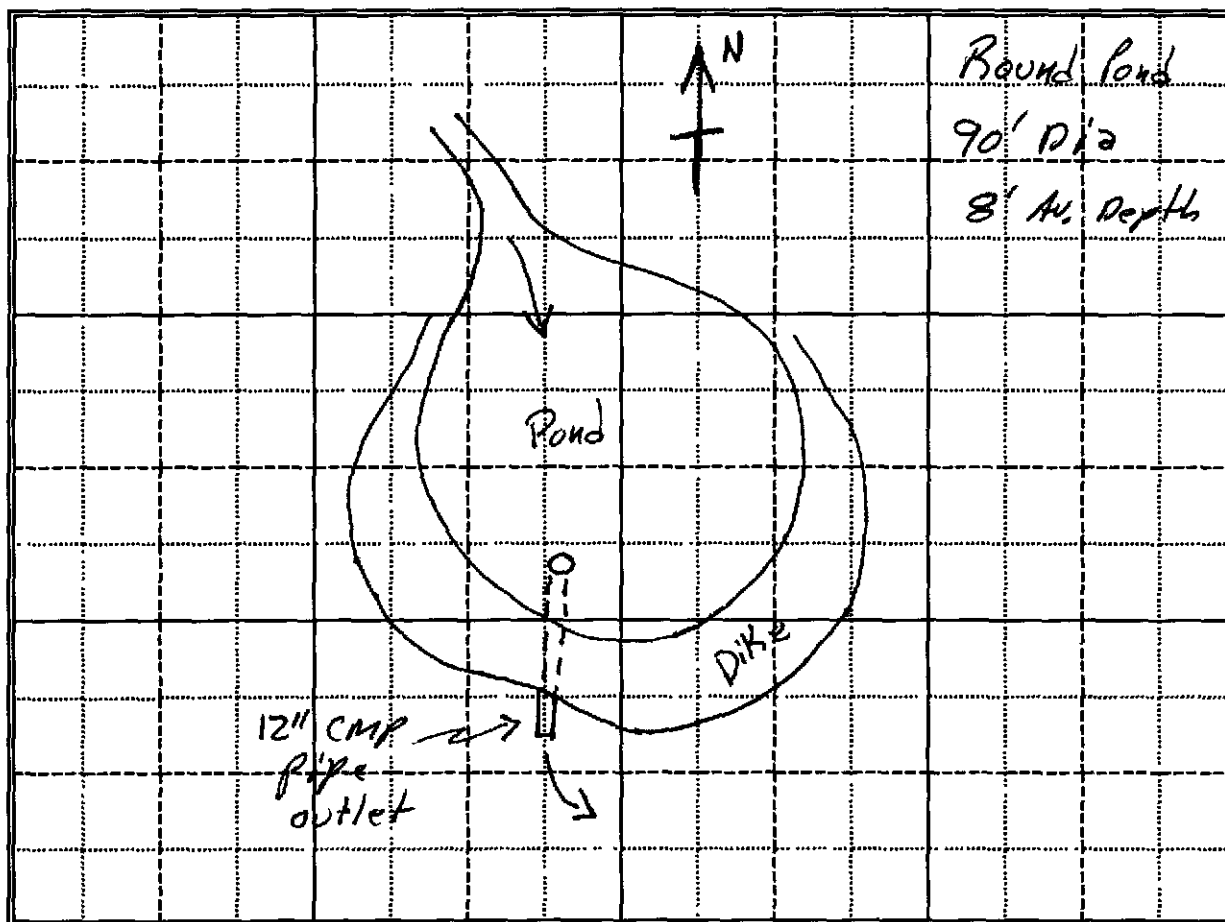
Indicate Method of Determination Site Visit, Map

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			S														

MICROFILMED

Sept 17 1998

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 was dry at time of exam.
No flow in intermittent stream.

MICROFILMED

MAY 18 1990

E. NARRATIVE/REMARKS/COMMENTS

1. The stock water pond is on an intermittent stream, and is filled by surface runoff of snowmelt and rain.

2. The water is used by 50 cattle and 3 Horses.

3. The period of use is 12 months/year, as the stock + pond are in a fenced pasture.

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

MICROFILMED
MAY 18 1988

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: None - stream was dry.

For 53 head of stock, allow 0.03 cfs.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

2. Volume Calculations for Other Uses:

Stockwater:

Admin. Memo #3

Allow 1.4 AFA

for 51-100 stock

$$\text{Pond Vol.} = \left[\frac{\pi (90')^2}{4} \right] (8') \left[\frac{\text{AF}}{(66)(66)(10)} \right] = 1.2 \text{ AF}$$

+ losses (??)

~ 2-3 AF storage

3.0 AF is high, but could be reasonable.

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>3.0 AF</u>
Totals:			<u>0.03</u>	<u>3.0</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

I. AUTHENTICATION

Field Examiner's Name Wan Tomic Date 12-4-97

Reviewer _____ Date _____

SEAL

MICROFILMED

MAY 12 1998

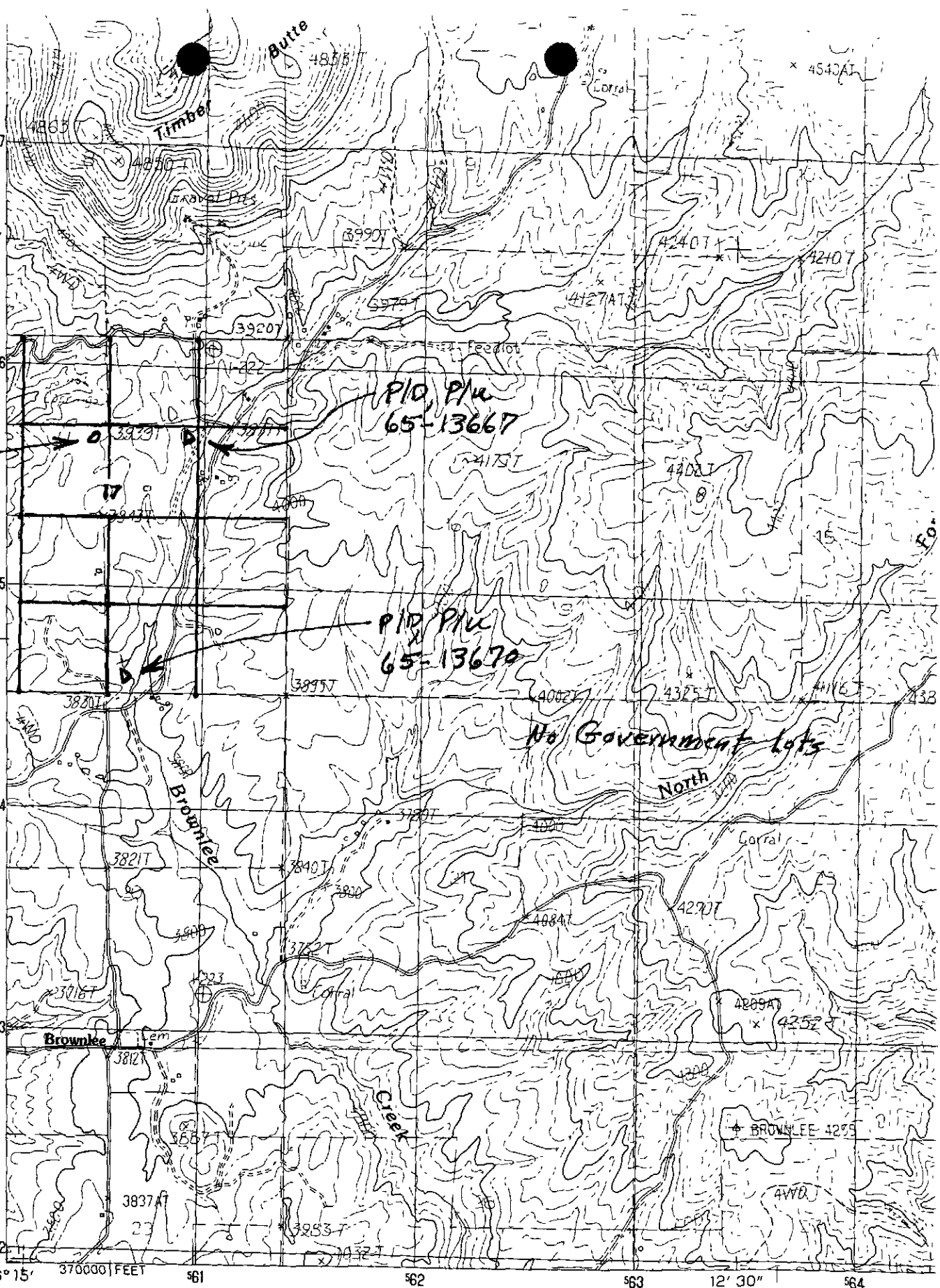
T8N
R2E
Sec. 17

2' 30"

P10, P14
65-13671

860000
FEET

44° 00'
116° 15'



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 12
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
To

65-13667
65-13670
65-13671
MICROFILM
1 1980
1000 5
1000 5

1 of 1

P/D, P/u

Stock-
water

Pond

View

Looking

North

P/D, P/u

Stock-
water

Pond

View

Looking

South

MEH

1980

65-13667

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 05-13667 Reviewed by aj Date 10-16-97

GENERAL CONSIDERATIONS

TYPES OF USE

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

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
☐ Drilling permit required?
☐ Copy in the file? Drilling Permit No. _____
☐ Amount paid for permit _____ Correct?
☐ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50- Amount Submitted
yes Correct?
no Required?
☐ Installed?
☐ Waiver requested?

PRIORITY CALCULATION

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

DEFICIENCIES OR ACTION ITEMS

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. 65-13667

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

10/21/97
10:10:00

August 31, 1997

LESTER DAVIS
UNA DAVIS
7463 GRANDE VALLEJO DR
FRUITLAND ID 83619

PROOF DUE NOTICE

RE: PERMIT NO. 65-13667

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.

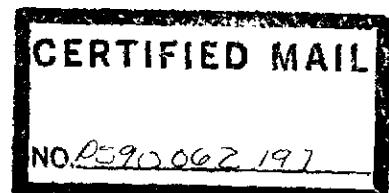
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosures

MICROFILMED

DEC 23 1996

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 (*stockwater*)

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 W07 ② W02/50 RE & 3H

BENEFICIAL USE DUE:

- 11-1-1997

COMMENTS:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: cja DATE: 6/21/96 APPLICATION: 65 13667

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:
3 P/D
3 P/U

ADDITIONAL INFORMATION

YES NO

☒ ☒ 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). done 6/21/96
☒ ☒ Copy to Dam Safety staff: (for any storage)
☐ ☒ ~~Basin~~ 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:

RECEIVED
NOV 07 1996

PROCESSING

APP. NO. 65-13667

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 # nonregulated trib. within WD #65

Special conditions of approval or cover letter:

allow 1 yr. - see 10/8/96 Agreement with Protest withdrawn, attached

See below for additional information

Recommended Date or Priority 5-23-96 (Amending did not change priority)Recommended by: Approve - see conditions SL Date: 11/5/96STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:65-8059 P/O s-lap Springs for stockwater on same land
(different source)AMENDED (REDUCED) WHERE NO RE-ADV. NEEDED, NO AMENDMENT FEE NEEDED.Protestants had opportunity to review/dismiss amended version (2 protest
conferences) prior to withdrawing protests. - SL 11/5/96

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)
PERMIT NOS. 65-13667, 65-13670 AND) AGREEMENT OF CONDITIONS
65-13671 IN THE NAME OF LESTER &/OR) AND WITHDRAWAL OF PROTEST
UNA 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-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 2 - 1996

* ORIGINAL Agreement And protest withdrawal with original
signatures are on file with IDWR
(See 65-13667)
Steve Lester
Oct. 25, 1996

CONVERSATION MEMORANDUM

DATE 10/8/96

FILE 65-13667

NAME OF PARTY CONNIE & CHUCK MORGAN

65-13670

EMPLOYEE STEVE LESTER

65-13671

RE: REQUEST FOR MAILING

Would like cc of any of above
if permits issuing.

mail to PO Box 126
HORSESHOE BEND, ID 83629

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

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

October 25, 1996

CONNIE MORGAN
PO BOX 126
HORSESHOE BEND ID 83629

BRIAN HARM
RURAL RT 1 90B
SWEET ID 83670

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

Dear Protestants:

This letter is to acknowledge your withdrawal of protest against the above-referenced application for water right. Enclosed are copies of the agreements.

The Department now will continue to process the application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

Steve Lester
Deputy Regional Manager

SL:st

CC: Applicant

RECORDED
DEC 1 1996

CONVERSATION MEMORANDUM

DATE 10/15/96

FILE 65-13667 etc.

NAME OF PARTY Brian Harm 336-5222

(Davis Appl.)

EMPLOYEE Stan Lester

RE: Protest Withdrawal

Research Request

① faxing protest withdrawal as had discussed done
previously.

② Request info: Have Davis' filed SPBA claim for
pond on his property? what options
does he have if answer is yes?

MAILED
info
✓
ABS-22108
11/5/96

✓ ? let him know

MICROFILMED

DEC 23 1996

W I T H D R A W A L

TO WHOM IT MAY CONCERN,

I hereby withdraw my protest of
Application for Water Right to Appropriate the Public
Water of the State of Idaho, No. 12,810,716-05-001

Signed at Boise, Idaho

this 15 day of October 1996.

Protestant

ATTEST:

MICROFILMED

this followed telcons with Mr. Haem DEC 23 1996
on 10/8 & 10/15/96
Fax withdrawal acceptable.
-JL 10/15/96



TELEVISION

FAX: 208-336-9183
PHONE: 208-336-5222

DATE: Tues. Oct. 15th
TO: Steve Lester
LOCATION: Idaho Dept. of Water Resources
FAX #: 334-2348
FROM: Brian Harm
TOTAL PAGES INCLUDING COVER: 2

Good Afternoon Steve:

Thanks again for all your help--it is highly appreciated. Attached is my official withdraw of Protest.

I look forward to hearing from you regarding any Davis claim under the Snake River Adjudication.

HAVE A GREAT DAY!!

Brian Harm

A handwritten signature in dark ink, appearing to read "Brian Harm". The signature is stylized with a large, sweeping "B" and a long horizontal stroke extending to the right.

MICROFILMED

DEC 23 1996

yz

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 LWA 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.
MICROFILMED
DEC 2 1 1975
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 &/or bypass conveyance to allow excess water to flow downstream.

to Browder Creek.

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

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

Signed this 8th day of October, 1966

at Gen County Courthouse, Idaho.

Debra A. Davis Ther B. Davis

Applicants

Lornie S. Morgan
protestants

MICROFILMED
SEP 23 1968

Responded to withdrawn by :

John Lake
Deputy Regional Manager
Western Regional Office

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.

65-13620

SENDER:

- Complete items 1 and/or 2 for additional services
- Complete items 3, 4a, and 4b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

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

4a. Article Number

P 241 820 414

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

9-13-96

5. Received By: (Print Name)

UNA DAVIS

6. Signature: (Addressee or Agent)

X Una Davis

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE



First-Class Mail

Postage & Fees Paid

USPS

Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED

SEP 17 1996

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

BRIAN HARM
 RURAL RT 1 90B
 SWEET ID 83670

4a. Article Number

P 241 820 412

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

9/14/96

5. Received By (Print Name)

6. Signature (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-40

• Print your name, address, and ZIP Code in this box •
SEP 18 1996

RECEIVED

SEP 18 1996

WATER RESOURCES
WESTERN REGION

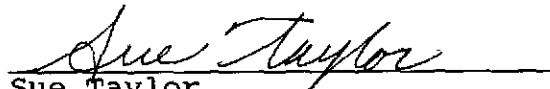
DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

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

151
CONF. 9/27/96

ROSTER OF ATTENDANCE

IDAHO DEPT. OF WATER RESOURCES
2735 AIRPORT WAY, BOISE ID 83705

Re: Applications in the name of Lester &/or Una Davis
Place: IDWR, 1301 N. Orchard, Boise ID 83706
Date: Friday, September 27, 1996
Conducted by: Steve Lester, Deputy Regional Manager

NAME

ADDRESS & TELEPHONE NO.

Brian Harm RRI-908 Sweet ID 83670

UNA DAVIS 7463 GRANDE VALLEJO DR FRUITLAND ID 83619

LESTER DAVIS 7463 GRANDE VALLEJO DR. FRUITLAND ID 83619

Chuck W. Morgan Box 126 Horseshoe Bend, Id 83629 793-2566

Connie S. Morgan P.O. Box 126 Horseshoe Bend Id 83629 793-2566

1 MICROFILMED

SEP 27 1996

65-13667 } Davis
 -13670 } Appl's
 -13671 }

9/27/96

Protest Conf
 c.s.v.

Protest by Morgans (65-12536 -12276)
 Haam (A65-22104)
 Pratt - withdrawn

format : possible outcomes
 applicant 1st
 protestants next
 issues
 resolution or continue?

Haam buying from Pratt, closes 10/1/96.

Appl

deadline approaches (12/31?) to get CFSA \$ to
 complete project.

2 existing ponds (c 1993) : 1 proposal
 (small) (large)

Existr 13670 SWSE most southerly (downstream)
 13671 NWSE

c 150 yds. from boundary
 1/4 mile " "
 e

both v small, c 2' earth dam/berm to
 hold spring & for runoff collector, this to
 boundary ck.

DEC 23 1996

Proposal - 13667 c 300 yds. from Grumlee

Property active (cattle), son lives there, apples there
c 3 days/week.

have d/i well only, c \$8000, no other d/dge. structures,
cattle can't get thru hayfield to creek (crop damage)
so need other H₂O.

13667 to be below Horner pond (A65-22104) which
Davis uses sometimes. So will be another pond before
flows reach Grumlee Ck.

Morgans

Bought c 1978

Used to be pretty good flows but lately dries up c
June-July.

this yr. no flow c mid July.

lost " " " " end May.

have ch+ in well (also in d/i well), have to rely on
well, how then is part.

low end ^{more} (near mouth) of ck so affected by upstream
d/dge.

apples place c 6 miles ^{by rd} up drainage.

MICROFILMED
DEC 27 1973

have river H₂O?

concern c ponds closest to creek, water supply i
irrigating, not so concerned c one farthest from
creek. So not too worried c 13671?

Harm

e 80 ac. N/w of Paris.

Grandchild paid his place above Appl. 13667.

does not want retract their proposal but concern e
obligation to let Appl use his parcel (s?).

concerns 13667 + 13671.

" e property line, any parcel straddling the
line etc.

no ~~concern~~ concern e 13670 (south).

Issue

Water supply

injuring

local public interest

Cons. of W.R. ? Appl. believes believe ponds will
enhance overall watershed, storage runoff peaks
that would not be benefit as the flow
downstream anyway.....

Cost

Browder Co runs all thru Appl. property, have
always dried up e there, upper reaches.

Can Appl add well(s) instead? Cost!

" Morgan " storage - what e d.e.p., cost to
line point ~~to Morgan~~ (close to Hwy. R. bottom lands).

Options

Protect withdrawn S

Appl. " S

Hearings S not yet

Onsite visit, then re-convene? looks promising.

They will meet onsite soonest, appl. will get plans for 13667 from CFSA (few days?).

agree re-convene part 2 of conf. on

Tues. Oct 8 3 pm in Emmett (probably
courthouse).

Set this up & send confirm. letter to

- Appl.
- Mayors
- Adam

~~Send to~~

Confirm w/ five,
courthouse, then send
2nd conf. meeting
out. asap

10/1/2011

10/1/2011

RECEIVED

OCT 02 1996

WATER RESOURCES
WESTERN REGION

PURCHASE AND SALE AGREEMENT

RECEIVED

SEP 25 1996

Department of Water Resources

This Agreement is entered into this 30 day of August, 1996 between PRATT CATTLE RANCH ("Seller") and LESTER DAVIS and UNA DAVIS, husband and wife ("Buyer").

WITNESSETH:

WHEREAS, Seller and Buyer own adjoining property in Boise County, Idaho and a dispute has arisen with respect to the location of the boundary line between the parcels, and access to a stock watering pond, located on Seller's property; and

WHEREAS, the parties agree to transfer a strip of land to Buyer, allow temporary access to the existing pond, with Buyer to install its own pond on or before March 31, 1997.

WHEREFORE, for good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Property. Seller agrees to transfer to Buyer the 3.17 acre parcel, more or less, described on Exhibit A attached hereto. Seller will retain 73.77 acres, more or less, as described on Exhibit B attached hereto. The parties agree that the boundary line between their parcels will hereafter be established in accordance with the survey attached hereto as Exhibit C.
2. Deed. Seller agrees to issue a Warranty Deed to Buyer for the property described on Exhibit I to this Agreement contemporaneously with execution of this Agreement, in the form attached hereto as Exhibit D.
3. Price. Buyer agrees to pay Seller the amount of \$1,100.00 upon execution of this Agreement plus survey costs of \$500.00 plus closing costs. The parties agree that this amount is less than the fair market value of the parcel, in consideration of the fact that Buyer has agreed to install its own stock watering pond at its own expense.
4. Stock Watering Pond. Seller agrees that Buyer may continue existing watering at Seller's stock watering pond until no later than March 31, 1997. Use shall be in accordance with and consistent with historical use, and Buyer agrees not to do anything to environmentally degrade the pond during the term of continued use. Subsequent to March 31, 1997, Buyer shall no longer have any right to use the stock watering pond and shall install its own stock watering pond at its own expense.
5. Fence. Seller will remove the existing fence adjacent to the pond at its own expense, and place a new fence on the acknowledged fence line established pursuant to the survey attached hereto as Exhibit C.

MICROFILMED

SEP 25 1996

Steve - This
came in from
Una Davis &
was given to
me. I think
it was meant
for the app, &
but I'm not
sure. If it is
if not, let me know.
Ben

6. Boundary. The parties agree that the boundary between their properties shall be established pursuant to the survey attached hereto as Exhibit C.

7. Miscellaneous Provisions.

a) The Buyer understands and acknowledges that this contract and other documents referred to herein were prepared by the attorneys and engineers for the Seller, and that said professionals for Seller have made no representations to the Buyer, and that Buyer has had an opportunity to have these documents reviewed by an attorney of their own choosing.

b) In the event that any party to this Agreement is required to initiate litigation in order to enforce the terms hereof, the prevailing party in any such litigation shall be entitled to recover reasonable attorney's fees and costs.

c) It is understood and agreed that this contract is the only agreement between the parties, and supersedes all previous understandings or agreements between the parties.

d) This Agreement shall be binding upon the heirs, administrators, executors, successors, and assigns of the respective parties.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

PRATT CATTLE RANCH

By: David W. Pratt
DAVID W. PRATT, Partner

By: Marian D. Pratt
MARIAN D. PRATT, Partner

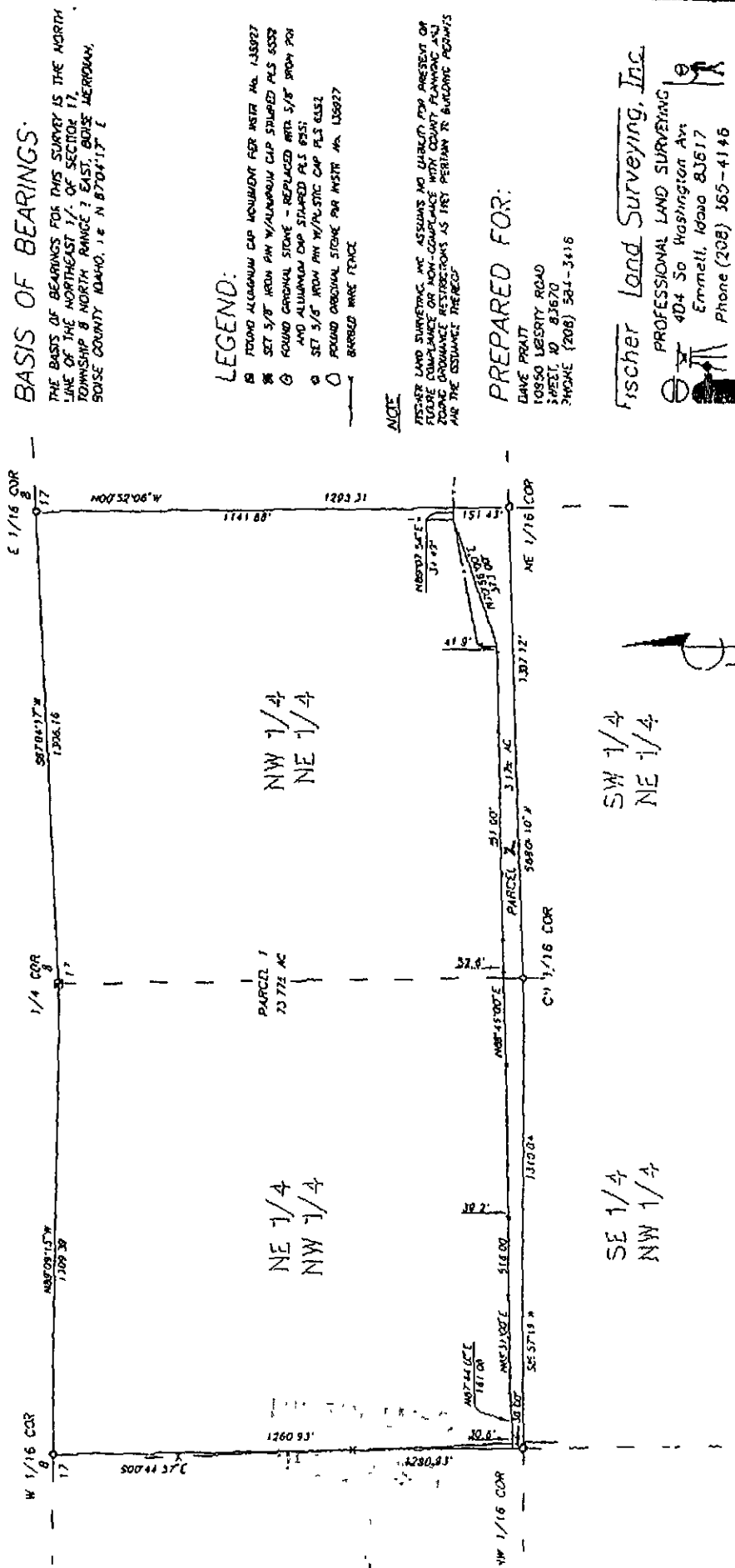
Lester Davis
LESTER DAVIS

Una Davis
UNA DAVIS

RECEIVED
JUL 1 1983

PLAT TO ACCOMPANY A LEGAL DESCRIPTION

IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE
NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17,
TOWNSHIP 8 NORTH, RANGE 2 EAST, BOISE MERIDIAN,
BOISE COUNTY, IDAHO



Fischer Land Surveying, Inc.
PROFESSIONAL LAND SURVEYORS
404 So. Washington Avenue
Emmett, ID 83617-2953
Phone: (208) 365-4146

Richard P. Fischer, Pres
Roger E. Bennie, Sec.

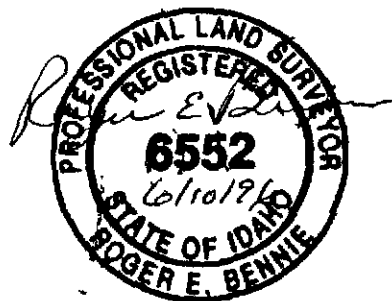
Job No. 22-96(1)
June 10, 1996

Legal Description
Parcel 2

A tract of land situated in a portion of the Northeast 1/4 of the Northwest 1/4 and a portion of the Northwest 1/4 of the Northeast 1/4 of Section 17, Township 8 North, Range 2 East, Boise Meridian, Boise County, Idaho more particularly described as follows:

Beginning at the southwest corner of the Northeast 1/4 of the Northwest 1/4 of Section 17, Township 8 North, Range 2 East, Boise Meridian, Boise County, Idaho, marked by a set 5/8" iron pin PLS 6552;
Thence North $00^{\circ}44'57''$ West, 30.00 feet, along the west line of said Northeast 1/4 of the Northwest 1/4, to a point on the westerly prolongation of an existing fence line;
Thence North $87^{\circ}44'00''$ East, 161.00 feet along said fence line;
Thence North $89^{\circ}31'00''$ East, 516.00 feet along said fence line;
Thence North $88^{\circ}46'00''$ East, 1551.00 feet along said fence line;
Thence leaving said fence line North $70^{\circ}56'00''$ East, 373.00 feet to an existing fence corner;
Thence North $89^{\circ}07'54''$ East, 34.49 feet to a point on the east line of the Northwest 1/4 of the Northeast 1/4 of said Section 17;
Thence South $00^{\circ}52'06''$ East, 151.43 feet, along said east line, to the southeast corner thereof marked by a set 5/8" iron pin with plastic cap PLS 6552;
Thence South $88^{\circ}04'10''$ West, 1307.12 feet to the southwest corner of said Northwest 1/4 of the Northeast 1/4 marked by a set 5/8" iron pin with plastic cap PLS 6552;
Thence South $89^{\circ}57'19''$ West, 1310.04 feet, along the south line of said Northeast 1/4 of the Northwest 1/4 to the point of **Beginning**.

Said tract of land containing therein a calculated area of 3.17 acres more or less, includes all water and ditch rights appurtenant to or used in connection with the properties being sold or conveyed hereby and is subject to rights of way or easements of record or in use.



Q R P

Warranty Deed

162055

INST# 162055
REQUEST Alliance
96 SEP 12 11:07
LIFE CO. FEE \$6.00/ce
BY Steve Helin
TYPE WD FEE \$6.00/ce

For Value Received

PRATT CATTLE RANCH, a partnership consisting of
DAVID W. PRATT, partner and MARIAN D. PRATT, partner

the grantor, does hereby grant, bargain, sell and convey unto

LESTER DAVIS and UNA DAVIS, husband and wife,

whose current address is 7463 Grande Vallejo Drive, Fruitland, ID 83619

the grantee, the following described premises, in BOISE County Idaho, to wit

Legal Description Attached (Fischer Land Survey Job No. 22-96)

161951

INST# 161951
REQUEST Alliance Title
96 SEP 12 11:07
LIFE CO. FEE \$6.00/ce
BY Steve Helin
TYPE WD FEE \$6.00/ce

THIS WARRANTY DEED IS BEING RE-RECORDED TO CORRECT THE COUNTY.

Any other doc

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever And the said Grantors do hereby covenant to and with the said Grantee, that ~~they~~ are the owner in fee simple of said premises, that they are free from all incumbrances EXCEPT: current year taxes, conditions, covenants, restrictions, reservations, easements rights and rights of way, apparent or of record.

and that they will warrant and defend the same from all lawful claims whatsoever

Dated: August 30, 1996

PRATT CATTLE RANCH, a partnership

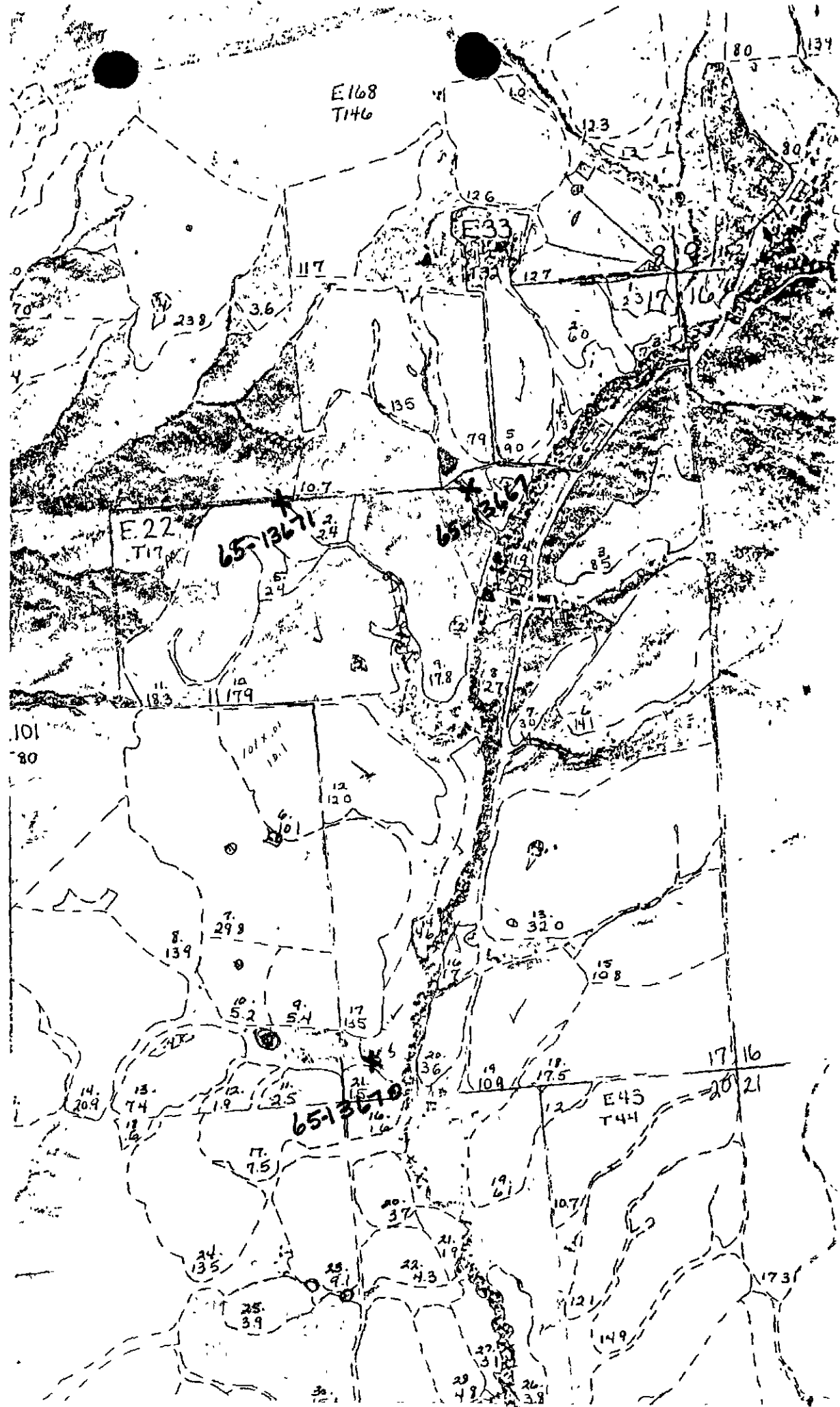
By: David W. Pratt
David W. Pratt, partner

By: Marian D. Pratt
Marian D. Pratt, partner

STATE OF IDAHO
COUNTY OF GEM

On this 30 day of August in the year 1996, before me, a Notary Public, personally appeared David W. Pratt and Marian D. Pratt known or identified to me to be (one of) the partner(s) in the partnership of Pratt Cattle Ranch, and the partner(s) who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name

Notary Public
Residing at Boise, Idaho
Commission expires: 6-30-2000







P 241 820 412

US Postal Service

Receipt for Certified Mail

BRIAN HARM
RURAL RT 1 90B
SWEET ID 83670

Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.52

Postmark or Date

PS Form 3800, April 1995

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)

1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*)

2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, data, detach, and retain the receipt, and mail the article

3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number

4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article

5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811

6. Save this receipt and present it if you make an inquiry

P 241 820 411

US Postal Service

Receipt for Certified Mail

CONNIE MORGAN

PO BOX 126

HORSESHOE BEND ID 83629

Postage	\$ 1.00
Certified Fee	.50
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.52

Postmark or Date

PS Form 3800, April 1995

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)

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6 Save this receipt and present it if you make an inquiry

P 241 820 414

US Postal Service

Receipt for Certified Mail

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

Postage	\$ 5.00
Certified Fee	1.00
Special Delivery Fee	0.00
Restricted Delivery Fee	0.00
Return Receipt Showing to Whom & Date Delivered	0.00
Return Receipt Showing to Whom, Date, & Addressee's Address	0.00
TOTAL Postage & Fees	\$ 2.52

Postmark or Date

PS Form 3800, April 1995

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front)

1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge)

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6 Save this receipt and present it if you make an inquiry.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
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.)

NOTICE OF CONFERENCE

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

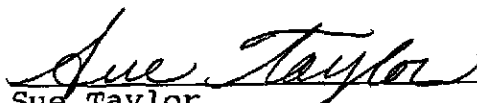
MICROFILMED
JUL 2 1996

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

MAILED
SEP 12 1996
FBI - BUTTE

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

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.

NOTED
JAN 11 1981



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



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

DAVID PRATT
9700 LIBERTY RD
SWEET ID 83670

Re: Amended Application for Permit No. 65-13667 in the Name of
Lester &/or Una Davis

Dear Protestant:

This letter is to acknowledge your withdrawal of protest against
the above-referenced amended application for water right.

There are other protests remaining on this application, therefore
we will hold the application in this office until the protest can
be resolved.

If you have any questions please call this office.

Sincerely,

Steve Lester
Deputy Regional Manager

SL:st

NOTED
DEC 11 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

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

ENCLOSURE

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 65-13667 (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 HORSESHOE 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
NEED
PERMIT 65-12536
7. What would resolve your protest? ONLY IF ENOUGH WATER

(additional pages may be attached to describe the nature of the protest)

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, 1996
Connie S. Morgan
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED
JUL 27 1996

NOTE:

9681 1 7 030

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

MICROFILMED
9681 1 7 030

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
DEC 23 1996

RECEIVED

JUL 22 1996

WATER RESOURCES
WESTERN REGION

W I T H D R A W A L

TO WHOM IT MAY CONCERN:

I hereby withdraw my protest of
Application For Transfer of Water Right No.

65-13667.

Signed at Sweet, Idaho

this 18th day of July 1996.

Daird W. Post
Protestant

ATTEST:

LL Chel

MICROFILMED

DEC 13 1990

FROM Cuddy

DATE

TO Sue

SUBJECT attached ~

3 apps. same owner, 1st (65-13667) has been protested and then amended by applicant.

Others filed a little later in time -

Please send a copy of amended ap plus both * new apps to both protestants for comment.

Might solicit protest withdrawal (send form) ^{SIGNATURE}
for 13667. Thanks.

See me with ? cjl

P.S. I have done down/SCA copies

7/22/96

* 65-13670 } no protests rec'd so far on
-13671 } these 2 Apps.

-SL



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



TELEVISION

BRIAN HARM
ACCOUNT EXECUTIVE



NORTHWEST TELEVISION, INC
110 N. 16TH • P.O. BOX 2
BOISE IDAHO 83707

208-336 5222
208 336 9183 FAX

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 65-13667
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 Heston + Una Davis are attempting to obtain a
water right to a Pond located on property I am
purchasing from MR. Dave Pratt. They do not own the land its on.
nor have they contributed to the pond's building or maintenance.
They have no legal right to claim anything on Pond #1 in their application
 (additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? They should build their own
Pond on their property.

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 30TH day of MAY, 19 96.

PROTESTANT

PROTESTANT'S REPRESENTATIVE

RECEIVED

MAY 13 1996

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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 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 5/30/96 Time 12
\$25.00 fee Receipted by Ly # W020942 Date 5/30/96

MICROFILMED
JUL 1 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 65-13667
2. Name of protestant David W. Pratt
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 9700 Liberty Rd Sweet, Id 83670
5. Service telephone no. 208-584-3402
6. Basis of protest (including statement of facts and law upon which the protest is based)
Lester & Una Davis attempting to obtain a water right to ponds 1 and 2 on my property. They do not own the land for ponds 1 and 2. They do not have a legal right to claim anything on pond #1 in their application.
(additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? For them to build their own pond on their own property.

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 31st day of May, 19 96.

David W. Pratt

PROTESTANT

PROTESTANT'S REPRESENTATIVE MED
208-584-3402

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

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 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by Mel Schulte Date 5-31-96 Time 3:35
\$25.00 fee Receipted by MTS # 44020952 Date 5-31-96

PHOTOCOPIED
DEC 11 1996

RECEIVED

JUL 15 1996

WATER RESOURCES
WESTERN REGION

The Idaho World

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

State of Idaho >
>
County of Boise >

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with 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) (3.00 AF)
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) (2.00 AF)
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) (2.00 AF)
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
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

Published in The Idaho World July 3 and 10, 1996

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

RECORDED
INDEXED